U. S. Congress.

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SEVENTIETH CONGRESS

OF

THE UNITED STATES
OF AMERICA

DOCUMENTS DIVISION

VOLUME LXIX—PART 2

JANUARY 9 TO JANUARY 31, 1928

(Pages 1151 to 2294)

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON
1928

4th set

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

J11
.R5
4th set

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SEVENTIETH CONGRESS

OF

THE UNITED STATES

LIBRARY OF CONGRESS
RECEIVED
MAY 2 1928
DOCUMENTS DIVISION

VOLUME LXIX—PART 2

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON
1928

Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS
FIRST SESSION

SENATE

MONDAY, *January 9, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, who art always more ready to hear than we to pray and art wont to give more than either we desire or deserve, pour down upon us the abundance of Thy mercy and grant to us the spirit to think and do only such things as are right, that we, who can not do anything that is good without Thee, may by Thee be enabled to live according to Thy will, through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4*, and upon methods and appliances for the protection of submarines, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 82) to continue commissioners in the Court of Claims.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 6657. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River near Kettle Falls, Wash.; and

H. J. Res. 82. Joint resolution to continue commissioners in the Court of Claims.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	La Follette	Sheppard
Barkley	Ferris	McKellar	Shipstead
Bayard	Fess	McLean	Shortridge
Bingham	Fletcher	McMaster	Smoot
Black	Frazier	McNary	Steck
Blaine	George	Mayfield	Steiwer
Blease	Gerry	Metcalf	Stephens
Borah	Gillett	Moses	Swanson
Bratton	Glass	Neely	Thomas
Brookhart	Gould	Norbeck	Trammell
Broussard	Greene	Norris	Tydings
Bruce	Hale	Nye	Tyson
Capper	Harris	Oddie	Wagner
Caraway	Harrison	Overman	Walsh, Mass.
Copeland	Hawes	Phipps	Walsh, Mont.
Couzens	Hayden	Pine	Warren
Curtis	Heflin	Pittman	Waterman
Cutting	Howell	Ransdell	Watson
Dale	Johnson	Reed, Pa.	Wheeler
Deneen	Jones	Robinson, Ark.	Willis
Dill	Kendrick	Robinson, Ind.	
Edge	King	Sackett	

Mr. OVERMAN. My colleague [Mr. SIMMONS] is necessarily detained from the Senate by a cold.

Mr. HAWES. I desire to announce that my colleague [Mr. REED of Missouri] is necessarily absent.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Eighty-six Senators have answered to their names. There is a quorum present.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4* and upon methods and appliances for the protection of submarines was read twice by its title and referred to the Committee on Naval Affairs.

PETITIONS AND MEMORIALS

Mr. REED of Pennsylvania. Mr. President, I send to the desk a resolution adopted by the Pennsylvania Bar Association and ask that it be read by the clerk and appropriately referred.

The resolution was read and referred to the Committee on Finance, as follows:

Resolutions adopted by the Pennsylvania Bar Association at a convention held at Bedford Springs, Pa., June 23, 1927

Whereas the Commonwealth of Pennsylvania, in the year 1826, inaugurated the practice of providing needed revenue for the government of the State by the taxation of inheritances; and

Whereas this practice has been followed by the vast majority of the States of the Union, so that inheritance taxes have become a necessary and important features of the fiscal system of the States; and

Whereas the Federal Government in the past has only entered into the field of estate taxation in war time as an emergency measure; and

Whereas the increasing financial burden upon State governments makes it necessary to conserve every logical source of revenue; and

Whereas the devolution of estates is controlled exclusively by State law: Now therefore be it

Resolved, That in the judgment of the Pennsylvania Bar Association, taxes on estates or the transfer of property by inheritance should be reserved to the State government, and the Federal Government should now withdraw from this field and leave to the States exclusively this much-needed source of revenue.

Resolved, That a copy of this resolution be sent to the Senators and Representatives from Pennsylvania in the Congress of the United States, and also to the executive committee of the American Bar Association.

Mr. REED of Pennsylvania. Mr. President, I send to the desk another resolution which I ask may be read and appropriately referred.

The resolution was read and referred to the Committee on Appropriations, as follows:

Resolutions adopted by the Pennsylvania Bar Association at a convention held at Bedford Springs, Pa., June 23, 1927

Whereas there is a growing tendency for the Congress of the United States to appropriate money for various purposes from the National Treasury to the States, on condition that the States will match this appropriation by appropriating an equivalent amount for the same purpose; and

Whereas such appropriations require the Federal Government to impose a heavier burden of taxation upon the citizens of the United States than is required for the purposes of the Federal Government; and

Whereas the policy of appropriating money from the Federal Treasury to the treasuries of the States for specific purposes on condition that an equivalent amount be appropriated by the States for the same purpose constitutes in effect an encroachment by the Federal Government into the constitutional field of the State governments, thereby encouraging by Federal action an expansion of the governmental program of the States in order to entitle the State to receive its share of the Federal appropriation: Now therefore be it

Resolved, That in the judgment of the Pennsylvania Bar Association any expansion of the policy of subsidies from the Federal Government to the States be, and the same is hereby, condemned as opposed to the constitutional organization of government established in the United States and, consequently, prejudicial to the best interests of its citizens.

Resolved, That a copy of this resolution be sent to the Senators and Representatives from Pennsylvania in the Congress of the United States, and also to the executive committee of the American Bar Association.

Mr. KING presented a resolution adopted by the department of mines and mining, of the Sacramento (Calif.) Chamber of Commerce, protesting against the making of further withdrawals of public lands or any additions to present existing reservations or withdrawals by the Federal Government unless and until Congress shall have included in such withdrawals ample provisions permitting the widest development of the natural resources, including mining, within such areas, which was referred to the Committee on Public Lands and Surveys.

Mr. JOHNSON presented resolutions of the department of mines and mining of the Scramento (Calif.) Chamber of Commerce, which were referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows:

Resolution

Whereas the acquisition of title to lands bearing deposits of precious minerals in paying quantities is a question of great interest to the industry affected and to the area adjacent thereto; and

Whereas the present existing statutes of Congress and the regulations of the Departments of the Interior and of Agriculture relating to the patenting of such lands are becoming each year more complicated, thus discouraging prospecting and primary development of such deposits; and

Whereas it is possible to greatly simplify the procedure in perfecting title to such mines and deposits and yet fully protect all rights and interests of the United States: Now therefore be it

Resolved by the department of mines and mining of the Sacramento Chamber of Commerce, That the act of May 10, 1872, be amended and existing regulations of the Departments of the Interior and Agriculture be modified to provide for a simple and direct procedure for perfecting title by United States patent to mining claims containing precious minerals, and that all statutes of Congress and all regulations of both said departments be so framed as to facilitate the work of obtaining United States patent to such claims and deposits; and be it further

Resolved, That copies of this resolution be forwarded to Senators JOHNSON and SHORTRIDGE, to Senator TASKER L. ODDIE, chairman of the Senate Committee on Mines and Mining, and to all Representatives in Congress from California, with the request that they use their best efforts to bring about the modifications herein desired.

Approved by the board of directors, Sacramento Chamber of Commerce, November 7, 1927.

A. S. DUDLEY, *Secretary*.

Mr. WATSON presented the following concurrent resolution of the Legislature of the State of Indiana, which was referred to the Committee on Military Affairs:

UNITED STATES OF AMERICA,
STATE OF INDIANA,
Office of the Secretary of State.

I, F. E. Schortemeier, secretary of state of the State of Indiana, hereby certify that the following and hereto attached is a full, true, and complete copy of enrolled Senate Concurrent Resolution No. 6 of the seventy-fifth regular session of the General Assembly of the State of Indiana, begun on the 6th day of January, A. D. 1927, which said resolution was filed in my office on the 28th day of February, A. D. 1927, as the same appears on file as the law directs, in this office.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Indiana. Done at my office, in the city of Indianapolis, this 5th day of January, A. D. 1928.

[SEAL.] F. E. SCHORTEMEIER,
Secretary of State.

Enrolled Senate Concurrent Resolution 6, requesting the Congress of the United States to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army made in furtherance of the national defense act of 1920

Whereas the President of the United States in a recent message to the Congress of the United States has stated that the Army and Navy of the United States should be strengthened, and that a people who neglect their national defense are putting in jeopardy their national honor; and

Whereas, in furtherance of the national defense act of 1920, and amendments thereto, and in order to increase and promote the strength and effectiveness of the Army, the Chief of Staff of the Army of the United States has recommended substantially as follows:

(a) That the Regular Army be brought back to the strength of 150,000 enlisted men and 13,000 officers, and that it be suitably housed and enabled to conduct annual maneuvers on a moderate scale;

(b) That the National Guard be given the support necessary to permit its progressive development toward a strength of 250,000;

(c) That the skeleton organization of the Organized Reserves be adequately maintained;

(d) That all reserve officers receive an average of 15 days' training in each three years;

(e) That the Reserve Officers' Training Corps units be further developed; and

(f) That provision may be made for a gradual increase in the number accommodated annually in citizens' military training camps: Therefore

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That the General Assembly of the State of Indiana respectfully and earnestly urges upon the Congress the necessity of appropriating such funds and enacting such legislation as will adequately provide for the effective carrying out of the provisions of the national defense act of 1920 and also the recommendations of the Chief of Staff of the Army of the United States hereinbefore set forth.

SEC. 2. Suitable copies of this resolution shall be sent, by the secretary of state, to the President of the United States, the Presiding Officers of both branches of Congress, to the Senators and Representatives in Congress from this State, and to the members of the congressional Committee on Appropriations and Military Affairs.

F. HAROLD VAN ORMAN,
President of the Senate.
HARRY G. LESLIE,
Speaker of the House of Representatives.

Filed February 28, 1927—4.10 p. m.

F. E. SCHORTEMEIER,
Secretary of State.

Mr. WILLIS presented a resolution adopted by the City Council of Cleveland, Ohio, which was referred to the Committee on Civil Service and ordered to be printed in the RECORD, as follows:

Whereas there has been a bill introduced in the United States Senate by Senator DALE, known as Senate bill 1727, and in the House a bill by Congressman LEHLBACH, known as H. R. 25, both bills being identical; and

Whereas these bills provide for a liberalization of the retirement bill for postal and other civil-service employes that was passed by the last Congress to the extent that they ask for voluntary retirement after 30 years of service, and also ask that the annuity be increased from $1,000 to $1,200 per annum; and

Whereas we believe that the requests are just and reasonable and should be granted: Therefore be it

Resolved by the City Council of Cleveland in regular session assembled this 2d day of January, 1928, That we go on record as indorsing Senate bill 1727 and House bill 25, both being known as the Dale-Lehlbach bill, and request the two Senators from Ohio and the three Congressmen from Cleveland to support and vote for the same; and be it further

Resolved, That we instruct the city clerk to send a copy of these resolutions to Senators FRANK B. WILLIS and SIMEON D. FESS, and also to Congressmen THEODORE E. BURTON, CHARLES A. MOONEY, and ROBERT CROSSER.

Adopted January 2, 1928.

I, Fred W. Thomas, clerk of council of the city of Cleveland, do hereby certify that the foregoing is a true and correct copy of resolution, file No. 81765, adopted by the council of the city of Cleveland, January 2, 1928.

Witness my hand and seal at Cleveland, Ohio, this 6th day of January, A. D. 1928.

[SEAL.] F. W. THOMAS,
Clerk of Council of the City of Cleveland.
Per CHAS. F. COWELL, *Assistant.*

Mr. WARREN. I present a resolution signed by the governors of several States, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation.

There being no objection, the resolution was referred to the Committee on Irrigation and Reclamation and ordered to be printed in the RECORD, as follows:

Whereas it is the conviction of the governors and interstate water commissioners and other representatives of the States of Colorado, New Mexico, Utah, and Wyoming, the four States of the upper basin of the Colorado River, that the interstate agreement embodied in form by the Colorado River compact as negotiated at Santa Fe, N. Mex., in November, 1922, should be completed and placed in full force and effect through approval and acceptance by the seven Colorado River States, in order that the way may be properly cleared for the orderly development of the Colorado River; and

Whereas substantial progress has been made during the past few months toward the completion of the said compact and negotiations are now being carried on in a competent manner looking to such completion: Therefore be it

Resolved, That it is the firm belief of the representatives of the four said upper basin States as assembled at Denver, Colo., this 19th day of December, 1927, that no legislation proposing the construction of any project upon the Colorado River should be enacted by Congress, or

otherwise authorized by any Federal agency, before the negotiations now in progress have been completed and every reasonable effort exhausted to reach such agreement between the seven States.

WM. H. ADAMS,
Governor of Colorado.
GEO. H. DERN,
Governor of Utah.
FRANK C. EMERSON,
Governor of Wyoming.
EDWARD SARGENT,
Lieutenant Governor of New Mexico.
WM. L. BOATRIGHT,
Attorney General of Colorado.
DELPH E. CARPENTER,
Interstate River Commissioner for Colorado.
FRANCIS C. WILSON,
Interstate River Commissioner for New Mexico.
L. WARD BANNISTER,
Counsel for the City of Denver.
M. C. MECHEM,
Representing New Mexico.

Mr. WARREN also presented telegrams in the nature of memorials from the Chamber of Commerce and the Clearing House Association, both of Cheyenne, Wyo., protesting against delay in consideration of the pending tax reduction bill, which were referred to the Committee on Finance.

He also presented resolutions adopted by the American National Live Stock Association, at Salt Lake City, Utah, favoring the passage of legislation to permit the purchase of 640 acres of lands or more in isolated tracts, which were referred to the Committee on Public Lands and Surveys.

He also presented resolutions adopted by the Chamber of Commerce and Lions Club of Basin, Wyo., protesting against the passage of any legislation designed to further restrict the immigration of Mexicans into the United States, which were referred to the Committee on Immigration.

Mr. JONES presented memorials of sundry citizens in the State of Washington, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. DENEEN presented memorials of sundry citizens of White Hall and Pearl, Ill., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented the memorial of George M. Hall, of Chicago, Ill., remonstrating against the continuance of the so-called theater war tax, which was referred to the Committee on Finance.

Mr. SHIPSTEAD presented a resolution adopted by citizens of Marshall County, Minn., favoring the affording by Congress of relief from floods and for the prevention of future floods, which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of St. Paul, Minn., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CURTIS presented a petition of sundry citizens of Leavenworth, Kans., praying for the immediate extension of the classification act to all the Government field service, which was referred to the Committee on Civil Service.

He also presented a resolution adopted by Cherokee Lodge, No. 37, Brotherhood of Railroad Trainmen, at Parsons, Kans., favoring the passage of legislation for the adoption of a certain safety appliance for railroads, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted at a meeting of women of Harper County, Kans., favoring an amendment to the so-called Capper-Ketcham bill, providing funds for the development of cooperative extension work in agriculture and home economics, including salaries of men and women extension agents in equitable proportions, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Arkansas Valley Flood Control and Water Storage Association of Kansas, relative to storing the waters of the larger tributaries of the Mississippi River in connection with flood control in the valley, which was referred to the Committee on Commerce.

He also presented resolutions adopted by members of the printing industry of Wichita, Kans., favoring the passage of legislation restoring the rates of third and fourth class mails to the 1924 basis, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by Courtney M. Long Post No. 53, American Legion, Department of Kansas, favoring the establishment of a Federal game and flood control basin in the Cheyenne Bottoms, some 8 miles northeast of Great Bend, Kans., which were referred to the Committee on Commerce.

He also presented a resolution adopted by the Men's Bible Class, Evangelical Sunday School, of Holton, Kans., favoring further disarmament and the outlawry of war, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Business and Professional Women's Club, of Dodge City, Kans., favoring an exemption of $3,000 on income taxes to single persons, which was referred to the Committee on Finance.

He also presented a resolution adopted by Topeka Chapter, of the American War Mothers, of Topeka, Kans., favoring the passage of a universal draft law, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted at a meeting of Farmers' Union Managers Association of Kansas, at Erie, Kans., favoring the passage of the so-called McNary-Haugen farm relief bill, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Reserve, Kans., remonstrating against the imposition of a tax on Chautauqua season tickets, which was referred to the Committee on Finance.

Mr. FERRIS presented memorials, numerously signed, by sundry citizens of the State of Michigan, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

FARM LABOR FROM MEXICO

Mr. PHIPPS. Mr. President, I send to the desk certain resolutions adopted by different Colorado organizations opposing further restriction of the immigration of Mexican farm labor, and also one from the Colorado State Federation of Labor asking for a continuance of the restriction, and also several letters on the subject. I ask that the resolutions and letters be printed in the RECORD and appropriately referred.

There being no objection, the resolutions and letters were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

JANUARY 3, 1928.

Mr. G. E. COLLISSON,
Manager Denver Chamber of Commerce, Denver, Colo.

DEAR MR. COLLISSON: In reply to your favor of December 30, with the inclosed resolutions, I fully agree with local citizens that it would be most unwise to make any further restriction on immigration from Mexico.

From an agricultural standpoint I believe it necessary to have such labor enter the United States, and have exerted my best efforts to that end ever since coming to Congress.

Recently I called this matter to the personal attention of Secretary Davis, who informed me that the department had not authorized any change in existing regulations on the subject, and I have also taken it up with my colleagues in Congress, urging that no additional legislation be enacted at this time.

Promising to continue my efforts along such lines, and appreciating your interest in the important matter,

Yours sincerely,

LAWRENCE C. PHIPPS.

Resolution

Whereas agricultural production is the biggest factor in the economic welfare of the State of Colorado; and

Whereas the cropping system of all irrigated areas in Colorado includes the growing of some, or all, of the following-named crops, for the cultivation and harvesting of which field hand labor is extensively needed—sugar beets, potatoes, deciduous fruits, cantaloupes, cucumbers, green beans, cabbage, onions, and tomatoes; and

Whereas a maintenance of the present supply of field labor is essential for the support of present agricultural production; and

Whereas Mexican laborers have largely been used for a long period of years to do much of the rough field labor required for the growing of these crops; and

Whereas their services in that connection are satisfactory; and

Whereas many of them return to their homes in Mexico during the winter period; and

Whereas a careful analysis of all social factors related to the use of Mexican farm labor leads to the conclusion that this class of labor is the best now available; and

Whereas there is no visible source of supply of suitable substitute laborers: Now therefore be it

Resolved, That the Denver Chamber of Commerce is opposed to any modification of existing immigration laws by the Seventieth Congress of the United States of America that would affect the flow of Mexicans back and forth across our border.

Adopted by the board of directors December 30, 1927.

G. E. CASHMAN, *Manager*.

Resolution of the Chamber of Commerce of the City of Fort Collins, Colo.

Whereas it appears that an effort is being made in the Congress of the United States now in session to bring about legislation further restricting the importation of Mexican laborers into the United States to be used during the farming season; and

Whereas various agencies for a long time past have been engaged in getting labor from the various States of the United States to come into this vicinity during the farming season for the purpose of performing hand labor in the growing of sugar beets; and

Whereas it is impossible to obtain sufficient American labor to successfully meet the peak demands for hand labor during the growing season of sugar beets; and

Whereas the past years have demonstrated that the Mexican labor is highly efficient and not competitive with any American laborers, and that it is the best judgment of those engaged in the growing of sugar beets in this community that without the aid of the Mexican hand labor it would be impractical to continue the growing of sugar beets; and

Whereas these Mexican beet laborers are distributed among the farmers of this community and there come in contact with the best class of rural population and receive many benefits beside that purely financial, which results in making these people friendly with the citizens of the United States; and that they largely spend their money where it is made and usually at the end of the season return to their native country to spend the winter months in a climate less rigorous than that in the beet-growing area; and

Whereas the beet-growing industry is of vital importance to the agricultural development of this community and is one of the principal sources of prosperity of the community: Now, therefore, be it

Resolved by the Fort Collins Chamber of Commerce, That we protest against any change of the immigration laws which would tend to restrict or hinder the ability of the beet growers and farmers of this community to secure hand laborers from the citizens of Mexico; and be it further

Resolved, That we urge our Senators and Representatives in this Congress to use all honorable means to defeat any measure affecting the immigration laws and consequently affecting the prosperity of our sugar-beet growers; and be it further

Resolved, That a copy of these resolutions be sent to both United States Senators and each of the four Representatives in Congress from Colorado.

THE FORT COLLINS CHAMBER OF COMMERCE,
By BYRON ALBERT, *President*.

GREELEY, COLO., *December 8, 1927*.

Hon. L. C. PHIPPS, Sr.,
Member of Congress, Washington, D. C.

DEAR SIR: We have been advised that there is a serious possibility that some action will be taken in the present session of Congress to further restrict Mexican immigration into the United States.

As you no doubt well know, the very existence of the sugar-beet industry of Colorado is dependent upon Mexican labor. This industry requires a great deal of hand labor, and each year serious difficulty is encountered by the farmers of northern Colorado in securing a sufficient number of farm workers. Through long experience, Mexican labor has been found most satisfactory for the work, and only through the fact that this labor could be secured in sufficient quantity has the sugar-beet industry been able to progress.

Many of the Mexicans adapt themselves admirably to local conditions, but many return to Mexico each year and others are absorbed by other industries.

As a result of this condition it is necessary each year to bring into the beet territory several thousand laborers from the outside. This supply can be furnished only by permitting immigration from Mexico, and it is for that reason that we of the sugar-beet territories are very much alarmed over any proposed action that will decrease this very necessary supply.

This letter is sent you as the result of action taken by the board of directors of the chamber of commerce at a regular meeting of the board held Friday, December 2, 1927.

Very sincerely yours,

BOARD OF DIRECTORS, GREELEY CHAMBER OF COMMERCE,
THOS. M. WELSH, *President*.
W. M. WILLIAMS, *Secretary*.

Resolution

Whereas the agricultural development of northern Colorado has resulted in the beet industry becoming the principal interest of northern Colorado to-day, and has put Colorado in the foremost ranks of the sugar-producing States in the United States; and

Whereas our farmers are largely dependent upon Mexican labor immigrated into this country annually as the most valuable help in producing this crop that they have been able to secure; and

Whereas this Mexican labor is seasonable labor which comes and goes with the beet culture, coming into the United States during the period of growing and harvesting of the beet and returning again in large numbers to their native country; and

Whereas if this particular labor immigration should be restricted it would necessitate the Colorado beet-growing farmer securing this help from other sections of the country and would seriously shorten the labor supply in those sections; and

Whereas this labor has been the most satisfactory and most profitable labor that can be secured for this particular industry: Now, therefore, be it

Resolved, That the Longmont Chamber of Commerce, the citizens of Longmont, and the farmers of the trade territory of Longmont are opposed, and hereby express themselves as opposed, to the enactment of any legislation that might place a rigid restriction on the importation of this Mexican labor into the United States; and that a copy of these resolutions be sent to the Colorado Congressmen and Senators in the city of Washington, D. C.

Resolution

Whereas the city of Sterling, Colo., is located in one of the best beet-raising sections in the country and the revenue derived from such beets is of material benefit to the well-being of the community; and

Whereas the farmers of this locality are now and have for years past been dependent on immigrant Mexican farm laborers for the labor work on the beets, which practice has proven, by experience, to result in the rendering of satisfactory service, and has not developed any great social, economical, or political problem and that there is no apparently visible source of supply of other farm laborers for this purpose; and

Whereas the prosperity of our section is dependent to a large extent on the continuance by the farmers of this system of employing beet laborers and that the welfare of the Mexican laborers themselves, and of their respective families, is promoted by the manner of employment indicated; and

Whereas many of these Mexican beet laborers employed in the agricultural territory adjacent to the city of Sterling, Colo., during the period of growing and harvesting local crops, return to their homeland at the end of the harvest season, they or their substitutes coming back to the United States each spring in search of farm employment, which necessitates the continuation of the opportunity afforded them at present, if a severe shortage of farm workers is to be avoided; and

Whereas it is rumored that there will be some agitation to restrict the further immigration of Mexicans for this purpose: Now, therefore, be it

Resolved by the Lions Clubs of Sterling, Colo., in meeting assembled, That this club, composed of representative business and professional men of this city, is opposed to the enactment of any legislation or regulation seeking to impose further restrictions on farm-labor immigration from Mexico; and that a copy of this resolution be mailed to the Colorado Representatives and Senators in the United States Congress.

Resolution adopted by the Rocky Ford Chamber of Commerce December 2, 1927

Whereas an effort appears to be under way to introduce in the coming session of Congress an amendment to the immigration laws whereby further restriction on Mexican immigration would be adopted;

Whereas an average of about 10,000 Mexican laborers per annum have emigrated to the United States from Mexico and under the proposed amendment but about 1,500 per annum would be permitted each year;

Whereas this territory is dependent to a great extent on Mexican labor in its principal industries, viz, the beet industry and the melon industry, and such restriction would be a serious handicap to these industries: Now, therefore be it

Resolved by the Rocky Ford Chamber of Commerce, That we go on record as being opposed to such proposed restriction for the reasons above stated; be it further

Resolved, That a copy of this resolution be sent to each of the Senators and Representatives from Colorado as indicating to them the attitude of the citizens of the Arkansas Valley in Colorado.

BELLE DARING.

OVID, COLO., *December 19, 1927.*

Hon. LAWRENCE C. PHIPPS,
Senator, Washington, D. C.

MY DEAR MR. PHIPPS:

Whereas the farmers of the Ovid locality are greatly dependent upon a class of immigrant labor which will adapt itself to the community; and

Whereas the Mexican laborer, whom they have employed for many years, appears to be highly satisfactory in that he presents no serious social, economic, or political problem and adapts himself to the community in which he lives; and

Whereas the crops grown in this locality necessitate such labor and the prosperity of the community would be greatly impaired should immigration of Mexicans be restricted; and

Whereas a great many of the Mexican laborers employed on farms adjacent to the town of Ovid during the crop season return to Mexico after harvest, and the next spring they or others come back to the United States, many of them coming back from year to year to our locality: Now, therefore be it

Resolved, That the chamber of commerce places itself on record as being opposed to any restriction in the immigration of such labor and that a copy of this resolution be sent to the Colorado delegation in Congress.

THE OVID CHAMBER OF COMMERCE,
By R. H. SUTHERLAND, *Secretary.*

A resolution of the Mountain States Beet Growers' Marketing Association adopted November 23, 1927

There are strong indications that at the coming session of Congress an amendment will be introduced to the present immigration laws proposing further restrictions on Mexican immigration that would virtually prohibit the incoming of any farm laborers.

Although we solicit labor annually from distant States, each year we meet new difficulties in hiring a sufficient number of suitable farm workers. Under the proposed bill about 1,500 could be admitted each year from Mexico. During the last five years approximately 50,000 Mexicans have immigrated into the United States per year. This labor has been quickly absorbed, and yet the supply of farm labor has been short.

To our knowledge a large percentage of the Mexican farm laborers in Colorado return to Mexico each year on completion of the harvest. If their return to the United States was prevented, as now proposed, the farm-labor shortage would be greatly increased. In the sugar-beet raising districts this Mexican labor has done its work acceptably, and their presence has created no social problems of any moment.

For these reasons the Mountain States Beet Growers Marketing Association opposes any legislation placing additional restrictions on Mexican immigration. There is an association of agricultural interests which lately convened at El Paso, Tex., having for its purpose the protection in Congress of the farm-labor supply. Having been invited to join, we hereby pledge our support and cooperation. Among the interested groups of farmers are the orange growers of California, the cotton raisers of the South, citrus fruit and vegetable growers, potato farmers, and wool growers.

In taking this step the beet association is mindful of the rights and interests of others as well as its own requirements. We want to prevent a condition which would force one group of farmers to steal another group's farm labor. If the beet-field help is not available from Mexican sources, we would be forced to solicit labor from the corn and grain farming territory or from the cotton and vegetable producing districts. If, finally, sufficient workers are not obtainable for the sugar-beet growers, they would be forced to devote their lands to other crops of which there already is a plenty. The proposed legislation, if enacted, would force this struggle for labor upon an agriculture already bending under many problems.

The Mountain States Beet Growers Marketing Association also is mindful of the welfare of skilled labor, whose interests would be injured by the proposed legislation. The skilled mechanic is dependent upon the so-called unskilled farm labor for raw materials as well as food. The great brotherhoods of transportation workers are largely dependent upon farm tonnage. Without the products of the unskilled laborers the skilled workers would have nothing to do.

We also have in mind the public at large dependent upon agriculture. General business interests in our farming communities will suffer if this proposed legislation is enacted.

The Mountain States Beet Growers Marketing Association instructs its secretary to send a copy of this resolution to all members of the Colorado delegation in Congress as an expression of the association's position on this question.

THE MOUNTAIN STATES BEET GROWERS' MARKETING ASSOCIATION,
W. E. LETFORD, *President.*
J. D. PANCAKE, *Secretary.*

Whereas it is proposed to enact national legislation further restricting immigration of Mexicans to the United States; and

Whereas the farmers of the Windsor district are now, and have been for several years past, dependent on immigrant Mexican farm laborers to complete their labor supply, and the practice of engaging Mexicans for that purpose has proven by experience to result in solving the labor problem without the development of any serious social, economic, or political problem; and

Whereas the prosperity of this locality depends in a large measure on the ability of our farmers to continue the well-established cropping plan of this section, and as there is not now any visible source of supply of farm laborers other than from Mexico, further restriction would be a calamity; and

Whereas it is evident that the welfare of the immigrant Mexican and his family is promoted by the character of the employment which he finds here; and

Whereas it is the custom of many of the Mexican farm laborers employed in the territory adjacent to Windsor during the growing and harvesting of crops to return to Mexico at the end of the harvest season with the intention of returning here the following spring in search of farm employment, or of sending substitutes to take their places, all of which in our opinion constitutes good reason for a continuation of the opportunity at present afforded them: Now, therefore, be it

Resolved by the Windsor Community Club of Windsor, Colo., That we are opposed to the enactment of any legislation further restricting the immigration of farm labor from Mexico, believing that a severe shortage of farm workers would result from such legislation: Be it further

Resolved, That a copy of this resolution be sent to the Colorado delegation in Congress.

Adopted this 6th day of December, 1927.

WINDSOR (COLO.) COMMUNITY CLUB,
ROY RAY, *President.*
W. T. BOREING, *Secretary.*

Resolution by the Eaton Luncheon Club, adopted December 7, 1927

Whereas the farmers of this locality are now, and have been for past years, dependent on immigrant Mexican farm laborers to complete their labor supply; and

Whereas the practice of engaging Mexicans for that purpose has proven by experience to result in the rendering of satisfactory work and has not developed any important social, economic, or political problem; and

Whereas there is no visible source of supply of other farm laborers for that purpose if the immigration of Mexicans is further restricted; and

Whereas the prosperity of this district is dependent to a large extent on the ability of our farmers to follow the long-established cropping plan of this section; and

Whereas we consider that the welfare of the immigrant Mexican farm hand, and that of his family, is promoted by the employment mentioned; and

Whereas many Mexican farm laborers employed in the agricultural territory adjacent to the town of Eaton, Colo., during the period of growing and harvesting local crops return to their homeland at the end of the harvest season, they or substitutes coming back to the United States each spring in search of farm employment, which necessitates the continuation of the opportunity afforded them at present if a severe shortage of farm workers is to be avoided: Now, therefore, be it

Resolved, That the Eaton Luncheon Club, of Eaton, Colo., is opposed to the enactment of any legislation seeking to impose further restrictions on farm-labor immigration from Mexico, and that a copy of this resolution be sent to the Colorado delegation in Congress.

THE EATON LUNCHEON CLUB,
By O. G. KIRK, *President.*
By GRAHAM R. WALKER, *Secretary.*

Whereas the sugar beet is considered one of the staple and profitable crops grown in this vicinity; and

Whereas farmers for the past number of years have had to depend upon the engaging of Mexican labor to do the handwork in connection with the growing of this and other crops; and

Whereas the Mexican labor has rendered satisfactory service in this connection, without adversely affecting the community life in any way; and

Whereas if the bringing in of Mexican labor is restricted there is no other source of supply of this character of labor; and

Whereas our cropping system being so well established, and the community, both business and professional, being dependent upon agricultural success; and

Whereas the Mexican and his family by doing this work not only betters his own condition but advances the prosperity of our communities; and

Whereas it has been the custom of many Mexican families employed in the Loveland district during the growing and harvesting season to return to visit their home folks during the winter, coming back to the United States each spring in time for the cropping season, necessitating this privilege being extended to them in the future, if our present system of agriculture is to be continued: Now, therefore, be it

Resolved, That the Rotary Club of Loveland, Colo., is opposed to any change in our immigration laws that would further restrict immigration from our sister Republic of Mexico, and that a copy of this resolution be sent to our Representatives in Congress.

LOVELAND KIWANIS CLUB,
Loveland, Colo., December 13, 1927.

Whereas the sugar beet is considered one of the staple and profitable crops grown in this vicinity; and

Whereas farmers for the past number of years have had to depend upon the engaging of Mexican labor to do the handwork in connection with the growing of this and other crops; and

Whereas the Mexican labor has rendered satisfactory service in this connection, without adversely affecting the community life in any way; and

Whereas if the bringing in of Mexican labor is restricted there is no other source of supply of this character of labor; and

Whereas our cropping system being so well established and the community, both business and professional, being dependent upon agricultural success; and

Whereas the Mexican and his family by doing this work not only betters his own condition but advances the prosperity of our communities; and

Whereas it has been the custom of many Mexican families employed in the Loveland district during the growing and harvesting season to return to visit their home folks during the winter, coming back to the United States each spring in time for the cropping season, necessitating this privilege being extended to them in the future, if our present system of agriculture is to be continued: Now, therefore, be it

Resolved, That the Kiwanis Club of Loveland, Colo., is opposed to any change in our immigration laws that would further restrict immigration from our sister Republic of Mexico, and that a copy of this resolution be sent to our Representatives in Congress.

THE LIONS CLUB,
Loveland, Colo.

Whereas the sugar beet is considered one of the staple and profitable crops grown in the vicinity; and

Whereas farmers for the past number of years have had to depend upon the engaging of Mexican labor to do the handwork in connection with the growing of this and other crops; and

Whereas the Mexican labor has rendered satisfactory service in this connection, without adversely affecting the community life in any way; and

Whereas if the bringing in of Mexican labor is restricted, there is no other source of supply of this character of labor; and

Whereas our cropping system being so well established, and the community, both business and professional, being dependent upon agricultural success; and

Whereas the Mexican and his family by doing this work not only betters his own condition but advances the prosperity of our communities; and

Whereas it has been the custom of many Mexican families employed in the Loveland district during the growing and harvesting season to return to visit their home folks during the winter, coming back to the United States each spring in time for the cropping season, necessitating this privilege being extended to them in the future, if our present system of agriculture is to be continued: Now, therefore, be it

Resolved, That the Lions Club of Loveland, Colo., is opposed to any change in our immigration laws that would further restrict immigration from our sister Republic of Mexico, and that a copy of this resolution be sent to our Representatives in Congress.

LIONS CLUB,
Julesburg, Colo., December 7, 1927.

At a regular meeting of the Julesburg Lions Club on December 7, 1927, the following resolution was made and unanimously adopted:

"Whereas the farmers of this locality are now, and have been for past years, dependent on immigrant Mexican farm laborers to complete their labor supply; and

"Whereas the practice of engaging Mexicans for that purpose has proven by experience to result in the rendering of satisfactory work and has not developed any important social, economic, or political problem; and

"Whereas there is no visible source of supply of other farm laborers for that purpose if the immigration of Mexicans is further restricted; and

"Whereas the prosperity of this district is dependent to a large extent on the ability of our farmers to follow the long-established cropping plan of this section; and

"Whereas we consider that the welfare of the immigrant Mexican farm hand and that of his family is promoted by the employment mentioned; and

"Whereas many Mexican farm laborers employed in the agricultural territory adjacent to the town of Julesburg, Colo., during the period of growing and harvesting local crops return to their homeland at the end of the harvest season, they or substitutes coming back to the United States each spring in search of farm employment, which necessitates the continuation of the opportunity afforded them at present if a severe shortage of farm workers is to be avoided: Now, therefore, be it

"*Resolved*, That the Julesburg Lions Club of Julesburg, Colo., is opposed to the enactment of any legislation seeking to impose further restrictions on farm-labor immigration from Mexico, and that a copy of this resolution be sent to the Colorado delegation in Congress."

Signed by

A. T. PETERSEN, *Secretary.*

BRUSH, COLO., *December 7, 1927.*

Hon. LAWRENCE C. PHIPPS,
Senate Chamber, Washington, D. C.

MY DEAR MR. PHIPPS: At our regular meeting and luncheon on Monday, December 5, with 37 members present, the following resolutions were read and unanimously adopted. It was also voted that we send you a copy of these resolutions and ask the favor of your support and aid in governing yourself accordingly to the desires of our resolutions:

"Whereas the farmers of this locality are now, and have been for past years, dependent on immigrant Mexican farm laborers to complete their labor supply; and

"Whereas the practice of engaging Mexicans for that purpose has proven by experience to result in the rendering of satisfactory work and has not developed any important social, economic, or political problem; and

"Whereas there is no visible source of supply of other farm laborers for that purpose if the immigration of Mexicans is further restricted; and

"Whereas the prosperity of this district is dependent to a large extent on the ability of our farmers to follow the long-established cropping plan of this section; and

"Whereas we consider that the welfare of the immigrant Mexican farm hand and that of his family is promoted by the employment mentioned; and

"Whereas many Mexican farm laborers employed in the agricultural territory adjacent to the town of Brush during the period of growing and harvesting local crops return to their homeland at the end of the harvest season, they or substitutes coming back to the United States each spring in search of farm employment, which necessitates the continuation of the opportunity afforded them at present if a severe shortage of farm workers is to be avoided: Now, therefore, be it

"*Resolved*, That the Brush Civic Club, of Brush, Colo., is opposed to the enactment of any legislation seeking to impose further restrictions on farm labor immigration from Mexico, and that a copy of this resolution be sent to the Colorado delegation in Congress."

Assuring you that our high appreciation goes with your hearty support of the above resolutions, we are

Very sincerely,

BRUSH CIVIC CLUB,
N. C. WAGERS, *Secretary.*

COLORADO STATE FEDERATION OF LABOR,
Denver, Colo., January 4, 1928.

Hon. LAWRENCE C. PHIPPS,
Senator, Washington, D. C.

DEAR SENATOR: This morning the Rocky Mountain News carries an article relative to a protest by the Denver Chamber of Commerce to restriction on Mexican immigration.

The article states: "Chamber of commerce opposed to restriction of immigration from Mexico on ground that Mexican labor is essential to Colorado, especially in the sugar-beet industry."

The Colorado State Federation of Labor in several conventions assembled has vigorously protested the loose regulation on Mexican immigration from Mexico, in addition to the tremendous number who come into this country illegally.

Business interests generally favor Mexican immigration for the sole purpose of exploitation.

Organized labor protests the loose method of handling immigration from Mexico, because Mexican labor undermines the standard of American workers, and are establishing a lower order of civilization.

It is the firm conviction of organized labor of Colorado that rigid restriction should be placed on Mexican immigration, and the loose

method of allowing their entry into this country illegally should be stopped.

Hoping you will give consideration to the wishes of organized labor of Colorado, I am,

Very truly yours,

JOHN E. GROSS,
Secretary-Treasurer.

THE RADIO SITUATION

Mr. BORAH. Mr. President, I have here a letter which is addressed to me with regard to the radio situation. I presume it is likely that a similar letter has been sent to other Senators, but I desire to present this letter and ask that it may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the letter was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

380 CENTRAL AVENUE,
Newark, N. J., December 23, 1927.

Hon. WILLIAM E. BORAH,
Senator from Idaho, Washington, D. C.

MY DEAR SENATOR: Do you realize how the Federal Radio Commission has throttled radio broadcasting?

Do you realize that the commission has practically deeded the air to the National Broadcasting group?

The situation merits inquiry and action on your part, particularly in view of the fact that the commissioners responsible therefor are about to come up before you for confirmation of their appointments, Commissioners Caldwell and Pickard.

Let us illustrate the situation of the small broadcaster by our case.

We operate a broadcasting station at Midland Park, Bergen County, N. J., call letters WTRL, which the commission has restricted to a very small station on a channel of 1,450 kilocycles, or 206.8 meters, and power of 15 watts. You can appreciate that this channel and power are so low as to make the station practically unusable.

Since last June we have been trying to obtain a usable channel from the Federal Radio Commission, and also an increase in power, but we have only been met with rebuff after rebuff and we have come to a strong realization that a small broadcaster might just as well butt his head against a concrete wall as to try to get anything from the Federal Radio Commission.

The situation created by the commission is extremely unfair and unjust and merits your attention, because the commission has and is discriminating against the small broadcasters of New Jersey and the rest of the country in their campaign to grant a complete monopoly of the air to the National Broadcasting group, which is dominated by the Radio Corporation of America.

For the purpose of helping out the commission and getting away from the New York congestion we applied to the commission to move the station to Long Branch, but on encountering opposition from the Asbury Park station we decided to move to Trenton and apply for channel 770 kilocycles, after consulting our engineers, one of whom, Paul E. Ware, is one of the leading radio engineers of the country. At first we took the matter up with Commissioner Caldwell, of New York, and after the usual "buck passing" on his part he finally told us to consult our engineers and select wave length, which we did, selecting said wave length of 770 kilocycles. When we submitted this wave length to him he hemmed and hawed and thought that it would cause interference with three stations in Chicago. We immediately consulted our engineers again, and obtained written reports to show that there would be no such interference.

When we showed these letters to Commissioner Caldwell and formally applied to the commission for this channel of 770 kilocycles, then for the first time and out of a clear sky, and apparently in furtherance of their elimination of the small broadcaster in New Jersey, Commissioner Caldwell informed us that New Jersey had greatly exceeded the power to which it was entitled to, and that it had approximately 48,000 watts. We immediately called his attention to the fact that he was doing New Jersey a grave injustice by charging us the power of the New York stations, which merely have their plants in New Jersey and their stations and studios in New York and who are regarded by the radio industry and the public, and also by the commission, as belonging to New York, which stations have approximately 40,000 watts out of the 48,000, and that this was discrimination and certainly did not show that the commission was acting equitably in the matter.

It is plainly manifest that the commission has absolutely decided irrespective of the legal and property rights of small broadcasters, and without giving any consideration to their taking of their property without the constitutional due process of law and compensation, to set aside the air for the National Broadcasting group.

The commission (in public announcements and according to a letter which our attorneys hold of Commissioner Caldwell, dated October 24, 1927) has formulated a policy to drive off the air all small broadcasters in channels from 300 meters (which is the beginning of the good channels) to 550 meters (which is the highest channel), there being approximately 40 wave lengths in these channels, 90 per cent of which have been exclusively granted to stations of the National Broadcasting group, and which have full time and power running as high as 50,000 watts. When you realize that the National Broadcasting group operates two chains which only require two channels for their broadcasting, instead of the 35 or 36 given to them, one realizes how unfair the commission has been to the small broadcasters and that a monopoly has been created in the name of the Government of this remarkable and important method of communication.

By a very clever and one-sided publicity bureau maintained in Washington, the public has only received the commission's viewpoint of broadcasting and the necessity for eliminating the hundreds of stations, so as to give the radio public a great variety of noninterfering programs, when, in fact, this variety has been reduced to two programs and is solely in the interest of establishing a monopoly of the air in favor of the said group.

Editorial opinion is awakening to the fact and is beginning to wonder why the commission desires to eliminate practically all the small broadcasters when the operation of several stations have shown that several stations may broadcast on the same channel and in the same vicinity without any interference whatsoever.

On December 6, 1927, an editorial appeared in the Newark Evening News which read in part as follows:

"The art of broadcasting is definitely limited for a long time to come to some 90 'communication channels.' The number of stations which may comfortably operate within these ninety-odd channels is variously estimated as lying between 150 and 450. The interesting thing at this time comes in the form of an announcement from Washington that the Federal Radio Commission may exterminate half of the existing stations.

"Certain facts with respect to present operation and the present state of the art are generally well known. Among these, two now stand out. First, broadcasting stations which regularly tie in with three major chains reach a total of about 65, and in so doing cover some 60 of the total ninety-odd available channels. Second, stations WBZ, at Springfield, and WBZA, at Boston, have been in simultaneous operation, utilizing the same channel, for close on to a year, with complete success and unexpectedly gratifying results.

"It is but natural that one ask why all stations tied in with a chain can not utilize the one channel. It is possible technically. It is actually now being done. The expense involved can not serve as an excuse. It is vanishingly small as compared to the magnitude of the immediate benefits which would derive to the chain broadcasters themselves, the public, and the art as a whole."

Just appreciate our position. Here we are, a small broadcaster in New Jersey; eminent engineers advise us that 770 kilocycles is an open channel; we apply for this channel, and the commission first advises us that they can not give us this channel because they have cleared this channel for one large national group, and that it may cause interference with three stations in Chicago, thousands of miles away. When our engineers, one of whom is one of the most eminent in the country, explodes this reason, then the commission tells us that New Jersey has too much power, and for this reason denies our application.

Is this fair to a citizen of the United States?

So as to substantiate our statements we have prepared and inclose a blue print showing the extreme favoritism and partiality which has been given to the large group, to the detriment and exclusion of the small broadcasters.

When our attorneys wrote a vigorous letter to Commissioner Caldwell calling his attention to this situation, he had the temerity to offer us a public hearing, and also to write us that reports had come to him that we were off the air, etc. We immediately advised the commissioner, so greatly interested in the public convenience, etc., that we did not propose to go through the futile performance of a public hearing, by which we could hope to gain nothing except to give the commission an opportunity to build up a case upon which to base the decision which they had already made against us, and also advising him that the reports which he had received were entirely erroneous, and were apparently inspired by the persistency of our application for use of channel 770 kilocycles.

Commissioners Caldwell and Pickard have been unduly harsh and severe and have practically crushed the small broadcaster. Commissioner recently made statement that commission was now "hard-boiled," and would proceed further and wipe out still more—300 of the 600 stations. What an outrage this will be if permitted.

You have many great national problems to consider, but radio-broadcasting is also a great national problem and one that holds forth such a great opportunity for enlightenment and improvement, and the commission should not be permitted to throttle the same and destroy the rights of small broadcasters.

The commission apparently does not give a "hoot" for anyone, Commissioner Caldwell stating that a great number of Senators had called upon him and the other members of the commission for the purpose of interceding for their constituents, but that they refused to do anything and that they proposed to rid the air of all so-called interference, Commissioner Caldwell stating that he was not responsible

to anyone in the matter except to the President of the United States and that what he was doing had the approval of the President.

We feel that the attention of every Senator should be called to this situation and we are therefore sending a like letter to every United States Senator. This may result in the commission giving the small broadcasters the consideration to which they are entitled and also result in a fair and equitable solution of the radiobroadcasting problem in accordance with the spirit, as well as the letter, of the Federal radio act.

We beseech your interest and cooperation.

Respectfully yours,

TECHNICAL RADIO LABORATORY,
By D. W. MAY, *General Manager.*

REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 380) for the relief of Charles H. Niehaus (Rept. No. 9);

A bill (S. 624) for the relief of the Van Dorn Iron Works Co. (Rept. No. 10); and

A bill (S. 2005) for the relief of W. P. Dalton (Rept. No. 11).

Mr. HOWELL, also from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1361) for the relief of Isabelle R. Damron, postmaster at Clintwood, Va. (Rept. No. 12); and

A bill (S. 1678) for the relief of the estate of George B. Spearin, deceased (Rept. No. 13).

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 3) for the relief of Kate Mathews (Rept. No. 14); and

A bill (S. 1766) for the relief of R. H. King (Rept. No. 15).

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 19) for the relief of Frank Topping and others (Rept. No. 16);

A bill (S. 342) for the relief of George B. Booker Co. (Rept. No. 17);

A bill (S. 1622) for the relief of the estate of John Stewart, deceased (Rept. No. 18); and

A bill (S. 2185) to extend the time for the refunding of taxes erroneously collected from certain estates (Rept. No. 19).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 1288) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower, reported favorably with an amendment and submitted a report (No. 20) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 120) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols (Rept. No. 21); and

A bill (S. 1981) for the relief of the owner of Dry Dock No. 6 (Rept. No. 22).

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 904) for the relief of Rosa E. Plummer (Rept. No. 23);

A bill (S. 1543) for the relief of Kate Canniff (Rept. No. 25);

A bill (S. 1623) for the relief of William Hensley (Rept. No. 26); and

A bill (S. 2032) for the relief of certain officers and former officers of the Army of the United States, and for other purposes (Rept. No. 27).

He also, from the Committee on the District of Columbia, to which was referred the bill (S. 1279) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street, reported favorably without amendment and submitted a report (No. 24) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United Sates, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, reported it with an amendment and submitted a report (No. 28) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 472) for the relief of Tampico Marine Iron Works, reported it with amendments and submitted a report (No. 29) thereon.

He also, from the same committee, to which was referred the bill (S. 1336) for the relief of Benjamin F. Spates, reported it with an amendment and submitted a report (No. 30) thereon.

He also, from the same committee, to which was referred the bill (S. 1442) for the relief of Brewster Agee, reported it without amendment and submitted a report (No. 31) thereon.

Mr. CARAWAY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 672) for the purpose of rehabilitating farm lands in the flood areas, reported it without amendment and submitted a report (No. 32) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 1358) for the relief of the heirs of George E. Taylor, deceased, reported it without amendment and submitted a report (No. 33) thereon.

He also, from the same committee, to which was referred the bill (S. 1113) for the relief of O. H. Chrisp, reported it with an amendment and submitted a report (No. 34) thereon.

Mr. HAWES, from the Committee on Interstate Commerce, to which was referred the resolution (S. Res. 17) requesting the Interstate Commerce Commission to prepare a manuscript covering the text of the various acts administered by it, annotated with digests of decisions, and indexed, reported it without amendment, and submitted a report (No. 36) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 434) for the relief of Sadie Klauber (Rept. No. 37); and

A bill (S. 620) for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas (Rept. No. 38).

Mr. JONES. From the Committee on Commerce, to which was referred the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, I report it with amendments and submit a report (No. 39) thereon.

This is the report of a bill dealing with the merchant marine, and at the very first opportunity I propose to ask the Senate to proceed to its consideration.

Mr. McKELLAR. Mr. President, may I ask the Senator whether this is a favorable report on the Senator's bill?

Mr. JONES. Yes; with some minor amendments.

Mr. McKELLAR. I am very glad, indeed, to know that the committee has reported it out. I hope the Senate will soon act upon it.

Mr. COPELAND. Mr. President, may I ask the Senator from Washington whether there has been any modification of the bill since it was discussed in the committee this morning?

Mr. JONES. No; there has not been.

Mr. COPELAND. I desire to give notice, then, that I shall present an amendment to the bill, and, if need be, submit a minority report.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the following joint resolutions, reported them each with an amendment and submitted reports thereon:

A joint resolution (S. J. Res. 21) to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926 (Rept. No. 41); and

A joint resolution (S. J. Res. 42) to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended (Rept. No. 42).

He also, from the Committee on Agriculture and Forestry, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports thereon:

A bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes (Rept. No. 43);

A bill (S. 1531) authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia (Rept. No. 44); and

A joint resolution (S. J. Res. 20) authorizing the Secretary of Agriculture to dispose of real property located in Hernando

County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes (Rept. No. 40).

Mr. DENEEN, from the Committee on Claims, to which was referred the bill (S. 341) for the refund of estate tax erroneously collected, reported it without amendment and submitted a report (No. 35) thereon.

REPORTS FROM COMMITTEE TO AUDIT AND CONTROL CONTINGENT EXPENSES

Mr. DENEEN. I report from the Committee to Audit and Control the Contingent Expenses of the Senate sundry resolutions, and I ask unanimous consent for their immediate consideration as they are in turn read.

The VICE PRESIDENT. The reports will be received.

DAISY P. COULBOURN

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the resolution (S. Res. 85) submitted by Mr. SHORTRIDGE (for Mr. DU PONT) December 19, 1927, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Daisy P. Coulbourn, widow of Joseph R. Coulbourn, late an employee of the Senate under the supervision of the Sergeant at Arms, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

HEARINGS BEFORE THE COMMITTEE ON EDUCATION AND LABOR

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the resolution (S. Res. 86) submitted by Mr. COUZENS December 19, 1927, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Education and Labor, or any subcommittee thereof, be, and hereby is, authorized during the Seventieth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON IMMIGRATION

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the resolution (S. Res. 87) submitted by Mr. JOHNSON December 19, 1927, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Immigration, or any subcommittee thereof, be, and hereby is, authorized during the Seventieth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON BANKING AND CURRENCY

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the resolution (S. Res. 88) submitted by Mr. NORBECK December 19, 1927, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Banking and Currency, or any subcommittee thereof, be, and hereby is, authorized during the Seventieth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

MARGARET H. ROCHE

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the resolution (S. Res. 96) submitted by Mr. HARRISON on January 4, 1928, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Margaret H. Roche, widow of Philip J. Roche, late a messenger employed as assistant doorkeeper under the direction of the Sergeant at Arms, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LILLIAN NEAL

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the resolution (S. Res. 97) submitted by Mr. CURTIS on January 4, 1928, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate to Lillian Neal, widow of Raymond Neal, late an employee of the Senate under the supervision of the Sergeant at Arms, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

HEARINGS BEFORE THE CIVIL SERVICE COMMITTEE

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the resolution (S. Res. 98) submitted by Mr. DALE on the 4th instant, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Civil Service, or any subcommittee thereof, be, and hereby is, authorized during the Seventieth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

FUNERAL EXPENSES OF THE LATE SENATOR JONES OF NEW MEXICO

Mr. DENEEN, from the Committee to Audit and Control the Contingent expenses of the Senate, reported favorably without amendment the resolution (S. Res. 99) submitted by Mr. BRATTON on the 4th instant, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. ANDRIEUS A. JONES, late a Senator from the State of New Mexico, upon vouchers properly approved.

JANIE HARRIS

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the resolution (S. Res. 103) submitted by Mr. LA FOLLETTE on the 5th instant, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Janie Harris, widow of Albert Harris, late a waiter in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

HEARINGS BEFORE THE PRIVILEGES AND ELECTIONS COMMITTEE

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the resolution (S. Res. 104) submitted by Mr. SHORTRIDGE on the 5th instant, and the resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, hereby is authorized during the Seventieth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

INVESTIGATION OF NAVAL OIL RESERVE LEASES

Mr. NORRIS. Mr. President, in connection with the resolutions which the Senator from Illinois has reported from the Committee to Audit and Control the Contingent Expenses, I should like now to inquire of the Senator what action the committee took relative to Senate Resolution 101, directing the Committee on Public Lands and Surveys to renew the investiga-

tion of the naval oil reserve leases. The resolution was referred to the committee several days ago.

Mr. DENEEN. I will say, in answer to the Senator's inquiry, that, when the committee met on last Saturday morning, the resolution referred to by the Senator from Nebraska had not then been printed and placed in the hands of the committee. The committee will meet during to-day's session and report later in the afternoon.

Mr. NORRIS. Very well.

ADDITIONAL DISTRICT JUDGE IN IOWA

Mr. DENEEN. From the Committee on the Judiciary I report favorably without amendment the bill (S. 773) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint an additional judge of the District Court of the United States for the Southern District of Iowa, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation and allowances as the present judge of said district.

SEC. 2. When a vacancy shall occur in the office of the existing district judge for said district such vacancy shall not be filled unless authorized by the Congress.

SEC. 3. This act shall take effect upon its approval by the President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPORTED BROKEN RICE

Mr. RANSDELL. From the Committee on Agriculture and Forestry I report back favorably with an amendment Senate Concurrent Resolution No. 4, and I submit a report (No. 45) thereon. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Con. Res. 4) submitted by Mr. RANSDELL on December 19, 1927, as follows:

Resolved by the Senate (the House of Representatives concurring), That for the purpose of interpreting the meaning of the tariff act of 1922 with respect to imported broken rice, "broken rice" shall include only the class "brewers' milled rice," as specified in the united standards for milled rice.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

Mr. SMOOT. Mr. President, I should like to have the resolution go to the calendar, as I desire to know something more about it than I know at the present time.

The VICE PRESIDENT. The resolution will be placed on the calendar.

LEASE OF BIEBER BUILDING BY DEPARTMENT OF AGRICULTURE

Mr. SMOOT. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 1968) to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes. I ask unanimous consent to make a brief statement explaining the bill, and then I shall ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah that he may be allowed to explain the bill? The Chair hears none, and the Senator from Utah will proceed.

Mr. SMOOT. Mr. President, I think I ought to explain the bill in detail to the Senate. The Bieber Building, located between Thirteenth and Fourteenth Streets on B Street SW., was leased from the owners of the building some 12½ years ago. The lease was for 10 years, with the privilege of its renewal for another term of 10 years, at $35,000 a year. The building was erected primarily for the Department of Agriculture. The entire first floor was constructed for the scientific work of the department, and every one of the eight or nine stories of the building was designed and built in accordance with the wishes of the Agricultural Department. The 10-year lease expired 2½ years ago.

The Department of Agriculture, at the instance of the Public Buildings Commission, requested an extension of the lease for another 10 years, according to the terms of the lease which the Agricultural Department held at that time granting that privilege. In the meantime, the building had changed hands; it had been purchased by Harry Wardman, Thomas P. Bones, and James D. Hobbs. When the request was made for an extension of the lease for 10 years it was refused on the ground that the Government of the United States had no privilege granted unto it by the lease. The Solicitor of the Department of Agriculture called upon me as chairman of the Public Buildings Commission and showed me the lease which the Government held, and in that lease there was a provision granting the privilege of a 10-year renewal. So the Public Buildings Commission instructed the solicitor to make the lease for another 10 years, but the owners of the building positively refused to do it.

The Department of Agriculture every month offered the monthly rent, and has done so for two years and a half, but the owners of the building refused to accept it. Finally they brought suit against the Government of the United States for possession of the building. The court decided that the contention of Harry Wardman, Thomas P. Bones, and James D. Hobbs was correct, for this reason:

Upon examining the records we find that the lease that was recorded had no provision whatever in it for an extension of 10 years. In other words, the lease that was recorded consisted of four pages exactly word for word the same as the lease that the Department of Agriculture held; but the lease that the Department of Agriculture held consisted of five pages, and one page of it gave to the Government of the United States the right to renew the lease for 10 more years. The court took the position that the lease that was recorded was notice to the Government, and therefore the Government had no claim whatever. The lease of the Government had not been initialed on every page. If it had, I am quite sure that this would not have occurred; but it was not done.

Mr. FLETCHER. Mr. President, if I may interrupt the Senator, were these duplicate leases, or did the Government's lease merely purport to be a copy?

Mr. SMOOT. The Government's lease was a copy. The original was just as I have explained. The Solicitor of the Department of Agriculture has decided that it would be perfectly useless to make any further appeal. Therefore, as chairman of the Public Buildings Commission, I undertook to arrive at some understanding with the parties now owning the building for the future lease of the building.

They first insisted upon a rent of $75,000 a year for the building, based upon the value of the building to-day. I positively refused even to submit that figure to the commission; and for two or three months following that we tried to get together. Finally, I went to Mr. MADDEN, of the House of Representatives, and told Mr. MADDEN the condition—that we either had to get out of the building or else we had to make some kind of a settlement. I made a proposition of $55,000 a year instead of $75,000, and that we should have the privilege of renting the building for not to exceed 10 more years—or, in other words, from year to year—at that rate.

This bill provides for the leasing of the building for $55,000 a year and makes an appropriation for the back rents that have fallen due but which the owners have positively refused to receive. In other words, this back rent belongs to them, and the bill authorizes the leasing of the building at $55,000 a year for not to exceed a 10-year period, and settles all the back rent due. I may say that the back rent is at the rate of $55,000 a year, the same rate provided for the lease that is authorized.

Mr. KENDRICK. Mr. President, do I understand the Senator to say that under the terms of the lease the Government has the option of canceling it at any time?

Mr. SMOOT. At the close of any one year; but it also has the option of taking the building for 10 years longer.

Mr. KENDRICK. Where is this property located?

Mr. SMOOT. Between Thirteenth and Fourteenth Streets on B Street SW. In other words, it is just adjoining the present Department of Agriculture, and was built expressly for the use of the department.

Mr. WARREN. Mr. President, may I ask the Senator a question? Do I understand from his statement that the bill appropriates in the nature of a claim for the back rent up to date?

Mr. SMOOT. That is all it does.

Mr. WARREN. It does not provide for the future?

Mr. SMOOT. Oh, no. We owe the parties $119,323.12; and then we appropriate the further sum of $45,676.88 for the rent from the time the two and a half years expired up to this time.

Mr. WARREN. The proposal now is to pay them that money?

Mr. SMOOT. To pay them that money.

Mr. WARREN. But as to the future, in what shape is the matter left?

Mr. SMOOT. As to the future, of course, appropriations will have to be made annually for this purpose in the regular appropriation bill.

Mr. WARREN. So that Congress will determine each year what the amount shall be?

Mr. SMOOT. That will be included in the appropriation bill.

Mr. OVERMAN. Mr. President, has any investigation been made to ascertain why the fifth page was left out and not recorded with the rest of the lease?

Mr. SMOOT. Efforts were made to locate the parties, but it has been impossible to do so. I do not know how it happened. From now on, however, I think the solicitor of every department of the Government ought to have every page of every lease initialed. Then there will be no doubt at all about it; but that was not done in this case.

I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1968) to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized to pay to Harry Wardman, Thomas P. Bones, and James D. Hobbs, at the rate of $55,000 per annum for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., during the fiscal years 1926, 1927, and 1928, and the unexpended balances in the appropriations for rent for said department in the District of Columbia for the fiscal years 1926 and 1927, and the amount included in the appropriation for rent for said department for the fiscal year 1928 for said building, in all $119,323.12, shall be available pro tanto for said purpose, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the further sum of $45,676.88 to enable said Secretary to pay for the use and occupancy of said building for said fiscal years at the annual rate aforesaid, and if at any time hereafter during the occupancy of said building by said department the Secretary of Agriculture shall deem it for the best interests of the Government to lease said building for a term not exceeding 10 years he is hereby authorized, with the approval of the Public Buildings Commission, to do so.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. McKELLAR:

A bill (S. 2295) granting a pension to Ella Z. Sweany; to the Committee on Pensions.

By Mr. KING:

A bill (S. 2296) for the relief of the widow and minor children of Raymond C. Hanford; to the Committee on Claims.

A bill (S. 2297) to amend section 4921 of the Revised Statutes, as amended; to the Committee on the Judiciary.

A bill (S. 2298) to repeal sections 315, 316, and 317 of the tariff act of 1922, authorizing the President to change rates of duty upon imports in certain cases; to the Committee on Finance.

A bill (S. 2299) to amend section 217 of the Code of Law for the District of Columbia; and

A bill (S. 2300) to amend section 120 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FESS:

A bill (S. 2301) to create a commission to be known as the commission for the enlarging of the Capitol Grounds, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. TYSON:

A bill (S. 2302) to make more adequate provision for pensions for members of the permanent military or naval service of the United States, their widows and dependents, and for other purposes; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 2303) to amend section 224 of the Judicial Code; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 2304) for the relief of M. Seller & Co.; to the Committee on Claims.

By Mr. HARRISON:

A bill (S. 2305) granting an increase of pension to Mary T. Wagner; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 2306) for the relief of William E. Thackrey; to the Committee on Indian Affairs.

By Mr. NYE (by request):

A bill (S. 2307) to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way; to the Committee on Public Lands and Surveys.

By Mr. MAYFIELD:

A bill (S. 2308) granting an increase of pension to Charles W. Anderson; to the Committee on Pensions.

A bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity; to the Committee on Interstate Commerce.

By Mr. WALSH of Montana:

A bill (S. 2310) supplementary to and amendatory of the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; to the Committee on the Judiciary.

A bill (S. 2311) to amend section 202, paragraphs Nos. 9 and 10, of the act of June 7, 1924, entitled "An act to consolidate, codify, revise, and reenact the laws affecting the establishment of the United States Veterans' Bureau and the administration of the war risk insurance act, as amended, and the vocational rehabilitation act, as amended"; to the Committee on Finance.

By Mr. JONES:

A bill (S. 2312) to amend the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918; to the Committee on Commerce.

A bill (S. 2313) authorizing the Secretary of War to award the congressional medal of honor to Theophile A. Dauphin; to the Committee on Military Affairs.

A bill (S. 2314) granting a pension to Lillian I. Bartlett (with accompanying paper); to the Committee on Pensions.

A bill (S. 2315) for the relief of Stanley S. Brown (with accompanying papers); to the Committee on Claims.

By Mr. EDGE:

A bill (S. 2316) for the relief of Lewis C. Hopkins & Co.; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927; to the Committee on Interstate Commerce.

A bill (S. 2318) to regulate amateur boxing in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 2319) for the relief of John W. Stockett (with accompanying papers); to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 2320) to promote the safety of passengers and employees upon railroads by prohibiting the use of wooden cars under certain circumstances; to the Committee on Interstate Commerce.

By Mr. CUTTING:

A bill (S. 2321) to amend the World War veterans' act, 1924; to the Committee on Finance.

By Mr. TRAMMELL:

A bill (S. 2322) to provide for Federal cooperation in the reclamation of swamp and overflowed lands and to establish a reclamation guaranty fund in connection therewith; to the Committee on Irrigation and Reclamation.

By Mr. HALE:

A bill (S. 2323) granting an increase of pension to Mary E. Dickey (with accompanying papers); and

A bill (S. 2324) granting an increase of pension to Annie L. Durham (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2325) for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children; to the Committee on Claims.

A bill (S. 2326) authorizing the President to appoint H. T. Meyers a lieutenant commander, Dental Corps, United States Navy (with accompanying papers); to the Committee on Naval Affairs.

By Mr. PHIPPS:

A bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11,

1916, as amended and supplemented, and for other purposes; to the Committee on Post Offices and Post Roads.

A bill (S. 2328) to promote the development, protection, and utilization of grazing facilities within national forests, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 2329) to promote the development, protection, and utilization of grazing resources on public lands, to stabilize the range stock-raising industry, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. WARREN:

A bill (S. 2330) authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo.; to the Committee on Indian Affairs.

A bill (S. 2331) granting an increase of pension to Juanita Da Costa Humphrey (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 2332) granting a pension to Floyd Phillips; and

A bill (S. 2333) granting a pension to John T. Kiernan; to the Committee on Pensions.

A bill (S. 2334) to extend certain benefits under the World War veterans' act, 1924, as amended, to Charles A. Martell; to the Committee on Finance.

A bill (S. 2335) for the relief of National Surety Co.;

A bill (S. 2336) for the relief of Nina MacDonald, Zenas V. Johnston, Margaret E. Thompson, Arthur L. Beaman, May Fee, Willis E. Young, Daniel E. Turbeville, Clarence C. Spears, and Ina Mae Elkins;

A bill (S. 2337) for the relief of Isaac Fink; and

A bill (S. 2338) for the relief of the owners of the coal hulk *Callixene;* to the Committee on Claims.

By Mr. SHIPSTEAD:

A bill (S. 2339) granting an increase of pension to Nancy E. Cleer (with accompanying papers); to the Committee on Pensions.

A bill (S. 2340) to transfer to the city of Duluth. Minn., the old Federal building, together with the site thereof; to the Committee on Public Buildings and Grounds.

A bill (S. 2341) to authorize the conversion of the war-risk term insurance of William R. Wold, deceased; to the Committee on Finance.

A bill (S. 2342) providing for a per capita payment of $100 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States; to the Committee on Indian Affairs.

A bill (S. 2343) extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway; to the Committee on Commerce.

A bill (S. 2344) for the relief of Katherine Anderson; to the Committee on Claims.

By Mr. GOFF:

A bill (S. 2345) granting an increase of pension to Sarah E. Harrison (with accompanying papers);

A bill (S. 2346) granting an increase of pension to Julia A. Zinn (with accompanying papers); and

A bill (S. 2347) granting a pension to Lelia M. Marple; to the Committee on Pensions.

A bill (S. 2348) granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River, near Devon, Mingo County, W. Va.; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 2349) granting compensation to Joseph M. Burr; to the Committee on Finance.

A bill (S. 2350) to reimburse R. B. Miller and to repay him for overcharge in freight on manganese shipments paid by him to the United States Railroad Administration; to the Committee on Claims.

A bill (S. 2351) granting a pension to Emily J. Hendricks;

A bill (S. 2352) granting a pension to Virginia Canterbury;

A bill (S. 2353) granting a pension to Emily Asbury; and

A bill (S. 2354) granting an increase of pension to Ida Orem; to the Committee on Pensions.

By Mr. EDWARDS:

A bill (S. 2355) to remit the duty on a carillon of bells to be imported for Princeton University, Princeton, N. J.; to the Committee on Finance.

A bill (S. 2356) to repeal the national prohibition act; to the Committee on the Judiciary.

A bill (S. 2357) to prevent the use of poisonous materials in the denaturing of alcohol; to the Committee on Manufactures.

By Mr. FRAZIER (by request):

A bill (S. 2358) to provide for restoration to the public domain of certain lands in the State of California which are now reserved for Indian allotment purposes;

A bill (S. 2359) to provide for the collection of fees from royalties on production of minerals from leased Indian lands;

A bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'";

A bill (S. 2361) to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex.; and

A bill (S. 2362) to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River, Okla.; to the Committee on Indain Affairs.

By Mr. BRUCE:

A bill (S. 2363) for the relief of Richard Riggles; and

A bill (S. 2364) for the relief of the American Transatlantic Co., a corporation duly incorporated under the laws of the State of Delaware; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 2365) for the relief of G. W. Rogers; to the Committee on Claims.

A bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions;

A bill (S. 2367) to regulate the practice of osteopathy in the District of Columbia; and

A bill (S. 2368) to provide for the detention of fugitives apprehended in the District of Columbia; to the Committee on the District of Columbia.

By Mr. REED of Pennsylvania:

A bill (S. 2369) to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes; to the Committee on Territories and Insular Possessions.

A bill (S. 2370) to amend section 24 of the immigration act of 1917; to the Committee on Immigration.

A bill (S. 2371) to increase the fees of jurors in Federal courts; to the Committee on the Judiciary.

A bill (S. 2372) to amend section 201, subdivision (1) of the World War veterans' act, 1924, as amended; to the Committee on Finance.

A bill (S. 2373) to define the promotion list officers of the Army and to prescribe the method of their promotion, and for other purposes;

A bill (S. 2374) to combine the limited and unlimited retired lists of the Army into one list, and for other purposes;

A bill (S. 2375) to provide for retirement of officers of the Army after 35 years' service, and for other purposes;

A bill (S. 2376) to provide for retirement of officers of the Army who have had 40 years' service, or are 60 years old, and for other purposes;

A bill (S. 2377) to provide for the transfer from the active list of the Army of promotion list colonels, and for other purposes;

A bill (S. 2378) to provide for voluntary transfer from the active list of the Army of promotion list officers appointed on or before July 1, 1920, and for other purposes;

A bill (S. 2379) to provide for the final classification of officers of the Army who are placed in class B, and for other purposes;

A bill (S. 2380) to prescribe the compensation of officers of the Army who are separated from the active list because of their classification in class B, and for other purposes;

A bill (S. 2381) to provide for the selection and appointment of chiefs and assistant chiefs of branches of the Army, and for other purposes;

A bill (S. 2382) to provide for a general personnel board of the Army, and for other purposes;

A bill (S. 2383) to provide for a system of examinations for promotion of officers in the Army, and for other purposes;

A bill (S. 2384) to remove restrictions regarding freedom of retired Army officers to accept employment or civil office, and for other purposes;

A bill (S. 2385) to provide for the transfer from the promotion list of the Army of a sufficient number of officers to make the total separations for each year equal to 4 per cent of the whole number of promotion-list officers, and for other purposes;

A bill (S. 2386) to authorize the President to fix the percentages of enlisted men of the Army in the sixth and seventh grades, and for other purposes;

A bill (S. 2387) to authorize appropriations for contingencies of the Army;

A bill (S. 2388) to authorize payments in advance for subscriptions to newspapers and periodicals, and for certain expenses of military attachés;

A bill (S. 2389) to authorize the disbursement of and accounting for the appropriation "Pay, etc., of the Army" as one fund, and for other purposes;

A bill (S. 2390) to authorize the adjustment and settlement of claims for damages to and loss of private property;

A bill (S. 2391) to provide for the purchase of horses and mules for the Military Establishment;

A bill (S. 2392) to authorize the employment of consulting engineers for the Air Corps and the Ordnance Department;

A bill (S. 2393) to authorize settlement of damages to persons and property by Army aircraft;

A bill (S. 2394) to authorize the employment of civilians to deliver special lectures at general and special service schools;

A bill (S. 2395) to authorize reimbursement of travel expenses of officers for instruction purposes in connection with the Engineer School;

A bill (S. 2396) to authorize the purchase of options on materials for engineer operations, and temporary construction at camps, and for other purposes;

A bill (S. 2397) to authorize mapping agencies of the Government to assist in preparation of military maps;

A bill (S. 2398) to authorize appropriations for pay of the Military Academy to be disbursed and accounted for as one fund;

A bill (S. 2399) to fix the pay and allowances of chaplain at the United States Military Academy;

A bill (S. 2400) to authorize the transfer of surplus materials for construction of buildings at West Point;

A bill (S. 2401) to exempt the constructing quartermaster at the Military Academy from the laws governing employment;

A bill (S. 2402) to authorize the United States Military Academy to make expenditures without advertising;

A bill (S. 2403) to authorize the interchangeability of amounts appropriated under the appropriation "Arming, equipping, and training the National Guard";

A bill (S. 2404) to restrict expenditures from the annual appropriations for the Organized Reserves, except for medical officers and nurses;

A bill (S. 2405) to prohibit the training of any person after his twenty-fourth birthday in the citizens' military training camps;

A bill (S. 2406) to limit the issue of reserve supplies or equipment held by the War Department;

A bill (S. 2407) to authorize the admission of equipment or material free of duty;

A bill (S. 2408) to amend section 127a, national defense act, to authorize engineer officers to attend civil technical institutions; and

A bill (S. 2409) to amend section 1223 of the Revised Statutes of the United States; to the Committee on Military Affairs.

A bill (S. 2410) to amend section 1440 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

A bill (S. 2411) to amend section 15 of the national defense act as amended by the act of June 4, 1920, so as to provide a more equitable system of promotion for Army chaplains, and for other purposes; and

A bill (S. 2412) to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923; to the Committee on Military Affairs.

By Mr. HOWELL:

A bill (S. 2413) for the relief of Juan Anorbe (with accompanying papers);

A bill (S. 2414) for the relief of Athanasios Metaxiotis (same papers as accompanying S. 2413);

A bill (S. 2415) for the relief of Steadman Martin (same papers as accompanying S. 2413);

A bill (S. 2416) for the relief of Frank Guelfi (same papers as accompanying S. 2413);

A bill (S. 2417) for the relief of Rudolph Ponevacs (same papers as accompanying S. 2413);

A bill (S. 2418) for the relief of Charles C. J. Wirz (same papers as accompanying S. 2413);

A bill (S. 2419) for the relief of R. Depue (with accompanying papers);

A bill (S. 2420) for the relief of Adriano Cruceta, a citizen of the Dominican Republic (with accompanying papers);

A bill (S. 2421) to authorize the Comptroller General of the United States to relieve James O. Williams, former special disbursing agent of the Bureau of the Census, in the settlement of his account (with accompanying papers);

A bill (S. 2422) for the relief of Victorina Mesa, of Cavite, P. I. (with accompanying papers);

A bill (S. 2423) to allow credit in the accounts of George W. Evans, late disbursing officer of the Department of the Interior (with accompanying papers);

A bill (S. 2424) for the relief of A. N. Ross (with accompanying papers); and

A bill (S. 2425) to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies (with accompanying papers); to the Committee on Claims.

By Mr. BRUCE:

A joint resolution (S. J. Res. 68) authorizing and directing the Postmaster General to investigate the facts regarding the use in the Postal Service of a certain invention, device, or instrument for the postmarking of mail packages and for the cancellation of postage stamps and to report on what would be an equitable compensation for such use during the life of the letters patent thereon; to the Committee on Post Offices and Post Roads.

By Mr. TRAMMELL:

A joint resolution (S. J. Res. 69) providing for a survey and examination of the Miami (Fla.) Harbor; and

A joint resolution (S. J. Res. 70) providing for a survey and examination of the Pensacola (Fla.) harbor; to the Committee on Commerce.

By Mr. WAGNER:

A joint resolution (S. J. Res. 71) providing for the issuance of a special postage stamp in commemoration of the one hundred and fiftieth anniversary of the founding of the government of the State of New York; to the Committee on Post Offices and Post Roads.

COMPENSATION FOR INJURIES TO EMPLOYEES IN THE DISTRICT

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (S. 1653) relating to assuring compensation for accidental injuries of employees in certain occupations in the District of Columbia, which was referred to the Committee on the District of Columbia and ordered to be printed.

CHANGES OF REFERENCE

On motion of Mr. HOWELL, the Committee on Claims was discharged from the further consideration of the following bills, and they were rereferred as indicated below:

S. 606. An act for the relief of Harry H. Burris;

S. 1207. An act for the relief of Alfred O. Huestis;

S. 1320. An act for the relief of Walter M. Donnelly; and

S. 1444. An act for the relief of Horton B. Herrin; to the Committee on Military Affairs.

S. 896. An act for the relief of Adaline White; and

S. 901. An act for the relief of Hazel E. Simms; to the Committee on Finance.

S. 372. An act for the relief of Joe W. Williams; to the Committee on Public Lands and Surveys.

S. 2008. An act for the relief of the parents of Wyman Henry Beckstead; and

S. 1485. An act for the relief of T. G. Roberts; to the Committee on Naval Affairs.

S. 910. An act for the relief of John L. Hays; and

S. 1842. An act for the relief of A. D. Games; to the Committee on Civil Service.

On motion of Mr. SHIPSTEAD, the Committee on Interstate Commerce was discharged from the further consideration of the bill (S. 1760) to increase the capital stock of the Inland Waterways Corporation, and it was referred to the Committee on Commerce.

INVESTIGATION OF CONDITIONS IN THE COAL FIELDS

Mr. JOHNSON. Mr. President, I submit a resolution which I ask may be referred to the Committee on Interstate Commerce. In offering the resolution I simply want to invite the attention of the Interstate Commerce Committee to a condition that beggars a description in the coal fields which are described in the resolution, and to ask of that committee that it give to the determination of whether or not an investigation ultimately shall be had, the best that there is in the committee, as of course it will do in any event, and that, if the conditions be as are reported, they uncover them fearlessly and let the people understand exactly what those conditions are.

The resolution (S. Res. 105) was read and referred to the Committee on Interstate Commerce, as follows:

Resolved, That the Senate Committee on Interstate Commerce be, and it is hereby, authorized and directed immediately to make a thorough and complete investigation of the conditions existing in the coal fields of central Pennsylvania, western Pennsylvania, West Virginia, and Ohio; also to ascertain whether the railroad companies and their officials have been or are, by agreement or otherwise, endeavoring to depress the labor cost of coal produced by union-mine labor; also whether in the said coal fields wage contracts have been abrogated or repudiated, whether defenseless men, women, and children, without cause, have been evicted from their homes, and generally what has transpired in the said coal fields, and the reasons for conditions and happenings therein; and in this connection, the said committee shall ascertain whether in industrial disputes or strikes in said coal fields injunctions have been issued in violation of constitutional rights, and whether by injunction or otherwise, the rights granted by the Constitution of the United States have been abrogated and denied.

The expenses of said committee hereunder shall be paid out of the contingent fund of the Senate. Upon the conclusion of its investigation the committee shall forthwith report to the Senate.

Said committee is hereby empowered to sit and act at such time or times and at such place or places as it may deem necessary; and to require by subpœna or otherwise the attendance of witnesses, and the production of books, papers, and documents, and to do such other acts as may be necessary in the matter of said investigation.

The chairman of the committee, or any member thereof, may administer oaths to witnesses. Every person who having been summoned as a witness willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation hereby authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

REIMBURSEMENT OF MONEY ADVANCED BY NEVADA

Mr. PITTMAN. I introduce a resolution which I ask may lie over under the rule.

The VICE PRESIDENT. The resolution will go over under the rule.

Mr. JONES. May we have it read?

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 106), as follows:

Resolved, That the Comptroller General is hereby authorized and directed to investigate and report to the Senate the amount of money actually advanced and expended by the State of Nevada, or by the Territory of Nevada and assumed by said State, in aid of the Government of the United States during the War between the States, with such interest on the same as said State has actually paid, in accordance with the opinion of the Supreme Court in New York *v.* The United States (160 U. S. 598); together with such amounts as have been heretofore reimbursed said State by the United States.

The VICE PRESIDENT. The resolution will go over under the rule.

THE AMERICAN TRANSATLANTIC CO.

Mr. BRUCE submitted the following resolution (S. Res. 107), which was referred to the Committee on Claims:

Resolved, That Senate bill No. 2364, entitled "A bill for the relief of the American Transatlantic Co., a corporation duly incorporated under the laws of the State of Delaware," be, and the same is hereby, referred to the Court of Claims for investigation and report, in accordance with the provisions of section 151 of the Judicial Code.

STATUE OF ALEXANDER HAMILTON STEPHENS

Mr. HARRIS submitted the following concurrent resolution (S. Con. Res. 6), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Alexander Hamilton Stephens, presented by the State of Georgia, 5,000 copies, of which 1,000 shall be for the use of the Senate and 2,500 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Georgia.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, and shall procure suitable illustrations to be bound with these proceedings.

RADIO EQUIPMENT FOR THE SENATE

Mr. DILL. Mr. President, a few days ago I introduced a resolution providing for the electrical wiring of the Senate for the purpose of broadcasting the Senate debates. At that time I made the statement that no parliamentary body in the world had ever broadcast its proceedings. I made the statement on a limited investigation by the librarian in the Legislative Reference Bureau of the Library. On Friday last Mr. Meyer called me by telephone and said he had found that he was mistaken, and gave me a statement from which I want to give information for the RECORD.

This report by the legislative reference bureau of the Library of Congress shows that in the latter part of the year 1926 the Parliament of Finland, the Finnish Diet, broadcast the proceedings of the legislative body; that in Germany, in November, 1926, a large number of radio listeners petitioned for the broadcasting of the proceedings of the Reichstag, and after considerable discussion the proposal was amended and permission was given for the broadcasting of the speeches of the ministers and for the Government announcements.

The matter was taken up in the British House of Commons in March, 1926, and was discussed by Mr. Fraser on March 10, when he asked Mr. Baldwin, the parliamentary leader, as to the wisdom of the proposal. The matter again came up at a later period, March 22, when Mr. Baldwin said the "greatly preponderating body of opinion" was against broadcasting proceedings of the British House of Commons.

A report from Japan states that in December, 1925, the proceedings of the Japanese Parliament were broadcast. I have not been able to learn the results of this experiment.

I may add that the proposal to broadcast the Senate debates does not involve the expenditure of the millions of dollars that it is said to be necessary to expend in Senate Document No. 9, Seventieth Congress, because that report refers to a proposal that the debates should be broadcast through Government stations. I have here an editorial from the New York Herald-Tribune of January 6, 1928, on this subject, which I should like to have read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Chief Clerk read as follows:

SENATOR "MIKE"

Senator DILL'S proposal that each desk in the Senate Chamber be equipped with a microphone finds us curiously responsive. Not that we consider the windy outpourings of the average Senator of sufficient importance to warrant their broadcasting from ocean to ocean, or that we think the public will find the day-to-day proceedings of that solemn body particularly instructive or entertaining. In seconding Senator DILL'S motion it is not the effect on the listeners we are thinking of, but the effect on the Senators themselves.

The radio is having much the same influence on oratory that the motion picture has had on acting; it is eliminating the ranter. We may say what we please about the interposition of the machine between performer and audience, but in both cases, in muting the spell of personality it has put a premium on matter as against manner. If you would be an actor for the screen, you must be above all things natural. Old-fashioned "acting" is out; the cold celluloid makes it ridiculous. Similarly, if you would talk to radio listeners you must do so quietly, naturally, with something to say. Coming out of the blank mouth of a loud speaker, old-fashioned oratory sounds exactly like the thing it really is—bombast.

So we are inclined to believe a "mike" on every Senator's desk would act upon him in the end not so much as an invitation to "tell the world" as a brake on his oratorical impulses. With nothing now but the helpless CONGRESSIONAL RECORD to talk at—if one omits the empty benches and a few sleeping colleagues—he can and does cut loose with hurricanes of "hot air." But with a cold metal "mike" staring him in the face and the consciousness that behind it lurked a vast audience only a little more responsive, would he curb his fustian and "get down to cases"?

EXECUTIVE ASSUMPTION OF WAR-MAKING POWER

Mr. BLAINE. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Albert H. Putney, professor of constitutional law in the National University Law School, on the subject "Executive assumption of war-making power." It consists of 41 pages, with citations and notes, published in the National University Law Review of May, 1927, volume 7, part 2.

Mr. BINGHAM. Mr. President, I suppose the Senator realizes that printing an article of this kind in the RECORD costs about $100 a page. Would not the Senator's desire be met by having it printed as a public document? In that case it would be printed in larger type, and at less expense.

Mr. BLAINE. Mr. President, the article is a very valuable compilation of authorities upon the question. My purpose is to make it available to Members of this body, and to the public generally. It has been suggested that perhaps it would be more desirable to have it in the form of a public document. I therefore change my request in that regard and ask that it be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it will be printed as a public document.

DIPLOMATIC IMMUNITY

Mr. BLEASE. Mr. President, I am informed by proper authorities that the law in this District prohibits the driving of an automobile by any child under 16 years of age under any conditions or circumstances; and from 16 to 18 a child may drive by the consent of its parents, provided one of the parents is in the car at the time; that trucks may be driven by boys from 18 to 21 years of age, but no vehicle that carries passengers may be.

I ask that the clerk read an article from this morning's Washington Post, and I ask the Committee on the Judiciary to give consideration to the bills which I introduced at the last session of Congress, and also at this session, asking that the laws of this country be enforced to all people alike.

I think that when a country sends a man to this country as an ambassador, or in any other capacity, it certainly should not send a murderer, or a rapist, or a man who would commit arson; at least it should send one who would not be guilty of any one of those three classes of crimes. When they have no regard for this country, but send that class of people here, I think that when they kill children on the street, when they take Amercian girls to places for debauchery and debauch them and brag on it, and openly violate the Constitution otherwise, it is time to lay aside courtesy, and instead of having troops in Nicaragua, where we have no business, to defend money interests, we should bring them here and put them on the streets of the District of Columbia to protect the lives and the property and the virtue of the women of our country and the lives of our little boys and girls.

I ask that the committee give consideration to my bill.

The VICE PRESIDENT. The clerk will read the article.

The Chief Clerk read as follows from the current issue of the Washington Post:

IMMUNITY PLEA MADE FOR BOY

A plea of diplomatic immunity was entered yesterday in behalf of his 14-year-old son, Henry A. Howard, driver of an automobile which figured in a traffic accident Saturday night, by Sir Esme Howard, the British ambassador.

Police of the fourteenth precinct honored the claim and as a result any action taken against the boy will have to come through the Department of State. Young Howard was driving an automobile, occupied by his mother and father, which struck and severely injured Beatrice Mae De Forest, 12 years old, daughter of John S. De Forest, paymaster of the United States Weather Bureau, of 3028 Porter Street NW., at Connecticut Avenue and Porter Street NW., where she alighted from a street car.

The child was taken to Emergency Hospital, and after treatment her condition was considered not serious. She was permitted to be removed to her home. At the home, her parents stated, the child had suffered concussion of the brain and a loss of memory and her condition had taken a serious turn since her discharge from the hospital.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 483) authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings.

PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. FESS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 483 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

HENRY W. KEYES,
SIMEON D. FESS,
HENRY F. ASHURST,
Managers on the part of the Senate.

RICHARD N. ELLIOTT,
J. WILL TAYLOR,
FRITZ G. LANHAM,
Managers on the part of the House.

The report was agreed to.

THE TARIFF AND AGRICULTURAL RELIEF

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The resolution (S. Res. 52) submitted by Mr. MCMASTER December 13, 1927, was read, as follows:

Resolved, That the United States Senate favors an immediate lowering of tariff schedules, and tariff legislation, embodying lowered schedules, should be considered and enacted during the present session of Congress; be it further

Resolved, That a copy of this resolution be transmitted to the House of Representatives.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. MCMASTER. Mr. President, at the outset I wish to say that there are three principles pertaining to the tariff system which has been advocated by the Republican Party and which may be expressed in the following language:

1. The tariff shall represent the difference in the cost of production at home and the cost of production abroad.

2. If the agricultural class, or any other class, because of conditions imposed by a tariff system, can not obtain a just and proportionate share of national prosperity, then additional compensatory legislation shall be enacted to give to such class its full and proportionate share of national prosperity.

3. Using the language of the statesman, John Sherman, "If the combination [meaning a trust or a monopoly] is aided by our tariff laws, they should promptly be changed, and, if necessary, equal competition with all the world should be invited in the monopolized article."

The essence of those principles has been enunciated time and time again in Republican platforms. The most illustrious leaders of the Republican Party, men who have been pillars of strength to the party, have championed those principles; and now, if the discussion of these questions reveals that the policies of the Republican Party do not conform to those principles, then speedy action should be taken in order that our policies should be in alignment; and that will add to the strength of the Republican Party. If, on the other hand, these discussions show that the Republican policies are in alignment on those principles, that will add to the strength of the Republican Party. However, that which is of infinitely more importance will be this, that the public may be benefited by the discussions.

Before entering into a discussion of the pending resolution, it would be well to examine and to inspect a certain nostrum that is being used for the purpose of soothing and allaying this rising tide of discontent among the farmers over these tariff relationships. That nostrum is this: We are informed by those in high places with great assurance that everything the farmer uses in farming is upon the free list, and most of the things that he sells are upon the protected list. In order that we may have a clear and comprehensive idea of those articles upon which the farmer pays a duty, and which are known as the necessities of life, but which he does not use in farming, permit me to read just a partial list:

Kitchen and household utensils, stoves, furniture, sheets, pillowcases, mattresses, rugs, carpets, table linen, tableware, clocks, glassware, earthenware, clothing, hosiery, gloves, all wearing apparel, and hundreds of other articles.

It is equally certain that the following articles, which the farmer uses in farming, are also upon a highly protected list:

Scythes, sickles, hammers, saws, scoops, shovels, pitchforks, corn knives, grass hooks, grindstones, pliers, files, drainage tools, machine tools, horseshoes, horseshoe nails, nails, steel wire, galvanized wire, roofing felt, strap leather, paints, brick, tile, baling wire, cast-iron pipe, cream separators valued at $50.

Then we are informed that harnesses are upon the free list. The buckles and the clasps and the hardware used in connection with harnesses are upon a highly protected list, and who ever heard of a farmer using a harness that did not have a buckle or a clasp or some hardware on it? As a matter of fact, the importations of harness into this country are insignificant. All of which goes to show that this provision for free harnesses is a sham and a fraud.

There are those who point with great pride to the fact that farm implements are upon the free list. Let us examine the subtle sophistry of that contention. The prices of farm implements are controlled and dominated by a trust that not only controls and dominates the farm-machine market of America, but which controls and dominates the farm-machine market

of the world. The importations of farm machinery into this country are insignificant. Last year we exported $78,000,000 worth of machinery, and the farm implement is one of the few manufactured products of this country that has been steadily rising in price since the war. A binder costs more money to-day than it did at war-peak prices, because the heads of the manufacturing concerns which manufacture farm implements meet in secret and behind closed doors, and make up the price list for the ensuing year. Does anybody doubt that statement? Let the record speak. The report of the Federal Trade Commission on the causes of high prices of farm machinery says:

> Practically all important manufacturers of farm implements are members of the National Implement and Vehicle Association, which was formed in 1911 by the union of several existing farm-implement associations.
>
> Under cover of bringing about uniform cost accounting, uniform terms of sale, and standardization of products the manufacturers who are members of these associations repeatedly advanced prices of farm implements by concerted action during the period 1916 to 1918, inclusive.

What they were doing during that period they were doing before that time and continued to do after that time.

Thus disappears the sophistry of those who would lead the farmer to believe that because his farm implements are upon the free list he has been given a special favor under this law.

We have examined the list of articles upon which the farmer pays duty and we find that he not only pays a duty upon the necessities of life which are not used in farming, but we find that he pays a duty upon practically all the articles used in farming excepting farm implements, and when the farmer buys farm implements he is gouged by a giant Machine Trust.

Now, for a moment let us examine some of the schedules of the tariff act of 1922.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from South Dakota yield to the Senator from Wisconsin?

Mr. MCMASTER. I yield.

Mr. BLAINE. Before the Senator leaves the discussion in relation to imported farm machinery I want to call his attention to the fact that the value of agricultural implements manufactured in the United States in 1921 amounted to $334,915,000, while the importations of farm implements—that is, those farm implements which are free of duty—amounted to the insignificant sum of only $2,327,956.

Mr. MCMASTER. But some of those imports might have been reimports of machinery which had been exported by us.

Mr. BLAINE. I want to say to the Senator that any 10 important agricultural counties in any one of the Mississippi Valley agricultural States would absorb all imported farm implements, which would not have an appreciable effect upon the price of farm implements.

Mr. MCMASTER. I think the Senator is quite correct in his conclusion. The figures which he furnishes conclusively show that so far as farm machinery being upon the free list affecting the price in America, it has no effect whatsoever.

Let us proceed to examine some of the schedules in the tariff act of 1922.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. MCMASTER. Yes; I yield.

Mr. SHIPSTEAD. In the manufacture of farm machinery a great deal of iron and steel is used.

Mr. MCMASTER. Yes; that is true.

Mr. SHIPSTEAD. I did not hear all of what the Senator said. Did the Senator call attention to the fact that the tariff on pig iron was raised 50 per cent a year ago?

Mr. MCMASTER. I did not call attention to it, but that is a statement of fact that the Senator from Minnesota has made.

The law was supposed to establish a copartnership wherein industry and agriculture were to share and share alike. The amazing discrepancies and disparities between the protection afforded agricultural products and the protection afforded industrial products are astounding.

The duty on cattle, 1½ to 2 cents per pound, is approximately 16 per cent of the present market value. The duty on sheep is $2 per head, or about 25 per cent of the present market value. The duty on corn is 15 cents a bushel, or 16 per cent of its market value. The duty on wheat is a tariff of 42 cents a bushel, which is largely inoperative. The duty on horses and mules is 20 per cent of their value. The duty on eggs is 8 cents a dozen, or 25 per cent of their value. The duty on poultry is 3 cents a pound, approximately 10 per cent of its value. The duty on milk is 2½ cents a gallon, or about 5 per cent of its value. The duty on wool is 12 cents per pound, or 30 per cent of its value.

There are innumerable articles of finished steel and iron products with duties ranging from 25 to 45 per cent. The duty on rugs and carpets is from 40 to 55 per cent of their value; on finished cotton and woolen goods from 25 to 55 per cent of their value; on chemicals, oils, paints, and coal-tar products, 25 to 40 per cent; on clothing made of wool, 24 cents a pound and 40 per cent of its value; on white granite, semiporcelain, earthenware, and stoneware, 45 per cent of their value; table and kitchen articles and utensils of glass, 50 to 55 per cent of their value; table, kitchen, bread, and butcher's knives, from 1 to 16 cents each, and in addition thereto 45 per cent of their value. The duty on table and household utensils made of aluminum is 11 cents a pound and 55 per cent of their value. This deadly parallel could be continued indefinitely.

Mr. SMOOT. Mr. President——

Mr. MCMASTER. I yield to the Senator from Utah.

Mr. SMOOT. I have been wondering from what tariff act the Senator is quoting.

Mr. MCMASTER. The tariff act of 1922.

Mr. SMOOT. The Senator is quite wrong in some of his figures.

Mr. MCMASTER. The Senator will have an opportunity to check all of those errors.

Mr. SMOOT. I will not have an opportunity to look them over.

Mr. MCMASTER. The Senator will have an opportunity in the RECORD to-morrow to correct any error. I took them from the tariff schedules under the act of 1922. At any rate, they are not so far off but that after the Senator has corrected them he will discover an amazing difference between the outrageous schedules afforded industries and the pitiable amounts of duty that were afforded agricultural products. No one need to go much further than the parallel of duties allowed to agriculture and duties permitted on industrial products to ascertain why the farmer's dollar is worth only 89 cents.

Mr. KING. Mr. President, will the Senator yield?

Mr. MCMASTER. Certainly.

Mr. KING. I hope the Senator, before he concludes his very able address, will quote the statement of that illustrious Republican, former Senator Knute Nelson, with reference to the same tariff act which the Senator is discussing, in which he said the manufacturers knew what they wanted, and came here with their bag and baggage and got all that they wanted. He could not have said that of the farmer.

Mr. MCMASTER. These figures are taken from schedules which were written in the tariff act of 1922.

Mr. MCLEAN. Mr. President, if the Senator from South Dakota will pardon me, the rates in the emergency tariff act and in the 1922 tariff act were as high as the farmers requested at the time the bill was written. Representatives of the agricultural industry of the country appeared before the committee and the rates they asked for were given them.

Mr. MCMASTER. I will say to the distinguished Senator from Connecticut that I am just coming to the testimony given by the representatives of the farm organizations before the Committee on Finance and that will completely answer the contention made by the distinguished Senator.

We find the Finance Committee of the Senate meeting in the summer of 1921. Those were dark, tragic days for agriculture. In 1920, when they ordered deflation, the Federal Reserve Board committed the most monumental blunder ever committed by a governmental agency during the last quarter of a century. Every impartial student to-day recognizes that act as a vicious act, recognizes that that act was conceived in folly, and it was executed in folly.

On the one hand we have a governmental agency which was commanding the farmers to pay, and on the other hand we have another governmental agency destroying the guaranteed price of wheat, taking away from the farmer his ability to pay, with the result that within a few weeks wheat dropped from $2.26 a bushel to 50 cents a bushel, corn dropped from $1.75 a bushel to 20 cents a bushel, and other products correspondingly were decreased in value, with the result that the farmers' values were deflated by $20,000,000,000. No greater economic tragedy was ever visited upon a class during the war save only in those lands which were torn by shot and shell and swept by the flame of war.

It was in the shadow of that tragedy that we find the Finance Committee of the Senate meeting in the summer of 1921.

We find representatives of farm organizations from all over America appearing before that committee and asking for help, asking for protection in their hour of need. We find the representatives of the dairying interests of New England, from the Mid West, from the Pacific Coast States, appearing before that committee asking for a duty of 3½ cents a gallon on milk. In those dark days a fair price for milk for the farmer would have been a wonderful boon to him. The dairying interests produce 14,000,000,000 pounds of milk in America annually. Did they receive that 3½ cents per gallon on milk? Oh, no. They received 2½ cents a gallon.

Mr. SMOOT. It was 3 cents before.

Mr. McMASTER. That furnishes the justification, then, for always permitting just enough importation of milk to keep the farmer's nose on the grindstone.

Mr. SMOOT. I want to say to the Senator again that the farmers of the country dictated every tariff figure in the bill.

Mr. McMASTER. It looks like it.

Mr. SMOOT. Every one of them. I say that to the Senator now without a moment's hesitation.

Mr. McMASTER. Let us proceed to examine the evidence and if the Senator wishes to quarrel with the record, that will be his privilege.

We find the representatives of the dairying interests appearing before the Finance Committee asking for a duty of 10 cents a pound on butter. While one of the witnesses was testifying we find the Senator from Utah [Mr. SMOOT] interposing with a question.

Senator SMOOT. I am wondering why you are asking more than 8 cents here, when your exports are over 50 per cent of what your imports are.

Mr. BALDERSON. For the simple reason that we object—

Again he was interrupted by the Senator from Utah interposing:

To any coming in?

Mr. BALDERSON. To being a dumping ground for butter from other countries who want to flood this country, at times when it suits them, with surpluses which they can not sell in their regular markets.

Did they receive their duty of 10 cents a pound on butter? No; they received 8 cents a pound, but after a lapse of four years, after this matter had become agitated, fearing an exposé of the outrageous schedules that were given industrial products, there was an increase of 4 cents a pound in the duty on butter, raising it to 12 cents a pound.

Now, we find appearing again before that committee the representatives of the Livestock Association of America. Mr. E. B. Speller, of Fort Worth, Tex., representing Texas and Southwest Cattle Raisers' Association, appeared before the committee. He made this remarkable statement, the facts of which are well known to producers of cattle throughout America:

As to what benefit the tariff on cattle and hides would be to the livestock producers, I see it in this way: We know that in Argentine, Brazil, New Zealand, and other countries, they produce livestock, cattle, and sheep in very large quantities. Stock producers of those countries are the big packers of this country. They can throw on our markets at any time they desire enough beef to demoralize our beef market and they can throw upon our market at any time enough mutton to demoralize our mutton market. That is not speculation; that is not what we believe, but it is what we have seen done time and again in the past. We ask for those people who are struggling to try to remain in business, to rehabilitate their business, that they will be given the benefit of the tariff that will take away the danger of having their market destroyed in that way.

Then Mr. Prior, representative of the American Livestock Association, took the stand. In his testimony as to the needs of the cattle industry, he was interrupted by Senator SMOOT—

Senator SMOOT. Mr. Prior, will you tell me briefly just what you want so that I can have it here to refer to quickly?

Mr. PRIOR. That you enact a duty of 20 per cent ad valorem on all cattle and 20 per cent duty on hides imported into this country.

Did the livestock producers of this country receive an ad valorem duty of 20 per cent upon cattle and a 20 per cent duty upon hides? Oh, no.

Mr. SMOOT. But they would have received it if the Republican Party had been able to control the situation. The duty on hides was defeated here on the floor of the Senate. I have voted for every duty on hides which has been proposed since I have had an opportunity to vote on tariff bills.

Mr. McMASTER. I am very glad to hear the Senator say that he has voted for that duty.

Mr. SMOOT. That duty was in the bill when it was reported.

Mr. McMASTER. I am merely trying to call attention to the fact that the farmers did not get in the bill as high duties as they were asking for.

Mr. SMOOT. And I want to say——

Mr. HARRISON. Mr. President, the Senator from Utah [Mr. SMOOT] turns his back to us on this side of the Chamber. I do not know whether he does so because he does not wish us to hear what he is saying or not, but we wish to hear what is going on.

Mr. SMOOT. I stated the fact that the duty upon hides was defeated here upon the floor of the Senate, as, I suppose, the Senator from Mississippi will remember, but the Senator from South Dakota is charging that action to the Republican Party.

Mr. McMASTER. No.

Mr. SMOOT. I am quite sure that if the Senator will ascertain who voted for a duty on hides he will find that every one of the Senators on the other side of the Chamber who are going to support his resolution voted against it, with the exception of the Senator from New Mexico, and, I think, one other western Senator on the Democratic side, who voted for that duty.

Mr. McMASTER. It is immaterial to me who was responsible for the situation. All I want to show is that the farmers did not get what they asked for and they are going to ask for more and they expect to get the protection for which they will ask; they expect to get much—lot more than they have ever asked for in the past.

Mr. SMOOT. So far as concerns the duties which the farmers wanted, I will say that the farmers got everything they asked for in the present tariff law. There may have been some who said, "We want a larger increase," but if the Senator from South Dakota will ask the junior Senator from Idaho [Mr. GOODING] I think he will have confirmation that my statement is accurate.

Mr. McMASTER. The junior Senator from Idaho, as the RECORD shows, stood on the floor here pleading for a duty on hides. The RECORD also shows that the distinguished Senator from California [Mr. JOHNSON] had to use the utmost endeavor to get an 8-cent duty on eggs when the farmers were asking for a 10-cent duty on eggs. What I am trying to show is that all the farmer asked for is not contained in the present law, and I think I am establishing a pretty fair case.

Mr. SMOOT. Mr. President, the Senator may think so, but whenever one takes the tariff act of 1922 and compares it with the Democratic tariff act, it will be seen that nearly every item that the Senator has referred to to-day is on the free list in the Democratic tariff act. I have that list before me and it shows that the farmer had no protection at all.

Mr. McMASTER. That did not afford any excuse or justification for us when we had an opportunity to put on agricultural products duties as high as we possibly could get for them.

Mr. SMOOT. The junior Senator from Idaho, who spoke for the farm bloc at the time of the passage of the bill, stated that it was the only measure by which the farmers of this country had been amply protected.

Mr. McMASTER. But the farmer did not get everything in the law for which he was pleading. He failed, for instance, to secure a duty on hides.

Mr. SMOOT. Nor did I get everything in the law for which I was pleading.

Mr. McMASTER. It was disclosed that certain tanners appeared before the committee and objected to free hides; but possibly hides were put upon the free list because shoes were put upon the free list; though certainly the price of hides has very little relation to the price of shoes. Mr. E. W. Rucker, the attorney for the National Livestock Association, filed with the Committee on Finance a statement showing that a 15 per cent ad valorem duty on hides would not increase the price of shoes more than from 3½ to 4½ cents.

Mr. McLEAN. That is true; and the tariff on pig iron has very little relation to the price of harvesting machinery.

Mr. McMASTER. That may be true.

Now, in regard to the duty on rice, the two Senators from Louisiana had to put up a very strong fight on the floor here to obtain a duty on rice, showing that all along agriculture had the contest of its life and had to make the fight of its life to get what it did in the present tariff law.

Mr. McLEAN. Mr. President, I do not like to interrupt the Senator from South Dakota and if he does not care to be interrupted I will consider his wishes in the matter.

Mr. McMASTER. I want to be interrupted.

Mr. McLEAN. I am very much interested in his discussion and I am exceedingly interested in the prosperity of agriculture

throughout the country. I think I advocated the highest duties which were requested on agricultural products, especially on milk and butter. It seems to me that the remarks of the Senator so far indicate that, in his opinion, the rates on agricultural products are not sufficiently high.

Mr. McMASTER. I am making the contention that the rates upon industrial products are so outrageously high that they ought to be pared down, which would increase the purchasing power of the farmer and would not injure the industries in the slightest degree. It would also be of distinct benefit and advantage to the country.

Mr. McLEAN. Does the Senator know whether the rates on industrial products are higher than they should be?

Mr. McMASTER. I am just coming to that.

Mr. McLEAN. Because up to this time, apparently, what the Senator wants is another emergency tariff law to raise the rates on agricultural products.

Mr. McMASTER. We want a square deal.

Now, in regard to the duties that were allowed on industrial products, how different was the attitude of the Committee on Finance in regard to the rates to be imposed. The evidence shows that there were certain manufacturing concerns appearing before the committee at the very hour when they were asking for increased tariff rates which were fairly dripping with profits and cash dividends and stock dividends and surplus accounts. The record shows that shortly after the new protective tariff duties became firmly established, so far as industrial corporations were concerned, within a few months they began to declare enormous stock dividends. As an illustration of what was going on at that time, exemplifying the prosperous condition of those companies, I have a list here of certain corporations, which is as follows:

The Parke Davis Co. increased its capital from $12,000,000 to $25,000,000, and declared a stock dividend of 100 per cent; the New England Spring Bed Co. increased its capital from $1,000,000 to $5,000,000, and declared a stock dividend of 400 per cent; the Victor Talking Machine Co. increased its capital from $5,000,000 to $35,000,000, and declared a stock dividend of 700 per cent; the Whitin Machine Works increased its capital from $600,000 to $9,000,000, and declared a stock dividend of 1,400 per cent; the Brown-Sharp Co., of Providence, R. I., increased its capital from $100,000 to $16,000,000, and declared a stock dividend of 16,000 per cent.

I should like to know how many farmers in the year 1922 declared a dividend of as much as 16 cents, let along 16,000 per cent.

Mr. SMOOT. Mr. President, does the Senator claim that the tariff had anything to do with the institutions which he has named?

Mr. McMASTER. The Senator from South Dakota claims that at the very hour when these exorbitant schedules were being enacted into law these and other industrial corporations were immensely prosperous; that they were just on the eve of declaring these huge stock dividends, and there was no evidence of their financial condition which warranted the schedules and rates which were given to them.

Mr. SMOOT. The Senator must know that the tariff duties had nothing to do with the profits of the Victor Talking Machine Co.; and he must also know that tariff rates had nothing to do with some of the other companies to which he has referred. The prosperity of those companies is largely determined by patents which they hold, and the tariff has nothing to do with such patents. If their products are protected by patents and the American people buy the patented goods with no duties whatever they would be prosperous. Then why does the Senator bring such illustrations in here in condemnation of the tariff?

Mr. McMASTER. Does the Senator say that the Brown-Sharp Manufacturing Co., of Providence, R. I., which declared a stock dividend of 16,000 per cent, received no benefit from the tariff law?

Mr. SMOOT. Does the Senator know whether they had ever increased their capital prior to that time? Does he know that they grew for over 75 years and then decided they would issue the stock to their stockholders instead of proceeding as they had done in the past? Yet the Senator charges that to the tariff.

Mr. McMASTER. If the Senator from Utah desires to explain their prosperous condition or to make excuses for them, that is his privilege. I was merely showing——

Mr. SMOOT. Does the Senator think that the profits of that company were made in one year?

Mr. McMASTER. Let us take up the aluminum schedule.

Mr. SMOOT. In connection with the aluminum schedule, let me say to the Senator that aluminum ware can be bought to-day, notwithstanding the tariff duties on it, almost as cheaply as tin can be bought. Evidently something has occurred to reduce the price.

Mr. WALSH of Montana and Mr. KING addressed the Chair.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Does the Senator from South Dakota yield; and, if so, to whom?

Mr. McMASTER. I yield first to the Senator from Montana.

Mr. WALSH of Montana. The matter of duty on aluminum has been under consideration by the Senate on several occasions since the enactment of the law. The remarks just made by the Senator from Utah [Mr. SMOOT] prompt me to say a word. I am talking not about aluminum ware but I am talking about sheet aluminum, ingot aluminum, of which the Aluminum Co. of America has a complete monopoly and on which there is a duty of 3 cents a pound. Immediately after that rate of duty was established the Aluminum Co. of America increased its price from 21 cents to 25 cents, and to-day the current price is 27 cents.

Mr. SMOOT. Let me say to the Senator from Montana that if he will consider the prices of other products not only of mills but of various manufacturing concerns in the United States, whether they be dutiable or whether they be free, he will find that the increase in the price of aluminum is not nearly as much as is the increase in the price of many other commodities.

Mr. WALSH of Montana. I am giving the facts as they stand.

Mr. SMOOT. The Senator may give the facts as he understands them, but he does not explain that wages in this country have increased 100 per cent.

Mr. WALSH of Montana. Have they increased 100 per cent since 1922?

Mr. SMOOT. I do not know as to the particular industry——

Mr. WALSH of Montana. Have wages increased 100 per cent since 1922?

Mr. SMOOT. They have increased very greatly, but I will not say that they have increased 100 per cent since 1922.

Mr. WALSH of Montana. Of course, we do not know what the figures are as to the Aluminum Co. of America, because they never make any report at all of any kind.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Massachusetts?

Mr. McMASTER. I yield.

Mr. WALSH of Massachusetts. I wish to ask that the Senator from South Dakota may be permitted to have the floor and deliver his address. Interruptions by Senators which may tend to break up the continuity of thought in his speech ought not to be permitted; he ought to be able to deliver his speech, and deliver it fully and clearly without continuous interruptions that will make his speech in the RECORD appear to be no speech at all but a general discussion.

Mr. SMOOT. For the information of the Senator from Massachusetts, I will say that the Senator from South Dakota asked for interruptions, and said he would be pleased to have them.

Mr. WALSH of Massachusetts. Yes; but I do not think he asked to have speeches injected into his speech.

Mr. McMASTER. I am perfectly willing to be interrupted for questions, but I would prefer not have speeches made during the interruptions.

Mr. SMOOT. I will assure the Senator I will not interrupt him any further.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. McMASTER. Speaking of the aluminum schedule, when I remembered the pitiful amount of duties that were afforded the agricultural schedules, and realized the deplorable condition that agriculture was in at that time, I said to myself that if aluminum finished products had a duty of 11 cents a pound and an ad valorem duty of 55 cents per pound the evidence must reveal a frightful condition of the financial affairs of the aluminum industry of America. So I went through the testimony given before the Committee on Finance, but in that testimony I found very little evidence as to the actual financial condition of the aluminum company. I then went back to the hearings held before the House Committee on Ways and Means in 1912, and there we find the representative of the Aluminum Co. of America testifying to the fact that back in 1890 that company was organized with a paid-in capital of $1,500,000, and then we find that in 1912 that company had accumulated a surplus of $28,000,000, and that their capital and surplus had increased to $30,000,000. Then picking up the thread of the story, I found a letter published in the RECORD during the Senate debates in 1922 showing that that $30,000,000 of capital in 1912 had increased to $131,000,000 in 1922, in addition to the cash dividends which had been paid; and in addition to that the

stock value of that company upon the markets at that time amounted to $300,000,000, or it would have sold for that upon the stock exchange.

We have, therefore, a little capital of $1,500,000 during the course of a few years expanding and growing until it has reached $131,000,000.

I want to say to you that when some good farmer's wife out in the Northwest learns that upon an aluminum kitchen utensil of a factory value of $2 she must pay an ad valorem duty of 55 per cent, or $1.10, and 11 cents a pound in addition thereto, making $1.21 upon that aluminum kitchen utensil, and then when that farmer's wife thinks of how she must labor and with patience go out and gather 5 dozen eggs at a market value of 25 cents and transport those 5 dozen eggs to a market 5 or 6 miles away as a tribute to the aluminum industry of America, and when she thinks of the hundreds of dozens of eggs that she has thus contributed to the aluminum industry, and then when she recalls that when her husband goes with a bushel of wheat to the market he must transport that bushel of wheat to the world market and receive what the world will give for the wheat, I want to say that that woman is going to become agitated. But when that woman realizes and is informed that the officials of this aluminum company have opposed and do oppose every effort that is made to give that farmer's wife and her husband an equal share in the national prosperity, that woman is going to act; and you need not be surprised if she with her vote places a stick of dynamite under those aluminum schedules and all other similar schedules, blowing into smithereens that portion of your tariff system which permits of excess profits, which creates a breeding ground for trusts, and harbors and shelters monopoly.

The great Secretary of Agriculture, Mr. Jardine, says that if a woman should do a thing like that she would be an unthinking person. He says only the unthinking would criticize this law or would attempt to change any schedules in it.

That good woman out there in the Northwest may not comprehend the intellectual processes of the great Secretary of Agriculture, but she does comprehend and understand the common sense and the militant Americanism of John Sherman, who said that if there is any article that is monopolized the tariff laws should be lowered, and, if necessary, that monopolized article should be opened to the free competition of the world. John Sherman may not be as great a man as the distinguished Secretary of Agriculture; he may be unthinking; but still there are many who have great respect for the ability of John Sherman.

This tariff compact between the agricultural West and the industrial East has been in existence for a long period of time, and out of this long experience we find the farmer emerging with an 89-cent dollar. During the last 16 years that dollar has reached par only three times. During the last seven years it has ranged all the way from 69 to 89 cents in value; and one of the greatest factors producing that 89-cent dollar is the present tariff system under which we operate.

I want to say to the representatives of this industrial group you can no longer continue preaching to the farmers the doctrine that legislation will not help agriculture to obtain its just and proportionate share of national prosperity. The same chicanery and hypocrisy was practiced upon the laboring classes in England a century ago. The condition of English labor was pitiful. It beggars description; and English labor at that time went before Parliament and asked for a 12-hour day. Then these philosophers, these economists representing the industries of England, went before Parliament, and they said, "That proposal is economically unsound." They said, "You can not legislate the number of hours that a man can work, because you are legislating the price of labor, and when you legislate the price of labor you are increasing the cost of production, and if you do that you will ruin and destroy English industry, and take away from labor all opportunity for employment."

The 12-hour-day law was passed. Then came the 10-hour-day law, then the 8-hour-day law, and still English industries continued to expand and grow and develop; all of which demonstrates the fact that when human justice and human rights and a larger opportunity for the farmer and the laborer become enthroned in law they have a way all their own of making ridiculous the sophistries of avarice and of greed.

I wish to state here that the farmers of America are going to start to slash and hew their way through the barbed-wire entanglements that bar their pathway; and when they do that they know that their feet are treading upon a pathway of sound economic doctrine.

Last year the wages received by the American laboring man amounted to $11,000,000,000. Suppose you could cut that in two, and transfer five and one-half billions over to the profit account of the corporations. Would that spell prosperity for industry? Most assuredly not. With that decreased purchasing power factories and mills would close, and industrial valuations would be decreased by billions of dollars. If you add $2,000,000,000 to the purchasing power of American agriculture, you not only restore the billions that they lost through deflation but you stimulate every factory and mill in the United States to its capacity; you add billions of dollars of increased valuation to industrial values in the United States.

This resolution was not introduced merely for the purpose of a tariff revision, but it has a deeper significance than that. Only a few years ago the agricultural population was 60 per cent of our total population. It has since dwindled to 50, then to 40, and now it is only 29 per cent of our total population. As that population dwindles, so does its political power wane and fade; and the hour has come now for the farmer to strike, or else it will be too late.

I want to say to the representatives of the industrial group that the farmers of America are going to wage this fight to a finish; and if the industrial group invites it to its final conclusion it may smash your tariff system, but out of the ruins will arise a new tariff system and other compensatory legislation, which will give economic justice not only to the farmer but to the industrial classes as well.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from South Dakota [Mr. McMASTER] a question, if he will permit me. Would the Senator be willing to have his resolution changed by striking out the word "lowering" and insert the word "revision"; in other words, permit the resolution to favor revision of the tariff schedules rather than lowering of the tariff schedules?

Mr. McMASTER. I will say to the distinguished Senator from Massachusetts that I do not care to quibble over the words in the resolution so long as there is a distinct understanding and the words express the fact that there shall be a general lowering of tariff schedules. A revision, of course, might mean upward, and it might mean downward.

Mr. WALSH of Massachusetts. I think a general lowering is what is usually expected to happen when there is a revision. However, the opposite has sometimes happened.

I think the resolution as written would place some Senators in the position of advocating lower rates for protected industries that would be injurious. Nearly every Senator here, who has been familiar with tariff revision laws, will agree that in many instances there have been great abuses, extreme abuses; the protective-tariff principle has been used to enrich a few, it has been used for political advantage, and has tended to develop favored classes and cause the concentration of wealth in small groups in this country. It has been used to extort millions and millions of dollars from the great consuming public. Yet I recognize the fact that there are industries in this country, legitimately conducted, that are entitled to reasonable tariff protection, judicially determined, with a sincere consideration of the rights of the consumer as well as of the manufacturer or the producer.

The trouble with our tariff policy has been that instead of fixing tariff rates based on careful research and ascertained facts we have too often thought only of satisfying those who came here asking for tariff protection for their own selfish ends. Our attitude has been like a court of justice giving the plaintiff without hearing the defendant the amount of damages which he asks. In my judgment, the tariff policy pursued by the majority party has been one of simply asking the question, "How much do you want? Are you a good Republican? Did you contribute to the campaign fund? Are you loyal to the cause of the dominant party?" It has been a matter of criticism and, indeed, of condemnation for Senators to ask that the books of these tariff-protected industries be presented so that we may investigate what wages they are paying, how much the wage earners are getting of this tariff protection, to find out what their profits are, and to what extent the public is being charged unnecessarily increasing prices. I, therefore, agree with much the Senator has said of existing abuses in his able speech. It is a very excellent contribution to the public information on this important national issue. However, I, for one, refuse to be put in the position of denying reasonable tariff protection to any legitimate industry or honest producer in this country competing against cheap labor abroad who come here and show that the very life of a particular American industry depends upon reasonable tariff protection.

Therefore I hope the Senator will consider the suggestion I have made, and when we take this matter up to-morrow we can so change the resolution as to show our opposition and determination to provide against legalized extortion under the guise of protection, by passing a resolution that will give assur-

ance to the American public that these highly protected and privileged groups can no longer enjoy this excessive protection; that every legitimate industry and producer having a good case will know that the Senators in this body, whether they come from the North, South, East, or West, are willing to hear them. But we want facts. We want to know the exact degree of protection they need, and we will give them only that degree of protection which is fair to the producer, the wage earner, and the consuming public.

Mr. President, the agriculturists of the West are not the only group injured by the alleged increased prices resulting from excessive tariff rates. Excessive and unreasonably high tariff rates tend to promote general profiteering upon all classes of our population, to encourage industrial gambling and speculation, to destroy private enterprise, and ultimately lead to creation of monopolists. For instance, the exorbitant duties which have been levied upon raw wool has had a tendency to destroy the woolen manufacture industry instead of helping it.

The manufacturers and producers who benefit by protective tariff duties that are defensible are those engaged in producing commodities that either do not entirely supply the home market and must, therefore, compete with comparable imported commodities, or if they do supply the entire domestic market are actually, not fancifully, threatened with competition through importations from abroad in such volume as to be a factor in reducing domestic prices. In such instances our industries may claim protection against cheap foreign labor by tariff duties that equalize the difference in the cost of production here and abroad; such tariff duties serve the purpose of permitting the manufacturer to obtain a price equal to the price of production abroad plus duties collected at our customhouses upon the foreign-made competitive article. That degree of protection I am willing to extend to every honestly organized industry and producer. I do not intend to threaten such legitimate industries with a threat of a sweeping tariff reduction.

Mr. BORAH. Mr. President, I want to join with the able Senator from Massachusetts [Mr. WALSH] in requesting a modification of the resolution, inserting the word "revision." I, myself, am very much in favor of increasing some of these tariff duties, especially with reference to farm products. I am gratified, therefore, with the opportunity to join with a Senator from one of the New England States, that region of the country from whence comes the doctrine of reciprocity with Canada, in urging revision rather than horizontal lowering.

I hope the Senator from South Dakota [Mr. MCMASTER] will see his way clear to modify the resolution, as suggested by the Senator from Massachusetts, so that while we are considering the question we may consider increasing the duties upon farm products, and give the home market exclusively to the American farmer for those products which he is able to produce.

Mr. JONES. Mr. President, I want to ask the Senator from South Dakota a question, and I want to put it in relation to a concrete matter, in which the people of my State are very much interested.

Under the present tariff law shingles were put on the free list. That has practically destroyed the shingle industry in our State. I ask the Senator whether in any revision carried on in line with the language of his resolution a tariff could be put on shingles.

Mr. MCMASTER. I will say to the Senator from Washington the spirit of the resolution, the intent of the resolution, is that if there is a manufactured article that needs protection it will receive protection. If the Senator had been here when I started my remarks, he would have heard me define that principle and declare that that was the principle for which the Republican Party stood. That is the intent and purpose of the resolution.

Mr. JONES. I want to say to the Senator that I was here when he began, and I heard the statement he made, but his resolution reads as follows:

> That the United States Senate favors an immediate lowering of tariff schedules, and tariff legislation, embodying lowered schedules.

Mr. MCMASTER. It does not say "all" tariff schedules. If I had intended that all tariff schedules should be lowered, I would have used the word "all."

Mr. JONES. It says "tariff legislation, embodying lowered schedules"

Mr. MCMASTER. I wish to ask the Senator from Washington if the resolution were changed in the way he suggests, would he vote for it?

Mr. JONES. I do not know whether I would or not. I do not know just what revision the Senator is proposing to have made. I assure the Senator that his resolution will have my careful consideration, and I shall vote as I think I ought to vote.

Mr. DILL. Mr. President, I hope the suggestions made by the Senator from Massachusetts [Mr. WALSH] and by my colleague [Mr. JONES] about the changing of the wording of this resolution will be agreed to by the Senator from South Dakota. There are in the present tariff law certain schedules that are so manifestly unjust and unfair that to declare merely for a lowering of the schedules would by no means meet the situation.

I do not believe in absolute free trade. Nor am I one of those who believe that simply because some industry wants tariff protection it would be granted such protection. I believe that if the Tariff Commission does its work as it was intended it should do it, and Congress would follow its recommendations, we would then evolve a tariff which would equal the difference between the cost of production at home and the cost of production abroad. That should be our policy.

As was suggested by my colleague, we formerly had a great shingle industry in the State of Washington, and when a tariff was put on logs and shingles left on the free list, immediately a premium was placed upon oriental labor in Canada. Previous to the enactment of the last tariff law there was no tariff on either logs or shingles. Since the adoption of the discriminatory tariff on logs and the failure to place a tariff on shingles, 131 shingle mills in the State of Washington have been forced out of business, and approximately one-half of the shingle business has been destroyed, due to the discriminatory tariff against our own business. In addition to that, Canada has an export duty on logs. So that the present tariff law not only interferes with the free intercourse of the lumber industry in the Northwest, but it places a special discrimination against the shingle industry by putting a tariff upon logs.

This is but one of a number of examples in the present law which I think could be cited and which I feel justify us in insisting that we shall have a revision of the tariff rather than a mere lowering of the schedules.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. DILL. I do not intend to take any time in a lengthy discussion.

Mr. SMOOT. I simply want to remind the Senator that the Finance Committee reported a duty on shingles, and the Senate saw fit to take that duty off.

Mr. DILL. I am not criticizing the Finance Committee. I am talking about what the tariff law provides and what it has done to this great industry of the Northwest.

If the situation had been allowed to continue as it was, the industry might have survived, but when a tariff was put on logs and a tariff was refused on shingles the shingle people were driven out of business, and unless the law is changed most of the rest of the shingle mills in my State will be compelled to close.

All they are asking for is fair treatment in this matter, and the only reason we can not get it for them is that the party in power, the party pledged to tariff protection, by its tariff law, is destroying the shingle industry in the Northwest. Now, the Republican leaders tell us they will not take up the tariff question. The people of the Northwest have elected men to the Senate and the House on the theory of tariff protection. But we can not get tariff protection because the administration will not permit the opening of the tariff schedules in the House of Representatives.

Mr. WATSON. Mr. President, may I interrupt my friend?

Mr. DILL. Certainly.

Mr. WATSON. The Senator, I know, will be fair enough to state or, if you please, to admit that the Finance Committee put a tariff on shingles and then, when the bill came up in the Senate, the Senate took it off. I do not remember the vote exactly, but I think that nearly everybody on the other side of the Chamber voted to take it off, and most of us on this side voted to keep it on.

Mr. DILL. I must say to the Senator that I was not here or I should not have so voted. But I do say this: That with the tariff law existing as it does, discriminating as it does in a way to destroy the shingle business, the party in power is responsible for refusing to permit the question to be opened and the injustice which has been proven by experience to be corrected.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. DILL. I yield.

Mr. CARAWAY. Does it not strike the Senator with amazement that the party in power has fallen down on certain schedules and yet was able to muster votes enough to put into that law some of the most outrageous schedules that any tariff law ever carried?

Mr. DILL. I may say to the Senator that I am not discussing what the Finance Committee brought in here; it is what the law is to-day. I am talking about the effects of that law.

Mr. CARAWAY. My friend from Indiana intimated that the Republican majority failed, and that the minority took the bill away and wrote out the schedules.

Mr. WATSON. That very often happens in the consideration of a tariff measure.

Mr. DILL. I think the Republicans were in control of the Senate and House, and the Republican Party must take the responsibility for what the House and the Senate did in this matter.

Mr. CARAWAY. I wish my friend from Utah, who is prepared now to show that certain schedules were forced into Republican legislation by the Democrats; that there were schedules the Republicans are responsible for, and some that somebody took away from them and wrote into the bill, despite his earnest protest, would please tell us why it was that he, as a conferee and the chairman of the conferees, failed to stand up for this industry out in Washington.

Mr. SMOOT. It was not in conference.

Mr. CARAWAY. It was in the bill as it passed the House, and you struck it out in the Senate.

Mr. SMOOT. Oh, yes.

Mr. CARAWAY. Do not dodge that. Of course, it was in conference.

Mr. SMOOT. The House yielded.

Mr. CARAWAY. No; the Senate yielded.

Mr. DILL. Mr. President, I am very glad I was not here and did not have any responsibility for the passage of a law that, under the guise of protection, has practically destroyed a great industry by discriminatory tariff rates on logs and no tariff on shingles.

Not only does what I say apply to the tariff on logs, but it applies also to the tariff on manganese. A tariff on manganese to protect the manganese industry of this country was attempted to be written into the tariff measure in the Senate, but when it came out of conference we found that the tariff was such that the manganese industry of the far West could not compete with the manganese mines of Austria, east of Chicago, where the great steel industry has its great amount of business. The tariff provided is just about equal to the freight rate east to Chicago. Consequently the manganese mines of the West are practically closed most of the time, because the great steel corporation, with all its protection on steel, with all its protection otherwise, has such a low rate on manganese that it can use its mines in Austria without interference by the tariff, and so prevent development of the manganese mines in the far West. I do not want to vote for a resolution that provides only for lowering the schedule. If we are going to maintain the high tariff rates on manufactured articles, then I want some protection for others similarly affected. When I read that the steel corporation is lowering wages and lengthening hours in the last few years, with all its high protection, I wonder what justice there is for the continuation of these rates, especially when they insist upon practically free trade for the manganese which is used in the making of steel.

Mr. President, I do not know what the effect of other similar discriminations may be. I am not here to attack or abuse anybody because of the provisions written into the law. I shall assume they were honestly written. But when actual practice has proven that they are destructive to the great business interests in the part of the country from which I come I can not remain silent and hear the law defended as a perfect law. On the other hand, neither will I vote for a resolution which simply proposes to lower rates, because, unless certain rates are equalized, other rates must be raised in order to give protection to the very industries which are affected by tariff legislation.

Mr. SMOOT obtained the floor.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Deneen	Heflin	Oddie
Bayard	Dill	Howell	Overman
Bingham	Edge	Johnson	Phipps
Black	Edwards	Jones	Pittman
Blaine	Ferris	Kendrick	Reed, Pa.
Blease	Fess	King	Robinson, Ark.
Bratton	Frazier	La Follette	Robinson, Ind.
Brookhart	George	McKellar	Sackett
Broussard	Gerry	McLean	Sheppard
Bruce	Gillett	McMaster	Shipstead
Capper	Glass	McNary	Shortridge
Caraway	Gould	Mayfield	Smoot
Copeland	Greene	Metcalf	Steck
Couzens	Harris	Neely	Steiwer
Curtis	Harrison	Norbeck	Stephens
Cutting	Hawes	Norris	Swanson
Dale	Hayden	Nye	Trammell
Tydings	Walsh, Mass.	Waterman	Willis
Tyson	Walsh, Mont.	Watson	
Wagner	Warren	Wheeler	

The PRESIDING OFFICER (Mr. JOHNSON in the chair). Seventy-eight Senators having answered to their names, a quorum is present.

Mr. SMOOT. Mr. President——

Mr. HARRISON. Mr. President, will the Senator yield to me for a parliamentary inquiry?

Mr. SMOOT. Certainly.

Mr. HARRISON. As I understand it, the McMaster resolution is now the unfinished business before the Senate?

The PRESIDING OFFICER. It is pending before the Senate because there is no unfinished business before the Senate at the present time.

Mr. HARRISON. By virtue of its coming over, it remains before the Senate?

The PRESIDING OFFICER. Unless displaced by motion or otherwise.

Mr. SMOOT. Mr. President, it is not strange to me that our Democratic friends want the resolution modified, because I have analyzed the votes on the Democratic side taken when the present law was under consideration before the Senate, and it is rather strange to find that nearly every Democratic Senator voted for particular increases higher than the present law carries. It all depends upon where the product is produced or raised. I am not a spotted protectionist. I believe in protection whether it be for the farmer, the manufacturer, or for any industry that may be established in the United States giving employment to American labor and paying American wages.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I yield.

Mr. HARRISON. I may not have understood the Senator correctly, but I think I gathered from his remarks that he said that pratically all Democratic Senators voted for rates higher than are included in the present law.

Mr. SMOOT. I did not say all the Democratic Senators. I said each Democratic Senator——

Mr. HARRISON. Well, then, a Democratic Senate.

Mr. SMOOT. Yes; covering most of the Democrats in the Chamber. I will go that far.

Mr. HARRISON. They did vote for rates higher than are in the present tariff law?

Mr. SMOOT. Yes; on particular items.

Mr. HARRISON. The Senator ought to specify them and put their names in the RECORD.

Mr. SMOOT. Perhaps I had better do so, although it will take some time to read them all.

Mr. HARRISON. The Senator has plenty of time.

Mr. SMOOT. The first one is the senior Senator from Arizona [Mr. ASHURST]. That Senator voted to increase the duty on citrate of lime, to increase the duty on amorphous graphite, for the Poindexter amendment to increase the duty on crude magnesite, for the Poindexter amendment to increase the duty on dead burned magnesite, for the Poindexter amendment to increase the duty on caustic calcined magnesite, to increase the duty on cattle, on fresh beef and veal, on honey, on unshelled almonds, on shelled almonds, on unshelled walnuts, on shelled walnuts, on soya beans. He voted for the Gooding amendment, which would in effect retain the duty on vegetable oil for nonedible use, and so forth.

Mr. HARRISON. Mr. President——

Mr. SMOOT. Oh, I have not finished with the Senator from Arizona [Mr. ASHURST].

Mr. HARRISON. The Senator made the statement that Democrats had voted for rates higher than are in the present law, and in practically all the instances cited he has shown where the Senator from Arizona voted to increase over the old tariff duty.

Mr. SMOOT. Oh, no; not at all; over the present law.

Mr. HARRISON. It does not carry out the idea the Senator suggested at all.

Mr. SMOOT. It is in accordance with the bill reported to the Senate. I will not go all through the others in detail. I will not read the next page. I will simply say that Mr. BROUSSARD voted against reducing the duty on acetic anhydrides and against reducing the duty on boric acid. That was an amendment offered by the then Senator from New Mexico, Mr. Jones.

Mr. CARAWAY voted for the Nicholson amendment to the committee amendment to increase the duty on amorphous graphite. Mr. CARAWAY voted against striking out of paragraph 302 the

words "manganese ore or concentrates containing in excess of 30 per cent of metallic manganese, 1 cent per pound." He also voted against the committee amendment reducing the duty on paddy or rough rice.

Mr. Culberson voted against the Ashurst amendment to place tomatoes on the free list, and he voted also against the Newberry amendment to remove the 10 per cent ad valorem duty from amorphous graphite.

Mr. Dial voted against the amendment to place tomatoes on the free list during certain months.

Mr. FLETCHER voted for a duty of 5 per cent ad valorem on chemical wood pulp. He voted for the committee amendment placing a duty on hides and cattle and voted for an amendment made as in Committee of the Whole increasing the rate on citrus fruits.

If Senators do not desire that I shall take the time to read the entire list I shall not do so but will ask later on to print it entire in the RECORD. I may say, however, that the Senator from Georgia [Mr. HARRIS] voted for the Gooding amendment to the committee amendment, which would in fact retain the duty on vegetable oils for nonedible use and voted for the committee amendment to place a duty of 7 cents a pound on long-staple cotton. He voted also against the committee amendment reducing the duty on peanuts not shelled.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. BROOKHART. To what bill were those amendments offered?

Mr. SMOOT. They were offered to the tariff bill of 1922—the present tariff law.

Mr. BROOKHART. Let us suppose that the Senators whose votes the Senator from Utah is quoting were in favor of lowering the tariff duties; is there any inconsistency in their voting for a particular higher schedule when a high schedule all along the line is forced upon them?

Mr. SMOOT. I did not quite catch the purport of the Senator's question.

Mr. BROOKHART. A majority against those Senators was forcing higher schedules all along the line. I do not see any inconsistency in their voting for a particular high schedule, although they might be in favor of generally lower schedules.

Mr. SMOOT. The pending resolution favors "an immediate lowering of tariff schedules."

Mr. BROOKHART. Generally.

Mr. SMOOT. That is what it would be construed to mean—as favoring a lowering of the tariff rates.

Mr. KING. Mr. President, if my colleague will yield to me, I desire to say that I do not know that I quite comprehend his last observation. Does the Senator mean to state that the last tariff bill, as reported by the Finance Committee of the Senate, provided for a lowering of the rates imposed by the then-existing tariff law?

Mr. SMOOT. No. That suggestion has not been made at all, but before I get through I will refer to some of the increases which were reported by the committee.

Mr. KING. But the Senator does not mean to state that the bill as reported to the House or to the Senate or as it was finally passed provided for a lowering of tariff rates in comparison with the rates in the law which then existed?

Mr. SMOOT. Mr. President, no; I have never claimed that. I am only saying now that most of the Senators upon the Democratic side voted for higher rates on certain items in the 1922 tariff bill than the rates which had been reported by the committee.

Mr. KING. Mr. President, that might be the case with respect to some items as indicated by the Senator from Iowa [Mr. BROOKHART], but the Senator from Utah knows that when the conference report was finally voted upon in the Senate an overwhelming majority of Senators upon this side voted against the bill; and Senators upon the other side—men like Senator Cummins and the Senator from Idaho [Mr. BORAH]—also voted against it.

Mr. SMOOT. Mr. President, that is a fact; I am not a Senator who will offer an amendment on the floor of the Senate and vote for it and then vote against it when the question comes on the passage of the bill. I have never as yet done that. I am either opposed to protection or I am for it; and I presume the Senator knows that I am for protection.

Mr. KING. Mr. President, I wish to ask the Senator if he means by that that the taking of a small dose of medicine being entirely proper should a man be offered a barrel of poison he would be bound to take it because he agreed to take a little dose of medicine? Some of the schedules were proper; Senators might properly vote for a tariff upon, for instance, wool, or upon some other commodity, and yet when the bill came loaded as that bill was with thousands and tens of thousands of increases in the schedules it became so monstrously unfair that Senators who voted for a particular item on that bill might vote against the entire bill. The Senator's position, as I understand him, is that if a Senator voted for some righteous measure he then committed himself to vote for the bill with its unrighteous characteristics though they were mountain high.

Mr. SMOOT. I am not going that far. I am only stating what I would do. There was no use of taking the small dose of poison. If I supported the increases on the floor of the Senate and praised a bill, then I would not think myself justified in voting against it.

Mr. PITTMAN. Mr. President, I understand the Senator will not help in framing a bill the way he wants it when he intends to vote against it?

Mr. SMOOT. I never stated any such thing as that.

Mr. PITTMAN. Did the Senator vote for the so-called Versailles treaty in which was incorporated the covenant of the League of Nations?

Mr. SMOOT. No; I did not.

Mr. PITTMAN. Did the Senator vote on the reservations offered to that treaty?

Mr. SMOOT. I voted for two of the reservations.

Mr. PITTMAN. The Senator then voted to attach reservations to the ratification of the treaty and then violated his principle by voting against the treaty after the reservations were adopted.

Mr. SMOOT. Not at all. But the Senator from Utah did not act in any instance merely because of the fact that the item applied to the State of Utah, or some other particular State, he wanted to be perfectly free to say that he voted for those items in which the State of Utah, or any other State, for that matter, was interested. I can take the RECORD and show that Senators on the Democratic side in numerous instances voted for a higher rate of duty on certain products than had been reported by the committee because those commodities were produced in their States.

Mr. PITTMAN. I think the Senator is entirely right. Some of us Democrats were interested more in our States than we were in some of the eastern trusts, and I think if he will analyze it he will find that is what happened.

Mr. SMOOT. Some of the commodities to which I call attention, perhaps, may be produced by what are called trusts, but the charge as to trusts does not scare me. It may appeal to some unthinking people, but when they know the facts it will have no force with them.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. Yes.

Mr. ROBINSON of Arkansas. I recall that when the Fordney-McCumber bill was under consideration before the Senate the Senator from Utah took the position that conditions were abnormal, and that it was necessary to enact at that time duties which experience would probably disclose to be excessive. In order to afford an opportunity for relief against those probably excessive rates he advocated what has become known as the "flexible" provision of the tariff law, giving to the President of the United States the power to raise or lower tariff duties 50 per cent after complaint and after investigation by the Tariff Commission. I recall that the Senator from Utah declared that the object of that provision was to guarantee a reduction of the tariff in cases where the rates proved to be excessive. He said:

> Seldom will it be necessary to employ this extraordinary and unusual provision, giving the Executive the authority to perform a function which the Constitution reposes in the Congress—

And so he said:

> Let us pass this flexible provision in the tariff bill so as to make sure that the President will lower the tariff rates when conditions justify it.

The Senator from Utah recognized the fact that the Fordney-McCumber tariff law in many of its important provisions probably carried rates too high——

Mr. SMOOT. Or too low.

Mr. ROBINSON of Arkansas. And that those rates would necessarily be lowered in the future. Now, the "flexible" provision of the tariff has operated quite differently from what the Senator from Utah expected. It has turned out that the power given the President under that provision has been employed almost solely to increase the burden of taxation upon the

American people, to raise tariff rates, and has seldom been employed to reduce such rates.

Mr. SMOOT. It has been employed to increase the rates on agricultural products, I will say to the Senator.

Mr. ROBINSON of Arkansas. The Senator from Utah is now making an argument which if submitted to the Senate by anyone else would be denounced by the Senator from Utah as sophistry. He is contending that when a measure admittedly one for high tariff protection is presented to the Senate a Senator who does not believe in high tariff protection is estopped from voting to increase any rate carried in the general bill.

Mr. SMOOT. No, Mr. President; I do not think the Senator can say that.

Mr. ROBINSON of Arkansas. That is the logic of the Senator's position.

Mr. SMOOT. If the Senator will yield to me, I wish to say——

Mr. ROBINSON of Arkansas. Of course the Senator may resume the floor whenever he wants to. I thank the Senator from Utah for yielding to me.

Mr. SMOOT. I am glad to yield to the Senator from Arkansas at any time.

Mr. HARRISON. Mr. President, will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I should like first to answer the Senator from Arkansas.

Mr. HARRISON. I merely wish to call attention to an error made by the Senator from Arkansas. I wish to point out that the President, under the "flexible" provision of the tariff law, reduced the tariff rates on quail, on broomstraw, and on catgut.

Mr. ROBINSON of Arkansas. On live bob white, quail, imported from Mexico the tariff was reduced, and on certain classes of brushes the tariff was likewise reduced.

Mr. SWANSON. And, as the Senator from Mississippi says, on catgut.

Mr. SMOOT. Mr. President, I started out not to answer the Senator from South Dakota particularly. The Senator from Washington [Mr. DILL] in his statement made me think of the votes which had been cast during the consideration of the last tariff bill in 1922. In regard to the statement of the Senator from Washington respecting shingles, there was no question about the Finance Committee reporting to the Senate just the duty that was provided on shingles in the House; the Senate Finance Committee reported the bill to the Senate containing that duty; but the Senate turned down the committee; the Senate did not want any duty on shingles. It is charged that the Senator from Utah yielded in conference, but the Senator from Utah did not yield at all; the House yielded, and shingles went on the free list.

Mr. DILL. Mr. President, the Senator from Utah does not dispute the statement I made, to the effect that the present tariff law is destroying the shingle industry of the Northwest.

Mr. SMOOT. I should like to see a tariff on shingles, I will say to the Senator; but there is another factor in the situation which is tending to destroy the shingle industry to which the Senator has not called attention. I did not intend to refer it, but inasmuch as the Senator is questioning me I will say that the wooden-shingle industry is being affected, particularly in the East to-day, by metal shingles, and by composition shingles, which are being produced and which are being used, and which take the place of, perhaps, millions of wooden shingles which were formerly used.

Mr. DILL. The Senator knows, if he has studied this question at all, that there are more shingles being imported from Canada into the United States than are being made in the United States. Shingles are not made in Utah or the Senator would have seen that protection was afforded to them at the time; I recognize that.

Mr. SMOOT. The Senator from Washington wanted a protective duty on shingles, and the Senator from Utah voted for it, but he was voted down by the Senate.

Mr. DILL. I remind the Senator again that the tariff on logs, which forbids a mill from bringing them in, and free shingles, are destroying the shingle business of the Northwest.

Mr. SMOOT. I am perfectly aware of that.

Mr. DILL. And the Senator from Utah is opposed to opening the question for revision so that those industries may be given a chance to live.

Mr. SMOOT. I certainly am opposed to opening it at this time. We could not open the tariff question here for shingles alone.

Mr. DILL. Not only for shingles, but there are a number of questions. Why not revise the tariff? Conditions have changed. Is it because only the great industries that are getting such big protection oppose it?

Mr. SMOOT. Oh, no. The Senator from South Dakota [Mr. MCMASTER] thinks the tariff ought to be revised for the farmer, and I think perhaps there are some things that the farmer uses on which the tariff should be revised.

Mr. HARRISON. Mr. President, will the Senator yield? I understood the Senator from Utah, in answer to the Senator from Washington, to say that metal shingles are one of the things that affect the price of shingles.

Mr. SMOOT. Composition shingles are now taking the place of wooden shingles and are largely used in their stead.

Mr. HARRISON. The ad valorem duty on metals carried in the present law is 49 per cent, is it not?

Mr. SMOOT. No; I do not think it is. I do not think there is any.

Mr. HARRISON. I am not saying shingles; I say metal. If it is a metal shingle, it is a kind of metal. What is the tariff duty that is carried on metal shingles?

Mr. SMOOT. There is none.

Mr. HARRISON. There is no tariff on metals?

Mr. SMOOT. On metals? That is an entirely different proposition. If the Senator will say what kind of metal he refers to, I can tell him.

Mr. HARRISON. Metal shingles. Does the Senator assert that metal shingles come in free?

Mr. SMOOT. No; I did not say that.

Mr. HARRISON. The Senator does not know, then?

Mr. SMOOT. I did not say that at all.

Mr. President, before proceeding with the remarks I intend to make upon this resolution I think it would be better, rather than to take the time of the Senate, to put in the RECORD a statement showing the votes against and for the items in the tariff bill of 1923.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

The matter referred to is as follows:

IN 1922 ASHURST VOTED FOR

May 15: Johnson amendment to committee amendment to increase duty on citrate of lime.

May 24: Heflin's amendment to committee amendment to increase duty on amorphous graphite.

May 24: Bursum amendment to committee amendment to increase duty on amorphous graphite.

May 29: Poindexter amendment to committee amendment to increase duty on cruite magnesite.

May 29: Poindexter amendment to committee amendment to increase duty on dead, burned, etc., magnesite.

May 29: Poindexter amendment to committee amendment to increase duty on caustic calcined magnesite.

June 28: Committee amendment as amended to increase duty on cattle.

June 28: Committee amendment to increase duty on fresh beef and veal.

June 29: Committee amendment to increase duty on honey.

July 3: Committee amendment to increase duty on unshelled almonds.

July 5: Committee amendment to increase duty on shelled almonds.

July 5: Committee amendment to increase duty on unshelled walnuts.

July 5: Committee amendment to increase duty on shelled walnuts.

July 10: Ladd amendment to committee amendment to increase duty on soy beans.

July 11: Gooding amendment to committee amendment which would in effect retain duty on vegetable oils for nonedible use.

July 12: Cameron amendment to committee amendment to increase duty on cotton having a staple of 1⅜ inches or more, from 7 cents to 15 cents per pound.

July 12: Ashurst amendment to committee amendment to increase duty on cotton having a staple of 1⅜ inches or more from 7 cents to 10 cents per pound.

July 12: Committee amendment to place a duty of 7 cents per pound on long-staple cotton.

July 26: Committee amendment as modified to increase the three rates of duty on wools, not specially provided for, etc.

August 9: Committee amendment placing a duty on hides of cattle, etc.

August 12: Ashurst amendment to place duty of 20 per cent ad valorem on crude asbestos.

August 18: Amendment made in Committee of the Whole increasing the duties on citrus fruits.

August 18: Ashurst amendment increasing the duty on long-staple cotton.

August 18: Amendment made in Committee of the Whole for a duty of 33 cents per pound on wools not specially provided for.

IN 1922 ASHURST VOTED AGAINST

May 15: Walsh of Massachusetts amendment to committee amendment to reduce duty on olive oil.

May 15: Walsh of Massachusetts amendment to committee amendment to reduce duty on olive oil—second classification.

June 5: Committee amendment to strike out in paragraph 302 the words "manganese ore or concentrates containing in excess of 30 per cent of metallic manganese, 1 cent per pound on the metallic manganese contained therein."

July 5: Walsh of Massachusetts amendment to committee amendment to reduce rates of duty on shelled almonds.

July 8: Committee amendment reducing duty on paddy or rough rice.

July 10: Committee amendment reducing duty on peanuts not shelled.

July 26: Lenroot amendment to committee amendment to fix a maximum of 60 per cent ad valorem on wools, not improved, etc.

July 26: Wadsworth amendment to modify committee amendment to reduce the rates on wools not specially provided for, etc.

August 17: Newberry amendment to take the 10 per cent ad valorem duty off amorphous graphite.

IN 1922 BROUSSARD VOTED AGAINST

May 2: King amendment to reduce duty on acetic anhydride.

May 4: Jones (New Mexico) amendment to reduce duty on boric acid.

IN 1922 CARAWAY VOTED FOR

May 24: Nicholson's amendment to committee amendment to increase duty on amorphous graphite.

IN 1922 CARAWAY VOTED AGAINST

June 5: Committee amendment to strike out, in paragraph 302, the words "manganese ore or concentrates containing in excess of 30 per cent of metallic manganese, 1 cent per pound on the metallic manganese contained therein."

July 8: Committee amendment to reduce duty on paddy, or rough rice.

IN 1922 CULBERSON VOTED AGAINST

August 16: Ashurst amendment to place tomatoes on the free list during certain months.

August 17: Newberry amendment to take the 10 per cent ad valorem duty from amorphous graphite.

IN 1922 DIAL VOTED AGAINST

August 16: Ashurst amendment to place tomatoes on free list during certain months.

IN 1922 FLETCHER VOTED FOR

August 3: Duty of 5 per cent ad valorem on chemical wood pulp.

August 9: Committee amendment placing a duty on hides of cattle.

August 18: Amendment made in Committee of the Whole increasing rates on citrus fruits.

IN 1922 FLETCHER VOTED AGAINST

August 8: Gerry amendment to Broussard amendment to reduce rates of duty on sugar.

August 8: Willis amendment to Broussard amendment to reduce rates of duty on sugar.

August 16: Ashurst amendment to place tomatoes on the free list during certain months.

August 17: Newberry amendment to take the duty from amorphous graphite.

IN 1922 HARRIS VOTED FOR

July 11: Gooding amendment to committee amendment, which would in effect retain duty on vegetable oils for nonedible use.

July 12: Committee amendment to place a duty of 7 cents per pound on long-staple cotton.

IN 1922 HARRIS VOTED AGAINST

July 10: Committee amendment reducing duty on peanuts not shelled.

IN 1922 HEFLIN VOTED FOR

May 24: Nicholson amendment to committee amendment to increase duty on amorphous graphite.

May 24: Heflin amendment to committee amendment to increase duty on amorphous graphite.

May 24: Bursum amendment to committee amendment to increase duty on amorphous graphite.

May 24: Heflin amendment to committee amendment to increase duty on crystalline lump graphite.

July 10: Ladd amendment to committee amendment increasing duty on soya beans.

July 11: Gooding amendment to committee amendment, which would in effect retain duty on vegetable oils for nonedible use.

July 12: Committee amendment to place a duty of 7 cents per pound on long-staple cotton.

IN 1922 HEFLIN VOTED AGAINST

June 5: Committee amendment to strike out in paragraph 302 the words "manganese ore or concentrates containing in excess of 30 per cent of metallic manganese, 1 cent per pound on the metallic manganese contained therein."

July 10: Committee amendment reducing duty on peanuts not shelled.

July 16: Ashurst amendment to place tomatoes on the free list during certain months.

July 17: Newberry amendment to take the 10 per cent ad valorem duty from amorphous graphite.

IN 1922 JONES OF NEW MEXICO VOTED FOR

May 24: Nicholson amendment to committee amendment to increase duty on amorphous graphite.

May 24: Heflin amendment to committee amendment to increase duty on amorphous graphite.

May 24: Bursum amendment to committee amendment to increase duty on amorphous graphite.

May 24: Nicholson amendment to committee amendment to increase duty on crystalline lump graphite.

May 24: Heflin amendment to committee amendment to increase duty on crystalline lump graphite.

May 29: Poindexter amendment to committee amendment to increase duty on crude magnesite.

May 29: Poindexter amendment to committee amendment to increase duty on dead, burned, etc., magnesite.

May 29: Poindexter amendment to committee amendment to increase duty on caustic calcined magnesite.

June 28: Committee amendment as amended to increase the duty on cattle.

June 28: Committee amendment to increase duty on fresh beef and veal.

June 28: Committee amendment to increase duty on fresh lamb.

June 28: Committee amendment to increase duty on bacon, hams, etc., prepared, etc.

June 29: Committee amendment to increase duty on honey.

July 11: Gooding amendment to committee amendment which would in effect retain duty on vegetable oils for nonedible use.

July 26: Committee amendment as modified to increase the rates of duty on wools, not specially provided for, etc.

August 8: Broussard amendment to increase the rates of duty on sugar.

August 9: Smoot amendment to increase the rates of duty on sugar.

August 9: Committee amendment placing a duty on hides of cattle.

August 12: Ashurst amendment to place a duty of 20 per cent ad valorem on crude asbestos.

August 17: Bursum amendment to increase the duties on coal-tar products.

August 18: To concur in Bursum amendment in Senate to increase duties on coal-tar products.

August 18: Amendment (in Senate) increasing the duty on sugar, etc.

August 18: Amendment made in the Committee of the Whole increasing the rates on citrus fruits.

August 18: Ashurst amendment to increase the duty on long-staple cotton.

August 18: Amendment made in the Committee of the Whole for a duty of 33 cents per pound on wools not specially provided for.

IN 1922 JONES OF NEW MEXICO VOTED AGAINST

June 5: Committee amendment to strike out in paragraph 302 the words "manganese ore or concentrates containing in excess of 30 per cent of metallic manganese, 1 cent per pound on the metallic manganese contained therein."

July 8: Committee amendment reducing duty on paddy or rough rice.

July 8: Committee amendment reducing duty on milled rice.

July 26: Lenroot amendment to committee amendment to fix a maximum of 60 per cent ad valorem on wools, not improved, etc.

July 26: Wadsworth amendment to modify committee amendment to reduce rates on wools, not specially provided for, etc.

August 8: Gerry amendment to Broussard amendment to reduce rates on sugar.

August 8: Willis amendment to Broussard amendment to reduce rates of duty on sugar.

August 8: Gerry amendment to Broussard amendment to reduce rates of duty on sugar.

August 16: Ashurst amendment to place tomatoes on the free list during certain months.

August 17: Newberry amendment to take the 10 per cent ad valorem duty from amorphous graphite.

August 18: Calder amendment (in Senate) to reduce the rates on magnesite.

August 18: Harrison amendment to reduce the rates of duty on sugar, etc. (in Senate).

IN 1922 KENDRICK VOTED AGAINST

May 2: King amendment to reduce duty on acetic anhydride.

May 4: Jones (New Mexico) amendment to reduce rate on boric acid.

IN 1922 KING VOTED FOR

July 3: Committee amendment to increase duty on unshelled almonds.

IN 1922 KING VOTED AGAINST

Committee amendment to reduce rate on acetic anhydride.

IN 1922 MYERS VOTED FOR

August 17: Bursum amendment to increase the duty on coal-tar products.

IN 1922 MYERS VOTED AGAINST

June 5: Committee amendment to strike out the words in paragraph 302 "manganese ore or concentrates containing in excess of 30 per cent of metallic manganese, 1 cent per pound on the metallic manganese contained therein."

August 18: Calder amendment to reduce the rates on magnesite (in Senate).

IN 1922 PITTMAN VOTED FOR

May 24: Heflin amendment to committee amendment to increase duty on amorphous graphite.

May 24: Bursum amendment to committee amendment to increase duty on amorphous graphite.

May 29: Poindexter amendment to committee amendment to increase duty on crude magnesite.

June 28: Committee amendment as amended to increase duty on cattle.

June 28: Committee amendment to increase duty on fresh beef and veal.

June 28: Committee amendment to increase duty on fresh lamb.

IN 1922 ROBINSON OF ARKANSAS VOTED FOR

May 24: Heflin amendment to committee amendment to increase duty on amorphous graphite.

May 24: Heflin amendment to committee amendment to increase duty on crystalline lump graphite.

IN 1922 ROBINSON OF ARKANSAS VOTED AGAINST

July 8: Committee amendment reducing duty on paddy or rough rice.

July 8: Committee amendment reducing duty on milled rice.

July 16: Ashurst amendment to place tomatoes on free list during certain months.

IN 1922 SHEPPARD VOTED FOR

May 24: Heflin amendment to committee amendment to increase duty on amorphous graphite.

May 24: Bursum amendment to committee amendment to increase duty on amorphous graphite.

May 24: Heflin amendment to committee amendment to increase duty on crystalline lump graphite.

June 28: Committee amendment as amended to increase duty on cattle.

June 28: Committee amendment to increase duty on fresh beef and veal.

June 28: Committee amendment to increase duty on fresh lamb.

June 28: Committee amendment to increase duty on lard compounds and substitutes.

July 10: Ladd amendment to committee amendment increasing duty on soya beans.

July 11: Gooding amendment to committee amendment which would, in effect, retain duty on vegetable oils for nonedible use.

July 12: Ashurst amendment to committee amendment to increase duty on long-staple cotton.

July 12: Committee amendment to place duty of 7 cents per pound on long-staple cotton.

July 26: Committee amendment as modified to increase the three rates of duty on wools not specially provided for.

August 9: Committee amendment placing a duty on hides of cattle, etc.

August 17: Bursum amendment to increase the duty on coal-tar products.

August 18: To concur in Bursum amendment in Senate increasing duties on coal-tar products.

August 18: Amendment made in Committee of the Whole increasing rates on citrus fruits.

August 18: Ashurst amendment to increase the duty on long-staple cotton.

August 18: Amendment made in Committee of the Whole for a 33-cent per pound duty on wools not specially provided for.

IN 1922 SHEPPARD VOTED AGAINST

June 5: Committee amendment to strike out in paragraph 302 the words "manganese ore or concentrates containing in excess of 30 per cent of metallic manganese, 1 cent per pound on the metallic manganese contained therein."

July 8: Committee amendment reducing duty on paddy or rough rice.

July 8: Committee amendment reducing rate on milled rice.

July 10: Committee amendment reducing duty on peanuts not shelled.

July 10: Walsh (Massachusetts) amendment to committee amendment reducing duty on linseed or flaxseed oil.

July 26: Lenroot amendment to committee amendment to fix a maximum of 60 per cent ad valorem on wools, not improved, etc.

July 26: Wadsworth amendment to modify committee amendment to reduce the rate on wools, not specially provided for, etc.

August 16: Ashurst amendment to place tomatoes on the free list during certain months.

August 17: Newberry amendment to take the 10 per cent ad valorem duty from amorphous graphite.

IN 1922 SWANSON VOTED AGAINST

July 10: Committee amendment reducing duty on peanuts, not shelled.

IN 1922 TRAMMELL VOTED FOR

August 18: Amendment made in the Committee of the Whole increasing duty on citrus fruits.

August 18: Ashurst amendment increasing the duty on long-staple cotton.

IN 1922 TRAMMELL VOTED AGAINST

July 10: Committee amendment reducing duty on peanuts, not shelled.

August 8: Gerry amendment to Broussard amendment to reduce rates of duty on sugar.

August 16: Ashurst amendment to place tomatoes on free list during certain months.

August 17: Newberry amendment to take the 19 per cent ad valorem duty from amorphous graphite.

IN 1922 UNDERWOOD VOTED AGAINST

August 16: Ashurst amendment to place tomatoes on free list during certain months.

IN 1922 WALSH OF MONTANA VOTED AGAINST

June 5: Committee amendment to strike from paragraph 302 the words "manganese ore or concentrates containing in excess of 30 per cent of metallic manganese, 1 cent per pound on the metallic manganese contained therein."

July 26: Lenroot amendment to committee amendment to fix a maximum of 60 per cent ad valorem on wools, not improved, etc.

August 16: Ashurst amendment to place tomatoes on free list during certain months.

August 17: Newberry amendment to take the 10 per cent ad valorem duty from amorphous graphite.

IN 1922 WILLIAMS VOTED AGAINST

May 2: Committee amendment to reduce rate on acetic anhydride.

Mr. ROBINSON of Arkansas. Mr. President, let me ask the Senator a question in order that I may understand his position. Is it the Senator's position that because one does not favor a high tariff he estops himself from voting for any tariff on a particular commodity that is imported?

Mr. SMOOT. The Senator did not hear what I said in the beginning of my remarks.

Mr. ROBINSON of Arkansas. I heard it, but I did not understand it.

Mr. SMOOT. The resolution calls for a lowering of the tariff; and I called attention to the votes of the Democratic Senators who wanted increases over and above the duties then provided.

Mr. ROBINSON of Arkansas. Does the Senator feel that if an article in a given bill is on the free list, a Senator commits himself to a policy of high tariff protection if he votes for the imposition of a reasonable or a limited duty on that particular commodity?

Mr. SMOOT. The items that I referred to and the items referred to in the resolution of the Senator from South Dakota did not affect the free list at all. I am talking now about the resolution introduced by the Senator from South Dakota.

Mr. ROBINSON of Arkansas. I know the Senator has gotten away from the subject of the votes of Senators for the imposition of duties on certain commodities. What I am asking the Senator is whether he takes the position that a Senator who does not favor the general rates carried in the Fordney-McCumber tariff bill is committed to the policy of voting against increasing any of those rates or decreasing any of them?

Mr. SMOOT. No; every Senator can do so as his judgment dictates.

Mr. ROBINSON of Arkansas. Did not the Senator state to the Senate when the Fordney-McCumber tariff law was under consideration that many of the rates in the bill were imposed with regard to postwar conditions, and that they probably would prove to be too high?

Mr. SMOOT. Too high or too low.

Mr. ROBINSON of Arkansas. And did not the Senator say that probably the principal use to be made of the flexible provision of the tariff law was to lower rates that would prove excessive?

Mr. SMOOT. I do not remember whether I said that or not; I have not looked it up, but I do remember saying that the provision was adopted by the Finance Committee, and the Senate was asked to approve it, because of the fact that conditions in the world were unsettled.

Mr. ROBINSON of Arkansas. Mr. President, I will state that my recollection is—and I think the Senator should refresh his own recollection on that subject—that the principal justification which the Senator from Utah offered for the provision in the Fordney-McCumber tariff law giving to the Executive a duty which is essentially legislative—namely, the duty and privilege of raising or lowering the rates under certain conditions—was that the rates would probably prove too high and would have to be lowered in the early future.

Mr. SMOOT. Mr. President, I know what I had in mind, and I do not remember using the words referred to, other than to increase or decrease. In other words, a general revision of the tariff would be necessary so often that to do justice to the industries of the country, with that power granted to the President, within the limitations named in the provision, many injustices—for there never was a tariff bill passed that did not contain some injustices—could be rectified by the action of the President upon a hearing before the Tariff Commission instead of waiting until a general revision of the tariff law was made.

Mr. DILL. Mr. President, what does the Senator think will be the proper time to revise the tariff?

Mr. SMOOT. To be perfectly frank with the Senator, I do not think it ought to be done in a presidential year.

Mr. DILL. In other words, we will have to wait two more years before it can be considered?

Mr. SMOOT. Yes.

Mr. DILL. Let us hope we will have a Democratic President and a Democratic Congress by that time.

Mr. SMOOT. Then God save the country if you do, if you pass another Underwood bill.

Mr. ROBINSON of Arkansas. Well, He probably will.

Mr. SWANSON. He usually has saved it, in spite of the Republican tariff, when an emergency arose.

Mr. SMOOT. Mr. President, the resolution offered on December 13 by the Senator from South Dakota [Mr. MCMASTER] reads as follows:

Resolved, That the United States Senate favors an immediate lowering of tariff schedules, and tariff legislation embodying lowered schedules should be considered and enacted during the present session of Congress.

Mr. President, this resolution, if adopted, will declare to the world that the United States Senate is in favor of lowering the import duties provided in the tariff act of 1922. It will do more than that: It will announce that the Senate's indorsement of the policy of adequate protection in 1922 was a mistake—a positive injury especially to the agriculturists of the country. For this reason I am opposed to the resolution.

Mr. MCMASTER. Mr. President, will the Senator explain just how the lowering of tariff duties on industrial products, for example, will injure agriculture?

Mr. SMOOT. If the Senator will wait I will cover that whole subject in its regular order, I can assure the Senator.

Mr. SWANSON. I hope the Senator will, because we have been waiting about five years to hear that. I hope in the next 30 minutes the Senator will answer what we have been waiting five years for.

Mr. SMOOT. I will say to the Senator that it is a mighty good thing he has been waiting.

I do not wish to go on record as admitting that my action and vote in 1922 was against the welfare of the farmers, and that I was wholly mistaken in my efforts to aid agriculture, and that my colleagues who supported the measure are responsible for the depression in agriculture, as alleged by the promoters and supporters of this resolution.

The demand for a restoration of adequate protection when the Republicans were returned to control of the Federal Government came from the representatives of agriculture even more than from the representatives of industry. It came from the farmers of the Middle West and Northwest even more than from the manufacturers of the East. It came from Iowa, Nebraska, the two Dakotas, Minnesota, and Kansas quite as vociferously as from New England, New York, Pennsylvania, Ohio, Indiana, and Illinois. Even Texas, Louisiana, Georgia, and Virginia agriculturists joined in the demand for protection of their main products.

Examination of the hearings before the Ways and Means Committee of the House and the Finance Committee of the Senate and the debates and votes in both Houses of Congress discloses the fact that the protection of American farmers and American farm products was uppermost in the minds of the Members of Congress and the Executive. President Harding's first message to Congress recommended a restoration of protection to American farm products so ruthlessly destroyed by the Democratic low or competitive tariff of 1913.

The Republican administration keenly recognized, and recognizes now, the existence of a critical and serious farm problem brought about by the World War and the Democratic low tariff of 1913. It denies that the cure or remedy lies in a lowering of the tariff schedules, either on agricultural products or on manufactures.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. SMOOT. Would the Senator just as soon let me go on with what I have here? Then I will answer any questions he desires to ask; I shall be glad to do it; but I think more than likely I shall cover what the Senator has in mind.

Mr. MCMASTER. Is not the Senator willing to answer questions?

Mr. SMOOT. I shall be glad to answer any questions that the Senator from South Dakota desires to submit just as soon as I get through with the remarks I have prepared.

The first Republican emergency tariff bill of 1920, devoted almost exclusively to the protection and welfare of the farmers and cattle growers, was vetoed by President Wilson March 3, 1921. It restored protection to wheat, wheat flour, corn, beans, peanuts, potatoes, onions, rice, sugar, lemons, cattle, sheep, fresh mutton or lamb, long-staple cotton, and wool.

Mr. SWANSON. Mr. President, will the Senator permit me?

Mr. ROBINSON of Arkansas. Will the Senator yield? I just want to ask the Senator one question.

Mr. SMOOT. I should like to get this matter in the RECORD in some sort of order, if the Senators please. Then I will yield.

Mr. ROBINSON of Arkansas. Very well.

Mr. SWANSON. May I ask the Senator a question? I am asking for education.

Mr. SMOOT. The Senator will get it by the time I get through.

Mr. SWANSON. No; I do not expect to. I understood the Senator to say that President Wilson vetoed the bill to which he referred.

Mr. SMOOT. Certainly he vetoed it.

Mr. SWANSON. He knew it was a lemon and the farmers knew it was a lemon you were trying to give them.

Mr. SMOOT. Oh, no; they came right back and asked for the reenactment of it, and it was done and received the hearty approval of all farm organizations.

Mr. SWANSON. President Wilson knew it was a lemon, and he vetoed it; and all the farmers out West knew it was a lemon, and rejected it.

Mr. SMOOT. The Senator is mistaken; that is all.

Reenacted by a Republican Congress, the second emergency tariff of 1921 was signed by President Harding. It was hailed with delight by the agriculturists as a wise and beneficial measure. It checked the importations of many competitive agricultural and dairy products, and, according to the Tariff Commission (sixth annual report), "doubtless exerted a stabilizing influence by raising the cost of competitive agricultural imports." It prevented a further decline in the prices of domestic products. The commission said: "The downward swing of prices was checked in the fall and winter of 1921."

THE 1922 TARIFF

The tariff of 1922, known as the Fordney-McCumber Act, was the second step taken by a Republican Congress in response to the widespread demand for a restoration of adequate protection. Again a Republican Congress and administration placed agriculture first, and responded without stint to the arguments of the farmers and farmer organizations in favor of adequate protection to farm products and cattle. Every commodity raised or produced on the American farms was protected by an import duty with hardly a single exception.

Mr. MCMASTER. I did not quite understand that statement. Was it that every article raised on the farm was protected by a duty? Was that the statement made?

Mr. SMOOT. With hardly an exception.

Mr. MCMASTER. "With hardly a single exception." For example, take the matter of hides.

Mr. SMOOT. The committee reported a duty on hides and the Democrats voted against it. That is one of the exceptions.

Mr. MCMASTER. If they are on the free list, I would not, if I were the Senator, convey the impression that everything is on the protected list.

Mr. SMOOT. I did not say that. I said that hides are one of the exceptions. The Senator knows why.

Mr. BROOKHART. Mr. President, this morning I checked up and found some $500,000,000 of imports on the free list in 1926.

Mr. FESS. Not produced in this country?

Mr. BROOKHART. Several hundred of them were produced in the United States.

Mr. SMOOT. You could take some of the products, such as sugar, that runs into the hundreds of millions of dollars, and find that we do not produce sufficient of it in this country; but it is an agricultural product. The amount that is produced in this country is protected. That forms the great bulk of the figure to which the Senator from Iowa just called attention.

In most instances the degree of protection was dictated by the so-called farm bloc in both Houses of Congress. The result was a tariff law pronounced by the leaders of the farm bloc the first tariff act ever placed on the statute books giving the farmers and growers all the protection they asked for.

Mr. McMASTER. Oh, now——

Mr. SMOOT. The Senator was not here at the time, but I know that is what they told me, and it was stated on the floor of the Senate.

Mr. BROOKHART. Those were Wall Street farmers.

Mr. SMOOT. Then ask the junior Senator from Idaho if he is a Wall Street Senator or not.

Mr. McMASTER. Will the Senator yield?

Mr. SMOOT. I would like to proceed with this, but I will yield to the Senator.

Mr. McMASTER. Is it not true that out of the Finance Committee itself, of which the Senator was one of the dominating figures, schedules were sent here that were below what the farmers' representatives had asked for?

Mr. SMOOT. I think there were one or two cases like that.

Mr. McMASTER. A small item, for example, like milk, where the farmers produce 14,000,000,000 pounds a year in this country; another small item, for instance, like butter, of which hundreds of millions of dollars worth are produced every year; and hides, of which millions of dollars worth are produced; just a few items like that came out of the Finance Committee with rates below what the farmers had asked for.

Mr. SMOOT. That is just about the limit to which the Senator can go. In addition to that, look at what was provided in the Democratic law.

Mr. BROOKHART. Let us take wheat again. There was a rate of 42 cents a bushel on wheat, and more than half of that was nullified by high railroad rates.

Mr. SMOOT. Mr. President, I am talking about the tariff now. A comparison of the agricultural, wool, and flax sections of the Democratic tariff of 1913 and the Republican tariff of 1922 shows to what extent the Republicans went to give the agriculturists the protection they wanted and needed.

It is interesting to examine the votes of some Senators, especially from the South, on specific items or articles, illustrating how eager those Senators were to condemn protection in the abstract but indorse it in the concrete. Democratic Senators voted against an import duty on wool, wheat, and corn, yet voted to increase import duties on cattle, fresh beef, lamb, bacon, lard, vegetable oils, long-staple cotton, rice, soy beans, peanuts, and graphite. Every Senator from the States of the Middle West and Northwest, save one, either voted for the 1922 tariff or was paired in favor of it. The two Senators from South Dakota [Mr. NORBECK and Mr. Sterling] voted for it.

ECONOMIC CONDITIONS

The economic conditions of not only the United States but the whole world in 1921 and 1922, resulting from the World War, presented many new problems affecting international trade and exchange, both having an important bearing on the tariff. It was difficult to determine what constituted adequate protection and what would be fair rates of duties. The war had interrupted normal exchange, forced currency inflation, raised nominal prices and values. The whole economic world was out of joint, and the framers and builders of the 1922 tariff were confronted with a serious and complicated problem. The so-called flexible tariff was incorporated in the law to meet contingencies that might arise out of the disjointed economic conditions of the world. It was an experiment; and its constitutionality has been favorably tested before the lower courts, and is now before the United States Supreme Court. The principle of protection runs all through the entire law and benefits agriculture just as much as it benefits manufactures, so far as any tariff law can operate.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. SMOOT. Will not the Senator make a note of his questions and ask them later? I would like to get my remarks completed now, because I think they are worthy of consideration.

Mr. McMASTER. I think they are, and I thought mine were, too, but I was constantly interrupted by questions from the distinguished Senator from Utah.

Mr. SMOOT. As soon as the Senator objected I did not interrupt him again.

WHAT A TARIFF CAN DO

No tariff act can accomplish the impossible or suspend the operations of economic law. No act of Congress can arbitrarily and successfully defy the laws of the universe, create something out of nothing, alter human nature, or create wealth. The power of the Federal Government is limited. The jurisdiction of Congress or the Executive does not, can not, compass the broad field of human intelligence, initiative, energy, wisdom, and personality. Some seem to think that an act of Congress can work miracles in any field of human activity. An act of Congress, in the economic world, can only create tendencies and help or hinder in the struggle of life or of nations. The tariff of 1922 was designed to help agriculture in its fight for control of the domestic markets—to compel all foreign agricultural producers and growers to pay toll for the privileges of selling in the American markets. Has it accomplished all that was expected in this direction?

Mr. McMASTER. Mr. President, may I ask just a question here, just one? This will be the last question.

The question I desire to ask is this: There is in this tariff law a provision known as the drawback provision.

Mr. SMOOT. Yes.

Mr. McMASTER. That is to say, when an American manufacturer imports raw materials from a foreign country, if he manufactures those materials into a finished product and exports them, the duty is refunded to him.

Mr. SMOOT. Ninety-nine per cent of it.

Mr. McMASTER. That is most all of it.

Mr. SMOOT. Yes.

Mr. McMASTER. Which means that when the American manufacturer desires to compete in foreign markets with cheap European labor, he can evade buying his goods from the American farmer, and can buy the raw materials in foreign countries; but when the farmer produces a surplus crop, he can not evade buying his goods from the American manufacturer, can not step across the Atlantic and buy cheap goods, which are wholly to be used in the production of a surplus crop that is to be used in competition with foreign labor and foreign markets. I want to ask the Senator if that privilege is accorded to the manufacturers of this Nation, why should it not be accorded to agriculture—that is, in a measure—in a fair proportion?

Mr. SMOOT. That provision of the law applies to every individual or corporation in the United States.

Mr. McMASTER. Will the Senator please point out how the farmer can receive the slightest benefit from that provision of the law?

Mr. SMOOT. Who receives the slightest benefit other than labor from the manufacturer making goods that do not enter the American market? It simply gives employment to American labor.

Mr. McMASTER. The farmers are going to hear more about this provision in the law. You have accorded to the manufacturers a privilege, giving them the right to evade purchasing goods of the American farmer when they desire to compete in foreign markets, but when the American farmer raises his surplus crop to compete in foreign markets, you oblige him to buy every article he uses in the production of the crop in the American market.

Mr. SMOOT. Let the Senator name one thing, while he is at it, one single item, that could be treated in the same way by the farmer.

Mr. McMASTER. That could be treated?

Mr. SMOOT. Yes.

Mr. McMASTER. One article that could be treated in the same way?

Mr. SMOOT. Yes.

Mr. McMASTER. You give a certain special privilege to the manufacturer and you will not give the same privilege to the American farmer.

Mr. SMOOT. The farmer has the same privilege as I have stated. What privilege does he want, and for what? What item do you want to cover?

Mr. McMASTER. It is the principle underlying the whole proposition.

Mr. SMOOT. If we can give more employment by exporting finished goods from products not made in this country but imported for reconditioning or finishing, if you please, and selling them to a foreign country, it certainly gives employment to American labor, and they buy and use the farmer's products.

Mr. McMASTER. If the American farmer could get a rebate of some of the duties on some of the articles that he uses in the production of his surplus crop there would be great benefits accruing to him and to his labor and to the balance of the country.

Mr. SMOOT. He does not pay any duty on his crop.

Mr. McMASTER. You have accorded one privilege to the manufacturers which is absolutely denied to agriculture in America.

Mr. SMOOT. It is not denied to them at all. It is not denied to any person or corporation. The only thing is that there is no commodity which the farmers manufacture here and ship abroad.

Mr. BROOKHART. Let me give the Senator an illustration. This year, according to the quotations, on No. 1 northern wheat the Canadian farmers received, up to the 12th of September, 10 or 12 cents more a bushel than the American farmer, and since that time 20 or 25 cents more, and we had 42 cents a bushel tariff protection on wheat all the time.

Mr. SMOOT. Those figures are disputed by the records of the Commerce Department. I have heard them stated before, but they are disputed.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. SMOOT. Will not the Senator please let me go on?

Mr. HARRISON. I did not understand the explanation, in answer to the question of the Senator from Iowa, why wheat is selling at so much higher in Canada than in the United States, with a tariff on it of 42 cents a bushel. I wanted the explanation.

Mr. SMOOT. The figures of the Commerce Department do not show that to be the case.

SOME COMPLAINTS

Complaints against the tariff may be scheduled:

First. The tariff does not protect agriculture because agriculture has a surplus for export.

Second. Agriculture sells in a free trade (world) market and buys in a protected market.

Third. Agriculture is compelled to pay excessive prices for manufactured commodities, all protected, and gets no protection on what it sells, farm products, at low prices.

Fourth. Protection of manufactures robs agriculture of foreign markets for agricultural products.

Fifth. Protection is responsible for the decline in prices of farm products and the value of farm property.

Sixth. The tariff has deprived the farmer of the purchasing power of his dollar.

Seventh. The economic equality of the farmer must be restored by taking from the manufacturer the protection he enjoys.

Eighth. Therefore, in the interest of agriculture, the present tariff schedules must be lowered at once.

Mr. WALSH of Montana. Mr. President, I do not understand that to be the statement of the Senator from South Dakota [Mr. McMASTER] at all.

Mr. SMOOT. I am taking now the general complaints. I am not taking them from the Senator's statement, but some 20 or more articles in which that very position is taken.

Mr. WALSH of Montana. I have not seen any such articles. My understanding is that the complaint is that the rates are too high, not that all protection should be taken away. The resolution we are considering does not provide that the protective system shall be destroyed. It simply provides that the rates shall be lowered.

Mr. SMOOT. I started out by saying that I wanted to enumerate in detail all the complaints I have gathered from the press of the country, and these are the six principal complaints which I found in the press of the country and, I will say also, in letters which I have received.

Here are the eight principal reasons, the eight indictments, put forward by some agricultural groups and some Senators representing constituencies hitherto stout defenders of the doctrine of protection. It is my purpose to examine each indictment briefly and test each one by logic and facts.

THE SURPLUS ARGUMENT

Our foreign trade—and by that I mean in this instance our export trade—presupposes a surplus for export. The Department of Commerce is spending millions of public dollars every year discovering and developing foreign markets on the supposition that there is an American surplus for export. This surplus is not confined to agriculture nor to farm products. There is a surplus in many lines of manufactures. During the calendar year 1926 the domestic surplus of manufactures exported was valued at $1,956,118,000, while the surplus of crude and manufactured foodstuffs and animals for export was valued at only $838,082,000. For the calendar year ending December 31, 1927, the relative surplus for export was about the same, with perhaps a slight advantage to surplus of manufactures. Manufacturers have exactly the same surplus problems to solve as the farmers.

In defense of the surplus argument it is claimed by some that the tariff does not protect the farmer if he has a surplus, because the price of the quota exported controls the price of the quota sold in the home or domestic markets. The facts of experience prove the contrary. The domestic price of exported farm products and of manufactured goods is usually lower abroad than at home, and this very fact is one of the complaints low-tariff advocates and freetraders lodge against American manufacturers and American protection.

The surplus, neither of agriculture nor manufactures, for export, does not always control the domestic price sold in the American markets. The export price of wheat, as well as of domestic woolen and cotton manufactures, sold in foreign markets, is almost invariably lower than the price in the domestic or home markets. There is a good reason for this; but that is another story.

The existence of a surplus for export, either of farm products or of manufactured commodities, does not rob the farmer or the manufacturer of the benefit of the tariff. It does not make the tariff inoperative so far as the domestic market is concerned. The purpose of a protective tariff is to preserve the American market, as far as possible, for the American producer and manufacturer. This is accomplished if the import duty is sufficiently high on each competitive commodity to compel the importer or the foreign producer and manufacturer, to pay well for the privilege of selling in the American markets.

If, as is claimed by some, the tariff does not operate for the benefit of the American farmer, because of a surplus for export, why did so many farm associations and agricultural groups in 1922 insist upon a restoration of import duties on all farm products? Why have the growers of so many farm products, since 1922, petitioned the Tariff Commission for an increase in import duties under the flexible tariff? The duties on butter, cheese, wheat, and wheat flour have been increased by presidential proclamation in response to petitions from farmers. Petitions on other products of the American farms are pending before the Tariff Commission; among them, one from the growers of corn, and the producers of vegetable oils, growers of tomatoes and onions, and producers of peanuts.

FOREIGN MARKET ARGUMENT

It is often stated that the tariff is unfair to agriculture because agriculture is compelled to buy in a protected market and sell in a free trade (world) market. This is not true. The farmer sells most of his produce in a protected market, and buys in a protected market. Between 80 to 95 per cent of American farm products are sold in the American or protected markets. Outside of wheat, cotton, and perhaps one or two other articles, practically all of the products of the American farms find their markets in the United States. In fact, most of the American farmers sell nothing in foreign markets, depending entirely upon the home markets. These home markets are rich in their purchasing power, almost entirely because they are protected against foreign invasion. Since practically all of the products of the American farms (outside of two or three commodities) are sold in the American markets, I would like to ask why should American farmers and growers sacrifice their richest domestic and home markets for distant foreign markets? Neither the surplus argument nor the foreign-market argument justify the adoption of the resolution before us, committing the Senate to an immediate lowering of the tariff schedules.

EXCESSIVE PRICES

True, the farmer buys in a protected market; but nearly all the ordinary farm commodities the farmer buys are on the free list. The tariff, therefore, can not possibly add to the farmers' burdens as consumers, in strictly farm operations. The declaration is made by some that the tariff adds millions (often it is said billions) to the prices of domestic commodities the farmers buy. This is simply absurd. There is not a particle of evidence to prove the claim. It is significant that the guesses as to the "tariff burden" on farmers, vary according to the imagination and exaggeration of the allegator.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. Will the Senator let me get through with my speech? I would like to get it into the RECORD consecutively, and I hope Senators will study it.

In his address before the annual convention of the American Farm Bureau Federation in Chicago, December 7, 1925, President Coolidge well said:

> Of the $1,530,000,000 of goods paying imports (in 1924) $780,000,000 was upon agricultural products levied solely to protect the farmer, including animal and dairy products, grain, flax, wool, sugar, nuts, citrus fruits, and many others. Thus 80 per cent of our imports either come in free or pay a duty to protect the farmer. This must be further increased by $250,000,000 more of imported luxuries. * * * These items can not affect the prosperity of the farmer.

This brings the total of imports up to 88 per cent which are either free, or luxuries, or protected to help the farmer, and leaves only 12 per cent of our imports upon which the agricultural industry pays any part of the tariff.

In his message to Congress December last—1927—President Coolidge said:

Everything the farmer uses in farming is already on the free list. Nearly everything he sells is protected. It would seem to be obvious that it is better for the country to have the farmer raise food to supply the domestic manufacturer than the foreign manufacturer. In one case our country would have only the farmer; in the other it would have the farmer and the manufacturer. * * * The largest and best and most profitable market for the farmer in the world is our domestic market. Any great increase in manufactured imports means the closing of our plants. Nothing could be worse for agriculture.

It is impossible to accurately estimate just what excess prices the farmer may be compelled to pay for domestic goods because of the tariff on manufactured imported goods. He pays no excess price if there is no import duty on the foreign competing article. Whatever excess over the foreign price he may pay for the domestic article is governed wholly by the excess of domestic wages and cost of production. This is made up to the purchasing farmer by the high purchasing power of the wage earners in the protected industrial centers. A home market near the farm gives the farmer a far better price for his products than a foreign market far distant from the farm.

It is argued by some that the tariff permits American manufacturers to combine and extort excessive prices from the farmers. On the contrary, domestic competition, which has been severe for three years, has steadily reduced manufacturers' profits and lowered the price level of all manufactured goods.

RESTRICTING EXPORTS

It is often claimed that the tariff restricts foreign markets for American agricultural products, and therefore the tariff on manufactured commodities should be lowered in order that foreign countries, especially Europe, may buy more American agricultural products. It is argued that if the United States purchased more European manufactured commodities Europe would have a higher purchasing power for the purchase of American farm products. Admitting that Europe might have more money, it is not at all certain that it would consume more American agricultural products.

The slight decline in exports of domestic food products to Europe is not due to the tariff on imported manufactured goods but to the rapid recovery of agricultural production in Europe and elsewhere. During the calendar year 1926 imports of raw and manufactured foodstuffs and animals were some $838,000,000—equal approximately to 1925. This figure was far in excess of pre-war years. Exports during the war were abnormal.

Lowering of the tariff on manufactured goods will not gain a larger foreign market for American food, but would lose the farmer his rich American market.

ABOUT PRICES

There is no part of this important economic problem more deceptive and misleading than the matter of relative prices. "Price" is relative "value" expressed in terms of the unit of monetary measure, which in this country is the dollar. Value is a relative term; so is price. Both vary under the influence of many factors, not the least of which is the variation of the unit of measure, the dollar. The vital thing to all engaged in trade and commerce is the exchange value or purchasing power of the dollar. War and paper-money inflation that always accompanies war has a vital influence on the exchange value or purchasing power of the dollar. Paper-money inflation took place in nearly all countries, including the United States during the World War, and it has not yet disappeared.

This varying value or purchasing power of the dollar made the dollar of 1919 and 1920 a very different dollar from either 1914 or 1927. Hence prices and values in the 1920 dollar were much higher than when measured in 1914 or the 1927 dollar. Values and prices were excessively high in 1919 and 1920, because of war paper inflation. This rise and fall in farm values and prices had nothing to do with the tariff, otherwise the promoters of the resolution before us must explain why values and prices were highest in 1919 and 1920, under a low tariff. This variation in the dollar must be taken into consideration when the price argument is offered.

High prices and values are manifestations of a dollar of low purchasing power. It will be observed that the trend of prices followed the volume of issues of paper money. Prices were highest in 1919 and 1920, when the volume of Federal notes was the largest. Senators who undertake to attribute both the high prices of farm products in 1919 and 1920 and the low prices of 1921 and 1922 as well as the apparent gain and loss of farm-property values to the tariff have a problem far beyond ordinary reason or logic. This offers no excuse for an immediate lowering of the tariff.

THE FARMER'S DOLLAR

Many point to the decline of the purchasing power of the "farmer's dollar" as proof of the inefficiency of the tariff when applied to agriculture. The farmer's dollar is precisely the same kind of dollar as the manufacturer uses. There is no "farmer's dollar" and "manufacturer's dollar." All are the same, for we have a national money system wherein the dollar is just as good in one State as in another. There was a time when this desirable situation did not prevail. The manufacturer's dollar will buy no more of the same commodity than will the farmer's dollar. The word "dollar" means the same thing the country over under similar conditions. It declines in purchasing power just as much in New York or Pennsylvania as in Iowa, Nebraska, or South Dakota. It is economic fallacy and political claptrap to prejudice the West against the East by talking about a "farmer's dollar" as distinguished from a manufacturer's dollar. This was tried in greenback days and in the battle of 1896 without success.

The tariff has not deprived the farmer of the purchasing power of his dollar; but, on the contrary, has helped to preserve and restore its purchasing power in all sections of the country alike. A lowering of the tariff on manufactured goods will make it far more difficult for the American farmers to get any dollars whatever.

ECONOMIC EQUALITY

It is claimed that the tariff in operation has disturbed the "economic equality" of the farmers and manufacturers, and that the tariff protecting and favoring the latter must be lowered to restore the former equilibrium. No act of Congress can equalize or stabilize the relative values of farm products and manufactured commodities nor stabilize the relative values of any two or more agricultural products. It is impossible to establish by law how many bushels of wheat will exchange for a suit of clothes, or how many bushels of corn will exchange for a hayrake. With or without a tariff these exchanges or relative values are governed by economic laws and trade conditions wholly outside the tariff. Congress can not compel the manufacturer of a hayrake to sell it for so many bushels of wheat or corn, nor compel the farmer to exchange so many bushels of wheat for so many pounds of sugar. Congress can not permanently fix prices or exchange values; it has never undertaken it except during the World War; and even then many think it was a mistake, if not a blunder. A lowering of the tariff on manufactured goods will not have the slightest effect in establishing "economic equality" between agriculture and manufactures.

WHY MANUFACTURES ALONE?

The resolution before us declares that "the United States Senate favors an immediate lowering of tariff schedules." While it does not say so, obviously it means on manufactured goods alone, for no one has heard of a suggestion from the promoters of the resolution that the schedules on farm products shall be lowered. Why lower the tariff on manufactured goods and not on agricultural products? If protection is to be denied manufacturers, it should be denied agriculture. If protection as a national policy does not benefit and protect agriculture, it must be equally ineffective to manufacturers; yet the author of this resolution and those defending it will not consent to such a program, thus admitting that the tariff does benefit the farmer. Otherwise, why not repeal all farm duties?

THE REVENUE QUESTION

While the tariff now brings in only about one-fifth of the annual revenue of the Federal Government, it plays an important part in the fiscal operations of the Treasury. As direct taxes are gradually reduced, the tariff may play a relatively more important part. The tariff of 1922 has been bringing in approximately $600,000,000 to the Federal Treasury. A reduction of, say 10 per cent in duties on manufactures, or a still further reduction as proposed by the authors of this resolution, will reduce customs duties millions of dollars annually. It is not impossible that some form of indirect taxation would be necessary to make up the loss in customs duties. Why exchange an indirect for a direct tax? Why shift a part of the burden from importers and foreign manufacturers to the shoulders of the American taxpayers?

SOURCES OF AGITATION

What are the main sources of this agitation for tariff reduction? Certainly it does not come from a majority of the farmers themselves, for the farmers, as a rule, favor a pro-

tective tariff. There is plenty of evidence to indicate that agricultural groups are being used by other groups to pull the latter's chestnuts out of the fire. It can not be possible that the corn growers of the Middle West or wheat growers of South Dakota, the State which the author of this resolution represents in part, who depend upon the American markets for the sale of a very large part of their products, are willing to see their home markets ruined by a lowering of the tariff on manufactured commodities. It is not possible that the smaller farmers, who depend upon the industrial centers in a dozen Middle West States for the sale of almost their entire crops are anxious to see those markets ruined. What is behind this agitation against the protective tariff?

It is significant that since about 1920 more than $10,000,000,000 in private American money has been loaned to foreign governments and industrials; perhaps $6,000,000,000 to Europe alone. These private American investors are perfectly willing to have the tariff lowered in order that the European private debts owing them may be paid off by the sale of foreign manufactured goods in the markets of the United States. At the same time they appear to be perfectly willing to cancel the European war debts owing the United States Treasury, and now amounting to some $10,000,000,000. To these gentlemen with international minds American industries appear to be of secondary importance. I am forcibly reminded of that bit of Biblical wisdom: "Where your treasure is there will your heart be also." Every million dollars of private American capital invested in European industrial securities is a powerful argument in favor of lowering the tariff.

Also, it is significant that the joint committee on agriculture, appointed by the National Conference Board and the Chamber of Commerce of the United States, reports that—

the steady extension of tariff protection to manufacturing industries, and particularly the increase in the tariff level in post-war years, has on the whole affected agriculture unfavorably in comparison with manufacturing industry.

Discussing the relative merits of foreign and domestic markets for the farmers, this report further states that—

we have raised a tariff wall against those foreign manufactured products which we could not produce as cheaply as foreign manufacturers—

And—

the ability of European markets to purchase American farm products has diminished—

Further, that—

it may be questioned, however, whether this expansion of the domestic market has more than offset the relative narrowing of the foreign market, especially in recent years—

And that—

the principal effect of the protective tariff upon the American farmer is to restrict the market for those products of which he produces a surplus above domestic needs.

This report further states that the high level of wages and the extraordinary consuming power of the American people—

are the result of the high productive power of unprotected manufacturing industries rather than of the tariff in protected industries.

In other words, this joint committee of two supposed American organizations, one of which is composed of American business men and many manufacturers, deliberately urge a reduction of the tariff to help the farmers obtain a larger foreign market, at the expense of the thousands of American industries depending on the tariff for industrial life. The tariff is not for the few large industries which this report says "do not need the tariff," but for the thousands of American industries scattered all over the country, even in Iowa, Kansas, Illinois, Indiana, the Dakotas, and Nebraska. It is inconceivable that an organization like the Chamber of Commerce of the United States should indorse such a plan as is proposed by the report of this Joint Committee on Agriculture.

Against this report, in favor of the reduction of the tariff, let me quote from the report of the Congressional Joint Commission of Agricultural Inquiry, October 15, 1921, at a time when the agricultural crisis was most acute and the facts near at hand. This commission reported:

The (agricultural) crisis was not confined to this country. The avalanche of declining prices and its hardships, sacrifices, and losses involved the whole world * * *. In the United States every industry and every class of people were involved in the avalanche of descending prices. The turn in the tide from optimism, expansion, speculation, and extravagance to the reaction of deflation and depression occurred about the middle of 1920.

This commission reported that not only the farmers but "every industry and every class of people" were involved. Observe that all this was under the operation of a Democratic low tariff.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. I do.

Mr. McMASTER. As I understand the statement of the distinguished Senator from Utah, we would be led to believe that this depression was along rather equal lines. Will the Senator point to any great industrial business in the United States——

Mr. SMOOT. I am afraid the Senator has not been here and heard all of my remarks.

Mr. McMASTER. I heard very distinctly the statement that the Senator made since I came into the Chamber.

Mr. SMOOT. Yes; but that occurred about the middle of 1920.

Mr. McMASTER. Nineteen hundred and twenty?

Mr. SMOOT. Yes.

Mr. McMASTER. And agricultural valuations at that time were deflated by $20,000,000,000. They have never returned; but the valuations upon the industries of the United States have been increased billions of dollars. There is not a particle of truth in the statement that all industry suffered to the same degree that agriculture suffered.

Mr. SMOOT. Mr. President, I did not want to be led into that, but the Senator seems to want me to go.

Just take one State of the Union—and I will not name it. Over 100 banks in that State failed. Why? Uncultivated lands advanced in that market until they were running as high as $400 an acre.

Mr. McMASTER. Mr. President——

Mr. SMOOT. Just wait a minute, until I finish this sentence. It had not been two years before that land was worth $50 an acre. I am telling the Senator in regard to a State that I know about.

Mr. McMASTER. The Senator is referring to Iowa; is he not?

Mr. BROOKHART. Mr. President——

Mr. SMOOT. No; I am not referring to Iowa at all. Today I do not think they could get $100 an acre for those lands. Whose fault was it? Was it the fault of the tariff? No. People went wild, that is all; and in this case, as in every case in the history of the world, there will be a basis of conservatism reached at some time or other. Wherever there are inflations it is fine business while going up, but it is mighty hard coming down.

Mr. McMASTER. Agricultural value or any other value is dependent upon income; and I suppose that when wheat dropped from $2.26 to 50 cents a bushel, and corn dropped from $1.75 to 20 cents a bushel, it was the result of speculation? Is that what the Senator means by the farmers going wild in speculation?

Mr. SMOOT. No; I was speaking of one lot of bankers in one State of the Union, and I think I could refer to others. I referred only to what happened in one State, and I know that it happened.

Mr. BROOKHART. Mr. President, the Senator promised to yield to me. Will he yield now for a moment?

Mr. SMOOT. Yes.

Mr. BROOKHART. The question of land values applies more to Iowa than to any other State, because the lands there reached the highest point in value.

Mr. SMOOT. But the percentages were not nearly as high there as they were in some of the other States. Your land was cultivated lands while the lands I refer to were not.

Mr. BROOKHART. The land in Iowa never did reach the high price of the average value of any other kind of property in the United States. The average ratio was 241 and 230 is as high as Iowa land ever got.

Mr. SMOOT. I was not referring to Iowa, although I do know that there was a tremendous inflation in Iowa and in every other State of the Union.

Mr. BROOKHART. I have just pointed out that there was less inflation of land in Iowa or any other State than there was of manufactured products generally.

Mr. SMOOT. I heard from the lips of an ex-Member of this body the story of the experience he had, and I know what the situation was if he told it correctly.

Mr. BROOKHART. There was not 5 per cent of the Iowa land sold in the speculative market, not 5 per cent of it; and while Iowa land went down two and a half billion dollars railroad stocks went up $3,000,000,000.

Mr. SMOOT. The Senator makes that statement, and I can not say "yes" or "no" to it, because I have not looked up the value of the railroad stocks, and I can not say "yes" or "no" except about things that I do know about.

In 1925 President Coolidge appointed a conference to investigate agricultural conditions. It reported in its recommendations for a remedy:

> The livestock industry is suffering through lack of protection from competition with hides and meats from foreign countries, * * * while other agricultural enterprises are suffering from lack of proper tariff protection. * * * There is need of protecting our various agricultural commodities by adequate tariffs on foreign products that come into competition with them.

The remedy for the agricultural situation was more protection.

I will say to the Senator that so far as I am concerned, now as before, if the agricultural interests want increased protection they can have it just as soon as the tariff is taken up for consideration.

Mr. McMASTER. I believe that; and the remedy you gave them in this protective tariff bill has given them an 89-cent dollar.

Mr. SMOOT. Mr. President, that statement can not be substantiated. If it had not been for this protection, God only knows what the dollar would have been worth.

Mr. CARAWAY. It would have been worth a hundred cents.

Mr. SMOOT. That is what the Senator says; but I am afraid it would have been nearer 10 cents.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Jersey?

Mr. SMOOT. I do.

Mr. EDGE. I have just entered the Chamber. I heard the Senator from Iowa [Mr. BROOKHART] make a statement as to the comparative value of land and securities in Iowa. In a speech made by the former Governor of Indiana, James P. Goodrich, a few months ago, he made this statement:

> Isn't it time that some loyal son of Iowa was calling attention to the fact that the per capita wealth of Iowa in 1926 was $3,539, nearly double the average of the United States?

I was so taken by that fact that I thought perhaps the Senator would like to have it called to his attention.

Mr. BROOKHART. But that statement does not give the amount of mortgages that New Jersey and New York hold on Iowa land.

Mr. EDGE. This refers to the per capita worth.

Mr. BROOKHART. But it does not give the per capita debt.

Mr. EDGE. When a man owes a mortgage, he is not worth the amount of that mortgage. He owes it to somebody else.

Mr. BROOKHART. That is the property in Iowa. That is the amount of the values out there. There is nothing about the mortgages in that statement.

Mr. EDGE. Then the statement of the ex-Governor of Indiana is incorrect, is it?

Mr. BROOKHART. Yes.

Mr. EDGE. I read it exactly as it appears.

Mr. BROOKHART. It is vitally incorrect. He does not know what he is talking about at all.

Mr. SMOOT. Sometimes people do know what they are talking about, but others think they do not.

THE CHAMBER OF COMMERCE OF THE UNITED STATES

Perhaps the American people, even the members of the organization itself, are ignorant of the methods and activities of the Chamber of Commerce of the United States—a splendid and useful establishment if operating on purely American lines. But there is evidence that this organization has adopted un-American and possibly unwise methods in ascertaining and reporting what it calls public sentiment. I recall that in 1922, when the tariff was being framed, the chamber of commerce put forth one of its "referendums" attempting to show that the Republican plan of protection restoration was all wrong and should be changed. It insisted upon lower rates all along the line, much to the embarrassment of the responsible framers of the bill.

INTERNATIONAL CHAMBER OF COMMERCE

The August 8, 1927, number of the United States commerce reports of the Department of Commerce contains an interesting and significant article on the recent fourth Congress of the International Chamber of Commerce at Stockholm, Sweden, June 27 to July 2.

From this article it appears that the purposes of the International Congress are—

> to develop international trade, to suppress those barriers which hamper commercial exchanges, to strengthen the bonds which link the various nations together, to counteract the causes of economic conflict, and thereby contribute to the maintenance of peace.

This is a quotation from one of its brochures.

> Trade barriers—

In the language of Mr. Silas H. Strawn, one of the American delegates to the congress at Stockholm, are—

> those arbitrary national restraints on the free movement of goods, capital, and services which not only restrain trade and traders but limit the economical production and distribution of goods, capital, and services to the detriment of the peoples affected by the restraint.

This is a quotation from Mr. Strawn's address quoted in the August 8 Commerce Reports, at page 328.

The article in this number of Commerce Reports states:

> The resolution originally reported by the drafting committee of the trade-barriers group at Stockholm, on the subject of import tariffs was discarded, upon objection being raised, and a substitute paragraph was adopted which affirmed the "adhesion of the business world to the declarations of the Geneva Conference" on this question.

This quotation is from Commerce Reports of August 8, at page 329.

What were the declarations of the Geneva Conference on the subject of import tariffs?

On pages 31, 32, and 33 of the final report of the proceedings and resolutions of the Geneva Conference will be found these declarations (these quotations are paraphrased, retaining the meaning):

> (1) Attempts by nations to stimulate industries artificially have resulted in losses and sacrifices to the nations trying them, and burdened the consumers who were obliged to pay more for the products of the protected industry.

Senators now in the Chamber can remember when the tariff bill of 1922 was under consideration in this body. At that time this Chamber was crowded with foreign goods imported into this country on which profits of over a thousand per cent were made by the importer. Because they bought the goods cheaply, did they sell them cheaply? If we had free trade to-day, we would have exactly the same position. Imported goods are not sold here by the American merchant for less than the same quality and class of goods made in this country are sold. They make more profit out of them.

Only a month or so ago, in talking here with a purchaser for one of the great concerns in New York, he told me they were going to purchase that year two-thirds of all of their commodities in foreign countries and one-third in America. I said, "Why put it in percentages? Why do you do that? How much do you make? Is there any difference in what you make on selling the goods?" He said, "Of course we make higher profits on foreign goods than we do upon domestic goods." What if we had free trade? Would there be any limit? Only the limit that would be imposed by the foreign country; and as between the American manufacturer and the foreign manufacturer, I am for the American manufacturer.

> (2) Excessive protection defeats its own object, reduces national production and purchasing power, permits high profits at home, uneconomically stimulates exports, and creates artificial competition in foreign markets.
>
> (3) Governments should immediately prepare plans for removing or diminishing these trade barriers that gravely hamper trade.
>
> (4) Tariffs are not a matter of purely domestic interest, but generally influence the trade of the world.

Mr. SHORTRIDGE. Who said that?

Mr. SMOOT. This is the report of an American delegate to the Congress at Stockholm.

> (5) The time has come to put an end to the increase of tariffs and to move in the opposite direction.

It is clear that the Geneva International Economic Conference in May last headed in the direction of the removal of all import tariffs eventually. While the American delegates did not and could not commit the United States to any policy, it is fair to assume that the final report of the Geneva Conference met the approval of the American delegates. The American delegates were: Henry M. Robinson, Norman H. Davis, John O'Leary, Alonzo E. Taylor, and Dr. Julius Klein, of the Department of Commerce.

Mr. SHORTRIDGE. Mr. President, I am interested in knowing whether the Mr. Robinson mentioned there concurred in that recommendation.

Mr. SMOOT. I think that he was chairman of the subcommittee, but I am not sure. I know that he was a member of the committee.

Mr. WILLIS. Mr. President, I did not get the name the Senator last read.

Mr. SHORTRIDGE. It was Mr. Robinson, of California.

Mr. WILLIS. No; I mean the last name read.

Mr. SMOOT. It was Mr. Klein, of the Department of Commerce.

The American delegates made a report to President Coolidge, in which these observations are found on pages 2, 4, and 6:

(1) Within the limits fixed by the agenda, discussion revolved around European problems; nevertheless the general resolutions for the most part have world-wide application.

(2) Fundamental policies of national economy, such as free trade versus protection, and nationalization of resources, were not included in the deliberations of the Geneva conference. Tariff levels are of less importance than the "rationalization of tariffs." (This phrase is not defined, but presumably it means tariffs low enough to be acceptable to the whole world, acceptable to the reason of all nations.)

(3) There were evolved out of Geneva definite formulæ for the relief of difficulties that still militate against international commerce. (One was a removal of protective tariffs.)

(4) The Geneva conference declared against all forms of direct or indirect subsidies; that is, government aid.

(5) The American delegates finally report on page 6:

"We feel that within the limits fixed for discussion and recommendation, the (Geneva) conference has pointed ways for the removal or modification of obstacles to the natural flow of international trade, and for the lowering of costs of production. We believe if the formula evolved should be followed it will be beneficial to the peoples not only of Europe but of the world."

It is perfectly clear that the Geneva International Economic Conference frowned upon import tariffs, protection, and all methods of promoting and protecting domestic industries; that it recommended the removal of import tariffs; and that it meant to apply these recommendations to all nations, including the United States.

It is also perfectly clear that the report of the American delegation to the Geneva conference indorsed the general recommendations of the conference itself, including the removal of all "economic barriers" which, in the language of the conference itself, includes import tariffs.

It is also perfectly clear that the International Chamber of Commerce in session at Stockholm, Sweden, in June and July last, indorsed the position of the Geneva conference in the matter of import tariffs.

The fundamental principles discussed at Geneva and Stockholm may not have been directly free trade versus protection, but they were essentially the same thing.

It is very significant that Sir Arthur Balfour was one of the British delegates to the Stockholm Congress of the International Chamber of Commerce. The main points of his address will be found in Commerce Report of August 8, at the top of page 331. He said:

In the resolutions of the Geneva conference is to be found the advice of the most authoritative body of the world experts * * * as to the direction in which the economic policies of the world ought to develop. The evils they wish to remove cause not only loss but friction since they affect not only the growth of trade but international good will.

Doubtless Sir Arthur forgot that already Great Britain grants subsidies to its national shipping.

Sir Arthur commended the declaration of the Geneva conference in opposition to trade discriminations of all sorts. Doubtless he forgot that already Great Britain has a decided tariff preference over all other countries in her trade with Canada, Australia, and all dependencies coming under the British imperial tariff system. The tariff rates in Canada, Australia, and other British possessions imposed on British goods are less than on American goods and commodities, or the commodities of any other country.

These observations are for the purpose of calling public attention to powerful forces working to break down the American protective tariff. To them must be added American investments abroad, especially in Europe.

A PERIL TO FARMERS

This resolution offered by the Senator from South Dakota, presents a peril to the United States I hope not fully realized by its author, or its supporters; and the greatest peril of all is to the farmers.

Mr. McMASTER. Oh, Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SMOOT. I said I "hoped."

The PRESIDING OFFICER. The Senator declines to yield.

Mr. SMOOT. The Senator may not think the Geneva conference has anything to do with it, but when it comes to final action——

Mr. McMASTER. That has not anything to do with the square deal between the farmer and the manufacturer.

Mr. SMOOT. The whole protective tariff has something to do with it. Without it, the farmer would not have what he has to-day. Destroy the manufacturers, and put all the 20,000,000 people they employ on the street, and see what would happen.

Mr. McMASTER. There is not a word or syllable in that resolution that you can even conceive as being meant to destroy a single industry in the United States.

Mr. SMOOT. The Senator would not want to have that apply to agricultural products, because I saw in a letter to his own State where he said it did not apply to them. He does not want that changed.

Mr. McMASTER. I think I said in my remarks here on the floor of the Senate that the tariffs on industrial products would be decreased by 25 or 30 per cent, and still be far above the level of the schedule that has been accorded to agriculture, and thus that would increase the purchasing power of agriculture.

Mr. BRUCE. Mr. President, may I call the attention of the Senator from Utah in this connection to the fact that this resolution, to put it in its exact language, declares in favor of the "lowering of tariff schedules." Of course, that means all tariff schedules.

Mr. SMOOT. Certainly.

Mr. McMASTER. It does not so state.

Mr. BRUCE. It would be impossible to lower the tariff schedules on some industries at the present time without destroying them.

Mr. SMOOT. While the Senator is on this, I will read part of a telegram I have in my hand:

That the Associated Commercial Clubs of Black Hills oppose the resolution offered in the United States Senate by Senator McMASTER urging the enactment of a law at this session of Congress looking to the lowering of the tariff rates now in force, and that the Senator be respectfully requested to abandon same.

Mr. McMASTER. Mr. President, the sequel to that telegram is the fact that the distinguished Senator from Utah owns a sugar factory in the Black Hills of South Dakota, and he may have informed them that the resolution endangered the sugar business. Those people may have been under the impression that they would lose the sugar factory if the pending resolution should pass.

Mr. SMOOT. Mr. President, I do not like to dispute a Senator's word, but I have not sent a word to South Dakota.

Mr. McMASTER. Propaganda has been distributed to the effect that that would be the result if this resolution should pass the Senate.

Mr. SMOOT. Mr. President, in the first place, I have no sugar factory. I own 440 shares of sugar stock. I offered to sell it to Mr. La Follette some two years ago. If the Senator from South Dakota wants to buy it, he can buy it.

Mr. McMASTER. I do not want to relieve you of that.

Mr. SMOOT. The Senator's intimation was that it was my sugar factory. I am interested in the production of sugar, just as I am in every other product of South Dakota; and so the Senator ought to be.

Mr. McMASTER. I am glad to have the Senator interested in the affairs of South Dakota, in the sugar factories there, and we hope he will establish more.

Mr. SMOOT. I have not established any.

Mr. McMASTER. When the Senator mentions a certain telegram coming from there——

Mr. SMOOT. It is a telegram handed to me by Mr. James L. Wright. It is not to me at all.

Mr. McMASTER. The telegram has never been received in my office.

Mr. SMOOT. This was not sent to the Senator; it was sent to James L. Wright. I knew nothing about it until about half an hour ago.

Mr. McMASTER. I will say this: That I have received probably hundreds of letters from farmers in South Dakota that are very much in favor of this resolution.

Mr. SMOOT. Let me tell the Senator one thing: Begin to tear down the policy of protection and your farmers in South Dakota will be singing another song.

Mr. McMASTER. There is no one tearing down the policy of protection.

Mr. SMOOT. That is what the Senator is doing by his resolution; that would be the ultimate effect.

The very thought of an attack on the tariff and a weakening of the walls of protection is bringing a slow-down to many lines of industry and a reduction of the employed, not to say slight reductions of wages. While general prosperity followed a restoration of protection in 1922, and unemployment largely disappeared, since the inauguration of an international movement to remove all "economic barriers," including the American tariff and a backfire of free trade or a lower tariff from our own country, there has been a slowing down of many industries and a fear of the future.

Added to this during the last two years excessive domestic competition and excessive State, municipal, and local taxes have so discouraged many manufacturers as to compel them to "take in sail."

Even under the present tariff rates foreign importations of steel and iron products, glassware, cement, and many other commodities have been so large as to alarm American manufacturers. Imports of cotton and woolen clothing have brought not simply fair competitive conditions but unfair underselling in many American markets. The shelves of many American stores and department establishments have been loaded with foreign goods, produced at much less cost and raised to a figure in the American markets just below American cost of production. Profits on such imported foreign goods are greater than on similar American goods. All this is added to domestic competition and high taxes until a slow-down has been forced. Not a lowering of the tariff but higher tariffs in many cases is the remedy not only for industrial but agricultural ills. American farmers are already suffering from a declining American market, due to the agitation for what might be falsely called "tariff reform."

ABOUT WAGES

It is not necessary to explain to the country or to the author of this resolution and its supporters what a high wage scale and a high purchasing power in the United States means to American farmers. It is not necessary to show what the difference in the average scale of wages is in the several industrial countries.

The International Labor Office, in its Labor Review of October, 1927, prints a comparison of "real" wages in various large cities of the world. Here are the figures from a labor point of view and from a labor source:

Index numbers of comparative real wages in various cities, July 1, 1927

City	General average index numbers	
	Based on food only	With allowance for rent
Philadelphia	178	178
Ottawa	156	154
Copenhagen	106	106
Dublin	102	110
London	100	100
Stockholm	92	99
Amsterdam	87	87
Berlin	67	62
Madrid	54	
Paris	53	
Milan	52	53
Brussels	48	52
Riga	48	53
Prague	46	49
Tallinn	46	47
Rome	43	45
Lodz	42	44
Vienna	41	46
Warsaw	37	38
Lisbon	31	

These are official figures from each of the countries. Is it possible under conditions of that kind that industry in America can maintain itself without a protective tariff?

Philadelphia, which represents the United States, is the highest of all in the scale of "real wages." It is 78 points above London, 111 points above Berlin, and 125 points above Paris. Based on food alone, the real wages in the United States are twice as high as in Germany and nearly three times as high as in other countries. It is impossible for American industries to compete with similar foreign industries in the domestic markets without adequate protection.

The greatest obstacle to the gradual recovery of the American farming industry is a depression in manufacturing and a decrease in the demand for farm products, and thus a depression in prices. What folly for the farmers to urge a program that will add disaster to their present troubles.

A REAL FARM PROBLEM

I fully appreciate the sad experiences of many farmers and cattle raisers in the West, Northwest, and Southwest sections of the country. I am a western man myself, and know by personal observation the disasters that have been wrought in some States by the postwar conditions; but I can not be persuaded that a lowering of the tariff on manufactured goods, certainly not on agricultural products, will remedy the situation. If I could be so persuaded, I would apply the remedy or help in applying it.

The causes of the troubles among the farmers of the Middle West and Northwest and Southwest lie not with the tariff, but with war and postwar conditions. Land and crop values were greatly inflated between 1914 and 1919; they were bound to recede. It is true that farm and crop values after 1919 and 1920 declined more rapidly than other values, and that prices of agricultural products fell more rapidly than manufactured commodities; but the tariff had nothing to do with it.

The value of farm crops in 1927 was $8,428,626,000, as compared with $7,793,490,000 in 1926—a gain of more than $635,146,000 in one year. The corn crop in 1927 increased more than $285,000,000 over 1926, the barley crop increased more than $73,800,000 over 1926, while the cotton crop increased more than $330,700,000 over 1926. Wheat decreased in value about $10,000,000.

The agricultural problem is more a problem of cooperation and economic distribution or marketing than of the tariff. God knows I will help in every way, shape, and form to support legislation that will give them a fair chance in marketing their products in the world. A tinkering of the tariff will only make the situation worse; while economic laws and business cooperation are bound in time to restore the much-needed economic relations between agriculture and manufactures. Farm values and prices are bound to recover; in fact, are recovering slowly now.

I am painfully aware that many western and northwestern and southwestern farmers lost their farms; and that many banks holding farm property as security, failed. However, I am also painfully aware of the fact that this was largely due to the unwise purchase of high-priced farms, of inflated securities held by some banks, and the expectation that inflated prices would hold after the war. No such thing occurred after the Revolution, after the War of 1812, after the Civil War. Deflation and disasters on farms all over the country followed each of those wars. The same thing was bound to follow the World War.

I am convinced that farm conditions are slowly improving. Reports from Iowa, Nebraska, the Dakotas, and other States are encouraging and that farmers are paying off their old debts and enjoying a slowly rising income. Why lose what has been gained in two or three years by lowering the tariff and depriving the farmers of the only profitable market they have?

It is nonsense to charge the tariff with the loss of many millions, perhaps billions, in farm property since the inflated days of 1919 and 1920. Thousands of manufacturers suffered from inflation and inflated prices and values; and many lost everything and were put out of business. Those who survived were saved from the postwar collapse by a restoration of protection.

PROSPERITY

Some of our free-trade friends are inclined to question the presence of prosperity in the country. They are undertaking to demonstrate that protection is a failure, because there are unemployed, commercial failures, and, in spots, distress.

Unemployment is small as compared with 1921, before the Republicans came into power. The percentage of commercial failures was not as great in 1926 or 1927 as in 1914. Production has increased; wages, on the whole, have maintained a high level, personal incomes have increased, and greater prosperity has come to more people since 1922 and 1923 than in any other period of the country's history.

DO FARMERS NEED PROTECTION?

Despite the fact that American farmers can supply all the staple products needed in the United States, they face every year an influx of foreign-grown crops and other agricultural commodities. The Senator from South Dakota who offers this resolution forgets the heavy importations of crude agricultural products which come into direct competition with the products of American farmers. He does not mention the fact that during the fiscal year ending June 30, 1927, agricultural imports were

valued at more than $2,500,000,000. Millions of pounds of foreign butter, cheese, live hogs, live poultry, hides, beef and veal, pork, wool, rice, sugar, tomatoes, potatoes, lemons and fruits, and nuts were imported; and this country raises all of these commodities. Imports of competitive farm commodities in 1926–27 were valued at more than $1,500,000,000. The farmers need protection, and can not in fairness to themselves ask for immediate reduction of tariff schedules.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. I yield.

Mr. McMASTER. I can not see any particular reason why the senior Senator from Utah should continually reiterate these statements in regard to the ruination of agriculture because of a lowering of tariff schedules upon industrial products.

Mr. SMOOT. The Senator's resolution does not say anything about industrial products.

Mr. McMASTER. It clearly has that in mind.

Mr. SMOOT. What will the American people think? What will Senators on the other side of the aisle think about that?

Mr. McMASTER. Would the Senator vote for the resolution if it were so amended? If the Senator is such a friend of agriculture, would he vote for the resolution if it were amended to apply only to industrial products?

Mr. SMOOT. How does the Senator mean?

Mr. McMASTER. That the tariff schedule should be lower only on industrial products. The Senator is a great friend of the farmer and of agriculture?

Mr. SMOOT. Yes.

Mr. McMASTER. Would he be willing to vote for the resolution if we amended it to provide that the production should apply only to industrial schedules?

Mr. SMOOT. Why, it seems to me that is so begging the question that I think it is beneath the Senator even to make such a proposition.

Mr. McMASTER. I want to amend the resolution so the Senator from Utah will vote for it.

Mr. SMOOT. The Senator from Utah will wait for the House of Representatives to pass a tariff bill, as the Constitution provides, and when it comes over here, if I am a member of the Finance Committee, I will use my best judgment on every rate, whether it be on industrial or farm products or any other product.

Mr. McMASTER. Will the Senator do as he did the last time in lowering the rates in practically all of the schedules on agricultural products for which the farmers were asking? That is what he succeeded in doing in his Finance Committee in 1921.

Mr. SMOOT. I deny the statement.

Mr. McMASTER. I have quoted the testimony.

Mr. SMOOT. Yes; on milk and butter.

Mr. McMASTER. Milk and butter, hides and rice.

Mr. SMOOT. I wish the Senator from Idaho [Mr. GOODING] were here. He came before the committee representing the tariff bloc in this body.

Mr. McMASTER. Yes; asking for a tariff on hides and it was denied him.

Mr. SMOOT. It was not denied by the committee. It was denied him by the very men whom the Senator from South Dakota expects to vote for his resolution, Senators on the other side of the Chamber. It was not denied by those on this side of the Chamber.

Mr. WALSH of Montana. There was not a majority on this side of the Chamber.

Mr. SMOOT. There were just enough over there to do it.

Mr. WALSH of Montana. Of course, with help from the other side.

Mr. CARAWAY. But it was very powerful.

Mr. SMOOT. Evidently it was so far as hides are concerned.

A BIT OF HISTORY

Mr. President, this is not the first time in American history that the tariff has been condemned by the West or South as a plan to enrich the East at the expense of other sections. On one occasion it led to nullification by a southern State, and a compromise tariff law to pacify the southern agricultural hostility was enacted. The distress of that period was almost equal to the financial disaster between 1817 and 1824, when all forms of industry languished and there was no market for agricultural products.

Mr. President, if you want to discover a replica of the resolution offered by the Senator from South Dakota and the arguments offered by his supporters, read the celebrated report of the Secretary of the Treasury, Robert J. Walker, in 1846, condemning the protective tariff of 1842. Secretary Walker arraigned the manufacturers of the East as enjoying unfair advantage, in his opinion, at the expense of the agricultural West because of the tariff. Precisely the same arguments were advanced in 1846 that are advanced now in favor of a lowering of the tariff.

Reading that report now, one might imagine the supporters of protection in 1842 were engaged in a conspiracy to commit fraud, and that the manufacturers of the East were guilty of some crime against the people. The Secretary's language might well be termed savage. Now in 1927 the same arguments, the same savage attacks against the manufacturers are repeated.

Tariff reform, such as is suggested in the resolution before us, was tried in 1894, and resulted in failure. The farmers were told they were being robbed by the manufacturers. The agricultural groups were promised prosperity but were given hard times and a declining market for farm crops. In 1913 the farmers, having tried tariff reform in 1894 and failed to learn their lesson, tried tariff reform once more, and its promoters called it a "competitive tariff." The framers of this tariff placed many farm products, including wool, on the free list, and reduced the tariff on all others sufficiently to invite large foreign importations. Had it not been for the World War, this tariff of 1913 would have ruined not only manufactures but agriculture. With these lessons in mind, it is difficult to understand why the Senator from South Dakota or any agricultural group in the country can consistently urge the adoption of this resolution.

Mr. President, to my mind the national situation is altogether too serious to tell the country and the world that the United States Senate favors a lowering of all tariff schedules as a solution of the farm problem. It is difficult for me to measure the disastrous effect the adoption of this resolution by the Senate would have upon business, upon confidence, and upon credit. The very fear of a general lowering of the tariff might precipitate an industrial and business panic. The resolution contains nothing specific, no definite program upon which business might predicate a future policy. It is a threat, an attack in the dark, without a single redeeming feature. Its possibilities for good are negligible; its possibilities for mischief are boundless.

By the adoption of this resolution agriculturists will profit nothing; nay, will add more trouble to their unfortunate condition by alarming capital and credit, the two things the farmers most need right now.

Mr. CURTIS and Mr. BRUCE addressed the Chair.

The VICE PRESIDENT. The Senator from Kansas.

Mr. CURTIS. Unless the Senator from Maryland desires to ask a question, I wish to move an executive session and then ask the Senate to take a recess.

Mr. BRUCE. I merely wish to say a few words. It will not take me more than 10 minutes to say what I desire to say, and I should like to say it at this time.

Mr. CURTIS. Very well.

Mr. BRUCE. Mr. President, I regret that this resolution should be worded as it is. With a single amendment it would receive my support. I am not willing to commit myself to the position that there should be an immediate lowering of all tariff schedules, and that unquestionably is the import of the language of the resolution. There never has been a tariff measure since the Civil War, whether framed by the Republican Party or the Democratic Party, that has not been, more or less, protective in character. There has been no such thing as a tariff for revenue only. We have had a tariff for revenue with incidental protection, and we have had protective tariffs pure and simple, but never since the Civil War has a tariff measure been framed, even by the representatives of the Democratic Party in Congress, that those representatives have not acted, to a greater or lesser degree, upon the considerations which led Grover Cleveland to say on a memorable occasion: "It is not a theory but a condition that confronts us."

Last year the fact was developed that the great straw-hat manufacturing industry of Baltimore was about to go to the wall because of Italian competition. This state of things was laid before the Tariff Commission and the President, and, as a result of the investigation that was thereby initiated, the tariff duty on straw hats was increased to an extent that it was believed would afford proper protection to the straw-hat manufacturers of Baltimore and the State of Massachusetts.

The fact was brought to my attention at that time that a wage of 80 cents a day was being paid to the skilled straw-hat operative in Italy as compared to the wage of $6 a day which was being paid to a similar operative in Baltimore. I was also informed that one concern in the State of Massachusetts engaged in the manufacture of straw hats had, through Italian com-

petition, recently lost the sum of $200,000. Now that the increased duty has been imposed on the importation of Italian straw hats, with the full approval and consent of the Democratic as well as the Republican members of the Tariff Commission, and with the approved of the President, is it, too, to be lowered as the result of the pending resolution?

I surely do not think it can be within the intent of the Senator from South Dakota [Mr. McMASTER] that there shall be a horizontal reduction of all tariff duties of every sort on imported commodities of all kinds. I am not willing to be put into the position of approving that, though, of course, I have always been a pretty orthodox Democrat in relation to the tariff.

Besides, I think it is premature to consider this resolution at this time. At the last session of the Senate there was a special tariff investigation committee appointed by it, and that committee is soon to report. One of the questions that have been considered by the committee, and most earnestly considered by it, is the question as to whether the power of fixing tariff duties should not be lodged exclusively in a reorganized tariff commission, subject to proper administrative standards supplied to it by Congress, in the first instance, and, perhaps, subject also to the final approval of Congress within some limited time after the duties fixed by it shall have been reported to Congress. In other words, one of the problems which that special committee is pondering is whether the tariff controversy should not cease absolutely and for all time to be the mere football of party politics and the fixing of tariff duties of all kinds be left, subject to the proper standards of administrative discretion which are necessary to make the delegation of authority valid, to a tariff commission with a sufficiently long tenure and liberal enough salaries to give its members the position of aloofness and dignity enjoyed by the Interstate Commerce Commission in fixing transportation rates. The repeal of the flexible clause of the present tariff act would, of course, be one of the features of such an arrangement. Though we occasionally hear mutterings about the operation of the Interstate Commerce Commission, we all know that next to the Supreme Court of the United States that body enjoys a larger measure of the confidence of the American people than does almost any other administrative body known to the Federal law.

I am not committing myself at this time to the proposition that the powers of the Tariff Commission should be so enlarged. That would not now be proper because the members of the special committee have not had a final interchange of views among themselves; but we shall have that interchange shortly. At the present time I think that I am justified in saying that the trend of opinion on the part of all the members of the committee, Republican and Democratic, has not been one of enmity to the plan. It seems to me, therefore, that the questions which have been discussed, and so ably discussed, this afternoon have been brought forward just a little prematurely, and that they might have been discussed even more intelligently and effectively a little later on, when the special tariff investigating committee, to which I have referred, shall have rendered its report.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

INVESTIGATION OF NAVAL OIL RESERVE LEASES

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 101) to continue the investigation of the matter of naval oil reserve leases and the activities of the Continental Trading Co. of Canada in connection therewith, and I ask unanimous consent for its present consideration.

The resolution was considered by unanimous consent and agreed to, as follows:

Whereas in the Sixty-seventh Congress the Senate passed Senate Resolutions 282 and 294, which resolutions directed the Committee on Public Lands and Surveys to investigate the entire subject of the leases upon naval oil reserves, with particular reference to the protection of the rights and equities of the Government of the United States and the preservation of its natural resources; and

Whereas said committee never completed said investigation, the same having been suspended because of the refusal of one Harry F. Sinclair to answer the questions of the committee, and said committee has never made any final report to the Senate; and

Whereas in the case of the United States against Harry F. Sinclair and Albert B. Fall it was disclosed upon the trial that a fraudulent corporation, known as the Continental Trading Co. of Canada, had been organized for the purpose of using the profits of its business in the bribing of public officials of the United States and for other dishonest, dishonorable, and illegal purposes; and

Whereas it was disclosed upon said trial that profits of said corporation were invested in Liberty bonds of the United States, and that only a portion of said Liberty bonds so invested had been definitely traced and accounted for, and that a large amount of Liberty bonds coming into the hands of said fraudulent corporation had been unaccounted for and unexplained: Therefore be it

Resolved, That the said Committee on Public Lands and Surveys be, and it is hereby, authorized and directed to renew and to continue the investigation provided for in said Resolutions 282 and 294, and said resolutions are hereby renewed as fully and as completely as though they were herein fully set forth; and be it further

Resolved, That said committee is specifically directed to make an investigation as to the transactions and activities of the said fraudulent corporation, the Continental Trading Co. of Canada, and it is specifically directed to trace all the Government bonds held and dealt in by said corporation, with the purpose of ascertaining the beneficiary or beneficiaries of all the illegal transactions connected with the fraudulent and dishonest sale or leasing of the said naval oil reserves.

The preamble was agreed to.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 32 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, January 10, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 9, 1928

ASSOCIATE JUSTICE OF THE SUPREME COURT OF PORTO RICO

Jacinto Texidor, of Porto Rico, to be associate justice of the Supreme Court of Porto Rico.

DISTRICT ATTORNEY FOR THE CANAL ZONE

Charles Joseph Riley, of Missouri, to be district attorney for the Canal Zone.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

To Finance Department

First Lieut. Richard Head Trippe, Infantry (detailed in Finance Department), with rank from October 11, 1924.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lieut. Col. Albert Urmy Faulkner, Field Artillery, from December 14, 1927.

Lieut. Col. Frank Scott Long, Coast Artillery Corps, from December 20, 1927.

Lieut. Col. Samuel Grant Shartle, Coast Artillery Corps, from December 21, 1927.

Lieut. Col. Arthur Winton Brown, Judge Advocate General's Department, from December 25, 1927.

Lieut. Col. John De Camp Hall, Quartermaster Corps, from December 25, 1927.

Lieut. Col. Wilson Bryant Burtt, Infantry, from December 29, 1927.

To be lieutenant colonels

Maj. Philip Bradley Peyton, Infantry, from December 14, 1927.

Maj. Karl Truesdell, Infantry, from December 15, 1927.

Maj. Mark Lorin Ireland, Quartermaster Corps, from December 18, 1927.

Maj. Charles Avery Dravo, Infantry, from December 20, 1927.

Maj. Charles Roberts Pettis, Corps of Engineers, from December 20, 1927.

Maj. William Dandridge Alexander Anderson, Corps of Engineers, from December 21, 1927.

Maj. Ralph Talbot Ward, Corps of Engineers, from December 22, 1927.

Maj. John Jennings Kingman, Corps of Engineers, from December 25, 1927.

Maj. Robert Philip Howell, Corps of Engineers, from December 25, 1927.

Maj. Thomas Matthews Robins, Corps of Engineers, from December 29, 1927.

To be major

Capt. Oliver Irey Holman, Cavalry, from December 14, 1927.

PROMOTIONS IN THE NAVY

Commander George V. Stewart to be a captain in the Navy, from the 7th day of October, 1927.

Lieut. Commander Roland M. Comfort to be a commander in the Navy, from the 2d day of June, 1927.

Lieut. Commander James S. Spore to be a commander in the Navy, from the 2d day of October, 1927.

Lieut. Commander Percy T. Wright to be a commander in the Navy, from the 1st day of November, 1927.

Lieut. Commander Ernest L. Gunther to be a commander in the Navy, from the 16th day of November, 1927.

Lieut. Gilbert C. Hoover to be a lieutenant commander in the Navy, from the 2d day of June, 1927.

Lieut. Francis C. Denebrink to be a lieutenant commander in the Navy, from the 2d day of October, 1927.

Lieut. (Junior Grade) Hal C. Jones to be a lieutenant in the Navy, from the 3d day of June, 1927.

Lieut. (Junior Grade) Jefferson D. Beard to be a lieutenant in the Navy, from the 1st day of July, 1927.

The following-named ensigns to be lieutenants (junior grade) in the Navy, from the 5th day of June, 1927:

Murray J. Tichenor.

Edward E. Gminder.

Passed Asst. Surgeon James E. Fetherston to be a surgeon in the Navy, with the rank of lieutenant commander, from the 2d day of June, 1927.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 1st day of July, 1927:

John Q. Owsley, jr.

John F. Luten.

Acting Chaplain John P. Forsander to be a chaplain in the Navy, with the rank of lieutenant, from the 2d day of June, 1927.

Gunner Charles A. Strumsky to be a chief gunner in the Navy, to rank with but after ensign, from the 5th day of August, 1926.

Gunner John Nicol to be a chief gunner in the Navy, to rank with but after ensign, from the 20th day of January, 1926.

Pay Clerk Writner Hostetter to be a chief pay clerk in the Navy, to rank with but after ensign, from the 3d day of December, 1927.

POSTMASTERS

ALABAMA

Bessie L. Glasscock to be postmaster at Siluria, Ala., in place of B. L. Glasscock. Incumbent's commission expires January 15, 1928.

James Alexander to be postmaster at Marion Junction, Ala., in place of James Alexander. Incumbent's commission expires January 15, 1928.

Jake E. Wallace to be postmaster at Maplesville, Ala., in place of J. E. Wallace. Incumbent's commission expires January 15, 1928.

Sylvanus L. Sherrill to be postmaster at Hartselle, Ala., in place of S. L. Sherrill. Incumbent's commission expires January 15, 1928.

John H. Dixon to be postmaster at Goshen, Ala., in place of J. H. Dixon. Incumbent's commission expires January 15, 1928.

Samuel F. Rickman to be postmaster at Ethelsville, Ala., in place of S. F. Rickman. Incumbent's commission expires January 15, 1928.

Lawrence L. Mallette to be postmaster at Dozier, Ala., in place of L. L. Mallette. Incumbent's commission expires January 15, 1928.

Wert W. James to be postmaster at Brent, Ala., in place of W. W. James. Incumbent's commission expires January 15, 1928.

Maude A. Bosarge to be postmaster at Bayou Labatre, Ala., in place of M. A. Bosarge. Incumbent's commission expires January 15, 1928.

Frances R. Gresham to be postmaster at Autaugaville, Ala., in place of F. R. Gresham. Incumbent's commission expires January 15, 1928.

Gus L. Camp to be postmaster at Arab, Ala., in place of G. L. Camp. Incumbent's commission expires January 15, 1928.

Sarah A. Shedd to be postmaster at Adamsville, Ala., in place of S. A. Shedd. Incumbent's commission expires January 15, 1928.

ALASKA

George W. Robbins to be postmaster at Valdez, Alaska, in place of G. W. Robbins. Incumbent's commission expires January 14, 1928.

ARIZONA

William F. Haas to be postmaster at Naco, Ariz., in place of W. F. Haas. Incumbent's commission expires January 9, 1928.

ARKANSAS

Reuben P. Allen to be postmaster at Smackover, Ark., in place of R. P. Allen. Incumbent's commission expired December 19, 1927.

Louis Reitzammer to be postmaster at Arkansas City, Ark., in place of Louis Reitzammer. Incumbent's commission expired December 19, 1927.

CALIFORNIA

Charles Z. Irvine to be postmaster at Taft, Calif., in place of C. Z. Irvine. Incumbent's commission expires January 9, 1928.

COLORADO

John M. Miller to be postmaster at Campo, Colo., in place of F. M. Wheeler, deceased.

DELAWARE

Jehu F. Hudson to be postmaster at Georgetown, Del., in place of J. F. Hudson. Incumbent's commisison expired January 7, 1928.

Stephen W. Miller to be postmaster at Camden, Del., in place of S. W. Miller. Incumbent's commission expired January 7, 1928.

FLORIDA

Curtis W. Swindle to be postmaster at Chipley, Fla., in place of C. W. Swindle. Incumbent's commission expired January 8, 1928.

HAWAII

Edward K. Ayau to be postmaster at Aiea, Hawaii, in place of E. K. Ayau. Incumbent's commission expires January 9, 1928.

IDAHO

Kenneth E. McBride to be postmaster at Salmon, Idaho, in place of K. E. McBride. Incumbent's commission expires January 16, 1928.

Elvira R. Denny to be postmaster at Leadore, Idaho, in place of E. R. Denny. Incumbent's commission expires January 16, 1928.

ILLINOIS

Clarence E. Snively to be postmaster at Canton, Ill., in place of C. E. Snively. Incumbent's commission expires January 15, 1928.

Ernest W. Loehr to be postmaster at Waterloo, Ill., in place of E. W. Loehr. Incumbent's commission expired January 7, 1928.

Elgin C. Spivey to be postmaster at Shawneetown, Ill., in place of E. C. Spivey. Incumbent's commission expires January 15, 1928.

William J. West to be postmaster at Odin, Ill., in place of W. J. West. Incumbent's commission expires January 15, 1928.

Frank H. Creswick to be postmaster at Mulberry Grove, Ill., in place of F. H. Creswick. Incumbent's commission expired January 7, 1928.

William R. Gaddis to be postmaster at Lomax, Ill., in place of W. R. Gaddis. Incumbent's commission expired January 7, 1928.

Leo M. Stoecklin to be postmaster at Highland, Ill., in place of L. M. Stoecklin. Incumbent's commission expired January 7, 1928.

Percy W. Armstrong to be postmaster at Glencoe, Ill., in place of P. W. Armstrong. Incumbent's commission expires January 15, 1928.

Stanley L. Ryno to be postmaster at Easton, Ill., in place of S. L. Ryno. Incumbent's commission expires January 15, 1928.

INDIANA

Ralph D. Gookins to be postmaster at Veedersburg, Ind., in place of S. J. Purnell, deceased.

Ebert Garrigues to be postmaster at Francesville, Ind., in place of Ebert Garrigues. Incumbent's commission expired January 3, 1928.

John T. Clapp to be postmaster at Beech Grove, Ind., in place of J. T. Clapp. Incumbent's commission expired January 3, 1928.

Julia V. Clark to be postmaster at Colfax, Ind., in place of J. V. Clark. Incumbent's commission expired January 3, 1928.

Charles F. Robertson to be postmaster at Brownstown, Ind., in place of C. F. Robertson. Incumbent's commission expired January 3, 1928.

IOWA

John A. Hale to be postmaster at Tripoli, Iowa, in place of J. A. Hale. Incumbent's commission expired December 19, 1927.

Mary J. Morse to be postmaster at Steamboat Rock, Iowa, in place of M. J. Morse. Incumbent's commission expires January 15, 1928.

Chester C. Yelland to be postmaster at Sheffield, Iowa, in place of C. C. Yelland. Incumbent's commission expired December 19, 1927.

Nellie Hyde to be postmaster at Rowan, Iowa, in place of Nellie Hyde. Incumbent's commission expires January 15, 1928.

George C. Parsons to be postmaster at Perry, Iowa, in place of G. C. Parsons. Incumbent's commission expires January 15, 1928.

Eliza K. Alldredge to be postmaster at Melbourne, Iowa, in place of E. K. Alldredge. Incumbent's commission expires January 15, 1928.

Andrew C. Link to be postmaster at Dyersville, Iowa, in place of A. C. Link. Incumbent's commission expired December 19, 1927.

Fred O. Canfield to be postmaster at Dunkerton, Iowa, in place of F. O. Canfield. Incumbent's commission expires January 15, 1928.

KANSAS

Clarence Haughawout to be postmaster at Onaga, Kans., in place of Clarence Haughawout. Incumbent's commission expired December 18, 1927.

Lewis B. Blachly to be postmaster at Haven, Kans., in place of A. L. Hartzler. Incumbent's commission expired May 3, 1926.

Frank B. Myers to be postmaster at Americus, Kans., in place of F. B. Myers. Incumbent's commission expires January 15, 1928.

KENTUCKY

Don C. Van Hoose to be postmaster at Paintsville, Ky., in place of D. C. Van Hoose. Incumbent's commission expires January 17, 1928.

John B. Hutcheson to be postmaster at Owenton, Ky., in place of J. B. Hutcheson. Incumbent's commission expires January 17, 1928.

Henry B. Morehead to be postmaster at Morgantown, Ky., in place of H. B. Morehead. Incumbent's commission expires January 17, 1928.

John M. Miller to be postmaster at Middlesboro, Ky., in place of J. M. Miller. Incumbent's commission expires January 17, 1928.

Claude T. Winslow to be postmaster at Mayfield, Ky., in place of C. T. Winslow. Incumbent's commission expires January 17, 1928.

George W. Murphy to be postmaster at Livingston, Ky., in place of G. W. Murphy. Incumbent's commission expires January 17, 1928.

Lloyd M. McCubbin to be postmaster at Hodgenville, Ky., in place of L. M. McCubbin. Incumbent's commission expires January 17, 1928.

LOUISIANA

Shep B. Hanes to be postmaster at Jena, La., in place of S. B. Hanes. Incumbent's commission expired January 7, 1928.

MISSISSIPPI

Alfred F. Cook to be postmaster at Leakesville, Miss., in place of A. F. Cook. Incumbent's commission expires January 10, 1928.

Pink H. Morrison to be postmaster at Heidelberg, Miss., in place of P. H. Morrison. Incumbent's commission expires January 17, 1928.

Homer B. Griffing to be postmaster at Bude, Miss., in place of H. B. Griffing. Incumbent's commission expires January 17, 1928.

Lillie Burns to be postmaster at Brandon, Miss., in place of Lillie Burns. Incumbent's commission expires January 17, 1928.

MISSOURI

Sam S. Rutan to be postmaster at Odessa, Mo., in place of S. S. Rutan. Incumbent's commission expires January 14, 1928.

Eugene E. Wyatt to be postmaster at Oak Grove, Mo., in place of E. E. Wyatt. Incumbent's commission expires January 14, 1928.

Ray R. Kelly to be postmaster at New Hampton, Mo., in place of R. R. Kelly. Incumbent's commission expires January 14, 1928.

Anna B. Thomas to be postmaster at Corder, Mo., in place of A. B. Thomas. Incumbent's commission expires January 14, 1928.

Archie T. Hollenbeck to be postmaster at Westplains, Mo., in place of A. T. Hollenbeck. Incumbent's commission expires January 14, 1928.

Artie B. Keadle to be postmaster at Wellsville, Mo., in place of A. B. Keadle. Incumbent's commission expires January 14, 1928.

Fletcher G. Smart to be postmaster at Webb City, Mo., in place of F. G. Smart. Incumbent's commission expires January 14, 1928.

Estel G. Crawford to be postmaster at Tipton, Mo., in place of E. G. Crawford. Incumbent's commission expires January 14, 1928.

Waldo E. Andrews to be postmaster at Sweet Springs, Mo., in place of W. E. Andrews. Incumbent's commission expires January 14, 1928.

Rufus G. Beezley to be postmaster at Steelville, Mo., in place of R. G. Beezley. Incumbent's commission expires January 14, 1928.

Luster C. Cottrill to be postmaster at Savannah, Mo., in place of L. C. Cottrill. Incumbent's commission expires January 14, 1928.

Alfred A. Smith to be postmaster at Rolla, Mo., in place of A. A. Smith. Incumbent's commission expires January 14, 1928.

Lester S. Eddings to be postmaster at Rogersville, Mo., in place of L. S. Eddings. Incumbent's commission expires January 14, 1928.

Lou A. Slade to be postmaster at Rocheport, Mo., in place of L. A. Slade. Incumbent's commission expires January 14, 1928.

Jesse A. Linthacum to be postmaster at Ridgeway, Mo., in place of J. A. Linthacum. Incumbent's commission expires January 14, 1928.

Bruce C. Maples to be postmaster at Ozark, Mo., in place of B. C. Maples. Incumbent's commission expires January 14, 1928.

Amy B. Burchard to be postmaster at Owensville, Mo., in place of A. B. Burchard. Incumbent's commission expires January 14, 1928.

Henry O. Hopp to be postmaster at Oronogo, Mo., in place of H. O. Hopp. Incumbent's commission expires January 14, 1928.

Frank L. Zeller to be postmaster at Oregon, Mo., in place of F. L. Zeller. Incumbent's commission expires January 14, 1928.

Celia F. Kerr to be postmaster at New Madrid, Mo., in place of C. F. Kerr. Incumbent's commission expires January 14, 1928.

Lulu Ketrow to be postmaster at Mount Washington, Mo., in place of Lulu Ketrow. Incumbent's commission expires January 15, 1928.

Howard W. Mills to be postmaster at Mount City, Mo., in place of H. W. Mills. Incumbent's commission expires January 14, 1928.

John M. Medcalf to be postmaster at Monroe City, Mo., in place of J. M. Medcalf. Incumbent's commission expires January 14, 1928.

Henry H. Jones to be postmaster at Memphis, Mo., in place of H. H. Jones. Incumbent's commission expires January 14, 1928.

Clyde H. Turner to be postmaster at Mansfield, Mo., in place of C. H. Turner. Incumbent's commission expires January 15, 1928.

Oliver H. Simmons to be postmaster at Lancaster, Mo., in place of O. H. Simmons. Incumbent's commission expires January 14, 1928.

Ray C. Waddill to be postmaster at Kirksville, Mo., in place of R. C. Waddill. Incumbent's commission expires January 14, 1928.

Hugh L. Virtue to be postmaster at Kingston, Mo., in place of H. L. Virtue. Incumbent's commission expires January 14, 1928.

Victor M. Blankinship to be postmaster at Kennett, Mo., in place of V. M. Blankinship. Incumbent's commission expires January 14, 1928.

John G. Kies to be postmaster at Jackson, Mo., in place of J. G. Kies. Incumbent's commission expires January 14, 1928.

Joseph C. Forshee to be postmaster at Ironton, Mo., in place of J. C. Forshee. Incumbent's commission expires January 14, 1928.

Maurice Craig to be postmaster at Illmo, Mo., in place of Maurice Craig. Incumbent's commission expires January 14, 1928.

Joseph Q. Martin to be postmaster at Huntsville, Mo., in place of J. Q. Martin. Incumbent's commission expires January 14, 1928.

John W. Rissler to be postmaster at Houstonia, Mo., in place of J. W. Rissler. Incumbent's commission expires January 14, 1928.

George Scott to be postmaster at Higginsville, Mo., in place of George Scott. Incumbent's commission expires January 14, 1928.

William B. Green to be postmaster at Goodman, Mo., in place of W. B. Green. Incumbent's commission expires January 14, 1928.

Thomas A. Scott to be postmaster at Greenfield, Mo., in place of T. A. Scott. Incumbent's commission expires January 14, 1928.

Isaac H. Arnold to be postmaster at Forsyth, Mo., in place of I. H. Arnold. Incumbent's commission expires January 14, 1928.

Mandana A. Schriefer to be postmaster at Fornfelt, Mo., in place of M. A. Schriefer. Incumbent's commission expires January 14, 1928.

Sallie F. Duncan to be postmaster at Dearborn, Mo., in place of S. F. Duncan. Incumbent's commission expires January 14, 1928.

Percy B. Kidney to be postmaster at Darlington, Mo., in place of P. B. Kidney. Incumbent's commission expires January 14, 1928.

Harry C. Grant to be postmaster at Cuba, Mo., in place of H. C. Grant. Incumbent's commission expires January 14, 1928.

Bransby B. Houghton to be postmaster at Crystal City, Mo., in place of B. B. Houghton. Incumbent's commission expires January 14, 1928.

Gustave R. Baumann to be postmaster at Creve Coeur, Mo., in place of G. R. Baumann. Incumbent's commission expires January 14, 1928.

Edward J. Schmidt to be postmaster at Centralia, Mo., in place of E. J. Schmidt. Incumbent's commission expires January 14, 1928.

Joe D. Scott to be postmaster at Bunceton, Mo., in place of J. D. Scott. Incumbent's commission expires January 14, 1928.

George C. Blackwell to be postmaster at Breckenridge, Mo., in place of G. C. Blackwell. Incumbent's commission expires January 14, 1928.

Nellie B. Gallihugh to be postmaster at Blairstown, Mo., in place of N. B. Gallihugh. Incumbent's commission expires January 14, 1928.

Verner H. Kirkendall to be postmaster at Birch Tree, Mo., in place of V. H. Kirkendall. Incumbent's commission expires January 14, 1928.

Lester H. Pettit to be postmaster at Ava, Mo., in place of L. H. Pettit. Incumbent's commission expires January 14, 1928.

NEBRASKA

Dollie W. Hyndshaw to be postmaster at Thedford, Nebr., in place of D. W. Hyndshaw. Incumbent's commission expired December 19, 1927.

Elmer V. Barger to be postmaster at Benkelman, Nebr., in place of E. V. Barger. Incumbent's commission expires January 16, 1928.

NEW JERSEY

Rollin A. Cale to be postmaster at Pleasantville, N. J., in place of W. W. Whitman, resigned.

Velma M. Kitchell to be postmaster at Whippany, N. J., in place of V. M. Kitchell. Incumbent's commission expires January 15, 1928.

William B. Lance to be postmaster at Stanhope, N. J., in place of W. B. Lance. Incumbent's commission expires January 15, 1928.

Walter D. Finch to be postmaster at Mahwah, N. J., in place of W. D. Finch. Incumbent's commission expires January 15, 1928.

Frank H. Burgher to be postmaster at Hamburg, N. J., in place of F. H. Burgher. Incumbent's commission expires January 15, 1928.

NEW YORK

Giles C. deGroot to be postmaster at Ronkonkoma, N. Y. Office became presidential July 1, 1927.

John W. Bellis to be postmaster at Tappan, N. Y., in place of J. W. Bellis. Incumbent's commission expired January 8, 1928.

Edward R. Harms to be postmaster at Pearl River, N. Y., in place of E. R. Harms. Incumbent's commission expired January 8, 1928.

Ambrose D. Eldred to be postmaster at New Hartford, N. Y., in place of A. D. Eldred. Incumbent's commission expired January 8, 1928.

Katharine A. Slattery to be postmaster at Maryknoll, N. Y., in place of K. A. Slattery. Incumbent's commission expired January 8, 1928.

Robert D. Southward to be postmaster at Congers, N. Y., in place of R. D. Southward. Incumbent's commission expired January 8, 1928.

William G. Fisher to be postmaster at Chadwicks, N. Y., in place of W. G. Fisher. Incumbent's commission expired January 8, 1928.

Clayton A. Musser to be postmaster at Boonville, N. Y., in place of C. A. Musser. Incumbent's commission expired January 8, 1928.

Henry B. Mulford to be postmaster at Binghamton, N. Y., in place of H. B. Mulford. Incumbent's commission expired January 8, 1928.

NORTH DAKOTA

Bernhard C. Hjelle to be postmaster at Mercer, N. Dak., in place of B. C. Hjelle. Incumbent's commission expires January 9, 1928.

Arthur Nelson to be postmaster at Courtenay, N. Dak., in place of Arthur Nelson. Incumbent's commission expires January 16, 1928.

OHIO

Nora Kassell to be postmaster at Philo, Ohio, in place of Nora Kassell. Incumbent's commission expired December 19, 1927.

Ira R. Kneisly to be postmaster at Osborn, Ohio, in place of I. R. Kneisly. Incumbent's commission expires January 9, 1928.

Frank B. Pauly to be postmaster at Middletown, Ohio, in place of F. B. Pauly. Incumbent's commission expires January 15, 1928.

Harry H. Hover to be postmaster at Lakeview, Ohio, in place of H. H. Hover. Incumbent's commission expires January 15, 1928.

Albert H. Soles to be postmaster at Buchtel, Ohio, in place of A. H. Soles. Incumbent's commission expired December 19, 1927.

OKLAHOMA

Virgil T. Gannaway to be postmaster at Tuttle, Okla., in place of V. T. Gannaway. Incumbent's commission expires January 14, 1928.

Howard Morris to be postmaster at Soper, Okla., in place of Howard Morris. Incumbent's commission expires January 14, 1928.

Charles H. Johnson to be postmaster at Pawnee, Okla., in place of C. H. Johnson. Incumbent's commission expires January 14, 1928.

William G. Johnston to be postmaster at Oklahoma City, Okla., in place of W. G. Johnston. Incumbent's commission expires January 16, 1928.

John A. Norris to be postmaster at Okeene, Okla., in place of J. A. Norris. Incumbent's commission expires January 14, 1928.

Roy Sherman to be postmaster at Lexington, Okla., in place of Roy Sherman. Incumbent's commission expires January 14, 1928.

Noah B. Hays to be postmaster at Keota, Okla., in place of N. B. Hays. Incumbent's commission expires January 14, 1928.

Susie M. Daniel to be postmaster at Jet, Okla., in place of W. E. Nevin. Incumbent's commission expired June 17, 1926.

Alfred J. Canon to be postmaster at Hinton, Okla., in place of A. J. Canon. Incumbent's commission expires January 14, 1928.

Isom P. Clark to be postmaster at Heavener, Okla., in place of I. P. Clark. Incumbent's commission expires January 14, 1928.

Frederick M. Deselms to be postmaster at Guthrie, Okla., in place of F. M. Deselms. Incumbent's commission expires January 14, 1928.

Thomas H. Henderson to be postmaster at Fort Cobb, Okla., in place of T. H. Henderson. Incumbent's commission expires January 14, 1928.

Leroy J. Myers to be postmaster at Dustin, Okla., in place of L. J. Myers. Incumbent's commission expires January 14, 1928.

John W. Brookman to be postmaster at Coyle, Okla., in place of J. W. Brookman. Incumbent's commission expires January 14, 1928.

Downey Milburn to be postmaster at Coweta, Okla., in place of Downey Milburn. Incumbent's commission expires January 14, 1928.

John R. McIntosh to be postmaster at Chelsea, Okla., in place of J. R. McIntosh. Incumbent's commission expires January 14, 1928.

R. Julian Miller to be postmaster at Bokchito, Okla., in place of R. J. Miller. Incumbent's commission expires January 14, 1928.

William S. Sibley to be postmaster at Arnett, Okla., in place of W. S. Sibley. Incumbent's commission expires January 14, 1928.

James K. Malone to be postmaster at Allen, Okla., in place of J. K. Malone. Incumbent's commission expires January 14, 1928.

PENNSYLVANIA

Delos M. Graham to be postmaster at Starjunction, Pa., in place of D. M. Graham. Incumbent's commission expires January 15, 1928.

Eranious E. Bentel to be postmaster at Rochester, Pa., in place of E. E. Bentel. Incumbent's commission expires January 16, 1928.

Howard Sterner to be postmaster at Richlandtown, Pa., in place of Howard Sterner. Incumbent's commission expired January 8, 1928.

Raymond R. Strickler to be postmaster at Perryopolis, Pa., in place of R. R. Strickler. Incumbent's commission expires January 15, 1928.

Samuel L. Rogers to be postmaster at Newell, Pa., in place of S. L. Rogers. Incumbent's commission expires January 15, 1928.

Harry J. Bearer to be postmaster at Monessen, Pa., in place of H. J. Bearer. Incumbent's commission expires January 16, 1928.

J. Herbert Evans to be postmaster at Mather, Pa., in place of J. H. Evans. Incumbent's commission expires January 16, 1928.

Lula Buffle to be postmaster at Lock No. 4, Pa., in place of Lula Buffle. Incumbent's commission expires January 16, 1928.

Nathaniel E. Lyons to be postmaster at Lake Lynn, Pa., in place of N. E. Lyons. Incumbent's commission expires January 16, 1928.

William H. Law to be postmaster at Koppel, Pa., in place of W. H. Law. Incumbent's commission expires January 16, 1928.

Gene M. Bisignani to be postmaster at Jessup, Pa., in place of G. M. Bisignani. Incumbent's commission expires January 17, 1928.

William R. Smith to be postmaster at Harmony, Pa., in place of W. R. Smith. Incumbent's commission expires January 16, 1928.

John C. Chamberlain to be postmaster at Everett, Pa., in place of J. C. Chamberlain. Incumbent's commission expires January 16, 1928.

Harry C. Best to be postmaster at Enon Valley, Pa., in place of H. C. Best. Incumbent's commission expires January 16, 1928.

Fred L. Webster to be postmaster at Emporium, Pa., in place of F. L. Webster. Incumbent's commission expires January 16, 1928.

Clarence E. Keffel to be postmaster at Donora, Pa., in place of C. E. Keffel. Incumbent's commission expires January 16, 1928.

Harry O. Campsey to be postmaster at Claysville, Pa., in place of H. O. Campsey. Incumbent's commission expires January 16, 1928.

Sarah E. Richey to be postmaster at Carmichaels, Pa., in place of S. E. Richey. Incumbent's commission expires January 15, 1928.

Wayne M. Culley to be postmaster at Burgettstown, Pa., in place of W. M. Culley. Incumbent's commission expires January 16, 1928.

William B. Edmiston to be postmaster at Brownsville, Pa., in place of W. B. Edmiston. Incumbent's commission expires January 15, 1928.

William Brice, jr., to be postmaster at Bedford, Pa., in place of William Brice, jr. Incumbent's commission expires January 15, 1928.

SOUTH CAROLINA

Jefferson M. Davis, jr., to be postmaster at Pinewood, S. C., in place of J. M. Davis, jr. Incumbent's commission expires January 15, 1928.

Lottie G. Myers to be postmaster at Pamlico, S. C., in place of L. G. Myers. Incumbent's commission expires January 15, 1928.

Julian R. Corley to be postmaster at Lexington, S. C., in place of J. R. Corley. Incumbent's commission expires January 15, 1928.

James H. Bodie to be postmaster at Leesville, S. C., in place of J. H. Bodie. Incumbent's commission expires January 15, 1928.

Helen F. Shuler to be postmaster at Eutawville, S. C., in place of H. F. Shuler. Incumbent's commission expires January 15, 1928.

David H. Taylor to be postmaster at Cameron, S. C., in place of D. H. Taylor. Incumbent's commission expires January 15, 1928.

SOUTH DAKOTA

William W. Sour to be postmaster at Castlewood, S. Dak., in place of W. W. Sour. Incumbent's commission expired December 18, 1927.

TENNESSEE

Chester A. Scott to be postmaster at Selmer, Tenn., in place of W. E. Stone, deceased.

William E. Hudgins to be postmaster at Union City, Tenn., in place of W. E. Hudgins. Incumbent's commission expires January 15, 1928.

Colpy Upton to be postmaster at Obion, Tenn., in place of Colpy Upton. Incumbent's commission expires January 15, 1928.

Hugh G. Haworth to be postmaster at New Market, Tenn., in place of H. G. Haworth. Incumbent's commission expired December 19, 1927.

TEXAS

Alice Pipes to be postmaster at White Deer, Tex., in place of Harry Wheeler, resigned.

William A. Farek to be postmaster at Schulenburg, Tex., in place of W. A. Farek. Incumbent's commission expires January 16, 1928.

Sadie M. Boulware to be postmaster at San Angelo, Tex., in place of S. M. Boulware. Incumbent's commission expires January 16, 1928.

William D. Hawthorn to be postmaster at Elkhart, Tex., in place of W. D. Hawthorn. Incumbent's commission expires January 16, 1928.

John C. Flanagan to be postmaster at Crystal City, Tex., in place of J. C. Flanagan. Incumbent's commission expires January 16, 1928.

Anderson J. Hixson to be postmaster at Abbott, Tex., in place of A. J. Hixson. Incumbent's commission expired December 19, 1927.

UTAH

Norman G. Allan to be postmaster at Wellsville, Utah, in place of N. G. Allan. Incumbent's commission expired December 18, 1927.

Maranda Smith to be postmaster at Heber, Utah, in place of Maranda Smith. Incumbent's commission expired December 18, 1927.

Ezra P. Jensen to be postmaster at Garland, Utah, in place of E. P. Jensen. Incumbent's commission expired December 18, 1927.

WISCONSIN

Melvin H. Schlytter to be postmaster at Wittenberg, Wis., in place of M. H. Schlytter. Incumbent's commission expires January 17, 1928.

Frank I. Conner to be postmaster at Sun Prairie, Wis., in place of F. I. Conner. Incumbent's commission expired January 7, 1928.

Mourits Mortenson to be postmaster at Stratford, Wis., in place of Mourits Mortenson. Incumbent's commission expires January 17, 1928.

Nellie I. McGill to be postmaster at Oregon, Wis., in place of N. I. McGill. Incumbent's commission expired January 7, 1928.

William Frankland to be postmaster at Montfort, Wis., in place of William Frankland. Incumbent's commission expires January 17, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 9, 1928

UNITED STATES JUDGE

Johnson J. Hayes to be United States district judge, middle district of North Carolina.

POSTMASTERS

ARIZONA

John R. Livingston, Chloride.
Samuel Simpson, Sonora.
Edith A. Macia, Tombstone.

IDAHO

Ray W. Banbury, Buhl.
Vida I. Perry, Elk City.
Charles A. Wagner, Gifford.
Alford E. Pederson, Pierce.
Charles W. Craney, St. Maries.

KANSAS

Maurice W. Markham, Baldwin City.
Loraine A. Lyon, Edgerton.
Edward W. Melville, Eudora.
Cyrus W. Ricketts, Paola.
Samuel M. Simmons, Spring Hill.

MAINE

William C. Libbey, Belfast.

MICHIGAN

Frankie Harris, Ada.
Erva J. Mallory, Albion.
Volney W. Ferris, Allegan.
Ambrose C. Pack, Ann Arbor.
Arthur G. Creevy, Barryton.
John C. Davis, Battle Creek.
Homer E. Buck, Bay City.
Aaron W. Miles, Big Rapids.
Jesse A. Hurd, Ceresco.
Charles F. Goetzen, Chesaning.
Milford W. Covert, Clio.
Jean M. Jackson, Croswell.
John Fenine, Dowagiac.
Adrian J. Van Wert, Essexville.
Clarence J. Fuller, Fowlerville.
Walter J. Kern, Frankenmuth.
Mary E. Chadwick, Frankfort.
George L. Olsen, Grand Haven.
Robert G. Hill, Grand Rapids.
Henry C. Hemingsen, Grant.
Arthur A. Graves, Grosse Ile.
William H. Cansfield, Howell.
Ernest C. Baldwin, Hudson.
Earl E. Secor, Imlay City.
Gerald McKindles, L'Anse.
Frederick R. Gibson, Lawton.
Frank J. Gehringer, Lenox.
Inez O. Peasley, Lexington.
Nettie B. Goheen, Lincoln.
Norman E. Borgerson, Lowell.
Sadie Wheeler, Manton.
Archie Lowry, Marion.
Oscar Wertanen, Mass.
Mark Boyd, McBain.
Mark L. Osgood, Monroe.
Aaron R. Merritt, Mulliken.
Lincoln Rodgers, Muskegon.
William A. Keeler, North Branch.
Frank S. Neal, Northville.
Dee J. Wilson, Orchard Lake.
Maud Miller, Peck.
William C. Miller, Pinckney.
Charles H. Heath, Richmond.
Edward W. Huff, Rock.
Fred H. Buckberry, Romulus.
Gordon R. Whitney, Rose City.
Ernest E. Vibert, Saginaw West Side.
Hannibal A. Hopkins, St. Clair.
Walter G. Wykoff, St. Johns.
Gertrude Moffatt, Sandusky.
Herman G. Muellerweiss, Sebewaing.
Edwin D. Greenhoe, Sheridan.
Nora Covert, Springport.
Belle Quick, Swartz Creek.
Henry W. McClure, Tecumseh.
Alexander M. MacKay, West Branch.
Floyd P. Fox, Williamsburg.
Arthur E. Baisley, Wyandotte.

NEBRASKA

William S. Burrows, Albion.
Clarence G. Struble, Chester.
Erma G. Stoll, Curtis.
Charles A. Rogers, Decatur.
Otto A. Steinkraus, Dodge.
Elva J. Fitzgerald, Elm Creek.
George A. Fowler, Fairfield.
August J. Baumann, Grand Island.
Fred F. Thomas, Linwood.
Samuel H. Wolfe, Lodgepole.
Claude B. Grace, Mascot.
Fred L. Hunt, Niobrara.
Leon M. Suchanek, St. Paul.
Ray W. Jones, Utica.

NEW YORK

John J. Finnerty, Croton on Hudson.

NORTH DAKOTA

Ole B. Johnson, Forman.

TEXAS

Harman Straub, La Feria.
William B. Byrd, Lipan.
Maude W. Hoople, Lorenzo.
William M. Owens, Memphis.

WASHINGTON

Mary A. Brimmer, Alderwood Manor.
Florence P. Cooper, Long Beach.
Hubert L. Lockhart, Marcus.
Frances E. McDermott, Monitor.
Alvin R. Lehmann, Parkland.
Daniel L. Jackson, Port Gamble.
Alphonse F. Learned, Port Ludlow.
Paul K. Walton, Veradale.

WEST VIRGINIA

Cecil H. Martindale, Ansted.
Rosa P. Oxley, Athens.
Henry A. Russell, Berkeley Springs.
Otto Sharitz, Berwind.
C. Earl Mullins, Blair.
Effie B. Landers, Boomer.
Ora S. Brown, Brownton.
Daisy I. Valley, Coalwood.
J. Valentine Hinshelwood, Dundon.
Stark A. Willhide, Durbin.
Thomas W. Stalnaker, Elkins.
Wilbur Dolly, Franklin.
Thelma Taylor, Gauley Bridge.
Anna Lowe, Hastings.
George H. Hornickel, Highcoal.
Ada F. Rush, Hundred.
John F. Lusk, Itmann.
Millard F. Forgey, Kingston.
James D. Charlton, Mannington.
Elmer E. Radabaugh, Mason Town.
Eugene B. Keenan, Nellis.
Joe Van Zandt, Newburg.
Austin H. Brown, Newell.
Lloyd V. McIntire, New Martinsville.
Oscar S. Lindamood, Omar.
Lawrence Lipscomb, Parsons.
Bonnie L. Hanshaw, Peach Creek.
Waitmon T. W. Morgan, Rainelle.
Ernest E. Ritter, Red Jacket.
Robert B. Mesmer, Slab Fork.
Lawrence B. Kenniburg, Thomas.
William A. F. Smith, Vienna.
Frederick M. Hippert, White Sulphur Springs.
James H. Trail, Winding Gulf.
Jesse M. Wood, Worthington.

WISCONSIN

Harry E. Garbisch, Dorchester.

HOUSE OF REPRESENTATIVES

MONDAY, *January 9, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Gracious Lord God, as we are summoned again to our sacred tasks, may we be mindful of the wide reaches of Thy goodness, which is the necessity of earth. Keep us from confusing moral principles and enable us to see, choose, and follow the best. May we be courageous enough to put first things first and worthy enough to bear the torch of truth up the hills of light. Let Thy Holy Spirit flood all hearts, dispel care, quiet fret, and smother fear. Father in Heaven, may we know that the best victories of any life are the victories won within a man's own heart. Help us to bear our responsibilities with integrity, humanity, and composure. In the holy name of Jesus. Amen.

The Journal of the proceedings of Saturday, January 7, 1928, was read and approved.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 82. An act to continue commissioners in the Court of Claims.

ACQUISITION OF LAND IN THE DISTRICT OF COLUMBIA

Mr. ELLIOTT. Mr. Speaker, I call up the conference report on the bill H. R. 483, authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings, and ask for its immediate consideration.

The SPEAKER. The gentleman from Indiana calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

Following is the conference report and accompanying statement:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 483 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

RICHARD N. ELLIOTT,
J. WILL TAYLOR,
FRITZ G. LANHAM,
Managers on the part of the House.

HENRY W. KEYES,
SIMEON D. FESS,
HENRY F. ASHURST,
Managers on the part of the Senate.

STATEMENT

The amendment adopted to H. R. 483, by the Senate, authorizes the Secretary of the Treasury, with the approval of the Public Building Commission, to enter into contracts for the demolishing and removal of buildings on the lands to be acquired under the terms of said act in order to make the same ready for constructing the buildings authorized under the public buildings act approved May 25, 1926, and to grade the lands and plant trees to fit in the public-building plan now in process of development under the terms of said public buildings act. As all of this work must be done, we deemed this amendment proper and reasonable and have agreed to the same.

RICHARD N. ELLIOTT,
J. WILL TAYLOR,
FRITZ G. LANHAM,
Managers on the part of the House.

Mr. ELLIOTT. Mr. Speaker, this is what is known as the triangle bill. The Senate saw fit to add an amendment in the nature of a new section to the bill, known as section 4, which authorizes the Secretary of the Treasury, with the approval of the Public Buildings Commission, to demolish the buildings when title is acquired thereto under the terms of this act and to charge the cost thereof to the appropriations authorized in this act. The total authorization in the act is $25,000,000, out of which all of this property must be acquired and the cost of demolishing the buildings paid. The conferees on the part of the House and the Senate, after a full and free conference, concluded that this was a necessary proposition; that these old buildings would have to be removed and that when removed all of that part of the ground that is not used immediately for buildings shall be put in decent shape, so that it will not be an eyesore to the people. It may be a great number of years before some parts of this land is used for public buildings, it being a question of just how fast Congress will make appropriations. Therefore we concluded this amendment was proper and saw no reason why it should not be adopted, so we agreed to it.

Mr. HASTINGS. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. HASTINGS. I did not hear the reading of the Senate amendment. It is a short, new section, and I ask unanimous consent to have the Senate amendment read for the information of the House.

The SPEAKER. Without objection, the Clerk will report the Senate amendment.

There was no objection.

The Clerk read the Senate amendment, as follows:

SEC. 4. That after title has been vested in the United States to any of the properties herein or heretofore authorized to be acquired or taken within the area embraced in this act, the Secretary of the Treasury be, and he is hereby, further authorized to enter into contracts for demolishing the buildings thereon, and for clearing and grading the land at such time and to such extent as he may deem proper, and to enter into contracts for plans and specifications for the architectural landscape treatment of the portion of the lands acquired which he may deem proper, with the approval of the Public Buildings Commission created by the act of March 1, 1919, to reserve for planting and for open spaces for the proper grouping of the Federal buildings which have heretofore been authorized or may hereafter be authorized to be constructed within the area embraced in this act, the expenditures on account thereof to be charged to the appropriations authorized under the provisions of this act.

Mr. BLACK of Texas. Will the gentleman yield me five minutes for the purpose of opposing the adoption of this amendment?

Mr. ELLIOTT. I yield the gentleman five minutes.

Mr. BLACK of Texas. Mr. Speaker, this Senate amendment involves the buildings that are in the so-called triangle which Congress has authorized to be purchased for not to exceed $25,000,000. Included in that triangle is the office building—erected within the last few years—of the Southern Railway Co. I am perfectly aware that a great many of the old, worn-out structures in the triangle will have to be torn down in order to make way for the new Government buildings which are to be erected, but I am not willing to confer upon the Secretary of the Treasury—even though he might have the approval of the Public Buildings Commission—authority to tear down so useful and commodious an office structure as the Southern Railway Building. Anyone who is familiar with that office building knows it is constructed along plain, simple lines for utility and is one of the best office buildings in the city; and, I undertake to say, is a good deal better office building than a good many of those constructed with the ornate adornments that are approved by the Fine Arts Commission. I have read somewhere that simplicity is the crowning excellence of art, but that does not seem to appeal to the Fine Arts Commission. I would consider it a crime to tear down and demolish as well-constructed, as commodious, and as convenient an office building as the Southern Railway Building.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. UNDERHILL. Is not the gentleman confusing the Fine Arts Commission with the Public Buildings Commission?

Mr. BLACK of Texas. No; I know that the Secretary of the Treasury, under the terms of this Senate amendment, must secure the consent of the Public Buildings Commission. I know that all right, but I was just referring to the fact, gathered from observation I have made in Washington, that it seems to be the opinion of the Fine Arts Commission that nothing is artistic unless it is elaborately adorned.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. BLACK of Texas. Yes.

Mr. COOPER of Wisconsin. I would like to have the gentleman from Texas mention one fact to justify his very severe criticism of the Fine Arts Commission. I would like the gentleman to mention one building or structure anywhere which justifies that criticism.

Mr. BLACK of Texas. Well, all right. I will refer to the District Building. Was not that building approved by the Fine Arts Commission?

Mr. COOPER of Wisconsin. I think that was erected before the members of the present commission were appointed.

Mr. BLACK of Texas. Well, I do not know, but I could cite a number of public buildings around the city of Washington, elaborately adorned, that I do not think compare as office buildings with the Southern Railway Building.

The reason I have taken the floor is that only last week one of the prominent Washington newspapers came out in an editorial and advocated that the Southern Railway Building be torn down and demolished. I am unwilling to vote for any measure which would permit that.

Mr. STEVENSON. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. Will the gentleman from Indiana yield me two more minutes, so that the gentleman from South Carolina may ask me his question?

Mr. ELLIOTT. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. STEVENSON. Referring to the inquiry of the gentleman from Wisconsin as to anything the Fine Arts Commission had ever done which was subject to criticism, the gentleman will remember, I think, that in erecting the new courthouse here they went so far as to require the statue of Abraham Lincoln be taken down, boxed, and stored in a warehouse on the river front, and Congress actually had to pass an act to make them restore it.

Mr. CHINDBLOM and Mr. COOPER of Wisconsin rose.

Mr. CHINDBLOM. Congress first authorized the taking down of that statue.

Mr. COOPER of Wisconsin. Will the gentleman permit a further interruption?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. COOPER of Wisconsin. The gentleman from South Carolina [Mr. STEVENSON] said that I had asked the gentleman from Texas to mention anything ever done by the Fine Arts Commission which was subject to criticism. I asked what building or structure justified the criticism; and the gentleman from South Carolina suggests the statue of Abraham Lincoln. In answer to that suggestion, I remind the gentleman from Texas of the facts. The statue of Abraham Lincoln dates back to times soon after the Civil War. It was at the top of an unusually high column. Years after it was unveiled, the street boundary was changed, and the street so graded and lowered as to leave the column standing on a high mound. This mound and the long column made the statue appear entirely out of proportion.

The features could not be well seen. Accordingly Congress by law authorized the statue to be taken down and then subsequently by another law authorized it to be reerected, and it was reerected on a new pedestal and on a site several feet nearer the courthouse. The Fine Arts Commission did not arbitrarily direct the statue to be taken down. The law authorized that.

Mr. BLACK of Texas. If the gentleman will permit, I was not discussing the statue of Abraham Lincoln, and the point I want to emphasize in conclusion is that if we authorize the Secretary of the Treasury, with the approval of the Public Buildings Commission, to enter into contracts for the demolishing of these buildings situated within the triangle we ought to exempt from that authority the Southern Railway Building. It is entirely too good a building and cost too much money for Congress to take any sort of a chance of its being torn down and scrapped. For that reason I am opposed to the conference report and will vote against it.

Mr. BLANTON. Will the gentleman from Indiana yield me five minutes?

Mr. ELLIOTT. I yield five minutes to the gentleman from Texas, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I think the suggestion made by my colleague the gentleman from Texas [Mr. BLACK] is well taken, and in this connection I want the gentleman to remember something else. Right this side of the Southern Railway Building is the Post Office Department Building.

Mr. ELLIOTT. Will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. ELLIOTT. This amendment deals with land acquired under the provisions of this act, and the Post Office Department Building is not acquired under the provisions of this act.

Mr. BLANTON. I understand that; but I want to tell my colleagues what else there is in the minds of Washingtonians in this connection.

Mr. ELLIOTT. Yes; but it is not in this bill.

Mr. BLANTON. I want you to understand that the press says it has been agreed upon by the authorities that control such situations to demolish the Post Office Department Building within the next two years.

In my judgment, and in the judgment of a great many here, this is one of the most substantial, valuable, and picturesque public buildings within this city, and it ought not to be demolished. It ought to stand, and the money it would take to demolish it and build a new building would be money wasted, doubly wasted.

Mr. BUSBY. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BUSBY. Col. Paul Henderson, when he was Second Assistant Postmaster General, stated that, in his judgment as a builder, this building was the best workshop, from the standpoint of a building in which Federal workers worked, in this city.

Mr. BLANTON. It is one of the best constructed buildings in this entire city. Because it now shows some little age on the outside, it does not suit the fantastic taste of some of the people of Washington. They want every building within this city to look brand new. And they want as much money as possible spent annually in new construction. The very fact it has stood there for a few years and the very fact the stone has turned gray on the outside adds to its picturesqueness, and I hope the powers that be here in this Congress will see to it that this beautiful, substantial, valuable building of this Government is not allowed to be torn down.

This is all I have to say, Mr. Speaker.

Mr. ELLIOTT. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, I want to call the attention of the House to the fact that this project has been before every Congress, probably, since the establishment of the seat of government here in Washington. I myself have had a vital interest in it. I was disgusted when I first visited Washington at the appearance of this approach to the Capitol, and although I had no idea at the time I might some time attain a seat in this honorable body, I thought if I ever had any influence in this body I would ask if they would not take steps toward taking these dumps, these Chinese joints, these unmentionable places, out from under the eyes of people who visit this otherwise wonderfully beautiful capital city of ours. I have introduced a bill and sought such legislation in every session since I have been a Member of Congress.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. The gentleman does not regard the Southern Railway Building as a structure of that sort?

Mr. UNDERHILL. I am coming to that. I do not believe there is the least cause for fear or apprehension on the part of the gentleman from Texas.

Mr. BLACK of Texas. Will the gentleman yield further?

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. The gentleman will admit that authority is conferred in this amendment to do that if the Secretary of the Treasury sees fit to do it and can get the approval of the Public Buildings Commission.

Mr. UNDERHILL. I doubt if the present Secretary of the Treasury would recommend it, and I am positive the Public Buildings Commission would not indorse or approve such a recommendation. Last year you passed a bill which exempted the Southern Railway Building from the taking. I thought it a grave error, and I am mighty glad it did not go through in that form. This year the committee has seen fit to include the Southern Railway Building.

I believe the gentleman will be as old as I am, and perhaps as gray as I am, before he ever sees the Southern Railway Building demolished or the present Post Office headquarters demolished. There is plenty of work for this commission to do in cleaning up this area in the first place and then in building such buildings thereon as the Government needs for the transaction of its business. I very much fear if we delay this matter further perhaps some of us who are very anxious to see this wonderful improvement before we may reach the end of our days may not have that privilege.

I do not believe there is the least ground for fear on the part of any Member of this House, and I would cooperate with my friend, and have cooperated with him in the past, in trying to protect the Government in such matters.

Mr. BLACK of Texas. Why not except it from the authority of the Secretary of the Treasury?

Mr. UNDERHILL. Because personally I have so much confidence in the members of the Public Buildings Commission and in their intelligence and their integrity that I would much rather leave it just as it is than jeopardize the chances of the passage of the bill or delay it by attempting to add other amendments. [Applause.]

Mr. ELLIOTT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Speaker, it seems to me there is undue alarm about the amendment which has been placed in this bill by the Senate. What is the situation? It is agreed by the House of Representatives and by the Senate, legislatively, that the Government shall purchase the so-called triangle property for the building of the necessary departmental structures. It is a necessary incident of that construction that authority be given to raze the buildings on the land to be occupied by the buildings we are to erect.

I am reminded of a joke, which is familiar to all of you, about the aldermen who proposed to build a new town hall, and their resolutions were to this effect: "Resolved, first, that we build a new town hall; resolved, secondly, that we build the new town hall on the site and out of the material of the old town hall; and resolved, thirdly, that we do not tear down the old town hall until the new town hall is completed." [Laughter and applause.]

Some of these buildings in the triangle must be torn down and some of them should be torn down. There seems to be quite a bit of solicitude, and perhaps properly, on the part of my colleague from Texas [Mr. BLACK] in regard to the Southern Railway Building.

I want to call attention to this fact. It is going to be absolutely necessary for the Government to have suitable quarters in which to house certain employees of the Government during

the construction of the departmental buildings to which finally they will be assigned, and the Public Buildings Commission is going to be hard put to it to find such quarters. The Southern Railway Building affords an admirable solution for much of that problem.

What is the Public Buildings Commission? It is composed of two Members of the Senate, two Members of the House of Representatives, the Architect of the Capitol, the Supervising Architect of the Treasury, and the Superintendent of Public Buildings and Parks. I think I can give the House reasonable assurance that, despite the editorials to which my colleague has referred, there is no disposition on the part of the Public Buildings Commission to raze the Southern Railway Building at any time in the near future at least.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. LANHAM. I will.

Mr. BLACK of Texas. My colleague understands that this program is expected to extend over a number of years.

Mr. LANHAM. That is true.

Mr. BLACK of Texas. It may be 10 years from now, but we are passing the legislation for it.

Mr. LANHAM. Necessarily the Government has to function through men, and when obligations and responsibilities are placed upon men under their oaths to act in accordance with their best judgment and the best interests of the country, and when the approval of the Public Buildings Commission must be had for the razing of that building I do not think that in advance we should impute to these men motives of the vandals and to suppose that they will ruthlessly and recklessly destroy our property. The members of the Public Buildings Commission naturally are more immediately and more vitally concerned in this matter than the Members of the House who are not serving on that commission, because they have the important function of assigning space for all departments of the Government here and for finding quarters for the proper temporary accommodation of employees during the process of building.

Personally, I think the Southern Railway Building is an attractive structure. Certainly it would be well adapted to use for temporary quarters, and I think with some modification it might be used permanently and fit in with the general plan for the triangle.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. ELLIOTT. I yield to the gentleman two minutes more. Will the gentleman yield to me?

Mr. LANHAM. Certainly.

Mr. ELLIOTT. Is it not the gentleman's view that if we had three buildings of this character at the disposal of the Public Buildings Commission at this time, we could use them all?

Mr. LANHAM. Indeed, we could; and during the construction of the contemplated buildings it would be foolhardy, in my judgment, to raze a structure like the Southern Railway Building, so well adapted for the housing of employees, and then go out and rent other quarters for that purpose.

Mr. BLACK of Texas. I hope my colleague does not think that I am foolish enough to think it will be immediately done. My objection is that we are authorizing it to be done and already certain newspapers in Washington are advocating that it ultimately be done.

Mr. LANHAM. It may be that some are advocating it and it may be that ultimately it will be a wise thing to do, but with the lights before us there is no prospect that it is going to be done at any time in the near future. As I have said, I hope that it may be modified in such a way that it may fit in with the permanent plan.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. SNELL. As I understand this amendment, no authority is granted under it for the destruction of the Post-Office Building, is there?

Mr. LANHAM. None whatever. It applies only to the area to be acquired in the triangle which the Government does not now own.

Mr. SNELL. And the gentleman's argument does not apply to the Post-Office Building at all?

Mr. LANHAM. No; not in the least. There would be no authority to demolish the Post-Office Building under this amendment.

Mr. CHINDBLOM. And, as a matter of fact, the so-called Fine Arts Commission has nothing to do with it.

Mr. LANHAM. The Fine Arts Commission has no authority in this matter at all. It has simply been acting cooperatively in the way of suggestion when requested to do so by the Public Buildings Commission. The authority is with the Public Buildings Commission. The approval of that commission must be had, and not that of the Fine Arts Commission.

Mr. BUSBY. Mr. Speaker, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. BUSBY. As a matter of fact, the act of May 25, 1926, known as the Elliott bill, gives the Secretary of the Treasury plenty of power to tear down the Post-Office Building when he gets ready, does it not?

Mr. LANHAM. I hesitate to answer the gentleman's question because I have not a copy of that act before me and I do not remember its verbiage. I would not undertake to construe that law from memory, but certainly there is no authority of that kind given in the amendment which is now before us.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. ELLIOTT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLACK of Texas. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is evident that there is no quorum present. The Clerk will call the roll. The question is on agreeing to the conference report.

The question was taken; and there were—yeas 282, nays 62, not voting 87, as follows:

[Roll No. 10]

YEAS—282

Abernethy	Dickinson, Iowa	Johnson, Tex.	Rayburn
Ackerman	Dickinson, Mo.	Johnson, Wash.	Reece
Adkins	Doughton	Kading	Reed, N. Y.
Aldrich	Douglass, Mass.	Kahn	Reid, Ill.
Almon	Dowell	Kearns	Robinson, Iowa
Andresen	Drane	Kelly	Robsion, Ky.
Andrew	Drewry	Kemp	Rogers
Arentz	Dyer	Kerr	Rowbottom
Arnold	Eaton	Ketcham	Rutherford
Auf der Heide	Edwards	Kincheloe	Schneider
Bacharach	Elliott	Kindred	Sears, Fla.
Bachmann	England	King	Sears, Nebr.
Bacon	Englebright	Knutson	Seger
Barbour	Estep	Kopp	Selvig
Beck, Pa.	Evans, Calif.	Korell	Shallenberger
Beck, Wis.	Evans, Mont.	LaGuardia	Shreve
Beedy	Faust	Lampert	Sinclair
Beers	Fenn	Langley	Sinnott
Begg	Fish	Lanham	Smith
Berger	Fisher	Lea	Snell
Bland	Fitzgerald, Roy G.	Leavitt	Somers, N. Y.
Bohn	Fitzgerald, W. T.	Lehlbach	Speaks
Bowles	Fitzpatrick	Letts	Spearing
Bowman	Fletcher	Lindsay	Sproul, Ill.
Boylan	Fort	Linthicum	Sproul, Kans.
Brand, Ohio	Frear	Luce	Stalker
Briggs	Freeman	McFadden	Steele
Brigham	French	McLaughlin	Stevenson
Britten	Furlow	McReynolds	Sullivan
Browne	Gallivan	McSweeney	Summers, Wash.
Buchanan	Gambrill	MacGregor	Sweet
Buckbee	Garber	Maas	Swick
Bulwinkle	Gardner, Ind.	Madden	Swing
Burdick	Garrett, Tenn.	Magrady	Taber
Burtness	Gasque	Major, Ill.	Tarver
Burton	Gibson	Major, Mo.	Taylor, Tenn.
Bushong	Gifford	Manlove	Thatcher
Butler	Gilbert	Mapes	Thurston
Campbell	Glynn	Martin, Mass.	Tilson
Carew	Goodwin	Mead	Timberlake
Carss	Gregory	Menges	Tucker
Carter	Greenwood	Merritt	Underhill
Celler	Griest	Michaelson	Underwood
Chalmers	Griffin	Michener	Updike
Chapman	Guyer	Miller	Vestal
Chase	Hadley	Monast	Vincent, Mich.
Chindblom	Hale	Moore, Ky.	Vinson, Ga.
Christopherson	Hall, Ill.	Moore, Ohio	Vinson, Ky.
Clague	Hall, Ind.	Moore, Va.	Wainwright
Clarke	Hall, N. Dak.	Morgan	Ware
Cochran, Mo.	Hancock	Morin	Warren
Cochran, Pa.	Hardy	Murphy	Wason
Cohen	Harrison	Nelson, Me.	Watres
Cole, Iowa	Haugen	Nelson, Wis.	Watson
Collier	Hawley	Newton	Welch, Calif.
Colton	Hersey	Niedringhaus	White, Colo.
Combs	Hickey	Norton, N. J.	White, Kans.
Connery	Hoch	O'Brien	White, Me.
Cooper, Ohio	Hoffman	O'Connell	Whitehead
Cooper, Wis.	Hogg	Oliver, N. Y.	Whittington
Corning	Hooper	Parker	Williams, Ill.
Cox	Hope	Peavey	Williamson
Crail	Houston, Del.	Peery	Winter
Cramton	Howard, Okla.	Perkins	Woodruff
Crosser	Hudspeth	Pou	Woodrum
Crowther	Hughes	Prall	Wright
Cullen	Hull, Morton D.	Pratt	Wurzbach
Dallinger	Hull, Wm. E.	Ragon	Yates
Darrow	Jenkins	Ramseyer	Zihlman
Davey	Johnson, Ind.	Ransley	
Denison	Johnson, S. Dak.	Rathbone	

NAYS—62

Allgood	Garner, Tex.	Lowrey	Oliver, Ala.
Bankhead	Garrett, Tex.	Lozier	Parks
Black, Tex.	Green, Fla.	Lyon	Quin
Blanton	Hammer	McClintic	Rankin
Bowling	Hare	McDuffie	Reed, Ark.
Box	Hastings	McKeown	Romjue
Brand, Ga.	Hill, Ala.	McMillan	Sanders, Tex.
Browning	Hill, Wash.	Mansfield	Sandlin
Busby	Howard, Nebr.	Martin, La.	Steagall
Cannon	Huddleston	Milligan	Sumners, Tex.
Collins	Hull, Ten.	Moorman	Swank
Davis	Jeffers	Morehead	Williams, Mo.
De Rouen	Jones	Morrow	Wilson, La.
Dominick	Kvale	Nelson, Mo.	Yon
Eslick	Lankford	Norton, Nebr.	
Fulbright	Larsen	Oldfield	

NOT VOTING—87

Allen	Douglas, Ariz.	Kurtz	Stedman
Anthony	Doutrich	Leatherwood	Stobbs
Aswell	Doyle	Leech	Strong, Kans.
Ayres	Driver	McLeod	Strong, Pa.
Bell	Free	McSwain	Strother
Black, N. Y.	Frothingham	Montague	Tatgenhorst
Bloom	Fulmer	Mooney	Taylor, Colo.
Boies	Golder	Moore, N. J.	Temple
Byrns	Goldsborough	O'Connor, La.	Thompson
Canfield	Green, Iowa.	O'Connor, N. Y.	Tillman
Carley	Holaday	Palmer	Tinkham
Cartwright	Hudson	Palmisano	Treadway
Casey	Igoe	Porter	Weaver
Clancy	Irwin	Purnell	Weller
Connally, Tex.	Jacobstein	Quayle	Welsh, Pa.
Connolly, Pa.	James	Rainey	Williams, Tex.
Crisp	Johnson, Ill.	Ruby	Wilson, Miss.
Curry	Johnson, Okla.	Sabath	Wingo
Davenport	Kendall	Sanders, N. Y.	Wolverton
Deal	Kent	Schafer	Wood
Dempsey	Kiess	Simmons	Wyant
Dickstein	Kunz	Sirovich	

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Green of Iowa with Mr. Connally of Texas.
Mr. Wood with Mr. Byrns.
Mr. Free with Mr. Deal.
Mr. Dempsey with Mr. Wingo.
Mr. Anthony with Mr. Bell.
Mr. Stobbs with Mr. Driver.
Mr. Connolly of Pennsylvania with Mr. Kunz.
Mr. Kendall with Mr. Tillman.
Mr. McLeod with Mr. Quayle.
Mr. Wyant with Mr. Ayres.
Mr. Johnson of Illinois with Mr. Canfield.
Mr. Purnell with Mr. Steadman.
Mr. Welsh of Pennsylvania with Mr. O'Connor of Louisiana.
Mr. Treadway with Mr. Carley.
Mr. Golder with Mr. Douglas of Arizona.
Mr. Kiess with Mr. Crisp.
Mr. Sanders of New York with Mr. Ruby.
Mr. Porter with Mr. Weller.
Mr. Leech with Mr. Johnson of Oklahoma.
Mr. Kurtz with Mr. Fulmer.
Mr. Hudson with Mr. Montague.
Mr. Temple with Mr. Williams of Texas.
Mr. Strong of Pennsylvania with Mr. Rainey.
Mr. James with Mr. Black of New York.
Mr. Palmer with Mr. Casey.
Mr. Thompson with Mr. Igoe.
Mr. Simmons with Mr. Doyle.
Mr. Curry with Mr. Moore of New Jersey.
Mr. Strother with Mr. Mooney.
Mr. Doutrich with Mr. Wilson of Mississippi.
Mr. Wolverton with Mr. McSwain.
Mr. Tatgenhorst with Mr. Bloom.
Mr. Holaday with Mr. Aswell.
Mr. Tinkham with Mr. Sabath.
Mr. Allen with Mr. Goldsborough.
Mr. Frothingham with Mr. Dickstein.
Mr. Leatherwood with Mr. Palmisano.
Mr. Boise with Mr. Kent.
Mr. Clancy with Mr. Taylor of Colorado.
Mr. Strong of Kansas with Mr. Sirovich.
Mr. Davenport with Mr. Weaver.
Mr. Schafer with Mr. O'Connor of New York.

The result of the vote was announced as above recorded.

THE ARMY BAND

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Speaker, ladies, and gentlemen of the House, on February 17, 1925, I expressed the hope to the Sixty-eighth Congress that the time would come when the people of this country should one day have an opportunity periodically to hear the splendid representative musical organizations of our Military Establishment.

I am very happy to-day, Mr. Speaker and gentlemen of the House, to say that the eve of the consummation of that wish is at hand. The United States Marine and Navy Bands have returned from successful tours which they have been making annually for some years.

On January 16 the United States Army Band will embark on its first public concert tour. Its itinerary includes a flying 42-day round of as many cities in 13 States. Thousands of persons over a wide area are soon to see and hear personally this fine group of musicians, whose efforts for the past few years have been such an inspiration to official Washington and the residents of the National Capital.

In authorizing the tour the War Department has recognized not only the band's high musical and military standing to-day, but its manifold power for encouraging the youth of our Nation in musical effort and in instilling an appreciation of and love for good music among its auditors everywhere.

What a boon, also, it will be to the patriotism of those who have often read of the United States Army Band, in its distinctive "cadet gray," in connection with national events of contemporary historical significance, but to whom this great organization has remained but a name! What a thrill will come to every true American as he hears from the same band the very strains which have fallen upon the ears of Presidents and potentates of world renown—strains which were heard by such home-coming national heroes as our own Lindbergh!

I have recounted here before the origin of the United States Army Band, how it was organized in 1922 by General Pershing, then Chief of Staff, to do for the peace-time morale of the Army and citizenry what his famous A. E. F. band, of which this organization is the outgrowth, did for the fighting heart of the troops. It was General Pershing's desire that the Army should have a representative musical organization second to none in the world. I believe it may be said with all conservatism that this wish is now fulfilled.

A brief résumé of some of the more important of the band's activities will serve to demonstrate the confidence imposed in it by the highest figures in public life.

It was the United States Army Band which President Coolidge chose last year to begin what he hopes will become a custom of an annual Thanksgiving concert at the White House. Again, the band was designated to play the national anthem of Mexico while the representative band of that country played the Star-Spangled Banner during the recent inauguration of direct telephonic communication between the capitals of the two nations. The Presidents and their respective staffs "listened in" through telephone headpieces while this solemn and impressive ceremony took place.

The United States Army Band has bent every effort to bring pleasure to citizens of all classes and locations through the relatively new medium of the radio. As a result, during the past year it has broadcast farther, more frequently, and to more millions than any other military musical organization. It holds the record for organizations of its kind in the matter of number of radio stations "tied up" in a broadcasting event, the occasion being 52-station hook-up for the home-coming celebration for Col. Charles A. Lindbergh. The United States Army Band was seated directly in front of the stand on the Monument Lot, here in Washington, when President Coolidge decorated the young air hero, and it furnished the music incident to that epoch-making occasion.

The United States Army Band is a regular feature of the Radio Corporation of America's famed "blue network," which carries the best in radio audition into countless thousands of homes over a gigantic network of stations.

Radio demands for this organization were so great that, in addition to its many official duties, it frequently broadcast as often as two or three times a day.

The concerts played by this band from the east steps of the Capitol as a part of its summer series here in Washington also were broadcast to thousands in addition to those fortunate enough to be able to attend.

So established, in fact, has the United States Army Band become as a radio institution that its studio in the Army Music School at Washington Barracks has been fitted up as a sub-broadcasting station, details of its design having been worked out by radio engineers to give the best possible broadcasting effect. The room is virtually unique, of its kind.

The band has been unusually active in promoting good feeling between this country and our Pan-American neighbors. As the organization officially delegated by the Pan American Union to introduce South American music into this country, it has played hundreds of concerts, many of which were broadcast. A feature of every program on the band's forthcoming tour will be two or more of the colorful numbers of the Latin-American people, thus extending this admirable work of mutual understanding to the people of this Nation in the universal language—music.

Some of the band's duties have been of a sadder nature, but reflect, nevertheless, the respect in which it is held by au-

thorities desiring to pay the last full measure of honor, musically, to a stricken personage. It headed the funeral procession of the late Maj. Gen. Leonard Wood; it performed a similar function upon the death of President Harding.

It led the Coolidge inaugural parade; it has been the official band on many occasions for the reception of visiting foreign dignitaries. World-series throngs have enthused to its music.

In short, the United States Army Band has attempted to be the military musical organization for all classes. It is a band the public is proud to have represent it on the most formal occasions; it is a band the public loves to hear and which the public understands.

The band's outstanding record connotes musical superiority. With the pick of all the Army establishment's "line bands" in its personnel and the sterling output of the Army Music School to draw upon, it has achieved this in the opinion not only of lay auditors but music critics.

It is not only capable of the stirring marches so closely identified with military bands but of the finest musically. Its programs include the best symphonic works, and its ability to impart a symphonic quality to such numbers has won highest praise.

Under the leadership of Second Leader Thomas F. Darcy a symphonette has been organized among men in the band doubling on orchestral instruments. This unit also is a radio favorite and has been heard as well on many state and public occasions. There is a dance orchestra, likewise recruited from the band's personnel, which supplies music for frolics of the near-by Army posts.

With such a splendid history, it is almost unnecessary to add that the band has had sterling leadership.

First recognition should go to Capt. Curtis D. Alway, whose intelligent and sympathetic understanding of the band's problems and zealous and enthusiastic efforts in behalf of its advancement, has combined with his soldierly discipline of the organization to give it the widest scope for dignified achievement.

Musically, however, the band's meteorical attainments must be acknowledged in large measure to the thorough scholarship of its leader, William J. Stannard, and his untiring efforts—he works day and night—for its advancement. A summary of his musical education has been placed upon the official record before, so it is only pertinent here to recall with pride that he was, in the main, Army trained, coming to his post as the first and only leader of the United States Army Band after 18 years progress through the various stages of the ranks, and recognized as the outstanding musician in the Army and one of the best band conductors in the world.

He has been ably abetted by Second Leader Darcy, also an Army product, and a musician and trumpet soloist of highest rank.

In the end, however, it is the musicians in the separate chairs who shape the destiny of any musical organization, and so it is a matter of pride that I place in the RECORD the names of the individual members, whose excellent musicianship and close cooperation with the leaders, has made the United States Army Band the outstanding organization it is to-day:

Master sergeants: Willis S. Ross, Joseph Dufrense, Leo F. J. Arnold, Samuel L. Johnson, Henry J. King, Otto Siebeneichen, Friedrich Tovornick, Theodore Bingert, Alexander Lutkiewitz, and Karl Hubner.

Technical sergeants: George W. Mitchell, Fred L. Smith, Blair Yon, Wilfred E. Vincent, Charles J. Garrity, Tim Banko, Frank J. Jakubec, Harry Kravetz, Gustav Ey, Milton W. Nation, Joseph L. Young, Thomas A. Shannon, Harry W. Phillips, Jan D. Henning, August Gaeezorz, George Wohlmacher, John Baumann, and Eugene Hostetter.

Staff sergeants: David L. Sylvan, Jacob M. Millet, Willis Hutton, Orville M. Gold, William H. Hummel, Rudolph M. Eckman, Wallace Appleton, Alfred P. Gsell, Hugh Peaslack, Adam Madey, Ernest Clapp, Curt H. Fischer, Sharon G. Highsmith, Victor T. Nixon, Amiel Bushkovski, William F. Raymond, Alfred E. Luedtke, William H. Walker, William Verhey, John T. Hook, George Six, Clyde J. Bowman, Wallace N. Kirsch, and Charles Lucom.

Privates (first class): Thomas L. Blunt, Tom Bogie, Edward J. Burke, Hrynko Choptowy, Orville E. Ditto, Leonard Hollars, Ira Kiger, Charles R. Kline, Walter Lewickj, Edgar W. McKean, Samuel Rotstein, Fred Voll, Willed Williams, and Oscar Urban.

Privates: Victor Christensen, John B. Clemmons, Alfred A. Dufresne, Walter E. Croll, Jerome Hajek, John J. Kahler, William H. Schmidt, Leonard Shearer, Andrew Trefois, Louis C. Tilton, and Whit O. Whatley.

MINERS' STRIKE IN PENNSYLVANIA

The SPEAKER. Does the gentleman from Wisconsin [Mr. BERGER] desire recognition?

Mr. BERGER. Yes. I ask unanimous consent, Mr. Speaker, to speak out of order for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BERGER. Mr. Speaker and Members of the House, I have received the following telegram this morning:

BROWNSVILLE, PA., *January 7, 1928.*

Congressman VICTOR BERGER,
Washington, D. C.:

The Vesta Coal Co. has a gang of gunmen evicting the coal miners from their houses at its No. 6 mine. These women and children have no shelter. I appealed to General Manager Joe Edwards to stay evictions until Monday, when we would have barracks sufficiently erected to shelter these people. I asked in the name of humanity not to put these women and children on the roadside these cold nights and Sunday. He answered, "To hell with humanity." He hoped they would freeze and rot. These people have been in the employ of that company for more than 10 years.

LAWRENCE DWYER,
Representative United Mine Workers of America,
West Brownsville, Pa.

There is a strike on in the Pennsylvania coal mines. Here is another piece of news in connection with this strike.

Judge J. N. Langham, president judge of the court of common pleas of Indiana County, Pa., on November 8 issued an injunction, in which he addressed the whole army of strikers by name, "District No. 2, United Mine Workers of America, their associates, aiders, abettors, and agents, or any other person acting with the above named," and instructed them as follows:

We therefore * * * do strictly enjoin and command you, the said defendants, your associates, aiders, abettors, and agents, and all other persons, that you from henceforth desist * * *.

(d) From distributing pecuniary contributions, in furtherance of the conspiracy to keep men from employment or seeking employment with the plaintiff.

The plaintiff is the Clearfield Bituminious Coal Corporation, which operates the mines at Rossiter.

Fred Thomas, organizer of district No. 2, said:

The purpose of that injunction is to starve our men into submission. They have nothing but the pitiful $3 a week the union gives them. And now the court bars that. We are forbidden to share what little we have with our own people. And they need it so!

The need in Rossiter is terrible. It is also terrible in the coal fields of western and central Pennsylvania, among the 85,000 strikers and their 200,000 dependents.

A typical instance—and not an exaggerated one—was reported in the New York Daily News.

A reporter arrived at one of these homes at noon. He was ushered into the kitchen of Mrs. Francis Summers, young mother of old American stock, as are most of the Rossiter strikers. Three children clustered about the table.

They were hungry. All the mother had for them were three soda crackers for that meal. These crackers she soaked in a plate of weak tea.

The meal of each child consisted of one soaked cracker, fed to it with a spoon.

This is what the children got. The mother got nothing.

That is the situation in Rossiter. And it is there that it is made a crime to give children food.

In the face of these privations and hardships it is remarkable that the spirit of the strikers and their families has not been subdued by all the injunctions and all the evictions and all the hardships to which they have been exposed by the mine owners and the judges who do their bidding.

Not only are the strikers and their families prevented, under the terms of the injunction, from receiving the little aid they would otherwise get but they are even prevented "from congregating on the Magyar Presbyterian Church lot, or any other lot, lots, place or places at the time the employees of the plaintiff enter the mine or at the time the employees of the plaintiff come out of the mine."

This provision in the injunction was included because of the company's statement that the striking miners hold meetings at the church in the morning and evening and sing songs as the strike breakers enter and leave the mine, which is near the church.

Many of the songs thus sung are composed of inflammatory words set to hymn tunes—

the company complained—

the tendency and purpose of which are to incite the passions of the named defendants * * * and arouse said defendants * * * to a hostile and threatening attitude toward the plaintiff.

The Rev. A. J. Phillips, the regularly ordained minister of the congregation, denied anything except hymns had been sung at his church, among which he listed the following:

"Nearer, My God to Thee," "I'm on the Winning Side," "I Can Not Be Idle," "Blessed Assurance," "How Firm a Foundation," "When We All Get to Heaven," "I've Enlisted in the Service," "Where He Leads Me I Will Follow," "Onward, Christian Soldiers," "Stand Up for Jesus," and "I Love to Tell the Story."

But singing these hymns bothered the company. And the strikers were ordered to desist.

And, it is reported, there is a burly deputy permanently posted in a special guard shack just outside the church to see that the injunction is observed.

Rossiter is not the average coal town in that there are some parts of the town not owned by the company, whereas in other mining towns everything in it and on it is owned by the mine owners. But despite the "free" territory still to be found there, the strikers are not permitted to visit one another or even to walk together under the injunction.

It was on that kind of a situation that the new year dawned for thousands of families. And it continues to grow worse.

And on the dawn of the new year a court order compelling 800 families to vacate company-owned houses of the Vesta Coal Co., whose striking employees sent me the telegram I read at the beginning of my remarks, was issued. That company, I am advised, is a subsidiary of the Jones & Laughlin Steel Corporation, and is related somewhat to the Mellon interests.

Now, gentlemen, a strike nowadays is recognized everywhere as the legal economic weapon of the working class. A strike is considered a conspiracy in only two countries, in Russia and in Italy. And it seems a strike is also a conspiracy in Mellon's State, in Pennsylvania.

Russia, Italy, and Pennsylvania—a great combination indeed—but I think it is a disgraceful combination.

According to the newspaper clipping that I got this morning there are 83,000 miners on strike. There are 200,000 dependents. The United Mine Workers of America have so far erected barracks containing about 1,500 rooms for the evicted strikers and their families.

I want to bring this to the attention of the House, because I expect to introduce a resolution to-morrow asking for an investigation of the strike in Pennsylvania.

I yield back the rest of my time, Mr. Speaker.

APPROPRIATION BILL FOR THE DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8269), making appropriations for the Departments of State, Justice, Commerce, and Labor.

The motion was agreed to.

The SPEAKER. The gentleman from New Jersey [Mr. LEHLBACH] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8269, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8269, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes.

Mr. SHREVE. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SEARS].

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. SEARS of Nebraska. Mr. Chairman, the American people are about to make the most solemn choice with reference to internal improvements that they have ever been called upon to make—one that will affect the country either beneficially or banefully more than any other it has made. It is of the utmost importance that the decision shall be made wisely and well.

In its briefest statement, the question relates to the disposal of water.

Now, water being one of the great forces of nature, is either of wonderful benefit when under control or it is of destruction to life and property to the extent of lack of control.

This question is now at the front because of the great flood conditions that existed last year in the lower Mississippi and its tributaries. Some hundreds of lives were lost and probably $500,000,000 worth of property destroyed. Many thousands of our citizens were left homeless and their prospect in life, financially speaking, swept away. The greater flooded area was because waters from different watersheds and flood areas were allowed to concentrate at the lower central part beyond capacity of safe conduit to the Gulf.

Two lines or schools of thought present plans for the control of these flood waters. The first is—and it is advocated by our Government educated and employed engineering department—that we shall add to our levees and revet them; that we shall construct a number of spillways, like parallel new rivers, and so invite the expected great floods of the future to continue, and through our new rivers and our higher revetted levees give conduit to the Gulf.

The second meditates that there shall be no gathering of flood waters of great devastating force beyond safe control whatever. Let us shortly consider these two plans.

As to the first: For 50 years our national reliance has been on levees. We have leaned on broken reeds. We have given all the money that the Army engineers asked for. We have bled the people of the southland for contributing moneys in the areas affected beyond their ability to pay more. And the net result has been nothing. Worse than nothing. Levees are either a perfect protection or they are a trap—inviting the feeling of safety and where giving away causing death and destruction. The new plan by the Army engineers carried to safe conclusions and stripped of their hidden intendments means billions of money, and in times of floods that may be expected, failing and causing immense disaster.

It means the withdrawal of many millions of acres of land that should be of the utmost production and their devotion to unproductiveness, to river beds, and to become places where human productive energy can not exist. It will mean the annual upkeep charge of millions of dollars without one cent of productive income. It means the removal of many thousands of people from their homes and scattering them away from the places of their rearage. It means years of litigation, therefore slow construction, before titles and damages are settled, which will mean most tedious delay. This plan will meet most general opposition, it is believed, except by those of the city of New Orleans. This plan adds nothing to the navigable waters of the Mississippi. It will add a most horrible assault upon a large and what should be prosperous people, and such as our history to this time does not record.

As opposed to this tendered and vicious unwholesome legislation there is presented the dam and reservoir system, which, in short, means the taking possession of the flood waters in ample quantity and in such places as will prove practical by placing them in dams and reservoirs during high-water periods, utilizing the water, and returning the impounded water to the streams by spillways at low-water periods; and by putting them in the semiarid soils of the West, where the flood waters largely originate, from which use they will return again to the streams after benefiting mankind. Next to the soil and sunshine themselves, these waters so sought to be turned loose forever as a useless thing are, in fact, the greatest remaining asset of the American people, and whoever would intentionally and ruthlessly settle a policy on this country of wastage is a public enemy.

No part of this country can prosper without navigation. The impounding and the using of waters and the returning of them to the watercourses at low-water months means stabilization of the flowage of the rivers, the settling of questions of navigable waters; it means that erosion of soils will cease. It will mean the greater capacity of rivers to carry off waters by reason of the constant intake of siltage ceasing, giving a greater capacity in the carrying off of waters. This system will mean an hitherto unknown fertility to the Great Plains country east of the Rocky Mountains, 240,000,000 acres of which are now called semiarid. This is the great wheat country. But by reason of being wheated year after year it is losing its fertility and lacks moisture whereby nitrogen can be placed back in the ground. It is only by summer fallowing that wheat growing is in any degree a success. This section is crossed by rivers whose flood waters very largely cause the floods in the lower Mississippi. These flood waters are the last great national resource of this great Nation remaining yet to be conserved or thrown away. If nothing is done to conserve the waters that are known to this strip, and make use of them for the public welfare, in about 10 years consumption of wheat in this country will pass production and we will be on an import basis.

There is no question but that the waters of the Arkansas River and its tributaries can be absolutely controlled by reservoirs and dams and the water placed to great income use that will reimburse the Government for its outlay of conservation,

There is no question but that the waters of the Missouri and its tributaries can be, practically in their entirety, impounded and conserved, and it is believed entirely reimburse the Government for the outlay and expense of conservation. With these waters impounded and made use of for soil fertility, this strip of ground east of the Rocky Mountains will become the most fertile region of our country.

Shall we administer to the welfare of this country or to its undoing? Shall we dedicate millions of acres of our richest land to river beds and backwater areas and permanent storage basins or allow them to be peopled with a prosperous citizenship, so adding to their comfort and the welfare of the Nation? Shall we dedicate the great semiarid country to a constantly down grade of agriculture, of croppage, and of citizenship, or shall we perform a great national service by conserving the waters that are known to it, bringing back a greater prosperity than it has ever enjoyed?

This last year for want of water conservation floods devastated to the extent of half a billion dollars. The summer before the great district that has been referred to east of the Rocky Mountains was drought stricken to the extent of at least a billion and a half of dollars, and for lack of waters that were ready at hand and that add to the great flood burdens below. It would thus seem that by reservoir control the great floods may be done away with, the great droughts may be controlled and done away with, and our navigable waters be benefited without the crest of floods and without a low-water season. These questions all go hand in hand. There is no practical and comprehensive plan of flood control based on any other hypothesis than that of taking possession of the waters and harnessing them and setting them to work, so that the people of the lower Mississippi shall be without fear of the flood season, and so that the others of the great valley shall no longer live fearful of the drought.

What is the difference between the cost of construction of the two several plans?

The Mississippi River Commission plan meditates an outlay of about $450,000,000, as stated, but really means many millions more, as there is not taken into account the raising of many hundred miles of improved highways; nor of very many miles of railroads; nor of telegraph lines and telephone systems; nor of the cost of the fee or the use of the lands. The cost is believed to be well over a billion dollars. And no income is anticipated after completion; only added expense of upkeep. And then without any idea of aiding the Arkansas, Red, Missouri, and other tributaries in their battle against the floods—only New Orleans.

The plan of dam and reservoir system of control meditates perfect protection to all the people of all the streams, that when the small floods are under control there will be no great floods anywhere.

No engineer will say that it is impractical to take possession of the damaging flood waters. If 500,000 cubic feet per second are withheld from the Missouri and Ohio, and 1,200,000 cubic feet per second are withheld from the Arkansas and the White, there is then ample capacity in the lower Mississippi for all of the flood waters that will come in flood years like the present or are likely to come in future years, and all of the dams and reservoirs will have an income-producing value. If desirable, even more water may be impounded on the Tennessee and the Ohio. Three hundred and fifty millions of dollars is probably more than is necessary for all the impounding required to bring about the desired result on the Missouri, the Arkansas, and the White.

The semiarid soils of the western plains will be found a great storage basin, every acre of which will take up from 1 to 3 feet of water and at a profit on the sale to the Government. As for the first plan, all is outlay and no income. The first means distress to many people. The second means prosperity to all, including the entire Nation.

Mr. SHREVE. Mr. Chairman, this finishes the debate on our side of the House, and I would like to have the gentleman from Alabama use his time.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman and gentlemen, in a discussion a few days ago on the question of farm relief the gentleman from Illinois [Mr. ADKINS] reached the conclusion that the sine qua non in farm relief was an equalization fee. Being principally, and I might say wholly, engaged in agriculture myself, outside of my membership in this House, I am deeply interested in agricultural relief and advancement, and I want to discuss just for a minute that requisite which seems to be laid down for any agricultural relief from the standpoint of the cotton raisers of this country.

I appreciate the attitude of the people who raise wheat. The McNary-Haugen bill with the equalization fee in it temporarily, at least, would have been a benefit to them, but I want to show what it would have done to the cotton people.

We raised 1,000,000,000 bushels of wheat in 1926. We consumed 800,000,000 of it at home and about 200,000,000 bushels were exported. Those are the round figures. There is a tariff of 42 cents a bushel on wheat, and it is natural to suppose that if we could control that surplus so as to make the domestic market a purely domestic market and prevent wheat from being shipped in to compete, that naturally it would have raised the price of wheat about 40 cents a bushel before it could have been interfered with by outside wheat. Well, let us look at what would have been the result and you can see why I do not blame the wheat people for standing for it. If I were a wheat man, I would have been standing for it.

If you raise the price of your 800,000,000 bushels 40 cents a bushel, you have put a profit of $320,000,000 in the pockets of the wheat farmers. If you export your 200,000,000 bushels and sell them at a loss of 40 cents a bushel and make it up by the equalization fee, you have only lost $80,000,000. If you take that from your $320,000,000, you have a net profit to the wheat people of $240,000,000. Therefore, I say I am in sympathy with the wheat people, and I do not blame them for wanting that arrangement. But let us see the picture of the cotton folks. We made 18,000,000 bales of cotton. The most optomistic prognostication that was made in the whole debate was that if we got that into operation it would raise the price of domestically sold cotton $20 a bale, or 4 cents a pound. Well, let us look at it a minute from that standpoint. We consumed 8,000,000 bales in this country; raise that $20 a bale and it would increase the price $160,000,000. Well, they made that, of course, but we exported and will export 10,000,000 bales. That has got to be sold at a loss of $20 a bale and made up by the equalization fee. That would mean a loss of $200,000,000, and we made $160,000,000, so you will see that the cotton people are $40,000,000 out, and we are faced with an equalization fee of $10 or $11 a bale to make that up.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. WILLIAM E. HULL. How does the gentleman arrive at the loss of $20 a bale?

Mr. STEVENSON. If it is being sold at a loss of $20 a bale on the world market, and you sold 10,000,000 bales on the world market, and you have lost $200,000,000; and the 4 cents a pound which they claim would have just brought it up to a living price would mean $20 a bale, and we would be forced to sell the 10,000,000 bales at a loss, and we would make it up by an equalization fee.

There is what confronted the cotton farmer. If you, under that proposition, export more than you consume in your domestice market, you are going to lose more than you make. Suppose it was $25 a bale. This would just accentuate it and be that much more.

Then there is another thing about it. Of the $240,000,000 profit to the wheat farmer at least 25 per cent of it would be unloaded on the cotton farmer, because he has to buy and does buy 25 per cent of the wheat sold in this country, and that would be $60,000,000 more. So that under that scheme the cotton farmer is confronted with at least a loss of $100,000,000 a year and would be that much worse off than he is now.

Mr. MANSFIELD. Will the gentleman yield there?

Mr. STEVENSON. Yes.

Mr. MANSFIELD. As I understand, the gentleman makes the point that if our exports are greater than our home consumption we would lose?

Mr. STEVENSON. We would lose; yes.

Mr. MANSFIELD. But it is not the fact that last year is the only year in which our exports exceeded our home consumption?

Mr. STEVENSON. Oh, no. We have exported more cotton 9 years out of 10 ever since the Civil War than we have used at home.

Mr. KERR. Will the gentleman yield for a question?

Mr. STEVENSON. Yes.

Mr. KERR. I am very much interested in the gentleman's discussion. Why does the gentleman assume we are going to sell this cotton in the foreign market at a loss?

Mr. STEVENSON. We have to sell it somewhere and we can not sell it here because we have saturated the domestic market and we will have to sell it in the markets abroad, and

when we sell it abroad we sell at the world price irrespective of the equalization fee or anything else we put on it here.

This is why I say it looks to me as if you are figuring the cotton farmer into the same position as the boy that you have all heard about when the schoolmaster told him to figure out how long it would take a frog to get out of a well if it was 30 feet deep and he climbed 10 feet every day and went back 20 feet every night.

After figuring from Friday until Monday, the boy came in and the teacher asked him, "Did you get the frog out," and he said "No"; that he had run out of paper, and added, "If I had had another pad, I would have had him in Hades by this time." This is where you are going to put the farmer with this equalization fee.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. WILLIAM E. HULL. Would the gentleman, as a cotton farmer, have any objection to taking cotton out of the McNary-Haugen bill and letting the wheat farmers have it?

Mr. STEVENSON. I certainly would not.

Mr. WILLIAM E. HULL. Would the gentleman vote for the bill under those circumstances?

Mr. STEVENSON. I am not prepared to say I would vote for such a bill, because the gentleman will see where the cotton farmer comes in if we let him by a scheme of that kind put up the price of wheat on us. It is hitting us anyway, but I have very much sympathy with the proposition if they will take the equalization fee out of it, or leave cotton out of the operations of the equalization fee.

Mr. WILLIAM E. HULL. I mean leave cotton out of the bill entirely.

Mr. STEVENSON. Of course, I would not be affected in that instance.

Now, Mr. Chairman, as I have said, I am principally and totally engaged in cotton farming. The equalization fee last year would have cost me $1,100 of the profit in my cotton crop, and cotton went up from 12 cents to 22 cents. Mine was sold at an average of 21¾. The price went up that much. If the McNary-Haugen bill had passed last year with the equalization fee in it, I suppose everybody would have said that was what put up the price; but as a matter of fact, it was a question of supply and demand.

The gentleman from North Carolina asked me why I said we would sell in the foreign market. We would have to do one of two things—either sell it or hold it. Suppose we had held 6,000,000 bales out of the crop of 1926 and had had it as a shadow over the market. When it developed there was going to be less than a normal crop in 1927 and cotton began to pop up, and they had put this 6,000,000 bales on the market, where would we have been? The farmer who made the crop of 1927 and who owned it would have been smashed under the load of cotton which the speculator would have thrown on the markets of this country.

Mr. MANLOVE. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MANLOVE. Will the gentleman tell us approximately the difference between the price of American cotton sold in this country and that which was sold abroad?

Mr. STEVENSON. There is no difference at all, because the world price fixes it, and the difference is the difference in transportation.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Chairman and Members of the House, the measure we have under discussion to-day contains an appropriation for an industrial survey of the Southwest. Of course, this includes the State of Oklahoma, and it being the particularly bright star of that great group of States I desire to thank the Appropriation Committee and the Department of Commerce for the consideration given, and I am quite sure that this survey will be of great benefit not only to the Southwest but to the entire country.

In the recent past I have been asked many questions regarding the State of Oklahoma. At a later date it is my purpose to discuss the greatness of this grand new State and to present some statistics and facts that will be amazing and interesting to those not acquainted with the potential wealth and possibilities of the State, and which may point the way and possibilities for the sons and daughters of older and crowded communities to find prosperity and happiness in the golden Southwest, and, in passing, may I not point with pride to the fact that this survey will bring out that last year the combined agricultural and mineral production of Oklahoma was greater than that of any other State of the Union. We hope and we know that this item will be retained in this measure. We are thankful for it and are sure that it will be very beneficial. Also I note that this bill contains appropriations covering our Foreign Service, and we have heard it ably discussed here to-day. We are all, I think, proud of our Foreign Service and ready at all times to support it with the resources of our Nation. But I note, Mr. Chairman, that recently we have been represented in foreign countries by two great emissaries who have done much to bring peace and good will to the nations of the earth, wherever they have gone. Of course, I refer to Colonel Lindbergh and Col. Will Rogers. They need no commendation at my hands. But of Colonel Rogers I want to speak for a moment. He is Oklahoma's greatest citizen, coming from the district I have the honor to represent. Justly we point with pride to him. He is a native son, born of the great tribe of Cherokee Indians within the State, educated in her schools, and blessed with the luck of coming from a State whose environments are progressive and American. Humorist? Yes. But a humorist whose every joke smacks of a foundation that is solid and sound. He is a student of government. This is evidenced by every word he utters touching upon Government or national affairs. Illustrating this, I note that on January 2, in commenting, he said:

> Did you read all the New Year's optimism and apple sauce in the papers to-day by all our leading men and bankers? Same gang every year. Everyone either a millionaire or an officeholder. Now there are 30,000 millionaires in the country and 110,000,000 that are not; yet, you never see a New Year's prediction by one of the hundred and ten. Looks like just for the novelty one paper would print just what some poor man saw in store for the coming year.

This gentleman, Mr. Chairman, has proven himself to be a humorist, a humanitarian, a philosopher, an executive, and a statesman combined, and now that I have observed our Republican friends halting between choosing Hoover, Dawes, or Lowden, and not at this time disposed to take our own beloved NICK LONGWORTH, and also note my own Democratic Party hesitating between the great Governors of New York and Ohio, Al Smith and Vic Donahey, and the great statesman from Missouri, Senator JAMES A. REED, I hope I may be pardoned if to the other 110,000,000 referred to by Mr. Rogers I propose that Col. Will Rogers, the humorist, the philosopher, and statesman, is a man able, capable, and fitted to administer the great office of President of the United States to the benefit and satisfaction of all, and that they see to it that he is nominated and elected to that office.

Mr. MANLOVE. Would the gentleman from Oklahoma like for a second to the nomination to come from this side of the House or from his side?

Mr. HOWARD of Oklahoma. Well, I think from both sides.

However, Mr. Chairman, I rose to discuss flood control. There will not come before this Congress a more important matter than that of flood control. Naturally, as this is a new subject, at least the recent disastrous floods convincing all of us that the question has taken on a new phase, there is necessarily a great difference of opinion as to just what should be done. Each Member who has observed the people of his State or district suffering unmeasurably by reason of these floods expects, and has a right to expect, that if flood control is made a national matter in one part of the United States, that it should and must be made a governmental responsibility in any part of the United States where people suffer from a like cause. The contention of the people living on the tributaries of the Mississippi River that they are entitled to national relief is just as plausible as that of those living on the Mississippi itself. In our opinion, floods can not be controlled on the Mississippi until they are controlled on these tributaries. Any plan of flood control on the Mississippi without taking into consideration the necessities and rights of the people on these tributaries would be patchwork at the best.

In fact, it would be but following the policy of the Government for the last 50 years on the Mississippi, which the floods of 1927 demonstrated to be a colossal failure. To make an appropriation for flood control only on the Mississippi at this time, ignoring the tributaries, would be, in my opinion, parallel to a man starting to build a house by attempting to construct the roof first. It might also be compared with the impossibility of drilling an oil well by starting at the bottom, and would be as great a mistake as to suggest that in opening up a mine you start back in the mountain where the ore lies and dig toward the surface. Would it not also involve duplicate work? That is, are there not things that can be done on the tributaries, if all the tributaries as well as the Mississippi are to be taken into one general plan, that would make it unnecessary to do some things suggested to be done with a plan of action at this

time upon the Mississippi alone. Why not make of this question a comprehensive one? There is no denying but what in the interests of the United States as a whole that these tributaries must be taken care of. No man would undertake to erect a great building until he had his plans and specifications made for every part of that building from the foundation to the roof. Why should the Government transact its business in any other manner than along the lines of successful business?

I think that the engineers, including those representing the Government, will admit that the Mississippi River floods are never caused by Mississippi water alone, but that the destruction of lives and property commences only after these tributaries have discharged their great volumes of water into the main stem. Why try to control this alone by work on the Mississippi when it has already been proven that it can not be done? I venture the assertion that if the recommendations of the President and the Army Engineers are carried out at this time and the work limited only to the Mississippi, as they suggest that in the end, after we have done what must be done, controlled the tributaries as well as the Mississippi, that we will find that we have wasted millions upon this project.

Mr. MANLOVE. Will the gentleman yield?

Mr. HOWARD of Oklahoma. I will.

Mr. MANLOVE. The gentleman was president of a flood-relief association for seven States, and I suppose they have worked out some plans concerning the tributaries.

Mr. HOWARD of Oklahoma. Oklahoma has a commission known as the conservation commission which has control of these matters within the State. The engineers of that commission have worked out a plan of reservoirs on the Arkansas River and its tributaries, and this plan has been indorsed by the association referred to by the gentleman from Missouri, which is known as the Arkansas River Flood Control Association, which embraces a membership from seven States, and of which Col. C. B. Douglas, of Tulsa, Okla., is president, and of which the gentleman from Missouri [Mr. MANLOVE] is vice president, representing his State. For the information of the gentleman I beg to inform him that Army engineers have admitted to me that this Oklahoma plan would control floods on the Arkansas River and its tributaries and make the Arkansas navigable for a considerable distance.

Mr. MANLOVE. Has the gentleman time now to make any explanation of what these reservoirs are and what the system will be?

Mr. HOWARD of Oklahoma. Mr. Chairman, I should like to do that, but I have not the time. However, I suggest to the gentleman that the Oklahoma plan referred to has been fully presented to the Committee on Flood Control of the House, and that no doubt the information desired by the gentleman will be found fully set out in the transcript of the proceedings of the committee.

But, Mr. Chairman, I have indicated a fear that unless deep study is given and that flood control is made general, including the tributaries as well as the Mississippi, that we may in the end discover we have wasted millions upon this project.

A rather startling statement in view of the high technical knowledge of the Chief of the Army Engineers and his associates. But, Mr. Chairman, I have discovered that Army engineers are not in agreement, for I note in the United States Daily that this paper—referring to the testimony of Colonel Potter, who has been an Army officer for 41 years—contained the following:

> At the night session, January 4, Colonel Potter told the committee that he did not concur in the flood plan of the commission, nor in any other report submitted to Congress.

He said that although he had signed the report of the commission he was sorely tempted to write a minority report, and had only been prevented from doing so because of his training as an Army officer for 41 years.

He said that—

> neither General Jadwin nor the commission were well enough informed to write a comprehensive flood-control program at this time. The only feasible plan for flood control, according to the information in the possession of the commission, he said, was the Bonnet Carre spillway, and that no other method was justified until further study is made.

There is no greater medium through which the people and the Congress may gain information than through the newspapers of the Nation, and upon this subject especially the newspapers of the Mississippi Valley. I believe that it is the consensus of opinion of these newspapers that if the Government is to act on this in a broad, comprehensive, business-like manner that no steps for the expenditure of millions of the peoples' money will be taken in the matter of flood control until such time as a broad comprehensive system of controlling the tributaries as well as the Mississippi has been set up and adopted by the Congress. In my home city of Tulsa, Okla., is located one of the greatest newspapers of the Southwest, and may I say to my friends on the Republican side of this House that that newspaper is a Republican paper to the core. It is edited by Mr. Eugene Lorton, a gentleman who has fought Republican battles throughout the Nation and who has given much thought and study to Government economic propositions. Recently in an editorial commenting upon the President's message this editor said, in discussing that part of his message referring to flood control:

> But the President has made one recommendation in his message with which the people of the Central West will feel impelled to take sharp issue. In approaching the subject of flood control, one of the most important of national problems, now and for years to come, he has recommended that the present Congress confine itself to providing flood control for the lower Mississippi River, without consideration of the sensible plan of preventing floods in that area through controlling the waters before they reach the Mississippi.
>
> The suggestion lacks the usual Coolidge sound discernment. His plan is tantamount to attempting to repair an already partially shattered tank, into which several lines of hose are pouring powerful streams of water, instead of shutting off the water which is doing the damage.
>
> According to engineers who have made exhaustive surveys, 28 States pour a very considerable portion of their surface waters into the Mississippi, through tributaries. These flood waters not only cause unmeasured destruction in the lower Mississippi Valley but take tremendous toll in lives and property loss before quitting the States of their origin.
>
> Tulsa well remembers the flood of several years ago which inundated huge areas in this part of the State. That flood had taken toll all the way eastward from Colorado. Other parts of Oklahoma have suffered flood damage along tributaries of the Mississippi. And Oklahoma is but 1 of 28 affected States.
>
> The people of these States will be unable to indorse a proposal to rebuild and heighten the dikes along the lower Mississippi while the entire watershed of that river is permitted to pour its floods down, uncontrolled, into the inadequate outlet thus provided.
>
> Generally, the people in the middle section believe you must harness the tributaries before you can make the lower Mississippi behave itself.

Mr. OLIVER of Alabama. Mr. Chairman, I yield six minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Chairman, I have here a very interesting paper which was prepared by Mr. William A. Cox, of Nashville, Tenn., but who has been for many years connected with the Government service here in Washington,, on the Statue of Freedom, referring to the figure which surmounts the dome of the Capitol. He gives some very interesting history of the construction of the Capitol dome, and I think it is a proper subject for the CONGRESSIONAL RECORD. I believe it will be of interest to Members and to the public.

I might say that this article is dedicated to the deceased wife of Mr. Cox.

Mr. GARRETT of Tennessee. Mr. Speaker, under leave granted to extend my remarks in the RECORD I insert the following paper:

STATUE OF FREEDOM

(Dedicated to the memory of Lottie S. Cox)

True history is a chronology of the events and occurrences correctly and truthfully told. It has been the misfortune of all peoples when these records have been written while either passion or prejudice controlled the pen that irreparable injury has been committed when calumny or untruth has guided the hand when history has been written.

It is the object of this short sketch to narrate the truth relating to the Statue of Freedom adorning the imperial dome of the Nation's Capitol. Volumes have been written about the Nation's Capitol and the Statue of Liberty in New York Harbor presented to this country by the French people. Naught should be said to detract from either of these noble emblems as they typify the lofty aspirations of a great people.

But few indeed have reflected or paused to observe the colossal conception or execution of the Statue of Freedom that stands atop the Capitol Building of this ever-growing Republic. Admirably poised 300 feet from the ground on top of the Capitol dome of the most magnificent building dedicated to the legislative functions of government in the world, expressing in no uncertain way a people's hopes, a people's pride, and a Nation's aspirations and destiny—peaceful, calm, and determined.

This exquisite piece of art was modeled by Thomas Crawford in Rome, Italy, from plans adopted by United States Senator Jefferson Davis, of Mississippi, chairman of the Committee on Public Buildings in 1850.

Early in 1853 the President, Franklin Pierce, turned over the completion of the Capitol Building and the placing on top of its dome the Statue of Freedom that stands thereon to Jefferson Davis, his Secretary of War.

Because of the unfortunate occurrence of secession of the 11 Southern States from the Union and the four years conflict of civil war between the North and the South upon a principle each believed to be right, and the ill feeling and bitterness engendered by the civil conflict, due credit has not yet been accorded to the magnificient work performed by Jefferson Davis in the plans for the completion of this stately structure, surmounted by a true representation of a great people's conception of freedom typified by the Statue of Freedom.

This colossal image of Statue of Freedom was cast at the Clark Mill's Foundry near Bladensburg, Md., about 8 miles from the Capitol Building. The model was designed and cast by Mr. Thomas Crawford while in Rome, Italy, and was put together and constructed by an Italian workman to prevent its being taken apart except by himself, the Italian. But the facts are that, notwithstanding this difficulty, its successful taking apart and handling in parts as a model was due to the faithful service and genius of an intelligent negro in Washington named Philip Reed, a mulatto slave owned by Mr. Clark Mill, and that much credit is due him for his faithful and intelligent services rendered in modeling and casting America's superb Statue of Freedom, which kisses the first rays of the aurora of the rising sun as they appear upon the apex of the Capitol's wonderful dome.

In March, 1856, Mr. Crawford forwarded to Jefferson Davis, then Secretary of War in President Franklin Pierce's Cabinet, photographs from the model of the statue, but because of the severe criticism of the Secretary of War of the cap decorating the head of the statue he had it changed to a helmet with a crest composed of an eagle's head and an arrangement of feathers suggested by the custom of Indian tribes.

Crawford named the group "Armed Liberty" but its official title from its receipt at the Capitol has been the figure of Freedom.

Photographs of this modified model of the statue were accepted by Jefferson Davis, the Secretary of War for the United States. The statue as completed stands upon a tholos. The right hand rests upon a sword while the left hand holds an olive branch.

The drapery is held in place by a brooch with "U. S." on the face. The head is crowned as described above with a freely treated helmet inscribed with stars and crest and an eagle.

A full-sized plaster model, the original of this statue, occupies the central position in the National Museum in Washington.

History records no worthier tribute than this crowning glory of the Nation's Capitol at Washington. A bronze statue, the Goddess of Freedom, standing to-day on the dome of the Capitol, 19 feet 6 inches in height, weighing 14,985 pounds, crowning the dome of the Capitol of the Republic as a sentinel to point all future generations to the magnificent work of art illustrating the mission of this Government of a free people and their proud ideals.

She proudly guards the cradle in which was nurtured the first constitutional government born, based upon the inalienable rights of man, conceived and dedicated to the broad principles that all men are created equal and are all entitled to life, liberty, and the pursuit of happiness.

May she ever guard, cherish, and protect these principles and may her children turn with benediction to her founders and protectors.

The statue was placed in position on December 2, 1863, at the time when the Nation was engaged in the heat of civil conflict, when passions and prejudices were at fever heat. At that time worth and grandeur could not be accorded the merits they deserved. "But time at last sets all things even," and when the passions and faults of a gigantic conflict can be judged as to their relative merits the honor which is due the name of Jefferson Davis for the conception and execution of this great work of inspiring art should be accorded.

This statue typifies the broad ground of freedom in its fullest sense and is not limited in bounds or space as liberty is, which often is applied as being synonymous with freedom.

This statue is the theme of the following poem:

THE GODDESS OF FREEDOM HOW LOFTY SHE

The Goddess of Freedom how lofty she
  Where the sun in splendor beams;
How bright the stars around her shine,
  How lovely the moonlight gleams.
O'er the Capitol dome she proudly stands,
  The colors 'neath her feet
Waving over the marble Halls,
  Where the national statesmen meet.

The goddess of night, with brilliant gems
  In silence crowns her head;
She's kissed by the sun's first crimson ray
  As he wakes from his starry bed.
He showers her with heaven's blue
  While on his wayward west,
And gives her last his snowy bars
  Ere stars come spangle her breast.

Upon her dawn's first glimmer falls
  From billows fringed with gray;
It dims the torch that Liberty holds,
  But opens wide the day.
Upon her eye's last glimmer falls
  From Sierra Nevada's crest,
As retreating day falls fast asleep
  On El Dorado's breast.

Clouds of red, white, and blue that pass
  Forever on their way,
Like hills sublime, like mountains rise
  And greet her day by day.
Where eagles soar in circles grand,
  'Neath God's blue canopy,
They wing her love in freedom's name
  O'er the land of liberty.

In triumph and in splendor she
  Adorns our State with peace;
Like the sun turns night to day, she bids
  All dark contentions cease.
Aloft, alone our goddess shines
  From God's infinite main
Forever gleaming peace and joy
  Where freedom's path is lain.

Aloft the Goddess of Freedom,
  Aloft and alone in the skies!
Through winter winds, through summer climes,
  Lights flash out from her eyes,
    A beacon bright,
    Through stormy night
  To all the world they loom—
Our love, our peace and freedom's joy,
  From off the Capitol's dome.

WILLIAM A. COX.

NASHVILLE, TENN., *January 6, 1927.*

Mr. MANLOVE. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MANLOVE. It seems to me that that is a document of such worth and of so much interest to the country generally that it might be well to have an arrangement made to publish a number of them for distribution by Members of the House.

Mr. GARRETT of Tennessee. I think it might very well be done.

Mr. MANLOVE. I know that in my district, especially the patriotic organizations, such as the Daughters of the Revolution, and others will be delighted to have copies of that document.

Mr. SHREVE. Mr. Chairman, I ask that the Clerk read the bill for amendment.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

ALLOWANCE FOR CLERK HIRE AT UNITED STATES CONSULATES

For allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $1,645,000. Clerks, whenever hereafter appointed, shall, so far as practicable, be appointed under civil-service rules and regulations.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. Last year, when we had this item under consideration, I offered an amendment providing that clerks at United States consulates should be American citizens. I would go one step further now because of the information that I have received during the last year. I would prevent a naturalized citizen from serving as a clerk in an American consulate in the country of his birth. Since the enactment of the immigration laws American consuls have had a great deal more to do than they had theretofore—certainly much more than they had during my time 20 years ago. They have contact with literally thousands of people every week. This contact, in many instances, from the very nature of things, is entirely with the clerks. We have had some very unhappy experiences, and the very first impression of an immigrant who is to come to the United States is with the American consul abroad, and nothing should occur from that first contact which may give the future citizen of this country a wrong impression in respect to it.

Different customs prevail in different countries, and what may be considered a legitimate gratuity in some foreign country is not permissible under our code of official ethics. We expect that public officials shall refrain from receiving any gratuity of any kind, and when you have a clerk whose view of these things does not entirely accord with our code, and he is placed in a position to come in contact with thousands of prospective immigrants, or at least has first contact with these prospective immigrants, in talking to them, and has it within

his power to put one ahead of others, then we are encouraging the creation of a very dangerous situation.

I notice now that under the bill they must be appointed as far as practicable under civil-service rule. That is one step forward, anyway, but it seems to me that the Committee on Foreign Affairs that has jurisdiction over Consular Service matters, and the Subcommittee of the Committee on Appropriations having in charge this bill, ought to take the matter under serious advisement between now and the next appropriation bill, and, if necessary, provide more money to be paid to these people.

The question of the study of languages is not one that should deter at all. Young men who go into a foreign country to serve in the Consular Service are expected to learn the language of the country to which they are accredited. When I served in the Consular Service 23 years ago I was expected to and I did take up a Slav language. While it was a little difficult at first, yet that difficulty can be overcome and the language learned. Surely we can expect a young man who seeks to make the Consular Service his life work to learn the language of the country to which he is accredited.

I think the State Department is in agreement with the views that I have here expressed. The trouble seems to be that there is not sufficient money to attract native Americans. In the case of naturalized Americans, they can well be sent to countries other than the country of their birth. Sooner or later we must come to it, and from what I hear of conditions at some of the ports where immigration is heavy I think the quicker we do this the better it will be for the service.

Mr. SHREVE. Mr. Chairman, in reply to the gentleman from New York [Mr. LAGUARDIA] there are 975 of these appointments, and $975 a year is the highest salary any one of them is paid. They are paid from that on down to $1. They are doing menial work. They are doing work that no American would do. In the first place, we could not employ Americans to go over there and do that sort of work. They are minor employees, and I am sure the gentleman, if he understands it, would not want to have the man who scrubs the floor and takes care of the furniture and the lawns to have his place taken by some native American, when that work can be done by a native who is thoroughly familiar with it, and who knows how to do it, and who is in no way interfering with the running of the establishment.

Mr. LAGUARDIA. Oh, I do not believe that in the doing of the work of a porter it is necessary to employ a diplomat, but I do say that the man at the door, the man who has contact with the immigrant and who acts as interpreter, should be a citizen of the United States.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

INTERNATIONAL BUREAU FOR PUBLICATION OF CUSTOMS TARIFFS

To meet the share of the United States in the annual expense for the year ending March 31, 1929, of sustaining the international bureau at Brussels for the translation and publication of customs tariffs, pursuant to the convention proclaimed December 17, 1890, $1,400.

Mr. SHREVE. Mr. Chairman, I ask unanimous consent that we pass over the item of the water boundary between the United States and Mexico until to-morrow.

Mr. HUDSPETH. If the chairman will yield me a moment I would like to say a word.

Mr. SHREVE. Yes.

Mr. HUDSPETH. Would it not be well to ask unanimous consent, after the paragraph is read, to return to it in case we should have the amendment which the chairman and myself discussed relative to this agreement?

Mr. SHREVE. I think that would be well.

Mr. HUDSPETH. I suggest that the paragraph be read, and then I will ask unanimous consent to return to it and will state the reasons why.

Mr. SHREVE. Yes; and in case the recommendation does not come through we need not go back to it.

Mr. HUDSPETH. Yes.

Mr. SHREVE. That is entirely satisfactory. Let the Clerk resume his reading.

The Clerk read as follows:

WATER BOUNDARY, UNITED STATES AND MEXICO

For expenses of meeting the obligations of the United States under the treaties of 1884, 1889, 1905, and 1906 between the United States and Mexico, including not to exceed $1,200 for rent of offices, and the expenses of maintenance, and operation of motor-propelled vehicles, installation, maintenance, and operation of gauging stations where necessary and their equipment, and so much of the amount herein appropriated as may be necessary for these purposes may be transferred by the Secretary of State to the United States Geological Survey for direct expenditure, $58,000.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word. The gentleman from Texas is recognized.

Mr. HUDSPETH. I do so for the purpose of asking unanimous consent of the House that this paragraph may be returned to before the bill is reported to the House. That, I understand, is agreeable to the chairman in charge of the bill [Mr. SHREVE] and also to the gentleman from Alabama [Mr. OLIVER].

The reason for this is that there is an amendment that we hope to have perfected by that time for the survey of the Rio Grande from El Paso to Fort Quitman. At present it is not known whether that would come under the State Department or under the War Department. There has been a treaty between the United States and Mexico negotiated through the boundary commissioners representing the respective Republics, a treaty which the chairman of the committee and other gentlemen on the committee are somewhat familiar with. They understand that some of the articles of agreement are of vast importance to the Republic of the United States, our country. There are a number of disputed tracts of land called bancos that are settled by this treaty, tracts that have been claimed by the Republic of Mexico. Some of those tracts of land—not exactly bancos, but disputed territory—are worth millions of dollars. As I understand, they are now to be settled by the tentative agreement or treaty. But the Senate can not, of course, ratify the treaty until this survey is made, because we do not know where certain parts of the land will fall when final survey is made. We do know where a good portion of the lands would go; most of them would go to the United States. But there are other bancos that would be cut by the survey, and we do not know until the survey is made where they will go, whether north of the line or south of the line. Under the treaty of Guadalupe-Hidalgo the Rio Grande, the center of the stream, was then declared to be the boundary line, but since that time it has been found that there have been changes in the river bed. Changes occur every year in the alluvial valley there, and there has been for years a controversy between our Government and the Mexican Government as to the ownership of those lands. Some of those tracts are very valuable. One tract is estimated to be worth $20,000,000. That, as I understand, so far as the United States title is concerned, is settled. There is another tract worth $1,000,000.

We understand those matters will be settled through our commissioner, Mr. F. M. Lawson, a very eminent engineer, who has negotiated a treaty with the Mexican boundary commissioner, whereby all these disputed tracts are finally disposed of. Therefore, should it be decided by the administration that the Secretary of State must make this survey, then, of course, an amendment would naturally be placed upon this bill; but in case the War Department should make the survey it would not be necessary. For that reason I ask unanimous consent that this paragraph be returned to if it should turn out that the survey is to be made by the Secretary of State. I will state that it is my opinion that the State Department having initiated the movement and brought about through its able boundary commissioner a treaty agreement, should make the survey preceding same.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to this paragraph at any time before the committee rises to report the bill, in the exigency he refers to. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BOUNDARY TREATY OF 1925 BETWEEN THE UNITED STATES AND GREAT BRITAIN: INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA AND ALASKA AND CANADA

To enable the President to perform the obligations of the United States under the treaty between the United States and Great Britain in respect of Canada, signed February 24, 1925; for salaries and expenses, including the salary of the commissioner and salaries of the necessary engineers, clerks, and other employees for duty at the seat of government and in the field; cost of office equipment and supplies; necessary traveling expenses; commutation of subsistence to employees while on field duty not to exceed $4 per day each; for payment for timber necessarily cut in keeping the boundary line clear, not to exceed $500; and for all other necessary and reasonable expenses incurred by the United States in maintaining an effective demarcation of the international boundary line between the United States and Canada and Alaska and Canada under

the terms of the treaty aforesaid, to be disbursed under the direction of the Secretary of State, $24,750, of which sum $5,000 shall be immediately available: *Provided*, That when the commissioner, or the engineer to the commissioner, shall be absent from Washington or their regular place of residence on official business they shall be allowed actual and necessary expenses of subsistence not to exceed $8 per day each.

Mr. HOWARD of Nebraska. Mr. Chairman, at this time may I ask unanimous consent to return to a previous paragraph?

The CHAIRMAN. To which paragraph does the gentleman desire to return?

Mr. HOWARD of Nebraska. To page 14, the paragraph relating to the Foreign Service buildings fund. I have ever so little an amendment I would like to offer to that.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to return to the paragraph on page 14 entitled "Foreign Service buildings fund." Is there objection?

Mr. SHREVE. Mr. Chairman, I am very sorry, but I will have to object.

The Clerk read as follows:

WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN: INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States, with the approval solely of the Secretary of State, cost of law books, books of reference, and periodicals, office equipment and supplies, and necessary traveling expenses, and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909, $34,000, to be disbursed under the direction of the Secretary of State: *Provided*, That traveling expenses of the commission or secretary shall be allowed in accordance with the provisions of the subsistence expense act of 1926: *Provided further*, That a part of this appropriation may be expended for rent of offices for the commission in the District of Columbia in the event that the Public Buildings Commission is unable to supply suitable office space.

Mr. NEWTON. Mr. Chairman, I move to strike out the last word for the purpose of asking the distinguished chairman of the subcommittee a question in reference to this item.

Mr. SHREVE. To what item does the gentleman refer?

Mr. NEWTON. It is the item pertaining to the waterways treaty, United States and Great Britain: International Joint Commission, United States and Great Britain. Was there any request made either through the Budget or the International Joint Commission for any additional money for the purpose of completing the survey of the international waters? The gentleman will recall that some money was set aside for the purpose of a survey to be conducted jointly by this country and Canada, the work to be done by this country under the jurisdiction of the Army engineers.

Mr. SHREVE. In reply to the gentleman I will say that on page 217 of the hearings he will find the dialogue which took place:

We will now turn to page 64 and take up the waterways treaty, United States and Great Britain.

Mr. Clark said:

I think that Secretary Smith, who is the disbursing officer of the commission, can probably answer better than I can. In a general way I shall be glad to give you any information I can.

Mr. SHREVE. We are all glad to see that whereas your appropriation for 1928 was $42,000, you have reduced your estimate for 1929 to $34,000.

He said in reply:

We estimated, Mr. Chairman, for $36,000 in the preliminary estimate. We were asked to submit a revised estimate, which I did, of $35,100, taking out a provision of $900 for a messenger.

That is all it is; it was simply that they had lost a messenger.

Then we were asked to submit another revised estimate, which I was unable to do. We had a hearing before the Budget Bureau on the estimate of $35,100, as it stood, and we were later informed that our allotment had been reduced by the Budget Bureau to $34,000. So that is the way it stands, so far as I know.

It was really the loss of one messenger at $900.

Mr. NEWTON. Then I judge from that that no request whatever was made for any addition to this $50,000 that was appropriated two years ago?

Mr. SHREVE. No. They seemed to be getting along very well with the work and we thought that was sufficient for the present at least.

Mr. NEWTON. I was on those waters for about 12 days this summer and visited the camp of the Army engineers there. They are doing a very thorough piece of work, and that is likewise true of the Canadian group of engineers, who are taking care of the western end of it. It was the idea of those with whom I talked that the existing appropriation would be sufficient.

Mr. SHREVE. The gentleman is correct. We have estimated that the amount granted will be sufficient to finish the work.

Mr. NEWTON. But if they need additional money it certainly ought not to be withheld, because they are doing a very thorough piece of work there.

Mr. SHREVE. We quite agree with the gentleman.

Mr. HOWARD of Nebraska. Mr. Chairman, I move to strike out the last two words. I am fully persuaded that if I should be permitted, by the kindness of the committee, to return to a previous paragraph for the purpose of introducing an amendment, perhaps my amendment might go out on a point of order, and yet, with the kindness of the gentlemen here present, I will, at least, I think, be granted permission to state the object I had in view.

On several occasions recently I have visited in our South and Central American countries. I recall one place in particular, one of the principal ports on the Caribbean Sea, the name of the place being Puerto Barrios, in Guatemala. I think it is the only port in Guatemala on the east side. There is immense shipping there, and there sits our American consul in a little wooden building for which our Government pays rent in the sum of $15 a month. It is a shameful surrounding, and brings the blush of shame to the cheek of every American who visits that locality. I had thought, Mr. Chairman, I would like to offer an amendment providing for a $30,000 addition to the sum here being appropriated for the purpose of building a consular house at that important port. I realize, Mr. Chairman, that just now, above all times, we as Americans are making a strenuous, and I hope good, effort to win the confidence of those people down there in the disturbed regions; but first of all, it seems to me, before we can win their confidence and respect we ought to do something to win the respect of American citizens who travel down there and see their officials housed in shameful surroundings. I trust that the chairman of our committee in his kindness will be good enough to call this to the attention of those who have this matter in charge, in the hope that something may be done to change that shameful situation down at Puerto Barrios.

Mr. SHREVE. Mr. Chairman, I am very happy that the gentleman has brought this matter to the attention of the House, because it offers an opportunity for me to explain that the work of the Foreign Service Building Commission is directly in line with the proposition suggested by the distinguished gentleman from Nebraska.

I am going to take just a little time to place in the RECORD a statement in the report about the testimony which was submitted to the committee:

In the testimony that was submitted to the committee it was indicated that the posts that would be considered primarily were those located in tropical and unhealthful sections of the world, the idea being the selection of suitable locations at these posts and erecting thereon buildings that would stand the climatic stresses prevailing, thus alleviating to a large extent the unpleasant and hazardous aspects of service at these points. From the statements made to the committee it is confident that the intent of the act is being carried out efficiently and as expeditiously as different local conditions would warrant.

These men are making studies and spending their summers in these various countries, including the country mentioned by the gentleman, and I am sure it will not be long before the serious situation which has been brought to the attention of the House will be entirely eliminated, and I thank the gentleman most cordially for calling our attention to it.

The pro forma amendment was withdrawn.

The Clerk read as follows:

GENERAL AND SPECIAL CLAIMS COMMISSION, UNITED STATES AND MEXICO

For the expenses of the settlement and adjustment of claims by the citizens of each country against the other under a convention concluded September 8, 1923, and of citizens of the United States against Mexico under a convention concluded September 10, 1923, between the United States and Mexico, including the expenses which, under the terms of the two conventions, are chargeable in part to the United States, the expenses of the two commissions, and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of the claims and the presenting thereof before the said commissions, as well as defending the United States in cases presented under the general convention by Mexico, including salaries of an agent and

necessary counsel and other assistants and employees and rent in the District of Columbia and elsewhere, law books and books of reference, printing and binding, contingent expenses, contract stenographic reporting services, traveling expenses, and such other expenses in the United States and elsewhere as the President may deem proper, $350,000.

Mr. BOYLAN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BOYLAN: Page 26, lines 14 to 26, inclusive; page 27, lines 1 to 9, inclusive, strike out all of the section.

Mr. BOYLAN. Mr. Chairman, I offer the amendment at this time because we are going to appropriate the sum of $350,000 for the work of two commissions that we might as well save to the Government and use for some practical purpose.

These commissions have been in operation since 1923. Many claims have been decided in favor of American citizens, but none of them has been paid, and from the looks of things it does not appear that there will be any effort to pay them. So, why continue commissions and continue to spend money when we are simply sending it after money that is already lost. I think we could use this $350,000 in bettering the conditions of the enlisted men in the Army or we could use it for a thousand and one other purposes instead of wasting it on these commissions, where we get no results. No man would consider it a good business policy to have an expenditure year after year for a particular purpose that was productive of no results. So, why should we spend another $350,000 on these claims commissions when absolutely no attention is paid to the findings of the commissions?

Let us eliminate this expenditure and use it where we can use it to the better advantage of our people and the Government. I trust the amendment will prevail.

Mr. SHREVE. Mr. Chairman, I find I must oppose the gentleman's amendment for a very good reason. In the first place, this Claims Commission is making satisfactory progress. We are settling a number of questions with our neighbors to the south of us. One of them was referred to just a little while ago by the gentleman from Texas [Mr. HUDSPETH] with respect to the boundary situation. It follows, naturally, that we should settle the claims between the two countries. We are working to this end now. It is rather slow work and will take some time. It will not require a long time, and I think they will be determined in a comparatively short time.

The gentleman is referring to Mexican claims——

Mr. BOYLAN. Will the gentleman yield there?

Mr. SHREVE. Yes.

Mr. BOYLAN. I would like to ask the gentleman this question. The gentleman states satisfactory progress has been made. May I ask the gentleman if a single claim has been paid that has been adjudicated by these commissions? Has one claim been paid?

Mr. SHREVE. The idea is that when all the claims from both countries are in then there will be a balance struck. If the United States is owing Mexico, then the United States will pay. If Mexico is owing the United States, then the money will be coming our way. This can not be determined until all the claims are in and a final settlement and adjustment is made.

Mr. BOYLAN. Then this may extend over an interminable period of years?

Mr. SHREVE. I would like to read this statement from a report recently made on the subject:

Prior to July 1, 1926, three sessions of the general commission had been held. At this third session, held during the period from February 1 to March 31, 1926, four claims were heard and decided, but no awards were rendered in favor of either Government. The General Claims Commission held two meetings during the fiscal year of 1927, the last of which ran over into the fiscal year of 1928. During the first session held in the fiscal year of 1927, from October 1 to December 6, which was the fourth session of the commission, the General Claims Commission heard and decided 16 claims of the United States and awarded in favor of the United States $1,896,801.67, and during the same session the General Claims Commission heard and decided six Mexican claims and awarded in favor of Mexico $11,000.

So the gentleman will see the work is going on and it would be a very great mistake to now interrupt the amicable settlement that is eventually going to be made with our neighbor on the south of us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

INTERNATIONAL WATER COMMISSION, UNITED STATES AND MEXICO

For a study in cooperation with representatives of the Government of Mexico regarding the equitable use of the waters of the lower Rio Grande, of the lower Colorado, and of the Tia Juana Rivers, for the purpose of securing information on which to base a treaty with the Government of Mexico relative to the use of the waters of these rivers for irrigation and other beneficial purposes, including salaries of commissioners and other employees, transportation, subsistence, printing and binding, and such other miscellaneous expenses, including necessary travel to and from points in the Republic of Mexico, as the President may deem proper, $35,000, to be immediately available: *Provided*, That any moneys contributed by or received from the Republic of Mexico for the purpose of cooperating or assisting in this work shall be available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

Mr. ACKERMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 28, line 14, after the words "immediately available," strike out the proviso reading: "*Provided*, That any moneys contributed by or received from the Republic of Mexico for the purpose of cooperating or assisting in this work shall be available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes," and insert in lieu thereof the following proviso: "*Provided*, That any moneys contributed by or received from the Republic of Mexico after the approval of this act, for the purpose of cooperating or assisting in this work shall be available for expenditure, in connection with this appropriation, for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes."

Mr. ACKERMAN. Mr. Chairman, the reason for this slight change of wording in the proviso is because the first deficiency act of 1928, the contribution from Mexico was to revert to the Treasury. In this proviso the contributions received are to be used by the commission for furthering the work, and the amendment which I have offered is to keep the two contributions separated, the one in the deficiency act to revert to the Treasury and the one under this provision to be used by the commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

INTERNATIONAL EXPOSITION AT SEVILLE, SPAIN

For expenses of participation, as authorized by public resolution approved March 3, 1925, in an international exposition to be held at Seville, Spain, and for all purposes of the said resolution, including purchase of land, printing and binding, and traveling expenses, $200,000, this appropriation not to be available except for the purposes of participation in the exposition commencing April 27, 1927, or in that exposition postponed to any other date: *Provided*, That this appropriation and the unexpended balance of the appropriations heretofore made for this purpose shall remain available until June 30, 1930.

Mr. CELLER. Mr. Chairman, before proceeding to the next provision of the bill referring to the Department of State, I wish to say a few words. I want to say something in reference to the questions that have been asked of certain intended immigrants coming to the United States by the various United States consular agents in European countries. It may sound strange to you, but here are some of the questions.

Here is a question propounded at Warsaw, Poland:

How many feathers has a goose more than a duck?

Other questions:

What is the difference between a man and a woman?
How many legs have three people and two chickens?
How long is a rope?

I am sure no Member of this House ever suspected that such questions were asked immigrants. It is like the old question, "How old is Ann?" or very much like the question Tommy was asked in school, "What is the gender of cat?" and Tommy's answering, "I can't tell until I see the cat." [Laughter.]

Gentlemen, I think there should be a stop put to such questions as these. I could not believe my eyes when I had letters coming to me from relatives of immigrants complaining of the questions. To make assurance doubly sure that the questions were correct, I wrote to Mr. Kellogg, Secretary of State, and I included a series of these ridiculous questions. Mr. Kellogg referred my communication to Dr. Hugh S. Cummings, of the

Public Health Service, and Doctor Cummings wrote me as follows:

With reference to questions that are being propounded to aliens abroad as a part of the test of their fitness to come to this country, it is advised that questions of the general type as those contained in the list submitted are usually asked of those aliens who are selected for intensive mental examination. All aliens are not subjected to such intensive examination; only those are so subjected who are suspected of being mentally defective, and the propounding of questions of this type is a part of their psychiatric examination. Considered as identities, these questions are manifestly ridiculous, and readily recognized as such by people of normal intelligence. The psychiatric interest in propounding such questions principally attaches to the reaction that the questions produce in the alien's mind, with due regard as to its actual absurdity.

Now, gentlemen of the House, figure to yourselves an alien with the pioneer spirit desiring to come to this country, crossing large stretches from the hinterland, coming to the capital or large city, and being confronted by a consular agent or doctor and asked such questions. Consider the fear and trepidation of the alien. They are not college graduates nor men and women of affairs. For years they have waited to be called in the quota. They will soon see their loved ones and relatives. They are to try their fortunes on a new continent. All these hopes and aspirations only add to their anxiety and worry. Then consider further the asking of the confused alien these ridiculous or, rather, catch questions.

I defy any man or woman to answer these questions and answer them satisfactorily to the man propounding them.

I recall reading that the immigration authorities of Australia gave the inspector the right to ask questions in any language—Hindoostan or Chinese or English or German—and if he wanted to keep an immigrant out, say, because he wore a red necktie and he happened to be a German, the inspector asked the questions in Chinese; and the immigrant having no knowledge of Chinese, of course, could not answer the questions and so was excluded. Australia is now suffering from such tactics, for it is greatly underpopulated. If that is the purpose of these questions, we ought to know it. If they are trick questions, we ought to know that, too. If they are, as Doctor Cummings says, psychiatric tests, then it is well to find out more about them. The study of psychiatry is in its infancy. Little is known about it as a science. It is that branch of medicine, in a limited sense, that relates to mental diseases and their cure. It is the science, or rather art, of psychology applied to mental difficulties. In a way it is an attempt to attune the mind to a new environment or adjust the mind wrenched from old contacts. I do not believe any two men would agree as to its efficacy or limitations. Yet the immigration authorities, Public Health Service, and State Department all rush in where angels fear to tread.

Psychiatrists tell me that infinite care and painstaking is required in these psychiatric tests. A proper examination takes hours, and sometimes days. The examining agents can not and would not devote that length of time and care. They have not the time, in the first place. The best type of psychiatrist is the benign, cordial, affable specialist who can draw out his patient. He must act with finesse and never be heavy handed. Consider the low wages paid in Government service, and I defy anyone to show a psychiatrist worthy of the name in the Public Health or Immigration Service. I do not say this in derogation of these services, but facts are facts, and we have none such.

But, as man to man, I ask, Are such questions fair? Is it just to grade a person as a mental defective because of his answer to the following:

How many teeth has a crow?
How can you make a stove out of butter?
How does a rabbit run?

Intelligence tests of this sort are highly unfair and will, unless stopped, bring upon us widespread and severe criticism from European nations, let alone fair-minded people everywhere.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words. As to the questions asked, submitted by the gentleman from New York [Mr. CELLER], those are questions that make up part of an intelligence test and have proved to be of great value. These examinations made in European countries are made with the consent of those countries and at the request of those countries. Overseas, in various countries, they have found it to be a great aid to the prospective immigrant to ascertain his mental as well as his physical ability before even starting on the long journey to the United States. Hence these tests. They have resulted in reducing the rejections at Ellis Island, which used to be about 10 per cent of all who arrived, to something less than one-half of 1 per cent. So that that has been a good thing.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. NEWTON. I am sympathetic, as the gentleman knows, with our numerical restriction policy, but it has come to my attention that some of these questions designed to ascertain an applicant's mental alertness and fitness do not seem to reach the point. For example, one question came to my attention, which is somewhat like this: How many feathers has a goose?

Mr. CELLER. That is just what I referred to a moment ago.

Mr. NEWTON. It strikes me that some so-called expert has gotten up a series of questions that are not really fitted to find out whether a person is mentally alert or not.

Mr. JOHNSON of Washington. If such a question is asked, it is designed to find out whether a man has any intelligence at all. I have never seen the questions, but I know that no one is rejected on failing to answer any one particular question.

I am very glad that I happened to be on the floor when the gentleman from New York [Mr. CELLER] undertook to make some further comments about our immigration laws. He is never satisfied. Before this Congress assembled the distinguished gentleman took occasion last fall in a public meeting in New York to make a tremendous assault upon the Congress itself and some persons in particular, including myself. He contended that those who want to relieve the immigrants should not write to the various Members; that the membership generally did not amount to anything; but that they should write to the Committee on Rules and to two or three leaders whom he named. His speech was all on behalf of the immigrants, of people coming here. He charged me with being an alien hater. That speech of his was printed in brief in the English-speaking papers, and printed in full in a large number of foreign-language papers printed in the United States. I take this opportunity of saying in his presence that I have no feeling of hatred toward any alien whatsoever, but I do have great contempt for alien-minded people in the United States who persist in airing their alien views, and I can not agree with them even if they sit in the House of Representatives.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of Washington. My time has expired. I yield the floor.

Mr. LAGUARDIA. Mr. Chairman, I rise in opposition to the pro forma amendment. I do not think it is necessary for the distinguished chairman of the Committee on Immigration, the gentleman from Washington [Mr. JOHNSON], to express his contempt for any Member of the House who may have views and ideas that do not exactly coincide with his own. There is no question as to the necessity for restricted immigration. I believe that the consensus of opinion in this House is that the economic conditions of Europe and the United States are such at this time that the bars should not entirely be let down. But some of us who are in direct contact with this human problem look at it from a different angle, and because we are affected by the tragedies and the sorrows that attend a strict interpretation of the act in its effect upon hundreds and thousands of families, and we seek to alleviate that condition, in keeping with the recommendation of the President of the United States in two or three successive messages to Congress, I think it unfair for the distinguished chairman of the Committee on Immigration to take exception to such manifestation of humanitarian instincts. The hardship which has resulted is in the separation of families. The President of the United States has referred to it in his messages on more than two or three occasions. What we seek is to simply humanize this law so as to make possible a union of families permanently settled in this country, and to so arrange it that aged parents may come here to join the family permanently. In many instances we have the case of a citizen of the United States who sends for his wife and children, and because one child happens to be over the age of 18 having that child kept back and not permitted to come with her mother in joining her own father in this country. That is the kind of hardship that confronts us, and surely we ought to have the right to come on the floor of this House and to point out these conditions without being ourselves pointed out and held up as "alien-mined."

I believe that at the proper time the Committee on Immigration will go into this matter in an impartial manner and give us an opportunity to bring these facts home to the committee. The Secretary of Labor knows of the hardships the present law is causing, and I am sure he would not oppose an amendment to the law to humanize it in harmony with the dictates of humanity, as the President of the United States says.

The condition pointed out by the gentleman from New York [Mr. CELLER] I know something about, because I served as an interpreter in the immigration service 20 years ago. I attended daily the inspection of these immigrants on the part of the public health officials. It was my duty to interpret some of these silly questions that are put to the alien with the ostensible purpose of determining his mental fitness to enter this country.

If such questions are put, it is necessary to take into consideration the background, the bringing up, and the environment of an alien. I have seen aliens certified as being feeble-minded, aliens coming from a mountain region, asked questions about the water, about the sea, about rivers. I have seen aliens who were raised on fishing smacks in the ports of Europe certified as being feeble-minded because they could not answer questions about land animals and wild life.

That is unfair. It gives too much latitude to a medical inspector. That is not his function. His function and his duty is to determine the physical condition of an alien. As long as we are to have these educational tests an alien who comes from a small community, who is a peasant, certainly can not answer questions on airplanes and aviation or on chemistry. Yet an alien who comes from a seaport town and is probably a fisherman by occupation is expected to answer questions to the satisfaction of a medical inspector on matters pertaining to farming, so that a great deal of discretion and open-minded fairness is necessary in order to apply these tests with any degree of impartiality. In many and many instances it is not a fair test at all. I have personally witnessed cases of aliens certified as feeble-minded who were not feeble-minded at all.

Mr. JOHNSON of Washington. Concerning any effort that may be made for the admission of wives and children to aliens domiciled in the United States, the situation is well illustrated by a part of the gentleman's statement just made. First comes an appeal for the wives and children. Before it can be acted on the appeal enlarges so that it is for fathers and mothers, and then for grandfathers and grandmothers, and then for orphaned children and stepchildren and adopted children, and sisters, and cousins, aunts, and uncles. I submit that if the gentleman will look at any of the committee's hearings where any of the proceedings have been recorded he will find that immediately when the first amendment is considered there has been an effort to stampede the hearing into the consideration of the next line of relatives, and so on.

Mr. LAGUARDIA. That would not be so if these relatives were kept within the total quota number of any country.

Mr. JOHNSON of Washington. No; but few of those who appeal are willing to take half a loaf.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair would state that the gentleman had better ask for unanimous consent.

Mr. CELLER. Yes. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, I believe it was Voltaire who said many years ago:

I do not agree with a word you say, and yet would defend to the death your right to say it.

Now, the gentleman from Washington [Mr. JOHNSON] will not believe a word I say, but at least if he believes in free speech in this House and the right of untrammeled discussion he should defend to the death my right to say it. There is no question but that these tests have been made and made repeatedly.

Mr. JOHNSON of Washington. I made my reference entirely to the speech made by the gentleman in New York City at a time when the Congress was not in session.

Mr. CELLER. The gentleman's vituperative remarks spring from a desire not to correct me but to vent spleen and animus on a gentleman who disagrees with him. The gentleman is most intolerant of criticism. Any man who resents fair discussion and criticism is either a fool or a knave. He can have his choice. I yield to no man in my respect for the high-minded Members of this House and for the traditions of this House, but I protest that it is unfair that I should be abused simply because I bring forth questions here that are continually asked of intending immigrants. I leave it to the sense of fairness of gentlemen here to determine whether I am within my rights as a Member of this House to come here and speak my word and have my say.

The gentleman from Washington seeks to draw a red herring across the trail by referring to certain remarks of mine made in New York, but apparently candor does not reside in him, and therefore the statement that he makes as to my utterance is entirely erroneous.

I came before this membership with a simple proposition wherein I indicated that certain questions were being asked immigrants which are manifestly unfair, if not ridiculous. I submitted a communication from the Surgeon General of the Public Health Service, wherein he admits that these questions were asked. I thus produced corroboration. Because I dared truthfully to point out what I deemed to be an abuse of powers intrusted to an examining official I am to be the subject of a personal attack and a subject of mean remarks by the gentleman from Washington.

With reference to the gentleman from Washington [Mr. JOHNSON], I will say that he has done practically nothing to unite families who have been divided by the wide expanse of ocean and by the immigration act. He has never raised a finger in all humanity and decency to enable the husband to bring his wife to this country or to enable a father or mother to place their loving arms around their children now abroad. I believe there is not a person in this House who would seek to strike at and undermine family life in that way.

If the distinguished chairman of the Committee on Immigration would allow a bill to come to this House for the purpose of uniting families, the House would pass it, 434 to 1. Mr. JOHNSON would record the only negative vote. Yet he has attempted by every tactical device known to parliamentary procedure in the committee to bottle up that bill, and when relief was given in the Senate at the last session he is the man who did everything in his power to prevent that bill from seeing the daylight in his own committee, and it still sleeps peacefully in that committee. I refer to the bill introduced by Senator Wadsworth.

The gentleman from Washington is the one who always believes that an alien has horns, that he is the very embodiment of the devil, and must be kept out at all hazards. Despite the fact that we have restricted immigration, he comes forth with a proposed enactment that would provide that immigration must be cut down still further to the tune of 10 per cent every year for five years. He would cut it down 50 per cent. Surely he has no love for the alien and resents deeply any statement casting in any degree any reflection upon the immigration laws and their administration.

He fails to realize what a vast power is given to the consular agents in their being permitted to ask questions along the lines of intelligence tests. The United States courts have held that there can be no appeal from a decision of a consular agent excluding an immigrant as a result of any kind of examination or test. These agents therefore become laws unto themselves. They are uncontrolled. How much more inequitable, therefore, seem the following questions when applied to the weary, travel-worn, frightened alien who applies to come to the United States. I pointed out in my previous remarks that it was no excuse to say that these questions are a part of a psychiatric test to grade mental defectives.

These questions are unscientific and most unfair. In fact, the Fourth International Conference for the Protection of Migrants, held recently at Geneva, passed a resolution recommending reform of the American system of examination.

General dissatisfaction with the American method of examining applicants in Warsaw, the outlet for Poland, is reported by Miss Kate H. Claghorn, of the New York School of Social Work, 105 East Twenty-second Street, who has recently returned from Europe after an independent investigation.

Although unable because of lack of time to meet the American physician who gives the tests, Miss Claghorn learned from rejected applicants, emigrant-aid officials, and the Polish press that the American examiner does not speak Polish, does not keep a record of the questions asked and the answers given, and is not familiar with the background and habits of a Polish peasant.

Knowledge of the applicant's mode of life and thought is important in considering his reactions to questions such as those used by the American officials, Miss Claghorn argues.

It is outrageous to give a person the grading of a mental defective because he can not answer these questions.

Miss Claghorn said:

Imagine the unfairness of asking a Polish peasant, "What is the difference between coal and wood?" Coal is not used for fuel by Polish peasants and many have never seen it. Yet this question is frequently given and failure to answer it satisfactorily contributes toward a decision that the applicant is mentally deficient.

In passing, the correct answer to the coal and wood question is—

Coal furnishes more heat than wood.

Harold Fields, executive director of the League for American Citizenship, gave the case of a woman who was rejected by the American examiner in Warsaw for failure to answer these questions properly:

How many shores has the ocean?
Name the months backward.
When a ship burns and the passengers fall into the ocean, on what do they live?
What is the difference between coal and wood?
What is the difference between iron and silver?
What is the difference between stone and eggs?

This woman was subsequently examined by a psychiatrist in Warsaw. Mr. Fields has an affidavit from the psychiatrist stating that the women is normal, having no symptoms of mental defect.

From my examination of this entire subject I am convinced that, despite assurances given by the Surgeon General, who is in Washington, and perhaps does not know exactly what is going on in Europe, these tests are deliberately used to discriminate against certain classes of aliens and against aliens particularly who are of a certain faith. Without going too deeply into the subject at this time, there were turned down as mental defectives at Warsaw 23 out of 50 applicants. In 1925, I am informed, under new quota law, that of 10,000 Jews admitted only 4 were turned back after mental tests. These latter figures are given by N. Oken, foreign correspondent for the Hebrew Immigrant Aid Society, which is known as the H. I. A. S. To complete the absurd picture let me give you some more of these questions:

How many teeth has a crow?
How many stars are there in heaven?
What is the difference between the sky and the earth?
What is glass made of?
Which flies better, a bird or a fly?
What is the difference between a fly and a butterfly?
What is a balloon?
What is the difference between a train and an automobile?
Which is heavier, a pound of corn or a pound of feathers?
What is the difference between a tree and a log?
What happens if you put an egg under a stone?
If a cat happens to be running around in the streets at 2 o'clock at night and the houses are all closed, where does she run in?
If I come near my house and find it burning, what should I do?
How many legs has an American cat?
If I lost my purse with money in it in a circular garden, from which end would I begin to hunt for the purse?
If you are walking in the street and tumble over a cat, what would you do?
What is the difference between a potato and an apple?

There is one question they forgot to ask. What is the difference between a cat and a kitten? It takes two cats to make one kitten, but only one kitten to make a cat.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOYLAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BOYLAN. Mr. Chairman, when the distinguished chairman of the Immigration Committee [Mr. JOHNSON] was speaking, I asked him to yield for a question, but unfortunately his time was about up. I wanted to ask the gentleman if he was in a mood to withdraw the scurrilous and erroneous remarks that he inserted in the RECORD last Friday. Speaking, perhaps, during the heat of debate, he did not entirely mean to use the language that he did. I will ask him now if in all fairness he would not desire to correct part of his remarks made in debate last Friday?

Mr. JOHNSON of Washington. Is the gentleman addressing his question to me?

Mr. BOYLAN. Yes.

Mr. JOHNSON of Washington. I think, as a matter of fact, if the gentleman refers to my remarks with regard to the Governor of New York in his handling of criminals released from New York penitentiaries that I should amplify and explain the remarks for the benefit of the people of the entire United States.

Mr. BOYLAN. Which answer shows that the gentleman is not only misinformed but that he persists in his ignorance. He stated to the House that a supreme court justice in the State of New York was going to naturalize 10,000 citizens in one day. Just imagine a man coming to the age of reason and having the wonderful experience to be obtained in this great university, the Congress of the United States, arising here and in all sincerity repeating that he would amplify his remarks and say that any justice or anyone anywhere not endowed with supernatural powers could examine 10,000 applicants for naturalization in one day and make them citizens of the United States. I am surprised that the gentleman, whom I have always regarded as being of the finest caliber and a man of intelligence, representing the great Northwest section of these United States, should be carried away by prejudice—I will not say anything else—that although he has committed an error and although his attention is called to it yet he persists in his error. What will we say of a man who has been informed that he has committed a mistake and who is not big enough and broad enough to recognize it and to admit it? I say the man does not live who does not make mistakes. I am always suspicious of a man or woman who says he or she can not make a mistake, because it is human to err, but to persist in error!

What will we say of a man of that kind, who can be so blinded by prejudice, and so obscured by ignorance that the light can never penetrate his cranium? The smoke screen surrounding him is such in its density that unless we make use of the new invention spoken of here a few days ago, whereby a ray of light can penetrate almost any fog, unless we have the benefit of that invention we shall never be able to penetrate the gentleman's intelligence. In the ordinary course of events, man to man, and gentleman to gentleman, if attention is called to something perhaps uttered in the heat of debate or the stress of the moment, why naturally, a correction would probably be made. I speak of the intercourse between gentleman and gentleman. But if such correction is not made in the proper spirit what can we think? What can be our estimate of that type of man? I say that in all fairness, the gentleman should arise, in all decency and all honesty, and ask that his remarks be expunged from the RECORD. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to speak for five minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I was inclined to think that when the gentleman from New York [Mr. BOYLAN] took the floor he would come to the defense of Gov. Al Smith——

Mr. CELLER. He needs no defense.

Mr. JOHNSON of Washington. And his attitude with regard to paroles and pardons of convicted criminals; but it seems that the burden of his talk was with regard to my statement that a class of 10,000 immigrants was about to be naturalized in New York last Thursday, January 5. I received my information that there was such a class from the secretary to Judge Cotillo, of one of the courts of New York State. With that letter from the secretary I received a copy of an address to the class of 10,000 to be delivered at 10 o'clock that morning by Judge Cotillo, and in that address Judge Cotillo warned all of these prospective citizens, soon to take the oath of allegiance, that they must cease to be fascists and anti-fascists and try to be Americans. It turns out, and I am quite willing to make this correction, that the great class of 10,000 was not put through at once, because, as we might have supposed, the court found it could not quite handle that many at one time. However, they are putting them through in blocks of 125, I believe. The papers are full of pictures of it and I shall ask permission, now, to insert in the RECORD comments from some of the New York papers about the making of this gigantic class of citizens, even though it is not all done in the twinkling of an eye and even though Judge Cotillo sent out his address as if addressed to the whole 10,000 personally present. However, whether it is done in a day or a week, this making of citizens by wholesale is done by naturalized judges themselves, who themselves sometimes seem to wear alien spectacles. It is being done too fast for the good of the United States, in my opinion, and the process should be slowed down by law.

Mr. CELLER. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. CELLER. Was it not good advice that Judge Cotillo gave to these prospective citizens?

Mr. JOHNSON of Washington. Yes; but it was advice given by a judge who naturalizes too many men and too fast.

Mr. BLANTON. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BLANTON. Do the press articles state how many interpreters it required to explain the purport of this judge's address to the minds of these 10,000 aliens?

Mr. JOHNSON of Washington. Oh, my dear sir, in the courts of New York the proceedings are so loose as regards the actual use of the English language that an interpreter is hardly needed.

Mr. BLANTON. The law provides that they must both speak and understand the English language before they may be naturalized, but there is hardly a judge in the United States who carries out that provision of the law.

Mr. JOHNSON of Washington. My experience is a good, round grunt goes for the English language in some courts.

Mr. LAGUARDIA. If the gentleman will yield, they are all examined by United States examiners. The judge has no discretion as to that.

Mr. JOHNSON of Washington. In conclusion let me say that part of this debate sounds very much like the mail I receive in quantities every day, which does not disturb me at all.

Mr. CELLER. Will the gentleman yield before he takes his seat?

Mr. JOHNSON of Washington. With pleasure.

Mr. CELLER. Does not the gentleman know that the entire administration of the naturalization machinery in the counties of New York and Kings lies entirely with the Naturalization Bureau and the United States district courts? You took that power away from the New York State courts and placed it exclusively in the United States District Court for the Eastern and Southern Districts of New York. If you complain now about naturalization in New York City you have yourself to blame. Give back jurisdiction to the New York Supreme Court in Kings County (Brooklyn) and New York County (Manhattan).

Mr. JOHNSON of Washington. Do not address me in the second person, please.

Mr. CELLER. That power was taken away from the State courts and it is now lodged in the United States courts in the two great counties referred to.

Mr. JOHNSON of Washington. Let me ask the gentleman, Is Judge Cotillo's court a State court or a United States court?

Mr. CELLER. It is a State court, but that is in Bronx County.

Mr. LAGUARDIA. And the applicants are all examined by the United States examiners.

Mr. CELLER. The whole thing is done by the United States Naturalization Service, with which, of course, the gentleman is familiar.

Mr. JOHNSON of Washington. Quite so. We will get along very well, I presume, and perhaps in time we can change the naturalization laws somewhat. I shall introduce such a bill to-morrow.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of criminal identification records and their exchange with the officials of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles when necessary; firearms and ammunition, such stationery and supplies for use at the seat of government or elsewhere as the Attorney General may direct, including not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses; including not to exceed $210,000 for personal services in the District of Columbia, and including a Director of the Bureau of Investigation at not exceeding $7,500 per annum, $2,250,000: *Provided*, That for the purpose of executing the duties for which provision is made by this appropriation, the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties.

Mr. BLANTON. Mr. Chairman, I reserve a point of order for the purpose of asking a question. What is the authority of law for this proviso? It is clearly legislation unauthorized on an appropriation bill.

Mr. SHREVE. There is no such authority. It is just a tie-up made necessary to complete the program and carry out the ideas of the Attorney General.

Mr. BLANTON. There is no legislation authorizing it?

Mr. SHREVE. If the gentleman means an act of Congress containing this exact language, I will say there is no such provision.

Mr. BLANTON. I mean authorizing the language of this proviso?

Mr. SHREVE. There is none.

Mr. BLANTON. Then I make the point of order, since the chairman admits there is no law authorizing it; it is legislation unauthorized on an appropriation bill and should come out on the point of order.

The CHAIRMAN. Does the gentleman from Texas direct his point of order to the proviso or the entire paragraph?

Mr. BLANTON. Just against the proviso.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including experts at such rates of compensation as may be authorized or approved by the Attorney General, including not to exceed $55,000 for personal services in the District of Columbia, $200,000: *Provided*, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. BLANTON. Mr. Chairman, I make a point of order against the following language on page 35, beginning at line 22, reading as follows:

Provided, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful.

I make the point of order for the reason it is legislation unauthorized on an appropriation bill, and that it interferes with the discretion that is lodged in the heads of our departments.

Mr. LAGUARDIA. Mr. Chairman, if the gentleman makes that point of order, I make a point of order on the balance of the section.

Mr. BLANTON. We will cross those bridges when we get to them.

Mr. LAGUARDIA. I will reserve a point of order on the balance of the section down to line 7.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. SHREVE. I simply wish to say that both provisos are limitations on an appropriation bill and entirely in order.

Mr. LAGUARDIA. I believe they are, but if one is not in order, I submit the other is not in order, and if the gentleman from Texas will withdraw his point of order I will withdraw mine.

Mr. BLANTON. No; we will act on our own judgments. There is no question, Mr. Chairman, but what this language against which I have made the point of order is legislation, unauthorized on an appropriation bill, and should come out. It has been held time and time again that this is not a limitation but is subject to a point of order. It interferes with the discretion that every department head ought to be able to exercise.

The CHAIRMAN. The Chair desires to put an inquiry to the gentleman from Pennsylvania. Does the gentleman from Pennsylvania recall that in the last Congress, when similar provisos on similar appropriations were objected to and points of order made against them, the gentleman at that time conceded the points of order and the points of order were sustained?

Mr. SHREVE. Yes.

The CHAIRMAN. The Chair sustains the points of order.

Mr. McKEOWN. Mr. Chairman, will the Chair hear me just a minute on that proposition? The law under which antitrust suits are prosecuted makes these exceptions in that law. The antitrust act excepts both labor and agriculture from the provisions of the act.

Mr. BLANTON. No; my friend from Oklahoma is mistaken, as such laws do not authorize these provisions.

The CHAIRMAN. In so far as those provisions have any effect, they go beyond this and are unquestionably legislation on an appropriation bill.

The Clerk read as follows:

TERRITORIAL COURTS

Alaska: Four judges, at $10,000 each; four attorneys, at $5,000 each; four marshals, at $4,000 each; four clerks, at $3,800 each; in all, $91,200.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. Were it not for a constitutional inhibition, I would offer an amendment limiting the payment of the salary of a judge of Alaska. The term of a judge of Alaska expired, and his renomination was sent to the Senate. A committee investigated, and requested the President of the United States to withdraw the name. The President withdrew the name, but left him in office. He has been in office, although his term expired four years ago. He has been in office over a year.

There is a peculiar provision in the law of Alaska. It provides that a district judge shall remain in office until his successor is appointed, the purpose being clear to avoid having a vacancy on the bench until his successor is appointed.

The attention of the comptroller of the United States was called to this, and the comptroller held that, owing to the peculiar provision in the law creating this judgeship, he was compelled to approve of the payment of this man's salary.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The law provides that the district judge shall be appointed by the President with the advice and consent of the Senate.

Mr. LAGUARDIA. Yes.

Mr. BLANTON. In this case his name was sent in for reappointment and the Senate had it withdrawn. It then was without the advice and consent of the Senate because of the failure to confirm. Then, in order to get around the law, to thwart the purpose of the law, this man has been allowed to remain in office and no appointment has been made.

Mr. LAGUARDIA. If it were a United States district judge, there is no doubt that the comptroller would not have approved of the payment of the salary, because it would have been a recess appointment.

Mr. BLANTON. Failing to appoint some one else, the law is thwarted; is that the case?

Mr. LAGUARDIA. That is the case. Such a condition tends to destroy the respect and confidence in the courts which is necessary to uphold the dignity and respect for the courts. The good people of Alaska know these conditions, and necessarily they must have a feeling when they go before the judge that they are before a judge who is not properly accredited in accordance with the law.

An amendment limiting his salary would not be in order because the judge's salary can not be diminished during his term of office, and for that reason I do not offer such an amendment. But the House should know the condition that exists in Alaska, and I hope the President will soon name a judge who will meet all the requirements and receive the confirmation of the Senate.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. CHINDBLOM. The gentleman does not contest the proposition that in this case the actual term of service of the judge extends until his successor is appointed?

Mr. LAGUARDIA. That is the law.

Mr. CHINDBLOM. So that he is serving in his term; it is a part of his term, and his term does not expire until his successor is appointed.

Mr. LAGUARDIA. The gentleman will not deny that he was appointed for a term of only four years.

Mr. JOHNSON of Washington. The gentleman knows that charges were preferred and in an investigation made by the Department of Justice these charges were not sustained. It is not meet and proper for us to discuss matters that may come up in the Senate when confirmation might take place.

Mr. SUTHERLAND. Mr. Chairman, I differ with the gentleman from Washington as to the fact that the charges were not sustained. They were sustained by the Judiciary Committee of the Senate. That committee consisted of such men as Mr. Cummins, Mr. OVERMAN, and the Senator from Colorado. The charges were sustained, and they held that this man was guilty of corrupt practices.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment. It is well not to have any camouflage about this proposition but to understand the real facts. The Delegate from Alaska has stated the facts. This judge was appointed and confirmed and took the oath of office for a certain specific term of four years.

That time expired. The President then sent his name to the Senate for reappointment. It so happens, forsooth, that the law applicable to Alaska with respect to judges is the same as the law that is applicable in some States with respect to State officers, that after the term of a man's office is expired, he continues to hold the office until his successor is appointed and has qualified. The President alone can not appoint a judge for Alaska and have him serve. It takes the joint action of the Senate with him. It is by and with the advice and consent of the Senate.

I have as much respect and regard for the Republican President of the United States as any other Democrat in the United States. I was one of those who first congratulated him when he became President. I respect very highly certain services that he has rendered the Government of the United States, but he is not too big for proper criticism. There is no officer of the United States who is too big for just criticism, and when he deliberately fails and refuses to appoint somebody else who will be approved by the United States Senate, he is not carrying out the purpose and intent of the law; and, as the Delegate from Alaska [Mr. SUTHERLAND] truthfully says, the Committee on the Judiciary of the United States Senate that investigated this man did turn him down, and it was upon their action that the Senate of the United States refused to confirm him.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Certainly. We do not want the gentleman from Illinois [Mr. CHINDBLOM] to come in here and darken the waters and becloud the atmosphere with an innuendo which he himself is trying to put into the case as an excuse for the action of the President of the United States.

Mr. McKEOWN. Would it not be proper for Congress to refuse the salary of this man?

Mr. BLANTON. No; because the gentleman from New York [Mr. LAGUARDIA] is a good enough lawyer to recognize the situation when he says that this judge is entitled to his salary as long as he holds the office, and Congress is without power to diminish it one dollar when considering this appropriation bill, although by proper legislation it could abolish his office.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. NEWTON. The gentleman from New York [Mr. LAGUARDIA] and the gentleman from Texas [Mr. BLANTON] are confusing this case as being the same as a United States judge, whereas this man is a Territorial judge.

Mr. BLANTON. Oh, we have not confused it at all. The gentleman from New York and myself have the situation very well clarified. We have been stating the facts. It is the bellwether of the Republican Party from Minnesota [Mr. NEWTON] and his collaborator from Illinois [CHINDBLOM] who are trying to confuse and becloud the issue.

Mr. McKEOWN. Does not the gentleman know that the Congress can abolish every Territorial judge?

Mr. BLANTON. Oh, the Congress can abolish him, yes, by legislative procedure, but the Congress has not attempted to do that. This is an appropriation bill which we are now considering, and we have got to appropriate the money to pay every officer of the United States, whether he is properly or improperly in office, and as long as this man is judge we have to pay him his salary. Let us not becloud the issue. Let us understand it. The gentleman from New York [Mr. LAGUARDIA] has stated this case exactly, and I commend him for it and approve of his statement.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last two words. I rise only to say this: I confess that I am not as familiar with the facts in the case as some other gentlemen may be, and I am not arguing on the facts with reference to the service of this judge in question, but I insist that this judge was appointed for a term consisting of four years—and until his successor shall be appointed; and he was confirmed by the United States Senate for a term of four years—and until his successor shall be appointed. He is a judge until his successor shall be appointed.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. CHINDLBOM. Yes.

Mr. McKEOWN. The gentleman would not contend that the Congress could not abolish the whole thing at any time, does he?

Mr. CHINDBLOM. By legislation?

Mr. McKEOWN. Yes.

Mr. CHINDBLOM. Certainly, Congress can do that. This is a statutory position.

Mr. McKEOWN. And could also eliminate the salary.

Mr. CHINDBLOM. That would have to be done by legislative enactment. We are now engaged in the consideration of an appropriation bill. The gentleman from New York [Mr. LAGUARDIA], familiar as he is with the rules of the House, recognizes that any proposal of that sort would be subject to a point of order at this time. I make the point that this judge is serving within the term for which he was appointed, and

for which his appointment was confirmed by the Senate of the United States.

Mr. LAGUARDIA. Will the gentleman contend that he may serve indefinitely for life?

Mr. CHINDBLOM. He may serve until his successor is appointed.

Mr. LAGUARDIA. I concede his original term, and yet at the end of four years the intention is that the President shall reappoint him or appoint a successor. There is no doubt about that.

The CHAIRMAN. Without objection, the pro forma amendments are withdrawn, and the Clerk will read.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 483, entitled "An act authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings."

APPROPRIATION BILL FOR THE DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR

The committee resumed its session.

The Clerk read as follows:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS

For salaries, fees, and expenses of United States marshals and their deputies, including services rendered in behalf of the United States or otherwise, services in Alaska in collecting evidence for the United States when so specially directed by the Attorney General, traveling expenses, purchase when authorized by the Attorney General of two motor-propelled passenger-carrying vehicles at not to exceed $2,500 each, and maintenance, alteration, repair, and operation of motor-propelled passenger-carrying vehicles used in connection with the transaction of the official business of the United States marshals, $3,672,500: *Provided*, That there shall be paid hereunder any necessary cost of keeping vessels or other property attached or libeled in admiralty in such amount as the court, on petition setting forth the facts under oath, may allow.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment.

Mr. BLANTON. Mr. Chairman, I reserve a point of order first on the proviso.

Mr. LAGUARDIA. On page 40, line 6, strike out "$3,672,500" and insert in lieu thereof "$3,722,500."

Mr. BLANTON. Does not the gentleman want the point of order decided first?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. I reserve a point of order and ask the Chairman this question, What authority in law is there for the proviso on page 40?

Mr. SHREVE. Does the gentleman make a point of order on the proviso?

Mr. BLANTON. Yes.

Mr. SHREVE. I think it is clearly subject to a point of order.

Mr. BLANTON. I make a point of order, Mr. Chairman, that it is legislation unauthorized on an appropriation bill, and the gentleman in charge admits it.

The CHAIRMAN. The point of order is sustained. The Clerk will report the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: on Page 40, line 6, strike out "$3,672,500" and insert in lieu thereof "$3,722,500."

Mr. LAGUARDIA. Now, Mr. Chairman, if I can have the attention of the chairman of the committee for a moment, I am sure that every man here will agree to this amendment. This is to increase the salaries of the deputy marshals throughout the United States. There is an increase provided in this bill of $22,500, $15,000 of which is to be used to increase salaries of marshals, leaving an increase over last year's appropriation of $7,500 to increase the salaries of the deputy marshals.

There are 884 deputy marshals throughout the United States, and the increase provided for in this bill is just a little less than $10 a year for a deputy marshal. I have here in my hand a letter from the Department of Justice, dated December 17, 1927, in reply to a letter which I sent, asking that the deputy marshals in the larger cities, particularly in New York—and there are many other similarly situated—be given a decent living salary. I suggest the same salary as is paid to a police officer in the same city.

I am informed that last year a deputy marshal in the service of the Government received $1,320 a year, or about $25 a week. The gentleman states that there has been a slight increase, about $5 a month. In some cases, in the eastern district of New York, they are paid on an average of $1,500; that is about $125 a month. There are one or two men who receive $1,700, but the average pay is about $1,500 a year.

These deputy marshals now have important duties to perform. They have dangerous duties to perform. They must apprehend criminals; they serve warrants; they serve papers in injunction cases. Now, if you gentlemen believe in the law you say you believe in, if you want enforcement of the law, you can not expect a deputy United States marshal getting $25 a week to go out and arrest bootleggers who will flash a $1,000 bill in his eye to have sufficiently good eyesight to serve injunction papers where personal and correct service of papers are required. I suggest that you pay these men the same salary that you pay patrolmen in New York City.

Let me read the department's answer to my letter:

The department would, of course, be glad to fix the compensation of deputies in accordance with your suggestion if the appropriation would permit it, but, as a matter of fact, the appropriations will not permit it.

As a matter of fact the deputy marshals are underpaid. I provide here $50,000 additional to give these men a decent living wage.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SNELL. How many of these deputy marshals devote their entire time to this business? Do any of them?

Mr. LAGUARDIA. Yes; they all do in New York City, both in the southern and eastern district of New York.

Mr. SNELL. How many have you there?

Mr. LAGUARDIA. I believe that between the eastern and the southern districts of New York we have about 70 deputy marshals.

Mr. SNELL. I think they should have more pay. In my country and other portions of the country in country districts they do not give their entire time to the service of the Government as deputy marshals. I imagine that a great many of them have something else, and they only do this business as a side line. When they do that perhaps the pay now given is sufficient, but where they give their entire attention to the Government business it seem to me they ought to be paid much more.

Mr. LAGUARDIA. Will the gentleman support the amendment if I reduce it to $25,000?

Mr. SNELL. Is it the law that every one of them shall be paid the same amount?

Mr. LAGUARDIA. No. The Attorney General fixes that. We appropriate a lump sum. The Attorney General distributes it. He takes the location and such things into consideration. I am willing to trust the Attorney General, because he knows the conditions. Why, in New York City I know of a case of one deputy marshal where the marshal had to put him on to drive a van because the man could not buy a new suit of clothes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. May I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Just as a healthy body can resist disease if well fed, so an official can resist temptation if properly paid.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CELLER. The gentleman knows that in the eastern district, covering the city of Brooklyn, they have 10 deputy marshals, and the appropriation is short, and in order to let them get any pay whatsoever they had to change their designation from deputy marshals to sailors, some of them with families to support, receiving only $800 or $900 a year.

Mr. SNELL. Does the gentleman mean to say that the man who gives his entire time to the Government gets only $800 or $900 a year?

Mr. CELLER. Yes. That is the fact. In order to give them any money whatsoever they had to change their designation, and when you go to court you will see the badges on them marked "Sailors," and not deputy marshals.

Mr. LAGUARDIA. When they take prisoners down to Atlanta they are on duty continually four days, night and day.

Mr. McKEOWN. In Oklahoma, in the oil fields, where we have an enormous tide of crime and where the deputy marshals

in the oil fields are worked night and day all through that country, they receive very small pay.

Mr. LEAVITT. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. LEAVITT. I wish to state to the gentleman in that connection that in Montana they are all full-time men and work not only under difficult but dangerous conditions at small wages.

Mr. LAGUARDIA. I urge the adoption of my amendment.

Mr. SHREVE. Mr. Chairman, I desire to call the attention of the House to the fact that last year we increased the appropriation $78,320 in the deficiency bill, which, of course, failed. We are carrying that along this year and we are also adding $22,500, which makes a total of $100,820. I desire to call the attention of the committee still further to the report:

The estimate presented to the committee for this branch of the service was $3,672,500, an increase over the current year of $22,500. The committee added an additional amount of $7,500 over the Budget estimate, making the total amount available for 1929, $3,672,500, or an increase over 1928 of $22,500. The increase in this appropriation is due to the proposed adjustment of the compensation of the United States marshals themselves, particularly those receiving lower rates of compensation, and to the additional expense caused by the creation of the new middle district of North Carolina. The minimum salaries of marshals is now $3,000 and the maximum $6,500. A majority of the marshals receive less than $4,500 per annum. It is proposed to use in the neighborhood of $15,000 for increasing the lower salaries of marshals, and the additional amount added by the committee of $7,500 is to be applied to the salaries of deputy marshals in the lower grades. It will be recalled that the committee recommended and Congress approved an additional amount last year of $78,320 for salary increases of about 690 deputies in the lower-salary grades.

The ones the gentleman refers to.

This readjustment has been put into effect and the $7,500 mentioned is to apply to some few cases which could not be reached by the larger amounts made available.

Those are the facts. I might add that we have 2 deputies at $3,100; 4 at $2,925; 14 at $2,657; 74 at $2,397; 46 at $2,185; 78 at $1,863; 220 at $1,708; 396 at $1,634; and 50 at $1,402.

Of course, gentlemen of the committee will understand that in cities like the great city of New York the deputy marshals and all court officials have a great deal to do and more than they have to do in some of the interior parts of the country, where they really have very little to do. So we have endeavored, in making these small increases, to take care of those most needy, those in cities where their labors are more exacting and where their expenses are higher. We want to help a little each year, and we want to do something more to help next year.

Mr. OLIVER of Alabama. The gentleman from Pennsylvania has correctly stated that the information before our committee was that the minimum pay was over $1,400. We certainly had no information that deputy marshals were paid salaries as low as $800 or $900, and I think, perhaps, that may be based on what occurred in the past.

Last year this amount was increased, as the gentleman from Pennsylvania stated, by about $78,000, increased again $22,000, and then $7,500. The Attorney General has vested in him the discretion to make increases which he thinks are deserving, and it occurred to us that we are paying deputy marshals an adequate amount when compared with the pay of many other Government employees. If you will take up the question of salaries, you will find there are a great many whom you may think are underpaid, yet there are so many people occupying these places who are anxious to keep them, and who are paid from $1,400 to $3,000, that your committee did not feel authorized to grant increases suggested by the friends of individual employees. So we have left it to the discretion of the Attorney General.

Mr. SHREVE. The gentleman from Alabama has correctly stated the opinion of the committee.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SHREVE. Yes.

Mr. CHINDBLOM. It seems to me the statement in the report is a little confusing.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for three additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may proceed for three additional minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. The report says, first, that the estimate presented to the committee for this branch of the service was $3,672,500; then it says the committee added an additional amount of $7,500 over the Budget estimate, making the total amount available for 1929, $3,672,500, which is the same amount.

Mr. SHREVE. That is a typographical error. That is all I can say to the gentleman. It should be $3,665,000, and then we made the increase.

Mr. CHINDBLOM. The first figure should be $3,665,000?

Mr. SHREVE. Yes.

Mr. CHINDBLOM. To which you added $7,500?

Mr. SHREVE. Yes.

Mr. CHINDBLOM. So there is an increase of $7,500?

Mr. SHREVE. Yes.

Mr. CHINDBLOM. I will state to the gentleman that the same conditions exist in the city of Chicago as in New York, and it would be very helpful to the Department of Justice if we could find our way clear to pay better salaries to these men.

Mr. SHREVE. Let me say that the committee has very carefully considered all of these matters. This is a very large bill, carrying many salary items. I will say to the committee that we would be very glad to increase them, but we are doing something each time. We have made this increase, and I feel we have gone just as far as we can go in this bill. Therefore I regret I am compelled to oppose the gentleman's amendment.

Mr. SNELL. Are these salaries as high as those paid in other departments?

Mr. SHREVE. Yes; in fact, some of the other departments are not getting as much. Of course, as gentlemen well know, the whole salary basis of the Government service is low.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

Mr. SUTHERLAND. Mr. Chairman, may I speak on the amendment?

The CHAIRMAN. The time for debate on the amendment has been exhausted.

Mr. SUTHERLAND. Then, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by the insertion of a letter which I addressed to the Attorney General some time ago on this subject and a letter received from General Lord, Director of the Budget. I have given this matter a great deal of attention since I have been in Congress——

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that the call for a vote on the amendment be withdrawn and that the gentleman may have five minutes. This problem of the pay of marshals in the western country is a serious one.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that the gentleman from Alaska may be recognized for five minutes to discuss the amendment pending. Is there objection?

There was no objection.

Mr. SUTHERLAND. Mr. Chairman, in the letter referred to I call the attention of the Attorney General and also the attention of the Director of the Bureau of the Budget to the fact that the minimum salary allowed to prohibition agents under the new law is $2,400 a year, and yet we have many deputy marshals in Alaska who are getting $1,680 and a great many who are getting $1,800. This means they are getting about $5 a day. There is an absolute inconsistency in paying the prohibition agents a much larger salary than we pay the deputy marshals. A deputy marshal is usually a very intelligent man, and has to have some education and some knowledge of law—at least some knowledge of evidence—and yet he is placed in a scale away below similar employees of the Bureau of Prohibition in regard to compensation for his services.

I have in mind one deputy marshal in Alaska who was paid $225 a month. In 1926 his salary was cut to $175 a month. This means he gets $5.83 a day. He is a man without a family. His board costs him just $4 a day, so that he has $1.83 cents remaining with which to pay for his clothing and his other usual and necessary living expenses. The reason given for this, I assume, is that the business of the office declined somewhat. Of course, the living expenses of the deputy marshal did not decline at all, but under the system in the Department of Justice they simply cut the salary of the deputy to fit the decline in business of the office.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. LAGUARDIA. Under my amendment the money goes into a lump sum, and it would take care of the situation in the gentleman's Territory in accordance with his letter to the Attorney General.

Mr. SUTHERLAND. Yes.

General Lord, in his reply to my letter, stated:

I am glad to receive the information which you have submitted in relation to this question and assure you that the matter will be given careful attention when the estimates for 1929 are considered next fall.

This letter was written in June of last year. He gave it careful consideration and gave them a raise of $10 a year, according to the estimate that was presented.

I do not wish to occupy any more time of the committee and repeat my request for permission to insert this correspondence in the RECORD.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. SUTHERLAND. Yes.

Mr. JOHNSON of Washington. Is it not a fact that the first or senior assistant to the United States marshal has to have the capacity of a bank cashier?

Mr. SUTHERLAND. Yes.

Mr. JOHNSON of Washington. And the next assistant has to have knowledge of office affairs? In other words, they are not all men out in the field serving papers.

Mr. SUTHERLAND. That is quite true; and the deputy marshals in Alaska are required to put up a bond. The marshal requires them to have fidelity bonds made out to him when they take office, and they have to do all of this on $5 a day.

Permission was granted for the insertion of the following matter:

MAY 31, 1927.

Hon. JOHN G. SARGENT,
Attorney General of the United States,
Washington, D. C.

DEAR SIR: I write to call your attention to the inadequate salaries now being paid to deputy United States marshals in Alaska.

This matter came to my attention recently when I learned that a number of the Alaskan deputies were taking the civil-service examination for employment in the Prohibition Bureau, where the salaries paid are much higher than in the offices of the United States marshals.

There are many of your deputies in Alaska receiving $1,800, and in some cases less than that amount, per annum, while under the new organization of the Prohibition Unit the minimum salary is fixed at $2,400 per annum for prohibition agents. This is termed "entrance salary." It appears that the lowest salary to be paid in that department is $1,860 per annum.

DUTIES OF PROHIBITION AGENTS COMPARED WITH DEPUTY MARSHALS

Under the provisions of the act of June 6, 1900 (31 Stat. L. 324–325), the powers and duties of United States marshals are prescribed as follows:

"The deputy marshals shall be ex officio constables and executive officers of the commissioners herein provided for, and shall have the powers and discharge the duties of United States deputy marshals, and also those of constables, under the laws of the United States applicable to said District."

The powers and duties of prohibition agents are set forth as follows in the act of October 28, 1919, national prohibition act (41 Stat. L. 307, sec. 5):

"The Commissioner of Internal Revenue, his assistants, agents, and inspectors, and all other officers of the United States whose duty it is to enforce criminal laws, shall have all the power for the enforcement of the war prohibition act or any provisions thereof which is conferred by law for the enforcement of existing laws relating to the manufacture or sale of intoxicating liquors under the laws of the United States."

It will be noted that under this provision of law a deputy United States marshal in Alaska is made responsible for the enforcement of the prohibition law in addition to his duties of constable and server of process.

DEPUTY MARSHALS ENFORCE THE PROHIBITION LAW IN ALASKA

The enforcement of the prohibition law has devolved almost entirely upon the deputy marshals throughout the Territory of Alaska.

The prohibition organization of Alaska consists of a director and three agents, a force so small when the immense area of the Territory is considered that it can accomplish but little in restricting the liquor traffic. Therefore throughout all Alaska the deputy marshals are enforcing this law with but very limited assistance from the prohibition organization and for much less compensation than prohibition agents receive.

QUALIFICATIONS OF DEPUTY MARSHALS

The standard of physical and mental requirements of deputy marshals is as high as that of prohibition agents. As much intelligence and education is required in the administration of a deputy marshal's office as in that of a prohibition agent. In fact, a successful deputy marshal is one of force of character, combined with sagacity, discretion, and judiciousness; briefly, a man of high standing in the community in which he holds office.

LIVING EXPENSES OF DEPUTY MARSHALS

The cost of living in Alaska, particularly in the isolated sections, is much higher than throughout the United States generally. The fact is recognized in your department by the allowances for the boarding of prisoners in certain sections of the Territory. The expense of furnishing indemnity bonds, although not a large item, should be considered in connection with the salaries of deputy marshals. I can not learn that such bonds are required of prohibition agents.

PER DIEM ALLOWANCES

All Government employees while traveling under the per diem allowance for maintenance enjoy a financial advantage over those who remain at their stations. Deputy marshals in Alaska are generally confined to their official stations and travel but little under per diem allowances. Prohibition agents are generally operating under per diem allowances in addition to their salaries.

DISPROPORTION OF SALARIES AND ALLOWANCES

After July 1, 1926, deputy marshals in Alaska will receive $6 per diem allowances while traveling. The salaries of these deputies who receive $5 or less per day are not in any sense proportionate to this per diem allowance.

That a deputy marshal whose duties call him to the seat of the court or to any place away from his home should receive more money to pay for food and lodging than he receives in salary when he is at home does not appear to be an equitable adjustment of salary and expenses.

DEPUTY MARSHALS SHOULD RECEIVE AT LEAST AS MUCH AS PROHIBITION AGENTS

I believe you will agree with me that for reasons set forth above the salary of a deputy United States marshal in Alaska should be as much as that of a prohibition agent.

I assume that the salaries for prohibition agents under the new organization plan were agreed upon after careful investigation regarding the cost of living and consideration of the type of men required for this work and their value to the public service. I am also assuming that the deputy marshals in Alaska, who are underpaid, are worthy of the same consideration that is given prohibition agents, and I therefore respectfully request that your department submit estimates for the next Budget that will enable you to pay fair salaries to your deputy marshals in Alaska.

A MINIMUM SALARY OF $2,400 PER YEAR

Deputy marshals in Alaska who receive salaries of $5 per day or less are paid much below the scale paid to mine laborers, cooks, teamsters, truck drivers, etc., in the placer-mining sections of the Territory, where the minimum wage for such employment is $5 and board per day. This is, in part, seasonal employment, but the same wage prevails for year-around employment.

In view of this fact and others set forth, I respectfully submit that a minimum salary of $2,400 per annum for deputy marshals is not one dollar more than they are entitled to.

THERE SHOULD BE NO UNNECESSARY ECONOMY IN LAW ENFORCEMENT

In these days of general demand for better enforcement of our laws, by reason of increase of crime, it appears to be a false economy that would hamper proper enforcement of law by the payment of inadequate salaries to enforcement officers.

If there is any department of this Government that should be supplied with sufficient funds to properly carry on its functions, that department is the one that administers the law.

Respectfully yours,

DAN SUTHERLAND,
Delegate from Alaska.

MAY 31, 1927.

Gen. HERBERT M. LORD,
Director Bureau of the Budget, Washington, D. C.

MY DEAR GENERAL LORD: I herewith inclose copy of a letter addressed to the Attorney General on the subject of salaries for deputy marshals in Alaska.

In this letter I have attempted to explain why an increase of salaries to these officials should be provided.

In discussing this subject with the general agent of the Department of Justice and his assistants on many occasions, I have gained the opinion that they were favorable to a better adjustment of salaries for deputy marshals, but felt compelled, by reason of instructions to economize in their estimates to the Bureau of the Budget, to make no change in this salary schedule.

May I not hope that this petition addressed to the Attorney General will receive your sympathetic consideration?

Sincerely yours,

DAN SUTHERLAND,
Delegate from Alaska.

BUREAU OF THE BUDGET,
Washington, June 4, 1927.

Hon. DAN SUTHERLAND,
House of Representatives, Washington, D. C.

MY DEAR MR. SUTHERLAND: I have your letter of May 31, 1927, inclosing copy of a letter written by you to the Attorney General the same day in regard to the salaries of deputy marshals in Alaska.

In reply I have to advise that the appropriation for salaries, fees, and expenses of marshals, United States courts, for 1928, amounts to $3,650,000. The salaries paid from this amount, which is an increase of $250,000 over 1927, will be fixed by the Attorney General.

I am glad to receive the information which you have submitted in relation to this question, and assure you that the matter will be given careful attention when the estimates for 1929 are considered next fall.

Sincerely yours,

H. M. LORD, *Director.*

Mr. SHREVE. Mr. Chairman, I desire to remind the committee that the increase here is really $100,820. The $78,320 which we gave them last year through the deficiency bill was not available last year. So this is really an increase now of $100,820, which, to my mind, is sufficient.

Mr. LEAVITT. How much would that mean to each individual?

Mr. SHREVE. We do not appropriate the money to each individual. The appropriation is made in a lump sum and the increase is given to those who need it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BERGER) there were—ayes 16, noes 27.

So the amendment was rejected.

Mr. LaGUARDIA. Mr. Chairman, I have another amendment.

Mr. BLANTON. I make the point of order, Mr. Chairman, that there is no quorum present.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8267) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor, and had come to no resolution thereon.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 6657. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River near Kettle Falls, Wash.; and

H. J. Res. 82. Joint resolution to continue commissioners in the Court of Claims.

Mr. BERGER. Mr. Speaker, I ask unanimous consent to extend the remarks I made to-day on the strike situation and to insert a telegram that I referred to.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OLIVER of Alabama. Mr. Speaker, this afternoon I undertook to give to the House some information relative to the location of airways. There is a small map that covers the information, and I ask permission to insert it in the RECORD as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

LEAVE OF ABSENCE

Mr. AYRES, by unanimous consent (at the request of Mr. HOCH), was given leave of absence for the day on account of illness.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 10, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 10, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture (H. R. 6074).

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

War Department appropriation bill.

Post Office Department appropriation bill.

WORLD WAR VETERANS' LEGISLATION COMMITTEE

(10 a. m.)

To authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact (H. R. 5773).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to hear Admiral Magruder.

COMMITTEE ON FLOOD CONTROL

(10 a. m.—caucus room)

A meeting to hear the members of the Mississippi River Commission and a delegation from Kentucky discuss projects proposed to control the flood waters of the Mississippi River.

COMMITTEE ON ELECTIONS NO. 2

(10.30 a. m.)

Concerning the election of James M. BECK as a Representative from Pennsylvania (H. Res. 9).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 229. A bill to authorize the erection of monuments or memorials to commemorate the encampments of Spanish War organizations at Chickamauga and Chattanooga National Military Park; without amendment (Rept. No. 229). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 230. A bill to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees; without amendment (Rept. No. 230). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 245. A bill to continue the establishment of a national military park at the battle field of Guilford Courthouse; without amendment (Rept. No. 231). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. H. R. 248. A bill to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army; without amendment (Rept. No. 232). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 8736. A bill to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.; without amendment (Rept. No. 233). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 8737. A bill providing for markers for the battle fields of Eastport, Miss., and Iuka, Miss.; without amendment (Rept. No. 234). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 227. A bill to regulate the appointment and duties of the superintendent of the Antietam battle field; without amendment (Rep. No. 235). Referred to the House Calendar.

Mr. FURLOW: Committee on Military Affairs. H. R. 7938. A bill to regulate sales by utilities in the Army; without amendment (Rep. No. 247). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 172. A bill to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation in the State of Washington; without amendment (Rep. No. 248). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 8772. A bill granting an annuity to Dr. Robert P. Cooke; without amendment (Rep. No. 219). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 8775. A bill for the relief of George P. Bailey; without amendment (Rep. No. 220). Referred to the Committee of the Whole House.

Mr. MORIN: Committee on Military Affairs. H. R. 8778. A bill for the relief of William W. Woodruff; without amendment (Rept. No. 221). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 8788. A bill to correct the military record of Willard Thompson, deceased; without amendment (Rept. No. 222). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 8796. A bill for the relief of Martin L. Duffy; without amendment (Rept. No. 223). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 8797. A bill for the relief of Clayton H. Adams; without amendment (Rept. No. 224). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 8798. A bill for the relief of William Lentz; without amendment (Rept. No. 225). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 8804. A bill for the relief of George W. McNeil; without amendment (Rept. No. 226). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 8805. A bill for the relief of Martha D. McCune; without amendment (Rept. No. 227). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 8806. A bill authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army; without amendment (Rept. No. 228). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 8674. A bill for the relief of Lester Cooley; without amendment (Rept. No. 236). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 8673. A bill for the relief of Edward F. Weiskopf; without amendment (Rept. No. 237). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 8370. A bill for the relief of Jeremiah F. Mahoney; without amendment (Rept. No. 238). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 8509. A bill for the relief of Albert O. Tucker; without amendment (Rept. No. 239). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 8574. A bill for the relief of Thomas Murphy; without amendment (Rept. No. 240). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 8589. A bill for the relief of Thomas F. Nicholas; without amendment (Rept. No. 241). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 8590. A bill for the relief of Nicholas Jones; without amendment (Rept. No. 242). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 8599. A bill for the relief of George D. Vedder; without amendment (Rept. No. 243). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 8627. A bill for the relief of John Clark; without amendment (Rept. No. 244). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 8628. A bill for the relief of Amos Dahuff; without amendment (Rept. No. 245). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 8643. A bill for the relief of William Taylor Coburn; without amendment (Rept. No. 246). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5910) for the relief of Ralph Ole Wright and Varina Belle Wright; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 8359) for the relief of Zion's Cooperative Mercantile Institution; Committee on Claims discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 8367) for the relief of Vercy A. Leadbitter; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8457) granting a pension to Elizabeth Hodge; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FISH: A bill (H. R. 8894) to designate a building site for the National Conservatory of Music of America, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. HANCOCK: A bill (H. R. 8895) for the relief of Navy personnel and civilian employees of the Navy who suffered loss of household and personal effects due to the earthquake and fire in Japan in September, 1923; to the Committee on Naval Affairs.

By Mr. HILL of Alabama: A bill (H. R. 8896) granting the consent of Congress to the State of Alabama to construct, maintain, and operate a bridge across the Conecuh River; to the Committee on Interstate and Foreign Commerce.

By Mr. MORTON D. HULL: A bill (H. R. 8897) granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT (by departmental request): A bill (H. R. 8898) to provide for restoration to the public domain of certain lands in the State of California which are now reserved for Indian allotment purposes; to the Committee on Indian Affairs.

By Mr. OLIVER of Alabama: A bill (H. R. 8899) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River at or near Epes, Ala.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8900) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARBER: A bill (H. R. 8901) to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have, or claim to have, against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. HALL of Indiana: A bill (H. R. 8902) granting double pension in all cases where an officer or enlisted man of the Navy dies or is disabled in line of duty, as the result of a submarine accident; to the Committee on Pensions.

By Mr. HOWARD of Oklahoma: A bill (H. R. 8903) to amend section 6 of the act of Congress approved February 27, 1925, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'"; to the Committee on Indian Affairs.

Also, a bill (H. R. 8904) to regulate the payment of moneys to adult members of the Osage Tribe of Indians; to the Committee on Indian Affairs.

By Mr. HUDSPETH: A bill (H. R. 8905) to authorize an appropriation for the construction of a fence along that section of the boundary of the United States and the Republic of Mexico

in and near the city of El Paso, Tex., known as Cordova Island, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: A bill (H. R. 8906) to provide for the protection of food and game fish at diversion dams and canal intakes of irrigation projects, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. PERKINS: A bill (H. R. 8907) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mrs. ROGERS: A bill (H. R. 8908) to facilitate the naturalization of aliens who served in the armed forces of the United States during the World War; to the Committee on Immigration and Naturalization.

By Mr. SEARS of Nebraska: A bill (H. R. 8909) creating the Missouri-Arkansas-Red Rivers flood and drouth control district, prescribing its officers, fixing their duties and powers with reference thereto; to the Committee on Flood Control.

By Mr. SUTHERLAND: A bill (H. R. 8910) to amend section 27 of the act entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes," approved June 5, 1920; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 8911) to extend the provisions of the act of Congress to December 29, 1916, entitled "An act to provide for stock-raising homesteads, and for other purposes," to the Territory of Alaska; to the Committee on the Public Lands.

By Mr. VESTAL: A bill (H. R. 8912) to amend and consolidate the acts respecting copyright, and to permit the United States to enter the International Copyright Union; to the Committee on Patents.

Also, a bill (H. R. 8913) to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the act respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. WAINWRIGHT: A bill (H. R. 8914) to amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. ZIHLMAN: A bill (H. R. 8915) to provide for the detention of fugitives apprehended in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PEERY: A bill (H. R. 8916) to erect a monument to the memory of Gen. William Campbell in Smythe County, Va.; to the Committee on the Library.

By Mr. HOUSTON of Hawaii: A bill (H. R. 8917) to establish a hydrographic office at Honolulu, Hawaii; to the Committee on Naval Affairs.

By Mr. O'CONNELL: A bill (H. R. 8918) to amend the World War veterans' act granting compensation to certain widows, minor children, and helpless children of such soldiers and sailors of the World War, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. WOOD: A bill (H. R. 8919) authorizing the erection of a public warehouse for storage of Government supplies, and purchase and condemnation of real estate in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. DALLINGER: A bill (H. R. 8920) to amend the World War adjusted compensation act; to the Committee on Ways and Means.

Also, a bill (H. R. 8921) to determine proceedings in contested elections of Members of the House of Representatives; to the Committee on Elections No. 1.

By Mr. KELLY: A bill (H. R. 8922) to erect monument on Le Bourget Field, Paris, France, to commemorate the Lindbergh flight from New York to Paris; to the Committee on the Library.

By Mr. MORIN: A bill (H. R. 8923) to authorize appropriations for construction at West Point, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. TILLMAN: A bill (H. R. 8924) for the erection of a public building at Siloam Springs, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8925) for the erection of a public building at Bentonville, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. PARKS: A bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Garland, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON: A bill (H. R. 8927) to amend the act entitled "An act to promote export trade, and for other purposes," approved April 10, 1918; to the Committee on the Judiciary.

By Mr. FROTHINGHAM: Joint resolution (H. J. Res. 139) that the use of submarines be prohibited and their construction discontinued in this and every other country; to the Committee on Foreign Affairs.

By Mr. HAUGEN: Joint resolution (H. J. Res. 140) to amend sections 1 and 2 of the act of March 3, 1891; to the Committee on Agriculture.

By Mr. HOUSTON of Hawaii: Joint resolution (H. J. Res. 141) to authorize the President to invite the Government of Great Britain to participate in the celebration of the sesquicentennial of the discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; to the Committee on Foreign Affairs.

By Mr. BRAND of Ohio: Joint resolution (H. J. Res. 142) for the appointment of Charles L. Darlington, of Ohio, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. GARRETT of Tennessee: Joint resolution (H. J. Res. 143) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BRAND of Georgia: Resolution (H. Res. 81) to investigate the accuracy of certain reports of the Department of Agriculture relative to cotton; to the Committee on Agriculture.

By Mr. KELLY: Resolution (H. Res. 82) to provide for the printing as a public document the compilation made by M. A. Musmanno from the CONGRESSIONAL RECORD of the facts regarding all amendments of the Constitution of the United States proposed since 1889; to the Committee on Printing.

By Mr. GARBER: Resolution (H. Res. 83) to curtail the importation of farm products, and for other purposes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 8928) granting a pension to Jessie Parker Booth; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 8929) granting an increase of pension to Sarah J. Shepard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8930) granting a pension to Drusilla Landis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8931) for the relief of John B. Brasel; to the Committee on Military Affairs.

By Mr. BACHARACH: A bill (H. R. 8932) granting an increase of pension to Anna Voss; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 8933) granting an increase of pension to Maxey A. Dow; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 8934) granting an increase of pension to Mary G. Dean; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 8935) granting an increase of pension to Margarett E. G. Atkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8936) granting an increase of pension to Lavina Prentice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8937) granting an increase of pension to Minnie H. R. Bell; to the Committee on Pensions.

By Mr. BUSHONG: A bill (H. R. 8938) granting a pension to Lydia E. Enochs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8939) granting a pension to Priscilla Hillegas; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 8940) granting an increase of pension to Rose A. Houchen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8941) granting a pension to Frank James Campbell; to the Committee on Pensions.

Also, a bill (H. R. 8942) granting a pension to Leroy Callahoone; to the Committee on Pensions.

Also, a bill (H. R. 8943) granting a pension to Sam Mogi; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 8944) granting an increase of pension to Amanda Shannon; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 8945) granting a pension to David I. Stanbury; to the Committee on Pensions.

By Mr. ENGLAND: A bill (H. R. 8946) granting a pension to Margaret Bonds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8947) granting a pension to Sallie Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8948) granting a pension to Mary Jarrell; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 8949) for the relief of A. D. McHenry; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 8950) granting an increase of pension to Anna Koropp; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 8951) granting a pension to Mary Rector Dickman; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 8952) granting an increase of pension to Dora P. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8953) granting an increase of pension to Margaret A. Kendall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8954) granting an increase of pension to Ellen T. Croshier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8955) granting an increase of pension to Sarah J. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8956) for the relief of Seymour Buckley; to the Committee on Military Affairs.

By Mr. FORT: A bill (H. R. 8957) to reimburse Joseph Rosen, formerly of the United States Navy, for losses sustained while carrying out his duties; to the Committee on Naval Affairs.

By Mr. FULBRIGHT: A bill (H. R. 8958) granting a pension to Cornelius N. Kinder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8959) granting an increase of pension to Amanda Pope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8960) granting an increase of pension to Maggie E. Rose; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 8961) for the relief of Daniel S. Schaffer Co. (Inc.); to the Committee on Claims.

Also, a bill (H. R. 8962) granting a pension to Martha Crusnach; to the Committee on Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 8963) for the relief of Richard H. Beier; to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 8964) granting a pension to Martha Hutchins; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 8965) granting an increase of pension to Gilla A. Hall; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 8966) granting an increase of pension to Eunice R. Bolin; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 8967) granting a pension to Edward M. Gantt; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 8968) to allow credit in the accounts of William A. Schoenfeld; to the Committee on Agriculture.

By Mr. HERSEY: A bill (H. R. 8969) granting an increase of pension to Mary V. Pierce; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 8970) granting an increase of pension to Nancy C. Lett; to the Committee on Invalid Pensions.

By Mr. HOLADAY: A bill (H. R. 8971) granting a pension to Anna Hicks; to the Committee on Invalid Pensions.

By Mr. HOWARD of Oklahoma: A bill (H. R. 8972) granting a pension to Miles Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8973) for the relief of the estate of Charles Le Roy, deceased; to the Committee on Claims.

By Mr. MORTON D. HULL: A bill (H. R. 8974) authorizing the President to order Oren W. Rynearson before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation; to the Committee on Military Affairs.

By Mr. JOHNSON of Indiana: A bill (H. R. 8975) for the relief of Martha Rosemond; to the Committee on Claims.

By Mr. KELLY: A bill (H. R. 8976) granting a pension to Olive B. Powers; to the Committee on Pensions.

By Mrs. KAHN: A bill (H. R. 8977) for the relief of Capt. De Witt Blamer, United States Navy, retired; to the Committee on Naval Affairs.

Also, a bill (H. R. 8978) for the relief of Patrick Joseph Pierson; to the Committee on Naval Affairs.

By Mr. KOPP: A bill (H. R. 8979) granting an increase of pension to Susan I. Nichols; to the Committee on Invalid Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 8980) granting a pension to Alma S. Kendall; to the Committee on Pensions.

Also, a bill (H. R. 8981) granting a pension to Maria Morton; to the Committee on Pensions.

By Mr. LEHLBACH: A bill (H. R. 8982) granting an increase of pension to Theresa Creiss; to the Committee on Invalid Pensions.

By Mr. LOWREY: A bill (H. R. 8983) for the relief of William G. Beaty, deceased; to the Committee on Military Affairs.

By Mr. LYON: A bill (H. R. 8984) granting a pension to William J. Melvin; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 8985) to reimburse Dayton Milling Co., of Towanda, Pa., for losses, amounting to $15,000, sustained by them in 1918 and 1919 in the handling or dealing in or with wheat-flour substitutes; to the Committee on Claims.

By Mr. McREYNOLDS: A bill (H. R. 8986) for the relief of John W. Bates; to the Committee on Military Affairs.

By Mr. MAJOR of Illinois: A bill (H. R. 8987) for the relief of John R. Butler; to the Committee on Military Affairs.

Also, a bill (H. R. 8988) for the relief of Milton Longsdorf; to the Committee on Military Affairs.

By Mr. MOORE of Ohio: A bill (H. R. 8989) correcting the military record of William H. Murphy; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 8990) granting an increase of pension to Mary Jane Mullett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8991) granting an increase of pension to Sarah A. Gilbreath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8992) granting an increase of pension to Mary A. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8993) granting an increase of pension to Martha J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8994) granting an increase of pension to Mary C. Dubbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8995) granting a pension to Miss Ollie Painter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8996) granting an increase of pension to Elizabeth Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8997) granting an increase of pension to Lydia A. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8998) granting an increase of pension to Margaret A. Davis; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 8999) for the relief of Omer D. Lewis; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 9000) to correct the military record of John Ralston; to the Committee on Military Affairs.

Also, a bill (H. R. 9001) to correct the military record of Henry E. Thomas, alias Christopher Timmerman; to the Committee on Military Affairs.

By Mr. O'BRIEN: A bill (H. R. 9002) for the relief of Clarence G. Stonestreet; to the Committee on Military Affairs.

By Mr. PERKINS: A bill (H. R. 9003) for the relief of Charles H. Niehaus, sculptor, for losses in connection with Francis Scott Key Memorial at Baltimore, Md.; to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 9004) granting an increase of pension to Sarah J. Heiser; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 9005) to reinstate John V. J. Brennan in the West Point Military Academy; to the Committee on Military Affairs.

Also, a bill (H. R. 9006) to correct the naval record of Fred I. Ward; to the Committee on Naval Affairs.

By Mr. SEARS of Nebraska: A bill (H. R. 9007) granting a pension to Mary E. Banker; to the Committee on Pensions.

By Mr. THURSTON: A bill (H. R. 9008) granting a pension to John C. Sinco; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 9009) for the relief of Francis Leo Shea; to the Committee on Naval Affairs.

By Mr. TUCKER: A bill (H. R. 9010) for the relief of Paul E. Haden; to the Committee on Claims.

By Mr. UPDIKE: A bill (H. R. 9011) granting an increase of pension to Anna A. Arthur; to the Committee on Invalid Pensions.

By Mr. WARREN: A bill (H. R. 9012) to provide for an examination and survey of Rollinson Channel leading from Pamlico Sound to Hatteras, N. C.; to the Committee on Rivers and Harbors.

By Mr. WASON: A bill (H. R. 9013) granting an increase of pension to Clara B. Holbrook; to the Committee on Invalid Pensions.

By Mr. WATRES: A bill (H. R. 9014) for the relief of Anthony Mullen; to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 9015) granting a pension to John A. Sutliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9016) granting an increase of pension to Susan Goble; to the Committee on Invalid Pensions.

By Mr. WILSON of Mississippi: A bill (H. R. 9017) to reinstate Joe Burton Coursey in the West Point Military Academy; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1068. Petition of American Equity Association, Washington, D. C., protesting against the adoption of House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

1069. By Mr. ARNOLD: Petition from citizens of Olney, Ill., and vicinity protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1070. By Mr. BARBOUR: Resolution of Corcoran Chamber of Commerce, Corcoran, Calif., opposing legislation placing immigration from Mexico on a quota basis; to the Committee on Immigration and Naturalization.

1071. Also, petition of citizens of the seventh congressional district of California, against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1072. By Mr. BOHN: Petition of citizens of Charlevoix County, Mich., against House bill 78; to the Committee on the District of Columbia.

1073. Also, petition of citizens of Masonville, Mich., against House bill 78; to the Committee on the District of Columbia.

1074. Also, petition of citizens of Antrim County, Mich., against House bill 78; to the Committee on the District of Columbia.

1075. Also, petition of citizens of Onaway, Mich., against House bill 78; to the Committee on the District of Columbia.

1076. Also, petition of citizens of Cheboygan County, Mich., against House bill 78; to the Committee on the District of Columbia.

1077. By Mr. BOIES: Petitions signed by citizens of Sioux City, Woodbury County, State of Iowa, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1078. Also, petition signed by citizens of Spencer, Clay County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1079. By Mr. BRIGHAM: Petition of Dr. A. J. Burdette, Mrs. W. E. Walbridge, and 12 other citizens of Montgomery, Vt., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1080. Also, petition of Arthur W. Perkins, P. G. Whitcomb, and 116 other citizens of Rutland, Vt., urging that Congress do not pass the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1081. By Mr. BUCKBEE: Petition of L. H. Gardiner, of Sheridan, Ill., and 67 other citizens of Sheridan, Chicago, and Marseilles, Ill., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1082. Also, petition of F. S. Wier and 17 other citizens of Sheridan, Ill., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1083. Also, petition of John Klein, jr., and 365 other citizens of Rockford, Ill., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1084. By Mr. BURTON: Resolution of the Council of the City of Cleveland, Ohio, No. 81765, adopted January 2, 1928, indorsing House bill 25, and the identical Senate bill 1727, providing for a liberalization of the retirement laws for postal and other civil-service employees; to the Committee on the Civil Service.

1085. Also, resolution of Camp Washington Council, No. 43, Junior Order United American Mechanics, Cincinnati, Ohio, indorsing registration of all aliens in the United States; requesting the passage of an alien deportation law, such as the Holaday bill in the last Congress, and requesting there be no further postponement of the national origins provision of the immigration law; to the Committee on Immigration and Naturalization.

1086. By Mr. CARLEY: Petition of Luene E. Ursin, of 674 Forty-ninth Street, Brooklyn, N. Y., and 83 citizens of Brooklyn, N. Y., protesting against the passage of compulsory Sunday observance as proposed in the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1087. By Mr. CARSS: Petition of G. L. Bissonnette and 22 other petitioners, of Carlton, Minn., protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1088. By Mr. CARTER: Petition of Bertie Sage and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1089. Also, petition of John C. Ferris and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1090. Also, petition of Clarence S. Drake and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1091. Also, petition of William Kniss and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1092. Also, petition of John McDonald and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1093. Also, petition of Edison I. H. Jacobs and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1094. Also, petition of Harry J. Kushner and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1095. Also, petition of Jerome Crovietto any many others, of Berkeley, Calif., protesting against the passage of House bill 78, the Sunday bill; to the Committee on the District of Columbia.

1096. Also, petition of Mrs. C. E. Powell and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1097. Also, petition of S. I. Carter and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1098. Also, petition of Irene Z. Brooks and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1099. Also, petition of Mrs. R. A. Crouch and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1100. Also, petition of Mrs. C. W. Johnson and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1101. Also, petition of Nellie Laurens and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1102. Also, petition of H. E. Herth and many others, of Berkeley, Calif., protesting against the passage of House bill 78, known as the Sunday bill; to the Committee on the District of Columbia.

1103. Also, petition of J. W. Reid and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1104. Also, petition of O. M. Blackwood and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1105. By Mr. CLAGUE: Petition of R. E. Hendricks and others, opposing the passage of House bill 78, compulsory Sunday bill; to the Committee on the District of Columbia.

1106. Also, petition of Alfred Jorgensen, and others, opposing passage of House bill 78, compulsory Sunday bill; to the Committee on the District of Columbia.

1107. By Mr. CORNING: Petition of sundry citizens of the city of Albany, protesting against the passage of House bill 78, known as the Lankford bill, relative to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1108. By Mr. CRAMTON: Petitions signed by 193 residents of Michigan, from Otter Lake, Fostoria, Imlay City, Lapeer, Vassar, Millington, Kings Mill, Almont, and Port Huron, protesting against the passage of House bill 78, or any other compulsory Sunday observance bills; to the Committee on the District of Columbia.

1109. By Mr. CROWTHER: Petition of numerous residents of Schenectady, N. Y., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1110. By Mr. DAVENPORT: Petition of Frank Holliday, of Blossvale, N. Y., and others, protesting against compulsory Sunday observance laws in the District of Columbia; to the Committee on the District of Columbia.

1111. Also, petition of Margaret Downey and others, of Utica, N. Y., protesting against compulsory Sunday observance laws in the District of Columbia; to the Committee on the District of Columbia.

1112. By Mr. DEMPSEY: Petition of citizens of Buffalo, N. Y., against so-called Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1113. By Mr. DRIVER: Petition signed by 122 citizens of Clay County, Ark., protesting against the passage of the Lank-

ford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1114. By Mr. EVANS of Montana: Petition of Mrs. H. A. Green and 200 other citizens of Missoula, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1115. By Mr. FAUST: Petition of citizens of Nodaway County, Mo., against the passage of House bill 78; to the Committee on the District of Columbia.

1116. By Mr. FRENCH: Petition of 73 citizens of Weiser, Idaho, protesting against enactment of House bill 78 or other compulsory Sunday observance; to the Committee on the District of Columbia.

1117. By Mr. FULBRIGHT: Petition of citizens of Reeds Spring, Mo., and vicinity, protesting against the passage of House bill 78 or any legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

1118. Also, petition of citizens of Pomona, Mo., protesting against the passage of House bill 78 or any legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

1119. Also, petition of citizens of West Plains, Mo., protesting against the passage of House bill 78 or any legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

1120. Also, petition of citizens of Brown Springs, Mo., and vicinity, protesting against the passage of House bill 78, or any legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

1121. Also, petition of citizens of Brown Branch, Mo., protesting against the passage of House bill 78, or any legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

1122. Also, petition of citizens of Poplar Bluff, Mo., protesting against the passage of House bill 78, or any legislation for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1123. By Mr. GARBER: Petition of the Chamber of Commerce of Woodward, Okla., urging the appropriation of at least $60,000 to provide for the establishment and maintenance of adequate work in forestry, orcharding, poultry, and hogs at the United States field station at Woodward, Okla.; to the Committee on Agriculture.

1124. Also, letter from C. C. Brown, civil engineer, No. 2128 East Fourteenth Street, Oklahoma City, Okla., in regard to flood control in the Mississippi Valley; to the Committee on Flood Control.

1125. Also, letter from the American Bar Association, by Thomas W. Shelton, Norfolk, Va., urging the passage of House bill 5621 and Senate bill 759; to the Committee on the Judiciary.

1126. Also, petition protesting the passage of House bill 78 for compulsory Sunday observance; to the Committee on the District of Columbia.

1127. By Mr. GARNER of Texas: Petition of citizens of Riviera, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

1128. By Mr. GIBSON: Petition of residents of Jamaica, Vt., and vicinity, protesting against proposed legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1129. Also, petition of residents of Orwell, Vt., and vicinity, opposing proposed legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1130. By Mr. GOODWIN: Petition of Mrs. Ella L. Mills and eight other residents, of Howard Lake, Minn., protesting against House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1131. Also, petition of William Bullis and 43 other residents, of Robbinsdale, Minneapolis, and Columbia Heights, Minn., protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1132. Also, petition of M. N. Nelson and 77 other residents, of Minneapolis, Minn., protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1133. Also, petition of Mildred E. Nelson and 33 other residents, of Braham and Grasston, Minn., opposing House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1134. Also, petition of Mrs. R. V. Kinney and 99 other residents, of Mound, Maple Plain, and Minneapolis, Minn., protesting against the enactment into law of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1135. Also, petition of Mrs. A. Granbois and 15 other residents, of the city of Minneapolis, Minn., protesting against the enactment into law of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1136. Also, petition of Mrs. Alma Johnson and 22 other residents of Pine City, Rock Creek, and Stanchfield, Minn., protesting against House bill 78, the Lankford bill; to the Committee on the District of Columbia.

1137. Also, petition of William M. Swaggert and 61 other residents of Hennepin County and the city of Minneapolis, Minn., protesting against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1138. Also, petition of H. N. Sherva and 83 other residents of Minneapolis, Minn., protesting against the provisions of House bill 78, known as the Lankford bill; to the Committee on the District of Columbia.

1139. Also, petition of Mrs. E. D. Rogers and 59 other residents of Minneapolis, Minn., protesting against the enactment into law of House bill 78, known as the Lankford bill; to the Committee on the District of Columbia.

1140. Also, petition of Gust S. Sundquist and 16 other residents of the city of Minneapolis, Minn., protesting against the enactment into law of House bill 78, known as the Lankford bill; to the Committee on the District of Columbia.

1141. Also, petition of Mrs. F. W. Berg and 58 other residents of Minneapolis, Minn., protesting against the Lankford bill (H. R. 78) and objecting to its enactment into law; to the Committee on the District of Columbia.

1142. Also, petition of Anna Oswald and 43 other residents of Sturgeon Lake and Denham, Minn., protesting against House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1143. By Mr. GOLDSBOROUGH: Petition of Herbert L. Grymes, Baltimore, Md., in behalf of appropriations for national rifle matches in the fall of 1928; to the Committee on Appropriations.

1144. Also, petition of Walter V. Shipley, Cockeysville, Md., in behalf of appropriations for national rifle matches in the fall of 1928; to the Committee on Appropriations.

1145. Also, petition of Fendall Marbury, Baltimore, Md., in behalf of national rifle matches in the fall of 1928; to the Committee on Appropriations.

1146. Also, petition of W. Earle Withgott, Easton, Md., in behalf of national rifle matches in the fall of 1928; to the Committee on Appropriations.

1147. By Mr. GUYER: Petition of citizens of Franklin County, Kans., protesting the enactment of any Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

1148. Also, petition of citizens of Linn County, Kans., protesting the enactment of any Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

1149. Also, petition of citizens of Douglas County, Kans., protesting the enactment of any Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

1150. By Mr. HILL of Washington: Petition of Earl W. Hanson, of Omak, Wash., and 115 other persons of Okanogan County, Wash., protesting against House bill 78, and all other proposed legislation to compel Sunday observance; to the Committee on the District of Columbia.

1151. Also, petition of E. C. Robison, of Omak, Wash., and 60 other persons of Omak, Wash., protesting against House bill 78, and all other proposed legislation compelling Sunday observance; to the Committee on the District of Columbia.

1152. Also, petition of A. E. Allbery and 49 others, of Spokane County, Wash., protesting against legislation compelling Sunday observance; to the Committee on the District of Columbia.

1153. By Mr. LEHLBACH: Petition of Glen Ridge Battalion Forum, of New Jersey, favoring the appropriating of sufficient funds to provide adequate and proper housing for its officers and enlisted men; to the Committee on Military Affairs.

1154. By Mr. HOOPER: Petition of O. D. Andrews and 59 other residents of Pittsford, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1155. By Mr. KEMP: Petition of citizens of Baton Rouge, La., against House bill 78; to the Committee on the District of Columbia.

1156. Also, petition of citizens of Hammond, La., against House bill 78; to the Committee on the District of Columbia.

1157. Also, petition of certain citizens of Baton Rouge and Denham Springs, La., against House bill 78; to the Committee on the District of Columbia.

1158. By Mr. LETTS: Petition of Raymond Koch and other citizens of Walcott, Iowa, protesting against the passage of House bill 78, or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

1159. By Mr. LOZIER: Petition of 298 citizens of Marceline, Brookfield, Spickard, Milan, Cora, and other communities in Missouri, opposing the enactment of House bill 78; to the Committee on the District of Columbia.

1160. By Mr. LUCE: Petition of citizens of Medway, Mass., protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1161. By Mr. LYON: Petition of certain citizens of Wilmington, N. C., protesting against passage of House bill 78, Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

1162. By Mr. MACGREGOR: Petition of sundry citizens of Buffalo, N. Y., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1163. By Mr. O'CONNELL: Petition of the National Surety Co. of New York, with reference to section 141, paragraph A, of the proposed income tax law (H. R. 1); to the Committee on Ways and Means.

1164. Also, petition of the Chamber of Commerce of the State of New York, with reference to the revenue bill, section 611, entitled "Collections stayed by claim in abatement," and section 612, violating statutes of limitations opposed; to the Committee on Ways and Means.

1165. Also, petition of the Chamber of Commerce of the State of New York, favoring consolidated returns of corporations; to the Committee on Ways and Means.

1166. Also, petition of the Chamber of Commerce of the State of New York, favoring the establishment of a permanent parcel post between the Republic of Cuba and the United States; to the Committee on the Post Office and Post Roads.

1167. Also, petition of the Chamber of Commerce of the State of New York, favoring the adoption by the United States Shipping Board of the policy of agreeing to adjust by arbitration future disputes arising between itself or the Merchant Fleet Corporation or its operators and shippers; to the Committee on the Merchant Marine and Fisheries.

1168. By Mr. MAJOR of Missouri: Petition of citizens of Springfield, Mo., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1169. Also, petition of citizens of Slater, Mo., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1170. Also, petition of citizens of Springfield, Greene County, Mo., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1171. By Mr. MAPES: Petition of 18 citizens of Grand Rapids, Mich., against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1172. By Mr. MERRITT: Petition of sundry citizens of Bridgeport, Conn., against House bill 78; to the Committee on the District of Columbia.

1173. By Mr. MICHENER: Petition of sundry citizens of Jackson, Lenawee, and Washtenaw Counties, Mich., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1174. By Mr. MILLIGAN: Petition signed by 112 citizens of Gentry County, Mo., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1175. By Mr. MOONEY: Petition of Cleveland City Council, indorsing the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

1176. By Mr. MORROW: Petition of citizens of Albuquerque, N. Mex., protesting against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

1177. Also, petition of citizens of Albuquerque, N. Mex., protesting against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

1178. Also, petition of citizens of Dexter, N. Mex., protesting against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

1179. By Mr. RATHBONE: Petition of 39 citizens of Chicago, Ill., for passage of legislation increasing pensions for Civil War survivors and their widows; to the Committee on Invalid Pensions.

1180. By Mr. ROBINSON of Iowa: Petition from about 27 citizens of Hampton, Franklin County, Iowa, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1181. By Mrs. ROGERS: Petition of William T. Rolfe and 55 other adult residents of Lowell, Mass. and vicinity, against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1182. Also, petition of Mrs. Jos. B. Emery and other residents of Westford and Lowell, Mass., against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1183. Also, petition of Mr. Jos. B. Emery and other residents of Lowell, Mass., against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1184. By Mr. ROMJUE: Petition of Clarence Fisher and others, of La Belle, Mo., against passage of House bill 78; to the Committee on the District of Columbia.

1185. Also, petition of J. W. Hardman and others, of Monticello, Miss., against passage of House bill 78; to the Committee on the District of Columbia.

1186. By Mr. SHALLENBERGER: Petition against compulsory Sunday observance; to the Committee on the District of Columbia.

1187. By Mr. SUMMERS of Washington: Petition signed by H. G. Thomas and others, of Yakima County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1188. Also, petition signed by E. O. Seversen and others, of Yakima County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1189. Also, petition signed by C. A. Randolph and others, of Yakima County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1190. Also, petition signed by W. S. Decker and others, of Yakima County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1191. By Mr. SWING: Petition of citizens of Riverside and San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1192. Also, petition of citizens of Brea, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1193. Also, petition of citizens of Orange and Los Angeles Counties, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1194. Also, petition of citizens of Riverside and Orange Counties, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1195. Also, petition of citizens of Imperial County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1196. Also, petition of citizens of Orange, Calif., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1197. Also, petition of citizens of La Mesa and Encanto, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1198. By Mr. TARVER: Petition of Mr. C. F. Ballard and 18 other citizens of Trenton, Ga., protesting against any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1199. By Mr. TILLMAN. Petition of H. A. Fritts and divers other citizens of Arkansas, protesting against all bills seeking to compel Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1200. By Mr. VINCENT of Michigan: Petition of 141 residents of Montcalm County, Mich., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1201. Also, petition of 58 residents of Vestaburg, Mich., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1202. Also, petition of 161 residents of the city of Saginaw, Mich., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1203. Also, petition of 285 residents of the county of Ionia, Mich., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1204. Also, petition of 100 residents of Lakeview, Mich., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1205. Also, petition of 170 residents of Gratiot County, Mich., protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1206. Also, petition of 119 residents of the eighth congressional district of Michigan protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1207. By Mr. WEAVER: Petition of citizens of Hendersonville, N. C., protesting against the passage of House bill 78, Lankford Sunday observance bill; to the Committee on the District of Columbia.

1208. Also, petition of citizens of Old Fort, N. C., protesting against passage of House bill 78; to the Committee on the District of Columbia.

1209. Also, petition of citizens of Tryon, N. C., protesting against passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1210. By Mr. WOOD: Senate Concurrent Resolution No. 6 of the seventy-fifth regular session of the General Assembly of the State of Indiana requesting the Congress to appropriate funds to carry out certain recommendations of the Chief of Staff of the United States Army to be used in the furtherance of the national defense act of 1920; to the Committee on Appropriations.

SENATE

TUESDAY, *January 10, 1928*

(Legislative day of Monday, January 9, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	King	Sheppard
Barkley	Edwards	La Follette	Shipstead
Bayard	Ferris	McKellar	Shortridge
Bingham	Fess	McLean	Smoot
Black	Fletcher	McMaster	Steck
Blaine	Frazier	McNary	Steiwer
Blease	George	Mayfield	Stephens
Borah	Gerry	Metcalf	Swanson
Bratton	Gillett	Moses	Thomas
Brookhart	Gould	Norbeck	Trammell
Broussard	Greene	Norris	Tydings
Bruce	Hale	Nye	Tyson
Capper	Harris	Oddie	Wagner
Caraway	Harrison	Overman	Walsh, Mass.
Copeland	Hawes	Phipps	Walsh, Mont.
Couzens	Hayden	Pine	Warren
Curtis	Heflin	Ransdell	Waterman
Cutting	Howell	Reed, Pa.	Watson
Dale	Johnson	Robinson, Ark.	Wheeler
Deneen	Jones	Robinson, Ind.	Willis
Dill	Kendrick	Sackett	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

SENATOR FROM ILLINOIS

Mr. DENEEN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Senator-elect FRANK L. SMITH, of Illinois, before the special committee on expenditures in senatorial elections at its meeting on Saturday last.

There being no objection, the statement was ordered printed in the RECORD, as follows:

STATEMENT OF THE HON. FRANK L. SMITH BEFORE THE SPECIAL COMMITTEE ON EXPENDITURES IN SENATORIAL ELECTIONS SATURDAY, JANUARY 7, 1928

Mr. SMITH. Mr. Chairman and gentlemen of the committee, in deference to the notice from the chairman of this special committee I respectfully come before you to make a statement as briefly as the circumstances and the importance of the present matter affecting the people of Illinois and myself will admit.

For 110 years Ilinois has been a member of the Union of States which comprise our Nation. More than 7,000,000 people within her borders are directly concerned and affected by the denial of her constitutional right to full, equal, and continuous representation in the Senate of the United States. Her very motto embraces the theory of our dual form of government that was uppermost in the minds of the patriotic and farsighted men who framed our National Constitution, namely, "National Union! State sovereignty!"

Proudly Illinois has advanced through all the years since she was a loyal county of Virginia, later to become a Territory, and, finally, in 1818, to achieve her high and justly earned distinction of statehood in our National Union. Her history and traditions in support of constitutional government is as glorious as it has been constant and effective. She has never failed to maintain constitutional government and conform to its laws. Her sons have never failed to respond to the call of our country. In peace as in war, at home and abroad, a recital of more than a century of deeds accomplished and devotion unerring for the National Union is the glory of her people and commands the rightful admiration of her sister States.

The denial to Illinois of her inherent constitutional rights, which affects not only this State but, as she earnestly believes, the future welfare of the Nation, is of such grave importance that it makes this a solemn moment. Unimportant as may be my personality as one of the least of the factors in this far-reaching situation, I can not avoid, even if I willed it otherwise, to raise my voice in protest against such denial.

It has been said: "Let no man be sure that the injustice he to-day inflicts on another that to-morrow may not make of him the subject of the same injustice." This maxim applied to Illinois to-day may, and probably will, return again and again to plague other States of our Union.

Our Federal Constitution, as I understand it, provides that the Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years, and that no State without its consent shall be deprived of its equal representation in this body. It further provides certain qualifications for membership. No one shall be a Senator who shall be under 30 years of age or is nonresident of the State from which he is chosen. All powers not delegated to the National Government are reserved to the several States and to the people thereof.

The Senate is made the judge of the election of its own Members, and also of whether such Members possess the qualifications set forth in the Constitution. Every Senator upon assuming the duties of his office shall qualify by taking the oath to support the Constitution.

After its Members have been elected and qualified the Senate may punish any of them for disorderly conduct, and by a vote of two-thirds expel a Member therefor.

I feel justified in taking the position that whenever the State of Illinois, or any other sovereign State of this Union, sends to the National Senate its representative who bears the credentials of an uncontested and incontestable election, and possesses all the qualifications for that office that are set forth in the Constitution, that such State has the right to have such representative given the oath to membership.

Neither the Senate nor any nor all branches of the Federal Government has any right or authority to add anything to the qualifications as they are set forth in the fundamental law. If any such power exists it remains in the States or in the people thereof, and neither the States nor the people have yet seen fit to call it into being. Nowhere in the Constitution is the Senate authorized to select its own membership.

I come to this body bearing the credentials of the third State of the Union. I possess all the constitutional qualifications of a Senator. The fact of my election is beyond controversy. I was nominated as the Republican candidate for the office of Senator at a free and equal primary of the Republican voters of Illinois. Under the law of my State any question as to the integrity of my nomination could have been raised in the courts of each of the 102 counties of the State. No contest of any kind was ever instituted, and no suggestion has ever been made but that I was the choice of a large majority of the Republican voters of Illinois.

Between the primaries in April and the ensuing election held November 2, 1926, I was opposed by two able and vigorous candidates. The contest was spirited and even intense, and every charge of every kind and character that has ever been made against me anywhere was laid before the voters of my State, who have known me all my life. The event resulted in my election by a decisive vote. That result was canvassed by the State canvassing board, no contest was made or even threatened, and I was duly certified to the Senate of the United States as the uncontested choice of the electors of my State as one of its Senators.

Further, as indicative of the choice of the people of my State, there is of record here the joint resolution adopted by both houses of the General Assembly of Illinois insisting that her constitutional rights be respected and given effect by my admission to the office to which I was legally elected.

I am not unmindful that perhaps it might be politically expedient, so far as my individual fortune may be concerned, to assume to waive the constitutional rights of my State for the irregular opportunity of trying to convince the distinguished members of this special committee that the certificate of moral fitness, which the people of Illinois

gave me in a general election, was merited. But if individual misfortune shall come by my act of refusing to sanction what I believe to be an unconstitutional proceeding, I shall all my life be comforted with the thought that if at some future time a denial of the rights of my State for the sake of political expediency shall be acquiesced in, it will be the act of someone other than myself. My State has honored me and has a right to expect in return, at whatever personal sacrifice may be the outcome, that I will stand firm in protest against the denial of her rights.

The framers of our Federal Constitution in an unamendable article guaranteed to each State equal representation in the United States Senate. It is my position that Illinois has been deprived of this guaranty.

The framers of the Federal Constitution provided that United States Senators should be elected by the various legislatures. Illinois was one of the first States to propose and affirm that this power should be lodged in the people. My credentials are, therefore, a mandate from the people of Illinois, as a result of a general election against which there never has been nor can there lie a charge of fraud or irregularity.

The people again spoke through their representatives in the adoption of resolutions creating the delegation on the constitutional rights of Illinois, which has appeared here. My position is supported by the choice and act of the people, by the act of the general assembly of my State, and by a unanimous opinion of the Supreme Court of Illinois.

In volume 261, commencing at page 413, Illinois Supreme Court Reports, the Supreme Court of Illinois said:

"All persons are equally eligible to office who are not excluded by some constitutional or legal disqualification. * * * Eligibility to office, therefore, belongs equally to persons whomsoever not excluded by the constitution"—

And that—

"the legislature can not establish arbitrary exclusions from office or any general regulation requiring qualifications which the constitution has not required."

The court further says:

"There is a distinction between the office created by the constitution and those created by statute. Where an office is created by statute, it is wholly within the power of the legislature creating it. The length of term and mode of appointment may be altered at pleasure and the office may be abolished altogether."

But the court makes this important distinction:

"It is not so of constitutional office."

The court further reasons:

"It may be true that many persons having the constitutional qualifications are wholly unfit to discharge the duties of many offices within the State, but if the legislature possesses the power to vary the constitutional qualifications for office by adding new requirements or imposing additional limitations, then eligibility to office and freedom of elections depend not upon constitutional guaranties but upon legislative forbearance. If the legislature may alter the constitutional requirements, its power is unlimited, and only such persons may be elected to office as the legislature may permit. In our judgment, when the constitution undertakes to prescribe qualifications for office its declaration is conclusive of the whole matter, whether in affirmative or negative form. Eligibility to office belongs to all persons. In our constitution no other form of stating eligibility to office is found than the declaration that no person shall be eligible who does not possess certain qualifications. The Constitution of the United States is in the same form in this particular, and so are the constitutions of other States. The expression of the disabilities specified excludes others. The declaration in the constitution that certain persons are not eligible to office implies that all other persons are eligible."

My counsel advises that the Supreme Courts of California, Indiana, Maryland, Kansas, Minnesota, Montana, Texas, and Wisconsin have likewise consistently held concerning the power of a legislative body, which is that it may change qualifications for offices created by statute but can not change nor add to nor take from the qualifications named in the constitution.

In view of the action of the people of Illinois, by which they made me United States Senator, and in view of the act of the general assembly creating the delegation on the constitutional rights of Illinois in this matter, and, finally, in view of the interpretations of those constitutional rights by the Supreme Court of Illinois, I doubt whether even this special committee would expect me to depart from my plain duty in this instance by assuming to waive the rights of Illinois that I might participate in what the supreme court of my State has plainly said would be an extraconstitutional proceeding.

Thus I have been honored:

First. By the preference of my party at the primaries.

Second. By election at the hands of the people of my State.

Third. By executive appointment to fill a vacancy in the Senate.

Fourth. By the General Assembly of Illinois in resolutions adopted.

Fifth. By the demand of the senior Senator of Illinois.

Sixth. By the appearance in behalf of the State of the attorney general of Illinois.

Seventh. By interpretation of the Supreme Court of Illinois in support of my position to my right to membership in this body.

Under the circumstances now confronting me I can at this time do neither more nor less than to insist upon the sovereign rights of the State whose credentials I bear. That right is to have the candidate of her choice, who possesses all the constitutional qualifications, admitted to membership in this body, thereby according to my State the equal representation to which she is constitutionally entitled. When that right is granted, then I shall freely, gladly, and unafraid meet any and all charges respecting my moral or other fitness to continue a Member of this distinguished body. But unless and until the right of my State to such full, equal, and continuous representation is first accorded I can not become a party to an unwarranted precedent, nor to any pretended inquiry as to my personal fitness for association with the distinguished men now composing the Senate of the United States.

Great as my ambition to sit in the Senate may have been, and keen as my regret may be for the denial of my right to admission to this body, the duty I owe to the people who have honored me is the thing of highest importance in my life. To keep faith with this people is to me a greater thing than to be a Senator, and I shall keep faith with them, whatever the cost to myself shall be.

To keep faith with my people my course must be compatible with their rights. The people of Illinois know their rights under the Constitution. They know them by the unbroken practice of 150 years. They know them by the traditions which have been handed down from the founding of this Nation. They know them by the history of their country. They know their rights from that instinctive, inherent knowledge which tells all men in their souls whether they are bond or free.

The citizens of Illinois know that if they are a free people of a sovereign State they have the right, upon the day and in the manner prescribed by law, to choose of their own free will whomsoever they please to send as their representative to the Nation's Capital. They know that if they are restricted in this choice by the whim, the caprice, or even the conviction of any power on earth other than themselves that they are not free but are the bondsmen of tyranny.

I am here as their carefully considered and lawfully made choice for Senator. Therefore, in their name, and with full authority from my State and my people, I protest against any invasion of their rights, and demand that their choice of a Senator be respected, and that the Senate of the United States keep the faith of the Constitution which created it by giving to the representative of Illinois the seat justly due him.

If the Senate shall not comply with this demand; if it shall continue to deny to my State the right to have her representative administered the oath of office; and if it shall at last refuse to accord to the third State in the Union the equal representation guaranteed to it by the Constitution, I will have the consolation of knowing that Frank L. Smith refused to compromise the rights of those who have trusted and honored him, even though he might thereby have lost a seat in this august and historic assembly.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 483) authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts. Mr. President, I present a letter from Mr. George Hannauer, president of the Boston & Maine Railroad, of Boston, Mass., which very concisely and clearly presents reasons why certain important changes should be made in the revenue bill now pending before the Committee on Finance of the Senate. I ask that this letter be treated in the nature of a petition, printed in the CONGRESSIONAL RECORD, and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

BOSTON & MAINE RAILROAD,
Boston, Mass., January 6, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH:

* * * * * * *

I should like now to submit for your consideration in connection with the revenue bill (H. R. 1) which passed the House December 15, 1927, two provisions of special interest to the Boston & Maine Railroad, as well as to business corporations generally.

1. Section 13, which (we believe properly) reduced the corporation income tax from the existing rate of 13½ to 11½ per cent.

2. Section 141, which, except as to the taxable years 1927 and 1928, abolishes the present right of affiliated corporations to make consolidated returns.

1. The equity of the corporation-tax reduction is obvious when we consider:

A. That the normal tax upon individuals is only 1½, 3, or 5 per cent, and that while the net income of corporations distributed to stockholders is exempt from this normal tax, payments 12 per cent, 10½ per cent, or 8 per cent greater than would be made upon each dollar of net income earned by the individualistic or partnership form of business are made as a result merely of the use of the corporate business form.

2. Instead of eliminating the provisions for affiliated or consolidated returns, we believe these provisions should be made more generous.

Section 240 of the 1926 act provides: Two or more domestic corporations may be deemed to be affiliated—

(a) If one corporation owns at least 95 per cent of the stock of the other or others; or,

(b) If at least 95 per cent of the stock of two or more corporations is owned by the same interests.

(Stock as used in this requirement does not include nonvoting stock which is limited and preferred as to dividends.)

The object of the provision is set forth clearly in article 631 of regulations 69 under the heading affiliated corporations—

"Consolidated returns are based upon the principle of levying the tax according to the true net income of a single enterprise, even though the business is operated through more than one corporation. Where one corporation owns the capital stock of another corporation or other corporations, or where the stock of two or more corporations is owned by the same interests, a situation results which is closely analagous to that of a business maintaining one or more branch establishments. In the latter case, because of direct ownership of the property, the net income of the branch forms a part of the net income of the entire organization."

In other words, the theory of affiliation and the consolidated return is that of an "economic unit" with all intercompany transactions and relationships eliminated and a resulting balance sheet and profit and loss statement showing the situation as though it were a single business.

Provisions permitting or requiring consolidated returns have been placed in every revenue act since the 1917 act.

When the revenue bill of 1917 was before the Senate the Finance Committee reported:

"While the committee is convinced that the consolidated return tends to conserve, not to reduce, the revenue, the committee recommends its adoption not primarily because it operates to prevent evasion of taxes or because of its effect upon the revenue, but because of its effect upon the principle of taxing as a business unit, what in reality is a business unit, is sound and equitable and convenient both to the taxpayer and the Government."

If we admit this theory to be sound, manifestly the stipulation of ownership of 95 per cent of stock of an affiliated corporation is an arbitrary requirement. The true test should be the facts with respect to the economic unity.

Let us assume the case of a railroad owning 96 per cent of the stock of corporation A and 96 per cent of the stock of corporation B; in that event consolidation is permitted. The result is that if corporation A for the given year has a taxable income of $100,000; corporation B has a deficit of $200,000, and the parent company X has an income of $500,000, the taxable net income of the economic unit will be $400,000. But if the three companies are in fact one economic unit and X company is responsible for the deficits of A and/or B companies, why should an arbitrary 95 percentage of stock ownership be adopted; why 95 per cent or 51 per cent, or any other percentage? It would seem clearly that the test should be the fact as to economic unity alone.

Assume a parent corporation X which has guaranteed the principal and interest of all the outstanding bonds of corporation A. A minority stock ownership of A is in X. Yet in order to protect the bonds it is necessary for X annually to pay to A large operative deficits without hope of return. Is there not here also one economic unity?

These are some of the reasons why we believe that the provisions for consolidated returns should be reinstated in the new revenue act, and should be made more generous in order to reflect the true intent to tax an economic unit as such.

Respectfully,

GEORGE HANNAUER, *President.*

Mr. WALSH of Massachusetts presented a petition of sundry citizens of Medfield, Mass., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. ASHURST presented a resolution adopted by Cactus Chapter, No. 2, Disabled American Veterans of the World War, at Tucson, Ariz., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

A resolution protesting against the enactment of any legislation which would defeat or nullify the Ashurst amendment to the World War veterans' act ($50 per month statutory award for arrested cases of service-connected tuberculosis)

Whereas it has come to the attention of the ex-service men's organizations throughout the United States that there are persistent rumors to the effect that the central office of the United States Veterans' Bureau intends to recommend to Congress a substantial reduction of the $50 per month statutory award for arrested cases of service-connected tuberculosis (Ashurst amendment); and

Whereas it has been shown that the statutory award of $50 per month for life for arrested tuberculars cost the disabled men and women of America untold energy to have enacted into a law, and this law did not become a reality until after our lawmaking bodies in Washington had been thoroughly convinced of its merits by the most expert and convincing evidence made possible by the highest skilled men in America; and

Whereas the Ashurst amendment has demonstrated the success of statutory award, inasmuch as a much smaller percentage of ex-service men have become reactivated since the inception of this law; and

Whereas the arguments of the United States Veterans' Bureau against this amendment and in favor of a graduated scale from 25 per cent to 33 per cent, according to the advancement of the disease, have been proven by medical and substantial facts to be both unfair and impracticable, due to the fact that nearly all cases of arrested tuberculosis which are service connected could not possibly be incipient cases at the bureau rating of 25 per cent, or they could not be moderately advanced, because if this were the case, according to bureau rulings, their disability could not be service connected; therefore they would not receive compensation. Therefore, the bureau must admit that practically only a few moderately advanced B and C class beneficiaries are receiving compensation, while the far-advanced cases are in the majority. For example, in United States Veterans' Hospital, No. 51, at Tucson, Ariz., there are at the present time approximately 38 beneficiaries receiving the rating of temporary total, 28 ex-service men receiving no compensation whatsoever, and 172 beneficiaries receiving a total permanent rating; and

Whereas the above figures prove beyond a doubt that the unfortunate men who are at present far-advanced cases, but who may some day be fortunate enough to become arrested cases have before them a poor financial outlook, should the bureau's ruling of 33 per cent for arrested far-advanced cases become a reality: Therefore be it

Resolved, That we, the members of Cactus Chapter, No. 2, Disabled American Veterans of the World War, Tucson, Ariz., in regular session assembled on the 5th day of January, 1928, do hereby protest against the enactment of any amendment by Congress which would defeat or nullify the Ashurst amendment to the World War veterans' act ($50 per month statutory award for arrested cases of service-connected tuberculosis); be it further

Resolved, That copies of this resolution be forwarded by the Director of the Veterans' Bureau; ROYAL C. JOHNSON, chairman of the Veterans' Committee in Congress; Commander Tate, of the Disabled American Veterans of the World War; Captain Kirby, national legislative committeeman of the D. A. V. W. W.; Hon. CARL HAYDEN; Hon. HENRY F. ASHURST; and I. A. Marcotte, the State commander of the Disabled American Veterans of the World War.

Attest:

THOS. S. SAWYER,
Commander.
CHARLES L. EDGERTON,
Adjutant.
JAMES C. HERRON,
JOSEPH THOMAS,
FRANCIS J. NILES,
Members Executive Committee.

Mr. COPELAND presented a telegram from F. Park Lewis, of Buffalo, N. Y., which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

BUFFALO, N. Y., *January 5, 1928.*

Hon. ROYAL S. COPELAND,
Senate Chamber, Washington, D. C.:

Hope Nicaraguan resolutions will not be allowed to remain in committee. Interference with armed force in foreign country unwarrantable and reprehensible, not in harmony with American principles or tradition.

F. PARK LEWIS.

Mr. COPELAND also presented memorials numerously signed by sundry citizens of New York, N. Y., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WARREN presented a resolution adopted by the Lions Club of Greybull, Wyo., favoring the passage of legislation to aid in insuring adequate supplies of timber and other forest products, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Lions Club of Greybull, Wyo., favoring the making of adequate appropriations for the reforestation of denuded areas within the national forests, which was referred to the Committee on Appropriations.

Mr. CAPPER presented resolutions adopted by Woman's Relief Corps, No. 9, of Lawrance, Kans., favoring the passage of legislation granting increase of pension to $50 per month to widows of Civil War veterans, which were referred to the Committee on Pensions.

He also presented petitions of Topeka Post, No. 71, and Topeka Post, No. 94, Woman's Relief Corps, both of the Grand Army of the Republic, Department of Kansas, of Topeka, Kans., praying for the passage of legislation granting pensions of $50 per month to widows of Civil War veterans, and also for the repeal of the provision of the law barring widows from pensions who were married to veterans after June 27, 1905, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. ASHURST, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1154) to authorize the use by the county of Yuma, Ariz., of certain public lands for a mnuicipal aviation field, and for other purposes, reported it with an amendment and submitted a report (No. 46) thereon.

He also, from the same committee, to which was referred the bill (S. 1155) to grant extensions of time under oil and gas permits, reported it with amendments and submitted a report (No. 47) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1312) to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the "Bryce Canyon National Park," and for other purposes, reported it without amendment and submitted a report (No. 48) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 1284) amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924," reported it without amendment and submitted a report (No. 49) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 440) for the relief of Charles H. Send, reported it without amendment and submitted a report (No. 50) thereon.

Mr. McNARY, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1193) granting certain rocks or islands to the State of Oregon for park purposes, reported it without amendment and submitted a report (No. 51) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 2426) to establish a uniform rule of naturalization and to amend and codify the laws relating thereto, to provide for recognition of citizenship in certain cases, and for other purposes; to the Committee on Immigration.

By Mr. DILL:

A bill (S. 2427) to enact supplemental section 8853–1 to section 8853 of the General Code relative to public railroad crossings of highways, and to provide that drivers or occupants of vehicles at such crossings guilty of contributory negligence shall not be barred a recovery; to the Committee on the Judiciary.

A bill (S. 2428) for the relief of William M. Wiser; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 2429) for the promotion of pecan culture in southwestern United States; to the Committee on Agriculture and Forestry.

A bill (S. 2430) for the relief of W. J. Moodyman; to the Committee on Claims.

By Mr. JONES:

A bill (S. 2431) to authorize an appropriation for the construction of a road on the Makah Indian Reservation, Wash.; to the Committee on Indian Affairs.

By Mr. NORRIS:

A bill (S. 2432) granting a pension to Mary Longstreth; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 2433) granting a pension to Alice F. Leach;

A bill (S. 2434) granting a pension to Catherine Shea; and

A bill (S. 2435) granting an increase of pension to Frances P. Gibbs; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 2436) to amend the act entitled "An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes," approved March 3, 1925, as amended; to the Committee on the Judiciary.

A bill (S. 2437) for the relief of Irene Strauss; and

A bill (S. 2438) for the relief of the firm of M. Levin & Sons; to the Committee on Claims.

A bill (S. 2439) to amend the military record of Arthur Waldenmeyer; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

A bill (S. 2440) to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office; to the Committee on Education and Labor.

By Mr. LA FOLLETTE:

A bill (S. 2441) for the relief of Frank Murray; to the Committee on Claims.

A bill (S. 2442) for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. WHEELER:

A bill (S. 2443) for the relief of Joseph Morrison; to the Committee on Claims.

A bill (S. 2444) granting an increase of pension to Thomas G. Nielsen; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 2445) granting a pension to John Mayfield (with accompanying papers); and

A bill (S. 2446) granting a pension to Susan A. Yount (with accompanying papers); to the Committee on Pensions.

By Mr. GILLETT:

A bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass.; to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 2448) for the relief of Margaret Doyle, administratrix of the estate of James Doyle, deceased; to the Committee on Claims.

By Mr. BROUSSARD (by request):

A bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana (with an accompanying paper); to the Committee on Commerce.

By Mr. REED of Pennsylvania:

A bill (S. 2450) to amend the immigration act of 1924, entitled "An act to limit the immigration of aliens into the United States, and for other purposes"; to the Committee on Immigration.

By Mr. TRAMMELL:

A bill (S. 2451) for the relief of William J. Carter; to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 2452) granting a pension to Andrew Brown; and

A bill (S. 2453) granting an increase of pension to Orrie A. Harvey; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2454) for the relief of Fred Elias Horton (with an accompanying paper); to the Committee on Naval Affairs.

By Mr. THOMAS:

A bill (S. 2455) to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claims to have against the United States, and for other purposes"; to the Committee on Indian Affairs.

By Mr. ROBINSON of Arkansas:

A bill (S. 2456) to establish game sanctuaries in the national forests; to the Committee on Agriculture and Forestry.

A bill (S. 2457) for the relief of Bert Moore; to the Committee on Claims.

By Mr. EDWARDS:

A bill (S. 2458) to amend the World War veterans' act, 1924, as amended, in respect of furnishing flags to drape the caskets of deceased veterans; to the Committee on Finance.

A bill (S. 2459) authorizing a preliminary examination and survey of the Elizabeth River, N. J.; to the Committee on Commerce.

A bill (S. 2460) granting a pension to Annie Boden; and

A bill (S. 2461) granting an increase of pension to Susanna S. Paxson (with accompanying papers); to the Committee on Pensions.

By Mr. TYDINGS:

A joint resolution (S. J. Res. 72) to grant permission for the erection of a memorial statue of Cardinal Gibbons; to the Committee on the Library.

By Mr. COPELAND:

A joint resolution (S. J. Res. 73) to amend the act of May 29, 1884, as amended; the act of February 2, 1903; and the act of March 3, 1905, as amended, to include poultry within their provisions; to the Committee on Agriculture and Forestry.

CHANGES OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the following bills and joint resolution, and they were referred as indicated below:

S. 1433. An act for the relief of J. C. Peixotto; to the Committee on Claims.

S. 854. An act to authorize the reinstatement of honorably discharged soldiers and sailors to former positions in Government service and restoration to eligible register of the names of honorably discharged soldiers and sailors; and

S. J. Res. 11. Joint resolution to amend the census act of March 3, 1919; to the Committee on Civil Service.

COMMITTEE SERVICE

On request of Mr. WATSON, and by unanimous consent, the Senator from Ohio [Mr. WILLIS] was excused from further service upon the Committee on Public Lands and Surveys, and the Senator from New Mexico [Mr. CUTTING] was assigned to the vacant place on the committee.

INVESTMENTS IN FOREIGN COUNTRIES

Mr. BLAINE. Mr. President, I submit a concurrent resolution, which I ask may lie on the table so that I may call it up in a day or two, or whenever other important pending business of the Senate is disposed of, and discuss it at that time.

The concurrent resolution (S. Con. Res. 7) was ordered to lie on the table, as follows:

Resolved by the Senate (the House of Representatives concurring), That the policy of this country with reference to investments and the conduct of trade by American citizens in foreign countries should be grounded upon the following principles:

1. American citizens engaged in trade or commerce in foreign countries must obey the laws of these countries.

2. Investments made by American citizens are subject to the laws of the country wherein they are made.

3. The Government of the United States will not assume responsibility for the fulfillment of contractual arrangements made by American citizens with foreign governments or with private citizens of foreign countries.

4. Before American citizens can expect the Government of the United States to take any action with reference to their complaints that they have been unfairly dealt with in foreign countries, they must first have exhausted the remedies available to them in the courts of such countries.

5. If, in the opinion of the President of the United States, decisions made by the court of last resort in any foreign country deny to American citizens the same rights accorded to nationals of other countries or violate the principles of international law, and also in the event that the legislative or executive branches of such foreign governments shall refuse to observe decisions of their courts favorable to American citizens, this country will endeavor to adjust such differences through friendly negotiations and stands ready to submit the same to arbitration.

6. In no event will the Government of the United States have recourse to arms or resort to force in any manner to gain or preserve for American citizens rights and privileges in any foreign country beyond those enjoyed by the native citizens of such country.

7. For the security of the Government of the United States, and to promote peace, the interests of the governments in this hemisphere are mutual. We owe it, therefore, to candor and to the amicable relations existing between the United States and the governments of the world to declare that we should consider any attempt on their part to extend privileges and engage in conduct not permitted to the Government of the United States or its citizens under the foregoing declarations as dangerous to our peace and safety. We could not view any attempt on the part of a foreign government to encroach upon the rights of small nations and the equality of nations guaranteed to the countries of this hemisphere in any other light than as the manifestation of an unfriendly disposition toward the United States.

INVESTIGATION OF NAVAL OIL RESERVE LEASES

Mr. HARRISON obtained the floor.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. I yield.

Mr. NORRIS. I would like to state to the Senator from Mississippi that yesterday afternoon the Senate passed a resolution of mine directing the Committee on Public Lands and Surveys to continue the investigation heretofore made of naval oil leases. There are just a few words I want to say on that question, and I am wondering if the Senator from Mississippi will yield to me for that purpose.

Mr. HARRISON. I take it that it will not start any general discussion?

Mr. NORRIS. Of course, I can not guarantee that it will not.

Mr. HARRISON. I yield to the Senator from Nebraska provided I can obtain the floor when he has concluded.

Mr. NORRIS. Mr. President, the resolution which was passed yesterday directed that the Committee on Public Lands and Surveys should continue the investigation heretofore made by that committee in reference to the leasing of public lands, and particularly of the naval oil reserves in Wyoming, and the committee is particularly directed to make an investigation as to the transactions and activities of the Continental Trading Co. of Canada and especially directed—

to trace all the Government bonds held and dealt in by said corporation, with the purpose of ascertaining the beneficiary or beneficiaries of all the illegal transactions connected with the fraudulent and dishonest sale or leasing of the said naval oil reserves.

It occurred to me that for the benefit of the members of the Committee on Public Lands and Surveys I ought to make at least a brief statement as to what has been shown by investigations made by the attorneys representing the Government in the trial of the lawsuit pending against Mr. Sinclair and former Secretary Fall.

In November, 1921, Mr. A. E. Humphreys, an oil producer of Texas, entered into negotiations with Harry F. Sinclair, H. M. Blackmer, James O'Neil, and Robert W. Stewart for the purpose of selling to them oil that he was producing from his oil wells in Texas. On November 15, 1921, at a conference with those men in New York City, Mr. Humphreys sold them more than 33,000,000 barrels of oil at the agreed price of $1.50 per barrel.

On the next day, when they met for the purpose of putting the contract in writing for the first time, these purchasers notified Mr. Humphreys that the real purchaser of the oil was the Continental Trading Co., of Canada, and asked that the contract be drawn in the name of that company.

Mr. Humphreys had never heard of the Continental Trading Co. and, because he knew nothing of its financial standing, he refused to enter into a contract for the sale of the oil to that company. Thereupon these men told Mr. Humphreys that they, on behalf of the companies which they represented, would guarantee the payment for the oil on behalf of the Continental Trading Co. The contract was then drawn in the name of the Continental Trading Co., and payment of the price of the oil by the said trading company was guaranteed by Sinclair, Blackmer, O'Neil, and Stewart.

At this time O'Neil was president of the Prairie Oil & Gas Co.; Stewart was chairman of the board of directors of the Standard Oil Co. of Indiana and still holds that position; Blackmer was chairman of the board of directors of the Midwest Refining Co., which was practically owned outright at that time, and still is, by the Standard Oil Co. of Indiana. Sinclair represented the Sinclair Consolidated Oil Corporation. This corporation, together with the Standard Oil Co. of Indiana (represented by Stewart), jointly owned the Sinclair Crude Oil Purchasing Co.

On the next day, November 17, 1921, Henry Smith Osler, an attorney of Toronto, Canada, appeared upon the scene and executed the contract as president of the Continental Trading Co., while Sinclair and Stewart, "for the directors" of the Sinclair Crude Oil Purchasing Co., and O'Neil, on behalf of the Prairie Oil & Gas Co., signed the contract as guarantors.

On the same day this fraudulent Continental Trading Co. assigned its contract and resold the oil it had thus contracted to buy to the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co. jointly. This sale was made at a profit of 25 cents on each barrel.

By the terms of the contract from Humphreys to the Continental Trading Co. payments for oil deliveries were to be made on the 15th day of each month; and by the terms of the contract wherein the Continental Trading Co. resold the oil to the Stewart, Sinclair, and O'Neil corporations payments were to be made on the 10th day of each month. It was therefore possible for this fraudulent Continental Trading Co. to get its money from the real purchasers of the oil five days before it was required to make payments to the man who produced and sold the oil.

Under this contract oil was delivered by Mr. Humphreys and turned over to the Sinclair, Stewart, and O'Neil corporations until some time in May, 1923, when the Continental, through its president, Osler, assigned its interest in its contract to the Sinclair Crude Oil Purchasing Co. At this time there were still 25,000,000 barrels of oil to be delivered, and the profit of the Continental Trading Co., at 25 cents a barrel, on this remaining amount of oil would have been at least $6,250,000; yet Osler, on behalf of the Continental Trading Co., surrendered this contract to the Sinclair Crude Oil Purchasing Co. for $400,000.

Immediately this fraudulent Canadian company went out of business. The company was formed the day the contract was made. It never had any capital. It never had any property except the profit on this oil contract. It never did any business either before or since this oil transaction. When it went out of business it destroyed its records and all its documents. It is worthy of note that it went out of business about the time the Senate investigation of the Teapot Dome oil leases was threatened. While it was in business its profit of 25 cents a barrel on this oil amounted to $3,800,000. All of this money was deposited, under the direction of Osler, at the New York agency of the Dominion Bank of Canada and, under his direction, all of the money was invested in Liberty bonds of the United States Government. These bonds were, by this Dominion bank, then turned over to Osler.

In the trial of the Sinclair and Fall cases $230,000 of these bonds were traced to Mr. Fall. The balance of the bonds have never been accounted for; and the principal object in directing the committee to continue the investigation is to determine what became of the remainder of those bonds.

Upon the trial of the civil suit to recover Teapot Dome the Government counsel obtained a commission from the United States district court to take Osler's testimony in Canada When he was put on the stand he refused to testify on the ground that he was attorney for the Continental Trading Co. and its officials and that all the information he possessed was privileged. He was thereupon cited for contempt of court and on December 13, 1924, Justice Riddell, of the Supreme Court of Ontario, delivered judgment against him, ordering him to testify. Osler then appealed to the appellate division of the Supreme Court of Ontario and a hearing was then had on the 11th of February, 1925; and on March 12, 1925, the appellate division of the Supreme Court of Ontario rejected Osler's plea and ordered him to testify.

It may be worth while in passing to say that the appellate division of the Supreme Court of Ontario passed on the question on the 12th of March, 1925, just 29 days after the matter had been submitted to it. I mention that to show how expeditious justice seems to be across the line as compared to the manner in which it is dragging along here for months at a time to find out whether or not somebody may be in contempt of court. In Canada the question went clear to the appellate division of the supreme court in less than 60 days and the court rendered a decision.

In the meantime, while this case was pending, Osler left Canada. After he had appealed from the court to the appellate court he left Canada and went to Egypt, it is alleged, on a lion hunt. It was therefore impossible to carry out the order of the court. He never returned until the case was disposed of, when his testimony, of course, would be of no value.

Also in the meantime Blackmer and O'Neil left the country and went to France. Senators will remember that they were the representatives of the oil corporations that really bought the oil and which had guaranteed the payment for the oil to Mr. Humphreys, the man in Texas who sold the oil. Of course, in view of the absence of Blackmer and O'Neil it was impossible for the Government to get their testimony. Stewart, who represented the Standard Oil Co. of Indiana, also left the country and went to South America. Stewart came back later and said he did not know that they had been hunting him, as they had been all over the United States trying to get him on a subpœna; that he was down in South America on some oil business.

Blackmer and O'Neil are still in Europe and it is supposed that they will remain there perhaps for the balance of their lives, the Government, of course, being unable to get their testimony.

Both the Supreme Court of Ontario and the Supreme Court of the United States have branded the Continental Trading Co. as a corrupt and fraudulent instrumentality for the commencement of some illegitimate purpose. The Supreme Court of the United States said:

> The creation of the Continental Co., the purchase and resale of contracts enabling it to make more than $8,000,000 without capital, risk, or effort; the assignment of the contract to the resale purchasers at a small fraction of its probable value, and the purpose to conceal the disposition of its assets make it plain that the company was created for some illegitimate purpose. * * *
>
> The record shows * * * that the Government, notwithstanding the diligence reasonably to be expected, was unable to obtain the testimony of Blackmer, O'Neil, Stewart, Everhart, or Osler in respect of the transaction by which the Liberty bonds recently acquired by the Continental Co. were given to and used by Fall. * * *

Mr. President, I will not take the time to read it, but I should like to have inserted in the RECORD a letter which calls attention, it seems to me, to several important items.

The Standard Oil Co. of Indiana is involved in this transaction. If in this deal, which was made in New York, the representatives of these oil companies who bought oil of Humphreys themselves and then used this trading company to transfer it to their company were honest and really bought it, they were cheating their own companies, and the Standard Oil Co. of Indiana was one of the victims as well as the Sinclair company and O'Neil company. In other words, the officials of these companies were buying oil at $1.50 a barrel and selling it to their own companies at $1.75 a barrel, and they were using this fraudulent corporation as a go-between to make the transfer. So that the stockholders of each one of these companies, assuming that this transaction had not some other ulterior purpose, were being robbed by their officials, and among the number comes the Standard Oil Co. of Indiana, owned to a great extent, I am informed, by Mr. Rockefeller and the Rockefeller Foundation.

I have a letter written to me by Mr. Green, of Chicago, Ill., referring to that, and I ask unanimous consent to have it printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

The letter is as follows:

CHICAGO, *December 1, 1927.*

Hon. GEORGE W. NORRIS,
Washington, D. C.

DEAR SENATOR: In these times when such unconscionable efforts are being made to shield the criminals in the Teapot Dome oil case and make it appear that it is the officials of this Government who are the ones responsible for jury tampering, is it not well to consider that the interests which would have been the most benefited had our Government been unsuccessful in recovering its own property are the ones who are supplying the funds to protect the oil criminals in this country as well as paying others to remain away from the country?

The decision of the Supreme Court links together in a chain of evidence that can not be broken the Standard Oil Co. of Indiana, with the Sinclair company in their united attempt to rob the Nation of its Teapot Dome deposits of oil set aside by Congress for the defense of this country.

The Standard Oil Co. of Indiana has authoritatively proclaimed through its advertisements that the Rockefeller Foundation is the largest stockholder in the Standard Oil Co. of Indiana and that the three largest influences in that company are the Rockefeller Foundation, the employees, and the General Education Board.

The decision of the United States Supreme Court declares that the Standard Oil Co. of Indiana and the Sinclair Consolidated Oil Corporation own, share and share alike, the Sinclair Pipe Line Co. and the Sinclair Oil Purchasing Co. and that the performance with the Continental Trading Co. of Canada, which was created for some illegitimate purpose, was guaranteed by Robert W. Stewart, chairman of the board of directors of the Standard Oil Co. of Indiana, and Sinclair, chairman of the board of directors of the Sinclair oil organization.

The decision of the United States Supreme Court also cites the departure from this country for Europe in 1924 of H. M. Blackmer, of the Midwest Refining Co., a subsidiary of the Standard Oil Co. of Indiana, and James O'Neil, of the Prairie Oil & Gas Co., and the absence from American jurisdiction of Robert W. Stewart, of the Standard Oil Co. of Indiana, at the time of the trial of the case in Cheyenne, Wyo.

The Rockefeller Foundation professes to be an organization established with the chartered purpose to promote the well-being of mankind throughout the world, and that its charter is a pledge of limitless

faith in the power of progress, in the triumph of good over evil, of education over ignorance, of brotherly love over selfishness.

And yet in the face of these sublime sentiments the Rockefeller Foundation, with John D. Rockefeller, jr., the chairman of its board of trustees, seems never to have made an effort to have the industrial organization which it controls restore the Teapot Dome deposits of oil to this Government, where they belong, but rather have the officials of the foundation, by their inaction and apathy, invited a suspicion that they hoped the Standard Oil Co. of Indiana and its confederate might be able to retain the spoil of their attempted banditry and that it is disappointed at the result.

What a deplorable case of covetous greed and hypocrisy, of corruption, collusion and fraud, of disloyalty to this country has been exposed by the United States Supreme Court.

Why should not John D. Rockefeller, jr., chairman of the board of directors, and George E. Vincent, president of the Rockefeller Foundation, be subpœnaed by the Government or the Senate committee and be questioned regarding the disposition of the $8,000,000 transaction in the Continental Oil deal and the scandalous activities of Stewart and other subordinate officials in the Standard Oil Co. of Indiana, the control of which appears to be vested in the Rockefeller Foundation, the Rockefeller Educational Bureau, and the employees of the Standard Oil Co. of Indiana? Why prosecute the tools and dummies and let the principals behind the scene remain unmolested?

Yours very truly,

A. W. GREEN,
7½ Board of Trade, Chicago, Ill.

Mr. NORRIS. Mr. President, I believe that is all I have to say, and I am much obliged to the Senator from Mississippi for yielding to me.

THE TARIFF AND AGRICULTURAL RELIEF

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. MCMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

Mr. HARRISON. Mr. President, it was a pitiable spectacle yesterday to see the distinguished Senator from Utah [Mr. SMOOT] standing in his accustomed place speaking in behalf of the protected interests of this country and trying to defend the nefarious provisions of the present tariff law. It drew even from my warm-hearted Democratic breast some sympathy for the distinguished Senator, because all through his address his former fellow conspirators in crime deserted him and he took refuge by reading to the Senate resolutions which had been adopted by the United States Chamber of Commerce, composed in large measure of distinguished bankers and manufacturers of the country, which resolutions expressed views contrary to his, even going to the extent of saying that the tariff should be revised so that agriculture might be lifted and be placed upon an equality or at least a partial equality with the manufacturing industry. Then he took occasion to criticize the American delegation to the Economic Conference at Geneva because their work was contrary to his views touching this matter. He stood there forlorn, though, defending the old bill and old system, like the boy who stood upon the burning deck, "whence all but him had fled."

I am sorry that the distinguished Senator from Utah is not now in the Chamber. He probably will wend his way in in a moment. He took umbrage at the Senator from South Dakota [Mr. MCMASTER] yesterday because the Senator from South Dakota left the Senate Chamber for about 10 minutes during that four-hour speech. He forgot that about the only person who did listen to all of the speech happened to be in the galleries and went crazy during the discourse. The poor fellow even yelled "Murder." But the Senator probably will return in a moment. It was perfectly natural that he should have read from the message of the President of the United States both to the Chicago congress and to the American Congress as to the importations of agricultural products and the benefits that agriculture received from this system.

The distinguished Senator from Utah, when he has a lucid interval, is sometimes right; but the trouble is that he does not stand long enough in one place. I recall, and other Senators recall, that last fall we read in the papers that the distinguished Senator from Utah visited Washington and gave out to the press a statement in which he said that the American people were entitled to share in these large surpluses that had been accumulated from the exactions of the Government from the taxpayers of the country, and that he would exercise his high position as chairman of the Finance Committee of the Senate in seeing to it when the Congress convened that they should be given immediate tax reduction, and the reduction would be higher than the amount that Mr. Mellon had said the Treasury would stand; that he was in favor of going higher than any $250,000,000.

We had some hope then that perhaps we would get some relief from these burdens of direct taxes; but some weeks after that the Senator again visited the Secretary of the Treasury, and he had a confab with him, and he came out and gave to the press another statement in which he said, "No; we can not pass a bill carrying a larger amount of reduction than that recommended by the Secretary of the Treasury. We must confine our work in tax reduction to $250,000,000." He still held to the view, however, that this surplus had been piled up through the exactions of the Government from the taxpayers, and that immediate tax reforms should be entered upon by the American Congress when we convened in December.

The Senator, however, is still on speaking terms with the Secretary of the Treasury; and the other day he had another conference with him. Then he came out and said that now the Secretary and he are agreed that there should be no tax reduction until after the 15th of March; and this morning I read with amazement in the papers that this same distinguished leader says that they have the votes in the Finance Committee to prevent the Democrats from bringing it out and giving an immediate reduction to the American taxpayer; so he is rather inconsistent in his position. Little wonder that yesterday he, and he alone, would speak a word in defense of the duties written in behalf of the Aluminum Trust. Mr. Mellon, you know, and his family dominate that suffering concern.

Mr. President, "Truth crushed to earth shall rise again." Facts will tell. It was a beautiful and a roseate setting that you gentlemen over there constructed in 1921, when you steered to passage the emergency tariff bill. All the ills of the farmer were to be cured in the pages of that law. No longer was depression to confront him. No longer were hardships to handicap him and adversity to advance upon him. The cure had been found, and the remedy was to be applied, and through its soothing application all irritation was to be removed, and a recurrence of the disease made impossible.

Ah, what a beautiful rainbow, with all the radiant colors, did you stretch across the heavens presaging hope to the American farmer! Through the duties in that bill you made beds throughout the fields of agriculture that the farmer might rest his weary head and recline his tired body. His fields were to became verdant with plenty, and his prices were to soar to high heaven. To the farmer the old moon seemed to shine more softly and the sun more gently. In your work at that time, however, you were only applying an anesthetic to him that you might perform a major operation on him in the next Congress, when you intended, and you did, to pile higher tariff duties against him and for the protected manufacturers of the country.

But the farmer soon came out of his coma. He soon saw that a job was being put up on him. The man in the moon began to wink his eye, and the old sun got angry and hot under the collar. He saw the rainbow of hope and anticipation disappear and fade from his view. Those roseate beds upon which he laid down to rest his tired and depressed body soon became hard and uncomfortable. The trap that you had prepared had entrapped yourselves. Those wonderful fields, so verdant with promise, that you told him about began to grow up with the weeds of retaliation, cockleburs of entanglements, and the thistles that pricked him on every side. It was not long, sirs, until the skies became overcast—at first clouds no larger than the hand made their appearance and day by day they have enlarged, until now a storm threatens and a downpour of condemnation awaits you in the coming election. The trap you fixed has entrapped you. The gun you loaded has recoiled upon you.

The farmer sees now, as never before, what the iniquitous protective-tariff system, with all its discriminating influences, does for him. He understands now, as never before, that you can not through artificial measures give protection to this and that and work equality to all the industries of America. It will not do. Too much depends upon the consideration. The farmers of the country can not compete with the bloated special interests. Then, too, the law of economics will not permit it. Long have those who believed as I believe prophesied that the time would come under such a system when the purchasing power of those highly protected industries would soar high, while that of agriculture would decline until the difference would become apparent to everyone. And yet my friend from Utah on yesterday said that there was no difference between the farmer's dollar and the manufacturer's dollar! He really believes that. Why, he said that talking about differences in exchanging of the product of the farmer for those things that the manufacturer produces was out of the question.

Before I finish I expect to show the purchasing power of the farmer's dollar when compared to the manufacturer's dollar,

and how small is that which may be received by the farmer when he takes his products to the market and exchanges them for some of the things that it is necessary for him to buy.

What do the facts show? And when I talk to-day I am not talking along Democratic principles. I know there are men on the other side of the aisle who believe just as strongly as I do that this system of protection has enriched one class while it has pauperized another class. I know of no legislation that has been presented to the American Congress that I regretted being unable support more than the legislation proposed by the distinguished Senator from Oregon [Mr. McNARY], known as the McNary-Haugen bill. I wanted to support anything that might help the farmers; and unless this system can be changed by the American representatives as it is now upon the statute books, I do not know, my friends, but that I shall vote for the proposition. I was against it because I was afraid it might perpetuate this iniquitous tariff system upon the country. Of course, the tariff was not written into its pages, but it was the tariff that made it possible for you to lift the prices as you sought to do.

While I could not support that measure, I welcome the resolution of the distinguished Senator from South Dakota [Mr. McMASTER]. I believe much support for it will come from the other side, because I know how truly those who are working with the Senator for the passage of the resolution represent the wishes of that great section of the country that has seen its purchasing power go down while that of the manufacturers of the country has gradually climbed higher. I am not so much interested in the particular wording of the resolution. If you want to change it so as to stand for revision of the tariff downward from the general tariff levels now upon the statute books, that is all right; but if you want to leave it as it is, for the lowering of tariff duties, it meets my viewpoint.

I know that the Senator from South Dakota did not intend by his resolution to favor the lowering of the tariff duties on every article. He was only striking at the whole tariff system as it is now on the statute books, and he wanted the Committee on Ways and Means of the House and the Finance Committee of the Senate so to draft it as to carry out the general idea of a tariff revision downward. To put it merely "tariff revision" would not suffice, because I recall, and you recall, that in one of the memorable campaigns in this country a distinguished candidate for President who now adorns the Supreme Court of the United States said, following the enactment of the Payne-Aldrich tariff law, that he construed "revision" not to mean "downward" but "upward."

But, Mr. President, let us look at the cold facts in this situation. Let us analyze the ad valorem duties upon these agricultural products that were placed in the emergency tariff and incorporated in the main in the general tariff law, and then see how they compare with the ad valorem rates carried on many of the things that the farmer buys.

Mr. President, I do not assume that the rates on agriculture in the present law protect agriculture. I believe that the whole scheme was a delusion and a snare. I knew, when it was written, that it would not work. The distinguished gentlemen over there who sponsored the measure and who sit before me now knew it would not work; but they were willing to offer the sop to the farmers of the Middle West and the West in the hope that they might continue to keep them within the folds of Republicanism.

My friend from Indiana, Senator WATSON——

Mr. WATSON rose.

Mr. HARRISON. I yield to him.

Mr. WATSON. Is the Senator aware of the fact that the agricultural schedules of the present tariff law were largely framed by the heads of the Agricultural Department as represented in the city of Washington, and that after they had been formulated they were carried to those heads and approved practically without a single dissenting voice on any one of the items involved?

Mr. HARRISON. That does not contradict anything I have said, may I say to the Senator, and I hope he will just restrain himself a little while and give me the benefit of his smiling countenance, and I shall convince him that it does not have any effect upon me.

Mr. WATSON. No; I imagine not.

Mr. HARRISON. Not a bit in the world. I believe in certain principles, and because some one else takes the opposite view it does not change my allegiance to those principles. I am going to read to the Senate the differences and compare the rates on agricultural products which the Senator and his colleagues imposed with the ad valorem rates on manufactured products. I said that that was a paper comparison. That does not mean an actual comparison, because it is impossible to compare them. The Senator from Indiana knows that it makes no difference what tariff duties you may impose upon cotton of the short-staple variety, it could not possibly affect the price of it.

The Senator and his colleagues know that distinguished leaders of the Republican Party have always said that the tariff on wheat did not affect the price of wheat. Let me read for the Senator's edification, that the RECORD may still contain them, some expressions of some very distinguished leaders of his party who have made that contention, although you placed this high duty upon wheat and the President, in his generosity and his ambition at the time—because then he chose to run again—still lifted the price of wheat. But, unfortunately, from that time on in most instances the price of wheat on quotations in Winnipeg has been higher than either at Minneapolis or Chicago.

The Senator does not contradict that proposition. For nine days after the emergency tariff law had been signed by the President wheat went down 9 cents a bushel. Yet they tried to make the farmers of the great Northwest believe that they were going to cure all their ills.

I do not know how to get along without my friend from Utah [Mr. SMOOT] in his seat. He was on a commission back in 1907, a commission appointed to investigate this whole agricultural situation from the standpoint of the tariff. He served on that commission with the late distinguished leader of the majority side of the Senate, Senator Lodge, and other distinguished Republicans. Also on that commission was the last chairman of the Finance Committee of the Senate before the Senator from Utah, Senator McCumber.

These are the men who made up that commission in 1907: Senator Gallinger, Senator Lodge, Senator Crawford, of South Dakota, Senator SMOOT, of Utah, and Senator McCumber, of North Dakota. They said in their report:

> The tariff on the farmer's products, such as wheat, corn, rye, barley, cattle, and other livestock, did not and could not in any way affect the prices of these products.

My friend from Utah can read that in the RECORD to-morrow. Our late friend, the distinguished Senator from Iowa, Mr. Cummins, stated, in answer to a question, that he did not believe that the tariff affected the price of wheat, and said:

> It is idle for even an enthusiast to assert that the price of these products is directly affected by the protective tariff.

Mr. Bristow, then a Senator from the State of the next Republican nominee for President—not even that suggestion awakes the Senator from Kansas [Mr. CURTIS] from his slumbers—said:

> We raise far more wheat, corn, cattle, and hogs than we consume, and the result is that the farmer can not be protected by a tariff because the price of his produce is fixed by the world market.

Senator Nelson, of Minnesota, expressed this view in reference to the matter:

> I do not recall the millions of bushels produced in the State of Minnesota, but I desire to tell the Senator that the tariff on wheat, which is on the statute books, has not done us a particle of good. It would be like a tariff on cotton, because up to this time we have been exporting from 150,000,000 to 250,000,000 bushels of wheat a year. The price of our wheat is fixed by the Liverpool price—the export price—and no duty up to this time has helped us.

The fact is, Mr. President, that only on one kind of wheat—that is, No. 1 northern spring wheat—can the tariff duty have any effect at all. That particular kind of wheat, experts tell us, is mixed with other kinds of wheat in the making of certain kinds of flour, and to some extent that grade is imported, when there is not enough of that grade of wheat in the Dakotas, in Minnesota, perhaps, and in Montana; but that is only a small percentage of the great bulk of wheat in this country.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. HARRISON. I yield to the Senator.

Mr. WATSON. Do I understand the Senator, then, from his argument, to take the position that we should at once repeal the tariff duties on all agricultural products?

Mr. HARRISON. I did not say that. The Senator certainly did not understand me to say that.

Mr. WATSON. If the tariff is of no earthly avail, and does not help in any respect, or one particle, why have it?

Mr. HARRISON. The Senator did not rise to contradict what these distinguished Senators said with reference to this matter.

Mr. WATSON. I am not interested in that. That was 18 years ago. I am interested in the Senator. What does he think?

Mr. HARRISON. The Senator should accept their views. They were, and some of them still are, leaders of his party. I would so adjust the tariff rates, if I could write a bill, that if of this particular kind of wheat there was some imported into this country, and we could raise some revenue and could lift it to a competitive basis—and we could—I would put a tariff on that particular kind. I would look with the greatest particular favor on the products of the farmer that could possibly be benefited by the tariff, so that I could help to lift the farmer's products to a parity with the protected products of the manufacturers of this country. The Senator knows I am trying to show to him that these paper rates on agricultural products are merely on paper, and do not, practically speaking, bring the benefits he talks about.

Mr. WATSON. Will the Senator yield for another interruption?

Mr. HARRISON. I do.

Mr. WATSON. The last Democratic revenue tariff law passed—the Underwood-Simmons law—gave practical free trade on all agricultural products, and in one year thereafter there was brought into the United States a total of agricultural products of $350,000,000, in that single year, more than in the whole four years under the preceding tariff administration. Does the Senator hold that that was for the good of agriculture in the United States?

Mr. HARRISON. The trouble about the Senator is that his mind has been on other propositions and he has not looked at the facts lately. He is a little wrong on the facts, and I am going to give them to him before I have finished with that particular proposition.

Mr. WATSON. I will be very glad to have them.

Mr. HARRISON. So far as wheat is concerned, I have stated the situation. Let us take corn, on which they put their tariff rate. We raise in this country over 2,000,000,000 bushels and import into it about 1,000,000 bushels a year. We export ten times as much corn as we import. No one can contend that the tariff on corn helps the corn farmers of this country.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. HARRISON. The only kind of corn that is imported is some that comes to the Pacific coast, of a character that is not produced in this country. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. I want to call the Senator's attention to the fact that we produced very nearly 3,000,000,000 bushels of corn last year. In 1926 we imported 1,055,000 bushels.

Mr. HARRISON. I thank the Senator for the correction.

Mr. SHIPSTEAD. And that corn that is imported, I would like to state to the Senator, is imported for chicken feed, because it is of a small kernel, coming from Argentina.

Mr. HARRISON. And we exported many times more than we imported of corn in this country. So you can take these duties placed upon agricultural products in the most instances and you will find they are not effective at all.

Mr. FESS. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. FESS. The American Farm Federation has just presented the case for an increase of the tariff on corn.

Mr. HARRISON. I am not surprised at that. It is made up of Republicans for the most part.

Mr. FESS. The American Farm Federation?

Mr. HARRISON. I thought the Senator said the Tariff Commission.

Mr. FESS. Oh, no; it is the American Farm Federation.

Mr. HARRISON. I think they are wrong, that is all. Does not the Senator think they are wrong about it?

Mr. FESS. The Senator does not think they are wrong.

Mr. HARRISON. The Senator does not? He thinks that where we produce 3,000,000,000 bushels of corn in the United States and import a million bushels, and when we export billions, we still ought to have a tariff on corn, that it helps somebody? That is his idea of the proposition? When for me it does not make any difference. The tariff on corn is ineffective one way or the other.

Mr. President, in the ad valorem rates upon these products corn got a 16 per cent ad valorem duty, hogs about 5 per cent, cattle 32½ per cent, wheat 31 per cent, potatoes 22 per cent, oats 31 per cent, apples 12½ per cent, barley 27 per cent, rye 14 per cent, and on down the line. Let me read, in comparison with those paper duties, the ad valorem rates upon some manufactured products. Let us see how they compare.

Woolen manufactures: The ad valorem is 61 per cent.

Cotton manufactures: The ad valorem is 47 per cent.

Silk manufactures: The ad valorem is 60 per cent.

Metals: The ad valorem is 49 per cent.

Pottery and earthenware: The ad valorem is 60 per cent.

Those are some of the things that the farmer buys, carrying these high ad valorem rates, from 50 to 60 per cent, and more, while your little paper rates on agricultural products range down as low as 5 per cent ad valorem.

That is not all, Mr. President. Here are some of the increases in the present law that affect the agricultural interests of this country. The factory value of chemicals in this country is approximately $630,000,000. Chemicals are a serious cost factor in textiles, leather, steel, and other industries, yet most of the rates on acids are practically prohibitive, and such articles as potassium compounds, sodium compounds, flavoring extracts, lead compounds, and calciums, are so heavily taxed that approximately only $20,000,000 worth subject to duties under the chemical schedule are imported annually. While paints and colors and pigments carry duties averaging as high as 32 per cent, and the factory value of the domestic output approximates $400,000,000 annually, we import only about two and a half million dollars' worth annually. Our exports range around $15,000,000 of that item alone.

Soap is taxed 30 per cent, with a value of production in the United States approximating $300,000,000 annually. Seven and a half million dollars' worth only is exported annually, and the tariff is so high as to permit $550,000 worth of importations annually.

Iron and steel products: The distinguished Senator from Utah told the Senator from South Dakota yesterday that he could not point out anything that cost the farmer more by virtue of this proposition. Iron and steel products are a large cost factor in practically every industry in America. Coal and iron are the two great basic commodities which underlie all industry. In the face of these facts we now find the tariff restored on pig iron, steel rails, and all the alloys, and most other materials. Although the United States produces 60 per cent of the world's pig iron and steel, the new tariff on pig iron and iron in slabs and blooms was raised to as much as 36 per cent. I shall not continue down the line. The iron and steel schedule shows imports of $26,000,000 and revenues of only $7,500,000 annually.

There is an average ad valorem tariff duty of 29 per cent on these items, yet the total exports of steel and iron products is $221,000,000 annually, and the value of iron and steel products in the United States is $7,000,000,000. Every product that the farmer buys into which iron or steel enters is increased in cost to the farmer by virtue of the rates imposed under this law.

Let us take earthenware. The farmers buy that. Duties were heaped on the crude materials from which earthenware is made, such as magnesite and graphite, and they were taken from the free list and placed upon the dutiable list, making earthenware cost more to the American farmer in every product made from that particular material.

Glass and glass products were increased, affecting the cost of every article in which glass enters. Every goblet and pane of glass the farmer buys is increased in price by virtue of the tariff. The great automobile industry of the country needs glass, and every time we increase the price of glass to them we increase the cost of the automobile to the American farmer and to every automobile user in the country.

Sixty-two million dollars' worth of jute bagging and cordage and manufactured flax and hemp was imported to this country. These articles were taken from the free list.

In the matter of linoleum, some farmers like to have linoleum to put upon the floor in their kitchen or their dining room, or maybe even in their parlor or sitting room, and yet there was a high tariff put on linoleum when the domestic production of it is $52,000,000 annually.

In the matter of silk manufactures, of course, those gentlemen who wrote this law do not believe that a farmer's wife should have anything made out of silk, that that sort of thing must be left to those who are more fortunately protected in the great manufacturing interests of the country. The importations of silk manufactures were $36,000,000, notwithstanding the great increase in silk consumption in the United States. The principal silk fabric comprising silk manufactures comes in at 55 and 60 per cent ad valorem. Importations of silk wearing apparel were only $8,000,000 annually. The factory value of silk in this country is $800,000,000. It is manifest that this great class of luxuries, retailing at $1,000,000,000 to $1,250,000,000 annually, should pay more than $17,000,000 in revenue to the Government.

These are some of the things that make the task of the farmer hard; that make his cost of living high. Ah, but the President of the United States, as quoted yesterday by the Senator from Utah, said that over $780,000,000 of importations into this country affected the farmer, that duties upon dutiable

farm products amounting to $780,000,000 worth came into this country that go to benefit the American farmer. What does he include in that list? Among other things he included sugar. Sugar! One man on the Tariff Commission was practically discharged and sent as minister to Rumania because he stood for a reduction of the exorbitant rates on sugar. If there is one thing that is costing the American people millions and millions of dollars it is the high rates on sugar. There are certain products which are raised by the farmer which, when they are imported into this country, benefit the farmer to the amount of the tariff that is imposed. Sugar is one of those propositions, but it does not benefit all the farmers. It does not benefit the cotton farmer, and there are some 12,000,000 of them. It does not benefit some 8,000,000 or 9,000,000 of wheat farmers in the country. They all buy sugar. It does not benefit the tobacco growers, who are farmers. It does not benefit the corn farmers, and there are some 15,000,000 to 20,000,000 of those in this country. But the 150,000, or possibly a few more, of sugar producers, either of sugar cane or sugar beets, are benefited to the extent of the tariff imposed on sugar.

And so when the President was talking about these large amounts of importations in agricultural products he included tobacco, sugar, and wool. What a very small percentage of the American farmers are interested in wool. Every time a tariff rate on wool is raised, it naturally causes the price of those things from which wool is made to be raised to those farmers who are not producing wool. The same is true of sugar. So far as the tobacco farmer is concerned, he is very small in number, there being not over 150,000 who raise tobacco. Those who are reporting the raising of tobacco are engaged in the production of other products.

So the large importations of which President Coolidge spoke as amounting to $780,000,000, in which the farmer is interested and by which he said the farmer is benefited, do not really benefit him. If he would segregate the small number benefited by the sugar tariff, if he would segregate the small number benefited by the tobacco tariff, he would see the inequality of the proposition compared to the great number of cotton farmers in the country whose products increase in price by virtue of those rates, and the great number of wheat farmers in the country whose products are increased by those rates, and the 15,000,000 or 20,000,000 of people interested in corn production in the country who must pay the higher prices for those products. And as to the tobacco farmers, they get no protection from the duties on tobacco. The only kind of tobacco imported are the kinds not raised in this country. Our own tobacco growers have a monopoly on our home market.

Yesterday the Senator from Utah [Mr. SMOOT] said if we would lower the tariff 10 per cent on everything it would affect the revenues of the Government. Mr. President, there are certain products imported into this country which, I do not care how high may be the duty placed upon them, have no effect. If we placed a duty of a dollar a pound on short-staple cotton, we could not affect the price of cotton. We look to the markets of the world to sell our surplus cotton. If we placed a duty of a dollar a bushel upon wheat, only when we had a depressed condition in Montana and in the Dakotas, when the farmers of that section failed to produce a sufficient amount of No. 1 northern spring wheat and an adequate surplus of it could be had in Canada, would it affect in the slightest the price of wheat in this country? If we put a duty of a dollar a bushel upon corn, we could not possibly affect the price of corn. The same is true of hay, rye, and similar products. It is not so true with reference to rice, because we import some rice and wherever we import a product and lay a duty upon it, it does to some extent incidentally give some protection to the producers of that particular product. But the number of rice farmers is only 11,476 in the whole United States.

Mr. President, I submit, under the rates which I have read, carried in the present law on the manufactured goods of this country, comparing them with the small paper protection that is given to agriculture, that there can not be an equilibrium established between those two great industries. If it is maintained long the farmer can do nothing except to leave his farm, go out of the farming business, with all the consequences that will inevitably follow from such a condition.

The distinguished Senator from Utah [Mr. SMOOT] on yesterday—and it was hinted by the Senator from Indiana [Mr. WATSON] a moment ago—spoke of the large amount of importations coming into this country in 1920 and 1921. The Senators forgot to state that there were very large increases in exportations during those times. It is quite true that importations in 1921 over 1920 showed an increase of $619,000,000. That is true. But, Mr. President, the amount of increased importations was in raw materials which came in at that time. The amount of increase in manufactured products which came in during 1921 over 1920 was only $44,000,000, and during the year the Senator spoke of we exported $1,000,000,000 more of manufactured products that we imported into the United States. If the Senator will take into consideration what Mr. Hoover said in his reports on two occasions, that the increased importations "were due to the advanced prices at that time," he would have a different idea about the situation. The Senator knows, though he might not rise in his place in the Senate and say it, that a dollar before the war bought more than it did in 1920 or to-day. So the value of things are higher. So if we take the value of importations before the war and compare them with 1920 and 1921, we find there is practically no difference in the amount of importations into this country.

Talk about importations! That is not the key to the situation. The success of the tariff system is revealed in the balance of trade which is shown between the exportations and the importations into this country. Give us a tariff system that will bring $2,000,000,000 worth of gold into this country annually over one that only shows a difference of $200,000,000 or $300,000,000 between exportations and importations.

The success of the system which the Senator from Utah has perpetrated on the country has been mentioned. Mr. President, I want to read to him from the reports showing that under his system this law has not worked so beautifully in the interest of this country.

Take the year 1923. The Republican majority had placed this law upon the statute books, and yet what were the exportations and importations of agricultural products during that year? To hear the Senator from Utah [Mr. SMOOT] and the Senator from Indiana [Mr. WATSON] speak one would certainly think that under the benign influence of this system the exportations of agricultural products were more than the importations into this country, and yet what are the facts? Let me drill them into the minds of Senators on the other side of the Chamber. In 1923 the exports of agricultural products were $1,799,000,000.

Mr. WATSON. Is the Senator referring to the fiscal year or the calendar year?

Mr. HARRISON. To the fiscal year.

Mr. WATSON. The year beginning with June, 1923?

Mr. HARRISON. I am referring to the fiscal year 1923. These figures I am quoting were furnished me by one of the authorized agencies of the Government.

Mr. WATSON. Are the figures for the year beginning June 30, 1922, or June 30, 1923?

Mr. HARRISON. I think on reflection that these figures are for the calendar year 1923, but I do not care whether they are for the calendar year or the fiscal year. The Senator from Indiana is employing his usual talent when he is driven to the wall of trying to confuse the issue.

Mr. WATSON. The only difference is——

Mr. HARRISON. Whether the figures are for the fiscal year beginning on the 1st of July, 1922, or on the 1st of July, 1923, or for the calendar year beginning on the 1st of January, 1922, or the 1st of January, 1923, I do not care.

Mr. WATSON. Of course, the Senator would not care——

Mr. HARRISON. No.

Mr. WATSON. Because he is not paying much attention to the facts; but what I am trying to get into the Senator's mind——

Mr. HARRISON. The difficulty is that I get my figures from one of the authorized agencies of the Government, while the Senator from Indiana takes his figures from his own head. That is the reason that I am usually right and he is always wrong.

Mr. WATSON. May I say to the Senator from Mississippi something I have got in my head that I want to transfer to his?

Mr. HARRISON. Very well; I hope the Senator will "shoot" it.

Mr. WATSON. I shall be very glad to do so. The Senator from Mississippi is reading from figures for the fiscal year beginning on the 30th of June, 1922, and running to the 30th of June, 1923. Three months of that time were under the Underwood Tariff Act, because the Fordney-McCumber tariff law did not go into effect until the latter part of September, 1923. Not only that, but if the Senator from Mississippi will look into the history of all tariff acts he will find that before the new tariff rates go into effect there are always large importations, because people rush in to take advantage of the low tariff before the high rates are imposed. That is the universal history of tariff making in the United States, and that will account in part for the large importations to which the Senator calls attention.

Mr. HARRISON. Has the Senator from Indiana finished?

Mr. WATSON. I have.

Mr. HARRISON. Then, I am not going to give the figures for 1923. Let us take the year 1926. I think the present tariff law was in force then. How will that suit the Senator?

Mr. WATSON. Yes; it was.

Mr. HARRISON. Well, let us see about those figures. The exportations of agricultural products in 1926 amounted to $1,891,000,000, while the importations were $1,918,000,000—practically $50,000,000 more of imports than of exports of agricultural products. Has the Senator from Indiana anything to say now?

Mr. WATSON. Certainly I have.

Mr. HARRISON. Of course, I knew the Senator would have.

Mr. WATSON. Certainly I have. I have to say, in the first place, that I understand the Senator's argument to be that the tariff on agricultural products is wholly ineffective and can not be made effective; and, in the second place, if the imports are interfering with American agriculture and an increase of those rates would make the tariff effective, then we ought to impose higher rates. I want to say to my friend that I am one of those who believe that wherein tariff is ineffective, if we can not make it effective as to agricultural products by the imposition of increased rates, then we should buttress the tariff by some such measure as the McNary-Haugen bill, so as to make those rates effective as to agricultural products, because I will ask my friend if he does not concede—and I understood him to say a while ago that he intended to support the McNary-Haugen bill——

Mr. HARRISON. I said if the Republican majority continued to carry on their nefarious practice of keeping present tariff rates in force, to the great disadvantage of agriculture, I might be forced to accept that proposition.

Mr. WATSON. There are a great many things I might say about that.

Mr. HARRISON. Yes.

Mr. WATSON. For instance, I will digress long enough to ask if the Senator from Mississippi did not vote against the imposition of every one of the agricultural rates which the tariff law imposes?

Mr. HARRISON. I opposed the emergency tariff bill, and with my small ability, but more enthusiasm, I likewise opposed the indefensible rates carried in the McCumber tariff law.

Mr. WATSON. The Senator opposed that?

Mr. HARRISON. I stood upon this floor for three weeks and opposed it for this reason, may I say to the Senator: I knew that he was applying the first dose to the farmers of the country so that he might perpetuate the obnoxious protective tariff system upon the country. I knew that when the Republican Party had succeeded in imposing these duties upon agricultural commodities, duties which the Senator said in many instances were but a sham and a fraud and he did not believe they would work——

Mr. WATSON. Oh, no; I said no such thing.

Mr. HARRISON. They had it in mind to come along with a major operation and give to the manufacturers a thousand per cent more protection than was given to the farmers. My position about that matter has always been consistent, I will say to the Senator.

Mr. WATSON. The Senator has always been absolutely consistent.

Mr. HARRISON. Yes.

Mr. WATSON. The Senator from Mississippi is the one free trader that I know in this body——

Mr. HARRISON. No; the Senator can not properly say that.

Mr. WATSON. I mean by that that the Senator is the one man——

Mr. HARRISON. The Senator has made this political speech so often that he is in the habit of saying that anyone who is a Democrat is a free trader, but the Senator can not find in any tariff law the Democrats ever enacted or ever wrote anything to indicate that it was a free-trade measure.

Mr. WATSON. Then the Democratic Party is not consistent.

Mr. HARRISON. The Democratic Party is consistent.

Mr. WATSON. It is not consistent because a revenue tariff essentially means free trade.

Mr. HARRISON. That statement shows the Senator's idea of a revenue tariff. The Democratic Party does not try to fool anybody in this country.

Mr. WATSON. The Senator knows just as well as that he is alive—and he is a pretty live citizen, I will say—that a revenue tariff means free trade in all competing products.

Mr. HARRISON. It does not mean anything of the kind.

Mr. WATSON. That is precisely what it does mean.

Mr. HARRISON. That is merely the Senator's view about it.

Mr. WATSON. However, I am not going into that discussion with the Senator. What I desire to come to is this: That the Senator voted against every one of the duties on agricultural products grown in this country.

Mr. HARRISON. I presume I did, and I voted against all of the exorbitant increases in duties which the Republican Party put upon manufactured products.

Mr. WATSON. The Senator voted against every rate imposed, so far as I remember, in the present tariff law, and now he turns around and abuses us and pours out the vials of his wrath upon our heads——

Mr. HARRISON. And you need it.

Mr. WATSON. Because in an effort to impose tariff duties satisfactory to all the agricultural interests as to their efficacy we did not put them high enough to exclude all foreign agricultural products, although the Senator was against imposing tariff duties on any agricultural product coming into this country from abroad. Now, who is in a better position on that proposition? We did our level best. When we passed that act we believed that those rates would prove effective; we had every reason to believe that they would do so because everyone interested in the question who came before us testified that those rates would be effective. We acepted their conclusion; we incorporated their suggestions in the bill, and many of them have proved effective, although some have not. Now, who is in a better position on that question—the Senator from Mississippi or the Senator from Indiana?

Mr. HARRISON. The Senator's conscience never hurts him about any legislative action which he may have taken, but if it ever did prick him it certainly ought to do so for his action in this instance. As for me, I am merely consistent in my attitude all the way through. I thought that it was a piece of hypocrisy, that it was a sham and pretense; I did not believe that the tariff on corn would be effective and it has proven not to be; I did not believe that the tariff on wheat would be effective and it has proven not to be; I did not believe the tariff on hay would be effective, and it has proven not to be.

Mr. McNARY rose.

Mr. HARRISON. I yield now to the Senator from Oregon.

Mr. WATSON. If I may be pardoned a moment, let me ask the Senator from Mississippi another question. The Senator voted against the rates imposed by the emergency tariff law?

Mr. HARRISON. Yes.

Mr. WATSON. Is it not a fact that the Tariff Commission itself found, and is it not the universal testimony of the farmers everywhere who have any knowledge of the subject, that the emergency tariff law actually saved the wool industry of the United States from destruction? Is it not further a fact that the rates imposed by the emergency tariff act greatly aided the dairy interests of the United States as well? What does the Senator say about that?

Mr. HARRISON. The Senator did not understand me. I have never said the tariff on wool was not effective; there is not any question about that, because we import wool every year. We do not produce sufficient wool in this country to take care of our consumption.

Mr. WATSON. But my friend from Mississippi voted against the tariff duty in that instance.

Mr. HARRISON. I did vote against it, and I would vote against it again. It was too high, and the benefits it gives to a small group did not begin to measure in the great disadvantages it worked upon so many more.

Mr. WATSON. Then, if it was effective, why did the Senator vote against it?

Mr. HARRISON. I would not put wool upon the free list. Wool is a revenue producer. A rate of duty much higher than the present rate could be put on wool and a great deal more revenue could then be raised from it, and, so far as that is concerned, on other items, such as sugar, greater revenue can be raised by virtue of the duty which is imposed because of the large importations that might come in during certain years.

Mr. WATSON. Yes; but the Senator voted against those duties either as protective measures or as revenue measures.

Mr. HARRISON. Yes; but I do not think the duty imposed on the wool saved the wool growers of the country. The Republican Party put a tariff duty on raw wool and then they allowed compensatory duties upon every item going into the finished woolen products, and thus allowed the woolen manufacturers to increase their prices to the innumerable millions of farmers that do not produce wool in this country. The wool schedule was arranged so that the duty upon finished woolen

products was about 50 per cent, I believe. Now, I yield to the Senator from Oregon.

Mr. McNARY. Mr. President, a parliamentary inquiry. Is there an amendment pending to the resolution now under discussion?

Mr. HARRISON. There is no pending amendment, as I understand.

The PRESIDING OFFICER (Mr. HOWELL in the chair). No amendment to the resolution is now pending.

Mr. McNARY. Will the Senator from Mississippi yield to me for the purpose of offering an amendment?

Mr. HARRISON. I yield.

Mr. McNARY. I move that the resolution be amended by striking out the word "lowering," in line 2, and inserting the word "revision," and also by striking out the words "embodying lowered schedules," in line 3. I thank the Senator from Mississippi.

Mr. COPELAND. Mr. President, will the Senator repeat his proposed amendment?

Mr. McNARY. I move to strike out the word "lowering" in line 2 and insert the word "revision," so that it will read "favors an immediate revision of the tariff schedule."

I move to strike out also the words "embodying lowered schedules"; so that if the resolution should be adopted as amended it would be a true expression of the sentiment which I believe exists in the Senate, namely, that there should be a revision either up or down. I myself feel that as to certain agricultural products there should be an increase in the tariff rates, and that in some instances, particularly as applied to the products of industries, there should be a lowering of rates. I wish to make the resolution liquid, so that it will meet every situation that might arise.

Mr. COPELAND. The Senator has made himself very clear, and I thank him for the explanation.

Mr. HARRISON. Now, Mr. President, as to the question of revenue, the Senator from Utah said that to reduce rates on everything 10 per cent would destroy the revenue. The rates of duty on sugar could be increased to 3 cents a pound and just that much more revenue could be raised. As a matter of fact, on three commodities which are imported into the United States annually in large quantities we derive over one-third of the customs revenue. From the duties on tobacco, wool, and sugar—those three items alone, we derive probably $250,000,000 a year. It would be easy enough by an increase of duty upon those items to raise as great a revenue as is derived from the whole tariff schedule at the present time.

Reference has been made to the increased importations coming into the United States. I said a moment ago that that was not the true test. I assert that under the influence of the Democratic tariff measure passed in 1913 our condition was healthier, our exports were larger, our percentage of exportations of agricultural products over importations was greater than ever it has been under the system of Republican tariffs which has been in vogue.

More real benefit came to the people of the whole country under this Democratic legislation than could possibly come under this system, because it rather equalized matters. It did not create in this country a condition whereby the manufacturers might gradually extort profits from the farmers of the country, and build up the purchasing power of their dollar, while that of the farmer gradually went down.

I do not know that we can ever invoke a system that will place the purchasing power of the dollar of every industry upon a parity; but I do know that when you create here a system that guarantees to some manufacturers such privileges, that permits them to increase capitalizations, declare dividends, enlarge their operations, and increase the percentage of their production, you will eventually put them in a position where they can fix the price of their products to the farmers and everybody else in this country.

That is what you have done by virtue of your system. The tariff system is so arranged that it can not possibly work to the advantage of the great mass of the farmers in this country. It will not do it. You will have discrimination; you will have inequalities; you will have favored treatment to some industries as against others. The whole thing is too artificial. We can, however, by legislation try to maintain a parity; and what is desired by the distinguished Senator from South Dakota [Mr. McMASTER] and the distinguished Senator from Iowa [Mr. BROOKHART] and other Senators on the other side and those of us who are fighting for this proposition over here is not free trade, as some Republican Senators would have you believe. It is not particularly a tariff for revenue; it is not particularly a tariff on a competitive basis for which the Democratic Party stands; but it is for lowering the duties where the rates are now too high, and, if possible, on some items, if the conditions warrant it, increasing the duties if they are not sufficient, but to bring about a condition that will equalize the situation as much as possible.

Let us try, if we can, to restore the purchasing power of the farmer's dollar. Let us make it as it was in the halcyon days of the Democratic law in 1914, when a farmer could take his five bales of cotton to the market and buy almost dollar for dollar in exchange those things that he needed; when the wheat farmer might go to the market with his 100 bushels of wheat and exchange them on an equal basis for the things he needed. Those are the facts in the case. It can not be done now.

Mr. President, let me read some ratio prices. My friend from Indiana [Mr. WATSON] smiles. I like to see him smile.

Mr. WATSON. Mr. President, the Senator must know, of course, that the large exports of agricultural products after 1913, of which he speaks, were occasioned by the war, and the enormous demand abroad. The Senator understands that as well as anybody else.

Mr. HARRISON. Oh, yes. Every time the Senator speaks, he gets into it. We were not in the war in 1913, however.

Mr. WATSON. But we went into the war later.

Mr. HARRISON. Oh, yes; we went into it later.

Mr. WATSON. The fact that we did not go into the war immediately had not anything to do with it. The war began within less than a year after this tariff became effective. The war on the other side began in July, 1914.

Mr. HARRISON. In 1913 the exports were $2,484,000,000. The imports were only $1,792,000,000.

In 1914 the exports were $2,113,000,000. The imports were $1,789,000,000.

But let me proceed further. Here is when we got into the war. Here is when the war began to tell.

Mr. WATSON. The war began in July, 1914.

Mr. HARRISON. Wait a minute. Facts speak more convincingly that the Senator's protestations.

Mr. WATSON. But the war began in July, 1914.

Mr. HARRISON. In 1915 our exports did rise, and during the next two or three years the war did affect the proposition——

Mr. WATSON. Certainly.

Mr. HARRISON. But not in 1913, and not in 1914.

Mr. WATSON. Why, certainly it did.

Mr. HARRISON. Those years were under normal condition.

Mr. WATSON. No.

Mr. HARRISON. We were not in the war. We were not influenced by it.

In 1915 our exportations rose to $3,500,000,000, and our importations were only $1,778,000,000.

In 1916 they rose further. Our exportations were four and a third billion, and our imports were practically $2,000,000,000.

In 1917 it reached away up. Now the condition has come about on which the Senator was trying to prove as an alibi. In 1917 the exportations run six and a quarter billion dollars, and our imports were only two and a half billion dollars.

When we got down under the workings of the present system, however, then our balance of trade began to decline and decline, until we do not know now whether we have a balance of trade or not. It is very small, indeed.

In 1926 the importations were $4,464,000,000, and the exportations were only $4,753,000,000—a difference of $300,000,000. That is what the Senator has done to us with the system that he has here. You have restrained international trade. You have closed the world markets to the farmers of the country, and they have been affected by virtue of it. You have not, however, slowed up the manufacturers' profits.

All you need to do is to read the history of the Aluminum Trust, and the dividends of some of the other manufacturers that my friend from South Dakota put in the RECORD yesterday. They have prosperity. If there ever was in this country a spotted prosperity, it is now. It exists only in certain industries in this country. Those industries are the ones that had a key into the back door of your committee rooms and a cord to the White House.

The importations of agricultural products as compared to the exportations of agricultural products from 1910 to 1926, inclusive, reveal that during the operation of the Underwood law the excess of exportations over importations ranged from $200,000,000 to $400,000,000. The figures show that the first year following the passage of the McCumber tariff law, 1923, the importations were $1,905,000,000 while the exportations were only $1,799,000,000.

In 1926, as I stated a moment ago, the importations were $1,918,000,000 and the exportations were only $1,891,000,000. In both instances the exportations were less than the importations.

Now, let us see the increase of exportations over importations of finished manufactures. We have seen how the importations of agricultural products were greater than the exportations. Let us see about the manufactured products. The exportation of those products showed a greater percentage of increase under the present law than under the Underwood law.

For instance, in 1913 the importations of finished manufactures amounted to $408,000,000, while the exportations of finished products were $776,000,000.

In 1914 the importations of finished manufactures were $449,000,000, while the exportations of the same things were $724,000,000.

These percentages of exportations over importations under the Underwood law are as 90 per cent and 61 per cent, respectively.

In 1923, under the present system, let us see what the percentages are. Are they lower than 90 and 61 per cent?

In the first year under the operation of the present law, 1923, the importations of finished products, both dutiable and free, were $770,000,000. The exportations for that year were $1,477,000,000—an increase of 91 per cent in the exportation of finished manufactures.

In 1924 the importations were $748,000,000; the exportations were $1,500,000,000, showing a percentage increase of 112 per cent.

In 1926 the importations were $876,000,000, while the exportations were $1,956,000,000—a percentage increase of 123 per cent.

This shows that the increase in our exportations over our importations in finished manufactured products under the present tariff rates has greatly outstripped our percentage of increase in exportations over importations of agricultural products. In addition, the table shows that the annual average of imports of agricultural products since 1920 has increased over the annual average before the war 152 per cent, whereas the average annual increase of importations of finished manufactured goods has increased only 96 per cent since 1920.

There you are. Importations of agricultural products increased 152 per cent, while in the case of manufactures the increase was only 96 per cent.

On the other hand, the annual average of exports since 1920 has increased 123 per cent on agricultural products as compared with the pre-war average, whereas the exportation of finished manufactures has increased 183 per cent since that time. That is to say, the increase of agricultural exports is less than the percentage increase of imports, whereas the percentage increase of exports of finished products is much greater than the percentage increase of imports.

Are those facts? Can they be controverted? Do they not show that agriculture, under the "benign" workings of your system, is getting an unfair deal; that the system has closed the markets of the world to our agricultural products, while under the walls of protection your manufacturing companies fleece the American consumer and sell in the markets of the world?

Oh, yes; there are some industries in this country, some manufacturing interests, that have progressed without the help, particularly, of your tariff system. It has hurt them in many instances. Take the great automobile interests of this country. They get their rubber free. They pay high import duties upon their glass. They pay high ad valorem rates upon the steel that goes into the making of the cars and upon many other things that go into them; and yet, notwithstanding that, they have been able, under the leadership of Ford, constantly to reduce the prices of automobiles and go out into the markets of the world and sell them in competition with everybody.

There are other industries that have progressed notwithstanding this favored treatment that you have given to the Steel Trust and to the Aluminum Trust and to the Woolen Trust and to the Cotton Manufacturers' Trust and these other trusts that bleed agriculture and prosper through increased dividends to their stockholders. The trouble is, your system invites retaliation in higher tariff duties from other countries, and closes or restricts those markets to those in this country who have built up great organizations without your tariff assistance.

Take the importations during the year 1926. On total importations of $4,430,000,000 there were imported into the United States, on four items, over one-third of the total.

Talk about your big importations! Of rubber we imported $505,000,000 worth. Of raw silk we imported $400,000,000 worth. Of coffee we imported $322,000,000. Of sugar we imported $232,000,000 worth. Yet Senators talk about the great importations that come here! It is due to the raw materials that have come into this country, used by the manufacturers to increase their prices to the American consumers.

Take tin and tin ore. Take many other articles—copper, which comes in to-day free, and piles high the importations. Why, you talk about importations, but it does not tell the tale. Back in 1920 we imported into the United States over a billion dollars' worth of sugar. We had to have it. We needed it. It was selling high at that time. Indeed, it was so high that the Republican Party printed a campaign pamphlet and issued it broadcast to the country and charged the Democratic Party with responsibility for the high price of sugar, notwithstanding we were importing this great amount at that time.

Let us take rubber. Look how it has increased because it has fallen into the hands of a monopoly. The same thing holds true of coffee. We have to have it. If you want to raise more revenue, if you do not want to incur some loss of revenue, you can tax coffee. I do not favor that, but we have to have coffee, because we do not produce it. It has gradually increased. Look at the increase in the importations of rubber. Back in 1921 we imported only $73,000,000 worth of rubber. Last year it was $505,000,000. That is the situation.

Mr. President, let me give you some more of the ratio of prices between farm products and those of manufactures. Immediately after the war the index of farm prices was almost, though not quite, as high as the index of prices of articles which the farmer purchased. In May, 1920, for example, the index of farm prices of 19 important products was 273 per cent of the 1913 base, and the index of the principal products purchased by the farmer was 278 per cent. There was not much difference.

Since 1920 the condition of the farmer has been getting steadily worse with respect to the relative prices of products with what he has to buy. In January, 1927, the prices of 19 representative farm products—this is under your tariff system—was 139, on the 1913 base of 100, whereas the relative prices of the principal products the farmer buys was 166 per cent. Look at the widening differences in the purchasing power of the dollars.

Stated in more detail and from a slightly different point of view, in October, 1926, 100 units of the principal farm products would purchase only 84 units of the principal products the farmer had to buy. In still greater detail, in October, 1926, a hundred units of farm products would purchase 94 units of foodstuffs, a hundred units of farm products would purchase 86 units of clothing, 76 units of household supplies, 80 units of building material.

Expressing the purchasing power of a hundred farm units in terms of individual commodities it is found that they would purchase—and here is how it affects the farmer—87 units of rope, only 70 units of men's shoes, only 59 units of women's shoes, only 72 units of cotton hosiery, 76 units of woolen suitings, 46 units of men's woolen underwear, 68 units of table plates, 66 units of knives and forks, 70 units of cotton blankets, 83 units of woolen blankets, 77 units of cotton sewing thread, 78 units of quinine, 63 units of Epsom salts.

Oh, you have taxed everything, so that it costs the farmer that much more. If he wants to take his bushel of wheat or his bale of cotton or his oats or his corn and exchange it, even for Epsom salts, his dollar would only get 63 cents worth of Epsom salts. It would purchase 84 units of shingles, 86 units of cement, 83 units of window glass, 63 units of white-lead paint.

The value of 19 important farm products was only 4 per cent greater than the value of the same products in 1913—that is, the index was 104, whereas the index for union wages for 1925 on the 1913 base was 140. Let the products of the farm be measured in union wages, and the wage earner gets $1.40 to every dollar's worth of farmer's products.

Those are facts that answer the argument of the distinguished Senator from Utah made on yesterday. He talked in his speech about labor, and how it was affected by these high-protected interests. If you will analyze the situation, in most instances you will find that the smallest pay to the laboring man comes from the most highly protected industries in this country. There are only a little more than 8,000,000 men and women working in the manufacturing interests of this country. There are 40,000,000 and more American laboring people employed on farms, in counting houses, in various places, who are not protected by these high and exorbitant tariff duties.

Mr. President, I have said about all that I want to say. I am sorry that the distinguished Senator, after my analysis of these rates on agricultural products, sought to say the Democratic Party is a free-trade party. It is not. The Democratic Party differs little, if any, from the views of men who are progressive and who believe in equal rights to all and

special privileges to none, who occupy seats on the other side of the aisle.

I shall not forget the magnificent fight that was waged against special privilege in this body in 1909 when the Payne-Aldrich tariff bill was before this body for consideration. History recalls few characters that will live longer, who performed a greater service for the great masses of the American people than did Dolliver, from Iowa, and La Follette, from Wisconsin, and those who fought with them against the iniquitous provisions carried in that measure. They sounded the tocsin call. They aroused the West as it had never been aroused before against these rates that bore down upon that great section out across the Mississippi.

You thought then that it made little difference. The distinguished Senator from Utah [Mr. SMOOT], who was then styled a "little shepherd," sitting not far from the distinguished Senator from Wyoming [Mr. WARREN], who was called the "big shepherd," spurned their protestations. They did not believe that it would have any effect. But, sirs, it started the crystallization of public sentiment in that section of the country and aroused the people, who went to the polls in 1910 and swept from power the Republican Party.

You may look with no concern upon this little modest resolution offered by a Republican Senator from the far-off West. You may say it makes no difference if you pass it. You may say you will spurn it if it passes, that you will not consider it in the committee, that you and the party are bigger than any section or any class of individuals in America. Remember what happened in 1910. In my humble opinion the Senator from South Dakota and his colleagues who are working with him in this matter are beginning a crusade that will gain in number as the ides of November approach, and it will not be long before you reactionary friends of the angels of this administration, the special interests that have bled and bled the American consumer until he is snow white, will demand and concede some revision of the tariff.

Ah, we can go into the committee and in a practical, sensible way look at the conditions as they exist, not write measures in a free-trade style, not disorganize business in this country, but we can look at the cold facts; we can revise the tariff upon some basis that might help to restore the equilibrium and parity between the purchasing power of the dollars of agriculture and those of other industries in America.

I believe personally in a tariff that breeds no bounties, that spawns no special privileges. I believe in a tariff that promotes trade, not trusts. I believe in a tariff that will not tax the poor, but will take the revenue from the fortunes of the rich. I want to promote the tariff competition rather than combinations. I want to bring the peoples of the world closer to my Government through trade and commerce, and not encourage them to make war and battle against them. I want a tariff for peoples, not persons.

No wonder the precedents that you have established have found root in what other governments have done. When the last tariff law was before the Senate for consideration we said that if you passed it and put these barriers up against the importations into this country of some products that might meet in competition with the trust-made goods of this country, and give to the people some benefit in cheaper rates and prices, other countries would erect like barriers against our farmers' products being sold to them. You said no, you were a government to yourself. You did not care. You had started out on a policy of isolation. What mattered it to you what other governments might do or what other statesmen might think?

The cold facts now confront you that since you passed this law and erected these barriers 51 governments have passed high tariff rates retaliating against us. I shall put a few of them in the RECORD. It is so infamous, although the Senator from Utah and the Senator from Indiana, and maybe my friend from Ohio, have not yet caught the spirit of the new day. But remember that the great bankers of your own party, many of them whose advice has been sought, who in the past have been invited even to the White House to sit around the festive board—of course, that was just before some election was to take place, so that the shekels might fall from their bulging pockets into the coffers of the Republican Party—have spoken up. They said that the tariff ought to be revised, that agriculture was not getting a fair deal out of it, and that you ought to restore some equilibrium. That arouses my friend from Utah. He does not like it, and when the representatives of this Government sit in an international economic conference at Geneva, appointed by this Government, they are met with rebuke because they say that the tariff is one of the things that is grieving the world, that is holding European countries back, that is delaying economic rehabilitation.

That delegation was composed, not of Democrats particularly. There was one on it, Norman H. Davis, one of the finest men who has ever lived, a man who is competent to represent this Government in any body and in the consideration of any question.

But the other gentleman on that committee, whose name I have forgotten—I think it was Mr. Robinson—is whom? He is a hidebound Republican. I understand he never scratched a ticket in his life. He owns an interest in manufactures, and is a banker of repute and standing. He is one of the members of the delegation. Why, this man Robinson even served under the distinguished Vice President of the United States when he was head of the Dawes Commission. He was good enough then to serve the Government. His advice was accepted in that difficult matter. But now he differs from the Senator from Utah, and consequently he is not worth while.

Mr. O'Leary, another member of the delegation, who said the tariff ought to be revised to help agriculture, is another big Republican from Chicago, a big banker interested in manufacturing. Doctor Klein is another. What finer authority and agent of this Government could we have than he? He is the man who has employed his fine talents to build up trade throughout the world, and if my good friend from Indiana would consult him, he would have more wisdom. I like to drink from the fountainhead myself, and that is why the facts I give are good. Doctor Klein is supposed to be a good Republican. That is the delegation which is spurned here and held in contempt because they say the tariff should be revised.

I welcome this movement. I wish it were a bill, so that we could really do something. But we can do this much—we can give an expression that agriculture should be elevated, that it should be helped, that the manufacturers should not continue to be made the only favored angels of this administration. I shall vote for the resolution. I hope that it will be unanimously adopted.

Mr. HARRISON subsequently said: Mr. President, I ask unanimous consent to insert in the RECORD, following the remarks which I made this morning, a statement of some of the changes in tariff rates by various countries of the world.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

NOTES ON RECENT TARIFF INCREASES IN FOREIGN COUNTRIES

UNITED KINGDOM

On July 1, 1925, the United Kingdom reimposed the McKenna duties—i. e., the duties of 33⅓ per cent ad valorem on passenger automobiles, musical instruments, clocks, and watches, and a specific duty on cinematograph films. Later in the same year duties of 33⅓ per cent ad valorem were imposed on cutlery, gloves, and lace and embroidery. Specific duties were placed on silk and artificial silk, hops and hop extracts, and gas mantles.

In 1926 a duty of 33⅓ per cent ad valorem was placed on commercial motor cars and 16⅔ per cent ad valorem on wrapping paper. In 1927 a duty of 33⅓ per cent ad valorem was placed on automobile tires; a new specific duty of 28s. per hundredweight was placed on chinaware; and the duties on tobacco, wine, photographic film, and matches were increased.

FRANCE

Effective from April 7, 1926, the French Government applied a 30 per cent increase to all specific import duties, with certain exceptions, which included tobacco, paper pulp, and certain specified grades of paper. By a decree of August 14, 1926, specific import duties, with some exceptions, were again increased by 30 per cent. The depreciation of the franc was given as the reason for these two 30 per cent increases.

On July 10, 1926, the value for the application of a 20 per cent ad valorem import duty on positive films in France was increased from 2 francs to 5 francs per meter, making the duty 1 franc per meter.

The Franco-German treaty, effective September 6, 1927, imposed on certain lines of American goods duties four times as high as those applied to competing products from Germany, England, and other countries having most-favored-nation treaties with France. These duties were removed from American products on November 21, 1927. However, on some articles on which the United States received intermediate rates of duty and the Franco-German treaty provided new minimum rates higher than the old intermediate rates, France now applies whichever rate is the higher. Among these products are vegetable-tanned hides and skins, chamois-dressed or parchment-dressed leather, Hungarian leather, certain leather manufactures, machine-made paper, parchment and fancy paper, vehicles other than automotive and railway, milling machinery, certain fine cutlery, toys and parts, and certain rubber manufactures.

Effective from September 3, 1927, the French import duties on wheat and rye in grain or flour and certain cereal products were increased.

The table below shows the old and the new French duties on these products:

Tariff No.	Article	Import duties in francs per 100 kilos	
		Former	New
68	Wheat, spelt, meslin:		
	Grain	18.20	25.00
	Crushed, and grist containing more than 10 per cent of flour	37.40	45.00
	Flour, at the rate of extraction:		
	70 per cent or above	37.40	45.00
	61 per cent to 70 per cent	45.90	52.00
	60 per cent and below	54.40	58.00
71	Rye:		
	Grain	7.80	11.00
	Flour	17.00	19.00
75	Ship's biscuits and bread	23.80	25.00
76	Groats, grits, pearled and cleaned grain	54.40	66.00
77	Semolina in the form of pastes; Italian pastes	54.40	66.00

GERMANY

On May 19, 1925, the German Government presented a preliminary tariff revision embodying new maximum rates of duty to the Reichsrat. The German Government emphasized the possibility of obtaining reductions from these higher rates on some items by the process of tariff bargaining. The new German tariff rates became effective on various groups of items on different dates up to October 1, 1925, when the last of the new duties went into effect. The new rates on automobiles were considerably higher than the old rates, but provision was made in the law for their decrease at successive six-month intervals, beginning July 1, 1926.

By a modification of the temporary commercial agreement between France and Germany, effective from April 11, 1927, the German conventional rate on wheat flour applying to the United States was increased from 10 marks to 11.50 marks per 100 kilos. This new rate expired on June 30, 1927, and since that date wheat and rye flour from the United States and all other countries have been subject to the general rate of 12.50 marks per 100 kilos.

Effective from January 1, 1928, automobile parts, formerly dutiable according to their component material, become subject to the generally higher rates applicable to complete automobiles or complete automobile motors.

The rates of duty on automobiles after January 1, 1928, under the decreasing plan provided in 1925 are as follows:

	Gold marks per 100 kilos
Automobiles weighing less than 2,200 kilos	100
Automobiles weighing 2,200 to 3,200 kilos	75
Automobiles weighing over 3,200 kilos	70

ITALY

The Italian Government has made increases in tariff rates on various items and groups of items in the last two years. In 1926 import duties were reimposed on machinery and materials for new construction. Large duty increases were made on hides and skins and their manufactures. The import duty on newsprint paper increased from 5 gold lira to 8 gold lira per 100 kilos, effective November 1, 1926. Effective from December 19, 1926, import duties were increased on agricultural machinery, typewriters, cash registers, meters, motor cycles, and cinematograph films. Further increases were made on a long list of commodities, effective from February 18, 1927.

BELGIUM

The duty on refined mineral oil of a density under 0.78 at 15° C. was increased from 20 francs per hectoliter to 40 francs per hectoliter, effective January 1, 1926.

Increases in import duties on an extensive list of articles in Belgium were made by a law of June 7, 1926, and decree of June 24, 1926. Among the increases of special interest to American exporters were those applying to gasoline, kerosene, lubricating oils, sugar, and unmanufactured tobacco.

Important increases in coefficients applied to specific rates of import duty in Belgium, especially on luxury goods, became effective June 28, 1926. Among the commodities affected were cereal flours, certain fruits, industrial chemicals, textile products, clothing, expensive woods, tires, rubber belting, and metallurgical finished products.

After July 28, 1926, special authorization was required for the importation of flour.

Effective from November 2, 1926, import duties were increased on an extensive additional list of products, including fresh and dried fruits, automobiles and parts, and many other items. More increases went into effect January 24, 1927.

NETHERLANDS

A new customs law became effective from July 1, 1925. The duties on most items were increased from 5 to 8 per cent ad valorem with a few classes of goods subject to higher duties, such as motor vehicles (12 per cent) and package foods (20 per cent ad valorem).

CUBA

A complete revision of the import duties containing many increases in rates was put into effect October 26, 1927.

MEXICO

Mexican import duties were increased on a number of items April 22, 1925.

An extensive revision of the tariff was made March 7, 1927. Approximately 350 items were changed, most of the rates being increased, but there were also a few decreases.

AUSTRALIA

The Australian import tariff schedule was revised September 3, 1925. Duties on iron and steel products were increased August 12, 1926.

Effective September 29, 1927, increases were made in the duties and the British preference on automobile chassis. On unassembled chassis the general rate of duty was increased from 12½ per cent to 17½ per cent ad valorem and on assembled chassis from 17½ per cent to 25 per cent ad valorem.

A tariff revision on 135 items, mostly upward, was presented to Parliament November 24, 1927, and became effective the following day, subject to parliamentary approval.

NEW ZEALAND

A revised schedule of import duties increasing the British preference and providing many increases of 5 per cent and 10 per cent ad valorem in the general rates became effective September 13, 1927, subject to confirmation by the legislative body. Further amendments to the revised tariff were presented on October 13, 1927.

SWITZERLAND

The Swiss import duties on automobiles were increased. The tariff classification according to weight was changed at the same time, making it difficult to determine the exact amount of the increase.

CANADA

Canada is about the only country which during the past few years, while other countries have increased their import duties, has made a number of decreases in duties and practically no increases. Decreases have been made on sugar, agricultural and other machinery, automobiles, and many other products. In some cases, particularly on textile items, the preference on British products has been increased.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Edwards	La Follette	Shortridge
Bayard	Ferris	McKellar	Smoot
Bingham	Fess	McLean	Steck
Black	Fletcher	McMaster	Steiwer
Blaine	Frazier	McNary	Stephens
Blease	George	Mayfield	Swanson
Borah	Gerry	Metcalf	Thomas
Bratton	Gillett	Norbeck	Trammell
Brookhart	Gould	Norris	Tydings
Broussard	Greene	Nye	Tyson
Bruce	Hale	Oddie	Wagner
Capper	Harris	Overman	Walsh, Mass.
Caraway	Harrison	Phipps	Walsh, Mont.
Copeland	Hawes	Pine	Warren
Couzens	Hayden	Ransdell	Waterman
Curtis	Heflin	Reed, Pa.	Watson
Cutting	Howell	Robinson, Ark.	Wheeler
Dale	Johnson	Robinson, Ind.	Willis
Deneen	Jones	Sackett	
Dill	Kendrick	Sheppard	
Edge	King	Shipstead	

Mr. KENDRICK. I desire to announce that the Senator from Arizona [Mr. ASHURST] is engaged in the work of the Committee on Public Lands and Surveys.

Mr. OVERMAN. I wish to announce that my colleague the senior Senator from North Carolina [Mr. SIMMONS] is absent on account of sickness.

The PRESIDING OFFICER (Mr. McNARY in the chair). Eighty-one Senators having answered to their names, a quorum is present.

Mr. WATSON. Mr. President, I always listen with keen interest to the mellifluous flow of speech from the lips of my distinguished and beloved friend from Mississippi [Mr. HARRISON]. I heard him in Madison Square Garden, in that demonstration which our Democratic friends had which lasted most of the summer, and his clarion voice sounded like a bugle call across the hills and valleys of the Republic summoning the hosts of democracy to battle. I am not unaware of the fact that the answer to that call on behalf of my eloquent friend was a 7,000,000 majority against the thing he advocated. Therefore I have not been seriously alarmed at the attack he has made to-day upon the citadel of protection.

I recall further that my friend from Mississippi, while having voted twice against the McNary bill, to-day intimated that

he intended to vote for it; and further that while he has inveighed in caustic terms against the Finance Committee or its Republican membership and the Republican membership of this body for having failed to formulate a tariff bill in which the rates on agricultural imports were sufficiently high, that he has voted even against those rates and against every rate imposed upon any agricultural import from the time he became a Senator down to the present hour. Therefore it might be that my friend would respond that consistency is for small minds and that—

New conditions teach new duties.
Time makes ancient good uncouth.

But after all, when we are being criticized for having failed to protect the agricultural interests of the country by rates sufficiently high, it ill becomes my friend, who has voted against every rate ever sought to be imposed by any tariff bill on agricultural imports, to criticize us because of that policy.

Personally, I am somewhat in a singular situation at this time. I am against the resolution offered by the Senator from South Dakota [Mr. McMASTER], and yet I am in favor of farm legislation. I want, as briefly as I may, to give a reason for the faith that is within me on both propositions. I am against the one because I am for the other. The McNary bill was founded upon the proposition that the tariff should be made effective. That was the very core of it all and the purpose of it all. If the tariff be abrogated there is no foundation upon which the McNary proposition can rest in the future.

The problem confronting agriculture in the United States is a stupendous one and one that has been the subject of intensive debate throughout the life of the Republic. Inability to agree does not furnish proof that there is no proper solution, but debate and discussion must continue until one shall have been found and applied. With occasional fluctuations agriculture has been on a comparative decline since 1900 and has not maintained its former level with industry.

The Republican platform adopted in 1924 recognized that fact and gave a specific pledge to the people of the country that legislation would be enacted to restore agriculture to the level of industry. That meant two things: First, that it was not on the level of industry, and secondly, that by legislation it could be restored to that level. The Democratic platform contained almost the same provision—at least the same in meaning—yet we have not redeemed that promise and have not fulfilled that pledge. Still, however, the occasion is here when some legislation along that line should be enacted in the interest of the American farmer.

However, it is not wise, in my judgment, for any friend of agriculture to take the position that unless he can at once get all he wants by way of governmental relief he will kick the whole eastern side out of the House, for he must remember that the western side can not stand after the eastern side shall have been kicked out, but that the whole edifice will fall together. Revenge is not a proper foundation upon which to erect an enduring structure in either individual or in national life.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. WATSON. I will yield in a moment. Assuredly it can in no way inure to the benefit of agriculture to attempt to destroy or even to undertake the initial steps to destroy its home market and impair the ability of its present purchasers to buy the products of the American farm. Now I yield to the Senator from South Dakota.

Mr. McMASTER. I was interested in the statement or implication made by the Senator that the reason for the introduction of this resolution was due to a spirit of revenge.

Mr. WATSON. No; I did not mean that.

Mr. McMASTER. Well, what did the Senator mean? Does the Senator think that the resolution was inspired in any way from a sense of revenge on the part of the farmer?

Mr. WATSON. I do not.

Mr. McMASTER. I do not quite understand, then, why the Senator used the word "revenge."

Mr. WATSON. I used it because I have heard many times throughout my section of the country and farther on toward the West that the farmers would rise against the protective tariff system unless it was extended to them in accordance with their wishes. That was the reason for my statement.

Mr. McMASTER. Does not the distinguished Senator from Indiana feel, after the farmers have been knocking at the doors of Congress for six or seven years, and those doors have been closed in their faces continuously for that long period, that it is time that agricultural relief were provided?

Mr. WATSON. The Senator from South Dakota knows that there is no man in this body who has devoted himself more assiduously to the passage of the McNary-Haugen bill than have I. By voice and by vote and by assistance in organization I have helped to promote the passage of that measure, and I intend to do so again. In doing that, however, I am not actuated by any desire to destroy the protective tariff in any particular or for any purpose.

Mr. McMASTER. Mr. President, first, I wish to commend the distinguished Senator from Indiana for the position he has taken upon the farm relief question. He is one of the few Members of this body who are considered as belonging to the old school who have taken a decided stand. However, I wish to say that there is not one word, one sentence, or one syllable in the resolution which seeks in any shape, manner, or form to destroy the principle of protection; but I wish to ask the distinguished Senator from Indiana if, in his own mind, he does not think that there are a few industrial schedules in which the duties imposed are too high?

Mr. WATSON. That is a matter of individual opinion. I have been a student of the tariff for 35 years; I have made as many tariff speeches in my time, perhaps, as any living American and I have always tried as best I could to have the tariff measure the real difference between the cost of production at home and abroad in fixing any rate on any item of import. I think that is the only proper course to pursue.

It may be that some of the rates are too high. I do not now know. It may be that some of them are too low. I can not now say. I do know, however, that we brought into this country last year four and one-half billion dollars worth of foreign products. A billion dollars worth of them approximately were noncompetitive, such as rubber, raw silk, and so forth, but $3,000,000,000 worth were competitive. I also know that we can not bring into this country $3,000,000,000 worth of competitive products without in some way or other interfering with American industry.

I know that whenever we buy a coat which is made abroad we do not buy a coat which is made in the United States, and to that extent we put out of business the man who is making that coat in the United States and those who make coats generally. The same thing is also true of every other article of import which we bring into this country. If I had my way about it, I would make rates just as high as I could on all imports adequately to protect the American producer whatever his occupation or in whatever field of activity he may be working.

Mr. McMASTER. Will the Senator from Indiana yield for one more question?

Mr. WATSON. Certainly.

Mr. McMASTER. It was stated here yesterday on the floor by the distinguished Senator from Utah [Mr. SMOOT] that the administration had stated that there would not be tariff reduction for two years. That implied that possibly in two years there would be tariff reduction. If there would be reason for a tariff reduction in two years from now, why should not there be a reason for a tariff reduction at the present time?

Mr. WATSON. I did not hear the Senator from Utah make the statement to which the Senator from South Dakota refers; I have not talked to the President about the matter; I do not know what his views are; but I know, as the Senator from South Dakota will recognize, that, with the revenue bill ahead of us, if we should attempt to pass tariff legislation we would stay here the whole summer through and could not get away. I want to say this to my friend, inasmuch as——

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. WATSON. Yes.

Mr. BROOKHART. Is there any objection to staying here all summer if we can thereby enact legislation to give the farmers the relief which the Republican platform promised them?

Mr. WATSON. I will say to my friend from Iowa that I think it can be done otherwise. I wish to say further to my friend from Iowa and also to my distinguished friend from South Dakota that we have heretofore encountered situations of this kind, and we know what the gentlemen on the other side will resort to in the teeth of a campaign when it comes to making a tariff bill. We permitted that to be done in 1890, and they swept us out of power because they devoted months upon months to a discussion of the tariff bill and never permitted it to be passed until two weeks before the election. It did not have time to be tried and tested practically in the country; people rose up against it, and they defeated even McKinley for Congress in his district, although he was the author of the bill.

Not only that, but in the last election they talked and debated the Fordney-McCumber bill for weeks and weeks and weeks;

they discussed the tariff on vinegar for two weeks; and they kept talking about the bill until it was passed only a short time before the election; and so the people had no opportunity to measure it and determine what it would do, and we had no chance to ascertain what the real benefits of it would be. I do not intend to be caught in that kind of a trap again, if I know it. I am opposed to any tariff revision at this time, because I believe that by the enactment of just and meritorious legislation aside from the tariff we can so bolster up the tariff rates and schedules as to insure adequate protection to agriculture in the United States of America. However, I may say to my friend that I am not quite sure that any tariff rates which the Congress might impose would be sufficiently high to protect agriculture in the United States against some of its competitors in other lands. I do not know as to that.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. WATSON. I yield.

Mr. BROOKHART. The Senator pictures the Democrats on the other side as a bad and designing lot——

Mr. WATSON. Oh, they are.

Mr. BROOKHART. And as wanting to win the election.

Mr. WATSON. They do.

Mr. BROOKHART. But is that any reason why the Republican side does not carry out its pledge to the farmers of the United States?

Mr. WATSON. I can not answer for the Republican side. There have been times when I could not answer for my friend from Iowa who is on the Republican side. [Laughter.]

Mr. BROOKHART. I remember, however, a time when the Senator from Indiana has answered even for me. [Laughter.]

Mr. WATSON. I only know that right in the teeth of an election is no time to start out to revise the tariff, and I only know that, so far as I am concerned, I would rather the tariff rates remain just as they are than to attempt to revise them in the face of a presidential election and in the midst of a presidential campaign. I have been through contests of that kind, and I know just what they meant.

I will say further to my friend that if there were no other way by which agriculture might be adequately protected, even under these extreme and emergent conditions, I might be willing to see tariff revision undertaken, but there is another way and another method that I believe will prove adequate and effective for the protection of the agricultural interests of the country, and I know that wisdom as well as prudence demands that we shall march along that path. I want my farmer friend also——

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. WATSON. Certainly.

Mr. McMASTER. The Senator states that there is another way of equalizing the condition of the farmer, that is to put him on a parity with other forms of industry, namely, by the passage of the McNary-Haugen bill or other legislation of the same substantial nature. Now, suppose that such legislation shall be passed and then shall be vetoed by the President; then what position will the Republican Party be in with reference to the redemption of its pledge?

Mr. WATSON. Mr. President, I have never been one of those who thought it necessary to go up to the White House every morning to find out what we should do as a senatorial body on that day. I believe that we have a duty to perform; I believe that we have a burden to carry; I believe that we have an obligation to discharge; and I am in favor of doing it regardless of what happens at the other end of the Avenue.

Mr. McMASTER. Yes; but it is highly important that the Republican Party do something to redeem its pledge to the farmer.

Mr. WATSON. With that sentiment I cordially concur and to the expression of the Senator I fully agree.

Mr. McMASTER. What plan has the Senator to offer in the event that the proposed farm legislation shall be vetoed by the President? We had better stay here all summer, had we not?

Mr. WATSON. Does the Senator want me to answer that question?

Mr. McMASTER. Yes.

Mr. BRUCE. Mr. President, may I ask the Senator from Indiana a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Maryland?

Mr. WATSON. I really ought to answer the question of the Senator from South Dakota first, but I will yield.

Mr. BRUCE. I ask the Senator whether he does not think he is taking the Senator from South Dakota just a little too seriously? Does he believe that the Senator from South Dakota really contemplates a general lowering of tariff duties?

Mr. WATSON. I am going to come to that after a while, and ask him that question myself.

Mr. BRUCE. I should think the Senator would do that first.

Mr. McMASTER. I will be very glad to answer that question.

Mr. WATSON. I have been wanting to ask that question.

Mr. BRUCE. If the Senator from South Dakota does really contemplate a universal lowering of the tariff, I do not see how he could possibly expect to get any considerable number of Democratic votes for his resolution.

Mr. WATSON. That is one of the most comforting assurances I have had at this session from any source. [Laughter.]

Mr. BRUCE. Did any party ever provide for such a lowering of tariff rates in the history of the country since the Civil War?

Mr. WATSON. Certainly, the Democratic Party did when it had a chance.

Mr. BRUCE. Every one of our tariff laws since the war has been protective, more or less.

Mr. WATSON. The Senator from Maryland forgets the Morrison Tariff Act which provided for a horizontal 20 per cent reduction, which just whacked the duties off regardless of where such action would strike.

Mr. BRUCE. Was it not Mr. Cleveland who said that it was a condition and not a theory that confronted us?

Mr. WATSON. Yes; but there was tariff reduction all along the line.

Mr. BRUCE. I do not wish to use any inconsiderate language, but it is hard for me to believe that this resolution is offered in good faith if it contemplates a lowering of all tariff duties.

Mr. McMASTER. Anything that does not come out of Maryland or anything that is not wet is not in good faith, in the opinion of the Senator from Maryland.

Mr. WATSON. Mr. President, I have no desire to enter into a personal controversy as between my two distinguished friends. I cheerfully accord to my friend from South Dakota, of course, the highest motives; I have no question about that.

Mr. BRUCE. Is the Senator from Indiana saying that for the sake of the argument?

Mr. WATSON. No; I am saying it because I believe he is an honest man; I am saying it because I believe he is serving the interests of his constituency in introducing this resolution, as he believes.

Mr. BRUCE. Is he serving the interests of his constituents by lowering the duty on Canadian wheat?

Mr. WATSON. That is up to him to decide.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. WATSON. Oh, surely; I am interested in this.

Mr. McMASTER. I wish to say just a word in answer to the statement made by the Senator from Maryland, although I found but two days ago that he was here making a speech entirely in accord with this resolution, condemning high industrial rates; and on the second day he made a splendid high-protection speech.

In reference to the particular resolution that is pending, however, if I may explain the intent and purpose that was in the mind of the author, I will say that if I had intended in the resolution that all schedules should be lowered I would have used the word "all"; but I used the word "schedules"; and I expect to amend that by putting in the word "general," that there shall be a general lowering, so that my distinguished friend from Maryland will be able to vote for the resolution.

Mr. BRUCE. I will ask the Senator why he did not do that first?

Mr. McMASTER. That will explain the situation for the distinguished Senator from Maryland.

Mr. BRUCE. No; it does not.

In the first place, the Senator stated that I had made two speeches in the Senate on the subject of the tariff. I am afraid the Senator is confusing me with a much more distinguished and much abler man—that is to say, the Senator from Massachusetts [Mr. WALSH]. I have had no occasion to say anything on the subject of the tariff except once, and then tentatively, to commit myself to the proposition that the whole matter of fixing tariff duties should be lodged in some nonpartisan commission, subject to the approval of Congress.

Mr. WATSON. Which, of course, I do not believe at all.

Mr. McMASTER. No; nor I either.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. WATSON. Certainly; with pleasure.

Mr. FESS. The language of the resolution is general—

Immediate lowering of tariff schedules, and tariff legislation, embodying lowered schedules.

The question I want to ask is does not that include the seventh schedule, which is agriculture?

Mr. WATSON. Why, according to my understanding, of course, by the terms of the resolution. As to whether or not the Senator meant to include the agricultural schedule, of course I do not know.

Mr. FESS. We are considering this resolution.

Mr. WATSON. But, as I read the resolution, it means a lowering all along the line of the rates imposed by all schedules.

Mr. McMASTER. Mr. President——

Mr. FESS. Will the Senator yield further?

Mr. WATSON. Certainly.

Mr. FESS. The first act of the Congress that met in 1921 was the emergency tariff act, passed in May of that year.

Mr. WATSON. It was.

Mr. FESS. I have it in my hand. There are 28 items in that act, everyone of which, without an exception, is agricultural; and most of those items were included in the permanent tariff legislation of September of the next year.

Mr. WATSON. Practically embodied in it.

Mr. FESS. Yes. Has the Senator had any information to the effect that there is a demand from agriculture for the lowering of the schedules under the present act?

Mr. WATSON. I have not from anybody, anywhere.

Mr. FESS. I made inquiry of the Tariff Commission, and I am told officially that there are 585 applications for investigations. Two hundred and fifty-seven of these are for agriculture, all but two of them asking for an increase.

Mr. McMASTER. Mr. President, may I interrupt just there?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. WATSON. I do.

Mr. McMASTER. How many of those farmers were asking for increases on industrial products?

Mr. FESS. I asked the question as to whether there had been any demand for a decrease of tariff duties on agricultural products. I did not ask with reference to nonagricultural products. The resolution of the Senator from South Dakota applies to agricultural products just the same as it does to nonagricultural products.

Mr. McMASTER. May I interrupt the Senator again? If we should amend the resolution in that respect, so as to conform to the Senator's ideas, would he then vote for it?

Mr. FESS. I certainly would not. If the Senator will offer a resolution here for the revision of the tariff schedules, I shall be willing to discuss it with the Senator; but the Senator has demanded a lowering of the schedules. That includes every schedule; and that is why there has been a general resentment against that sort of legislation.

Mr. BRUCE and Mr. McMASTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana has the floor. To whom does he yield?

Mr. WATSON. To all the Senators.

The PRESIDING OFFICER. The Chair understands that the first Senator to address the Chair was the Senator from Ohio.

Mr. FESS. I think the Senator from Indiana had yielded to me.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. WATSON. I yielded to the Senator from Ohio.

Mr. FESS. A further statement:

The commission has completed and sent to the President 28 reports, covering 35 articles, 9 of which are agricultural products. Action has been taken on several of these. Based on the investigations made by the commission, the President has adjusted rates of duty on six agricultural products—wheat from 30 cents to 42 cents per bushel; wheat flour from 78 cents to $1.04 per 100 pounds; butter from 8 to 12 cents per pound; Swiss cheese from 5 cents per pound, not less than 25 per cent ad valorem, to 7½ cents per pound, not less than 37½ per cent ad valorem. Here are the exceptions: The duty on milk feeds, such as bran and shorts and other by-product feeds, which the farmers purchase for feeding livestock, was reduced from 15 to 7½ per cent ad valorem; and the duty on quail was reduced from 50 to 25 cents per bird. In other words, there are two items on which there was a reduction.

Referring to the question I asked about corn, the American Farm Bureau has presented to the commission and they are making an investigation of an increase of the duty on corn from 15 cents to some higher figure; I do not recall just what they are asking. My question was—and it grew out of the introduction of this resolution by a representative of the great farming section—whether this resolution would not be counter to what we generally regard throughout the country as a demand for an increase rather than a lowering. That is my specific question.

Mr. WATSON. That is my view of it.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me to make a statement?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from California?

Mr. WATSON. I do.

Mr. SHORTRIDGE. For the RECORD, I desire to add that very recently the President has granted the petition of agriculturists, and has issued an appropriate order increasing the tariff on certain brands of imported cherries by the full 50 per cent permissible under the flexible section of the tariff act.

I also wish to have it appear that there are pending before the commission two petitions, filed there by agriculturists, seeking increase of the tariff on imported onions and also upon poultry products. Both these petitions are supported by a vast number of producers, all of whom, I take it, are hopeful, as I am, that the President may be persuaded to increase the duties.

Mr. McMASTER. Mr. President——

Mr. WATSON. I yield to the Senator from South Dakota.

Mr. McMASTER. First, I wish to say, in reference to the statements of the Senator from Ohio [Mr. FESS], that practically all of the Members of this body who favor the resolution understand and comprehend that the purport and the intent of the resolution is for the purpose of lowering some of these outrageous schedules that were accorded the industrial products, and thereby, by lowering those schedules, increasing the purchasing power of the farmer.

It was ably shown here on the floor of the Senate this morning by the distinguished Senator from Mississippi [Mr. HARRISON] that that kind of a resolution would even permit the raising of a certain schedule upon a manufactured product if it should be necessary; but those who are trying to find fault with the language are trying to find a loophole through which they can escape and avoid voting for the resolution and then make excuses therefor. This resolution was introduced in the interest of agriculture and with the object and the aim of bringing about a reduction in some of those exorbitant schedules that are accorded industry and that have given some of the industries these enormous profits.

Mr. WATSON. What schedules are they?

Mr. McMASTER. For instance, as I suggested yesterday, there is a little company up here in Providence, R. I., known as the Brown-Sharpe Co., which just a few months after the passage of this law declared a stock dividend of 16,000 per cent. I should say that they had been pretty well taken care of; that they were in a rather prosperous condition when this particular law was passed in 1922. I should say that the Aluminum Co. have done pretty well, in view of the fact that we inserted in the RECORD yesterday that beginning with a capital of $1,500,000 that capital had grown by leaps and bounds until in a few years it had reached the sum of $131,000,000; and that on their finished product—that is, the finished aluminum cooking utensils—the American consumer pays a duty of 11 cents a pound and a 55 per cent ad valorem duty, while upon milk the farmer has asked for a duty of 3½ cents a gallon and was allowed just 2½ cents, or about 5 per cent of the value of the product. I will say that there are a number of those schedules that ought to be lowered; and by reason of lowering those schedules we can increase the purchasing power of the farmer and help to restore the equality between agriculture and the industries.

Mr. BRUCE. Mr. President, just one moment more.

The PRESIDING OFFICER. Does the Senator from Indiana further yield to the Senator from Maryland?

Mr. WATSON. I will yield once more.

Mr. BRUCE. I should like to call the attention of the Senator to the fact that while the Senator from South Dakota says now that he is prepared to accept an amendment to his resolution, yesterday when such an amendment was suggested by the Senator from Massachusetts [Mr. WALSH] he made no such announcement; nor did he make any such announcement when the Senator from Oregon [Mr. MCNARY] brought forward a similar amendment to-day.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. WATSON. I do.

Mr. McMASTER. When the distinguished Senator from Massachusetts [Mr. WALSH] made the suggestion to me on the floor of the Senate I stated that I did not choose to quibble

over words in the resolution; that I thought I was willing to make any particular change. I tried to make changes that would suit even the distinguished Senator from Utah [Mr. SMOOT], so that he could vote for the resolution.

Mr. BRUCE. Was not that a little like saying, "I do not choose to be a candidate for the Presidency"? Was that the kind of language in which willingness to accept an amendment would usually be indicated? I say what I do simply because my suspicion is—it may be nothing but a perfectly unjust suspicion—that the Senator from South Dakota is trying to use this resolution of his as a whip with which to compel the regular Republicans in this body to support the McNary-Haugen bill.

Mr. McMASTER. Mr. President, this resolution was introduced for the reasons that I have already enumerated here upon the floor of the Senate; also to serve notice upon the industrial interests here in America that the hour has come when the farmers of America are going to strike for their economic independence, and they are going to begin with that method, and they have some other methods that they are going to use later on; and if they do not receive that economic independence pretty soon, they have another method, the ballot, that will bring them the final results that they intend to procure.

Mr. BRUCE. In other words, as I hope you will all become Democrats. Is that it?

Mr. WATSON. Which certainly will relieve everybody in the United States of anything he has.

Mr. BRUCE. But what kind of Democrats?

The PRESIDING OFFICER. The Senator from Indiana has the floor. Does he desire to proceed?

Mr. WATSON. Now, if everybody is through, I will resume.

Mr. WALSH of Massachusetts. Mr. President——

Mr. WATSON. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. In order that we may inject a little pleasantry into the serious speech of the Senator from Indiana, I want to suggest that the Senator from New Jersey says that the reason why it took two weeks for the Democrats to discuss the item of vinegar was because it involved certain phases of the prohibition question. [Laughter.]

Mr. WATSON. I did not recall that the Senator from Maryland was in the Senate at that time.

Mr. BRUCE. I was not; but I will say I was delighted a few moments ago to find that the discussion was leading us to the discussion of brandied cherries from the State of California.

Mr. WATSON. Mr. President, I believe that the problem of agriculture is to lift agriculture up and not to pull industry down. I can not conceive that agriculture is to be helped by lowering or even disturbing schedules on manufactured products unless there be some great outrage which should be remedied or some manifest unfairness that should be corrected. I can not conceive that by interfering with the manufacturing industries of this country, by permitting large imports of manufactured products from abroad, by bringing our laboring people into keen and merciless competition with the underpaid and underfed people of the world, that by lowering the general wage level in the United States, which is the home market of the American farmer, we thereby help agricultural industry in this Nation.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. WATSON. I yield.

Mr. McMASTER. I just want to say to the distinguished Senator from Indiana that every Member on this side of the Chamber who is opposed to the resolution is always insisting that there is something about the resolution that is going to drive labor out of employment, that is going to close down the industries. As a matter of fact, all that the resolution would do, if it were put into force and effect, would be to squeeze out some excess profits from manufacturers and distribute those excess profits among the common people of America and increase their purchasing power. There is not one line or one sentence or one syllable in the resolution that is intended or proposes to throw labor out of employment.

Mr. WATSON. But the Senator must know, in the first place—and I mean no offense—that this can be no more than a gesture, because the Senate has no right to originate legislation of this kind. The Senator must know, in the second place, that if his resolution should pass it would not mean anything.

Mr. McMASTER. If this resolution should pass and it would not mean anything, what is the use of all this discussion? Why does the distinguished Senator from Indiana take up any time on this matter if it does not mean anything?

Mr. WATSON. Because I am going to prove that it does not mean anything. I mean this, I will say to my friend, the Senator from South Dakota—and he will understand there is nothing offensive about this: I mean that you can not just pass a resolution and say that we are going to lower a tariff rate. Congress is the only authority. Congress must determine what these schedules will be. Congress must fix the tax on every item. Congress must fix every rate that goes into the bill. You can not just waive a wand and say "Tariff rates are hereby reduced." Somebody has to legislate. All the schedules must come under legislative scrutiny. Every item must go through the regular process of going into the Ways and Means Committee, and then into the House, and then before the Finance Committee of the Senate, and then into the Senate.

Everybody knows that that takes months and months of time, and the most serious debate, and the most earnest consideration. No measure receives the real attention that a tariff bill does under ordinary circumstances, because it enters into every home in the Nation, and touches every industry from ocean to ocean. Is not that true? Therefore, if we should pass this resolution, what could the House of Representatives do with it? Suppose the House were to pass it; what would it signify, what would it mean? It would be sent to the Ways and Means Committee, and then the Ways and Means Committee, if they wanted to follow it out, would begin to have tariff hearings, and run for weeks and even months in having tariff hearings, and then formulate a measure along the line of the policy suggested by the resolution, then fling it into the House. Then the House would begin that consideration which the House gives to such measures, and if it should pass it, it would be sent to the Senate and referred to the Finance Committee. We would take our turn at it, then it would come into the Senate of the United States, where it would not be passed more than one week prior to the next election, I know, and so does the Senator. That is the situation.

Therefore, merely passing this resolution is of no avail.

Mr. McMASTER. Mr. President, if the passage of this resolution is a good thing, and if it would be a good thing to have a lowering of some of the tariff schedules, then it would be perfectly proper to go through all of the effort and all of the trouble and spend all of the time that we would have to spend here during next spring and next summer to accomplish the desired result. Is it the interest of one party over another party, an election approaching, or what interest is paramount to the interests of the American people and of the American farmer?

Mr. WATSON. It is in the interest of maintaining these industries in the United States until such time as, measuring our steps, we may in orderly manner proceed to the reconstruction.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. WATSON. I yield.

Mr. GEORGE. I wish to inquire of the Senator from Indiana if he heard the statement made more than once by the distinguished Senator from Utah yesterday, that this resolution was already slowing up business? I make the inquiry, whether he recollects that statement made by the Senator, in response to his statement that it is a mere gesture, and can not possibly have any effect.

Mr. WATSON. I did not hear the remark of the Senator from Utah. He usually speaks by the card. He usually tells what he knows. So far as I am concerned, I know of no slowing up in the country because of the introduction of this resolution, because in my humble judgment the country does not believe the resolution will pass, and if it does, that it can not be consequential in its effect, because everybody knows that it must go to the House of Representatives before it can be made effective.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WATSON. I yield.

Mr. FESS. The Senator had a distinguished career in the House. What, in his judgment, would the House do with this resolution if we should pass it and send it over there? Would they receive it?

Mr. WATSON. I hope the Senator will withdraw that question, because under the rules here we are not permitted to comment on the body at the other end of the Capitol.

Mr. FESS. I withdraw the suggestion.

Mr. BROOKHART and Mr. BORAH addressed the Chair.

Mr. WATSON. I yield to the Senator from Idaho.

Mr. BORAH. I think the Senator from Iowa rose first.

Mr. BROOKHART. The Senator suggested that there has been no slowing up of industry under this wonderful protection and prosperity that we have in the United States.

Mr. WATSON. I did not say that.

Mr. BROOKHART. I read a statement from the Department of Commerce about our great prosperity under this system,

and then I sent over to the department for its bulletin on the earnings of corporations. I knew that 90 per cent of the farmers of the United States were on the verge of bankruptcy, and I wanted to see what the corporations were doing.

In 1925, out of 430,000 corporations, 177,738 were operating at a loss of nearly $2,000,000,000, and they had been operating since 1922 in the same way. So I think there is some inequality in this tariff prosperity we have in the United States, even among the corporations themselves.

Mr. WATSON. Mr. President, that only adds to the complexity of the problem. If that be the situation, we ought to raise the tariff.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. WATSON. Certainly.

Mr. CARAWAY. Did I understand the Senator to say that a higher tariff would increase prosperity? Is that the Senator's position?

Mr. WATSON. I did not understand the Senator.

Mr. CARAWAY. Did I understand the Senator to say that to raise the tariff would increase prosperity?

Mr. WATSON. It always has.

Mr. CARAWAY. It has?

Mr. WATSON. Always.

Mr. CARAWAY. Then, when you have an era of profitless prosperity, why does not the party in power go to work and raise the tariff?

Mr. WATSON. I have already answered that question two or three times.

Mr. CARAWAY. What was the answer?

Mr. WATSON. Will the Senator pardon me? I do not care to go all over that again about what it means to revise the tariff at this particular time. I will not go into that.

Mr. CARAWAY. In other words, the Senator is perfectly willing for agriculture to die——

Mr. WATSON. No.

Mr. CARAWAY. And other business languish, in order not to disturb a political situation.

Mr. WATSON. Not at all. I have said that there is another way, and the Senator has worked with me side by side and shoulder to shoulder in working out that other plan by which agriculture can be benefited and protected in the United States, in addition to the tariff.

Mr. CARAWAY. That is not what I asked.

Mr. WATSON. Not only that, but the Senator can not see that by imposing higher rates on agricultural products we could adequately protect agriculture.

Mr. CARAWAY. That is exactly what we are coming to. I absolutely know that the tariff, so far as the farmer is concerned, is absolute "bunk"; that he gets nothing out of it except an increased cost of living. Everybody knows that.

Mr. WATSON. I am going into that.

Mr. BORAH. Mr. President, let me ask the Senator if he has the figures as to the amount of food products coming into this country at this time.

Mr. WATSON. I have them here somewhere. I do not recall them.

Mr. BORAH. I want to call the Senator's attention to the fact that there are about $2,500,000,000 of food products coming into this country.

Mr. WATSON. It is very large, I know.

Mr. BORAH. Which the American farmer is perfectly capable of producing.

Mr. WATSON. I agree with the Senator entirely, and I believe in raising the rate as far as we can adequately to protect that industry. But there may come a time when we can not protect the industry by rates sufficiently high. We can not levy an embargo on articles of agriculture coming into the country, and that is why I favored the McNary plan, a plan to buttress the tariff and to make it effective wherein it was not effective.

For instance, take the tariff on wheat. We passed a tariff of 30 cents a bushel on wheat. By and by it was found that that was not adequately protective. A complaint was made to the Tariff Commission, and after the requested hearing the Tariff Commission reported that it would take 42 cents a bushel to measure the difference in the cost of production between this country and Canada in the production of a bushel of wheat. Whereupon the President—and I think quite properly—raised the tariff on wheat to 42 cents a bushel.

Mr. CARAWAY. And wheat went down that week.

Mr. WATSON. It now transpires that wheat is selling for more in Winnipeg than in the United States. It now transpires that 42 cents does not measure that difference at this time.

Mr. CARAWAY. The Senator——

Mr. WATSON. Wait a moment. Remember the question, if you can, and give it to me after a while. Let me finish this, if you please.

Mr. CARAWAY. Let me inject this, so that the Senator can make his argument consistently. Wheat went down 9 cents a bushel when they raised the tariff.

Mr. WATSON. Certainly.

Mr. CARAWAY. Then the tariff did not help the farmer.

Mr. WATSON. It did not help him. That is what I am saying.

Mr. CARAWAY. I did not know that was what the Senator was saying.

Mr. WATSON. That does not add to what I am already saying about it. If the tariff is not effective on wheat at 42 cents a bushel, then should we not do something to make it effective if we mean to have a protective tariff on wheat?

Mr. BORAH. If you can not raise the tariff high enough to protect the wheat raiser in this country, it is as certain as that night follows the day that you can not do it by inverting the tariff proposition, as in the McNary-Haugen bill.

Mr. WATSON. I do not think we invert it at all. I think we simply support it and buttress it, to make the tariff effective wherein it is ineffective. I am coming to that in a little bit, if the Senator will listen to me.

Mr. FESS. Mr. President, will the Senator yield on the question of the Winnipeg wheat?

Mr. WATSON. Certainly.

Mr. FESS. Has the Senator followed the operations of the wheat pool that was started some time in September?

Mr. WATSON. I kept it up partially, but the Senator knows I was in the hospital part of the summer, and I did not keep up fully and accurately with those reports.

Mr. FESS. I think it would be perfectly obvious that if we could employ a method such as is used in Canada by which we could control the marketing as they are controlling it, we could fix the price also on wheat as Winnipeg has.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. WATSON. I yield to the Senator from Iowa.

Mr. BROOKHART. On that question of wheat, the Canadian pool had its price fixed at the world market in Liverpool, the same place where the Chicago market had its price fixed. The pool helpel us as much as it did Canada. It improved the world price and stabilized the world price. I think there is no doubt about that. But here is the kind of protection we have on wheat under our 42 cents a bushel. September 8 at Minneapolis No. 1 winter wheat was selling at from $1.33 to $1.38. At Winnipeg it was selling at $1.52⅜.

Mr. WATSON. That is what we are saying.

Mr. BROOKHART. Something happened on September 12. November 16 in Minneapolis it was $1.24 to $1.30, and in Winnipeg $1.50⅞. So the spread increased 8 cents on wheat between September and November. Something happened to cause that increase.

The thing that happened was the Canadian Railway Commission lowered railway rates about that time and immediately the Canadian farmers got that much better price, and half of our whole tariff of 42 cents a bushel is nullified by discrimination in freight rates in the United States to start with.

Mr. FESS. Does the Senator from Indiana approve of the statement of the Senator from Iowa about the transportation rate fixing the price?

Mr. WATSON. Oh, no, I do not; but I can not go into that question. That is on the sidetrack now.

Mr. FESS. I wondered whether the Senator would fall for that statement.

Mr. WATSON. Oh, no.

Mr. BORAH. Mr. President, does the Senator from Ohio dispute that proposition?

Mr. FESS. The Senator from Ohio does dispute the proposition. The rate may measure what the producers get, but it does not modify the price that the consumers pay. The farmer who raises wheat in Iowa and sells it in New York will have to pay out of the thing he gets in New York the price for the transportation. The price to the consumer has not changed, but the price to the producer is lowered by the amount of the transportation he pays.

Mr. BORAH. That is what I understood the Senator from Iowa to contend.

Mr. BROOKHART. That is exactly my point.

Mr. FESS. No; what the Senator from Iowa said, as I understood it, was what wheat was ranging in Winnipeg, as he gave the figures.

Mr. BROOKHART. Yes; I quoted those prices because that illustrates what the producer gets.

Mr. FESS. What is the price at Minneapolis?

Mr. BROOKHART. It was 10 or 15 cents less at Minneapolis than at Winnipeg, and then they lowered the freight rates and then it was 20 or 25 cents less.

Mr. FESS. The only effect upon the producers of wheat in Winnipeg and Minneapolis would be the difference in the freight rates they had to pay to where they marketed. It would not be the difference in the price paid by the consumer, but the difference is in the amount the producer got. The one gets more than the other because he does not suffer so much in the market.

Mr. BROOKHART. That is what I claim. Under this beneficent protection of 42 cents a bushel on wheat, the farmers of the United States have taken for the present crop from 10 to 20 cents less per bushel than the Canadian farmers got.

Mr. WATSON. Does the Senator from Iowa want us to repeal it all?

Mr. BROOKHART. I want to repeal it wherever it is excessive. I want to put it on the basis of the cost of production of every article. I think that would raise it on most farm products while lowering it on industrial products.

Mr. WATSON. Not all industrial products.

Mr. BROOKHART. I do not, merely because it may defeat some candidate for President, want to shirk my duty in the Senate, and say we will wait until after next election. Congress ought to have been called in session immediately after the close of the last session to settle this great question, this greatest calamity that ever come to the American people, this greatest problem that has confronted the people—equality of agriculture—the greatest problem since the abolition of slavery itself.

Mr. WATSON. I cordially agree with the Senator as to the momentous character of the problem which confronts agriculture at this time and demands solution at the hands of the American Congress. I have no doubt at all about the character of that problem. I believe, as strongly as the Senator believes, that the time has come when steps must be taken to rehabilitate agriculture in the United States and bring it to the level of industry in accordance with the campaign pledges of both parties, so we shall have a full-rounded, symmetrical civilization in the United States. But I do not agree with the Senator, nor with my friend from South Dakota, as to the method which shall be pursued to reach that desired objective.

We have been talking about the remissness of the Republican Congress with regard to the agricultural schedule. The truth about it is that the very first thing we did was to enact an emergency tariff law. Is there any one here sorry that we enacted that law? I wonder if my friend from Iowa or my friend from South Dakota will say that he did not rejoice in the effect of that act? Everybody knows how beneficially it resulted to the agricultural interests of the United States. The Tariff Commission itself found, after a full hearing on the subject, that it had saved the wool industry of the country from absolute destruction and greatly aided the dairying industry of the United States as well. I do not think that proposition can be successfully controverted.

Mr. FESS. Mr. President, will the Senator yield?

Mr. WATSON. I will.

Mr. FESS. The Senator remembers that in the House the emergency tariff act was almost nonpartisan.

Mr. WATSON. It was nonpartisan.

Mr. FESS. The Democratic Members voted for it the same as the Republicans.

Mr. WATSON. I am glad the Senator called my attention to that fact.

Mr. BROOKHART. And since that time nearly a million farmers have lost their homes in the United States.

Mr. WATSON. Mr. President, I am agreeing to what the Senator said about the problem and its seriousness, but he and I do not agree at all as to the method by which the problem should be solved.

After the crushing depression of 1921 had wrought its destruction to agriculture, Congress immediately set out to discover some methods of relief. We passed the first emergency tariff act. We revived the War Finance Corporation and placed $500,000,000 at the disposal of the farmers and stock growers of the land. We at that time thought it would be helpful, and greatly helpful, to the agricultural interests of the country. We established intermediate banks of credit and made possible a supply of money to the farmer at reasonable rates and on long terms, so that he could not be forced to rush all of his products to market at once in order to meet his obligations, and thus further depress the price of all he produced.

The present tariff act was written to meet the demands of the friends of agriculture. It is not altogether true that the farmer sells in an open market and buys in a protected market, for a large percentage of all that he uses on his farm or in his home is on the free list, while there is imposed the highest rate on agricultural products coming into this country from other countries that was ever levied by any tariff law in the entire history of tariff making in the United States.

It may be true that those rates are not effective, but nevertheless when we passed them we did so in the best faith and believed they would be adequately protective, because it was a protective-tariff Congress, which believed in the doctrine of protection and in its immediate application to the affairs of the country as they then existed. It has since transpired that we have found that many of those rates are not sufficiently protective, but at the time they were passed they were passed in the best of faith, and the heads of the agricultural interests and industries in the United States represented in the city of Washington indorsed every one of those schedules and at that time said that they would be adequate, and on their recommendation and with their consent we passed the agricultural schedule.

My friend the junior Senator from Arkansas [Mr. CARAWAY] said it is all "bunk." It is not "bunk," by reason of the fact that but for this agricultural schedule and the rates it imposed agriculture in the United States to-day would be infinitely worse off than it is, and I do not think that is a controverted proposition.

Mr. WALSH of Montana. Mr. President——

Mr. WATSON. I yield to the Senator from Montana.

Mr. WALSH of Montana. Does the Senator include wheat in that statement?

Mr. WATSON. Part of the time; not now. Of course, that is an unfortunate condition. The condition existing with regard to wheat has not always existed and will not always exist. Circumstances change as production increases or as the demand increases or as the world production increases. There is no question about that. We can not always adequately measure a tariff through the coming ages or centuries or decades by the condition that exists now. We may levy tariff rates now that are adequately protective, but everybody knows that because of changed conditions in industry and agriculture, in production and in consumption, the whole thing may be upset or largely so.

Mr. WALSH of Montana. Mr. President, will the Senator say how the condition as respects wheat differs from a year ago?

Mr. WATSON. I can go into that, but will the Senator wait and let me do it in my own good time?

Mr. SHIPSTEAD. Mr. President, will the Senator yield for just a question?

Mr. WATSON. I yield.

Mr. SHIPSTEAD. The Senator will agree that no tariff is adequate unless it is effective, will he not?

Mr. WATSON. Certainly.

Mr. SHIPSTEAD. So it is useless to talk of adequate schedules when at the same time we know they have not been able to operate and have never been effective.

Mr. WATSON. My only answer to that is, as I said, that at the time we passed this schedule we thought it would be adequate. We had the best advice in the country on the question and that advice was that it would be adequate.

Mr. SHIPSTEAD. Did the Senator think it would be effective?

Mr. WATSON. I thought it would be effective, certainly.

Mr. SHIPSTEAD. Has the Senator changed his mind?

Mr. WATSON. I have changed my mind on that point because conditions have forced me to change my mind on the question. I have not any doubt about that now. New conditions have come and I think that we have to meet those new conditions. I have been for two years trying to get a bill passed which, while not dogmatically asserting that it is the only measure that will cure the situation, yet I conscientiously believed that it would, and I still believe it will, if we give it an opportunity to be tried in the United States.

The real problem that confronts the farmer at this time is to maintain the tariff, as I understand it, for all phases of our industry alike. The farmer sells but about 10 per cent abroad of all he produces and about 90 per cent at home. It would be, according to my view, a wicked and wanton policy to destroy the market in which he sells his 90 per cent in order to attempt to increase the 10 per cent, for the whole world is becoming rehabilitated agriculturally, and the competition of all agricultural products abroad will be keener in the days to come than it has been at any time in the past.

Let us remember that the exports of grain and grain-food preparations for 1925 were less than for 1924, and in 1926 were less than they were in 1925. This decline in exports is due to two reasons:

First, the European nations are recovering their agricultural capacity. In reality they are making greater efforts to stimu-

late agricultural production. They learned in the war that they must make themselves as nearly self-sustaining as possible and to that end must revitalize agriculture in their respective countries. In addition they have learned the necessity of reducing imports in order to help balance their budgets, and thus they are making every effort to raise as much food at home as possibly can be done.

Secondly, it must be remembered that the wheat area in Canada has increased from a pre-war average of 10,000,000 acres to 22,000,000 acres in 1925, while there are still large uncultivated areas in that country suitable for wheat production. A recent report of the Agricultural Department shows that the Australian wheat area has increased from a pre-war average of 7,600,000 acres to 10,800,000 acres. The wheat area in those countries together is now about 53 per cent above pre-war average. New Zealand and Australia have just finished a season in fine shape. The further development of the western Provinces of Canada and the recovery of Europe are adding to the world's supply.

Therefore, I contend that what the farmer wants to do is to enlarge his home market. What the farmer wants is more hungry mouths to feed and more empty stomachs to fill. He wants more men working in the factories and in the mines and in the forests and on the railroads, and he wants them paid the American wage rate, the highest known among men, in order that right at home they can pay the American farmer the best price paid for agricultural products paid anywhere in the broad circle of the earth.

That is the American system of protection, and throughout the years it has worked so marvelously that our country today stands easily first among all the nations of the world in our universal prosperity. I do not say that it is directly the outgrowth of the protective-tariff system alone, but I say that it is largely the result of the protective-tariff system operating through the years, because it is our policy as protectionists to promote production in the country. We believe that production should be unlimited and unhampered; that we should not put it in leading strings. The United States should do everything its resources and its labor, skilled and unskilled, its capital, its inventive genius, will enable it to do, because it is a truism from which there is no escape that if we care for the producer the consumer will be in a position to care for himself.

Furthermore, the report of a survey made by a special commission under direction of the foodstuffs division of the Department of Commerce in 1925 states that only one-tenth of the wheat land of the Argentine and only one-sixth of the wheat land of Canada is at present under cultivation and that virgin soil in each country is being utilized in an increasing quantity each year. This report also points out that, because of cheap land and other cheap production costs, crops and livestock can be produced in these countries at a much lower figure than they can be produced in our country.

Additional evidence is supplied by the report of a special representative of the Bureau of Animal Industry of the Department of Agriculture covering the livestock industry in the Argentine. This report asserts that, after taking into account all of the cost of production, cattle in the Argentine can be produced for 75 cents per 100 pounds, which is below any possible cost of production in the United States.

We all remember that the Tariff Commission in 1924 submitted to the President its report on the difference in the cost of producing wheat in Canada and in this country; we have discussed it, and I shall not again go into it, but if the tariff on that product be inadequate, then I am in favor of making it adequate. That is why I favor the McNary-Haugen bill.

I do not dogmatically assert that that is the only measure that can produce this result, but I do believe that it will produce it, and I favor it because I think it is the best solution of the problem that yet has been presented to the American Congress, and it is the one solution that has the almost unanimous support of the agricultural interests of the United States.

Mr. BROOKHART. Mr. President, when the Senator from Indiana says that if the tariff is inadequate he is in favor of making it adequate, how is he going to do that without doing anything at all?

Mr. WATSON. I will tell the Senator all about that.

Undoubtedly these causes operate to the advantage of the producer of food in these other countries and, undoubtedly, these causes are driving our farmers out of the European market because of the fixed fact that all of these other people are able to undersell him in the world market and yet make a profit.

The National Industrial Conference is an organization of industrialists, financed by capitalists and conducted by men of wealth. Its object is to investigate every phase of American industry and to report its conclusions to the American public. At the beginning of 1925 they employed the finest experts they could command in this land, who put in one whole year investigating the conditions of agriculture in this country as compared with the condition of agriculture in other countries and as compared with other phases of American industry and activity. Those experts have no hesitancy in predicting that the American exports of farm products to foreign markets must rapidly be reduced in the future because of the conditions set forth by these various reports of our governmental agencies and because of conditions which these experts found existing here and elsewhere around the world.

What, then, would be the condition of the American farmer if our whole tariff system were to be abrogated and we at once entered upon a policy of universal free trade?

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Montana?

Mr. WATSON. I yield.

Mr. WALSH of Montana. Was not that the same commission which recommended a reduction in tariff rates, as is suggested in the pending resolution?

Mr. WATSON. The Tariff Commission?

Mr. WALSH of Montana. No; the commission to which the Senator from Indiana is referring.

Mr. WATSON. The Senator states they recommended what?

Mr. WALSH of Montana. I refer to the Industrial Conference.

Mr. WATSON. No; I do not think so. That was a special commission, I understand, headed by ex-Secretary of Commerce Nagel, of St. Louis.

Mr. WALSH of Montana. Exactly; it was the Industrial Conference.

Mr. WATSON. If it was a part of the Industrial Conference, I do not recall it. I think it was especially appointed. I do not think it was a part of the Industrial Conference. It was appointed by the United States Chamber of Commerce.

Mr. WALSH of Montana. It was the Industrial Conference that recommended as one of the measures for relief a reduction of tariff rates, exactly as is suggested in the resolution under consideration.

Mr. WATSON. The pending resolution does not suggest any rates, I will say to my friend from Montana.

Mr. WALSH of Montana. I will put the report to which I refer in the RECORD.

Mr. WATSON. I know what the recommendation is, but I did not agree with it, and do not agree with it now. I can not understand it.

Mr. WALSH of Montana. The Senator, however, was quoting from it.

Mr. WATSON. Oh, certainly.

Mr. WALSH of Montana. That is why I interrupted the Senator.

Mr. WATSON. I may quote many things from my friend from Montana that I believe, and others that I do not believe, because we do not concur, that is all; although I know he is honest in making any statement. But the point about it is that they recommended that the tariff be lowered in order to help agriculture. To my mind that is an unthinkable proposition. If the tariff schedules generally be lowered very much, if the American laboring man is interfered with, if he is driven out of business in any great number, if his capacity to buy is limited or curtailed, then we should not help the agriculture of the United States. We should strike down agriculture in this country in that proportion and to that degree. I do not think there is a doubt about that in the world. It has been demonstrated over and over again. That is why I can not agree with my friend from South Dakota [Mr. MCMASTER]. He does not say what schedules he proposes to revise; he does not say how much he proposed to revise them; he does not say anything about revising them in accordance with the protective tariff idea so as to measure the difference in the cost of production at home and abroad. He does not say that the American market is to be preserved either for the American farmer or for the American manufacturer. Therefore, I am not in favor of this resolution.

Mr. MCMASTER. Mr. President, will the Senator yield?

Mr. WATSON. Certainly.

Mr. MCMASTER. Most assuredly it is absurd to introduce a resolution for tariff reduction enumerating exactly the schedules which ought to be changed, stating specifically what the rates ought to be. If I have not any better reason for presenting the resolution in its present form I have the platform of the Republican Party of 1908, in which that party went on record in favor of a revision of the schedules downward but

did not specify a single schedule that ought to be reduced. No one would think of introducing a resolution or entering into an arrangement of that kind specifying the schedules. It is a question that ought to come up for consideration by the Congress and be thoroughly threshed out.

It seems to me the distinguished Senator from Indiana ought not to expect, and does not expect, a resolution of that kind to go into detail, even though he were in favor of it.

Mr. WATSON. That is the very reason I am against this resolution.

Mr. McMASTER. And in addition, I wish to say to my distinguished friend the Senator from Indiana that if I were going to vote against the resolution I would do exactly what he proposes to do, only in that case I would take up the aluminum schedule and would demonstrate to the satisfaction of the Senate that that schedule was just, that it was necessary, that all the excess profits accorded the industry are a good thing for the country at large. So I would take up the dye and chemical schedules and I would go through all the schedules. I would search through the profits accounts of certain corporations engaged in those businesses, which are making enormous profits, and then I would justify my position that those schedules ought to be maintained and preserved for the purpose of permitting that condition to continue.

Mr. WATSON. Mr. President, I do not believe that a general resolution of this kind adopted by this body can at all be effective in helping the farmer or helping agriculture or promoting industry in the United States. I can not get it into my mind that any such result will occur, and, because of that fact, I can not support it.

Mr. President, the last tariff for revenue bill placed all farm products, grains, vegetables, all fruits except a few grown exclusively in the South, sugar, fresh meats and meat animals, dairy products, poultry, eggs, and wool on the free list. Please do not forget that the object of a tariff for revenue is to produce revenue, and that in order to produce revenue there must be a tremendous volume of imports from abroad or else revenue will not be produced and that policy would thus fail in the very object of its adoption. Please bear in mind also that whenever we buy articles made abroad we do not buy articles made in the United States and thereby to that extent destroy the ability of the people to buy. This is precisely what followed the tariff act to which I have just referred. During the first 12 months of the operation of that law there were imported into this country grains, potatoes, hay, butter, cheese, eggs, poultry, meat, cattle, horses, sheep, and wool from Canada; butter, cheese, and eggs from Europe; eggs in vast quantities from China; cattle, fresh meats, wool, and hides from South America and Australia; in total value of $350,000,000 more than the aggregate importations of like products during the entire preceding tariff administration.

I call the attention of my friend from South Dakota [Mr. McMASTER] to the fact that we can not hope to reduce the tariff on manufactured products, and at the same time raise the tariff on agricultural products unless there be reason and justification for doing it. I am in favor of increasing rates on certain agricultural products as I have studied them; I might vote in favor of reducing the rates on manufactured products in certain schedules, but I am not one of those who believe that we can pull down industry and at the same time lift up agriculture by striking down below a just normal or medium the rates on manufactured products and raising them above that medium on agricultural products. I may say that this is one country; that agriculture and industry must go side by side; that we must have one law in the United States, and we can not aid and lift up agriculture at the expense of industry and then accomplish what we start out to do for agriculture. Is not that just as plain as that two and two make four?

Mr. BROOKHART and Mr. KING addressed the Chair.

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). Does the Senator from Indiana yield; and if so, to whom?

Mr. WATSON. I yield first to my friend on this side, and then I will yield to the Senator from Utah.

Mr. BROOKHART. I should like to ask the Senator from Indiana what it was that pulled down 177,000 corporations in the United States with a $2,000,000,000 loss a year for five years?

Mr. WATSON. I will say to my friend that that is partly due to low tariff rates on importations.

Mr. BROOKHART. Yet the Senator does not want to do anything about the tariff until after the election.

Mr. WATSON. Oh, well, we are all right; we will do it after the election, and do it in good time.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Utah?

Mr. WATSON. I yield.

Mr. KING. I assume that the Senator is making the contention—and I do not say this by way of facetiousness—that the tariff increases the price of the domestic product which is protected by the tariff. Starting out with that assumption, it is obvious then that the Senator believes that the maintenance of the tariff is necessary in order to increase prices. If the maintenance of the tariff increases the prices of manufactured articles and of all commodities affected by the tariff, obviously to the farmers it means an increase in the cost of the things which they must buy. If, therefore, the tariff were reduced, would it not follow that there would be a reduction in the price of commodities, and if there were a reduction in the price of commodities purchased by the farmer does not the Senator believe that that would be advantageous to the farmer?

Mr. WATSON. Mr. President, I will say to my friend that that is the old tariff-for-revenue argument which has been used ever since the foundation of the Government; that the tariff is a tax; that it is imposed upon imports and that the people pay the tax. The truth about it is that we have had that argument put forth in Democratic campaigns over and over again, that the tariff is a tax; we have heard it ad libitum, and ad nauseum. Now, let me say this to my friend——

Mr. KING. Mr. President——

Mr. WATSON. If the Senator will pardon me, let me say that after a tariff is imposed, if there be no competition in the United States in the particular commodity, the tariff is a tax; it is added to the price, and the people have to pay it; but that condition exists only for a short time; that condition obtains only until that industry can establish itself in the United States, when competition among those producing that very article in the United States tends to bring the price down to where it ought to be, to where the law of supply and demand operates. I could illustrate by citing any number of articles, if I cared to do so, but it is far afield from what I am trying to say at this time, and I do not wish to be diverted. However, I might mention, for instance, tin plate; I might mention pearl buttons, or the wool schedule, or the cotton schedule, or the iron and steel schedules, and show that at the time tariff rates first were imposed, and for a short while thereafter, there was an increase in prices, but after the industry became thoroughly established in the United States the competition at home, the domestic competition, cut the prices down to about where they ought to be and where the law of supply and demand operated. Then the danger is that the tariff, which made possible this growth and development, may be torn down; that the laboring men in American institutions may be brought into direct competition with laboring people abroad, who receive from one-third to one-half as much as do the operatives in American industries, and that those industries may be destroyed or closed down, until the sky is clear, and until the protective tariff policy is once more reestablished in the United States. That has happened six times in the United States.

Every time we have changed the tariff it has been invariably accompanied by commercial depression and industrial disaster. The only way in which we have ever gotten out of it has been by the reestablishment of the protective tariff as the policy of the Nation, which again has caused capital to be reinvested and labor to be reemployed and brought prosperity back once more to the people of the United States. That is not "political bunk," as my friend from Arkansas might say; that is irrefutable history which no man may successfully dispute.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. WATSON. I do.

Mr. BROOKHART. Does the Senator insist that this prosperity applies to the farmers of the United States, and also to the 40 per cent of corporations which are operating at a loss?

Mr. WATSON. Oh, I have said to my friend time and again that I agreed thoroughly with him about the position of agriculture in the United States. I have no doubt about that.

Mr. BROOKHART. I do not like to hear this "prosperity" talk when it applies only to a third of the people of the United States.

Mr. WATSON. I have not said a word about prosperity—not a word. I have been describing the conditions that exist; and I am saying to my friend now, if he will permit me to use an ordinary street expression, that if he pulls down the tariff on industry he will saw off the limb he is sitting on, and saw it off next to the tree, and great will be the fall thereof.

Mr. FLETCHER. Mr. President, may I ask the Senator a question there, pursuing this thought that the tariff is a tax in the early stages of its imposition, and afterwards manufacturers get on their feet and compete with each other? That is a very pretty theory; but is it not the actual experience that the manufacturers who have been built up as a special privilege by reason of this tax then get together and form a trust or monopoly, and control the price of the product?

Mr. WATSON. That is not the fault of the tariff. That is the fault of other laws. We have passed laws against that sort of thing in the United States.

Mr. GEORGE. Mr. President, let me ask the Senator a question.

Mr. WATSON. Just a minute, please. Let me make the ad hominem argument to my friend from Florida. I notice that when the tariff is up he is entirely willing to vote a tariff on citrus fruits coming into this country from other countries, and on tomatoes, and on other things produced in Florida. My friend has great anxiety to protect the particular things produced in his own State, while he believes in free trade for all the remainder of the Republic. Is that fair?

Mr. FLETCHER. That is not quite accurate, either. I never have believed in free trade.

Mr. WATSON. Pretty close to it.

Mr. FLETCHER. I never have believed in free trade, and I contend that there should be a tariff. My thought in that connection is that the only duty I have ever asked, either on citrus fruits or on tomatoes, is a revenue-producing duty. Then, again, I may say to the Senator that citrus fruits are not an absolute necessity anyhow. They are more in the nature of a luxury than a necessity.

Mr. SHORTRIDGE. Mr. President, will the Senator from Indiana yield to me?

Mr. WATSON. Yes. Here is another citrus-fruit man. We will listen to him.

Mr. SHORTRIDGE. I recall with great pleasure the masterly argument made by the distinguished Senator from Florida in support of his amendment to the tariff bill increasing the tariff duty from one-half cent to 1 cent a pound on grapefruit. The Senator argued persuasively and convincingly that there was a pressing, vital necessity for that increase. I joined with him, and the rates were raised, and are now 1 cent per pound on grapefruit.

Mr. WATSON. And everybody is happy.

RENEWED EVIDENCE

Mr. President, in 1921 a Joint Commission of Agricultural Inquiry was established, consisting of Members of Congress, representing both the Senate and the House, and both political parties. It made a report announcing its conclusions as a result of all its investigations in response to a resolution passed by Congress. In order that you may have a just idea of the fairness and representative character of this commission, I give the names of its personnel: Senators CAPPER of Kansas, LENROOT of Wisconsin, and MCNARY of Oregon, Republicans; Senator ROBINSON of Arkansas, the Democratic leader, and Senator HARRISON of Mississippi, Democrats; Representatives ANDERSON of Minnesota, MILLS of New York, and FUNK of Illinois, Republicans; and SUMMERS of Texas and TEN EYCK of New York, Democrats. Therefore, there can not be charged any partisanship or effort to play politics against this committee or its report.

Their conclusions were signed by all of the Members, without a single exception, and very clearly announced that as an invariable rule exports of farm products have very little to do with domestic farm prices, but that on the other hand there is the closest possible relationship between farm prices and domestic consumption; and, further, that the history of farm prices in our country justifies the statement that industrial depressions in the United States are always accompanied by a decline in farm prices, simply because industrial depression means lessened domestic consumption.

Every farmer knows these facts to be true, and can easily prove it to any doubter by referring to the figures of 1921, in which year we exported $2,607,641,000 worth of agricultural products, or a greater quantity than in any other peace year in the entire history of the Nation; and yet, notwithstanding that fact, 1921 was the year in which the agricultural structure of the country collapsed, and left our farmers in the most distressing condition they have ever known. The reason was that 5,000,000 men were out of employment, that their capacity to buy was largely curtailed, and, in addition to that, cheap agricultural products were coming into this country from elsewhere about the world. The emergency tariff checked the one, and the McCumber tariff checked the other; and since that time agricultural products have steadily increased in price, though they have not yet reached the level to which they should go if agriculture is to be placed on a parity with industry in the United States.

THE M'NARY BILL

And how is that task to be accomplished? Many of us sought to bring it about by the passage of the so-called McNary bill through the Senate. The object of this legislation was to secure a greater degree of stability in the price levels of corn, wheat, hogs, and cotton in this country. We proposed to do it by placing at the disposal of the producers a mechanism with the assistance of which they could control the handling and marketing of crop surpluses, thereby preventing price fluctuations and securing in domestic markets the price benefits of the protective tariff.

Secretary Mellon in his celebrated letter correctly states one principle, as follows:

> Farming differs from most industries in that the output largely fixes the price, whereas in manufacturing price largely controls the output.

In other words, by reason of closely organized and effective methods, the manufacturers of any given product are in a position to determine about what the demand for that product will be for the ensuing year and to regulate production accordingly. The farmer is in no such favorable position. There are six and one-half millions of them in the United States, and there is no possible way in which they can be organized so as to fix the quantity of the production of any crop, and even if they could definitely arrange to have a certain number of acres planted, for instance, to wheat, no human foresight could possibly determine the amount of wheat that could be produced on that fixed number of acres. As an illustration, no prophetic insight could possibly have foretold six months ago the amount of wheat that would be produced in Indiana this year, for the quantity and quality alike surprised everybody; and the same thing is substantially true of every year of every product.

Because of this fact we sought to set up a mechanism that, through the operation of a governmental agency, would enable the farmer to do what the manufacturer does, and which manufacturers by reason of their limited number can do, and which farmers by reason of their great numbers can not do.

If farmers could be compactly organized for the purpose of cooperative marketing, the whole problem would be solved, for production might at least be partially regulated and products could be fed into the market at such a rate as to hold up the price; but at the present time that is not possible, though one of the very objects of the McNary bill was to aid in making cooperative marketing effective.

THE SURPLUS

Notwithstanding all that has been done for the farmer in the way of legislation, there is one other thing that must needs be done, and that is to make arrangements by legislation to take care of his surplus product, for any solution of the farm problem that does not take into consideration the disposition of the surplus must of necessity fall far short of the mark.

Opposition to this measure was twofold; first, to the aim itself; secondly, to the means proposed by the bill.

The aim of this legislation is to prevent relatively small annual surpluses above domestic requirements from depressing the prices of the whole crop below the cost of production. It is only when the producer must offer his surplus in the competition of the world market that he is forced to take the price determined by the world supply of any given crop. As to such a crop the protective tariff affords slight relief, because the producer becomes the victim of world supply and world demand. If the world produces a large surplus of any crop, that surplus fixes the price for the whole crop. If there be a great world surplus of any crop, the protective tariff will keep the domestic price above the world price and at the top of the tariff wall only in case the domestic crop is about sufficient for domestic consumption; but if there is not only a large world surplus but a large domestic surplus protective tariffs can not possibly raise the domestic price.

For instance, let us suppose that we produce 650,000,000 bushels of wheat and consume 650,000,000 bushels at home, and further, that there is no large world surplus of wheat. Then the surplus sold abroad would not depress the price of the domestic supply sold at home, and this might possibly be true even without a tariff, but only if there were no world surplus.

On the other hand, let us suppose that we produce 700,000,000 bushels and consume 600,000,000 bushels at home and that at the same time there is a large world surplus. Then the world price obtained for the 100,000,000-bushel surplus sold abroad undoubtedly fixes the price of the 600,000,000 bushels sold at home, and the tariff is of little or no avail to change the result.

Therefore in the McNary bill we sought to set up a mechanism that would be able to determine as far as is humanly possible about what the surplus would be, if any, here and in the competing countries of the world and then to buy up and take off of the market that surplus, thereby enabling the American supply to just about meet the American demand; in which case no living human being can deny that the tariff would be effective and that the price of the domestic product would be lifted to the top of the tariff wall.

Under the provisions of this bill the surplus bought up by those in control of this device could be fed into the world market at the most favorable times and under the most favorable conditions to get the largest possible price out of it, and then whatever loss might be suffered by its sale abroad at the world price could be collected, and under the terms of the bill was to be collected, from all the producers of wheat in the country, the collection to be made from the first processor.

No one disputes that American farm costs of production are higher than those in other countries of the world; and, further, no one can gainsay that legislation creating artificial conditions largely made and keeps them so. Protective tariffs make and maintain higher wages; higher wages make higher costs for all that the farmer buys; our immigration laws shut out labor from other lands, and the demand for labor in this country increases the cost of labor to the farmer. The Adamson law fixed eight hours as the standard day's labor on all railroads, and this became the standard in all industry, thus adding to the production cost of what the farmer buys. True, this high-priced labor furnishes a market for the farmer and enhances the prices of his products; but unless his surplus crop be taken care of in the same artificial way, he does not get the full benefit of the industrial prosperity produced by this artificial legislation. Our entire national policy has been to build up our farm production on a surplus basis, and because of this surplus our prices, both at home and abroad, are determined by foreign rather than by domestic costs. Therefore the tariff is not effective for the farmer on these surplus crops, and the problem that confronts us is to make it so.

THE PROBLEM STATED

The surplus can be controlled in one of two ways: First, by eliminating 25 per cent of the farmers and forcing them into the cities because of their inability to make substantial profits on the farm; secondly, by handling by artificial means, aided by the Government, the surplus, thus enabling the farmer to make a profit on his production. Our opponents do not argue that we should cease producing food for export, but what they do squarely say is that we must sell our farm products at home at the same price that foreign labor pays. That has been repeated over and over again until it may be said to be the announced policy of the opponents of any plan to raise farm prices in America. In other words, the tariff must not be permitted to work to equalize the differences in production costs on farm crops between the United States farmer and his low-standard competitor abroad.

I do not believe this is a tenable position for an advocate of the doctrine of protection, of whom I am one, to take, and I ask my friends to bear in mind that the maximum difference between the price abroad and the price at home, whether under any proposed legislation or because of a shortage in production that makes the tariff effective, would be the tariff itself, and that difference would still exist if we lessened our production so that there was a domestic shortage. In that event the logic of our opponents would unquestionably lead them to advocate a repeal of all agricultural tariffs, because, if they are effective, they would maintain an American price for the American farmer above that which foreign labor has to pay.

OUR OPPONENTS' ARGUMENT

Their contention can only mean that they are opposed to a tariff that works for the farmer. In other words, they advocate for America the same step toward industrialization of the Nation at the expense of agriculture that was taken in England in 1846. And if we continue to drive the farmers from the farm into the city, until there comes a time when the urban population greatly dominates and overwhelms the rural population, and the price of agricultural products is enhanced because of that fact, with lessened production and an increase of consumption, then those in the city having the vote will insist on absolute free trade in our agricultural products, just as they did in England in 1846, and, in my judgment, that is the situation that to-day confronts American agriculture. That is why I plead with my protective tariff friends, whether it be in the East or in the West, to help us solve this agricultural problem, to put agriculture on a sound basis, protect it as we must protect it by the protective tariff, and if the tariff be not sufficiently protective, then by some other agency that may make the tariff effective.

THE M'NARY-HAUGEN THEORY STATED

I am one protectionist who believes that the wheat tariff, for example, was imposed for the express purpose of enabling the farmer to obtain a higher price for his product than that obtained by his foreign competitor in wheat production, the price to equalize the difference between his production costs and those of his competitor abroad. The very object of the tariff is to give the American producer an increased price over his foreign competitor. That was the aim of the McNary bill, for it simply supplemented the tariff, making it effective wherein, because of surplus crops, it would be ineffective. Our opponents frankly admit that it would have this effect, but state that it ought not to be done because it would cause foreign labor to pay more for American crops than American labor would be compelled to pay, and thus subsidize them to that extent.

But our friends are opposed to the aim itself. They say that, if you make the tariff effective for the farmer by legislation of this kind, you will raise the cost of living in this country. But any scheme of any kind that might be adopted to make the tariff effective would do precisely the same thing in an exactly equal degree. Any step, voluntarily taken by the farmer, or induced by govermental aid, that would secure a fair price to the farmer would do exactly the same thing, namely, enhance the price. So what our friends oppose when they raise the cost of living argument is really a profit for the farmer, no matter what causes it or what steps are taken to produce it.

I call attention to the fact that the American Federation of Labor takes no such position. Its representatives testified that they wanted the farmer to get a fair price; that they were satisfied that a great many farmers were not producing their crops at a profit, and that they did not want anyone in the United States to work for less than a living and saving wage. Furthermore, they are aware of the fact that almost 1,000,000 farmers a year are driven from the farms to the cities to compete with labor, thus reducing the number of producers and at the same time enhancing the force that competes with them for their jobs.

FURTHER OPPOSITION

Our friends argue that we should not do anything that will cause our workmen to pay more for what they buy than the foreign workman pays. As an industrial high protectionist I could not without inconsistency support that position. If our friends mean that we are to maintain an industrial organization that can compete for world trade at the expense of our farmers by compelling the farmer to sell at home at the foreign price, then I must part company with them, for I believe that the protective tariff should be made to apply to all phases of American industry alike.

Our friends complain that by this scheme we sell wheat, for instance, abroad cheaper than at home, and that that should not be permitted. But these same gentlemen were advocates of the Edge bill, by which all sorts of industrial concerns are permitted to combine, without being subject to the operations of antitrust laws, for the very purpose of selling their products abroad cheaper than at home. That law is in operation and results in what I believe great good to the country, but if this plan is applied to the products of the factory, why may it not with equal force and equal intelligence be applied to the products of the farm? Undoubtedly it can be and it should be, and this cry of selling abroad cheaper than at home can be set up against almost every industrial institution in the land. Notwithstanding their foresight and their ability and their power to organize and their knowledge of world conditions, the manufacturers of any given product may have a surplus they do sell abroad cheaper than at home in order that they may maintain the integrity of their organizations and keep their factories at work. This is entirely feasible, and should not be objected to by any reasonable man.

Furthermore, our opponents say that if our proposed legislation secures a better price for the farmer it would tend to stimulate production and to reduce consumption. If that be true of the price increase secured under legislation we propose, it is true of any price increase; for instance, one secured by cooperative marketing. The dominant idea in that argument is that there must be no increase in farm income because such an increase would be followed by a corresponding increase in farm production. If this is an argument against our proposed legislation it is also an argument against any attempt to improve farm prices by voluntary action of individual farmers in reducing acreage, or by voluntary efforts of farmers through cooperative marketing.

There is much more reason to become alarmed over the downward trend in agriculture than to fear for its considerable

expansion. You may find food for thought in the fact that wheat acreage in 1925 was 389,000 acres less than it was in 1899, although the population during that period had increased from 74,000,000 to 112,000,000.

As for the effect of price on consumption, I need but state that the figures conclusively prove that the per capita consumption of wheat has decreased 25 per cent during a period when the purchasing power of labor was the highest in the history of the Nation and the exchange value of wheat the lowest. Our opponents say in effect that the American public must get its food at the same price as Europe and Asia, but, with the others who supported the McNary bill, I maintain that the American public is willing to pay the American farmer a protected American price for what he produces, and that is all he demands.

OTHER FALLACIOUS ARGUMENTS

There are those who contend that we should equalize the farmer and the manufacturer by pulling the manufacturer down rather than by lifting the farmer up. The farmer himself might be attracted to that argument of cheaper prices all around, his own included, if he were out of debt. But the incumbrance, which amounted to but $4,000,000,000 in 1910, had climbed up to $12,500,000,000 in 1920, and is still higher to-day.

The Census Bureau, which is completing its 1925 farm census, shows that the 17 States whose figures are tabulated have increased their farm mortgage indebtedness $323,000,000 since 1920 and the value of the mortgaged land in the same time dropped off over $1,000,000,000, so that the ratio of farm debt to land values had jumped from 28 per cent in 1920 to 43 per cent in 1925.

The farmer is entitled to a chance to pay that debt with a product high in dollar value, and he wants to be equalized up, not down. The remedy proposed by the Senator from South Dakota would, if effective, be equivalent to multiplying the size of the farm debt instead of aiding the farmer to pay it.

I am just as much in favor of adequate legislation to help the farmer as my friends dare be—or as anybody else dare be—because I realize that the one great overwhelming problem that to-day confronts the American people is the rehabilitation of American agriculture in the United States of America.

ANOTHER OBJECTION

Other objectors take the position that the equalization fee proposed in the McNary bill would be passed on to the consumer. In fact, the ultimate increase in price to the consumer would be the tariff, out of which the fee is deducted from the farmer's price. The farmer is entitled to the full benefit of the tariff, and yet he is willing himself to deduct the equalization fee from the amount he is to receive if he sells his product up to the top of the tariff wall. If the farmer could so easily pass on his cost to the consumer, he would not be seeking legislation or artificial means to enable him to obtain a fair price.

There are those who, contrary to all the facts, continue to state that the Government makes some guarantee against loss to the farmers by the provisions of the McNary bill, when, in truth and in fact, there is no guarantee provision whatever in any way.

Those who oppose this measure prophesy increased production and decreased consumption and then wind up with the sweeping statement that, if a plan of this kind can be applied to farm products, why can it not be applied to all other products. The simple truth is that the textile people and the shoe manufacturers have done everything they knew to secure the passage of legislation that fits their particular case, and I think justifiably so. Surely our friends are not serious when they compare such industries, with their accurate control over output and their ability to shut down without continuing high costs or plant disintegration, with the farmers who have none of these advantages.

COOPERATIVE MARKETING

I am a believer in cooperative marketing, but it will be a long time before it can be made to work successfully over the whole country. The number of persons involved, the complexity of details, the difficulty in controlling the members, and the almost insuperable task of agreeing on the subjects to be operated on and the costs of operation all work together to break down the scheme, and this is all the more so when applied to commodities which compete with world markets.

My own thought is, that so far as this plan relates to agriculture, it is purely a marketing one and can not become a production-controlling scheme. On a nation-wide scale its purpose necessarily will be confined to determining when and how to market crops, what crops shall be included, and to prevent speculation, and in what manner the middleman shall be dealt with. When it comes to a national crop that is just ample to supply the home demand, no artifice of any kind is necessary. The law of supply and demand gives to the producer a profitable return under those conditions, and the object of the McNary plan is to withhold the surplus of any given crop from the market so that the law of supply and demand will operate, but on a higher level—namely, on a level equal with the top of the tariff wall.

This is not price fixing any more than the tariff is price fixing. For instance, we placed a tariff of 30 cents a bushel on wheat, the Tariff Commission found that the difference in the cost of production between this country and Canada is 42 cents a bushel, and the President raised the tariff to 42 cents. There are those among us who maintain that that is price fixing, but it is not, it is simply an effort to control world movement of a particular product so as to give American producers the benefit of higher general prices.

The American agricultural producers know what their own experience is in these respects, and I do not believe that the great body of our agricultural friends expect that the tariff rates will be lowered immediately, knowing just what that means in a legislative body.

ENGLAND'S EXAMPLE

In 1846 English statesmen came to the conclusion that that country could not produce a sufficient food supply for her great industrial population, and therefore adopted a policy of unrestricted free trade in all products of the farm, which policy it has since religiously maintained. The opponents of artificial legislation in this country might do well to consider the English example when they assert that a sufficient number of farmers should leave the farms to render farming profitable to those who remain, for England furnishes a striking example of the fallacy of this argument.

Notwithstanding the great urban population of England, no farmer can make a real living in that country. Notwithstanding his proximity to the great market, he is simply kept out of a profitable business by the cheap products of agriculture that come from all other parts of the world.

The same can happen to us in very large degree. Moreover, it must be remembered that there are now four times as many people who want cheap food as there are people who want high prices for farm products, and as this proportion increases, it will finally mean such a preponderant consuming population that they will vote free trade in agricultural products in order to secure cheaper food, thus subjecting whatever agricultural industry may remain to unlimited imports of farm products from all those countries in which it is so cheaply produced that no farmer in this country can compete and live.

CONCLUSION

Hitherto, our working folk in the city have been perpetually revirilized and revitalized by the working folk from the country. The farm has furnished a good part of the backbone and sinew of the Republic; its moral strength, its conservatism, a check on the frequent and volcanic eruptions of the less staple portion of our people, and it is a wholesome influence in our entire national life. It would be an unspeakable calamity to strike all of this out of our civilization and to abandon utterly all of those strengthening and sustaining virtues that abound on the farm.

Therefore, let us accommodate ourselves to present conditions to the extent of utilizing our national policy in behalf of the farmer as well as in behalf of industry and labor. That is the true American policy. From it we have not departed in the past, and it has brought us to our present unrivaled position among the people of the world. From it we should not depart in the future, and it will lead us to still greater heights of conquest and achievement.

Mr. BROOKHART obtained the floor.

Mr. McMASTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bayard	Edwards	McKellar	Smoot
Bingham	Fess	McLean	Steck
Black	Fletcher	McMaster	Steiwer
Blaine	Frazier	McNary	Stephens
Borah	George	Mayfield	Swanson
Bratton	Gerry	Metcalf	Thomas
Brookhart	Gould	Norris	Trammell
Broussard	Hale	Nye	Tydings
Bruce	Harris	Oddie	Tyson
Capper	Harrison	Overman	Wagner
Caraway	Heflin	Ransdell	Walsh, Mass.
Copeland	Howell	Reed, Pa.	Walsh, Mont.
Couzens	Johnson	Robinson, Ark.	Warren
Curtis	Jones	Robinson, Ind.	Waterman
Cutting	Kendrick	Sackett	Watson
Deneen	King	Sheppard	Willis
Edge	La Follette	Shortridge	

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present. The Senator from Iowa will proceed.

Mr. BROOKHART. Mr. President, the discussion of the resolution has taken a broader field than the mere import of the resolution itself would seem to justify. In the latter moments of the discussion by the Senator from Indiana [Mr. WATSON] the question has presented itself in the form of whether or not we shall tear down the industries or raise agriculture up to the level of the prosperity of the industries. I do not hesitate to say that if it were possible to give agriculture the profits which are taken by the Steel Trust, which are taken by the Aluminum Trust, which are taken by the big combinations of capital, I would subscribe to that doctrine. But the Department of Commerce shows that the whole American production increases our national wealth only 5½ per cent a year. All of the work of all of our people, all of the earnings of all our capital, all the increase of property values, the unearned increment, and even the depreciation of the dollar added together from 1912 to 1922, increase our national wealth only by 5½ per cent a year.

Five and one-half per cent, then, is what we have to distribute in our country. That is what we have to divide out to the farmers and to all of the industrial enterprises. When a portion of the industrial enterprises take a greater share than 5½ per cent, somebody else must take less than 5½ per cent or the average would not remain. Therefore it is an absolute impossibility to equalize agriculture with these other things. The excess profits must be brought down.

I have pointed out that 177,000 corporations in the United States have operated at a loss for the last five years, and that loss has been an enormous amount, an average of almost $2,000,000,000 a year. There is some equalization needed to give prosperity to this large portion, over 40 per cent, of the corporations of the United States, as well as 90 per cent of the farmers of the United States, who are at the verge of bankruptcy at this moment.

Our mortgage indebtedness has enormously increased and our foreclosures of mortgages, which reduced the mortgage indebtedness, have enormously increased. Our land values have declined some $20,000,000. Everything has gone backward with agriculture and it is impossible to give agriculture equality without transferring some of the profits of the great combinations in our economic arrangement so that agriculture will reap their benefit.

Now let us see about manufacturing as a whole in the United States. Even since deflation there is about $60,000,000,000 of capital invested in agriculture. There are about 12,000,000 workers on the farms of the United States; that is, men who make a hand on the farm. That does not count the women and children who work the year around on the farms. That $60,000,000,000 and 12,000,000 of workers produce and have produced during the last five years a gross return or revenue of about $12,000,000,000.

How is it in manufacturing, in the protected and patented industries? There is about $40,000,000,000 of capital, in round numbers, invested in manufacturing, perhaps a little more, but not much. There are fewer than 9,000,000 workers in the industries of the United States, 8,778,000 being the exact figures when I last checked them. But this smaller amount of capital and smaller amount of workers, only two-thirds as much capital and only three-fourths as many workers, produces a gross value of $60,000,000,000.

I might say that the comparison is not exactly fair on these figures because the raw material bill of the manufacturers is greater than the raw material bill of the farmers. But the farmers of the United States must expend 27 per cent of all their production as raw material—that is, feed, seed, work animals and breeding animals, and things that must remain on the farm permanently and continuously—in order to operate the farm.

It would be charged to the raw material account of the manufacturer. But at that there is still a greater percentage of raw material in manufacture, so I deduct $16,000,000,000 for that item and it still leaves $44,000,000,000 of production for the manufacturers of the United States as against $12,000,000,000 for the farmers, and that on two-thirds as much capital with three-fourths as many workers.

What chance for prosperity does the farmer of the United States have, these 12,000,000 farmers with their $60,000,000,000 of capital, when they bring their products for exchange into these manufactured products and must meet a gross value of five times their own produced by two-thirds as much capital and three-fourths as many workers? There can be no prosperity under that condition.

The Senator from Indiana [Mr. WATSON] indicated that the cause of the high prices of manufactured products is the high wages of labor. Always when arguing against the position of the farmer the cause of his troubles is figured out to be the high wages of labor. But I added up the wages of the 9,000,000 workers in the industries of the United States, as reported by the Department of Labor, and their whole wages amounted to only about $11,000,000,000. They receive actually less than 25 per cent of the gross production of the manufacturers of the United States.

I do not attribute all of this high value of manufactures in the United States to the tariff. I only attribute about one-half of the excess profits to the tariff and, perhaps, the other half is due to patent laws. I have tried to figure out a proportion of the causes of this great discrimination against agriculture. I think probably protective industries are only about one-eighth, on my own estimate, and, perhaps, patented industries about another one-eighth. I think that other laws, however, and other acts of Congress have contributed to produce the balance of this great discrimination.

Here we have the transportation act, passed by the Congress of the United States, and that act fixed the value upon the railroads of the United States by operation of law at, in round numbers, $19,000,000,000 at the moment when they could have been bought on the stock-exchange market for less than $12,000,000,000, adding $7,000,000,000 of fictitious value legalized under that transportation law.

Then there was put in the law a guarantee for a return, a command to the Interstate Commerce Commission to allow a return of 5¾ per cent upon that fictitious value. Five and three-fourths per cent is more than the American people on an average can produce. If all the production of all this country went to capital alone and labor got none of it, it would amount to only 5½ per cent. With 5¾ per cent upon $19,000,000,000 of value, when the actual value, the market value, is only $12,000,000,000, it means over 9 per cent upon the actual value of the railroads.

That is one of the items which has produced this discrimination against agriculture in the United States. That is one of the reasons why the farmers of the United States must take 15 or 20 cents a bushel less, and did take 15 or 20 cents a bushel less, for the wheat they produced in this country this year than did the farmers of Canada, all traceable to the difference in freight rates to reach the markets of the world where the price of both productions was fixed.

Again, the Senator from Indiana mentioned the War Finance Corporation which came to the aid of the farmers of the United States. Then we had the Federal reserve bank law enacted by the Congress of the United States. For the purpose of comparison, before the War Finance Corporation and the Federal reserve bank law came along, for 55 years in my State of Iowa we had twice as many banks as the State of Massachusetts, and they operated on less than one-half as much capital per bank as did the banks of Massachusetts.

We had fewer failures than among the banks in the State of Massachusetts. Then we were given the War Finance Corporation to help us out, and a "decoy duck" was placed at the head of it. Then we were given the Federal reserve bank to help us out, and since then our bank failures in Iowa have been eighteen times as many as in the State of Massachusetts.

I think, perhaps, about 10 or 15 per cent of our trouble is due to excess railroad rates. I think 60 or 65 per cent of the present situation is due to that manipulation of credits in the Federal reserve bank which caused the deflation of the farmers of the United States, and then the high cost of credits which compels the farmer to pay a high rate of interest for his bank loans while speculation in New York gets almost $4,000,000,000 at this moment at 4 per cent interest. Added to the tariff, added to the patent laws, those things have produced this great discrimination against agriculture. But, as I have stated, 12½ per cent of our trouble is due to the excess profits charged the farmer for what he buys because of exorbitant tariff schedules. Therefore in order to equalize this discrimination I stand for a reduction of those tariff schedules.

I believe also that some of the farm schedules are too low. There is a rule which is accepted, at least by all factions of the Republican Party, as the basis for tariff schedules, and that is the difference in cost of production at home and abroad. I do not believe that rule has been followed in any reasonable degree whatsoever. I think that failure to follow it has produced the excess profits that have piled up the millions, indeed the billions of dollars of stock dividends in the United States.

All of that has put a charge upon agriculture that it can not bear.

I think that is the direct issue involved in the pending resolution here to-day. I think it is important to the extent, at least, of 12½ per cent of the farmer's trouble that we reduce the tariff schedules and thereby reduce the excess profits which the farmer must pay.

If along with that we find that there are five or six hundred million dollars worth of agricultural products imported into the United States free—as there are—and a large part of those products could be produced at a reasonable cost in the United States, it is only just and reasonable that tariff duties be imposed in order to protect those farm products.

Take the rate on wheat, for instance, which is 42 cents a bushel at this time. The duty has been raised to that amount; the President has exercised his authority in regard to wheat, and has raised the duty to 42 cents. However, there is a 20-cent difference, or about that, in freight rates to reach the foreign market from the points of production in the United States, our freight rates being that much greater than the freight rates in Canada. Therefore one-half, or about that, of the tariff protection is at once nullified by the high railroad rates in the United States. I think all agricultural products are suffering from a like discrimination in railroad rates. I think everywhere that is true. It is proven in the case of wheat because we have the parallel markets on opposite sides of the Canadian line that prove it beyond question. It is further proven by the fact that the discrimination in wheat prices at Winnipeg and at Minneapolis prior to the 12th of September was about 12 or 15 cents a bushel in favor of Winnipeg, but since the 12th of September the price of wheat has jumped to 20 or 25 cents a bushel more at Winnipeg than at Minneapolis.

What happened on the 12th of September? On that date the Canadian Railway Commission, in one of the most comprehensive decisions ever handed down in any country, reduced the railroad rates on wheat 8 or 10 cents a bushel. Immediately the wheat in Canada advanced by about that amount, and the spread became about that much greater between the Canadian price and the American price.

Mr. President, this situation must be met not by a fight at one point along the line but by a fight all along the line. I am in this fight for agriculture against every excess profit in industry that agriculture is compelled to pay because of tariff schedules; against every excess profit in industry that agriculture is compelled to pay because of patent laws; against every excess interest charge that agriculture is compelled to pay because of banking laws and a banking system which gives a low rate of interest to stock speculators, while agriculture must pay high rates; against every excess charge that agriculture must pay in railroad rates that are fixed by a law of the Congress of the United States.

The Republican Party promised agriculture equality. Its platform is too plain to doubt its construction. What has become of that promise? Even the Senator from Indiana [Mr. WATSON], who defends the Republican organization, right or wrong, admitted that that pledge had not been kept. Almost four years have now passed, and the Republican machine wants to continue the matter over until after another election, to make another pledge that will get the farmer vote, and then the present situation can be safely continued for another four years.

Unless it keeps its pledges the Republican Party ought to be defeated in the next election. I shall vote for the pending resolution. I shall vote to remove this tariff inequality, and I shall vote to remove every one of these inequalities against agriculture.

Equality is the basic principle of Americanism; it was written into the Declaration of Independence in the beginning; but it has been nullified by selfish interests throughout all our history. The time has come when inequality has grown so great against agriculture that it stands out to-day as the greatest problem of our Republic save and except the problem of human slavery.

TRADE BARRIERS AND CUSTOMS DUTIES

Mr. ROBINSON of Arkansas. Mr. President, I desire to ask leave to have printed in the RECORD an address recently delivered by Mr. Norman H. Davis on the subject of trade barriers and customs duties.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Artificial restraints on international commerce are not new. Governments have always claimed that it was an undisputed prerogative of sovereignty to establish the terms on which aliens could trade within or across their frontiers. The Moorish corsairs of El Tarifa, near Gibraltar, levying a tax on all commerce through the straits, gave their name to a practice which was very, very old.

In modern times tariffs have been imposed not only to raise revenue, but to protect home industry from foreign competition. Theoretically, such "protection" is a subsidy to local producers, which must be paid for in higher prices by local consumers. There are, however, great practical difficulties in reaching any definite appraisal of the amount of this subsidy, who pays it, and the effect on the economic life of the nation.

The prosperity or adversity of a country is due to multiple and complex causes, of which tariff policy is only one. The size of the home market; the natural resources; the type and industrial fitness of the population are considerations at least equally, if not more important. It is difficult to prove whether any country is prosperous because of or in spite of high protection. The three countries to-day with the highest tariff levels are the United States, Spain, and Russia. The standard of living varies greatly in these countries. Obviously, a high tariff does not suffice to bring prosperity to a country which is poor in natural resources, like Spain, or torn by revolution, like Russia.

In the years immediately preceding the war there was a tendency toward increasing protection. Great Britain alone of the industrial nations believed that its prosperity was enhanced by free trade.

II. POSTWAR

After the destruction of capital, the loss of man power, the long interruption of normal production, the obvious impoverishment, caused by the World War, it would seem that long-visioned, broad-minded selfishness would have dictated a policy of closer cooperation between the nations. Only by cultivating existing markets and opening up new ones, by stimulating production, by freeing economic life of its trammels, could the loss be speedily made good. But almost without exception the nations took the other course. Old trading units, like the Austrian and Russian Empires, were broken up not only politically but economically. The 5,000 miles of new frontiers became so many more barriers to the free exchange of commodities. Two fallacies—now generally recognized as fallacies—stimulated this movement. First, many believed that they could best achieve prosperity at the expense of others, and that the more they penalized or blocked the trade of their neighbors, the more they would profit. It is pretty generally recognized to-day that no nation can long prosper in the midst of bankruptcy. The lowering of prosperity, which comes from general blockade can not be compensated for by protective tariffs. And, secondly, the wave of political "nationalism" which swept over Europe—especially in the Near East, where new nations had won their long-desired independence—inevitably became economic nationalism as well. Despite the fact that all the trend of our day is toward increasing economic interdependence, the fallacy of "self-contained nationalism" has had a great following. The general staffs became high protectionists, insisting that all the key industries of war supplies should be built up at home.

We can picture the confusion by suggesting that the militia of each of our 48 States insist on having their Army motor cars built in their own State and be able to impose interstate tariffs which would make it possible for agricultural States to build automobiles in competition with established industrial centers.

This "economic nationalism" meant adding the waste of duplication to the impoverishment of war. New plants, built where they could not be economically operated, were kept alive by high tariffs. Old plants, which had grown up naturally near fuel or power and raw material, lost their markets as a result of these tariff walls, and so forced to close down, threw new brigades and army corps into the ranks of the unemployed, which lowered the level of living and the general purchasing power.

Not content with formal and declared tariff war, many nations sought even greater "protection" by embargoes, import and export prohibitions, juggling with terminology in the tariff schedules, complications in customs formalities, which further impeded transfrontier trade. The attack on competitive foreign commerce is often veiled, sometimes taking the form of "sanitary regulations." All sorts of ingenious tricks have been tried to beat the axiom that "You can not sell abroad unless you buy abroad."

The raising of tariff barriers was also stimulated by the fluctuation and depreciation of currency. As currencies fell in some countries tariff walls rose in others as a protection against an influx of cheap goods from the areas of cheap currency. These protective measures were deemed necessary to safeguard home industries, but the closing of markets to the goods of the countries suffering from currency depreciation made it more difficult for them to cure their exchange and currency troubles. Nevertheless currencies have now been stabilized or gotten within control, but the barriers which were raised against unstable currencies still remain and hamper commerce after the reason for their erection has disappeared.

Tariff revisions have been frequent and almost always upward. Inevitably it is cumulative, for it invites retaliation. If A could raise its own tariffs and persuade the rest of the alphabet to lower theirs, A might gain. But this is not human nature. B, C, D, and Z raise theirs in retaliation and the hoped-for gains prove illusions. As it

becomes apparent that the profits of this policy of erecting barriers to trade are less than anticipated—that it defeats its own purpose—the losses which all suffer from the slowing down of commerce become even more apparent.

The policy of protection means, in the long run, the sacrifice of the foreign market for the home market. The tendency toward mass production, the outstanding development of our economic era, demands mass consumption, the largest possible market. An equally important fact of our day is the increasing complexity of industry—mass production is not possible without access to all sorts of raw material. Major industries gather their raw material from the four corners of the earth. A country like our own, with its vast continental area—the largest free-trade area in the world—furnishing the greatest part of its basic raw materials, consuming nine-tenths of its production, has been able to pursue a policy which subordinates the foreign market. Nature has been very bountiful to us. Within limits—as yet undetermined—we can live on our own fat, but we are reaching out more and more for raw materials from abroad; our home market is already becoming too small; and we must have additional outlets for our surplus products and wealth.

The typical country of Europe is small—relatively few consumers at home. It is lean—poor in raw material. It lacks the resources and markets essential for economic units of production and distribution. It can not afford the luxury of a policy of economic nationalism.

III. THE GENEVA CONFERENCE

The business men of Europe have been seeing with more and more alarm the disastrous results of "economic nationalism" and its accompanying tendency to ever-increasing artificial interference in trade. Uneasiness was being expressed by chambers of commerce everywhere. And in May, 1927, there gathered at Geneva the World Economic Conference. Much valuable spade work had already been done by the preparatory commission and by the economic section of the League of Nations. The information which was given us, in a series of pamphlets, furnished a remarkably comprehensive picture of present economic conditions. Men from every country, men from every special industry could see how their individual problems fitted into the general picture. Viewing the whole in proper perspective, all could see larger significance in the details, with which they were familiar. This matter of tariffs was discussed not from the viewpoint of any particular manufacturer and his possibly selfish interests but from the international viewpoint—from the viewpoint of the prosperity of all, the viewpoint of the common weal.

Approaching the problem from this angle it was at once obvious that, while the determination of fiscal policy is a matter of domestic jurisdiction, it is a matter of more than domestic concern. The world has become so interdependent in its economic life that measures adopted by one nation affect the prosperity of others. No nation can afford to exercise its rights of sovereignty without consideration of the effects on others. National selfishness invites international retaliation. The units of the world's economy must work together or rot separately.

The Economic Conference made no attempt to determine an ideal tariff level—to settle the old controversy between protection and free trade, between high and low tariff. No attempt was made to tell any nation what it should do.

The conference, however, did reach certain very definite conclusions—unanimously. I do not have to remind you of the composition of the conference. There were industrialists, bankers, economists, agriculturists, and laborers. It was as authoritative a body of experts in the matter as was ever convened to discuss economic questions. They were unanimous in favor of simplification of customs terminology and formalities; they recommended universal adherence to the unconditional most favored nation principle; they condemned all veiled and indirect methods of increasing the barriers of trade; they pointed out emphatically the difficulties of frequent alterations in schedules. And they agreed that further heightening of the barriers would be disastrous, that the time had come to take the other direction and reduce them.

The conference was not composed of official governmental representatives. It did not have "power" to bind anybody. But that it expressed the considered convictions of the business world is, I think, proved by the cordial and unanimous indorsement of its findings by the Congress of the International Chamber of Commerce at Stockholm. Even more encouraging is the news that its resolutions have been formally indorsed by the following governments: Germany, Holland, Belgium, Czechoslovakia, Austria, and the Scandinavian countries.

IV. ARMAMENTS

It is impossible to study the question of reducing these artificial "restraints to trade," without being reminded of the very similar problem of the reduction of armaments. In one case, as in the other, the matter comes directly under the sovereign rights of the nations. Any country has a right to build up the military establishment it desires. Any nation has the right to erect such barriers against international commerce as it thinks will serve its interests. But in both cases the free and uncoordinated exercise of this right has caused great economic burdens and universal embarrassment. In both cases any step taken by one nation to protect its own interests is immediately rendered inadequate by the retaliatory action of others.

It is, I believe, generally conceded that the only hope for the reduction of the burdens and dangers of excessive armaments is through some form of international agreement. I submit that this is also the only method by which we can find sufficient relief from these excessive barriers to trade. International agreement means negotiation, consideration of the others' situation and needs, and mutual concessions.

If each government is to continue, as has been the custom in the past, to fix its customs policy, its military program, as an isolated, individual act of sovereignty, without thought of the repercussion on other countries, the pyramiding of tariffs, the piling up of armaments, is inevitable. We can hope for relief—in the one problem as in the other—only by the method of give-and-take cooperation, by taking the friendly, considerate, and broad view.

V. AMERICA'S PART

When we come finally to the consideration of America's relation to this problem we must answer two questions. First, Are we sufficiently interested to do anything about it? Secondly, If so, what?

Clearly we have stood in a special position, not so much because of distance—the Lindberghs are constantly reducing that—as because of our structure. International trade has not in the past been as important to us as it is to many European countries, but our export trade, while small in comparison to our domestic trade, is rapidly growing in volume and importance, and with the possible exception of Great Britain is now greater than that of any other nation. At present it is largely based on credit supplied by our investors. Purchasers of our products come to us because we have a practical monopoly of the credit they need. We have thus been able to sell our surpluses and let our foreign customers and debtors worry about the trade barriers, but that can not continue indefinitely.

While I am not a protectionist, I recognize that, with the exception of agriculture, our country has been generally prosperous under a high protective tariff, as it has also been under a tariff for revenue only; and I admit that our consumers have been able to adsorb, without apparent detriment to our economic life, the cost of tariff subsidies. We have, however, now changed from a debtor to a creditor Nation, which must alter the effect of our tariff upon our economic life and that of other nations. The real test of our tariff policy will come from the need of additional markets and the necessity to safeguard and recover our foreign loans and investments.

Whatever our differences of opinion about our own tariff policy, I find little dissent from the proposition that Europe can not regain its prosperity unless action is taken to reduce these trade barriers—as recommended by the Economic Conference at Geneva.

Mr. Henry M. Robinson, speaking for the entire American delegation at the Geneva Economic Conference, answered the first question. "Our own experience," he said, "has taught us to consider 'prosperity' as a whole. No industry lives healthily in a period of general depression and instability. No nation can enjoy its full economic activity unless other nations are prosperous. The American people are profoundly interested in the peace and prosperity of Europe."

There is one other point which I submit for your consideration. We, as the growing creditor of Europe, have an added reason to desire the restoration and increase of its prosperity. If we are to continue to lend money to Europe, if we are to be repaid on existing credits, it is to our interest to do all in our power to help Europe in her effort to free herself from this throttling, smothering tangle of artificial trade barriers.

With our increased efficiency, through labor-saving devices and mass production, we have raised our standards of living and our purchasing powers above that of any other country. Instead of being at a disadvantage in competing with Europe, as was formerly supposed to be the case, because of the low wage and standard of living in Europe, it is becoming increasingly evident that Europe is at a disadvantage in competing with us just because of their low wages and low standards of living which reduce their efficiency, their earnings, their purchasing power, and their consumption.

The second question, "What can we do?" remains to be answered. There is unanimous feeling among our citizens that the results of recent cuts in direct taxation have been beneficial. I suggest that a cut in indirect taxation would have an equally beneficial result in our national economy. It would be even more popular, for whereas direct taxation falls mostly on the more prosperous few, indirect taxation bears on all. But it is especially because of its effect on the international problem that I advocate it at this moment.

The experts gathered at the Geneva Conference and the leading business interests represented in the International Chamber of Commerce have expressed the conviction that the removal of barriers which unduly hamper trade would promote the prosperity of all the world. A 10 per cent reduction of all of our tariff schedules would be a wise and effective way to set an example in a policy of removing such barriers. It would not work a hardship upon any of our efficient industries, and it would bring relief to many of our people. It would also

have an enormous effect upon opinion throughout the world and encourage the adoption of policies which would make the world more peaceful and more prosperous.

ADDRESS BY SENATOR BRUCE ON THE EIGHTEENTH AMENDMENT

Mr. EDWARDS. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered at the University of Virginia on August 18, 1927, on the eighteenth amendment, by the Senator from Maryland, Hon. WILLIAM CABELL BRUCE.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Senator BRUCE. In discussing the eighteenth amendment the first thing that we should dismiss from our minds is the idea that it is such a hallowed thing that to question its expediency justly subjects the person, guilty of such sacrilege, to the reproach of nullification (to borrow a much-abused word from the vocabulary of prohibition). Such an idea, of course, is mere political claptrap, or else but another suggestion of the distempered fanaticism which, as some one has wittily said, seems to regard the Federal Constitution, aside from the eighteenth amendment, as but a preamble to that amendment. There is no peculiar odor of sanctity, so far as I can detect, about the eighteenth amendment; only the strong, rank smell of illicit abuses, bred by a largely unselfish but altogether fatuous effort to make another man of man. To be sure, save under circumstances wholly exceptional, all laws are entitled to obedience so long as they remain on the statute book. Until they are amended or repealed it is the duty of the executive, the judge, the juryman, the prosecuting attorney, and every other official servitor of the law faithfully to do his best to secure their enforcement, and if the citizen violates them he must not expect to escape their penalties. But all laws, nevertheless, whether they assume the form of constitutional or statutory mandates, are but tentative expressions of the popular will. Otherwise, there would be no such thing as an amended or abrogated law. As it is, laws, I hardly need say, are very frequently amended, and not infrequently revoked by Congress and our State legislatures. Like pots, they can sometimes be tinkered in such a way as to be made more serviceable; and sometimes their mischievousness or inutility is so thoroughly established by experience that there is nothing left to do except to consign them, like pots too worthless for tinkering, to the waste heap. The provisions of our Federal Constitution and State constitutions are not so often amended or repealed because they usually prescribe rules of conduct far more fundamental and axiomatic than those prescribed by statutory law; but they, too, at times have to be changed to meet the political, social, and economic changes of a growing human society or to retrieve blunders made in hours of popular error, passion, or hysteria. One thing is certain. Only a very small part of a real, respected law is found in print. Far the greater part of every such law resides in the unwritten code of public opinion. In other words, all truly efficacious measures are enacted by nature and reason rather than by legislative bodies. Like a man, a law to be respected must be respectable. It must be in keeping with the settled sentiments and impulses of human nature, the sober processes of human reasoning, and the ripe instruction of human experience. If it is lacking in these essentials, it is only that most futile and despicable thing, a law without a moral sanction; and its deficiency in that respect can never be made good by any mere legal sanctions, however rigorously punitive. Every effort to enforce such a law simply demonstrates the truth of Edmund Burke's saying that bad laws are the worst sort of tyranny.

To illustrate the soundness of these propositions it is not necessary to resort to statutory law. We need only turn to the instrument of which the eighteenth amendment is a part. In its provisions relating to the Electoral College we have an example of the atrophy that is likely to overtake even a constitutional requirement that does not fully harmonize with the political genius of a people. It was the intent of the framers of the Federal Constitution that the members of the Electoral College should exercise their own discretion in the election of a President, and the inspiration of this intent was the belief that the selection of a President could be more safely committed to a comparatively small body of representative and intelligent men than to the whole mass of the voters. Yet, as we know, presidential electors have become the mere dummies of the two great national parties, and submissively name as President whomsoever may be designated for the office of President by the party to which the majority of the electors belong. In effect, in this instance, the Federal Constitution has simply been nullified by public opinion. In the history of the Federal Constitution is also found an example of the impotence of constitutional provisions which have become deeply repugnant to the moral progress of humanity. Despite the guaranties originally created by the Federal Constitution for the security of the institution of slavery, and but for which it would never have been adopted, the time came when the hostility of legislatures and courts in the free States to slavery made it impossible for the slaveholding States to enforce those guaranties. In the Federal Constitution is also found an example of the paralysis that ultimately creeps over every irrational and unnatural effort under constitutional forms to accomplish an object not approved by the human reason. All that law could do to place the southern slave on a footing of political equality with his master was embodied in the fourteenth and fifteenth amendments, but, by one ingenious artifice or another, suggested by the instinct of self-preservation, these provisions of the Federal Constitution have been reduced to what Grover Cleveland once happily termed "innocuous desuetude." Surely I need no better proofs than these three examples, which I have drawn from the history of the Federal Constitution itself, to show that, no matter how solemnly or sternly a provision of the Federal Constitution, whether sumptuary in its nature or not, may be framed, it will, if out of accord with the profounder political intuitions, the moral sentiments, or the reasoned conclusions of those upon whom it operates, sooner or later, unless repealed or modified, as it should be, become dormant or despised.

Just such a law as the fourteenth and fifteenth amendments, which sought, in defiance of all sane thinking, to impose ignorant negro suffrage on the southern body politic, is the eighteenth amendment, which declares that the use of intoxicating liquors for beverage purposes is a criminal thing per se, at all times and under all circumstances. It falls within the scope of that other saying of Edmund Burke, as profound as it was passionate: "Never, no never, did nature say one thing and wisdom say another!" It is a violation of human nature; it is an affront to the human reason; it is a gross invasion of personal liberty; and, despite all the crime and misery that has resulted from strong drink, it can justly be pronounced a totally arbitrary and unreasonable incubus upon the generous and joyous side of human existence. In fine, it is a law without a moral sanction.

Assuming this to be so, how childish is the thought that the millions of human beings in the United States, who desire the repeal or modification of the eighteenth amendment, are under any obligation to refrain from expressing their honest opinion of it, or from doing anything in their power lawfully to bring its blighting, demoralizing, and corrupting influence to an end!

As I see it, the prohibition, initiated by the eighteenth amendment, has, as I have frequently affirmed, proved a disastrous, tragic failure. It is hard to imagine anything vainer than prohibition which does not prohibit; and yet this is just the kind of prohibition which has distinguished the practical workings of the Volstead Act. So far from the truth is the claim of the Anti-Saloon League that the Federal Government has been insincere or listless in its efforts to enforce that act that it can be confidently asserted that rarely in human history has any other government ever striven so faithfully and persistently to enforce a law, in the teeth of a vast volume of hostile public opinion. Congress has exhibited a readiness, little short of abject servility, to enact any legislation that the Anti-Saloon League has asked it to enact; notwithstanding the fact that many members of that body, and, among them, some who are most conspicuously subservient to the league, are but poor exemplars in their personal habits of the principle of total abstinence. Indeed, a docile bull, led about by the nose, is no mean illustration of the extent to which Congress has, for many years, resigned itself to the guiding hand of the league. Even the sedate and self-satisfied Senate, which has always been so reluctant to apply its cloture rule to protracted debate, applied it at the last session of Congress to the discussion of the prohibition reorganization bill, in which the league was so deeply interested, almost before one could say "Jack Robinson." So far as I know, not even Wayne B. Wheeler, the late general counsel of the league, quick as he is to sniff out official misconduct, in connection with the Volstead Act, has ever found fault with the spirit of dispassionate construction that the Supreme Court of the United States has brought to bear upon the interpretation of the eighteenth amendment and the Volstead Act. Nor, so far as I know, is any Federal judge justly chargeable with official faithlessness in the application of the Volstead Act; though it is fair to assume that some of our Federal judges must have felt at times, when scores of helpless wretches were passing through their courts in transit from the undergraduate school of artificial crime to the postgraduate school of real crime, as if the legislative mind had been caught up in the grasp of some kind of mad medieval superstition. Equally conscientious has been the official conduct of the higher executive officers of the Federal Government in the performance of the obligations that they owed to the Volstead Act.

No more convincing proof of the unenforceability of that act can be cited than the fact that even such an honorable, courageous, and intelligent administrator as Gen. Lincoln C. Andrews, the recent Assistant Secretary of the Treasury, was unable to enforce it; and this, despite the fact that, true to his military training, he even sought by the appointment of professional soldiers as his assistants to convert ordinary prohibition raids into something closely akin to military dragonnades. Nor should I fail to mention the frequent reorganizations that prohibition enforcement has undergone in the sincere effort of its directors, like a fevered patient, seeking a cool place by shifting restlessly from one side of his bed to the other, to find some scheme of operations equal to the task of checkmating the bootlegger and his patrons. Neither should I fail to mention the extent to which the Coast Guard has been diverted from its old function of saving human life to the function of running down rum pirates, the costly vessels that

have been added to its fleet by new construction or transfers from the Navy, and the vast and ever-mounting sums that have been appropriated annually by Congress for the enforcement of the Volstead Act, and that now, it is safe to say, aggregate not less than $30,000,000 per annum, to say nothing of the sums that are expended in the enforcement of the same law by all the States of the Union, except New York and Maryland, which have wisely washed their hands, as they had a clear constitutional right to do, of the whole dirty business.

So far as I can discern, the only respect in which the Federal Government has been slack in enforcing the Volstead Act has been in declining to comply with the request of the Anti-Saloon League that it use its Army and Navy also as instruments for prohibition enforcement. But as to that, it is, I think, but just to the Government to say that, while to the mind of Wayne B. Wheeler there may be no distinction of any sort to be taken between agencies for combating German kaisers and agencies for combating rum kings, this is not the case so far as the discriminating portion of the American public is concerned.

For my present purposes, it is enough to say that, earnestly as the higher officials of the Federal Government have endeavored to make prohibition a practical reality, they have not succeeded in doing so. Before the adoption of the eighteenth amendment, it was a common saying that, no matter how far short our States and cities might fall of enforcing their laws or ordinances, the Federal Government always enforced its laws; but now that it has undertaken to cope with a natural appetite, old as the Blue Ridge, and only less imperious than hunger, it has more than met its match. The recent discovery of a wine jar at Tell-en-Nashe shows that men were drinking 600 years before Christ, and it is safe to say that they will be drinking 600 years after the advent of the Messiah. This country has been engaged in not a few wars. It has had its war with Great Britain, its war with Mexico, its Civil War, and its war with Germany, but the most desperate war in which it has ever been involved is that which it is now waging on human nature. One combatant is a physical want which has been felt and gratified by men since man was a primeval being, with the sun and the stars about him, and the other is a government which, powerful as it is, is not powerful enough to enforce a law intrinsically devoid of moral authority. When the Volstead Act took effect in January, 1920, there was for a time a marked decline in the consumption of liquor in the United States. This fact was due partly to the dejection to which the opponents of prohibition were temporarily reduced by defeat, and partly to the disposition of conscientious citizenship to give a new law a fair trial; but it was mainly due to the fact that an entire liquor underworld could not be organized overnight. But one was organized, and with an amazing degree of rapidity.

By 1921 the river of strong drink was flowing underground with almost as full a flood as it had ever flowed above ground. Whisky and other liquors were smuggled in vast quantities into the United States from abroad by way of Canada, Mexico, Cuba, and the Bahamas and in smaller quantities from the Bermudas and not a few of the West Indian islands, besides Cuba and the Bahamas. Even such small and barren rocks as the French islands of St. Pierre and Miquelon on the southwest coast of Newfoundland became important forwarding points for a bustling contraband trade; and from a paper, contributed to the Saturday Evening Post of October 2, 1926, by Maj. Walton A. Green, chief prohibition investigator, we learn that the Bahamas, a group of scattered coral reefs, with a population of only 53,000 persons, mainly negroes, were collecting annually at that time from its bootlegging exporters a customs revenue of around $3,500,000. Illicit stills shot up like mushrooms, after a mellow shower, in swamps, in mountain fastnesses, in dense thickets, on river craft, in attics, in basements, in garages, in warehouses, in office buildings, even in caves and other underground retreats. Besides, thousands of householders, who had never made a drop of spirits, wine, or beer in their lives, availing themselves of the fact that the arts of distillation and fermentation are among the simplest of all arts, turned to the practice of manufacturing home brew in their own homes from peaches, from cherries, from blackberries, from elderberries, from the dandelion, and, above all, from corn sugar, the grape, and the materials that enter into beer. Indeed, home brewing soon became such an important branch of domestic industry that one began to ask himself whether the resuscitation of the handloom and the spinning wheel was not also at hand. From that time until the present hour the Federal Government has been in active and untiring pursuit of the protean rum devil. So far there is very little to justify the belief that it will ever catch up with him. Repelled from the front door of the American Continent, he slips around to its back door. Driven from the sea, he meets the deficiency in his wares, caused by that fact, by setting up more stills, diverting more industrial alcohol, and practicing more of other sorts of frauds on the Volstead Act. If he were cut off from these resources, it is easy to imagine him donning the white apron of a good housewife and giving a still greater stimulus to the expansion of vineyard acreage and the sale of corn sugar and wine grapes. It is true that with the aid of its immense flotilla of some 385 rum-chasing vessels of all sorts the Coast Guard has succeeded in making the smuggling of liquor into this country by sea more difficult. Whole fleets of rum runners no longer hover close to our Atlantic and Pacific seaboards, but the recent capture from time to time off those seaboards of enormously valuable cargoes of liquor is evidence enough that the cargoes of some rum runners would not be caught in the Coast Guard net if many more did not slip through. Be this as it may, so far as the level of drink has been lowered by the interception of liquor on its way by sea to our Atlantic and Pacific seaboards, it has been promptly restored, as General Andrews himself has recognized, by a quickened inflow from Canada and a quickened outflow from our own many illicit sources of domestic supply. And what if the Government were successful in suppressing all smuggled and moonshine liquor as well as all other liquor derived from commercial sources? Unless it were to abandon completely its crackbrained idea that all drink, whether made by the commercial distiller, fermenter, or brewer for sale, or by the Government itself, or by some good, virtuous matron in her own home for domestic use, is an iniquitous and shameful thing, its troubles would just begin, for anyone who has wit enough to buy the proper container and to express and ferment a little fruit juice can manufacture an agreeable beverage with a satisfactory alcoholic content.

In the event that I have suggested all who desired drink would simply make it in their own homes, and then if the Government ventured to enter these homes more freely than it has yet dared to do, perhaps, it is not unlikely that so much disorder and bloodshed would follow that even Congress might recall the noble utterance of the renowned orator and statesman, Lord Chatham, whose name is so intimately associated with the history of American liberty, "The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rain may enter; but the King of England can not enter." The full import of these stirring words came home to me a few months ago, when I read a newspaper account of an incident that had just taken place in the State of Ohio. A prohibition agent broke into a private house, and when asked by its occupant why he did so, replied, "It is none of your damned business," whereupon the occupant, who was afterwards acquitted by a jury, shot him dead. From such an incident as this, which was marked by only one of many prohibition outrages, it is fair to infer that if the Federal Government were to lay aside its present scruples and freely to enter private homes for the purpose of arresting and punishing their inmates for manufacturing a little drink for domestic use, it might staunch the flow of some kinds of liquor, but would certainly set not a little red liquor of another kind to flowing. In a recent report Donald D. Conn, the managing director of the California Vineyardists Association, states that during the past five years they had witnessed a development in grape acreage and production unprecedented in the history of any perishable commodity. When the Volstead Act went into effect one of the vine growers of California, believing that his business was doomed, took his own life. How the heart of the poor fellow would have been cheered if he could only have foreseen that the grape production of California would rise from 671,626 tons in 1918 to 1,019,000 tons in 1926!

In maintaining the proposition that prohibition does not prohibit I will not try to delve too deeply into statistics, for in that Serbonian bog armies whole of prohibitionists and antiprohibitionists have sunk. It is sufficient for me on this occasion to note the steady increase in convictions for violations of the Volstead Act, seizure of illicit distilleries, stills, still worms, and fermenters, and commitments for violations of the Volstead Act to Federal penitentiaries and State institutions for the care of Federal prisoners, and in arrests for drunkenness, which have taken place since the effective date of the Volstead Act, January 17, 1920. In 1921 the first full year of national prohibition, 17,962 persons were convicted in the Federal courts of violations of the Volstead Act, and in 1926 no less than 44,022. In 1921 there were 95,933 seizures by Federal agents of illicit distilleries, stills, still worms, and fermenters, and in 1926 not less than 161,979. In 1922 there were 97 commitments for violations of the Volstead Act to Federal penitentiaries and State institutions for the care of Federal prisoners, and in 1926 not less than 1,837. By personal application, before April 5 of last year, to the chiefs of police of 36 of the leading cities of the Union, including Chicago, where drink cases are merged in disorderly conduct cases, I ascertained that the aggregate number of arrests in these cities in 1921 for drunkenness was 209,664, and in 1925 not less than 407,032. Later the Moderation League, a civic association of the highest standing, published tables of arrests for drunkenness made after the effective date of the Volstead Act, down to January 1, 1926, by the police departments of 564 cities and towns of the United States.

The president of the league was Austen G. Fox, the well-known New York lawyer, and its research director was Stanley Shirk. Among its directors were Newcomb Carlton, the president of the Western Union Telegraph Co.; William N. Dykman, president of the New York State Bar Association; the Right Rev. Charles Fiske, bishop of central New York; Haley Fiske, president of the Metropolitan Life Insurance Co.; Alexander C. Humphreys, president of Stevens University; Charles A. Peabody, president of the Mutual Life Insurance Co.; William Barclay Parsons, president of the board of trustees of Columbia University; William C. Redfield, the former Secretary of Commerce; Henry S.

Pritchett, president of the Carnegie Foundation for the Advancement of Teaching, and former president of the Massachusetts Institute of Technology; Elihu Root, the celebrated lawyer and statesman; and Dr. William H. Welch, the celebrated Johns Hopkins pathologist. According to the tables of the league, drunkenness increased almost twice as fast in the United States in 1925 as in 1924. More specifically, in the 564 cities and towns tabulated by the league arrests for drunkenness in 1924 were 21,000 in excess of the arrests for that offense in 1923, and in 1925, 36,241 in excess of the arrests for that offense in 1924. In 384 of the 564 cities and towns, such arrests in 1925 were even more numerous than in 1914, when some of the States still licensed saloons and others were under State prohibition or local option. Especially significant is the fact, brought out by the league, that conditions in the former so-called "dry" States were worse, as compared with 1914, than conditions in the so-called "wet" States. One of the most noteworthy facts established by the study of the league and my own study is the fact that Gen. Lincoln C. Andrews was quite correct when, as Assistant Secretary of the Treasury, he declared a year or so ago that the bootleg industry is coextensive with our entire country. It, at any rate, is one thing in American life which has no tinge of sectionalism about it. There has been much discussion as to what should be our national flower. Let me suggest the dandelion. Even when one speaks of the "dry West" he should be understood as limiting that adjective to its alkali deserts, and even the "dry South" belongs to the province of dry humor rather than to that of statistical verity. In an editorial last year the New York Times called attention to the fact that Federal prohibition agents had found in 1925 thirty-five times as many stills in Montana in proportion to population as they had in New York; and about the same time it also called attention to the fact that in proportion to population arrests for drunkenness in Pocatello, Idaho, had been ten times as numerous as in the city of New York; and in Twin Falls, Idaho, nearly five times as numerous. It is quite startling that a little provincial home of purity and peace like Pocatello should have a thirst ten times as urgent as that of a great cosmopolitan Babylon like New York. Of course, the State of New York obtains its supply of liquor largely from big smugglers, and Montana doubtless obtains its supply largely from small-scale moonshiners. My intent is merely to make the point that no matter how the several States of the Union get their liquor, somehow or other they all get it in one way or another. The West is undeniably a sinner as well as the East; nor is the South by any means a saint, to put it very, very mildly. Of the illicit plants and agencies seized by the Federal Prohibition Unit in 1925, 70 per cent were seized in the theoretically dry States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. More distilleries and fermenters were seized in Georgia during the fiscal year 1925 than in any other State of the Union.

Last year I received newspaper clippings from quite a number of citizens of Atlanta, Ga., showing that more persons had been brought into the police stations of that city for being drunk on the Easter Sunday of that year than had ever been brought into them on any previous day in its history. In a letter last year to the Hon. W. D. Upshaw, the Member of Congress from Georgia, M. B. Wellborn, of the Federal Reserve Bank of Atlanta, said: "I may say that, from what I can learn, drinking is almost universal not only in Atlanta but in every town in Georgia, and throughout the South"; and Georgia is by no means the only southern offender. It is simply keeping up its reputation as the Empire State of the South in drink, as well as in everything else. Last May Judge W. W. McCrory, of the district court of San Antonio, Tex., was reported as saying: "If everybody in Texas who violates the prohibition law were really convicted, just about everybody in the State, except the preachers, would be in our penitentiaries." Last year Ben. C. Sharpe, the Federal prohibition administrator for the Carolinas and Georgia, issued a statement declaring that there was more liquor in North Carolina, South Carolina, and Georgia than there had been in the past three years. Some time ago T. L. Caudle, the special prosecutor appointed by Governor McLean of North Carolina to assist in the prosecution of a traverser, reminded the jury, in the course of his address to them, that they should not disregard the testimony of witnesses for the State who had been in the chain gang, because they had been convicted only of violations of the prohibition law; and, turning toward the audience sitting in the court room, exclaimed, "If I were to ask every man out there who has violated the prohibition law to rise, there wouldn't be a bench warmer left, with the possible exception of a few ministers and tea topers." A short time ago, too, in a letter to the New York Herald-Tribune, R. Charlton Wright, the editor of the Columbia (S. C.) Record, wrote: "If there is as a product of sincere conviction and honest observance of the law such a reality as the 'dry South,' I have yet to see it, and I have lived and journeyed all over it for more than 40 years." When I was compiling arrests for drunkenness in 36 cities of the Union my attention was called to the fact that Richmond and New Orleans were among the cities in which the number of arrests for drunkenness in 1924 was in excess of the number for the last year of the pre-prohibition era.

I shall not deal with the North and East in such detail as I have done with the West and South, because they do not affect, so far as I am aware, to be lands of Arcadian simplicity and innocence as respects strong drink. Indeed, they seem rather to glory in their turpitude. Like our first parents they are naked and not ashamed. According to a study made by William P. Eno, of Washington City, in 1923, arrests per 100,000 of population in dry Boston were eight times what they were in wet Montreal. In July, 1926, the number of speak-easies in New York City was estimated by Chester B. Mills, the Federal prohibition administrator, at 15,000, a total of more than 100 per cent in excess of the total number of licensed saloons existing in the five boroughs of Manhattan in 1918 and more than 14 per cent in excess of the entire number of licensed saloons existing in the whole State of New York in 1918. In July, 1926, a United Press dispatch from Detroit reported that the police estimate of the number of "blind pigs" in Detroit at that time was 15,000 as against the 1,600 licensed saloons which existed in that city before prohibition. Need I speak of Philadelphia, Pittsburgh, Baltimore, or Chicago? No! I will pass them by, merely saying, in the words of Lear, "Pah! Pah! Give me an ounce of civet, good apothecary, to sweeten my imagination." Perhaps, however, I might dwell for a moment upon Washington, for the National Capital might naturally be expected to set a good moral example in every respect to other portions of the United States. It is there that Congress holds its sessions; that the Supreme Court sits; that the President resides; that the Federal Government is clothed with exclusive jurisdiction by the Federal Constitution; and that the Prohibition Unit has its headquarters. Suffice it to say that arrests for drunkenness in Washington have mounted from 6,375 for the year 1921 to 13,588 for the fiscal year ending June 30, 1927.

Whether there has been any increase in drinking in rural communities since the enactment of the Volstead Act it is, of course, difficult to say. For obvious reasons they can not be kept under the same searching surveillance by the Prohibition Unit as cities or towns. As a rule, they have no police with which to arrest drunkards, and do not trouble themselves about drink statistics; and, moreover, they have always looked for refreshment largely to the hard cider and the home-made wine which the Anti-Saloon League, recognizing the political power of the farmer, was so astute as to exempt from the provisions of the Volstead Act, which prescribe an alcoholic limitation of less than one-half of 1 per cent.

From what I have said it is manifest that, whatever else national prohibition has done, it has not prohibited. Indeed, this seems to be either tacitly or expressly admitted by some of the higher prohibition officials of the Government itself. Gen. Lincoln C. Andrews, the sanest individual to whom the administration of the Volstead Act has ever been committed, under the supervision of the Secretary of the Treasury, has just retired in disgust; and Maj. Walton A. Green, formerly the prohibition investigator under him, commenting upon his retirement a few days ago, said, "The new man [General Andrews] slowed up the process of disintegration. That is all he did. That is all anyone could have done. No man could have maintained the morale of an underpaid and execrated organization in the face of the brilliant and insidious campaign of the wets." The same situation has also been summed up with no little epigrammatic point by Emory Buckner, the former United States district attorney for the southern district of the State of New York: "The drys think they have won because they have the law. The wets think they have won because they have the liquor." Even Dr. Clarence True Wilson, the secretary of the Methodist Board of Temperance, Prohibition, and Public Morals, was credited some months ago with the mournful observation: "Prohibition enforcement leaks like a sieve." All together, at the present time, it looks as if Mrs. Partington might yet lay aside her broom and give up her Herculean task of sweeping back the Atlantic Ocean. She is, perhaps, beginning to think that General Andrews employed a very apt phrase before his retirement when he spoke of the "endless growth" of stills.

As I see it, national prohibition has not subserved one single useful purpose unless it be that of accumulating a fund of experience which will be of monitory value when the American people shall retrace their steps, as they will assuredly do, and go back to the crossroads where, in an evil hour, they deserted the open highway that was conducting them safely to temperance for the mire and miasma of the prohibition bog. It is said that prohibition has made its influence felt in the form of increased savings deposits and the like, but this idea, of course, assumes that there has been prohibition—and there has not been, as I have shown. It is too plain for discussion that we have enjoyed an extraordinary degree of business prosperity since the World War because in many remarkable ways we have, above all the other industrial nations of the world, been the industrial beneficiary of that war. To no small extent Canada has, likewise, been a beneficiary of the World War, and though, with the exception of a few provinces, wet, has yet shared the economic welfare of the United States to such a degree that the Canadian currency at times has been at a premium over ours.

It is also said that the industrial worker is a steadier worker now than he was before prohibition. If so, it is only because he is drinking

home-brewed wine and beer now in his own home in place of the hard liquor which he formerly obtained at the old saloon; which is just what every intelligent system of liquor regulation might well seek to encourage. Besides, even if prohibition had never gone into force, there is no reason why the industrial worker should not be drinking less to-day than he did when it went into force. Everyone whose memory goes back to the first legislative steps taken in the field of national prohibition knows that both employers and workers were more progressively alive then to the need for sobriety in industry than they had ever been in the past; and this is true of both the worker and his union. One thing is certain, and that is that nothing can be shallower than the idea that repugnance to prohibition is limited to the smart set. It has no more obdurate enemy in the United States to-day than the American Federation of Labor, which, very justly, sees no reason why the employer should have his glass of wine and the worker not have his glass of beer. In view of the odious system of tyranny that national prohibition has set up, in some respects, he might even reasonably doubt, with the Archbishop of York, whether, after all, it is not better to be free than to be sober. And I am glad to see that such renowned captains of industry as Charles M. Schwab and Elbert H. Gary have recently been reported as being sufficiently in accord with the American Federation of Labor to think that there should be a nation-wide referendum to determine whether the American people wish prohibition to be continued.

The morbid sequels of prohibition have been so numerous that it is hard to state them all for very weariness. To begin with, the eighteenth amendment, by engrafting upon the Federal Constitution a mere sumptuary law, has set a dangerous precedent for the further effacement of the old lines of partition between organic and statutory law, and between National and State authority. The prohibition which it creates is peculiarly one that the States should have been left free to adopt or reject, as they listed, in accordance with their respective social traditions, customs, usages, and urban and rural conditions. In the next place, the fanatical nature of the real driving force behind prohibition has given a rude shock to the spirit of some of the most sacred rights guaranteed by the Federal Constitution; such as the right of the citizen to be secure in his person, house, papers, and effects against unreasonable searches and seizures; or to be exempt from being twice put in jeopardy of life or limb for the same offense, or to have a speedy and public trial by an impartial jury. I have in mind, of course, among other things, the instances in which prohibition agents have entered homes without a warrant; or have stopped and searched motor cars without reasonable cause; or have brought about prosecutions for violations of the Volstead Act in both the Federal and State courts; or have obtained padlock injunctions from juryless courts of equity. National prohibition has diverted into the pockets of foreign and domestic bootleggers the enormous tax revenue of $442,839,544.98, which the Federal Government was receiving from distilled spirits and fermented liquors in 1918, and which could very seasonably at this time be applied to the payment of our national debt and the reduction of Federal taxation, or to flood control and flood relief in the Mississippi Valley.

It has also diverted from the channels of trade and commerce in the United States millions of dollars which are now spent for drink by American tourists in Canada, Mexico, Cuba, the Bahamas, the Bermudas, and Europe. It is said that as many as 200,000 tourists from this country visit Montreal and Quebec each season, and that a large, if not the greater part, of them are attracted to those cities by the opportunities that they afford to the American visitor to gratify a perfectly legitimate instinct without any danger of being pestered by snoopers or spies. It is computed by Gilson Gardner, the well-known newspaper writer, who has made a special study of Canadian liquor conditions, that out of the total annual gross receipts of the Quebec Liquor Commission 40 per cent, or the sum of $16,000,000, is derived from American patrons of Canadian liquor stocks. When I was in the crowded dining room of the Mayfair Hotel in London a few months ago, I observed that there was hardly an American diner in the room—and with scarcely an exception all the diners were Americans—who was not enjoying a bottle of wine with his dinner. Truly, indeed, does the old Latin writer say that men who cross the seas change their sky but not their natures, and yet like some magic spell of enchantment in a fairly tale the spell of genial fellowship that has been worked by wine in social intercourse since the earliest dawn of human history was by the Volstead Act expected to be reversed as soon as those diners turned their backs on London and their faces toward the United States. In England, where there is no such thing as prohibition, drunkenness is steadily declining, and during the whole time that I was in France, before I went to London (a period of some weeks), I never saw a man in the slightest degree under the influence of drink, though I observed, as every traveler does, that every carpenter or mason in Paris, as well as his employer, takes his glass of wine with his midday meal. After observing the habits of some of the European peoples, I find myself asking whether if such a thing as prohibition were submissively accepted by a people, that very fact would not betoken a low rather than a high state of civilization; in other words, a human society which was constrained by its own lack of moral and social culture to rely for sobriety upon legal compulsion rather than upon the promptings of social decency nurtured by the church, the home, and the general canons of good conduct.

National prohibition has worked no improvement in the health of the American people. The most that the inexorable statistics of drunkenness permit the prohibitionists to claim is that the volume of liquor drunk now is less than the volume drunk before the adoption of the eighteenth amendment. A very humble claim indeed is that, if it can be sustained at all, when the fact is borne in mind that the vast machinery of the Federal Government has been kept in motion ever since the adoption of that amendment for the purpose of suppressing drink altogether. If the prohibitionist is right in his claim then it must be due to the terribly toxic character of the stuff with which prohibition has poisoned the bowels of the American people, such as wood alcohol, the fusel oil in new-made whisky, and the denatured alcohol that the Federal Cæsar Borgia denatures with lethal and nauseous ingredients that the health of the American people is as deeply prejudiced by alcoholism to-day, to say the least, as it was before the adoption of the eighteenth amendment. In 1926, the death rate among the 17,000,000 industrial policyholders of the Metropolitan Life Insurance Co. was the highest in the history of that company since 1917, and was 24 per cent in excess of the death rate among the same policyholders from the same cause during the year 1925.

I take these statements from a statistical bulletin issued by the company during the present year. In a report, rendered in 1925, by the State Hospital Commission of the State of New York, it was alleged that alcoholic insanity had trebled in that State during the five years of national prohibition. In a statement issued during the present year Dr. George H. Bigelow, commissioner for public health in the State of Massachusetts, finds that in the States included in the registration area of the United States Census Bureau deaths from alcoholism have increased more than 500 per cent since the first year of the Volstead Act. The effect of prohibition, taken in connection with the precautions that the Government adopts to prevent the diversion of industrial alcohol from industrial purposes, is to place the Government in the position of frequently visiting a mere human weakness with capital punishment. National prohibition has greatly stimulated the use of narcotic drugs. When a besieged town is deprived of wholesome meat it takes to eating rats. The total number of convictions under the Federal antinarcotic act rose from 2,865 in 1922 to 3,465 in 1926.

The national prohibition act has fostered not only a profound contempt for itself but more or less disrespect for law generally. It is safe to say that, perhaps, one-half of the people of the United States would feel no moral obligation to report a violation of the Volstead Act that had been brought to their notice; and such an attitude toward one law, however specially obnoxious, unquestionably tends to create the same attitude toward other laws. The worst thing about the pathology of prohibition is the fact that it has brought thousands of the most reputable men and women in our American communities into close working relations with some of the most disreputable of their inhabitants. These good people do not balk any more at the thought of using drink purchased from the bootlegger than at the thought of consuming supplies bought from the baker or the grocer. Indeed, many of them speak of "my" bootlegger as familiarly as they might speak of "my" baker or "my" grocer. In the great city of Baltimore, in which my life is passed, I can truly say that I do not know a human being who offered a cocktail or mint julep to a guest before dinner or wine during it, before the adoption of the eighteenth amendment, who does not do so now. It may be that all this supply is derived from preprohibition stocks, but, if so, it must have some of the miraculous quality of the widow's cruse. It is true that there is a procession of prisoners, who might have been honorable or useful citizens but for the temptations created by an unnatural and unworkable law, forever filing through our Federal court in Maryland. The number of persons convicted of violations of the Volstead Act in Maryland has risen from 291 in 1921 to 1,013 in 1926. But it is the bootlegger and not his patron who is found in this procession. He not only suffers on his own account but suffers vicariously for the sins of his customer also. It is bad enough to see ordinary citizens living in habitual violation of any law, especially when the lawlessness assumes the form of entertainments given in private homes and clubs to distinguished visitors from abroad, but how much worse is it to see individuals occupying high stations in the public life of the country also violating such a law? This, of course, is a matter about which social decency does not permit one to speak very freely, but to go no further, who that has been a Member of Congress is not familiar with the Congressman with the dry tongue and the wet throat?

Especially distressing is the change which has taken place, since the passage of the Volstead Act, in the relations of women and youthful persons of both sexes to drink. A few years ago a woman was rarely seen drinking a cocktail or a mint julip at a respectable social entertainment, even in one of our great cities. Can that be said to-day? The champions of prohibition "are obliged to admit that drinking among women is rapidly increasing," Bishop Thomas Nicholson, of Chicago, the president of the Anti-Saloon League, was reported in the press to have declared at the thirtieth annual convention of the

league, at Washington, in January, 1924. As is true of men, there are some things, perhaps, that women would not do if they were not tyrannically forbidden to do them. To the love of adventure and excitement, which, when legitimately gratified, is one of the most winning traits of youth, prohibition has proved a seductive lure of the most demoralizing character. After traversing a large part of the United States, Ernest W. Mandeville, a writer in the Outlook, says: "Women and young boys and girls of social classes, that never took a drink before prohibition, are now indulging in liquors which are a menace both to their morals and their health." This statement has been strikingly corroborated by the testimony of Police Commissioner Richard E. Enright, of New York, and the Washington City police department. "Inability of the prohibition law to enforce prohibition is causing an increase in the number of young boys and girls who became intoxicated," said Judge H. C. Spicer, of the juvenile court, at Akron, Ohio, quite recently, when two boys, aged 15 and 16, were arraigned before him. "During the past two years," he further declared, "there have been more intoxicated children brought into court than ever before." In June, 1926, Sir Philip Gibbs, the celebrated newspaper correspondent, on his return from a visit to this country, said, after referring to women and young girls whom he had seen intoxicated, "in one of the best houses of a great city in the West: 'College boys carry flasks in their hip pockets and give drinking parties to girl friends.'" One of the worst tendencies of prohibition, as we know, has been to promote the use of hard liquor, at the expense of wine and beer, and to give to the lawless hip flask the place that was once occupied by the reputable decanter. Prohibition has also had the morbid effect of rehabilitating the reputation, without rehabilitating the character, of the poor drunkard. Formerly he was a sort of "drunken helot," and was frequently pointed out as an illustration of the discredit that sooner or later overtakes the habitual drinker. His relations and friends, in their efforts to control his appetite, plead with him, remonstrated with him, warned him, even threatened him; but how difficult to-day is it for many of the temperate relations and friends of a drunkard to enter, with a grave face, upon the task of adjuring or admonishing him to refrain from a mere breach of social decency, when they themselves are violating Constitution and statute!

That prohibition is among the causes which are responsible for the frightful prevalence of murderous violence in the United States at this time there can be no doubt. Scratch a gunman in one of our largest cities and 10 to 1 you will find a bootlegger. Morgan A. Collins, the chief of police of Chicago, in speaking of such wars as rival bootleg groups in northern and southern Illinois were waging against each other, with gas bombs and masks, machine guns and airplanes, affirmed that the situation was "an almost hopeless one," and placed the blame for it all on the lack of popular sympathy which made prohibition a toothless thing.

And how could prohibition be otherwise than the fecund mother of crime? When one law is notoriously too obnoxious to the human reason to command general obedience, the lawlessness that it produces is certain to diminish respect for other laws in breasts none too friendly to any law. In the heart of every community there is an element of which, to use Shakespeare's phrase, neither the world nor the world's law is a friend; and can any sensible man doubt that in time the inevitable sequel of branding and jailing thousands of human beings as criminals on the theory that it is a flagitious crime to sell or possess even a drop of intoxicating liquor, will be the creation of a large body of truly base criminals, ripe for any crime, however heinous? Law in the United States has shown itself but a poor hand at checking crime, but with the aid of the Volstead Act it is in a fair way to demonstrate that as an agency for artificially hatching out criminals it is an efficient thing indeed.

National prohibition, I hardly need say, has also proved a fruitful mother of official corruption. In the beginnings of the Volstead Act the Anti-Saloon League opposed every attempt to bring the field positions of the Prohibition Unit within the scope of the national merit system of appointment. It wished to retain them as spoils, with which to influence the votes of Congressmen, or to gratify the recommendations to appointment of the church element which supplied it with funds. As that accomplished and upright citizen, William Dudley Foulke, who was at one time a member of the United States Civil Service Commission, said, the league "thereby made all these places the spoils of Congressmen, many of whom unscrupulously secured the appointment of scoundrels, who accepted bribes, dishonored the service, and made the enforcement bureau what President Harding himself called it: "A national scandal." So rapidly did this scandal grow and spread, so loaded down with popular opprobrium did the field service of the Prohibition Unit become, that at the last session of Congress an act was passed, at the eager request of the league, bringing all field places in the Prohibition Unit within the scope of the national merit system of appointment. It remains to be seen whether anything will result but the defilement of that fine system, too. During the recent hearings before a Senate subcommittee I brought out the fact that between the first organization of the prohibtion service and February 1, 1926, 875 persons had been separated from the Prohibition Unit, mostly for official faithlessness or downwright rascality, in one form or another, exclusive of delinquents not dismissed but allowed to resign. Since that admirable organization the Coast Guard has been brought within reach of the contaminating touch of the Volstead Act wave after wave of sensational scandal has passed over it; though, to its honor and the honor of its gallant commander, Rear Admiral F. C. Billard, be it said no commissioned officer in its ranks has been convicted of any form of misconduct in connection with prohibition work. Some cases have been reported by Associated Press dispatches in which it has been charged that the landing of illicit liquor on our shores has been actually effected by the crews of Coast Guard boats.

There are not a few brave and honorable men in the field force of the Prohibition Unit, but drunken prohibition agents, reckless prohibition agents, red-handed prohibition agents, perfidious prohibition agents, corrupt prohibition agents, who, that reads the newspapers, from day to day, is not familiar with them all? What community is there in the United States that has not had their misdeeds brought home to it by ruthless invasions of the home, by blood rashly shed, by captured liquor, diverted to their own use, by squalid venality, by detestable perfidy and trickery? Some time ago a prohibition agent in Maryland obtained proof of a violation of the Volstead Act by the mother of a girl by pretending to make honorable overtures of marriage to the daughter. Most of you doubtless recall the speakeasies that have been set up by prohibition officers themselves, in violation of the Volstead Act, as traps for faithless prohibition agents and policemen. And, despite their higher rank, many of the prohibition administrators have been no better than the unworthier prohibition agents. In May, 1926, attention was called in the press to the fact that all four of the Federal prohibition directors, who had been appointed for the State of Wisconsin, had successively become implicated in charges of criminal collusion with liquor outlaws. In November, 1926, General Andrews stated that of the 24 men that he had appointed as prohibition administrators only 9 remained in the office to which they had been appointed, and that in the course of his wholesale turnover he had found it necessary to get rid of a number of subordinates who were either going wrong or refusing to carry out the established policies (to use his own words). State officials, too, as well as Federal officials have been infected by the black plague. Among the 79 persons, including gangsters, saloonkeepers, and bootleggers, indicted at Chicago in October, 1926, for conspiracy to violate the Volstead Act were the mayor and chief of police of Cicero, one of the suburbs of Chicago. Several years ago it took two Pullman cars to convey to the Atlanta Federal Penitentiary the disloyal policemen and prohibition agents caught up on a single raid in Ohio. In September, 1926, in a raid by more than 100 prohibition officers in the "hell-hole" section of Berkeley County, S. C., part of the bag was a Federal prohibition agent, a State constable, and a county sheriff. In other words, the offended majesty of almost every branch of our American political organization was vindicated at a single sweep. Nevertheless, I am afraid that prohibition will make more "hell holes" than it will ever plug up. If I had time, I could recall dozens of illustrations of the rottenness that resides in the very core of the whole police authority upon which the Volstead Act relies for enforcement. But I might well content myself with condemning that authority out of its own mouth. In July, 1926, Edgar R. Ray, prohibition commissioner for western Pennsylvania, in resigning his office said: "This position is best suited for a rich man or a crook. I am neither." Only last month Col. Ira L. Reeves, shortly after resigning as prohibition administrator for the State of New Jersey, said in a newspaper article that men engaged in prohibition enforcement work "depart from the service in two classes—either enriched in pocket or impoverished in character and reputation. I doubt," he added, "if ever before in American history were Federal officials held in such contempt by the general public." As far back as 1925, General Andrews, himself, declared that the bribery of Government officials was the chief obstacle in the way of the enforcement of the Volstead Act.

Only a few days ago, Seymour Lowman, General Andrews's successor, could find nothing more hopeful to say than this: "The great problem is to find for enforcement work, in the Prohibition Bureau, skilled men who will withstand the temptations that beset enforcement officers." In the spring of 1925, Marna S. Poulson, the superintendent of the New Jersey Anti-Saloon League, was reported, in the New York Times, as saying, in an address, at a prohibition rally at Atlantic City: "I don't know of anyone who can make a dollar go further than policemen and dry agents. By frugality, after a year in the service, they acquire automobiles and diamonds." The only hope for the Government, so far as I can see, is to appoint the Angel Gabriel, as Assistant Secretary of the Treasury, and to supply him with a field, or rather air, force, of archangels and angels, selected in accordance with some system of competitive examination even more searching than our Federal one.

The narrow-minded, acrid spirit, fostered by prohibition, is largely responsible for the excesses of the Ku-Klux Klan. It and the klan are twin cherries. Whenever you find a community in which sectarian bigotry is rife in its most rabid and repulsive forms, and masked and

hooded miscreants do not hesitate to flog even old men, boys, and women, there you will find the prohibitionists keyed up to the highest pitch of fanaticism.

I read a day or so ago in the Baltimore Evening Sun that the klan outrages in Alabama, which have recently stirred so deeply the indignation of the enlightened newspapers and citizens of that State, went on from week to week, for four weeks, before two of the leading prohibition organs of Alabama would even comment on them.

After all, however, the gravest responsibility to which prohibition is amenable is that of having called such an organization as the Anti-Saloon League into life. As I have recently said, this league is partly political and partly clerical; that is to say, political enough to discredit the church by bringing it into intimate contact with the mercenary and squalid side of political activity, and clerical enough to be a deadly menace to the independence of the State. If the Catholic Church had set up in this country the kind of Vatican that the league has set up at Washington, and had collected the kind of Peter's pence in this country that the league has collected, a mighty shout of protest would have ascended from one end of the American continent to the other.

No word will ever escape my lips derogatory to the church or to religion, or to any minister of the gospel, who, in the performance of his duties, as a citizen, is true to the reserve of his sacred calling. For years I have been a member of the Protestant Episcopal Church. I was born and bred in a Christian home, in Southside, Va., and, next to the influence of that home, nothing has ever been of such service to me, in my efforts to preserve my character from reproach, as the influence exerted over me in my early life by the teachings and the example of some of the Presbyterian divines in that region, who were in learning, in personal dignity, and in purity of life quite the equals, if not the superiors, of any group of individuals that I have ever known. Though, during my boyhood, the region, in which those godly men lived and discharged their duties, felt in full force all the political passions and anxieties of that evil time, never once did I hear one of them utter a word in the pulpit that had the slightest tinge of politics about it. They knew that if ministers of the Gospel could only implant in the hearts of their hearers the general principles of conduct inculcated by Jesus Christ, they could safely leave to the State the high function of harmonizing all its actions with the righteousness that exalteth a nation.

But when I speak of the Anti-Saloon League as I do I feel that I am rendering a service to the church as well as to the State. As I see it, the ministers, who constitute a large part of its executive committee and are the real propelling force behind it, wholly misconceive the scope of their professional office and grossly violate the spirit of the Federal Constitution when they collect enormous amounts of money and use them in befriending or defeating candidates for legislative or other offices, in feeing Members of Congress and other public officials enlisted in its propaganda, and in bulldozing members of all kinds of legislative bodies who are too weak to face and defy their efforts to strip them of the independence and free discretion with which it was the intent of our Federal and State Constitutions to clothe them.

All the inner workings of the Anti-Saloon League have not yet been completely exposed by the Reed Senate committee, for when it was sitting Wayne B. Wheeler was successful in preventing the names of some of the pecuniary contributors to the activities of the league from being divulged. But the records of the league have, for the first time, been laid sufficiently bare to enable us fully to understand just how the adoption of the eighteenth amendment was brought about. It is enough to say that, while that event is largely attributable to just resentment against the abuses of the old saloon, and is partially attributable also to the overstrained feelings kindled by the World War, it is to a very great extent ascribable to the lavish use of money by the league. The Reed committee elicited the fact that during the period from 1920 to 1925 the league expended no less than $13,655,313.72, and from its official records, which came into the possession of the committee, it would appear that the amounts previously collected and disbursed by the league, from 1883 to 1918, aggregated $50,000,000, making a grand total, exclusive of amounts expended by the league in the years 1919 and 1926, of no less than $63,655,313.72. There is reason to believe that the whole slush fund expended by the National Anti-Saloon League and its subsidiaries during the period between 1917 and 1926 approximated quite closely the combined amounts expended by the Republican and Democratic Parties in the two presidential contests which took place during that interval.

Can any intelligent man doubt that the expenditure of such enormous sums as these by such an association as the Anti-Saloon League can be otherwise than an appalling menace to the freedom of elections and to the principles of representative government contained in our Federal and State constitutions? Can anyone who knows what a greedy thing power is doubt that, if the sway of that league is not shattered, it will ultimately seek, in still other forms than prohibition, to impose its tyrannical and proscriptive will upon the people of the United States? Already its history has vindicated the wisdom of the provision in the Maryland State constitution which prohibits any clergyman from being a member of the Maryland Legislature, and gives not a little point to the malignant observation of John Randolph of Roanoke that no countries are so badly governed as those that are governed by women, except such as are governed by priests. The climax of its aggressive insolence was reached when, as has now been established from its records by the Hearst press, its executive committee failed, on November 8, 1925, by a vote only to adopt a resolution which proposed to publish a manifesto address to the American people indicting President Coolidge of "misfeasance or malfeasance in office" and paving the way for his impeachment.

I have said so much about the abuses of prohibition that I have hardly left myself any time to say a word about the steps that should be taken to bring them to an end; but I have formed definite views upon that subject, which I have frequently expressed.

The first step should be to elect some such Democrat as Alfred E. Smith, of New York; Albert C. Ritchie, of Maryland; or JAMES A. REED, of Missouri; or some such Republican as Nicholas Murray Butler, of New York; James Wadsworth, of New York; or WALTER E. EDGE, of New Jersey, to the Presidency on a platform calling for the modification of the Volstead Act and the eighteenth amendment. The next step should be to modify the Volstead Act in such a manner as to permit the use of beer with as high an alcoholic content as can be produced without dishonest evasion of the eighteenth amendment. Both General Andrews and James Cooper Waddell, the recent head of the alcohol and brewery control squad of the Prohibition Unit, have expressed the opinion that the general use of such a beer would distinctly improve the present situation. It would, at least, tend to wipe out the grossly invidious discrimination against the less fortunate members of society which the practical workings of prohibition now make in favor of those who either own their own preprohibition stocks of liquor or can afford to pay high bootleg prices. In these academic walks it is peculiarly timely to remember that the Volstead Act was not passed by Congress except over the veto of that renowned alumnus of this institution, Woodrow Wilson.

The next step should be to amend the eighteenth amendment in such a manner as to empower Congress to establish a system of liquor control, compounded partly of Government supervision and partly of local option, akin to that which is now being administered with such brilliant results in the Province of Quebec. In four years the Quebec system of liquor control cut down drunkenness in Montreal by more than one-half, and it is steadily promoting the use of wine instead of whisky, which was one of Jefferson's cherished ideals. I have recently introduced into the Senate a bill looking to such a constitutional amendment as I have just suggested, and when the next Congress convenes I shall reintroduce it.

In conclusion let me add that I trust that what I have said in the course of my address has not been misconceived. With excess in drink I have no patience whatever. Throughout my life I have been one of the most temperate of men and, beyond drinking an occasional glass of wine or so, I do not drink any alcoholic beverage at all. I can truly say that I abhor drunkenness only less than I do prohibition; and I abhor prohibition more because it is not only a source of drunkenness itself but of moral and social abuses far worse than drunkenness. Even if prohibition prohibited, I should be opposed to it, believing as I do that it is based upon ethical extravagance and a totally false philosophy of life. Puritanism has never been a permanent phase of human history, but only a passing episode, for the simple reason that it imposes upon the normal and healthy attributes of human nature an intolerable burden of restriction. Not infrequently, as in the case of the English Puritan Commonwealth, it merely breeds back to lawlessness and vice. Man is not a vinegar bottle, though the prohibitionist would fain have him so. Rather is he, to recall the beautiful image of Coleridge, "a breathing house not made with hands," full of eager sensations, appetites, and desires, which do nothing but minister to his rational happiness so long as he does not gratify them to the extent of injuring himself or others. Temperately indulged, they are not less lawful than our moral and intellectual promptings. All our propensities and passions tend to excess; every one of them; and there is no man who might not, like John Randolph of Roanoke, smite himself over his heart with his fist and exclaim: "This rebel is ever in revolt." But it is also true that the same power which has clothed us with our warm garment of flesh has also endowed us with a reason and a conscience which are often far safer guides to human conduct than the artificial restraints of any constitution or statute, however imperious.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 11, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 10 (legislative day of January 9), 1928

REGISTER OF THE LAND OFFICE

George C. Crom to be register of the land office, Gainesville, Fla.

UNITED STATES COAST GUARD

Marvin T. Braswell to be temporary ensign.

POSTMASTERS

ALABAMA

John Thompson, Altoona.
Thomas P. Bonner, Ashland.
Jacob E. Hood, Cordova.
John N. Edwards, Eclectic.
Robert B. Evans, Elkmont.
Ada M. Burks, Fairfield.
Henry A. Cathey, Florence.
Lonnie W. Johnston, Hanceville.
Stephen H. Murphy, Huntsville.
Roy M. Boak, Lineville.
Ruth K. Conerly, Lockhart.
James L. Ragland, Pell City.
Emerson E. Etheredge, Town Creek.
Martin E. Forsyth, Union Springs.
Edna Young, Warrior.
Charles S. Prescott, Wedowee.
Maggie Winningham, York.

ALASKA

Henry S. Sogn, Anchorage.
Stephen Birch, Kennecott.

ARKANSAS

Jason O. Burns, Batesville.
Abram J. Hansberry, Ozark.
Charles E. Kemp, Trumann.
George E. Davis, Wynne.

COLORADO

Charles L. Rudel, Fleming.
Lillian D. Watson, Louisville.
Zella M. Hutchens, Seibert.
Harry A. W. Larkin, Tabernash.

CONNECTICUT

Frederick W. Griffin, Cheshire.
Allen C. Bennett, West Willington.

DISTRICT OF COLUMBIA

William M. Mooney, Washington.

GEORGIA

Clive A. Renfree, Lumber City.
Irene W. Field, Monroe.

HAWAII

John I. Silva, Eleele.
Manuel J. Carvalho, Makaweli.

ILLINOIS

Lewis B. Tuthill, Anna.
Hugh Martin, Argenta.
Esther V. Wheeler, Ashmore.
Frank Gain, Astoria.
Fred W. Pitney, Augusta.
John H. Holthaus, Aviston.
Raymond Phillips, Beecher City.
William Hughes, Bement.
Lewis A. Roberts, Blandinsville.
Russell S. Brown, Brighton.
Della M. Green, Cambria.
Alice Jenkins, Carriers Mills.
Cecil W. Bishop, Carterville.
Thomas R. Pearce, Chillicothe.
Thomas F. Wharrie, Coal City.
Herbert D. Short, Coffeen.
Guy H. McKelvey, Coulterville.
Robert L. Endicott, Crossville.
Fred E. Flessner, Cullom.
Carroll C. Porter, Dahlgren.
George A. Kraus, Danvers.
William W. Taylor, Divernon.
John E. Moyer, Dixon.
Louis O. McKerrow, Elmwood.
William E. Mickle, Emden.
Glenn S. Wade, Farina.
Perry Westerfield, Frankfort Heights.
George L. Spangler, Franklin Grove.
Walter J. Ehrler, Galena.
George J. Patterson, Genoa.
Bennett F. Henderson, Georgetown.
Charles O. Selfridge, Good Hope.
Thomas M. Jones, Goreville.
John R. Hanlon, Grant Park.
Elmer L. Trowbridge, Green Valley.
Silas H. Rich, Gridley.
Adam P. Brown, Henry.
Ina R. Stout, Hopedale.
William Sutton, Kempton.
William T. Bedford, La Salle.
Elizabeth K. Welch, Lexington.
Daisy M. Uphaus, Macon.
Mayme F. Brooke, Matteson.
Margaret T. Layne, Menard.
George E. Whitmore, Mendota.
Clark D. Smith, Milan.
Marion F. Stewart, Moweaqua.
Lydia Drain, Oconee.
Lewis E. Selby, Pekin.
Charles B. Switzer, Piper City.
Homer H. Cravens, Plymouth.
Benjamin F. Bosley, Ransom.
Ted Henderson, Ridge Farm.
Samuel M. Combs, Ridgway.
Lewis H. Richards, Scales Mound.
William J. Parsons, Silbis.
Rollin A. Gouwens, South Holland.
Charles E. McPheeters, Sullivan.
Ralph K. Crawford, West Point.
Henry J. Busefink, West Salem.
Elmer C. Thorp, Winslow.

INDIANA

David R. Alpaugh, Andrews.
Samuel Ratcliff, Bainbridge.
John S. Moore, Battle Ground.
Earl L. Eldridge, Boswell.
Claude A. Warr, Brook.
Earle O. Gilbert, Brooklyn.
Roy J. Lingeman, Brownsburg.
Hugh R. Foss, Cambridge City.
Samuel C. Morgan, Campbellsburg.
James E. Thompson, Clarks Hill.
Finley Franklin, Clayton.
Job C. Burnworth, Columbia City.
Edward C. Bales, Dana.
Elvin R. Long, Denver.
Erasmus R. Bartley, Greencastle.
Richard H. McHie, Hammond.
Ralph W. Monfort, Hartford City.
Ned A. Parham, Howe.
John J. Himsel, Jasper.
William H. Morey, Lowell.
Roy E. Tillford, Martinsville.
Charlie O. Alton, Milan.
James W. Robinson, Milford.
Neil W. Troutman, Montpelier.
Harry S. Irvin, Morocco.
John F. Trimble, Morristown.
Almeda B. Lochard, North Madison.
Luella Moore, Orleans.
Gerry E. Long, Porter.
James E. Turner, Roann.
Charles E. Noble, Rolling Prairie.
Celia Johnson, Russiaville.
Glen R. Brown, Spiceland.
Reader J. Meroney, Topeka.
George A. White, Union Mills.
Orville C. Bowen, Upland.
E. Delight Bradford, Vanburen.
Betty M. Miller, West Baden.

IOWA

Sigvart T. Kittlesby, Calmar.
Howard C. Copeland, Chariton.
Freddie Baldwin, Chester.
Ella Yeager, Cincinnati.
Wilbur C. Patterson, Cresco.
William Linnevold, Decorah.
Leander G. Kelley, Lamoni.
Thomas A. Sanders, Malcom.
James F. Albert, Moravia.
John M. Garrett, Moulton.
Keith Gray, Postville.

George M. Wright, Russell.
Gabriel Pederson, Waterville.
Carl Wulkau, Williams.

KANSAS

Harry W. Adams, Elkhart.
Patrick H. Lindley, Havana.
Frank A. Moore, Tribune.

MARYLAND

Walter A. Aaronson, Aberdeen.
Luther Bennett, Goldsboro.
James O. Wilson, Hebron.
William J. Lyon, Hughesville.
William Marshall, Lonaconing.
Jessie P. Smith, Luke.
James J. Shoemaker, Sandy Spring.
Guy M. Coale, Upper Marlboro.

MINNESOTA

Prudence M. Crosbie, Brewster.
Cora E. Cook, Chandler.
Olga P. Hatling, Dalton.
Georgia C. Hompe, Deer Creek.
Ralph C. Peterson, Dilworth.
Theresa E. Thoreson, East Grand Forks.
Halsey C. Baldwin, Edgerton.
Edward B. Anderson, Elbow Lake.
Clarence W. Ivey, Elmore.
John A. Gregerson, Fertile.
George H. Baer, Frazee.
Albert W. Johnson, Fulda.
Charles A. Anderson, Greenbush.
Frank H. Groetsch, Green Isle.
Nels O. Strommen, Halstad.
John M. Johnson, Hills.
Olive C. Hall, Hollandale.
Carl F. Peterson, Kennedy.
Cline C. Parker, Kinney.
William P. Marston, jr., Lake Crystal.
Mary C. Anderson, Lake Lillian.
Roy Coleman, Lancaster.
Walter J. Westensee, Lewisville.
Torstein M. Teigum, Madelia.
Arnold E. Talle, McIntosh.
Isaac I. Bargen, Mountain Lake.
Harry F. Ward, Redwood Falls.
Clayton A. Larsen, St. James.
Grace R. Perry, St. Vincent.
Josephine E. Brockman, Triumph.
Theodore C. Radde, Truman.
Alice K. Hill, Upsala.
Milda Rieman, Vergas.
Henry W. Fingarson, Walnut Grove.
John N. Ross, Westbrook.

NEW JERSEY

John B. Buzby, Clayton.
Frank J. Allen, Delair.
John P. Adair, Highlands.
Richard T. Beak, Shrewsbury.
Harry H. Hilyard, Williamstown.

NEW YORK

Charles N. Wood, Angola.
Annie J. McFadden, Ardsley.
Joseph A. Douglas, Babylon.
Howard E. Whealey, Baldwin.
Arthur L. Howard, Baldwinsville.
Clarence G. Jones, Barneveld.
Rudolph W. Schoverling, Bayville.
Maud Rogers, Bridgehampton.
George H. Farley, Broadalbin.
Lawrence R. Ryckman, Brocton.
Ernest K. Hudson, Castleton on Hudson.
Charles W. Brock, Cattaraugus.
Margaret R. Mulligan, Central Islip.
Carolyn F. Parker, Chestertown.
Norman D. Higby, Constableville.
Clarence L. Grippen, Corinth.
George C. Palmer, Cuba.
Mable I. Alverson, Dexter.
Rhoda Hoyt Lee, Dundee.
Raymond L. Hodge, East Syracuse.
George A. Matthews, Eden.
Gaylord F. Carpenter, Elbridge.
Philip E. Schaefer, Fleischmanns.
Walter A. Pierce, Fort Ann.
William A. Patterson, Gansevoort.
Edward T. Cole, Garrison.
Arthur Decker, Goshen.
Paul W. Christenson, Gowanda.
Will E. Roberts, Granville.
Ella E. Rodger, Hammond.
Ray F. Dunlop, Harrisville.
Walter J. Pelham, Hensonville.
Claude H. Preston, Heuvelton.
Clara E. Tettemer, Hewlett.
Frank W. Thornton, Holland.
Thomas J. Wintermute, jr., Horseheads.
Skidmore Pettit, jr., Jamaica.
Joseph R. Cowell, Jordan.
Herbert L. Merritt, Katonah.
Waldron R. Hulst, Lagrangeville.
Lizzie G. Hall, Little Valley.
Fred H. Van Doren, Lodi.
Henry Strube, Long Island City.
Charles L. Stackpole, Lyon Mountain.
Wallace Moore, Madalin.
Lizzie M. Tuthill, Mattituck.
Ernest K. Smith, Middleburg.
Perry R. Bennett, Milford.
Edith A. Parker, Moravia.
Albert Lynd, Nassau.
Charles H. Brown, Orchard Park.
Carl R. Allen, Oriskany Falls.
James Owens, Ossining.
John T. Mills, Oyster Bay.
Frank V. Palmer, Philmont.
Mabel S. Griswold, Pottersville.
Park J. Johnson, Ripley.
Bruce S. Preston, Roxbury.
Max C. Headley, Rushville.
George H. Farley, Sag Harbor.
John D. Fratsher, Saugerties.
William H. Savage, Seneca Falls.
Frank A. Erickson, Sherman.
William W. Bates, Sidney.
Helen M. Braisted, Silver Bay.
William A. Hilton, Skaneateles.
Armon P. Gunnison, Sodus Point.
William M. Ackerman, Sparkill.
Oliver Keator, Tillson.
Marion E. Wroten, Trudeau.
Ray W. McEwen, Waverly.
Robert L. Putnam, Weedsport.
George T. Anderson, Whitesboro.
Julius H. Fisher, Wellsville.
Jennie C. Stanton, West Camp.
M. Clifton Seaman, Woodmere.
C. Irving Henderson, Worcester.

NORTH CAROLINA

Lester G. Hales, Baldenboro.
John M. Tyler, Marion.

NORTH DAKOTA

Ella C. Sweeney, Berthold.
Nellie E. Gagner, Lignite.
Donald B. McDonald, Maxbass.
Elizabeth J. Olson, Medina.
Ole S. Aaker, Minnewaukan.
Clarence B. Stinson, Warwick.

OHIO

Fred O. Simpson, Belle Center.
Charles T. Cline, New Matamoras.
James E. Simpson, jr., Racine.
Alta N. Johnson, Rushsylvania.
Russel A. Medaugh, Spencerville.
Milton W. Stout, West Liberty.

PENNSYLVANIA

Harold Coburn, Allison.
Bennett H. Light, Avon.
Willa F. Beall, Beallsville.
August Neimeyer, Drexel Hill.
George V. Glenn, East Butler.
John D. Gerhart, East Greenville.
Haydn E. Lupold, East Petersburg.
John M. Thompson, Elizabeth.
Cletus L. Goodling, Farm School.
John S. Windle, Fernwood.
Mildren E. Henn, Freemansburg.
Charles O. Wescoe, Fullerton.

Margaret M. Callaham, Glen Mills.
Edwin B. Heckler, Harleysville.
Walter W. Gilmore, Hillsville.
Caddie L. Greth, Laureldale.
Anna W. Kerr, Lincoln Place.
Ethel H. Palmer, Linwood.
Rhea L. Moyer, Macungie.
William J. Lytle, Mayview.
Albert W. Watts, McVeytown.
James B. Flounders, Media.
Edwin W. Crawford, New Castle.
Mary R. Clapper, New Enterprise.
Edwin Zimmerman, Newmanstown.
Anna C. Young, North Glenside.
William M. O. Edwards, Pencoyd.
Bertha G. Thomas, Port Kennedy.
Milton H. Vanness, Rummerfield.
George E. McGlennen, Sharon Hill.
Calvin S. Leitner, Sheridan.
David K. Angle, Shippensburg.
Temple K. Gregg, Strafford.
John S. Butterworth, Wallingford.
Elmer E. Grover, Wapwallopen.
Karl M. Lyons, Warren.
Mary E. Tunney, West Brownsville.
Edwin K. Gedortha, Woodville.
Howard M. Gardner, York Springs.

WASHINGTON

William G. Powell, Aberdeen.
Louis H. Gurnsey, Addy.
Charles P. Stapp, Anacortes.
Fred H. Tonkin, Black Diamond.
Mark Harris, Brush Prairie.
Allison C. Presson, Buena.
Eliza F. Head, Cathlamet.
Julius C. Raaberg, Clarkston.
Arthur B. Cass, Connell.
Will T. Howard, Coupeville.
William W. Woodward, Darrington.
Henning E. Johnson, Du Pont.
Herbert P. Fisher, Garfield.
Tillman E. Kamerer, Hanford.
Charles C. Mulligan, Kirkland.
Ernest R. Anderson, La Center.
Andrew H. Bryam, Millwood.
Anna M. Robertson, Montesano.
James C. Blevins, Naches.
Charles A. Fiedler, Newport.
Hazel P. McVicker, Port Blakely.
George W. Edgerton, Puyallup.
John W. Cowdery, Rainier.
Fred B. Goldsworthy, Rosalia.
James Lane, Roslyn.
Charles M. Perkins, Seattle.
Warren P. Cressy, South Bend.
Robert O. Logsdon, Sprague.
Emmett V. Fleming, Springdale.
James H. Adams, Waitsburg.

WISCONSIN

John Meili, Alma.
Carl L. Christianson, Bloomer.
Thomas A. Walby, Hudson.
Norma A. Rheingans, Jackson.
Henry J. La Grandeur, Somerset.
Lewis H. Cook, Wausau.

WYOMING

Henry C. Miller, Douglas.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 10, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Look down, bend low, our Heavenly Father, and hold us in the shadow of Thy presence. With tenderness and compassion, O teach us the way to see, to reason, to act, and to bear our part that we may be a real blessing to our country. We are at our best only when we fulfill the purpose for which we are here. Make us keenly sensitive of our reputation and opportunities. By prolonged and studious effort help us to learn the most beautiful and valuable lessons of life. By the conquest of difficulties help us to live sweeter in our hearts and braver in our lives. Keep us better than the bad and make us equal to the best. At Thy altar we ask for the blessing of humility—the wonder grace that never boasts of victory and never leaves a pain. Be gracious to all our land and bless our citizens everywhere with peace and plenty. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 773. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa; and

S. 1968. An act to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 483. An act authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings.

SWEARING IN OF REPRESENTATIVE GEORGE S. GRAHAM, OF PENNSYLVANIA

Mr. WELLER. Mr. Speaker, on January 5 I was appointed by the Speaker to administer the oath of office to my distinguished colleague, Mr. GEORGE S. GRAHAM, of Pennsylvania. Mr. GRAHAM was in the Mount Sinai Hospital in New York, and on January 9, pursuant to House Resolution 72, I swore Mr. GRAHAM in as a Member of the House. The oath was administered in conformity with the rules of the House, and I offer the following privileged resolution and move its adoption.

The SPEAKER. The gentleman from New York offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 84

Whereas GEORGE S. GRAHAM, a Representative for the State of Pennsylvania, from the second district thereof, has been unable from sickness to appear in person to be sworn as a Member of this House, but has sworn to and subscribed the oath of office before the Hon. ROYAL H. WELLER, authorized by resolution of this House to administer the oath, and the said oath of office has been presented in his behalf to the House, and there being no contest or question as to his election: Therefore

Resolved, That the said oath be accepted and received by the House as the oath of office of the said GEORGE S. GRAHAM as a Member of this House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. WELLER. Mr. Speaker, may I proceed by unanimous consent for one moment? Judge GRAHAM, our colleague, has undergone a most serious operation. It was not known for a while that he would survive the operation, but he has survived it and is now convalescent. It is my happy privilege to report to the House that Judge GRAHAM is doing very well and soon will be restored to his former good health and his position as an active Member of the House. [Applause.] However, in view of the fact that he is convalescing and will not for some time to come be able to be present on the floor of the House, I ask unanimous consent that an indefinite leave of absence be extended to him.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPROPRIATION BILL FOR THE DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8269) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8269, with Mr. LEHLBACH in the chair.

The Clerk reported the title of the bill.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment, which I offer, on page 40, line 6, to strike out the figures "$3,672,500" and insert in lieu thereof the figures "$3,707,500."

Mr. BLANTON. Mr. Chairman, that was practically decided on yesterday, and before we take that up with the small attendance we have now I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON (interrupting the count). Mr. Chairman, many Members have come in since the Chair began to count, and I withdraw the point of order.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 40, line 6, strike out the figures "$3,672,500" and insert in lieu thereof the figures "$3,707,500."

Mr. LAGUARDIA. Mr. Chairman, yesterday, just before the House adjourned, I offered an amendment which was defeated, increasing this appropriation by $50,000. The chairman of the committee in charge of the bill made a most eloquent plea for the sake of economy. I have therefore reduced my amendment $15,000 and ask for an increase of $35,000.

There are 884 deputy marshals throughout the country. This small increase would enable the Attorney General to take care of an increase of salary for deputy marshals not only in New York but in Alaska and in every State of the Union. The distinguished gentleman from Pennsylvania [Mr. SHREVE] read from a report yesterday, according to which, on his own figures, over 200 of these deputy marshals are receiving $1,500 a year—$125 a month. I point out again that these marshals now, since the enactment of the prohibition laws, are intrusted with difficult and dangerous duties. They are required to serve papers in injunction and padlock cases, and the appellate courts have required actual personal service. Unless we have marshals who are contented, who are satisfied and properly paid, it is hardly to be expected that these men can perform their duties efficiently.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Just one moment, please. I submit that a deputy marshal ought to be paid a salary at least corresponding to that of a police officer in his own community. There are cases that I can agree where a deputy marshal in a small community, where the court does not sit every day, receives sufficient pay when he gets $1,500 a year, but in a large city like New York, with the southern district and the eastern district, including Brooklyn, and in Alaska and in large cities where the court is in session every day and where these men work night and day, have car fares and are required to have their meals away from their homes, as they do not work within walking distance of their homes, it is simply disgraceful for the United States Government to expect these men to render good service with a compensation of $1,500 a year.

Mr. BLANTON. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Every Member present yesterday agreed with the distinguished gentleman from New York that such deputy marshals should receive more pay, but the chairman pointed out that his committee has already recommended an increase of over $100,000.

Mr. LAGUARDIA. But we still have more than 215 men getting only $1,500 a year. Surely $35,000 is not going to break the United States Government to give the deputy marshals, carrying with them the emblem of the United States and representing the United States Government in enforcement of the law. I have no idea that all of this $35,000 will reach New York. I say it is ridiculous to come here and make speeches about the nonenforcement of law and then stand up here and refuse to give these men a decent wage. It is outrageous to expect a man in a large city to live on $1,500 a year.

Mr. LINTHICUM. Does the gentleman think there is no sincere and earnest effort at law enforcement by this administration?

Mr. LAGUARDIA. I am willing to give the drys everything they ask for to enforce the law. That is what I am asking for.

Mr. BLANTON. Does the gentleman from Maryland want it?

Mr. LAGUARDIA. I say let us give these people a decent wage.

Mr. SNELL. As I understand it, these men who devote their entire time to the business in New York get more than $3,500 a year.

Mr. LAGUARDIA. That is a mistake. We have deputy marshals in New York City getting only $1,500 a year. They were recently increased $5 a month.

Mr. SNELL. I think the chairman ought to be able to clear this matter up, because it is important.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SNELL. Mr. Chairman, I ask that the gentleman may have additional time. I ask unanimous consent that he be allowed to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. I yield to the gentleman from Pennsylvania [Mr. SHREVE].

Mr. SHREVE. The facts in this situation are as follows: We have, all told, 902 men of this class. They are scattered all over the United States. Some of them are in the thickly populated districts such as that from which the gentleman from New York [Mr. LAGUARDIA] comes, and some are out on the prairies and scattered about widely. Now, there are men who do not earn this large amount of money that was allotted to them. There are others who might be classified at a little higher rate, perhaps, later on. Two of these deputies receive $3,100 and 4 receive $2,925, and 14 receive $2,657, and 74 receive $2,397, and so forth.

Mr. SNELL. Where do the special men in New York that we are talking about come in in connection with that list, if that is a fair question? I do not want to corner any man down.

Mr. SHREVE. We have these men classified——

Mr. SNELL. Yes; the gentleman from New York said they were working for $1,500. I did not think that that was so, but I think it ought to be cleared up.

Mr. SHREVE. There is a large number, 396, at $1,624, and then a smaller number, 50, in isolated parts of the United States where they receive only $1,402.

Mr. SNELL. That may be enough for those fellows, but I do feel that in the congested centers of population the Federal Government ought not to ask a man to give his entire time to its service for $1,500 a year. The statement has been made here repeatedly that that is what they are getting in the city of New York. It seems there should be some information somewhere that would tell us, so that there will be no further argument about it.

Mr. LAGUARDIA. There are 396 who are getting $1,634.

Mr. SNELL. Where are they located?

Mr. SHREVE. These men are not located in New York.

Mr. LAGUARDIA. We have a larger number of $1,600 men in New York City proportionately than you have anywhere else. The increase they have received has been only $8 a month. You can not do anything with $8 a month in New York City.

Mr. OLIVER of Alabama. Last year there was carried about $78,000 in the deficiency bill for the purpose of enabling the Attorney General in his discretion to grant increases to deputies where he thought increases were needed. That bill failed. This year we not only carry that $78,000 but an additional amount.

Mr. SNELL. That is, we never had it before?

Mr. OLIVER of Alabama. We add to it, so that we are now carrying $100,000 more in order to grant increases where increases should be granted in the judgment of the Attorney General.

Mr. LAGUARDIA. I know the gentleman wants to be fair, but $15,000 of the $22,500 is for the increase of the salaries of the marshals, and only $7,500 is to increase the salaries of 804 deputy marshals. The increases contemplated last year include the rates of salaries which the gentleman from Pennsylvania [Mr. SHREVE] mentioned. I have here a letter from the Attorney General in which he states that the department would be glad to fix the compensation of deputies in accordance with my suggestion, but he adds that, as a matter of fact, the funds available will not permit it for the coming fiscal year. That letter was signed by Assistant Attorney General Marshall, who is in charge of United States and deputy marshals.

Mr. OLIVER of Alabama. I will say that the Attorney General before our committee had no suggestion to make in regard to this increase of salary.

Mr. MADDEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. SNELL. Just one moment. How long would it take to get from the Department of Justice a statement as to what the deputy marshals in New York City get? I would like to have that complete.

Mr. MADDEN. Mr. Chairman, it is all very well to stand here and demand increased appropriations every day on every line of every bill. The Committee on Appropriations has stated all the facts in this particular case. They have presented the facts to you. We have given in the deficiency bill and in this bill $100,000 for the particular service to which the gentleman from New York [Mr. LAGUARDIA] and others have just addressed themselves—more than they ever had before. There has been no demand from any source anywhere except such demands as the gentleman from New York makes on the floor for this increase. The administrative side of the Government has made no demand.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. In a moment. No demand has been made. If they want more money, as a rule there is no reason why they should not ask for it. In the consideration of this problem we have realized that some little shortage may have existed, and we are carrying more in the bill than was requested by the Attorney General or by the Budget.

Just a few days ago the House voted almost unanimously to reduce taxes and to take away the revenue that the higher taxes would give to the Treasury for the payment of obligations such as these. I was one of those who voted against it. There is not any money with which to meet these increased obligations. You can assume the responsibility if you will, but if there is a deficit as a result of these increased demands, do not blame anyone but yourselves. Do not vote for every motion to increase the compensation of everybody irrespective of whether justice applies to the case or not. Keep the expenses within the revenues of the Government. Let the Nation stand by the record which it has made since the war. I appeal to every Member here to stand for an economical administration of national affairs by voting down every amendment that may be offered irrespective of whether it is just or not. I know there will be other amendments offered and I say in advance that they ought not to pass. [Applause.]

Mr. DYER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. DYER. Mr. Chairman and gentlemen of the committee, I have the greatest regard, as do all the Members of the House, for the subcommittee in charge of this bill, but there is a real necessity for increasing the salaries of some of the deputy marshals. I know it to be a fact not only from what has been stated here as to other places but because of conditions which exist in my own city, where we have deputy marshals who are giving their whole time to their work and who are receiving, some of them, less than $1,600. I read the figures: Jennings, $2,500; Kennedy, $1,860; Morrisey, $1,560; Elton, $1,500; Hartstein, $1,500; Puls, $1,500; and Colgan, $1,440, per annum. We have in our city, as in many of the great cities, most important duties for which our deputy marshals are called upon to do. Among them is the enforcement of the prohibition laws. There is a great temptation for graft in prohibition matters amongst the officials of the courts because of the low salaries paid. I have the greatest respect for the deputy marshals as a whole, and I know the deputy marshals in my district are thoroughly honest and upright, but to expect too much from a man who gives all of his time to the responsible duties which a marshal is called upon to perform on a salary of less than $1,600 per year, where he can not obtain a decent place to live without paying at least $50 a month, is entirely wrong. I think Congress itself made a mistake some years ago when it authorized the Attorney General to fix the salaries of United States attorneys and marshals, as well as their assistants, up to a certain amount. We should not have delegated to the Executive the power to do that which solely ought to rest upon the Congress itself.

The Department of Justice has not been equitable in the distribution of the salary increases throughout the country. I know that is so, especially from the report of the Attorney General for the last year. In my own State we have two districts. He is authorized by legislation to fix the salaries of the district attorneys and of the marshals up to a certain maximum.

His report shows that in one district the work is far below that of the other district in the prosecution of crime and in the money that is paid into the Government, yet we have him paying the district attorney in the western district $1,000 a year more than he pays the attorney in the eastern district; and he pays the marshal in the western district $500 more than he pays the marshal in the other district, yet the work in the eastern district is far ahead of the other district. So it is with deputy marshals and assistant United States attorneys. One of them at St. Louis receives as low as $2,400 per annum. That is the amount paid to an assistant United States attorney who gives all of his time to the work of the enforcement of the prohibition law. He is an able and an efficient lawyer, with a family. He is giving all of his time to the Government at $200 per month. That is one of the results of putting into the hands of the Department of Justice the power to fix the salaries.

They say they have enough money to increase the pay, according to the statements of some gentlemen of the House; but they told me not so long ago that they can not increase the salaries of deputy marshals and deputy clerks in St. Louis or the salaries of assistant district attorneys in St. Louis because they have not enough money. When you give small pay to men engaged in the enforcement of law and the riddance of the community of crime and force incompetent men to be appointed or force men to live upon a meager salary you are wasting the people's money instead of saving it. [Applause.]

I believe, Mr. Chairman, the committee itself ought to cooperate and give the Department of Justice enough money so that the Attorney General can not say to the gentleman from New York, to others, and myself that they have not enough money to increase salaries so that men occupying these important positions can live comfortably and the department can pay a living wage to them. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 44, noes 73.

So the amendment was rejected.

The Clerk read as follows:

United States penitentiary, Leavenworth, Kans.: For the United States penitentiary at Leavenworth, Kans., including not to exceed $270,000, for salaries and wages of all officers and employees, $880,000.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and gentlemen—and ladies, I do not feel that we ought to allow this paragraph of the bill to perfunctorily pass without calling attention to the overcrowded conditions in the Federal prisons. We are appropriating $880,000 for Leavenworth, $852,500 for Atlanta, and $332,500 for McNeil Island. Here is an annual outlay of over $2,000,000, an apparently large sum, and it might seem that we are doing our full duty; but the blazing fact stands forth that these Federal penitentiaries are wholly inadequate. They are so disgracefully overcrowded as to be a menace to the health and morals, not only of the inmates, but of every community in the land to which released criminals return upon the conclusion of their imprisonment.

OVERCROWDING

On June 30, 1918, the population in the Federal penitentiaries was 4,482, which even then taxed their capacity. On June 30, 1927, the prison inmates had increased to 9,448. This is an increase of 4,966 within a period of nine years.

The capacity of Leavenworth is about 1,600. Its population, in November, 1927, when the superintendent gave his testimony before the committee, was 3,406. When our committee visited the institution in 1925, we found, even then, that men and boys were sleeping in an improvised, poorly lighted dormitory in the basement. In Atlanta, Ga., the capacity of the prison is about the same as that of Leavenworth—1,600. Its population in November, 1927, was 3,160, and the basement was also used as a dormitory. The only Federal prison that is at all equipped for the population which it maintains is McNeil Island. In Leavenworth and Atlanta prisons cells intended for one prisoner are improvised to hold two and three; those intended for three are rigged up temporarily to hold six. Halls and corridors are commandeered to accommodate prisoners in the most primitive fashion in disgraceful propinquity. And yet that goes on year after year—and Congress does nothing.

Mr. SHREVE. Will the gentleman yield?

Mr. GRIFFIN. Yes.

DUTY OF CONGRESS—PROVIDE MORE PRISONS

Mr. SHREVE. Does the gentleman recall that the committee of which we are both members, upon several occasions has recommended legislation touching upon these very questions? If so, I wish the gentleman would mention that.

Mr. GRIFFIN. Indeed, I do; and I am making this public statement now on the floor of this House in order that the membership may be acquainted with conditions and in order that the legislative committee, which I do not mean to reflect on in any sense whatever, may realize its importance. They may probably resent our intrusion upon their field—I do not know.

SEPARATE PRISON COLONIES FOR YOUTHFUL OFFENDERS

Nevertheless I want to make a recommendation, and it is one that is concurred in by the superintendent of prisons, namely,

that different types of prisoners ought to be separated and each type scrupulously segregated.

It is a disgrace to keep murderers, thieves, cutthroats, and degenerates in daily contact with those who are held for lesser offenses—many of whom are first offenders. In laying out a plan of construction, it is primarily essential, I submit to you, that exclusive prisons should be maintained for the worst offenders—those who have been in prison before, those who are guilty of crimes involving a high degree of moral turpitude; whereas young men who have fallen from grace for the first time ought to be segregated in separate farm colonies. They should not be confined in daily contact with hardened criminals, which the present meagre prison accommodations inevitably necessitate.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRIFFIN. So much for the odious crimes, the crimes which are like a disease, contagious and demoralizing in their influence upon younger men who have fallen for the first time.

SEPARATE PRISONS FOR DRUG ADDICTS

There is another class of criminals who are also piled into these overcrowded institutions who ought not to be there. I refer to drug addicts and drug peddlers. They are now overrunning all the prisons.

Just look at the figures of the increase in drug addicts in our Federal prisons since 1918. On June 30, 1918, there were 299 drug addicts and peddlers in the Federal penitentiaries. At the present moment there are 2,116. A jump in nine years of over 1,800. The problem has been: "What shall be done with them?" For want of better facilities they have been stuck in criminal institutions—a wholly unjust proceeding. They are not criminals, but only potentially so, in the sense that drug addiction is the foundation of many crimes.

The drug addict first loses his moral sense and then drops naturally into crime. Where you have in institutions like Leavenworth 600 or 700 drug addicts, just imagine the effect of the contact of those men with prisoners who have never known its use. It means an inevitable extension of the vice. We ought to have separate institutions for drug addicts, where they can be kindly treated and where the possibility of their dragging down others may be avoided.

ABOLISH "TRUSTIES"

My third recommendation—which will, perhaps, not be popular—is an increase of appropriation for guards and for employees of the prisons.

I think it is a mistake to employ criminals in duties connected with the administration of prisons. It is false economy. The custom that has grown up of taking prisoners by favor from their cells, sending them on errands outside of the prison walls, allowing them to cook for the keeper's table, to do work in the kitchen of the prison, and to give them generally free play. These men are called "trusties"—they ought to be abolished.

The dangerous part of such a policy is this: It is fundamentally un-American. It is unjust and it is unfair to other prisoners, because it leads to favoritism. We can easily visualize, for instance, the influence that is brought to bear upon the warden. He ought to be kept free from such influence.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRIFFIN. These trusties are favorites of the warden and officers of the institution. They are given carte blanche. As I said, they drive the prison car, they go outside the walls to make purchases, they are in and out of the prison doors all day long every day of the week. What harm is there in that, you say, outside of the mere favoritism that is implied and the injustice to other prisoners? The harm is this, that that is one of the methods by which drugs are smuggled into the prison, and it leads to an increase of the drug habit in all institutions.

Mr. OLIVER of New York. Will the gentleman yield?

Mr. GRIFFIN. I will.

Mr. OLIVER of New York. Does it not violate the sentence of the court to a term of hard labor. Is it not almost a contempt of the court to use a man on the outside of the prison?

Mr. GRIFFIN. I am glad my colleague asked that question. My answer is yes it is in violation of the law and in contempt of the sentence of the court. It is also in contempt of society.

This Congress in making the laws imposes the penalty, and this abuse violates the law and flouts the sentence imposed by the court.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. GRIFFIN. I will.

Mr. OLIVER of Alabama. I am in hearty sympathy and I think the full committee is with the suggestion made by the gentleman from New York for a building for drug addicts. That is absolutely essential in view of the overpopulation of the prison; there is danger and unless the Judiciary Committee takes the matter up we may have serious consequences to follow.

But in so far as he criticizes the using of youths as trusties, the gentleman is challenging a custom that is 100 years old in every prison, State and Federal, likewise in every elemosynary institution for the mentally weak. It is one method in testing in advance those for whom parole may be given. Likewise it is humanitarian because they like employment, and if there is one weakness in the prison system it is that they are not provided with adequate employment.

The gentleman from New York saw the farms and the dairy at Leavenworth, where they were sent, and that they went gladly that they might find something to do. You drive a person crazy, you destroy his health, unless you give him something to do. Many of them have been found generally trustworthy, and thereby earned the recommendation for parole.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. GRIFFIN. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRIFFIN. My colleague, a member of the committee, I think has misapprehended the purport and the effect of my recommendation with respect to trusties. He weaves into a protest against overturning an ancient custom, the argument that it is essential to keep prisoners employed.

Of course, it is necessary to keep them employed; they ought to be, for the reason which he so well expresses, but are there no other ways to employ them except in avenues and in places and by giving them opportunities to do mischief such as this ancient custom has encouraged?

I am speaking by the card; I am speaking from personal knowledge. I know that drugs have gone and are going into prisons every day through the medium of the trusties. It is a bad custom, and even though it has been sanctioned for 100 years it is a bad custom. I do not mean to close the prisoners up; I would not lock them in a cell and put them on bread and water, as my friend from Alabama would imply. I am as much concerned as he to see that they are kept at work, but I do insist that if a man is sent to jail as a criminal he ought to be in jail and remain in jail. He ought always to have the consciousness that he was sent there by society for an infraction of its laws.

There are other ways of being kind to prisoners without taking them out of the prison, to the discouragement of other men locked up in cells, and have them loiter around the warden's house fixing up his garden, cooking his meals, driving his auto, and running errands into town. It is a positive scandal and a menace to proper prison administration. It ought to be abolished, notwithstanding it may have had the sanction of 100 years. The very essence of punitive law is justice. Any departure from equity in the treatment of prisoners can not help but have an unfavorable reaction on their minds. If they see that some of their number, by reason of political pull, bribery, or social influence, are given wide liberty as trusties, the routine labor and restraint of confinement becomes irksome; and they carry with them, when they go beyond the prison walls, a deep resentment and sense of hopelessness which make them an easy prey to their old associates. Thus they become second and third offenders.

ALL PRISONERS SHOULD HAVE WORK TO DO

If we should abolish the "trusty system," it does not follow that they would be kept in idleness. The fact that there is not enough work to go around now is our fault. We should not be stumped by that; we should provide work for all. The hearings on this bill disclose the fact that that is the great problem which the wardens have to meet. That they are doing it as well as can be expected is not to be denied, and even their use of trusties can be excused under the present system. The fault is not with the wardens of the jails but with the system, and it is the "system" which cries aloud for change. We ought to provide an adequate number of prisons—segregating and separating prisoners, as I suggested—and we—I

mean Congress—should provide such facilities as will enable every prisoner to be usefully employed; but never, under any circumstances, should they be assigned to pet positions that discriminate against other prisoners and which make them feel that they are on vacation.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Federation Industrial Institution for Women, Alderson, W. Va.: For the Federal Industrial Institution for Women at Alderson, W. Va., including not to exceed $90,000 for salaries and wages of all officers and employees, $260,000.

Mr. HUGHES. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUGHES: Page 43, line 8, strike out the word "Federation" and insert in lieu thereof the word "Federal." On line 11 strike out the figures "$90,000" and insert "$100,000," and in line 12 strike out the figures "$260,000" and insert "$270,000."

Mr. HUGHES. Mr. Chairman, for the information of the committee I would say that the striking out of the word "Federation" and inserting the word "Federal" is merely correcting a typographical error.

The total increase on this appropriation will be $10,000. If this appropriation remains at the present amount, this institution can take care of only 150 people. With this small addition of $10,000 it will enable them to take care of 300 people. All of the buildings at this institution will be finished by the latter part of May. This appropriation will not begin until July 1. This information has come to the subcommittee, and I am satisfied that they will recommend to the House the adoption of this amendment.

Mr. SHREVE. Mr. Chairman, at the time we considered this appropriation Miss Harris, who is the very able superintendent of the institution, was not able to appear before the committee. With the information we had at that time we felt that we could make a cut of $10,000 under the estimate made by the Bureau of the Budget. However, upon more mature consideration and having talked with Miss Harris and heard from the distinguished gentleman from West Virginia [Mr. HUGHES], we decided to accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from West Virginia.

The amendment was agreed to.

The Clerk read as follows:

Probation system, United States courts: For salaries and actual expenses of probation officers, as provided by section 3 of the act entitled "An act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia," approved March 4, 1925, $25,000.

Mr. WOODRUM. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WOODRUM: Page 47, line 4, after the figures "1925," strike out "$25,000" and insert in lieu thereof "$50,000."

Mr. WOODRUM. Mr. Chairman, ladies and gentlemen of the committee, in March, 1925, in the closing hours, I think, of the Sixty-eighth Congress, the House passed a bill under suspension of the rules virtually without consideration of the merits, providing for the establishment of a probation system in the United States courts. I opposed the passage of the bill for reasons that I thought sufficient at the time, but I was one of a very small minority who took that position, and the bill was passed virtually unanimously by the House. That law has been in operation now since March, 1925, and gives very broad authority and latitude to the Federal judges in the matter of suspending sentences of persons convicted of crimes in the Federal courts, and further provides for the appointment of probation officers. I have offered this amendment which, on the face of it, doubles the appropriation which the committee brought in for this work. As a matter of fact, however, it only carries the appropriation up to the amount that was appropriated in the first bill. We first appropriated for this very important work, $50,000. That was the amount deemed advisable to provide for the probation system in the Federal courts. In the last Congress that amount was cut to $30,000, and in this Congress it is proposed to cut it to $25,000. I fear that in the next Congress it will be cut to $10,000, and in the next eliminated altogether, thereby bringing about the condition that I very much feared would happen when we passed the legislation, to wit, giving a broad power of suspended sentence to Federal judges, with absolutely no supervising control or supervision over the men who are allowed to go at large after having violated the law.

We have listened with great interest to-day to the gentleman from New York [Mr. GRIFFIN], who has given us the figures on the very crowded condition of the penal institutions in America. I have some figures that I shall put into the RECORD to-day, which show the manner in which this probation system has worked, at least in one Federal jurisdiction in the United States. I speak of the southern jurisdiction of West Virginia, not a jurisdiction in my district, but represented here by the distinguished gentleman from West Virginia, Judge STROTHER, who is away on account of sickness. I feel sure that if he were here he would be glad to put these figures into the RECORD. In that district, since this law was passed by Congress, March 4, 1925, to June 1, 1927, a period of a little over two years, the Federal court paroled 1,690 offenders. That period that I have mentioned of a little over two years was a period from March, 1925, to June, 1927, and during that period he had no probation officer. One thousand six hundred and ninety prisoners were given suspended sentence under the provisions of this law. Only 145 of those violated their parole or were ever called to account again for violating the confidence that had been reposed in them by the court.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. GRIFFIN. Were not those prisoners largely mine strikers?

Mr. WOODRUM. Not at all. I will put the detailed statement of the cases into the RECORD. The large majority of those were prohibition cases, many of them first offenders.

Mr. GRIFFIN. I asked in regard to mine strikers.

Mr. WOODRUM. There were very few mine cases.

Mr. LAGUARDIA. They would not be in the Federal court.

Mr. WOODRUM. No. The majority of them were prohibition cases, some of them first offenders. Two hundred and nine of them were women. The judge there is a very conscientious man, trying hard to enforce the law. He put those people out on probation. During that period he had no probation officer to go around and supervise them or try to rehabilitate them or bring them back into society as law-abiding and self-respecting citizens. Yet without that supervision only 145 of them were ever heard of again in the matter of violating any law. In June, 1927, he asked the Department of Justice for a probation officer, and he was given to him, certified by the Civil Service Commission—a splendid, fine young man, to take charge of probation work, and from June, 1927, to January 1, 1928, there were 397 cases in that judicial district, composed of 24 counties.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. WOODRUM. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. During that period there were 397 people put out on probation in the hands of this probation officer, and only 4 were ever brought before the court for committal.

Now, gentlemen, I do not know how that impresses you, but coming as it does right on the heels of this remarkable statement by our chairman about the penal institutions being crowded, I bring you knowledge and information as to where the prisons can be relieved of some of this crowd. In the case of these several hundreds of prisoners put out on probation and helped back to decency, the Government has been saved the space required to house them and the expense of guarding them and boarding them. But more important than all that is the fact that those prisoners were brought back to society as law-abiding and self-respecting citizens. This group of citizens were taken out of the column of liabilities and put into the column of assets in the records of society. Now, unless we are going to give to the Federal courts sufficient funds to enable courts to have competent probation officers to help these men going on probation to secure employment and provide for themselves, and do everything they can possibly do to put them on a self-sustaining and law-abiding basis, the greatest benefit of the probation system will be lost. We ought to provide the funds.

This jurisdiction that has produced this remarkable result gets $2,900 a year from the Department of Justice for its pro-

bation work. Twenty-four hundred dollars of that fund is used in the salary of the probation officer, $200 a month; he gets as an expense account $500, or $125 each quarter. He must attend the court wherever it meets and must supervise the conduct of these men in 24 separate counties. He got that amount last year under our appropriation of $30,000. If you reduce it to $25,000, that will reduce the portion going to this district to about $2,500. I submit that Congress ought to back up the courts in their effort to save these men and rehabilitate them and put them back to society as self-respecting citizens. I simply offer this amendment to restore the amount to $50,000, the amount estimated for this important work.

Before I take my seat, Mr. Chairman, I would like to ask unanimous consent to include in my remarks a letter from George W. McClintic and a letter from the probation officer, and a short statistical report.

The CHAIRMAN. Is there objection?

There was no objection.

The following are the papers referred to:

CHARLESTON, W. VA., *December 27, 1927.*

HON. GEORGE W. MCCLINTIC,
Judge United States District Court,
Southern District of West Virginia, Charleston, W. Va.

DEAR SIR: Submitted herewith is a statistical report of probation for the southern district of West Virginia from March 4, 1925, to January 1, 1928.

The statistics from March 4, 1925, to June 1, 1927, were taken from the court records and other available sources, consequently a study over that period could not be made. From June 1, 1927, to January 1, 1928, a rather close study of probation as applied in this district has been made.

I wish to cite your attention to the following, taken from the statistical report:

From March 4, 1925, to January 1, 1927, there have been 1,481 men and 209 women placed on probation, making a total of 1,690. Out of this number, only 145 have been committed for violation of probation, 134 men and 11 women. Basing these figures on percentage, the following is shown: 9.05 per cent of men and 5.3 per cent of women have been committed for violation of probation, or 8.58 per cent of the whole number placed on probation.

Out of 397 persons placed on probation since June 1, 1927, only four men and no women have been committed. Two of the four violated their probation the same day they were placed on probation, one within 10 days, and one within 30 days.

You will note that this report is divided into two parts, as follows: March 4, 1925, to June 1, 1927, and from June 1, 1927, to January 1, 1928. This division was made in order that an accurate account of probation under the supervision could be followed up in the future.

It is encouraging to the probation officer to note that probation in this district could be made tremendously valuable to the Federal Government, the State, and public at large, even as much so as to the lawbreaker, which advantage has already been definitely proven.

The probation officer has made several observations which would be of very material aid to the success of probation in this district if they could be worked out, namely, a larger expense allowance, stenographer, and an auto. If these three assets could be realized, the probation office would have an opportunity to get out of the office and organize the work in the field. As your honor knows, the success of probation lies in its enforcement and in personal contact and supervision of the homes of the probationers. It is hoped that in course of time these visions may become a reality.

I wish, above all, to express my thanks and appreciation to your honor for the kindness and cooperation given me at all times. This has been of great help to me.

Respectfully submitted.

JOHN W. BOLICK,
United States Probation Officer.

CHARLESTON, W. VA., *January 4, 1928.*

HON. CLIFTON A. WOODRUM,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I inclose herewith a report of the activities of the probation department of my court.

It shows the number placed on probation in the years 1925, 1926, and 1927.

It also shows the number who have since been tried and committed, and the number that are still on probation.

I also inclose a copy of a letter of the probation officer which sets out the situation a little more fully.

What we lack is more supervision, and we can only get this if we get a larger appropriation. There was only appropriated last year $30,000 for the United States. I am informed that the Budget recommendation carries that amount for this year.

This district gets $2,400 salary for one paid probation officer and he has $500 for his expenses. This is divided into quarterly payments of $125 each. His home is here in Charleston, but he has to attend court in Huntington and attend court in Bluefield, and if court is held at Williamson, Lewisburg, or Webster Springs he will have to attend there. This eats up, practically speaking, all the expense money. He has no opportunity of going into the 24 counties of this district outside of those where court is held, and build up an organization and get local probation officers to act. These local men can not be paid, but they are entitled to their expenses.

You will note from the copy of the letter of Mr. Bolick that he would like to have a stenographer and an automobile. One must appreciate that the correspondence in connection with his work is very large, and he tries to keep in touch thereby with all these people, but it is a physical impossibility to do more than so much. However, I think that the Government could easily amend its statute so that the probation officer could be like a prohibition officer; that is, get one of the confiscated automobiles. I notice in the morning paper an advertisement by the marshal of 35 confiscated automobiles, and I would certainly like to see the probation law amended so that the probation officer can get one in the same way that prohibition agents now get them—that is, by an order of court, setting aside some confiscated automobile for the use of the probation officer.

We will forget the stenographer part just now, and hope that a larger appropriation can be made for expenses. If you could get that, with the increase of the hard roads, the probation officer could travel over these 24 counties and visit a great many of the individuals whom it is now impossible to see.

I know that you will appreciate the fact that of this large number on probation there would be an average of three to four hundred of them in jail if it were not for the probation law. This would entail an expense of probably not less than $300 a day for the keep of the prisoners, which money would have to be paid by the United States. It would also require the counties to expend greater or less sums in keeping the families of those that are in jail.

Taking the average of $300 a day saved, you will readily see that it makes $9,000 a month, and certainly the Government could afford to appropriate $500 a month for probation work in this district. The probation—leaving out of view the good thing of trying to make better citizens—is an actual big money saver for the Government, but it will require the expenditure of some money to make the system any sort of a success.

The paid probation officer came here from Richmond, Va., where he had had experience in probation work. He was certified to me from the civil-service department, and I appointed him. He should have an increase in salary of at least $300 a month, but we really need the expense money at this time more strongly than we need this increase in salary.

If anything occurs to you after going over these papers, and you need any additional information, I will be glad to furnish it if it is in my power.

With kindest personal regards, I am,

Yours very truly,

GEORGE W. MCCLINTIC,
District Judge.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF WEST VIRGINIA—STATISTICAL REPORT OF PROBATION, MARCH 4, 1925, TO JANUARY 1, 1928

The statistical report of probationers for 1925, beginning with March 4, date of probation act

	Men	Women	Total
Probated from Mar. 4, 1925, to Jan. 1, 1926	448	70	518
Probation cases ended:			
Committed	19		
Probation expired	2	1	
	21	1	22
Remaining on probation Jan. 1, 1926	427	69	496
Probated for violation:			
National prohibition act	421	66	
Drug law—use	11	4	
Postal law—			
(a) Theft	1		
(b) Using mails to defraud	2		
Interstate commerce law—theft	1		
Motor vehicle theft act	8		
Counterfeiting	2		
Bribery	2		
	448	70	518

The statistical report of probationers for 1926

	Men	Women	Total
On probation Jan. 1, 1926	427	69	496
Probated, 1926	477	46	523
	904	115	1,019
Probation cases ended:			
Committed	56	1	
Probation expired	68	9	
Died	2	1	
Released by court	1		
	127	11	138
Remaining on probation Jan. 1, 1927	777	104	881
Probated for violation—			
National prohibition act	450	42	
Drug law—			
(a) Traffic	2		
(b) Use	4	2	
Postal law—			
(a) Theft	4	1	
(b) Using mails to defraud	4	1	
(c) Obscene literature	1		
Motor vehicle theft act	3		
Mann Act	2		
Counterfeiting	2		
Bankruptcy	1		
Theft, Government property	1		
Farm loan act	1		
War risk insurance act	1		
World War veterans' act	1		
	477	46	523

The statistical report of probationers for 1927, up to June 1

	Men	Women	Total
On probation Jan. 1, 1927	777	104	881
Probated to June 1	218	34	252
	995	138	1,133
Probation cases ended:			
Committed	23	3	
Probation expired	85	27	
Died	1		
	109	30	139
Remaining on probation June 1, 1927	886	108	994
Probated for violation—			
National prohibition act	203	33	
Drug law, use	4		
Postal law—			
(a) Theft	3		
(b) Using mails to defraud		1	
(c) Obscene literature	1		
Motor vehicle theft act	4		
Mann Act	2		
Counterfeiting	1		
	218	34	252

This brings the probation statistics up to June 1, 1927, the date the probation officer was appointed and took charge of the work.

The statistical report of probationers from June 1, 1927, to January 1, 1928

	Men	Women	Total
On probation June 1, 1927	886	108	994
Probated:			
June	20	6	
July	2		
August	4		
September	78	13	
October	14	1	
November	207	38	
December	13	1	397
	338	59	
	1,224	167	1,391
Probation cases ended from June 1, 1927, to January 1, 1928:			
Committed	36	7	
Probation expired	34	8	
Died	2		
	72	15	87
Remaining on probation Jan. 1, 1928	1,152	152	1,304

Probated from June 1, 1927, to January 1, 1928

	Men	Women	Total
For violation—			
National prohibition act	315	53	
Drug law—			
(a) Traffic	4		
(b) Use	1		
Postal law—			
(a) Theft	6	2	
(b) Using mails to defraud	1	1	
(c) Obscene literature	1		
Interstate commerce law—			
(a) Theft	2		
(b) Other	2		
Motor vehicle theft act	1	1	
Mann Act	1	1	
Counterfeiting	1		
Theft Government property	1		
World War veterans' act	2		
Aiding prisoner to escape		1	
	338	59	397

RECAPITULATION

	Men	Women	Total
On probation, 1925	448	70	518
On probation, 1926	477	46	523
On probation, 1927 up to June 1	218	34	252
On probation from June 1, 1927 to Jan. 1, 1928	338	59	397
Total	1,481	209	1,690
Probated for violation—			
National prohibition act	1,389	194	
Drug law:			
(a) Traffic	6		
(b) Use	20	6	
Postal law—			
(a) Theft	14	3	
(b) Using mails to defraud	7	3	
(c) Obscene literature	3		
Interstate commerce law:			
(a) Theft	3		
(b) Other	2		
Motor vehicle theft act	16	1	
Mann Act	5	1	
Counterfeiting	6		
Bankruptcy	1		
Farm loan act	1		
War risk insurance act	1		
World War veterans' act	3		
Bribery	2		
Theft Government property	2		
Aiding prisoner to escape		1	
	1,481	209	1,690

	Men				Women		
	Committed	Probation expired	Died	Released by court	Committed	Probation expired	Died
1925	19	2	0	0	0	1	0
1926	56	68	2	1	1	9	1
Up to June 1, 1927	23	85	1	0	3	27	0
June 1, 1927, to Jan. 1, 1928	36	34	2	0	7	8	0
	134	189	5	1	11	45	1

Total cases ended, men	329
Total cases ended, women	57
Total, in all	386

Mr. SHREVE. Mr. Chairman, in reply to the very eloquent address made by the gentleman from Virginia [Mr. WOODRUM], I will say that the system is not popular among the judges. We were surprised a year ago, when we wrote to the judges of the United States, to find that very few of them were well impressed with the system. Some of them have their own systems. I know of one case where a retired street-car man has served as a probationary agent, and he is able to contribute from his own pocket several thousand dollars a year to the support of those boys. All over the country you find those generous-minded people.

I want first to let you know what the superintendent of prisons has to say about it himself. Here is what he says to the question propounded by the chairman, "Do you know how many appointments have been made?"

The answer was:

Mr. CONNER. Yes, sir; three. There have been 10 districts where salaries have been approved and where the judges wanted the probation officers. The Civil Service Commission held examinations by civil-service districts, and the judges did not want to appoint probation officers from outside of their judicial districts. So there are seven of them who have made no appointments. Three of them have made appointments, these being the southern West Virginia district, the southern New York district, and Massachusetts. The other seven authorized have not as yet made appointments. I expect they will do so soon, because the Civil Service Commission has now held examination by judicial districts and the eligible lists will be available shortly for the selection of probation officers.

Only 10 in the whole United States.

Now, I leave it to the committee to say if we have not already appropriated enough money to carry them through another year under the prevailing circumstances. The committee reduced the estimates of the Budget only $20,000. We cut it down to conform to the facts of the case, to $25,000, and I think it should stand there.

Mr. WOODRUM. I understand, then, that the appropriation of $25,000 for this work will not necessarily curtail the probationary work already being done?

Mr. SHREVE. I think not.

Mr. WOODRUM. The gentleman understands that this same jurisdiction will have at least the same amount they had in the past?

Mr. SHREVE. I think so. That is a matter that is entirely in the hands of the department.

Mr. WOODRUM. In other words, they have the funds if they want to do it?

Mr. SHREVE. Yes.

Mr. OLIVER of New York. Mr. Chairman, the statement made by the gentleman from Pennsylvania [Mr. SHREVE] amazed me very much, that the judges themselves oppose the appointment of probation officers. I have had considerable experience with the probation service in the city of New York, and I find there that the judges who have had large experience with it are the most enthusiastic backers of it. The reactionary tendencies of the Federal court judges is what astonishes me now.

Mr. SHREVE. The gentleman refers to the appointment of probation officers. He did not refer to paid officers. There is a distinction between the two. The United States Government pays the officers, but there are many men who do not receive any compensation at all.

Mr. OLIVER of New York. I will say as to both of the cases that there should not be any opposition of any character. There should be no objection to paying a man and making his work a responsible work under the court, to make it possible for a judge to discharge him if he violates the duties imposed upon him. He should continue in office for a long time and know his job. To my mind, that is the essential thing in the probation system. We can get a lot of officers to come in and spend what time they can spare in this service, but we will never get anywhere by that means. This voluntary service in New York is only auxiliary to the paid service. The paid service is the most important thing. It is all important to have trained men and women who give every hour of their time to the work, who consult with the judge, who are a part of the court. I do not see how a judge can sentence a man until he first has had the investigation of the probation officer. The old hit-and-miss impressionistic system of imposing the penalties of the law is an outrage. The probation officer goes out and outlines the life of the defendant in the most complete report and gives the judge the basis upon which he can fix his sentence. The judges ought to welcome that. To sentence a man by mere guesswork is to take a fearful responsibility.

The penalty of the law is pretty nearly the whole law on the criminal end of the game and penalties should not be imposed as they are imposed by some judges.

A defendant will be brought in, and the judge, looking down from his throne, will say to himself:

"I know this type of fellow. I'll teach this rough-looking specimen a lesson."

Then he imposes a sentence in that egotistical spirit. I thought that that method had passed away. Probation was devised to destroy it. When a penalty is imposed in that way you have tyranny.

The probation officer, to my mind, is the greatest aid to the judge in making an intelligent sentence. The first thing a probation officer does is to give information to the judge as to who the defendant is. He is not a man who solicits men to go on probation. He tells the judge when a man ought to go to jail, and he tells the judge the kind of a man who ought never to go on probation. It shocks me to think that some judges are dealing in a haphazard way with the probation system, where the soul of the court is involved.

The gentleman from Pennsylvania [Mr. SHREVE] says the judges appoint volunteers. I have a great respect for volunteers. But they are not a group with official responsibility. Too many of them play at probation. It is a fad with them. The most important moment in the life of a defendant is when he stands before the court for sentence. It may be the turning point between redemption and destruction. It is no time for piecework service of volunteers. When the Congress of the country has determined that the work shall be in the hands of paid officials, the judges should obey the law and appoint the men. Yet they have not done so. We passed the law and gave them the money. Some judges think that laws are not made for them to obey. Congress is progressive. The courts defy our laws. Many judges are reactionary little monarchs. We ought to have volunteer judges and try that out for a while.

It is a well-recognized fact among people who are not suffering from crippled intellects that probation officers should be selected because of education, character, and zeal for social service. Schools of sociology have sprung up all over the country to train men and women for this service. Courses in colleges are open to them. They must pass severe tests to enter the service of the State courts. In the face of this great educational effort we hear of Federal judges resisting the chance to secure the service of these highly trained people. They still hold to the old, bungling, irresponsible system of appointing good-hearted volunteers.

I have seen the work of privately paid volunteers. They are people who are connected with hospitals, with charitable organizations, and institutions of that character. They help the probation officer put the man on his feet after he has been put on probation. They render a marvelous service. But the probation officer is the man who makes recommendations to the judge as to the sentence. He is the man who tells the judge all about the man—where he came from, what he is capable of doing, and what his home problems are. Only a responsible and paid officer can render that aid to a judge in a responsible way.

I say it is a discredit to the bench that they have not seen to it that these probation officers are appointed and appointed promptly, and a great many of them. We find in New York City that one probation officer can handle about 50 men at a time, and that is all, and if in your Federal court service you are only going to appoint three men in the United States your probation system is a collapse. It is a failure. I feel discouraged when I learn that such a magnificent system is not receiving better support.

Mr. CELLER. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. CELLER. The gentleman probably knows, as I well know, that in the United States Court for the Southern District of New York there are six Federal judges and there is only one probation officer.

Mr. OLIVER of New York. Yes; and he is a very fine man. Mr. George Daly is a capable officer, honorable and intelligent. He should have a staff of men.

Mr. CELLER. He has to take care of thousands of men.

Mr. OLIVER of New York. I know Mr. Daly. He is a very experienced, very able, and very conscientious man, and with thousands of prisoners to handle, his work must be almost impossible. Anyone who knows probation knows that. I am speaking not so much against the recommendations of the committee but against the courts themselves because of the attitude they seem to assume with reference to this probation system.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OLIVER of New York. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. OLIVER of New York. When a man is put on probation he receives the full mercy of the court. It is not a pardon, but it is a punishment without walls. The mercy of the court ought not to be flouted; it ought to be safeguarded because it is the most precious power the court has for the redemption of a human being who has gone wrong. When a probation officer has a man put on probation he notes his conduct and

the mercy of the court is safeguarded by the observation of a responsible man. I do not know of anything we ought to safeguard more preciously than the mercy of the court. We do not want it wasted and disrespected. We do not want judges to become hard-hearted and chilled by a violation of the terms under which they grant mercy without having that violation reported promptly. Therefore we ought to have these men to check up on what men under probation do with the mercy of the court. They ought to prove themselves worthy of that mercy through every hour that they are on probation, and then, indeed, we will find that we can trust hundreds who are now thrown into jail. To thrust a young fellow into jail for his first offense is a crime, unless the crime is so repugnant that it is impossible to find anything good in the fellow which would call for putting him on probation. That is the intent of probation, to encourage him and to lift him up.

In the Bronx our two great judges know the value of probation. The reports they receive are the last word in the science of probation. They would not think of sending a man to prison or putting him on probation until they had gathered through their probation service every item of knowledge that it was possible to procure. Let the Federal judges learn from Judge Cohn and Judge Barrett how to sentence men strongly, intelligently, justly, and mercifully. The Federal judges ought to go to a school presided over by these two men.

One of the greatest judges in New York, Judge McAdoo, together with another remarkable judge, Judge Brough, direct probation in the magistrate's court in New York. I have seen them night after night bring in these people who were on probation. The probation officer would make his report and they would consider every problem. They would attempt to see that a man on probation had work, that his children were given hospitalization, and they would render all kinds of encouragement, so that those on probation would have every incentive to lift themselves up. They have established a probation court where all of the problems of the men on probation are handled. No man is discharged from probation without a review of his record by this court. Chief Probation Officer Cooley, who is a leader of probation in New York, is entitled to high praise for his great work.

I have seen probation rise up until it is a civic religion and a glorious achievement in the spirituality of the Government, and I want to see probation in the Federal courts lifted up in the same way.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. ROBSION of Kentucky. I was wondering whether the gentleman had in mind the probation of William Hickman in California?

Mr. OLIVER of New York. Oh, I am not talking about such men as William Hickman in California. Very often even Congressmen elected to this body, which is supposed to be selected from the most perfect human beings in the United States, prove to be defectives. We have people on probation who should be in jail, and people in jail who should be on probation. When you build a real probation system that will end. The question for the gentleman to answer is whether he is in favor of mercy and fair treatment to boys and young first offenders or not. When he answers that question I will know whether he favors probation or not.

Mr. ROBSION of Kentucky. What is in the gentleman's mind is this: That I think there is too much coddling of criminals in this country and that that has brought about the situation we have to-day.

Mr. OLIVER of New York. This is not coddling of criminals. The probation service, if the gentleman knows anything about it, first helps to select the man who should go to jail and at the same time it also helps to select the man who should not go to jail. The man who should go to jail goes to jail under the report of the probation officer; and the man who should not is let out on trial and is observed while he is out, and is sent back the minute he breaks the terms of his probation.

Mr. WELLER. Will the gentleman yield?

Mr. OLIVER of New York. Yes.

Mr. WELLER. Is it not a fact that, under the various probation systems in the United States, probation does not extend to those convicted of the crime of murder?

Mr. OLIVER of New York. It does not, although I think in Massachusetts at one time they did put somebody on probation who had committed murder.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. WOODRUM].

The amendment was rejected.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last word.

Yesterday I asked the chairman of the Immigration Committee to withdraw his charge that Governor Smith was protecting alien criminals so that, as he said, they might remain here, be naturalized, and vote the Tammany ticket. It is absolutely without foundation in fact, and the complete facts as established in correspondence between Governor Smith and Secretary of Labor Davis show there was no justification for such a statement.

The gentleman making the attack on the dignity and decency of a whole State withheld information that is due the Members of the House. He withheld the fact that the Solicitor General of the Labor Department, when asked to rule on Governor Smith's position, found the latter was completely right in his contention. The Department of Labor admits that new law is needed to correct the situation; their solicitor general rules that the existing method of deporting alien criminals must be overhauled, that it has been illegal. And yet the Immigration Committee chairman not only withholds this information, but refuses to expunge his remarks from the RECORD in the face of these facts.

Here are the facts: The Labor Department insists that the States must turn over alien criminals as they leave the penitentiaries, so that they can be deported. In some cases, of course, where such aliens are liable to deportation, this is done by every State in the Union. But many prisoners are often let out on parole. They may later be pardoned by the pardon board. During that parole period they are under the jurisdiction of the State. The State owes it to its own dignity and protection to keep them under surveillance. If deported immediately upon the end of their sentence, they are deprived of a chance of pardon and restoration of citizenship. They are deprived of due process of law.

It is this class which the State of New York will not give up to the Federal Government with undue haste. Mind you, the Federal Government is receiving New York's cooperation with regard to men clearly liable to deportation. There is no dispute about that. And the other class—the paroled prisoners—can be deported if no pardon is granted during the period of parole.

Now, why is the Federal Government—and the chairman of the Immigration Committee—complaining? Merely because the Budget Bureau will not grant the Labor Department sufficient funds to find men who ought to be deported. They can always be picked up after they have left the prison and expiration of the parole period has terminated the State's jurisdiction. But the Budget Bureau will not give the Labor Department enough money to carry out the provisions of the immigration law.

And in their anger at the Budget Bureau, and their partisan rage, they seek to throw the burden of responsibility in this situation on Governor Smith. If money is what they need to enforce the law, and if they can not get enough to enforce it, the blame lies with the present administration and nobody else.

The gentleman also made the statement that a supreme court judge, sitting in the county of the Bronx, city of New York, had naturalized 10,000 applicants in one day. I called the attention of the House to the fact that this was a physical impossibility. I have just received a telegram from Robert L. Moran, county clerk of Bronx County, embraced in New York City, addressed to me:

DEAR CONGRESSMAN: So that you may convey to Congressman JOHNSON of Washington the facts regarding naturalization in Bronx County, permit me to inform you that about 10,000 applicants will be heard during the month of January, beginning the 5th and ending January 31.

The chairman of the Immigration Committee tried to give the impression these 10,000 men would be heard in one day.

Court hearings start at 9.45 a. m. until 4 p. m. The record is as follows: January 5, 385; January 6, 373; January 9, 376. Total for three days, 1,134.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOYLAN. Mr. Chairman, I ask unanimous consent to proceed for another minute in order to finish the reading of this telegram.

Mr. CLARKE. Will the gentleman make it two minutes in order that I may ask a question?

Mr. CELLER. I hope the gentleman will make it three minutes, because I want to ask a question also.

The CHAIRMAN. Without objection, the gentleman is recognized for three additional minutes.

There was no objection.

Mr. BOYLAN (continuing):

Fifteen employees of my office, two Federal examiners, and five court officers are handling applicants. All applicants have followed every

provision of law and Federal examiners are in attendance with Government reports in each case. All must read and write English, and their good reputation testified to by two representative citizens who appear in court and have known them for more than five years.

ROBERT L. MORAN, *County Clerk.*

This disposes of the contention of the gentleman that 10,000 men were going to be naturalized in one day.

I am now ready to answer any questions.

Mr. CLARKE. Does not the gentleman think the routine of naturalization could be raised out of the dull monotony in which it is now by having, say, four particular days of each year devoted to conferring citizenship upon these men and at such times have the people who are to become naturalized gathered together in certain convenient places and give some dignity to the distinction that is to be conferred upon them? Does not the gentleman think this would be very helpful?

Mr. BOYLAN. I think it would be, and in a measure, we carry that out in New York. I will say to the gentleman that the county clerk of New York County up to within a few years ago received an appropriation or permission to use money appropriated by Congress whereby he could assist the Federal judges in preparing papers, and so forth; but this body in its wisdom has taken away this fund. It did not amount to very much. I think it was $15,000 or $20,000 a year. This was taken away from our county clerk in New York County, and therefore this great congestion in the Federal courts resulted.

Mr. CELLER. Would it not be much better if jurisdiction to confer citizenship upon aliens in New York County and Kings County were in the hands of the State as well as the Federal judges? In other words, there are 28 judges in New York County and 18 in Kings County, and in conjunction with the United States judges they could easily handle all these naturalization cases and there would not be this crowding or congestion that some complain of, particularly the chairman of the Committee on Immigration, where there may be as many as 200 or 250 naturalized in one day.

Mr. BOYLAN. In answer to the question of the gentleman from New York, I will say yes. I agree with the gentleman, just as I stated to my distinguished friend from New York [Mr. CLARKE]. This could be done if Congress would authorize a fund to be used by the county clerks for clerk hire and for the preparing of papers, and so forth. This should be done. I never could understand why we withdrew this support from the county clerks, because they are perfectly willing to take on the work. We have judges in the Supreme Court of New York where the term commences at 10 o'clock in the morning ordinarily, and in these naturalization cases in the Bronx, where they are now sitting, they have appeared in court as early as 8 o'clock in the morning in order to take up these cases before the regular term commences. This shows that if the Congress would give an appropriation to the county clerks every one of our supreme court judges would be willing to give part of his time, outside of the regular court hours, to the naturalization of citizens and help the work of the Federal courts.

Mr. LAGUARDIA. Mr. Chairman, while we are on the subject of correcting statements I want to say that the chairman of the Committee on Immigration yesterday referred to a judge who is working hard and diligently to make good, loyal Americans as a judge who seems "to wear alien spectacles."

That statement is absolutely unfair and most unworthy of the chairman of the Committee on Immigration. It so happens that this judge's name happens to end with a vowel, and if any one is so narrow minded and so bigoted as to take that into consideration no attention should be paid to his statement.

Judge Salvatore Cotillo is a judge of the Supreme Court of the State of New York, the court of the highest and unlimited jurisdiction in our State. He has been interested in Americanization work in this country for many years. Judge Cotillo does not wear alien spectacles, and no one has worked harder to make loyal Americans out of aliens than has he. He is not of my political faith. He is a real Tammany Democrat, and I am an insurgent, progressive, Lincoln Republican. [Laughter and applause.]

So we have no politics in common. We have worked together in Americanization work. I know how hard Judge Cotillo has worked at it, and that he has put his whole heart into it, and I know that many times the gentleman from Washington [Mr. JOHNSON], chairman of the Committee on Immigration, has conferred with Judge Cotillo, so I was very much surprised at the statement made by the gentleman from Washington.

Now, it was also stated that 10,000 were to be naturalized in New York. That does not mean that they are going to be rushed through the mill, but it means that the Federal Government, the Naturalization Bureau, are 10,000 behind in their work.

Now, some interest was aroused by my colleague from New York [Mr. CELLER] in giving questions that were asked immigrants. There are questions asked applicants for citizenship by examiners that not a Member of this House could answer. If there is one man here who can tell right off who the Governor of New York was at the time of Lincoln's second inauguration I would like to hear it. But that was a question asked one of the applicants. Another was given an advertisement in a newspaper in a test for reading. It was an advertisement of a New York trust company, and he read it, and then he was asked what a trust company is. There are some Members in this House who can not give a proper legal definition of a trust company.

There was one war veteran who has a right to be naturalized as a matter of course. He was refused because his language was defective. He held an honorable discharge and a wounded certificate. Another was refused citizenship because he had been fined for a traffic violation. Just imagine a chauffeur driving in congested New York City declined citizenship because he violated a traffic regulation. Even judges do that. As long as there is such prejudice and animus developed on the part of officials charged with the question of naturalization, surely the gentleman from Washington ought not to make such statements concerning an honest, conscientious judge. In one breath they take the floor and criticize the immigrants for not becoming citizens and in the next breath the chairman of the Committee on Immigration attempts to retard and prevent naturalization.

Mr. OLIVER of New York. Is it not a fact that they are too far behind in their naturalization?

Mr. LAGUARDIA. Absolutely.

Mr. OLIVER of New York. And in that way they defeat naturalization.

Mr. LAGUARDIA. I do not think it is all unintentional.

Mr. OLIVER of New York. And the Immigration Service has fallen so far behind that it will take two or three years to catch up.

Mr. LAGUARDIA. They are 18 months behind. Now, I want to say that Judge Salvatore Cotillo came to this country when an infant. He represents and typifies the opportunities this good Republic affords to her loyal citizens. He is a good American and as loyal as the gentleman from Washington [Mr. JOHNSON] or any Member of the House. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to address the House for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, in a way I am glad that this subject of naturalization in New York has come up for discussion during this debate. I am sorry that I was not able to be on the floor during all the past one-half hour to hear all that has been said. On the 5th day of this month, last Thursday, I made some remarks here in a running debate on immigration and incidentally called attention to the fact that a class of 10,000 was being naturalized in New York City. I stated that in good faith. Yesterday my friend Mr. BOYLAN called the attention of the House to the fact that I had made it appear that the entire class was to be called up for naturalization on that day.

He was anxious that that be corrected. Let us have the facts. I was led into my statement by the receipt on the morning of the 5th of January, the very day that I addressed this body, of the following letter from the justices' chambers of the supreme court, Salvatore A. Cotillo, justice:

SUPREME COURT OF THE STATE OF NEW YORK,
New York City, January 3, 1928.

DEAR SIR: Herewith inclosed please find copy of Judge Cotillo's address, which he will deliver on the morning of January 5 at the Bronx County courthouse, One hundred and sixty-first Street and Third Avenue, at the opening of court for the naturalization of 10,000 applicants.

You may be interested in commenting on the views there expressed, particularly as to the necessity of undivided allegiance of our new citizens to America, which is entirely consistent with the love of the culture and traditions of the country from which they sprang.

Yours respectfully,

FRANK H. COOPER, *Secretary.*

P. S.—Appreciating any comments you make.

Then follows the manuscript of the address, with this heading, which you can all see:

Address delivered by Justice S. A. Cotillo, of the Supreme Court of the State of New York, at the Bronx County courthouse, New York City, on January 5, 10 o'clock a. m., at the opening of court to naturalize 10,000 applicants for citizenship, who have clogged the supreme court calendar in the Bronx.

Not only I would be justified in drawing the inference that the great body of prospective candidates for citizenship were assembled at that time, but that was also sent to the newspapers.

Mr. OLIVER of New York. Assembled in one court room?

Mr. JOHNSON of Washington. It might have been in the open air. At any rate, there is the way the publicity was proposed. It may be necessary to make a statement of that exaggerated kind to attract attention. I have made inquiry since. I was in telephonic communication this morning with Judge Cotillo. I find that it is intended to hold court daily for naturalization purposes and that the candidates are to be brought in in four groups per day, each group numbering from 100 to 125; that on Tuesday he naturalized 385, and on Monday 376, and so on, and that that practice would be kept up until the whole 10,000 are naturalized. I assume that this address was delivered on the 5th and that it was supposed to reach all of the 10,000 candidates who are to be naturalized.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. BOYLAN. Probably the gentleman was not here when I was speaking, but I read a telegram from the county clerk of Bronx County giving the exact number that have been naturalized each day.

Mr. JOHNSON of Washington. Then that must be in accord with these figures that I obtained over the telephone.

Mr. Chairman, this subject of naturalization is a hard one. It is pretty generally admitted by those who have studied the subject that the present naturalization laws hardly fit modern conditions, and only to-day I have had the pleasure of introducing a new naturalization bill which represents in part the work of the committee of this House for upwards of four years' time. It represents the work of some members of the committee during the fall and summer, and it represents the work of those who are conversant with naturalization in the Department of Labor as well as the work of certain members of the Senate committee. I would like to have you all get copies of that bill to-morrow and see whether it agrees with your views as to what a modern method of naturalization should be.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. OLIVER of Alabama. Whether one approves the hurried method adopted by judges in hearing naturalization matters or not, this is true, and, of course, the gentleman is familiar with the practice that there has been in advance a very careful examination made of the various applicants.

Mr. JOHNSON of Washington. Oh, yes.

Mr. OLIVER of Alabama. And a full and complete report made by the examiners to the judge.

Mr. JOHNSON of Washington. Quite so.

Mr. OLIVER of Alabama. And it is on the report of the examiners that the judge bases his decision.

Mr. JOHNSON of Washington. Quite so; but even at that I know that many are being naturalized who should not be given citizenship.

Mr. OLIVER of Alabama. I knew that the gentleman did not intend to convey the impression that a judge called before him a great number and naturalized a great number in one day, and had during that time undertaken to make special inquiry, but that he had referred that to other parties to make the inquiry.

Mr. JOHNSON of Washington. Oh, I would not even think that they had been scooped up out of the street and asked to hold up their hands and take the oath of allegiance without certain preliminaries.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. In a moment. In the talk with Judge Cotillo over the telephone this morning he seemed to feel a little hurt that I had apparently reflected upon him, and I told him that before this procedure was over I would endeavor to visit New York and view a day of it in its actual working. He said to me that the speech which he delivered was addressed to 10,000 candidates whether they were physically present before him or not. I have also learned that the judge's address is causing him to be severely arraigned in some of the foreign-language newspapers. I do not doubt it one bit. I shall ask the Congressional Library to find those papers and to make translations for the information of the Immigration Committee. I shall take the time to read a portion of his address. It rings just as true as my friend the Representative from New York [Mr. LAGUARDIA] has said it would, and it goes to the very crux of the situation we are getting to in the United States. After some preliminary remarks about citizenship, Judge Cotillo, in the address to 10,000 prospective citizens, said:

Above all you must be loyal to the laws and institutions of America. It is not sufficient that you refrain from violating the legal, social, and political obligations imposed upon you by the laws of the land. Mere conformity is not enough. You must prove your Americanism by an affirmative attachment to the ideals upon which this Republic is founded, and by a concrete contribution to the great task of perpetuating the common patrimony. In other words, you must be an American by your deeds as well as by your words.

There is too much lip patriotism in this country at this time. Too many people are compromising with the duties and responsibilities of their citizenship. There is too great a division of loyalty to the spirit and even the letter of our institutions. Never have we witnessed so flagrant a compromise of citizenship as we are witnessing now.

Men masking behind outer forms of loyalty are actually engaged in the propagation of political ideas that strike at the very roots of our democratic structure. Alien agitators in the service of foreign parties have become unusually active in our immigrant "colonies." These agitators are preaching the gospel of an alien allegiance which tends to undermine the whole of our Americanization movement.

They may be acting in good faith, and I sincerely hope that they are; but the obvious result of their agitation is clearly inimical to the best interests of our country.

Of late we have had some shameful examples of their willingness to make trouble. In this country, in the very shadow of this court, we have seen men murdered because of their attachment to alien causes, because of their interest in political struggles that are far removed from American soil.

This activity can not, and will not, be tolerated. There is no room in this country for men of half-way allegiance, and no good American will permit our soil to become a battle ground for alien causes.

I am not referring to any particular group or groups, but to all those who are now abusing the hospitality of America for reasons of their own. The political duty of every citizen in this country is to America and America only.

We can have no patience with those who pledge allegiance to the Republic and in their hearts remain loyal to other causes.

There is nothing more dangerous to the stability of our democratic institutions and the peace and welfare of our people than the pernicious agitation of the foreign propagandist.

There is nothing more detrimental to the welfare of the immigrant himself than the meddling, the dictation, and the misleading counsel of the propagandist, who, under the pretense of a superficial loyalty to America, is actually engaged in promoting and perpetuating an alien allegiance, an allegiance often typified by his own refusal to accept American citizenship.

All the ruthless, heartless, criminal exploitation of the immigrant in this country has been done in the name of an alien patriotism. The flags of Europe have been made to shield too many swindlers in this country, and I say it is time we stopped it.

If the present laws of this country are insufficient to deal with this pernicious activity, then it is the duty of Congress to enact laws which will define more fully who is an undesirable alien and provide more stringent methods for the revocation of American citizenship.

We can not stand by and allow a disloyal minority to poison the minds and the hearts of our people. The man who is out of sympathy with our laws and institutions, who can not share our common idealism, does not belong here. And the citizen who can not live up to the spirit and the letter of his citizenship should have his citizenship revoked.

There is just one ism for which we will stand, which we can tolerate and encourage in this country, and that is Americanism; all other isms, from any part of the world, are unwelcome.

The communist and the bolshevist may be a fit subject for Russia, but not for the United States. This applies equally to those fascisti or antifascisti who can not approve of the ways of democracy.

The American people can not tolerate dictatorships, be they of the left or of the right; even though these dictatorships may be necessary and beneficial elsewhere.

But while I am stressing the danger of alien agitation in this country I am not unmindful of the fact that there are equally dangerous forces at work who though inspired by a desire to protect America against this agitation actually endanger the very institution they seek to protect. I refer to those Americans who, under the banner of bigotry and intolerance are fostering divisions of race, creed, and color in this country. This activity is to be deeply regretted.

Another point I seek to make.

Many of you come from countries which have contributed in great measure to the civilization of the world. America is proud to have you. The sons and daughters of Ireland, Italy, Russia, Poland, Germany, France, and other countries of the Old World bring with them a heritage rich in spiritual and cultural achievements. We Americans are proud of the contribution of the immigrant, a contribution of labor, and thought reflecting the grandeur of Europe.

There is no doubt of the heroic contributions made by citizens of foreign extraction in the American Army during the late World War.

Regardless from what land they emanated, they were Americans, all fighting a common enemy for the liberty of mankind. Only a few days ago a German mother, living in Brooklyn, received as her New Year's greetings notifications from the War Department of her son's death in Nicaragua.

This illustrates conclusively that not only are immigrants who have sworn allegiance to America ready to accept the opportunities that are available to them, but they are ready to fight and die for the land of their adoption.

While it is expected that you shall pledge undivided allegiance to America, America does not expect you to forego your love for the land of your birth.

Be proud of the country you come from. Be sympathetic with the heroic efforts that your native lands are making in solving the many postwar problems that beset them, especially since the peace of the world depends on the solution of many of those problems.

We Americans feel that each country is entitled to the kind of government that best suits its needs, but we are opposed to the extension of the influence of any European government to these shores, for this extension tends to retard the progress of assimilation and handicap the immigrant himself in the betterment of his social and economic conditions.

Incidentally I might observe that in view of the conditions that prevail among certain foreign groups in this city, State, and country, it would be wise and opportune for certain European governments to delegate the control of their nationals abroad, in this country particularly, exclusively to their ambassadors and consuls, who are much more competent to understand the psychology of the country with which they are dealing than the many opportunists who exploit the patriotism of our alien groups for purposes of their own.

I will refuse citizenship to anyone who is not proud of the country of his birth. Anyone who does not love his own country is not apt to love the country of his adoption.

I know that you have prepared for this honor faithfully, and that deep in your hearts is the willingness to be of real service to our common country. I sincerely congratulate you.

* * * * * * *

This day should be memorable to you, since henceforth you are no longer a stranger in a strange land, but a member of the great American family, sharing in the duties and privileges of active participation in our democracy.

* * * * * * *

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I would like to ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. BANKHEAD. Reserving the right to object, Mr. Chairman—although I shall not object—I have heard a good deal of this controversy pro and con from the gentleman from Washington and the gentleman from New York. I can not quite understand what this is about. Is the gentleman criticizing the judge over there in a wholesale manner?

Mr. JOHNSON of Washington. No; I am reading some remarks made by him to naturalized citizens. If these remarks had been made by Roosevelt and other farsighted men of a former time, they could not have better warned us of the dangers we are coming to through the so-called race loyalty of some of our adopted citizens.

Mr. BANKHEAD. I hope the gentleman will close up the incident at least.

Mr. JOHNSON of Washington. I could have placed this into the RECORD yesterday through an extension granted to me, but I thought that under the circumstances that I had better make these statements verbally. I would not do the judge an injustice. Judge Cotillo was himself a member of the organization known as the Sons of Italy when they debated the question some time ago whether they should by vote and resolution give their allegiance to Italy or to the United States. The testimony before our committee showed that Judge Cotillo was himself a deciding factor in the solution of that matter when he voted and placed himself on the side of America.

We are trying in our committee very hard to follow suggestions made several years ago, and codify and bring into one code all the matters that should go into that code. One will be a naturalization bill and another will be a revised immigration bill. If we can make a complete revision we may be able to correct certain conditions that exist and which cause much complaint. We must do it all at once. We can not do it one part at a time. The subjects are too controversial to be handled by small and separate bills. The hearings on deportation show that the Assistant Secretary of Labor thinks that with the money available they will be able only to scratch the matter of deportations on the surface.

I shall ask for an increase of $500,000 in the lump sum for the enforcement of the immigration laws, and that a portion of that fund be allocated to the border patrol. I am convinced that prevention is most to be desired and is real economy in the long run. Soon our committee will be confronted with the great problem of placing restrictions on the immigration from the Latin-American Republics—21 Republics. Allied to that will be restrictions to the countries north of us.

This matter of deportation is not easy. Two sovereign countries must be parties to every deportation. Men whom you pick up to send out of the country are not always received by their home nation on the other side. This Government is helpless to compel a man to sign a passport.

I do not want to quarrel with any branch of this House or with any part of the membership of this House or any part of the people of the United States, but it has been my hope that we would eventually so legislate on this matter that we would eventually have a united United States. [Applause.]

Mr. BOYLAN. Mr. Chairman, will the gentleman yield for one question?

Mr. JOHNSON of Washington. Yes.

Mr. BOYLAN. The gentleman has been big enough and broad enough to admit that when he saw the light he would make the necessary correction. I hope the gentleman will also continue that spirit in regard to a retraction of the statement he made touching Governor Smith.

Mr. JOHNSON of Washington. The gentleman is asking entirely too much there. [Laughter.]

Mr. BOYLAN. Then the gentleman still persists in that attitude?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Support of prisoners: For support of United States prisoners, including necessary clothing and medical aid, discharge gratuities provided by law and transportation to place of conviction or place of bona fide residence in the United States, or such other place within the United States as may be authorized by the Attorney General; and including rent, repair, alteration, and maintenance of buildings occupied under authority of sections 5537 and 5538 of the Revised Statutes; support of prisoners becoming insane during imprisonment, and who continue insane after expiration of sentence, who have no friends to whom they can be sent; shipping remains of deceased prisoners to their friends or relatives in the United States, and interment of deceased prisoners whose remains are unclaimed; expenses incurred in identifying and pursuing escaped prisoners and for rewards for their recapture; and not exceeding $2,500 for repairs, betterments, and improvements of United States jails, including sidewalks, $2,350,000: *Provided*, That hereafter contracts for the subsistence and care of Federal prisoners, within the discretion of the Attorney General, may be made for a period not exceeding three years.

Mr. BLANTON. Mr. Chairman, I make a point of order against the language contained in the proviso beginning on line 22 and ending at the end of line 25 of page 47, on the ground that it is legislation, unauthorized on an appropriation bill, and seeks to change existing law.

Mr. SHREVE. I am willing to admit that it is legislation, but it is very necessary legislation.

Mr. BLANTON. I am not here to question the advisability of passing such legislation, but we have our legislative committees of the House, and if the Committee on Appropriations expects the bulk of its membership here to follow it in helping to uphold its bill, it must keep out of the field of legislation.

Mr. SHREVE. I will say that the department itself made the recommendation.

Mr. BLANTON. Yes. Instead of coming to the chairman of the legislative committee and saying, "Gentlemen, we want the law changed," they go to the Committee on Appropriations' subcommittee. We ought to stop it. We ought to do either one of two things; either abolish all the legislative committees or else hold this Committee on Appropriations in line. I insist on the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

AIRCRAFT IN COMMERCE

Aircraft in commerce: To carry out the provisions of the act approved May 20, 1926, entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes," including personal services in the District of Columbia (not to exceed $153,760 for the fiscal year 1929) and elsewhere; rent in the District of Columbia and elsewhere; traveling expenses; contract stenographic reporting services; fees and mileage of witnesses; purchase of furniture and equipment; stationery and supplies, including medical supplies, typewriting, adding,

and computing machines, accessories, and repairs; maintenance, operation, and repair of motor-propelled passenger-carrying vehicles; purchase of not to exceed five airplanes, including accessories and spare parts, and maintenance, operation, and repair of airplanes, including accessories and spare parts; special clothing, wearing apparel, and similar equipment for aviation purposes; purchase of books of reference and periodicals; newspapers, reports, documents, plans, specifications, maps, manuscripts, and all other publications; and all other necessary expenses not included in the foregoing, $662,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the sum "$662,000" on page 52, line 10, for the purpose of getting some information.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Page 52, line 10, strike out the figures "$662,000."

Mr. BLANTON. What is the purpose of the committee, if I may ask the chairman, in extending and enlarging the air service of the Department of Commerce?

Mr. SHREVE. Well, the gentleman knows that the Department of Commerce has charge of the air.

Mr. BLANTON. I am talking about the private air service of the Department of Commerce. This paragraph permits the department to purchase five new airplanes. For what purpose?

Mr. SHREVE. For the inspection of the aircraft in the country.

Mr. BLANTON. That is for the inspection of commercial airplanes?

Mr. SHREVE. All.

Mr. BLANTON. The gentleman does not mean that they shall inspect the airplanes in the Army and in the Navy and in the Marine Corps, but only with respect to airplanes in such other jurisdiction as comes within their scope?

Mr. SHREVE. The gentleman from Alabama is nearer the gentleman from Texas and will give the gentleman the information.

Mr. BLANTON. I can not handle all the members of the committee at the same time.

Mr. OLIVER of Alabama. I am sure all the gentleman wants is information?

Mr. BLANTON. Yes; definite information.

Mr. OLIVER of Alabama. Supplementing what the gentleman from Pennsylvania has said, these planes are supplied in order that the department may better and more efficiently perform its duties under the law.

Mr. BLANTON. In my own time, may I ask my colleague from Alabama this question? I know what is in his mind, and this is not what is in my mind: There are those in this Government to-day, men of substance and of good judgment, who believe that there should be a unified air service of the Government; that it should embrace the Air Service of the Army, of the Navy, of the Marine Corps, and of the executive departments of the Government, including the great Department of Commerce, as well as every other air service, and there should be one head to it in order to prevent duplication and thus save money. What is the policy of this subcommittee of the Committee on Appropriations with regard to that proposal on the part of men of good, sound judgment and common sense?

Mr. OLIVER of Alabama. So far as this subcommittee is concerned, they are clothed with no authority in that matter; they are seeking here to provide planes for a service authorized by law in order that that service may function more efficiently.

Mr. BLANTON. I am for everything the gentleman is for in that respect, but continually every year, Congress after Congress, the Navy is expanding its air service, the Army is expanding its air service, and the other air services are expanding separately and apart from each other. There is no continuity and there is no attempt whatever to prevent duplication.

Mr. OLIVER of Alabama. Will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. OLIVER of Alabama. I am afraid that if this committee should undertake to write their own views on that subject the gentleman would object to it, as he would have a right to do, under a point of order.

Mr. BLANTON. I know; but the committee has so framed its policies in enlarging the particular air service of our Mr. Secretary Hoover in the Department of Commerce that a point of order will not lie against it; they have so adroitly framed their bill as to bring it within the rules and thus preventing a point of order from reaching it.

Mr. SHREVE. Will the gentleman yield?

Mr. BLANTON. I am done, and I yield the floor. I have gotten this off my system, and I yield.

The Clerk read as follows:

For carrying out the provisions of the act approved March 3, 1927, to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a Foreign Commerce Service of the United States, including personal services in the District of Columbia and elsewhere, the compensation of a clerk or clerks for each commercial attaché at the rate not to exceed $3,000 per annum for each person so employed, rent outside the District of Columbia, telephone service, purchase of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, accessories and repairs, law books, books of reference and periodicals, maps, reports, documents, plans, specifications, manuscripts, newspapers (foreign and domestic) not exceeding $4,000, and all other publications, traveling expenses of officers and employees, ice and drinking water for office purposes, and all other incidental expenses not included in the foregoing, to be expended under the direction of the Secretary of Commerce, and under the following heads:

Mr. BLANTON. Mr. Chairman, I reserve a point of order to the paragraph for the purpose of asking a question. When we provided for these commercial attachés we did not provide a clerk for each one of them?

Mr. SHREVE. That is correct.

Mr. BLANTON. The committee now provides a clerk for each one of them. Under what authority of law?

Mr. SHREVE. There is no authority of law, and we are not providing a clerk for them.

Mr. BLANTON. Here is what the language says:

The compensation of a clerk or clerks for each commercial attaché at the rate not to exceed $3,000 per annum for each person so employed.

And so on. Now, that does provide as many as one clerk and maybe several clerks for each commercial attaché so long as they do not pay them more than $3,000 a year. That language says that emphatically.

Mr. SHREVE. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. SHREVE. Of course, the gentleman knows it is just an administrative function. That is all. It comes within section 169 of the Revised Statutes, and is found in One hundred and eighty-sixth Barnes, Federal Code.

Mr. BLANTON. But that code applies to the executive departments of this Government.

Mr. SHREVE. It applies to all the departments of the Government.

Mr. BLANTON. When those codes were passed it was never dreamed that each commercial attaché should have a clerk or a bevy of clerks.

Mr. SHREVE. That is up to the authorities in charge; they can regulate it.

Mr. BLANTON. Does the gentleman think the organic law permits his committee to provide a clerk or a bevy of clerks for each commercial attaché?

Mr. SHREVE. The law I have just quoted provides for clerks wherever they are necessary in the Government.

Mr. BLANTON. Well, I shall not make a point of order against the paragraph because possibly there may be a clerk or a bevy of clerks needed, but I want to call the attention of the country to the fact that every single employee of the Government we now have is seeking to have at least one clerk, and maybe two clerks, to do his work for him so he can play golf or do something else that pleases him.

Mr. SHREVE. They have not been very successful.

Mr. BLANTON. Well, the gentleman and his committee have not limited them to one, because the language provides for the compensation of a clerk or clerks.

Mr. SHREVE. Well, we are unable to legislate on appropriation bills.

Mr. BLANTON. I claim that is legislation, but I shall not make a point of order against it.

Mr. HOCH. Mr. Chairman, if the gentleman will permit, I want to call attention to the fact——

Mr. BLANTON. Mr. Chairman, I withdraw the reservation of a point of order.

Mr. HOCH. Mr. Chairman, I move to strike out the last word simply to call the attention of the chairman and the gentleman from Texas to the fact that the act which created the Foreign Service, the act approved March 3, 1927, in section 4, does specifically authorize the appointment of clerks.

Mr. BLANTON. To each commercial attaché?

Mr. HOCH. I will read it to the gentleman.

Mr. BLANTON. Read it, and the gentleman will see it does not apply to them.

Mr. HOCH. I read from section 4:

Subject to the requirements of the civil service laws and rules, the Secretary is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the Foreign Commerce Service as he may deem necessary.

This is very broad language and plainly includes the authorization to appoint clerks.

Mr. BLANTON. That does not contemplate giving a clerk or a bevy of clerks to each commercial attaché? Three thousand dollars for each one of these clerks is more salary than most of the attachés have ever drawn either in the foreign commercial service or in our diplomatic foreign service.

Mr. WATSON. Mr. Chairman, I move to strike out the last two words. There has been a great deal of conversation between the consuls and the commercial attachés as to why a consul is only allowed to pay $1,000 for a foreign secretary while a commercial attaché is allowed to pay any amount he desires. Has that been corrected in this bill

Mr. SHREVE. We are not able to correct that for the reason it would be legislation, and we are not permitted to legislate on an appropriation bill.

Mr. WATSON. It is a matter that ought to be corrected, because it is impossible to get a clerk for $1,000 a year, although he may be a native one.

Mr. SHREVE. We recognize the fact it should be corrected and we hope the legislative committee will consider the matter. The gentleman is quite right about it.

Mr. WATSON. It is impossible to get a clerk for this amount who is responsible for the work such a clerk has to do, and the situation ought to be remedied.

Mr. SHREVE. The gentleman is quite right, and we would be pleased to remedy it, but we have not the authority.

The Clerk read as follows:

Promoting commerce in Latin America: Investigations in Latin America for the promotion and development of the foreign commerce of the United States, $458,817, of which amount not to exceed $113,800 may be expended for personal services in the District of Columbia.

Mrs. ROGERS. Mr. Chairman, I move to strike out the last word. [Applause.]

Mr. Chairman and members of the committee, I want at this time to say a word of appreciation of the work of the gentleman from Pennsylvania [Mr. SHREVE] and the members of his committee in the development of our domestic and foreign trade. Some years ago Mr. SHREVE had the foresight to see of what enormous value trade development would prove to be. I am thankful—and I know the business people are thankful—for this work. They write to me constantly of their approval of it. During the war our industries expanded and at the present time we must have something to take up the slack between supply and demand. One of the Nation's greatest needs is to develop our markets. It avails us but little if we make fine products if we can not sell them. Other countries are developing their foreign trade, and it is absolutely essential that we should wake up and have our fair share of foreign trade.

The gentleman from Pennsylvania [Mr. SHREVE] has done a very wonderful work in this direction, as has the Department of Commerce. I want to speak of my experience with Secretary Hoover's Department of Commerce. My requests for information are granted at the earliest possible moment. No one acts as if any task were a burden. No one has ever mentioned a question of salary. No one has ever made a personal request or asked a favor of any kind. I feel perfectly sure that every person in that department I have ever talked to would gladly work all night in securing information. Everyone is eager to serve. It is the department of intelligent constructive service.

I have used this department, I think, perhaps more than any department in Washington, as my district is commercial, being half industrial and half agricultural. We have some "sick" industries in my district. Our cotton-manufacturing plants have had a difficult time. It is not a question alone of oversupply in our New England industries. We are not in fair competition with the South in hours of labor, in wages, in taxation, and raw materials. This will be remedied in time.

We must help New England and the entire country in developing trade. Our flag of commerce ought to fly in every country. Foreigners should see more and more the "Made in the United States" mark. There are great opportunities for American trade development in the Near and Far East, and in Australia. There are great possibilities for developing our trade in Mexico, in Central America, and in South America. Ever since 1914 people from those countries have said, "Why does not America develop her trade in our country?" In aviation alone we are far behind other nations, in the sale of airplanes, and in air lines. Everyone understands the value of quick mail in commerce. It is humiliating that the pioneer aeronautical move in Latin America was started by the Curtiss Co. in 1914; but since then foreign countries hove left us so far behind that we are not real competitors. I have been told that the advantage of this rapid system of communication between the commercial centers of western Europe and the east coast of South America can not be overemphasized. The transmission of orders, remittances, quotations, specifications, and other business correspondence will give our European competitors a tremendous advantage in this trade arrangement. The factor of interest savings and the multiplication of activities of capital employed in this trade alone will place our exporters at a handicap compared to European firms.

Our experience with the transcontinental air mail shows very clearly the advantages which they will have and brings very definitely to our attention the need for similar services between the United States and Latin-American countries. Our trade with Latin America in 1926 amounted to almost $2,000,000,000, of which over $872,000,000 consists of exports from the United States to those countries. One of the primary advantages in our trade with Latin America has been our comparative proximity to these countries as is shown by the fact that the percentage of the import trade of these countries held by the United States shows a striking decrease as the distance from our trade centers increases. As an example of the effect of distance on our foreign trade with these countries, it is interesting to know that the farther South one goes the smaller is the share of the imports received from the United States; Mexico receiving 70 per cent of her imports from this country, Central America 62 per cent, Colombia 49 per cent, Peru 39 per cent, and Chile 28 per cent. Nothing could illustrate more clearly the advantages of rapid communication facilities than the above figures, and unless we can develop air mail services, at least on an equal basis with our European competitors, the advantage of our physical proximity to these countries will decrease.

I requested further assistance for the following industries: Textile, boot and shoe, hide and leather, machinery, paper, chemical, and aviation. I am sorry, of course, that the committee did not give us a little more money. I am sorry it did not give an authorization for more specialized trade commissioners for special commodities, but it is my impression, Mr. Chairman, that you are perfectly willing if a sick industry needs special help to have such help granted, and I hope that the committee will grant larger appropriations for this service next year.

I do not want to take up any more time of the committee in discussing this matter, but I want to thank the members of Mr. SHREVE's committee for their courteous consideration of my requests made last year and this year for foreign commissioners and the promotion of our domestic trade.

I happen to know of definite orders that have been brought about by the commercial attachés and trade commissioners of the Department of Commerce. I know of three consecutive orders that were given to the same mill in the State of the gentleman from Alabama [Mr. OLIVER]. Northern and southern capital received the benefit of the orders and southern labor received the benefit of the work and the wages. This is very definite proof, although only one, and there are hundreds of others of what this trade promotion work by the Department of Commerce has accomplished.

I thank you. [Applause.]

The Clerk read as follows:

District and cooperative office service: For all expenses necessary to operate and maintain district and cooperative offices, including personal services in the District of Columbia and elsewhere, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, purchase of maps, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, not exceeding $800 for newspapers, both foreign and domestic, for which payment may be made in advance, and all other publications necessary for the promotion of the commercial interests of the United States, and all other incidental expenses not included in the foregoing, $495,000, of which amount not to exceed $21,500 may be expended for personal services in the District of Columbia: *Provided*, That the Secretary of Commerce may require as a condition for the opening of a new office or the continuation of an existing office that commercial organizations in the district affected provide suitable quarters without cost to the Government or at rentals at lower than prevailing rates. The Secretary may, at his discretion, refuse to open a new office or continue an existing office where such assistance from local commercial organizations is not provided.

Mr. KADING. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Under the heading of Bureau of Foreign and Domestic Commerce, line 12, on page 55, by striking out the figures where the same appears in said line "$495,000," and inserting in lieu thereof the figures "$510,000," and by adding the words immediately after such sum of "$510,000," the following words: "and that of such sum of $510,000, $15,000 shall be appropriated for a district office at Milwaukee, Wis."

Mr. KADING. Mr. Chairman, I simply desire to say in support of this amendment that the committee on page 23 of its report in connection with this bill says that out of the amount of $495,000 provided by this bill at this point $435,000 is the current appropriation for 23 existing district offices of the Bureau of Foreign and Domestic Commerce; that the difference between that sum and $495,000, provided by the bill in the sum of $60,000, is for three additional offices—$15,000 for each of such three additional offices and $15,000 for additional employees at already existing offices. I understand that of these three additional offices contemplated Milwaukee is not included. I believe that Milwaukee should have a district office in connection with the Bureau of Foreign and Domestic Commerce, and I urge the passage of this amendment in the interest of the shippers interested and for the convenience of such shippers in Milwaukee, Watertown, and Wisconsin in general. I sincerely hope that the committee will support the amendment in view of the fact that the additional appropriation is nominal, advisable, and necessary.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is legislation on an appropriation bill.

The CHAIRMAN (Mr. HAWLEY). The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Domestic commerce and raw-materials investigations: For all expenses, including personal services in the District of Columbia and elsewhere, purchase of books of reference and periodicals, furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, medical supplies and first-aid outfits, reports, documents, plans, specifications, manuscripts, maps, and all other publications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the disposition and handling of raw materials and manufactures within the United States; and to investigate the conditions of production and marketing of foreign raw materials essential for American industries, $275,000, of which amount not to exceed $121,520 may be expended for personal services in the District of Columbia.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. I do so in order to ask the chairman of the committee in regard to this item and the previous one. I believe these items have been increased from the appropriations of last year by some $60,000.

Mr. SHREVE. Sixty-five thousand dollars.

Mr. TREADWAY. Can the chairman give us any idea as to the manner in which this additional appropriation will probably be expended?

Mr. SHREVE. That is left to the department itself.

Mr. TREADWAY. I have read the testimony before the gentleman's committee in reference to this increased appropriation, and it seemed to me from the testimony of the department's representative that about half the increase was to be devoted to commodity experts in two lines of industry—I think the automobile and the textile industries.

Mr. SHREVE. We never name them in the bill.

Mr. TREADWAY. Can not the representative of the department state where they expect to use it?

Mr. SHREVE. The committee never follows a recommendation of that sort. They might report what has been accomplished.

Mr. TREADWAY. The reason I bring this up is that one of the chief industries in my district is the paper manufacture, and I know the paper industry has been very much interested in having this line of work carried out for the paper industry itself. I should be only too glad to favor an additional amount in the hope and anticipation that some might be used for the manufacture of paper.

Mr. SHREVE. It is the understanding that a part of the appropriation will be used for experts to be employed during 1929 in paper commodities.

Mr. TREADWAY. Then I understand that the department has indicated that in all likelihood it will include paper commodities?

Mr. SHREVE. That is the contemplation.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the pro forma amendment. I want to take a minute on this proposition in this paragraph and the following one:

To enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the disposition and handling of raw material and manufacture within the United States; and to investigate the conditions of production and marketing of raw materials essential for American industries, $275,000.

Now, in that connection I want you to turn to page 76 to the amount that is allowed the Bureau of Standards for the investigation and utilization of waste products from land—a farmer's product.

There it allows $50,000—

of which amount not to exceed $41,000 may be expended for personal services in the District of Columbia.

That would leave $9,000 for field investigation.

Mr. SHREVE rose.

Mr. BLANTON. Oh, just one moment. I want to show what the Bureau of Standards is doing with its little $50,000, of which only $9,000 is for field operation. Here is a letter dated December 12, 1927, from the Bureau of Standards addressed to myself, signed by George K. Burgess, director.

DEPARTMENT OF COMMERCE,
BUREAU OF STANDARDS,
Washington, December 12, 1927.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

Subject: Utilization of waste-land products.

MY DEAR CONGRESSMAN: 1. Remembering your interest in our investigation of waste-land products and believing that you will be particularly interested in the investigation of products from the cotton plant, I am inclosing herewith a brief statement of the work which we have done this fiscal year on the development of valuable products from the plant.

2. This work is a part of our investigation into the utilization of waste-land products for which $50,000 was made available during this fiscal year.

Respectfully,

GEORGE K. BURGESS, *Director.*

In that connection I ask unanimous consent that the statement from Director Burgess there referred to be incorporated as a part of my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The statement referred to is as follows:

WORK ON BY-PRODUCTS FROM THE COTTON PLANT CONDUCTED UNDER THE ALLOTMENT FOR INVESTIGATING "WASTE-LAND PRODUCTS," JULY 1, 1927, TO DECEMBER 1, 1927

A preliminary investigation, including a trip to Memphis, Tenn., College Station, and Abilene, Tex., indicated (1) that the cotton stalk was being used in a small way for the manufacture of partition tile, but that the fertilizing value of the stalk is so high as to make its use for any other purpose of doubtful economy; (2) that the market for cottonseed hulls and bran is extremely fluctuating, so that a new outlet to steady the demand would be very helpful; (3) that the new process of harvesting the cotton crop by means of sledding has resulted in the collection of burrs in large quantities at the gins, and that a use for these burrs should be found.

In investigating what products can be made from such materials, the first logical move is to analyze them.

In preparing the hulls for analysis, it was discovered that if the hulls are ground and put through an air separator, the adhering linters can be cleanly removed, leaving the bran. Since there is usually a better market for the linter and the bran than there is for the hulls, and the extra manufacturing cost is low, this appears to be a logical thing to do. It has since been learned that one company has such a plant in operation.

Our analytical work gave the following results:

Per cent on dry basis

	Bran	Burrs	
		Coarse	Fine
Ash	2.38	4.49	7.94
Crude fat	.91	.75	1.16
Crude protein	3.28	5.88	8.85
Crude fiber	37.04	50.68	38.33
Nitrogen-free extract	56.39	38.20	43.72

A further analysis of the ash from the burrs gave the following results:

	Per cent
Silica	15.95
Oxides of iron and aluminum	4.82
Lime	9.93
Magnesia	5.76
Sulphuric acid anhydride	3.79
Potash	33.20
Soda	11.09
Chlorine	2.11
Phosphorus pentoxide	4.10

This analysis shows the ash to be a very valuable fertilizer. It seems that an attempt has been made to persuade the farmers to haul these burrs back to the fields, but they are disinclined to do so because of the bulk of the product. If these burrs could be incinerated at the gins and the ash returned to the farmers, it would have quite an effect on the conservation of our supplies of potash. The manufacturing process is so simple that the price to the farmer should be much less than the present cost per unit of potash.

The term "crude fiber" means merely the result obtained when the sample is treated by empirical laboratory methods, and bears little relation to the cellulose actually present. The amounts of cellulose in these materials were found to be as follows:

	Bran	Burrs	
		Coarse	Fine
	Per cent		
Alpha cellulose	45.5	----------	----------
Beta and gamma cellulose	12.5	----------	----------
Total cellulose	58.0	57	43

It is to be noted that all of the three kinds of cellulose can be used for most purposes but that only the alpha variety is suitable for the manufacture of rayon.

Incidentally we have studied the analytical method for the estimation of cellulose, so that one determination now requires only two days, whereas formerly it took eight days.

Attention is particularly called to the difference of 14 per cent in the cellulose content of the fine and coarse burrs. It seems that the burr is an extremely heterogenous material. If we can find some method for concentrating the cellulose in a manner analogous to the way in which ores are concentrated, a material may be produced having a sufficiently high proportion of cellulose to compete economically with wood.

The "nitrogen-free extract" is a conglomerate made up of cellulose, lignin, and certain compounds of sugars. It has been found that the extract from cottonseed bran contains no sucrose or dextrose, but that hydrolysis produces 43.59 per cent of xylose, with traces of galactose and arabinose. This yield of xylose is very high as compared with the 12 to 15 per cent which is obtained from corncobs, for example. While there is no market for xylose at present it seems that a market may be developed for the acid made from it, as a food product, if it can be made cheaply. We are now investigating the method of hydrolysis to find out how to get maximum yields.

Furfural can be produced by the proper chemical treatment of any of these materials. We have obtained 26.17 per cent of furfural from cottonseed bran as compared with the 10 to 15 per cent yields now obtained commercially from oat hulls. Last year furfural had a limited market at 14 cents a pound. This year, at 10 cents a pound, the market has about doubled. Every cent which can be cut off the price will increase the demand. The greater yield obtainable from cottonseed hulls should reduce the price considerably. Furfural is used mainly in the manufacture of synthetic resins and plastics.

BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE,
Washington, D. C.

Mr. BLANTON. Then, Mr. Chairman, I have another letter, dated January 6, 1928, from the Bureau of Standards of the Department of Commerce upon the same subject, signed by George K. Burgess, director, which is as follows:

DEPARTMENT OF COMMERCE,
BUREAU OF STANDARDS,
Washington, January 6, 1928.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

Subject: Utilization of peanut hulls.

MY DEAR CONGRESSMAN: Under date of December 12 we sent to you a summary of the work which has been done on cotton burrs and cotton-seed hulls in connection with our waste-land products investigation. We are inclosing herewith similar information regarding the work which has been done on the utilization of peanut hulls.

Respectfully,

GEORGE K. BURGESS, *Director.*

I ask unanimous consent in that connection to insert in my remarks the statement from Director Burgess referred to therein.

The CHAIRMAN. Is there objection?

There was no objection.

The statement referred to is as follows:

UTILIZATION OF PEANUT HULLS

In the attempts to find methods to utilize peanut hulls with greater economic returns to the farmer and the associated peanut-oil plants we have confined ourselves more especially to practical researches with the hope of discovering and developing promising processes quickly. We have therefore taken up three lines of work, with the following results:

I. We are attempting to find direct physical uses for the peanut hulls without any chemical treatments.

(1) We have been able to steam and soften mill-run peanut hulls and compress them at 1,500 pounds pressure per square inch into a hard, tough wall board of pleasing color. This wall board has not been changed or rotted or mildewed by four months' exposure to the air. Disinfectants and binders can be incorporated in the board when desired. The hulls left after extracting sugars therefrom under II below can be pressed into wall board while still hot and wet. Wall board has a large market and this process should be cheap.

(2) Work is under way to employ the fine-ground as well as coarse hulls as binders in gypsum acoustical wall board and building blocks. An expensive type of specially treated wood shavings is used at present. Such fiber-gypsum compositions are light in weight and do not readily fracture and crumble.

II. Another project is—

(1) The extraction and use of sugars, including xylose, from peanut hulls by means of acids or water; and

(2) The employment of the extracted hulls for making a gypsum binder, wall board, or pulp for rayon (artificial silk).

(a) The extraction of sugars from peanut hulls has not been successfully developed and yields of 35 to 40 per cent are obtained. The process has now passed the experimental stage and is being employed with 6 pounds per charge. The chief constituent of these sugars is the heretofore rare and high-priced sugar, xylose. We believe that xylose can be manufactured cheaply and sold in large quantities. The following practical studies have been made to that end—

(b) We have crystallized xylose from water alone without the use of expensive solvents and are now studying practical methods for doing this commercially.

(c) We have oxidized this xylose by means of chlorine and nitric acid into an organic acid called xylo trioxglutoric acid, or xylo acid as an abbreviation. This xylo acid is very similar to tartaric, citric, and malic acids, for which there are already large markets. We are now concentrating on practical methods for making and using this xylo acid.

(d) We have shown that the xylose can be fermented by certain molds and fungi and are studying the products.

(e) We are studying the use of xylose in slowing up the setting of gypsum to replace other retarders now in wide use.

III. The hulls remaining after extraction of sugars in II are useful for making wall board or gypsum binders, as recited above. But these hulls contain a large percentage of cellulose after removal of the sugars. We have used a soda cook and bleaching methods on these extracted hulls and produced a good grade of pulp therefrom. We are making an intensive study of methods of making this pulp in the belief that it will find a large commercial outlet in the manufacture of rayon.

BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE,
Washington, D. C., January 5, 1928.

Mr. BLANTON. Mr. Chairman, why is not the subcommittee as willing to grant the Bureau of Standards on behalf of the agricultural interests of America the sum of $275,000 that it granted to industry for the investigation of raw materials? Is not that a fair question? Is not the gentleman's subcommittee and the Congress as willing to help find a use for the present waste products of the farms and ranches and investigate its raw materials as it is to do these things for industry? If it is willing to give $275,000 to industry to investigate raw materials in behalf of industry, why is it not just as willing to give a like sum of $275,000 to the Bureau of Standards to investigate the utilization of waste farm products which now mean so much to the farmers of the country? I am going to offer an amendment when we get to this page under the Bureau of Standards to ask not $275,000 but to add to this little $9,000 they can spend now in the field during the next fiscal year under this bill the sum of $100,000, less than half of what you are giving to industry on the same subject. Is the gentleman going to oppose that?

Mr. SHREVE. Certainly.

Mr. BLANTON. Why?

Mr. SHREVE. For the reason that the Bureau of Standards is working on the scientific subject of the production of various commodities.

Mr. BLANTON. And it is doing wonderful work, and it will do it for the producers of the country if it is given the money.

Mr. SHREVE. I fully agree with the gentleman regarding the work, and they already have enough money.

Mr. BLANTON. And when it gets to doing something that is worth while for the farmer——

Mr. SHREVE. Then you will find the Bureau of Standards on the job.

Mr. BLANTON. We can not get the steering committee in line. It will approve a bill like the McNary-Haugen bill that will create a big corporation to ship the farmer's products abroad, and if there is any profit on those products it will be distributed not among the farmers who raise the products but given to the corporation—a bill that your President was forced to veto; a bill that he can not stomach, that he has had to turn down; but when it comes to a proposition of helping the farmers, the producers, the dirt farmers of this country, the steering committee turns it down. They are not in favor of it. But we are going to give you a chance to vote upon it.

Mr. SHREVE. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes; if the gentleman has any defense, I would be very glad to hear it.

Mr. SHREVE. The item that is now before the committee is a different one from what the gentleman has mentioned, to be found on page 76 of the bill.

Mr. BLANTON. Yes; it just antedates what is to come a little later.

Mr. SHREVE. May I say a half dozen words?

Mr. BLANTON. Yes; I yield to the gentleman in my time.

Mr. SHREVE. After the Bureau of Standards has found a method for producing the matter the gentleman has been talking about and converting it to some useful purpose, then we would have to find a market, and you have got to go to the markets of the world to dispose of it. If it were not for this section, you would find a whole lot of products lying on the farms and about factories that could not be consumed.

Mr. BLANTON. Mr. Chairman, this is the first time I have ever seen the gentleman from Pennsylvania place the cart before the horse. First, according to his own argument, he wants to find a market for a product that does not now exist, because these waste products are not now marketable, and will become marketable only when the Bureau of Standards finds some use for them. Therefore he wants to find a market before the bureau finds that they have valuable uses. I hope the gentleman will be generous and will let us enlarge this amount in behalf of the farmers of the country.

The Clerk read as follows:

Collecting statistics: For securing information for census reports, provided for by law, semimonthly reports of cotton production, periodical reports of stocks of baled cotton in the United States and of the domestic and foreign consumption of cotton; quarterly reports of tobacco; per diem compensation of special agents and expenses of same and of detailed employees, whether employed in Washington, D. C., or elsewhere; the cost of transcribing State, municipal, and other records; temporary rental of quarters outside of the District of Columbia; for supervising special agents, and employment by them of such temporary service as may be necessary in collecting the statistics required by law, including $15,000 for collecting tobacco statistics authorized by law in addition to any other fund available therefor, and including not to exceed $5,000 for the employment by contract of personal services for the preparation of monographs on census subjects: *Provided*, That the compensation of not to exceed 10 special agents provided for in this paragraph may be fixed at a rate not to exceed $8 per day, $875,000, of which amount not to exceed $350,000 may be expended for personal services in the District of Columbia, including temporary employees who may be appointed under the civil-service rules at per diem rates to be fixed by the Director of the Census without regard to the provisions of the classification act, for the purpose of assisting in periodical inquiries: *Provided*, That temporary employees of the Bureau of the Census may be allowed leave of absence with pay at the rate of two and one-half days a month.

Mr. BLACK of Texas rose.

Mr. BLANTON. I reserve a point of order on the proviso.

Mr. BLACK of Texas. I wanted to reserve a point of order on the language on page 62, line 4—

without regard to the provisions of the classification act.

I would like to find out any reason why the classification act should be set aside in this particular case.

The CHAIRMAN. The gentleman from Texas [Mr. BLACK] is recognized.

Mr. BLANTON. I reserve a point of order, too.

Mr. SHREVE. It is current law. It is current every 10 years. We are about to have a new census. There must be certain preliminaries that must be gone through. We must secure the force and men must be trained, and we must bring in men qualified to train those men. It is current law every 10 years.

I admit that the language is subject to a point of order.

Mr. BLACK of Texas. I have no desire to make a point of order if the committee has looked into it and found that there is a good reason to make an exception in this case.

Mr. SHREVE. We have looked into it. Under this law the census would be seriously handicapped. We could not find the proper men among those who now come within the classification act.

Mr. BLACK of Texas. In view of the statement made by the chairman of the subcommittee, I will withdraw my point of order.

Mr. BLANTON. I make a point of order on the following language, beginning on line 3 of page 62, reading as follows:

Without regard to the provisions of the classification act, for the purpose of assisting in periodical inquiries: *Provided*, That temporary employees of the Bureau of the Census may be allowed leave of absence with pay at the rate of two and one-half days a month.

That is legislation unauthorized upon an appropriation bill, and it seeks to change existing law; and it should come out of the bill.

Mr. SHREVE. The gentleman wants to be fair about it.

Mr. BLANTON. Certainly. There are a number of departments here in the Government which employ temporary employees. Now, regarding all the permanent employees, those employees get their leave; but when they employ a person, say, for 15 days, then under this provision they must give them a day and a quarter leave. If they employ them for a month, you will give them two and a half days leave. It is ridiculous. Until you extend this provision to every one of the departments and bureaus and Government establishments you ought not to pass it as to one. You ought not to make fish of one and fowl of another. You ought to treat them all alike.

Mr. SHREVE. This only occurs once in 10 years.

Mr. BLANTON. No; departments are employing temporary employees now. The gentleman does not get in as close touch as I do with them.

Mr. SHREVE. We take the census of the United States every 10 years, and in order to do that some necessary things must be taken care of, and this is one, in order to provide a force. These men could not be found in the classified service, men trained with the necessary equipment.

Mr. BLANTON. The men who will be appointed from my district would not want any two and a half days' leave each month in addition to their holidays and Sundays.

Mr. JOHNSON of Washington. In order to properly employ the people from the gentleman's district an enormous amount of preliminary work must necessarily be done. This is an enormous work.

Mr. BLANTON. Eventually we are going to get into a position where we will be granting leave and retirement so generally that you will have more than one-half of the people on the pay roll doing nothing, supported by the other less than half. As to these temporary employees, they ought not to have any leave at all, considering the number of days they have off under the law.

Mr. JOHNSON of Washington. The Government has grown enormously, and these temporary clerks are necessary.

Mr. BLANTON. I will say to the distinguished gentleman from Washington that soon he will find the Committee on Appropriations bringing in immigration bills and naturalization bills, and the gentleman will have nothing in the world to do except to sit here and say yea and nay.

Mr. SHREVE. That will not happen under the present administration.

Mr. BLANTON. The administration will be changed, and the cycle has probably been reached now when soon there will be a change.

Mr. Chairman, I insist on the point of order. It is clearly legislation, unauthorized on this appropriation bill.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Enforcement of navigation laws: To enable the Secretary of Commerce to provide and operate such motor boats and employ thereon such persons as may be necessary for the enforcement, under his direction, of laws relating to navigation and inspection of vessels, boarding of vessels, and counting of passengers on excursion boats, including insignia, braid, and chin straps, and coats, caps, and aprons, for stewards' departments on vessels, $89,000.

Mr. NEWTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. NEWTON. I note on page 65, lines 1 to 8, the provision for the enforcement of navigation laws. The appropriation goes into such minute detail as to specify that the money can be used for "insignia, braid, and chin straps," and so forth.

Mr. SHREVE. Yes.

Mr. NEWTON. Now, just what is the occasion for going into this minute detail?

Mr. SHREVE. It becomes necessary by reason of the ruling of the Comptroller General.

Mr. NEWTON. I merely want to make the observation that in the creation of the position of Comptroller General and in the administration of the work of that office sometimes those who are at work upon it carry their work out in such a minute and critical way that language of this kind seems to be necessary in an appropriation bill. It would seem to me that with the great work of that office there ought to be somebody in the institution with sufficient breadth of vision so that it would not be necessary to provide minutely in an appropriation bill for "chin straps" for a navigation officer.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Utilization of waste products from the land: For the survey of the possibilities of the industrial utilization of waste products from the land, including cooperation with colleges, other institutions and manufacturers, including personal services in the District of Columbia and in the field, $50,000, of which amount not to exceed $41,000 may be expended for personal services in the District of Columbia.

Mr. BLANTON. Mr. Chairman, I offer an amendment. On page 76, line 8, strike out "$50,000" and insert "$150,000."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 76, line 8, strike out "$50,000" and insert in lieu thereof "$150,000."

Mr. BLANTON. Mr. Chairman, this is the only paragraph in this bill which could benefit the farmer. You are giving the Bureau of Standards $50,000 with which to investigate the utilization of waste farm products and requiring them to spend $41,000 in the District of Columbia, leaving them only $9,000 to operate on in the field. I know my amendment has no chance to pass in the House. I have been operating on this bill by points of order, so I am afraid I have made myself persona non grata to the subcommittee and they are not going to let my amendment pass here. But what I shall say and have said and the reports I have placed in this RECORD from Director Burgess, of the Bureau of Standards, are probably going to cause the Senate to put this amendment in. The Senate will get the credit for it. The distinguished gentleman from Pennsylvania [Mr. SHREVE], if he were wise, could get the credit for it. The Republican steering committee on this floor, if it were wise, could get the credit for it. The Republican Party, if it were wise, could get the credit for it, but the organization is not going to let this amendment pass now. They will approve it in conference, when it comes from the Senate.

There is not anything that you could do which would be more beneficial or of greater value to the farmers than to grant this paltry $100,000 to the Bureau of Standards. Our Agricultural Department has never done anything in this field. We have given it thousands of dollars year after year to find uses for the waste products of the farm but it has never done a thing worth mentioning. The Bureau of Standards has been in this field one year. That is all. We have never given it an appropriation until this present fiscal year and then only this little, paltry $50,000. However, it has made a wonderful success already. Whenever it finds a valuable use for cotton stalks, burs, corn stalks, for oat and wheat straw, which it is going to do, in making commercial products of value, and making these waste products of great value, inure to the benefit of our producers, it is going to mean everything to the farmers of the country.

I can remember when our cattlemen used to sell their cattle, when their waste products were not used, at a very low figure. I have seen cows and calves, good big calves, sold for $10 apiece; that is, a cow and a calf. One of my good friends in Texas this year sold his yearlings for $55 and before they went off of his ranch and were delivered the man to whom he sold them sold them for $60. Do you know why? Every single thing about that beef is utilized by the packers. There is no waste material. They have found a use for everything about it, and when you find a use for all of the present waste farm products you are going to do a splendid service for the producers of this country.

I have made the record, and it is up to the gentleman as to what he wants to do.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SHREVE. Mr. Chairman, of course, I must oppose the amendment. I think I should say for the information of the committee that there is half a million dollars being carried in the Department of Agriculture for this same purpose.

Mr. BLANTON. And it has never done a thing.

Mr. SHREVE. The work of the Bureau of Standards is highly scientific and we are taking care of that work as fast as possible. The Bureau of the Budget did not make any suggestion of a higher appropriation.

Mr. BLANTON. Because it is not interested very much in farming. General Lord is interested in many things, but not in farming.

Mr. SHREVE. Director Burgess has said he is doing a highly technical and scientific work and has money enough.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was rejected.

The Clerk read as follows:

Appropriations herein made for the Bureau of Standards shall be available for expenses of attendance at meetings concerned with standardization and research, or either, when incurred on the written authority of the Secretary of Commerce.

Mr. SEARS of Florida. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, last year I appeared before the subcommittee and urged an appropriation sufficient to permit the establishment of a branch office of the Bureau of Foreign and Domestic Commerce in Florida.

This branch office was opened at Jacksonville, Fla., and has done and is doing a wonderful work. They have secured much valuable information and I have found them very efficient and we want to thank the committee and the Senate. The impression got out in some way that there were only a few district offices compelled to pay rent. I confess I fell into the error myself. In justice to the committee and in order that the people of Florida may understand the real facts, I want to call the attention of the House to the fact that there are 23 branch offices in the United States, as follows:

Branch offices of the Bureau of Foreign and Domestic Commerce in the United States

City	Building or location	Amount of rental paid per annum
Atlanta	Federal building	None.
Boston	Customhouse	None.
Chicago	76 West Monroe	$3,600
Des Moines	Federal building	None.
Detroit	Free Press Building	2,500
Galveston	Cotton Exchange Building	None.
Houston	Chamber of Commerce Building	None.
Jacksonville	Greenleaf-Crosby Building	None.
Kansas City	Chamber of commerce	None.
Los Angeles	Chamber of Commerce Building	None.
Louisville	Board of Trade Building	None.
Memphis	Chamber of Commerce Building	None.
Minneapolis	Federal building	None.
Mobile	Meaher Building	None.
New Orleans	Post-office building	None.
New York	Customhouse	None.
Norfolk	406 East Plume Street	None.
Philadelphia	20 South Fifteenth Street	$2,700
Portland	New post-office building	None.
St. Louis	Liberty Central Trust Co. Building	3,180
San Francisco	Customhouse	None.
Seattle	Skinner Building	2,800
Wilmington	Chamber of commerce	None.

Total amount of rent paid, $14,780.

In the case of 18 of these offices the Government pays no rent because most of them are located in chamber of commerce buildings, Federal buildings, or in buildings provided by the citizens, as is the case at Jacksonville, Fla., where they rent from Greenleaf & Crosby. There are only five district offices for which the Government pays any rent, the maximum rent being $3,600 a year for the branch office at Chicago.

I am not complaining because we pay rent for these five offices, but if rent is going to be paid for five, perhaps rent should be paid for all. I understand these offices were secured many, many years ago under the old law, and that is why the rent is being paid in this way. In view of the fact that 18 of

the largest cities of the country, including Jacksonville, furnish the offices free, I could not ask my colleagues to put in this bill an appropriation for rent for a building where this wonderful work is being done in Florida.

The Clerk read as follows:

General expenses: For supplies, including replacement of and necessary additions to existing equipment, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks, and purchase of land for same; establishment of post lights, buoys, submarine signals, and fog signals; establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That any oil or carbide house erected hereunder shall not exceed $1,000 in cost; construction of necessary outbuildings at a cost not exceeding $1,000 at any one light station in any fiscal year; improvement of grounds and buildings connected with light stations and depots; restoring light stations and depots and buildings connected therewith: *Provided further*, That such restoration shall be limited to the original purpose of the structures; wages of persons attending post lights; temporary employees and field force while engaged on works of general repair and maintenance, and laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for working parties in the field, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels or in working parties in the field may be paid on proper vouchers to the person having charge of the mess of such vessel or party; not exceeding $2,000 for packing, crating, and transporting personal household effects of employees when transferred from one official station to another for permanent duty; purchase of rubber boots, oilskins, rubber gloves, and coats, caps, and aprons for stewards' departments on vessels; reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year; fuel, light, and rent of quarters where necessary for keepers of lighthouses; purchase of land sites for fog signals; rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent; rent of offices, depots, and wharves; traveling expenses, including travel for the examinations authorized by the act entitled "An act to provide for retirement for disability in the Lighthouse Service," approved March 4, 1925; mileage; library books for light stations and vessels, and technical books and periodicals not exceeding $1,000; traveling and subsistence expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses; all other contingent expenses of district offices and depots, including the purchase of provisions for sale to lighthouse keepers at isolated stations, and the appropriation reimbursed, and not exceeding $8,500 for contingent expenses of the office of the Bureau of Lighthouses in the District of Columbia, $4,275,000.

Mr. BLANTON. Mr. Chairman, I reserve a point of order. I want to ask the chairman in charge of the bill where is the authorization of law for the second proviso on page 79, beginning at line 5?

Mr. SHREVE. This is under the organic act—the general provisions of the law creating this bureau.

Mr. BLANTON. Is not this new matter that the committee has placed in the bill?

Mr. SHREVE. It is not new matter. It is current law and has been carried for more than 10 years. It simply covers the general contingent expenses.

Mr. BLANTON. But it has been enlarged. It is not the same language, is it?

Mr. SHREVE. Yes; I do not think there is a word changed.

Mr. BLANTON. I have not my notes before me, but I was under the impression this was new language.

Mr. SHREVE. No.

Mr. BLANTON. Upon the statement of the gentleman from Pennsylvania [Mr. SHREVE] I will withdraw the reservation.

The Clerk read as follows:

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, and operation of fish-cultural stations, including not to exceed $4,000 to be made immediately available for the construction of trout nursery ponds at Mammoth Springs in Yellowstone National Park, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment (including rubber boots and oilskins) and apparatus, contingent expenses, temporary labor, and not to exceed $10,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith, $503,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

It so happens, Mr. Chairman, that one of the fish-cultural stations is located in the district I have the honor to represent, and during the past year I have had occasion to deal with the bureau here quite extensively.

I simply rise at this time to express my appreciation of the manner in which the Commissioner of Fisheries, Mr. O'Malley, is performing his duties, and the splendid spirit with which the employees under him are carrying out the purposes of Congress. I know of no bureau directly reaching the people of our country which is really doing a better work for the welfare of the communities and the States where these hatcheries are located than the Bureau of Fisheries under Commissioner O'Malley. It is not altogether a question of propagation of trout and food fishes for the pleasure of the people, but the fish-cultural work and the food products that are being distributed, as well as the educational features that are being broadcast throughout the country, are well worthy of the praise and the acceptance by Congress of the amounts estimated therefor.

Further than this, it seems to me the work of the bureau is carried out in a manner showing the interest of the bureau in the proper spirit of the employees. I never have seen any indication whatsoever of favoritism being shown to any employee in the bureau or to any particular group of citizens.

All of this, I think, is commendatory of the man in charge, and it is therefore with pleasure that for one, having had dealings with the bureau and seeing the results of the work of those in charge here, as well as of the assistants in the field, I am very glad to add my word of praise of the manner in which the one in charge is administering the appropriations provided by Congress. [Applause.]

The Clerk read as follows:

The appropriation of $35,000 for the fiscal year 1928 for a fish-cultural station in the State of Oklahoma as an auxiliary to the fish-cultural station at Neosho, Mo., shall continue available for such purpose during the fiscal year 1929.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word. I want to call attention to this small item on page 89, which establishes a fish-cultural station in the State of Oklahoma. Like the gentleman from Massachusetts [Mr. TREADWAY], I want to commend the Commissioner of Fisheries. I think he is a very efficient man. I hesitate at this time to invite attention to this item. But I want to invite attention not only to that but to three or four items in connection with it.

This appropriation of $35,000 was in the bill last year. I do not know the exact date of the approval of the act, but anyhow it was before the 3d day of March. The fiscal year began on July 1, 1927. There was only $35,000 involved in this item in the bill last year. By reading it you find that it is continued for the next year.

The State of Oklahoma is greatly interested in fish culture. We have some splendid fish and game laws. We have a wonderful fish and game warden there doing excellent work who wants to cooperate with the Federal Government. The entire citizenship of my State is interested in the propagation or culture of fish.

I want to express some disappointment that within the last six months the $35,000 in the appropriation bill of last year has not been expended.

Mr. BLANTON. How did the gentleman get the hand-out from the Committee on Appropriations?

Mr. HASTINGS. It was in the appropriation bill of last year, and I do not know of a better place in the whole country than eastern Oklahoma for the establishment of a fish-cultural station and the expenditure of this sum of money. What I am now taking this time for is to try and impress on the Commissioner of Fisheries that instead of having the money reappropriated for the year 1930 we hope he will see to it that this amount is expended in accordance with the direction of Congres during the next fiscal year.

I have looked up the hearings before the committee, and there is no real excuse given for the nonexpenditure of this money in Oklahoma the past year. As to some of these items, there is some excuse offered because they say that a good title could not be gotten to the land. Anybody knows, however, that in Oklahoma you could find a very large number of places where the people would have given the Government a site and a good title. I wanted to express my disappointment that the money has not been expended the past year, and serve notice on the Commissioner of Fisheries that the Oklahoma delegation will keep an eye on this item for the next year.

Mr. SHREVE. Mr. Chairman, I want to inform the gentleman that there was no disposition on the part of anybody to

retard the work in Oklahoma. On the contrary, the committee last year was particularly interested in giving Oklahoma a fish-cultural station. This was a matter over which the Commissioner of Fisheries had no control. It was the weather conditions that made it impossible for him to do the things he wanted to do. The gentleman's State suffered along with everybody else. The weather retarded work in the spring, and they had no opportunity to go out and get the fish that they put in the ponds until late in the summer, and the work was retarded and hindered during that time.

Mr. HASTINGS. The gentleman means that it was retarded by the excessive floods?

Mr. SHREVE. Yes.

Mr. HASTINGS. I am glad to have this explanation.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph. This is a pro forma motion and I shall withdraw it as soon as I have called attention to the fact that it is natural that these various gentlemen who have gotten a hand-out should get up and pay their debt of gratitude. [Laughter.]

I shall never make a point of order against an item for any new fish-cultural station anywhere in the United States, especially where it is far removed from the coast. I know what it means to these States. It is a great boon to them. Not only does the gentleman from Oklahoma get his $35,000 hand-out——

Mr. HASTINGS. Unfortunately it is not in my district.

Mr. BLANTON. But it is for Oklahoma, and anything that is for Oklahoma the gentleman is for.

Mr. HASTINGS. That goes without saying.

Mr. BLANTON. When I was coming back from Texas after the holidays I met a lawyer from Muskogee, and he said that the Muskogee Congressman was the greatest one that operated on Capitol Hill, and I agreed with him.

I notice that Colorado gets a $30,000 hand-out from the committee, and Georgia got a $30,000 hand-out, and also the State of Nebraska has a $35,000 hand-out.

Mr. SHALLENBERGER. And I would like to call the attention of the committee to the fact that they did not locate any particular place in my State, but that in the southwestern part of the State of Nebraska we have a stream called the Republican River. I suggest that it be located there.

Mr. BLANTON. Oh, the governor will find a proper location for it all right.

Mr. OLIVER of Alabama. And the State of Texas also got a $35,000 hand-out for a survey.

Mr. BLANTON. For which I am duly thankful, although it is not in my district. Anything for the State of Texas I am for. Wyoming got an $18,000 hand-out and Michigan got a $25,000 hand-out, and I am with all of you fellows. I do not blame you for getting up here and voicing gratitude for it. The distinguished gentleman from Massachusetts [Mr. TREADWAY] has been enjoying his handout for several years, and he had to be grateful, too.

But I want to say to the committee that in handing out these handouts to our various friends, they should be a little more generous with the Members of Congress who seek to add a little sum of appropriation here and there that will benefit not any particular State, not any particular district, but the whole country, and that was the kind of an amendment I offered a while ago with respect to the Bureau of Standards' operations, in behalf of all American farmers.

The Clerk read as follows:

PATENT OFFICE

For the Commissioner of Patents and other personal services in the District of Columbia in accordance with the classification act of 1923, $2,600,000: *Provided*, That of the amount herein appropriated not to exceed $25,000 may be used for special and temporary services of typists certified by the Civil Service Commission, who may be employed in such numbers, at $4 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records.

Mr. NEWTON. Mr. Chairman, I move to strike out the last word for the purpose of asking about this item regarding the Patent Office. As I recall it, the Patent Office takes in almost enough revenue to pay for the expenses of the office. It is true that for a number of years they have been quite behind in their work down there. Complaint has been made of that. An effort was made a year ago, possibly two years ago, to add to the appropriation for the purpose of enabling them to catch up with their work, or at least not to get further behind. I notice from the hearings that they have had a very large increase in the number of applications, about 3,000, and that as a result of that they are further behind than they were a year ago. At least that is my impression. The committee allowed about $80,000 more than their last year's appropriation. That is the recommendation of the Budget. I do not find any place in the hearings where the committee asked the commissioner, who is the man who ought to know about it, whether with that additional $80,000 he would be able not only to keep current with the work but at the same time do something toward catching up with the work.

Mr. SHREVE. Mr. Chairman, the commissioner gave us to understand that he was short of help. We were anxious to help and have been every year, but the growth of the office has been just a little in advance of the appropriations. Two years ago we helped them and a year ago, and this year we have given them $80,940 for the purpose of employing 46 men above the average; that is, good men. The commissioner informed us that it is hard to keep a man after he gets up to a certain grade because he then wants to get out and do something else.

Mr. NEWTON. About what salary will those 46 men receive?

Mr. SHREVE. They will start, as they all do, at a low sum, about $1,600 or $1,800 or $2,000, and then their progress is rapid if they show a disposition to take hold of the work.

Mr. NEWTON. Here is the situation: They can absorb only about so many new men every year.

Mr. SHREVE. Yes.

Mr. NEWTON. There is a great turnover in the office. If sufficient appropriation is not made for that, so that they can provide for the maximum number that they can absorb, they are never going to catch up. It is a source of considerable comment among the practicing patent lawyers. They have a very efficient Commissioner of Patents and the force is hard-working. It is self-supporting. There ought to be an effort made to give them every dollar that they can use, but apparently that question was not put to the commissioner himself.

Mr. SHREVE. The increase of $80,940 seemed necessary because of increase in the work; that is, increase in the number of applications this year. The work is now many months behind, particularly in all of the examining divisions, and if this condition is remedied it is imperative that the number of examining divisions be increased. The increase in the appropriation for the fiscal year 1929 will provide the necessary personnel for three additional divisions, which we understand will be sufficient to take care of the work for a while. It is our thought that we have given them enough money so that they will run along comfortably and satisfactorily during the year.

Mr. NEWTON. I know that the committee approached the question sympathetically, but where you have a bureau that is practically self-supporting, bringing revenue into the Government, it ought not to be pinched down in the same way as if it was a load on the Treasury.

Mr. SHREVE. I quite agree with the gentleman.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman state to the House how far the revenues of the office meet the financial requirements?

Mr. SHREVE. In answer to the gentleman I shall quote from the hearings as follows:

Doctor KINNAN. In past years, Mr. SHREVE, we have turned in a surplus for many years into the Treasury, so that there is $7,000,000 or so to our credit now, of profit in the patent business in past years.

Mr. ROBERTSON. Until 10 years ago there was a surplus every year since the Civil War, and the aggregate surplus of all those years amounted to $7,082,400.50 on June 30, last, after deducting the deficits of the last several years. In addition to that, I believe the Patent Office Building was paid for out of Patent Office funds. So, the Patent Office has been a real going concern until the last few years, when, owing to increases in printing costs and increases in salaries, we have had a deficit, as I said, the past year amounting to $245,000. The year before it was $400,000.

The CHAIRMAN. The time of the gentleman has expired, and the Clerk will read.

The Clerk read as follows:

Operating mine rescue cars and stations: For the investigation and improvement of mine rescue and first-aid methods and appliances and the teaching of mine safety, rescue, and first-aid methods, including the exchange in part payment for operation, maintenance, and repair of mine rescue trucks, the construction of temporary structures and the repair, maintenance, and operation of mine rescue cars and Government-owned mine rescue stations and appurtenances thereto, including the purchase and equipment of one mine rescue car not to exceed $45,000, and including personal services, traveling expenses and subsistence, equipment, and supplies, including the purchase and exchange in part payment therefor of cooks' uniforms, goggles, gloves, and such other articles or equipment as may be necessary in the operation of mine rescue cars and stations, including not to exceed $14,140 for personal services in the District of Columbia, $342,630: *Provided*, That of this

amount not to exceed $500 may be expended for the purchase and bestowal of trophies in connection with mine rescue and first-aid contests.

Mr. BLANTON. Mr. Chairman, on page 96, lines 17, 18, 19, and 20, beginning with the word "*Provided*," I make the point of order that it is legislation unauthorized on an appropriation bill.

The CHAIRMAN (Mr. HAWLEY). The gentleman from Texas makes the point of order on lines 17 to 20. Does the gentleman from Pennsylvania [Mr. SHREVE] desire to be heard?

Mr. SHREVE. It has been carried heretofore.

Mr. BLANTON. I know; but it is legislation just the same. There is no law for it.

Mr. SHREVE. It is merely a limitation.

Mr. BLANTON. Oh, no. It is an express authorization without law. It is not a limitation at all. It is an express authorization.

Mr. SHREVE. It is a limitation on the life-saving branch of the service.

Mr. BLANTON. It is an express authorization to spend money without legal authority for it, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Pennsylvania refer to any legislation authorizing this?

Mr. SHREVE. There is no legislation for it. It is just carried on. It is an item that has been in the bill heretofore.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Oil, gas, and oil-shale investigations: For inquiries and investigations and dissemination of information concerning the mining, preparation, treatment, and utilization of petroleum, natural gas, and oil shale, including economic conditions affecting the industry, with a view to economic development and conserving resources through the prevention of waste; for the purchase of newspapers relating to the oil, gas, and allied industries: *Provided*, That section 192 of the Revised Statutes shall not apply to such purchase of newspapers from this appropriation; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, purchase, exchange as part payment for, maintenance, and operation of motor-propelled passenger-carrying vehicles, $198,260, of which amount not to exceed $25,000 may be expended for personal services in the District of Columbia.

Mr. BLANTON. Mr. Chairman, I make a point of order against the following language on page 98, beginning in line 6:

Provided, That section 192 of the Revised Statutes shall not apply to such purchase of newspapers from this appropriation.

That is legislation unauthorized on an appropriation bill. It seeks to change our present Revised Statutes.

Mr. SHREVE. The gentleman is correct.

The CHAIRMAN. The point of order is sustained.

Mr. HOWARD of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Oklahoma: Page 98, line 12, after the word "vehicle," strike out "$198,260" and insert in lieu thereof "$210,760."

Mr. HOWARD of Oklahoma. Mr. Chairman and Members of the Congress, I hope I may have your attention for a moment, because I want to call your attention to a matter in which every one of you is interested. In offering this amendment I want to apologize to the committee which wrote this bill for not having taken the matter up with the committee. The fact is that before it was called to my attention the Budget was made up and the committee was ready to make their report. I am sure if I had appeared before the committee on this matter I would have received the courteous treatment we all receive when we appear before them on other matters.

What I am seeking to do is to add the sum of $12,500 to the appropriation for the Bureau of Mines for investigating the matter of using gas in bringing from the earth more of the crude petroleum deposited in the sands thereof. I want to call your attention, Mr. Chairman and members of the committee, to the fact that to-day, under the old method, without scientific investigation, although the United States is producing over 2,000,000 barrels of oil daily, we are actually, according to the Bureau of Mines, recovering only 20 per cent of the oil deposits in the oil-bearing sands in the oil fields. It is estimated by the Bureau of Mines and by experts that through the use of gas in forcing the oil through the sands and into the wells that have been drilled already an increase of 20 per cent in the recovery of oil could within a very short time be brought about.

Now, Mr. Chairman and members of the committee, let us see what that means to the people of the United States. Back yonder, in the days before the automobile industry was developed, when we used a little gasoline only for cleaning clothes, and things like that, according to the Bureau of Mines the recovery of gasoline from crude oil was only 6 to 8 per cent. Since we have begun to use it and since the Congress and others have furnished the money to make these scientific investigations, the recovery from a barrel of crude oil, of gasoline—a commodity that is growing in use in this country every day—has increased to 38 per cent of that barrel of crude oil. If we have increased, by making scientific investigations, the amount of gasoline taken from a barrel of crude oil from 8 per cent to 38 per cent, certainly that has been of economic value. If we can increase the amount of production of oil by giving our Bureau of Mines the money with which to study this problem and bring forth 20 per cent more of oil, it amounts, my friends, to 483,950 barrels a day that can be, or should be, and must be, brought from the earth to finally meet the demands of the automobile industry and the demand for other petroleum products.

Not only that, but I want to call your attention to the effect of scientific study in the matter of the production of oil and gas.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HOWARD of Oklahoma. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. HOWARD of Oklahoma. I want to call your attention, if I may, to the fact that when the great Cushing oil field was discovered and developed there was no provision for using the gas from producing oil wells, and that on a damp day it was dangerous to drive through the field by reason of escaping gas. The Bureau of Mines made a study of this situation. They were in the forefront in the effort to utilize this gas. They suggested formulas and machinery that could be used to convert this natural gas into gasoline, with the result that last year this casinghead gas was converted into 1,000,000,000 gallons of gasoline. Had it not been for scientific research, such as I am asking for in this amendment, this gas would have gone to waste and been lost forever and the price of gasoline last year would probably have been higher to the consumers. If we have had that result, can we not now justify ourselves in making a little further appropriation to go further into a scientific investigation pertaining to this useful and much-needed commodity?

Let me say this to you also as a further argument: The Bureau of Mines informs me that to-day the crude-oil production is coming from practically only 2 per cent of the wells that have been drilled in the United States. Why? Because there are 300,000 or 400,000 little wells producing a barrel or 2 barrels per day that are not paying their operators. The result is that unless some means are taken to increase the production and get some more of this oil out of the ground that is being left there they must be plugged by their operators and forever put out of existence. When you plug one of those wells, and when you quit operating one of them, water breaks in and then the 40 or 60 per cent of the oil you are not getting to-day is drowned out and gone from the people of the United States forever.

I also call your attention to the fact that the United States Government, on the production of petroleum, on the refining of petroleum, and in studying the great petroleum industry spends only $198,260 per year. I am asking you for $12,500 more in order that the Bureau of Mines may begin a study of the proposition, and in order that the Bureau of Mines may provide a method for lifting out more of this oil, bringing it to your constituency, and saving to the people more of this great natural resource.

To-day I ask for an additional $12,500, explaining that I did not present it to the committee. I present it to-day, because so long as there is delay and so long as there is no method brought forth to bring out this additional amount of oil these small wells, which could be preserved, will be plugged, and any delay means a loss of oil and means a loss of petroleum products to the entire Nation.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. SHREVE. Mr. Chairman, I am compelled to disagree with the gentleman. We have a regular and orderly procedure in the House which the gentleman did not follow in this case. I will mention that first. In addition to that, the Director of the Bureau of Mines has made no recommendation in favor of

the proposition the gentleman presents to the committee. The committee having the matter in charge has not considered it, because it has not been brought before us; the Bureau of the Budget has not considered it; and, as a matter of fact, nobody has considered it.

I want to say to the gentleman that $198,000 is carried in the bill for matters of this kind, and there is money enough now to take care of the investigation the gentleman would like to have made.

Mr. HOWARD of Oklahoma. I do not want to quarrel with the gentleman, but I want to call attention to the fact that the appropriation is the same as it was last year.

Mr. SHREVE. Yes; it is the same; but they have worked out a lot of propositions they had last year and are now ready to take up the gentleman's proposition if there is sufficient merit in it.

Mr. HOWARD of Oklahoma. I want to say to the gentleman that the "gentleman from Oklahoma" never presents to the House any proposition in which there is not some merit.

Mr. SHREVE. Of course, I realize that.

Mr. HOWARD of Oklahoma. I want to call attention to the fact that this thing is so important that the State Legislature of Oklahoma, which contributes a part of this money, raised its appropriation last year in the same amount.

Mr. SHREVE. If it is as important as the gentleman suggests it is, he can rest assured the Bureau of Mines will discover it before long.

Mr. HOWARD of Oklahoma. Will the gentleman yield further?

Mr. SHREVE. Yes.

Mr. HOWARD of Oklahoma. I want to state, as I have stated before, that I did not present the matter to the committee, but when the gentleman speaks about the Bureau of Mines not mentioning it, I want to call attention to the fact that we have a condition prevailing around here where a man in the department will say, "I can not even mention it to the committee unless they ask me about it."

Mr. SHREVE. That practice does not obtain in our department.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. HOWARD of Oklahoma) there were—ayes 18, noes 64.

So the amendment was rejected.

The Clerk read as follows:

Oil-shale investigations: For development of oil shale, including purchase or mining and transportation of shale, operation, repairs, and alteration of plant, the construction, maintenance, and repair of necessary camp buildings and appurtenances thereto, and the alteration, operation, and maintenance of experimental refinery, and for all necessary expenses incident thereto, including personal services, supplies, equipment, traveling expenses, the purchase, not exceeding $1,200, operation, maintenance, repair, and exchange in part payment for, of motor-propelled, passenger-carrying vehicles, $75,000, of which amount not to exceed $6,000 may be expended for personal services in the District of Columbia.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question.

I have taken this paragraph as a type of many paragraphs that occur in this bill as the basis of the inquiry which I am about to make. I do this because of the fact that I have gone through the record of the hearings and I think the procedure of the committee is exactly as I would like to see it with reference to every one of the items. The point I have in mind is this: With these recurring appropriations that provide for investigations almost without number in this and in other bills, is it the practice of the Committee on Appropriations each time one of these items is reached to carefully interrogate the people involved to see whether or not there is a real purpose served by the investigational work that is provided for? Please bear in mind, Mr. Chairman, I picked this out because I have gone over your record and find your procedure is exactly in line with this thought in this particular case. Is this true with reference to every item?

Mr. SHREVE. I am very pleased to inform the gentleman, because the committee is rather proud of the work it is doing, that it is the practice of the committee to examine every single item that comes before it, regardless of whether we had it last year or the year before or at any other time; and in the case the gentleman refers to as an example, we cut off the appropriation entirely not very long ago and only left enough money to guard the property; but later on we concluded to go on with the investigation. These matters are all carefully considered by every member of the committee.

Mr. KETCHAM. Does the gentleman think that is the practice with reference to every subcommittee of the Committee on Appropriations?

Mr. SHREVE. Every committee I know anything about. The appropriating committees, with the exception of our own, are the most hard-worked committees in the House.

Mr. KETCHAM. The difficulty, of course, is that when one of these investigational propositions is launched and supported by a very tangible appropriation it is a very difficult matter to get it out of the way unless there is very careful interrogation every year.

Mr. SHREVE. We realize that.

Mr. BLANTON. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. BLANTON. Did I misunderstand the gentleman, or do I understand him to say that his committee is one of the most hard-boiled committees?

Mr. SHREVE. No.

Mr. BLANTON. Or hard worked?

Mr. SHREVE. I said our committee was the exception. I said the other committees were hard working, but the subcommittee of which I have the honor of being the chairman, handling four great departments of the Government, has enough work to keep it busy for over two months in preparing the bill for presentation to the House.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Persons employed during the fiscal year 1929 in field work outside of the District of Columbia under the Bureau of Mines may be detailed temporarily for service in the District of Columbia for purposes of preparing results of their field work; all persons so detailed shall be paid in addition to their regular compensation only traveling expenses in going to and returning therefrom: *Provided*, That nothing herein shall prevent the payment to employees of the Bureau of Mines of their necessary expenses, or per diem in lieu of subsistence, while on temporary detail in the District of Columbia for purposes only of consultation or investigations on behalf of the United States. All details made hereinunder, and the purposes of each, during the preceding fiscal year shall be reported in the annual estimates of appropriations to Congress at the beginning of each regular session thereof.

Mr. BLANTON. Mr. Chairman, I make a point of order against the language contained in the proviso beginning on page 99, line 24, and embracing the language down to and including line 8, on page 100, as being legislation unauthorized on an appropriation bill and an attempt to change existing law. There is no law authorizing this.

The CHAIRMAN. I would like to ask the gentleman from Texas a question. Does the gentleman from Texas contend it is unlawful or there is no authority to pay employees detailed or summoned to the District of Columbia for the purpose of consultation their necessary expenses or per diem?

Mr. BLANTON. Their per diem and subsistence, no. There is no law at present authorizing that, and every time there has been an attempt to transfer employees from the field to the District of Columbia by the departments they have come here with this kind of a proposition to except them from the provisions of the law. You will see that under these provisions first you can not do it and then they provide that you can do it.

Mr. SHREVE. Mr. Chairman, the general subsistence act covers all this.

The CHAIRMAN. There is ample law to pay the expenses of Government employees for traveling under direction of the Government and on Government business. This proviso merely insures that nothing else in the section shall prevent such payment which is otherwise authorized by law. The Chair therefore overrules the point of order.

Mr. BLANTON. Then this is surplusage, Mr. Chairman.

The Clerk read as follows:

Government fuel yards: For the purchase and transportation of fuel; storing and handling of fuel in yards; maintenance and operation of yards and equipment, including motor-propelled passenger-carrying vehicles for inspectors, purchase of equipment, rentals, and all other expenses requisite for and incident thereto, including personal services in the District of Columbia, the unexpended balance of the appropriations heretofore made for these purposes is reappropriated and made available for such purposes for the fiscal year 1929, and for payment of obligations for such purposes of prior years, and of such sum not exceeding $500 shall be available to settle claims for damages caused to private property by motor vehicles used in delivering fuel: *Provided*, That all moneys received from the sales of fuel shall be credited to this appropriation and be available for the purposes of this paragraph: *Provided further*, That the requirements of sections 3711 and

3713 of the Revised Statutes relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Government fuel yards at free-on-board destinations outside of the District of Columbia.

Mr. BLANTON. Mr. Chairman, I make a point of order, first, as to the language embraced on page 101, beginning in line 3—

Provided, That all moneys received from the sales of fuel shall be credited to this appropriation and be available for the purposes of this paragraph—

because it is legislation unauthorized by law, and should come out of the bill.

And, also, I make a point of order to the second proviso—

Provided, further, That the requirements of sections 3711 and 3713 of the Revised Statutes relative to the weighing of coal and wood and the separate certificate as to the weights, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Government fuel yards at free-on-board destinations outside of the District of Columbia—

because it is likewise legislation unauthorized on an appropriation bill, and should come out on point of order.

The CHAIRMAN. The points of order are sustained.

The Clerk read as follows:

During the fiscal year 1929 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the Bureau of Mines on scientific investigations within the scope of the functions of that bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of Commerce, transfer to the Bureau of Mines such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Bureau of Mines for the performance of work for the department or establishment from which the transfer is made: *Provided,* That any sums transferred by any department or independent establishment of the Government to the Bureau of Mines for cooperative work in connection with this appropriation may be expended in the same manner as sums appropriated herein may be expended.

Mr. BLANTON. Mr. Chairman, I make a point of order against the entire paragraph, beginning on page 105 at line 11 and extending to and including line 4 on page 106, as being legislation unauthorized on an appropriation bill and an attempt to change existing law.

There is no law now which authorizes a transfer from one department to another of unexpended balances, and this is a dangerous policy, I may state to my friend from Pennsylvania, and to the floor leader and the Members of the House, for us to embark upon—to permit all the departments, if they want to do so, to transfer their unexpended balances to any other department. It occurred here a few years ago that during the month of June a certain chief of an independent establishment found he was going to have an unexpended balance on hand July 1; he picked out a whole bunch of his favorite employees and divided that sum among them, which increased their salaries a certain amount for the month of June only. This was done just to use up the money before the end of the fiscal year, and it is something that ought not to occur.

Mr. SHREVE. Mr. Chairman, that does not occur under these appropriations.

Mr. BLANTON. It could occur.

Mr. SHREVE. This is a very necessary provision. If one of the departments has some investigations they want conducted, for instance, by the Bureau of Mines, it is given to the bureau and they do the investigating, and the work is done just the same as such work is done by any other bureau.

Mr. BLANTON. Where is the authority of law for this?

Mr. SHREVE. We do not need any authority for it.

Mr. BLANTON. It is an invasion of the present law.

Mr. SHREVE. It may be an invasion, but it is a rightful invasion. It is rendering a valuable service. Does the gentleman want to prevent these departments from cooperating?

Mr. BLANTON. We are not discussing the merits of it; we are discussing the lawful authority for it. I submit, Mr. Chairman, that there is no law that authorizes the transfer of balances.

The CHAIRMAN. The Chair would inquire of the gentleman from Texas whether a department or an independent establishment of the Government having funds available for scientific work has not the right to expend it for that purpose?

Mr. BLANTON. They have a right to expend it, but they have not the right to transfer it to some other department unless Congress authorizes it by legislation.

The CHAIRMAN. Instead of paying it to an outside agency might they not pay it to the Bureau of Mines?

Mr. BLANTON. I think not without authority of law. This money is appropriated to a certain department.

The CHAIRMAN. If they pay it to the Bureau of Mines for the work, does it not come within the appropriation?

Mr. BLANTON. They have to have a law to transfer it. The Chair is a good parliamentarian. We are appropriating money, say, for the Navy or the Army for scientific purposes. No one would contend that the department could turn over an unexpended balance to another department without authority of law.

The CHAIRMAN. It is not turning money over to another department to use as it sees fit. If the Navy Department was to do a certain piece of work, it would be authorized to expend the money for that purpose and they could have it done anywhere else. If it hires another department to do the work, it is a lawful expenditure of the money.

Mr. BLANTON. It does not hire it; it turns the money over to that department for it to expend.

The CHAIRMAN. Only for that purpose for which the money is appropriated. The money is received by the Bureau of Mines for that purpose.

Mr. BLANTON. It is a dangerous practice to establish here; it is a dangerous departure from the present rules and regulations.

Mr. TILSON. The usual test is whether the thing proposed can be done without the provision. I have no doubt that a department or bureau having money to expend for a certain object can have another department or bureau perform that service without this provision the same as it could hire an outside individual to do it. The paragraph in the bill is a provision to enable the transfer on the books of funds from one department to another. The original department secures the performance of a lawful work for which it can lawfully expend the money, and this is only a matter of convenience between the different departments in their bookkeeping.

Mr. BLANTON. The gentleman must remember that this may come up in the future to plague him, because if you pass this provision with these arguments and the statement from the Chair and the statement from the Republican floor leader, you will find that the departments will indiscriminately turn over balances.

Mr. TILSON. I think the gentleman has not read the provision carefully. It is not an indiscriminate turning over of any funds. It allows one bureau or department to have work done that another bureau or department is prepared to do, and the transfer is simply on the books.

Mr. SHREVE. The gentleman from Connecticut is absolutely right and the practice has been such for 30 years.

The CHAIRMAN. In addition to what the Chair has said, this refers to money appropriated to be expended by any department or independent establishment of Government having funds available for scientific investigation, and this is expending the money for the purposes for which it was appropriated. The money is expended by getting the Bureau of Mines to do the work. In other words, it turns over the money appropriated to the Bureau of Mines for the purpose of doing the work for which the money was appropriated. It is not in any sense legislation, but a direction by Congress as to the manner in which the money appropriated by Congress for a certain purpose should be expended by the department. The Chair overrules the point of order.

Mr. COLTON. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the subcommittee a question. If I am correctly informed, the item on page 105 cuts the appropriation $25,000 from the amount requested and approved by the Budget. This is a work of so much importance that I wondered if the gentleman is convinced that this amount will give the bureau all that it needs for the purpose.

As I read the hearings, two or three of the Secretaries recommended a higher amount. I ask the gentleman whether he thinks the amount here given is sufficient to carry on this work, or was there some particular reason for making the cut from the amount recommended.

Mr. SHREVE. The committee made a careful study of it in the last year, and continued the study this year, and from the best information we can get we have appropriated sufficient funds to carry on the work.

Mr. COLTON. I notice the heads of two or three departments recommended an addition of $25,000, and that that amount was approved by the Budget.

Mr. SHREVE. That met with the approval of the full committee.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the purchase or exchange of professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Bureau of Mines, there is hereby made available from any appropriations made for such bureau not to exceed $3,500;

Total, Bureau of Mines, $2,532,080.

Mr. BLANTON. Mr. Chairman, I move to strike out the last paragraph. This completes the consideration of the appropriations for the Department of Commerce. I want to call the attention of the House to the increased expenses in this department for the past few years. It would not be fair, I take it, to compare the present expenditures with those preceding the war, because the war opened up new expenditures. I shall take, therefore, one of the peak years after the war, which embraces all of the increase in salaries, and so forth. I take the year 1922. In the fiscal year 1922 we appropriated for this department $22,496,745. That amount embraces the appropriations for both the Patent Office and for the Bureau of Mines.

Mr. NEWTON. They were not in the Department of Commerce in 1922.

Mr. BLANTON. They were not in the department then, but they are now, and to be fair I am adding the amount that was appropriated for them. For 1922 we gave the Department of Commerce $18,651,805; we gave the Patent Office $2,264,040; and we gave the Bureau of Mines $1,580,900, totaling $22,496,745. That was the total appropriation for the peak year 1922. For this year, under our distinguished Secretary of Commerce, Mr. Hoover, we are about to expend $36,630,450. There is a difference of approximately $15,000,000. It will be remembered that in 1922, the peak year, embracing both the Bureau of Mines and the Patent Office, the total expenditures were only $22,496,745; and yet this next fiscal year we are increasing that amount by approximately $15,000,000.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. NEWTON. Would the gentleman like to cut out any particular portion of the $36,000,000?

Mr. BLANTON. Yes. It just shows extravagance.

Mr. NEWTON. Where is the extravagance?

Mr. BLANTON. I am going to leave that for the taxpayers of the United States to determine.

Mr. NEWTON. That is a very safe place for the gentleman to leave it.

Mr. BLANTON. The taxpayers know of the increases that we gave the department, that were embraced within the fiscal year 1922, and they will compare those expenditures in that peak year with this amount of $36,000,000. You can say that it is necessary, and that you are in a hurry to adjourn tonight, but it is also necessary that we as the representatives of the people should call their attention to what is going on here in Washington all of the time. Some of these days I am going to read into this RECORD the correspondence that I had with your Mr. Secretary Hoover, when our President Wilson appointed him Food Administrator and he rented the Gordon Hotel on Sixteenth Street as his administration building. One of your distinguished Republicans on the Republican side of the aisle at that time got up and crucified him because of extravagance in paying so much more rent for that Gordon Hotel than the then occupant had been paying. I shall put into the RECORD the letter that I wrote to Mr. Hoover, hoping to be able to defend him on the floor against the Republican accusations, and his reply in which he said not only had he paid the amount for the Gordon Hotel that the gentleman had accused him of, but that he had paid nearly one-third more than that Republican statesman had knowledge of. I shall read that into the RECORD at a future time.

The CHAIRMAN. The time of the gentleman from Texas has expired, and the Clerk will read.

The Clerk read as follows:

Traveling expenses of special agents and employees; experts and temporary assistance for field service outside of the District of Columbia, to be paid at the rate of not exceeding $8 per day; personal services in the District of Columbia not to exceed $29,500, including also temporary statistical clerks, stenographers, and typewriters in the District of Columbia, to be selected from civil-service registers, the same person to be employed for not more than six consecutive months; traveling expenses of officers and employees, purchase of periodicals, documents, price quotations, and reports and materials for reports and bulletins of the Bureau of Labor Statistics, $80,000: *Provided*, That the Commissioner of Labor is authorized to collect statistical reports through local special agents paid on piece-price basis.

Mr. BLANTON. Mr. Chairman, I make the point of order against the proviso, which seeks to change the present law. It is unauthorized on an appropriation bill.

The CHAIRMAN. Does the gentleman refer to the proviso on line 16, page 109?

Mr. BLANTON. Yes; lines 16 to 19. It seeks to change the law in reference to the manner in which employees shall be paid.

The CHAIRMAN. Does the gentleman maintain that there is any law that now prohibits the Commissioner of Labor from collecting statistical reports through special agents paid on piecemeal prices?

Mr. BLANTON. Yes. He has authority only through regularly employed agents provided for by classification.

The CHAIRMAN. Can the gentleman direct the Chair's attention to any such statute?

Mr. BLANTON. It is the general organic law of every department, but there is no organic law which authorizes the employment of agents by piece price. I call the Chair's attention to this. This language would permit a department to pay any salary it wanted to to these agents. It leaves it discretionary with the department as to what it shall pay. There is no law that authorizes that at all.

Mr. SHREVE. Mr. Chairman, we will read the law. I read:

Functions of bureau, powers of Secretary of Labor: The Bureau of Labor Statistics, under the direction of the Secretary of Labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and distribution of the products of the same, and to this end said Secretary shall have power to employ any or either of the bureaus provided for his department and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said Secretary of Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

Mr. BLANTON. And nowhere does it provide that he shall employ agents and have such work done by piecework. It provides only that he may use the regular employees, who are to be paid as fixed by the classification act. That law is plain. And my point of order should be sustained.

The CHAIRMAN. The gentleman can not refer the Chair to any provision authorizing the employment of these persons as agents on a piecework basis?

Mr. SHREVE. This is the only law on the subject, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Regulating immigration: For enforcement of the laws regulating immigration of aliens into the United States, including the contract labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including not to exceed $167,000 for personal services in the District of Columbia, together with persons authorized by law to be detailed for duty at Washington, D. C.; traveling expenses; maintenance expenses of insane alien deportees detained abroad while en route to the country of destination; enforcement of the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," and acts amendatory thereof and in addition thereto; necessary supplies, including exchange of typewriting machines, alterations and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of aliens into the United States, by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax, maintenance bills, and immigration fines upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $7,110,000: *Provided*, That $1,755,000 of this amount shall be available only for coast and land-border patrol: *Provided further*, That the purchase, exchange, use, maintenance, and operation of motor vehicles and allowances for horses, including motor vehicles and horses owned by immigration officers when used on official business required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia, may be contracted for and the cost thereof paid from the appropriation for the enforcement of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than $150,000 of the sum appropriated herein may be expended in the purchase and maintenance of such motor vehicles, and of such sum of $150,000 not more than $125,000 shall be available for the purchase and maintenance of motor vehicles for coast and land-border patrol.

Mr. JOHNSON of Washington. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 111, line 8, after the word "Labor," strike out "$7,110,000" and insert "$7,610,000," and on line 9 strike out "$1,755,000" and insert "$1,955,000."

Mr. JOHNSON of Washington. Mr. Chairman, the amount requested of the Budget Bureau by the Department of Immigration for the entire expenditures under this title, regulating immigration, including the whole subject, you will find on page 110, beginning on line 5, and all of page 111, was $7,800,000. The committee has recommended to the House $7,110,000, of which $1,150,000 shall be available only for coast and land border patrol. My amendment, which has to change the figures in two places, calls for an addition of $500,000, so that the $7,110,000 sum would read "$7,610,000, of which $1,955,000 shall be available only for coast and land patrol." In other words, the amendment proposes an addition for the enforcement of the immigration law of $500,000, of which $200,000 shall be for the enlargement of the border patrol.

Gentlemen, you would be very much interested to know what the border patrol has done. We can not give all the proposed additional money to the border patrol, because the patrolmen are policemen and not warrant officers, and whenever they make arrests other officers are required to carry out the next steps. But in the last year, even though at times they had to mark time, they examined 1,250,000 vehicle passengers and a large number of pedestrians, and 492,000 automobiles, and so on; they apprehended 19,322 persons; captured 12,000 smuggled aliens, and more important than all that they captured 832 smugglers of aliens. They captured 786 automobiles and a number of boats and other vehicles of transportation, which they had to turn over to the various other agencies—prohibition, narcotic, agricultural, justice, and so forth.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield there?

Mr. JOHNSON of Washington. Yes.

Mr. HUDSPETH. As to these automobiles which they captured, of course they had to sell those and the money went into the Treasury?

Mr. JOHNSON of Washington. Most of them went to the Treasury and Justice Departments, and they made the sale. There is no law for the Immigration Service to hold them for its own use.

Mr. HUDSPETH. Therefore it is necessary to raise the appropriation so that we can have an adequate force with which to do the work?

Mr. JOHNSON of Washington. Yes. I admit that the subcommittee has been as liberal as it thought it could be. I submit that this amendment is not an unreasonable sum. An additional $500,000 for the enforcement of the law that we have enacted in the hope of keeping aliens out of the country is not much. We must stop the alien-smuggling system. The entire Immigration Service comes within $1,900,000 of paying all its expenses, and if we were to include the money coming from the Naturalization Service that cost sum would be reduced. Immigration visa procedure also brings in other great sums not counted here. Through the head tax and through fines on steamships and others something like $5,000,000 comes back in the Federal Treasury, but not to the immigrant fund as it was in the old days. The opening of the Peace Bridge at Buffalo necessitated an increase of $50,000 in the cost in immigration.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. I am sorry I have not more time.

Mr. HUDSPETH. Does the gentleman want additional time?

Mr. JOHNSON of Washington. No; I shall not ask for it.

Mr. SHREVE. Mr. Chairman, I wish to oppose the amendment offered by the gentleman from Washington [Mr. JOHNSON]. The committee has given this matter very careful investigation. The committee spent several months last summer in making a personal examination and investigation on the borders to find out just what the alien situation is. When we came home and at the first meeting of the committee we made up our minds to increase the amount of the appropriation, and we recommended an increase of $235,000 over the amount fixed by the Bureau of the Budget.

I would like to repeat just what the Assistant Secretary, Mr. White, said. Before the committee the other day he said, in answer to a question whether he had any idea as to how many aliens there are in this country to-day that really ought to be deported under existing law:

Mr. WHITE. No; I have not.

Mr. TAYLOR. Have you any way of estimating it?

Mr. WHITE. My guess is just as valuable as any other man's, probably, and there are all sorts of guesses; everybody is making a guess at the number. All I can tell you is there are thousands of them.

Mr. BOX. He said they were just scratching the surface.

Again I read:

Mr. BOX. To what extent are we meeting the demands for deportation; that is, those covered by the law? You say we are getting out 12,000, and if we had the increased appropriation mentioned you could increase that approximately 10 per cent. Will that take care of the work that ought to be done under the present law, Mr. Secretary?

Mr. WHITE. Oh, no; we are taking care of the institutional cases now very satisfactorily. As to cases outside of institutions, we are not even scratching the surface.

Mr. BOX. That is how I feel about that.

Mr. WHITE. Yes.

Mr. BOX. You would not say we are not doing half of it, but then you know we are doing nothing like all of it?

Mr. WHITE. No; I have not any idea how much of it could be done; all I know is that according to my best judgment, you could use an appropriation easily of $10,000,000 for immigration and it could be used economically and efficiently; but that would require a much larger organization to do it.

You must build up more machinery, and it will take a year or two to get started with it. This committee should get to work and bring out new legislation which will provide for and take care of these things. I believe there are enough old-fashioned men in this House like myself who believe that the appropriation should follow legislation and not anticipate it, and if we allowed this extra $500,000 we are simply anticipating the facts, because they have no machinery to administer it.

Mr. JOHNSON of Washington. There is no law to say that there shall be 500 border patrolmen?

Mr. SHREVE. No.

Mr. JOHNSON of Washington. And we find in the first year the border patrol existed it turned back 11,000 or 12,000. We have the figures here.

The figures are all here. Now, then, it is not anticipation to say that with a small increase in the force—we are not asking you to readjust the pay—they will do still more and keep these people out of the jails of the towns, keep them out of the machinery of actual deportation, do wonders in that way, and in the long run be a great economy.

Mr. SHREVE. Mr. Chairman, after making this careful survey last year we feel we have granted all that should be granted for this service. We had heard there were all kinds of people coming across the border, but I want to say that the number coming across is comparatively small. This very highly efficient organization which the Department of Labor has created along the border is keeping men out. As I said the other day, down in San Antonio, in the matter of two or three months, there were 1,900 of them sent back and 500 more sent out by the customs office and other agencies, the narcotic service, and other services. So these men are being kept out. We talked to the men along the border and we got our information from them; we got information from the immigration men and from the farmers, and I want to say that in the farming section the farmers are rendering most valuable assistance. Everybody agreed that these men were being kept on their own side of the border.

Mr. BOX. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BOX. Mr. Chairman, ladies, and gentlemen of the committee, it is unquestionably true, as stated by members of the committee, that the Assistant Secretary of Labor testified before our committee that the fund as now being provided, with the increase carried in this bill, will take care of the work of the present organization. The gentleman states that accurately. In the brief time I have I will call the attention of the committee to the situation with reference to that organization and its work. The work done during the present year was not nearly adequate because the funds provided by last year's appropriation were not sufficient. Much of the time they could not work for lack of expense money. For some three or four months they were unable to carry forward the work they ought to have been doing. They say the present organization is utterly inadequate. I think myself there ought to be some definite and affirmative provision for an increase of that organization, but I think that has not been the manner in which it has

been built up. The department has had this fund provided and has from time to time increased it, as the funds and the work warranted the increases. Members of this committee should have heard the statement of Assistant Secretary White to the effect that we are barely scratching the surface in the way of deporting dangerous aliens. We are deporting now, or will deport under this appropriation, about 12,000 per year. With the indulgence of the committee, I read one statement made by him, from page 19 of the hearings heretofore referred to. This question was asked of Assistant Secretary White:

To what extent are we meeting the demands for deportations; that is, those covered by the present law? You say we are getting out some 12,000 per year, and if we had the increased appropriation mentioned you could increase that approximately 10 per cent. Will that take care of the work that ought to be done under the present law, Mr. Secretary?

Oh, no; we are taking care of the institutional cases now very satisfactorily. As to cases outside of institutions, we are not even scratching the surface.

The people of the United States want to deport these aliens who are now subject to deportation under the present very moderate, and, I think, insufficient laws. The Government is only deporting a small percentage of those subject to deportation. Our Committee on Immigration and Naturalization has reported and this House has twice passed a bill requiring more deportations but both have failed in the Senate. While I shall not undertake to criticize the action of the Committee on Appropriations, in view of the considerate manner in which it has treated this subject in this present appropriation bill, I want the House to understand that the United States Government is not taking care of this problem. I do not see how the organization can be enlarged under the present status of the law without an additional appropriation. An additional appropriation is required. If it is made, the organization can be enlarged and made to do the work expected of it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SHREVE. Mr. Chairman, I would like to call the attention of the committee at this point to the statement of Mr. White, made during the hearing:

Mr. TAYLOR. Have you any definite idea, Mr. Secretary, of just how many aliens there are in this country to-day who really ought to be deported under existing law?

Mr. WHITE. No; I have not.

Mr. TAYLOR. Have you any way of estimating it?

Mr. WHITE. My guess is just as valuable as any other man's, probably, and there are all sorts of guesses. Everybody is making a guess as to the number. All I can tell you is there are thousands of them.

So it is all simply a matter of guesswork.

Mr. OLIVER of Alabama. Mr. Chairman, I move to strike out the last two words.

Gentlemen, no one in the House is more interested in the enforcement of the immigration law than I am, and every member of this subcommittee has manifested a like interest. We have gone out of our way on many occasions to make special inquiry with a view of providing additional funds for the enforcement of this law, and in order that you may know what has been done in the way of increasing the appropriations for this service I wish to submit some figures which I think you will grant shows a growing interest, and that a very helpful hand has been extended each year by Congress to this important service.

In 1925 we increased the appropriation $1,200,000 over the previous year. The next year we increased it $588,000, the next year $1,000,000, and the next year $575,000, which sum represents the increase which the pending bill carries for the fiscal year 1929.

Mr. White, the Assistant Secretary, was before the committee, and he felt that the increase carried in this bill would adequately provide for the needs of their present force.

I am sure that the legislative committee recognizes the importance at this time of providing some further enabling legislation relative to unlawful entries and deportations. They have made efforts in the past to pass such legislation. When the bill favorably reported by the committee to the last Congress shall be finally written into law, it will greatly aid the Labor Department and its officials in the enforcement of every phase of the immigration law.

There are many embarrassing situations that now present themselves to enforcement officers. I may mention some that the committee has sought to remedy in the deportation law just referred to. Chief among them are the short periods of limitation fixed in the act of 1917. The committee has wisely recommended an extension of that period so that when officers go in search of those unlawfully here, they will not be met with the answer, "Oh, we have been here for three years."

The one fruitful source through which so many to-day are unlawfully entering the United States is through the seaman's route, and to these the three-year limitation applies. Many gain entrance through that source. Some well-considered legislation is required to stop this gap.

I stated the other day, and I think the committee recognizes the force of it, since in their bill they sought to partially remedy it, until you provide punitive punishment for those who repeat their offense against our immigration law you will not discourage offenders nor effectively aid our officers to keep them out. You may vote all the money you will—$10,000,000, if you please—in order to deport those unlawfully here, and yet until your law is changed such deportees can return by the next ship, and when they are again and yet again apprehended, all you can do under existing law is to give them safe passage back to their own country at large expense to our Government.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER of Alabama. Mr. Chairman, may I ask unanimous consent for three minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BOX. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. BOX. The gentleman will recall the bill which this House has twice passed fixing penalties for particular offenses.

Mr. OLIVER of Alabama. Certainly, and what I am leading up to is this: When you shall have done what the committee itself recognizes as urgently important, you will have largely helped in the enforcement of the law, and thereby save the necessity of large annual increases in the appropriation for deportations.

You are not going to ask this House to recklessly spend money seeking to enforce a law that you admit is weak and should be strengthened, or to deport men who can repeatedly return and charge you with the expense of again deporting them, yet provide no punitive penalty for any offense.

You must, indeed, write a law with teeth in it and one, if you please, that will truly, yet effectively, show your interest in the enforcement of the spirit and letter of our immigration law. I am not criticizing the legislative committee, but I wish to emphasize to the House the importance of cooperating with such committee in the passage of a real effective deportation law that will prove a menace to all who seek to violate it.

Mr. HUDSPETH. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. HUDSPETH. My friend has taken a great deal of interest in the border patrol and has helped to increase the number of members in the patrol. I want to commend the gentleman for it, and I also want to ask my friend a question, because I have not the data before me. The gentleman from Texas [Mr. BLANTON] and myself represent the entire border between Mexico and Texas. How many men have we to patrol that border of about 1,000 miles?

Mr. OLIVER of Alabama. I can not now give the gentleman the exact number further than to say we had practically all of those young men on the southern border before us, and we found them active, intelligent, and efficient. They were agreed on this point that a punitive penalty against offenders would help in the enforcement of the law far more than merely to increase their numbers.

Mr. HUDSPETH. I want to state that this is very rough country and inaccessible for automobiles.

Mr. OLIVER of Alabama. I understand that there are somewhere about 400 of the border patrol on the southern boundary.

Mr. HUDSPETH. If you increase that number by 50 or 100 you would not have so many persons to deport, for you would have an efficient constabulary there.

Mr. OLIVER of Alabama. Let me say that I am glad to have any observation from my good friend from Texas, because he strives to always be helpful. But with reference to our border patrol he must admit that it is now efficient. Those in charge state there are but few aliens from across-sea countries that enter through our southern borders. The parties they intercept and turn back are usually Mexicans whom you permit to enter provided they pay a certain fixed fee and apply through regular channels.

Mr. CELLER. Mr. Chairman, I make a point of order against the amendment of the gentleman from Washington.

The CHAIRMAN. The point of order comes too late.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last three words in order to ask the chairman of the subcommittee

a question. I notice on page 62 of the hearings a statement made by Mr. Wagner that it would require $800,000 to properly take care of the transportation item.

Mr. SHREVE. That is another guess; nobody knows anything about it.

Mr. LEAVITT. A little later Mr. Wagner states that it has been necessary, with the officers they have had, to defer deporting many whom they have ascertained should be deported, and they have deferred making investigations.

Mr. SHREVE. That is why we gave this supplementary estimate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The question was taken; and on a devision (demanded by Mr. JOHNSON of Washington) there were 67 ayes and 78 noes.

Mr. JOHNSON of Washington. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. SHREVE and Mr. JOHNSON of Washington.

The committee again divided; and the tellers reported that there were 72 ayes and 83 noes.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment. On page 111, line 8, to strike out the figures "$7,110,000" and insert "$7,160,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 111, line 8, strike out the figures "$7,110,000" and insert "$7,160,000."

Mr. LAGUARDIA. Mr. Chairman, this is in line with my effort to get a decent living wage for all Government employees. We have an Immigration Service, and I am sure if it were investigated it would be found that a large number of men, women, and employees are serving at a ridiculously low rate of wages. Some of the older men who served with me on Ellis Island 20 years ago are still receiving wages of $1,200, $1,400, and $1,500, particularly the laborers, messengers, guards, and some of the interpreters.

After the statements made by the gentleman from Washington and the gentleman from Alabama of the importance of this work, and the good work they are doing, I do not see how this House can refuse to increase the appropriation so as to enable the Secretary of Labor to establish at least a minimum wage of $1,800.

I do not believe a man or woman in the employ of the United States Government should receive less than $1,800 a year.

Mr. O'CONNELL. And is it not a fact that they handle more immigrants in that station than in any other station in the country?

Mr. LAGUARDIA. They did prior to the quota law, and I dare say they do now. But I am not speaking particularly for Ellis Island. I speak for the whole service, where you have laborers, messengers, and guards, and interpreters, and the lower grade of inspectors. I do not know what the committee will do, though I have a very good idea; but I think that to economize on the wages of laborers and charwomen and interpreters, who are getting $1,200 and $1,300 and $1,400 a year, is a very poor way to economize.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BOX. One of the difficulties that aided, probably, in preventing the committee increasing this amount is the legislative situation. The Committee on Immigration and Naturalization now has under consideration a bill dealing directly with that one question. We hope to present it to the House so that the House can deal directly with that question alone and then we hope that appropriations will be provided for if necessary.

Mr. LAGUARDIA. I would like to appear before the gentleman's committee and give some facts, because I worked in that service some years ago. Mr. Chairman, in view of the statement of the gentleman from Texas, who is on the Committee on Immigration and Naturalization, I ask unanimous consent to withdraw my amendment. I shall depend upon that committee getting some action.

The CHAIRMAN. Without objection, the amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

IMMIGRATION STATIONS

For remodeling, repairing (including repairs to the ferry boat, Ellis Island), renovating buildings, and purchase of equipment, $257,000, of which $207,000 shall be immediately available.

Mr. CELLER. Mr. Chairman, that principle, though universal, is not applied to Government service, and particularly is this true in the Immigration Service. There seems to be a lack of proper public appreciation as to the importance of the Immigration Service, and this probably is largely responsible for the low standard of compensation. The Immigration Service has almost always paid for itself. The income last fiscal year was a little over four million; the expenditures for maintaining this service was a little over five million. In some years it has paid its own way. It may be news to some of our citizens to learn the cost of immigration enforcement of the all-important immigration laws has for years been practically defrayed from the collection of alien head taxes, steamship fines, and bond forfeitures, and so forth. See how different it is, for exempli gratia, in the prohibition service where the employees are much better paid and where the net loss to the people is in a stupendous amount.

From the annual immigration appropriation there must be defrayed the enormous expense of detaining and deporting 12,000 aliens annually. I am informed that out of this same appropriation must come the salaries of the employees in the United States as well as in Europe. The amount of this appropriation is fixed. Thus the larger the number of deportees the less there is left for salaries. In other words, the greater the efforts of the immigration employees in enforcing the law the smaller become their opportunities of obtaining better compensation. In the past there have been recurring shortages of funds due to great expense in deporting aliens. Such shortages have caused periodical furloughs without pay for many immigration employees. Thus vigilance in detecting unlawful entrants works against their hope of adequate salaries, unless the American public, through Congress, is awakened to the justice of the plea for better treatment.

The immigration inspector has a difficult task to perform. He is not dealing with cargo or customs duties. He handles human freight. He must be gentle but firm and at all times tactful. Much depends upon his ability to espy and weed out the undesirable. It is not a question of liberal or restricted immigration. The immigration act of 1924 presents many problems that can only be solved by an intelligent and resourceful immigration service. But woefully low salaries and intelligence do not come together.

The Secretary of Labor, in his report for fiscal year ending June 30, 1927, quotes the words of President Coolidge in a presidential message, as follows:

> In the industries the condition of the wage earner has steadily improved. The 12-hour day is almost unknown. Skilled labor is well compensated. But there are unfortunately a multitude of workers who have not yet come to share in the general prosperity of the Nation. Both the public authorities and private enterprise should be solicitous to advance the welfare of this class.

Surely we can not ask private enterprise to be fair to labor unless the Government sets the example.

Many of the officers who board vessels or trains at the border or who are stationed at international bridges or ferry landings are required to work for long stretches to accommodate the traveling public.

Twelve-hour stretches of work are not unusual for immigration inspectors. No extra compensation is provided for overtime work. They are precluded from receiving any pay from the transportation companies who are benefited. Customs employees are permitted to receive extra compensation from the steamship companies for work performed on Sundays, holidays, and after hours. Not so the immigration employees.

The best safeguard against venality in Government service is proper compensation, yet for years a short-sighted policy of economy has refused to set up that safeguard. To the credit of the employees of the Immigration Service be it said that their individual integrity, despite great temptations, ranks as high as any branch of the Federal service.

The low standard of compensation is not limited to the inspectional forces. Clerks performing duties similar to those of court stenographers are given salaries lower than that obtained for ordinary routine clerical work. Guards and matrons, responsible for the safekeeping or delivery to destination of many dangerous aliens, receive an average salary of $25 a week. Even laborers receive smaller compensation than that given to men performing the same kind of work in other departments. Out of the salaries of all the employees comes the 3½ per cent which must be contributed to the pension fund.

The Monthly Labor Review, published by the Bureau of Labor Statistics, gives some interesting figures on the changes in the cost of living and in the purchasing power of the dollar in recent years. While these changes are quite familiar to everybody, except, apparently, those responsible for the fixing of clerical salaries, I wish to invite your attention to them in order to emphasize the injustice of the situation. According to the latest issue of the above publication, the purchasing power of a

dollar, compared with its value in 1913, is 0.687 applied to food and 0.585 applied to clothing. The average purchasing power for all commodities is 0.692 of the 1913 value.

In 1913 the average salary of clerks in the Immigration Service at the port of New York was $1,147.59. Applying the above index number of 0.692 to the present average salary of $1,587.29 it shrinks to $1,098.40, or $49.19 less than the average salary in 1913—a reduction of about 5 per cent. The important item of housing, which is not included in the above figures, constitutes from one-fourth to one-third of the average family budget and is practically double what it was in 1913. When we include that item the reduction in the average salary is far more than 5 per cent.

The older employees are the worst sufferers from this condition because of the glaring lack of a definite policy of promotions. Of approximately 100 clerks at the New York station alone, only one has received an increase in salary since March 1, 1925, and the majority have not received promotions for a much longer period. One-third of the present clerical force at that station are now receiving the entrance salary—$1,320 for clerks and clerk-typists, $1,440 for stenographers—despite the fact that many of them have been in the service three years or more. Most of the older clerks, who are doing important and exacting work, have received no promotions in from four to seven years. The conditions at the New York stations are typical of those prevailing throughout the service.

It is rather incongruous that this condition should prevail in the Labor Department, which was chiefly organized for the welfare of the wage earner. Responsible heads in the Department of Labor, however, realize the inadequate salaries, and, I am sure, are willing to help increase them. But Congress is the only tribunal to give relief. Be it remembered that the zeal to practice economy by the President, the Bureau of the Budget, and Appropriations Committees might, indeed, be praiseworthy, but even that virtue can be overdone and may easily become a vice.

Like my colleague from New York [Mr. LAGUARDIA] I propose to offer an amendment to H. R. 8269, making appropriations for the Department of Labor, by increasing appropriations by the sum of $200,000 to be used to increase salaries for the immigration personnel. In view of the statement of the gentleman from Texas [Mr. Box] that the Immigration Committee will soon report a special bill dealing directly with this question, I have withdrawn my amendment and hope I shall have an opportunity to appear before the committee to plead the cause of these men.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the gentleman from Pennsylvania, in charge of the bill, or of the chairman of the Committee on Immigration and Naturalization. It is my understanding that we provided in our immigration laws for the admission of about 150,000 immigrants a year. I have seen it stated in the newspapers that a very much larger number comes into the country, in one instance 300,000 and in another instance 500,000.

Mr. JOHNSON of Washington. The law if carried out properly permits about 162,000 to come from European countries, and there are certain exemptions. The number actually coming each year is about a half million and the number going out is about 250,000. There is a net of 250,000, of which 45 per cent are from Canada and Mexico.

The Clerk read as follows:

General expenses: For compensation, to be fixed by the Secretary of Labor, of officers, clerks, and employees appointed, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (37 Stat. L. 736), and May 9, 1918 (40 Stat. L. 542–548, inclusive), including not to exceed $68,940 for personal services in the District of Columbia, of which amount $10,000 shall be available only for compensation of temporary employees, in accordance with the classification act of 1923; traveling expenses, including not to exceed $400 for expenses of attendance at meetings concerned with the naturalization of aliens when incurred on the written authority of the Secretary of Labor; street-car fare, telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; necessary supplies and equipment for the Naturalization Service; not to exceed $25,000 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stat. L. 600), as amended by the act approved June 25, 1910 (36 Stat. L. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917; and for mileage and fees to witnesses subpœnaed on behalf of the United States, the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, $680,000: *Provided*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts.

Mr. GIBSON. Mr. Chairman, I move to strike out the last word.

In the general debate on the pending bill there was some discussion of the border patrol system. This new arm of the service is doing a good work along the boundary that separates my district from the Dominion of Canada. The personnel is excellent. The men are intelligent, alert, able, and are giving to their Government all that is in them.

The force consisting of a chief inspector and 13 inspectors cover a territory from Maine eastward to Lake Champlain and down the lake for 50 miles.

They have a difficult situation with which to deal. In the territory covered 125 roads cross the border, not counting many wood roads that are passable. There are many roads passing every port of entry connecting up with the main arteries of travel by crossroads through sparsely settled communities. Take the situation at North Troy as an illustration. The customs office and immigration station is located on the main highway from the north. But within a distance of 2 miles six other roads also enter the States. At Derby Line there are six roads within a distance of a little over 2 miles. The same condition exists at nearly every station in my district.

Automobile travel has made the problem of preventing the entrance of the alien more difficult. At North Troy, a small border town, 3,593 persons arriving by train and 193,944 by auto were examined by the regular force consisting of an immigration inspector and four customs men in the winter and seven in the summer. At Derby Line, another small town, 10,663 persons arriving by train and 218,352 by auto were examined. Over 400,000 persons going into and coming out of Canada passed that station last year. In all, 997,137 entered by railway and highway last year at the stations of Richford and east to New Hampshire. The work of examination was handled by a force of 18 inspectors and 14 border patrol.

Our border patrol in 1926 covered 82,859 miles (62,916 by motor, 2 by boat, 1,823 on foot, 18,116 by rail). Eight hundred and fifty-three freight trains, 4,916 passenger trains, 14,431 automobiles, 61 busses, and 165 other conveyances were examined. Thirty-nine thousand and eighteen people were questioned, 52 independent investigations made, 18 smugglers and 125 smuggled aliens were captured, 188 persons were turned over to immigrant inspectors for further action, 30 automobiles valued at $14,350, and contraband goods valued at $4,513.45 were captured. That was a good year's work for that faithful band of men.

In order to cover the work required by the immigration laws, the 18 inspectors had to work many hours of overtime. At none of the ports was a 24-hour service maintained. For that reason there was nothing to prevent aliens from entering during the hours of the day or night when inspectors were obliged to be off duty for rest.

The aliens are coming in without right. Hundreds of them come over our northern border every year and adding to the million or more who are already here unlawfully. The flow can not be stopped unless a sufficient appropriation is made to provide practically a 24-hour service on every highway leading from Canada. Good work is being done with the force at hand, but we ought to be honest with ourselves and honest with the country and provide a sum sufficient to enforce the law and give it effect.

Our immigration officials are lacking equipment, furniture, and supplies. Filing cabinets, transfer cases, even chairs and desks, are needed. A better type of automobile should be provided to cope with the high-powered cars of the smugglers. Time and time again, when requisitions are made, the officials are informed that the appropriation is insufficient to provide for their purchase. The Government has never provided sufficient funds for the regular service or for the border patrol along the northern border of Vermont.

Another thing I wish to call to your attention. The Customs Service and the Immigration Service are not well housed. At Derby Line, where 400,000 people pass every year, until two years ago the necessary examinations were made on the piazza of a country hotel. I succeeded in interesting some public-spirited citizens, who saw the shame of this great and rich country doing its business in that way, in the acquiring for the services of respectable quarters at a low rental. At North Troy, where more than 200,000 pass every year, a room 10 by 15 in one end of a railway station served as an office where five men worked in the winter and eight in the summer. It was also used for the detention of immigrants and for the storage of captured liquor. There, too, public-spirited citizens had to come to the rescue of the Government, and as a result a building has been erected for the transaction of the business of the Government. I look ahead with hope to a day when the United States will erect at the border a uniform type of

a building for the Customs and the Immigration Services that will be a credit to us.

We in Vermont are interested in the enforcement of the immigration law. Our able Senator, than whom no better ever served a people, the late William P. Dillingham, gave of his energy and time to the enactment of sane legislation. A constituent of mine, Hon. W. W. Husband, Assistant Secretary of Labor, one of the best-informed men in the world on immigration matters, is ably assisting in the enforcement of the present act. So we are anxiously looking ahead to the time when efforcement will not be hampered for lack of funds.

The Clerk concluded the reading of the bill.

Mr. SHREVE. Mr. Chairman, I wish to say to the House that an amendment is coming over from the Bureau of the Budget respecting the airway. Members will recall that a few days ago I said that I thought that the amount that we were appropriating is not sufficient, and it has turned out so; and there will be an amendment, which we will offer at the proper time in the Senate. I want the House to understand that.

Mr. OLIVER of Alabama. Mr. Chairman, I fully concur in that statement. The whole committee were under the impression that probably that amount would have to be increased. I understand that the increase carried in the supplemental estimate will be about $325,000, which it is hoped will care fully for the lighted-airway program for the fiscal year 1929.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield to me?

Mr. SHREVE. Yes.

Mr. JOHNSON of Washington. Inasmuch as that amendment is not here, would not the gentleman like to move that the committee rise to-night and meet to-morrow? I would like to make a motion to recommit.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SHREVE. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. BLANTON. Mr. Speaker, I demand the reading of the engrossed copy. I do this because the gentleman from Washington [Mr. JOHNSON] has an important motion to recommit which he wishes to make, which ought not to be taken up until to-morrow morning.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a bill of the House of the following title:

H. R. 483. An act authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 11, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 11, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture (H. R. 6074).

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

War Department appropriation bill.

Post Office Department appropriation bill.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact (H. R. 5773).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to hear Secretary Wilbur discuss the building program.

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON FLOOD CONTROL

(10 a. m.—caucus room)

A meeting to hear members of the Mississippi River Commission discuss projects proposed to control the flood waters of the Mississippi.

(2 p. m.—caucus room)

To hear Representative GIBSON and a delegation from Vermont discuss flood-control projects.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To provide for the coordination of public health activities of the Government (H. R. 5766).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

278. A letter from the Secretary of the Treasury, transmitting schedules and lists of papers, documents, etc., in the files of this department which are not needed in the transaction of public business and have no permanent value; to the Committee on Disposition of Useless Executive Papers.

279. A letter from the Secretary of Labor, transmitting statement of typewriters, adding machines, and other labor-saving devices exchanged in part payment for new machines during the fiscal year ended June 30, 1927; to the Committee on Expenditures in the Executive Departments.

280. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year ending June 30, 1929, for the Department of Interior, amounting to $32,250 (H. Doc. No. 136); to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FURLOW: Committee on Military Affairs. H. R. 232. A bill to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto; with amendment (Rept. No. 249). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPEAKS: Committee on Military Affairs. H. R. 8550. A bill to amend the national defense act; with amendment (Rept. No. 250). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. J. Res. 39. A joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy, at West Point, two Chinese subjects, to be designated hereafter by the Government of China; without amendment (Rept. No. 253). Referred to the House Calendar.

Mr. FISHER: Committee on Military Affairs. H. J. Res. 40. A joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy, at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam; without amendment (Rept. No. 254). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JAMES: Committee on Military Affairs. H. R. 7926. A bill to place a retired officer of the Army on the retired list as a major general; without amendment (Rept. No. 251). Referred to the Committee of the Whole House.

Mr. SUTHERLAND: Committee on the Territories. H. J. Res. 135. A joint resolution for the relief of special disbursing agents of the Alaska Railroad; without amendment (Rept. No. 252). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS:

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NIEDRINGHAUS: A bill (H. R. 9018) granting the consent of Congress to E. M. Elliott & Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKS: A bill (H. R. 9019) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River near Calion, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM: A bill (H. R. 9020) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

Also, a bill (H. R. 9021) providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 9022) to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va.; to the Committee on the Judiciary.

Also, a bill (H. R. 9023) to authorize the Attorney General to regulate the wearing, manufacture, and sale of badges used by certain Government officials; to the Committee on the Judiciary.

Also, a bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation; to the Committee on the Judiciary.

Also, a bill (H. R. 9025) to permit the United States to be made a party defendant in certain cases; to the Committee on the Judiciary.

Also, a bill (H. R. 9026) to amend section 1112 of the Code of Law for the District of Columbia; to the Committee on the Judiciary.

Also, a bill (H. R. 9027) to further protect interstate and foreign commerce against bribery and other corrupt trade practices; to the Committee on the Judiciary.

Also, a bill (H. R. 9028) to amend the Judicial Code by adding a new section, to be No. 274D; to the Committee on the Judiciary.

Also, a bill (H. R. 9029) providing for a fee to clerks of court in certain cases; to the Committee on the Judiciary.

Also, a bill (H. R. 9030) to amend section 176 of the Judicial Code; to the Committee on the Judiciary.

By Mr. SINNOTT (by departmental request): A bill (H. R. 9031) to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way; to the Committee on the Public Lands.

By Mr. CHRISTOPHERSON: A bill (H. R. 9032) reinvesting title to certain lands in the Yankton Sioux Tribe of Indians; to the Committee on Indian Affairs.

By Mr. HOWARD of Oklahoma: A bill (H. R. 9033) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'"; to the Committee on Indian Affairs.

By Mr. JOHNSON of Indiana: A bill (H. R. 9034) providing for the examination and survey of the Wabash River, and for the construction of a canal connecting the Wabash River with the Maumee River, said canal to extend between Huntington, Ind., and Fort Wayne, Ind.; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Washington: A bill (H. R. 9035) to establish a uniform rule of naturalization and to amend and codify the laws relating thereto, to provide for recognition of citizenship in certain cases, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. LUCE: A bill (H. R. 9036) to increase the salary of the Librarian of Congress; to the Committee on the Library.

By Mr. LEAVITT (by request): A bill (H. R. 9037) to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use; to the Committee on Indian Affairs.

By Mr. IGOE: A bill (H. R. 9038) to amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, and for other purposes"; to the Committee on the Post Office and Post Roads.

By Mr. PORTER: A bill (H. R. 9039) authorizing an appropriation for the payment of claims arising out of the occupation of Vera Cruz, Mexico, by American forces in 1914; to the Committee on Foreign Affairs.

By Mr. PERKINS: A bill (H. R. 9040) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. OLDFIELD: A bill (H. R. 9041) to authorize the President to classify certain positions under the civil service act; to the Committee on the Civil Service.

By Mr. HOPE: A bill (H. R. 9042) for the acquisition of a site and erection thereon of a public building at Dodge City, in the State of Kansas; to the Committee on Public Buildings and Grounds.

By Mr. PORTER: A bill (H. R. 9043) to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood;* to the Committee on Foreign Affairs.

Also, a bill (H. R. 9044) authorizing the payment of an indemnity to the British Government on account of the death of Samuel Richardson, a British subject, alleged to have been killed at Consuelo, Dominican Republic, by United States marines; to the Committee on Foreign Affairs.

By Mr. SCHNEIDER: A bill (H. R. 9045) granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River, at or near Marinette, Wis.; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: A bill (H. R. 9046) to amend section 17 of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," as amended by the act of June 10, 1896; to the Committee on Indian Affairs.

By Mrs. KAHN: A bill (H. R. 9047) to authorize appropriations for the construction of roads at the Presidio of San Francisco, Calif.; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 9048) to authorize the erection of a Veterans' Bureau hospital in the State of California, and to authorize the appropriation therefor, $2,000,000; to the Committee on World War Veterans' Legislation.

By Mr. GRAHAM: A bill (H. R. 9049) to amend section 227 of the Judicial Code; to the Committee on the Judiciary.

Also (by request), a bill (H. R. 9050) to amend section 260 of the Judicial Code as amended; to the Committee on the Judiciary.

Also, a bill (H. R. 9051) to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and cost, and for other purposes"; to the Committee on the Judiciary.

Also, a bill (H. R. 9052) to amend section 6 of the act of May 28, 1896; to the Committee on the Judiciary.

Also, a bill (H. R. 9053) to authorize the designation of persons to act for disbursing officers and others charged with the disbursement of public moneys of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 9054) to amend section 118 of the Judicial Code to provide for the appointment of law clerks to United States circuit judges; to the Committee on the Judiciary.

By Mr. JONES: A bill (H. R. 9055) to detach Hardeman County from the Fort Worth division of the northern judicial district of the State of Texas and attach the same to the Wichita Falls division of said district; to the Committee on the Judiciary.

By Mr. LEAVITT (by request): A bill (H. R. 9056) to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use; to the Committee on Indian Affairs.

By Mr. MEAD: A bill (H. R. 9057) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, the China relief expedition, or Coast Guard Artillery service of the United States, their widows and orphans; to the Committee on Pensions.

Also, a bill (H. R. 9058) to provide a shorter workday on Saturday for postal employees; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 9059) to establish a system of longevity pay for postal employees; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 9060) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 9061) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes," approved July 3, 1926; to the Committee on Invalid Pensions.

By Mr. GRAHAM (by request): A bill (H. R. 9062) to amend section 284 of the Judicial Code of the United States; to the Committee on the Judiciary.

By Mr. STEAGALL: A bill (H. R. 9063) to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLGOOD: A bill (H. R. 9064) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Coosa River near Pell City on the Pell City-Anniston road between Calhoun and St. Clair Counties, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: Joint resolution (H. J. Res. 144) to provide for the payment of claims of certain German nationals against the United States; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 145) to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 146) to provide for the payment of an indemnity to the Dominican Republic for the death of Juan Soriano, who was killed by the landing of an airplane belonging to the United States Marine Corps; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 147) for the relief of the estate of the late Max D. Kirjassoff; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 148) to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, alleged to have been killed by a United States Army ambulance in Colon, Panama; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 149) to authorize an appropriation for the compensation of William Wiseman; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 150) to provide for the payment of an indemnity to the Government of the Netherlands for compensation for personal injuries sustained by two Netherlands subjects, Arend Kamp and Francis Gort, while the U. S. S. *Canibas* was loading on May 1, 1919, at Rotterdam; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 151) to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 152) authorizing and requesting the President to extend invitations to foreign governments to be represented by delegates at the International Congress of Entomology to be held in the United States in 1928; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 153) for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 154) authorizing payment of the claim of the Norwegian Government for interest upon money advanced by it in connection with the protection of American interests in Russia; to the Committee on Foreign Affairs.

By Mr. IGOE: Joint resolution (H. J. Res. 155) to repeal the national prohibition act; to the Committee on the Judiciary.

By Mr. BROWNE: Joint resolution (H. J. Res. 156) authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be held in Great Britain during June–July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates; to the Committee on Foreign Affairs.

By Mr. BEERS: Concurrent resolution (H. Con. Res. 14) to provide for the publication of 130,000 copies of the Special Report on the Diseases of Cattle; to the Committee on Printing.

Also, concurrent resolution (H. Con. Res. 15) to provide for the publication of 130,000 copies of the Special Report on the Diseases of Horse; to the Committee on Printing.

By Mr. LINTHICUM: Resolution (H. Res. 85) for the appointment of a committee to investigate differences which have arisen between the authorities of the Naval Academy at Annapolis and those of the Military Academy at West Point over the rules and regulations governing the game of football, and for other purposes; to the Committee on Rules.

By Mr. BERGER: Resolution (H. Res. 86) directing the Speaker of the House of Representatives to appoint a special committee of the House of Representatives for the purpose of investigating conditions now prevailing in the bituminous coal fields where a suspension of labor activities is in progress; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. BECK of Wisconsin: Memorial of the Legislature of the State of Wisconsin, requesting the President of the United States to enter into negotiations with the Government of Italy concerning persons born in Italy who have become citizens of the United States. To the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of the State of Wisconsin, protesting to Congress and to the Secretary of Agriculture of the United States against the passage of the Frazier-Burtness bill (H. R. 16776 and S. 5696), depriving the grain and warehouse commission of Wisconsin of authority to act as Federal inspectors of grains in transit; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Wisconsin, relating to outlawry of war; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Wisconsin, memorializing Congress to adopt Senate Concurrent Resolution 15, Sixty-ninth Congress, second session, relating to "dollar diplomacy"; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the National Government to submit to arbitration the Mexican and Nicaraguan controversies; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 9065) granting a pension to Allie E. Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9066) granting a pension to Ruth Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9067) granting an increase of pension to Amelia A. Ellis; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 9068) granting an increase of pension to Illinois Christie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9069) granting an increase of pension to Christina Meyer; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 9070) granting a pension to Elmer H. Clingan; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 9071) for the relief of Ed Burleson; to the Committee on Military Affairs.

By Mr. BUTLER: A bill (H. R. 9072) for the relief of Louis A. Yorke; to the Committee on Naval Affairs.

By Mr. CLARKE: A bill (H. R. 9073) to correct the naval record of John Lewis Burns; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 9074) authorizing the Secretary of War to award a congressional medal of honor to Henry M. Brinkerhoff; to the Committee on Military Affairs.

By Mr. CURRY: A bill (H. R. 9075) granting a pension to Pearl J. Pool; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 9076) to correct the military record of Andrew J. Carr; to the Committee on Military Affairs.

By Mr. DARROW: A bill (H. R. 9077) for the relief of Fred C. Martsolf; to the Committee on Military Affairs.

By Mr. EATON: A bill (H. R. 9078) granting an increase of pension to Ida May Gaston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9079) granting a pension to Keturah E. Pierson; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 9080) granting an increase of pension to Ida Harper; to the Committee on Pensions.

By Mr. FREAR: A bill (H. R. 9081) granting an increase of pension to Ellen J. Cartland; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 9082) granting an increase of pension to George F. Tinkham; to the Committee on Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 9083) for the relief of Roland Webster; to the Committee on Claims.

By Mr. GRAHAM: A bill (H. R. 9084) to amend the military record of James M. Kelly; to the Committee on Military Affairs.

Also, a bill (H. R. 9085) for the relief of Charles A. Moore; to the Committee on Foreign Affairs.

Also, a bill (H. R. 9086) for the relief of William Henry Savage; to the Committee on Naval Affairs.

Also, a bill (H. R. 9087) granting a pension to Sarah E. Ashley, also known as Sallie E. Ashley; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 9088) granting an increase of pension to Mary A. Hall; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 9089) granting an increase of pension to Maggie Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9090) granting an increase of pension to Jane C. Poulson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9091) granting an increase of pension to Charles D. Forney; to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 9092) granting an increase of pension to Harriett L. Bowen; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 9093) granting an increase of pension to Joseph Wilder; to the Committee on Pensions.

Also, a bill (H. R. 9094) granting a pension to John Haners; to the Committee on Pensions.

Also, a bill (H. R. 9095) granting a pension to Arnitt Mitchell, to the Committee on Invalid Pensions.

Also, a bill (H. R. 9096) granting a pension to John Sexton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9097) granting an increase of pension to John Salyer; to the Committee on Pensions.

By Mr. LEECH: A bill (H. R. 9098) granting a pension to Celesta Shuman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9099) granting a pension to Velma Shuman; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 9100) granting an increase of pension to Hugh J. Gallagher; to the Committee on Pensions.

By Mr. MONAST: A bill (H. R. 9101) granting an increase of pension to Elizabeth Kagan; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 9102) granting a pension to Maria Rutter; to the Committee on Invalid Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 9103) granting an increase of pension to Jane A. McDonagh; to the Committee on Invalid Pensions.

By Mr. NORTON of Nebraska: A bill (H. R. 9104) granting a pension to Gus Pike; to the Committee on Invalid Pensions.

By Mr. NEWTON: A bill (H. R. 9105) for the relief of Raymond L. Higgins; to the Committee on Naval Affairs.

By Mr. O'BRIEN: A bill (H. R. 9106) granting a pension to Anderson M. Jarrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9107) for the relief of G. W. Hayhurst; to the Committee on Claims.

Also, a bill (H. R. 9108) granting an increase of pension to Harriet Knizely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9109) granting an increase of pension to Sarah E. Harrison; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 9110) granting a pension to Mary J. Moore; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 9111) granting an increase of pension to Catherine Rarick; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 9112) for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds; to the Committee on Foreign Affairs.

By Mr. PRATT: A bill (H. R. 9113) granting an increase of pension to Martha Alice Dimmick; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 9114) granting an increase of pension to Naoma Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9115) granting an increase of pension to Adline Sowders; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 9116) granting an increase of pension to Diantha Dean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9117) granting a pension to Clara Henderson; to the Committee on Invalid Pensions.

By Mr. SINCLAIR: A bill (H. R. 9118) for the relief of William C. Braasch; to the Committee on the Public Lands.

By Mr. SWICK: A bill (H. R. 9119) for the relief of the estate of James Glover, deceased; to the Committee on War Claims.

By Mr. THATCHER: A bill (H. R. 9120) granting an increase of pension to Elizabeth Hamacher; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 9121) granting an increase of pension to Julia E. Whittlesey; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 9122) granting an increase of pension to Sarah Emma Hooper; to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 9123) granting a pension to Monroe C. Burdeshaw; to the Committee on Pensions.

Also, a bill (H. R. 9124) granting an increase of pension to Arthur F. Truitt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1211. By Mr. ALDRICH: Petition of 117 voters of Westerly, R. I., urging passage of legislation increasing the pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1212. By Mr. BARBOUR: Petitions of citizens of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1213. By Mr. CARLEY: Protest by Olof Sigbjornsen, 742 Fifty-third Street, Brooklyn, N. Y., and 31 other citizens, against passage of Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1214. By Mr. BECK of Wisconsin: Petition of Sparta, Clark, Monroe, La Crosse, and Marquette Counties of Wisconsin, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1215. By Mr. BLOOM: Petition of John McGowan and other citizens of the city of New York, protesting against the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1216. By Mr. BOHN: Petition protesting against the new quota in our Federal immigration law; to the Committee on Immigration and Naturalization.

1217. By Mr. BOIES: Petition signed by citizens of Whiting, Monona County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1218. Also, petition signed by citizens of Sioux City, Woodbury County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1219. Also, petition signed by citizens of Sioux City, Woodbury County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1220. By Mr. BURTNESS: Papers to accompany House bill 8580, granting an increase of pension to Angeline R. Davis; to the Committee on Invalid Pensions.

1221. By Mr. CHALMERS: Petition against compulsory Sunday observance, signed by residents of Toledo, Ohio; to the Committee on the District of Columbia.

1222. By Mr. CLARKE: Petitions from the citizens of Otego and Oneonta, N. Y., against compulsory Sunday observance; to the Committee on the District of Columbia.

1223. By Mr. COCHRAN of Pennsylvania: Petition of 44 citizens of Warren, Pa., and vicinity, protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1224. Also, petition signed by C. W. Pearson and 74 other residents of Warren, Pa., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1225. Also, petition signed by C. F. Hansen and other residents of Warren County, Pa., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1226. By Mr. COMBS: Petition in protest against House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1227. Also, petition in protest against House bill No. 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1228. By Mr. CORNING: Petition of sundry citizens of the city of Albany, protesting against the passage of House bill 78, known as the Lankford bill, relating to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1229. By Mr. CURRY: Petition signed by several thousand residents of the third California district, protesting against the enactment of religious legislation, and particularly against the Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1230. By Mr. DEMPSEY: Petition against Sunday observance bill (H. R. 78) by citizens of Kenmore, N. Y.; to the Committee on the District of Columbia.

1231. By Mr. DICKINSON of Missouri: Petition of 273 citizens of the sixth district of Missouri, protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1232. By Mr. DOUGLAS of Arizona: Petition signed by Seventh Day Adventists residing in Arizona, protesting against House bill 78, introduced by Congressman Lankford; to the Committee on the District of Columbia.

1233. By Mr. DRANE: Petition of citizens of Florida, against compulsory Sunday legislation; to the Committee on the District of Columbia.

1234. Also, petition of citizens of Florida, against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1235. By Mr. ENGLEBRIGHT: Petition of Orin Duncan and other citizens of Redding, Anderson, and Cottonwood, Calif., protesting against proposed Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1236. Also, petition of M. J. Williams and other citizens of Yreka, Calif., protesting against the proposed Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1237. Also, petition of citizens of Hilts, Calif., protesting against proposed Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1238. Also, petition of citizens of Placerville, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1239. Also, petition of various citizens in the vicinity of Red Bluff, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1240. Also, petition of M. J. Williams and other citizens of Yreka, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1241. Also, petition of Mrs. F. B. McCann and other citizens of Happy Camp, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1242. By Mr. EVANS of Montana: Petition of H. A. Green, of Missoula, Mont., together with residents of Bonner and Milltown, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1243. By Mr. FAUST: Petition of the botanical department of St. Joseph Junior College, St. Joseph, Mo., protesting against efforts of private interests to procure a part of the Yosemite National Park; to the Committee on Public Buildings and Grounds.

1244. By Mr. FENN: Petition of citizens of Hartford, Conn., and vicinity, protesting against the passage of House bill 78, and any other bills relative to the compulsory observance of Sunday; to the Committee on the District of Columbia.

1245. Also, petition of residents of Hartford, East Hartford, New Britain, South Manchester, Willimantic, East Windsor Hill, and Windsor, Conn., protesting against the passage of House bill 78, and any other bills relative to the compulsory observance of Sunday; to the Committee on the District of Columbia.

1246. By Mr. FRENCH: Petition of 14 citizens of Washington County, Idaho, protesting against enactment of House bill 78, or other compulsory Sunday observance; to the Committee on the District of Columbia.

1247. By Mr. FROTHINGHAM: Petition of residents of Brockton, Mass., protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1248. By Mr. GARBER: Letter of Col. Charles West, Tulsa, Okla., in regard to the condition of our Army, especially the reserve situation, and urging the necessity of utilizing the period of peace in training our officers to the high standard of efficiency required in time of war; to the Committee on Military Affairs.

1249. Also, petition from the citizens of Ponca City, Okla., in protest to the passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

1250. Also, petition from the citizens of Newkirk, Okla., and vicinity, in protest to the passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

1251. By Mr. GARNER of Texas: Petition of citizens of Falfurrias, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

1252. By Mr. GOLDSBOROUGH: Petition of citizens of Elkton, Md., and others, protecting against passing of House bill 78; to the Committee on the District of Columbia.

1253. By Mr. HADLEY: Petition of a number of residents of Langley and Freeland, Wash., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1254. Also, petition of a number of residents of Startup, Wash., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1255. Also, petition of a number of residents of Marysville, Wash., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1256. Also, petition of a number of residents of Kent, Wash., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1257. Also, petition of a number of residents of Everett, Wash., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1258. Also, petition of a number of residents of Island County, Wash., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1259. Also, petition of a number of residents of Skagit County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1260. Also, petition of residents of Mount Vernon, Wash., and vicinity, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1261. By Mr. HAWLEY: Petitions of residents of Washington and Yamhill Counties, Albany, Lane County, Columbia County, Tillamook County, Polk County, Grand Ronde, Milwaukie, Harrisburg, Cottage Grove, Clatskanie, Gaston, Waldport, Forest Grove, McMinnville, Carlton, Grants Pass, and Goble, all in the State of Oregon, opposing the passage of the Sunday observance bill; to the Committee on the District of Columbia.

1262. Also, petitions of residents of Roseburg, Sutherlin, Umpqua, Lane County, Coos County, Cottage Grove, Douglas County, Hillsboro, Clatskanie, Gaston, Clackamas County, and Oregon City, all in the State of Oregon, opposing the passage of the Sunday observance bill; to the Committee on the District of Columbia.

1263. By Mr. HANCOCK: Petition of Mrs. Robert L. Clark and other residents of Syracuse, N. Y., in opposition to House bill 78; to the Committee on the District of Columbia.

1264. Also, petition of R. L. Clark and other residents of Syracuse, N. Y., against the enactment of House bill 78; to the Committee on the District of Columbia.

1265. By Mr. HICKEY: Petition of Orval Quick and other citizens of La Porte, Ind., opposing passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1266. Also, petition of A. B. Dilworth and other citizens of South Bend, Ind., opposing the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1267. Also, petition of 53 citizens of Kosciusko County, Ind., opposing the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1268. By Mr. HOCH: Petition of L. D. Garrett and sundry other citizens of Burlington, Kans., protesting against the proposed Sunday observance bill; to the Committee on the District of Columbia.

1269. Also, petition of Curt Miller and 20 adult residents of Eureka, Greenwood County, Kans., earnestly asking Congress not to pass House bill 78 or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

1270. Also, petition of D. L. Roser and sundry other citizens of Burlington, Kans., protesting against the proposed legislation, House bill 78; to the Committee on the District of Columbia.

1271. By Mr. HOOPER: Petition of Mrs. G. W. VanFossen and 32 other residents of Hillsdale County, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1272. By Mr. HUDDLESTON: Petition of Mrs. George W. Fisher and numerous other residents of Fulton Springs and Lewisburg, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

1273. Also, petition of Emma Winston and numerous other residents of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

1274. Also, petition of Will Roberson D. McFarland and numerous other residents of Bessemer, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

1275. Also, petition of C. W. Banta and numerous other residents of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

1276. By Mr. KADING: Petition signed by 37 citizens of Fort Atkinson, Wis., protesting against the passage of any Sunday observance legislation; to the Committee on the District of Columbia.

1277. Also, petition signed by 76 citizens of Portage, Wis., protesting against the passage of so-called Sunday observance legislation; to the Committee on the District of Columbia.

1278. Also, petition signed by 115 citizens of Sheboygan, Wis., protesting against the passage of so-called Sunday observance legislation; to the Committee on the District of Columbia.

1279. By Mr. KETCHAM: Petition of D. L. Hyde and 20 other residents of Benton Harbor, Mich., protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1280. Also, petition of 134 residents of Lawton, Mich., and vicinity, protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1281. Also, petition of L. R. Hutchins and 219 other residents of Paw Paw, Mich., and vicinity, protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1282. Also, petition of F. L. Rogers and 9 other residents of Decatur, Mich., protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1283. Also, petition of Edw. F. Everard and 27 other residents of Sturgis, Mich., protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1284. By Mr. LINTHICUM: Petition of Steele-Lobell Co., of Baltimore, favoring the Capper-Kelly fair trade bill; to the Committee on Interstate and Foreign Commerce.

1285. By Mr. McREYNOLDS: Petition containing the names of 64 voters from the town of Cleveland, Tenn., protesting against the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1286. By Mr. MacGREGOR: Petition of citizens of Buffalo, N. Y., protesting against the passage of the Lankford bill for the compulsory observance of Sunday; to the Committee on the District of Columbia.

1287. Also, petition of citizens of Buffalo, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1288. By Mr. MAAS: Petition of citizens of St. Paul, Minn., protesting against the enactment into law of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1289. By Mr. MILLER: Petition of citizens of Seattle, Wash., and Kitsap County, Wash., protesting against House bill 78, District of Columbia Sunday closing bill; to the Committee on the District of Columbia.

1290. By Mr. MORIN: Petition of the Jewish National Workers' Alliance, of Pittsburgh, Pa., urging Congress to take proper measures that may lead to a cessation of the anti-Semitic massacres in Rumania; to the Committee on Foreign Affairs.

1291. By Mr. MORROW: Petition of citizens of Colfax County, N. Mex., protesting against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

1292. Also, petition of citizens of Fort Stanton, N. Mex., protesting against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

1293. By Mr. NELSON of Missouri: Petition signed by citizens of Montreal and Ulman, Camden County, Mo., against compulsory Sunday observance; to the Committee on the District of Columbia.

1294. Also, petition signed by citizens of Florence, Mo., against Sunday observance; to the Committee on the District of Columbia.

1295. By Mr. NEWTON: Petition of O. O. Bernstein and others, of Minneapolis, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1296. By Mr. NIEDRINGHAUS: Petition of H. C. Hartwell and 199 other residents of St. Louis and St. Louis County, Mo., protesting against the enactment of House bill 78, and all other proposed legislation compelling Sunday observance; to the Committee on the District of Columbia.

1297. By Mr. O'BRIEN: Petition of residents of Clarksburg, W. Va., against compulsory Sunday observance; to the Committee on the District of Columbia.

1298. By Mr. ROMJUE: Petition of Mrs. J. W. Thomas, Reba Steffey, et al., of Queen City, Mo., in opposition to the passage of House bill 78; to the Committee on the District of Columbia.

1299. Also, petition of Charles E. Colinot, J. L. Brightwell, and others, of Monticello, Mo., against passage of House bill 78; to the Committee on the District of Columbia.

1300–1301. By Mr. SUMMERS of Washington: Petition signed by W. I. Smith and 764 others, of Walla Walla County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1302. Also, petition signed by H. B. Noland and others, of Walla Walla County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1303. Also, petition signed by Dr. E. L. Whitney and 285 others, of Walla Walla County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1304. Also, petition signed by J. E. Shimek and others, of Kahlotus, Wash., urging relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

1305. By Mr. SANDERS of Texas: Petition of Texas S. H. Gross and 62 other citizens of Van Zandt County, Tex., protesting against compulsory Sunday observance legislation, and especially the Lankford bill; to the Committee on the District of Columbia.

1306. By Mr. SINNOTT: Petition of a large number of citizens of Milton-Freewater (Umatilla County), Oreg., protesting against the enactment into law by Congress of House bill 78, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1307. Also, petition of numerous citizens of Bend, Oreg., protesting against the enactment into law by Congress of House bill 78, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1308. Also, petition of numerous citizens of Hood River, Deschutes, Crook, etc., Counties in Oregon, protesting against the enactment into law by Congress of House bill 78 or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1309. Also, petition of numerous citizens of The Dalles, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1310. Also, petition of numerous citizens of Morrow County, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1311. By Mr. TABER: Petition of citizens of the thirty-sixth congressional district of New York against House bill 78, Sun-

day observance bill; to the Committee on the District of Columbia.

1312. By Mr. TAYLOR of Colorado: Petitions from citizens of Clifton, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1313. Also, petition from citizens of Palisade, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1314. Also, petition from citizens of Kline, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1315. Also, petition from citizens of Dolores, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1316. Also, petition from citizens of Fruita, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1317. Also, petition from citizens of Cedaredge, Colo., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1318. Also, petition from citizens of Durango, Colo., and vicinity, protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1319. By Mr. WARE: Petition of Mrs. R. W. Moor and others, protesting against House bill 78; to the Committee on the District of Columbia.

1320. Also, petition of Mrs. Hezzy Romans and others, protesting against House bill 78; to the Committee on the District of Columbia.

1321. By Mr. WATSON: Resolution adopted by Patriotic Order Sons of America of Pennsylvania, favoring enactment of more rigid enforcement of immigration laws; to the Committee on Immigration and Naturalization.

1322. Also, petition from members of the Woman's Christian Temperance Union, in protest against the billion-dollar Navy building program and favoring negotiations of treaties to prevent war; to the Committee on Naval Affairs.

1323. By Mr. WEAVER: Petition of citizens of Buncombe County, N. C., protesting against the passage of House bill 78; to the Committee on this District of Columbia.

1324. By Mr. WILLIAMS of Missouri: Petition of Mrs. Thomas E. Blair and 127 others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1325. Also, petition of G. W. Henson and 18 others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1326. Also, petition of W. W. Murry and 114 others, protesting against the passage of House bill 78; to the Committee on the District of Columbia .

1327. By Mr. WILLIAMSON: Petition of certain citizens of Oacoma, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1328. Also, petition of Mrs. Chas. Shaffer and other residents of Perkins County, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1329. Also, petition of certain citizens of Lead, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1330. By Mr. BROWNE: Petition of citizens of Waushara County, Wis., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1331. By Mr. WYANT: Petition of 200 citizens of Westmoreland County, Pa., against compulsory Sunday observance as proposed in Lankford bill (H. R. 78); to the Committee on the District of Columbia.

SENATE

WEDNESDAY, *January 11, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Lord God, grant to each and all of us to be so true to our high calling here on earth that we may serve Thee with joy and without fear; that when each in his own appointed time shall be summoned to join the great company of departed souls we may pass hence in peace, looking humbly for that fuller light which shall break upon us, when the morning is come upon the unseen shore. Grant this O Lord for His sake, who is our life and in whose presence is fullness of joy, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Sheppard
Barkley	Ferris	McLean	Shipstead
Bayard	Fess	McMaster	Shortridge
Bingham	Fletcher	McNary	Smoot
Black	Frazier	Mayfield	Steck
Blaine	George	Metcalf	Steiwer
Blease	Gerry	Neely	Stephens
Borah	Gillett	Norbeck	Swanson
Bratton	Gould	Norris	Thomas
Brookhart	Greene	Nye	Trammell
Broussard	Hale	Oddie	Tydings
Bruce	Harris	Overman	Tyson
Capper	Harrison	Phipps	Wagner
Caraway	Hayden	Pine	Walsh, Mass.
Copeland	Heflin	Pittman	Walsh, Mont.
Couzens	Howell	Ransdell	Warren
Curtis	Johnson	Reed, Pa.	Waterman
Cutting	Jones	Robinson, Ark.	Wheeler
Dale	Kendrick	Robinson, Ind.	Willis
Deneen	King	Sackett	
Dill	La Follette	Schall	

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is necessarily absent. I ask that this announcement may stand for the day.

Mr. GERRY. I wish to announce that the Senator from Missouri [Mr. REED] is unavoidably detained from the Senate.

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

FOOT-AND-MOUTH DISEASE

Mr. KENDRICK. Mr. President, I hold in my hand a copy of the Live Stock Markets, a paper published by the John Clay Commission Co., of Chicago, and others, of our central markets. This paper contains an editorial entitled "Breakers ahead," and sounding a timely warning against the importation into this country of any livestock or livestock products from those countries that are known to be infested with foot-and-mouth disease.

The editorial is written in strong, concise, and most convincing language. The writer, Mr. John Clay, is one of the really great authorities on the livestock industry of the Nation. He has been for nearly 50 years a successful producer, on a large scale, of both cattle and sheep on the western plains and in the Rocky Mountain territory. For nearly 40 years he has been at the head of one of the great livestock commission companies, with houses located in practically every one of our largest market centers. In addition to these activities, he has been for many years, and is now, at the head of and a directing force in a number of our western banking institutions and has rendered great service in furnishing funds for the rehabilitation of the livestock industry following its recent period of severe depression.

In addition to his intimate knowledge of the industry in this country, Mr. Clay, as a boy in Scotland, and since in frequent visits to his native land, has had unusual opportunities to observe the ravages of the foot-and-mouth disease in its effect upon livestock. Because of such intimate knowledge, his warning is entitled to special consideration at this time.

Without doubt the country will approve to the fullest extent the sentiment expressed in this editorial because of the Nation's recent experiences with this dread disease. In the outbreak of 1914–15, 172,222 animals were destroyed, with an appraised value of $5,865,720. There was expended in eradicating this outbreak, including the value of the animals slaughtered, the expense of their burial, supplies, and work of disinfection, approximately $9,000,000. In the more recent outbreak of 1924–25 the figures show 142,152 animals destroyed, appraised value $4,919,538.86, and the amount expended $7,434,908.22. In each instance one-half the expense was born by the Federal Government and one-half by the States involved.

It will be recalled that less than two years ago the President, in one of his messages to Congress, called attention to the unusually adverse conditions prevailing in our livestock industry, and pointed out the necessity of rendering such consistent aid as could be given toward its rehabilitation. Very recently there has seemed to be some improvement in the unhappy condition of this industry, and in the face of such upward trend it would be especially inopportune to invite another disaster such as infection in our herds and flocks would surely mean.

Because of its extreme importance at this juncture I ask to have the editorial inserted in the RECORD, and I earnestly commend it to the attention of every Member of this body who is interested in the protection and preservation of the herds and flocks of the Nation.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

There is evidently a quiet movement going on in Government circles to let in Argentine beef to the United States. Conversations being had in Washington, D. C., are paving the way for what may turn out to be a national catastrophe. The Argentine is full of foot-and-mouth disease. No effort is made to stamp it out. We know what happened to us in 1914–15. Our authorities, both National and State, went at it vigorously and stamped it out.

Foot and mouth is most deadly in the case of pregnant animals. There the death loss is considerable, more especially among ewes and sows. When I was a young farmer in Scotland we paid little attention to this disease. If by chance it visited your farm and attacked your feeding cattle or your wethers on turnips and grain, it put them back a month or more. If it got into your ewe flock at lambing, that spelt disaster.

It is a most insidious disease. It comes out of the sky. Great Britain has it most of the time. It pops up in unexpected places. Hundreds of thousands of pounds sterling have been poured into stamping it out, but it breaks out, and only a day or two ago I noticed where a half dozen herds and flocks in one neighborhood were affected. And yet no live animals—cattle, sheep, or hogs—are allowed into Great Britain except under a very strict quarantine. The supposition is that it reached that country through straw used for packing, or from people coming from an infected zone. In fact, science has failed to find the source of the disease.

Now, if we allow Argentine cattle into this country, dead or alive, we are pretty certain to get the disease. When it comes, as come it will, it may be handled promptly and squelched, but safety first. The real story of the ravages of this disease is told in Great Britain. It wanders through English counties, up and down Scottish vales. What would happen if it got among the big herds of Texas? Fancy the Matador herd going into trenches and ruthlessly killed, as we had to do 12 or 13 years ago in Illinois.

And yet knowing all this Washington is silently conversing on the subject of reinstating the entrance of this Argentine beef to our country. The red signal of danger does not stop them.

They are riding for a fall. The country must rise in its might and stop the desecration of our farms and ranches, the ruin of our already severely taxed property holders.

For seven years we have faced the "slings and arrows of outrageous fortune." Are we to face another catastrophe which will in the end affect the whole Nation: First, the livestock men; second, the bankers; and, third, the community at large?

JOHN CLAY.

The following paragraph from the North British Agriculturist, Edinburgh, emphasizes the virulency of this disease:

THE ELUSIVE VIRUS

"Details as to the length of time the virus of foot and mouth can be effective were given recently by Mr. F. C. Minnett, of the Institute of Animal Pathology, in London. In 1926 evidence proved that the disease was carried into this country (England) through the medium of fresh pig carcasses from the Continent. Experiments had proved that in the bone marrow of chilled and salted carcasses the virus survived at least 42 days, and in the bone marrow of frozen beef carcasses for at least 76 days. The virus had been proved to be highly resistant to destruction by carbolic acid, lysol, and certain coal-tar disinfectants. Experiments pointed to formalin being a reliable agent for general disinfection, such as the outside of ricks or contaminated animal hides. Mr. A. Arkwright, of the Lister Institute, said that all attempts to propagate the virus had failed, the virus having been observed to multiply only on the living tissues of animals."

THE RADIO SITUATION

Mr. COPELAND. Mr. President, on last Monday the Senator from Idaho [Mr. BORAH] presented for printing in the RECORD a letter from the Technical Radio Laboratory at Newark, N. J. I have here a reply to this letter from the radio commissioner from the first zone, Commissioner Caldwell. I ask unanimous consent that, without reading, it may be printed in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

FEDERAL RADIO COMMISSION,
Washington.

Senator ROYAL S. COPELAND,
United States Capitol, Washington, D. C.

DEAR SENATOR COPELAND: Noting the letter from Mr. D. W. May, of radio station WTRL, Midland Park, N. J., on page 1157 of the CONGRESSIONAL RECORD for Monday, January 9, 1928, commenting on the general radio situation and on his experiences with the Federal Radio Commission, it occurs to me that you and other Members of the Senate may wish to know more of the exact status and facts concerning station WTRL and the reasons why, in the public interest, the demands of its management could not be acceded to by the radio commission.

Station WTRL came on the air with 15 watts power on December 17, 1926. This was during the breakdown of the radio law and at a time when the former radio authorities had warned all stations that thus to come on, or to change wave length or power, would speedily wreck the former orderly radio system. Nevertheless, WTRL started up and "pirated" channel 1,070 kilocycles.

On June 15, 1927, after the Radio Commission had completed elaborate studies and designed a new reallocation of all broadcasting stations to bring about order in the air once more and to eliminate the interference and chaos created by the outlaw stations, station WTRL was assigned by the commission to 1,450 kilocycles, continuing with its original 15 watts power.

Station WTRL's opposition to the Radio Commission since that date has grown out of its efforts to secure a preferable wave length; that is, a wave length more comparable to that which the station appropriated for itself when there was no law. The commission would certainly have liked to have given Mr. May such a desirable channel for WTRL, but, unfortunately, all the channels were full, and there were 48 stations to be taken care of in the congested New York City area, in which WTRL is located, and 45 of these stations had come on the air before WTRL.

WTRL was therefore continued licensed by the commission to operate on 1,450 kilocycles, with its original power of 15 watts. This channel, far from being undesirable, as was formerly supposed by many, is now in the midst of a group of assignments of 5,000, 10,000, and even 50,000 watt (ultimate) stations, which have chosen this wave-length region because of its greater distance-carrying power.

Although station WTRL has been licensed continuously since it opened, there seems to be considerable question whether it has ever sent out regular or consistent programs, or even any programs at all.

The radio division of the Department of Commerce reports that its New York radio inspectors, who daily and nightly measure the transmissions of local New York and New Jersey stations, have never once been able to find WTRL on the air.

Also, since December 1, 1927, requests by the commission to the station for newspaper clippings listing its programs during recent weeks have brought no response, and as a result no copies whatever of its programs are in the files of the commission, as in the case of other stations.

Yet this is the station without any record of any public service whatever, or even of operation, which Mr. May demanded to have increased from 15 watts to 1,000 watts, over the heads of some thirty other local stations, all older, and to have assigned to channel 770 kilocycles, a channel used by a popular group of Chicago stations, transmitting independent programs.

To have acceded to Mr. May's demands would have worked a rank injustice to hundreds of other and older stations, situated throughout the country, which are similarly requesting power increases. Furthermore, such an assignment of WTRL (1,000 watts on 770 kilocycles) would have produced a whistle or heterodyne on the Chicago station's program over the entire United States, outside of a 25-mile radius around Chicago, thus denying that Chicago station's program to a population of some 60,000,000, who could have heard only a loud whistle on that channel had Mr. May been permitted to increase his power and go on it.

Incidentally it should be mentioned that the Chicago stations on 770 kilocycles protected in this way by the refusal of the New York commissioner to approve Mr. May's application is connected with no "chain" or network, but operates independent programs. This Chicago station's unduplicated programs are therefore of particular interest to distant listeners throughout the entire central part of the country.

Besides being offered a public hearing on his application for 770 kilocycles (which Mr. May refused, as the correspondence in the commission's files clearly shows) the whole foregoing interference situation which would follow upon increase of WTRL's power was repeatedly explained to Mr. May and to this attorney, Mr. Green, at a series of four or five conferences at New York City, each conference requested by Mr. May in order to save him the trips to Washington. In fact, probably more time has been spent by the New York commissioner and former Secretary Pickard in trying to aid Mr. May, while doing justice to other small stations, than with any other broadcaster. Mr. May's response to such a helpful attitude on the part of the radio commissioners is manifested by the unfair and incorrect statements contained in his letter.

This Mr. May, of WTRL, is the same D. W. May who has figured in a number of radio-station transfers and deals in the New York area. His latest transaction of the kind, prior to WTRL, was the starting and sale of the 500-watt WDWM (the call letters standing for his initials), which also he put on the air during the breakdown of the law on November 22, 1926, against the urging of the authorities, and as a result causing serious interference with local and distant stations.

In this case also Mr. May felt that despite the newness of WDWM and its position of forty-third in the local field of 48 stations, he should be allowed to retain the preferable wave length which he had pirated for WDWM during the law's breakdown.

After preliminary discussions with me as commissioner for his zone, during which lengthy discussions I made particular effort to be helpful to Mr. May, but not at the expense of stations that had remained faithful to the public and to radio by keeping on their prescribed channels, Mr. May demanded a public hearing of his case before the whole commission. This hearing was immediately granted and was conducted by Commissioner E. O. Sykes, former presiding justice of the Supreme Court of Mississippi, sitting with three other original members of the Radio Commission, Admiral Bullard, Doctor Bellows, and myself. Copies of the proceedings of that hearing, occupying 147 typewritten pages, are on file at the commission's offices and can be examined by anyone interested.

After hearing and considering testimony by Mr. May, and by others who appeared against him, the entire commission unanimously denied WDWM's application to resume its former pirated wave length and ordered WDWM to remain on the lower wave length assigned it by the commission.

A week or two later Mr. May telephoned me requesting an appointment in New York to save him coming to Washington, in order to discuss a plan for moving out of the congested metropolitan area to Asbury Park, N. J., and I gladly assisted him in finding a wave length which would be available for use 50 miles from New York City. Later he told me he had sold his station WDWM to the city of Asbury Park, had made "a good thing out of it," and was very much pleased, thanking me for my help. That is the story of Mr. May's WDWM.

Regardless of Mr. May's expressed fears for the safety of the small broadcaster in his letter in the CONGRESSIONAL RECORD, a recital of the foregoing will indicate that the wave lengths and powers accorded Mr. May's two stations have been fairly and justly in accordance with the service records of those two stations, in comparison with the records of the 680 broadcasters who have been rendering public service long before Mr. May's station started out during the law's breakdown.

With respect to independent broadcasters, the attitude of the commission has always been particularly sympathetic toward the small stations and the independent operators, who make up by far the greatest number of the 680 stations on the air. Indeed, the small stations which are doing a good job in their communities have been given every possible advantage, and where such stations are in isolated regions, increases in power have been authorized for them up to the very limits of interference elsewhere. Unfortunately, however, as is generally known, we have not half enough channels to permit good service by our 680 stations. Nevertheless, the commissioners have struggled days, nights, and week ends with the problem of fitting in these small, independent stations by every ingenuity, so that all worth-while broadcasters might continue on their places on the air.

In his letter in the CONGRESSIONAL RECORD Mr. May further expresses great fear that the commission is assigning choice channels to some particular stations. If Mr. May is as familiar with the radio situation as is the average listener, he certainly knows that all of the 65 chain stations which he mentions are, with two or three exceptions, independently owned or controlled, and that these independent stations merely purchased their few hours of daily chain programs from a common purveyor of chain programs, known as a "chain service."

The manifest independence of the principal chain stations is evident upon reading over the accompanying list of the principal chain stations, taken at random:

The Courier Journal Co. and Louisville Times, WHAS, Louisville, Ky.
The Detroit News, WWJ, Detroit, Mich.
The Chicago Tribune, WLIB–WGN, Chicago, Ill.
Travelers Insurance Co., WTIC, Hartford, Conn.
Lit Bros. Department Store, WLIT, Philadelphia, Pa.
Congress Square Hotel Co., WCSH, Portland, Me.
Kaufman & Baer Co., WCAE, Pittsburgh, Pa.
United States Playing Card Co., WSAI, Cincinnati, Ohio.
Atlanta Journal Co., WSB, Atlanta, Ga.
Bankers Life Co., WHO, Des Moines, Iowa.
The Outlet Co., WJAR, Providence, R. I.
Worcester Telegram, WTAG, Worcester, Mass.
Pulitzer Publishing Co., KSD, St. Louis, Mo.
Palmer School of Chiropractic, WOC, Davenport, Iowa.
Washburn-Crosby Co., WCCO, Minneapolis, Minn.
Kansas City Star Co., WDAF, Kansas City, Mo.
National Life and Accident Co. (Inc.), WSM, Nashville, Tenn.
Memphis Commercial Appeal (Inc.), WMC, Memphis, Tenn.

The commission makes no apology for the stations which it has placed on the "distance" channels from 600–1,000 kilocycles. These stations, nearly all of them independently owned and operated, are distinctly the most popular stations in their respective communities, for they are invariably the stations having the best apparatus, the broadest programs, and the widest interest and the best individual records of faithful observance of radio's rules of the air.

They have been assigned preferred positions because of their individual local history and standings as stations, and not because of "chain" or other connections. In fact, some 20 of these stations had no chain service when given their present assignments by the commission, but have since chosen to contract for the program service offered by one of the chains. That they are free to do this is evident, since under the law of 1927 the commission expressly has no authority over programs.

And the supply of two hours of daily programs from a common source of program material certainly has no more relation to the independent character of the station than the supplying of two columns of syndicated news matter to the leading newspapers in 20 cities from a central news bureau would have on the independent control, character, or policy of those papers.

At present the time occupied by these chain programs averages less than two hours per day for each station, making such chain duplication of negligible importance. Later if this purely chain time increases, or as better individual programs are developed by other stations now below 1,000 kilocycles, such stations have, under the commission's procedure of hearings, recourse to contest with the present occupants the right to those "distance" channels. And they will be assigned these channels if it can be shown that such reassignment would, from the standpoint of diversification of programs, be in the greater interest of distant as well as local listeners.

Mr. May's statements declaring that the commission and its members are harsh and intolerant in their actions, and choose to disregard the advice of Members of Congress, are not only denied by the undersigned, but will properly be regarded as absurd by the many Members of both Houses who have repeatedly counseled with the radio commissioners in local and State situations, and who by supplying particular information of the standing of applicants in their communities, public interest rendered, etc., have greatly aided the commission in its handling of the purely radio aspects of such cases.

The members of the Federal Radio Commission invite the most thorough scrutiny of all their actions and operations as an official body during its hectic life of the past 10 months, knowing that all reasonable critics can be answered fully and to their satisfaction on every point which they may raise.

O. H. CALDWELL,
Commissioner, First Zone.

JANUARY 11, 1928.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS

Mr. DENEEN presented resolutions adopted by the City Council of Chicago, Ill., favoring amendment of the so-called Volstead Act so as to permit the sale, manufacture, and transportation of light wines and beers for beverage purposes, and to provide for a referendum vote of the people to establish the sentiment of the majority on the question of the repeal of the eighteenth amendment to the Constitution, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Murphysboro, Ill., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WARREN presented resolutions adopted by Commercial Club of Lovell, and the Lions Club and the Shoshone Project Farm Bureau, both of Powell, in the State of Wyoming, protesting against the passage of legislation to further restrict the immigration of Mexican citizens into the United States, which were referred to the Committee on Immigration.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Kenosha, Wis., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COPELAND presented petitions of sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. TYSON presented a resolution adopted by the Southern Appalachian Coal Operators' Association, at Knoxville, Tenn., which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

SOUTHERN APPALACHIAN COAL OPERATORS' ASSOCIATION,
Knoxville, Tenn., January 9, 1928.

The Southern Appalachian Coal Operators' Association, at a meeting in the offices of the association, Knoxville, Tenn., on Monday, January 9, 1928, passed, by unanimous vote, the following resolution:

"Whereas the business and industry of our country has been built up by the free play of competition and by freight rates adjusted so that distant points can compete with near-by points; and

"Whereas for the past several years there seems to be growing a sentiment in the Interstate Commerce Commission to base rates entirely on mileage and the commission seems to be expanding its own power to cover all business, as well as that of the railroads, and through the freight rates to zone all materials; and

"Whereas on December 31, 1927, the term of Commissioner John J. Esch expired and the President of the United States sent his name to the United States Senate for reappointment on the commission, and as Mr. Esch has served a six-year term as a member of the commission and was chairman of the commission and was also chairman of the House Committee on Interstate and Foreign Commerce and is, therefore, experienced and his character above reproach, but unfortunately has thrown the weight of his influence and opinion with that portion of the commission which is favoring basing rates on mileage only and the zoning of materials: Now, therefore, be it

"*Resolved*, That the Southern Appalachian Coal Operators' Association is opposed to this policy of the commission and opposed to the appointment or reappointment of any man or men whose views lead them to vote in favor of such methods of rate making or policies; and we are, therefore, opposed to the reappointment of Mr. John J. Esch; and we urge that Senators MCKELLAR, TYSON, SACKETT, and BARKLEY not only vote against Mr. Esch's reappointment but use their influence with other Senators to the same end, and in the future oppose on the floor of the Senate this un-American policy: Be it further

"*Resolved*, That a copy of this resolution be sent to the four Senators above mentioned."

R. E. HOWE, *Secretary.*

COMPARISON OF ELECTRIC RATES

Mr. DILL. Mr. President, I have an article from the publication called Labor, making a comparison of city-owned light plant rates on electricity with privately owned light plants, which I would like to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From Labor, January 4, 1928]

TACOMA SHOWING THE WAY—CITY-OWNED POWER AND LIGHT PLANT GIVES SERVICE IN THE HOMES FAR BELOW RATES OF PRIVATE COMPANIES

Labor has received an interesting letter from a good friend and subscriber, Homer T. Bone, who is port counsel of Tacoma, Wash. Tacoma is one of those backward "un-American" cities which goes in for public ownership of its power plant, and here is what Mr. Bone says:

"I enjoyed your editorial of December 17, 'Light bills of two cities,' comparing light rates of Washington City and Ottawa, Canada.

"We in Tacoma indulge in a friendly rivalry with our public-ownership friends in Canada and are always pleased to see the remarkable contrast between the low light rates enjoyed by Canadian cities under public ownership and those exacted from victims of the superior efficiency of private ownership across the line.

LOW RATES IN TACOMA

"Between November 15 and December 15, 1927, I used 686 kilowatt-hours of current in my home for domestic purposes on a lighting circuit. For this service I paid the city of Tacoma $8.75, or a trifle over 1.27 cents per kilowatt-hour.

"During that same period I used 1,563 kilowatt-hours of service in electric heating in my home. For this heating service I paid the city of Tacoma $7.80, or one-half cent per kilowatt-hour.

"It will be seen that I used in this 30-day period in my 10-room home a total of 2,249 kilowatt-hours of electric service for domestic and heating purposes, and for this I paid the city of Tacoma a total of $16.55."

Labor called up "Pepco," the private company which supplies Washington with current, to find out what the same amount of current, used in the same way, would cost in the capital of the United States.

"PEPCO'S" BILL IN WASHINGTON

The system of charges is rather confusing, but the company's expert worked out the charges as follows:

Lighting charge: Three hundred and sixteen kilowatt-hours, at a base rate of 5.9 cents per kilowatt-hour, $18.64; 370 kilowatt-hours, at a charge of 4.5 cents per kilowatt-hour, $16.65. Total charge for 686 kilowatt-hours on lighting circuit, $35.29.

Heating charge: Ten kilowatt-hours, at 5.9 cents per kilowatt-hour, 59 cents; 1,553 kilowatt-hours, at 3 cents per kilowatt-hour, $46.59. Total charge for 1,563 kilowatt-hours on heating circuit, $47.18.

Under public ownership in Tacoma Mr. Bone's lights cost $8.75 per month.

Under private ownership in Washington they would cost $35.29 per month.

Under public ownership in Tacoma his electric heaters cost $7.80 per month.

Under private ownership in Washington they would cost $47.18 per month.

Under public ownership the total charge was $16.55.

Under private ownership the total charge would be $82.47.

TRUST TRIES TO FOOL 'EM

Mr. Bone goes on:

"The municipal power development of Tacoma (owned by the people of Tacoma) will produce about $900,000 net profit for 1927. One can only wonder why the people of Washington permit themselves to be hi-jacked by private monopoly."

Echo answers: "Why?"

The power trust's answer would be: Washington depends on a steam plant, while Tacoma gets its "juice" from water power!

Mr. Bone answers that: "Out in this country publicity artists for the power trust are telling audiences that power can be produced as cheaply in a modern steam plant as from a hydroplant."

In other words, the trust tells one story where it is discouraging water-power development under public ownership and quite another story where it is defending extortionate rates under "private enterprise."

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Claims, to which was referred the bill (S. 511) to reimburse Horace A. Choumard, chaplain, in Twenty-third Infantry, for loss of certain personal property, reported it without amendment and submitted a report (No. 53) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 593) for the relief of W. H. Presleigh (Rept. No. 54); and

A bill (S. 1219) for the relief of William Mortesen (Rept. No. 55).

Mr. TRAMMELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1121) for the relief of Grover Ashley (Rept. No. 56);

A bill (S. 1133) for the relief of John F. White and Mary L. White (Rept. No. 57); and

A bill (S. 1362) to extend the benefits of the employees' compensation act of September 7, 1916, to Harry Simpson (Rept. No. 58).

Mr. TRAMMELL also, from the Committee on Claims, to which was referred the bill (S. 1217) for the relief of Albert Wood, reported it with an amendment and submitted a report (No. 59) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 457) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy, reported it without amendment and submitted a report (No. 60) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 496) for the relief of M. Zingarell and wife, Mary Alice Zingarell (Rept. No. 61);

A bill (S. 1120) for the relief of Ella H. Smith (Rept. No. 62); and

A bill (S. 2363) for the relief of Richard Riggles (Rept. No. 63).

Mr. CARAWAY, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 516) for the relief of Minta Goike (Rept. No. 64); and

A bill (S. 1542) for the relief of Josephene M. Scott (Rept. No. 65).

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1313) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat. L. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes (Rept. No. 66); and

A bill (S. 1856) for the relief of the Gunnison-Mayfield Land & Grazing Co. (Rept. No. 67).

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1795) for the relief of Fannie M. Hollingsworth (Rept. No. 68); and

A bill (S. 1959) to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves (Rept. No. 69).

Mr. WALSH of Montana also, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment:

A bill (S. 1798) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; and

A bill (S. 1801) in reference to writs of error.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1114) for the relief of James E. Fitzgerald, reported it with amendments and submitted a report (No. 70) thereon.

He also, from the same committee, to which was referred the bill (S. 1164) to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va., reported it without amendment and submitted a report (No. 71) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (S. 2365) for the relief of G. W. Rogers, reported it without amendment and submitted a report (No. 72) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 601) for the relief of James E. Van Horne, reported it without amendment and submitted a report (No. 73) thereon.

ALLEGED MEXICAN PROPAGANDA

Mr. REED of Pennsylvania. Mr. President, from the special committee to investigate alleged payments to United States Senators by representatives of foreign governments, I ask leave to make a partial report (No. 52) and, speaking on a matter of highest privilege, I wish in a few minutes to make an explanation of the proceedings of the committee up to this time. I might say that copies of the report, and copies of the three volumes of the testimony which was taken, and copies of translations of the 71 documents which were produced in the committee, are available in the Chamber, and I have asked that they be placed on the desk of every Senator.

The committee met as soon after its appointment as it was possible to have a full attendance, I think, upon the fifth day after its creation. The first witness summoned was Mr. William R. Hearst, who is the proprietor of a chain of some twenty and odd newspapers which simultaneously published these documents which contained the charges against Senators.

Mr. Hearst laid before the committee 71 documents in the original which he said constituted the entire file that he had on this subject. Some of the 71 documents had been published in facsimile, some in translation, and some had not been published at all. They consisted of 35 letters purporting to have been signed by the President of Mexico, Mr. Calles; of 3 documents purporting to have been signed by the Secretary of the Mexican Treasury; of 7 messages in cipher or code; and of about 25 carbon copies of telegrams or of letters purporting to have passed from one Mexican official to another; some of them written in Mexico, some of them supposed to have been written in New York. The group of papers as a whole came from seven different Mexican Government offices in Mexico City and in New York City, and, according to the initials on the letters, had been typed by upwards of 14 different typists. It was not possible to determine exactly how many, but there were at least 14 typists employed.

Mr. Hearst testified that the first group of these papers had been obtained in Mexico City by his representative, Page, through an American of Mexican ancestry named Avila, who represented that he had bought them from Mexican clerks employed in Mexican Government offices. These papers were taken by Page to New York and submitted to Mr. Hearst in New York City. Hearst testified that he inquired whether every effort had been made to verify their genuineness and that he was assured that it had. He testified that he instructed his representatives to do everything they could to establish the genuineness of the documents.

After the first batch of papers had been produced by this Avila, a second group was obtained by him also in Mexico City. In both cases the only evidence of their origin or their genuineness or the fact that they were bought from Mexican Government clerks was the unsupported word of this Avila. He took money from the Hearst representative, he disappeared with the money, came back with these two groups of papers, and he represented, according to the testimony, that he had given the money to Mexican Government clerks in exchange for these documents. He also represented and testified to us that he saw a ledger sheet taken from the ledger in the office of the controller general of Mexico.

It was further testified that after the submission of the papers to Hearst in New York, Mr. Hearst went to California; that Page and Avila and one other representative of Hearst went to San Antonio; and that when they were there Avila represented to them that two men had come out of Mexico, one of whom was a clerk employed in the office of President Calles, that they had a number of documents sewed up in the interior of a mattress which they brought with them among their belongings; that they wanted $20,000 for these pretended documents which they said they had stolen from President Calles's office. There was no evidence that these men were there or that they brought the documents or that they sold them for money or that they got the money or that they were the source of the documents, except the unsupported word of Avila. He was told by the Hearst representatives that they would not pay over $12,000 for this batch of documents from President Calles's office. He went back, he states, to those Mexicans, offered them the $12,000, and he states they agreed to take it. He also states that they accepted the money, gave him the papers; and that he saw them cut out from the interior of the mattress in which they had been smuggled into the United States. Then he states that as proof of their good will they gave him a second batch of papers in San Antonio without any further charge. These papers also were represented as coming from President Calles's office. So there were four installments of documents, the origin of which depended entirely on the unsupported word of this Avila. He represented that he had paid up to that time out of the Hearst money something like fifteen or sixteen thousand dollars for these papers.

They were all taken to California and shown to Mr. Hearst and to his representatives who were there with him. Then he turned these documents over to some of his editors to handle their publication and their exploitation. They were taken to New York, and one of the editors decided that they ought to check on the genuineness of these papers and on the truth of Avila's story. So, in order to check on Avila's story up to that time, they employed the same man Avila to be "planted," as they called it, in the office of the Mexican consul general in New York City, there to steal what papers he could or buy what he could to corroborate the genuineness of the papers which had been produced.

After five or six weeks Avila did bring to them two instalments of carbon copies of papers which he represented he had purchased from a clerk named Tovias employed in the office of the Mexican consul general in New York; but there again there was no confirmation of his statement, and they had merely the unsupported word of Avila that that was the way he got them and that he had in fact paid the money that he said he had paid for these papers. So much for the origin of the papers.

Mr. Avila was the recipient of the $18,000 in money which he said he paid to the various clerks from whom he got the papers. He also testified that he himself got nothing out of this whole transaction except a $50-a-week salary paid to him by the Hearst newspapers or by Hearst himself.

Mr. Hearst further testified that he did not show or direct to be shown any of these letters to any of the Senators whose names are mentioned in them, and his reason for not directing that to be done, as I recall his words, was that that would mean their premature disclosure, or some such expression as that.

He further testified that he himself made no further effort to establish their genuineness than this. He did testify also that he understood they had been shown to the American Embassy in Mexico City and that some officials of the embassy there had said that they seemed to be genuine. Of course, he himself was not in Mexico and could not answer as to that of his own knowledge.

Then the committee took these papers and set to work on them. I am abbreviating the recital as much as I can in order to try to state merely the substance of what was done. We did not want to employ handwriting experts at high pay to establish any side of this controversy or to prove or disprove the documents, but we wanted, if we could, to get experts who had no money interest in the matter and were not employed to represent any particular side. So we appealed to the Treasury and the Navy Department, each of which has competent experts on that subject, and they were quite ready to assign those experts to us. That was done, and the papers were submitted to them, and those two experts reported that, in their opinion, there was no doubt whatever that all of the signatures were

spurious in so far as they were able to compare them with genuine signatures.

We were able to obtain genuine signatures of President Calles with which to check the 35 documents purporting to be signed by him and a genuine signature of the Mexican Secretary of the Treasury; so that 38 out of about 45 of the signed documents were capable of check. We had a treaty, for example, on the files of the State Department which contained President Calles's signature and we were given six letters by Hearst representatives which they said contained the genuine signature of President Calles. Comparing the signatures on the documents with these seven standards of the genuine Calles signatures and the one of L. Montes de Oca, the Secretary of the Mexican Treasury, these two experts said there was no doubt whatever in their minds but the whole bundle were frauds and forgeries.

That conclusion was made known to the counsel of Mr. Hearst, representing him here in Washington; extracts of those opinions of the experts were read to Mr. Hearst's counsel, and they then asked the committee the privilege of having their experts, designated by them, to examine these papers and pronounce for the Hearst organization on their genuineness. The committee gave them that privilege, and turned the documents over to the three Hearst experts. For many days they spent long hours in a careful study of these documents, and finally, at the conclusion of this long study, the three Hearst experts agreed with the two experts selected by the committee that every one of these Calles and L. Montes de Oca papers was a forgery.

If the Senate wants to see their reasons for that I suggest that they refer to the last page of volume 3 of the testimony which lies on the desks of Senators. There is a folded sheet which contrasts three genuine signatures of President Calles with 3 out of the 35 of the forged signatures. The genuine signatures are the odd numbers, Nos. 1, 3, and 5; the spurious signatures are Nos. 2, 4, and 6. It does not require an expert, in our judgment—and I might say that I believe that all I am saying on this subject is the unanimous view of our committee—to pronounce those signatures clumsy forgeries.

For example, in every one of the genuine signatures of President Calles there are five loops or angles in the word "Elias." In every one of the forged signatures there are only four. In every one of the genuine signatures the "i" of the name "Elias" carries its dot or accent. In no one of the spurious signatures does that dot occur.

The difference in the concluding flourish of the name is obvious. The curve is exactly reversed in the spurious signatures.

The shaping of the letters is different. The final "s" of the name "Calles" is always carefully formed in the forged signatures. It is never carefully formed in the genuine signatures; and I could go on for half an hour pointing out these items of difference. Suffice it to say that all the experts and all the members of the committee unhesitatingly pronounced every one of these Calles signatures to be fraudulent.

The committee then devoted itself to a study of the seven "code" messages which were accompanied by their translations, and which purported to show——

Mr. NORRIS. Mr. President, may I interrupt the Senator there, before he leaves the signatures?

Mr. REED of Pennsylvania. Yes; I yield gladly.

Mr. NORRIS. Did the committee and the experts reach the conclusion that the forged signatures referred to were the work of the same person in all instances?

Mr. REED of Pennsylvania. No. There are two or three signatures of President Calles that are obviously made by a different person from the one who signed the great mass of the Calles documents.

Mr. NORRIS. How many of the forged signatures or documents of the President of Mexico were forged by the same person?

Mr. REED of Pennsylvania. Apparently 32 out of the 35 were forged by the same person. Three were apparently forged by an extremely illiterate person, or some one who wrote like a schoolboy. They were very poor; even poorer imitations than these that we have copied here.

Mr. NORRIS. What were those three?

Mr. REED of Pennsylvania. Those three were carbon copies of what purported to have been letters sent out from his office. All that purported to be the originals of letters signed by President Calles were apparently forged by the same person.

The committee next devoted itself to a study of these "code" messages which were pretended confirmations of messages sent from Calles or from the Minister of Foreign Affairs in Mexico City to the consul general in New York. These confirmations were supposed to have been sent through the diplomatic pouch. Each code message had pinned to it the pretended translation in plain Spanish of the code message, and they purported to show the confirmation of this spending of money and its payment to Senators.

One of the first suspicious things about those confirmations was that one of them, by its date, left Mexico City on the 17th of July, 1926, and was stamped received in New York City by way of the diplomatic pouch on July 20. As there was no air mail between those cities, that was an obvious impossibility. It might have been an error, but it was one of the things that attracted our attention.

Through the courtesy of the Navy Department we were given the assistance of the very efficient code and cipher experts in that section of the Navy Department. They worked all day and all evening for over 10 days on these seven messages. At the end of the 10 days they testified to us that the code messages were a meaningless jumble of letters, not susceptible of being broken down as a code, because it never was a code; that they were made by somebody who tapped away on the left-hand upper corner of the typewriter keyboard and used only eight letters of the typewriter for most of the code words. They said it was not a code at all; that it was mere nonsense; and that it bore no relation whatever to the purported translation in plain Spanish; and Commander Studle, the head of that section, testified that he had no hesitation in pronouncing them all to be fakes.

The committee then set itself to a study of the errors in spelling and in grammar and in punctuation and in accentuation that were apparent in the documents. They were full of errors. Some of them had upward of 100 errors in a single letter, misplaced accents, omitted accents, misspelled words, errors in punctuation, and what not.

If Senators will look at the table which appears at the conclusion of volume 3, on page 294, they will see some of the results of that study. The letters were numbered at the time of their presentation to us by Hearst, and those numbers are used throughout.

In the upper block on that table are given the numbers and the stenographers' initials of the letters coming from the different offices. That shows the offices from which the various letters came. The table in the left-hand column gives a few of the characteristic errors that run through this series. One of them that I myself thought was very significant was a mistake in the abbreviation for the Spanish word that means "you."

In Spanish, as in English, abbreviations usually end with a period. They do in all modern languages. The man who wrote these documents followed the abbreviation "ud." that stood for the word "usted" with a comma. The committee consulted seven different scholars of Spanish, most of them Americans in birth and in allegiance, and most of them did not know that we were consulting the others. They all told us that that error, for example, was an idiosyncrasy that would be very seldom met with. Not one stenographer in a thousand would make such an error as that. It was like abbreviating "Mister" to read "Mr," instead of "Mr." Yet we found, when we came to study the documents, that papers ostensibly coming from seven different Mexican Government officers, from 14 or more stenographers in two cities, all of them, wherever they used that word at all, contained that curious little error, indicating to our minds, when taken in conjunction with all the other errors which are listed here, and still others, that the same person operated the typewriter that made all of these documents. We had no doubt whatever but that that coincidence of error, running throughout these documents—and that is only one of several—showed that the same person had typed them, just as we think the same person had signed 32 out of the 35 forged letters of President Calles.

When we got that far, with the Hearst experts agreeing with our experts in handwriting that these were all a pack of forgeries, with the code experts testifying that the "code" messages were a mere jumble of nonsense, with this very significant coincidence of errors running throughout the documents, it seemed to the committee that we had pretty nearly solved the question of the genuineness of these papers. But we then subpœnaed the officials of all the cable and telegraph companies which carry messages between Mexico and New York. Their copies of cablegrams and telegrams back in 1926 have been destroyed, under the regulations of the Interstate Commerce Commission, but some of these telegrams were dated 1927, and no company could find in its files any copy or any record of any of the messages in the year 1927.

Many of the messages in 1926 related to the telegraphic transfer of money. The companies were unable to find—the records of that being still preserved—a record of any transfer of any

sum indicated in these telegrams, showing conclusively that no such messages ever passed over the cables or telegraph wires.

The committee then made some inquiries, but did not summon witnesses, because we thought the matter was already sufficiently proved, which tended to corroborate our conclusions.

For example, with the permission of the Mexican consul general we had his bank account in New York examined. There was absolutely nothing there to correspond with these supposed transfers of money to his credit back in 1926. We examined the watermarks of the paper, of course, and we made inquiries of the manufacturers of that kind of paper whether any sales had ever been made to the Government of Mexico. We have not had full reply from one of them; but the other one has made investigation from all of its jobbers, and says that with the exception of a few small lots sold to private printers in Mexico City they have not sold any in Mexico at all. The Government of Mexico never bought paper of that watermark.

Then we found, in this supposed ledger sheet, that Avila said he saw taken from the ledger in the controller general's office, an entry that showed a sale of $30,000 worth of trucks, I believe, or automobiles of some description, by the Buick Motor Co. to the general staff of the President of Mexico. That company was very ready to help us make inquiries; and their representative in Mexico City, their agents in the border towns along the American frontier, their auditors at Flint, Mich., and their officers in New York, all say that to the best of their knowledge and belief no such sale was ever made and no such payment was ever made to them; and they said they thought they would know it if there had been any such sale or any such payment.

The committee did not feel justified in spending either the time or the money to bring in paper dealers from all these borders, or automobile agents from Mexico City and from along the border, nor did it feel justified in subpœnaing the production of the original ledgers of the New York banks, and the coming of all the clerks necessary to prove them. We were all convinced that these papers without exception are fraudulent, spurious, and, in so far as they purport to bear the signature of either President Calles or the Secretary of the Mexican Treasury, they are forgeries. We are further convinced, and so find, as appears in our report, that no Senator of the United States has accepted or has been promised or has been offered one penny of money or any other valuable thing by any official or representative of the Mexican Government; and we state that finding in as plain terms as we are able to make it.

There is not a scintilla of evidence to sustain the allegation or the imputation that any Senator was ever so much as approached in this matter by any representative of Mexico.

Perhaps the Senate will bear with me if I say just a word in conclusion. This is the most flagrant case of the sort that has happened since I have been in the Senate; but, as we all know, over and over again charges of this kind against all of us or any of us are whispered around, and often never reach the light. I dare say that our votes are sold without our knowledge over and over again, and that the people who are disappointed by our votes are only too ready to attribute to us a corrupt motive. It seems to me that this disclosure, this obvious fraud, which has been brought out into the light and shown to all the world to be a fraud, rather points the way for our handling of similar charges in the future, that in justice to ourselves and to one another this kind of thing ought to be made public as soon as we hear it, and that the Senators themselves who are mentioned in such charges as this are entitled to know it, and are not helped by the suppression of such stories, however we may feel certain when we suppress them that there is not a word of truth in them. In other words, I believe that the sooner these things come to the light the sooner their falsity and fraud are shown.

In conclusion I want to say, Mr. President, that we do not ask for the immediate discharge of the committee. We hope that we shall find out who made these forgeries, who typed them, and who signed them, and if we can find that out we would like to be able to report that to the Senate.

Mr. NORRIS. Mr. President, before the Senator sits down I would like to ask him a question or two, if he will permit.

Mr. REED of Pennsylvania. Gladly.

Mr. NORRIS. As I understand it, Mr. Hearst, during all of this investigation, was represented before the committee by an attorney?

Mr. REED of Pennsylvania. I think at every session.

Mr. NORRIS. Am I correct in drawing the conclusion from what the Senator has said that neither Mr. Hearst nor his attorney made any attempt to have experts of their own examine these signatures and these documents until after Mr. Hearst's attorney had been informed by the committee that the committee's experts had examined them and reached the conclusion that they were all fraudulent?

Mr. REED of Pennsylvania. My recollection is that I told both of Mr. Heart's lawyers that we had had these examined, and stated what our experts said before they made any suggestion of having their experts examine them.

Mr. NORRIS. So that no attempt was made by Hearst or any of his representatives to have these documents examined by experts, as far as the committee knows, until after they had been informed that the committee had employed experts, and that they had made an examination and reached the conclusion that they were fraudulent?

Mr. REED of Pennsylvania. So far as I know, that is correct.

Mr. NORRIS. I would like to ask the Senator another question; and inasmuch as the committee, from the chairman's statement, have not concluded their labors, I might be asking the Senator to disclose evidence not yet adduced, and if he is not perfectly willing to answer on account of the fact that there may be reasons why he does not want to give the information, if he declines to answer the questions I will not be at all offended. I presume the committee must have reached the conclusion, from the vast amount of forged evidence which has been disclosed, that some of the witnesses orally testifying before the committee have committed perjury?

Mr. REED of Pennsylvania. I can not make it as strong as that. There was a suspicious coincidence between the sample letter which we had Avila write on the typewriter, without warning and the typewriting of these letters in question, but the resemblance was not so great that I should say with conviction that Avila testified falsely. Frankly, I suspect him, but I have not enough evidence to convict him in my own mind.

Mr. NORRIS. I want to ask the Senator about the other representative of Mr. Hearst, by the name of Page. Did his testimony, and the evidence disclosing his activity, show him to have occupied a position beyond and above suspicion?

Mr. REED of Pennsylvania. No. Mr. Page made one statement in answer to questions by Senator ROBINSON and myself that I for one believed to be false. He testified that he had bought or received a letter purporting to have been written by Senator LA FOLLETTE to President Calles; that he got it from a Mexican newspaper man, whose name and appearance he has wholly forgotten, although he remembers meeting him four times in rapid succession in connection with the incident. The letter has nothing to do with this file. It was a letter which was sent up to the Public Ledger and they found it to be an obvious fake. I think—and it is only my opinion—that Page testified falsely when he said he did not remember from whom he got that so-called La Follette letter.

Mr. NORRIS. The Senator is a lawyer of ability and experience, as everybody knows, and I would like to ask him if, in his judgment, it is not apparent from other evidence known to be true in the case that in all human probability Mr. Page in that respect did commit perjury?

Mr. REED of Pennsylvania. No; I can not make it so strong as that.

Mr. NORRIS. Can the Senator conceive of a man in an important matter of that kind, which he himself said was so hot that he could not send it through the mails, getting that kind of a letter connecting up a United States Senator and the President of another country, and then going back to see that man three or four different times——

Mr. REED of Pennsylvania. Four times in all.

Mr. NORRIS. Four times in all. Does the Senator think he would forget who he was and not be able to tell his name or describe him?

Mr. REED of Pennsylvania. I did not believe it; but I do not believe you could convict him of perjury on my disbelief without any confirmatory evidence.

Mr. NORRIS. The Senator is unprejudiced, and if the Senator is convinced that the man is guilty of perjury, why would it not follow that other men, including jurymen, would feel the same way? I do not care to go into that, however.

I want to ask the Senator if there were produced in evidence the newspaper articles that were published in the Hearst papers, written by Page and published from day to day, as these forged documents were likewise published? Did the Senator examine those articles written by Mr. Page?

Mr. REED of Pennsylvania. I examined some of them. I do not remember any particular significance in them.

Mr. NORRIS. I want to ask the Senator if it is not true that if you would discard all evidence of every kind except the documents referred to by Page, and the articles written by Page, you would have to reach the conclusion that they were at

least unfair and unjust, and that his assertions from day to day were not borne out by the forged documents he was publishing from day to day?

Mr. REED of Pennsylvania. I did not pay much attention to Page's running commentary on these papers. I thought that was relatively unimportant.

Mr. NORRIS. It might be, standing alone; but it might be of considerable importance taken in connection with the other evidence. Page was the man who, prior to his employment by Hearst, in behalf of the Philadelphia Public Ledger, sent the forged letter that is supposed to have been written by a Senator to Calles?

Mr. REED of Pennsylvania. Yes.

Mr. NORRIS. I want to ask the Senator if it did not appear in evidence that Page himself, by a letter written to Senator LA FOLLETTE, admitted over his own signature that what he was sending up to the Ledger, which, at the time he sent it, he said was too hot to go through the ordinary mails, was a forgery? Was not that letter offered in evidence?

Mr. REED of Pennsylvania. I am not sure whether it was offered in evidence. It was produced at the hearing. I do not recall whether in that letter Page admits it was a forgery or not, but he admitted it elsewhere. He does not contest the fact at all.

Mr. NORRIS. That occurred before he secured the forged documents in this case from Avila?

Mr. REED of Pennsylvania. That is correct.

Mr. NORRIS. So that he had had some experience, and he had some notice that forged papers in reference to the President of Mexico and a Senator of the United States were in circulation?

Mr. REED of Pennsylvania. That is correct.

Mr. NORRIS. He knew that before he got the Hearst papers?

Mr. REED of Pennsylvania. That is correct, and it ought to have put him on warning.

Mr. NORRIS. I want to ask the Senator about the testimony of Mr. Hearst. The Senator has stated that Mr. Hearst testified that he had made diligent search, or words to that effect, to ascertain whether these signatures of the President of Mexico to these documents were genuine.

Mr. REED of Pennsylvania. Oh, no; I did not mean to say that. Mr. Hearst, so far as I understand it, made no inquiry at all. He says he directed other people to do it.

Mr. NORRIS. Yes; I am corrected; that is the way the Senator stated it. What direction did he make? Did the committee ascertain that?

Mr. REED of Pennsylvania. We found out what was done, and that is what I tried to explain to the Senate. They put Avila to work to corroborate himself.

Mr. NORRIS. Did the Senator reach the conclusion that Mr. Hearst himself, in fact, made no effort to ascertain whether these were genuine or forged documents?

Mr. REED of Pennsylvania. I think I would call it an effort to instruct his editors to verify them if they could. The Senator wants me to characterize Hearst's actions in this matter and I am perfectly frank about it and I do not hesitate to do it. I think that in dealing with the reputations of four Senators of the United States and in dealing with such terrible charges against them as these papers contain it was incumbent on Mr. Hearst to exhaust every effort to establish their genuineness before he printed them. I do not think he did exhaust every effort. He turned the matter over to two trusted editors, or managers, whom he employed, and he seems to have left the whole thing to them.

Mr. NORRIS. I would like to ask the Senator whether, as a matter of fact, from the evidence, he thinks any real effort was ever made by Hearst or any of his representatives to ascertain whether these were forgeries or not?

Mr. REED of Pennsylvania. Oh, yes. They say they took them to the American Embassy.

Mr. NORRIS. But they do not say that the American Embassy said they were genuine?

Mr. REED of Pennsylvania. They said that the counsellor of the American Embassy glanced at them and said, "They look all right to me," or words to that effect, "They look genuine to me"; but they do not pretend that he made any careful study of them.

Mr. NORRIS. Did they ever submit them to experts or anyone of that kind?

Mr. REED of Pennsylvania. Not until after we did.

Mr. NORRIS. As I have read the evidence, and the Senator is more familiar with it than I am, I am unable to find anything that Mr. Hearst ever did except give that general direction to his employees, and one of them was Page——

Mr. REED of Pennsylvania. One of them was Victor Watson and the other was Coblenz, I think. I forget his first name.

Mr. NORRIS. As a matter of fact, they have not done anything except the little things the Senator has narrated, and undoubtedly Hearst knew that they had not done anything. Did he ever make any inquiry, even of those whom he was directing to look the thing up, as to whether they had done anything or not?

Mr. REED of Pennsylvania. I do not recall whether any such inquiry was testified to by anybody. What they did, as I have said, was to put Avila to work to try to steal something from the office in New York to corroborate what he said he got in Mexico. That was all he did, so far as I know.

Mr. NORRIS. If there was some dirty work, Avila had probably done it, and in order to corroborate Avila's dirty work, they employed Avila to do some more dirty work, it seems to me.

I will ask the Senator whether any of the officials of any of the telegraph companies were subpœnaed to get copies of any telegrams which might have passed between Avila and Page, or Hearst and Avila, or Hearst and Page, or any of them?

Mr. REED of Pennsylvania. No; we made no effort to do that.

Mr. NORRIS. You made no effort to do it?

Mr. REED of Pennsylvania. No.

Mr. NORRIS. Mr. President, in this connection I desire to have printed in the RECORD an editorial appearing on Monday in the Washington Daily News, which was taken from the Los Angeles Times of January 6.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"THE CONFESSIONS OF HEARST"

Amazing as they were, the previous admissions of William Randolph Hearst of his recent reckless irresponsibility in the publication without substantiation of documents purporting to show that Mexico was plotting with other nations against the peace and safety of the United States pale into insignificance beside the confession which he has just caused to be made a part of the record of the Senate committee named to investigate his charges.

Faced with the imminent official declaration by the committee that these documents are wholesale forgeries, proven by overwhelming and irrefutable evidence, the publisher rushed before the committee with testimony of experts, only now hired by himself, to the effect that the "secret Mexican Government records" which he has so long blared to the public as unqualifiedly genuine and authentic, are in fact impudently spurious.

The annals of yellow journalism will be searched in vain for anything remotely approaching a parallel to this performance by Hearst. Beginning about the middle of November and continuing daily for more than a month, the 25 newspapers owned and directed by Hearst published daily under frantic scare heads and in whole pages of large type articles of the most inflammatory character declaring the Hearst papers to be in possession of records taken from the official Mexican archives showing that that country was engaged in sinister plots with Nicaragua, with Japan, and with Russia against the United States and against American interests in general.

Nowhere in these records, embellished with photostatic reproductions of the "records" and exploited in the most sensational fashion possible to Hearst experts in sensationalism, was there the slightest proof of the charges, no hint of any possible doubt as to their authenticity, no suggestion that investigation might disprove them, no opportunity given any of the prominent men accused to deny the allegations against them or defend themselves. On the contrary, the assertion was iterated and reiterated in the Hearst news and editorial columns that the documents were authentic and that they revealed conspiracies of the gravest possible character against the United States.

The climax came when the Hearst papers, on the strength of more "records," accused four United States Senators of being in the secret pay of the Mexican Government in furtherance of those "plots" and published documents to show that the Mexican Government had set aside an enormous sum of bribe money to be paid these Senators in return for their "services."

The United States Senate moved immediately to investigate these growing charges of infamy. A committee of Senators was named to take the evidence and Hearst was invited to submit proof of his charges.

From the beginning of the inquiry the utterly groundless character of the Hearst allegations became daily more apparent. Not a scintilla of evidence was produced from any disinterested source to establish the authenticity of the charges. Called before the committee and questioned with specific regard to his accusations against the four Senators, Hearst himself testified that he had made no investigation of the charges before publishing them in his newspapers, that he had asked none of the four Senators about it or given them any opportunity to be heard, and that he had no evidence indicating that any Senator had

received such a bribe, and that he did not believe the charge himself when he published it.

Staggering as was this admission of journalistic depravity, it was still to be outdone by Hearst himself. As the hearing proceeded and evidence piled up of the spurious character of the Hearst documents and their venal source, with no testimony whatever to support their authenticity, the outcome became so obvious as to forewarn the publisher of the impending disaster to himself and his papers through complete and official exposure of his unscrupulous attempt to embroil the United States with friendly nations.

In this desperate situation he took the only course which appeared to him possible to save something of the wreck of his journalistic reputation. He anticipated the inevitable by admitting it himself, thereby hoping for the crumb of mercy accorded to the confessor. He hired handwriting experts who, at his behest, appeared before the committee and testified that the documents were forgeries.

This investigation and confession, by and for Hearst, was made seven weeks after the Hearst papers began publication of the documents and three weeks after the last of them had been printed and the Senate committee had begun its inquiry. This despite the fact that Hearst himself admitted he had had the documents in his possession prior to their publication for a period sufficient to have had them experted by handwriting authorities ten times over. This despite the fact that during their publication their authenticity and the truth of their charges daily had been categorically denied by every official and prominent citizen whom they accused—denials so impressive as to give any honest newspaper publisher, whatever his own faith in the charges, pause in which to recheck and investigate.

It is now proven that not only was there no such recheck and investigation by Hearst papers, but there was never any check or investigation in the first place. The testimony of Hearst himself and of his editors before the Senate committee established that Hearst did not hire his handwriting experts until long after all the forged documents had been published; that at the time this testimony of the publisher and his agents was taken by the committee this experting had not been done nor was ever intended. It was not done, in fact, until Hearst was driven into a corner and forced to any expedient to try to save himself some shred of journalistic ethics.

The complete absence of anything approaching good faith even in this eleventh-hour confession of desperation is shown by the fact that on the morning of the day Hearst's handwriting experts were to appear before the committee Hearst issued signed instructions to the editors of his own newspapers to abandon all attempts to establish the authenticity of the documents—this in the face of the testimony before the committee of some of these editors and of Hearst himself that they "believed" them authentic.

On what such a "belief" could have been predicated does not appear. All the sources which the Hearst experts belatedly used in determining the fraudulence of the documents were available before their publication and with months in which to employ them. Genuine signatures of President Calles and of other Mexican officials were on file in Washington, available for the same comparison by which the Hearst agents now find to be forgeries the purported signatures of the Mexican President on the published documents. The comparisons that showed that letters purporting to have come from half a dozen different Mexican Government departments were all written on the same typewriter could have been made as readily before their publication as afterwards. There is no part of the Hearst inquiry into the genuineness of the documents he exploited which was not as practicable before as after their exploitation.

That Hearst did not want an investigation in advance of publication which would have proved the falsity of the documents and prevented their publication is obvious to the most simple-minded. That he would never have had it made, save as a final and desperate gesture of "good faith" in his extremity, is equally apparent. To those familiar with his long record of personal and journalistic animosity against Mexico and Japan and his methods of satisfying his grudges, his real motives need no explanation. That he deliberately imperiled the friendly relations of the United States with other nations with blatantly exploited uninvestigated charges of the gravest nature meant nothing to him.

It is a black record, the blackest in American journalism, the most gross abuse of the right of a free press in this or any other country's history. To call his proven fakes inflammatory is to understate their tenor. They accused a neighbor country of repeated acts of war; accused Japan of plotting against the peace of the United States; they accused the United States Senators of treason; they accused dozens of high and reputed officials and prominent citizens of the blackest of crimes against patriotism; all without investigation, equivalent, or mitigation.

Now, he appears, and facing the consequences of his wanton efforts to deceive the public and to force a grave international crisis, Hearst says he is sorry but there does not appear to have been any basis for his charges after all.

The new California plea of "not guilty because of insanity" seems to be the only one he can make under the circumstances.

Mr. ROBINSON of Arkansas. Mr. President, I do not intend at this point to attempt a discussion of the evidence which the select committee of the Senate has taken and reported to the Senate. I concur and all members of the committee concur in the report. My purpose now is to give emphasis to the statement of the chairman of the committee that there is no contradiction in the evidence upon the main conclusion that the documents are forgeries.

While I have no authority to speak for Mr. Hearst or for anyone who represents him, and do not assume to do so, I am convinced that Mr. Hearst himself and everyone who appeared before the committee representing him now feels assured that the documents, which it is said were obtained from the files of the Mexican Government in the City of Mexico and from the files of the Mexican consulate in the city of New York, are in fact clearly forged and not genuine.

The Senator from Nebraska [Mr. NORRIS] asked the chairman of the committee a question as to whether Mr. Hearst or his representatives exercised precaution to determine their genuineness before publishing the documents. I think a fair construction of the record discloses beyond a shadow of a doubt that while Mr. Hearst believed the documents to be genuine there was no such investigation made of them as their nature and the purpose to publish them if genuine required. I think the natural course to have pursued in connection with the documents, taking into consideration the facts and circumstances under which it was claimed they had been procured, was to submit them to men of experience in determining the genuineness of documents; and if that precaution had been taken, they would never have been published and this investigation would never have been made necessary.

I wish to emphasize, and I want the country as well as the Senate to know, that when a proper study of the documents was made it became clear beyond the shadow of a doubt that they were forgeries. If anyone will take the trouble to read the record, the conclusion will be reached that not only are they forgeries but that the forgeries were poorly executed.

I do not intend now to characterize the practice which has become too common in American newspapers and in some American magazines of recklessly assailing the integrity of men in public positions. This ought to be a lesson to those who quickly lend their ears to rumors assailing the character of men in office who do not agree with them. Such incidents as this are discreditable to any publicity agency.

Mr. HEFLIN. Mr. President, I wish to give notice that on next Wednesday morning, January 18, following the routine morning business, I shall address the Senate upon the subject of the Hearst scandal.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHORTRIDGE:

A bill (S. 2462) to amend the military record of John F. Walker; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 2463) to amend an act entitled "An act for the purchase of a tract of land adjoining the United States target range at Auburn, Me.," approved May 19, 1926; to the Committee on Military Affairs.

By Mr. NORBECK:

A bill (S. 2464) granting an increase of pension to Margaret Seward (with accompanying papers); and

A bill (S. 2465) granting an increase of pension to Betsey Smith (with accompanying papers); to the Committee on Pensions.

By Mr. MAYFIELD:

A bill (S. 2466) to amend the act approved March 3, 1911, to codify, revise, and amend the laws relating to the judiciary by limiting the duration of the administration of a corporation and its property; to the Committee on the Judiciary.

By Mr. TYDINGS:

A bill (S. 2467) for the relief of William P. Flood; to the Committee on Claims.

By Mr. GEORGE:

A bill (S. 2468) for the relief of John A. Woods; to the Committee on Finance.

By Mr. McNARY:

A bill (S. 2469) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended; to the Committee on Military Affairs.

By Mr. COPELAND:
A bill (S. 2470) granting a pension to Anna C. Kelley; to the Committee on Pensions.
A bill (S. 2471) for the relief of the owner of the American steam tug *Charles Runyon;* and
A bill (S. 2472) for the relief of the city of New York; to the Committee on Claims.
By Mr. JONES:
A bill (S. 2473) for the relief of Will J. Allen; to the Committee on Claims.
A bill (S. 2474) amending the fifth paragraph of section 10 of the act entitled "An act to amend existing laws relating to internal revenue, and for other purposes," approved March 2, 1867; to the Committee on Finance.
A bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression; to the Committee on Commerce.
By Mr. TYSON:
A bill (S. 2476) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the La Fayette-Celina road in Clay County, Tenn.;
A bill (S. 2477) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.;
A bill (S. 2478) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road, in Roane County, Tenn.;
A bill (S. 2479) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Jasper-Chattanooga road, in Marion County, Tenn.;
A bill (S. 2480) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road, in Knox County, Tenn.; and
A bill (S. 2481) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Lebanon-Hartsville road, in Wilson and Trousdale Counties, Tenn.; to the Committee on Commerce.
By Mr. KING:
A bill (S. 2482) for the relief of the White River, Uintah, Uncompahgre, and Southern Ute Tribes or Bands of Ute Indians, in Utah, Colorado, and New Mexico; to the Committee on Indian Affairs.
By Mr. DENEEN:
A bill (S. 2483) to extend the time for the construction of a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa, at or near the city of Savanna, Ill.; to the Committee on Commerce.
A bill (S. 2484) granting an increase of pension to Ernest L. Ferren; and
A bill (S. 2485) granting a pension to Electa Johnson; to the Committee on Pensions.
A bill (S. 2486) to extend the benefits of the United States employees' compensation act of September 7, 1916, to William Horton Brown;
A bill (S. 2487) for the relief of Emory S. Hall; and
A bill (S. 2488) to authorize the Comptroller General of the United States to relieve James O. Williams, former special disbursing agent of the Bureau of the Census, in the settlement of his account; to the Committee on Claims.
By Mr. BROOKHART:
A bill (S. 2489) to amend section 4 of the interstate commerce act; to the Committee on Interstate Commerce.
By Mr. McKELLAR:
A bill (S. 2490) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; to the Committee on Commerce.
By Mr. WAGNER:
A bill (S. 2491) granting an increase of pension to Mary Ellen May (with accompanying papers); to the Committee on Pensions.
By Mr. RANSDELL:
A bill (S. 2492) granting a pension to Tom Brooks; to the Committee on Pensions.
By Mr. SHIPSTEAD:
A bill (S. 2493) to grant certain public lands to the State of Minnesota for perpetual use as a public park; to the Committee on Public Lands and Surveys.
By Mr. WARREN:
A bill (S. 2494) granting an increase of pension to Sarah E. Carver (with accompanying papers); to the Committee on Pensions.
By Mr. WILLIS:
A bill (S. 2495) granting an increase of pension to Julia A. Martin (with accompanying papers); to the Committee on Pensions.

HOUSE BILL REFERRED

The bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

INVESTIGATION OF NAVAL OIL RESERVE LEASES

Mr. NORRIS. Mr. President, I have had called to my attention by the financial clerk the statute which we passed which provides that in all investigations ordered by the Senate the expenses of which are to be paid out of the contingent funds, there shall be a limitation in the resolution authorizing the investigation. In the resolution providing for a renewal of the investigation of the naval oil reserve leases and extending the original resolution there is no such limitation, and the original resolution which passed before the law to which I have referred was enacted. Therefore, in order to comply with that technicality, I ask unanimous consent to submit and have referred to the Committee to Audit and Control the Contingent Expenses of the Senate a resolution providing a limitation on the expenditure which may be incurred.
The VICE PRESIDENT. Does the Senator from Nebraska desire to have the resolution acted on at this time?
Mr. NORRIS. It will first have to go to the committee and be reported, but the committee have seen it and are ready to report it back, so it might just as well be read now.
The VICE PRESIDENT. The resolution will be read.
The Chief Clerk read the resolution (S. Res. 108), as follows:

Resolved, That the cost of continued and renewed investigation authorized by Senate Resolution No. 101, agreed to January 9, 1928, shall not exceed $25,000.

Mr. DENEEN. Mr. President, I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably without amendment the resolution which has just been read, and I ask unanimous consent for its immediate consideration.
The VICE PRESIDENT. Is there objection?
There being no objection, the resolution was considered and agreed to.

PENAL CODE OF THE CANAL ZONE

On motion of Mr. WALSH of Montana, the bill (S. 1256) to amend the penal code of the Canal Zone was taken from the calendar and referred to the Committee on Interoceanic Canals.

SOME RAILROAD HISTORY

Mr. BLEASE. Mr. President, I have here an editorial from the Belton (S. C.) News in reference to "A little bit of railroad history," which I ask permission to have printed in the RECORD.
The VICE PRESIDENT. Without objection, it is so ordered.
The editorial is as follows:

Two weeks ago we published on the front page in the first column and a half free of all charge the carefully prepared statement of the general counsel and first vice president, Mr. L. E. Jeffries, giving it the most prominent position in our paper.
The statement was brought to us by special messenger, who stated that it had been approved by the president of the Southern Railway Co., Mr. Fairfax Harrison, and that President Harrison had sent him to us with it.
We understand that these two officials of the Southern Railway Co. are paid something like $50,000 per year salary by that railroad corporation, as experts learned in the law, the history of transportation, and otherwise thoroughly familiar with the entire railroad "complex," historically, theoretically, and practically.
The first and opening sentence, like every other sentence in that carefully studied and subtly concocted statement, is a tissue of falsification of railroad history in this State, and a frightful, slanderous defamation on South Carolina and her great sons, like Robert Y. Hayne, E. L. Miller, Rene Goddard, Colonel Cross, David Ernst, George McDuffie, John C. Calhoun, and all those great South Carolinians, who, in the days of the internal improvements craze of the eighteen hundred and twenties and eighteen hundred and thirties opposed the wild turnpike, plank roads, and canal schemes that simply wrecked other States, and stood out against all such projects and fought for and started steam railroad building here.

The opening sentences of the statement declares: "There were few, if any, railroads in the State of South Carolina in the eighteen thirties and eighteen forties. * * * The legislature was endeavoring to induce capital to invest its money in the State," etc. That is pure, unadulterated fiction, and for a subtle purpose. That is a slander that South Carolina newspapers should refute instead of publish and commend. The historical facts are that as early as 1821 Robert Y. Hayne advocated in the press of the State and in public speeches the building of steam railroads as the and the only solution of not only our State's but the Nation's needs, and bitterly assailed from time to time the wasting of money upon turnpikes, plank roads, canals, and the like, with the result that in 1832 South Carolina had the longest-operated steam railroad in the world, as our legislature had incorporated January 30, 1828, the Charleston & Hamburg (Augusta) Railroad Co., that gave South Carolina not only the longest steam railroad in operation but also the first railroad in the United States using steam locomotive power from the beginning.

In 1830, when there were only 23 miles of railroad in the United States, more than 12 miles of this one steam railroad in South Carolina was in operation, carrying freight, passengers, and the United States Government Post Office files show it was the first steam railroad to carry the United States mails. The road was built entirely by South Carolinians with capital and money raised in this State, and what is more, one of the engines, the "Best Friend," was the first steam locomotive ever built in the United States and was designed and assembled by Mr. E. L. Miller, of Charleston, S. C. The event of the completion of the Charleston & Hamburg Railroad to (Augusta) Hamburg, 136 miles in length, is referred to in May, 1833, in the Charleston Mercury in part as follows:

"The Charleston & Hamburg Railroad is the greatest extent of steam railway line in consecutive miles in any part of the world."

And yet modern Munchausens, like the authors of the Southern Railway statement we published and that has been more or less published by the newspapers of this State, and who draw down salaries of $50,000 per annum as railroad experts in railroad finance, practical operation, railway science, law, and public service, proceed to tell us that we had no railroads then and try to lead an unsuspecting and confiding public here to believe that we and our legislature induced them to bring their capital and money here to get us to market and to give us the transportation necessary to get us out of the "sticks." And a paper almost at the door of Old St. Michael's Church in Charleston proceeds to commend editorially that defamation on the State of South Carolina, and one of the greatest of Americans, Robert Y. Hayne, who gave his life for railroad promotion, and who and whose generation, when it came to writing the sum total of all this great man did for his State, his Nation, and his fellow men, even after he had been the one Member of the United States Senate, selected by his colleagues as the constitutional lawyer to successfully engage Daniel Webster in that brilliant debate on the expressed, reserved, and compromised powers of the Constitution which it took a war between the States to settle; after he had been the first mayor of Charleston; after he had been a Member of both branches of Congress and our State legislature, serving as speaker of the house in the latter; after he had been attorney general and governor of our State, he wished and his people recorded this on his pedestal now in Old St. Michael's Church as the most important lesson from his most valuable and useful life:

"His last public service was his effort to open direct railroad communication with the vast interior of our continent."

The history of our State and of our country records that Robert Young Hayne was the first man to suggest not only in South Carolina but in the United States, steam railway transportation as the solution of the Nation's need, commercially, economically, socially, and politically. As early as November 22, 1821, the Charleston Gazette published his letter, reading in part: "Mr. Editor, having seen a specimen of a patent railway, I believe the plan would be useful in this State. The season for discussing the great subject of internal improvement has arrived and this may add to the materials."

With this letter the Gazette published the "specimen" or specifications of the "patent railway," proposing not the horse-drawn tramway of Massachusetts, or the sail-horse pulled one of Maryland, or the horse-stationary engine road of Pennsylvania but steam as a locomotive power. Robert Y. Hayne and others continued to advocate steam railroads and oppose canals, plank roads, turnpikes, and the like, with the result that they raised in this State the money and built the Charleston & Hamburg Railroad, 136 miles in length, from Charleston to Hamburg (Augusta), and in 1832 had a comprehensive system of railroads planned and partly built, including a railroad through Spartanburg, Asheville, Knoxville to Cincinnati and Louisville, called the Louisville, Cincinnati & Charleston Railway Co., incorporated in 1832 by our State legislature, and of which Robert Young Hayne was president until his untimely death, in 1839, at the age of 47, in Asheville from overwork as president of this then the longest proposed railway in the world.

Robert Y. Hayne's advocacy of connecting South Carolina with the Mississippi and Ohio Valleys had in view not only winning the West for the Nation but winning it for slavery and the South. He was not merely a railroad promoter or mere railroad builder, big as such men were and overshadow as completely as they do some of these modern overpaid railroad lawyers and officials, who can not see beyond the pocketbook nerves of their bondholders; but he was a statesman with a vision, and he pointed out at a big railroad convention he called, and over which he presided, which was attended in Knoxville by 380 delegates from all parts of the Middle West and the South, and which resulted in Cincinnati and Ohio building, with the help of Kentucky and Tennessee, the railroad now owned by that city and leased by the Southern Railway Co., that not only would such a railroad open up the West to the South and give the West the market needed for its development and prosperity, but it would be the "means of healing the (slavery) breach so deep and wide between the South and the West." If the valleys of the Ohio and the Mississippi Rivers were linked to the Atlantic Ocean, he argued, by way of Charleston, that vast section of the United State might become friendly to slavery through the "potent influence of understanding."

In his address as presiding chairman he said nothing about slavery, but the approaching war between the States over that unsettled and compromised question in the Constitution of the United States was the "urge" back of the tremendous and successful effort he made to win the delegations for steam railroad transportation when he pictured that a railroad from Charleston to Cincinnati and Louisville would prove a "controlling and permanent influence on the peace and perpetuity of the Union by practically increasing the reciprocal dependence of the North and South, by establishing business, promoting friendships, abolishing prejudices, creating greater uniformity in political opinions, and blending the feeling of distant portions of our country into a Union of heart," as well as of commerce, agriculture, religion, culture, and transportation.

And what a pity it is in these days of the Nation's greatness, when all the world looks to us for example, that there are not at the head of the present great Southern Railway system, made possible by the constructive railroad building, public good will, and statesmanship, patriotism, and foresight of that railroad and nation builder and pioneer, Robert Young Hayne; what a pity there are not now at the head of this great railway system real men like Robert Young Hayne and all those other South Carolinians, who "in the eighteen thirties and eighteen forties" had already built and planned more steam-railway mileage and had more in operation as early as 1832 than there was in the rest of the world, to carry on that splendid work with a decent regard for the people and the public, and devoting their energies and efforts to increasing the efficiency of the great trust they hold, instead of being engaged in pettifoggying, sharp practice, and in blocking road improvement and our industrial progress, maligning the names of real railroad men like Hayne, Miller, Calhoun, and others, and defaming the fair name of this splendid State of South Carolina, which has always been first in any worthy service, whether it be railroad building, character building, or nation building.

Let us repeat, what a pity it is that there are not at the head of the great Southern Railway Co., which would have little mileage were there subtracted from its present 6,874 miles the railroads built or planned in the "eighteen thirties and eighteen forties" by men like Hayne, Calhoun, Miller, Butler, Noble, Frenau, McDuffie, Law, Murray, Taylor, Shannon, Watt, Ford, and other South Carolinians, who not only planned and built, but supplied and raised the money right here in our own State for more than their part of most of what constitutes to-day the Southern Railway system, in spite of Mr. Jefferies's allegation there were no railroads in South Carolina "in the eighteen thirties and eighteen forties," and we were begging for men and capital to come here and build railroads.

Hayne, Miller, Calhoun, McDuffie, and all his corailroad pioneers knew what it was to serve their fellow men as well as their bondholders. They would not have served certain stock gamblers now engaged in "manicuring" the Southern Railway Co., and who have within the last three years manipulated the common stock from around $15 a share to $150 a share, increasing tenfold the value of the $130,000,000 worth of common stock, not one penny of which represents original railroad construction, and on which during the past three years these Wall Street gamblers have caused to be paid out of freight rates and passenger fares dividends recently increased to 8 per cent, apparently with a view to ultimately unloading their holdings, as time runs along, upon the investing public, composed largely of widows, orphans, and aged persons, pinching off in the effort to pay excessive dividends every possible penny and piece of property.

Our suggestion is that if the present "changed" policy of the heads of the Southern continues there be both a congressional and a State legislature investigation into the whole situation, covering not only the Wall Street manipulation of its common stock, the increasing of dividends from nothing to 8 per cent, but also the efforts of its present officers to beat down taxes, secure high valuation for rate basing, and otherwise take advantage of the public. Here is real opportunity for young men of courage and honest purpose to serve their State and country by getting into politics, becoming members of our legislature, making this a real live issue, and, like Portia, seeing to it that Shylock gets his pound of flesh—no more, no less, and nothing but flesh.

HENRY A. BELLOWS

Mr. DILL. Mr. President, a few days ago it was asked that the joint resolution S. J. Res. 55 be taken up for immediate consideration, it providing for the payment to Mr. Henry A. Bellows of the salary that would have been due him had he remained on the Radio Commission and been confirmed. I asked that it go over, because I wanted to ask Mr. Bellows certain questions in the hearings then being held by the Interstate Commerce Committee. I am satisfied with the replies to my questions. I would, therefore, like to ask unanimous consent to call up that joint resolution and have it passed in order that he may receive his pay.

Mr. BORAH. What is the resolution?

Mr. DILL. It is a joint resolution providing to pay to Mr. Henry A. Bellows, who formerly served on the Radio Commission and who resigned, the salary that would have been due him had he remained on the commission and been confirmed.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from Washington asks unanimous consent for the present consideration of Senate Joint Resolution 55. Is there objection?

Mr. BORAH. I do not know that I exactly understood the Senator. Is this to pay the gentleman for the time he actually served?

Mr. DILL. Yes; for the time he actually served.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. COPELAND. Mr. President, what about the other commissioners? Do we make provision for their pay?

Mr. DILL. A report as to their confirmation has not yet been made by the committee.

Mr. COPELAND. And if they are confirmed they will be paid?

Mr. DILL. Oh, yes; certainly.

Mr. KING. Mr. President, may I ask the Senator whether the evidence before the committee indicates that the commissioner in whose behalf the joint resolution has been offered favored the Radio Trust in the allocation of wave lengths, or whether his conduct was fair to all the public and those seeking licenses to operate radio stations?

Mr. DILL. That is a rather difficult question to answer fully, but I want to say, in justice to Mr. Bellows, that he was one of the most industrious members of the commission. The commission had no money with which to operate. It took charge of the situation and did the best it could, and while I did not approve and do not approve some of the actions of the commission in which Mr. Bellows concurred, I believe he was honest in his efforts, and I believe that having given his time to the work, that he is entitled to his pay. As to whether or not he has favored the so-called Radio Trust is a question upon which men might differ. I may say that the commission have not granted any licenses for broadcasting to exceed 90 days, so that the radio situation is not permanently tied up in favor of the so-called Radio Trust or anybody else. The commission are still free to allocate wave lengths and to change any station and to make any disposition of wave lengths that they may see fit on the expiration of the 90-day period. That, I think, must be said in their favor, whatever may be said in criticism of their other actions.

Mr. KING. May I say to the Senator that he must be aware of the fact that numerous complaints have been received from persons residing in many parts of the United States against the conduct of the commission. Statements have been made by those persons to whom I refer that they have been discriminated against and that the Radio Trust, if there is a trust, has been favored and a policy pursued which tends to fasten the Radio Trust upon the country to the disadvantage of the public and those who seek an opportunity for legitimate broadcasting.

Mr. DILL. The term "legitimate broadcasting" is generally interpreted by every man who has a broadcasting station to suit his own needs and wishes. There has been much criticism and I myself believe that some of the criticism is justified. It does seem that the stations of the Radio Corporation, and affiliated stations, have been given more readily what they desire and other stations have been handicapped and shifted to other wave lengths and had their power cut. But I repeat that the broadcasting situation is not closed. Radio Corporation stations or any other set of stations are not in complete control of the air, and I believe these members of the commission are honestly striving to work out these problems in the interest of better radio service. If Mr. Bellows's case were up for confirmation I might discuss more in detail the policies of the commission, which I will probably do when those cases come before the Senate. But I believe that Mr. Bellows is entitled to pay for the time he served.

Mr. COPELAND. Mr. President, may I ask a further question of the Senator?

Mr. DILL. Yes.

Mr. COPELAND. Was the nomination of Mr. Bellows confirmed?

Mr. DILL. Mr. Bellows's nomination was not confirmed. Mr. Bellows served from his appointment in March until, I think, sometime in October or November—I am not certain—but he resigned from the commission, so he states, because he had no money with which to continue in his position. He was receiving no salary and he felt that he could not make any further sacrifices. He has gone back to work for the station for which he formerly worked.

Mr. McKELLAR. May I ask the Senator whether it is the purpose to continue the commission?

Mr. DILL. No proposed legislation has been reported by the Interstate Commerce Committee on that subject.

Mr. McKELLAR. Has any measure on the subject been introduced and is any such measure pending?

Mr. DILL. Bills have been introduced in both the House of Representatives and the Senate proposing to continue the commission for one year.

Mr. McKELLAR. I think the commission ought to be continued by all means, and I hope the Senator from Washington will use his expert knowledge and his great interest in the matter in getting a bill reported out of the committee for that purpose.

Mr. DILL. I may say that hearings that are now going on before the Interstate Commerce Committee have been quite informative as to the policy of the commission and as to needs for its future service, and that question will be taken up by the committee in the near future, I think, and some measure reported.

Mr. McKELLAR. The truth of the business is, it seems to me, that we ought to have a permanent commission to deal with the subject of radio. That is my own judgment about it.

Mr. DILL. That was the view of the Senate when we passed the original bill, but the present law is a compromise with the House bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 55) for the relief of Henry A. Bellows, which had been reported from the Committee on Interstate Commerce with an amendment on page 1, after section 2, to strike out: "The moneys appropriated for the Federal Radio Commission by the first deficiency act, fiscal year 1928, shall be available for the payment of such compensation," and in lieu thereof to insert: "The moneys made available for the fiscal year 1927 by the act of February 23, 1927, and those appropriated for the Federal Radio Commission by the first deficiency act, fiscal year 1928, shall be available for the payment of such compensation." So as to make the joint resolution read:

Resolved, etc., That notwithstanding the provisions of section 1761 of the Revised Statutes, Henry A. Bellows shall be paid compensation at the rate of $10,000 per annum for the period during which he served as a member of the Federal Radio Commission.

SEC. 2. The money made available for the fiscal year 1927 by the act of February 23, 1927, and those appropriated for the Federal Radio Commission by the first deficiency act, fiscal year 1928, shall be available for the payment of such compensation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

REHABILITATING FARM LANDS IN FLOOD AREAS

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent, out of order, for the present consideration of Order of Business No. 31, being the bill (S. 672) for the purpose of rehabilitating farm lands in the flood areas.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JONES. I think more than merely the title of the bill should be read, or the Senator from Arkansas might make a brief explanation of it.

Mr. ROBINSON of Arkansas. Mr. President, I shall be very glad to explain the bill. The bill authorizes a fund of $500,000 to be used in agricultural extension work in the flooded districts. The bill has been favorably reported by the Department of Agriculture, and there is printed in the committee's report a letter from the department addressed to the chairman of the Committee on Agriculture, the Senator from Oregon [Mr.

McNARY] fully explaining the necessity for the legislation and advocating its passage. A paragraph in the report reads as follows:

In the maintenance of the cooperative extension system under the Smith-Lever Act the major portion of the expense of employing county agents is paid from county funds, the usual plan being to pay half or less than half of the salary of such agents from State and Federal funds and to pay the remainder of the salary and office and travel expenses from county or other local funds. The present financial condition of the flooded counties will make it impossible for most of them to continue their contributions to the salaries and expenses of county extension agents at a time when the services of these agents are greatly needed to assist rural people in rebuilding their homes, renovating their premises, and reestablishing themselves on a satisfactory basis. Careful estimates made by the directors of extension in the several States affected indicate that approximately $500,000 will be needed to take over the portions of salaries now paid to county agents from county and local funds in counties seriously affected by the flood and to employ agricultural and home demonstration agents in such counties where agents are not now employed.

Mr. JONES. The proposed legislation, as I understand, applies to the present year?

Mr. ROBINSON of Arkansas. Yes; it is an emergency authorization.

Mr. JONES. I have no objection to the passage of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas [Mr. ROBINSON] for the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That due to the emergency existing in the lower Mississippi Valley as a result of the flood of 1927, county funds available from taxation are so impaired throughtout the flood area that a continued support of the normal constructive activities of these counties, including the employment of county extension agents in agriculture and home economics, will be impossible. The Secretary of Agriculture is hereby authorized, in cooperation with the several States and local agencies within these States, to employ such county extension agents necessary to aid in quickly and adequately rehabilitating these flood-devastated farm areas.

SEC. 2. That for the purpose of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000 for the employment of county extension agents, traveling, subsistence, and other necessary expenses, to be expended by the Secretary of Agriculture under such rules and regulations as he may prescribe for the proper carrying out of the purposes of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBINSON of Arkansas. I ask to have printed in the RECORD the full report of the Committee on Agriculture and Forestry upon the bill.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 32, 70th Cong., 1st sess.]

REHABILITATING FARM LAND IN THE FLOOD AREAS

Mr. CARAWAY, from the Committee on Agriculture and Forestry, submitted the following report (to accompany S. 672):

This bill is a bill to authorize the appropriation of $500,000, to be used in accordance with the suggestion of the Department of Agriculture in the employment of county agents and home demonstration agents in the several States in which great damage was done by the floods last year. The authorization is only for the one year, at which time the Secretary of Agriculture, who strongly recommends the passage of this act, thought the counties would be able to resume the payment of the expenses herein mentioned.

The measure is an emergency measure designated for one year, and it is hoped that it may be passed speedily, as the need is great.

The letter of the Secretary of Agriculture is published herewith.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., December 31, 1927.

Hon. CHARLES L. McNARY,
United States Senate.

DEAR SENATOR: I have your request of December 13 for a report on S. 672, a bill for the purpose of rehabilitating farm lands in the flood areas, introduced by Senator ROBINSON of Arkansas on December 6. The bill recites the impairment of county tax funds in the lower Mississippi Valley as a result of the flood of 1927 and the consequent inability of the flood counties to continue the employment of county extension agents in agriculture and home economics; authorizes the Secretary of Agriculture to cooperate with the States and local agencies in the employment of such county agents to aid in rehabilitation of flood devastated farm areas; and authorizes an appropriation of $500,000 for the employment of county extension agents, travel, subsistence, and other necessary expenses.

The lower Mississippi Valley flood in the spring and summer of 1927 devastated farm areas in southeastern Missouri, southwestern Illinois, western Kentucky and Tennessee, eastern and central Arkansas, northwestern Mississippi, and eastern Louisiana. It prevented or greatly delayed and reduced crop production on several million acres of fertile farm lands, destroyed much livestock and many farm buildings, and injured business over a wide area. It caused a material reduction in local tax collections and at the same time entailed unusual expenditures from county funds for poor relief, the repair of roads and bridges, and other projects.

In the maintenance of the cooperative extension system under the Smith-Lever Act the major portion of the expense of employing county agents is paid from county funds, the usual plan being to pay half or less than half of the salary of such agents from State and Federal funds and to pay the remainder of the salary and office and travel expenses from county or other local funds. The present financial condition of the flooded counties will make it impossible for most of them to continue their contributions to the salaries and expenses of county extension agents at a time when the services of these agents are greatly needed to assist rural people in rebuilding their homes, renovating their premises, and reestablishing themselves on a satisfactory basis. Careful estimates made by the directors of extension in the several States affected indicate that approximately $500,000 will be needed to take over the portions of salaries now paid to county agents from county and local funds in counties seriously affected by the flood and to employ agricultural and home demonstration agents in such counties where agents are not now employed. In the case of agents now employed the portion of salaries now paid from State and regular Federal appropriations would continue to be so paid, but in the case of additional agents it would be necessary to pay their entire salaries from the appropriation here proposed. It is expected that the counties would supply office quarters and provide for necessary operating expenses.

The area devastated by the flood is largely populated with negro farmers, and especially effective extension work has been done in this region by negro men and women extension agents. The appropriation authorized in this bill (S. 672) would be sufficient to employ negro extension agents in the counties in the flood area with large negro population where such agents are not now employed, and to continue the services of agents now on the rolls. In some instances an agent may serve two or more counties, in which case provision would be made for travel expenses.

It is the thought of the directors of extension in the States concerned that the additional county extension agents employed under the authorization proposed in S. 672 could be supervised with the present administrative and supervisory forces and that practically the entire amount would be available for the employment of county extension agents.

Extension agents in the flooded counties have rendered extremely valuable service in flood relief and rehabilitation, and it is very desirable to continue and extend this service during the emergency period until the rural population has had opportunity to recover to some extent from the flood. The appropriation authorized in S. 672 should be sufficient to provide for the necessary county extension agents until June 30, 1929, at which time it is expected that the counties will be ready to resume their usual proportion of expense in the maintenance of such agents.

A similar proposal was made in H. J. Res. 4, introduced by Representative ASWELL and favorably reported by the House Committee on Agriculture. A statement regarding H. J. Res. 4 prepared by me was submitted to the Bureau of the Budget and returned to the department with the statement that the proposed legislation was not in conflict with the financial program of the President.

Early and favorable action on S. 672 is strongly recommended.

Sincerely,

W. M. JARDINE, *Secretary.*

REIMBURSEMENT OF MONEY ADVANCED BY NEVADA

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from the preceding day, which will be read.

The resolution (S. Res. 106), submitted by Mr. PITTMAN on the 9th instant, was read, as follows:

Resolved, That the Comptroller General is hereby authorized and directed to investigate and report to the Senate the amount of money actually advanced and expended by the State of Nevada, or by the Territory of Nevada and assumed by said State, in aid of the Government of the United States during the War between the States, with such interest on the same as said State has actually paid, in accordance with the opinion of the Supreme Court in New York *v.* The United States (100 U. S. 598); together with such amounts as have been heretofore reimbursed said State by the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. PITTMAN. Mr. President, this resolution is supplemental to another resolution which is now pending before the Committee on the Judiciary, to consider which a subcommittee has been appointed. The resolution which has just been read is merely in aid of that; in other words, it does nothing except to ask for a report.

Mr. CURTIS. For the use of the committee?

Mr. PITTMAN. That is all.

Mr. CURTIS. There is no objection to it.

Mr. PITTMAN. I ask for the adoption of the resolution.

The resolution was agreed to.

CHARLES H. SEND

Mr. FLETCHER. Mr. President, there is a bill on the calendar which is intended to give relief in the case of a homestead entry. The entryman entered the land in accordance with original surveys, but there was a mistake in the surveys. The department recommends the passage of the bill in their report.

Mr. SMOOT. What is the number of the bill?

Mr. FLETCHER. Its calendar number is 49, being the bill (S. 440) for the relief of Charles H. Send. The concluding sentence of the letter of the Acting Secretary of the Department of the Interior in regard to the bill is as follows:

> The amendment of the entry as proposed would be a measure of relief from the loss Send has sustained by the erroneous allowance of the entry, and I recommend that the bill be enacted.

The committee has reported the bill unanimously; it will take but a moment to consider it; and I ask unanimous consent for its immediate consideration.

Mr. CURTIS. I understood the Senator to say that the bill had been recommended by the department.

Mr. FLETCHER. Yes; it has been so recommended.

Mr. CURTIS. There is no objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to amend the homestead entry of Charles H. Send, made March 20, 1924, so as to describe lot 3, section 14, township 4 south of range 15 west, of the Tallahassee meridian, Florida, containing 80 acres, in lieu of the subdivision now embraced therein, and to accept the commutation proof submitted by said Send on October 8, 1925, if found otherwise satisfactory, upon payment for the land at the rate of $1.25 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SADIE KLAUBER

Mr. BRATTON. Mr. President, the bill (S. 434) for the relief of Sadie Klauber, being Calendar No. 36, is similar to a bill which was passed through the Senate at the last session of the Congress. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill referred to by the Senator from New Mexico?

Mr. SMOOT. Let it be read first.

The Chief Clerk read the bill, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Sadie Klauber, so long as she continues to suffer with tuberculosis, the sum of $60 per month from and after April 16, 1926, as compensation for permanent physical disability resulting from disease contracted in line of duty while employed in the United States Veterans' Hospital No. 55, Fort Bayard, N. Mex. Such monthly payments shall be paid through the United States Employees' Compensation Commission.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. CURTIS. Was the bill referred to the Veterans' Bureau and recommended by them?

Mr. BRATTON. It was referred to the Veterans' Bureau and a full résumé of the case was made. General Hines concluded with this language:

> It is believed that the committee will be able to judge for itself the merits of this bill and the propriety of its passage.

The Senate passed an identical bill during the last session of the Congress. A full explanation of it was then made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. SMOOT. Just a moment, Mr. President; I should like to read the report.

Mr. CURTIS. Mr. President, may we not proceed with the calendar until the Senator from Utah has had an opportunity to read the report?

The PRESIDING OFFICER. Morning business is closed, and the calendar under Rule VIII is in order.

Mr. CURTIS. Let it be understood that when the Senator from Utah has read the report that we will recur to the bill of the Senator from New Mexico. I will ask if that is satisfactory to him?

Mr. SMOOT. I see it is quite a lengthy report, but it will not take me very long to read it. If we could proceed with the calendar under Rule VIII it will afford me an opportunity to read the report.

Mr. BRATTON. Very well.

The PRESIDING OFFICER. The bill will be temporarily passed over.

THE CALENDAR

The PRESIDING OFFICER. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

CANAL ZONE PENAL CODE

The bill (S. 1256) to amend the penal code of the Canal Zone was announced as first in order.

Mr. KING. I ask that the bill may be read.

The Chief Clerk read the bill, which had been reported from the Committee on Interoceanic Canals with amendments, on page 2, line 5, after the word "exceeding" to strike out "$1,000" and insert "$200," and in the same line, after the word "exceeding" where it occurs the second time, to strike out "five years" and insert "one year," so as to make the bill read:

> *Be it enacted, etc.*, That chapter 5, Title 16, of the Penal Code of the Canal Zone be amended by adding to section 357 the following section:
>
> "SEC. 357a. Any person who, without the consent of the owner, shall take, use, operate, or remove, or cause to be taken, used, operated, or removed, from a garage, stable, or other building or from any place or locality on a public or private highway, park, parkway, street, lot, field, inclosure, or space, an automobile or motor vehicle, and operate or drive, or cause the same to be operated or driven, for his own profit, use, or purpose, shall be punished by a fine not exceeding $200 or imprisonment not exceeding one year, or both such fine and imprisonment."

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

Mr. FLETCHER. Mr. President, do I understand that the bill applies only to the Canal Zone?

The PRESIDING OFFICER. The Chair is advised from the title of the bill and its contents that it is a bill to amend the penal code of the Canal Zone.

Mr. KING. Mr. President, I do not see the particular purpose of the bill. There may be some specific reason for its passage. It seems to me the measure rather confounds larceny with some form of trespass.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. KING. I do.

Mr. BLEASE. I notice that the chairman of the committee is not present. I will state to the Senator from Utah that the only purpose of the bill is to reduce the amount of the fine and leave the matter to the discretion of the court.

As the law now stands, it provides for not less than $1,000 fine. It seems that that is considered excessive, and this bill is merely to leave it to the discretion of the court; not to make any change except as to the Panama Canal Zone, and only as to the punishment.

Mr. KING. If that is the only object, I have no objection to the measure; but it does seem to me that it confounds a trespass with a larceny. As I listened to the reading of the bill I could not tell whether it was an attempt to punish for grand larceny for the asportation of a machine or the taking of a machine unless there was a felonious intent; and the bill is silent as to whether there must be a felonious intent, whether they are to treat the taking of a machine as a mere trespass not amounting to a larceny.

I do not know the statute which exists in the Panama Canal Zone dealing with this subject; but if what the Senator has said is true, that it merely reduces the punishment from a peremptory fine of a thousand dollars and leaves it discretionary, I shall not object to its consideration.

Mr. BLAINE. Mr. President, I will state to the Senator from Utah that the War Department, as I understand, communicated with the chairman of the committee, stating that the present law in the Panama Canal Zone with reference to the taking of an automobile without the owner's consent provided for a penalty of only $25 and constituted an offense only of disorderly conduct. The department therefore proposed the bill that is before the Senate, providing for a fine of $1,000 and imprisonment for five years.

This is new legislation. This is not amending any present penal statute with reference to the Panama Canal Zone. Upon my suggestion the fine was reduced to $200 by amendment and the imprisonment to not exceeding one year, so that, whatever the offense may be, it would not be a felony.

Personally I have some doubts with respect to the advisability of passing the bill at all; but I understand that many of the States have similar provisions penalizing the taking of an automobile without the owner's consent quite without regard to whether or not it is a felonious or willful taking in a criminal sense.

I think, Mr. President, and I have often so stated, that those who are out of jail owe some duty to those who may go to jail. It is a very simple thing to have a safety device or lock on an automobile. Every automobile manufactured within the last year or two has such a device; and where that device is employed it prevents the taking of an automobile without the owner's consent in most cases. The War Department referred particularly to "joy riders," particularly those who might pick up a car upon the street, or even parked in a yard, and drive out into the country or about a village, with no intention to steal the automobile, but merely for the purpose of recreation, as they might consider it, "joy riding."

I doubt very much whether we ought to dignify that sort of a trespass as an offense by making it a felony, and for that reason I suggested the reduction of the penalty so that it would be regarded only as a misdemeanor.

In the absence of the chairman of the committee I do not like to suggest that this matter be pressed at this time. Perhaps it ought to go over. I think, however, in conformity with the laws of the States generally, that there might well be some legislation upon this question. Perhaps the penalties imposed in the bill are too harsh. That, of course, is a question for every Senator to determine.

Mr. WALSH of Montana. Mr. President, I have had the same misgivings expressed by the Senator from Wisconsin [Mr. BLAINE] and the Senator from Utah [Mr. KING] with respect to this bill. As indicated by both Senators, it does penalize the taking of an automobile without the consent of the owner, whether that taking is felonious or criminal in its intent or not. I believe that the bill might very properly have the further consideration of the committee, and I move that it be recommitted to the Committee on Interoceanic Canals.

The PRESIDING OFFICER. The Senator from Montana moves that the bill under consideration, being Senate bill 1256, be rereferred to the Committee on Interoceanic Canals.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

BILL PASSED OVER

The bill (S. 1946) relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. Upon objection, the bill will be passed over.

KATE MATHEWS

The bill (S. 3) for the relief of Kate Mathews was considered as in Committee of the Whole.

The bill had been reported from the Committee on C[illegible]ns with an amendment, on page 1, line 6, after the words "sum of," to strike out "$10,000" and to insert "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Mathews, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $5,000 as compensation for injuries received and expenses incurred by reason of having been struck by a United States Army automobile in San Antonio, Tex., on the 30th day of September, 1920, the automobile being driven at the time she was struck by First Lieut. Roscoe S. O'Hara, Air Service, United States Army.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. KING. Mr. President, is there a report accompanying the bill?

Mr. SHEPPARD. Mr. President, let me say to the Senator from Utah that this bill passed the Senate at the last session. It is one of the usual cases where a civilian was injured by collision with a vehicle operated by an officer of the United States Army or by some one in the service of the United States.

Mr. KING. What was the extent of the injury?

Mr. SHEPPARD. The lady was a school-teacher, advanced in years. She was laid up for several months and has been permanently crippled by this injury. The amount is the amount usually allowed in such cases. Her case is especially deserving on account of the fact that she has been disabled for life.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SADIE KLAUBER

Mr. BRATTON. Mr. President, the Senator from Utah has completed his investigation of Senate bill 434, Order of Business No. 36. I ask unanimous consent that we return to that number now.

The PRESIDING OFFICER. The Senator from New Mexico asks unanimous consent to return to Order of Business No. 36, Senate bill 434. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 434) for the relief of Sadie Klauber, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sadie Klauber, so long as she continues to suffer with tuberculosis, the sum of $60 per month from and after April 16, 1926, as compensation for permanent physical disability resulting from disease contracted in line of duty while employed in the United States Veterans' Hospital No. 55, Fort Bayard, N. Mex. Such monthly payments shall be paid through the United States Employees' Compensation Commission.

Mr. SMOOT. Mr. President, I shall offer no objection to the passage of the bill at this time; but it is a very, very close question whether the bill ought to pass or not. So far as I am concerned, I shall give the benefit of the doubt to the woman. In doing so, we shall have to take the position that the woman was married to a soldier and had never been living with him for five years, although they were both in the same hospital. Of course, if she did not live with him, there is a reason for granting the pension, and it ought to be granted to her. If she did live with him, she has no right to it.

So far as I am personally concerned, I am going to give the woman the benefit of the doubt.

Mr. KING. Mr. President, I should like to ask the Senator from New Mexico a question. If this measure is passed and becomes a precedent which we shall follow, will not every employee of the Government who receives an injury or who becomes ill, and that illness is protracted, or is of short duration for that matter, have a valid claim upon the Government?

Mr. BRATTON. No; Mr. President. This case presents an unusual state of facts, and, in my judgment, has an unusual amount of merit. For the benefit of the Senator from Utah, I shall state the facts.

Mrs. Klauber married her husband at New York April 14, 1921. The very next day he left New York for Fort Bayard, and became a patient in the tubercular hospital there. She went thereto two months later; and in July, 1921, she became a nurse in the hospital, and was assigned to the treatment of tubercular patients, being ex-service men, her duties being principally to spray their noses and throats. She continued in that employment for nearly four years, when she was stricken with pulmonary tuberculosis contracted in line of duty.

The report of the committee is supported by statements from six doctors that, in all probability, she contracted tuberculosis from her treatment of these patients. She makes an affidavit, her husband makes an affidavit, and four ex-service men at Fort Bayard make affidavits that during that four-year period she lived with the female employees of the hospital, while her husband lived in the hospital with the men. They lived apart. The Employees' Compensation Commission denied her claim for benefit under the law, on the theory that she probably contracted the disease from her husband. I repeat that she testified that during all that period of time she and her husband lived apart. He testified to the same thing. Four ex-service men in the fort make affidavits to the same facts.

Six doctors say that in their judgment probably she contracted the disease in line of duty.

Mr. KING. Will the Senator permit me to inquire what would be the compensation allowed under the law were she to come within the terms of that act?

Mr. BRATTON. I understand it would be the same amount as that fixed by the bill.

On these facts I am convinced that the bill has abundant merit, and should pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 19) for the relief of Frank Topping and others was announced as next in order, and was read.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The Secretary will read the report.

Mr. SMOOT. There is no report accompanying this bill.

Mr. CAPPER. Let it go over.

Mr. SMOOT. The author of the bill asks that it may go over.

Mr. CAPPER. I suggest that we pass over the bill.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

CLARA E. NICHOLS

The bill (S. 120) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's office, War Department, Los Angeles, Calif., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The Secretary will read the report.

The Chief Clerk read the report (No. 21), submitted by Mr. BAYARD on the 9th instant, as follows:

The Committee on Claims, to whom was referred the bill (S. 120) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in Senate Report No. 75, Sixty-ninth Congress, first session, which is appended hereto and made a part of this report.

[S. Rept. No. 75, 69th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (S. 2096) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in Senate Report No. 989, Sixty-eighth Congress, second session, which is appended hereto and made a part of this report.

[S. Rept. No. 989, 68th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (S. 3618) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to waive the statute of limitations in the application filed by Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's Office, War Department, Los Angeles, Calif., the provision of an act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, in order that she may receive the same consideration as though she had applied within the specified time required by law."

STATEMENT OF FACTS

Clara E. Nichols, a woman of about 30 years of age, without relatives, kin, or means upon which to depend, June 4, 1917, entered the Government service as a first-grade clerk, under civil-service classification, in the property section of the Ordnance Office, War Department, under Chief Clerk Hugh M. Purcell. She worked during the flu epidemic of 1917 and also of 1918, and in addition to her official duties as clerk was assigned to and did welfare work among the sick employees of the Government. In doing this welfare work she came in contact with many suffering with the flu, some of whom later died.

All of the evidence submitted by affidavit shows that the conditions under which the Government employees worked at Seventh and E Streets, and also at the Hoge Building, and also at the Ford Building on Pennsylvania Avenue, were very bad, dangerous to health, and many employees suffered from these conditions.

November 11, 1918, she was transferred to the office of the director of civilian marksmanship at 1115 Woodward Building, Maj. Richard D. La Garde in charge.

Early in January, 1919, the claimant suffered an attack of Spanish flu.

December, 1919, shortly after Christmas, the claimant had a second attack of the flu.

January 24, 1920, the claimant had a hemorrhage.

March 11, 1920, she had an X-ray examination, which disclosed pulmonary tuberculosis.

Major La Garde, in the interest of the other employees in his division, refused to let the claimant come back into the office for work, and she was transferred to the Militia Bureau.

April 21, 1920, the claimant took up work in the Militia Bureau and continued there until September 11, 1920.

September 11, 1920, the claimant had a second X-ray examination to see what progress she had made in fighting the tuberculosis ravages, and, much to her surprise, found that the area involved had doubled since her former examination, and she immediately made efforts for a transfer to California, where the climate would be more conducive to her recovery.

October 24, 1920, she assumed her duties as bookkeeper in the United States Army motion-picture service at Los Angeles, Calif.

May 20, 1921, the Los Angeles office was closed and the work consolidated with the work at the San Francisco office, and the claimant was transferred to San Francisco to continue her work.

In August, 1921, claimant's voice gave out, and she was unable to speak above a whisper until the following year while in New Mexico.

December 3, 1921, the work was finished at San Francisco and the office closed.

Since December 3, 1921, the claimant has been unable to work in any position.

June 23, 1922, claimant left San Francisco for Los Angeles to rest and recover sufficiently to go on to New Mexico, where her physicians advised the climate would be better and more conducive to her recovery.

August 1, 1922, she left Los Angeles for Albuquerque, N. Mex., in which vicinity she has since remained and now is.

January 20, 1924, the claimant, for the first time, learned of the existence of the United States Employees' Compensation Commission.

January 21, 1924, she wrote to the commission for blanks, after which she secured, by correspondence with her various chiefs and associates, affidavits in support of the application she desired to file with the compensation commission, and these were secured from all over the United States, and one from the Canal Zone.

July 25, 1924, the claimant filed her application, supported by the affidavits, doctors' certificates, and other evidence required for compensation.

The claimant, having used all of her available income and means to effect a cure while she was still working, found herself, at the conclusion of her services in San Francisco (December 3, 1921), entirely without funds and unable to follow any employment.

Since that time she has borrowed from month to month for her needs, hoping for a restoration of health and return to work that she may earn, live, and repay the loans various friends have kindly made her.

The aggregate amount of borrowed money is somewhere near $2,500.

Her physical condition, although somewhat improved, is retarded, and the effect largely overcome by reason of the mental worry over her helpless financial condition.

The United States Employees' Compensation Commission was obliged to reject her claim for the reason that it was not filed until August 7, 1924, while her disability was complete from and after December 3, 1921, and the law under which this commission is created and operates provides a limitation of one year from date of disability within which claim of compensation may be made, leaving the commission without discretion.

December 9, 1924, Senator Bursum, of New Mexico, introduced S. 3618 for the relief of the claimant, and this bill, in its effect, merely waives the statutory limitation written into the act creating the com-

mission, leaving it entirely to the commission to act in a judicial capacity upon the evidence submitted by this claimant.

The director of ordnance welfare, under date of November 5, makes the following report on claimant's service and condition:

"I have been in touch with Miss Nichols for the past four years and our welfare board has rendered substantial financial assistance during this period and knows her distressing condition intimately.

"In 1917 during the epidemic of influenza she contracted this disease and, because of inadequate nursing facilities at this time and the overcrowded housing conditions, it left her in a tubercular condition. She was soon after this transferred to San Francisco with the hope that the change of climate would at least arrest the disease, but her condition seemed too far advanced. In January, 1920, she had quite a severe hemorrhage and since that time she has steadily grown worse, and for the past two years she has not been able to perform work of any kind.

"Miss Nichols has no living relatives, and, aside from what funds her friends and associates have contributed, she has no money to make her at least comfortable for the short period of time it is felt she will live. Her physician here, Dr. Everett M. Ellison, of 1720 M Street NW., told me he was surprised to hear that she is still living.

"She has presented her case to the compensation commission, together with letters from her physician and people with whom she has worked in the departments. I feel that Miss Nichols is just as much entitled to compensation as one of our soldier boys, since her condition was contracted in line of duty.

"The ordnance welfare board sincerely hopes that her case will receive favorable action at the earliest possible date.

"Very respectfully,

"Mrs. L. H. PRINTUP,
"Director of Ordnance Welfare."

CONCLUSIONS

The act creating the United States Employees' Compensation Commission, effective September 7, 1916, is merely an act to authorize the Federal Government as an employer, to do those humane things which the considerate private employer does voluntarily.

The section limiting the time within which claims may be presented for the consideration of this commission is a wholesome provision intended to compel the presentation of claims within a reasonable time after the disability while the evidence to defend a fraudulent claim is available to the Government.

It is probably wise to withhold authority from the commission to exercise discretion with reference to this time limit.

The power to create this act, which is vested in Congress, should also, through Congress, waive the limit written into the act whenever the facts presented disclose that justice will be meted out by the waiver of such limit.

The facts as presented by Clara E. Nichols, claimant under this bill, and supported by the affidavits of reputable officials under whom she worked or by whom she was employed and treated, clearly presents a case where justice can only be meted out by waiving the time limit for presentation of her claim.

In addition to this, the claimant also makes a showing that she did not have knowledge of the existence of the Employees' Compensation Commission until the day before she wrote for blanks upon which to file her claim.

Ignorance of law is said to be no excuse, and as a legal maxim this is true, but in everyday life and in the dealings between men it is not true and should not be, and even in course of law and equity ignorance of the law is considered by "tempering justice with mercy."

It must always be remembered that until recently the Comptroller General of the United States uniformly held that the United States Employees' Compensation Committee could not pay claims for disability resulting from illness incurred in the service, but only for accident, and therefore Miss Nichols's claim would have been rejected by the commission for this reason even if she had filed it within the statutory limit.

The claimant is helpless, physically and financially, and is fast becoming a mental wreck because of these disabilities.

She evidently gave faithful service to her Government during the period of her several employments, and in rendering that service contracted the vicious, destructive disease that is sapping her life away.

It is just such cases as these that the compensation act of September 7, 1916, was made to meet.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE B. BOOKER CO.

The bill (S. 342) for the relief of George B. Booker Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George B. Booker Co., of Wilmington, Del., out of any money in the Treasury not otherwise appropriated, the sum of $102.69, said sum being due George B. Booker Co. for merchandise furnished to the Reedy Island Naval Station mess during the year 1918.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. H. KING

The bill (S. 1766) for the relief of R. H. King was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

Mr. SMOOT. Mr. President, I notice that the Postmaster General says:

> The report shows that the postmaster was lax in the manner of handling the post-office accounts and cash. I am therefore of the opinion that this case does not merit legislative relief.

I therefore object.

Mr. SHEPPARD. Mr. President, let me state to the Senator that the postmaster was found by the inspectors to have been guilty of no dishonest conduct. He is over 60 years of age. He paid the amount of the loss out of his own funds, and he was in such severe financial straits that he was compelled to use his life insurance to pay it. In view of the fact that there was no dishonesty on his part, the committee felt that the amount should be made good to him. The bill passed the Senate at the last session, and there are numerous precedents.

Mr. SMOOT. That may be true; but I would not want to vote for a bill where the Postmaster General says that the Government is not responsible. There are no mitigating circumstances that would justify payment.

Mr. SHEPPARD. Would the Senator condemn this man for this loss? It is my judgment that he took every reasonable precaution.

Mr. SMOOT. If it was his own fault, he ought to be condemned.

Mr. SHEPPARD. Congress has on a number of occasions indemnified other people under circumstances like this.

Mr. SMOOT. I hardly think it has where there was such a report as in this case. If we allow a bill like this to become a law it simply is tantamount to saying to every postmaster in the country, "You can lay money around anywhere, and if it is lost you can get a refund."

Mr. KING. Or any employee of the Government.

Mr. SMOOT. Yes; any employee of the Government. The time will come, and I hope it will not be long in coming, when there will be some kind of protection to the Government, by bond or otherwise, so that in cases like this, and others that happen and come to this body so often, the Government of the United States is not going to lose money. When a postmaster is appointed he is supposed to use diligence, and he is responsible for the money that comes into his hands. In this case the Postmaster General says that this man was lax in his duty, and for that reason lost this money.

Mr. SHEPPARD. Let me ask the Senator this question: If money has been lost under other postmasters under similar circumstances, should not relief be granted here. The Senator knows that the Congress has passed a number of measures like this.

Mr. SMOOT. No; not like this. Wherever there is a burglary, and a safe is broken open, Congress has never failed to refund the money that was stolen, or credit the postmaster.

Mr. SHEPPARD. In this case war savings stamps were stolen from the bank in which the postmaster had deposited them.

Mr. SMOOT. Certainly they were stolen, but they were stolen because the postmaster was lax in his duty. I would like to have the bill go over, and I will talk with the Senator.

The PRESIDING OFFICER. The bill will go over, under objection.

ESTATE OF JOHN STEWART

The bill (S. 1622) for the relief of the estate of John Stewart, deceased, was announced as next in order.

Mr. KING. Let the report be read.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk proceeded to read the report (No. 18) submitted by Mr. STEPHENS from the Committee on Claims on the 9th instant.

THE TARIFF AND AGRICULTURAL RELIEF

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. McMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

TAX REDUCTION

Mr. WALSH of Massachusetts. Mr. President, for three days we have been discussing the question of modifying or changing our tariff laws. The discussion has been very interesting and perhaps helpful, but can result in no definite action. The country is interested in a question that can be settled without delay, and that we ought to be now considering.

I call attention to the fact that before this Congress convened it was heralded far and wide that the chief and immediate business of this session was to be tax reduction. The country was promised early consideration and early enactment of a tax reduction law. The House of Representatives passed a new revenue bill which came into the Senate on December 17. Since that time no action has been taken in the Senate. There has been no meeting of the Finance Committee to consider this important measure. No statement explanatory of this delay has been made upon the floor of the Senate. Statements have been made from time to time in the press to the effect that consideration of the bill had been postponed or was to be postponed until March. I believe it was also asserted in the press that a majority of the members of the Finance Committee favored such postponement. There is now an apparent purpose to keep this measure buried in the Finance Committee.

Mr. President, I want to suggest to the Senator from Utah that the people of the country are vitally interested in the matter of tax reduction. Many business interests of the country that at present are far from prosperous are very anxious to have the Congress carry out the promise which was made, that they would be given tax relief without delay. I now ask the Senator from Utah why some action has not been taken? What is the reason for the delay? Why has there been a change of attitude? Is it politics? Why has not the promise been kept to act promptly to relieve the tax burdens of all classes of taxpayers, the one thing which the majority party repeatedly promised the people of this country they would do?

Evidently there has been some change of mind, some change of policy. It has been intimated that it was for political reasons. I think the country and the Members of the Senate are entitled to know officially, and not through the press, what is the attitude of the chairman of the Finance Committee and what is the attitude of the majority members of the Finance Committee. I would like to have the Senator make any statement that he cares to make in that connection.

I repeat, I do not know of any public question in which the people of the country are more interested to-day than tax reduction. There is a general demand upon all sides for it, and I hope the Senator from Utah, who is in charge of the bill in the Finance Committee, will hasten consideration of the measure in order that we may give the relief which the country has been asking for and which it is expecting.

Mr. SMOOT. Mr. President, I desire to say to the Senator from Massachusetts that I intended to call a meeting of the Finance Committee during the past week, but on account of the illness of the senior Senator from North Carolina [Mr. SIMMONS], the ranking Democratic member of the committee, I have not called a meeting of the committee. When he left here for the Christmas holiday recess he expected to be back on the Friday following the opening of the session.

Mr. WALSH of Massachusetts. Aside from that, has not the Senator made the statement that the matter was postponed because——

Mr. SMOOT. I will cover the question if the Senator will allow me to do so. For that reason there has been no meeting of the committee. That is in answer to one of the questions the Senator asked.

As to the early consideration of the revenue bill, I wish to give my views. The committee has not met, but I have every reason to believe, from what I have heard from members of the committee, that their views coincide with mine as to the time to report the bill.

It is true that the American people have been promised a reduction in taxation. No one is more anxious to bring that about than myself. I doubt whether there is a Member of the Senate who would even question the wisdom of such action. There is, however, a situation which I myself believe ought to be taken into consideration before the passage of a revenue bill at this session of Congress. In the first place, if appropriations are made in response to all of the demands which will be forced upon Congress, appropriations sufficient to cover them all, the situation will be quite different as to how much reduction we should make in taxes. By the postponement of the consideration of the bill until after March 15 no taxpayer will lose anything.

Mr. WALSH of Massachusetts. How will we, after March 15, know any more about what appropriation bills will be passed than we know now?

Mr. SMOOT. I think a number of them will be agreed to by that time, either defeated or passed.

Mr. WALSH of Massachusetts. But the session will not adjourn on March 15? Bills involving appropriations will be under consideration until the very end of the session.

Mr. SMOOT. But we will know what the regular appropriations will be. We have a good idea now as to what they will be, just the same as we would have in any session of the Congress. But in addition there are appropriations demanded for the Boulder Dam, for flood relief, for farm relief, for the canal——

Mr. WALSH of Massachusetts. If we wait for all of those matters, it may be next June before we consider the tax bill, instead of after March 15.

Mr. SMOOT. No. If the House pass upon them, as they think they will be able to do, some of them will be over here very soon. I as chairman of the Finance Committee, and I believe the Senator would take the identical position as a member of that committee, believe that it would be unwise to pass a revenue bill which would result in a deficit at the end of the fiscal year.

Mr. WALSH of Massachusetts. But that has not been the practice in the past. We have gone ahead and had hearings on revenue bills without considering other pending legislation.

Mr. SMOOT. Yes; when we knew we would have ample money to meet every obligation on the part of the Government. But things now are quite different than they have been in the past, with all these great projects proposed, and from what I understand from expressions I received from other Senators some of those measures are going to pass.

Mr. FLETCHER. Mr. President, the Senator will recall that a great many taxpayers are entitled to relief in the matter of the taxes due March 15.

Mr. SMOOT. But that is not hurting any of the business of the country.

Mr. FLETCHER. The Senator said that would not interfere with the payment of taxes.

Mr. SMOOT. It will affect the theaters, perhaps, and a few others paying an excise tax, but that is all. They collect the amount of the tax imposed now from their patrons. If the bill passes after the 15th of March, whatever the bill may provide by way of reduction in taxes for the year 1928 can be refunded if paid by the taxpayer. If he pays the whole tax on March 15, which many do where it is in a small amount, then whatever reduction is made will be refunded to him. If he pays the quarterly payment that is assessed against him under the existing law on March 15—and there is no change in the law until that time—from the second payment on the 15th of June he can deduct whatever he is entitled to deduct by reason of the reductions which Congress at this session may provide. So the taxpayers will lose nothing and the Government itself will be absolutely safe and sure of having sufficient money to meet all its requirements, both the ordinary requirements which we have and the special ones that are bound to be created at this session of Congress.

Mr. WALSH of Massachusetts. But the taxpayer on March 15 must make his return based on existing law.

Mr. SMOOT. Certainly.

Mr. WALSH of Massachusetts. The Senator thinks if the bill is enacted later, as it will be in view of his plan——

Mr. SMOOT. I have not any doubt about it.

Mr. WALSH of Massachusetts. That refund payments can be made to those taxpayers who pay under the present tax law?

Mr. SMOOT. We did that once before, and there was no trouble about it.

Mr. WALSH of Massachusetts. So the Senator expects to make the legislation retroactive?

Mr. SMOOT. Absolutely. There is no question about it, I will say to the Senator, and no taxpayer will lose anything at all.

On March 25, 10 days after the returns are in, we will know what taxes we are going to receive from the business of 1927. There is no question to-day about the expenses of 1928. We have to look at this matter as applying to the business of 1929, and the only safe way, the only businesslike way in my opinion—and I expect the Senator to agree to it—is to be absolutely safe. The only way we can be safe in this matter is to wait and find out and know positively what taxes we are going to receive from the business of 1927. It is claimed by some that the business of 1927 is just as good as for 1926. The volume is good, but I know that in the last three months

the manufacturers and the merchants have been crowding sales, and I know that the prices they have asked for goods are not as great as they were during the nine months preceding.

Mr. WALSH of Massachusetts. There has been a curtailment of prosperity then?

Mr. SMOOT. It is not as great prosperity to the man who is selling his goods, but it is prosperity to the men and women who buy them.

Mr. WALSH of Massachusetts. The Senator expects a falling off in income-tax receipts on March 15?

Mr. SMOOT. Taking the whole year, it may be that the gain in the United States may be less than we expect, but if it is not less, then we will know what sort of a bill to pass, and there will be no chances to assume whatever.

Mr. WALSH of Massachusetts. I do not care to prolong the discussion.

Mr. NEELY. Mr. President, will the Senator yield to me before the Senator from Utah takes his seat?

Mr. WALSH of Massachusetts. I yield to the Senator from West Virginia.

Mr. NEELY. The Senator from Utah has referred to the Boulder Dam bill and the farm relief bill.

Mr. SMOOT. I can mention three or four others, so far as that is concerned.

Mr. NEELY. Does the Senator believe that the Boulder Dam bill and the farm relief bill will be disposed of by the 15th of March?

Mr. SMOOT. I will say to the Senator from Massachusetts [Mr. WALSH] and also to the Senator from West Virginia [Mr. NEELY] that after the 25th day of March, or perhaps a little later than that, we shall know what the income from the business of 1927 will be. Then we shall be able to judge as to what bills that shall then not have been passed upon by Congress may be enacted, and take up the revenue bill for consideration.

Mr. WALSH of Massachusetts. Then there will have to be several weeks of discussion in committee and several weeks of discussion on the floor here, and it may be far into the summer before the revenue bill shall be passed.

Mr. SMOOT. I expect Congress will have concluded its work by June 15, and I am quite sure that the revenue bill will have been passed before that date.

Mr. WALSH of Massachusetts. So far as I am concerned, I want to close the colloquy. I thank the Senator for answering my inquiries and for the information and assurances which he has given to the Senate, I believe for the first time. Tax reduction is considered by the people of this country to be the most important question before the Senate and the House of Representatives. I think they are disappointed at the dilatory methods we have pursued in delaying action upon this measure, and I, as an humble Member of the Senate and of the Committee on Finance, want to protest against further delay and urge upon the Senator, for whose ability and whose capacity I have great regard, the importance of getting down to the one constructive, helpful thing that we can now do, namely, help business and the taxpayers in general by reducing taxes immediately. I fear, however, this delay may ultimately mean the possibility of no tax reduction.

Mr. BORAH obtained the floor.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SMOOT. Mr. President, I wish to say that if my mail is any criterion as to the attitude of the taxpayers of this country, they are almost unanimously in favor of waiting until after March, and then to have Congress pass a tax reduction bill which we know will provide sufficient revenue to meet the requirements of the Government.

Mr. BORAH. Mr. President, I am not a member of the Finance Committee and, therefore, I do not speak ex cathedra; neither am I in the confidence of the administration with reference to the tax-reduction measure; but the Senator from Utah [Mr. SMOOT] and the Senator from Massachusetts [Mr. WALSH] may well take into consideration that there are Senators in this body who are not in favor of tax reduction at all, and particularly so, even if it should be in midsummer, until we know something about the obligations which we will have to meet in the future.

I am not nearly so much interested in tax reduction as I am interested in whose taxes are going to be reduced. If we continue the program which we have pursued for the last 10 years we are going to reach a situation in this country pretty soon where we shall have a public debt of some $18,000,000,000, upon which we will be paying interest of some $700,000,000, and an annual Budget of three and a half billion dollars, with other tremendous expenses, and the entire burden loaded onto the average taxpayer. It has been systematically brought about that those who are most able to meet the great burdens which came out of the World War are being constantly relieved of the duty to pay in accordance with their ability to pay, while the vast burden of the Government is being left upon the average taxpayer.

There is no concealing the fact, Mr. President, that we can not make the appropriations which Senators here in good faith are urging and have any tax reduction at this session which will be anything else than a mere subterfuge, because while taxes may be reduced temporarily, if we proceed making appropriations as we now propose to do, the taxes will necessarily have to be placed back upon somebody. There is a proposal of some $300,000,000 for farm relief, and of from $400,000,000 to $600,000,000 for flood relief.

Let me digress to say that I trust we are not going back in providing adequate flood relief to the old practice of cheese paring and political appropriations. Flood control is a task which we have to perform, which the National Government must take care of, and which it ought not to be embarrassed to take care of when the time comes to take care of it by reason of Congress having passed tax reduction bills which we ought not to pass.

Mr. COPELAND. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. Yes.

Mr. COPELAND. Does the Senator from Idaho contemplate that the vast expenditure necessary for flood control is to be paid out of current funds?

Mr. BORAH. Does the Senator mean that bonds should be issued? Most assuredly I am opposed to issuing bonds under any circumstances or conditions. That involves another attempt to reduce taxes upon those who can pay. To issue bonds will mean finally to put their payment and the interest charges upon the average taxpayer.

Mr. COPELAND. If an expenditure of a billion dollars should be required—and I should not be surprised if the cost of flood control should rise to that point—does the Senator believe that we should make provision out of the current funds for the payment of that vast sum?

Mr. BORAH. I do not contemplate that we shall expend the entire sum immediately, but I contemplate that such an obligation will be incurred and that it will have to be met. I also contemplate that it will be met out of current funds by the National Government.

Mr. COPELAND. Does not the Senator consider, however, that that is a project that has to do with the welfare of the people of the Mississippi Valley for years and generations to come, and that we might well distribute the cost of it over a long period instead of having the present generation pay for it?

Mr. BORAH. I do not know how we are going to distribute it over a long period unless it is proposed that the States of the Mississippi Valley shall issue bonds and take care of some of its aspects in that way. Is that what the Senator favors?

Mr. COPELAND. Certainly not. I think it is a national problem and should be taken care of by the National Government, but I can see no reason why we should pay an enormous sum out of the Treasury this year or next year or for two or three years when we are paying for a project which is going to take care of the people for hundreds of years to come.

Mr. BORAH. Mr. President, we ought to have a program with reference to flood control which will embody a complete plan and provide for a complete work when it is finished, and whatever obligation that may impose upon the National Treasury the National Treasury ought to be prepared to take care of it.

I myself am not in favor of unloading this work upon the States in the valley nor in any way shirking the real responsibility which rests upon us.

Then we have Boulder Dam and housing of our Army.

With reference to the Boulder Dam project, it is my judgment that if we longer continue doing nothing in regard to that situation we are conniving at a disaster which will be only less serious than that which has been suffered in the valley of the Mississippi. We should turn our attention to the building up of the internal resources and the internal improvements of the country, and take care of them regardless of the politics which is involved in a proposed tax reduction.

In addition to that, Mr. President, we now have the indorsement of a program to begin what is practically a naval race which, it is already estimated in the beginning, will cost $800,000,000 and if the real figures were given, the cost of the program which is now proposed would be over a billion dollars.

So, Mr. President, while we are talking about tax reduction Congress is being urged, and will be urged, to make appropriations for projects and enterprises which make it absolutely im-

possible to consider any tax reduction of real and permanent value, and, so far as I am individually concerned, I am opposed to tax reduction under the present circumstances. I am opposed to it for the reason, in the first place, that I do not believe it will help those who ought to be helped; I do not believe it will relieve the burden where it ought to be relieved; and, secondly, because we have these obligations to meet and should meet them. If any way can be found to meet these expenditures and at the same time reduce taxes, I should listen with interest to the scheme.

THE TARIFF AND AGRICULTURAL RELIEF

Mr. COPELAND. Mr. President, I inquire what is the business before the Senate?

The VICE PRESIDENT. The resolution of the Senator from South Dakota [Mr. McMASTER] is before the Senate.

Mr. COPELAND. May I inquire, has this resolution been modified by the Senator from South Dakota?

The VICE PRESIDENT. There is an amendment pending which has been offered by the Senator from Oregon [Mr. McNARY].

Mr. COPELAND. But the Senator from South Dakota himself has not offered any amendment, as I understand?

The VICE PRESIDENT. The Senator from South Dakota has not modified his resolution.

Mr. COPELAND. Mr. President, I desire to address myself to the resolution which has been offered by the Senator from South Dakota. Although in its present form I could not vote for it, I assume that before we are called upon to vote there will be some modification. As I understand the real purpose of the resolution, it is intended to call the attention of the country to the fact that "there must be protection for all or protection for none." This is a warning to the Congress that the farmers of America will no longer tolerate a situation where the great industrial and manufacturing concerns are highly protected and made prosperous by reason of protection while the farmer is given no measure of protection.

I am interested in the welfare of the farmer in spite of the fact that I come from the great metropolis of New York. I wish to call attention to the fact that New York State is one of the great farming States of America. My State stands eleventh in the value of farm products. The only States in which the value of farm products exceeds the value of farm products of my State are Texas, because of its cotton; California, by reason of its fruit; Iowa and Illinois, because of their corn; and then New York stands shoulder to shoulder with Kansas, Minnesota, North Carolina, Oklahoma, Wisconsin, and Ohio. In not one of the last-mentioned group of States does the farm value of its products exceed the farm value of the products of my State by more than $25,000,000 a year.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

Mr. COPELAND. Certainly.

Mr. SHEPPARD. Has the Senator the figures as to the money value of crop production in the various States?

Mr. COPELAND. I do not have the exact figures, I may say to the Senator.

Mr. SHEPPARD. I notice that the Senator named Texas first.

Mr. COPELAND. Yes.

Mr. SHEPPARD. I wish to call especial attention to the fact that Texas leads the Nation in the value of its farm crops.

Mr. COPELAND. I may say to the Senator that the order in which I named these various States is the order of the value of the products.

Mr. SHEPPARD. I am very glad to have that brought out.

Mr. COPELAND. Texas comes first; next comes California; then Iowa and Illinois; then, as I have said, Kansas, Minnesota, North Carolina, Oklahoma, Wisconsin, Ohio, and then New York. Therefore, Mr. President, anything having to do with the welfare of the farmer is a matter of great concern to any Senator from the State of New York.

I was much interested in the statement of the President in his message. He said—I quote from President Coolidge's last message:

> It is often stated that a reduction of tariff rates on industry would benefit agriculture. It would be interesting to know to what commodities it is thought this could be applied. Everything the farmer uses in farming is already on the free list.

Mr. President, they must have a different way of farming in Vermont than they do in New York, because there are many things used in farming which are not on the free list. I want to call attention to some of these things, because the farmer has consistently voted the Republican ticket. I have no reason to believe he will stop voting that ticket.

The farmer representatives on the other side of the aisle are very much excited about this situation. They have not hesitated to blame the Republican Party, but when it comes time to vote next fall they will vote the Republican ticket just the same. However, I think the farmers of America ought to know how the protective-tariff system affects them, and how much they have been benefited and how much they have been harmed by that system.

I want to say in discussing this matter—and that is the reason why I said in the beginning that I could not support this resolution in its present form—that I believe in the protective-tariff system. I think it is tremendously important to this country that we should have a scientifically applied tariff. I think it is important to my State that there should be such a tariff. We are great manufacturers of cuffs and collars and shirts and paints and paintbrushes and a thousand other things where if we had no protective tariff the workmen and the manufacturers of my State would come in competition with the peasant labor of Europe, and these manufactories would be stifled. But there can be no doubt that this tariff was written in the interest of several great manufacturing concerns, and the farmer was not thought of or his welfare considered when this tariff bill was written.

The history of the protective-tariff system is interesting. In the early history of our country the hatters in Danbury found themselves in competition with the men who made hats in Hartford; and in order that that competition, which lessened the profits, might be done away with, they formed combinations, or what we call to-day trusts. In due time these combinations gained political strength and they were able to control legislation.

It was not long, however, before these combinations found that while they had benefited temporarily, they were in competition with the manufacturers of Europe; and so the question arose, "How are we going to do away with this competition?" Then these powerful organizations came to Washington, and out of it came the protective-tariff system.

The farmer is the victim, because, in spite of the optimism of the President, it is not true that everything the farmer uses is on the free list.

There is another matter which is of vital interest to the farmer.

Mr. McKELLAR. Mr. President, will the Senator yield before he leaves that subject?

Mr. COPELAND. I shall be glad to yield.

Mr. McKELLAR. As I understood the Senator, he said that he regarded the protective tariff as a scientific tax system. Did I correctly understand him?

Mr. COPELAND. No; the Senator did not understand me correctly. I said that I am in favor of a scientifically applied tariff system; but certainly the present tariff law of 1922 is not such a system.

Mr. McKELLAR. Does the Senator think that a tariff law by which $605,000,000 is raised by the Government annually, and the American consumer is taxed not only in that sum but in $4,000,000,000, speaking in round numbers, for the benefit of favored classes, can be made into a scientific system?

Mr. COPELAND. No; not the way that we write tariffs. It never can be done in that way; and there is no more glaring example of what the Senator has in mind than the tariff on sugar.

It is costing the housewives of this country $250,000,000 a year by reason of the increased price put upon sugar, growing out of this tariff.

Mr. BROUSSARD. Mr. President, may I ask the Senator from New York a question or two?

Mr. COPELAND. Certainly.

Mr. BROUSSARD. How many pounds of sugar are consumed in the household at the table annually?

Mr. COPELAND. Suppose the Senator gives me those figures. I assume he has them.

Mr. BROUSSARD. About 30 pounds. The rest of it is used in the manufacture of condensed milk, candy, gums, tobacco, and various other articles where the duty on sugar cuts no figure at all in determining the price. So when it is charged that the American household is being mulcted to the tune of $240,000,000, that figure ought to be cut in two three or four times.

Mr. COPELAND. In view of what the Senator from Louisiana has said, I will change the statement that the housewives are paying $250,000,000 and say that the householders of this country are paying it.

Mr. SMOOT. And if they did not we would have to collect the taxes from some other source.

Mr. BROUSSARD. Mr. President, will the Senator permit another interruption?

Mr. COPELAND. Certainly.

Mr. BROUSSARD. Does the Senator think the duty on sugar affects the price of gum or candy or condensed milk or tobacco or thousands of other articles in the manufacture of which sugar is used?

Mr. COPELAND. Certainly I do.

Mr. BROUSSARD. Does the Senator think that if the duty on sugar were lessened or taken off entirely it would be possible to buy candy for less than $1 a pound?

Mr. COPELAND. Not the dollar-a-pound kind, no; but candy would be sold for less money.

Mr. BROUSSARD. What about the price of chewing gum? Would that be lessened?

Mr. COPELAND. I assume it would. I am not well informed on that subject.

Mr. BROUSSARD. In other words, the Senator believes that if the duty of 1.76 on sugar was removed there would be a reduction all the way down the line, even on chewing tobacco?

Mr. COPELAND. Let me say to the Senator from Louisiana that I do not believe he heard what I said a little while ago. I would not have all the tariff taken off sugar, any more than I would take it off a lot of other things.

I honor the Senator from Louisiana because he is here to protect the interests of his State; and I want to pass word on to his constituents that he is always doing it well.

Mr. BROUSSARD. May I be permitted to say that my people believe that this duty is not high enough.

Mr. McLEAN. Mr. President——

Mr. COPELAND. I yield to the Senator from Connecticut.

Mr. McLEAN. I am surprised that the Senator from Louisiana does not ask the Senator from New York what he thinks the price of sugar would be if there were no protective tariff on it, and, as a result, the beet-sugar men and the cane-sugar men in this country were driven out of business, and we were at the mercy of the foreign producers. I wonder if he knows what the price of sugar would be then.

Mr. SMOOT. You can judge that from war times, when they raised it to 24 and 25 cents a pound.

Mr. McLEAN. It went to 30 cents a pound to the wholesalers.

Mr. COPELAND. Mr. President, I deliberately brought in this reference to sugar because I knew it would "stir up the animals." If we were to take off the tariff on sugar and pay a bounty, we could save $100,000,000 a year.

Mr. SMOOT. May I ask the Senator where he would get that $100,000,000 from? He has to have it from some source to pay the expenses of the Government. Where would the Senator place that burden, then?

Mr. COPELAND. Mr. President, I am frank to say that I could not get it, because the watch dog of the Treasury here would prevent it.

Mr. SMOOT. But if you could, and if the watch dog should say, "Yes; we will take it off," where would you place that burden of $100,000,000?

Mr. COPELAND. Of course, Mr. President, as the Senator well knows, I am not anticipating that that is going to happen; but I do know that if I may trust at all the word of those engaged in the sugar business in my section of the world, the tariff on cane sugar—as it involves cane sugar—could be materially reduced.

Mr. SMOOT. Mr. President, I think sugar is about the only product raised on the farm the price of which is less now than it was before the war. I want to say to the Senator that as far as the industry is concerned under existing conditions, with overproduction of sugar in Java and Cuba and different sections of the world, the stock of the sugar companies is almost worthless. Not only that, but I wish to say to the Senator——

Mr. COPELAND. Just one moment. The Senator spoke about Cuba.

Mr. SMOOT. Just a moment; I want to finish this. Here are the Philippine Islands, which have a free market for sugar into the United States. They can raise sugar for less money than it can be raised for in Cuba. I have a copy of the interview between the junior Senator from Montana [Mr. WHEELER] and the largest sugar producer in the Philippines, in which he admitted to the Senator that he had made approximately 50 per cent on his capital stock that year. Not only that, but when the Senator from Montana asked him, "What wages are you paying your men in the sugar fields of the Philippines?" his answer was, "Forty cents a day"; and yet that flood of sugar coming into this country, that was limited to 300,000 tons before the act of 1913, has no limitation now.

This body was told that it was impossible to produce at any time more than 300,000 tons of sugar in the Philippines, but last year they produced more than double that amount, and all of the American market here was open free to them. Not only that, but I want to call the Senator's attention to Porto Rico. We imposed a small duty of 80 cents or a dollar upon sugar cane, and what are the Porto Ricans doing now? They are shipping sugar cane from San Domingo into Porto Rico and making it into sugar, and then from Porto Rico bringing the sugar into the United States free of duty. All these things you have to take into consideration when you are discussing the question; and it is a big question at that.

Mr. McLEAN. What has been the average price of sugar since the enactment of the tariff law of 1922?

Mr. SMOOT. As I have said, it is the only farm product I know of that has not advanced in price. The Senator could have gone down the street several months ago and bought sugar at retail for 5 cents a pound. Not only that, but as far as the beet grower is concerned the farmer gets his $7.50 a ton for his beets, no matter what the price of sugar is, and if there is anything made he gets half of the profit. Can farmers object to that? They are not objecting to it; and I will say to the Senator that there is not a commodity raised on the farm that is cheaper to-day than it was before the war with the exception of sugar.

Mr. COPELAND. Mr. President, the Senator from Utah lives up to the high reputation I give him in all the speeches I make in the State of New York. I say up there, and I say now, that he is the ablest defender of the sugar tariff on the face of the earth. Now, I want to ask him a question. Does the tariff on sugar increase its price in this country?

Mr. SMOOT. Of course it increases the price.

Mr. COPELAND. What is the aggregate amount?

Mr. SMOOT. One dollar and seventy-six cents a hundred.

Mr. COPELAND. But how much do the housewives, or, let me say, how much do American citizens pay for sugar in excess of what they would pay if it were not for this tariff?

Mr. SMOOT. I do not think they pay anything in excess. If you place the sugar in the hands of five or six refiners in the United States, I tell you that there would be no reduction, in my opinion, in sugar. Take all the beet sugar off the market and see how quickly the New York refiners and Philadelphia refiners will raise the price of sugar. I have had charts here showing exactly what changes were made, and the exact dates, when there was no domestic sugar to sell. They put on whatever price they wanted to. It is one commodity, handled by about seven concerns of the United States.

Mr. COPELAND. That is, if we did not have the scarlet fever, we would have the measles.

Mr. SMOOT. I think you would have both scarlet fever and measles with no local production of sugar.

Mr. COPELAND. Let me ask the Senator another question. One dollar and seventy-six cents a hundred is the figure?

Mr. SMOOT. Yes.

Mr. COPELAND. Does the imposition of that duty add anything to the cost of sugar when we buy it?

Mr. SMOOT. When who buys it?

Mr. COPELAND. When an American citizen buys it.

Mr. SMOOT. The consumer?

Mr. COPELAND. Yes.

Mr. SMOOT. I think it does.

Mr. COPELAND. How much does that add in the course of a year—the aggregate amount?

Mr. SMOOT. Do you mean what duty is paid?

Mr. COPELAND. What is the added sugar bill of the Nation by reason of the duty?

Mr. SMOOT. Nobody could tell that.

Mr. COPELAND. Two hundred and fifty million dollars, probably.

Mr. SMOOT. The Senator says "probably."

Mr. COPELAND. Yes. Is not that about right?

Mr. SMOOT. I should think it would be the amount of the duty collected, whatever it was.

Mr. COPELAND. Let us say $200,000,000. Is that right?

Mr. SMOOT. I have not looked up the latest figures. It is a large amount.

Mr. COPELAND. The Senator says it is a large amount. Let me say for the comfort of the Senator from Utah that I am with him for a reasonable tariff on sugar, but I am attempting to point out what is the fact, and the thing which he has admitted, that by reason of this tariff the people of this country pay a tremendous amount of money which they would not pay without it.

Mr. SMOOT. The Senator goes too far there. If there were no such duty, the people would have to raise that amount of money from some other source, and they would pay it. The tax that is raised from the sugar imported into this country goes a long way toward paying the expenses of the Government; that is, to the extent of about $200,000,000. If sugar came in free, the American people would have to make up what is now collected as duty. There is no doubt about that. So it is a question whether the duty shall be on a commodity produced in the United States, with United States capital, United States labor, paying the farmer the highest price that has been paid for years.

Mr. COPELAND. That is, for sugar beets?

Mr. SMOOT. Yes.

Mr. COPELAND. Will the Senator tell the Senate and the country how much revenue the country receives from the sugar made from sugar beets?

Mr. SMOOT. There is no tax upon it, and that is a very little part of what they consume.

Mr. COPELAND. Then, in order that we may protect this very little part, we put a tariff of $1.76 a hundred, to increase the price 2 or 3 cents a pound on every pound of sugar purchased in the United States?

Mr. SMOOT. That is not so, Mr. President. There is no 2 or 3 cents a pound.

Mr. COPELAND. One dollar and seventy-six cents a hundred is 1.76 cents?

Mr. SMOOT. Yes; but it is not 2 or 3 cents.

Mr. COPELAND. When the consumer goes to buy, how much is it, then? It is pyramided, is it not?

Mr. SMOOT. No. That is one commodity sold in the United States with hardly a cent of profit in it. It is almost like changing dollars.

Mr. BROUSSARD. Mr. President, if the Senator from New York will be kind enough to yield to me, I would like to make the explanation a little clearer.

Mr. COPELAND. Certainly.

Mr. BROUSSARD. The consumption of sugar per capita in the United States is about 200 pounds. Of that, 30 pounds is bought directly as sugar by the consumer for human consumption. One hundred and seventy pounds enter into the manufacture of thousands of articles, where the duty plays no part in the fixing of the price. So that when you come here to demonstrate the case you are trying to make, you base it on 30 pounds per capita. Then, if it is found that the consumer pays all of that tariff on 30 pounds, the total is that multiplied by the people of the United States.

No one would assert that when he buys a plug of tobacco or when he buys a ham or smoked meat or ice cream or candy or sugar or other articles, where sugar is merely incidental, that the tariff on that sugar at the rate of $1.76 per hundred pounds enters into the cost to the consumer.

Mr. COPELAND. Does the tariff on tobacco enter into it?

Mr. BROUSSARD. Of course it does; very much more so.

Mr. COPELAND. Because there is more tobacco than there is sugar?

Mr. BROUSSARD. Yes. The quantity of sugar is so small there that you can not estimate it. You go and buy a stick of gum for 5 cents. If there were no sugar in that gum, it would still cost you 5 cents, or if there were twice as much sugar in it, it would still cost you 5 cents. If you cut it in half, you would have to pay the same price. It is so infinitesimal that it plays no part.

Mr. COPELAND. The Senator from Louisiana seems to be at cross purposes with the Senator from Utah. The Senator from Utah has just confessed that by reason of this tariff on sugar we are paying $200,000,000 more for sugar than we would otherwise.

Mr. SMOOT. On the importation.

Mr. COPELAND. However, the fact remains, whether we call it $250,000,000, or $200,000,000, or $100,000,000, or $50,000,000, that the tariff on sugar causes the farmer to pay more for sugar than he otherwise would pay.

Mr. President, there is another matter that enters into the welfare of the farmer. Whenever any one of us favors a farm relief bill, we are told that such a bill is violative of economic law, that it violates the law of supply and demand, and therefore that we must not pass any such unscientific thing because it is uneconomic.

Can anything be more uneconomic, any more violative of the law of supply and demand, than a protective tariff? That is the purpose of the tariff. The main purpose of the protective tariff is not to raise revenue; the main purpose is to protect American industry, and in order that there may be protection of industry, the tariff is set up to raise the threshhold and make it impossible for foreigners to compete with our home-made products.

Therefore, when these farm Senators come here and talk to us about the necessity of the one-crop farmer, why do we raise the cry against them, "This is uneconomic, this is violative of the law of supply and demand"? It is no more uneconomic and no more violative of natural law than the protective tariff system is.

Mr. McMASTER. Mr. President, will the Senator yield for a moment?

Mr. COPELAND. I am glad to yield to the Senator.

Mr. McMASTER. I desire to modify and perfect Senate Resolution 52, which is now pending for consideration before the Senate. I desire to strike out all after the first word, "*Resolved*," and substitute in lieu thereof the following language, so that the resolution then would read:

Resolved, That many of the rates in the existing tariff schedules are excessive, that the Senate favors immediate revision downward of such schedules, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all; be it further

Resolved, That such tariff revision should be considered and enacted during the present session of Congress; be it further

Resolved, That a copy of this resolution be transmitted to the House of Representatives.

Mr. SHORTRIDGE. Mr. President, if the Senator will yield, will not the Senator further perfect or modify—I think it would be perfecting the resolution—by setting forth that whereas certain of the rates of duty now imposed under existing law are too low, not adequately protective, they should be raised so as to give effective protection to the vast variety of agricultural products?

Mr. McMASTER. Mr. President, if the distinguished Senator from California will carefully read this resolution he will discover that it contains exactly that provision, stating that it is to the end that there shall be established a closer parity between agriculture and industry.

Mr. SHORTRIDGE. I have heard that phrase very often and the more frequently I hear it the less I understand it. But the Senator has, within his rights, I take it, proposed to amend his original proposed resolution, and he has recited that whereas certain rates are too high, and so forth. Now, I am asking him whether he does not agree with me that many of them are too low and should be raised. If his resolution is amended to cover that proposition some now opposed might join him and vote for its passage.

Mr. McMASTER. I have not any doubt, Mr. President, that if I should revise the resolution so as to provide that there should be a revision and a revision upward, we would get the solid vote of this side of the Chamber excepting the votes of those who favor agriculture. I have no question about that at all.

Mr. SHORTRIDGE. I hope the Senator is right in his statement.

Mr. McMASTER. I think that if any Senator who is interested in agriculture will carefully read the resolution he will decide that he can vote for it, for if that resolution is passed and is ultimately translated into law agriculture in this country will receive a distinct benefit, and furthermore, under the resolution if there is any tariff schedule on agricultural products that should be raised, it can be raised, and I believe there are agricultural schedules which should be raised.

Mr. SHORTRIDGE. Mr. President, will the Senator further yield?

Mr. COPELAND. I am very glad to yield, because I like to see a row on the other side of the Chamber.

Mr. SHORTRIDGE. It is not a row, nor a riot, nor a Democratic gathering.

Mr. COPELAND. I would recognize the last one, being familiar with it.

Mr. SHORTRIDGE. I was prompted by the Senator's courtesy to make the inquiry of my friend from South Dakota, because I think there are many items in the tariff law which should be further protected by the raising of duties imposed. I could cite a number. I think there are some products in South Dakota which need further tariff protection. I know of a very considerable number of agricultural products of California which need further protection. I further know that there is not a Democratic farmer in California who does not heartily join with his Republican neighbor in sustaining what I say and who will not sustain what I say. So, with all seriousness and not to delay the discussion further, I am hopeful still, for I am a very hopeful man, that the resolution may in terms refer to the inadequately low rates as well as to the alleged inadequately high rates.

Mr. McMASTER. If the resolution should be modified so that it would meet with the requirements of the Senator, namely, that he is desirous of raising the rates on agricultural products and that he wants to lower a number of rates on industrial products, would he vote for the resolution?

Mr. SHORTRIDGE. I would not at this time.

Mr. McMASTER. And so it goes with all those who are opposed to the resolution. It does not make any difference what language is put in the resolution, they will vote against it. They simply try to throw dust and cloud the issue, misconstrue its meaning, and find fault in general.

Mr. SHORTRIDGE. I have no right to pursue the matter longer; but what good would be accomplished by the passage of the resolution?

Mr. COPELAND. Do not let me at all interfere with the discussion. Now, may we have the clerk report the resolution as modified, and then I will resume?

The PRESIDING OFFICER (Mr. WATERMAN in the chair). The resolution as modified will be read.

The legislative clerk read the modified resolution, as follows:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such schedules, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all; be it further

Resolved, That such tariff revision should be considered and enacted during the present session of Congress; and be it further

Resolved, That a copy of this resolution be transmitted to the House of Representatives.

Mr. COPELAND. I assume the Senator from South Dakota intends to point out that there are certain schedules which are too high and that such schedules should be lowered?

Mr. McMASTER. I think that is in the resolution.

Mr. COPELAND. Is that the intention of the Senator?

Mr. McMASTER. I have gone into my interpretation of the import and the meaning of the former resolution, and the modified resolution has been explained many times on the floor of the Senate. I think there are many, many industrial schedules which are exorbitant, which are excessive, which are outrageous, and that those schedules ought to be lowered.

Mr. COPELAND. Mr. President, before this interesting colloquy on the other side of the aisle this situation which shows the fraternal love existing across the aisle, I had stated that in my judgment any tariff law violates economic laws.

Mr. BORAH. Mr. President, speaking about fraternal love, possibly after the Jackson Day dinner we will know more about it.

Mr. COPELAND. May I say to the Senator that I am praying all the time that we may have such a harmonious meeting as the interests of the country demand we should have, and that out of that will grow a situation which will make possible the election of a Democratic President, which will benefit the country materially.

Mr. BORAH. I agree with the Senator that there should be such a meeting as will help the country.

Mr. COPELAND. We are as one in that matter. Are there any other comments at this moment across the aisle?

Mr. FESS. "The prayer of the wicked availeth nothing," is the only comment I wish to make at this time. [Laughter.]

Mr. COPELAND. But the prayer of the righteous availeth much.

Mr. SHORTRIDGE. Will the Senator have the goodness now to tell us the name of the nominee?

Mr. COPELAND. Certainly. I shall be glad to name the nominee. The governor of my State, Alfred E. Smith, will sweep the country, and if he is nominated for President it does not make any difference what the gentlemen across the aisle do, he will be elected. [Laughter.] Is that all?

Mr. BORAH. No; that is not all. What is the position of Governor Smith on the eighteenth amendment?

Mr. COPELAND. Has the Senator from Idaho forgotten how to read the English language?

Mr. BORAH. No; but I was unable to construe it to my satisfaction. I am asking the Senator from New York now, who speaks for Governor Smith, what is his position?

Mr. COPELAND. I have no right to say I speak for Governor Smith. I do not speak for Governor Smith. Governor Smith at no time has announced himself to be a candidate for this high office. But I know enough about Governor Smith to know how he feels about the eighteenth amendment. He has said that the eighteenth amendment prohibits the manufacture and sale of intoxicating liquors, but the Volstead Act prohibits not only the sale of intoxicating liquors but it prohibits the sale of nonintoxicating liquors. I conclude that he believes, as I do, that the Volstead Act goes far beyond the spirit and letter of the amendment.

Mr. BORAH. Then I understand the position of Governor Smith is that he is in favor of the eighteenth amendment but opposed to the Volstead Act.

Mr. COPELAND. Mr. Smith has said time and time again that the Volstead Act should be modified to permit a beverage of higher alcoholic content, but within the limits of the eighteenth amendment. Regardless of whether Mr. Smith believes the Volstead Act is a proper act, Mr. Smith believes that that law and every other law while upon the statute books must be strictly enforced. The enforcement in my State has been by the State police under Governor Smith.

Mr. BORAH. As I understand the position of Governor Smith as interpreted by the Senator from New York, it is that he is in favor of the eighteenth amendment.

Mr. COPELAND. I will say that Governor Smith at no time has said that the eighteenth amendment should not be enforced.

Mr. BORAH. Am I to understand he is in favor of it?

Mr. COPELAND. I could not answer for Governor Smith in that particular matter.

Mr. BORAH. He is in favor of a strict enforcement of it, however?

Mr. COPELAND. He certainly is.

Mr. BORAH. Does the Senator know whether or not he favors leaving to the States the proposition of determining what is the alcoholic content under the Constitution?

Mr. COPELAND. Yes. I quote from the 1927 message of Governor Smith to the New York Legislature:

I believe that the duty now rests upon the legislature to pass suitable resolutions conveying in a formal manner the result of that vote to the Congress of the United States and memorializing it on behalf of the State of New York to enact at the earliest possible moment a sane, sensible, reasonable definition of what constitutes an intoxicant under the eighteenth amendment, so that harmless beverages which our people have enjoyed for more than a century may be restored to them.

In the meantime, however, it must be borne in mind that until such modification is effective the Federal statute and the eighteenth amendment are just as much the law of this State as any of our own State statutes. This has been definitely settled by a decision of the United States Supreme Court. I again warn sheriffs and peace officers generally that it is their sworn duty to enforce these laws. Failure to perform this duty I will consider as serious an offense as a failure to obey the State statutes, and when laid before me, substantiated by proper and competent testimony, I will exercise without fear or favor the power of removal wherever it is vested in me.

Mr. BORAH. Precisely; but the governor is in favor of each State determining for itself what the alcoholic content shall be?

Mr. COPELAND. The governor, as I interpret his view, is in favor of having Congress determine what is the alcoholic content which is the limit of nonintoxication and that the State, by affirmative vote of its own citizens, shall determine whether it prefers its liquor of an alcoholic content above one-half of 1 per cent but not in excess of that which is determined by Congress.

Mr. BORAH. Then I understand the governor is in favor of Congress, and not the States, fixing the alcoholic content?

Mr. COPELAND. Yes; within the limits of the modified act, is his position, as I understand it.

Mr. BORAH. Is the Senator sure about that?

Mr. COPELAND. I think I am right about it.

Mr. BORAH. Then I have misread his record.

Mr. COPELAND. Of course the Senator has misread his message, and many other Senators have misread his message; and many citizens of this country and many Democrats, even, in the country fail to understand Mr. Smith's attitude. If Mr. Smith is elected President of the United States, as I believe he will be, there will never have been in that office a man who has more strictly and thoroughly and unfailingly insisted upon law enforcement than Alfred E. Smith.

Mr. BORAH. Then in order that I may understand, because I am seeking information, let me inquire further. Since the Senator raised the question about Governor Smith being a candidate, I became interested, of course, and especially after he stated he would be elected. I understand the position of Governor Smith is that he is thoroughly in favor of enforcement of the eighteenth amendment.

Mr. COPELAND. Yes, sir.

Mr. BORAH. That as Chief Executive he will exert all the powers in his control to enforce the eighteenth amendment?

Mr. COPELAND. Absolutely.

Mr. BORAH. That he is not in favor of the States fixing the alcoholic content but that he is in favor of Congress fixing the content?

Mr. COPELAND. Yes; as I interpret his views.

Mr. BORAH. Then what is the difference between his position and the position which we now occupy under those two laws? Congress has already fixed the alcoholic content.

Mr. COPELAND. Which is——

Mr. BORAH. I know what it is, but the Senator said the governor is in favor of Congress fixing it, and if that is true he must accept what Congress fixes.

Mr. COPELAND. And he has accepted it.

Mr. BORAH. Then if he is in favor of Congress fixing it and Congress fixes it at what it is now, would the governor stand for what Congress does?

Mr. COPELAND. He certainly would—that is his sworn duty.

Mr. BORAH. That is what I wanted to know.

Mr. COPELAND. And under no circumstances and at no time has he said that he wished to violate or nullify the law enacted by Congress.

Mr. BORAH. I am not charging anything against Governor Smith at all. I have a very fine riding horse which bears his name and I am made to think of him every morning. I am not attacking, but seeking information.

Mr. COPELAND. And the more the Senator is with his horse the better he thinks of humanity.

Mr. BORAH. Sometimes that is true; but I understood the governor to be in favor of each State fixing the alcoholic content, and that is the reason why he supported a referendum in New York. The referendum in New York provided that the alcoholic content was to be in accordance with the declaration or position taken by each State. Governor Smith signed it and supported it. Do I understand that he has receded from that position?

Mr. COPELAND. No; he has not changed his position. I have no reason to doubt that he holds to the opinion he expressed at the time of the Mullan-Gage repeal. I quote:

> It seems to me that common sense, backed up by good medical opinion, can find a more scientific definition of what constitutes an intoxicating beverage. Such a definition should be adopted by Congress as a proper and reasonable amendment of the Volstead Act and a maximum alcoholic content should be prescribed by Congress which would limit all States to the traffic in liquors which are, in fact, nonintoxicating within the meaning of the eighteenth amendment.
>
> Subject to that limitation each State should therefore be left free to determine for itself what should constitute an intoxicating beverage. States which then wish to limit traffic to beverages containing not more than one-half of 1 per cent of alcohol would be free to do so and those which desire to extend the traffic to the maximum limitation allowed by Federal statute would be equally free to do so.

Mr. BORAH. Then he still holds to the doctrine which was announced in the New York referendum?

Mr. COPELAND. May I state once more for the benefit of the Senator that in common with many other citizens, and I am one of them, the governor of my State believes that when the Volstead Act was passed it fixed an alcoholic content far below an alcoholic content which is truly intoxicating. I have heard eminent citizens, Members of this body——

Mr. BORAH. Let us stop right there.

Mr. COPELAND. All right.

Mr. BORAH. The Congress did fix that alcoholic content.

Mr. COPELAND. Yes; it did.

Mr. BORAH. And the governor, the Senator said, is in favor of Congress fixing the alcoholic content?

Mr. COPELAND. Yes.

Mr. BORAH. Then, why is he not satisfied with what Congress did?

Mr. COPELAND. The governor, in a very recent statement, said that if a citizen or any group of citizens became dissatisfied with the law that citizen or that group of citizens would have a perfect right to find fault with it.

Mr. BORAH. Of course.

Mr. COPELAND. And that is what he has done.

Mr. BORAH. Then he is not in favor of the alcoholic content as fixed by the Congress.

Mr. COPELAND. Does the Senator mean Governor Smith indorses an alcoholic content which is intoxicating?

Mr. BORAH. I think that it is important whether we are in favor of Congress fixing the alcoholic content, or in favor of each State fixing it, as the New York referendum provided. To be candid, I understand Governor Smith's position to be that each State should fix the alcoholic content to suit itself. But the Senator states that his understanding is that Governor Smith is in favor of Congress fixing the alcoholic content. If that be true, he must be satisfied with what Congress did, and Congress has fixed the alcoholic content that is found in the Volstead Act.

Mr. COPELAND. When the Senator said he is satisfied, does that mean that he must never under any circumstances find fault with it or seek to modify the law?

Mr. BORAH. He could not modify the proposition as to whether or not Congress was to fix it. He might ask Congress to fix it higher or lower. But the question is, Who is to fix the content—Congress or the States?

Mr. COPELAND. That is what he is asking for.

Mr. BORAH. But does he propose to leave it to Congress ultimately to fix the alcoholic content?

Mr. COPELAND. I so understand.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. Yes.

Mr. NEELY. The distinguished Senator from Idaho has asked the able Senator from New York to state the attitude of an alleged candidate for President on the Democratic ticket toward the eighteenth amendment. I ask the wise and courageous Republican Senator from Idaho to state the position of his party's President on the eighteenth amendment?

Mr. BORAH. Mr. President, if anybody ever announces his candidacy for the Republican nomination, I am going to ask him. [Laughter.]

Mr. NEELY. Does the Senator believe that he could obtain a responsive answer from the present incumbent?

Mr. BORAH. The present occupant of the chair?

Mr. NEELY. No; the present occupant of the White House.

Mr. BORAH. If I should ask him what?

Mr. NEELY. If the Senator should ask him about his position on the eighteenth amendment, does he believe that he would receive a responsive answer?

Mr. BORAH. Yes; I think so.

Mr. CARAWAY. What would that answer be?

Mr. BORAH. I do not know.

Mr. CARAWAY. The Senator has no idea?

Mr. BORAH. I have no idea.

Mr. CARAWAY. Then, what causes the Senator to have so much faith that he would ever get an answer? Nobody else has been able to get one out of him.

Mr. BORAH. I think the President would answer it if I should ask the question, but I do not know what his answer would be.

Mr. CARAWAY. The country has asked him that question over and over again, and if the Senator has so much more influence than all the rest of the country, why did he not come to the country's relief and ask the President?

Mr. BORAH. I did not know the country had asked the President that question.

Mr. CARAWAY. The Senator did not know the country had asked the President that question? Practically every group in the country has asked it; has asked whether he was going to enforce the law or not enforce it.

Mr. BORAH. My observation has been that organizations which purport particularly to speak for the eighteenth amendment have almost universally supposed that they understood the President's position.

Mr. CARAWAY. What was that position?

Mr. BORAH. For the enforcement of the eighteenth amendment.

Mr. NEELY. For enforcement under Mr. Mellon?

Mr. CARAWAY. They appeared to be satisfied with it, did they?

Mr. BORAH. I did not say they had been satisfied.

Mr. CARAWAY. Who has been satisfied; I am curious to know.

Mr. BORAH. I assume that all these organizations have been satisfied, because they have passed resolutions indorsing the President's attitude.

Mr. CARAWAY. I have read the newspapers very carefully, but I did not know that.

Mr. BORAH. I happened to be present at one of the meetings where they passed resolutions indorsing his position.

Mr. CARAWAY. Were they unanimously passed?

Mr. BORAH. They were unanimously passed.

Mr. CARAWAY. The Senator, then, concurred in them?

Mr. BORAH. No; I did not.

Mr. CARAWAY. The Senator was present and he says the action was unanimous.

Mr. BORAH. I was speaking before the organization; I was not a member of it.

Mr. CARAWAY. Oh, the Senator was merely the voice of the organization, and not a member of it.

Mr. BORAH. I was speaking my own views.

Mr. CARAWAY. And the organization did not agree with the Senator?

Mr. BORAH. I do not know whether they did or not.

Mr. CARAWAY. And the Senator did not agree with the organization?

Mr. BORAH. They did not indorse me. [Laughter.]

Mr. NEELY. Mr. President, does the Senator from Idaho know the position of Mr. Hoover or Mr. Lowden on the eighteenth amendment?

Mr. BORAH. Mr. President, I do not know the position of a single candidate for the Republican nomination for the Presidency on this question.

Mr. CARAWAY. The Senator knows the position of the Senator from Ohio [Mr. WILLIS], does he not?

Mr. BORAH. No; I do not; but if I live and keep my health and by respectful inquiry can ascertain before the next Republican convention, I shall ascertain what their positions are.

Mr. COPELAND. And then, if the candidate does not give a satisfactory reply, since the Senator knows what Governor Smith stands for, he will vote for him?

Mr. BORAH. For Smith?

Mr. COPELAND. Yes.

Mr. BORAH. If I have no better success in finding out from Governor Smith what his position is than I have had in finding out from the Senator from New York what his position is, I shall not be able to vote for him. [Laughter.]

Mr. NEELY. The Senator from Idaho has inquired about a possible Democratic candidate's position on the eighteenth amendment. Why does he not submit a similar inquiry to some of the many prospective Republican candidates—particularly to the distinguished senior Senator from Kansas [Mr. CURTIS], who now sits within 8 feet of the Senator from Idaho, and to the stalwart Senator from Ohio who usually sits only a little farther away?

Mr. CARAWAY. Which Senator from Ohio?

Mr. NEELY. I refer to the one who is supposed to be a candidate for President [Mr. WILLIS].

Mr. CARAWAY. There is a candidate sitting right back of the Senator from Idaho. If he can not find out his sentiments, he can at least ask him.

The Senator from Idaho said he did not know the position of any candidate.

Mr. BORAH. I do not even know who the candidates are.

Mr. CARAWAY. Then let us take a day off and name some of them. [Laughter.]

Mr. BORAH. The Senator from New York stated on the floor that the Governor of New York would be the nominee of the Democratic ticket and that he would be elected. I rose in my place within a few minutes after that announcement and asked the question which I will ask of every Republican candidate when the same thing takes place. There have been a number of Senators on the Republican side, practically half of the Senate, whose names have been mentioned in connection with the presidential nomination, but there has been no announcement of their candidacy so far as I know. Whenever, however, there is such an announcement, upon this floor or elsewhere, I propose to ask the question.

Mr. CARAWAY. I hope the Senator will read the newspapers, because at least two Senators sitting on his side of the Chamber have had their hats in the ring and advertised the fact that they had put them in the ring some weeks ago. They ought to be at least recognized as candidates by Members of the Senate. [Laughter.]

Mr. BORAH. The Senator can be assured that these questions will be asked of them.

Mr. CARAWAY. Let us ask them right now. There are at least two of them present. [Laughter.]

Mr. BORAH. There is no better interrogator in the Senate than is the Senator from Arkansas.

Mr. CARAWAY. I do not pretend to speak for the Republican side because I never have been able to know exactly what the Republican Party stood for. I never dreamed that anybody knew where the present administration stood upon the question of prohibition. The Senator has assured me for the first time that some group of which he was the spokesman or before whom he spoke had actually declared that they were satisfied with what the President was doing on the question of prohibition, but I have never seen any reference to that action.

Mr. BORAH. I will bring it to the Senator to-morrow.

Mr. CARAWAY. I do not question the Senator's word, but it got so little publicity that I did not see it.

Mr. BORAH. No; it did not get a little publicity; it got entirely too much publicity, it seemed to me.

Mr. CARAWAY. I really had thought that the present administration was proceeding upon the theory that the "drys" had all the law they wanted and the "wets" had all the liquor they wanted. That has been my understanding of the present administration's attitude.

Mr. COPELAND. Mr. President——

Mr. NEELY. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. NEELY. For instance, if the very dearly beloved Senator from Kansas [Mr. CURTIS] or if Mr. Hoover should become the Republican nominee for President, and the Senator should receive an answer to his inquiry about such nominee's position on the eighteenth amendment will he not be good enough also to ask the candidate if, in the event of his election, he purposes to appoint an ex-distiller or an ex-brewer Secretary of the Treasury, to supervise the enforcement of the prohibition amendment?

Mr. BORAH. That will be a very pertinent question, and I am glad the Senator from West Virginia has suggested it; I shall remember it.

Mr. COPELAND. Now, Mr. President, I want to ask a question of the Senator from Idaho. I attempted to give him an answer and an honest answer to his question. He is not satisfied with my answer. He has said, however, that no matter who may be nominated by the Republicans he is going to ask this question of him: "Where do you stand on the eighteenth amendment and where do you stand on the Volstead Act?"

Mr. BORAH. Who is going to ask that question—I?

Mr. COPELAND. The Senator from Idaho is going to ask the nominee of his party that question. The Senator from Idaho will say to the nominee of the Republican Party, "Where do you stand on the eighteenth amendment? Where do you stand on the Volstead Act? Would you under any circumstances believe in its modification?" Suppose the answer is not a satisfactory one, will the Senator from Idaho refuse to support that man for election as the Republican candidate of his party?

Mr. BORAH. Mr. President, if the Republican Party shall nominate a man for the Presidency of the United States who is not in favor of enforcing the eighteenth amendment and of standing by the Constitution as it is written, I am not going to support him.

Mr. COPELAND. Then in that case the Senator can support the candidate I have mentioned, because he is in favor of enforcing the eighteenth amendment and of the Constitution of the United States.

Mr. BORAH. Well, I do not want to commit myself to the interpretation which has been placed upon his views by the Senator from New York.

Mr. COPELAND. I assume that the Senator from Idaho will put his own interpretation upon any answer given by the Republican nominee.

Mr. BORAH. Since the Senator from New York has raised that question, I will say that I recall that when Mr. Smith became Governor of New York there was upon the statute books of the State of New York a law enacted for the purpose of carrying into effect the eighteenth amendment and the Volstead Act, which committed the State of New York to cooperation with the National Government for the purpose of enforcing the eighteenth amendment. I undertake to say that the eighteenth amendment can not be enforced in any State where the State itself through its officials does not cooperate with the National Government for its enforcement. There is not any intelligent man who does not know that the law can not be maintained and enforced without the aid of the States.

The State of New York repealed that law; the Governor of New York signed the repeal, and thereby took away the support of the State of New York from the Constitution of the United States, in this particular.

Mr. COPELAND. Mr. President, I wish to deny in set terms that that is the situation, and I do so with all respect to the Senator from Idaho. I remember that the Senator from Idaho and I had a colloquy on this subject last year or the year before, and I shall now repeat in effect what I then said.

In the first place, I want to say that the State enforcement act, the Mullan-Gage Act, could never have been repealed except by Republican votes.

Mr. BORAH. Mr. President, I perfectly agree to that statement, but if Governor Smith had vetoed that repeal the law would have now been on the statute books.

Mr. COPELAND. Very well; I concede that, and I told the Senator from Idaho last year or the year before what Governor Smith believed about it and what he said about it when he filed his approval of that repeal. He filed with it a memorandum, and any man who reads the English language can understand it. He said he favored the repeal because it created that un-American situation which we call "double jeopardy"; but at the time that he filed that memorandum, in it, in words as plain as man could write, he said:

Let me say what the repeal of the Mullan-Gage law will not do.

Its repeal will not make legal a single act which was illegal during the period of the existence of the statute.

Many communications I have received and arguments that have been made to me indicate a belief that its repeal will make possible the manufacture, sale, and distribution of light wines and beer. So far as that is concerned it will still be under the control it is to-day, subject to the provisions of the Volstead Act. Repeal of the Mullan-Gage law will not bring back light wines and beer.

The Supreme Court of the United States said:

"The Constitution, laws, and treaties of the United States are as much the part of the law of every State as its own local laws and constitution."

That means that after repeal there will still rest upon the peace officers of this State the sacred responsibility of sustaining the Volstead Act with as much force and as much vigor as they would enforce any State law or local ordinance, and I shall expect the discharge of that duty in the fullest measure by every peace officer in the State. The only difference after repeal is that to-day the police officer may take the offender for prosecution to the State court, to the Federal court, or to both. After the repeal of the Mullan-Gage law the prosecution must be where it belongs—in the Federal court. In law and in fact there is no more lawlessness in repealing the Mullan-Gage law than there is in the failure of the State to pass statutes making it a State crime to violate any other Federal penal statute.

Let it be understood at once and for all that this repeal does not in the slightest degree lessen the obligation of peace officers of the State to enforce in its strictest letter the Volstead Act and warning to that effect is herein contained as coming from the chief executive of the State of New York.

At this point, with all the earnestness that I am able to bring to my command, let me assure the thousands of people who wrote to me on this subject, and the citizens of the State generally, that the repeal of the Mullan-Gage law will not and can not by any possible stretch of the imagination bring back into existence the saloon, which is and ought to be a defunct institution in this country, and any attempt at its reestablishment by a misconstruction of the executive attitude on this bill will be forcefully and vigorously suppressed.

Let me now say what the repeal of the Mullan-Gage law will do.

Its repeal will do away entirely with the possibility of double jeopardy for violation of the laws enforcing the eighteenth amendment. By that we mean that no citizen shall be twice punished for the one offense. Under the United States Supreme Court decision in the Lanza case a citizen is to-day subjected to double trial and even to double punishment for a single offense, because such alleged offense is a violation of both the State and the Federal law. This is an unwarranted and indefensible exception to the fundamental constitutional guaranty contained in both the Federal and State Constitutions that no person shall be twice tried or punished for the same offense.

Mr. President, to repeat what I said a few months ago, practically the only effective control of the liquor business in the State of New York, either before the repeal of the Mullan-Gage Act or since, has been by the State officials. The seizure of plants, of stills, of bootleggers, has been to a great extent the work of the State police. It is not fair by direct word or by implication to accuse Mr. Smith of any lack of zeal in the enforcement of the Volstead Act, in the enforcement of the eighteenth amendment, or in the enforcement of the Constitution of the United States.

Those of us who know Mr. Smith know how devoted he is to the enforcement of law, how consistent he has been in his upholding of the Constitution. Therefore I say it is not fair, either by direct statement or by implication, to accuse this great governor, who is beloved by the people of my State, and I think equally beloved by the people of the United States. While we got into this discussion facetiously in the first place, in my judgment when the people of the United States come to understand this man there is not any question about what will happen when he is nominated for the Presidency, and I believe he will be elected President of the United States.

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. COPELAND. I am glad to yield to the Senator from Wisconsin.

Mr. BLAINE. I observe that the subject of the eighteenth amendment has been introduced. I assume it is meant by "the eighteenth amendment" to imply that that means prohibition.

I did not know that there was anyone so innocent as to entertain the opinion that there is any such thing as prohibition in fact; nor do I know that there is anyone who entertains the opinion that the eighteenth amendment has any effective enforcement anywhere outside of those who conscientiously believe in abstaining from the use of intoxicating liquors. So this talk about Governor Smith's position on the eighteenth amendment raises the direct question, How can any State in the Union cooperate with a Federal Prohibition Department that has been corrupt, that has been rotten to the core, many members of which have served or are serving terms in penitentiaries for the violation of the very law they have taken their oath to support?

When a prominent member of the Federal Prohibition Department only recently—I think it was Mr. Lowman—said that in the Prohibition Department corruption and graft still exist, how can any self-respecting State or governor offer cooperation to an organization that has been and is to-day honeycombed with graft and corruption?

I believe the discussion of this so-called prohibition question is beside the mark and outside of the question under discussion. Therefore I want to ask the Senator from New York, What is Governor Smith's position upon the tariff question with respect to relieving the farmers of this country, who, because of their economic enslavement, are leaving the farms by the hundreds of thousands each year? Will the Senator kindly inform us?

Mr. COPELAND. Mr. President, I thank the Senator from Wisconsin. Perhaps we have gone far enough with this prohibition discussion. The Senator from Wisconsin has just retired from the governorship of a Republican State—a Republican State where, I believe, they have an enforcement law. He says prohibition can not be enforced. There are other States governed by Republicans, and, so far as my observation goes, there is not any State in the Union where prohibition is being enforced. It is not fair to say that it is due to this man or that man, and probably it is not fair to say of the President of the United States that it is his fault.

Now, however, the Senator from Wisconsin has asked me a question about the attitude of the governor of my State regarding agriculture. I should like to quote from the governor in one of his recent messages. This is what he said:

> Any conception of the State as serving the people which omitted consideration for our basic industry of agriculture, and the great public works which will contribute to the solution of our problems of transportation and cost of living, would be unsound.

Then on another occasion he said in another message:

> The present condition of agriculture in our State is such that it requires relief at the earliest possible moment. Since the harvest of 1920 conditions have grown steadily worse, until from every section of the State reports are coming that farmers by the hundred are giving up farming and many are selling out and flocking to the industrial centers, already overcrowded.

I am glad to say that the governor of my State has a very vivid realization of the necessity of some form of farm relief.

To go back to the main discussion, I had spoken of the tariff law as violative of economic law. It is unsound, economically considered, from the standpoint of the science of economics; and the farmer is largely the victim of it, because the farmer is a large consumer.

Where do you think the manufactured steel of this country is used? In 1926 the United States Steel Corporation made a profit of $199,000,000, and the other steel corporations made large sums. The total profits on steel last year were over $300,000,000. Where did the steel go? Who bought it?

Over half the steel used in the United States is sold on the farm in the form of agricultural implements, fence wire, plowshares, hammers, axes, chains, crowbars, harness buckles, and so forth. You know the multitude of things used on the farm that are made from steel. Over half the steel consumed in this country is consumed on the farm. If you impair the buying power of the farmer, every manufacturing industry in this country is bound to suffer.

Not only is the farmer the victim of the uneconomic tariff law, and required to pay tremendous increases over real values by reason of the tariff law, but he is the victim of another violation of economic law. I refer now to the labor union; and I say of that, as I did of the tariff, that I would not have the labor union destroyed. When I was a boy the workmen on the railroad section in my village got a dollar a day. That is all they had, and they worked 12 hours. Laborers started out in early life and at the end of a short career they were still laborers; and the children of laborers were laborers.

It was not until the labor union came along, and these men were able to deal with their problem collectively, that they had any relief; and I would not for a moment do one thing to impair the usefulness or the vitality of the labor unions. But out of their organization has grown the fixing of prices for labor. The carpenter, the plumber, the mason, and all others engaged in the crafts have practically a fixed price; and, Mr. President, who can doubt that that is violative of economic law, of the law of supply and demand? The farmer, when he wants to hire somebody to work on the farm, has to compete with the high prices of the near-by village or city. His boys are attracted by the high prices of the crafts, and they go into

the city. So the farmer is the victim of the fixing of prices there. Why should not the farmer, too, have some part in the benefits of protection?

Mr. President, we have been detained so long that I do not like to go into the details that I wanted to present. I think the discussion perhaps has been much more profitable by reason of the course it did take this afternoon. I think even the Senator from Idaho [Mr. BORAH] is converted, and will vote the Democratic ticket next year; but I do want to refer to at least one item in this "tariff of abominations."

In order to save time, I send to the desk a letter and ask that it be printed in my remarks at this point. It is a letter from an independent manufacturer of aluminum, pointing out that by reason of the tariff upon aluminum it is only the great Aluminum Trust that can hope to make utensils and other products of aluminum. I had intended to comment upon that, but time does not permit.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

NEW YORK, *December 15, 1927.*

The Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I duly received your letter of December 3 in regard to the aluminum tariff.

I am glad to see that you appreciate the necessity of protecting the fabricators of aluminum ware, who require this protection and I might say that there are any number of independent fabricators who by reason of low labor costs on the other side need a certain amount of protection. On the other hand, the raw material as I wrote you is too highly protected, for which there is no necessity under prevailing conditions. The aluminum metal can probably be produced as cheaply in this country as anywhere else, which is further proven by the fact that the domestic producer has gone to Canada and Norway for additional water power and is producing metal in those countries.

Under the Wilson administration the rates of duty were as follows:

	Cents per pound
Crude aluminum	2
Semimanufactured forms	3½

The present tariff act contains the following provision under paragraph No. 374:

"Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, 5 cents per pound; in coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares, 9 cents per pound."

As you see, therefore, there has been an increase from 2 cents to 5 cents on the raw material, and an increase from 3½ cents to 9 cents on semimanufactured forms, which is prohibitive.

The raw material is stil being brought in, but, as a 5-cent duty has to be added to the importer's price, the fabricator in this country is penalized to that extent.

In importing raw materials from the other side it is customary to insert a duty clause in the contract, so that if there is a change either up or down, it is for buyer's account; thus if the duty was reduced the buyer would immediately get the benefit. I believe that the time has come to take off the duty altogether, and that therefore—

"Aluminum, aluminum scrap, and alloys of all kinds in which aluminum is the component material of chief value in crude form" should come in free.

On this basis semimanufactured forms, including—

"Coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares" might be assessed 2 cents per pound.

If it is impossible at this time to put this proposition through, the very least that should be done is the reinstating of the rates under the Wilson administration of 2 cents and 3½ cents, respectively; but I still maintain that with the changes which have taken place as to production methods, coupled with the fact that the home industry has gone abroad for a large part of its production should fully justify the free listing of the raw material, as mentioned above.

I repeat again that the many independent foundries making parts of automobiles, washing machines, vacuum cleaners, and other household appliances; also the many makers of kitchen utensils would be distinctly benefited by a lower cost on this raw material, which is the chief metal used in their production, and the saving which would immediately follow should promptly be passed on to the public in its purchases of the many articles into which aluminum is fabricated.

If I can be of any further assistance, or if you require any additional information, I shall be very glad to furnish it.

Mr. COPELAND. When we discuss aluminum, however, I want to call the attention of Senators to paragraph 339 of the tariff act of 1922, found on page 25. This says that table, household, kitchen, and hospital utensils and hollow or flatware not specially provided for, composed wholly or in chief part of aluminum, shall be taxed 11 cents per pound and 55 per cent ad valorem.

Sometimes a homely illustration will bring home the significance of one of the dry paragraphs of this tariff act, and perhaps make more impressive what the law means to the average citizen.

A couple of years ago Mrs. Copeland desired to make some preserves at our house on the farm. She did not have a preserving pot big enough to accomplish what she had in mind. So she went down to the village and came back with a great, big, shiny aluminum drum. To me it looked like a very expensive and formidable utensil. I inquired from her how much she paid for it. Her reply was $4.55.

I said, "Just for fun let's find out how much you paid for the aluminum pot, and how much you paid to Mr. Mellon." So we took this aluminum utensil to the scales where she weighs herself every morning to see if she has gained any, and we found that it weighed 3 pounds. Aluminum being very light, you can see that that was quite a formidable outfit.

We looked up this paragraph 339 to find out what the tariff is on such a piece of kitchen hardware, and found that the tariff is 11 cents a pound. The pot weighed 3 pounds. Three times 11 is 33 cents. Then there was a duty of 55 per cent ad valorem, 55 per cent on the value.

We will suppose that instead of being $4.55 the price was only $3.55. Fifty-five per cent of that would be $1.95. One dollar and ninety-five cents was the ad valorem duty. Three pounds at 11 was 33 cents, which added to $1.95 makes $2.28. The pot cost $4.55. That was $2.27 for the pot and $2.28 for the jackpot, and Mr. Mellon won!

Every time a housewife, every time the wife on the farm, buys an aluminum pot or pan, pie plate, or milk pan, half the price she pays for it is added to the real value. This is an abomination made possible by reason of the protective tariff system.

I want every farm wife in America to understand that the effect of this tariff act is practically to double the prices of utensils used in the kitchen, and that extra amount is not any contribution to the Government. It is money put in the pocket of the aluminum trust, a contribution made possible by the passage of this act. And the same evil runs all through everything bought by the farmer. The Senator from South Dakota the other day gave an extensive list of the added expenses incident to the passage of that tariff act.

What are we going to do about it? We can not blame the farmers for the feeling they have. The situation is a very serious one. I spoke the other day to a farmer back in Michigan, where I was born.

Mr. BORAH. How long ago?

Mr. COPELAND. At a time when the mind of man runneth not to the contrary.

Mr. BORAH. The Senator does not look it.

Mr. COPELAND. The Senator is very kind. This man had gone away from his farm to manage one of the cooperative associations.

I asked him how the farmers were getting along. He said, "I will tell you how they are getting along. You know my farm." He has a farm of 160 acres of land. He said, "I left that farm 17 years ago. The taxes on my farm the year I left were $63. To-day they are $242."

I do not want to contend that that is due to the tariff act, or anything we could deal with; but last year the Congress levied $4,000,000,000 in taxes, the States added a billion to the taxes, and the localities five billions. Last year the taxes levied in this country amounted to $10,000,000,000, and the productive earnings of our people, the combined earnings, were only ninety billions. One-ninth of the income of the people of this country was paid in taxes.

That is not all with which the farmer has to contend. The other day the Senator from Maryland [Mr. BRUCE]—and I am sorry he is not here—spoke about farm implements, and stated that the prices of farm implements were not increased by the tariff. I remember that the Senator from Wisconsin [Mr. BLAINE] brought in a statement showing how small proportionately the importations of farm implements were to the total number consumed. Does the Senator happen to have those figures in his mind now?

Mr. BLAINE. The importations run about $2,300,000, and the production in the United States of the same farm machinery was a little over $350,000,000, as I remember, or something like that.

Mr. COPELAND. That is it; that is to say, the farmer in the United States bought less than $360,000,000 worth of farm machinery, but of that amount $350,000,000 was manufactured in this country.

The Senator from Maryland brought out this construction of the facts, that the farmer is not affected by those tariff

schedules, so far as implements are concerned, and that may be true. But the same elements that have gone into the increase of cost of manufacture of other things, meaning increased labor, increased labor affecting raw materials used in agricultural implements, and so on, have had their effect upon the prices of farm implements. So what has happened in 17 years to bring the matter to the case of this farmer friend of mine in Michigan about whom I spoke?

I insert at this point the following table showing what modern conditions have done to the prices of the implements the farmer must buy:

Implements	1914	1927
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hayrake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disks	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

Is the farmer getting any more from the farm than he did? He is not. The farmer to-day gets no more revenue from his farm than he did 17 years ago. His production is bound to pay less because the fertility of the soil is decreasing all the time. Everything the farmer buys is doubled or trebled in price. His taxes have been multiplied four times.

Do you wonder, Mr. President, that the farmers of America are coming here and demanding relief?

I am glad that they have made this attack upon the protective tariff system, not because the attack is going to be effective in actually lowering the tariff schedules, because it probably will not be. There will be a white flag pretty soon. Those who are standing for excessive tariffs will run up the white flag. They will want to have a conference and see what they can do to fix it up. But unless the farmers of this country can find some means of relief, unless there is afforded some way for them to handle their crops, and particularly their surplus, just as sure as that the sun rises and sets there will come a Congress that will tear down the protective tariff system and destroy it utterly.

Mr. President, I do not want that to happen. I come from a great manufacturing State, not alone leading in agricultural products but toward the top, of course, in manufactured products. Perhaps many regard the city of New York as a great financial city. Almost every day somebody makes an attack upon Wall Street. You would think that the only thought of the New Yorker has to do with finance. How many times do you think of New York as a great manufacturing center?

Let me tell you something about New York City. In bulk and value the manufactured products of New York City exceed the combined products of Pittsburgh, Cincinnati, St. Louis, Milwaukee, Cleveland, Detroit, Buffalo, and Boston. That is what we turn out from the city of New York.

It would be a disaster to us to have the protective tariff destroyed. But there is a greater disaster that can come to us, and that is to have the buying power of the people of this country lowered to such a level that they are not able to buy. We do not use these products we manufacture in New York. They are sold largely to the farmers of the West. The farmers of the West are the great purchasers, as I have said with reference to manufactured steel.

There can be no prosperity in any city of America, or any State of this Union, unless there is prosperity upon the farm. So I honor the Senator from South Dakota for having brought so vividly before the Congress what will happen if there is a real attack made upon the protective tariff system. I congratulate him further because I believe that out of this strategy will come a determination on the part of this Congress to enact some measure of relief for the farmer in order that his buying power may be restored. Agriculture is our basic industry, and unless there is prosperity upon the farm there can be no continued prosperity in any section of this country. We must find some practical means of relieving the distress of the farm people of America.

Mr. SHEPPARD. Mr. President, the tariff record of the Republican Party since its return to control in 1921 demonstrates anew its subservience to privileged wealth and consolidated power. Apparently it gives no heed to the voice of progress or the warnings of history. Apparently it attaches no significance to its reverses of the last decade, and is as indifferent to the lessons of those upheavals as were the Stuarts to the commonwealth or the Bourbons to the first French Republic.

The tariff partnership between the Republican Party and predatory wealth is freighted with infinite peril to this Republic. Our tariff history since the Civil War shows how remorselessly the sheltered interests have controlled the Republican Party. Time after time the American people have cried out for relief from exorbitant tariff taxes. Time after time pretended Republican revisions have occurred, but always with the result that the outrageous Republican tariff rates have substantially remained.

In 1867 Congress directed the Secretary of the Treasury to submit a plan for the reduction of the war tariff. He appointed a widely known expert who prepared a substantial modification of the war duties after careful study both at home and abroad. This modification was indorsed by the Secretary of the Treasury and submitted to Congress in December, 1869. It was rejected by the Republican Congress and the war tariff remained.

In 1870 another simulated revision was made. On noncompeting imports, such as coffee, tea, and spices, rates were reduced, but of competing imports only one was reduced in duty—pig iron. All the war rates with these exceptions were retained.

In 1872 it was found necessary to make another effort to quiet public clamor against the Republican tariff system. The rates on tea and coffee were removed altogether and a horizontal reduction of 10 per cent was made on the other articles. Three years later, however, this small reduction was repealed and the war duties were restored.

In 1882 the popular demand was such that another fraudulent performance was deemed essential. A commission was named to prepare and recommend a scheme of tariff revision, a commission composed of high protectionists. The farce was consummated when the act based on the work of the commission—the tariff act of 1883—was put into operation, an act which kept the tariff virtually at the war level 18 years after hostilities had ceased.

In 1890 the McKinley Tariff Act not only perpetuated the war rates but increased them from 18 to 50 per cent. Unheedful of the overthrow which followed at the polls in the fall of 1890, the protest embodied in the election of a Democratic President in 1892 and of a Democratic House and Senate for the first time since the period preceding the Civil War, taking advantage of the action of the United States Supreme Court in declaring the income-tax section of the Democratic tariff unconstitutional and thereby destroying its fundamental revenue features, the Republican Party, returning to ascendancy, not on the tariff issue but on the issue of the monetary standard, passed in 1897 the Dingley Tariff Act with the tariff duties higher than those of the McKinley tariff law.

Then for 12 years the Republican Party, dominated by the stand-pat philosophy, resisted the mounting tide of public anger against this continuous tariff oppression.

Forced at last to feign another revision, the Republican Party enacted the Payne-Aldrich Tariff Act of 1909, which flouted the general desire for tariff reform and left the tariff taxes at a higher general level than they had yet known.

Then followed the loss of the House to the Republicans in 1910, the greater losses of 1912, 1914, and in 1916, the Democratic tariff act, the Underwood-Simmons law of 1913 materially reducing the oppressive duties of 1909, establishing the income tax for the first time as a permanent element of Government revenue, bringing distinct relief to the people yet injuring no legitimate enterprise.

Returning to power in 1918 and 1920 on issues not in any sense connected with the tariff, the Republican Party, ignoring the most evident facts of history, the basic change in America's economic position as a result of the World War, again fell before its idols—the interests it had fondled and nourished at the people's expense for 50 years—and enacted a tariff law, the Fordney-McCumber Act of 1922, imposing tariff rates equaling and in many instances exceeding those of any previous Republican tariff act, a law enabling favored interests to exact from the American people outrageous charges on many of the things they must possess to maintain a decent standard of living, charges falling with merciless weight on every household in the United States, falling with exceptional severity on the farmers, who must buy most of what they need in an extravagantly protected domestic market and must sell the products of their toil—the great staples of the farm—in competition with the world.

The Republican tariff leopard never changes its spots.

The Democratic Party stands for a tariff law just and fair to all concerned. History demonstrates that the people have always turned to the Democratic Party for proper readjustments in tariff legislation.

During the 67 years from 1861 to 1927 the Democratic Party has had full control of the Government for two short periods—for two years from 1893 to 1895, for six years from 1913 to 1919. In both these periods it adjusted the tariff in such way as to bring relief from excessive rates, and in the latter period, which furnished its first real opportunity in 60 years, it produced a body of legislation that marks the Democratic Party as the chief creative force to which the people must look for the maintenance of the common good. If the tariff is to be satisfactorily readjusted and revised the Democratic Party must be returned to national control.

RUSSELL & TUCKER AND OTHERS

Mr. MAYFIELD. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 620) for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas.

Mr. WILLIS. Mr. President, I ask that the bill be read so that we may know what it is.

Mr. MAYFIELD. I am going to explain what the bill is. It is a bill which confers authority upon certain citizens of Texas to bring suit against the Government for damages sustained by the dipping of certain cattle. A similar bill passed unanimously at the last session.

Mr. WILLIS. Where is the bill now?

Mr. MAYFIELD. It is on the calendar.

Mr. WILLIS. What is the calendar number?

Mr. MAYFIELD. Calendar No. 37. A similar bill passed the Senate unanimously at the last session of Congress.

Mr. WILLIS. I would like to have an opportunity to look at the bill.

Mr. MAYFIELD. It simply confers the right on certain citizens to enter suit and have the matter determined by the Federal district court.

Mr. WILLIS. Let us have the bill read.

Mr. McMASTER. Mr. President, just a moment.

Mr. MAYFIELD. If the measure is going to be objected to I am sorry. We could pass it in half a minute. The bill passed the Senate unanimously at the last session of Congress.

The VICE PRESIDENT. The clerk will read the bill.

The legislative clerk proceeded to read the bill.

Mr. MAYFIELD. Do I understand the reading of the bill was asked for? The measure was referred to the Department of Agriculture and received the approval of the department.

Mr. WILLIS. I am perfectly willing to hear a statement from the Senator in lieu of the reading. I call his attention, however——

Mr. MAYFIELD. It is the same kind of a bill that is usually passed by the Senate conferring the right on citizens to enter suit in the courts against the Government for claims like this one.

Mr. WILLIS. I would like to ask the Senator a question. I notice in the report from the Acting Secretary of War that certain amendments are suggested.

Mr. MAYFIELD. They are included in the bill. This is a new bill. The report was made last year on the old bill and when the bill was redrafted and introduced this year it was written to conform with the suggestion of the Department of Agriculture. All of those suggested amendments are in the present bill.

Mr. WILLIS. Let me invite the attention of the Senator to another matter. I do not know that I shall ultimately object, but I want some information. I note in the report this statement:

> Referred to the Bureau of the Budget, as required by Circular No. 49 of that bureau, and the department under date of April 26 is advised by the Director of the Bureau of the Budget that the legislation contained in S. 4017 and S. 4030, even if amended as suggested in the foregoing, would be in conflict with the financial program of the President.

It seems, therefore, that the matter does not have the full approval of the department. I wish the Senator would let the bill go over temporarily until we have had time to look into it. I probably shall not ultimately object, but I should like to study it a little.

The VICE PRESIDENT. Under objection, the bill will go over.

THE TARIFF AND AGRICULTURAL RELIEF

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. McMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

Mr. McKELLAR. Mr. President, I am very heartily in favor of the resolution proposed by the Senator from South Dakota [Mr. McMASTER], and I want for just a few moments to give my reasons for voting for the resolution.

In my judgment a tariff law such as we now have is the most unscientific method of taxation known to the taxing laws of government. For the first 125 years of our history practically all of our revenues, or the greater portion of our revenues, were raised, as we all know, by tariff duties, or duties placed on articles imported into our country. Without tariff duties we probably could not have run the Government under our Constitution and laws. It was very early found, however, that the tariff laws affected industry in the country to a tremendous degree, and a system of protection very shortly grew up. Duties were levied for the purpose of helping so-called infant industries, and from small beginnings the system grew and grew until now the levying of duties is not so much for the purpose of raising revenues as it is for the purpose of giving favored interests in our country the protection of bounties or privileges or benefits or bonuses to special interests.

My recollection is that the first tariff law was put into effect in 1789. Its principal purpose at that time was to raise revenue. It was very soon found, however, that it had a tremendous effect upon industry, and it was soon used not only for the purpose of raising revenue but for the purpose of protecting what were then known as infant industries. At first the rates of duty were small, but as the years have gone by since these infant industries have cried out for aid and have continued to receive it at the hands of the Congress.

I said, Mr. President, it was the most unscientific method of taxation known to the Government. I think that can be easily demonstrated. Under the present tariff law, which was enacted in 1922, we have been raising annually—I am using round numbers—from about $500,000,000 to $605,000,000 from customs duties. The actual cost of collecting that money is about the same as the cost of collecting the income taxes which have been levied in accordance with the income tax amendment and the law; but while the two have cost the Government about the same sum to collect, let us see what it has cost the American consuming public to collect the revenue derived from the tariff.

We secure from the customs duties under the tariff laws $605,000,000, but in order to secure that amount of revenue we place an enormous tax burden of $4,000,000,000 upon the American consumer, which goes not to the Government but to favored private interests. The sum of $4,000,000,000—and I am still speaking in round numbers—goes to the favored industries of the country in order to collect only $605,000,000 of revenue for the Government. Can there be imagined, Mr. President, a more unscientific, a more unsatisfactory, a more unjust, a more unfair, a more partial system of taxation than that? Think of it! The Government wants $605,000,000 of revenue, and in order to get that sum has to tax the American consumers $4,000,000,000 more for the benefit of private industry.

Suppose every time a dollar was collected from individual income tax the consuming public had to pay a like bonus to certain interests. In such event it would cost more than five billions of dollars. And suppose every time a dollar of corporation income tax was collected the consuming public had to pay an additional $6 to the favored interests it would cost them over seven billions of dollars. As a matter of fact, the corporate income tax is largely paid by the consumer anyway, but happily for this country the consumer does not have to pay to private interests six or seven times the amount of the tax as in the case of customs duties. A moment's thought indicates that the customs duty is the most unfair of taxes.

Mr. President, so long as it was necessary for our Government to raise that amount of revenue by means of tariff duties, of course, there was an excuse for giving these tremendous bounties, but I want to call the attention of Senators to the fact that since the adoption of the income tax amendment it is no longer necessary to raise revenues by means of customs duties. With the immense revenue that we have to-day from other sources, if we repeal every sign of a tariff law the Government could run just as well as it is now run. Without increasing corporation income taxes or individual income taxes at all we would probably have ample revenue to meet all the needs of the Government, economically administered, with the tariff laws entirely repealed. My purpose in bringing this suggestion to the attention of the Senate at this time is to say to my protectionist friends that those who want to legislate money into pockets of the favored industries by reason of the tariff law had better go a little slow about it; they had better be reasonable about it.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Tennessee a question?

Mr. McKELLAR. I shall yield in just one moment. They had better be reasonable about it; they had better be willing to take reasonable rates, to accept a tariff that is not so high as to crush the American consumer. They had better be willing to let the present law be modified and revised downward, because the time may arrive when the American people may come to the conclusion, which would seem to be a most natural conclusion, that such a tariff law as we now have is wholly at variance with common sense, wholly unscientific, and wholly at variance with what is right and what is just. It may not be done all at once, but the people may come to the conclusion that it is necessary to do away with these customs duties to the extent of so much a year for a period of years until they are all done away with, so that a fairer and juster method of taxation, such as the income tax law, may be resorted to instead of the antiquated, unfair, and burdensome system of customs duties for the purpose of raising revenue for the Government.

We raise nearly $900,000,000 from individual income taxes. In order to obtain that revenue we do not have to pay six or seven times that amount to favored interests. All we have to do is to impose income taxes; they are collected; nobody is injured, and no special interests are benefited. The income tax is a proper one; but when tariff duties are imposed to raise revenue for the Government it is necessary to go further and impose six or seven times the amount of the duty collected for the Government to be paid to favored interests. This subsidy has constantly grown and grown to such an extent that the time will come, in my judgment, unless the Republican majority are more reasonable than they seem to be now, when they will wish they had been reasonable in imposing customs duties. The people will not stand for such high taxes. We now impose taxes in the form of protective duties for the benefit of private interests in amount of about $4,000,000,000, an amount just about equal to the entire Federal revenues of the Nation.

I now yield to my friend from California.

Mr. SHORTRIDGE. The Senator speaks of favorite or favored interests.

Mr. McKELLAR. Yes.

Mr. SHORTRIDGE. Does he regard the agriculturists of this country—the farmers, the viticulturists, the horticulturists—as among the favorite or favored interests?

Mr. McKELLAR. Of course not, Mr. President.

Mr. SHORTRIDGE. Very well.

Mr. McKELLAR. Everybody who is informed knows that a protective tariff does not materially help the farmer of this country. A tax of 42 cents a bushel has been imposed on wheat. Is it helping the wheat farmer? Substantially it is not helping him at all. One of the announced purposes of the farm bill, the McNary-Haugen bill, against which the Senator voted was to make the tariff law on wheat effective; but the Senator voted against that bill which was designed to apply to the farmers of the country.

Mr. SHORTRIDGE. Mr. President, is the Senator addressing that remark to me, when he says I voted against some measure?

Mr. McKELLAR. The Senator voted against the McNary-Haugen bill, did he not?

Mr. SHORTRIDGE. Certainly; of course I did.

Mr. McKELLAR. That is all I asserted.

Mr. SHORTRIDGE. And the President of the United States in his veto utterly annihilated it.

Mr. McKELLAR. It may be that he annihilated it for a time, but he may have to annihilate it again.

Mr. SHORTRIDGE. Oh, he annihilated it for all time.

Mr. McKELLAR. Probably not.

Mr. CARAWAY. Mr. President, I ask to what portion of the President's veto does the Senator from California refer, because there were five different reasons given, if they may be called reasons?

Mr. McKELLAR. I do not know. The Senator from California says the President annihilated it; and the President did annihilate it for a time, as he had a right to do. But it is still before the Congress and will most likely pass again.

Mr. SHORTRIDGE. He vetoed the measure on the ground that it was unconstitutional. That was one of the reasons, and that was a sufficient reason.

Mr. CARAWAY. And the next reason he said was because it did not include all the farmers. If it was unconstitutional, why did he want to have the remainder of the farmers brought under it?

Mr. SHORTRIDGE. That was true of the bill. I think the viticulturist and the horticulturist are farmers.

Mr. CARAWAY. The President maintained that it was unconstitutional because it did not extend its provisions to all classes of farmers.

Mr. SHORTRIDGE. I answer, he wanted to give abundant reasons for vetoing the bill, and therefore, he gave more than one reason.

Mr. CARAWAY. There are enough of them, if that is what the Senator means by "abundant."

Mr. McKELLAR. Just one moment, and then I will yield further to the Senator from Arkansas. Referring to the Senator from California, I will say that I doubt if the farmers of his State or of the country at large will appreciate his attempted defense of them, for the reason that having voted against them every chance he got in connection with measures which they favored, I doubt very much whether they are going to pay a great deal of attention to "Greeks bearing gifts," and my handsome and distinguished friend is one of the Greeks bearing gifts in this connection.

Mr. SHORTRIDGE. Will the Senator permit me to say—and the country, I trust, will excuse me for saying it——

Mr. McKELLAR. I am sure it will. I have already done it.

Mr. SHORTRIDGE. That I was elected by the largest majority of any Senator of the United States who was a candidate at the last election.

Mr. McKELLAR. I congratulate the Senator upon his large majority.

Mr. SHORTRIDGE. And there was not one farmer or agricultural association in the State of California that protested against my vote against the bill to which reference has been made.

Mr. NEELY. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I yield.

Mr. NEELY. In view of what the Senator from California has said, I think we ought to apologize and bring the marines from Nicaragua and invite Nicaragua to come to California to supervise the elections there. [Laughter.]

Mr. SHORTRIDGE. I will state why I received such a vote. It was because there were so many splendid men and women from West Virginia and from Tennessee who moved to California and became Republicans and voted for me.

Mr. McKELLAR. It is strange how some folk will go wrong.

Mr. CARAWAY. I did not know that people of either State voted in California.

Mr. McKELLAR. If any Tennesseeans and West Virginians went out there and voted, they might have swelled the majority of the Senator, but perhaps they did not have the right to vote there.

Mr. SHORTRIDGE. There were some splendid citizens from Arkansas also, let me add, who approved of my record and voted for me.

Mr. CARAWAY. Mr. President, why not settle this one question? I notice my friend from California seems to think that nobody ever was good until he turned Republican. Of course, that is a case of concealing one's virtue. However, I was not intending to speak of that. What I wanted to call attention to was the fact, if the Senator from Tennessee will pardon me further, that I have discovered upon the other side of the Chamber, led by the distinguished Senator from California, that they are in favor of the farmer having anything that he does not want and that will not help him.

Mr. McKELLAR. I think so.

Mr. CARAWAY. But if he wants it, or if it will help him, they are opposed to him having it. That sums up rather accurately their position, does it not?

Mr. McKELLAR. I am going to see whether it does, because I am going to ask the Senator from California this question: Is he in favor of revising the farm schedules of the tariff in such a way as to benefit the farmer?

Mr. SHORTRIDGE. I think there are quite a number of farm products now partly protected under the law as to which the rates should be increased.

Mr. McKELLAR. Will the Senator vote for the resolution now pending so as to help the farmers, who everybody, even the President of the United States, who vetoed the measure for their relief, agrees should be helped in some way? Is the Senator willing to vote for the resolution of the Senator from South Dakota, so that the schedules may be revised in the interest of the farmers of the United States?

Mr. SHORTRIDGE. Mr. President——

Mr. McMASTER. Mr. President, will the Senator from Tennessee allow me to make a brief statement so as to make the situation plain?

Mr. SHORTRIDGE. Very well; make it plain to me. [Laughter.]

Mr. McMASTER. I will endeavor to make it plain to the Senator.

Mr. McKELLAR. Go ahead; I will be glad to have the interruption.

Mr. McMASTER. I wish to say to the Senator from Tennessee and to the Senator from California that under the revised language of the pending resolution, if it should be adopted and action should be taken in accordance with its expression, we can then raise the agricultural schedules; there can be no question about that; and if the Senator from California desires to raise those schedules to help the farmer he can vote for this resolution.

Mr. SHORTRIDGE. Mr. President——

Mr. McKELLAR. Mr. President, will the Senator from California excuse me, so that I may submit to him a revised question? Under the statement made by the Senator from South Dakota, the author of the resolution, that under his amended resolution the rates can be revised, and revised upward, so as to aid the farmer, in his opinion—and I imagine in the opinion of the Senator from California—will the Senator from California vote for the resolution now? If not, why not?

Mr. SHORTRIDGE. I answer that question categorically "no"; and I can give, I think, many good reasons why this resolution should not pass, why it is unnecessarily taking up the time of the Senate; why, if passed, it would be unavailing; why it is not opportune.

Mr. McKELLAR. Mr. President, I understood the Senator to say that these rates could be revised so as to aid the farmer, and that he wanted that done.

Mr. SHORTRIDGE. Certainly.

Mr. McKELLAR. Then it is not unavailing. It would be availing. So I ask the Senator, now that he sees the opportunity under the wording of the resolution to have these rates raised so as to help the farmers whose friend he says he is, and all of whom voted for him in his State, is he not willing to do the right thing by the farmers and vote for this resolution, so that they can have some measure of relief?

Mr. SHORTRIDGE. My answer has already been given; but, since the question is again propounded, I further reply that I think this resolution is very inopportunely presented. I do not think it would be effective. It would not avail anything. Moreover, I think the Senator from Tennessee would do everything in his power to prevent the raising of any rate. If I understand correctly, he is opposed to the whole protective tariff system, and particularly would have all the rates on agricultural products removed; but I answer that I shall oppose this resolution in its present form or its modified form.

Let me ask a question, however.

Mr. McKELLAR. One moment. The Senator would oppose this resolution in any form, would he not?

Mr. SHORTRIDGE. As of now; yes—as of now, and originating here in the Senate. This is no place for it. We could not even introduce a bill on the subject.

Mr. McKELLAR. We could not originate it anywhere else.

Mr. SHORTRIDGE. It seems to me it is no great tribute to our intelligence, it is no great tribute to the Senate, to waste its time in this manner; and that I say prostrating myself in apology before the Senator from South Dakota. But let me ask the Senator, is he in favor now of repealing or lowering the duties on any one agricultural product?

Mr. McKELLAR. Mr. President, so far as the duties on agricultural products are concerned, I have very different notions from those of the Senator from California on that subject. I doubt very much whether any rates on farm products are effective. I doubt if they can be made effective. Apparently they are not effective now. If we are to have tariff duties, however, some scheme or method must be devised by which they can be made effective for the farmer just as they are now effective for industry. So, under those circumstances, I am very much in favor of our revising the schedules, taking them up and discussing them, and if they can be changed in some wise that will benefit the farmers of the country I shall be very happy to see them benefited, because I am one of those who believe that the farmers of the country are being discriminated against by Federal law. I believe that the farming industry should be equalized with the other industries of the country, and for that reason, among many others, I would welcome the opportunity to revise the tariff at this time.

Of course, I think the present tariff duties are entirely too high. They are the highest ever imposed. I think the schedule of rates now imposed under the Fordney-McCumber Act is entirely too high and should be revised, and revised downward, for the benefit of the farmers and for the benefit of the consumers and of all the people of the United States.

Mr. SHORTRIDGE. But the Senator does not answer my question. To make it a little more specific, is the Senator in favor of reducing the rate, for example, on oranges, on lemons, on grapefruit, on rice, on walnuts, on almonds, on wheat? Is he in favor of reducing those or any of those rates?

Mr. McKELLAR. I do not know, and I shall not know until we have the matter considered. It ought to be considered in committee; it ought to be considered and debated here, and when so considered we should vote upon it; and when it is I expect to vote on it as my best judgment dictates. I know that the present rates now do not do the farmers any real good. I know that the rates we now impose generally are entirely too high. I am in favor of their revision downward at the earliest possible moment. I do not think we ought to wait until after an election, or wait until any other time. I think it ought to be done now. Therefore, I expect to vote for the resolution of the Senator from South Dakota; and I think he deserves the commendation of all right-thinking people in the country for introducing the measure at this time.

Mr. CARAWAY. Mr. President, will the Senator explain what he means by "right-thinking people"? Does he exclude the Senators on the other side?

Mr. McKELLAR. No; I do not exclude anyone. I hope there are right-thinking people on both sides.

Mr. President, before the income tax amendment was passed customs duties, however unfair they were, could not be dispensed with because it was necessary by that means to raise money to carry on the Government. No such necessity arises now. The Government can be carried on by individual and corporation income taxes without much additional burden; so that I wish again to say to my high protectionist friends that in seeking to maintain the high rates of the Fordney-McCumber tariff law they may be playing with fire. Some day, no doubt, customs duties will be largely done away with. The commercial world is to-day too close together long to permit artificial barriers. If customs duties were a good thing, it would have been provided that they should be collected at every State line, but manifestly that would be a ruinous policy; and so the time is coming, I hope, when the entire high protective tariff policy of this country may be changed. It probably will be necessary that the change shall be brought about by successive steps. That would be the best way. That such an unfair and burdensome method of taxation should not exist for all time ought to be clear almost to any well-ordered mind. As long as it was necessary to obtain revenues for the Government in that way tariff duties were bound to be imposed; but, as I have stated before, there is no longer any absolute necessity for raising money by customs duties and our protectionist friends had better be very careful how they fight reasonable reductions of the present high tariff burdens.

Mr. President, this resolution ought to pass. I hope the House will soon pass and send over to us a tariff revision bill, and that we can speedily enact it into law.

FLOOD RELIEF

Mr. SACKETT. Mr. President, in view of the wide discussion of flood relief, the fact that bills on the subject have been introduced and are coming before the various committees of Congress, and in view especially of the feeling of those Members who have gone down into the Mississippi Valley and have seen the financial conditions of the counties there, I desire not to make a speech on the subject of flood relief but to read a communication which has been sent out to the Members of this body, in order that it may be made a part of the RECORD and be available to the committees as they are discussing this question of flood relief. It is addressed:

To all Members of Congress:

I have the honor to place before you the tabulated vote on a referendum on Mississippi flood control conducted by the Chamber of Commerce of the United States, which closed on December 15, 1927. Through this vote of the membership the Chamber of Commerce of the United States is committed in favor of the following proposals:

First. That the Federal Government should hereafter pay the entire cost of constructing and maintaining works necessary to control floods of the lower Mississippi River (2,131 votes in favor and 512 votes opposed).

Second. That the Federal Government should assume the sole responsibility for locating, constructing, and maintaining such works (2,581 votes in favor and 240 votes opposed).

Third. That there should be an adequate appropriation to insure efficient, continuous, and economic work, the funds to be available as needed (2,657½ votes in favor and 156½ votes opposed).

Fourth. That flood control of the Mississippi River should be dealt with in legislation and administration upon its own merits, separate and distinct from any other undertaking (2,629½ votes in favor and 231½ votes opposed).

These conclusions are based upon votes cast by 1,053 chambers of commerce and trade associations in every State in America. We hope

that this expression of the sentiment of American business organizations will be helpful to you in reaching conclusions as to legislation dealing with this urgent national problem.

Yours sincerely,

LEWIS E. PIERSON, *President.*

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Thursday, January 12, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 11, 1928

FOREIGN SERVICE OFFICER OF CLASS 3

John K. Davis, of Ohio, now a Foreign Service officer of class 4 to be a Foreign Service officer of class 3 of the United States of America.

INTERSTATE COMMERCE COMMISSIONER

Claude R. Porter, of Iowa, to be an Interstate Commerce Commissioner for a term expiring December 31, 1928, vice Henry C. Hall, resigned.

SUPERVISING INSPECTOR, STEAMBOAT INSPECTION SERVICE

Alexander O. Calcott, of Virginia, to be supervising inspector, third district, Steamboat Inspection Service, vice George W. Harney, deceased.

COLLECTOR OF CUSTOMS

Harvey P. Bissell, of Ridgefield, Conn., to be collector of customs, collection district No. 6, with headquarters at Bridgeport, Conn. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate January 11, 1928

ASSISTANT SECRETARY OF WAR

Charles Burton Robbins to be Assistant Secretary of War.

UNITED STATES ATTORNEYS

Edwin L. Gavin to be United States attorney, middle district of North Carolina.

Thomas J. Harkins to be United States attorney, western district of North Carolina.

UNITED STATES MARSHALS

Joseph John Jenkins to be United States marshal, middle district of North Carolina.

Harry A. Weiss to be United States marshal, northern district of West Virginia.

APPOINTMENTS IN THE ARMY

Charles Lawrence Driscoll to be second lieutenant, Medical Administrative Corps.

Michael Ambrose Hally to be chaplain with the rank of first lieutenant.

APPOINTMENTS BY TRANSFER IN THE ARMY

Sumner McBee Williams to be major, Quartermaster Corps.

Richard Head Trippe, to be first lieutenant, Finance Department.

PROMOTIONS IN THE ARMY

Walton Goodwin, jr., to be lieutenant colonel.
Winchell Ivan Rasor to be major.
Thomas Reed Holmes to be captain.
Nicholas Dodge Woodward to be captain.
Edgar William King to be captain.
Riley Edward McGarraugh to be captain.
Allan Preston Bruner to be captain.
Egbert Frank Bullene to be captain.
Mark Gerald Brislawn to be captain.
Carleton Burgess to be captain.
John Wesley Warren to be first lieutenant.
Isidore Sass to be first lieutenant.
Einar Bernard Gjelsteen to be first lieutenant.
William Elgie Carraway to be first lieutenant.
John Mark Pesek to be first lieutenant.
Herbert Bronson Enderton to be first lieutenant.
John Battle Horton to be first lieutenant.
Joseph Leander Hardin to be first lieutenant.
Carter Bowie Magruder to be first lieutenant.
William Joseph D'Espinosa to be first lieutenant.
James Reid Shand to be lieutenant colonel, Veterinary Corps.

APPOINTMENTS BY PROMOTION IN THE ARMY

Albert Urmy Faulkner to be colonel.
Frank Scott Long to be colonel.
Samuel Grant Shartle to be colonel.
Arthur Winton Brown to be colonel.
John De Camp Hall to be colonel.
Wilson Bryant Burtt to be colonel.
Philip Bradley Peyton to be lieutenant colonel.
Karl Truesdell to be lieutenant colonel.
Mark Lorin Ireland to be lieutenant colonel.
Charles Avery Dravo to be lieutenant colonel.
Charles Roberts Pettis to be lieutenant colonel.
William Dandridge Alexander Anderson to be lieutenant colonel.
Ralph Talbot Ward to be lieutenant colonel.
John Jennings Kingman to be lieutenant colonel.
Robert Philip Howell to be lieutenant colonel.
Thomas Matthews Robins to be lieutenant colonel.
Oliver Irey Holman to be major.

POSTMASTERS

ALABAMA

Sarah A. Shedd, Adamsville.
Gus L. Camp, Arab.
Frances R. Gresham, Autaugaville.
Maude A. Bosarge, Bayou Labatre.
Wert W. James, Brent.
Lawrence L. Mallette, Dozier.
Samuel F. Rickman, Ethelsville.
John H. Dixon, Goshen.
Sylvanus L. Sherrill, Hartselle.
Jake E. Wallace, Maplesville.
James Alexander, Marion Junction.
Bessie L. Glasscock, Siluria.

ALASKA

George W. Robbins, Valdez.

ARIZONA

J. Lee Conrad, Scottsdale.

ARKANSAS

Louis Reitzammer, Arkansas City.
Reuben P. Allen, Smackover.

CALIFORNIA

James H. Whitaker, Anaheim.
Walter L. Haley, Associated.
Theodore Rueger, Benicia.
Clifford M. Barnes, Big Creek.
George Cunningham, Boulder Creek.
James B. Fugate, Chino.
Ruth E. Powell, Claremont.
Robert E. Thomas, Clovis.
Presentation M. Soto, Concord.
William P. Nye, Covina.
Lela P. Meday, El Segundo.
Maude H. Parsons, Gerber.
Corinne Dolcini, Guadalupe.
Daniel McCloskey, Hollister.
Charles F. Riedle, Los Banos.
Ira B. Jones, Los Molinos.
Homer T. Riddle, Loyalton.
Thomas P. Cosgrave, Madera.
Edmund V. Wahlberg, Manhattan Beach.
Fred Lewis, Mayfield.
Raymond A. Rigor, McCloud.
Claude D. Richardson, McFarland.
Fred F. Darcy, Montebello.
Charles G. Barnes, Morgan Hill.
John H. Tittle, Needles.
George W. Archer, Norwalk.
Presley E. Berger, Ontario.
Frederick S. Lowden, Orland.
Sula D. Abbott, Placentia.
William Henson, Riverdale.
Ellery M. Murray, St. Helena.
George G. Hughes, San Bruno.
Harrie C. Caldwell, San Fernando.
Ferris F. Kelly, San Juan Capistrano.
Pastor A. H. Arata, San Luis Obispo.
Terry E. Stephenson, Santa Ana.
Grace E. Tooker, Santa Monica.
Algera M. Rumsey, Saugus.
Patrick C. Mulqueeney, Sawtelle.

Peder P. Hornsyld, Solvang.
Ruby Vinten, Terminal Island.
Wade J. Williams, Tranquillity.
Mary E. Rozier, Tuolumne.
Henry F. Stahl, Vallejo.
Ernest D. Gibson, Van Nuys.
Marshall N. Johnson, Windsor.
William J. Murray, Yucaipa.

FLORIDA

Gabriel I. Daurelle, Bowling Green.
Copers S. Weathersbee, jr., Branford.
James L. Ambrose, Bunnell.
Walter C. Gholson, Chattahoochee.
Curtis W. Swindle, Chipley.
Elisha D. Wightman, Fruitland Park.
Ernest B. Wells, Lawtey.
Eugene D. Rosenberger, Micanopy.
Samuel J. Yoder, Moore Haven.
Pearl Beeler, Nokomis.
Lola Miller, Palm Beach.
William E. Burch, Palmetto.
Lydia E. Ware, St. Andrew.
Joseph P. Hall, Sanford.

GEORGIA

J. Arthur Westbrook, Powder Springs.
Mrs. Hubert H. Berry, Sparta.

HAWAII

Edward K. Ayau, Aiea.

INDIANA

Hugh Horn, Bicknell.
Elizabeth Hatfield, Centerville.
Harry M. Weliever, Darlington.
Albert J. Baumgartner, Elkhart.
Edmond M. Wright, North Salem.
Edmund H. Imes, Westville.
Austin Palin, Wingate.

KANSAS

Frank B. Myers, Americus.
Lewis B. Blachly, Haven.
Clarence Haughawout, Onaga.

KENTUCKY

John Eversole, London.

MAINE

Doris C. Sanborn, Dryden.

MASSACHUSETTS

Samuel L. Porter, Amesbury.
Frederick H. Green, Ashburnham.
Harry F. Bingham, Ashby.
John D. Quigley, Ashland.
Albert L. Porter, Avon.
John J. Downey, Blackstone.
Lewis R. Holden, Bondsville.
Lawrence T. Briggs, Brockton.
Maynard N. Wetherell, Chartley.
William H. Lilley, Chicopee.
William Davidson, Chicopee Falls.
Walter L. Tower, Dalton.
Fred A. Campbell, Dedham.
Gilbert W. O'Neil, Gloucester.
Charles H. Slocomb, Greenfield.
Leroy E. Johnson, Groton.
Albert F. Newell, Holden.

MICHIGAN

Russell W. Swhier, St. Clair Shores.
Murl H. De Foe, Charlotte.

MISSISSIPPI

Mary Norwood, Belzoni.
Isaac J. Morris, Coahoma.
Emma M. Therrell, Florence.
David F. Fondren, Fondren.

NEBRASKA

Elmer V. Barger, Benkelman.
Dollie W. Hyndshaw, Thedford.

NORTH DAKOTA

Arthur Nelson, Courtenay.
Bernhard C. Hjelle, Mercer.

PENNSYLVANIA

J. Beaver Gearhart, Danville.
William E. Henry, Nazareth.
William E. Marsden, Nesquehoning.
Raymond A. Kistler, Palmerton.
George B. Wilcox, Portland.
Thomas Y. Tarlton, Summithill.

RHODE ISLAND

Almira B. Lewis, Ashaway.
S. Martin Rose, Block Island.
Mary V. Nichols, Bradford.
George W. Warren, Bristol.
George T. Lund, Greystone.
Hartzell R. Birch, Kingston.
Thatcher T. Bowler, Newport.
Catherine M. Green, Portsmouth.
Edwin S. Babcock, Saunderstown.
Frank A. Rixford, Woonsocket.

SOUTH DAKOTA

John D. Evans, Alpena.
John V. Drips, Belvidere.
Leroy A. Gage, Bryant.
Leonard J. Walker, Carthage.
William W. Sour, Castlewood.
Winfred E. Whittemore, Estelline.
Lee E. Buck, Flandreau.
Henry Rohrer, Madison.
John Larson, Pukwana.
Gust M. Eggen, Vienna.
Victor M. Dalthorp, Volga.
Guy M. King, Wessington.
Volney T. Warner, Woonsocket.
John W. Woods, Worthing.

TENNESSEE

John F. Gaines, Gainesboro.
Harry K. Dodson, Kenton.
Hugh G. Haworth, New Market.
William E. Hudgins, Union City.

TEXAS

Anderson J. Hixson, Abbott.
Henrietta Fricke, Brenham.
John C. Flanagan, Crystal City.
Arno L. Wahrmund, Eagle Lake.
William D. Hawthorn, Elkhart.
Vivian B. Boone, Fabens.
William N. Moore, Fort Worth.
Andrew J. Harrison, Goldthwaite.
James M. Cottle, Moran.
Sadie M. Boulware, San Angelo.
William A. Farek, Schulenburg.
Grover C. Stephens, Sierra Blanca.

UTAH

Ezra P. Jensen, Garland.
Maranda Smith, Heber.
Norman G. Allan, Wellsville.

WASHINGTON

Gertrude Keys, Manson.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 11, 1928*

The House met at 12 o'clock noon.

APPOINTMENT OF SPEAKER PRO TEMPORE FOR THE DAY

The CLERK. The Clerk will read a letter from the Speaker.

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 11, 1928.

I hereby designate Hon. JOHN Q. TILSON to act as Speaker pro tempore to-day.

NICHOLAS LONGWORTH.

Mr. TILSON assumed the chair as Speaker pro tempore.

PRAYER

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who has taught us to say, "Our Father," teach us to say, "Thy will be done." It is the foundation of our usefulness, hope, and redemption. Inspire us with the knowledge that the issues of life are not from without but from within. Do Thou lift up the standard of truth and wisdom before us, and may it gleam on our way. Give us the blessedness of the man whose delight is in the law of the Lord and who can tell of Thy statutes rejoicing the heart. May failure never set its cloud upon our labors. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, the consideration of the pending appropriation bill has taken longer than was expected and, therefore, we have not had an opportunity to consider bills on the Private Calendar. I ask unanimous consent that Calendar Wednesday business be dispensed with to-day and that after the completion of the pending appropriation bill it may be in order to take up bills on the Private Calendar unobjected to for the balance of the day.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that upon the disposition of the appropriation bill now pending Calendar Wednesday business be dispensed with, and that the House proceed to consider bills on the Private Calendar unobjected to in the House as in Committee of the Whole. Is there objection?

Mr. KVALE. Mr. Speaker, reserving the right to object, what effect will that have in postponing indefinitely the consideration of the Norris amendment to abolish lame-duck sessions?

Mr. SNELL. I do not think it will have a particle of effect one way or the other.

Mr. KVALE. To dispense with Calendar Wednesday?

Mr. SNELL. It will dispense with Calendar Wednesday to-day, but the matter to which the gentleman refers is not ready to be considered to-day, so that this action will not affect the consideration of it in any way whatever.

Mr. BANKHEAD. Mr. Speaker, further reserving the right to object, are there no committees having bills to present for the consideration of the House?

Mr. SNELL. I understand there is only one bill on the calendar at the present time, and that is on the Consent Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON, from the Committee on Appropriations, by direction of that committee, submitted a privileged report on the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, which was read and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS. Mr. Speaker, I reserve all points of order on the bill.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and referred to the appropriate committee as indicated below:

S. 1968. An act to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes; to the Committee on Public Buildings and Grounds.

CALL OF THE HOUSE

Mr. JOHNSON of Washington. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 11]

Aldrich	Deal	Haugen	Schneider
Anthony	Dempsey	Irwin	Selvig
Aswell	Dickstein	Johnson, Okla.	Spearing
Ayres	Douglas, Ariz.	Kendall	Stedman
Beck, Pa.	Doyle	Kent	Strong, Pa.
Beedy	Drewry	Kindred	Strother
Bell	Evans, Calif.	Kunz	Sullivan
Boies	Fitzgerald, R. G.	Larsen	Swank
Britten	Fulmer	Leatherwood	Taylor, Colo.
Browning	Furlow	Leech	Tillman
Bushong	Gallivan	Linthicum	Tinkham
Canfield	Garrett, Tex.	McLaughlin	Tucker
Carew	Graham	McLeod	Wainwright
Clancy	Green, Iowa	Michaelson	Whitehead
Connally, Tex.	Greenwood	Mooney	Wilson, La.
Crisp	Hall, N. Dak.	Prall	Wilson, Miss.
Crosser	Hammer	Purnell	Wingo
Davenport	Hancock	Reed, N. Y.	Wood
Davey	Hardy	Sabath	Zihlman

The SPEAKER pro tempore. Three hundred and fifty-seven Members have answered to their names; a quorum.

On motion of Mr. SNELL, further proceedings under the call were dispensed with.

WILL ROGERS

Mr. HOWARD of Nebraska. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD of Nebraska. For the purpose of stating a question of the highest personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his question of privilege.

Mr. HOWARD of Nebraska. The personal privilege is in behalf of a brother Member of this House who happens to bear my own name.

It seems that a few days ago my colleague the gentleman from Oklahoma of my name delivered a talk here on the floor to the ear of the House and the country proposing for President of the United States a man who during the past year has preached more honest-to-goodness, progressive Democratic gospel than any other man whose name has been mentioned for the Presidency on either side, with the possible exception of Al Smith. [Laughter and applause.]

Mr. MADDEN. Is the gentleman seconding now the motion nominating this man?

Mr. HOWARD of Nebraska. Pretty soon—not yet. [Laughter.]

It so happens that the greatest cartoonist in the world, Mr. Berryman [applause], got his lines mixed just a little bit and last evening he drew and presented in the Evening Star what has been said by my prejudiced friends to be a very beautiful picture of me [laughter], putting me in the attitude of presenting the name of Will Rogers for the Democratic nomination for the Presidency.

The personal privilege I state is this: A Member of this House, by a cartoonist, here within the shadow of the Capitol, has been deprived of the honor which belongs to him; and it was a great honor, Mr. Speaker, for my colleague [Mr. HOWARD of Oklahoma] to be privileged to first present the name of Will Rogers for the Democratic presidential nomination. Why? Because Will Rogers is the only man of any party in the United States who has had the stomachical courage to ask a great question—"Why are we in Nicaragua, and what the hell are we doing there?" [Laughter and applause.]

Now, Mr. Speaker, I have a right to plead for fairness in the name and in the behalf of a Howard. It is a wonderful name. Perhaps you, Mr. Speaker, and others might be interested in the origin of that name. [Laughter.] It seems that long ago, under one of the Irish kings, when my own forefathers and the forebears of the Oklahoma Howards and of Sir Esme Howard, the most erudite and humane ambassador ever sent from St. James to Washington, were mostly hiding in the brush, for reasons not here to be stated, it was the custom of the monarchs to appoint wardens of the king's hounds, wardens of the horse, and wardens of the hogs. Well, my people were of the hog wardens [laughter], but finally, as has happened in our own language here in this country, the people began to corrupt it, and instead of calling us hog wardens they called us hogwards, and one day there was a harelipped young man who could not pronounce things very well and he just dropped the "g." So we have been Howards ever since. [Laughter and applause.] That is all. [Applause.]

UNVEILING OF A MONUMENT AT BLACK WOLF, VA.

Mr. PEERY. Mr. Speaker, on June 14, 1927, Hon. Wells Goodykoontz, a former Member of this House, delivered a notable address of historic interest at the unveiling of a monument erected by the Col. Andrew Donally Chapter of the Daughters of the American Revolution, at Black Wolf, McDowell County, W. Va., and I ask unanimous consent to extend my remarks by printing the same in the RECORD.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The address is as follows:

THE OBJECT OF THE MEETING

Mr. GOODYKOONTZ. Under the providence of God and in this free country of ordered government we are assembled on this beautiful summer afternoon at an historic place to establish a monument whereon is a record to perpetuate the memory of three brave men who here fought with the Indians on what was then the frontier of the settlement.

THE DAUGHTERS OF THE AMERICAN REVOLUTION

The erection of this monument, with its tablet, is to be credited to the tireless and unselfish labors of the officers and members of the Col. Andrew Donally Chapter of the Daughters of the American Revolution, of the county of McDowell.

The primary purpose of this society is the preservation of historic places, objects, and records pertaining to the American Revolution, and the erection of monuments on historic sites.

The founding of this actively patriotic organization marked a new era in American history and has caused an increased, fervent glow of patriotism.

In proving eligibility to membership ancient court records are searched, old Bibles with their priceless family records recovered, histories examined, traditions run down, and lineage to a worthy ancestor connected with the struggle for independence thereby established.

This work of investigation, and the production of proof sufficient to authenticate lineal descent from an American ancestor who rendered a military or other public service to the Colonies in their successful effort to throw off the yoke of tyranny imposed by the British monarch, has served to increase and widely diffuse a greater knowledge of history, an appreciation and pride of ancestry, a love for the beautiful in art, a veneration for things made sacred by reason of antiquity, a continuing regard for the memory of the noble pioneers—men and women—who endured hardship amid peril to the end that others might dwell in contentment, peace, and happiness, and, above all else, a profound reverence for the things that are sacred to every lover of liberty—the Declaration, the Constitution, the flag, and Lincoln's Gettysburg Address—these accomplishments, among others, have come as the ennobling result of the work of the Daughters of the Revolution.

In erecting memorials to others they are, in reality—although oblivious of the fact—rearing a lofty and enduring monument to themselves.

ONE OR TWO BLACK SHEEP IN THE FAMILY

We are met to do honor to three members of the Harman family, but, before proceeding to the main subject, there is a matter that I wish first to dispose of.

Although somewhat reluctant, publicly, to make the statement, yet, conformable to a strict regard for truth and candor, and agreeable to the principle of law that an exception proves the rule, I am forced to admit that there is one black sheep in the Harman family. It were not necessary to mention the name of this unruly member, for his identity and reputation are well known throughout this entire region—in fact, his reputation is known to the people of two States, Virginia and West Virginia. I would not thus dare to speak so plainly of Mr. J. N. Harman, jr., of the Welch bar, did I not know whereof I speak. The fact is, I, myself, have run around quite a bit with "Newt."

Doctor Iaager once said of himself that he was an illustrious son of a degenerate sire. Our friend "Newt" may labor under the same delusion, but if so, and for a satisfactory reason, he keeps his thought unto himself.

Perhaps I should have said, there were two "black sheep" in the Harman family, for am I not related, if not by affinity, then by consanguinity, unto that family? The Harmans may, or may not recognize the relationship. A bright friend of mine once said to me, his experience had taught him, that kinfolk were of little advantage. He said, that if they were poor and of no account, he would have nothing to do with them; and if, to the contrary, they were rich and influential, they would have nothing to do with him.

ANCESTRY AND BIRTH OF HENRY HARMAN

A Teutonic family name signifies something more than a mere name.

In German the letter "e" is generally pronounced the same as "a" in our own language.

The transition of the Germanic name, Hermann, to the Americanized Harman was, therefore, an easy and quite natural evolution.

While our spelling of the name differs from the original, the sound remains the same.

Hermann, we are told, implies honor. Definitively, it means—according to Rupp—one who subdues; a master man; a warrior.

Henry Harman, therefore, was not improperly named. Senator John Newton Harman, sr., has written not only a history of Tazewell County, Va., in two volumes, but also a genealogy of the Harman family. Only one who has carried the burden of such a task can appreciate the cost to body and mind involved. Every member of that numerous and widely scattered family should rise up and call him blessed.

We are indebted to this painstaking investigator and historian for a record of the life and career of Heinrich Adam Hermann, the father of Henry, and it was the exploit of the latter, acting in conjunction with his two sons, George and Mathias, that has moved the daughters to perpetuate their heroic action.

Henry was the second son of Heinrich Adam Hermann, who was born in southern Germany, near the common source of the Danube and the Rhine.

The author aforementioned, in one of his volumes, has transcribed and translated from the priceless old German Lutheran Bible of Heinrich Adam Hermann the following:

"I, Heinrich Adam Hermann, married Louisa Katrina October 8, 1723, and have together begotten 11 children, and have lived in matrimony as true married folks should up to the year 1749, when my dear wife died March 18, and was buried the 21st, which fell on a Monday.

"The blood of Jesus Christ cleanses us of all our sins. Amen.

"Lord Jesus, for you I lived. Yours I am in death."

"And," he continues, "my wife, Louisa Katrina" (he does not specify her family name), "her last meditation was this: 'I know that my Savior lives and will support me when leaving the earth * * * and in my flesh will see God the same evening, and my eyes will perceive him.'"

Realizing that she must soon quit the scenes of this life, that grand old mother in Zion—as divined and set down by her husband—further said:

"All men must die, and I must leave."

And then the record tells us—

* * * "They sang for her the last song, 'My Earthly Travels are O'er.'"

The hymn having been concluded, with the old man and the children standing around the death bed, she said: "Goodnight, all my loved ones," and died 9 o'clock, 25 minutes.

GERMAN MIGRATION TO AMERICA

The Germans in migrating to America usually began their long journey by traveling in river boats to the mouth of the Rhine. The trip down usually required from four to six weeks, the travelers being held up by the petty officials of every little principality demanding customs duty, and purposely delayed in order that shop and innkeepers might profit from their scanty means.

The emigrant ships, commanded by English masters, sailed from Goeree, a port on the North Sea near Rotterdam. These were sailing boats that crossed the ocean. The vessels of the larger size were 99 feet in length, 26 feet in breadth, and of 311 tons capacity.

Some of the ships' lists as of that day show as many as 480 passengers. How a ship so small could accommodate so many passengers we can not very well understand.

Ships sailing from Rotterdam for America usually touched at Cowes or the Isle of Man, where they took on supplies and went through certain formalities required by the maritime and immigration laws of England. The time required for the voyage across the ocean varied from two to six months, depending on wind and weather. The boats that successfully weathered the storms landed at the port of Philadelphia. Some that sailed went down at sea.

The reason for leaving the Palatinate—southern Germany—was due, in large measure, to the "thirty years' war." The effect of this war upon Germany was vastly destructive of her population as well as her property. According to Myers (General History, sec. 791), "the Duchy of Wurtemberg had one-half million of inhabitants at the commencement of the war; at its close had barely 50,000," or only one out of ten. This authority further says that on every hand were the charred remains of the hovels of the peasants and the palaces of the nobility. Vast districts lay waste without an inhabitant. The very soil in many regions had reverted to its primitive wildness.

Later, France conducted another war in southern Germany, known as the "war of the Palatinate." Louis, the French monarch, ordered that the country should again be laid waste. According to Myers, all tangible improvements, even the fruit trees, vines, and crops, were destroyed. It is, therefore, not surprising that Adam Harman, together with many thousands of his fellow countrymen, should have bid farewell to that troubled land and sailed for the New World, in the Western Hemisphere.

PENNSYLVANIA

Emigrants to Pennsylvania, the forests of William Penn, were attracted there by Penn, who prepared and circulated a prospectus stating his plan of government, the price he would charge for the land, and the wonderful advantages and opportunities afforded the settler. The price he asked for the land was less than 10 cents per acre, and the purchaser was to have a voice in the making of the laws that would govern the Province.

Penn made a favorable treaty with the Indians under the famous elm tree at Shack-a-Maxon, whereby the Indians promised to "live in love with William Penn and his children as long as the sun and moon give light." It is said that this was the only Indian treaty ever made and never broken.

Many of the emigrants who purchased land from Penn were able to dispose of the same at a nice profit, and some having done this moved down into the Shenandoah Valley or elsewhere in Virginia and into North Carolina, where they were able to buy good land at a very low price and thus increase the area of their holdings.

GOOD FAMILY STOCK

In recent years I have observed upon the part of some in whose veins flow blood of German extraction a disposition to deny their racial origin, and to claim that they are descended from Dutch or Huguenot ancestry.

As for myself I would not alter the fact, if I could, that the birth of three of my grandparents was recorded in German Bibles, no less than I would deny the further fact that my forbears, in company with the Harmans, helped to fight the battles of the Revolution.

The German regiments of Pennsylvania, the one organized in the Shenandoah Valley, and the soldiers of German origin under other commands did their work well and faithfully. They made their own guns and manufactured their own powder. Moreover, they were good marksmen, for history records that they could place an ounce ball within a 4-inch circle at a distance of 300 yards.

This contingent of Colonial citizenship, being free of the Tory element, put their whole heart and soul in the fight for freedom, and when liberty had been won, with characteristic industry and economy assiduously went forward with their fellow citizens in the work of building the Nation.

When danger approached or there was a difficult task to be performed, the Harmans led the way. They were natural fighters and took the lead in all the combats with the Indians, as witness the battles of Tug River, Little River, and Warfield; and in the rescue of Mary Ingles, and, on another occasion, Jennie Wiley, each of whom had been captured by the Indians.

These forbears were characterized not only by fortitude and a supreme courage, but by a Christian faith and an upright walk in life that was truly commendable.

Should there be grounds for wonder that later generations of that truly remarkable family should have attained undue success and distinction?

The men and women bearing the honored name of Harman may well "point with pride" to their noble ancestry. These come from good stock, and blood counts in men and women no less than in other animals.

Henry Harman, according to tradition, was born on the Isle of Man about 1726, at which the vessel touched on its way from Rotterdam to the port of Philadelphia.

According to the Harman Genealogy (p. 71), Henry, when 10 years of age, moved with his parents from Pennsylvania to Strasburg, in the Shenandoah Valley. Nine years later—in 1745—the family moved and settled at Eggleston Springs, on Woods, now known as New River.

Senator Harman, in his Genealogy, shows that by a report of the survey of a road filed in Orange County court in 1745 the road is described as ending" at the house of Adam Harman, on New or Woods River." Mr. William E. Connelly, secretary of the Kansas State Historical Society, who has given special attention to the history of the Mississippi Valley, and is the author of valuable histories, commenting on the discovery of Mr. Harman, has written: "So the honor and distinction of having erected the first dwelling and making the first permanent settlement of English-speaking people in the Mississippi Valley goes to that sturdy pioneer, Adam Harman. For though he was German in blood and spoke the German tongue, he also spoke English and was fully identified with the English westward movement in Virginia * * * and was a citizen of Virginia."

It is presumed that Henry Harman and his oldest brother, Adam, were the sons who, with their father, the elder Adam Harman, rescued Mrs. Ingles on her return to New River after her four months' captivity by the Indians.

Henry Harman was made a captain of the militia to defend "His Majesty's Colonies." In 1759 he commanded the militia in fights with the Indians on New River.

In 1787 he planned and led the pursuit of the Shawnee Indians after their capture of the English (Ingles) family in Burks Garden.

One year later he and his two sons, George and Mathias, fought here on Tug River the battle with the seven Indians.

There are many other important incidents in the life of Henry Harman worthy to be mentioned, a record of which is to be found in various histories, which I shall not have the time to speak of on this occasion.

We are told that after an eventful life he died in 1822 at Hollybrook, in what is now Bland County, Va., at the age of 95 years. Thus ended the career of the great Indian fighter, forbear, and citizen, Capt. Henry Harman.

THE BATTLE

The monumenting stone with tablet before you marks the spot, well authenticated, where Henry Harman and two of his sons, George and Mathias, engaged in battle with seven Shawnee Indians, the leader of whom was Chief Black Wolf, alleged to have been the son of the noted Indian warrior, Chief Cornstalk, slain at Point Pleasant, W. Va., and at whose grave, in the courthouse yard, a monument has been erected.

In that unequal battle the three Harmans were surrounded by the Indians, seven in number; only four of the latter had guns, the others being armed with bows and arrows, tomahawks, and scalping knives.

Two of the Indians having been wounded by the fire of George and his father, one of the Indians rushed at George with tomahawk raised for a blow, but when within striking distance George let down upon his head with the gun, which brought the Indian to the ground; recovering, the Indian made at him again, but George seized the Indian's knife and plunged it deep into his side, and Mathias with a tomahawk struck him on the head and finished the work with him.

Two Indians had attacked the old man and were maneuvering around him to get a clear fire at his left breast. The Harmans to a man wore their bullet pouch on their left side. When the old man had nearly completed the loading of his gun an Indian fired at him, striking his arm and cutting an artery. A moment later "the fearful string was heard to vibrate and an arrow entered Mr. Harman's breast and lodged against a rib." Mathias, who had been directed by his father to reserve his fire, was then granted permission to shoot. An Indian, the chief, was standing under a large beech tree. At the report of the rifle the Indian fell, throwing his tomahawk high among the branches of the tree under which he stood. Seeing that two of them were dead and two others of their number badly wounded, the surviving Indians made off.

The arm of Mr. Harman was tied up, his pipe lit, his face washed; the Indians were scalped, the tomahawks gathered up with the arrows, including those which had punctured Mr. Harman's body, and the Harmans then began their march back to the settlement.

Upon the beech tree, under which the chief was killed, was roughly carved an Indian, a bow, and a gun, commemorative of the fight. The monument stands near where the beech tree stood.

In narrating the facts relating to the battle I have freely used, without quotations, the text of Doctor Bickley's History of Tazewell County, as corrected and supplemented by Senator Harman in his genealogy of the family and in his two volumes entitled "Annals of Tazewell County."

THE BATTLE GROUND

Turning our eyes toward the distant past let us, in imagination, undertake to visualize conditions existing here on November 12, 1788.

On that gray November evening of nearly a century and a half ago there stood on this ground a primeval forest of spreading beech, giant oak and lofty poplar, unscarred by the hand of man.

The solitude of that Cathedral of God had continued unbroken except for the voices of nature.

The denizens of the forest were there. The black bear, the fleet-footed deer, and the wild turkey made it their home, and the stillness of the night was broken by the lonesome hoot of an owl or the scream of the panther.

Once in a while bands of hostile Indians, their feet incased in moccasins, took the war path leading from the Ohio up the Guyandotte, or the Big Sandy, and silently passed this way in order to reach the Virginia settlements, there to commit their depredations.

But America was no longer an unknown continent, a lonely land. Civilization having come and occupied a wide area along the Atlantic—and settlers being scattered over the entire eastern escarpment of the Appalachians—was now advancing.

Brave and adventurous souls occupied the outposts of the settlements, and these, intermittently but gradually, were breaking through the mountains and pushing westwardly into the wilderness.

The march of the pioneer, constituting an epic in American history, never faltered and never rested until halted on the shores of the Pacific Ocean.

THE MOTHERS OF THE FRONTIER

The hardships and perils of life on the frontier were far greater for the women than for the men.

Living in lonely cabins at great distances apart, with the men away from home, in the field at work, or out hunting for game—that being a matter of necessity in order to procure bread and meat for the table—or with the militia on some military expedition, either punitive or defending the settlement, the women remained at home, in charge of the children, and suffering from an indescribable dread, being constantly exposed to danger, fraught with the most terrible consequences.

What must have been the state of her mind to realize that at any moment—night or day—powerful, cruel, copper-skinned savages of a strange tongue with a gutteral sound were likely to emerge from the dark woods and enter her cabin home.

The horror of her fear was that of seeing the brains of the baby at her breast dashed out against the trunk of a tree, as was the experience of Mrs. Moore at Abbs Valley, the home set on fire, and she herself led into the forest by a lecherous animal in the form of a man, finally to be marched as a captive hundreds of miles from home and, it might be, burned at the stake.

Whether the pioneer mothers' distress of mind went no further than dread, or whether her fears were fulfilled in actuality, she rendered unto posterity and civilization a service a thousand times greater than was ever rendered by any man upon the battle field.

The place you have monumented is sacred ground. May the memorial you have erected stand always as an evidence and a testimony of your appreciation of those who fought here that others might live in peace and happiness.

ARTICLE BY HON. JOHN Q. TILSON

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article appearing in the American Forests Magazine, written by the Hon. JOHN Q. TILSON, of Connecticut. [Applause.]

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, under consent granted me to extend my remarks in the RECORD I insert the following:

(Mr. TILSON, in "A Plea for the Forests," has given expression to observations of forest conditions made by him during the past summer in the course of an extended trip through China, Japan, Korea, and a large portion of the western United States. From the majority leader of the House these views and conclusions will, very naturally, command wide interest.—Editor American Forests Magazine.)

A PLEA FOR THE FORESTS

It is often said that a statesman is a dead politician, which usually means that the statesman is not always recognized or fully appreciated during his lifetime. If we must insist upon some sort of sinister meaning for the much-abused word "politician," a much better characterization would be that the politician looks only to the present, or at least to the next election, while the statesman looks to the future welfare of the country, even at the expense of present prestige. Perhaps in no other one thing pertaining to the public welfare are these two viewpoints so well illustrated as in connection with the preservation and reproduction of forests. The long period of time required to grow a forest often brings present interest into conflict with the future.

It is stated in the New Testament that the leaves of the trees were for the healing of the nations and many diverse interpretations have been made of this poetic text. The leaves of the trees spread welcome shade where the sun is hot for rest and refreshment; they have become dust out of which plants are grown for both food and raiment. Many other direct and obvious uses of the leaves of the trees will occur to anyone. The trunks and branches which bear the leaves have even more varied and obvious uses. They produce shelter from the inclement weather, clothing, fuel, weapons, means of transportation, and material for a thousand different useful purposes.

All the uses to which reference has been made are apparent and manifest. There are others not so well understood or so generally accepted, but which are of very great importance. For instance, the effect of forest growth upon the climate, the amount and distribution of rainfall and the regularity in the flow of streams are all matters affecting very vitally life on the earth's surface and all are in turn affected by the existence or nonexistence of forests.

Thus far reference has been made only to some of the useful purposes directly served by forests. The case in favor of the forests can not be adequately made up, however, without at the same time taking into the account some of the injury that flows from the wasteful destruction of the forests and their removal from uplands and mountains. When well-forested areas are entered upon by would-be settlers for the purpose of establishing homes and gaining a livelihood by tilling the soil, the forest is encountered as something that must be met and overcome by irksome labor, so that it is not to be wondered at that the pioneer regarded the forest more in the light of an enemy than as a friend.

I recall quite vividly my own life as a youngster in the fine forests of hardwoods and pine on the slopes of the southern Appalachian Mountains, where each year new land was cleared for cultivation and in doing so the finest trees were felled indiscriminately, cut into manageable lengths, rolled into immense heaps, and burned. As I look back upon those scenes from the viewpoint of the present they seem almost criminal in their wastefulness, and yet it was only a case of apparent present necessity being met at the expense of the indistinctly foreseen future. The lands that were stripped of forests supported life and, therefore, to the extent necessary for that purpose, their denudation was justified, but probably by careful tillage half the land would have served the purpose, while half the acreage of my father's farm covered with the primeval forests would now be a small fortune.

It is only when the forests are gone and the many ill effects from it begin to develop that one can see clearly the mistake. When the pinch of high-priced lumber brought from a distance begins to be felt, those who may have thought little about it begin to take notice. Then firewood begins to grow scarce and good wood difficult to procure at any price. These things again are directly felt. It is the indirect effects that are the most hurtful and far-reaching. When the forests on the hillsides are felled and the humus formed from decomposing leaves is removed erosion soon begins and the land itself rapidly loses its productiveness. When the rain falls in the forests the force of the fall is broken by the leaves and branches, so that it drops gently to earth to be sucked into the ground by the leaves and the spongy humus, while the standing trees protect from the sun's rays, thus lessening the immediate evaporation. The water thus taken into the ground finds its way into underground waters and comes out in perpetual springs. Of all the blessings vouchsafed by the Creator to His creatures none is greater and none is so essential to life itself as living water. It is at its best when it gushes from the earth at the foot of a wooded hill. Follow it in its journey to the sea. Along its course it serves to slake the thirst of man and beast and all vegetation; it turns wheels to furnish power for a thousand human wants; it carries man and his commerce wheresoever he will, and finally adds its flood to replenish the great reservoir of the sea. It blesses man at every stage of its journey and this is as it was intended to be by the beneficent Creator.

On the other hand, let us see what happens when man has done his handiwork badly. When the rain falls upon the denuded hillside there are no trees to break the fall or prevent rapid evaporation, or leaves or spongy humus to drink it up. Instead of being taken into the earth it runs off rapidly, carrying with it the loose soil and small gravel, thus leaving the land unproductive. It rushes on increasing in volume until it becomes a destructive flood. The process just described, multiplied many thousand times, with a most unfortunate coincidence in their coming together, has just produced the most destructive catastrophe that has ever visited this country, destroying precious lives and untold millions of property in the great Delta region of the Mississippi River.

We have followed only the water itself in its destructive course. What of the soil and silt carried from the uplands? First, it makes the water less fit for human use. Next, the sand, being heavier than the soil, is first dropped out, covering up fertile lands so as to make them unproductive. Reaching the more quiet waters, other sediment drops, filling up useful ditches and stream beds, and finally, as the streams enter the sea, forming bars across their mouths, thus obstructing navigation.

No one can visit China without having the tragic lesson of forest destruction borne in upon him in a most forceful manner. China has 400,000,000 population. In area it is one of the largest countries in all the world. It contains some of the very large rivers of the world. China has comparatively an extremely small mileage of railroads, so that its rivers should be relatively more important than those of any other country. And yet what do we find? The mouths of all its rivers choked with sand bars. Up to about 10 years ago large ships could not discharge at the docks of Shanghai. At last the enormous commerce of this great port forced its improvement, but it was a huge and expensive undertaking. Vessels of any considerable draft can not now reach Tientsin at all, but must stop outside of Taku Bar. Tientsin is situated in a great alluvial plain which has been brought down from the region of Peking and above by the Hai Ho River. All the hills and mountains in all this region were denuded of their forests evidently many centuries ago. No forests remain, but that they were once forest covered or at least are capable of producing trees is shown by the many sacred trees about their temples and the tombs of their ancestors. The rain now falls upon the barren slopes and rapidly rushes to the sea, carrying with it every particle of detached earth that it can carry. The sediment containing sand and gravel is deposited upon the fertile fields, while the finer sediment is carried into irrigation ditches, the beds of streams, and canals.

In Korea the same mistake of denuding the hillsides has been made as in China, with identical results so far as time has permitted. Doubtless China had been stripped of its forests for centuries while Korea was still a well-wooded country, but Korea is no longer well wooded, having been denuded to its very mountain peaks, while the same sad story is being written of the barren mountains being washed down to fill up the precious irrigation ditches and to cover with worthless sand and silt the precious rice paddies and fertile wheat fields.

It is worthy of note that since Japan took over Korea a very ambitious and expensive program of reforestation has been entered upon and is now being carried on there with every indication of a finally successful outcome, but it will require many decades of time and an unlimited amount of money to undo, even in small part, the great injury done to this unfortunate country by the reckless expenditure of its great forest wealth.

Japan herself has done much better in this regard in her own little island empire. The islands are evidently of comparatively recent geological formation, so that there are many high mountains with precipitous slopes and much of the land is steeply sloping hillsides. From some of these the forests were stripped carelessly and erosion had begun its deadly work, but has not been permitted to run its destructive course as in China and to a lesser degree in Korea. In fact, in no other one thing are those who have directed the internal affairs of Japan to be so much commended as for the masterly, statesman-like forestry policy that has been inaugurated and is now being carried out in that country.

Our own country is old, geologically speaking, but quite youthful in point of utilization of the land either for the timber originally standing on it or for agricultural purposes. The time has not been sufficient in which to make all the mistakes of older countries, but, considering the brief period of our history, we have surely made our share and the end is not yet. It is already apparent what the end will be. We must not stumble blindly on into the condition of China and other portions of the Orient or even to the state already reached by some parts of Europe.

The problem of saving and replacing our forests is a difficult one—in fact, one of the most difficult with which the statesmen and business men of our day have to deal. The problem is greatly complicated for us by our dual form of State and Federal Government, which has worked so well in separating local from really national affairs, and which should be preserved as one of our most beneficent institutions. The forests, of necessity, are local and must be dealt with primarily as matters of State concern. But the direct influence of forests or lack of forests is felt beyond the confines of a single State and so becomes national in effect.

The taxing of forest lands presents another difficulty. Few are willing to pay heavy yearly taxes on lands which have no annual yield and which in the very nature of things can not yield an income during the life of the taxpayer. Lands in the States of Washington and Oregon, for instance, which have yielded up their original stand of fir and cedar will under proper conditions reforest themselves, but the cost of proper fire protection added to the taxes makes it a doubtful financial venture to undertake to hold it until the new forest can produce an income. The result is that destructive fires devastate most of the cut-over lands and much of it is permitted to be sold for taxes.

The sale of cut-over lands for taxes of itself offers a hopeful suggestion that may possibly help bring the solution of this one phase of the forestry problem. The State itself pays no taxes. It does not die as individual personal taxpayers do and can afford to wait until the next generation or even until the next century for its profit provided the investment is sound and the resulting effect of holding the land is meanwhile beneficent. The idea of State socialism is repugnant to me, but I see no insuperable difficulty in the State resuming the title to the land during the period of reforestation and then under conditions fair to the public, returning it to private ownership at the proper time.

APPROPRIATION BILL FOR THE DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR

The SPEAKER pro tempore. When the House adjourned yesterday the engrossment of the appropriation bill had just been ordered when the demand was made for reading of the engrossed copy. So the first business in order is the reading of the engrossed copy of the bill (H. R. 8269).

Mr. BLANTON. Mr. Speaker, I shall not insist on the reading.

The SPEAKER pro tempore. The demand for the reading is withdrawn, and the Clerk will read the bill by title.

The bill was read the third time.

Mr. CELLER and Mr. JOHNSON of Washington rose.

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. CELLER. Mr. Speaker, I desire to offer a motion to recommit, which the Clerk will read. I have handed the motion to the Clerk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CELLER. The gentleman is opposed to the bill and for that reason I offer the motion to recommit, and on that I demand the previous question.

Mr. JOHNSON of Washington. Mr. Speaker, I was on my feet demanding recognition, and as the Members will remember, I gave notice of my motion to recommit yesterday.

The SPEAKER pro tempore. The gentleman from New York was also on his feet.

Mr. JOHNSON of Washington. But, I think, Mr. Speaker, if the Chair will bear with me, I was seeking recognition for this purpose during the consideration of the bill and a demand was made in order to hold the motion until this morning with the understanding I would be recognized at this time to submit a motion to recommit.

Mr. SNELL. Mr. Speaker, I do not know of any arrangement of that kind.

The SPEAKER pro tempore. If the House will bear with the Chair for a moment, the Chair will state, in the first place, that recognition is within the discretion of the Chair, except as to the fact of opposition to the bill. In the next place, the Chair will attempt to give recognition in accordance with the practice of the House. Knowing that there would be demands made from both sides of the House for recognition, the Speaker before designating the present occupant of the chair to preside to-day, talked with me about it and said that as between two Members, neither of them being a member of the committee in charge of the bill under consideration, with equal rights in all other respects, except that one of them is on the majority side and the other on the minority side, he would recognize the gentleman on the minority side; which in the opinion of the present occupant of the chair is the sound practice of this House. In accordance with that practice and the express approval of the Speaker himself, I have recognized the gentleman from New York, who submits a motion to recommit and on that motion demands the previous question. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CELLER moves to recommit the bill (H. R. 8269) to the Committee on Appropriations with instructions to report forthwith the following amendment: On page 111, line 8, strike out "$7,110,000" and insert "$7,210,000."

The SPEAKER pro tempore. And on that the gentleman from New York moves the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the motion was rejected.

Mr. JOHNSON of Washington. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. That is not in order. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. SHREVE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE PRIVATE CALENDAR

The SPEAKER pro tempore. The Clerk will call the Private Calendar.

JOHN J. WATERS

The first business on the Private Calendar was the bill (H. R. 1589) for the relief of John J. Waters.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws John J. Waters shall be hereafter held and considered to have been honorably discharged from the military service of the United States as a private of Company E, Second Regiment Michigan Volunteer Cavalry, on February 4, 1863: *Provided*, That no back pension, back pay, or back allowance shall accrue by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GUY CARLTON BAKER

The next business on the Private Calendar was the bill (H. R. 1590) to correct the records of the War Department to show that Guy Carlton Baker and Calton C. Baker or Carlton C. Baker is one and the same person.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department to show that Guy Carlton Baker is one and the same person as Calton C. Baker or Carlton C. Baker, who served in the War of 1812 as a private in Capt. Ezekiel Colburn's company, Lieut. Col. Thomas B. Benedict's regiment, New York Militia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CALVIN H. BURKHEAD

The next business on the Private Calendar was the bill (H. R. 4707) for the relief of Calvin H. Burkhead.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to pay to Capt. Calvin H. Burkhead, out of any appropriation now or hereafter available for travel of the Army, the sum of $1,971.60 to reimburse him for money paid by him while traveling under official orders in Alaska from July 1, 1922, to and including September 5, 1924.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CURTIS P. WISE

The next business on the Private Calendar was the bill (H. R. 802) to correct the military record of Curtis P. Wise.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Curtis P. Wise, who was a member of Company I, One hundred and twenty-eighth Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 30th day of March, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

WILLIAM EARHART

The next business on the Private Calendar was the bill (H. R. 871) for the relief of William Earhart.
The Clerk read the title to the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Earhart, who was a member of Company B, Thirteenth Regiment Pennsylvania Cavalry, Civil War, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of August, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

GEORGE ADAMS

The next business on the Private Calendar was the bill (H. R. 1072) for the relief of George Adams.
The Clerk read the title to the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George Adams, who was a member of Company G, Forty-fourth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 13th day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

WILLIAM MORIN

The next business on the Private Calendar was the bill (H. R. 2272) for the relief of William Morin.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Morin, who was a member of Company G, Fifteenth Regiment Maine Volunteer Infantry, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 25th day of January, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. WOODRUFF. Mr. Chairman, I move to amend by striking out the words "25th day of January" and inserting in lieu thereof the words "17th day of September."
The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.
The Clerk read as follows:

Amendment offered by Mr. WOODRUFF: In line 9, strike out the words and figures "25th day of January" and insert in lieu thereof the words and figures "17th day of September."

The SPEAKER pro tempore. The question is on agreeing to the amendment.
The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

LUCIUS BELL

The next business on the Private Calendar was the bill (H. R. 2284) for the relief of Lucius Bell.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
Mr. BLANTON. Mr. Speaker, I reserve the right to object in order to ask a question. On the claim of the soldier that after enlisting in 1861 he had consumption and went home, the War Department made the following report:

The records show that Lucius Bell was enrolled April 30, 1861, and was mustered into service May 13, 1861, as a private of Company B, Twelfth New York Volunteer Infantry, to serve three months. On the roll of his company, dated August 13, 1861, he was reported as "deserted from the company on the 21st day of July, 1861."

He was mustered into the service on May 13 and on the 21st day of July the same year he is reported as deserting. That is all the record we have.
Mr. WOODRUFF. Mr. Speaker, I call the attention of the gentleman to the fact that we are not proposing to correct this man's record in such a way that he can have a pension from it.
Mr. BLANTON. But he will draw one from the date of the passage of this act, will he not?
Mr. WOODRUFF. No, indeed. He can not, because we merely correct the record as of July 31, 1861, and he will then not have served the 90 days necessary under the law to give him a pension. All this old man wants is to have his military record corrected. He does not care for the pension.
Mr. BLANTON. If he enlisted and was mustered into the service in May and deserted before August in 1861, and did not perform the services he was expected to perform, ought his record to be corrected?
Mr. WOODRUFF. I think it should; otherwise I would not have introduced the bill. I know this old man personally, very well. I know his high character, and I for one want to see that the charge of desertion is removed from his record.
Mr. BLANTON. It is very unfortunate that the disease which he offered as his excuse for the charge of desertion was consumption, commonly known as tuberculosis, because ordinarily when a man has tuberculosis he does not live from 1861 to 1928.
Mr. WOODRUFF. I think that is true.
Mr. BLANTON. But I shall not stand in the way of our friend from Michigan [Mr. WOODRUFF], who does valuable service here for the country. It will not cost the United States a cent.
Mr. WOODRUFF. It will not cost the United States one penny.
Mr. BLANTON. Mr. Speaker, I withdraw my reservation of objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Lucius Bell, late of Company B, Twelfth Regiment New York Volunteer Infantry, shall be held and considered to have been honorably discharged July 21, 1861: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE H. GILBERT

The next business on the Private Calendar was the bill (H. R. 2294) for the relief of George H. Gilbert.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George H. Gilbert, who was a member of Company C, Fourteenth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 20th day of May, 1861: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALFRED ST. DENNIS

The next business on the Private Calendar was the bill (H. R. 3041) for the relief of Alfred St. Dennis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alfred St. Dennis, who was a member of Company E, Fifty-seventh Regiment Massachusetts Volunteer Infantry, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 6th day of May, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALEXANDER ASHBAUGH

The next business on the Private Calendar was the bill (H. R. 3049) for the relief of Alexander Ashbaugh.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alexander Ashbaugh, who was a member of Company D, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 1st day of October, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN COSTIGAN

The next business on the Private Calendar was the bill (H. R. 3192) for the relief of John Costigan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object, merely to ask the question.

Mr. COCHRAN of Missouri. Mr. Speaker, I hope my friend will not object to this bill.

Mr. BLANTON. I wanted to find out from our friend why the report of the War Department was not attached to this committee report?

Mr. COCHRAN of Missouri. I am not a member of the committee, and can not say.

Mr. BLANTON. A report has come from the committee which does not bring with it the report of the War Department. Therefore the committee report comes with some suspicion.

Mr. COCHRAN of Missouri. The bill has already passed the House twice.

Mr. BLANTON. Does the War Department report unfavorably upon this bill?

Mr. COCHRAN of Missouri. It does; but an affidavit shows another situation, different from that set forth in the department's report.

Mr. BLANTON. I shall not object, but I think the committee ought to be fair enough to the House, when it reports a bill and has submitted it to the War Department for its report, to attach that department's report.

Mr. HUDSPETH. We repeatedly pass such bills when the War Department has turned them down.

Mr. BLANTON. All right.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights upon honorably discharged soldiers, their widows and dependent relatives, John Costigan shall hereafter be held and considered to have been in the military service of the United States as a private in Company D, Fifth United States Cavalry, from March 27, 1878, and to have been honorably discharged May 31, 1881: *Provided*, That no back pay, back pension, or other back allowance shall accrue by reason of the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ALVIN H. TINKER

The next business on the Private Calendar was the bill (H. R. 3440) for the relief of Alvin H. Tinker.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alvin H. Tinker, who was a member of Company D, Forty-fourth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a corporal of that organization on the 15th day of January, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ADAM B. ACKERMAN, ALIAS AUNKERMAN

The next business on the Private Calendar was the bill (H. R. 3993) for the relief of Adam B. Ackerman, alias Adam B. Aunkerman.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Adam B. Ackerman, alias Aunkerman, who was a member of Company B, Seventeenth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 5th day of July, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

WIDOW OF WARREN V. HOWARD

The next business on the Private Calendar was the bill (H. R. 4027) for the relief of the widow of Warren V. Howard.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Warren V. Howard shall hereafter be held and considered to have been mustered in as a private in Company E, Second Regiment Massachusetts Volunteer Infantry, on the 25th day of May, 1861, and to have been honorably discharged on the 1st day of June, 1865: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JACOB F. WEBB

The next business on the Private Calendar was the bill (H. R. 5255) for the relief of Jacob F. Webb.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jacob F. Webb, late of Company H, Eleventh Regiment Missouri State Militia Cavalry, and Company L, Second Regiment Missouri State Militia Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the latter company and regiment on the 18th day of December, 1862: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ANTHONY SCHWARTZENBERGER

The next business on the Private Calendar was the bill (H. R. 5424) for the relief of Anthony Schwartzenberger.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object.

Mr. BLANTON. Mr. Speaker, the proviso on this bill is not in the form that the Committee on Military Affairs and the House has insisted upon. The proviso provides—

That no pension shall accrue prior to the passage of this act.

The language of the approved proviso reads:

Provided, That no bounty, back pay, pension, or allowance shall be held as accrued prior to the passage of this act.

If the language is put in the proper form by an amendment I shall not object; otherwise I shall. Will there be any objection of that amendment?

Mr. MORIN. No.

Mr. BLANTON. I will move an amendment.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Anthony Schwartzenberger shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company E, Fifth Regiment Maryland Volunteer Infantry, July 17, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I offer the following amendment:

In lieu of the proviso in lines 7 and 8, insert the following: "*Provided*, That no bounty, back pay, pension, or allowances shall be held as accrued prior to the passage of this act."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 1, line 8, after the word "*Provided*," strike out all of line 8 and insert in lieu thereof the following: "That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

EDWARD TIGH

The next business on the Private Calendar was the bill (H. R. 6364) for the relief of Edward Tigh.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Tigh, who was a private in Company I, Sixth Missouri Volunteer Infantry, and later a private in Company D, First Battalion of Cavalry, Mississippi Marine Brigade, shall hereafter be held and considered to have been discharged honorably from military service of the United States as a private of said companies and regiments May 18, 1865: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES W. KINGON

The next business on the Private Calendar was the bill (H. R. 6579) for the relief of James W. Kingon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James W. Kingon, out of any money in the Treasury not otherwise appropriated, the sum of $170 in full settlement of all pay, bounty, and allowances due him for services in Company H, Forty-second Regiment Illinois Volunteer Infantry.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

PAUL E. DIVINE

The next business on the Private Calendar was House joint resolution (H. J. Res. 93) for the appointment of Paul E. Divine, of Tennessee, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is this appointment within the power of the House?

Mr. REECE. Yes; this is according to law.

Mr. BLANTON. The House made the appointment of his predecessor?

Mr. REECE. That is right.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That Paul E. Divine, of Tennessee, be, and he is hereby, appointed member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States to succeed Maj. J. W. Wadsworth, sr., of New York, deceased.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

JOSEPH F. RITCHERDSON

The next business on the Private Calendar was the bill (H. R. 519) for the relief of Joseph F. Ritcherdson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, or their dependents, Joseph F. Ritcherdson shall hereafter be held and considered to have been in the military service of the United States as a musician of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, from the 4th day of September, 1862, to the 1st day of June, 1864, and to have been discharged honorably from said service on the last-named date: *Provided*, That no bounty,

pension, pay, or other emoluments shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

MICHAEL PATRICK SULLIVAN

The next business on the Private Calendar was the bill (H. R. 929) for the relief of Michael Patrick Sullivan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to read what the War Department says. This report is signed by Robert C. Davis, The Adjutant General of the United States Army:

The official records show that Michael P. Sullivan enlisted April 14, 1899, at Dayton, Ohio, for three years, and was assigned to Battery N, Fourth United States Artillery.

He was tried by a general court-martial convened at Fort Monroe, Va., and found guilty of absence without leave, in violation of the thirty-second article of war, evidence of five previous convictions having been considered—

I want you to get that—

evidence of five previous convictions having been considered, and was sentenced "to be dishonorably discharged the service of the United States, forfeiting all pay and allowances, and to be confined at hard labor at such place as the reviewing authority may direct for three months."

The sentence was duly approved by competent authority and was published in Special Orders, No. 250, paragraph 8, Headquarters Department of the East, dated October 30, 1899, which designated Fort Monroe, Va., as the place of confinement. Pursuant to the sentence, he was dishonorably discharged at Fort Monroe, Va., November 2, 1899, and was released from confinement at that place January 14, 1900.

I have not objected to correcting the military records of these old soldiers who have survived the Civil War, but this is not such a case as should be approved. This is a case where the man was convicted six different times. This did not happen long ago, but within comparatively recent years. I do not think we ought to consider this precedent, because it will become a precedent.

Mr. KING. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. KING. Does the gentleman know what he was convicted of?

Mr. BLANTON. Here is what the report states:

He was tried by a general court-martial convened at Fort Monroe, Va., and found guilty of absence without leave, in violation of the thirty-second article of war, evidence of five previous convictions having been considered.

Mr. KING. What for?

Mr. BLANTON. Well, for something for which an expensive court-martial was invoked. He was given a fair trial, we presume, and had counsel to represent him, because in all court-martial cases the accused has counsel furnished to him free by the Government. He was convicted six times, and I do not think we should put this man back on the honorable roll and give him a pension for the rest of his life.

Mr. KING. May I ask the gentleman another question?

Mr. BLANTON. Certainly.

Mr. KING. Will it have any weight with the gentleman to tell him that this House has passed this bill once before?

Mr. BLANTON. No; because we pass them here just like we are passing them to-day. The Clerk reads the title of the bill and the Chair says, "Without objection, the bill will be engrossed, read a third time, and passed, and a motion to reconsider is laid on the table," all in one breath. That is the way they are passed.

Mr. KING. It is our negligence.

Mr. BLANTON. I wish I did not feel I have to object because of my friendship for the gentleman from Illinois.

Mr. KING. Oh, I have nothing to do with the bill.

Mr. BLANTON. I shall not object to the old Civil War veterans having their military records corrected, but I do object to this bill.

JAMES K. P. WELCH

The next business on the Private Calendar was the bill (H. R. 971) for the relief of James K. P. Welch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James K. P. Welch shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, Civil War: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I move to strike out the language in the proviso beginning at line 9, and insert in lieu thereof the following:

Provided, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 1, line 9, strike out the proviso and insert in lieu thereof the following: "*Provided*, That no back pay, bounty, pension, or allowances shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES C. SIMMONS, ALIAS JAMES C. WHITLOCK

The next business on the Private Calendar was the bill (H. R. 972) for the relief of James C. Simmons, alias James C. Whitlock.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James C. Simmons, alias James C. Whitlock, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company K, Thirty-fifth Regiment Indiana Volunteer Infantry: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I offer the following amendment:

Strike out the language in the proviso, at lines 9 and 10, and insert in lieu thereof the following: "That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON: On page 1, line 9, after the word "Infantry," strike out the proviso and insert in lieu thereof the following: "*Provided*, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JORDAN KIDWELL

The next business on the Private Calendar was the bill (H. R. 2422) to correct the military record of Jordan Kidwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jordan Kidwell, who was a member of Company G, Fifty-fourth Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organiaztion on the 1st day of April, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM PERKINS

The next business on the Private Calendar was the bill (H. R. 2526) for the relief of William Perkins.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Perkins, who was a member of Company A, Hatch's independent battalion, Minnesota Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 26th day of September, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. W. BARE

The next business on the Private Calendar was the bill (H. R. 2528) for the relief of J. W. Bare.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, J. W. La Bare, who was a member of Company B, Forty-third Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 23d day of February, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill for the relief of J. W. La Bare."

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN P. PENCE

The next business on the Private Calendar was the bill (H. R. 2649) authorizing the President to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps of the United States Army.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps, United States Army, in the grade and in the position on the promotion list provided by the next to last paragraph of section 24a of the national defense act of June 3, 1916, as amended by the act of June 4, 1920: *Provided*, That said John P. Pence shall not by the passage of this act be entitled to any back pay or allowances of any kind: *Provided further*, That nothing contained in this act shall operate to increase the number of officers in the Regular Army now authorized by law.

Mr. BLANTON. Reserving the right to object, may I ask the gentleman from Washington why the report from the War Department is not included in the committee report?

Mr. JOHNSON of Washington. I am not able to say. My impression is that the War Department did not object.

Mr. BLANTON. The bill seeks to go over the head of the military authorities and have this man appointed an officer, when under the rules and regulations he could not be appointed an officer.

Mr. JOHNSON of Washington. The gentleman is right about that. The fact is that during the reorganization this man found himself in a post about to be abandoned up at the farthermost point of Alaska. He had a wife and a small child and another about to be born. There was nothing to do but for him to move where he could get medical attendance.

Mr. BLANTON. In view of the splendid service that the gentleman from Washington is doing with reference to naturalization, and in view of the shameful treatment that his own Republican Party gave him on the floor of the House this morning, I shall not object to the consideration of this bill.

Mr. JOHNSON of Washington. I thank the gentleman, and I will take care of the other part of it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. JOHNSON of Washington to reconsider the vote whereby the bill was passed was laid on the table.

WILLIS B. CROSS

The next business on the Private Calendar was the bill (H. R. 3145) for the relief of Willis B. Cross.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, I would like for the gentleman from West Virginia to state why we are going over the heads of the War Department.

Mr. BOWMAN. We are not going over the heads of the War Department. This bill was drawn in compliance with the request of the War Department.

Mr. BLANTON. The clause which the committee always puts on the bill has been left off, and it ought to be in it.

Mr. BOWMAN. I shall have no objection to that.

Mr. BLANTON. With that understanding, I withdraw my objection.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Willis B. Cross shall hereafter be held and considered to have been mustered into the military service of the United States as a private of Captain Miner's Seventeenth Battery, Indiana Volunteer Light Artillery, and to have been honorably discharged.

Mr. BLANTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 8, strike out after the word "discharged" strike out the period and insert a colon and add: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CHARLES A. BLACK

The next business on the Private Calendar was the bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles A. Black, alias Angus Black, who was a member of Company B, Eleventh Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of August, 1861: *Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider was laid on the table.

JOHN M. ANDREWS

The next business on the Private Calendar was the bill (H. R. 3723) for the relief of John M. Andrews.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the compensation laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, marines, and their widows and dependent relatives, John M. Andrews shall hereafter be held and considered to have been discharged honorably as a private, Company F, Seventh United States Infantry, July 24, 1899; Troop I, Fourth United States Cavalry, August 24, 1906; Three hundred and forty-ninth Infantry, November 15, 1917: *Provided*, That no back pay or allowance of any kind shall be held to have accrued because of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE CALDWELL

The next business on the Private Calendar was the bill (H. R. 3724) for the relief of George Caldwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object—and I do not intend to object at this time—I ask the gentleman from California [Mr. SWING] this question. I find in the note that I have the War Department does not recommend favorable consideration of the passage of this bill upon the theory that it might be prejudicial to others and so eliminate them under the circumstances. What is the gentleman's explanation of that?

Mr. SWING. The department does not make affirmative recommendation. The expression is that the War Department does not recommend favorable consideration or the passage of the bill. Many reports on bills come up from the War Department without being affirmative. The department leaves it to the judgment of the committee and Congress.

Mr. HOOPER. I am not intending to object.

Mr. SWING. I think this man had a most remarkable record as a soldier and an officer. His last record was in the World War.

Mr. BLANTON. Mr. Speaker, I reserve the right to object, and I want to read into the RECORD a little further statement from the War Department bearing upon a question of policy. Usually these reports from the War Department come from The Adjutant General, but this matter I imagine was deemed of so great importance that the Secretary of War himself made the report. He says:

Manifestly sound policy precludes the reversal, by means of special legislation for the benefit of individuals, of the findings of legally constituted courts, boards, or other administrative agencies, as would be the effect of the passage of this bill. You are aware, of course, that the War Department has consistently maintained an attitude of opposing special legislation for the benefit of individuals and has given its approval only in cases where an obvious injustice had been done or to correct an error of administration. While admittedly adherence to a general policy should not be carried to the point of failure to correct mistakes, I can find nothing of record to indicate that any error or injustice has been committed in this case. The question before the board of general officers which selected him for elimination was one of relative effectiveness and value to the Government of all officers under consideration. Moreover, the beneficiary of this bill, then a captain of Infantry, requested that he be considered by a board of general officers with a view to retirement as a warrant officer, stating that he desired to take over certain business interests. The conclusions of the board are evidenced by its recommendation that Captain Caldwell be eliminated from the active list by reason of usefulness and relative value to the service and the officer's expressed desire for elimination.

There appears to be no reason why the beneficiary, who, in accordance with his expressed preference, was retired as a warrant officer, should be reappointed as captain and immediately placed on the retired list with the rank and retired pay of that grade, to the prejudice of others of that class of former officers eliminated under the same conditions.

This may not appeal to the gentleman's committee, it may not appeal to the Republican leaders here in charge on the floor to-day, but I can not let a report from the War Department like that go by without taking notice of it.

Mr. GLYNN. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GLYNN. Perhaps I can say something to cause the gentleman to change his mind. This man came up from the ranks and finally received his commission. It was intimated to him——

Mr. BLANTON. Is he one of the gentleman's constituents?

Mr. GLYNN. No; he is not my constituent.

Mr. BLANTON. In what way is the gentleman interested particularly?

Mr. GLYNN. Because I am on the Committee on Military Affairs, and I want to say this to the gentleman: I talked with the man who was responsible for bringing ammunition for his division to St. Mihiel. He is in the War Department now. He said to me that when he was put in charge he said to his officers, "Here, I do not understand all about bringing up supplies and ammunition, and I want you to get me a man," and they recommended to him this warrant officer, Caldwell.

Mr. BLANTON. Is the gentleman in favor of trying cases in court or out of court?

Mr. GLYNN. I am in favor of trying cases in court.

Mr. BLANTON. When a case has been tried before a board or a court-martial with witnesses under oath, and the defendant is present with his counsel furnished him by the Government, is that trial of more importance and is the evidence to be given as great probative force and effect as hearsay which the gentleman gets on the outside?

Mr. GLYNN. But mine is not hearsay.

Mr. BLANTON. It was not a court-martial; it was the so-called plucking board. They are of similar procedure. And the War Department says that he said he was going into business and wanted to be retired.

Mr. SWING. He knew what he was up against. He knew that he was going out one way or the other.

Mr. BLANTON. Then he ought to have appealed to my friend from California and let his great influence pervade the War Department in his behalf.

Mr. SWING. Let me make just this one statement and then I shall be very glad to submit it to the gentleman's judgment. This man served well and faithfully as an enlisted man, as a corporal, as a sergeant, and on up. If he had continued as an ordnance sergeant during the World War, on his retirement, at the time he did retire, he would have drawn, according to the best calculation, $138 per month; whereas because he made the change in rank and grade the Government asked of him and took the responsibility of a captain, he has now lost the time that he served as a commissioned officer, and so when he retired as ordnance sergeant he draws only $85.10.

We have penalized him for having rendered extraordinary services.

Mr. BLANTON. So that we will not waste any further time, I hope we can come to an understanding about the matter that will be agreeable to the gentleman from California and will give me an opportunity to find out just exactly whether the Secretary of War does object to the passage of this bill, and I ask unanimous consent that the bill be passed over without prejudice.

Mr. GLYNN. Pending that, will the gentleman yield to me for a moment?

Mr. BLANTON. We will save time to pursue the course which I have suggested, because there are many other bills on the calendar.

The SPEAKER pro tempore. The Chair does not know exactly what the gentleman means by his request. The bill remains on the calendar in any event. Does the gentleman mean that it might be called up again to-day?

Mr. BLANTON. I had that in mind, that I might communicate with the War Department and find out what they want. If it does not affect the standing of a lot of officers, as the War Department indicates here, and does not do an injustice to a lot of other officers, I shall not then insist on my objection.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

REBECCA R. SEVIER

The next business on the Private Calendar was the bill (H. R. 3730) for the relief of Rebecca R. Sevier.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. SWING. Mr. Speaker, the proposed beneficiary has passed from this life, and there is nothing that Congress can do for her relief. I ask that the bill be stricken from the calendar.

The SPEAKER pro tempore. Without objection, the bill will lie on the table.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

JAMES M. WINSTON

The next business on the Private Calendar was the bill (H. R. 5065) for the relief of James M. Winston.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James M. Winston, who was a member of Company D, Seventy-eighth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 24th day of March, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS J. GARDNER

The next business on the Private Calendar was the bill (H. R. 5224) for the relief of Thomas J. Gardner.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Thomas J. Gardner shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company L, Sixth Regiment Kentucky Volunteer Cavalry, on the 1st day of May, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I offer the following amendment:

After the proviso in line 9, strike out the language and insert in lieu thereof the following: "That no back pay, bounty, pension, or other allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: After the proviso in line 9, strike out the language and insert in lieu thereof the following: "That no back pay, bounty, pension, or other allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LEWIS H. EASTERLY

The next business on the Private Calendar was the bill (H. R. 6431) for the relief of Lewis H. Easterly.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. I reserve the right to object in order to examine the report from the War Department to see whether or not the bill is correct. The Secretary says:

It is deemed proper to state that the proposed bill is defective in that it does not include a date of entry of the man into the service, such as would give him a period of service of at least 90 days, which, it is understood, is the required number of days for pensionable purposes.

That has been corrected, has it?

Mr. MORIN. Yes.

Mr. BLANTON. I believe, then, the bill is sufficient, and I withdraw my reservation of the right to object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Lewis H. Easterly, who enlisted as a musician in Company G, Ninth Regiment Illinois Volunteer Infantry, on August 1, 1861, shall hereafter be held and considered to have been discharged honorably from military service of the United States as a musician of said company and regiment on the 5th day of February, 1862: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JAMES E. MOYER

The next business on the Private Calendar was the bill (H. R. 6432) for the relief of James E. Moyer.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James E. Moyer, who was a member of Company H, Second Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 15th day of November, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SAMUEL PELFREY

The next business on the Private Calendar was the bill (H. R. 6389) for the relief of Samuel Pelfrey.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object.

Mr. BLANTON. I notice that this is to correct the record of a soldier whose service was rendered in comparatively recent years, not a Civil War service. Why is the report of the War Department omitted from this committee report?

Mr. MORIN. As I understand, this bill was reported at the last session. At this session, I think, the subcommittee in preparing the report has just failed to include last year's report from the department.

Mr. HUGHES. Mr. Speaker, this bill was introduced by Mr. STROTHER. He is now ill at home, but I know something about the case.

Mr. BLANTON. Did the department report unfavorably upon it?

Mr. HUGHES. They reported favorably upon it. That is what Mr. STROTHER told me. I have not the papers before me. I know the case is a very deserving one.

Mr. BLANTON. Very well.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers of the Volunteer Army, Samuel Pelfrey, who was a member of Company H, Second Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 26th day of September, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN W. CLEAVENGER

The next business on the Private Calendar was the bill (H. R. 4280) to correct the military record of John W. Cleavenger, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object for the purpose of calling attention to the report of the War Department, which reads as follows:

The application for removal of the charge of desertion and for an honorable discharge in the case has been denied, and now stands denied, on the ground that the period of the soldier's absence from the service between the date of his desertion from his first enlistment and the date of his second enlistment exceeded four months, which fact precludes favorable action in the case under the provisions of the act of Congress approved March 2, 1889, the law governing the subject of removal of charges of desertion in Civil War cases.

Why should the War Department's recommendation be overturned in this case, may I ask the committee? I am afraid the committee has been doing work rather hurriedly in the reporting of all these bills in so short a space of time during this term of Congress. They have gotten up a pretty good calender hurriedly, and it seems to me with very little consideration.

Mr. JAMES. All of these bills are bills that were reported at the last session of Congress, that passed the House but died in the Senate because of the filibuster.

Mr. BLANTON. My friend from Kansas, the author of the bill, is now present. What reason has he to give for overturning the recommendation of the War Department. The War Department says he stood in desertion for four months.

Mr. STRONG of Kansas. But he had reenlisted in another branch of the service and served faithfully.

Mr. BLANTON. That is a good reason, I think, why he should have his military record corrected.

Mr. STRONG of Kansas. That is what he did.

Mr. BLANTON. So I withdraw the reservation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John W. Cleavenger, who was a member of Company B, Ninth Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 26th day of April, 1862: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN T. O'NEIL

The next business on the Private Calendar was the bill (H. R. 3737) for the relief of John T. O'Neil.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I want to read the report of the committee, or a part of it, Mr. Speaker, under a reservation to object. The Committee on Military Affairs in reporting this bill says:

The record shows that O'Neil's dishonorable discharge was the result of a court-martial sentence, finding him guilty of drunkenness, disorderly conduct, and disobedience to orders. The second and third offenses were the result of the first. In addition to dishonorable discharge, O'Neil was sentenced to six months' confinement, and it seems to the committee that imprisonment was a sufficient punishment for the offenses for which O'Neil was found guilty without adding the stigma of a dishonorable discharge.

I would not object as one Member, Mr. Speaker, to removing the stigma from him; but the committee is going to reward him by putting him on the pension list for life, and if in his old age he marries some buxom young widow, she will be placed on the pension list for the rest of her life.

Mr. GLYNN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GLYNN. This is a case where the man had served one term of enlistment and had been honorably discharged. That was during the Spanish-American War. In the second enlistment, when the war was over and when he was in the Regular Army, he got drunk and did those things.

Mr. BLANTON. Then twice subsequently he did wrong, was court-martialed, and punished.

Mr. GLYNN. I do not understand that to be the fact.

Mr. BLANTON. That is what the committee report shows.

Mr. GLYNN. They all constitute the same thing. He got drunk and that resulted in the disorderly conduct.

Mr. BLANTON. If a man gets drunk and is guilty of disorderly conduct and disobedience to orders in January and is punished, and then in December next he gets drunk again, is that one continuous performance?

Mr. GLYNN. I think the gentleman is mistaken.

Mr. BLANTON. That is the way I understand this report.

Mr. GLYNN. Oh, no; this all happened at the same time. He had already received an honorable discharge for service during the Spanish-American War, and this was a second enlistment in the Regular Army.

Mr. BLANTON. And the gentleman is in favor of putting him on the pension rolls for life?

Mr. GLYNN. Mr. Speaker, I would say this: It has been the policy of the committee that where there is one enlistment with an honorable discharge, but in a subsequent enlistment the man is court-martialed for drunkenness or something growing out of drunkenness, not a serious offense, to recommend that he be given the status of an honorably discharged man.

Mr. BLANTON. We are putting a whole lot of them on the pension list and the list is growing every year. I want to see every man who does honorable service for his country put on the pension list when he needs it. I am in favor of that. I am in favor of paying them the limit, because, unless our country properly takes care of its soldiers when they become old and decrepit, we can not expect proper service from them when the time comes that the country needs them; but we must quit putting these men who have not done honorable service on the pension list.

Mr. GLYNN. But this man had honorable service.

Mr. BLANTON. For how long? During the entire Spanish-American War?

Mr. GLYNN. During the Spanish-American War.

Mr. BLANTON. Did he serve throughout the Spanish-American War and was he then honorably discharged?

Mr. GLYNN. His first service was with the First Regiment, Connecticut Volunteer Artillery, in which he was enlisted June 18, 1898, and from which he was honorably discharged on October 29, 1898.

Mr. BLANTON. A few months' service?

Mr. GLYNN. Yes; a few months' service, and he enlisted again.

Mr. BLANTON. I am not prepared to say that is not a proper bill. So I will withdraw my objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John T. O'Neil, late of Battery C, First Regiment Connecticut Volunteer Artillery, Spanish-American War, shall be held to have been discharged honorably from the military service of the United States on December 1, 1899: *Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES R. STEVENS

The next business on the Private Calendar was the bill (H. R. 854) for the relief of Charles R. Stevens.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. EVANS of California. Mr. Speaker, I ask unanimous consent to substitute for the bill H. R. 854 the bill H. R. 4013, which is identical with H. R. 854 except that it has the date, November 22, 1864, recommended by the committee, which date does not appear in the bill as printed here.

Mr. BLANTON. Are the bills identical in purpose and in effect?

Mr. EVANS of California. They are identical in purpose and in effect, except the bill H. R. 854 has the date left out; otherwise, they are absolutely the same.

Mr. BLANTON. Mr. Speaker, I ask that the bill may be reported.

The SPEAKER. The Clerk will report the bill for information.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles R. Stevens, formerly a corporal in Company M, Eleventh Michigan Cavalry, shall be held and considered to have been honorably discharged November 22, 1864, from the military service of the United States in his final service as a corporal in Company M, Eleventh Michigan Cavalry: *Provided,* That no pension, bounty, pay, or other emoluments shall accrue prior to the passage of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill (H. R. 854) was laid on the table.

RICHARD BRANNAN

The next business on the Private Calendar was the bill (H. R. 1073) for the relief of Richard Brannan.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of attempted assault standing against the military record of Richard Brannan, formerly a member of Company D, Nineteenth Regiment United States Volunteer Infantry, and grant him an honorable discharge.

With the following committee amendment:

Strike out all of lines 3 to 8, inclusive, and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Richard Brannan, late of Company D, Nineteenth Regiment, United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on November 26, 1900: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THEODORE HERBERT

The next business on the Private Calendar was the bill (H. R. 1533) for the relief of Theodore Herbert.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Theodore Herbert shall be held and considered to have been honorably discharged from the military service of the United States in Company B, Ninety-fifth Regiment New York Volunteer Infantry, on the 13th day of July, 1864: *Provided*, That no pension, pay, or bounty shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DANIEL MANGAN

The next business on the Private Calendar was the bill (H. R. 1931) for the relief of Daniel Mangan.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Daniel Mangan, late of Troop L, First Regiment United States Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 5th day of July, 1863: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DENNIS W. SCOTT

The next business on the Private Calendar was the bill (H. R. 1970) for the relief of Dennis W. Scott.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Dennis W. Scott, who was a member of Company B, Thirty-second Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 31st day of October, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ROBERT ZINK

The next business on the Private Calendar was the bill (H. R. 2296) to amend the military record of Robert Zink.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Robert Zink, a resident of Illinois, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a musician of Company C, Eighteenth Regiment Missouri Volunteer Infantry, on the 18th day of July, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I offer the following amendment:

The Clerk read as follows:

Page 1, line 10, strike out the proviso and insert: "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

Mr. MORIN. Mr. Speaker, the language that is omitted and offered by the gentleman from Texas should be in all of these bills. I do not know why it was omitted. In order to save time, I ask unanimous consent that in all bills where it is omitted it may be inserted.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. BLANTON. As to the unanimous-consent request by the gentleman from Pennsylvania, he asks that this correct language be placed in all of these private bills.

The SPEAKER. The Chair thinks that the better way would be to take it up as each bill is considered.

Mr. MORIN. My only object was to save time.

Mr. BLANTON. The word "back" should be before the word "pay," and in some of the bills it has been left out. I ask unanimous consent that the Clerk be instructed to correct the provisos in accordance with the language which has been read.

Mr. BLACK of Texas. Mr. Speaker, I do not think that ought to be done.

The SPEAKER. The Chair thinks that that would not be the orderly method of procedure.

EMILE GENIREUX

The next business on the Private Calendar was the bill (H. R. 2472) for the relief of Emile Genireux.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and any laws conferring honors, rights, benefits, and privileges upon honorably discharged members of the Army, Navy, or Marine Corps, their widows and dependent relatives, Emile Genireux, alias Emile Genereux, shall hereafter be held and considered to have been honorably discharged from military service of the United States as a private in Company D, Ninth Regiment United States Infantry, on May 9, 1901: *Provided*, That no back pay, back pension, or other back allowance shall accrue by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN JAKES

The next business on the Private Calendar was the bill (H. R. 2482) for the relief of John Jakes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John Jakes, who was private of Company G, Second Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private of said company and regiment on or about the 27th day of June, 1865: *Provided,* That no pay, pension, or bounty shall accrue prior to the passage of this act.

The SPEAKER. The Chair will ask the chairman of the committee if the word "back" should not be inserted before the word "pay"?

Mr. MORIN. It should, and I offer that as an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELLA G. RICHTER

The next business on the Private Calendar was the bill (H. R. 2808) for the relief of Ella G. Richter, daughter of Henry W. Richter.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Is not this something of a departure—to grant a pension to the adult daughter of a former pensioner?

Mr. MORIN. Within the law it is not.

Mr. BLANTON. What other cases have we?

Mr. MORIN. I do not recall.

Mr. BLANTON. As far as we have ever gone is to extend the right to the widow. If we are going to grant this adult daughter, who was born in 1862, a pension we should extend that privilege under our pension laws to every daughter of every pensioner, but we have not done it so far.

Mr. BLACK of Texas. Mr. Speaker, I did not hear the bill reported. Does this authorize the pension to be paid to an adult daughter of a deceased pensioner?

Mr. LETTS. It does not authorize a pension to be paid to her.

Mr. BLANTON. What does it authorize?

Mr. LETTS. It authorizes the correction of a record.

Mr. BLANTON. And then she will be placed on the pension roll.

Mr. BLACK of Texas. Let us have the bill reported.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry W. Richter, who was a member of Company A, Ninth Regiment Iowa Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 17th day of January, 1864: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. BLANTON. Now, reserving the right to object, this bill recites in its preamble that it is—

for the relief of Ella G. Richter, the daughter of Henry W. Richter.

Mr. LETTS. Yes.

Mr. BLANTON. And then the bill goes on and provides that—

no pension or back pay shall be allowed this woman, Ella G. Richter, who is an adult daughter, except after the passage of this bill.

Just as sure as you pass this bill, the Pension Department is going to hold that this is an instruction to it to place her on the pension roll under her father's service after the passage of this bill.

Mr. BLACK of Texas. Oh, the Pension Department could not possibly make a holding of that sort. The Pension Department, to grant a pension under this bill, would have to do it under the general law, and there is no law that allows a pension to the adult daughter of a soldier, unless it should be one who was incapacitated mentally.

Mr. BLANTON. If that is true, may I ask the gentleman if he is willing to agree to an amendment to make this proviso read that no bounty, back, pay, pension, or allowance shall accrue in this case?

Mr. LETTS. That is perfectly satisfactory.

Mr. BLANTON. Then there will be no question about it.

Mr. LETTS. This Ella G. Richter is the only living representative of this ex-soldier.

Mr. BLANTON. Under our agreement, I withdraw the objection.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Line 11, strike out the words "shall be held to have accrued prior to the passage of this act" and insert in lieu thereof "shall be held to have accrued or be allowed in this case."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BERT H. LIBBEY

The next business on the Private Calendar was the bill (H. R. 3166) for the relief of Bert H. Libbey, alias Burt H. Libbey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object, because I want to read what The Adjutant General says:

He served therewith until June 20, 1901, when he was transferred to the Eighteenth Battery, Field Artillery, and he deserted from that organization January 31, 1903, at the Presidio of San Francisco, Calif. He remained away from military control until March 20, 1903, when he surrendered at the Presidio. He was tried by a general court-martial at that place and found guilty of desertion, in violation of the forty-seventh article of war, and was sentenced "to be dishonorably discharged the service of the United States, forfeiting all pay and allowances now due, and to be confined at hard labor at such place as the reviewing authority may direct for a period of one year." The sentence was approved August 15, 1903, but in consideration of the long confinement of the accused prior to trial, the confinement awarded was reduced to six months, and as modified the sentence was promulgated in paragraph 3, Special Orders, No. 188, headquarters Department of California, August 20, 1903, Alcatraz Island, Calif., being designated as the place of confinement. Pursuant to the sentence of the court, the soldier was dishonorably discharged from the military service August 22, 1903, at the Presidio of San Francisco, Calif., and he was released from confinement at Alcatraz Island January 14, 1904, with character while in confinement recorded as "Good."

That was nearly two years that he was away.

Mr. CARTER. Mr. Speaker, I think the gentleman is mistaken in his conclusion with regard to the length of time that he remained away. It was less than two months.

Mr. BLANTON. Let me see. I was reading what The Adjutant General of the gentleman's United States Army says.

Mr. CARTER. In the report that I have before me it says that he deserted from that organization on January 31, 1903, at the Presidio in San Francisco, and he remained away from military control until March 20 of that year.

Mr. BLANTON. I find that I am in error and the gentleman is correct. My eyes in reading it caught the date of enlistment instead of the date that he was discharged. He was a deserter, then, from January 21, 1903, to March 20, 1903?

Mr. CARTER. That is correct. He was honorably discharged from active service during the time of the Spanish-American War.

Mr. BLANTON. I just wanted his record read. I am not going to take the responsibility of objecting to the consideration of the bill, but it seems to me that the Committee on Military Affairs is getting a little bit careless in its recommendation of these bills.

Mr. CARTER. This man was away for about five weeks, and he returned voluntarily and surrendered himself to military authorities.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Bert H. Libbey, alias Burt H. Libbey, who was a member of Eighteenth

Battery, Field Artillery, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 22d day of August, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SEYMOUR BUCKLEY

The next business on the Private Calendar was the bill (H. R. 3241) for the relief of Seymour Buckley.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Seymour Buckley, who served as corporal in Company C, Thirteenth Regiment Connecticut Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a corporal in said company and regiment in May, 1865: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ESTLE DAVID

The next business on the Private Calendar was the bill (H. R. 3352) for the relief of Estle David.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Estle David, who was a member of Company D, Sixth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 8th day of May, 1903.

With a committee amendment, as follows:

Provided, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ANDREW B. RITTER

The next business on the Private Calendar was the bill (H. R. 3400) to correct the military record of Andrew B. Ritter.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Andrew B. Ritter, who was a member of Battery L, Second Regiment United States Artillery, now a resident of Indiana, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 8th day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

GEORGE A. WINSLOW

The next business on the Private Calendar was the bill (H. R. 3466) for the relief of George A. Winslow.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George A. Winslow, who was a member of Company M, Third Arkansas Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a lieutenant of that organization on the 9th day of May, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

GILES GORDON

The next business on the Private Calendar was the bill (H. R. 3467) for the relief of Giles Gordon.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Giles Gordon shall hereafter be held and considered to have been mustered into the service of the United States as a member of Company M, Fifth Regiment Kansas Volunteer Cavalry, on the 27th day of February, 1864; to have been transferred to Company B, Fifteenth Regiment Kansas Volunteer Cavalry, on the 20th day of July, 1865, and to have been honorably discharged from the same on the 19th day of October, 1865: *Provided*, That no back pay, pension, bounty, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CAPT. GEORGE E. KRAUL

The next business on the Private Calendar was the bill (H. R. 3510) to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, may I ask the gentleman from Pennsylvania [Mr. MORIN] whether his committee in approving these bills intends to interfere with the regular rules and regulations of the War Department with respect to commissioned officers?

Mr. MORIN. This bill has been approved by the War Department.

Mr. BLANTON. I know that; but that is because the gentleman from Pennsylvania has great influence there, I take it.

Mr. MORIN. No. The bill was sent to me by the War Department, and I introduced it. I have no personal interest in the bill.

Mr. BLANTON. Why do they not commission without a special act of Congress?

Mr. MORIN. I guess they have not authority.

Mr. BLANTON. Why do they not commission this man as captain without an act of Congress?

Mr. MORIN. I can not answer.

Mr. BLANTON. Then it is beyond their power, and it needs congressional action to do it?

Mr. MORIN. I believe so.

Mr. BLANTON. Why do we not take from them the function of creating their officers and commissioning them ourselves in exceptional cases? Does the gentleman know of any good reason for taking this action here?

Mr. MORIN. The War Department recommends it.

Mr. BLANTON. They have authority to correct their errors.

Mr. BLACK of Texas. As I understand it, the War Department has corrected the error in the commission of this man as captain, but it dates only from the correction of the error, and the Secretary of War says that he is without legal authority to change the date of this commission, and that if it is the desire of Congress to correct the error it will be necessary to have an authoritative law to do it.

I call my colleague's attention to the fact that this is a different case from just taking a fellow who has already resigned from the Army and commissioning him anew. I am opposed to that kind of a bill. But this man is in the Regular Army and should have been commissioned as of the date stated in this bill, but because of an error which the War Department says was made they ask this action.

Mr. BLANTON. Mr. Speaker, I withdraw my reservation of an objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, George E. Kraul a captain of Infantry in the Regular Army of the United States, with rank from July 1, 1920: *Provided*, That no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of the Regular Army now authorized by law by reason of the passage of this act.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

JAMES E. WESTCOTT

The next business on the Private Calendar was the bill (H. R. 3969) for the relief of James E. Westcott.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged members of the United States Army who served during the Civil War, James E. Westcott, late of the United States Army, serving as a private, Company C, Fourteenth Regiment New York State Militia Infantry, shall hereafter be held and considered to have been discharged honorably from such service of the United States as a member of the United States Army on the date of the expiration of his enlistment: *Provided*, That no bounty, pay, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER. Without objection, the bill will be amended by inserting the word "back" before the word "pay," in line 3, page 2.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM A. HYNES

The next business on the Private Calendar was the bill (H. R. 4079) for the relief of William A. Hynes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives, William A. Hynes, late of Company K, First Regiment Georgia Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 19th day of September, A. D. 1898: *Provided*, That no back pay, pension, bounty, or other emoluments shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM SMITH

The next business on the Private Calendar was the bill (H. R. 4080) for the relief of William Smith.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, William Smith, late of Company D, Sixty-sixth Regiment New York Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on November 4, 1864: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES WILLIAM COLE

The next business on the Private Calendar was the bill (H. R. 4104) to correct the military record of James William Cole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James William Cole, who was a member of Company L, Second Regiment United States Volunteer Engineers, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 8th day of May, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN STREVY

The next business on the Private Calendar was the bill (H. R. 4168) for the relief of John Strevy, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers John Strevy shall be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Third Provisional Pennsylvania Volunteer Cavalry, on the 26th day of October, 1865: *Provided*, That no pension, bounty, back pay, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLIE R. PATE

The next business on the Private Calendar was the bill (H. R. 4652) for the relief of Charlie R. Pate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charlie R. Pate be held and considered to have been honorably discharged from the military service of the United States on November 30, 1902.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in the administration of all laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charlie R. Pate, who was a member of Company L, Twenty-seventh United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on November 30, 1902: *Provided*, That no back pay, bounty, pension, or other allowances shall be held as accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

KENNEDY F. FOSTER

The next business on the Private Calendar was the bill (H. R. 4654) for the relief of Kennedy F. Foster.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of all laws conferring rights, benefits, and privileges upon honorably discharged soldiers Kennedy F. Foster shall be held and considered as having been honorably discharged from the military service of the United States on November 10, 1864, as a member of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry: *Provided*, That no bounty, pay, or allowances shall be held as having accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 9.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DAVID E. GOODWIN

The next business on the Private Calendar was the bill (H. R. 4655) for the relief of David E. Goodwin.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, David E. Goodwin, who was in Company L, Eleventh Regiment United States Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on November 26, 1900: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay" in line 9.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES E. LOWE

The next business on the Private Calendar was the bill (H. R. 4660) to correct the military record of Charles E. Lowe.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles E. Lowe, who was a private in Company F, Thirty-seventh Regiment United States Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service and to have served "honest and faithful" as noted on his original discharge certificate.

With the following committee amendments:

In line 8, after the word "service," insert "February 12, 1900, and to have received the gunshot wound in right hand in line of duty."

After the word "certificate," in line 11, insert a colon and adding the following: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM MULLINS

The next business on the Private Calendar was the bill (H. R. 4661) to correct the military record of William Mullins.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Mullins, who served in Company I, Eleventh Regiment, and Company G, Ninth Regiment, Tennessee Volunteer Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a private of Company G, Ninth Regiment Tennessee Volunteer Cavalry, on September 1, 1865: *Provided*, That no pay, bounty, or allowances shall be held as accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 11.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. H. S. MORISON

The next business on the Private Calendar was the bill (H. R. 4663) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is this the President's physician?

Mr. REECE. No; it is not.

Mr. BLANTON. Why should this man be given the rank of major?

Mr. REECE. I will explain the situation to my friend. This man was too old to be commissioned under the provisions of the general law; that is, too old to qualify for the examination. He is a very eminently qualified physician who served with great distinction during the World War, having been decorated as many as two or three times and wounded in action—an exceptionally fine soldier and physician combined. He is fond of the service and, consequently, would like to have the opportunity of continuing in the service. This bill authorizes the Surgeon General, in the event he finds him qualified and finds other conditions favorable to his appointment, to appoint him with this rank.

Mr. BLANTON. Suppose we already have enough majors in the Medical Corps, then what?

Mr. REECE. But the fact is, they are short of officers in the Medical Corps of the Army.

Mr. BLACK of Texas. This bill authorizes the creation of an additional officer of this rank. Let me ask my friend a question.

Mr. BLANTON. I am going to object to it, so there is no use prolonging the agony.

Mr. REECE. The bill passed the House at the last session. I think it is generally understood that they are really short of officers in the Medical Corps.

Mr. BLANTON. Oh, there are lots of physicians who served honorably on the front-line trenches in France who would like to be commissioned now as majors, and if we are going to start this for one friend of my friend, we will have to continue it for everybody's friends.

Mr. REECE. There are occasionally bills of this nature reported—I do not mean identical bills—and some of them are on the calendar. This leaves the discretion in the executive department and simply grants them the authority to do this in the event they feel it is justified.

Mr. BLANTON. Does the gentleman know how many high commissioned doctors the Navy now has at the navy yard here at Washington during peace time?

Mr. REECE. No.

Mr. BLANTON. I wish the gentleman would check that up. I have checked it up.

Mr. REECE. I am not familiar with the personnel of the Navy Department.

Mr. BLANTON. They are in each other's way down there.

Mr. REECE. But the fact remains they need additional officers in the Medical Corps of the Army.

Mr. BLANTON. I am sorry on my friend's account but I am forced to object. I object, Mr. Speaker.

CHARLES ROBERTSON

The next business on the Private Calendar was the bill (H. R. 4902) to correct the military record of Charles Robertson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles Robertson, who was a private in Company C, Forty-ninth Regiment Indiana Volunteer Infantry, and in Company I, Sixth Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said Company C, Forty-ninth Regiment Indiana Volunteer Infantry, on the 17th day of January, 1863: *Provided*, That no bounty, pension, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 12.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FINAS M. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 5228) for the relief of Finas M. Williams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Finas M. Williams shall hereafter be held and considered to have been honorably discharged from the service of the United States Army on August 14, 1913: *Provided*, That no back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES SHOOK

The next business on the Private Calendar was the bill (H. R. 5231) to correct the military record of James Shook.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Shook, who was a member of Company C, Second Regiment Arkansas Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of November, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

OWEN J. OWEN

The next business on the Private Calendar was the bill (H. R. 5232) to correct the military record of Owen J. Owen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws relating to the National Home for Disabled Volunteer Soldiers, Owen J. Owen, who was mustered into service August 14, 1863, as a private in Company H, First Arkansas Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States: *Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS SPURRIER

The next business on the Private Calendar was the bill (H. R. 5381) to correct the military record of Thomas Spurrier.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Thomas Spurrier shall hereafter be held and considered to have been honorably discharged from the military service of the United States, as a private of Troop D, Tenth Regiment Michigan Volunteer Cavalry, on the 1st day of October, 1864: That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

In line 9, page 1, after the figures "1864," insert the word "*Provided.*"

In line 10, after the word "pension," insert the words "back pay, bounty, or allowance."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE C. HUSSEY

The next business on the Private Calendar was the bill (H. R. 5994) for the relief of George C. Hussey.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws George C. Hussey, deceased, who was a member of Battery M, Fifth United States Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of June, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to speak for five minutes out of order.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to speak for five minutes out of order. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, this is a bill of my colleague from Massachusetts [Mr. UNDERHILL], one of the most modest men in the House as to his own accomplishments. I can not let further time go by without calling attention to the fact that the other day we passed what was known as the triangle bill. I am sure that no one would detract from the services of the Committee on Public Buildings and Grounds rendered in the passage of that act, and we are not detracting from their service when I call attention to the fact that this was one of the special pet measures of the gentleman from Massachusetts [Mr. UNDERHILL].

Ever since he has been here he has been trying to get this legislation passed. When he first proposed the acquirement of this land in the triangle we could have acquired it for less than $15,000,000. That is all he first proposed to be appropriated at that time. The committee, of which he and I are members, unanimously approved of his bill, but he could not get it passed into law. It would have saved at least $10,000,000 had his bill been passed promptly.

I think he deserves great credit. He is one of the most hard-working, conscientious men in this House, conscientious about every bit of his service. He and I do not always agree. He is a partisan Republican and I am a partisan Democrat, but he deserves great credit in getting his pet legislation through. Of course, there are others who also deserve credit.

Mr. TILSON. If the gentleman will pardon me, I hope he will call attention to the work that the gentleman from Massachusetts [Mr. UNDERHILL] is doing on this calendar as chairman of the Committee on Claims.

Mr. BLANTON. Yes. I intend to do that. He deserves great credit for that work. There are a few of us here whom,

as you gentlemen know, spend much time and do much hard work on the Private and Consent Calendars—close, hard study of these many bills. Since the gentleman from Massachusetts has been chairman of the Committee on Claims he has saved us no end of work that we used to have to do because of the careful scrutiny that he and his committee gives to these private claims.

I felt that this was due him, because the gentleman from Massachusetts [Mr. UNDERHILL] is so modest that he would not let it be known that he was partly the father of the triangle bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PATRICK J. LANGAN

The next business on the Private Calendar was the bill (H. R. 6006) for the relief of Patrick J. Langan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Patrick J. Langan, formerly of Company A, Seventeenth United States Regular Infantry, shall hereafter be held to have been honorably discharged from service in the military forces of the United States November 1, 1865. Patrick J. Langan shall be further eligible to enjoy all rights, privileges, and benefits conferred upon enlisted men honorably discharged from such service: *Provided*, That no pay or allowance shall be held to have accrued prior to the passage of this act.

A committee amendment to insert the word "back" before the word "pay," in line 10, was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN MAGILL

The next business on the Private Calendar was the bill (H. R. 6007) for the relief of John Magill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John Magill, who was a member of Company D, Thirteenth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 2d day of January, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS M. ROSS

The next business on the Private Calendar was the bill (H. R. 6162) for the relief of Thomas M. Ross.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Thomas M. Ross shall hereafter be held and considered to have been honorably discharged from Company F, Second Regiment United States Infantry, war with Spain, on April 11, 1900: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

A committee amendment to insert the word "back" before the word "pay," in line 7, was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. ARMSTRONG

The next business on the Private Calendar was the bill (H. R. 6180) for the relief of William H. Armstrong.

The Clerk read the title of the bill.

The SPEAKER pro tempore Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint William H. Armstrong, by and with the advice and consent of the Senate, formerly a captain of Infantry, a captain of Infantry in the Army of the United States, to take rank at the foot of the list of captains of Infantry, and that no back pay or allowances shall accrue as a result of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS JEFFERSON SHROPSHIRE

The next business on the Private Calendar was the bill (H. R. 6185) for the relief of Thomas Jefferson Shropshire.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas Jefferson Shropshire, who was a private in Company C, One hundred and seventeenth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 22d day of January, 1863: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

A committee amendment to insert the word "back" before the word "pay," in line 11, was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY SHULL

The next business on the Private Calendar was the bill (H. R. 6282) for the relief of Henry Shull.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry Shull, who was a private in Company F, Eighth Regiment Missouri State Militia, Civil War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 1st day of February, 1864: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

A committee amendment to insert the word "back" before the word "pay," in line 10, was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DAVID PARRETT

The next business on the Private Calendar was the bill (H. R. 6438) for the relief of David Parrett.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, or any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, David Parrett, who was a private in Company I, Fifth Regiment Ohio Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 5th of October, 1865: *Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RALPH H. LASHER

The next business on the Private Calendar was the bill (H. R. 6442) for the relief of Ralph H. Lasher, whose name appears in the Army records as Ralph C. Lasher.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, Ralph H. Lasher, whose name appears in the Army records as Ralph C. Lasher, who was a member of Company C, Second Regiment United States Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 25th day of September, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM F. WHEELER

The next business on the Private Calendar was the bill (H. R. 1530) to amend the military record of William F. Wheeler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That William F. Wheeler shall hereafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company D, Forty-ninth New York Volunteer Infantry, as of the 4th day of October, 1862: *Provided*, That no back pay, bounty, pension, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

G. W. GILKISON

The next business on the Private Calendar was the bill (H. R. 5380) to correct the military record of G. W. Gilkison.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, G. W. Gilkison shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a musician of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, on the 7th day of March, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

A committee amendment striking out "that no pension shall accrue prior to the passage of this act," in lines 10 and 11, and inserting "that no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act," was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN W. SIPLE

The next business on the Private Calendar was the bill (H. R. 5383) to correct the military record of John W. Siple.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John W. Siple shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Seventy-seventh Regiment of Fourth Indiana Volunteer Cavalry, on February 27, 1863: *Provided*, That no pension, pay, or bounty shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment ordered as to these bills by the recent action.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. Without objection, the Clerk is authorized to correct the spelling.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

BENJAMIN S. M'HENRY

The next business on the Private Calendar was the bill (H. R. 4702) to remove the charge of desertion from the record of Benjamin S. McHenry.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against Benjamin S. McHenry, late of Company K, Third Regiment United States Cavalry, and to grant and issue to said Benjamin S. McHenry an honorable discharge from said service and restore his proper name of Benjamin S. McHenry in lieu of the name under which he was erroneously enlisted, Henry Benjamin: *Provided*, That no back pay, bounty, or pension shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

EDWARD J. BOYLE

The next business on the Private Calendar was the bill (H. R. 6005) for the relief of Edward J. Boyle.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward J. Boyle, who was a member of Company C, Third United States Engineers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 5th day of December, 1905: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ISRAEL BROWN

The next bill on the Private Calendar was the bill (H. R. 6839) to remove the charge of desertion against Israel Brown and to grant him an honorable discharge.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Israel Brown, who was a member of Company L, One hundred and sixtieth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization

on the 20th day of April, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment, as follows:

Amend the title so as to read "A bill for the relief of Israel Brown."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

SYLVESTER DE FOREST

The next business on the Private Calendar was the bill (H. R. 6917) to correct the military record of Sylvester De Forest.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws, and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Sylvester De Forest shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company E, First Regiment Michigan Volunteer Cavalry, on the 1st day of May, 1865: *Provided*, That no pension, pay, or bounty shall accrue prior to the passage of this act.

With a committee amendment:

That no back pay, pension, bounty, or allowance shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

WILLIAM H. DOTSON

The next business on the Private Calendar was the bill (H. R. 7227) for the relief of William H. Dotson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws of the United States William H. Dotson, late of Company C, First Regiment Mississippi Marine Brigade, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on May 30, 1864: *Provided*, That no pay, bounty, or pension shall be held to have accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 9.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FREDERICK LEININGER

The next business on the Private Calendar was the bill (H. R. 7228) for the relief of Frederick Leininger.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Frederick Leininger, late of Company F, Fiftieth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment: *Provided*, That no pay, bounty, or pension shall be held to have accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 8.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY SIMONS

The next business on the Private Calendar was the bill (H. R. 7229) for the relief of Henry Simons.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, Henry Simons, late of Company G, Forty-eighth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment: *Provided*, That no pay, bounty, or pension shall be held to have accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 8.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RICHARD B. BARNITZ

The next business on the Private Calendar was the bill (H. R. 7397) authorizing the President to order Richard B. Barnitz before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to inquire the reasons for this bill. Is this man in the military service at the present time?

Mr. BLACK of Texas. Mr. Speaker, I object.

JAMES NEAL

The next business on the Private Calendar was the bill (H. R. 7553) for the relief of James Neal.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Neal, alias James Spencer, who was a private of Company G, Thirty-fifth Regiment New Jersey Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 29th day of June, 1865: *Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. WAGONER

The next business on the Private Calendar was the bill (H. R. 7779) for the relief of William H. Wagoner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Wagoner, who was a member of Company L, One hundred and sixtieth Regiment Indiana Volunteer Infantry, and the Hospital Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the Hos-

pital Corps on the 30th day of April, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALLY MATTIE MACREADY

The next business on the Private Calendar was the bill (H. R. 7992) for the relief of Sally Mattie Macready, widow of Edward Daniel Macready.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edward Daniel Macready (deceased), who was a member of Company E, Eleventh Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 19th day of May, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN G. CASSIDY

The next business on the Private Calendar was the bill (H. R. 8190) for the relief of John G. Cassidy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John G. Cassidy, who was a member of Company I, Fifty-third Regiment Illinois Volunteer Infantry, during the Civil War, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 11th day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN DEWITT MARVIN

The next business on the Private Calendar was the bill (H. R. 1534) to correct the military record of John Dewitt Marvin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John Dewitt Marvin, Army serial No. 1215731, who was a private first class of Company L, One hundred and eighth Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 28th day of April, 1918: *Provided*, That no pension, pay, or compensation shall accrue prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 11.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GARRETT of Tennessee. Mr. Speaker, after conferring with the gentleman from Texas [Mr. BLANTON], I ask unanimous consent to return to the bill (H. R. 4663) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, United States Army.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to return to the bill H. R. 4663. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

WILLIAM R. CONNOLLY

The next business on the Private Calendar was the bill (H. R. 1537) for the relief of William R. Connolly.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William R. Connolly the sum of $1,250, being the balance of an award of $2,500 for the capture of James Wilson, Lidwig Schmidt, and James Snyder, charged with assault upon, holding up, and robbing a mail messenger at Niagara Falls, N. Y., on March 1, 1921.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARY M. JONES

The next business on the Private Calendar was the bill (H. R. 2524) for the relief of Mary M. Jones.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary M. Jones, out of any money in the Treasury of the United States not otherwise appropriated, in full settlement against the Government, the sum of $1,950, in compensation for damages caused and sustained to property in Linn County, Oreg., such loss being caused by fire set from burning material from an Army airplane on or about July 1, 1924, the said airplane being in fire-control service under the direction of the Forest Service.

With the following committee amendment:

In line 7 strike out "$1,950" and insert "$1,035."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARGARET T. HEAD

The next business on the Private Calendar was the bill (H. R. 3216) for the relief of Margaret T. Head, administratrix.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Margaret T. Head, administratrix, of Watertown, Mass., as full compensation for the accidental death of her son, Alfred Head, on June 11, 1924, caused by being struck by an automobile truck then in the service of the United States Postal Service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

W. P. THOMPSON

The next business on the Private Calendar was the bill (H. R. 3394) for the relief of W. P. Thompson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. P. Thompson the sum of $280, said sum being the amount lost by him through the defalcation of the postmaster at Roachdale, Ind.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES BERETTA ET AL.

The next business on the Private Calendar was the bill (H. R. 3458) for the relief of Charles Beretta, Isidore J. Proulx, and John J. West.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object to make this statement. I have read the report on the bill and the Comptroller General suggests certain amendments. I have not had the opportunity in the brief time available to examine the bill to see whether these amendments are incorporated. Will the gentleman from California [Mr. LEA] inform us as to whether or not this bill is now in accord with the recommendations of the Comptroller General?

Mr. LEA. It is. Section 2 of the bill is inserted at the request of the Comptroller General, and the provisions are in conformity with his report.

Mr. BLACK of Texas. I am entirely satisfied if the gentleman from California assures us of that fact, and I withdraw the reservation of objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to cancel the claim of the United States against Charles Beretta as a temporary substitute parcel-post carrier, Willows, Calif., at 60 cents per hour for a period from November 13, 1922, to December 31, 1924, and at 65 cents per hour from January 1, 1925, to March 31, 1926, in the sum of $723.55, representing payments to him as such employee for a period from November 13, 1922, to March 31, 1926, he having also held the position of temporary laborer, custodian service, Federal Building, Willows, Calif., for period from November 13, 1922, to March 15, 1923, at $660 per annum (with $240 increase), the position of permanent laborer in said service at said place for period from March 16, 1923, to June 30, 1924, at $660 per annum (with $240 increase), and the position of permanent laborer in said service at said place for period from July 1, 1924, to March 31, 1926, at $960 per annum, and the combined amount of the per annum rates of compensation of such positions being in excess of $2,000 per annum, contrary to the provisions of section 6 of the act of May 10, 1916 (39 Stat. L. p. 120), as amended by the act of August 29, 1916 (39 Stat. L. p. 582).

SEC. 2. That the Comptroller General of the United States is further authorized and directed to release Isidore J. Proulx, former postmaster at Willows, Calif., from liability to the United States for payments to said Charles Beretta for the period from November 13, 1922, to September 8, 1924, amounting to $349.20; and to release John J. West, present postmaster at Willows, Calif., from liability to the United States for payments to said Charles Beretta for the period from September 9, 1924, to March 31, 1926, amounting to $374.35; and to repay said John J. West said amount of $374.35 refunded by him to the United States.

THE "S–4" DISASTER

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move to strike out the last word.

I do this, Mr. Speaker, for the purpose of announcing to the House that John M. Jones, of Hennessey, Okla., the father of Lieut. Commander Roy K. Jones, who went down in the ill-fated *S–4*, is now in the Members' gallery. The father of the late commander has honored this House by sitting here during our deliberations this afternoon. I merely want to make a record of the fact that Mr. Jones is paying us a visit to-day, and I am sure all of us appreciate his presence. I feel, Mr. Speaker, that I express the sentiment of every Member of this House when I say that he and his family, as well as the loved ones of the other brave men who were lost on the *S–4*, have the sincere, heartfelt sympathy of each Member of this House.

Mr. O'CONNELL. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. O'CONNELL. Will the gentleman point out Mr. Jones?

Mr. JOHNSON of Oklahoma. Yes; I shall be glad to do so. Mr. Jones is the gentleman in the Members' gallery on the extreme left. [Applause, the Members rising.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH JAMESON

The next business on the Private Calendar was the bill (H. R. 3926) for the relief of Joseph Jameson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Joseph Jameson, postmaster at Lorain, Ohio, in the sum of $10,662.10, due the United States on account of public funds and property lost in the burglary of the post office on March 1, 1925.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT F. YEAMAN

The next business on the Private Calendar was the bill (H. R. 4777) to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert F. Yeaman, out of any money not otherwise appropriated, the sum of $217.70, the value in full of carpenter tools belonging to the said Yeaman and which were destroyed by fire in the Government area at Old Hickory Depot on the 4th day of August, 1924.

With the following committee amendment:

In line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

POCAHONTAS FUEL CO.

The next business on the Private Calendar was the bill (H. R. 4926) for the relief of the Pocahontas Fuel Co. (Inc.).

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, I notice that the commandant reports that there was no negligence on the part of the Government. May I ask why under these circumstances we should pay this $1,200 loss?

Mr. UNDERHILL. May I state to the gentleman from Texas that every department of the Government tries to get out from under and pass the buck. If the gentleman will investigate the various circumstances, the unfortunate happenings, as I may say, there is always somebody to blame; in other words, it is not an act of God.

Mr. BLANTON. Commandant Billard is a pretty responsible man, is he not?

Mr. UNDERHILL. Yes.

Mr. BLANTON. And we may place a great deal of confidence in his report?

Mr. UNDERHILL. Generally.

Mr. BLANTON. And here is what he says: "That all precautions were taken and that the accident was not due to negligence by anybody on the *Acushnet*."

Mr. UNDERHILL. I should like to say that anyone who navigates the *Acushnet* is liable to an accident. They go out in all kinds of weather, and they do an immense amount of good in saving lives.

Mr. BLANTON. In view of the fact that the gentleman has cut the claim down to $1,200 and that that is the amount that the commandant says was the actual damage, I shall not object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pocahontas Fuel Co. (Inc.), a corporation duly organized and having a usual place of business in New York, N. Y., the sums of $1,595.18 and $224.18, in full compensation for property damage done to the coal wharf owned by said corporation at New Bedford, Mass., by the United States Coast Guard cutter *Acushnet* on April 20, 1926, and January 10, 1927, respectively, as a result of negligence on the part of duly authorized agents of the Treasury Department, Coast Guard Service, in charge of the operation of the said *Acushnet*.

With the following committee amendment:

Page 1, line 8, strike out the words and figures "sums of $1,595.18 and $224.18" and insert the words and figures "sum of $1,200," and on page 2, after the figures 1926 in line 3, strike out the balance of the paragraph.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANCIS SWEENEY

The next business on the Private Calendar was the bill (H. R. 4927) for the relief of Francis Sweeney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis Sweeney, formerly an employee in the Bureau of Lighthouses, Department of Commerce, to wit, a seaman on the United States lightship *No. 58*, the sum of $80, the same being in full payment for losses suffered by the said Francis Sweeney by loss of personal property used and reasonably necessary in connection with his official duty on said lightship, which was sunk on December 11, 1905.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CHRISTINE BRENZINGER

The next business on the Private Calendar was the bill (H. R. 5297) for the relief of Christine Brenzinger.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the United States Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $150 to Christine Brenzinger, of Louisville, Ky., as compensation for injuries sustained on July 8, 1919, when struck by an automobile, at the time driven by a soldier of the United States Army.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEWIS H. FRANCKE AND BLANCHE F. SHELLEY

The next business on the Private Calendar was the bill (H. R. 5300) for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object. I see that the bill calls for an amount of $3,453.88. On page 4 of the report, in a letter dated April 11, 1924, by the Judge Advocate of the Army, this statement is made:

The correct amount was shown by the Judge Advocate's memorandum to be $3,092.63, and the Secretary recommended that in the event the bill was passed it should provide for compensation in the latter amount only.

Now, if that is a correct amount and it will be agreed that such amendment be offered, reducing the amount carried in the bill to the amount recommended by the War Department, I shall have no objection.

Mr. THATCHER. If the gentleman will look on page 2 of the report, there is an itemized list of United States currency, $142.63; United States bonds, $1,000; interest at the rate of 4¼ per cent provided on the face of the bonds, $361.25; and Philippine currency in dollars, $1,950.

Mr. BLACK of Texas. It is the universal custom, so far as I know, that we do not allow interest against the Government, where it is paying a claim like this one, not because of any legal liability but as an act of grace to the claimant.

Mr. THATCHER. Of course, these were bonds.

Mr. BLACK of Texas. That is all very true; but we do not allow interest against the Government, except where it is paying the bonds.

Mr. O'CONNELL. If the matter had taken its ordinary course, the man would get his interest on the bonds anyway.

Mr. THATCHER. Yes. This was a soldier in the Army who was thrifty enough after 20 years of service to have this saving, and when he died it was stolen by the paymaster's clerk.

Mr. BLACK of Texas. The ordinary course in a matter of redemption of bonds is to authorize the Secretary of the Treasury to issue a duplicate of the bond and require the claimant to himself execute a bond reimbursing the Government if the original bond shows up for payment. But we are not requiring that in this case, and the probabilities are that the Government has already paid the interest.

Mr. THATCHER. I do not think so.

Mr. BLACK of Texas. Oh, it is probable that the Government has paid that interest to some illegal holder of the original coupon bond, and if we adopt this course and pass this bill as now drawn it would mean that the Government of the United States will be paying twice, and I could not consent to that. Unless the gentleman agreed to the amendment, to the amount suggested by the War Department, I shall have to object.

Mr. THATCHER. Of course, I do not want to have the matter go over a second time. At the last session it went to the Senate and there died.

Mr. BLACK of Texas. And I am not arbitrary in this. The gentleman will see that if this bill is passed in its present form the probabilities are that the Government would pay interest twice on the bond.

Mr. THATCHER. Not unless it paid the bond itself.

Mr. BLACK of Texas. And that is what they probably have done, if it was a coupon bond.

Mr. THATCHER. Of course, if the gentleman insists, I shall accept the amendment.

Mr. BLACK of Texas. I shall insist on the amendment, and I withdraw the objection upon that understanding.

The SPEAKER pro tempore. The Clerk will report the bill with the understanding that that amendment will be agreed to.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full compensation against the Government, the sum of $3,453.88 to Lewis H. Francke and Blanche F. Shelley, of Louisville, Ky., the sole legal heirs of the late George A. Francke, who served as Ralph K. Warrington, formerly clerk, Medical Department of Large, United States Army, and who died intestate on March 1, 1919, for the loss of personal property belonging to the said deceased, through and by the theft and conversion at the hands of an employee of the Government of the United States.

Mr. BLACK of Texas. Mr. Chairman, on line 6 of the bill, I move to strike out the figures "$3,453.88" and insert in lieu thereof the figures "$3,092.63."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 6, strike out "$3,453.88" and insert in lieu thereof "$3,092.63."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROLAND M. BAKER

The next business on the Private Calendar was the bill (H. R. 5338) for the relief of Roland M. Baker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. Why could not the Post Office Department authorities approve of this claim if it be just?

Mr. UNDERHILL. The Post Office authorities sent in this claim with the very same report that they send in on all similar claims, that is, that they do not oppose.

Mr. BLANTON. They are authorized to settle claims of this character are they not?

Mr. UNDERHILL. Oh, no.

Mr. BLANTON. This is for $1,756. The Post Office Department has authority to settle it if it saw fit and thought it was just. Why are they sending it to Congress?

Mr. UNDERHILL. No; that is where a burglary occurs, and not where a theft of this kind occurs.

Mr. BLANTON. Oh, this is just a shortage in accounts?

Mr. UNDERHILL. Yes.

Mr. BLANTON. How do we know that this was produced by a theft?

Mr. UNDERHILL. The chief reason for it is that the bonding company paid the bond of $5,000 for this Murray, and that is pretty good proof.

Mr. BLANTON. It was an embezzlement, pure and simple?

Mr. UNDERHILL. Yes; it was not a burglary.

Mr. BLANTON. What has become of the embezzler?

Mr. UNDERHILL. He was punished.

Mr. BLANTON. By a fine or imprisonment?

Mr. UNDERHILL. By imprisonment. He served one year and one day in a house of correction.

Mr. BLANTON. Then the Government of the United States fared much better in the courts of this State than it has been doing here in Washington, respecting criminals who have defrauded it.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of Roland M. Baker, postmaster at Boston, Mass., in the sum of $1,756.89. Such sum represents the amount of a deficit in the account of the said Roland M. Baker caused by the embezzlement on or about June 8, 1922, of postal funds by an employee at the North Postal Station, Boston, Mass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

R. P. BIDDLE

The next business on the Private Calendar was the bill (H. R. 6116) for the relief of R. P. Biddle.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General be, and he is hereby, authorized and directed to waive his objection to the title to the land which the Secretary of War desires to purchase from R. P. Biddle, of Woodlands, W. Va., and thereby permit the adjustment of the claim of the said R. P. Biddle in the amount of $1,320 in accordance with an agreement heretofore reached between the said parties.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRED A. KNAUF

The next business on the Private Calendar was the bill (H. R. 6254) for the relief of Fred A. Knauf.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

WILLIAM BARDEL

The next business on the Private Calendar was the bill (H. R. 6619) for the relief of the estate of William Bardel.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to the estate of William Bardel, the sum of $4,800 for property loss sustained by him as a result of the war while acting as American consul at Reims, France.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCES L. DICKINSON

The next business on the Private Calendar was the bill (H. R. 7110) for the relief of Frances L. Dickinson.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be is enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Frances L. Dickinson the sum of $60 as reimbursement of a payment made to a former postmaster at Essex, Conn., for 12 war-savings stamps which were never delivered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

RANDOLPH SIAS

The next business on the Private Calendar was the bill (H. R. 8092) for the relief of Randolph Sias.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Randolph Sias, of Price, W. Va., the sum of $205, the amount paid by him to the Government for an automobile which was seized under a writ of execution issued out of the District Court for the Southern District of West Virginia and which was subsequently returned to the lien holders.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN ROOKS

The next business on the Private Calendar was the bill (H. R. 8093) for the relief of John Rooks.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, this bill involves $5,588.89, covering a period from June 30, 1924, to October 30, 1925. I do not think the committee has made a proper showing here to warrant our passing the bill under unanimous consent.

Mr. UNDERHILL. This is a case which occurs occasionally in carrying on operations in the United States. One of these men was overlooked. He served faithfully, and he ought to have his money.

Mr. BLANTON. Has the gentleman given the case his personal attention?

Mr. UNDERHILL. Yes.

Mr. BLANTON. And he thinks it is just?

Mr. UNDERHILL. I do.

Mr. BLANTON. Then I withdraw my reservation of an objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized to allow payments covering the salary of John Rooks for services actually rendered as United States marshal for the district of South Dakota from June 8, 1924, to October 30, 1925, inclusive.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

PLEASANT R. W. HARRIS

The next business on the Private Calendar was the bill (H. R. 5230) to correct the military record of Pleasant R. W. Harris.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, may we have that bill reported?

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers

Pleasant R. W. Harris, who was a member of Company K, Second Regiment Arkansas Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of December, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRED R. NUGENT

The next business on the Private Calendar was the bill (H. R. 4536) for the relief of Fred R. Nugent.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Let us have that reported also.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Fred R. Nugent, who was a private in the Hospital Corps, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 7th day of April, 1899: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

EMMA ROSSELL

The next business on the Private Calendar was the bill (H. R. 2533) granting a pension to Emma Rossell.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I would like to have that read.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Rossell, widow of James L. Rossell, late of Company B, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRED A. KNAUF

Mr. KADING. Mr. Speaker, I ask unanimous consent to return to H. R. 6254, a bill for the relief of Fred A. Knauf.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to return to H. R. 6254. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I will state to my colleague that the reason I objected to this bill was that it involves $141,433.82, and I thought it was entirely too large an amount to be passed here in a few seconds. If the gentleman wants to make a statement about the bill, I shall not object to his making his statement and getting his reasons in the RECORD, but I shall be forced to object to the consideration of the bill. However, I shall not object to returning to the bill for the purpose of permitting the gentleman to make a statement.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SCHAFER. This bill was carefully considered by the Claims Committee and has the favorable recommendation of the department. The gentleman does not take the attitude that he is going to hold the postmaster to account for an amount stolen by a bank robber, especially when the Postmaster General directs the postmasters to keep a nine months' supply of stamps on hand.

Mr. BLANTON. My friend from Wisconsin usually objects to them himself when they get up to $10,000, but when it happens to be a postmaster from his State, where the amount is $141,000, he does not object.

Mr. SCHAFER. No; "the gentleman from Wisconsin" has never objected to a similar bill.

Mr. BLANTON. I shall be forced to object to the bill coming up, but if the gentleman wants to make a statement I shall not object.

Mr. UNDERHILL. Will the gentleman yield to me for a moment?

Mr. BLANTON. Yes.

Mr. UNDERHILL. Is it the purpose of the gentleman to object even after the statement is made?

Mr. BLANTON. Yes; because it involves too much money to be passed here now; but, as I say, I shall not object to the gentleman's request to return to this bill for the purpose of making a statement.

The SPEAKER pro tempore. It has been the custom not to object to the consideration of a bill if no objection is made to the request to return to the consideration of a bill. That has generally been considered in the same request.

Mr. BLANTON. I shall object to the consideration of the bill.

The SPEAKER pro tempore. That has been the custom in the House when requests are made to return to bills out of order.

Mr. BLANTON. Mr. Speaker, I object; but to clarify the matter, I ask unanimous consent that the gentleman may proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the gentleman from Wisconsin may proceed for five minutes. Is there objection?

There was no objection.

Mr. KADING. Mr. Speaker, I simply want to say that this bill was passed by the House in the Sixty-ninth Congress; its purpose is to reimburse, or rather to correct the record on the books of Mr. Knauf, the postmaster at Sheboygan, Wis., in the matter of his loss when the post office at Sheboygan was robbed on October 17, 1925. The gentleman from Texas at the time the bill was on the calendar in the Sixty-ninth Congress reserved the right to object, and my predecessor, Mr. Voigt, made the statement on the floor, in substance, that the loss of cash was only $107, and that the balance consisted of postage stamps, canceled and uncanceled; that Sheboygan was a city of about 40,000 population; that the post office there furnished stamps to surrounding smaller places; that the bill had the recommendation of the Post Office Department and the recommendation of the committee. The gentleman from Texas [Mr. BLANTON] then withdrew his objection and the bill was passed, but failed to be reached in the Senate in the jam of the business of that body in the closing days of the Sixty-ninth Congress. This bill now has the same recommendations of both the Post Office Department and the Committee on Claims. The situation is the same now as it was when the House passed the bill in the Sixty-ninth Congress. I sincerely hope that the gentleman will now withdraw his objection and permit the consideration of the bill at this time.

Mr. BLANTON. Mr. Speaker, the amount is $141,000, and I want time to refer to my notes in my office before it comes up, and for the present I object.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to speak out of order for three minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to speak out of order for three minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, I hope the gentleman from Texas will carefully reconsider his decision upon this matter.

This bill comes out of the Committee on Claims with a unanimous vote and was carefully considered by that committee. It has a favorable recommendation from the Post Office Depart-

ment. Over 50 per cent of the stolen stamps were canceled stamps and can not be used again or sold for postage stamps. The report of the committee clearly shows that the large amount of stamps on hand in this post office had been placed there by the postmaster upon the request and under the regulations of the Postmaster General. It further shows that this post office supplies smaller post offices.

I know if this bill were as vicious a bill as the gentleman from Texas believes it may be, it would not have been passed at the last session of Congress, because we know the gentleman from Texas is always on the job guarding the Treasury and looking after the financial interests of the people and protecting the Treasury from unwarranted appropriations. I listened to the wonderful oration the gentleman from Texas made a few moments ago about the distinguished chairman of our Committee on Claims. We appreciate it. I agree with the gentleman on many of the things that he mentioned, and I believe after listening to that oration the gentleman should have sufficient confidence in the chairman of our Committee on Claims and the rest of the members of that committee, especially in view of the fact that during the last session of Congress this bill was passed unanimously, to withdraw his objection and let this meritorious bill be passed.

Mr. BLANTON. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BLANTON. I only want time to look at my notes in my office; and if the gentleman will wait, I will tell the gentleman my conclusions later on.

Mr. SCHAFER. We know the gentleman from Texas is on the floor of the House upon every unanimous-consent day, and we know that if this bill passed the House at the last session, as it did, the gentleman's notes will reveal the fact that the bill is O. K. or it would not have been passed, because any bill that has not merit would not pass this House with the consent of the gentleman from Texas. I hope the gentleman will reconsider his decision.

HEIRS OF JACOB THOMAS

The next business on the Private Calendar was the bill (H. R. 2809) for the relief of the heirs of Jacob Thomas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid by the Secretary of the Treasury to the heirs of Jacob Thomas, formerly an employee of the Rock Island Arsenal, in the State of Illinois, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 for the death of said Jacob Thomas, resulting from injuries received while in the performance of duty on the 1st day of November, 1901.

With the following committee amendment:

On page 1, line 7, strike out "$5,000" and insert in lieu thereof "$497.28."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

F. ELLIS REED

The next business on the Private Calendar was the bill (H. R. 3673) for the relief of Maj. F. Ellis Reed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, may we have the bill reported?

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Maj. F. Ellis Reed, late captain in the Quartermaster Corps of the American Expeditionary Forces, the sum of $261.26, out of any money in the Treasury not otherwise appropriated, to reimburse the said Maj. F. Ellis Reed for the sum of $261.26, United States currency, which was stolen or lost without fault or neglect on his part while he was acting as disbursing officer at the Second Signal Corps School, Chatillon-sur-Seine, France, and which said sum the said Maj. F. Ellis Reed has since paid into the Treasury of the United States in discharge of his liability as such disbursing officer.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LAWTON, OKLA, FIRE, 1917

The next business on the Private Calendar was the bill (H. R. 4084) for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, my recollection is this involves a considerable sum of money.

Mr. BLANTON. Seventy-five thousand dollars.

Mr. BLACK of Texas. I have not had the time to review the report and evidence submitted. Until I can have time to study the matter, I object.

A. S. GUFFEY

The next business on the Private Calendar was the bill (H. R. 4203) for the relief of A. S. Guffey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of A. S. Guffey, late postmaster at Pittsburgh, Pa., in the sum of $2,237.50 due to the United States on account of postal funds embezzled by Henry C. Schuster, late superintendent of the north side station, Pittsburgh, Pa., in the year 1920.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN J. CORCORAN

The next business on the Private Calendar was the bill (H. R. 5336) for the relief of John J. Corcoran.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Corcoran, 26 Dent Street, Roxbury, Mass., in full settlement against the Government, the sum of $600 for damages to his automobile, medical expenses, ruined clothing, and permanent injuries sustained by the wife of said John J. Corcoran when his automobile was struck by ambulance No. 987 of the United States Veterans' Bureau on the 18th day of September, 1922, in Boston, Mass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

STATE BANK & TRUST CO., FAYETTEVILLE, TENN.

The next business on the Private Calendar was the bill (H. R. 5894) for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the State Bank & Trust Co. of Fayetteville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $1,779.84, such sum being the amount of actual loss sustained by the bank by reason of the theft or loss of certain Liberty bonds while being transmitted as registered mail, caused by the neglect or disregard of postal laws and regulations on the part of postal officials or employees.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SANITARIUM CO., OF PORTLAND, OREG.

The next business on the Private Calendar was the bill (H. R. 5923) for the relief of the Sanitarium Co., of Portland, Oreg.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $1,180 to the Sanitarium Co., of Portland, Oreg., for the purpose of reimbursing said corporation in that amount, which was disallowed by the Comptroller General of the United States and deducted from moneys due the Sanitarium Co. under its contracts with the Secretary of the Interior dated, respectively, January 25, 1919, and June 11, 1920, for the care and maintenance of the legally adjudged insane of Alaska.

With the following committee amendment:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The committee amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

ROBERT P. COOKE

The next business on the Private Calendar was the bill (H. R. 8772) granting an annuity to Dr. Robert P. Cooke.
The Clerk read the title to the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place on the rolls of the War Department the name of Dr. Robert P. Cooke and pay to him for and during his natural life, in lieu of all pensions, the sum of $100 per month, in special recognition of the eminent service rendered, suffering endured, and permanent disabilities contracted by him in the interest of humanity and science as a volunteer subject for experiment in the yellow-fever hospital in Cuba.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

GEORGE P. BAILEY

The next business on the Private Calendar was the bill (H. R. 8775) for the relief of George P. Bailey.
The Clerk read the title to the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws George P. Bailey, late of Company D, Eighty-sixth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment.

Mr. BLACK of Texas. Mr. Speaker, the usual proviso as to back pay and allowances should be carried in this bill, and I offer that as an amendment.
The SPEAKER pro tempore. Without objection, the bill will be amended in that particular.
There was no objection; and the amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

WILLIAM W. WOODRUFF

The next business on the Private Calendar was the bill (H. R. 8778) for the relief of William W. Woodruff.
The Clerk read the title to the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, William W. Woodruff shall be held and considered to have been honorably discharged from the military service of the United States as a private of Company C, Fifty-third Regiment Illinois Volunteer Infantry, on the 22d day of July, 1865: *Provided*, That no pension, bounty, back pay, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

WILLARD THOMPSON

The next business on the Private Calendar was the bill (H. R. 8788) to correct the military record of Willard Thompson, deceased.
The Clerk read the title to the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Willard Thompson, deceased, who was a member of Company E, Fifty-third Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 11th day of August, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

MARTIN L. DUFFY

The next business on the Private Calendar was the bill (H. R. 8796) for the relief of Martin L. Duffy.
The Clerk read the title to the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That Martin L. Duffy, who served as a private in the Hospital Corps of the United States Army from November 17, 1898, to December 7, 1899, shall hereafter be held to have been honorably discharged from service in the military forces of the United States on December 7, 1899, and shall be eligible to enjoy all rights, privileges, and benefits conferred by law upon enlisted men honorably discharged from such service: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

CLAYTON H. ADAMS

The next business on the Private Calendar was the bill (H. R. 8797) for the relief of Clayton H. Adams.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to speak out of order for three minutes.
The SPEAKER pro tempore. Is there objection?
Mr. BLANTON. Reserving the right to object, our friend just wants to rehearse the $141,000 postmaster case from Wisconsin to which I objected. I did not object frivolously. I am going to object.
The SPEAKER pro tempore. Objection is heard, and the Clerk will report the bill.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Clayton H. Adams, who served in the Mississippi Marine Brigade, an organization drawn from the Fifty-ninth Regiment of Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the Fifty-ninth Regiment of Illinois Volunteer Infantry on or about the 1st day of March, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

A committee amendment to strike out in lines 11, 12, and 13 the words "that no pay nor bounty shall accrue or become payable by reason of the passage of this act," and insert in lieu thereof the words "that no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act," was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM LENTZ

The next business on the Private Calendar was the bill (H. R. 8798) for the relief of William Lentz.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Lentz, formerly a member of Company E, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, war with Spain; Company M, Nineteenth Regiment United States Infantry; and who served honorably in the World War, shall be held

and considered to have been honorably discharged from the military service of the United States as a member of Company M, Nineteenth Regiment United States Infantry.

SEC. 2. No back pay, bounty, or other emoluments shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. M'NEIL

The next business on the Private Calendar was the bill (H. R. 8804) for the relief of George W. McNeil.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNELL. Mr. Speaker, may we have the bill reported?

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefit upon honorably discharged soldiers, George W. McNeil, who was a corporal in Company G, Fourteenth Heavy Artillery, shall hereafter be held and considered to have been discharged honorably from the military services of the United States as a corporal of the said company and regiment: *Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, I ask the chairman of the committee whether we ought not to have a report from the War Department upon this?

Mr. UNDERHILL. This bill does not come from our committee, but from the Committee on Military Affairs.

Mr. O'CONNELL. I withdraw the reservation of objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARTHA D. M'CUNE

The next business on the Private Calendar was the bill (H. R. 8805) for the relief of Martha D. McCune.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, or their widows, Samuel McCune, who was a first lieutenant in Company B, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 4th day of March, 1863: *Provided*, That no pension, bounty, or other allowance shall be held to have accrued prior to the passage of this act.

A committee amendment inserting after the word "pension," in line 11, the words "back pay" was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRY WALTER STEPHENSON

The next business on the Private Calendar was the bill (H. R. 8806) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to know whether or not we have sufficient officers already in the Army below the grade of major to fill all vacancies?

Mr. JAMES. I can not answer that question. I ask that the bill go over.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, I object.

LESTER COOLEY

The next business on the Private Calendar was the bill (H. R. 8674) for the relief of Lester Cooley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Lester Cooley, who was a member of Company D, Fifth Battalion, and Company F, Thirteenth Regiment, Ohio Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 27th day of August, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD F. WEISKOPF

The next business on the Private Calendar was the bill (H. R. 8673) for the relief of Edward F. Weiskopf.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I do not think that I shall object, in view of the fact that this bill is the bill of the distinguished Speaker pro tempore now presiding, but I want to call the attention of the House to what the Hon. Dwight F. Davis, Secretary of War, says about this bill. He gives a number of reasons why it should not pass, and then he says:

I therefore recommend that H. R. 7540 be not favorably considered by your committee and be not enacted into law.

However, our friend from New York [Mr. SNELL] has such power and influence that he can get the bill reported in spite of that recommendation, and I shall not stand in the way of its passage.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Edward F. Weiskopf, formerly first lieutenant in the Coast Artillery Corps of the Army of the United States, before a retiring board, to inquire whether at the time of his honorable discharge, October 1, 1919, he was incapacitated for active service, and whether such incapacity was the result of an incident of service, and whether said discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Edward F. Weiskopf a first lieutenant in the Coast Artillery Corps and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided*, That the said Edward F. Weiskopf shall not be entitled to any back pay or allowances.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JEREMIAH F. MAHONEY

The next business on the Private Calendar was the bill (H. R. 8370) for the relief of Jeremiah F. Mahoney.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Jeremiah F. Mahoney, who was a member of Company K, First Regiment Montana Volunteer Infantry, Spanish-American War, shall hereafter he held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 17th day of October, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next one.

ALBERT O. TUCKER

The next business on the Private Calendar was the bill (H. R. 8509) for the relief of Albert O. Tucker.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Albert O. Tucker, alias Charles M. Healey, late of Company D, First Battalion Maine Sharpshooters, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on February 13, 1865: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS MURPHY

The next business on the Private Calendar was the bill (H. R. 8574) for the relief of Thomas Murphy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas Murphy, a private, Company C, Eighth Machine Gun Battalion, Third Division, American Expeditionary Forces, shall hereafter be held and considered to have been honorably discharged from the military service of said company and regiment: *Provided*, That no pension, pay, or bounty shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS F. NICHOLAS

The next business on the Private Calendar was the bill (H. R. 8589) for the relief of Thomas F. Nicholas.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Thomas F. Nicholas shall hereafter be held and considered to have served 90 days' actual military service and been honorably discharged from the military service of the United States in the Spanish-American War as a private of Company E, Eighth Regiment New York Volunteer Infantry, on the 3d day of November, 1898, and thereafter from Troop I, Third United States Cavalry, honorably discharged on May 1, 1900: *Provided*, That no pension, pay, or bounty shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

NICHOLAS JONES

The next business on the Private Calendar was the bill (H. R. 8590) for the relief of Nicholas Jones.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension and homestead laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Nicholas Jones shall hereafter be held and considered to have served 90 days' actual military service and been honorably discharged from the military service of the United States as a private of Company I, Sixth Regiment United States Infantry, on the 23d day of January, 1899: *Provided*, That no pension, pay, or bounty shall accrue prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

GEORGE D. VEDDER

The next business on the Private Calendar was the bill (H. R. 8599) for the relief of George D. Vedder.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I want to call attention to what the War Department says. Maj. Gen. Robert T. Davis, the Adjutant General, says in his report on this case:

It is seen from his own statement in the letter referred to that the cause of his failure to return to his command and complete his term of enlistment was not that he was suffering from physical disability incurred in the line of duty, but rather that he was afraid to return on account of punishment that he expected he would suffer on his return to his command. Under these circumstances the charge of desertion of September 8, 1863, against him can not be removed under any of the provisions of the act of Congress approved March 2, 1889, the only law in force governing the subject of the removal of charges of desertion in Civil War cases.

That is the report of the War Department; but I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws George D. Vedder shall hereafter be held and considered to have been honorably discharged from Company A, Thirty-first Regiment New York Volunteer Infantry, Civil War, September 8, 1863: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN CLARK

The next business on the Private Calendar was the bill (H. R. 8627), for the relief of John Clark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John Clark, late of Company D, Fifteenth Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 1st day of January, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was amended by striking out the words "*Provided*, That no pension shall accrue prior to the passage of this act,"

and inserting in lieu thereof the words "*Provided*, That no back pay, bounty, or allowances shall be held as accrued prior to the passage of this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMOS DAHUFF

The next business on the Private Calendar was the bill (H. R. 8628), for the relief of Amos Dahuff.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Amos Dahuff, who was captain of Company H, Twelfth Regiment Indiana Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 19th day of February, 1865: *Provided*, That no back pay, bounty, pension, or other emolument shall accrue prior to the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM TAYLOR COBURN

The next business on the Private Calendar was the bill (H. R. 8643) for the relief of William Taylor Coburn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William Taylor Coburn, late a private in Company H, Sixteenth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

The bill was amended by inserting the word "back" before the word "pay," in line 10.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RETIREMENT STATUS OF BRIG. GEN. H. M. LORD

The next business on the Private Calendar was the bill (H. R. 7926) to place a retired officer of the Army on the retired list as a major general.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I want to inquire what is the necessity for creating another major general on the retired list?

Mr. JAMES. This takes care of Brigadier General Lord, Director of the Budget. General Lord was Chief of Finance and at that time was a brigadier general. He was drafted by the President and asked to resign as a brigadier general in the Army and as Chief of Finance and become head of the Bureau of the Budget, which he did. A short time after that his successor was promoted from brigadier general to major general, and if General Lord had stayed there he would have been a major general. It does not give him any increase in compensation as long as he is Director of the Budget. If ever a man has earned the reward of major general on the retired list it is General Lord.

Mr. SCHAFER. Does not the gentleman think it is rather presumptuous for this House to place General Lord on the retired list as a major general when we are at this very moment overlooking emergency officers who served in combat divisions and spilled their blood on the battle field?

Mr. JAMES. General Lord was in the Army as a brigadier general and was drafted by the Commander in Chief of the Army to accept a more responsible position. I sincerely hope the gentleman will not object.

Mr. SCHAFER. Has the Secretary of War approved of this?

Mr. JAMES. It has not been referred to the Secretary of War for the reason that any bills that are referred to the War Department automatically go to the Director of the Budget, and, of course, we would not want the Director of the Budget to pass on his own bill. I have, however, taken up the matter with the chairman of the Appropriations Committee [Mr. MADDEN] and the ranking Democratic member of that committee [Mr. BYRNS]. I talked with both of them before the bill was introduced.

Mr. SCHAFER. Does the gentleman realize that most of the special bills making majors out of captains on the retired and active list and captains out of lieutenants come back from the War Department with adverse recommendation, and they come back from the Budget Bureau with adverse recommendations, with the statement that such contemplated action is not in conformity with the financial policy of the present administration.

Mr. CHINDBLOM. But we pass most of those bills.

Mr. SCHAFER. Only once in a while.

Mr. BYRNS. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BYRNS. I do not know of any man connected with the Government who has rendered more valuable service to the Nation than General Lord, both as Chief of Finance during the war and as Director of the Budget. I say that advisedly because I have had occasion and opportunity to know something of his good work and the splendid service he has rendered. As the gentleman from Michigan doubtless has stated, the officer who is now holding the position of Chief of Finance in the Army is a major general in rank. Here is a gentleman who served during the war and rendered distinguished service to the Nation and is rendering even more important service to-day as Director of the Budget, and it does seem to me only an element of fairness and justice to this splendid public servant that he be given the rank which is being held by the officer who was his assistant when he was Chief of Finance.

Mr. CHINDBLOM. And if he had stayed in this position he would have been a major general now?

Mr. BYRNS. Yes. If he had remained in the position, as the gentleman from Illinois suggests, he would have been a major general.

Mr. SCHAFER. With the sincere hope that this House, which is taking care of a brigadier general and placing him on the retired list as a major general, will give as fair consideration to many of the buck privates who are disabled and have not been taken care of under the present compensation law, and as fair consideration to retirement legislation for the emergency officers of the World War, I will not press my objection.

Mr. BLACK of Texas. Mr. Speaker——

Mr. O'CONNELL. If the gentleman will permit, I would like to ask the gentleman from Michigan [Mr. JAMES] if this is a unanimous report from the committee?

Mr. JAMES. Yes; it is.

Mr. BLACK of Texas. Mr. Speaker, we have had several bills on the calendar this afternoon not identical with this bill but similar in character. I have objected to each one of them, and I shall feel compelled to object to this one. Of course, when the Private Calendar is reached in the regular way, if it is the judgment of the House to take up bills affecting individual officers in the Army in this manner and deal with them in a legislative way and pass them, that rests within the judgment of the House; but I do not feel I could pursue any degree of consistency at all if, having objected to the other bills—not identical, but similar in character—I should not object to this one.

Mr. JAMES. Will the gentleman from Texas yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. JAMES. Neither of the other cases are identical with this one. The other cases are where men went out of the Army of their own accord and are now trying to get in. This is a case where a man was in the Army and would have stayed in the Army if the President himself, as Commander in Chief of the Army, had not practically drafted General Lord to succeed General Dawes. So it is an entirely different case.

Mr. BLACK of Texas. I want to say to the gentleman no one entertains a higher opinion of General Lord and his services to the Government than I do, and when regular Private Calendar day is reached, if in the judgment of the House it wants to pass this bill in the regular way, I shall not object; but I have objected to these other bills that have taken up individuals by name, some of them, and others by classification, and undertaken to deal with them in a legislative way. I have objected to each one of those bills and I shall feel compelled to object to this one. At a later date all of these bills will come up again on regular Private Calendar day, and if in the judgment of the House they want to pass some of them and reject others, that can be done.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. O'CONNELL. Does the gentleman not recognize the fact that if this man had maintained the position he held, which he would have done but for the invitation of the President, he would have been promoted automatically?

Mr. BLACK of Texas. All that has been correctly stated, of course. If he had remained in the service, and if he had not been appointed Director of the Budget, undoubtedly he would still be the Chief of Finance and would have been advanced to the rank of major general. I do not dispute that fact.

Mr. BYRNS. My friend does not want to penalize him because as Director of the Budget he has rendered great service. That is what a failure to pass this bill will amount to.

Mr. BLACK of Texas. We had a case this afternoon of a distinguished medical officer who served with distinction and retired voluntarily. So has General Lord retired voluntarily. This bill to which I refer would have Congress to come in and by special act authorize the President of the United States to reappoint this medical officer to the service. I objected to that, and I objected to a number of other bills of a similar character, and I object to this one, not because of any lack of merit on the part of the individuals involved, but because Congress is a legislative and not an administrative body, and is in no position to take up individual officers in the Army and deal with them.

Mr. CHINDBLOM. Will the gentleman yield for one question?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. CHINDBLOM. The President, being Commander in Chief of the Army and the Navy of the United States, requested General Lord to accept this position. Would the gentleman expect General Lord to refuse?

Mr. BLACK of Texas. I would not, and General Lord is now retired as a brigadier general of the United States. He retired at his rank held at that time. He now holds the important and responsible position of Director of the Budget. It would have been within the province of the President of the United States, I suppose, to have appointed him to the rank of major general before his retirement if he had seen fit to have done so; but he did not do it, and yet Congress, which is not the Commander in Chief of the Army, comes in and undertakes to promote General Lord to the rank of major general, a thing which was not done by the President of the United States, who is the Commander in Chief of the Army and the Navy.

Mr. CHINDBLOM. The President is not in the habit of promoting men in the Army out of their turn.

Mr. BLACK of Texas. Well, why should Congress do that?

Mr. CHINDBLOM. General Lord has passed the time when he would have become major general.

Mr. BLACK of Texas. Mr. Speaker, I shall have to object.

Mr. MADDEN. I hope the gentleman will not object.

Mr. BLACK of Texas. I will be compelled to object, but I will reserve my objection to allow the gentleman to make any statement he desires to make.

Mr. MADDEN. What is the use of making a statement if the gentleman has already foreclosed the case?

Mr. BLACK of Texas. Of course, the gentleman will understand there will be another day when this bill can be considered without reference to the objection of any one Member, and I prefer it await that time and that it be considered in the regular way.

Mr. CHINDBLOM. Does the gentleman recall any time when we have called the Private Calendar in any other way?

Mr. BLACK of Texas. This is not a short session, and there will certainly be other Private Calendar days.

Mr. MADDEN. Mr. Speaker, I would like to make this statement irrespective of the notice that objection is to be filed.

If there ever was a man in the military service of the Government, or in any other service of the Government, better entitled to the honor which this bill proposes to confer upon General Lord, I have not known of it. If this should be granted on the basis of the distinguished service rendered by him as Director of the Budget alone, where he has through his genius and foresight and vision and patriotism and integrity rendered the American people a service from the standpoint of dollars so valuable that the Government could not compensate him for it, if it was to be done on the basis of a mercenary plan of payment, in my judgment this bill ought to be given favorable consideration. But we are not trying to pay General Lord in dollars. I would not stoop to offer payment in money, for I am sure General Lord would not accept that; but it is a great distinction for a man to retire from the Government service with the rank of major general in the Army.

If I were a soldier I would not want any greater honor conferred upon me. I remember there was one case where promotion of a general in the Army was proposed upon his retirement to the rank of major general. His service was not such in my judgment as to justify the promotion. I was just as frank to say his promotion was not justified as I am to-day to say that never was anything more justified than the proposal now made.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. If General Lord had not accepted the President's suggestion to become Director of the Budget, he would now be drawing about $9,000 a year, but by reason of his having accepted the President's appointment as Director of the Budget he is drawing $10,000.

Mr. MADDEN. True.

Mr. BLANTON. So he has not lost anything financially.

Mr. MADDEN. No; not in dollars.

Mr. BLANTON. I agree with the gentleman in everything he has said about the value of General Lord's services, but the contention of my colleague is that this bill should come up in the regular order later on.

Mr. BLACK of Texas. I would like to emphasize this statement. I have just as high regard for General Lord as the gentleman from Illinois [Mr. MADDEN], but we have on this calendar this afternoon a number of bills from the Committee on Military Affairs that undertake to deal with individuals in the Army by individual bills, and by this method Congress, through legislation, undertakes to authorize the President to appoint certain individuals to commissions in the Army or to elevate the rank of certain individuals and deal with them in that way. I have objected to them all. I can not see how I can be consistent or observe any degree of consistency if I do not object to this bill.

Mr. MADDEN. I would be the last man in the world to ask the gentleman to yield his opinion, for I have more respect for his opinion and for his manhood than I have for that of most men I know. I know his integrity of purpose can not be assailed in any way by anybody. I know that what the gentleman does he does because he considers it to be his conscientious duty, and I make no complaint about my friend in that respect.

Mr. CHINDBLOM. In view of the gentleman's consistency, would not this be a proper case in which he could show a distinct honor to the Director of the Budget by excepting him from the common rule? Is not this an exception not to be governed by the general rule?

Mr. JAMES. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. JAMES. All of the bills the gentleman objected to have come from the Committee on Military Affairs, and in the cases to which the gentleman objected they were all men who voluntarily retired from the Army. General Lord did not voluntarily retire. He was not a candidate for Director of the Budget. He was satisfied where he was. The Commander in Chief of the Army drafted him for this position. His case is not like the others.

Mr. BLACK of Texas. If I was able to make the same clear distinction that the gentleman seems to make in his own mind, I would withdraw the objection; but in view of the fact that I am unable to see such a distinction and that this bill will have ample opportunity for consideration in the House on regular Private Calendar Day, and doubtless be passed by the House, I shall adhere to my objection.

DISBURSING AGENTS OF THE ALASKA RAILROAD

The next business on the Private Calendar was House Joint Resolution 135, for the relief of special disbursing agents of the Alaska Railroad.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of R. D. Chase, formerly a special disbursing agent of the Alaska Railroad, with amounts heretofore disallowed in said accounts, covering payments made for service and supplies, team hire, and transportation, furnished tie and timber contractors under agreements providing that payment therefor should be made by the railroad, amounting to $3,330.22; and payments for rubber boots furnished, not shown to have been intended for sale to employees, amounting to $252.75; and to credit the accounts of Leslie Cramer, special disbursing agent, with payments covering the services of a detective agency, amounting to $1,197.25; payments for articles not purchased under the General Supply Schedule, amounting to $49.96; payments for materials not purchased from the lowest bidder, amount-

ing to $311.88; and items aggregating $956 disallowed under a provision in purchase agreements relating to liquidated damages; and the said payments are hereby validated.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The SPEAKER. That completes the Private Calendar.

RICHARD B. BARNITZ

Mr. FISH. Mr. Speaker, I ask unanimous consent to return to Calendar No. 92.

The SPEAKER. The gentleman from New York asks unanimous consent to return to Calendar No. 92. Is there objection?

Mr. BLANTON. I object. That was the bill I objected to.

Mr. FISH. Will not the gentleman reserve his objection in order that I may make a statement?

Mr. BLANTON. We have all been working here all day and working hard. I shall be glad to consider any statement that the gentleman wants to send me on the bill. But I object to its consideration to-day.

CHANGE OF REFERENCE

The SPEAKER. House bill (H. R. 8824) to provide for the protection of the watersheds in the Carson National Forests from which water is obtained for the Taos Pueblo, N. Mex., was referred to the Committee on the Public Lands. It belongs properly to the Committee on Indian Affairs; and both chairmen having agreed, the Chair will so refer it.

House bill 8524 to regulate and fix rates of pay for certain employees of the Bureau of Standards was referred to the Committee on Coinage, Weights, and Measures. The Chair thinks it more properly belongs to the Committee on the Civil Service; and both chairmen have consented and the Chair will so refer it.

LEAVE OF ABSENCE

Mr. DEAL, by unanimous consent (at the request of Mr. BLAND), was given leave of absence on account of illness.

Mr. WAINWRIGHT, by unanimous consent, was given leave of absence for three days on account of important family necessity.

THE CONDITION OF JEWS IN RUMANIA

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a resolution that I introduced in the House and a speech made in the House regarding this subject and also to incorporate a letter received from the minister of Rumania to me and my reply to him.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SIROVICH. Mr. Speaker and gentlemen of the House. On December 12, 1927, I introduced a resolution in the House of Representatives calling upon Calvin Coolidge to intercede in the name of humanity against the outrageous treatment of Rumania against its racial minorities and particularly the Jewish people, and failing in that to bring about the abrogation of the treaties between the Kingdom of Rumania and the Government of the United States.

On December 20, 1927, while speaking on the alien custodian bill I concluded my speech in the House of Representatives by saying:

Through the passage of this alien property bill we are not assisting the Imperial Government of Germany, but we are coming to the rescue of Germany that has given to the world such eminent names as Goethe, Schiller, Heine, Lessing, Kant, Schopenhauer, Erlich, Hahnemann, Wassermann, Koch, Einstein, Wagner, Beethoven, Mendelssohn, Holbein, and Karl Marx, men whose names are famous in the rôles of science, art, literature, philosophy, medicine, economics, music, and painting. To the nation that has produced such wonderful scholars America is proud to welcome them in the forefront of the civilized nations of the world. [Applause.]

Another reason for my voting for this alien property bill, which provides for the settlement of claims of American nationals against Germany and of German nationals against the United States, for the legitimate return of all property of German nationals held by the Alien Property Custodian, and for an equitable apportionment among all claimants of funds due to them, is the fact that the Republic of Germany has treated its racial minorities with the most magnanimous, humane, tender, and sympathetic consideration. Mr. Chairman and my colleagues in the House, I hereby serve notice upon the membership of this historic body that when the claims of Hungary and Rumania shall come before this House I shall raise my voice in mighty protest not to grant to these nations any consideration from this great Republic of ours, because of the outrageous treatment that Rumania and Hungary are according its racial minorities, and shall arraign Hungary and Rumania before the bar of the public opinion and the conscience of our country as nations that are outlaws in the family of humanity and unworthy of any consideration, because of the inhuman and barbarous treatment they have accorded to the Jewish citizens of those nations.

In this the twentieth century of civilization the time has come when we Americans, liberty loving as we are, shall raise our voices, through the membership of this House, that religious intolerance and religious bigotry practiced through pogroms, massacres, and persecutions must cease. In the name of the people of the United States and in behalf of the fourteenth congressional district of New York, which I have the honor to represent in Congress, I demand that the Hungarian and Rumanian Governments grant equal political protection to all of its subjects under its jurisdiction and, above all, at once stop the barbarous and cruel treatment of innocent Jewish citizens and protect their life and property, in accordance with the covenants of existing treaties between the Kingdoms of Hungary and Rumania and the Government of the United States. [Applause.]

Since that time through the instrumentality of that brilliant and distinguished constitutional lawyer, Mr. Louis Marshall, the great patriarch and leader of the Jewish people of the United States, we have held several conferences with his excellency the Hon. George Cretziano, the minister of Rumania, regarding the inhuman treatment accorded the Jewish people in Rumania. We told his excellency that the position of the Jew in Rumania has always been a delicate one—treated as aliens in the land of their birth, denied enfranchisement as citizens of Rumania, refused admission to many of the learned professions, for many years prior to the Great War prohibited by governmental order from engaging in certain definite trades and businesses, and, above all, persecuted in the land to which they had given their lifeblood.

Recently the civilized world was amazed to read of the atrocities and inhuman treatment perpetrated by certain elements of the Rumanian students upon Jewish subjects of Rumania. Humanity was shocked, indeed, to read of the attacks upon the Jewish people and their property, the shameful desecration of their houses of worship and synagogues, the disturbances of their places of burial, and the physical indignities to which the Jewish citizens were subjected. In view of these happenings it is a refreshing commentary on the advance of civilization that the accredited representative of that great power, the Kingdom of Rumania, His Excellency George Cretziano, does not seek to deny the misdeeds of some of its individual citizens, but instead manfully regrets their occurrence, professes profound sorrow concerning the outrageous treatment against them, and through his government is anxious to make adequate amends to the victims of such unfortunate tragedies, coupled with the authorized assurances from his Government to the civilized world that such shocking incidents will never again be tolerated in the pale of its jurisdiction.

It affords me therefore very great pleasure to testify personally to the gracious and courteous manner in which his excellency the Hon. George Cretziano cooperated with Louis Marshall and myself by promising that such intolerable and inhuman conditions will never again be tolerated by the Government of Rumania. I take this opportunity of thanking the Speaker of the House of Representatives and the membership of this House for having granted me unanimous consent to insert the correspondence between his excellency the Hon. George Cretziano and myself, which is as follows:

RUMANIAN LEGATION,
Washington, D. C., January 7, 1928.

The Hon. Dr. WILLIAM I. SIROVICH,
Member of the House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN SIROVICH: It has come to my knowledge that you have introduced in the House of Representatives a resolution asking the American Government to abrogate the treaties now existing between the United States and my country and to intervene in behalf of the Jewish minorities of my country. I consider it my duty to give you information which will prove to you that my Government, far from encouraging anti-Semitic disturbances, has taken all the measures to punish the guilty, to indemnify the victims, and to avoid a repetition of similar occurrences without waiting for any outside suggestion or intervention on the part of a foreign government or parliament.

I can not help feeling that, far from bringing about a happy and lasting solution of this problem, action such as you have advocated is likely to react unfavorably upon the Rumanian Jews themselves, for not only the Rumanian Government and people but even Jews, who are striving to establish a better understanding between the Jewish and Rumanian population, would resent even a suggestion of the immission of a foreign power in the internal affairs of their country. In my opinion, cooperation between the Jews of the United States and the Government of Rumania, which is moved by a sincere desire to permanently remedy the situation, would be of far more service to accomplish the common purpose that we have in view.

By frankly facing the situation and calmly analyzing the facts, a via media to remove all causes of friction and to establish harmony in the future among the various races and creeds within the Rumanian Nation may be found which will redound to the mutual satisfaction of all parties concerned.

Now what are the facts? A body of students, taking advantage of the state of depression created in the country by the sudden disappearance of a powerful personality, the late I. I. C. Bratianu, got out of hand, and before the authorities had time to mobilize adequate forces to cope with an unanticipated situation caused serious disorder accompanied by acts of violence at Oradea Mare, Cluj, and other places in Rumania. The actual occurrences were disgraceful and in every way unjustifiable. The press on this side of the Atlantic published articles from sources unfriendly to Rumania in Budapest and other parts of central Europe, which were exaggerated. The truth is that, while a considerable number of individuals were maltreated and a number of synagogues and their contents desecrated and damaged, in spite of reports to the contrary happily no lives were lost.

These incidents are very regrettable, and the Rumania Government not only deplores them but swiftly took measures to punish those officials who were found negligent and to make reparation for the damage done. The prefect of Oradea Mare and the police prefects of Oradea Mare and Cluj were immediately dismissed, and 400 students were arrested on their return to Bucharest. In addition to this, their cases were referred to the military court and, according to telegraphic information received from my government, a first series of offenders has been tried by a court-martial for theft and devastation during the anti-Jewish riots at Oradea Mare on December 6, and have been sentenced variously to from 10 days to 5 months in jail. The senate of the Rumanian universities has expelled forever from all Rumanian universities the students proved guilty of theft, profanation, and devastation, while those found guilty of lesser offenses will be expelled for one year. Those holding scholarships will forfeit their subsidies. The government has introduced a bill in parliament for an appropriation to indemnify Mr. Keller, an American citizen, who was injured, and to restore the synagogues to their previous state. No government can do more by way of reparation for such misdeeds under the circumstances.

Rumania has been accused repeatedly of anti-Semitism. So far as the people of Rumania as a whole are concerned, this charge is unwarranted. There are, unfortunately, individual agitators who for selfish reasons have sought to spread this hateful disease, regardless of the blot that they are placing upon the good name and the honor of Rumania. It is significant that those Jews who recognized the virtue of speaking and acting with moderation and who really understand the people of Rumania commend their good sense, their peaceful nature, and the freedom from religious intolerance, and are convinced that the majority of Rumanians are entirely free from anti-Semitism.

I can personally assure you of the correctness of this observation. Anti-Semitism is practically limited to a portion of the students in institutions of higher learning, to a few of their teachers, and to a small number of unscrupulous politicians. The latter have adopted a platform based on falsehoods and prejudice and calculated to mislead the student body into cooperating for the exploitation of a falsely conceived patriotism. There is also a theory of an economic nature, which has created ill-will among various of the students and has afforded a pretext for hostile demonstrations by them.

The Government is in every way opposed to these mischievous theories and to the lawless acts committed by those who entertain them and is determined to afford protection to every part of the population. This is evidenced by the fact that during the past few months additional Jewish schools have been accorded rights as public schools, an order which forbade the closing of Jewish schools on the Jewish Sabbath has been repealed, orthodox Jewish students who attend public schools have been excused from writing on Saturdays, Jews have been elected to membership in all municipal councils for which elections have been recently held, provisions have been made in the budgets of municipal councils for subventions for the support of schools maintained by the Jewish communities.

With the exception of the recent deplorable occurrences, street attacks upon Jews have ceased, and there has been no exclusion of them from places of amusement. In the Rumanian Parliament preceding that now in office there were 10 anti-Semitic deputies. In the present Parliament there is not one. On the other hand, the Jews are now represented by 10 deputies and senators, in addition to the grand rabbi of Rumania, who, under the constitution, is a life member of the Senate. The Jews have a large representation not only in Rumanian commerce and industry but also in the liberal professions. They are not barred from holding public office or from receiving commissions in the army. They actually hold a large number of both. In the United States, where Rumania has four consulates, there is one Jewish consul; a Jew is in charge of a second consulate. On the staff of the Rumanian Legation in Washington the bookkeeper and archivist is a Jew. The newly created consulate in New Jersey is to be in charge of another Jew.

Much has been said concerning agitation in Rumania by the anti-Semitic party for the establishment of the so-called numerus clausus in respect to the admission of Jewish students to institutions of higher learning. In fact, the contention was made at a meeting held in Washington in February last that, so far as Jewish students in Rumania are concerned, it is not the numerus clausus which prevails but numerus nullus. As bearing upon this charge, permit me to call your attention to the following official figures:

The total number of students in Rumanian universities and high schools is 24,729, of which 20,499 are Christians and 4,230 Jews, divided as follows:

	Christians	Jews
University of Bucharest	12,535	2,357
Commercial Academy, Bucharest	391	104
Polytechnic, Bucharest	804	110
University of Jassy	3,188	1,175
University of Cluj	2,141	159
Commercial Academy, Cluj	256	7
University of Cernautzi	624	262
University of Oradea Mare	215	47
Polytechnic, Timisoara	345	9

These figures tell their own story.

It is a source of pride to Rumania that there are few countries in the world where the so-called minorities, and especially the Jews, receive better opportunities for education and self-development, according to their own ideas and principles, than Rumania. To-day these minorities have more schools in the newly acquired portions of the Rumanian Kingdom than they had under the governments of which they formerly constituted a part. When Transylvania was a part of Hungary there was not a single Jewish public school or high school in that territory. To-day there are 59 elementary schools in the old kingdom, 35 in Transylvania, 2 in Bucovina, and 48 in Bessarabia. The number of secondary schools in the old kingdom is 7, in Transylvania 8, in Bucovina 4, and in Bessarabia 21. The Jews, with a population of less than a million, also have 1,500 synagogues in Rumania.

It should also be noted that Rumania has become a party to and has accepted the terms of the minority treaty entered into at Paris on December 9, 1919, has incorporated them in principle in her constitution, and is firmly resolved to exert all her sovereign power to accord to all of her inhabitants the equal protection of the laws which she has guaranteed to the several racial, religious, and linguistic minorities.

The Government is firm in its determination to put an end to the anti-Semitic agitation which has prevailed among the students and to prevent any recurrence of the recent happenings. It is hoped that all American Jews who have at heart the well-being of their Rumanian coreligionists would cooperate in bringing about a complete understanding between them and the non-Jews of Rumania. This, I am sure, will be welcomed by them, and will redound to the advantage of both, as well as of Rumania.

A prominent Jewish observer, Mr. Herman Bernstein, in a series of articles which he published in the Jewish Tribune on his return from Rumania a few months ago, declared himself satisfied that "the Rumanian people are really not anti-Semitic," and pointed out that the anti-Jewish agitations are purely artificial and are carried out by a handful of students under the leadership of two or three second-rate politicians, who were officially and publicly disapproved by their political friends and colleagues. (See the Jewish Tribune of December 23, 1927.)

I am happy to state that that able man, one of the greatest American Jews, Mr. Louis Marshall, is in complete accord with my views when he pleads for moderation and for a cool examination of the situation of the Rumanian Jews. His efforts coincide with mine, namely, that by a friendly cooperation much more good can be accomplished than by exaggerations, denunciations, and injudicious protests.

You will recognize the desirability of giving the fullest publicity to this statement. The sincerity of your motives can not be questioned. It is easy to understand the impression made upon your mind by the occurrences which are condemned by every true Rumanian and which naturally aroused your sympathies for your religious brethren. Now that you understand that at the very time when you introduced the resolution the Rumanian Government had given evidence of its determination that such conditions should never again occur and that it had announced its purpose to make full reparation for all damages inflicted, you will not hesitate to accept the assurances which I have herein given.

Yours sincerely,

G. CRETZIANO,
Minister of Rumania.

JANUARY 9, 1928.

His Excellency Mr. GEORGE CRETZIANO,
Rumanian Minister, Washington, D. C.

YOUR EXCELLENCY: I am in receipt of your letter of the 7th instant concerning the resolution introduced by me in the House of Repre-

sentatives for the abrogation of the treaties now existing between the United States and Rumania and for intervention on behalf of the Jewish minorities of Rumania.

I have read and reflected upon what you have said with the utmost care, and wish to express my appreciation for the detailed information given. You have fully appreciated the reason that prompted me to introduce the resolution. It was not hostility to Rumania, but sympathy for my religious brethren and indignation at the recent occurrences which shocked the people of this country and which you have properly characterized.

I accept what you have said regarding the attitude of your Government toward the Jews of Rumania and what it has done and what it intends to do in order to show its abhorrence of the lawlessness of those who were responsible for and participated in the outbreaks referred to as an assurance that the Jews of Rumania will be accorded the equal protection of the laws and equal educational and other opportunities in accordance with the letter and the spirit of the minorities treaty entered into and accepted by Rumania on December 9, 1919. On the faith of what you have said it will afford me pleasure to incorporate the correspondence that has passed between us in the CONGRESSIONAL RECORD.

Very cordially yours,

WILLIAM IRVING SIROVICH, M. C.

SIXTY-FIFTH ANNIVERSARY OF THE PROCLAMATION OF EMANCIPATION

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech that I delivered in this city on January 2, 1928, on the sixty-fifth anniversary of the proclamation of emancipation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered under the auspices of the National Interdenominational Ministerial Alliance of America in the John Wesley A. M. E. Zion Church, Washington, D. C.:

Mr. FISH. It is a great privilege and honor to be selected by the National Ministerial Alliance to speak on this sixty-fifth anniversary of the proclamation of emancipation, one of the greatest charters of American liberties and of human rights in the world. It is meet and proper that the colored people of Washington should assemble to pay tribute to this immortal proclamation which burst the shackles of an oppressed race and sounded the death knell of slavery. It is highly fitting that this great anniversary of human freedom should be celebrated in Washington, for it was in this city that Abraham Lincoln issued that famous proclamation that gave freedom to three and a half million slaves in Southern territory, to be increased by another half million by the adoption of the thirteenth amendment almost two years later.

The city of Washington had been the battle ground on the slavery question for more than 30 years prior to the Civil War, and the Halls of Congress had resounded with bitter and acrimonious debate between the adherents of slavery and the champions of freedom ever since John Quincy Adams first attempted to present the petitions against slavery back in 1835. Senator Charles Sumner, of Massachusetts, was brutally assaulted and beaten unconscious in the Senate of the United States while portraying the crimes against Kansas, by a Representative from South Carolina, and verbal combats were the order of the day in the fifties.

The city of Washington is also noted as the birthplace of the first emancipation bill signed by President Lincoln on April 16, 1862. The bill was introduced by Senator Henry Wilson, of Massachusetts, and abolished slavery in the District of Columbia, thereby striking off the fetters from 3,000 slaves and tendering compensation to their masters. But the Senators and Representatives from the border States remaining in the Union poured forth their vials of wrath and warning against this long-delayed act of justice and predicted that the passage of the bill would result in the exile or extermination of the freed slaves. Time alone has proved how rash and extravagant were the predictions made by the upholders of that ancient and entrenched institution of slavery.

It is difficult for us living in these days to appreciate the power, aggressiveness, and tenacity of the champions of slavery in their efforts to maintain it against the onward march of justice, humanity, and the free institutions of the Republic. To-day there is no one to raise his voice against the emancipation proclamation, but 65 years ago even the North was lukewarm. Abraham Lincoln was imbued from his childhood with a love of free institutions and human rights, and naturally abhorred human slavery. He said of himself, "I am naturally antislavery. If slavery is not wrong, nothing is wrong." On September 22, 1862, President Lincoln read the proposed proclamation of emancipation to his Cabinet, stating that he had made a promise to his Maker to issue the proclamation if the rebel army was driven out of Maryland, and now that they were driven out he assumed the entire responsibility for his course of action.

The proclamation received the unqualified approval of the Cabinet and was released for publication in the newspapers September 23, 1862. It provided that on the 1st day of January, 1863, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States shall be then, thence forward, and forever free. Inasmuch as the warning proclamation was not heeded, President Lincoln issued the formal proclamation of emancipation on January 1, 1863, concluding with these words, "And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

Abraham Lincoln found the colored men and women human chattels, and he left them human souls.

A story was told me recently by a person who heard it from James G. Blaine about a free colored barber in the Capitol who was trying to save $800 to buy the freedom of his wife and three children. One day Mr. Blaine asked him if he had saved enough money and he said, "Oh, yes; I've got $550, and the massa will sell for $500, but colored folks are cheap now with this war going on and I'se not going to buy." That barber had foresight and kept the money to provide for his family after they were manumitted.

The progress and development of the colored race in the United States since the emancipation proclamation is one of the most remarkable achievements in all history. Three and a half million slaves with no money, no education, destitute of everything, have not only survived all hardships but have increased to eleven and a half millions of free American citizens, and in most States of the Union they have an average education equal to that of some of the more ancient countries and an average wealth far exceeding many of the nations of the world. There is still much to be desired for the advancement and betterment of the colored people, particularly in the South. They constitute one-tenth of the population in the United States, and where they have an equal opportunity for education they are a law-abiding and patriotic people. All the colored people ask is an equal right to educate their children, to work for wages and enjoy the fruits thereof, to own property, and be afforded the protection of the laws and the Constitution for their civil rights, property, and lives. They ask justice, no more and no less, and the wonderful progress they have made in two generations entitles them to equal rights and equal opportunities under our republican form of government.

The most important lesson that the colored people have learned since emancipation is the dignity of free labor—that life was labor and that labor was life. The splendid industrial schools like Hampton and Tuskegee have turned out thousands of intelligent, trained agriculturists and mechanics, and higher institutions of learning, such as Howard and Fisk send forth annually young men trained for business and professional careers. There is room for many more industrial schools in the South for colored boys and girls, to be made useful, productive, valuable members of the community. There is much illiteracy of both whites and blacks in some sections of the South, and the sooner it is attended to the better it will be for the prosperity of the South. Every dollar spent for the educational and industrial improvement of the negro will come back a hundredfold. The abolition of slavery was not an injury to the South but a great benefit, and its industrial system has a far stronger foundation and a much greater prosperity than ever before.

The negro has not only demonstrated his capacity to labor for his living in a free market but to create wealth and accumulate property. The colored population have increased in a state of freedom threefold in 65 years, or at the same rate as the white population, which have been added greatly to by immigration. It is manifest, as both races have lived peacefully together since emancipation and both have prospered and increased, that the future will show a continuation of the remarkable progress, and that 65 years hence, in 1993, there will in all probability be 35,000,000 colored people in America enjoying equal rights and opportunities in all trades and professions, and having more of their own banks, industries, literature, music, opera houses, golf clubs, political organizations, and Members of Congress. Much of this we will see in our day and generation, and although it is not given to us to unveil the future, but judging it from the progress made in the past, the destiny of the colored race in America is not only secure but it is exceedingly bright.

A recent development has been the influx of colored people into the large industrial cities of the North. New York has over 200,000; Chicago and Philadelphia, 150,000; Washington and Baltimore, 125,000; whereas New Orleans, with 100,000, is the only southern city that has any such numbers. It would not be surprising if New York and Chicago had half a million negro population in another score of years, consequently the so-called negro question is no longer essentially a southern question, but affects the industrial North as well as the agricultural South. It will be solved in the North on the basis of justice, and eventually in the South on the same basis, as that is the only solution that will be lasting and bring about mutual cooperation between the two races.

There are three bills pending in Congress in which the colored people are primarily interested; one, the well-known antilynching bill—and if

I had my way I would place machine guns in all the jails in localities where lynchings have occurred and place the responsibility on the sheriff and his subordinates to use them against any lawless mob, black or white, trying to interfere with the course of justice. I believe and want to believe that the decent, law-abiding men and women of the South are as much opposed to mob violence, lawlessness, and lynching as we in the North, and that each year will see a diminution of this national disgrace.

Then there is the bill seeking a grant of land for the erection of a memorial building here in Washington where the colored people could exhibit their progress in the arts and sciences and erect monuments to their famous men, such as Frederick Douglass, Booker T. Washington, and to the benefactors of their race, such as Lincoln, Garrison, Sumner, and, I hope, Robert Gould Shaw, colonel of the Fifty-fourth Massachusetts Colored Infantry, who gave up his young life in a gallant attempt to storm Fort Wagner.

The other bill introduced by me seeks to provide for a monument in France to commemorate the bravery and heroism of the colored soldiers of the Ninety-third Division who paid the supreme sacrifice. Having served with colored troops during the World War I can say without fear of contradiction that the colored soldiers, if properly trained, equipped, and led are the equal of any soldiers of any army for military qualities and bravery on the field of battle. The history of all our wars proves the fighting qualities of the negro soldier, and the patriotism and loyalty of the colored people.

The National Alliance of colored ministers are to be commended for their splendid Christian efforts to reconcile the differences between the two races and bring about a maximum of friendly cooperation for the best interests of peace, progress, and prosperity among all the American people.

We have met here to-day not merely to celebrate the sixty-fifth anniversary of the proclamation of emancipation, but also to rejoice over the glorious progress and the splendid destiny of the colored race in the United States, and to reaffirm our faith in free institutions and our republican form of government.

The destiny of the colored race is in their own hands and through their own efforts. They do not seek charity or special privileges; all they ask is justice, more justice, and still more justice to help in wiping out the economic, civic, and racial inequalities and discriminations.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Thursday, January 12, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 12, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.
Independent offices appropriation bill.

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to hear Secretary Wilbur and Admiral Hughes on the building program.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fiftieth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10.30 a. m.)

To grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation for the transportation of foreign mails at fixed rates per pound or per mile (H. R. 7213).

To amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926 (H. R. 8337).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact (H. R. 5773).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Authorizing the President to accept the invitation of the British Government and to appoint delegates to the Eighth International Dairy Congress to be held in Great Britain during June and July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates (H. J. Res. 156).

To provide for the creation of the Pan American Peoples Great Highway Commission (H. R. 447).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(7.30 p. m.)

To consider the various bills concerning the farmers' market site (Subcommittee on Parks and Park Grounds).

COMMITTEE ON FLOOD CONTROL

(10 a. m.—caucus room)

To hear members of the Mississippi River Commission discuss projects for flood control.

(2 p. m.—caucus room)

To hear the congressional delegations from Arkansas, Oklahoma, and Kansas discuss projects for flood control.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

281. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year ending June 30, 1929, amounting in all to $990,000; also draft of proposed legislation affecting an existing appropriation of the War Department (H. Doc. No. 137); to the Committee on Appropriations and ordered to be printed.

282. A letter from the chairman of the Joint Committee on Internal Revenue Taxation, transmitting report of the committee, dated December 22, 1927 (pursuant to the revenue act of 1926); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CRAMTON: Committee on Appropriations. H. R. 9136. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 255). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 234. A bill to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp; without amendment (Rept. No. 256). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Irrigation and Reclamation. S. 1661. An act to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated; with amendment (Rept. No. 257). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 244. A bill to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amended accordingly section 47c of that act; without amendment (Rept. No. 258). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. QUIN: Committee on Military Affairs. H. R. 8983. A bill for the relief of William G. Beaty, deceased; without amendment (Rept. No. 259). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 8988. A bill for the relief of Milton Longsdorf; without amendment (Rept. No. 260). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 8989. A bill correcting the military record of William H. Murphy; without amendment (Rept. No. 261). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 9000. A bill to correct the military record of John Ralston; without amendment (Rept. No. 262). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 9002. A bill for the relief of Clarence G. Stonestreet; without amendment (Rept. No. 263). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 9014. A bill for the relief of Anthony Mullen; without amendment (Rept. No. 264). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 9017. A bill to reinstate Joe Burton Coursey in the West Point Military Academy; without amendment (Rept. No. 265). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BECK of Wisconsin: A bill (H. R. 9125) to amend section 301, laws relating to United States Veterans' Bureau and war risk insurance; to the Committee on World War Veterans' Legislation.

By Mr. COX: A bill (H. R. 9126) to provide for the erection of a public building at the city of Blakely, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9127) to provide for the erection of a public building at the city of Donalsonville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9128) to provide for the erection of a public building at the city of Cairo, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9129) to provide for the erection of a public building at the city of Sylvester, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9130) to provide for the erection of a public building at the city of Pelham, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9131) to provide for the erection of a public building at the city of Edison, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9132) to provide for the erection of a public building at the city of Camilla, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9133) to provide for the erection of a public building at the city of Colquitt, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9134) to provide for the erection of a public building at the city of Arlington, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. WARREN: A bill (H. R. 9135) to authorize the purchase of the Fairfield Canal & Turnpike Co.; to the Committee on Rivers and Harbors.

By Mr. CRAMTON: A bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. HULL of Tennessee: A bill (H. R. 9137) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. RATHBONE: A bill (H. R. 9138) to grant a World War service pension to certain disabled soldiers, sailors, and marines of the World War; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 9139) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the LaFayette-Celina road in Clay County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER: A bill (H. R. 9140) amending the tariff act of 1922, approved September 21, 1922; to the Committee on Ways and Means.

By Mr. HALE: A bill (H. R. 9141) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards certified by the Court of Claims; to the Committee on Claims.

By Mr. PARKS: A bill (H. R. 9142) to amend section 71 of the Judicial Code as amended by changing time of holding court at El Dorado and Harrison, Ark.; to the Committee on the Judiciary.

By Mr. ROMJUE: A bill (H. R. 9143) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. SCHNEIDER: A bill (H. R. 9144) to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes; to the Committee on Military Affairs.

By Mr. WRIGHT: A bill (H. R. 9145) to ratify the action of the local board of sales control in respect to contracts entered into between the United States and purchasers of surplus war supplies; to the Committee on Military Affairs.

By Mr. ANDREW: A bill (H. R. 9146) to amend the act of March 3, 1915, by extending to the widows or dependents of naval and Marine Corps officers and enlisted men who die and to enlisted men who are disabled as a result of submarine accidents the same gratuity and pensions as are allowed in the case of aviation accidents; to the Committee on Naval Affairs.

By Mr. McREYNOLDS: A bill (H. R. 9147) granting the consent of Congress to the highway department of the State of Tennessee to construct, maintain, and operate a toll bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. MORROW: Joint resolution (H. J. Res. 157) giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted; to the Committee on the Public Lands.

By Mr. HOGG: Joint resolution (H. J. Res. 158) providing for the issuance of a special series of postage stamps commemorating the George Rogers Clarke expedition; to the Committee on Post Office and Post Roads.

By Mr. DAVENPORT: Resolution (H. Res. 87) to ascertain if the Department of State is adequately equipped in both its foreign and domestic services; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 9148) for the relief of Ensign Jacob E. DeGarmo, United States Navy; to the Committee on Naval Affairs.

By Mr. BOWMAN: A bill (H. R. 9149) for the relief of Maj. Chauncey S. McNeill; to the Committee on Military Affairs.

By Mr. CELLER: A bill (H. R. 9150) granting a pension to Margaret Drinen; to the Committee on Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 9151) for the relief of Joseph M. Black; to the Committee on Military Affairs.

By Mr. ENGLAND: A bill (H. R. 9152) for the relief of the heirs of John B. Johnson; to the Committee on Claims.

Also, a bill (H. R. 9153) granting a pension to John R. Moore; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 9154) granting an increase of pension to Lucy Wells; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 9155) granting an increase of pension to Grace M. Vincent; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 9156) granting an increase of pension to James Neary; to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 9157) providing for the examination and survey of Rye Harbor, N. H.; to the Committee on Rivers and Harbors.

By Mr. HOGG: A bill (H. R. 9158) granting an increase of pension to Minnisota Rial; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9159) granting a pension to Joseph R. Bradshaw; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 9160) for the relief of F. M. Rose; to the Committee on Claims.

Also, a bill (H. R. 9161) authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United

States Army, a captain of Infantry, United States Army; to the Committee on Military Affairs.

By Mr. JACOBSTEIN: A bill (H. R. 9162) for the relief of Nettie Bonner; to the Committee on Claims.

By Mr. JOHNSON of South Dakota: A bill (H. R. 9163) authorizing the Secretary of the Treasury to pay Dr. A. W. Pearson, of Peever, S. Dak., and the Peabody Hospital, at Webster, S. Dak., for medical services and supplies furnished to Indians; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 9164) granting an increase of pension to Sarah Green; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 9165) granting an increase of pension to Rachel Newell; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 9166) granting an increase of pension to Chauncy G. Sleeper; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 9167) granting a pension to James Booth; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 9168) for the relief of Simon A. Richardson; to the Committee on Naval Affairs.

By Mr. MERRITT: A bill (H. R. 9169) granting an increase of pension to Mary J. Corey; to the Committee on Invalid Pensions.

By Mr. NIEDRINGHAUS: A bill (H. R. 9170) granting a pension to Alfred G. Gosting, jr.; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9171) granting an increase of pension to Mary E. Faunce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9172) granting a pension to Nora E. Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9173) granting an increase of pension to Amanda J. Harris; to the Committee on Invalid Pensions.

Also, A bill (H. R. 9174) for the relief of Charles W. Sumner; to the Committee on Claims.

Also, a bill (H. R. 9175) for the relief of George W. McPherson; to the Committee on Claims.

By Mr. SCHAFER: A bill (H. R. 9176) granting a pension to Pauline Zacker; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 9177) for the relief of the Cumberland & Liberty Mills, of Jacksonville, Fla.; to the Committee on Claims.

By Mr. SHREVE: A bill (H. R. 9178) granting an increase of pension to Margaret A. Allison; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 9179) granting an increase of pension to Susana Place; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9180) granting a pension to Elizabeth Rosenbauer; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9181) granting an increase of pension to Araminta M. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9182) placing John A. McAlister, jr., on the retired list of the Army as a lieutenant colonel; to the Committee on Military Affairs.

By Mr. YON: A bill (H. R. 9183) providing for the examination and survey of the Pensacola Harbor, Fla.; to the Committee on Rivers and Harbors.

By Mr. WARE: A bill (H. R. 9184) granting an increase of pension to Emily L. Brown; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 9185) granting an increase of pension to Anna H. Lowrey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1332. By Mr. BROWNING: Petition against the Lankford bill (H. R. 78) or any other Sunday observance bill; to the Committee on the District of Columbia.

1333. Also, petition against the Lankford bill (H. R. 78) or any other compulsory Sunday observance bill; to the Committee on the District of Columbia.

1334. By Mr. CARSS: Petition of Mrs. E. A. Strand and 98 other petitioners, protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1335. Also, petition of J. J. Huggins and other residents of International Falls, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1336. Also, petition of E. A. Strand and 108 other residents of Duluth, Minn., protesting against the enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1337. By Mr. CARTER: Petition of Hannah Anderson and many others, protesting against the passage of House bill 78, the Sunday bill; to the Committee on the District of Columbia.

1338. Also, petition of P. M. Peel and many others, protesting against the passage of House bill 78, the Sunday bill; to the Committee on the District of Columbia.

1339. Also, petition of Mary Sumner and many others, protesting against the passage of House bill 78, the Sunday bill; to the Committee on the District of Columbia.

1340. Also, petition of Mr. W. H. L. Hynes and many others, protesting against the passage of House bill 78, the Sunday bill; to the Committee on the District of Columbia.

1341. By Mr. CHALMERS: Petition against compulsory Sunday observance, sighed by residents of Sylvania, Ohio; to the Committee on the District of Columbia.

1342. By Mr. CLARKE: Petition from the citizens of Binghamton and Sherburne, N. Y., against compulsory Sunday observance; to the Committee on the District of Columbia.

1343. By Mr. COLE of Iowa: Petition of Mrs. C. A. Cook and 8 other signers, members of a missionary society, of Union, Iowa, in a plea for world peace; also M. E. Hinkley and 26 other signers, residents of Mount Vernon, Iowa, favoring strongly prompt and favorable action on French proposal for more friendly cooperation and mutual assurance of peace; approving use of public money to secure better understanding and more friendly and peaceable relations with all foreign countries; in opposition to proposition to spend $700,000,000 to add to the United States Navy strength; to the Committee on Foreign Affairs.

1344. Also, petition of Mrs. H. B. Batchelder and 25 other citizens, W. E. Nicholson and 127 other citizens, and Claud D. Whitney and 100 other citizens, of Marshalltown, Iowa, protesting against the passage of the compulsory Sunday observance bill (H. R. 78) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1345. By Mr. CONNOLLY of Pennsylvania: Joint memorial of the Paper Trade Association of Philadelphia, Paper Manufacturers of Philadelphia, Philadelphia Typothetæ, and Independent Mail Users, in behalf of a revision of the postal rates; to the Committee on the Post Office and Post Roads.

1346. By Mr. COOPER of Wisconsin: Petition of citizens of Milton Junction, Wis., protesting against the passage of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1347. Also, petition of citizens of Janesville, Wis., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1348. Also, petition of citizens of Kenosha, Wis., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1349. By Mr. CORNING: Petition of sundry citizens of the city of Albany, protesting against the passage of House bill 78, known as the Lankford bill, relating to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1350. By Mr. CRAMTON: Petition signed by Wm. S. Ackerson, of Lum, Mich., and 42 other residents of that vicinity, protesting against the passage of any compulsory Sunday observance bills; to the Committee on the District of Columbia.

1351. By Mr. CROWTHER: Petition by citizens of Montgomery County, N. Y., against compulsory Sunday observance; to the Committee on the District of Columbia.

1352. By Mr. CULLEN: Petitions signed by citizens of Brooklyn, N. Y., protesting against the passage of the Lankford compulsory Sunday observance law; to the Committee on the District of Columbia.

1353. By Mr. DICKINSON of Missouri: Petitions from citizens of Bates and Cass Counties, Mo., containing 233 signatures, protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1354. By Mr. ELLIOTT: Petition of Will S. Goff and others, remonstrating against the passage of House bill 78; to the Committee on the District of Columbia.

1355. By Mr. ENGLEBRIGHT: Petition of C. H. Walsh and other citizens of Auburn, Calif., protesting against the Lank-

ford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1356. Also, petition of Dr. L. B. Barnes and other citizens, of Newcastle, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1357. Also, petition of J. L. Fitzsimmons and other citizens, of Los Molinos, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1358. Also, petition of J. C. Rasmussen, of Camino, Calif., and various other citizens, of El Dorado County, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1359. By Mr. EVANS of Montana: Petition of Earl D. White and 821 other citizens, of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1360. By Mr. FISHER: Petition of 53 petitioners of Memphis, Tenn., favoring increase of pensions to Civil War soldiers and their widows; to the Committee on Invalid Pensions.

1361. By Mr. ROY G. FITZGERALD: Petition of 215 citizens of Hamilton, Butler County, Ohio, praying for the defeat of House bill 78, making Sunday observance compulsory; to the Committee on the District of Columbia.

1362. By Mr. W. T. FITZGERALD: Petition of Patriotic Order Sons of America of Pennsylvania, representing 150,000 native citizens in annual convention, advocating restriction of immigration and the deportation of undesirable aliens; to the Committee on Immigration and Naturalization.

1363. Also, petition of sundry citizens of Lima, Ohio, protesting against enactment of House bill 78, or any other bill for enforcing Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1364. By Mr. GALLIVAN: Petition of Whittemore Bros. Co., Cambridge, Mass., recommending passage of the Capper-Kelly fair trade bill; to the Committee on Interstate and Foreign Commerce.

1365. By Mr. HOGG: Petitions signed by sundry citizens of Fort Wayne, Ind., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1366. By Mr. HOPE: Petition of citizens of Finney County, Kans., protesting against the passage of House bill 78, known as the Lankford bill, relating to the Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1367. By Mr. HOOPER: Petition of Sherman Stokes and 272 other residents of Branch County, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1368. By Mr. HUDDLESTON: Petition of C. E. Falkner, together with a great many other residents of Bessemer, Ala., Birmingham, Ala., and Jefferson County, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

1369. By Mr. HUDSON: Petition of citizens of the sixth congressional district of Michigan, protesting against the passage of House bill 78, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1370. By Mr. HULL of Tennessee: Petition of citizens of De Kalb County, Tenn., to increase Civil War veterans' and widows' pensions; to the Committee on Invalid Pensions.

1371. By Mr. KORELL: Petition of citizens of Portland, Oreg., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1372. By Mr. KNUTSON: Petition signed by Lewis Frederickson, of Brainerd, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1373. Also, petition signed by Mrs. John Doulchn, of Bemidji, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1374. Also, petition signed by Nels Kofstad, of Bemidji, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1375. Also, petition signed by Mrs. Enga Christopherson, of Pequot, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1376. Also, petition signed by A. J. Frank, of Remer, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1377. Also, petition signed by Mrs. J. O. Nimlos, of Remer, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1378. Also, petition signed by Dr. C. J. Larson, of Bemidji, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1379. Also, petition signed by William A. Patterson, of Remer, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1380. Also, petition signed by John E. Fourre, of Brainerd, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1381. Also, petition signed by Mrs. C. Roberts, of Brainerd, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1382. Also, petition signed by Paul Englund, of Bemidji, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1383. Also, petition signed by Reier Anderson, of Verndale, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1384. Also, petition signed by Mrs. H. M. Hall, of Remer, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1385. Also, petition signed by J. H. Mark, of Wadena, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1386. Also, petition signed by B. F. Ives, of Sauk Center, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1387. Also, petition signed by Mrs. R. J. Wetherbee, of Crow Wing, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1388. Also, petition signed by R. W. Magneson, of Four Town, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1389. Also, petition signed by Lester Hildebrand, of Brainerd, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1390. Also, petition signed by A. W. Sitz, of Grand Rapids, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1391. By Mr. McKEOWN: Petition of L. M. Young, A. N. Trousdale, L. Higgins, Mrs. Laura Blancett, W. A. Ball, et al., to increase pensions Civil War veterans; to the Committee on Invalid Pensions.

1392. By Mr. McREYNOLDS: Petitions from the citizens of the town of Cleveland, Tenn., protesting against the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1393. By Mr. MONAST: Petition advocating increase of pensions for Civil War veterans; to the Committee on Invalid Pensions.

1394. By Mrs. NORTON: Petition of William Beckman et al., protesting against House bill 78; to the Committee on the District of Columbia.

1395. By Mr. O'CONNELL: Petition of the Lake Placid Chamber of Commerce, Lake Placid, N. Y., favoring the passage of a project for the construction of a privately owned and controlled vehicular bridge to span Lake Champlain between Rouses Point, N. Y., and Alburg, Vt.; to the Committee on Interstate and Foreign Commerce.

1396. Also, petition of the New York State Federation of Labor, opposing the proposal to reduce the size of paper money; to the Committee on Appropriations.

1397. By Mr. SANDERS of Texas: Petition of Ralfe E. Whitaker and 41 other citizens of Henderson County, Tex., protesting

against any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1398. By Mr. SINNOTT: Petition of numerous citizens of Bend, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1399. By Mr. STRONG of Pennsylvania: Petition of citizens of Kittanning, Pa., in favor of legislation to provide an increase of pension for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

1400. By Mr. SWING: Petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1401. Also, petition of citizens of La Mesa, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1402. Also, petition of citizens of Palo Verde Valley, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1403. Also, petition of citizens of Banning, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1404. Also, petition of citizens of Riverside, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1405. Also, petition of citizens of Escondido, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1406. By Mr. TARVER: Petition of Mr. F. L. Williams and 16 other citizens of the seventh district of Georgia, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1407. By Mr. THATCHER: Petition of numerous residents of Louisville, Ky., protesting against compulsory observance; to the Committee on the District of Columbia.

1408. Also, petition of numerous residents of Louisville, Ky., protesting against compulsory observance; to the Committee on the District of Columbia.

1409. By Mr. THOMPSON: Petition of 70 citizens of Van Wert, Ohio, praying for early passage of a bill granting more liberal pensions to Civil War veterans and widows; to the Committee on Invalid Pensions.

1410. By Mr. THURSTON: Petition of 17 citizens of Lamoni, Decatur County, Iowa, requesting the Congress of the United States to enact legislation to increase pensions now allowed to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

1411. Also, petition of 66 citizens of Osceola, Clarke County, Iowa, requesting the Congress of the United States to enact legislation to increase pensions now allowed to veterans of the Civil War and their dependants; to the Committee on Invalid Pensions.

1412. By Mr. VINCENT of Michigan: Petition of 81 residents of St. Louis, Mich., protesting against House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1413. By Mr. WASON: Petition of residents of Keene, N. H., protesting against the enactment into a law of House bill 78; to the Committee on the District of Columbia.

1414. By Mr. WEAVER: Petition of citizens of Rutherford County, N. C., protesting against the passage of House bill 78, Lankford Sunday observance bill; to the Committee on the District of Columbia.

1415. By Mr. WELLER: Petition of citizens from the State of New York, protesting against the enactment of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1416. By Mr. WILLIAMSON: Petition of a number of citizens of Burke, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1417. By Mr. WINTER: Resolutions of Greybull Lions Club, Greybull, Wyo.; to the Committee on Agriculture.

1418. Also, petition by residents of Goshen County, Wyo., against compulsory Sunday observance; to the Committee on the District of Columbia.

1419. By Mr. WURZBACH: Petition of Mrs. G. M. Jorgenson, Mary Kelly, G. M. Jorgenson, Robert Henry, and other citizens of San Antonio, Bexar County, Tex., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1420. Also, petition of A. J. Day, R. N. O'Neal, J. O. Hichek, Thos. G. Morgan, A. E. Mahan, W. F. Redding, and other citizens of Corpus Christi, Nueces County, Tex., protecting against House bill 78; to the Committee on the District of Columbia.

SENATE

THURSDAY, *January 12, 1928*

(Legislative day of Wednesday, January 11, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bayard	Fletcher	McMaster	Smoot
Bingham	Frazier	McNary	Steck
Black	George	Mayfield	Steiwer
Blaine	Gerry	Metcalf	Stephens
Blease	Gillett	Neely	Swanson
Borah	Gould	Norbeck	Thomas
Brookhart	Greene	Norris	Trammell
Broussard	Hale	Nye	Tydings
Bruce	Harris	Oddie	Tyson
Capper	Harrison	Overman	Wagner
Caraway	Hayden	Phipps	Walsh, Mass.
Copeland	Heflin	Pine	Walsh, Mont.
Couzens	Howell	Ransdell	Warren
Curtis	Johnson	Reed, Mo.	Waterman
Cutting	Jones	Reed, Pa.	Wheeler
Dale	Kendrick	Robinson, Ark.	Willis
Deneen	Keyes	Robinson, Ind.	
Dill	King	Sackett	
Edge	La Follette	Sheppard	

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is necessarily absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

PETITION—ROAD FROM NIAGARA FALLS TO WASHINGTON

Mr. COPELAND. Mr. President, I present a resolution adopted by the Niagara County (N. Y.) Board of Supervisors, in the nature of a petition, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

Supervisor Canavan offered the following preamble and resolution and moved the adoption of the resolution:

"Whereas there is pending in the Congress of the United States a bill introduced by Representative WILLIAM P. HOLADAY, of Illinois, which provides for the construction of several hard-surfaced Federal post roads, including route No. 64, extending from Niagara Falls, N. Y., to Washington, D. C.; and

"Whereas the eventual construction of the proposed Route No. 64 would afford needed relief for traffic congestion between the cities of Niagara Falls and Buffalo and would be of great commercial value to the communities affected: Now therefore be it

"Resolved, That the Niagara County Board of Supervisors does hereby favor the enactment into law of the aforesaid Holaday bill; and be it further

"Resolved, That the clerk of this board be, and he is hereby, directed to forward copies of this resolution to the Hons. ROYAL S. COPELAND and ROBERT F. WAGNER, United States Senators, and to Congressman S. WALLACE DEMPSEY, Washington, D. C."

The resolution was adopted.

STATE OF NEW YORK,
County of Niagara, ss:

This is to certify that I, the undersigned, clerk of the Board of Supervisors of the County of Niagara, have compared the foregoing copy of resolution with the original resolution now on file in the office, and which was passed by the board of supervisors of said county on the 30th day of December, 1927, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

In witness whereof I have hereunto set my hand and the official seal of the board of supervisors this 5th day of January, 1928.

[SEAL.] FRED H. KRULL,
Clerk, Board of Supervisors.

MINING EXPERIMENT STATIONS

Mr. ODDIE, from the Committee on Mines and Mining, to which was referred the bill (S. 2079) authorizing an appropriation for mining experiment stations of the United States Bureau of Mines, reported it without amendment and moved that it be referred to the Committee on Appropriations, which was agreed to.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 2496) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.; to the Committee on Commerce.

By Mr. NORRIS:

A bill (S. 2497) to amend section 543 of title 28 of the United States Code; and

(By request.) A bill (S. 2498) to amend section 18 of the Judicial Code (U. S. C., title 18, ch. 1, sec. 22); to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana:

A bill (S. 2499) authorizing the President of the United States to appoint Samuel Woodfill to the position and rank of captain in the Army of the United States and immediately retire him with the rank and pay of a captain; to the Committee on Military Affairs.

A bill (S. 2500) for the relief of Timothy C. Harrington; and

A bill (S. 2501) for the relief of Wellington Johnson; to the Committee on Claims.

A bill (S. 2502) granting an increase of pension to Nancy E. Taylor (with accompanying papers);

A bill (S. 2503) granting a pension to George Kinley (with accompanying papers);

A bill (S. 2504) granting a pension to James W. Shaw; and

A bill (S. 2505) granting increase of pensions under the general law to soldiers and sailors of the Regular Army and Navy, and their dependents, for disability incurred in service in line of duty, and authorizing that the records of the War and Navy Departments be accepted as to incurrence of a disability in service in line of duty; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 2506) to amend the packers and stockyards act, 1921; to the Committee on Agriculture and Forestry.

By Mr. TRAMMELL:

A bill (S. 2507) to amend paragraphs 743, 746, 757, 763, and 770 of schedule 7 of the tariff act of 1922, relative to agricultural products; to the Committee on Finance.

A bill (S. 2508) providing that freight, express, and passenger rates shall not be increased without authority of the Interstate Commerce Commission and providing that shippers shall be given at least 60 days' notice of hearings on application for increase of rates; to the Committee on Interstate Commerce.

By Mr. WALSH of Massachusetts:

A bill (S. 2509) granting an increase of pension to Adelaide H. Hadley; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 2510) amending section 1 of the act of March 3, 1893 (27 Stat. L. 751), providing for the method of selling real estate under an order or decree of any United States court; to the Committee on the Judiciary.

By Mr. RANSDELL:

A bill (S. 2511) to change the name of St. Vincent's Orphan Asylum, and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831"; to the Committee on the District of Columbia.

By Mr. HARRIS:

A bill (S. 2512) for the relief of Madie Byrd Tootle; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 2513) for the relief of John H. Morse; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 2514) for the relief of Mrs. Richard Bell Buchanan; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 2515) for the relief of the owners of the steam tug *Joshua Lovett;*

A bill (S. 2516) for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook;* and

A bill (S. 2517) for the relief of the owner of barge *Consolidation Coastwise No. 10;* to the Committee on Claims.

By Mr. EDWARDS:

A bill (S. 2518) granting an increase of pension to James McDermott (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 2519) for the relief of Robert W. Miller; to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 2520) granting an increase of pension to Mary Jane Corsen (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 2521) to reduce night work in the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. HOWELL:

A bill (S. 2522) granting an increase of pension to Mary Willoughby Osterhaus; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 2523) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on Civil Service.

INVESTIGATION RELATIVE TO SINKING OF THE SUBMARINE "S-4"

Mr. TRAMMELL submitted the following resolution (S. Res. 109), which, on his request, was ordered to lie over under the rule:

Resolved, That a committee composed of five Senators, to be appointed by the President of the Senate, is hereby authorized and created.

Resolved further, That it shall be the duty of the said committee to investigate the full facts of the sinking of the submarine *S-4* in collision on December 17, 1927, with the United States Coast Guard destroyer *Paulding* off the Massachusetts coast, and the rescue and salvage operations carried on by the United States Navy subsequent thereto. All hearings before the committee shall be open to the public.

Resolved further, That to carry out and give effect to the provisions of this resolution the committee hereby created shall have power to issue subpœnas, administer oaths, summon witnesses, require the production of books and papers, and receive testimony taken before any proper officer in any State or Territory of the United States.

Resolved further, That the said committee shall immediately proceed with the said investigation and not later than March 15, 1928, make its report to the Senate.

POWER OR RESERVOIR SITES

On motion of Mr. SMOOT, the bill (S. 1313) to amend section 13, chapter 431, of an act approved June 25, 1910 (36 Stat. L. 855), so as to authorize the Secretary of the Interior to issue trust and final patents on lands withdrawn or classified as power or reservoir sites, with a reservation of the right of the United States or its permittees to enter upon and use any part of such land for reservoir or power-site purposes, was recommitted to the Committee on Public Lands and Surveys.

Mr. NYE subsequently reported the foregoing bill from the Committee on Public Lands and Surveys and moved that it be referred to the Committee on Indian Affairs, which was agreed to.

CHANGES OF REFERENCE

On motion of Mr. WARREN, the Committee on Appropriations was discharged from the further consideration of the bill (S. 1922) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session, and it was referred to the Committee on Claims.

On motion of Mr. SHORTRIDGE, the Committee on the Judiciary was discharged from the further consideration of the bill (S. 1268) to further amend section 4756 of the Revised Statutes, and it was referred to the Committee on Naval Affairs.

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 2407) to authorize the admission of equipment or material free of duty, and it was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 519. An act for the relief of Joseph F. Ritcherdson;

H. R. 802. An act to correct the military record of Curtis P. Wise;

H. R. 871. An act for the relief of William Earhart;

H. R. 971. An act for the relief of James K. P. Welch;

H. R. 972. An act for the relief of James C. Simmons, alias James C. Whitlock;

H. R. 1072. An act for the relief of George Adams;

H. R. 1073. An act for the relief of Richard Brannan;

H. R. 1530. An act to amend the military record of William F. Wheeler;

H. R. 1533. An act for the relief of Theodore Herbert;
H. R. 1534. An act to correct the military record of John Dewitt Marvin;
H. R. 1537. An act for the relief of William R. Connolly;
H. R. 1589. An act for the relief of John J. Waters;
H. R. 1590. An act to correct the records of the War Department to show that Guy Carlton Baker and Calton C. Baker or Carlton C. Baker is one and the same person;
H. R. 1931. An act for the relief of Daniel Mangan;
H. R. 1970. An act for the relief of Dennis W. Scott;
H. R. 2272. An act for the relief of William Morin;
H. R. 2284. An act for the relief of Lucius Bell;
H. R. 2294. An act for the relief of George H. Gilbert;
H. R. 2296. An act to amend the military record of Robert Zink;
H. R. 2422. An act to correct the military record of Jordan Kidwell;
H. R. 2472. An act for the relief of Emile Genireux;
H. R. 2482. An act for the relief of John Jakes;
H. R. 2523. An act for the relief of Harvey Dunkin;
H. R. 2524. An act for the relief of Mary M. Jones;
H. R. 2526. An act for the relief of William Perkins;
H. R. 2528. An act for the relief of J. W. La Bare;
H. R. 2649. An act authorizing the President to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps, United States Army;
H. R. 2808. An act for the relief of Ella G. Richter, daughter of Henry W. Richter;
H. R. 2809. An act for the relief of the heirs of Jacob Thomas;
H. R. 3041. An act for the relief of Alfred St. Dennis;
H. R. 3049. An act for the relief of Alexander Ashbaugh;
H. R. 3145. An act for the relief of Willis B. Cross;
H. R. 3166. An act for the relief of Bert H. Libbey, alias Burt H. Libbey;
H. R. 3192. An act for the relief of John Costigan;;
H. R. 3216. An act for the relief of Margaret T. Head, administratrix;
H. R. 3241. An act for the relief of Seymour Buckley;
H. R. 3315. An act for the relief of Charles A. Black, alias Angus Black;
H. R. 3352. An act for the relief of Estle David;
H. R. 3394. An act for the relief of W. P. Thompson;
H. R. 3400. An act to correct the military record of Andrew B. Ritter;
H. R. 3440. An act for the relief of Alvin H. Tinker;
H. R. 3458. An act for the relief of Charles Beretta, Isidore J. Proulx, and John J. West;
H. R. 3466. An act for the relief of George A. Winslow;
H. R. 3467. An act for the relief of Giles Gordon;
H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;
H. R. 3673. An act for the relief of Maj. F. Ellis Reed;
H. R. 3723. An act for the relief of John M. Andrews;
H. R. 3737. An act for the relief of John T. O'Neil;
H. R. 3926. An act for the relief of Joseph Jameson;
H. R. 3969. An act for the relief of James E. Westcott;
H. R. 3993. An act for the relief of Adam B. Ackerman, alias Adam B. Aunkerman;
H. R. 4013. An act for the relief of Charles R. Stevens;
H. R. 4027. An act for the relief of the widow of Warren V. Howard;
H. R. 4079. An act for the relief of William A. Hynes;
H. R. 4080. An act for the relief of William Smith;
H. R. 4104. An act to correct the military record of James William Cole;
H. R. 4168. An act for the relief of John Strevy, deceased;
H. R. 4203. An act for the relief of A. S. Guffey;
H. R. 4280. An act to correct the military record of John W. Cleavenger, deceased;
H. R. 4536. An act for the relief of Fred R. Nugent;
H. R. 4652. An act for the relief of Charlie R. Pate;
H. R. 4654. An act for the relief of Kennedy F. Foster;
H. R. 4655. An act for the relief of David E. Goodwin;
H. R. 4660. An act to correct the military record of Charles E. Lowe;
H. R. 4661. An act to correct the military record of William Mullins;
H. R. 4702. An act to remove the charge of desertion from the record of Benjamin S. McHenry;
H. R. 4707. An act for the relief of Calvin H. Burkhead;
H. R. 4777. An act to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot;
H. R. 4902. An act to correct the military record of Charles Robertson;
H. R. 4926. An act for the relief of the Pocahontas Fuel Co. (Inc.);
H. R. 4927. An act for the relief of Francis Sweeney;
H. R. 5065. An act for the relief of James M. Winston;
H. R. 5224. An act for the relief of Thomas J. Gardner;
H. R. 5228. An act for the relief of Finas M. Williams;
H. R. 5230. An act to correct the military record of Pleasant R. W. Harris;
H. R. 5231. An act to correct the military record of James Shook;
H. R. 5232. An act to correct the military record of Owen J. Owen;
H. R. 5255. An act for the relief of Jacob F. Webb;
H. R. 5297. An act for the relief of Christine Brenzinger;
H. R. 5300. An act for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington;
H. R. 5336. An act for the relief of John J. Corcoran;
H. R. 5338. An act for the relief of Roland M. Baker;
H. R. 5380. An act to correct the military record of G. W. Gilkison;
H. R. 5381. An act to correct the military record of Thomas Spurrier;
H. R. 5383. An act to correct the military record of John W. Siple;
H. R. 5424. An act for the relief of Anthony Schwartzenberger;
H. R. 5894. An act for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.;
H. R. 5923. An act for the relief of the Sanitarium Co., of Portland, Oreg.;
H. R. 5994. An act for the relief of George C. Hussey;
H. R. 6005. An act for the relief of Edward J. Boyle;
H. R. 6006. An act for the relief of Patrick J. Langan;
H. R. 6007. An act for the relief of John Magill;
H. R. 6116. An act for the relief of R. P. Biddle;
H. R. 6162. An act for the relief of Thomas M. Ross;
H. R. 6180. An act for the relief of William H. Armstrong;
H. R. 6185. An act for the relief of Thomas Jefferson Shropshire;
H. R. 6282. An act for the relief of Henry Shull;
H. R. 6364. An act for the relief of Edward Tigh;
H. R. 6389. An act for the relief of Samuel Pelfrey;
H. R. 6431. An act for the relief of Lewis H. Easterly;
H. R. 6432. An act for the relief of James E. Moyer;
H. R. 6438. An act for the relief of David Parrett;
H. R. 6442. An act for the relief of Ralph H. Lasher, whose name appears in the Army records as Ralph C. Lasher;
H. R. 6579. An act for the relief of James W. Kingon;
H. R. 6619. An act for the relief of the estate of William Bardel;
H. R. 6839. An act to remove the charge of desertion against Israel Brown and to grant him an honorable discharge;
H. R. 6917. An act to correct the military record of Sylvester De Forest;
H. R. 7110. An act for the relief of Frances L. Dickinson;
H. R. 7227. An act for the relief of William H. Dotson;
H. R. 7228. An act for the relief of Frederick Leininger;
H. R. 7229. An act for the relief of Henry Simmons;
H. R. 7553. An act for the relief of James Neal;
H. R. 7779. An act for the relief of William H. Wagoner;
H. R. 7992. An act for the relief of Sally Mattie Macready, widow of Edward Daniel Macready;
H. R. 8092. An act for the relief of Randolph Sias;
H. R. 8093. An act for the relief of John Rooks;
H. R. 8190. An act for the relief of John G. Cassidy;
H. R. 8370. An act for the relief of Jeremiah F. Mahoney;
H. R. 8509. An act for the relief of Albert O. Tucker;
H. R. 8574. An act for the relief of Thomas Murphy;
H. R. 8589. An act for the relief of Thomas F. Nicholas;
H. R. 8590. An act for the relief of Nicholas Jones;
H. R. 8599. An act for the relief of George D. Vedder;
H. R. 8627. An act for the relief of John Clark;
H. R. 8628. An act for the relief of Amos Dahuff;
H. R. 8643. An act for the relief of William Taylor Coburn;
H. R. 8673. An act for the relief of Edward F. Weiskopf;
H. R. 8674. An act for the relief of Lester Cooley;
H. R. 8772. An act granting an annuity to Dr. Robert P. Cooke;
H. R. 8775. An act for the relief of George P. Bailey;
H. R. 8778. An act for the relief of William W. Woodruff;

H. R. 8788. An act to correct the military record of Willard Thompson, deceased;

H. R. 8796. An act for the relief of Martin L. Duffy;

H. R. 8797. An act for the relief of Clayton H. Adams;

H. R. 8798. An act for the relief of William Lentz;

H. R. 8804. An act for the relief of George W. McNeil;

H. R. 8805. An act for the relief of Martha D. McCune;

H. J. Res. 93. Joint resolution for the appointment of Paul E. Divine, of Tennessee, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 135. Joint resolution for the relief of special disbursing agents of the Alaska Railroad.

THE TARIFF AND AGRICULTURAL RELIEF

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. McMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

Mr. NYE. Mr. President, the resolution offered by the junior Senator from South Dakota and which favors such revision of the tariff in this session of Congress as will afford a better balance as between great and powerful industry on the one hand and agriculture and smaller business enterprise on the other has provoked a most interesting debate.

The debate shows an awakening of the Senate to the real existence of a tremendous element of dissatisfaction throughout America—a dissatisfaction that promises a great element of misfortune for the political party which longer ignores the appeal for a new order that will find the favors of government showered alike upon all people and all sections of the country.

I shall not at this time argue with those who contend that the resolution is not choice at this time. I want only to say that it sounds and expresses clearly the frame of mind of that great element of our population residing upon farms and in communities which find their prosperity or adversity in agriculture. It is a frame of mind which statesmen recognize and which politicians had best contend if they would save the lives of their parties. These dissatisfied people are not going to listen to all the little niceties which can be uttered in support of the present tariff structure. They want a balance in the economic field, a balance which the present order makes impossible. They want and will demand that privileges afforded by the tariff be fairly distributed. They want and will demand that if industry shall be artificially propped up to a higher plane that all industry and labor shall be given equally favorable and helpful props. They want and demand a fair balance. How they get it does not matter much. If the only way remaining for them to win that fair balance is to pull all industry down onto the economic plane occupied by themselves they will not hesitate to use their influence to help pull industry off its high horse. That is what can fairly be expected if the present order is permitted to prevail.

Listening to the debate upon this question one finds that the opponents of the resolution are assuming the "leave-well-enough-alone" attitude. Leave things alone; do not rock the boat; do not upset the present order which is giving America the most brilliant days of her career!

I realize that it is most unpopular to differ with this contention that we are enjoying a greater prosperity to-day than ever before, but I can not see it to be much short of criminal to fool ourselves longer into the belief that all is well and just as it ought to be. There may be prosperity rampant in certain quarters, but to declare that prosperity is general is to declare falsely. The economic balance or lack of balance really existing is alarming to say the least, and is generally considered so by unprejudiced minds.

There has been called to my attention an editorial appearing in the current issue of the weekly paper known as Labor, which I am going to ask the Senate to listen to at this time:

> Dr. William E. Dodd, one of the great historians of this country and professor of American history at the University of Chicago, spoke in Washington the other night on the question: "Shall American farmers become peasants?"
>
> It was one of the sharpest challenges and warnings ever given from a responsible source in a Nation's Capital. Tillers of the soil in other ages and countries have been peasants, said Doctor Dodd: "dust feet," as the Greeks called them. Are ours doomed to the same fate? They seem headed that same way.
>
> They have been "deflated" for the third time in American history, and they may not survive—as farmers, as exponents of the splendid rural civilization which has been the basis of our national life.
>
> America began as a Nation of farmers, desperately in debt. The Napoleonic wars sent prices skyward, and the resulting prosperity floated the new ship of state. When Napoleon was caged came the first great deflation. Prices of farm products dropped to half or a quarter what they had been. Other prices fell much less. Manufacturers got a tariff to help them; farmers got nothing; they went broke and went west by millions.
>
> The Civil War and the years following repeated the process with hardly a change, except that the postwar tariff was higher. The World War did the same, save that there is no longer a west for the farmer to go to.
>
> "Manufacturing has the tariff," said Doctor Dodd. "Transportation has the Esch-Cummins Act, and 5¾ per cent. Labor has restricted immigration—and I did all I could to help pass that immigration law. The farmer has nothing.
>
> "Secretary Mellon says that the country can not spare anything for farm relief—and in the same breath tells Congress to cut $225,000,000 from the income tax. Our good Democrats in Congress—I am a Democrat—say that they will cut $400,000,000 from the income tax; but where is relief for the farmer?"
>
> Doctor Dodd gave a concrete instance of how the farmer is exploited. He has a farm and an orchard in Virginia.
>
> Last year he sold his apples for 15 cents a barrel. He followed them to Washington, and found exactly similar apples selling at the rate of $15 a barrel.
>
> "What is the remedy?" asked Doctor Dodd. "I do not know; but I think one could be found. If I were a statesman responsible for the welfare of this country, I think I should find the remedy or commit suicide. I sometimes wonder if a good many of our public men want to find a remedy."
>
> Farmers or peasants? That is the choice. Will history show that this grim warning, delivered by one of the Nation's great students, in the very shadow of the Capitol, was given in vain?

If we approach our work in Congress this winter in that frame of mind in which leaders would have us, we can not hope to accomplish the changes which are so essential. We are, I fear, for the most part in a wrong frame of mind to do anything really constructive.

We need more than anything else at this time to face the facts as they are and resolve to keep them in mind in our consideration of the many pressing problems before us.

But from every hand, to keep us in this wrong frame of mind, comes the cry of prosperity. It is claimed that everything is in splendid order and there is no cause whatever for complaint from any source.

It has been suggested to me in correspondence which I have had with one of my farmer constituents in North Dakota that it might be a splendid idea at this time, in view of the fact that there are a great many people wanting to know just where this thing which is called prosperity is, to call the marines from Nicaragua and put them to the task of locating prosperity here at home.

I have before me a great many newspaper clippings which I have collected during the last two or three weeks. I merely wish to call to the attention of the Senate some of their headings. Here is one:

> Secretary Mellon declares business conditions stable.

And he goes on to show what a wonderfully prosperous year 1927 was and states that we may expect a continuation of that same state of affairs in 1928. "Speaker LONGWORTH," of the House, "finds prosperity in all quarters," according to another newspaper story.

During the Christmas season the Washington papers were filled with accounts of instances of unemployment and distress in the District of Columbia, here in the very shadow of the National Capitol, whence comes all of this boasting of our great national prosperity. We know that there were scores of individuals and of families right here in Washington needing aid, needing the help of charity, which was given so far as charity would permit; but yet it is claimed right here in Washington that we are living in an era of prosperity heretofore unknown to the Capital or to the Nation. Then came the cold spell during the Christmas holidays and with it came an announcement that—

> An army of nearly 700 homeless and unemployed men besieged the city's charitable refuges, and that various institutions housed and fed the largest group of unfortunates seen here since the winter of 1917.
>
> Reports from mission workers indicated that lodgings were being sought by shivering and hungry persons in virtually every section of the Capital.

And yet it is claimed we are in an era of the greatest prosperity the Nation has ever known.

In the Washington Times of January 2 one reads a like story. This clipping states:

From about noon yesterday, a portion of the army of unemployed began straggling into the Central Union Mission at 622 Louisiana Avenue NW. and the Gospel Mission at 214 John Marshall Place NW.

During the recent cold spell here the Gospel Mission used all its beds and other unfortunates slept upon the floor. Last year the Gospel Mission served 40,000 free meals for the hungry.

Again, I repeat, that occurred right here in the shadow of the Nation's Capitol and of the Treasury. How many more than the newspapers tell us are actually in dire need not only of food but of the other essentials of life no man can tell. I have before me a letter written to the New York World, and published in that newspaper under date of December 31 last, which indicates that perhaps there are thousands upon thousands of needy people yet maintaining a pride that denies them the freedom of calling upon the aid of charity. This gentleman writes:

If all the effort, money, and energy used to feed 50,000 hungry men in New York one day of the year were used to solve the problem of unemployment and fair wages, it would be a service rendered to the country a hundred times greater than all the charity organizations have ever accomplished. I have seen hundreds of young, strong, and honorable men walk the streets for three or four days without food, but they have not once accepted charity. These men have exhibited character and honor equal to the best. Charity seldom reaches this type.

And so it may be with thousands upon thousands in all sections of the United States to-day.

From the Baltimore Sun of December 23 comes the alarming information, at a time when prosperity is being preached to us, that an inquiry is to be made into unemployment. The total unemployment in the city of Baltimore at that time was placed at 75,000 and Henry F. Broening, president of the Baltimore Federation of Labor, asserted that the unemployment situation in Baltimore is worse than it was in 1921.

Many other newspaper clippings which are available show a similar condition to exist in other sections; but coming back to the city of Washington, we find the unemployment situation is regarded as wholly unsatisfactory. Yet it is said there is prosperity.

I should like to call the attention of the Senate to the fact that in 1927, the most prosperous year that this Nation has ever known, there were 135 failures of national banking institutions in the United States. In only one year during the last eight has there been a number of national bank failures exceeding that figure of 135.

According to Bradstreet's review of the 1927 situation, the security markets were enormous and speculation aided by easy bank credits swelled bank clearings and debits to new high levels, while the prices of stock and other exchange seats rose to levels taxing the imagination.

Business failures, according to Bradstreet's, last year were the second largest in history, and liabilities were the fourth largest on record in the history of this country.

Dun & Co. report failures in 1927 totaling 23,146, and claims of a larger number of failures than that have been made by others. However, the total which Dun & Co. report for 1927 were exceeded only by the totals of that terrible year 1922, and there was last year an increase in the sum total of liabilities.

Mr. President, I ask that this report by Dun & Co. may be incorporated in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Times, January 4, 1928]

FAILURES IN 1927 PLACED AT 23,146—DUN & CO. REPORT INCREASE OF 6 PER CENT IN YEAR—20,265 ON BRADSTREET'S RECORD—BIGGER TOTALS ONLY IN 1922—GREATER RISE IN SUM OF LIABILITIES—BANKRUPTCIES IN DECEMBER NUMBERED 2,162

The number of commercial failures in the United States has risen for the fourth consecutive year, R. G. Dun & Co. report for 1927, exclusive of banking and other fiduciary suspensions, the total being 23,146 for the year, against 21,773 defaults in 1926, 21,214 two years ago, 20,615 in 1924, and 18,718 insolvencies in 1923, the low point since 1920.

* * * * * * *

Liabilities fared much worse than the numerical exhibit, Dun's reports, reaching $520,104,268, and contrasting with $409,200,000 in 1926 and $443,700,000 in 1925, the increases over these two years being 27 and 18 per cent, respectively. The 1927 indebtedness, although large, falls below that for the four years immediately prior to 1925, and compares with a record high of $627,400,000 in 1921, in which year the returns reflected sharply the economic readjustment which began to gather force in 1920. The annual figures, as compiled by Dun & Co., follow:

Year	Number	Assets	Liabilities
1927	23,146	$256,739,633	$520,104,268
1926	21,773	202,345,485	409,232,278
1925	21,214	248,066,570	442,744,272
1924	20,615	337,945,190	543,225,449
1923	18,718	388,382,154	539,386,806
1922	23,676	413,357,995	623,896,251
1921	19,652	409,038,316	627,401,883
1920	8,881	195,504,114	295,121,805
1919	6,451	67,037,843	113,291,237
1918	9,892	101,637,798	163,019,979
1917	13,855	103,464,805	182,441,371
1916	16,993	113,599,026	196,212,256
1915	22,156	83,453,785	302,286,148
1914	18,280	265,293,046	357,908,859
1913	16,037	174,688,151	272,672,288
1912	15,452	126,278,321	203,117,391
1911	13,441	124,516,544	191,061,665

There was an increase in December, in accordance with a seasonal trend, failures for the month numbering 2,162, or about 16 per cent above the number for November and 21 per cent above that in October. Failures numbered 2,069 in December last year. Liabilities in December were $51,262,253, against $36,100,000 in November and $45,650,000 in December, 1926.

The total number of failures in the United States in 1927 reported to Bradstreet's was 20,265, and the total liabilities of those failing was $654,282,367, an increase of 1.2 per cent in the number of failures as compared with 1926, but a decrease in liabilities from that year of one-tenth of 1 per cent. The failures in 1927 constituted the second largest total on record, but fell below those of the peak year 1922 by 9.6 per cent, while the liabilities were the fourth largest recorded, falling 13.3 per cent behind those of the peak year 1921.

Following are the failures, assets, liabilities, and the percentage of those in business failing in each year of the last decade as reported by Bradstreet's:

Year	No failures	Actual assets, millions	Total liabilities, millions	Per cent failing
1927	20,265	385.1	654.3	0.80
1926	20,024	379.7	655.2	.88
1925	18,859	261.7	479.6	.84
1924	19,712	419.7	694.8	.89
1923	19,159	369.1	631.1	.89
1922	22,415	365.6	649.8	1.08
1921	20,014	446.6	755.7	.97
1920	8,463	274.1	426.3	.43
1919	5,515	55.3	115.5	.29
1918	9,331	69.3	137.9	.51

Mr. NYE. The Department of Justice records that during the last year there were 48,758 bankruptcies, involving $885,557,000, or $80,000,000 more than during 1926 and half a billion dollars more than 10 years ago.

We find that the condition of some of the more powerful banking institutions, located primarily in the city of New York, evidences an element of prosperity.

Under date of January 4, 1928, the New York Times declares that the Guaranty Trust Co. of New York enjoyed last year an increase of $1,077,739 in profits, which figure does not include, mind you, the $5,000,000 transferred to the surplus account during that year.

The Bowery and East River National Bank, of New York, showed undivided profits last year of $11,320,221 as against $6,574,545 the year previous.

The International Acceptance Bank transacted a greater volume of business in 1927 than in any previous year during its establishment; and, according to this story in the Times, after six years of operation it now reports total assets of $130,591,971, an increase of $24,969,891, or 23⅙ per cent since the close of 1926.

So I might go on further to show the increase in business transactions by the banks of the country during 1927.

Another newspaper, the Christian Science Monitor, in its issue of December 31, relates the high levels reached by financing in America in 1927, and here is a very interesting paragraph therefrom:

Bond financing, like total financing, for 1927 stands out as an all-time record, the figures in this class alone overtopping the total of stock and bond financing combined for 1926. The 1927 volume of bond financing was approximately $7,750,000,000. This is a 27 per cent increase over 1926 and a 47 per cent increase over the previous five-year average.

Indicating that whatever element of prosperity exists in any material order to-day is found only in those institutions which

are dealing in the fluctuating values of stocks and bonds in this country.

According to the New York State Industrial Commission there were 643,000 men and women in the State of New York out of work last December, and 3,000,000 in the United States are declared to be out of work; and yet we call this an era of prosperity, boast of our prosperity, and every agency of the Government to-day is at work to sell this program of prosperity to the people of the country.

I have in my hand a copy of the Industrial, Agricultural, and General Employment Prospects for 1928, a bulletin issued by the United States Department of Labor. In the flyleaf of this document I find this very interesting explanation by Francis I. Jones, director general of the bureau.

Contrary—

He says—

to precedent established in former presidential election years, when the business world stood by waiting results before charting their programs, the opposite is true at this time. A careful perusal of this bulletin will disclose the important information that industry and business will mark new high levels in 1928.

The pessimists—

I want the Senate to hear this—

The pessimists, doubting Thomases, and the iconoclasts will be obliged to revise their opinions with respect to the Nation's industrial future.

And so one is scored who dares picture the real situation which prevails in this country to-day. The departments of the Government are giving over their literature to a condemnation of those who will not agree that in this day and age we are enjoying that measure of prosperity to which all people are entitled.

They say that business is prosperous in a general way. John Edgarton, president of the National Association of Manufacturers, addressing the annual convention of this association last October, used this language:

Outside the few gigantic corporations which do not have to bother about competition, and by whose large profits the public is misled, the common run of manufacturers in America to-day are in about as unhappy a condition as their fellow producers the farmers; and I challenge those who will overturn that statement.

That statement can not be overturned. Statistics disclose that Mr. Edgarton knew of what he was talking.

According to the income-tax returns, 40 per cent, or 200,000 of the manufacturing corporations of this country, lost money in the last reported year. Forty per cent of all corporations doing business in this country lost money! Is that prosperity? The corporations number 430,072. Of that number, one-twentieth of 1 per cent gathered in 40 per cent of the total profits of all corporations for that one year.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. NYE. I do.

Mr. McLEAN. Does the Senator believe that the unfortunate condition of 40 per cent of these corporations is due to the fact that tariff rates are too high?

Mr. NYE. I would not put it in just that language; but I do believe that their continued adversity is attributable to the fact that we have a tariff law which in words declares itself to be in the interest of agriculture, which contains schedules in the interest of agriculture, but which the Congress of the United States declines to give the farmers the advantage of through failure to enact that legislation which will make effective the tariff which has been written in support of agriculture.

Mr. McLEAN. I understand; but the Senator has no knowledge that the unfortunate condition of these corporations is due to the fact that the present tariff rates are too high.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. NYE. I yield to the Senator from South Dakota.

Mr. McMASTER. I should like to propound a question to the junior Senator from North Dakota. Is it not a fact that the large percentage of those corporations which are in a serious condition at the present time are operating throughout the agricultural West?

Mr. NYE. I think that is entirely true.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. NYE. I yield to the Senator from Minnesota.

Mr. SHIPSTEAD. As a matter of fact, the corporations that find themselves in distress as a rule are the smaller corporations, manufacturers, and so forth, are they not?

Mr. NYE. That is true.

Mr. SHIPSTEAD. It is quite possible that an explanation can be found in the statement made by Roger Babson at Omaha, I think, on the 25th day of May, in which he said we were evidently entering upon an epoch in which the big fellow is eating the little fellow. The little, independent manufacturer or merchant is "on the skids." He is being eaten up by the big fellow. I think that will explain it to some extent. I think that is true; but what I have never been able to understand is that the little fellow seems to like it.

Mr. NYE. I thank the Senator for that explanation.

Mr. McLEAN. Mr. President, does the Senator remember what Mr. Babson said with regard to the pending proposal for agricultural relief? Does the Senator remember Mr. Babson's suggestion as to what should be done by the Congress to aid the farmer?

Mr. SHIPSTEAD. Oh, yes; I remember it very well. I will state it if the Senator will permit me. He advised the farmers of the Northwest to go to Washington and camp on the coat tails of Congress.

Mr. McLEAN. Yes.

Mr. SHIPSTEAD. I think he was wrong. I think he should have said they should go to Washington and camp on the coat tails of the President.

Mr. McLEAN. But not to secure a reduction of the tariff, if I remember correctly.

Mr. SHIPSTEAD. I do not remember that statement.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. NYE. I yield to the Senator from Nebraska.

Mr. HOWELL. I think Mr. Babson also stated that he would advise the young men in the West to get out unless conditions improved. I am speaking about the young men on the farms.

Mr. McLEAN. That is not germane to the question which I propounded.

Mr. SHORTRIDGE. Mr. President, did he tell them where to go?

Mr. HOWELL. To get into big business.

Mr. SHORTRIDGE. In California?

Mr. HOWELL. I assume so. There is a good deal of big business in California.

Mr. SHORTRIDGE. There is, indeed—fine business.

Mr. HOWELL. And it can accommodate them.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. NYE. I yield.

Mr. BROOKHART. A long time ago we had a great many people who went from Iowa to California. We have not anybody in Iowa now who has money enough to go to California.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me?

Mr. NYE. I yield.

Mr. SHORTRIDGE. The most progressive, the most intelligent, and, if I may say it, the most splendid of your people have come to California, and they are all prosperous there. I know that Iowa, my native State, needs relief. I will hereafter point out the kind of relief I think she needs.

Mr. NYE. Mr. President, one-fourth of 1 per cent of all corporations doing business in America in this one year took 66 per cent of the profits of all corporations. The net profits of all corporations in that one year were $7,500,000,000. Sixty-six per cent of this, remember, went to one-fourth of 1 per cent of all corporations, or to 1,000 corporations. One thousand corporations, then, were the recipients of $5,000,000,000 of the $7,500,000,000 of profits enjoyed by all of the corporations doing business in America in that one year; and it is interesting at this point to note this comparison:

Here are 1,000 big corporations in America enjoying an annual profit of approximately $5,000,000,000, while the entire revenue, not profit, of the one-third of our population engaged in agriculture does not total quite twice the profits of that mere handful of corporations.

We know of the 10 per cent wage reduction in the textile industry. We know of the unwholesome condition existing in the mining industry. We know of the tremendous increase in criminal proceedings before the courts of our country. We know of the increase in bankruptcies and foreclosures. Yet, Mr. President, in spite of all of these facts, we still are persuaded to believe that we ought to march right in line with

those whose banner reads, "The most prosperous era in all American history." We know of the orgy which has taken place upon the stock and bonds market; and, if that spells prosperity, then, of course, I must agree with those who contend to-day that this is a wonderful era of prosperity.

No! Business, little business, the smaller business corporations in this country, do not know where to find that thing called prosperity. Likewise, the American farmer is pretty hard pressed to find it possible to say that his condition is satisfactory; that he is satisfied to leave things just as they are; that he is asking no changes here, there, or anywhere; that he is going to work his own way out of this difficulty all right. The fact of the matter is that the farmer finds himself to-day in a position where it is questionable in his mind whether he is going to be found following his industry in that particular quarter to-morrow.

According again to Federal census figures, 29.9 per cent of the people of the United States are living upon and are dependent upon the farms; and yet that virtually 30 per cent are enjoying only 8 per cent of the current national income. In the last six years the American farmers have lost in capital stock $20,000,000,000. The exchange value of their farm lands has decreased $4,000,000,000. Farm indebtedness in the last 15 years has increased from four to twelve billions of dollars; and for the products for which the farmer in 1925 received $10,000,000,000 the American consumer paid $30,000,000,000, or three times what the farmer received.

It is true that farm prices have increased during this period following the war. It is all very true. They have increased 26 per cent; but the increase in farm-living costs has not stopped at 26 per cent, but has gone on to 68 per cent.

Likewise in the case of taxes: Farm taxes have increased 112 per cent. Farm-building costs have increased 102 per cent. The freight rates on grain have virtually doubled since the war. Where it cost on the average $45 prior to the war to ship a carload of hogs to market, to-day it costs $130.

Then, following still further in the Federal census figures, we find there was an increase since 1914 of only 10,000 farms operated in the United States; yet of the total of farms operated in the United States in 1925 there were 80,000 less farm owners than there were in 1914, and there were 100,000 more tenants operating the farm lands of the United States than in 1914.

It is very interesting, too, to note that while in 1925 there was more livestock in the country than in 1914, its value was less by considerable than the value placed upon the lesser amount in 1914; and the value of livestock in 1925 was only half what it was in 1920.

I want to call to the attention of the Senate the situation in my own State; and what I say of the situation there I think is equally true of the situation prevailing in every other great agricultural State to-day.

We have there a situation which discloses that an increase of 50 cents in the price of a bushel of wheat would mean to every family in the State of North Dakota an increase of $500 with which to carry on their lives, and yet North Dakota is not dependent upon wheat alone, for the value of our dairy products is thirteen times greater than is the value of our wheat crop.

While the contributions of North Dakota may be small in comparison with those of other States, nevertheless some of its contributions are a matter which the people of this country must recognize, for we are producing there one-third of all the flax produced in the United States, two-fifths of all the spring wheat, and one-fifth of all the wheat produced in the United States. No State is producing more rye and more barley than we are in North Dakota; only seven States produce more potatoes; and yet in North Dakota there exists at this time a situation which makes it impossible for anyone to stand up and declare that this is a prosperous era and get away with it.

A few weeks ago I had occasion to discuss our agricultural problem before an audience in New York, and through a very unfair representation given to that interview and address in New York, some of the people in my State have felt constrained to declare that I was grossly misrepresenting the State of North Dakota. From one newspaper, the Grand Forks Herald, comes an editorial clipping under the title "Libeling North Dakota." I shall read at this time the first paragraph:

> In a recent address in New York Senator NYE, of North Dakota, told his audience that the farmers of North Dakota are worse off than they were four or five years ago, that tenant farming in the State is increasing at an alarming rate, and that six banks out of eight in one county had gone into receivership in three days.

In the main, that is what I did say. I did not say that the condition was worse than it was at any time before the war, but I did say that I did not believe there was any material improvement over the situation which prevailed in 1920 and 1921. But there is an element of pride, of course, in every State, and anyone who ventures to say that things in his State are not as they ought to be, and who tells the trueness of the situation which does prevail there, is subject to a charge of disloyalty to his State in certain minds. For my own part, however, I can not see how agriculture is ever going to be restored to that balance to which it is entitled until the people of this country are awakened to the real situation which does prevail, and they are not going to be awakened to that situation so long as we, as representatives of those people first concerned, sit back and swallow without a gulp, even, these stories, and admit that we are living in an age of wonderful prosperity.

The tenor of the people who object toward those who go out and tell the truth about conditions is indicated in a further paragraph in this same editorial:

> Mr. NYE has grossly misrepresented North Dakota in this address, and the misrepresentation is none the less because of the possible accuracy of the figures which he quotes, and none the less injurious on that account.

In other words, I may be telling the truth, but am telling things that should not be told, and ought to keep quiet in order that we may get some more people into North Dakota, put them out on these vast areas of the State which have been vacated during these last few years—help those who have been overburdened with land through foreclosures and through forfeitures which have been made during this period of depression—get them on to that land, and with what happens to them after that we are not concerned. But let us unload this land.

Mr. President, I think we ought to start on a firmer foundation. I think we ought to start out and establish agriculture in such a fashion that it will offer to that man who will properly and fairly exercise himself toward the labor which a farm calls for at least a small chance of making his effort count for something. Until that time I think it a terrible mistake on the part of any individual to seek to plant in the minds of any people the thought that things are wonderfully improved in agricultural America and that the opportunity is ripe now for people who want to go to farming to undertake it at this particular time.

These editorials which have been published along that line have brought to me a great lot of correspondence from people who are differing with the editorial criticism which is offered. Just one letter do I want to read indicating the general tenor of the thought of the people:

> Mr. NYE: I am inclosing an editorial taken from the Minto Journal which bears reference to your speech in New York. I for one agree with you, as I have come in contact with a larger number of farmers than Mr. Mitchell, who is responsible for this editorial, and I am here to tell you that the majority of farmers claim that farming has been a losing proposition for the last number of years.
>
> Mr. Mitchell does not remember that almost every town in this county has had a bank failure this fall—

Let me remark here, Senators, that in that county they had a fair crop this year; and yet, in spite of it, these bank failures continue. I read further from the letter:

> We have had four bank failures within a radius of 18 miles within the last month. If the editor will only stop a few moments to review the cause of this, I am sure he will find that the farmers and farming have contributed a great deal to the financial downfall of these institutions. I presume Mr. Mitchell would like for you to paint an illusive picture before an eastern audience depicting the State of North Dakota as a great cornucopia, while in reality it should almost be assigned to the rôle of a sick man, as I figure its basic industry (agriculture) is a sickening proposition and has almost sapped the morals of those engaged in it. The elements which the farmer has to contend with are high prices of machinery, high cost of labor, high transportation charges, while in turn he receives a low price for his grain, and the purchasing power of his dollar is low enough.

I contend, Mr. President, that no agricultural State in this Union will come back more quickly, will get on its feet more quickly, than will North Dakota if agriculture is given half a chance to make its efforts count for some reasonable return.

The claim has been made during this debate, and made repeatedly—at least it has been insinuated—that the enhanced land values during the war brought about a condition which we have to expect and must accept as being the only thing that naturally could follow now. It is said that if values went up during the war that they have to come down eventually, and now is the time that they must come down. But, Mr. President, in my own State of North Dakota land values were not enhanced during the war period by one single, solitary penny.

They were not inflated out there as they were in some other States.

I merely recite this to indicate that there were States where there was no land boom during the war, but where the situation prevailing to-day is virtually as serious as it is in those States where land values did mount to proportions that virtually were out of sight.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. NYE. I yield.

Mr. McLEAN. What was the reason why land values did not rise in your State?

Mr. NYE. I am delighted to explain that to the Senator. I think one man was more responsible than any other, as the story is told, for the good fortune that was visited upon North Dakota during the war period, that found our land values not enhanced. That one individual is none other than my colleague, the senior Senator from North Dakota [Mr. FRAZIER]. During that war period North Dakota was the one State in the Union which was really not a part of the Union. We were a lot of bolsheviks out there, so they said. We were trying to solve our problems within the State. We were establishing State industries that were going to take care of the products we were producing in abundance, and give the producer a greater proportion of that margin which existed between his return and the price paid by the consumer.

In opposition to this program there came every powerful industry and every powerful influence in this country, to the end that credit was injured to such an extent, in so far as North Dakota was concerned, that we could not float, we could not sell, through the ordinary channels in this country, the bonds which were offered by the State of North Dakota to establish those industries.

A false impression went out as to our purpose, of the purpose of these honest and hard-working and seriously engaged people of North Dakota. The impression went out that those farmers were a dangerous lot of people, that North Dakota's credit was being wrecked, that it would be unsafe to make any investments in lands in North Dakota. The result was that we went through that period without any enhanced land values, and I think no one is more to be thanked for that than the Nonpartisan League, which was so severely criticized at that time, and to some degree criticized since.

Mr. McLEAN. Your wheat acreage was increased considerably out there, was it not?

Mr. NYE. Our wheat acreage was increased, and I am going to touch upon that a little later on.

The Minneapolis Journal, in connection with this objection to my disclosing the truths which exist in agricultural America, asks me this question publicly:

> In the light of these figures, Senator, did you do the fair thing toward North Dakota when you let your hearers go away with the impression that things were going from bad to worse on farms that have just produced the second most valuable crop in all their history?

There is the situation, Mr. President. They have produced their second most valuable crop in North Dakota in all history, and yet, in spite of this, there are continued bank failures, there are continued bankruptcies, there are continued foreclosures and forfeitures of lands, because under the existing order the farmer is not receiving for that which he is producing a return which will compensate him for the labor and for the costs involved in the producing of that thing. It amounts virtually to this: That the more a farmer produces to-day, the worse off he is.

Mr. NORBECK. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. NORBECK. I was not in the Chamber during the early part of the Senator's speech and it was not my pleasure to hear that part of it. I wondered whether the Senator went into the causes of the depreciation of the farmer's dollar; and if so, what his views are on that point.

Mr. NYE. I have not yet done so, but I fully plan to.

In my own State of North Dakota see what has occurred since the war. There were less farms in 1925, according to the Federal census, than there were in 1910. Where in 1910, 17 years ago, with our resources hardly scratched, with the whole future before us, we had 44,000 farm owners in the State of North Dakota, 15 years later found us not with 44,000 full farm owners, but with only 26,000 farm owners. Where 1910 found us with only 10,000 tenants, 1925 found us with 26,000 tenants, or as many tenants as we had full farm owners in 1925.

The value of farm property in North Dakota was decreased by half a billion, decreased from one and a half billion dollars to practically a billion dollars, since 1920. There was more livestock in North Dakota in 1925 than there was in 1910, and a much better grade of livestock. Yet it is found to be, according to the Federal enumeration, worth less money than was that lesser amount in 1910.

The worth of all farm lands and buildings in North Dakota in 1925 was fixed by the Federal census at $200,000,000. That means the values held by so-called farm owners in North Dakota. But to what extent are they really farm owners? Against this valuation of $200,000,000 there exists to-day a mortgage debt of $82,000,000, or that was what existed in 1925. I know the odds are greater to-day. In other words, 41 per cent of the values held by so-called full farm owners in 1925 in that one agricultural State are mortgaged. Yet we call them full farm owners, according to the Federal census.

What is the cause of this difficulty confronting agriculture to-day? I do not think I will go to any length in discussing that or to do more than repeat what I have already said. The American farmer can go on from now until doomsday producing as he has never produced before, making two blades grow where one grew before, increasing his production on every hand; but, Mr. President, no matter to what ends he goes in that effort, he is going to find himself still on the small end when it comes to balancing up accounts, because so long as men produce and must sell that which they produce for less than the cost of production, there can not be any end other than the eventual decay of that industry which those individuals are following, and unless there can be favors alike upon all the people, where there are favors to be bestowed by the Government, we sound indeed the danger signal.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. NYE. I yield.

Mr. SHORTRIDGE. I am very much interested in the address of the Senator. I would be very glad to have him tell us whom he includes under the term "farmer." I do not put the question idly, or to engage in a quibble over words, but I want to know whom he includes under the term "farmer" when he speaks of the farmers of a given State.

Mr. NYE. Of a given State?

Mr. SHORTRIDGE. Yes; within the State of North Dakota, or the State of Minnesota or Montana or California or Florida. What is the figure?

Mr. NYE. I labor under the assumption that from a Federal standpoint anyone can be considered a farmer whom the Federal census has considered to be among the 29.9 per cent of the people who are resident upon the agricultural lands of the country.

Mr. SHORTRIDGE. Does that include stock raising and dairying in all its branches?

Mr. NYE. Yes, indeed.

Mr. SHORTRIDGE. It would not include mining?

Mr. NYE. No; not mining.

Mr. SHORTRIDGE. Men engaged in getting something out of the soil of the earth?

Mr. NYE. Tilling the soil, producing from the soil that which the people must have.

What is it that happened to agriculture? A few days ago the senior Senator from Maryland [Mr. BRUCE]—I wish he were in the Chamber now—yes; I see he is in the Chamber—remarked on the floor of the Senate, and he spoke, I think, honest convictions that the whole difficulty confronting agriculture to-day is that occasioned by the fact of inflation during the war, that farm land values had been inflated during the war period and that the farmer had to expect eventually to come down off of that high plane. I think the Senator was thoroughly honest in his assumption that that was the truth of the situation. I think from what I have said here this afternoon that I have disclosed that in the case of at least one State inflated land values contributed nothing to the cause, because there were no inflated land values.

What really happened was this, Mr. President: The war came on, and the Government, this Government, this Congress, the administration at that time, urged the farmer to devote himself to the task of producing more food. He could not produce too much of it; he was assured of that. Then, though he was minus the ordinary help that he had upon his farm, though his sons had been drafted in the service and carried across the seas to conduct the war, he reached out and during that period of high labor prices engaged expensive help. He bought additional expensive, high-priced machinery, machinery which had gone up in price during that period. He did all of that during that period. He bought it because his country urged him to do it. During the period of the war, with all credit to the boys who carried the real brunt of that service, do not overlook the fact that one who contributed very materially to our success in the war was none other than the farmer of America. Not only did he sustain and back up his own

Army, his own boys, but he backed up and sustained virtually every army that was engaged in that war on the side of the Allies.

The farmer engaged during that war in a most desperate undertaking. He left no stone unturned to respond to the appeal by his Government to produce more food. Then came the end of the war, and with the end of the war came a warning within the farmer: "Here, we have had these big years, and we can not expect them to continue. Now, with the war over, we will have to slow up. We had better do some liquidating. We had better get back to normalcy as all people must following a war." But with that warning in his mind the Government of the United States, through its spokesmen, advised the farmer that for years and years to come he was going to have to feed the world; that he could keep right on producing; that he must in all fairness keep right on producing as he had been producing during the war.

With that assurance, and in spite of the limitations which were placed upon him and the comparatively low prices he had had for his products during the war—in spite of all that he continued to respond to that appeal by his Government to produce and continue to produce more food. He carried on to a certain point. What was that point?

He found himself one afternoon going along splendidly. He found himself on the next morning virtually, if not completely, out of the economic picture altogether. What had happened was that here in Washington there gathered a mere handful of men determined that the most essential thing concerning America at that time was the thing of driving America back to normalcy, and that the way to do it was to reduce credit. The way to do it was to withdraw the vast amount of credit which had been extended by the Federal reserve system during that period. So, Mr. Banker, out on the plains and out on the prairies and out in agricultural America generally, had nothing other to do to redeem himself for the easy credit of which he availed himself during the war than to turn to those to whom he had loaned money during the war period. He went to the farmer and explained that the demand was made upon him for repayment of the credit which had been extended during the war. The farmer said, "I suppose I have got to respond, then." So he liquidated as best he could. He had not enough to clean up his indebtedness contracted while he was responding to the prayers of his Government for help during the war time. And so—but some things are perhaps better unsaid, and I think I shall leave that unsaid.

In any event the farmer went back home, took whatever crop was available, and hauled it into market, took it there with the hope and in the expectation that with the return from that crop he could liquidate the greater portion of his debt. He got into a market that had lost its bottom, because that deflation movement had virtually ended the market and killed it, since every farmer in America was dumping his produce upon the market at that time in order that he might liquidate. After all was said and done, after the farmer had moved all his stuff and all his products into the market, he was still way short of being able to liquidate his indebtedness. Then went the equities in the land which he had bought during the war to help his Uncle Sam. Away went the equities in the land. In many cases, in hundreds upon hundreds of cases, there went at the same time the homestead which for 30 and 40 years had been without incumbrance and which, through the sweat of the man and his wife and his children, had been counted by them at one time as their home. But the home went as the result of that deflation program of 1920 and 1921. But that was not the end of it. During that period there was written by all odds the blackest page in all American history.

During the period of the war, when the farmer and all others were doing their utmost to prosecute the war, the urge came to help to finance the war. Few were the farmers who did not respond to the appeal which was made by the Government and by the bankers to buy until it hurt of Liberty loan bonds. Credit was made so easy that the bankers could say, "Here, you do not need to worry about the price of these. Just give us your note for the bond and you can clean it up after a while. That bond you must feel and can always know is as good as gold in your possession any day. You never need worry about that. You can always liquidate a bond indebtedness of that kind. It never need give you any worry."

But in that deflation program, when the stock of the farmer and the grain and the extra land bought during the war and the homestead were not enough to liquidate, then Mr. Farmer went into the bank and into the safe-deposit vault and took out the bonds which he had bought during the war, which he had more often than not borrowed money to possess, and took it to the cashier's window and said, "Here, apply these on my indebtedness" Mr. Banker during that period said to him, "I am awfully sorry, but I suppose you are well aware of the fact that we can not give you 100 cents on the dollar for this bond." "What? A Government bond, a Liberty loan bond, and I can not have what I paid for it, to say nothing about the interest?" "No; I am sorry, but the market for Liberty bonds is only 75 or 80 or 85 cents."

My friends, that was by all odds the blackest page ever written in all American history, and yet to-day, while the Government of the United States is responsible for the hole in which the farmer finds himself, this same Government declines to give to him that measure of aid which he needs to save himself from further decay. When he asks that a life buoy be thrown out to him, the Congress of the United States or the administration offers instead to throw him an anchor, and that has been the situation for the last four or five years. I insist that if we are to continue to deny to the agricultural people of America that measure of help to which they are entitled, that measure of help which they must have if they are to be saved, if we longer deny that to them we are going to pay the penalty as a nation. The Nation will not pay the penalty prior to the penalty which political parties must pay for longer ignoring the situation.

Upon this particular day, and though I am not affiliated with that party which honors his day, Jackson Day, I want to read to the Senate a quotation attributed to Andrew Jackson:

> It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth can not be produced by human institutions. In the full enjoyment of the gifts of heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law, but when the laws undertake to add to these natural and just advantages artificial distinctions, to grant title, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics, and laborers—who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing.

To that might be added the suggestion that if the Government would confine itself to equal protection and, as heaven does its rains, shower its favors alike on the high and low, the rich and the poor, the East and the West, the North and the South, it would be an unqualified blessing. But instead of seeking to give such a fair distribution of favors of the Government here in this country, we continue to ignore the fact that the blessings are all against certain endeavors in the country and all in favor of a very few. In spite of the situation which confronts the country to-day in the matter of unemployment in the great industry of agriculture and the smaller manufacturing and business industries, we are being preached to day after day that this is the most wonderful era of prosperity any nation has ever enjoyed.

Mr. McLEAN. Mr. President——

Mr. NYE. I yield to the Senator from Connecticut.

Mr. McLEAN. I am very much interested in President Jackson's pronunciamento, especially with regard to the portion which says that heaven showers its rains equally upon all alike. Is that quite true?

Mr. NYE. I expect that literally it is not.

Mr. McLEAN. Has not the Senator had experiences in North Dakota of a good many——

Mr. NYE. Not the experiences which are generally believed to be true. Some sections of our State do not have as great proportion of rain as others.

Mr. McLEAN. While it falls equally on the just and unjust, it does not fall equally on different portions of the United States, and because of that, and I think possibly other causes, my information is that the Dakota lands do not produce as large an average number of bushels per acre of wheat as some other sections of the country.

Mr. NYE. I think there is no section in the United States that produces a greater abundance per acre of hard wheat than does my State of North Dakota.

Mr. McLEAN. The Senator ought to know, but my information is that during the war the acreage of wheat in North Dakota was greatly extended.

Mr. NYE. It was.

Mr. McLEAN. And that in many portions of the State the production was less than 10 bushels to the acre.

Mr. NYE. I will say to the Senator that it is true that during the period of the World War we were most unfortunate in

North Dakota, striving as the farmers were to respond to the appeal for more foodstuffs. There was a great spread out of farming endeavor, much greater acreage was put in, and the price that was made available at that time was a thing which all were seeking, of course; and yet during that particular period we were most unfortunate in our weather conditions in North Dakota.

Mr. McLEAN. Yes; that is the point I want to bring out. But the Senator would not hold Congress responsible for that?

Mr. NYE. But, Mr. President, what was true in North Dakota in that respect was not true in the other States which are complaining more bitterly, possibly, than North Dakota complains to-day about conditions. Iowa came through consistently with crops during that period, and portions of my own State came through consistently with good crops.

Mr. McLEAN. The point I want to bring out, I will say to the Senator, is the fact that President Jackson was wrong in his declaration that all sections of the country are favored with sufficient rainfall; and, that being so, Congress ought to come to the front and equal, if not exceed, Providence in extending assistance.

Mr. NYE. Virtually all sections of the country get at least a sprinkle once in a while, and in so far as the Government is concerned if it would just let a little sprinkle filter out to the masses of the people of this country there might be some reason to offer thanks.

Mr. McLEAN. We have as yet discovered no way by which we can add to the rainfall of the country.

Mr. McMASTER. Mr. President, I assume that the principal rainfall in the State of Connecticut comes from the tariff system.

Mr. McLEAN. What I should like to know is just what effect the tariff has in its influence upon the deplorable condition from which the farmers insist they are now suffering. I am not saying this in a spirit of criticism at all; I know that environment has a great deal to do with political conviction. I am willing to confess it so far as I am concerned. We have here to-day at least three separate and distinct schools on the tariff question. I think it is important to ascertain who is right, if possible, and what effect the tariff has on the conditions in the agricultural sections.

Up to date there has not been indicated, so far as my observation goes, a single fact that would satisfy an impartial tribunal that any of the tariff rates are too high; that is, that they exceed the difference in the cost of production at home and abroad.

Mr. NYE. Yes; but we do find a very determined presentation here of the claim that, while there may not come from certain sources a demand for lowering of tariff schedules, there has been, and has been for a number of years, a repeated demand made for making effective those schedules which have been written into the tariff law but which are not effective to-day for the farmer.

Mr. McLEAN. To just what schedules now does the Senator refer?

Mr. NYE. Take the wheat schedule; take the splendid protection afforded wheat through the tariff; it does not mean a penny to the wheat producer in the United States. In my State of North Dakota, on the border of the Canadian line, there would be the opportunity, if there were not trade restrictions or barriers of any kind, for the North Dakota farmer living in the United States of America to take his load of wheat into Canada and get more money for it than he can obtain in the United States.

Mr. McLEAN. Admitting all that, how will it help the wheat producer to reduce the tariff duties on industrial products to a degree that will permit an influx of foreign goods? That is the point.

Mr. McMASTER. Mr. President, will the Senator from North Dakota yield to me?

Mr. NYE. I yield to the Senator from South Dakota.

Mr. McMASTER. Mr. President, I assume that the remarks of the distinguished Senator from Connecticut [Mr. McLEAN] all have a bearing upon this particular resolution. Now, I wish to ask the Senator this question: If, in his judgment, there were excessive schedules in the present tariff system would he vote to reduce those schedules?

Mr. McLEAN. No; not at this session.

Mr. McMASTER. But would he vote to reduce them?

Mr. McLEAN. Of course, I would do so when the tariff should be revised.

Mr. McMASTER. In other words, then, the Senator from Connecticut agrees with this resolution——

Mr. McLEAN. Oh, no.

Mr. McMASTER. That if there are excessive schedules they should be reduced, and he would vote to reduce them. That is the fundamental part of the resolution. The only difference between the Senator from Connecticut and those who are supporting the resolution is that he does not want to interfere with the interests of political parties at this time, but that later on he is willing to reduce the tariff schedules.

Mr. McLEAN. Mr. President, I think the Senator, at least, ought to make out a prima facie case that there is one schedule that is excessive before he calls upon the Congress of the United States to reduce the tariff. We all know what tariff revision means. I do not now wish to discuss the tariff question, but I have been through two tariff revisions, and I know what tariff revision means. In the last revision we had some 40 experts who labored diligently for more than four months to try to ascertain the difference between the cost of production at home and abroad, and I want to say to the Senator that in no single instance did the Committee on Finance approve a rate in excess of the evidence which was produced before the committee indicating the difference between the cost of producing the article at home and abroad.

Mr. McMASTER. Mr. President, may I ask the Senator what evidence was presented to the Committee on Finance of the Senate to justify the committee in establishing the schedules upon aluminum products? I have gone carefully through the testimony of the Finance Committee, and I fail to find there any evidence that was presented to that committee, at least in open session, that would justify the rates which were accorded to aluminum products.

Mr. McLEAN. Mr. President——

Mr. NYE. Mr. President, if this colloquy is going to be prolonged, I should like within two or three minutes to close what I have to say.

Mr. McLEAN. I think the Senator from North Dakota is right about that; I think he is entitled to finish his address. I am very glad, however, that the Senator from South Dakota brought up the question of aluminum.

Mr. NYE. If the Senator from Connecticut wishes briefly to answer the question of the Senator from South Dakota, I would certainly let him incorporate his answer right now in my remarks.

Mr. McLEAN. I prefer to do it later; but I will say that the Senator from New York [Mr. COPELAND] yesterday called attention to the tariff rates on aluminum, and I think he made an estimate as a climax to his speech that on an article costing something like $4.50 which his wife had purchased the tariff tax was considerably more than $2. I want to say now that I think it is to be regretted that a United States Senator when he discusses a subject of this importance should not take the trouble to attempt at least to secure information that will enable him to discuss it without advertising the fact that he is absolutely ignorant of the subject. I will undertake in my own time to call the attention of the Senate to the fact that the tax estimated by the Senator from New York is more than double the amount that the facts will warrant.

Mr. NYE. Very well, Mr. President. As I said at the outset, I did not wish to undertake at this time to argue with those who contend that the resolution before us is not choice at this particular time, but I wanted only to say that it sounded and expressed the attitude of a great mass of our population in America to-day who, seeing, day after day and year after year, a great flow of prosperity into a few individual corners to a few powerful corporations, while they themselves are left without a chance, seemingly, to make their best efforts win them a reasonably fair return for their endeavor, are not going to stop to quibble about any little niceties and about the fine words that may be said in support of certain schedules in the tariff law, but they are going to seek that means of elevating themselves to the higher plane which protected industry enjoys. They are going to be quite blind to anything else, I might say to the Senator, and are going to be determined, as a last resort, to tear down the props that will bring all industry down to a plane which is occupied to-day, I think I am safe in saying, by a majority of the people of the United States.

Mr. McLEAN. Mr. President, has the Senator ever given consideration to what the effect of that program would be upon the 40 per cent of the Dakota farmers whose farms are mortgaged?

Mr. NYE. I have. Mr. President, I do not think, come what may, that the farmers of North Dakota or of any other agricultural State in the Union can be deflated or injured any more than they are injured right now. For the most part, the farmer retains so small an equity in comparison to the whole value of his property that he is really not seriously concerned,

unless he can be given a chance to come back. I can see dangers along the path of a program which might find us destroying the structure which has been erected in this country, but I believe that any amending of the tariff that is undertaken must be undertaken gradually; must be accomplished very slowly and cautiously. However, I am speaking now for people who are not much concerned about anything but their own condition.

Mr. McLEAN. Mr. President, that reminds me of the days in the eighties when the farmers were just as certain that greenbacks would remedy their troubles as they are certain now that a cut in the tariff will remedy their troubles. Then in the nineties they were just as certain that the free and unlimited coinage of silver at the ratio of 16 to 1 was the specific for their disease. But saner counsels prevailed. I do not quite believe the Senator from North Dakota wants to engage in an endeavor that will bring disaster to all the American people. He must know that when prices are cut in two the debts of the debtor class are doubled; the national debt is doubled, and the mortgage of every Dakota farmer is doubled. Those mortgages are not reduced; interest on those mortgages is not reduced; but it would take 2 bushels of wheat to raise the same amount of money that 1 bushel of wheat would raise before; and if we should double the production of wheat in this country I am afraid the Senator would have some difficulty in stabilizing the price, even if Congress were unanimous in its sympathy with him.

Mr. NYE. Very well; but the Senator will agree, then, that if these dire things are in store for us, if there is to be undertaken a program which will bring that about, we had better devote ourselves to satisfying the demand which does exist to-day for making effective the tariff upon all people alike.

Mr. McLEAN. O Mr. President——

Mr. NYE. If there is a tariff schedule which is not operative as to the great mass of the people of this country it had better be made effective.

Mr. McLEAN. The Senator must realize that the spread between the retail price of an article and the price which the manufacturer receives is so wide that the tariff has little to do with the cost or the price to the consumer, and he himself must realize that he is on the wrong track entirely when he thinks that the reduction of tariff rates below a reasonable protection will benefit the farmer. The price of wheat can not be pulled down faster than by reducing the purchasing power of the men and women who eat wheat.

Mr. McMASTER. Mr. President——

Mr. NYE. I yield to the Senator from South Dakota.

Mr McMASTER. All of the opponents of this resolution assume that the rates are to be cut so low that industry is to be injured, that labor is to be thrown out of employment. That is not the proposition back of this resolution. The resolution starts out with an assumption of fact that there are certain excessive schedules, and if the excessive schedules shall be reduced it will increase the purchasing power of the masses. If it is true that there are excessive schedules, and those excessive schedules shall be reduced, will that not increase the purchasing power of the farmer?

Mr. McLEAN. But before we engage in this dangerous operation, let us ascertain the facts.

Mr. McMASTER. The only way to ascertain the facts is to pass the resolution, start the tariff revision, and have your investigation.

Mr. McLEAN. Mr. President, we already have a law by which——

Mr. McMASTER. No; if we wait for tariff revision to find out any of those things it will be a thousand years before we can have tariff revision.

Mr. McLEAN. The law to-day provides that the tariff on any one of these articles can be cut 50 per cent provided you can satisfy the Tariff Commission that the cut is legitimate—that is, that the existing tariff exceeds the difference in the cost of production at home and abroad. Is there any evidence here that one single effort has been made, one single appeal has been brought to that commission to ascertain whether or not a rate is excessive?

All the law you need under any circumstances you have. You say it will not operate. You do not know whether it will or not, because you have not tried. Certainly you ought to be willing to trust the instrumentalities of this Government to a sufficient extent to attempt to apply a law that will give you absolute relief if it is justified.

Mr. McMASTER. Mr. President, we may get relief from the Tariff Commission and we may not get relief from the Tariff Commission. I have not any too much confidence in that kind of relief; but when I take the hearings of a committee of which the distinguished Senator from Connecticut was a member and search through the records of those hearings to obtain evidence that warranted the committee in writing certain schedules into this tariff act, and I find that the evidence is not there in open hearings, it would rather lead one to believe that possibly the leaders of the industries came to certain members of the committee and said, "This is what we want"; and they certainly got what they wanted; but they did not present the evidence in the open hearings before that committee.

Mr. NYE. Mr. President, if I may be permitted to finish my remarks, this discussion between the Senator from South Dakota and the Senator from Connecticut can proceed in their own time.

Mr. McLEAN. I hope the Senator will just let me reply.

Mr. NYE. Will it be brief, Mr. President?

Mr. McLEAN. Very brief.

Mr. NYE. And not invite any further debate at this time?

Mr. McLEAN. Very brief, I assure the Senator.

Mr. NYE. Very well.

Mr. McLEAN. I do remember, and remember distinctly, that when we adjusted the schedule which related to agricultural products we did not make any very definite investigation. We took the word of the Senators who at that time represented the agricultural bloc; and it is my definite recollection that in every single instance we gave to the representative of the agricultural bloc the rate that he requested. I myself had something to do with the rate on cheese, because I was told by a Senator from the Northwest that he thought the rate on cheese ought to be so and so, and it was adjusted to suit him. The rate on butter may have been a trifle low, but it has been increased since by the President.

Why lose faith until you have tried? You would be in a much stronger position here to-day, gentlemen, if you could show that in the case of these rates that you suspect are excessive you had gone to the Tariff Commission and requested a reduction. If you think that anything was done by the Committee on Finance that should not have been done, that anything was done behind closed doors that should have been done with doors open, take your case to that commission. If they turn you down, then come to Congress and give us the reasons for a change.

Mr. McMASTER. Just one moment, Mr. President, and then I shall be through.

In regard to agricultural products, the distinguished Senator says that not much testimony was taken.

Mr. McLEAN. We gave the farmers all they wanted.

Mr. McMASTER. The representatives of every farm organization in America appeared before that committee. Your report upon agricultural commodities is comprehensive as to the tariff schedules that they wanted. The distinguished Senator from Connecticut was a member of the committee. The producers of 14,000,000,000 pounds of milk went before the committee and asked for a schedule of 3½ cents a gallon, and your committee gave them 2½ cents. They asked for a duty of 10 cents a pound on butter, and you gave them 8 cents. They asked as high as 10 cents a dozen on eggs, and you gave them 8 cents. They asked for a higher duty on rice, and you cut that down. They asked for a higher duty on peanuts, and you cut that down. They asked for a duty upon hides, and you gave them a small duty upon hides, but that was knocked out here in the Senate. As a matter of fact, the Finance Committee cut down nearly every schedule that the agriculturists of America asked for. Far different, indeed, was the treatment accorded the industrialists.

Mr. McLEAN. Mr. President——

Mr. NYE. I can not yield any further. I promise the Senator that within a very few minutes he can have the floor and take all the time that may be required.

Mr. McLEAN. I simply wish to say that the Senator from South Dakota is entirely mistaken.

Mr. NYE. I have set out this afternoon to express the wish of the agricultural people of the United States to be given an equal balance of favor in so far as favors of Government are concerned, and so far as those figures can be given. I am sorry, and I think it is most unfortunate, that there should be as many people as there are in the frame of mind which holds that everything is just as it ought to be and can not be improved upon, that we are living in a wonderful era of prosperity and surplusage. To sum up the whole matter, I would only say that I hope we can come to face the facts as they really exist to-day, and, in facing those facts, give them the consideration which they merit when we are acting upon the important legislation which is before us.

The entire question is pretty well summarized by the editor of a little paper published out in Pasadena, Calif., known as the American Atlas, in an open letter addressed to the President

of the United States—and it might as well have been addressed to the Congress of the United States—in which he says this—

[From the American Atlas, Pasadena, Calif.]

PASADENA, CALIF.

President CALVIN COOLIDGE,
Washington, D. C.

DEAR MR. PRESIDENT: Recently there were three holdups, one murder, two automobiles stolen in Pasadena, and I have just received word that an aqueduct has been blown up near here.

Inasmuch as our Nation has marines in China and Nicaragua to protect American lives and property, I ask that a troop of marines be stationed here in Pasadena for the same purpose.

The Standard Oil Co. has several stations and a depot here, which the marines could protect, making them feel entirely at home.

The schools of Los Angeles are forced to feed 3,000 starving children. May I have copies of your speech, in which you said that the farmers had raised too much foodstuffs? I would like to distribute this speech among these children.

If it is not asking too much, I would also like to have copies of Mr. Mellon's speech in which he announced that we were in the midst of a great wave of prosperity. I would like to distribute this speech among the parents of these 3,000 children. If you have any extra copies, please forward for distribution to the 80,000 unemployed of Los Angeles.

Yours for continued prosperity, less food, and more marines,

THE EDITOR.

Mr. WALSH of Montana. Mr. President, the resolution under consideration was introduced by the Senator from South Dakota [Mr. MCMASTER], who comes from the very heart of the great agricultural section of this country—at least, from the heart of the grain-growing section. I have abundant reasons for knowing that the people of that section of the country are wedded to the principle of protection to American industries; and I have no doubt at all that the Senator who is the author of the resolution shares fully in the views of his constituents in relation to that particular subject.

I do not think the resolution as originally introduced was at all subject to the construction which seems to have been given to it in some quarters, namely, that it called for anything like a horizontal reduction of all the schedules or rates. It evidenced a desire for a revision of the tariff, and a study again of the schedules as they exist in the present law, with a view to reducing those that could be reduced with safety to industry.

The agriculturists of the country have abundant cause for the restiveness which they have exhibited and the discontent which prevails among them, evidenced by this resolution. Although a kindly Providence has favored the Northwest this year with abundant crops, the industry of agriculture is still carried on under a most decided disadvantage. Figures given me by the Bureau of Markets of the Department of Agriculture only a few days ago show that with respect to commodities generally the average prices have advanced from the standard of 100 between 1909 and 1913 to 151, while the prices of farm products generally have advanced only to 132. That is to say, while farm prices have risen on an average 32 per cent, the prices of commodities generally have gone up 51 per cent. So, Mr. President, the same quantity of agricultural products which in 1909 to 1913 would buy $100 worth of other goods will now buy but $86 worth of those goods.

It was really begging the question for the distinguished Senator from Utah [Mr. SMOOT] the other day to discuss the question of the purchasing power of the farmer's dollar, saying that the farmer's dollar had exactly the same value as any other dollar. Of course, literally, that is true; but the expression very tersely indicates the idea now generally understood, that the farmer is operating under a disadvantage of at least 14 per cent as against other industries in this country—a disadvantage so oppressive as that any industry which labors under it must suffer from the severest depression, if, indeed, it is not headed for bankruptcy. It presents a problem of so serious a nature that it has always been a matter of astonishment to me that those Representatives who come from the industrial section of the country exhibit so much indifference with respect to it.

It is retorted, however, that the farmer is protected by duties upon most, or at least many, of his products. Even the item of wheat is referred to in this connection, and the farmer is told that he has a tariff of 42 per cent upon the production of wheat. The distinguished Senator from Indiana [Mr. WATSON], in the course of his remarks on Tuesday, quite frankly admitted that with respect to any of these agricultural products, of which we produce a surplus, which must find a foreign market, the tariff is almost altogether entirely ineffective.

Indeed, Mr. President, that principle is the basis of the so-called McNary-Haugen bill. If the tariff upon agricultural products, and particularly on wheat, were effective, there would be no occasion for the relief which it is sought to secure by that legislation. By consulting the reports upon that measure in both branches of the Congress it will be found that it is there stated that to a large extent the tariff upon agricultural products is ineffective, and that gives occasion for the legislation.

My esteemed friend the Senator from Iowa [Mr. BROOKHART], in the course of some remarks a few days ago, told us that the Canadian farmer is now getting for his wheat 25 cents a bushel more than the American farmer receives, or thereabouts, notwithstanding the tariff. I do not find the statement to be supported by the figures given me by the Department of Agriculture, but it is true that the tariff upon wheat is, as shown by a comparison of the prices in Winnipeg and Minneapolis, without any value whatever to the farmer. I find, for instance, that during the months of September, October, and November, during which the very largest proportion of the wheat produced in the Northwest finds the market, the price was practically the same in both of these markets. There has been a little spread in the month of December, but of no very great consequence. For instance, the average price of No. 1 hard dark northern spring in the month of September was $1.44 in Minneapolis. In Winnipeg the same No. 1 hard dark northern spring was $1.45. During the month of October the No. 1 hard dark northern spring was $1.45 in Minneapolis, and in Winnipeg it was $1.44. During the month of November the average price of No. 1 hard dark northern in Minneapolis was $1.43, and in Winnipeg it was $1.45. In the month of December the average price of No. 1 hard dark northern spring in Minneapolis was $1.48, and in the month of December in Winnipeg the average price was $1.40.

That was not only the condition during the season just passed, during the year 1927, but the prices were practically the same during the preceding year, 1926; and on the day on which the Senator spoke, the 13th, the spread between Minneapolis and Winnipeg was a matter of 6 cents, the price in Minneapolis being $1.43 and in Winnipeg $1.49.

Mr. BROOKHART. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH of Montana. I yield.

Mr. BROOKHART. My quotations were taken from the daily quotations in the Chicago Tribune, which showed that on September 8 No. 1 northern in Minneapolis was $1.33 to $1.38, and in Winnipeg $1.52⅜, a spread of 14⅜ cents. On November 16 the same grade is reported in the Chicago Tribune as selling for $1.24 to $1.30 in Minneapolis, and for $1.50⅞ at Winnipeg, making a spread of 20 cents. In the meantime the Canadian Railway Commission, on the 12th of September, had lowered the freight rates on wheat to the seaboard points. So I think when we get it figured out on the actual grades, wheat was a little higher at Winnipeg than at Minneapolis, taking the same grade.

Mr. WALSH of Montana. The Senator from Iowa and I will no doubt agree, at least, that so far as the marketing of the great bulk of the wheat raised in the Northwest is concerned, the tariff is utterly ineffective.

Mr. BROOKHART. We agree absolutely on that proposition.

Mr. WALSH of Montana. So the retort that the farmer is protected by a tariff on his products as well as the manufacturer has very, very little force.

Those who were here when the tariff bill of 1922 was under consideration will recall very well that both Senator Penrose, who had it in charge in the early stages, and Senator McCumber, who took charge of it later on, declared that the conditions at that time were so variable in character, changing with the changing of the hours, that it was next to impossible, if it was not entirely impossible, to arrive at any rate which could be really justified. They said that a rate which would be entirely adequate to-day, by reason of the changing conditions, would be found entirely too high to-morrow, and that a rate which was adequate to-day would be found entirely inadequate to-morrow, by reason of the change in conditions through which we were going at that time.

Mr. BORAH. Mr. President, the Senator will recall, doubtless, that during the pendency of the bill changes of rates were

brought in by the committee, based upon the fact that changes had taken place in the economic world within a few days which necessitated changes in rates.

Mr. WALSH of Montana. Quite so. So that these gentlemen, in the presentation of this bill to the Senate, frankly admitted that with respect to many of these schedules the rates were placed so high as to meet any conditions that might arise, and then they inserted the so-called flexible provisions of the bill, in order that the excesses might be corrected, or, if inadequacy should be shown, that the rates might be raised.

Particularly at that time, it will be recalled, the German mark had fallen in value so that the payments to German laborers in marks had fallen to the very lowest possible limit; and it was represented that because the Germans were able to get labor at so low a figure, due to the depreciation of the mark, American manufacturers were likely to be driven entirely out of business by the competition likely to ensue from Germany; and there was very much force in the argument. But, of course, since that time things have undergone all manner of change, not only in Germany but in all the countries of Europe where the monetary systems have been stabilized, and some of them have gone to the gold standard. It is because of these conditions that there is a demand quite general throughout the country, reflected in the resolution which is now under consideration, for a revision of these schedules. Anyone who will attempt to recall the conditions under which this law came into effect will, I believe, be surprised that five years have gone by—almost six years—without the change which it was expected would be effected in these schedules within a very brief time after the law came into force.

What is the answer that is made to this demand for a revision of these schedules that were adopted under those conditions? It is suggested that somebody wants to destroy the whole protective system; that the American farmers' American market is to be entirely surrendered, as though it were proposed by anybody to wipe out all customs duties entirely, protective or otherwise, and go on an absolute basis of entire free trade. That is a perfect evasion of the question as to whether the time has not come when many of these schedules ought to be revised, in view of the changed conditions which have ensued.

Not a little has been said thus far, Mr. President, about the duties upon aluminum. Having given some little consideration to that particular item, not only when the tariff bill of 1922 was under consideration but since then, I feel that I might be able to shed a little light upon the advisability of an immediate revision at least in that particular schedule.

The duty on crude aluminum ingots or pigs was raised from 2 cents, as it was under the Underwood-Simmons law, to 5 cents, and upon sheets and coils from 3½ cents to 9 cents. Let us see what was the operation of that change in the law.

The Federal Trade Commission having given to this subject a very careful study, tells us as follows. I read now from page 89 of the report of the Federal Trade Commission on the house-furnishing industry, submitted to the Senate in the year 1925:

> The efforts of the Aluminum Co. of America, which were not opposed by the consumers of aluminum ingot and sheet, resulted in an increase in the duty on ingots from 2 cents to 5 cents per pound, and on "coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares, from 3½ cents to 9 cents per pound." The act went into effect September 22, 1922. The Aluminum Co. of America increased its price of ingots on September 26, 1922, from 20 cents to 22 cents per pound, and on November 1, 1922, the price was again increased to 23 cents per pound. Thus, in a little over one month after the tariff went into effect, the entire increase in duties on ingot aluminum was reflected in the price to the consumer. The price of sheet aluminum was also increased on September 26, 1922, and November 22, 1922, aggregating 3 cents per pound against 5½ cents per pound increase in the tariff duties.

There was an increase of 3 cents per pound upon ingots or pigs.

I wonder if there is any conception among the Members of the Senate as to just exactly what that increase in price of 3 cents per pound on aluminum meant to American consumers? Since that time the consumption of aluminum has increased very largely. Every manufacturer of household utensils, and particularly every manufacturer of automobile bodies, was called upon to pay 3 cents a pound more for his aluminum on account of this duty as here disclosed.

I have caused a computation to be made and I find that since that time that increase has cost the American people, assuming the increase to be 3 cents per pound, not less than $800,000, and the duty upon sheets and coils unquestionably was at least a million dollars. All this goes to the Aluminum Co. of America, the only producer of crude aluminum in this country. Every dollar of it goes to that company, a gift to the company.

That company is also engaged, or at least one of its subsidiaries, the Aluminum Manufactures Co., in the production of household utensils manufactured from aluminum, upon which, as we were told by the Senator from South Dakota [Mr. McMASTER], there is a duty of 11 cents per pound and 55 per cent ad valorem. I have no doubt at all that it realized from that source as much as it did from the other two sources combined. So that this has amounted to a gift to the Aluminum Co. of America, of which Andrew W. Mellon, the Secretary of the Treasury, is the controlling figure, of not less than $3,000,000 to $5,000,000. And for what?

The Senator from South Dakota [Mr. McMASTER] has told us that no evidence of any kind was submitted to the committee of either House justifying any increase in the duty on aluminum.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH of Montana. I yield.

Mr. BRUCE. May I interrupt the Senator to inquire if he does not think that that fact furnishes a very excellent reason why the power to fix import duties should be lodged in a tariff commission, subject to the approval of Congress in each instance? In that event there would be testimony. The commission would have at its disposal a corps of trained experts, to begin with, and it would be a part of its duty to take the fullest testimony with reference to the expediency of any particular tariff duty. Then, after it had fixed the duty, the duty would be subject to the approval or disapproval of Congress. In other words, the duty would be reported to Congress and unless Congress disallowed it within some fixed time it would automatically go into effect.

I am curious to know how the Senator feels about this proposition, because he has had great experience in relation to the tariff and the enactment of tariff laws. It seems to me that it might lead up to an ideal state of affairs. The organization of such a commission would be followed by the fullest opportunities for taking testimony in regard to tariff duties. The public is in no position to know whether a duty is excessive or not. Possibly we can not hope for a tariff system administered by a tariff commission, closely similar in point of organization and otherwise, to the Interstate Commerce Commission. But I will say to the Senator that the special tariff investigating committee which was appointed by this body is about to report, and so far as the trend of the members of the commission, both Democratic and Republican, has become evident, it has, I should say, been in the direction of such a commission.

Mr. WALSH of Montana. I do not like to be diverted from the course of the argument I am making to discuss with the Senator now the question of the advisability of a tariff commission having power to fix rates subject to revision by Congress.

Mr. BRUCE. My interruption was rather untimely, I admit.

Mr. WALSH of Montana. That subject is one which has been debated over and over again in the Congress of the United States. Something like 20 years ago the ideas of the Senator from Maryland were elaborately discussed and many eminent statesmen and economists advocated the idea now advanced by the Senator. It never, however, had the approval of the leaders of either political party in either House of Congress. The present Tariff Commission, however, is authorized to go almost as far as the Senator has suggested. That commission is supposed to be equipped with experts. It is supposed to study every schedule in the act. It is supposed to accumulate all possible information with respect to matters. When we had the bill of 1922 under consideration it gave us such information as it could command with respect to practically every item in the bill, and with respect to most of them the Congress of the United States paid no attention whatever to the recommendations of the commission.

Mr. BRUCE. Of course, the Senator is aware of the fact that the commission as at present organized simply reports the results of investigations to the President, and, as I conceive it, the President is the very last person in our entire political organization who should have anything to do with the tariff.

Mr. WALSH of Montana. I agree quite fully with the Senator.

Mr. BRUCE. Then again I imagine undoubtedly a good deal of this opposition to the Tariff Commission is due to the fact that, of course, there are some selfish considerations by a considerable part of the Republican Party that it should be merely a continuation of the old system of fixing tariff duties, because we all know that one of the effects of the Tariff Commission is

very considerably to increase the capacity of very wealthy Republicans to make handsome contributions to the Republican funds from time to time as such contributions are needed.

Mr. WALSH of Montana. I may say to the Senator from Maryland that when the tariff bill of 1913 was under consideration I made a very determined but vain effort to induce my colleagues to put in a provision for the appointment of a tariff commission. I failed, but it was only three years afterwards when the present commission was created. That it has not met the expectations of most of us need not be elaborated.

Mr. BRUCE. I think it is of very little use as organized at present. All the revisions have been upward and none downward, and the commission finds it very difficult, no matter how honorable its motives may be, to resist the personal views of the President in regard to fixing the tariff rates. I think the flexible provisions of the tariff law should be repealed, and I think the President ought to be completely eliminated from any connection at all with the fixing of tariff duties. I am obliged to the Senator for recording that fact to which he has just referred.

Mr. WALSH of Montana. I was endeavoring to call the attention of the Senate, when the interruption occurred, to what there was before the committees of the Congress upon which the rate was fixed. Mr. Davis, representing the Aluminum Co. of America, came before the House Committee on Ways and Means and said to them:

> We are asking a tariff only to compensate for the difference in the cost of manufacture between Europe and this country, and that on pre-war or normal conditions. It is impossible to say what the actual condition is under these abnormal conditions, but under pre-war conditions we estimate that the difference in the cost of manufacture is about 7 cents per pound, which was the duty that we had under the Payne-Aldrich Act.

That is to say, in the year 1922 the same rate was asked as was given by the act of 1909, the investment in the industry meanwhile not being taken into consideration at all. He frankly stated that they had not any basis upon which the fact could be determined.

But, Mr. President, it will be observed that while a tariff was asked equal to the difference in the cost of production at home and abroad, no figures whatever were given as to what it cost to produce this article either in this country or abroad; at least no information was given to the Congress upon the subject. We find, however, in a bulletin gotten out by the Tariff Commission that they did have before that body some evidence from the Aluminum Co. of America of the cost of producing their product here. I read from page 41 of the Tariff Information Surveys on the articles in paragraph 143 of the tariff act of 1913, speaking of the cost of the manufacture of aluminum:

> Detailed cost figures for 1917 covering the making of aluminum from the mining of the ore to the remelted ingot are in the confidential files of the Tariff Commission. These figures were submitted by the Aluminum Co. of America to the committee on raw materials, Council of National Defense. In the tariff hearings before the Committee on Ways and Means of the House of Representatives, prior to the act of 1913, a brief submitted by Julius Hess & Co., of Chicago, gave the cost of 1 pound of aluminum metal at 12 cents in the United States and 6 cents in Germany at that time.

The current price of aluminum is 27 cents. It has been held at that figure, although it was but 22 cents at the time the present act was passed. It has practically remained at the figure of 27 cents since that time. I can furnish the Senate with some information concerning the cost of producing aluminum.

If Senators will turn to page 4387 of the CONGRESSIONAL RECORD, volume 67, part 4, of the Sixty-ninth Congress, they will find there inserted an article from the Mining Journal of January 30, 1926, written by Robert J. Anderson, of Cleveland, Ohio, bachelor of science, metallurgical engineer, and doctor of science. The article discloses that the writer is thoroughly familiar with this particular subject. He tells us—and I read from page 4387:

> Calculations for the production cost of aluminum have been made many times by those competent in the business. Thus Debar gives the cost for German practice as about 16 cents per pound, including interest and investment and amortization of plant. Clacker, of the British Aluminum Co. (Ltd.), has quoted the figure of 12 cents, Collet has given 8.6 cents for Norwegian practice, Nissen has given 12 cents for European practice in general, and Lodin has quoted 11 cents per pound. Calculations by the writer for American practice show 13 + cents, which is amply high.

It costs 13 cents a pound to produce aluminum in this country and the current price of that article is 27 cents. When it was 22 cents per pound and it cost 13 cents a pound to produce it, Congress then added a duty of 3 cents more per pound, without any justification whatever, as I have attempted to show.

Mr. President, I challenge any Senator upon this floor to stand here and attempt to make a justification of these rates. They are nothing more than a pure gift to the Aluminum Co. of America of anywhere from three to five million dollars a year. Senators will bear in mind also that that company is the sole producer of aluminum in America—a perfectly ironbound, copper-riveted monopoly.

Then, another thing, Mr. President. It is not pretended that there is any other element in the cost of producing these articles making the cost in this country greater than it is abroad except the labor cost. Here are the ingots or pigs upon which there is a duty of 5 cents per pound. Those pigs are rolled into sheets; they are simply passed through a rolling mill and come out in sheets instead of in the shape of pigs or ingots. I undertake to say—and I challenge anybody to demonstrate to the contrary—that it does not cost all together 4 cents per pound to roll the ingots of aluminum into sheets, not to speak about the difference in the cost of doing that work in this country and abroad.

Of course, if there were any mills in this country that were engaged in the production of sheets out of ingots they would be entitled to a compensatory duty equal to 5 cents a pound; and then they would have an additional duty of 4 cents on top of that simply for rolling the ingots into sheets.

Mr. President, how can a thing like that be justified? I should think that gentlemen here who are attached to the principle of protection, who believe that it is a sound policy, who insist that it ought to be preserved, would hasten to remove these excrescences from the tariff law.

However, Mr. President, whatever may be the cost of rolling ingots into sheets, what part of that entire cost must be attributed to the labor that is employed in it? As a general rule, upon manufactures of this kind the entire labor cost rarely exceeds 20 per cent, and the difference between the cost of labor in this country and abroad can be only a small fraction of that 20 per cent.

Mr. President, I said to the Senator from Maryland [Mr. BRUCE] that, notwithstanding the fact that the Tariff Commission had furnished us with all manner of information upon these subjects when we had the tariff bill under consideration, the necessary deductions from the facts they gave us were entirely disregarded in fixing these rates. In the case of most articles the entire labor cost was given and the rate fixed often exceeded the entire labor cost, not to speak about the difference between the cost of production in this country and abroad.

At the time this matter was under consideration the Chicago Tribune, one of the great Republican newspapers of the country, called attention to the injustice and the wrong and the oppression of this particular schedule, and then stated that it was altogether likely that similar injustices could be found in many of the schedules in the bill. Anyone who knows anything about the course of the passage of that act can not doubt that that is the case.

Mr. President, I insist that the revision called for by the pending resolution ought to have taken place years ago; and I think it is occasion for wonder that the Representatives from the sections of the country which have suffered so seriously and been so seriously oppressed by these heavy rates have not long ere this asked for a revision, as is contemplated by the resolution under consideration.

Mr. BORAH. Mr. President, I can neither vote for nor against the pending resolution and thereby express my view as to the situation, which fact seems to necessitate a word from me more in the nature of an explanation of my vote than an attempt to discuss the subject itself.

I voted against the present tariff law at the time of its passage. I voted against it for two reasons. I thought, in the first place, that there were a number of the schedules which could not be defended upon what I conceived to be the proper theory of protective duties. It is my view that when an honest, thorough investigation is made to ascertain the difference between the cost of producing an article in this country and the cost of producing it abroad, the correct theory of a protective tariff is that the duty should express that difference. It seemed to me that a number of the duties in the bill were far in excess of that rule. I quite agree with the statement made by the Senator who has just taken his seat [Mr. WALSH of Montana] that it is quite as much the duty of those who believe in the protective system to guard against those mistakes as it is the duty of those who are entirely opposed to the system.

Naturally, therefore, Mr. President, having voted against the bill because of what I conceived to be errors in it in that

respect, I am sympathetic with the resolution which would urge a revision of the present tariff law, and, in so far as the resolution urges a revision or expresses the desire for a revision, it has my sympathy. I do not want, however, to vote for a resolution which would commit me to what might be called the doctrine of a horizontal downward revision. I am particularly opposed to that, in view of the situation which the agricultural interests occupy under the present tariff law or under any tariff law which might be enacted.

My second objection to the present tariff law was and is because of what is known as the flexible-tariff provisions of the law. If those provisions of the present tariff law are not in contravention to the Constitution of the United States, then I have studied that instrument and our whole theory of government in vain. I think it is a wrong principle. If there was anything about which our fathers were primarily concerned, it was to keep wide apart the sword and the purse and not permit them to be in any sense under the control of the same individual. We have gone a long way, Mr. President, toward giving to the Commander in Chief of the Army and Navy of the United States the power to control the revenues of the Government. It is not a conclusive step, but it is an important step; and, in so far as it is a step at all, it is a vicious one. I feel that the President, the chief executive officer of the Government, regardless of who he may be or what party he may represent, should have no power or authority with reference to fixing tariff duties upon imported articles, save such as is given him in his authority to sign or veto measures passed by the Congress.

If we can give to the President of the United States the power to increase or decrease rates of duty to the extent of 50 per cent, we can give him the power by the same authority to increase or decrease them 100 per cent, and we can place in the hands of the Chief Executive what, in my judgment, is a sufficient control of the revenues of the Nation to make that control effective as to the amount of revenue which shall be collected.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BORAH. Certainly.

Mr. CARAWAY. If the President may change the rates of tariff duty, he may likewise change the rates of taxation on incomes or anything of that kind, may he not?

Mr. BORAH. I should think that the same authority, if it could be found anywhere in the Constitution, which would authorize him to do the one could authorize him to do the other.

It is true, Mr. President, that the Supreme Court of the United States in what is known as the Field case went a long distance in justifying the delegation of what seems to me legislative power; it certainly went further than most members of the profession anticipated it would go before the decision had been rendered; but in that case the court clearly intimated it had gone the full distance. In this matter, however, we have gone an arrow's flight beyond the point which was held constitutional by the Supreme Court in the Field case. It is not only wrong as a constitutional principle, but it is undesirable in practice. I shall not detain the Senate by a discussion of the present Tariff Commission and the present flexible provisions of the tariff act as reflected in the work of the Tariff Commission, but I would deem it of great advantage if the Finance Committee would bring in a bill at this session to permit us to repeal the flexible provisions of the present tariff act. I should like to remove it from the law and once and for all discard the theory which gave it a place in our revenue laws. I know that there are members of that committee who have had in contemplation doing that thing, and I trust they will permit us to go at least that far in remedying what I think is a very bad provision of the law.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question in that connection?

Mr. BORAH. I yield.

Mr. REED of Pennsylvania. I have always felt—this will be a question, not a speech—that the flexible tariff provision as it stands imposed too heavy a burden upon the Executive as a practical matter. Of course, the Senator remembers that the power is delegated subject to strict limits. The President may only make the tariff rate conform to the difference in cost of production here and in the principal competing countries. Would the Senator favor the delegation of that power to some commission in the nature of the Interstate Commerce Commission? That is, would the Senator favor taking the power from the President and conferring it on some semijudicial, semilegislative body?

Mr. BORAH. Mr. President, I should not want to conclude myself at this time by an answer to that question. Before my experience with the present Tariff Commission I have always been sympathetic with the view which the Senator indicates; and it might be possible that such a law could be framed that I would be willing to experiment with it. I have come to the conclusion, however, after observing the working of the present Tariff Commission, that, slow as the Congress of the United States is, and inefficient as it is in dealing with details of this kind, Congress could meet and pass a tariff law and discharge all its other business covering an entire session and adjourn more speedily than the present Tariff Commission could pass upon one item of that law. Some two years ago there was a petition filed with the present Tariff Commission to revise the tariff on onions, and they have just now got to a notice of hearing.

I perhaps should not discuss the matter further at this time. I want to reserve a conclusive answer to the Senator's question.

Mr. President, I have no desire by any vote of mine here to indicate antagonism to what I conceive to be a wise protective tariff policy. I have no desire to indicate that it is my purpose at any time to take from the manufacturing interests of our country that which they are really entitled to under the rule which I stated a few moments ago. I would not break down the American market as I conceive it would be broken down by reducing the duties below what it costs to produce in this country and abroad. It is extremely important, however, that we shall not abuse that principle; and it seems to me that in view of the conditions under which this tariff law was framed, and in view of some of the facts which we now possess with reference to some of the schedules, a revision of these duties would not only be the just thing to do but the wise thing to do so far as the protective policy would be involved. What I am most concerned about, however, is preserving the market which is built up under the protective policy exclusively for the farm products of the United States in so far as the farmer of the United States is prepared to furnish them. I regard this as the most vital thing in the whole tariff question at the present time.

Heretofore, and until within very recent years, the protective policy has not been of any direct benefit to the American producer. When I say "direct benefit," I mean that the levying of a duty upon products which we were exporting was of no direct benefit to the producer of those articles. Of course, there has always been a contention, and I sympathize with that view, that notwithstanding that fact there has been an indirect benefit to the American farmer by reason of the fact that we were building up, close to home, a permanent, strong market for his products.

I do not regard that as what I term the direct benefit, but as the indirect benefit. No one has stated that indirect benefit better than Mr. Clay many years ago; and I pause long enough to read a paragraph from perhaps his most noted speech upon this subject. When Mr. Clay spoke we were exporters, and very large exporters, of practically all farm or food products. Nevertheless, he said:

> Under the operation of the American system the products of our agriculture command a higher price than they would do without it, by the creation of a home market, and by the augmentation of wealth produced by manufacturing industry, which enlarges our powers of consumption both of domestic and foreign articles. The importance of the home market is among the established maxims which are universally recognized by all writers and all men. However, some may differ as to the relative advantages of the foreign and the home market, none deny to the latter great value and high consideration. It is nearer to us; beyond the control of foreign legislation and undisturbed by those vicissitudes to which all international intercourse is more or less exposed. The most stupid are sensible of the benefit of a residence in the vicinity of a large manufactory, or of a market town, of a good road, or of a navigable stream, which connects their farms with some great capital. If the pursuits of all men were perfectly the same, although they would be in possession of the greatest abundance of the particular produce of their industry, they might at the same time be in extreme want of other necessary articles of human subsistence. The uniformity of the general occupation would preclude all exchanges, all commerce. It is only in the diversity of the vocations of the members of a community that the means can be found for those salutary exchanges which conduce to the general prosperity. And the greater that diversity, the more expensive and the more animating is the circle of exchange. Even if foreign markets were freely and widely open to the reception of our agricultural produce, from its bulky nature and the distance of the interior and the dangers of the ocean, large portions of it could never profitably reach the foreign market. But let us quit this field of theory, clear as it is, and look at the practical operations of the system of protection, beginning with the most valuable staple of our agriculture.

That states the view of the protectionist with reference to agricultural interests as it has obtained and as it has been the doctrine of the Republican Party from its organization and of

the Whig Party prior to its organization. The time is now approaching, however—indeed, it is already here—when the American farmer is receiving and is to receive still more direct benefit from the duties which may be levied upon farm products. The great question is to assure him that benefit. His loyalty to the protective system has earned it, and fidelity to his interest will see that he gets what he has earned in helping to build up this policy.

It is true that in the case of wheat and cotton and hogs we are still exporters; and the direct benefit there does not arise, although I am going to discuss the wheat question with reference to that briefly in a moment. With reference, however, to a vast number of products, all of which enter into and make possible the prosperity of the American farmer, we have now reached a time when we are importing a large amount of farm products which the American farmer is perfectly prepared to supply to the American market.

During the last three years on an average we have imported into this country over $2,500,000,000 worth of food products which the American farmer is perfectly capable of supplying. I have a list of these products which I may ask to have printed; but, in sum total, they constitute a very large portion of the products of the American farm.

We produce in this country, it is estimated, something like 4,000,000,000 pounds of animal, fish, and vegetable fats, and something like 1,600,000,000 pounds of butterfats. Of course this is an exceedingly important item in the farmer's affairs; and that leaves us about 700,000,000 pounds for exports. Notwithstanding that fact, however, for the last three or four years we have been importing something like 300,000,000 pounds of fats—vegetable fats, but taking the place of those which we produce. There is a large class of business interests in the United States who are interested in securing the importation of these articles. The supply comes from the Asiatic countries, and the amount of the supply is incalculable. The extent to which the vegetable fats could be introduced into this country can only be estimated; but it would absolutely destroy, in my opinion, the home market for the home producer.

According to a statement published in Annals, a very respectable authority, we exported in 1898 food products to the value of $589,988,742. In 1923–24, at a time when the American farmer was hunting for markets, and when he was in that distress which has called for legislation, we imported $150,000,000 worth of farm products in excess of the exports, covering these items to which I shall refer.

Thus, Mr. President, we have reached a time when the most vital concern of the farmer is to preserve the American market for his products. The present tariff act does not do so. I am not undertaking now to assess the blame. The eastern representatives, as I understand, conceded the schedules prepared by those who represented the western area. I am not about to enter upon that dispute. I am only saying that under present conditions, and by reason of the rapid economic changes in the world's affairs, the present bill does not protect the American farmer. It is one of the items—and a very considerable one—in his present distress.

I sat in this Chamber 16 years ago and heard read from the desk a message from a Republican President advocating free trade for farm products and protection to American manufacturing interests. A few days thereafter I witnessed the leadership of the Republican Party turning to the support of the doctrine that we should have imports free which came in competition with the American farmer and protect the products of the manufacturing interests. It is sometimes said duties do not protect the farmer, but the time had arrived when it was thought otherwise.

I pause to read some of the reasons for this betrayal of what had been the doctrine of the party since its organization. Suffice it to say, by way of explanation of what I shall read, that the design and purpose was to reduce the price of farm products. The time had come when the tariff was a protection to the farm products, and, having arrived, the purpose was to open the markets of the United States to importations from all the agricultural regions of the earth, for Canada was only a beginning.

The President in his message said:

> Reciprocity with Canada must necessarily be chiefly confined in its effect on the cost of living to food and forest products. The question of the cost of clothing as affected by duty on textiles and their raw materials, so much mooted, is not within the scope of an agreement with Canada.

The only thing included in the agreement with Canada was that which the farmer produced. Our friends in the East, particularly throughout the New England States, were asking for permission to enter the Canadian market and supply their raw materials and the food with which to feed their employees, and at the same time were asking protection from the Government for their imports. It was the most pronounced, the most startling, and the most cruel surrender of a policy of a party which has ever taken place, to my knowledge, in the history of the United States. It was not only the surrender of a policy but it was the betrayal of a most loyal constituency.

Senator Root, of New York, said:

> Mr. President, there is no one here who believes that there is the least possibility that the people of the United States, until another revolution of sentiment has come, will permit the cost of their living to be increased by the imposition of a duty upon ordinary foodstuffs.
>
> I have never thought that the duties which were imposed upon farm products were of any real general benefit to the farmer.

Therefore he had always supported it.

> They have been quite indifferent, affecting only several localities here and there, so long as our production ran far ahead of our consumption. But with the increase of our cities as compared with our farming population, and the using up of our waste lands and the fencing in of old cattle ranges and the reduction of the productive power of our lands, we have about come to the point where the continuance of those duties, instead of being a matter of indifference to the people of the country, would result in putting up the cost of food.

What was proposed to be done in that instance by an open agreement is now being effectuated by the present tariff law. At the present time the products are being admitted into the market under a rule which is in violation of the principle of protection, while in this instance they were proposing an open agreement to that effect.

Here is the New England doctrine at that time:

> Massachusetts comes far from feeding itself. In consequence of our extremely small percentage of agricultural workers and the excess of population in proportion to available farm land, the State is mainly dependent on outside sources for its food supply. If, then, we are sure to buy from two-thirds to five-sixths of our food from producers at a distance; if by no possibility we can get whatever advantage might arise from relying on our own farmers to come anywhere near feeding us, no obligation prevents us from seeking to buy in the cheapest market available.
>
> Extension of Canadian reciprocity in the matter of manufacture is, in our belief, for the present out of the question.
>
> These will, at least, not be discouraged—

That is, the manufacturers—

> if we can make it possible for our people to buy their food in the cheapest market. If Canada chances to profit by supplying our needs to some small extent, so much the better both for Canada and for ourselves. But there is no reason why we should restrict our new purchases to Canada. If Mexico or Argentina or Australasia can help us out, let us turn to them as well.

This doctrine has never died away. Now I read from a statement made only a few days ago by one of the ablest and most highly respected leaders of Massachusetts:

> What harm would there be in taking in from Canada the products of the farm, the mines, the forests, and the fisheries? Reciprocity isn't new. It is a policy we have tried in part.
>
> We had a reciprocal trade treaty with Canada from 1854 to 1866 which covered the natural products, and it was abrogated directly after the Civil War for political and not for economic reasons. If that treaty could have been continued, manufacturers of the United States would not now be obliged to put branch factories all over Canada, and we could have played a great part in the development of that country to the north, rich in natural resources, virgin forests, the largest producer of nickel and asbestos, in fact, everything that would help to have built up and strengthened our own industries.

This doctrine was repeated a few nights ago.

Let me pause to say that if the protective policy is not to be regarded, treated, and applied as a great national system, building up our industries and avocations as a whole and furnishing scope for every bent and gift of the genius of man, then it is a subterfuge and a fraud, a special privilege, and an outrage, and should be destroyed.

I am therefore interested in this particular resolution. In so far as it expresses a purpose to secure a parity of rates between manufactured articles and farm products, it expresses a principle which is exceedingly vital at this time. It does more; it declares for a permanent policy with reference to agriculture.

At the present time, as I have stated, we are importing a large amount of food products. If I had my way about it, so long as the agricultural condition in this country continues anything as it is, I would devote the American market exclusively to the products of the American farmer as to those

products which the American farmer is capable of producing. It is true, Mr. President, that we are exporters of wheat—and that is one of the large items—but it should not mislead us into the belief that we are exporters of a large amount of other farm products of which we are now importers. It should not mislead us into the belief that as to a great number of these farm products we would receive a direct benefit from an increase of the tariff duties.

Let us look at wheat for a moment, and take a glance into the future. It is true that we are now exporting something like 250,000,000 bushels of wheat, but that large amount of exportation is brought about by conditions superimposed by the World War. In 1898 we were exporters of some 500,000,000 bushels of wheat. From 1900 to 1914 the exports went down until they amounted to about 100,000,000 bushels a year, one year dropping down below 50,000,000 bushels. It was estimated by people who had made a study of the subject of wheat that at the then rate of trend by 1918, had it not been for the World War, we would have been no longer exporters of wheat.

It must be borne in mind that Canada can at this time produce one-half of the export demand of the world in wheat. It must be borne in mind that Argentina can increase her acreage ten times what it is now. We know that Canada and Argentina can produce wheat cheaper than we can. In the first place, they have no immigration bar. They have their cheap labor. They have their new land. They have their lands yet unoccupied to be occupied in the future. I venture to believe that Canada and Argentina, under proper stimulus, can to-day supply the export demand of the world in wheat. They will not do it to-morrow, or the next day, or next year, but under the stimulus which is to come, in my opinion, they will soon be supplying a sufficient amount of wheat to satisfy that demand.

In addition to that, we have Uruguay, southern Brazil, to a limited extent western Europe, and we have Rumania, Australia, and New Zealand. We have, in addition to that, Mr. President, the fact that our agricultural interests are not the only agricultural interests which are in a distressed condition. I know of but one possible exception to the statement that throughout the entire world all governments are now interested in protecting their agricultural interests, in stimulating the production of agriculture, and we have to meet the future with the understanding that other governments are seeking to protect their agricultural interests and to build them up, as we are seeking to do.

In addition, there is Russia. Prior to the war Russia was exporting some 250,000,000 bushels of wheat. Since the World War she has exported very little—I think not to exceed thirty or forty million bushels of wheat.

Russia is coming back. There seem to be those who think that because we do not recognize Russia, that takes Russia off the face of the earth. Russia is there, occupying one-sixth of the earth's surface, with the greatest natural undeveloped resources in the world, with a people naturally industrious, home loving, and law-abiding. Give the Russian peasant the modern agricultural implements, as he is now buying them, and Russia will not only put her 250,000,000 bushels of wheat in the market but she will add to it, in all probability, a hundred or a hundred and fifty million bushels.

Mr. President, while we are now an exporter of wheat, and that matter is here for our consideration, we must understand that the time is rapidly approaching when the American market will in all probability be asking for wheat on the outside, and if there is anything that the western man ought to contend for, it is that there be embodied into this law as soon as it can be revised, and in all other laws, the fact that the agriculturists must stand upon a parity with the manufacturers of the United States.

One thing more, Mr. President, and I shall not detain the Senate longer. I said that the agricultural interests throughout the world were suffering from depression the same as our agriculture. It will be remembered that last summer the Premier of Great Britain visited Canada. He was frank as to the purpose of his visit. It was for the purpose of strengthening the ties of the British Empire, economically, politically, and, as he said, spiritually. He asked the Canadians to purchase their manufactured goods from Great Britain, and to purchase what agricultural or food products they did not produce themselves in the Tropics, within the British Empire; in other words, to trade within the British Empire, build up within the British Empire, and exclude the outside world as a matter of trade and economics, so far as practicable to do so.

I refer to that not for the purpose of criticism, or finding fault with the British Premier. He was doing what in my opinion any patriot will do with reference to his own country. I refer to it for the purpose of calling attention to the fact that we must face the future with the understanding that not only are other countries putting up tariff walls throughout the world, but every effort is being made to preserve the markets for themselves, to build them up among themselves, and to build up their industries and their economic strength within themselves rather than in the outside world.

Mr. Garvin, the great editor of the London Observer, states it in a paragraph. He says in his editorial of October 17:

> Thinkers of all parties in this country now know that what they need is a clear, economic policy for the Empire. Any method on which we can generally agree must be more useful in practice than any method on which we hopelessly differ. Imperial preference, as now applied on both sides, is of proved value to the mother country and capable of further but limited extension. * * * The empire is an endless treasure house of unlocked riches. There is nothing required for the sustenance and prosperity of man that it does not abundantly possess or could amply produce. * * * Our more recent investment in Anglo-Persian oil is turning out handsomely. The last few days have reminded us that the industry in Malaya, which provides half the rubber output of the world, was founded by a single individual, with the help of Kew Gardens. * * * A well-organized protectionist country will easily beat out of the field an ill-organized, free-imported country.

Many writers and students of ability have discussed this subject, how Europe is building up her economic life and its effect upon this country. I shall quote briefly from only two—Mr. Simonds, the noted correspondent, and Mr. Clark.

The action of the other nations is referred to, Mr. President, as an economic war against the United States. In a sense, that is an accurate statement; but I do not regard it as an economic war in the sense that it is being carried on for the purpose of punishing, or with the spirit of antipathy or a spirit of revenge. I regard it as an economic policy which they have thought to be in their interest—to build up their home industries, to supply those home industries with their own farm products, to live within themselves, and to have in the future contests that economic strength which they did not have in the last contest. It is not for us to criticize or complain. It is only for us to observe and shape our policy in the light of facts.

Mr. Simonds, in a statement under date of November 14, 1926, says:

> I venture to say that under all else in the present tendency toward combination between European people lies the very definite idea of the United States just as the passionate hatred of the United States is at the moment the dominating idea in the minds of millions of Europeans of many nationalities. * * * The fact remains that Europe is moving combination to a degree and in a fashion which would have seemed incredible three years ago, and that in my judgment, the driving force is not any new spirit of peace or any moral revolution, but a definite reaction to what it conceives to be the American menace.

Mr. Evans Clark, a student of European economic conditions, says:

> The new French tariff, which occupies the attention of Washington and Paris, is the symbol of a new alignment in world affairs. The possibility of a new Europe looms on the horizon; a Europe that is no longer primarily the market for the manufacturers of America, England, and Germany, but a great industrial complex on its own account bidding for its share of the trade of the world; a Europe whose groupings and alliances follow the line of economic rather than diplomatic or military advantage. * * * The economic entente of Germany, France, and Belgium is already an accomplished fact. Enemies 10 years ago, France and Germany have formed a working partnership in industry and trade that is sealed by a dozen different pacts and ties in Belgium with them with a powerful natural unit of production.

Again, in another article in the New York Times, he says:

> Europe has come back. Considering the chaos of even five years ago the achievement is notable. * * * Allowing for all reservations, for all doubt and uncertainties, it may be set down as established that Europe is stronger industrially to-day than it has ever been before. * * * Economics have succeeded diplomacy, and politics is Europe's chief public concern. * * * In the first place, the machinery is the most modern and efficiently operated in the world. New woolen and cotton and linen mills, new sugar plants, new iron and steel works, newly equipped mines and heavy machinery plants have sprung up on the ruins of the old. * * * Europe faces the world to-day re-equipped and with a capacity for production far in excess of pre-war days. Now, that she has it, what is she going to do with it? * * * The peace of Versailles may have stilled the guns of Europe, but it opened another conflict—a struggle between the nations for economic advantage such as has never been seen before. The immediate objects of conflict are the markets of the world, and its battle lines are further flung than Flanders' fields.

Whether it is a wise policy or an unwise policy, when we view the world as a whole, philosophers and theorists may discuss. As a practical fact it is here. As a practical policy it obtains throughout the world. I am interested in the tariff, therefore, as a means of building up and maintaining the home market in the United States and then dedicating that home market to the products of the American farmer. If we can give the home market to the American farmer as he is able to supply it and then protect him against exorbitant and unjust exactions in his effort to reach that market, we shall have gone far in solving the great farm problem.

Mr. SHIPSTEAD. Mr. President, I wish to make only a few observations upon the pending resolution. I am very glad the resolution was modified as it appears before us to-day.

I have been at all times a believer in the protection of American industry. I find that under the Underwood Tariff Act there was very little difference in the percentage of duties paid upon all of the imports as compared with those paid under the Fordney-McCumber Tariff Act, the one being a Democratic measure enacted by a Democratic Congress and the other a Republican measure enacted by a Republican Congress. I think it is therefore safe to assume that in general the entire country is on a nonpartisan basis so far as the system of protection is concerned. The controversy seems to revolve about the question of whether tariff protection shall be uniform, whether all industries shall enjoy the protection of the system, or whether there shall be a maladjustment of the schedule in the effectuation of the American system of protection.

I find the difference in percentages of duties paid under the Underwood tariff operating from 1914 to 1919 and the Fordney-McCumber tariff operating from 1921, when the emergency tariff act passed after the war became effective, up to and ending with the fiscal year 1926, to have been about 5 per cent of the duties paid upon all imports being imported under the two systems of tariff protection.

I desire now to submit a few observations upon the economic situation in the United States as it is now, so far as information is available, and as it has been since the passage of the emergency tariff act of 1921 and the Fordney-McCumber Act of 1922.

It is generally conceded that in this period of time we have had the greatest production of wealth that the United States has ever experienced. Never before in the history of the country has there been so much wealth produced as there has been since 1921. When we come to ascertain how this wealth has been distributed we get some very interesting information. I call attention to a statement made by the distinguished Senator from Utah [Mr. SMOOT] on January 9, last. In the course of his remarks he said:

> Unemployment is small as compared with 1921.

He was speaking in defense of the McCumber-Fordney tariff and its operation upon industries and the general welfare of the United States. What do the actual figures of the Government show about employment at the time of which the Senator from Utah was speaking, as compared with the year 1921? We find in a report of the Secretary of Commerce, in a periodical called Survey of Current Business, issued for February, 1927, that from 1920 to 1926 employment in the United States decreased 18 per cent. In other words, when the Senator from Utah said that employment is better now than it was in 1921 he contradicted the figures of the Department of Commerce which last February stated there were 18 per cent less people employed in 1926 than there were in 1920.

The Senator from Utah said the percentage of commercial failures was not as great in 1926 and 1927 as in 1914. I do not know what they were in 1914. When the Committee on Banking and Currency of the Senate conducted their hearings on the McFadden banking bill in 1926, Mr. Willis, who had been engaged by a group of bankers in the United States and given a large sum of money to be used for the purpose of investigating the banking situation and the commercial situation in the United States, made the statement that since 1920 we had had more business failures and more banks closing, with greater total assets wiped out, than ever before in the history of the United States. That statement was made based upon information gathered by a group of experts whom he had employed and set to work at the request of the group of bankers who wanted to get the information.

The Senator from Utah said that production has increased. That is true. He also said that wages had maintained a high level. What are the actual facts as revealed by the Government's own figures? In the same periodical issued by the Department of Commerce, Survey of Current Business, for February, 1927, it will be found stated that from 1920 to 1926 the total average monthly pay roll for the United States decreased 30 per cent. In other words, labor in the aggregate throughout the United States in 1926 was receiving 30 per cent less than it did in 1920. Never before in the history of the country had there been such a great production of wealth. What part did labor get out of it? According to the figures given labor got 30 per cent less than it did in 1920.

What did labor produce? The Bureau of Labor Statistics in its report for 1927 reported that the quantity of manufactured goods per man employed increased 34 per cent in the last seven years. That is to say, the average workingman in the mills and factories of to-day, under a system of mass production, is giving the employer a yearly production 34 per cent greater, turning out one-third more than he did seven years ago. Here we have a situation where the average man, according to the Bureau of Labor Statistics, working in the mills and factories is producing one-third more than he was producing seven years ago, and yet Secretary Hoover's statistics show that labor in the aggregate has been reduced in its average monthly pay roll 30 per cent from 1920 to 1926.

What share of this prosperity has the farmer received? At a time when the farmer was exporting a greater amount of agricultural products than he had ever done before in the history of the United States, with the exception of one or two years during the war period, the reports of the Department of Commerce and the Department of Agriculture showed that from 1920 to 1923, of the 18 major agricultural products, we averaged three times more in exports than we did before the war.

Mr. McLEAN. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER (Mr. BLAINE in the chair). Does the Senator from Minnesota yield to the Senator from Connecticut?

Mr. SHIPSTEAD. Certainly.

Mr. McLEAN. I was deeply interested in the Senator's statement with regard to the average wage paid to employees in the industrial activities of the country. The Senator will bear in mind that we are now discussing a resolution which calls for a reduction of tariff rates. Does he think that a reduction in tariff rates would be of benefit to those employees who in his opinion are now receiving less than they did five or six years ago?

Mr. SHIPSTEAD. The Senator evidently has not been listening to my remarks, because I am at the present time addressing my remarks to the statement of the Senator from Utah [Mr. SMOOT] upon the floor of the Senate when he was speaking of the universal prosperity that has been spreading over the country as the result of the operations of the McCumber-Fordney tariff bill.

Mr. McLEAN. But the Senator is addressing himself to the pending resolution, I assume.

Mr. SHIPSTEAD. My time is occupied upon the resolution. I shall come to the resolution after I shall have finished with the statement of the Senator from Utah.

Mr. McLEAN. I was wondering whether the figures which the Senator stated indicated to him that a reduction in the tariff rates applying to those industries where wages have been reduced, would enable the employers to pay higher wages?

Mr. SHIPSTEAD. I am calling the attention of the Senate to these figures to show that under the high tariff schedules in industry, which we were told had been enacted for the purpose of helping the American wage earner to get more out of the wealth which he helps to produce, that the Government's own figures show that the total average pay roll of the country had been reduced 30 per cent during its operations.

Mr. McLEAN. I think the Senator understands my question, but if he does not care to answer it that is for him to decide.

Mr. SHIPSTEAD. As a matter of fact, I did not understand it as a question but understood him to make a statement.

Mr. McLEAN. I put it in the form of a question. Does the Senator think that a reduction of tariff rates on these industries will put the employers in a position where they can deal more liberally with their employees?

Mr. SHIPSTEAD. My observation has been to the effect that the tariff has very little to do with wages, apparently, and that view is borne out by the reports of the Department of Commerce, and, of course, the fact is that wages have been reduced.

Mr. McLEAN. The Senator is in favor of the adoption of this resolution which calls for a reduction in tariff rates for the purpose of helping some one, and I assume from the debate that preceded his remarks it was to help the farmer.

Mr. SHIPSTEAD. Before I have taken as much time as the Senator from Connecticut has upon this resolution I hope to make myself clear.

Mr. McLEAN. I hope the Senator will, though he has not done so up to now. I was asking the Senator a question. He has adverted to men employed in the factories, and has stated they are not getting what they ought to receive, in view of the profits that their employers have made.

Mr. SHIPSTEAD. I did not make any such statement, Mr. President. I object to the Senator from Connecticut assuming to make my speech for me.

Mr. McLEAN. The Senator says that the employees are not receiving as much as they formerly did.

The PRESIDING OFFICER. Does the Senator from Minnesota yield further to the Senator from Connecticut?

Mr. SHIPSTEAD. I do.

Mr. McLEAN. I am perfectly willing that the Senator from Minnesota should correct his statement. I do not want to misrepresent him, and the Senator knows that. Some employees are not receiving as much as they did. Does the Senator from Minnesota think that a cut in the tariff rates will be of any benefit to those employees?

Mr. SHIPSTEAD. I do not know. Let us find out.

Mr. McLEAN. I should find out, I think, before I voted for this resolution.

Mr. SHIPSTEAD. The increase of the rates in the tariff evidently did not increase the wages of the employees. It is evident that that increase in the tariff schedules reduced their wages.

Mr. McLEAN. There is no evidence of that.

Mr. SHIPSTEAD. I have just read from the report of the Department of Commerce.

Mr. McLEAN. That report does not state that any reduction in the wages of employees is due to the tariff.

Mr. SHIPSTEAD. I did not say the tariff reduced the wages of individual wage earners. I simply stated the figures of the Department of Commerce show that the total average pay roll had been reduced by 30 per cent in six years. If the Senator from Connecticut finds fault with that statement, he can not quarrel with me, but he must go to the Secretary of the Department of Commerce, who gave out that statement last February.

Mr. McLEAN. I am not finding fault with the Senator's statement; I am trying to find out whether he believes that the adoption of this resolution will improve the situation. The resolution calls for a reduction in the tariff.

Mr. SHIPSTEAD. Has the Senator from Connecticut finished?

Mr. McLEAN. Yes; I have finished.

Mr. SHIPSTEAD. If the Senator has finished, I desire to go on with my remarks.

Mr. McLEAN. Apparently the Senator from Minnesota has also finished so far as his disposition to reply to my question is concerned.

Mr. SHIPSTEAD. The Senator from Connecticut, I am sure, will conscientiously admit that he is in a cantankerous mood this afternoon. [Laughter.]

Mr. FESS. Mr. President, will the Senator from Minnesota yield to me?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. SHIPSTEAD. I yield.

Mr. FESS. I understood the Senator to say that, according to the report from which he read, the sum totol of wages paid to employees is less, indicating that there was a lowering of wages.

Mr. SHIPSTEAD. Yes; that the total average pay roll had been reduced by 30 per cent, according to the report of the Department of Commerce.

Mr. FESS. I understand that 10 per cent fewer men were employed and that they produced 25 per cent more of products. That would be a reduction of the wages, not because there was a lowering but the ratio would be less through the efficiency of labor; that is, less labor, because of its efficiency, has produced more wealth. I think that is the statement of the Commerce Department.

Mr. SHIPSTEAD. As I read the report—and I have a copy of it here, or a transcript of what the department stated—the average laborer in the factory, as reported last February, is producing 34 per cent more of the finished products than he was producing seven years ago.

Mr. FESS. That is my understanding.

Mr. SHIPSTEAD. The employees are producing more. That is not only, in my opinion, due to the increased efficiency of labor but to the vastly greater use of new labor-saving machinery.

Mr. FESS. Yes; the Senator from Minnesota is right as to that.

Mr. SHIPSTEAD. There can be no quarrel upon that point. There are several factors which enter into this question, but the fact remains that the total pay roll has been reduced. Of that part of wealth that is being produced labor, as such, does not receive such a large percentage as it did in 1920.

Mr. FESS. I am wondering whether we draw the same conclusion. A less number of laborers produce a greater amount of wealth.

Mr. SHIPSTEAD. Yes.

Mr. FESS. Does that mean that the fewer number, although increasing production, are, as individuals, getting less than they previously did?

Mr. SHIPSTEAD. It means that a fewer number of employees are getting less than a 10 per cent greater number previously got.

Mr. FESS. Would that mean that the individual laborer is receiving less or all the laborers are receiving less in the aggregate?

Mr. SHIPSTEAD. I can not speak from knowledge.

Mr. FESS. That is the point to me.

Mr. DILL. Mr. President, will the Senator let me give an answer to the Senator's question?

Mr. SHIPSTEAD. In just a moment I will yield. For instance, last year on the iron range of Minnesota we mined and shipped out between one and two million tons of iron ore more than we did in 1921.

Mr. FESS. With the same number of workers?

Mr. SHIPSTEAD. No; with 6,000 men less employed.

Mr. FESS. That is the point.

Mr. SHIPSTEAD. The individual workers who produced that additional ore with machinery did not as individuals receive any higher wage, but I think it will be found that as individuals they received about the same wage. Labor on the range, of course, in the aggregate, as the result of there not being so many men employed, receive a great deal less.

In Detroit last week I was told that in the painting of automobiles, with a new device for spraying paint, one man can paint more automobiles than five or six men used to paint.

Mr. FESS. That is the Duco method.

Mr. SHIPSTEAD. Yes. The men engaged in that work used to get 60 or 70 cents an hour, and I understand the one man who now does the work that formerly used to be done by five or six men likewise receives from 60 to 70 cents an hour.

Mr. FESS. I have understood that they spray a car 11 times and do it as expeditiously as painting it once under the old method.

Mr. SHIPSTEAD. Yes. I now yield to the Senator from Washington.

Mr. DILL. Mr. President, I wish to call attention to the report of the Bureau of Labor Statistics, which shows that in the highly protected woolen mills wages have actually decreased, while the number of hours have increased. I mean by that that the average wage received by the individual worker was less in 1926 than it was in 1920 or 1924. I call this to the attention of Senators, because the defense and excuse, if not the reason, for maintaining the enormously high tariff rates on manufactured woolens is for the good of labor; but the records of the Bureau of Labor Statistics show that the average individual earnings of the laborers in the woolen mills was less in 1926 than it was in 1920 or 1924.

Mr. McLEAN. Is it the Senator's view that a reduction of the tariff would help the situation?

Mr. DILL. I think a reduction of the tariff would help to lower the cost of those products to the consumer.

Mr. McLEAN. That is not the question I asked.

Mr. DILL. Oh, well, the Senator asked me a question. Let me answer in my own way.

Mr. McLEAN. I should like to have an answer to the question which I asked.

Mr. DILL. It would not help the excessive dividends and profits of the woolen manufacturer.

Mr. McLEAN. They are not enjoying any such profits.

Mr. DILL. But it would help the farmer who is almost starving to death, because he has to pay such enormous prices for what he has to buy.

Mr. McLEAN. The Senator has read figures as to the wages of the employees of the woolen mills and he finds that they have been reduced.

Mr. DILL. Yes; and in the face of the high tariff given the manufacturers.

Mr. McLEAN. Is it the Senator's idea that a reduction of the tariff would enable the employers to pay higher wages?

Mr. DILL. Oh, no; I do not think the tariff has anything to do with the wages paid.

Mr. McLEAN. Then the Senator does not think that a reduction of the tariff on woolen goods would benefit the employees?

Mr. DILL. I do not think it would hurt the employers and I know it would benefit the great mass of the people who use woolen goods.

Mr. McLEAN. The Senator does not think it would hurt the employers?

Mr. DILL. No; because they have such enormous profits and dividends now.

Mr. McLEAN. They have not been enjoying profits for some time past.

Mr. DILL. I have not read the latest reports, but in recent years, since the last tariff bill was enacted into law, their profits have been very large.

Mr. McLEAN. I do not know where the Senator got his figures.

Mr. DILL. Perhaps in the last year their profits have not been so large, but my point is that the tariff does not bring the laborer better wages.

Mr. SHIPSTEAD. Mr. President, when I finish I will ask the Senator from Connecticut to explain where wages have been increased at all by the high tariff; and when I say that I say it as one who believes in the protective tariff.

Mr. McLEAN. I did not understand the Senator.

Mr. SHIPSTEAD. I say when I finish I shall give the Senator an opportunity, or the Senator will have the opportunity without my giving it to him, to explain how wages have been increased by the high tariff.

Mr. McLEAN. I am very much obliged to the Senator. It can easily be done.

Mr. SHIPSTEAD. Mr. President, what do the Government's own figures show has been the part of agriculture during the past six years while we have had this great era of prosperity about which so much has been said? The Department of Agriculture in one of its reports shows that during the six-year period my State has had a loss in income of $1,000,000,000. In the report of the subcommittee of the Senate Banking and Currency Committee for February 16 to February 24, 1926, inclusive, a table shows that from 1920 to 1925 3,500 banks in the United States, with total assets of $1,600,000,000, were closed and 95 per cent of those banks were conducting business in agricultural communities. The Department of Agriculture also shows in reports issued by it that the shrinkage in income to agriculture from 1919—I do not think that, perhaps, it is fair to take 1919, because that was a year when prices were high and there was inflation—but from 1920 to 1926 the report of the Department of Agriculture shows that the income from agricultural pursuits in the United States decreased 42 per cent. So we have from the Government's own figures a showing that during this period of time there was a decrease of income to agriculture of 42 per cent, and that the total average monthly pay roll for labor decreased 30 per cent, or a total of 72 per cent. What do the Government's own figures show has been the share which industry has been receiving during the same period? We have that from the Department of Commerce, also.

On page 126 of the February issue of the Summary of Current Business, Secretary Hoover has summarized the increase in value of industrial shares. Table 102, stock and bonds, shows that the average price in dollars per share for the 25 leading industrials on the New York Stock Exchange in 1922 was $98.50. In 1926 they averaged $165.70—a four-year increase of $67.12 per share, on the average. In other words, the value of industrial stocks increased 70 per cent, as compared to a decline in farm values of 35 per cent and farm income of 42 per cent, in seven years.

Here we have an economic situation—and I prefer to discuss these things from an economic rather than a political point of view—where we have produced more wealth than ever before in the history of the United States during a period of half a dozen years. We have produced more wealth upon the farm, we have produced more wealth in industry, and still the producers on the farm suffered a reduction in income of 42 per cent in the aggregate. The producers in the mills and the factories during the same period of time suffered a loss in the aggregate of 30 per cent in income, and the 25 leading industrial corporations, according to Mr. Hoover, had an increase in value of their shares of 70 per cent—just 2 per cent less than agriculture and labor lost.

I think that is a situation that demands the most earnest attention of every Member of Congress and every American citizen. It is a very astonishing condition. I am not going to say that this is all due to a high protective tariff. I would not make such a rash statement. I do not know to what extent it is affected by the tariff; but I think we ought to find out.

The distinguished Senator from Indiana [Mr. WATSON], who has at all times, so far as I know anything about his record, been a high protective-tariff defender, said the other day, "We have discovered that the tariff on agricultural products has not been effective."

Mr. McLEAN. Mr. President, if the Senator will permit me, the Senator from Iowa [Mr. BROOKHART] either yesterday or the day before stated to the Senate that he had given the subject very careful consideration and investigation, and had reached the conclusion that the tariff amounted, I think, to about 8 per cent of the difficulties now suffered by the agricultural interests of the country. It may have been 12 per cent; it was either 8 or 12 per cent, I think.

That was the result of his careful investigation. Of course, I could not agree with him even as to the 8 or 12 per cent. We can speculate as much as we please; but it is my impression that if we did not have prosperity in other sections of the country the condition of the farmer would be very much worse than it is now.

Mr. SHIPSTEAD. Of course, that is a matter of speculation and opinion, and everyone is entitled to his own opinion about it. I am merely calling the Senator's attention, as shown by the Department of Commerce, the Bureau of Labor Statistics, and the Department of Agriculture, to what has happened to agriculture, what has happened to labor, and what has been agriculture's share of this prosperity.

Mr. President, I may say that I find that a former distinguished Senator from Minnesota, Hon. Knute Nelson—far more distinguished than the Senator who has the honor of addressing the Senate to-day—was here when the Fordney-McCumber Tariff Act was passed. He said, among other things, in speaking of the tariff on agricultural products:

> I suppose it is to make a big showing for the farmer, to make him believe that he will get all the excess duty in one form or another, and to make it easy for him to swallow the high duties on manufactured goods.

He also said:

> It is evident, it seems to me, that the Senator from North Dakota [Mr. McCumber], in his zeal to put such an immense tariff on agricultural products, higher than we have ever had before, higher than there ever was any necessity for, has done so simply to oil the protection machine for the woolen schedule and some of the other schedules in the bill.

He said:

> I am very sorry that the committee have gone to such extremes as they have. I had hoped, Mr. President, that protection would not run mad as it has done.

Mr. McLEAN. Mr. President, but the Senator has reached the conclusion that the rates in the Fordney-McCumber bill were only 5 per cent higher than those in the Underwood bill.

Mr. SHIPSTEAD. That is, in the aggregate.

Mr. McLEAN. In the aggregate.

Mr. SHIPSTEAD. I do not mean to say that they were uniformly that throughout the two bills. My predecessor, the Senator from Minnesota, who was here at the time and whom I was quoting, said that they had gone mad. I take it that he meant on certain schedules, and not in the aggregate.

I do not care what kind of a price level you have in this country, whether you have an inflated one under an inflation of the credit structure and under the high protective tariff, or a low one, provided you have it uniform and maintain it at all times. Then every one is on an equal basis. Every one is on the same price level. But when you have a situation where the dollar of agriculture is down here and the dollar of the manufacturer is up there, you have a maladjustment that affects the distribution of wealth; and, as the Department of Commerce and the Bureau of Labor Statistics and the Department of Agriculture showed, when wealth is produced as it has been produced here in the past six years the distribution has been absolutely unjust to agriculture and to labor.

I want to refer again to what the Senator from Indiana [Mr. WATSON] said the other day when he said, "We have discovered now that the tariff on agricultural products is not effective."

In my opinion, if an investigation under this resolution should show that some of these schedules are entirely too high, they ought to be reduced. If some schedules are too low, they ought to be raised. If any schedule for agricultural products is to be effective—as the Senator from Indiana admitted and the Senator from Idaho [Mr. BORAH] this afternoon admitted that they are not, now—some way must be found to make these tariff schedules effective for agriculture.

I do not claim that this resolution embodies any complete remedy at all. I never claimed for the McNary-Haugen bill that it carried a complete and adequate remedy for agricultural relief; but it was at least an attempt to make the tariff effective, and I want to call the Senator's attention to the fact that while it might not have been as long a stride in the right direction as could be taken I fail to see where the Senator from Connecticut has pointed out a better way to go in finding a solution.

Now, Mr. President, I want to say a few words about something we have heard a great deal about, and that is the so-called sectional point of view.

We of the Northwest have been charged with having not a national point of view but a sectional point of view. The distinguished Senator from Connecticut this afternoon admitted that, so far as he was concerned—and I want to compliment him for his honesty in that—environment affected the point of view. I think it applies to all men. That is perfectly natural. They are all human. But we of the West in the last few years have been accused of being unduly sectional in our point of view, and the general impression seems to have been carried out in propaganda that that is peculiar to our section of the country.

Mr. McLEAN. Mr. President, the Senator will realize that, inasmuch as we have different points of view—and I think we have had expressed here in the Chamber at least three distinct schools of thought on the tariff question since this subject was brought up—we can not all be right; and it is very important that we should avoid adopting a wrong course in this matter. We can not all be right; we may all be wrong; but it seems to me very important that before we disturb the complex and colossal industries of this country by a revision of the tariff we ought to avoid the wrong course if possible.

Mr. SHIPSTEAD. Before we have a definite point of view, let us get some facts. That is what I am trying to give to the Senator.

Mr. McLEAN. I have not received any yet. I am frank to say that I have listened here for three days, and up to date I have not heard a single fact stated in this body that would warrant the adoption of the resolution under consideration.

Mr. SHIPSTEAD. The Senator some time ago asked some Senator here to have faith in his Government. I am simply giving him some figures from his Government.

Mr. McLEAN. If the Senator will pardon me, I will call his attention to one fact that was brought to the attention of the Senate yesterday by the Senator from New York [Mr. COPELAND].

His wife bought an aluminum utensil of some kind. She wanted to preserve some fruit. I think he called it a pot. She paid $4.55 for it. The Senator from New York, as a profound student of economics, told the Senate what tax she had to pay on that utensil. Eleven cents a pound on the raw material made 33 cents. He took a dollar off from the price she paid, $4.55, which resulted in $3.55. That, in his opinion, carried an ad valorem tariff of 55 per cent. That made a tax of $1.95. He added the 33 cents to the $1.95, and made a tax of $2.28 as the tax his wife had to pay on that utensil.

Mr. JOHNSON. How much was that, please?

Mr. McLEAN. Two dollars and twenty-eight cents.

Mr. President, it does seem to me that any man who undertakes to discuss the tariff question in this Chamber ought to be sufficiently considerate of his own reputation to avoid such a statement.

Mr. SHIPSTEAD. To whom is the Senator referring?

Mr. McLEAN. The Senator from New York [Mr. COPELAND]. I am sorry he is not in the Chamber.

Mr. SHIPSTEAD. If it is all the same, I will ask that the Senator be given an opportunity to answer the Senator from New York in his own time.

Mr. McLEAN. The Senator rather challenged my attempt to inform the Senate as to what fact had been introduced in support of the friends of this resolution.

Mr. McMASTER. Mr. President, if the Senator will yield a moment, I wish to say that if the distinguished Senator from Connecticut had remained in the Chamber when he knew that certain schedules were being discussed just a few moments ago, he would have had an ample opportunity to ask questions and to answer questions. Now, I should like to hear the distinguished Senator from Connecticut explain the aluminum schedules and defend those aluminum schedules.

Mr. McLEAN. I will say to the Senator that I have to consume agricultural products; I could not occupy a seat in this Chamber if I did not. I retired from the Chamber a few moments to partake of some pea soup. I do not know what the tariff is on peas; but that was the excuse for my absence from the Chamber. I have tried to be here all the time this matter has been under discussion.

Mr. SHIPSTEAD. Whatever the tariff is, the Senator from Indiana will inform the Senator that it has not any effect on agricultural products; so it does not make any difference what the tariff on pea soup is.

Mr. McLEAN. But I thought the Senator wanted the tariff raised on agricultural products.

Mr. SHIPSTEAD. I said we want it made effective.

Mr. McLEAN. I do not know whether it would be effective to raise the tariff on peas or not. Whatever the Senator wants to do, I am with him so far as agricultural products are concerned.

Mr. SHIPSTEAD. I thank the Senator for that.

Mr. McLEAN. To return to aluminum, of course, every Member of this body who knows anything about the subject understands that the ad valorem tariff would be imposed upon the foreign value of this utensil about which the Senator from New York spoke, which, as near as I can ascertain, would be less than $1 on the imported similar article.

So, if you take 55 per cent of $1, you will get the ad valorem duty on this article. The Senator from New York was only about 66⅔ per cent wrong. That is doing pretty well for anybody on the other side of the Chamber who undertakes to discuss the tariff question.

Mr. CARAWAY. Of course, wisdom and honesty both dwell on the Republican side.

Mr. HOWELL. Mr. President, the distinguished Senator from Connecticut has said that he is ready to raise the tariff rates upon agricultural products.

Mr. McLEAN. Yes.

Mr. HOWELL. How can we do it unless we get at tariff legislation?

Mr. McLEAN. We can not do it by lowering the rates on other articles.

Mr. HOWELL. Yes; but this resolution proposes to provide more nearly a parity for agricultural products. A parity can be secured by lowering the rates on nonagricultural products, or raising the rates on agricultural products, in the cases where it would be effective.

Mr. McLEAN. Yes.

Mr. HOWELL. How are we going to do this unless we get at the matter and act as this pending resolution suggests?

Mr. McLEAN. Go right to the Tariff Commission and ask for a 50 per cent raise. You have had it on two articles already. Go down and ask for a raise on the other product, the tariff on which you want increased. Do not come here and complain that you can not do anything until you try the remedy that is already in your hands.

Mr. HOWELL. Mr. President, blackstrap molasses, upon which there is a tariff of one-sixth of a cent a gallon, has put out of annual consumption in the production of alcohol about 50,000,000 bushels of corn in this country. Suppose you raise the tariff one-half of one-sixth of a cent. Would that aid in bringing about parity?

Mr. McLEAN. I do not know, but we tried to raise it when we revised the law in 1922, and the agricultural bloc insisted that they were using blackstrap molasses to put into cattle feed, and they would not stand for it. That is the reason why we did not give them an adequate rate on blackstrap molasses.

Mr. HOWELL. Did the Finance Committee investigate the uses of this molasses?

Mr. McLEAN. No. As to agricultural products we largely took the say-so of the gentlemen who represented the agricultural bloc, I will admit, and gave them all they asked for.

Mr. HOWELL. Mr. President, it is well recognized that blackstrap molasses, which was imported into this country last year to the extent of nearly 300,000,000 gallons, is used by distillers for the production of alcohol, and the distillers were interested in this rate and secured the low-tariff rate of one-sixth of 1 cent a gallon on this product.

It is a further fact that it takes 5.6 gallons of blackstrap molasses to equal one bushel of corn in the production of alcohol. In other words, on that basis there was less than one cent protection on a bushel of corn, and it put out of use 50,000,000 bushels annually in this country for the production of alcohol. It is true we produced about 2,700,000,000 bushels of corn last year, and only about 10 per cent of that goes into the market and is dealt in as cash corn, or about 270,000,000 bushels. But 50,000,000 bushels of corn taken out of that demand is of tremendous moment, and undoubtedly affected the price of corn in this country. If you will look at the price index number of corn you will find that for most of the time during the last six and a half years corn has brought about the same price as in 1913. It is one of the aims of the pending resolution to nonagricultural products have averaged 64 per cent higher than in 1913. It is one of the aims of the pending resolution to correct such tariff injustices to agriculture as this.

Mr. McLEAN. I have no controversy with any Senator who is advocating an increase in the tariff rates.

Mr. SHIPSTEAD. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. SHIPSTEAD. If I have the floor, I shall ask the Chair's protection that I may have a few minutes in order that I may conclude my remarks. I am very thankful for the information that has been furnished by the Senator from Nebraska and the Senator from Connecticut.

I want to return to the subject on which I started to make some observations a few minutes ago—that is, the charge that all in the Northwest are afflicted with what is looked upon as an undesirable complex, a local or sectional political point of view, because we have been charged with that, and I want to present some evidence to show that that disease, if it be a disease, is not peculiar to the Northwest.

I have here a manuscript sent out by an organization that calls itself the New England Council, which sent a questionnaire to the Members of Congress in the House and Senate from New England asking them what they could look for from Congress for New England this year. I have here the answer of the New England bloc to the New England Council. I find that one Member of Congress said, in answer to the questionnaire:

> I would say that the one thing in Congress to which New England should give special attention is the matter of so-called farm relief. Practically all the proposals seriously urged by the western farm organizations mean a higher price of food in the industrial communities of New England.

He was speaking, of course, of the McNary-Haugen bill in particular. He was opposed to it, because, he said, it would raise the price of food in the industrial sections.

Mr. McLEAN. Did I understand the Senator to say that the author of that article was in favor of the McNary-Haugen bill?

Mr. SHIPSTEAD. No; opposed to it.

Mr. McLEAN. As usual, coming from New England, he was a very sensible man.

Mr. SHIPSTEAD. He was looking out for New England; and when we try to do something for the Northwest we are accused of lacking in national point of view and being local-minded. I am simply bringing this to the attention of the Senate to show that if that is an undesirable complex it is not peculiar to the Northwest.

Here is the reply of another member of the New England bloc to the New England Council. He says:

> I think New England is interested in maintaining adequate customs duties and in the elimination of the estate tax.

I found that one member of the New England bloc expressed great concern about very many things. I quote from the reply of one. He said:

> There will be countless items in the appropriation bills that are important for particular New England communities, such as those having to do with river and harbor improvements, public buildings, navy yards, etc., but I think that you can count upon the representatives of the communities concerned to look after them and to enlist help from home should it prove necessary.

Nearly every one starts out with the statement that New England must be wide awake and look after its own interests. One man stated that it was very important that they should organize and cooperate. He said:

> With a little organized cooperation on the part of the various industries whose products are on the free list and of the commercial organizations of the regions affected, I believe that the Ways and Means Committee could be induced to take up this question—

Of raising tariff schedules.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. BINGHAM. The Senator has used several times the expression "the New England bloc."

Mr. SHIPSTEAD. Yes.

Mr. BINGHAM. Will the Senator explain what he means by that? That is a new idea to me. I had never heard that there was one. In fact, I have several times wished that there was one. The trouble with most people from New England is that they are all individuals and can not be forced into the confines of a bloc. Will the Senator be so good as to explain?

Mr. McMASTER. I will suggest to the distinguished Senator from Connecticut, if he wants to ascertain something about the New England bloc, that he examine practically every roll call in the Senate, it would not make any difference whether on the election of a page or on the adoption of a tariff system, an important thing or an insignificant thing, and he will find that all New England Senators are always voting alike, with very rare exceptions.

Mr. BINGHAM. I wish that were true, Mr. President.

Mr. SHIPSTEAD. I am sure the Senator from Connecticut will agree with me when I say that it is not necessary for the Senator to ask me about anything concerning New England, the part of the country that has been dedicated to the bean and the cod—

> Where the Lowells speak only to Cabots,
> And the Cabots speak only to God.

Here is the reply of another distinguished Member of Congress from New England, writing to the New England Council, which seems to be the central body. He said:

> A hostile feeling toward New England is more or less prevalent in Congress. For the past 50 years New England has played a most important part and secured many advantages.

I want to say that I admit that New England has played an important part, and in most respects every American is proud of New England. When we come to discuss the economic situation affecting the tariff, the condition of agriculture, and the distribution of wealth as reflected in the reports of the Government, in some things we have to differ from New England and on this occasion I am attempting to show that while we have been accused of trying to do a little something for our own people, and that to some seems to be an undesirable point of view, I am trying to show that New England has been trying to follow that course for a long time and they admit it.

He said:

> I do not intend to introduce politics into your deliberations.

Of course not. They only want to see what they can get out of Congress this year, but they do not like to bring politics into their deliberations.

> But merely state the fact that it is of paramount importance that we should have in the White House and in other offices men of ability to defend New England's interests and the power to secure and retain legislation of a helpful nature.

I do not find any fault with that. New England wants to look out for itself, but when New England is feeding her industrial population at our boarding house and refuses to pay the cost of production, I think we have a right to complain. The only thing we ask them to do is to pay us for what they eat. Here we find a distinguished Member of the New England bloc in Congress writing to the New England Council and saying that he is opposed to farm legislation that would increase the cost of food to the industrial sections of New England. I have been in communities where if a man did not pay his board bill they called him various names.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. SHIPSTEAD. Certainly.

Mr. BINGHAM. Will the Senator explain before he gets through why he objects to the action taken by the New England Council in asking the Representatives from the New England States what they think of important measures before the Congress affecting that section of the country, and their frank answers? Why does he object to that?

Mr. SHIPSTEAD. Mr. President, I am not objecting at all. I am simply stating it as a fact. I said I did not blame New England. I am only pointing out that they are doing and have been doing for a long time what we have been accused of doing, but when we tried to do it in our humble way we were accused of lacking patriotism, lacking a national viewpoint, being provincial. We are simply beginning to follow in the footsteps of New England, which have made New England so prosperous at the expense of the country. We want some of the wealth we have produced. We want to be paid for the food we send to you to feed your people. All we ask is to be paid the cost of production, to be put on an economic level with the people of New England. Is there anything wrong about that?

Mr. BINGHAM. No, Mr. President; only the Senator's remark that that is something which has been going on in New England for a long time and that he had learned it from New England, does not seem to me to be borne out by the fact that the recent meeting of the New England Council from which he is quoting is quite a new thing, and that New England is apparently acting in self-defense and has been driven into that position by the fact that she is not so prosperous as the Senator thinks she is.

Mr. SHIPSTEAD. If this is a new organization, I take it that it has been formed recently, because they have never been in danger yet of paying their board bill. There is a feeling now that the agricultural sections of the country are going to

collect and I assume that if, as the Senator said, this is an organization of self-defense, he means it is an organization to protect them against this new demand that they shall pay for the cost of production of the food which they eat.

Mr. BINGHAM. Oh no; that was not the object of the origin of that organization. The object of the origin was the fact that they found there was unemployment and they were being called upon to meet competition, that the mills were being closed because tariff rates were not high enough to afford the protection against the rejuvenation in Germany, that many mills manufacturing woolen goods were being put out of business by causes over which no one has any control, namely, the decrees of Dame Fashion that people should wear silks instead of woolens. We have had our troubles and we are trying to work them out in our own way. But the Senator's intimation that the origin of this get-together project in New England was aimed at his part of the country in an effort to withstand the demands of his part of the country I think is not borne out by the facts.

Mr. SHIPSTEAD. If my remarks carried any such insinuation I am perfectly willing to assure the Senator that they were made more facetiously than seriously.

Now just a word in conclusion. I wanted to get some of these suggestions before the Senate to direct its attention, if I could, to the economic situation which we have here now and the unequal distribution of wealth in the last six years at a time when we have produced more wealth in the United States than ever before in the history of the country. How far the tariff affects this unequal distribution of wealth I think would be well for Congress to find out. To what extent the fluctuation and inflation of the currency and the credit situation affects it, I think the Congress could well spend some time to find out. There are so many factors that enter into the situation that if we can get an investigation into the tariff schedule, and the various other factors which affect the situation, such as freight rates, we can have some facts upon which to base a remedy. As I said, I do not claim that a complete remedy is in the pending resolution, neither do I believe a complete remedy was in the McNary-Haugen bill. The causes are many and come from various sources. The remedy must come in various measures that Congress can devise. This, I think, is a step in the right direction, so I shall vote for the pending resolution.

THE MERCHANT MARINE

Mr. WILLIS. I ask unanimous consent out of order to submit a unanimous report from the Committee on Commerce for the calendar.

The PRESIDING OFFICER (Mr. BLAINE in the chair). The report will be received.

Mr. WILLIS, from the Committee on Commerce, to which was referred the bill (S. 789) to amend the merchant marine act, 1920, approved June 5, 1920, by insuring the exemption from income taxes during the 10-year period there provided of profits on the sale of certain vessels when the proceeds of such sales are invested in new American vessels approved by the Shipping Board, reported it without amendment and submitted a report (No. 74) thereon.

FLOOD CONTROL FOR THE LOWER MISSISSIPPI

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting, in response to Senate Resolution 90, agreed to January 4, 1928, the first report of the Mississippi River Commission, submitted under date of September 28, 1927, relative to flood control of the lower Mississippi River, which was referred to the Committee on Commerce.

REPORT OF GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

The PRESIDING OFFICER laid before the Senate a communication from Hamilton & Hamilton, attorneys, transmitting, pursuant to law, the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year ended December 31, 1927, which was referred to the Committee on the District of Columbia.

DISPOSITION OF USELESS PAPERS

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report of papers and documents on the files of the Treasury Department which are not needed or useful in the transaction of the current business of the department and have no permanent value or historical interest, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The PRESIDING OFFICER appointed Mr. SMOOT and Mr. SIMMONS members of the committee on the part of the Senate.

COMPETITION AND PROFITS IN BREAD AND FLOUR

The PRESIDING OFFICER laid before the Senate a communication from the Chairman of the Federal Trade Commission, transmitting, in response to Senate Resolution 163, agreed to February 16, 1924, a report of the commission on "competition and profits in bread and flour," which was ordered to lie on the table.

Mr. WALSH of Montana. Mr. President, the report of the Federal Trade Commission just laid before the Senate is of very special importance. It is the concluding report upon an investigation ordered by the Senate upon a resolution introduced by former Senator La Follette, of the State of Wisconsin, directing that commission to inquire into an alleged combine or merger of the baking companies in the country and the effect of the combines and mergers upon the price of bread. Two prior reports have been handed down, both of which have been published. I am advised that the Federal Trade Commission has no funds with which to publish the report. I ask unanimous consent for the printing of the report as a Senate document.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON of Arkansas. Mr. President, will the Senator let that request go over until to-morrow? Another Senator asked me to state that he is interested in the matter and that he would like to be here when the request was preferred.

Mr. WALSH of Montana. Very well.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 1537. An act for the relief of William R. Connolly;
H. R. 2523. An act for the relief of Harvey Dunkin;
H. R. 2524. An act for the relief of Mary M. Jones;
H. R. 2809. An act for the relief of the heirs of Jacob Thomas;
H. R. 3216. An act for the relief of Margaret T. Head, administratrix;
H. R. 3394. An act for the relief of W. P. Thompson;
H. R. 3458. An act for the relief of Charles Beretta, Isidore J. Proulx, and John J. West;
H. R. 3673. An act for the relief of Maj. F. Ellis Reed;
H. R. 3926. An act for the relief of Joseph Jameson;
H. R. 4203. An act for the relief of A. S. Guffey;
H. R. 4777. An act to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory Ordnance Depot;
H. R. 4926. An act for the relief of the Pocahontas Fuel Co. (Inc.);
H. R. 4927. An act for the relief of Francis Sweeney;
H. R. 5297. An act for the relief of Christine Brenzinger;
H. R. 5300. An act for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington;
H. R. 5336. An act for the relief of John J. Corcoran;
H. R. 5338. An act for the relief of Roland M. Baker;
H. R. 5894. An act for the relief of the State Bank & Trust Co. of Fayetteville, Tenn.;
H. R. 5923. An act for the relief of the Sanitarium Co., of Portland, Oreg.;
H. R. 6116. An act for the relief of R. P. Biddle;
H. R. 6619. An act for the relief of the estate of William Bardel;
H. R. 7110. An act for the relief of Frances L. Dickinson;
H. R. 8092. An act for the relief of Randolph Sias;
H. R. 8093. An act for the relief of John Rooks; and
H. J. Res. 135. Joint resolution for the relief of special disbursing agents of the Alaska Railroad; to the Committee on Claims.
H. R. 519. An act for the relief of Joseph F. Ritcherdson;
H. R. 802. An act to correct the military record of Curtis P. Wise;
H. R. 871. An act for the relief of William Earhart;
H. R. 971. An act for the relief of James K. P. Welch;
H. R. 972. An act for the relief of James C. Simmons, alias James C. Whitlock;
H. R. 1072. An act for the relief of George Adams;
H. R. 1073. An act for the relief of Richard Brannan;
H. R. 1530. An act to amend the military record of William F. Wheeler;
H. R. 1533. An act for the relief of Theodore Herbert;
H. R. 1534. An act to correct the military record of John Dewitt Marvin;
H. R. 1589. An act for the relief of John J. Waters;
H. R. 1590. An act to correct the records of the War Department to show that Guy Carlton Baker and Calton C. Baker or Carlton C. Baker is one and the same person;
H. R. 1931. An act for the relief of Daniel Mangan;
H. R. 1970. An act for the relief of Dennis W. Scott;

H. R. 2272. An act for the relief of William Morin;
H. R. 2284. An act for the relief of Lucius Bell;
H. R. 2294. An act for the relief of George H. Gilbert;
H. R. 2296. An act to amend the military record of Robert Zink;
H. R. 2422. An act to correct the military record of Jordan Kidwell;
H. R. 2472. An act for the relief of Emile Genireux;
H. R. 2482. An act for the relief of John Jakes;
H. R. 2526. An act for the relief of William Perkins;
H. R. 2528. An act for the relief of J. W. La Bare;
H. R. 2649. An act authorizing the President to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps, United States Army;
H. R. 2808. An act for the relief of Ella G. Richter, daughter of Henry W. Richter;
H. R. 3041. An act for the relief of Alfred St. Dennis;
H. R. 3049. An act for the relief of Alexander Ashbaugh;
H. R. 3145. An act for the relief of Willis B. Cross;
H. R. 3166. An act for the relief of Bert H. Libbey, alias Burt H. Libbey;
H. R. 3192. An act for the relief of John Costigan;
H. R. 3241. An act for the relief of Seymour Buckley;
H. R. 3315. An act for the relief of Charles A. Black, alias Angus Black;
H. R. 3352. An act for the relief of Estle David;
H. R. 3400. An act to correct the military record of Andrew B. Ritter;
H. R. 3440. An act for the relief of Alvin H. Tinker;
H. R. 3466. An act for the relief of George A. Winslow;
H. R. 3467. An act for the relief of Giles Gordon;
H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;
H. R. 3723. An act for the relief of John M. Andrews;
H. R. 3737. An act for the relief of John T. O'Neil;
H. R. 3969. An act for the relief of James E. Westcott;
H. R. 3993. An act for the relief of Adam B. Ackerman, alias Adam B. Aunkerman;
H. R. 4013. An act for the relief of Charles R. Stevens;
H. R. 4027. An act for the relief of the widow of Warren V. Howard;
H. R. 4079. An act for the relief of William A. Hynes;
H. R. 4080. An act for the relief of William Smith;
H. R. 4104. An act to correct the military record of James William Cole;
H. R. 4168. An act for the relief of John Strevy, deceased;
H. R. 4280. An act to correct the military record of John W. Cleavenger, deceased;
H. R. 4536. An act for the relief of Fred R. Nugent;
H. R. 4652. An act for the relief of Charlie R. Pate;
H. R. 4654. An act for the relief of Kennedy F. Foster;
H. R. 4655. An act for the relief of David E. Goodwin;
H. R. 4660. An act to correct the military record of Charles E. Lowe;
H. R. 4661. An act to correct the military record of William Mullins;
H. R. 4702. An act to remove the charge of desertion from the record of Benjamin S. McHenry;
H. R. 4707. An act for the relief of Calvin H. Burkhead;
H. R. 4902. An act to correct the military record of Charles Robertson;
H. R. 5065. An act for the relief of James M. Winston;
H. R. 5224. An act for the relief of Thomas J. Gardner;
H. R. 5228. An act for the relief of Finas M. Williams;
H. R. 5230. An act to correct the military record of Pleasant R. W. Harris;
H. R. 5231. An act to correct the military record of James Shook;
H. R. 5232. An act to correct the military record of Owen J. Owen;
H. R. 5255. An act for the relief of Jacob F. Webb;
H. R. 5380. An act to correct the military record of G. W. Gilkison;
H. R. 5381. An act to correct the military record of Thomas Spurrier;
H. R. 5383. An act to correct the military record of John W. Siple;
H. R. 5424. An act for the relief of Anthony Schwartzenberger;
H. R. 5994. An act for the relief of George C. Hussey;
H. R. 6005. An act for the relief of Edward J. Boyle;
H. R. 6006. An act for the relief of Patrick J. Langan;
H. R. 6007. An act for the relief of John Magill;
H. R. 6162. An act for the relief of Thomas M. Ross;
H. R. 6180. An act for the relief of William H. Armstrong;
H. R. 6185. An act for the relief of Thomas Jefferson Shropshire;
H. R. 6282. An act for the relief of Henry Shull;
H. R. 6364. An act for the relief of Edward Tigh;
H. R. 6389. An act for the relief of Samuel Pelfrey;
H. R. 6431. An act for the relief of Lewis H. Easterly;
H. R. 6432. An act for the relief of James E. Moyer;
H. R. 6438. An act for the relief of David Parrett;
H. R. 6442. An act for the relief of Ralph H. Lasher, whose name appears in the Army records as Ralph C. Lasher;
H. R. 6579. An act for the relief of James W. Kingon;
H. R. 6839. An act to remove the charge of desertion against Israel Brown and to grant him an honorable discharge;
H. R. 6917. An act to correct the military record of Sylvester De Forest;
H. R. 7227. An act for the relief of William H. Dotson;
H. R. 7228. An act for the relief of Frederick Leininger;
H. R. 7229. An act for the relief of Henry Simons;
H. R. 7553. An act for the relief of James Neal;
H. R. 7779. An act for the relief of William H. Wagoner;
H. R. 7992. An act for the relief of Sally Mattie Macready, widow of Edward Daniel Macready;
H. R. 8190. An act for the relief of John G. Cassidy;
H. R. 8370. An act for the relief of Jeremiah F. Mahoney;
H. R. 8509. An act for the relief of Albert O. Tucker;
H. R. 8574. An act for the relief of Thomas Murphy;
H. R. 8589. An act for the relief of Thomas F. Nicholas;
H. R. 8590. An act for the relief of Nicholas Jones;
H. R. 8599. An act for the relief of George D. Vedder;
H. R. 8627. An act for the relief of John Clark;
H. R. 8628. An act for the relief of Amos Dahuff;
H. R. 8643. An act for the relief of William Taylor Coburn;
H. R. 8673. An act for the relief of Edward F. Weiskopf;
H. R. 8674. An act for the relief of Lester Cooley;
H. R. 8772. An act granting an annuity to Dr. Robert P. Cooke;
H. R. 8775. An act for the relief of George P. Bailey;
H. R. 8778. An act for the relief of William W. Woodruff;
H. R. 8788. An act to correct the military record of Willard Thompson, deceased;
H. R. 8796. An act for the relief of Martin L. Duffy;
H. R. 8797. An act for the relief of Clayton H. Adams;
H. R. 8798. An act for the relief of William Lentz;
H. R. 8804. An act for the relief of George W. McNeil;
H. R. 8805. An act for the relief of Martha D. McCune; and
H. J. Res. 93. Joint resolution for the appointment of Paul E. Divine, of Tennessee, as member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

NATIONAL WOMAN'S DEMOCRATIC LAW ENFORCEMENT LEAGUE

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Mrs. Jesse W. Nicholson, of Maryland, at the first convention of the National Woman's Democratic Law Enforcement League. It is not very long.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF MRS. JESSE W. NICHOLSON

My friends and fellow citizens, it is a pleasure to welcome you here to-day at what will be an epoch-making meeting of earnest Democrats who have the best interests of the Democratic Party at heart.

You have imposed upon the president and officers of this organization certain responsibilities when you unanimously elected us last May and we are here to render an accounting of our stewardship.

Seven years have passed since women were enfranchised after a struggle of more than half a century. How often is the question asked, "What effect, if any, has the woman's vote had upon politics?" a question not so easy to answer as at first might be supposed, for many have not taken into consideration that we had to begin at the very bottom and work our way up; yet we are under indictment by the best known political writers over the country, who have said:

"The women have not changed any political situation or altered the political complexion of any locality. Not a boss has been unseated. Not a convention has broken away from the familiar towing ropes. Nothing has been changed except that the number of docile ballot droppers has been approximately doubled."

As a matter of fact, we have not voted as men expected us to vote, because we would not vote for what they offered us to vote for.

This is our opportunity now. We must show the good people of the Nation that the Democratic women of the country propose to emphasize their independence and influence by prevailing upon the leaders of our party to select a "dry" for President and Vice President.

There are certain types of women, mostly office seekers that are blindly following the politicians, willing to do their bidding, who are

being used as tools to undermine this and any other organization of women who have the courage to come out and stand for something that will protect their homes and their children.

The National Woman's Democratic Law Enforcement League is to be congratulated upon having as our officers and followers strong and capable women, women who, as mothers and wives, know how to stand for a cause which they believe will protect the great race they have created; women who have put everything on the altar of faith, believing in justice, and who have put their country above personal gain; women who have put everything in with no thought of taking anything out. With such women in our organization we can not fail to accomplish the purpose for which it came into existence.

The purpose of this organization is to unite the efforts of women Democrats throughout the Nation who believe in the enforcement of all laws, especially the upholding of the Federal Constitution, to the end that more effective support can be given to those candidates, both for the nomination and the election, who will best advance these principles.

Our organizers and officers have gone before the country to organize leagues upon the following platform:

"That the Constitution of the United States and every article and clause in it is a part of the law of every State in the Union and is the paramount law; that any attempt to revise or modify the same in any manner than that provided in the Constitution for so doing is extra-constitutional and revolutionary; and that the letter and the spirit of our organic laws are binding on and must be observed by the officers of each State in the Union who have taken the oath to support the Constitution of the United States.

"While we declare our firm allegiance to the preservation of every right of individual liberty under the law, we declare that public peace and public order are absolute and essential conditions of free government, and we, therefore, will oppose with our utmost power the forces of disorder and lawlessness, from whatever source they may emanate.

"The supremacy of the Constitution and the laws made in pursuance thereof are the best and wisest guaranties of the rights, liberty, and happiness of all the people, and all movements seeking by deception, political manipulations, threats, or organized popular clamor to overthrow or supplant these guaranties are attempts to destroy the American system of representative government organized and established by the Constitution."

We have been asked many times if we would put forth any candidates; to all such inquires we have answered, Not yet; we are quite willing that those in authority who have been elected or appointed to official positions within the Democratic Party should not be handicapped and hampered in the selection of a President and Vice President, but we feel we would not be doing our duty as citizens if we sat still, without letting these officials know in no uncertain terms the kind of candidates we want and the kind we will vote for, and if after making our wants known to them far in advance and they do not heed our advice or admonition, we have another course we expect to pursue.

There are certain disqualified wet candidates seeking the nomination for President on the Democratic ticket, and there is a concerted effort by the Republican wet press to back these candidates to the limit, and it has been alleged that Republicans have already spent over $4,000,000 to further the interests and help the nomination of one of the wet Democratic candidates, knowing how easily they could defeat this candidate. And you will recall only recently of what purported to be spontaneous meetings here and there for this particular candidate, with the press giving much publicity, and some wet Democrats have joined in the chorus.

We dry Democrats must speak now, before it is too late. It is interesting how some of these wet candidates are trying to befuddle the minds of the women and the public by certain carefully worded planks for their platform, trying to deceive us into believing that they would enforce the eighteenth amendment if we would put them into office. Let us not be trapped or betrayed by any such high-sounding phrases as State rights. Let us ask, Is it State rights or State wrong? And when you hear one of them pleading with the Government to let down the bars that more aliens should be permitted into our country, pleading tolerance for the foreigner, who in many cases has proven to be our worst lawbreaker, you know that that candidate does not have your interest and my interest at heart, and that all he wishes or desires is to get elected to office by any means, catering to the lowest elements within our country.

Another candidate says he does not approve of the eighteenth amendment, but will enforce it as long as it is a law. That candidate, as Governor of the Empire State, threw the weight of his great office in helping to repeal the enforcement act, which now makes it impossible to enforce the prohibitory law. And when murder after murder has been committed, because it was easy to obtain liquor, and when that candidate himself openly violates the prohibition law, he has the audacity to ask the law-abiding women of this country who uphold the laws to vote for him for President; but he is honest enough to say in advance, if he is elected he will use his great office to help bring about the repeal, nationally, of the eighteenth amendment as he did in his own State, and judging from his official State acts he would endeavor to carry out such a program to the letter.

Another of these candidates comes before us with a plea of excessive campaign expenditures, slush funds, intolerance, lambasting the Republicans for their commissions and omissions, saying that prohibition has no place in a political campaign.

Let us not be deceived by these tactics. Let us not forget how this same candidate fought woman suffrage, insulting and deriding us; how he fought the greatest leader the democracy has ever known, giving aid and comfort to our enemies in the time of war; and how he fought the League of Nations, the only instrument of peace; his bitter opposition to the Sheppard-Towner birth hygiene bill, which would bring to the mothers and babies of the country Federal and State cooperation for better and healthier citizens; and his cutting and sneering opposition to the great army of law-abiding women who stormed the Capitol in defense of the eighteenth amendment at the Senate hearings some months ago.

The time has come when we must decide for ourselves what we shall expect of our candidate. Let us determine how we can elect our candidate and then let us go from this convention determined to put over such a program, remembering that "eternal vigilance is the price of liberty."

My friends, let us hesitate long before we vote for a "wet" candidate, now that we have outlawed the liquor traffic. Don't trust such a candidate, as we know that the liquor interests are powerful, aggressive, and universal in their attacks. Because to-night it enters an humble home to strike the roses from a woman's cheek, and to-morrow it challenges this Republic in the Halls of Congress. To-day it strikes a crust from the lips of a starving child, and to-morrow levies tribute from the Government itself.

There is no cottage in this Nation humble enough to escape it, no palace strong enough to shut it out. It defies the law when it can not coerce suffrage. It is flexible to cajole but merciless in victory. It is the mortal enemy of peace and order, the despoiler of men, the terror of women, the cloud that shadows the face of children, the demon that has dug more graves and sent more souls unshrived to judgment than all the pestilence that have wasted life since God sent the plagues to Egypt, and all the wars since Joshua stood beyond Jericho.

Oh, my countrymen and women, loving God and humanity, let us not bring this grand old country again under the domination of that power. It can profit no man by its return. It can uplift no industry, revive no interest, remedy no wrong. You know, and I know, that it can not.

It comes to destroy, and it shall profit mainly by the ruin of your sons and mine. It comes to mislead human souls and crush human hearts under its rumbling wheels. It comes to bring gray-haired mothers down in shame and sorrow to their graves. It comes to turn the wife's love into despair and her pride into shame. It comes to still the laughter on the lips of little children. It comes to stifle all the music of the home and fill it with silence and desolation. It comes to ruin your body and mind, to wreck your home, and it knows that it must measure its prosperity by the swiftness and certainty with which it wrecks this work. Trust no candidate labeled "Wet."

Now, for a moment let me review a few unquestioned facts that we may clearly see just what is necessary if the Democratic Party is to be victorious in 1928. We certainly can not win with a wet candidate.

Don't lose sight of the fact that money plays a prominent part in any campaign. In the Republican Party, through its Republican convention, which is really nothing more than a ratifying body of less than 20 representatives of the various trusts of the Nation who hold the money bags, and while large numbers of delegates and alternates are chosen to go to the convention these 20 have the ruling power and say what shall be done and what shall not be done, and they know what they want and how to get what they want, and the convention meekly falls right into line. It is an invisible government that rules this Nation.

Will Hays, who was President Harding's campaign manager, said at a banquet given for his successful efforts, when the cheering had died away, "Now, boys, the thing I want you all to remember is that it did not just happen; it was planned far in advance."

Now, those of us who have long memories wonder if the oil steals and the rest of the tactics of the invisible government were planned far in advance.

You are all familiar with what occurred in 1924 when our Democratic delegates and alternates went to the New York National Democratic Convention under the leadership of CORDELL HULL in perfect peace and harmony, were thrown into almost complete disorganization and confusion by these same powers of the invisible government where they reign supreme. There the sober counsels of the Democratic leaders, thrown together from 48 States and torn by a struggle over mere candidates, were led into a jumble of confused voices praising and denouncing candidates.

As we approach the election of 1928, again the American press is filled with articles urging the Democratic Party to pose as a "wet" party and urging the Democratic Party not to go astray on account of religion. I agree with that great Democratic leader, Senator Robert L. Owen, and say it is only a smoke screen of this invisible government hiding itself from view.

The attitude of the Democratic Party for law enforcement, including prohibition, was precisely right in 1924. The prohibition leaders asked nothing more and they wish nothing else now.

There is but one great issue upon which the Democratic Party can reasonably hope to win, and that is by defending America against the stand-pat Republican policy of illicit secret alliance with corrupt business men who are using the governing powers of the people and rule by proxy.

On the issue shall America be free and a government by the people and for the people, or shall America be enslaved by an invisible government of self-seeking moneycrats, the liberal and progressive forces of America can be aroused and united. If so united they could probably control three-fourths of the total vote.

As it is, the Progressive Republicans are usually coerced by the Republican machine organizations, and the Democrats do not cohere all of the progressives and liberals under one banner and are beaten. The stand-pat strategy is to "divide and conquer." The Democratic and Progressive strategy should be to "unite and conquer."

The invisible government, through their innumerable agencies, will resist any union of the liberal forces and will charge them with hostility to wealth.

The Democracy, the progressive and independent Republican is not the enemy of wealth. American wealth owes its very existence to the opportunities and protection afforded under a free, benign, and just democracy. Vast personal wealth has its limitations. It has great commercial and political power, but not supernatural intelligence, and when it is used to corrupt and control the Government itself for personal privileges and private profit at public expense the people must arise and defend themselves or pass into serfdom and industrial servitude.

In selecting a candidate as the standard bearer of our party the National Woman's Democratic Law Enforcement League ask our leaders, who will meet in a day or two with these facts before them, to choose a man whose private life as well as his political life be above reproach if they wish the support of the women of the party, because we are determined to support only such candidates as can bear close inspection both morally and politically.

In closing let me say the "wet" candidates must recognize that victory is impossible without harmony and that as long as they remain in the race the people will think only of their wet records.

It is our belief that if they would immediately withdraw, accompanied by a ringing call to harmony, it would receive nation-wide approval and result in sending a progressive constitutional Democrat to the White House. And if they have the interests of the party at heart rather than their own personal aggrandizement, they will heed the will of the majority.

"THE IMPERIAL RUSSIAN CONSPIRACY"

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the American Monthly commenting on a book written by former Senator Owen, entitled "The Imperial Russian Conspiracy."

The PRESIDING OFFICER (Mr. BLAINE in the chair). Without objection, it is so ordered.

The article is as follows:

INCENDIARISM ON THE NEVA—SENATOR OWEN'S THOUGHT-EVOKING BOOK, "THE IMPERIAL RUSSIAN CONSPIRACY," CONTINUES TO STIR THE COUNTRY

The American Monthly, in its issue of August, 1927, dwelt briefly on United States Senator Robert L. Owen's penetrating book, "The Imperial Russian Conspiracy." Naturally so astounding and courageous a book must arouse lively interest here and abroad. It is remarkable to notice that the metropolitan press did not give as much space, comparatively speaking, to reviews of the Owen book as did the middle western papers. Among the latter, two voices stand out especially that should echo and reecho throughout the world.

The first of these articles, a searching study of Owen's book, was written by Cyril Arthur Player. It appeared in the Detroit (Mich.) News on August 28, under the heading:

RUSSO-FRENCH PACT CAUSED WORLD WAR

A conspiracy so gigantic in its scope, so appalling in its effect that all recorded history has not the like to offer, plunged the peoples of the world into the World War.

The millions for whom we still mourn, the millions whose wounds refuse to heal, the millions whose grief weeps lonely forever and forever, these were the innocent sacrifice to the cynical ambitions of a handful of imperial-minded statesmen.

Idealism was a catch phrase to hide the lies from credulous peoples marked for slaughter. There was no war to end war. Not war for democracy.

The World War was a selfish plot against the peace of the world for which the common peoples paid in blood and suffering and wretchedness whose sum and duration is not yet computed.

The weapon with which little greed struck at the heart of civilization was secret diplomacy. By this means a few men controlling one great nation were able to conspire with a few men controlling another. The weapon has been blunted but not destroyed. What was possible then is possible now. The world must face the truth and forbid it.

Robert L. Owen, former United Senator from Oklahoma, offers the proof of these things. Moved "alone by my love for the people of the United States" he sets the awful case forth in his book, The Russian Imperial Conspiracy, 1892–1914 (Alfred & Charles Boni). Obviously it is a sensational indictment. Unfortunately for history and its myths, the main case as Senator Owen presents it, with his evidence, is incontrovertible. There was such a conspiracy. It cost the lives of millions. It all but wrecked civilization.

SUPPORTED BY PROOF

This is a story which, supported by proof which is indubitable, commands the attention of every human being capable of sharing the sorrows of civilization, past or future. It transcends all prejudice of nationality. For no people, neither German nor French, neither Russian nor English, neither Austrian nor Italian, was guilty of willing this war. They paid for it, are paying for and will continue to pay for it.

Mr. Owen himself says that the common people everywhere "were patriotic, brave, and determined to defend their own homes, but they did not have the will to invade their neighbors' territory for profit."

But a group of Russian imperialists and a few French leaders did plan for 20 years to make war on Germany. The roots of the war are to be found in the spirit of "excessive nationalism, militarism, and imperialism built up through the centuries." But the precipitating cause was cold-bloodedly arranged as the results of the secret treaty between Russia and France in 1892–1894.

It was part of the plot that hypocrisy should baffle the common intelligence with lies and fix the moral guilt on the German people. So a gigantic falsehood was written into the treaty of Versailles.

Beyond these things, Senator Owen essays to establish that during the years in which the conspiracy was matured, the French press was subsidized with Russian money, borrowed from the French people and expended under the French minister of foreign affairs, whereby the French people were induced to buy $7,000,000,000 of Russian bonds, which were employed in building up a huge Russian army, to manufacture supplies of heavy and light artillery and munitions of war, to double track their railways to the German border, for the purpose of carrying out the military conventions of making offensive war on Germany.

ENCIRCLED BY TREATIES

To make certain the success of this gigantic conspiracy, the author continues, Germany was encircled with a series of treaties or understandings between Russia and France, between Russia and Rumania, Russia and Bulgaria, Russia and Italy, Russia and Great Britain, France and Great Britain, France and Belgium, so that Germany was completely surrounded on land and sea.

He then asserts that Sir Edward Grey's secret commitments to France made Britain an accessory to the war; hence the eve of war found the British fleet in possession of the North Sea and the French fleet already withdrawn into the Mediterranean.

As part of the strategy to throw the moral influence of the world against Germany, Germany was made to appear as guilty of having started the war. This was done by mobilizing the troops of Russia through a general mobilization order (the military equivalent of a declaration of war by Russia, but not so understood by the public), which called to the Russian colors 14,000,000 men and concentrated such masses of Russian troops against the German border that the military leaders of Germany, as a military necessity, had no option whatever except to recognize what was a fact, "a state of war existing." This was only done on August 1, 1914, at 7 p. m., after the Russian mobilization had been in progress for approximately eight days.

Immediately Germany took this official step, desired by the conspirators, Mr. Owen continues, Germany was blockaded by land and sea and the most gigantic propaganda the world has ever known was begun by the Entente Allies to prove to the world that the German leaders were solely responsible for the war; that the German purpose was to conquer Europe and to become the military dictator of the world; that the Germans were waging war with fiendish cruelty.

The conspiracy of the Russian and French leaders succeeded completely. Most of the world believed Germany guilty, even over the unceasing protests of Germany, and when the treaty of Versailles was written in June, 1919, the German Government was compelled by military force to confess that Germany had imposed war on the Allies.

"Such a confession," remarks the author, "so extorted, has in history no equal in the magnitude of its injustice. This confession of guilt should be removed and the world brought back to understanding, truth, and good will."

For, he adds, "the reconciliation of the French heartfelt moral disarmament is essential to physical disarmament; their mutual respect and good will are vital to their future peace and the future peace of Europe and the world."

In this narrative Senator Owen is following the trail blazed conspicuously by Harry Elmer Barnes, who, in turn, owed much to the researches of Sidney P. Fay. The English historian, G. P. Gooch, and

the Canadian jurist, John S. Ewart, also have made illuminating contributions; and many others have helped. The source material of all of them, now combined and digested by Senator Owen, comprises the secret archives of all the nations concerned, excepting only those of the Republic of France, whose story, however, is revealed by the documents exposed by the other nations, particularly in the contents of the Russian archives.

The value of Senator Owen's contribution is that he is not a professional historian; he ignores, even at the cost of superficial error, the technical dialogue of the textbook analyst, and even yields occasionally to the treacherous rhetoric of indignation and its inevitably unsound conclusions. But he is an American citizen, looking with undisguised horror at something that has shocked him. His anger is that of every man. His voice is the voice of the public. The terms he employs are in the common tongue. The fundamentals, he declares, are those cherished most dearly by humanity. He is of those who were deceived and who paid.

The conspiracy which plunged the world into carnage was this: During the year 1892 the governing group of Russian imperialists and a few men at the head of the French Government discussed a secret treaty. The chief clause provided that in the event any member of the triple alliance mobilized France and Russia would consider that the same is a declaration of war and would immediately mobilize against Germany. The treaty was concluded in 1894.

Gradually the shadow of the balance of power began to fall across Europe until in each great country of Europe jealous and suspicious leaders stood guard, hatching rumors into crises.

In 1908 there had happened something too remote for the purposes of Senator Owen's exposure, but nevertheless essential to the complete story.

Austria took from Turkish rule the Slav Provinces of Bosnia and Horzegovina and annexed them to the dual monarchy. How did that come about? Isvolsky, the "damned soul" of the great conspiracy, then Russia's foreign minister, suggested it. Why did Isvolsky, a Russian minister, suggest this change of ownership for Slav peoples, presumably entitled to protection from the Great Slav Empire? Isvolsky believed that he could buy therewith Europe's acquiescence in Russia's age-long ambition for the straits and at the same time would be weakening Turkey, the power holding the coveted territory.

RUSSIA BLOCKED

As it happened the powers (chiefly Great Britain) blocked Russian ambition in that direction, and Russia felt chagrined. Russian leaders also expressed resentment that Russia had failed to protect the lesser Slav peoples. These leaders were ignorant of the part Isvolsky had played. This crafty man fanned the indignation of his coimperialists. Austria thus became the "oppressor of Slav peoples"; the subject Slav peoples became the necessary pot to stir into the fumes of disorder, rebellion, assassination.

Isvolsky found Raymond Poincare in power, and Poincare could say: "I have not been able to see any other reason for my generation living except the hope of recovering our lost Provinces."

The twin spirits reassured each other that the treaty of 1892–1894 was a valid instrument, and a secret one. The two groups drew together and planned the event which should fulfill the dreams of two nationalisms.

Russia had imperialistic and Pan-Salvic ambitions. She desired to dominate the Near East, to control the straits leading from the Black Sea to the Ægean, and to draw under her diplomatic ægis the lesser Slavic peoples of Europe. These aspirations cut directly across the major ambitions and policies of the polyglot dual monarchy of Austria-Hungary, whose very existence depended upon repressing or debating the Slavic nationalism on a large portion of her population. It is scarcely necessary to argue whether Austria-Hungary should have continued to exist. As Professor Barnes has pointed out, the Austrian and German authorities are to be forgiven for thinking that it should.

Then began the task of building up understandings with all the neighbors of the Central Powers, notably with Great Britain, whose foreign minister, wittingly or unwittingly, was to make himself and his country the servant of Franco-Russian imperialism.

STIR UP UNREST

The same Isvolsky whose counsel gave the Slavs to Austria now employed those Slavs as the excuse for the war at which the conspiracy now aimed. Constant and violent unrest produced assassinations; finally that of the Archduke Franz Ferdinand and his wife. It was a moment when the tension of Europe had built itself up to the breaking point. The diplomatic background constructed by secret diplomacy made a conflict inevitable once an important crucial issue arose between the Triple Alliance and the Triple Entente.

The conspirators, all their military plans carefully arranged in a series of conferences, some of the minutes of which Senator Owen cites, produced the crucial issue. Ferdinand was assassinated.

The days between that event and the beginning of hositilities brought into open position all the arrangements so meticulously perfected through 20 years. England made good Grey's secret entanglements and went to war against Germany and beside France. Colonel House, a few months earlier, had said: "The moment England consents, France and Russia will close in on Germany." England had consented.

Italy, only a member of the Triple Alliance, out of pique at French annexation of Tunis, marched against her "natural" enemy, Austria, in quest of Italia Irredenta.

Nothing had been left to chance—not even the blame for it.

There are grave things involved in the discussion of those last prewar days. Great names are brought in question. Through what glasses of prejudice or imperial need did Grey survey the situation? Where did Henry Morgenthau get his account of the "decisive" Potsdam Conference? What was the notorious Potsdam Conference? The documents now show this: On July 5, as William II prepared to leave for his northern cruise, Chancellor Bethmann Hollweg sent this message to Vienna: "Austria may judge what is to be done to clear up her relations with Serbia; whatever Austria's decision may turn out to be, Austria can count with certainty upon it that Germany will stand behind her as an ally and friend."

REGRETS TOO LATE

Three weeks later, when events had brought the Kaiser back to Berlin, and it became apparent that tragedy was near, William II bitterly repented the message and the effect of it. The evidence bears out the claim that he made every effort to moderate and restrain Austria. It was too late, but it would not have been if Russia and France had not determined to force war upon Germany.

These talks of William II with Hollweg, Falkenhayn, and Zimmermann constitute the "Potsdam conference." The papers show that William II conceived only of Austria administering punishment to Serbia. They show that he accepted Serbia's reply to Austria's ultimatum as wholly gratifying to Austria. They show him frantically apprehensive when it became positive that peace was at an end.

Unquestionably Austria's conduct was perverse, determined, and arbitrary. However, to the Dual Monarchy the issue was a life and death proposition. That is obvious. Isvolsky, with less reason, urged that the upholding of the Slavs by Russia also was a life and death matter. The actualities of the time support Austria, without justifying either.

Finally, Senator Owen quotes sufficient from the archives to show that French and Russian mobilization was hurried in advance of declaration of war, so that, as outlined earlier, Germany found herself faced by a fact, and so in self-defense was forced to take up the challenge.

It goes for the saying that in each country, not least in Germany, there was a group of war spirits to welcome a war. The spirit of militarism existed everywhere; and raw nerves; long-sustained apprehensions; and the deadly and precarious balance of power.

Nevertheless, it is established by these documents that the Russian imperialists and a group of French statesmen did plan to control this nervous tension of Europe and direct it so that it would annihilate a nation for their own imperial aggrandisement. An analysis of each country involved shows little but sordid motive at bottom. Neither in Russia, France, nor Britain was it necessary for a government to reveal to parliament its secret treaties. That is true in France and Britain to-day. The fatally mischievous influence of Isvolski and the cold-blooded calculation of a few French leaders and of the unscrupulous group around the Czar are placed beyond question. Secret diplomacy delivered the millions into their hands.

EXPLODES "ATROCITIES"

As for the war lies, the "atrocities," and the like, Senator Owen takes the trouble to explode some of the more notorious, although the American public has been miserably conscious for a long time that the hysteria of war has to be fed by an unspeakable diet of mendacity and exaggeration.

Not the least disheartening phase of the story is the apparently easy corruption of the French press. In one letter Isvolsky asks his government to provide 3,000,000 francs ($600,000) to hand the papers controlled by radical Socialists. His letter—written in July, 1912—begins: "From this interview I was convinced that M. Poincare—then premier—is in every respect in accord with us, considers the moment has finally arrived to realize the century-old aims of our traditional policy—seizure of Constantinople and the Straits—and therewith restore the European balance of power by the return of the stolen Provinces of Alsace-Lorraine. In order to control the newspaper mouthpieces of prominent Socialists, Poincare shares my opinion that a very large sacrifice on our part is necessary for this purpose.

He hesitates to name the sum—3,000,000 francs—but reminds the Czar's advisers that "the Turkish Government has spent 5,000,000 francs to influence the French press and bought even one of their most prominent authors, Pierre Loti. * * * I propose that the subsidy be paid in monthly installments as heretofore in order to be sure every minute of the zeal of the newspapers."

Sazonoff replies from St. Petersburg that the plan is approved, to which Isvolski sends an acknowledgment, adding concerning the distribution of the money: "It is very important not to undertake any-

thing without consulting Poincare. French statesmen are practiced in such matters and possess incredible adroitness."

Raffalowitch, the Russian distributor of newspaper graft in Paris, duly sent in his expense account, November 7, 1913, as follows:

	Francs
La Lanterne (Millerand's paper)	42,000
L'Aurore (Clemenceau's paper)	17,000
L'Evenement	11,000
L'Action	9,000
La France	11,000
Le Rappel	7,000
Le Gil Blas	2,000
Le Journal	1,000

Two weeks later the agent's report showed that the cost of journalistic zeal had mounted:

Millerand's paper is credited with 85,000 francs.

Clemenceau's with 45,000.

Le Radical gets 120,000.

Le Figaro, 25,000.

Le Temps, 50,000.

La Libre Parole, 80,000.

Le Gaulois, 25,000.

La Liberty, 30,000.

Raffalowitch also reminds Isvolsky: I have already informed your excellency that Lenoir, at the instigation of Klotz, who herein is Poincare's mouthpiece, has pledged himself firmly toward the journals L'Aurore, La Lanterne, Le Radical, etc., as well as to certain directors of journals having but small editions, but great influence in politics."

AROUSE PEOPLE

Senator Owens sums up: "It was under these subsidies of the French press that the French people were worked up by special writers to believe that it was to the interest of France to support Russia in defending Serbia on the pretense of maintaining the 'balance of power' in the Balkans, while Russian money in Serbia had excited the intrigues of Serbia, which led to the assassination of numerous Austrian officials (finally of the Archduke Ferdinand) and compelled Austria to mobilize against Serbia in self-protection. This local act of war of Austria against Serbia was used then as a pretext for Russian general mobilization, which really meant a secret declaration of war by Russia and France against Germany, as shown by the contract of 1892–1894, the military conferences, and the secret dispatches already published."

Senator Owen, having marshaled his documents, places the moral responsibility for the war on Sazonoff, Nicholas II, Grand Duke Nicholas, Isvolsky, and Poincare. "But," he remarks, "it would be a grave mistake to permit a discussion of this great question to generate into stigmatizing leaders, however much they erred." He insists, however, that "the official proof is overwhelming that the Germans did not will the World War; that the Austrians did not will the World War; that the leaders of Serbia, of Russia, and a very, very few French leaders, controlling nevertheless French foreign affairs, did will the World War."

SECRET DIPLOMACY

Translating this into terms of philosophy, he suggests the spirit of excessive nationalism, militarism, and imperialism, cultivated by the leaders in Europe, as mainly responsible, and adds: "If the democracies or peoples of the world continue to permit secret diplomacy, with its ambitious intrigue, militarism, commercial imperialism, this World War will not be the last." In another place, remarking that the Russian conspiracy has greatly advanced government by the people, he adds that "the greatest need of the world now is that government by the people should be strenuously supplemented by education of the people."

In the end there comes the disturbing reflection that if Senator Owen's case were only half true, if there existed nothing more than the cold-blooded conspiracy to war, plotted by a few Russian and French leaders, then the author is correct in asserting that the theory that the war was waged in defense of American ideals was untrue. He is even more convincingly correct when he indicts the treaty of Versailles with its betrayal of President Wilson's pledges (in the 14 points) to the German people.

Senator Owen believes that "the establishment of the truth as to the origin of the World War is vital to a reconciliation of the people of Europe." He thinks that just as the American people were gravely deceived by European propaganda as to the origin and the purposes of the World War, so they are now being subjected to a similar propaganda for the cancellation of the war debts. He thinks that all the common peoples, German as well as others, are indistinguishable in honest purpose and are equally worthy of American interest and sympathy.

Senator Owen, a fair-minded man, powerfully moved, his earlier convictions overturned, sets forth impressively this colossal story of the world's betrayal. During recent years men's minds have been revolving uneasily the theme to which he now brings, condensed and assembled, the truth. It has been a long time coming. But, declared Schopenhauer, "the truth can wait. It has a long life before it."

The second article reprinted here is an editorial, also from the Detroit (Mich.) News, published on August 29, and entitled:

THE WORST COLOSSAL CRIME OF ALL TIMES

"No question is ever settled until it is settled right."

The most devastating tragedy of all time is not settled right, and on the conscience of every honest man and woman must rest the burden of a colossal betrayal.

The revelation of the stupendous conspiracy by a handful of Russian and French statesmen, categorically established by Senator Robert L. Owen, is not the work of a pamphleteer. It is the voice of an indignant world which has just discovered that its finest emotions have been employed to set the common people everywhere to butchering each other, not for those splendid ideals for which men and women, through all time, have sought glorious martyrdom, but to fulfill the coldly calculating ambitions of a few powerful and wicked men.

Is it possible that the memories of that appalling war already are buried under the tinsel of prosperity? Are there no homes in this land, as in others, whence youth has gone forever, or else has returned to drag its crippled symbol miserably through life? For what was this sublimest of sacrifices, this utter renunciation of life and health and opportunity and the sweet things which bloom in the hearts of the happy and well? Was it the world's grandest gesture of heroism in defense of man's priceless liberties? That were a fight, indeed! The widow and the orphan could be glad for it. The stricken home could be forever an altar consecrated to the hopes of humanity. For this very threshold, for this hearth, for this cradle, to protect all this precious sum of dear life, youth marched to war and died.

The evidence says, cruelly, no.

The glory is no less bright, for the lives were generously given in faith. Only the background grows dark and murky. These cold and crafty men, all powerful, sitting quietly in their council room and watching; whispering secret things one to another; plotting craftily the ruin of the world; dropping the poison of distrust and hatred; thrusting weapons into the nervous, ready hands of patriot-assassins; setting the time clock of destiny so that in the end the explosion might flame and tear itself across the earth, at least to destroy one people. And when this very thing came dreadfully to pass, the little group still sitting at their table, smiling, congratulating each other, tracing, and verifying the new lines on the map.

A terrible story. Humanity has nothing to set beside it; only its tears. A story that rises above nationality and commands the scrutiny and judgment of every human being capable of suffering, past or future. A story that can not be ignored, that demands refutation syllable for syllable—and can not be refuted.

It is true. Men could make this plot. Neither in France nor in Russia, nor for that matter in England, could Parliament demand those secrets. A few men, ruling, could conspire against hundreds of millions of innocent people, and molding passions to their need by the expenditure of untold millions with a venal French press, precipitate a carnage incomparable and a hatred which still harasses the world.

"No question is ever settled until it is settled right."

No people, German, or French, or Russian, or Austrian, or English, willed that war. Neither did the German Government will it. When Colonel Picquard told General Gonse that an error had been committed in the Dreyfus case, Gonse replied: "If you hold your tongue no one will know anything about it." But the innocence of Dreyfus became apparent by the collapse of the proofs upon which he was condemned. It is the same with Germany to-day. The archives of the world, excepting those of France, have not held their tongue.

The future peace of the world, the happiness of those boys and girls who even now are preparing to enter another year of school in preparation for a useful, happy, and prosperous life, demands that the American people face these facts, regardless of origin or birth, of any prejudice or conviction. The peace of the world must no longer rest with conspirators. The people sometimes blundering but always in the last analysis honest and friendly, must hold the power over their own lives and happiness which secret diplomacy robbed away. This most colossal crime in all history must not be repeated.

"No question is ever settled until it is settled right."

IMPORTATION OF BROKEN RICE

Mr. RANSDELL. Mr. President, I ask unanimous consent for the present consideration of the concurrent resolution (S. Con. Res. 4) to define broken rice. Its consideration will take but a moment. If it leads to any debate, I shall not press it.

Mr. JONES. Was the concurrent resolution reported from the Committee on Finance?

Mr. RANSDELL. No; it was reported from the Committee on Agriculture and Forestry, but the chairman of the Committee on Finance said that its adoption is entirely satisfactory to him.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 4, after the word "only," to strike out "the class 'Brewers Milled Rice' as specified in the united standards for

milled rice" and to insert in lieu thereof "rice which falls within the class 'Brewers Milled Rice' as defined in the United States standards for milled rice as promulgated by the Secretary of Agriculture," so as to make the concurrent resolution read:

Resolved, etc., That for the purpose of interpreting the meaning of the tariff act of 1922, with respect to imported broken rice, "broken rice" shall include only rice which falls within the class "Brewers Milled Rice" as defined in the United States standards for milled rice as promulgated by the Secretary of Agriculture.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 4 o'clock and 18 minutes p. m.) took a recess until to-morrow, Friday, January 13, 1928, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate January 12 (legislative day of January 11), 1928

FOREIGN SERVICE OFFICER OF CLASS 2

Addison E. Southard, of Kentucky, now a Foreign Service officer of class 3, to be a Foreign Service officer of class 2, of the United States of America.

SECRETARY IN THE DIPLOMATIC SERVICE

William W. Schott, of Kansas, now a Foreign Service officer of class 8 and a consular officer with the rank of consul, to be also a secretary in the Diplomatic Service of the United States of America.

UNITED STATES DISTRICT JUDGE

George T. McDermott, of Kansas, to be United States district judge, district of Kansas. (An additional appointment, under the provisions of section 375, United States Code.)

UNITED STATES ATTORNEY

Harry B. Amey, of Vermont, to be United States attorney, district of Vermont. (A reappointment, his term having expired.)

UNITED STATES MARSHALS

George W. Collier, of Maryland, to be United States marshal, district of Maryland. (A reappointment, his term having expired.)

George A. Mauk, of Arizona, to be United States marshal, district of Arizona. (A reappointment, his term having expired.)

James A. Stafford, of Alabama, to be United States marshal, southern district of Alabama, vice John W. Van Heuvel, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 12 (legislative day of January 11), 1928

POSTMASTERS

COLORADO

John M. Miller, Campo.

ILLINOIS

Clarence E. Snively, Canton.
Stanley L. Ryno, Easton.
Percy W. Armstrong, Glencoe.
Leo M. Stoecklin, Highland.
William R. Gaddis, Lomax.
Frank H. Creswick, Mulberry Grove.
William J. West, Odin.
Elgin C. Spivey, Shawneetown.
Ernest W. Loehr, Waterloo.

KENTUCKY

Lloyd M. McCubbin, Hodgenville.
George W. Murphy, Livingston.
Claude T. Winslow, Mayfield.
John M. Miller, Middlesboro.
Henry B. Morehead, Morgantown.
John B. Hutcheson, Owenton.
Don C. Van Hoose, Paintsville.

MASSACHUSETTS

William H. Anderson, Monson.
Harry S. Tripp, Spencer.

OHIO

Albert H. Soles, Buchtel.
Harry H. Hover, Lakeview.
Frank B. Pauly, Middletown.
Ira R. Kneisly, Osborn.
Nora Kassell, Philo.

OREGON

Lyle B. Chappell, North Bend.
Josephine T. Stark, Sutherlin.
Charles R. Tyler, Yamhill.

WITHDRAWALS

Executive nominations withdrawn from the Senate January 12 (legislative day of January 11), 1928

UNITED STATES DISTRICT JUDGE

George T. McDermott, of Kansas, to be United States district judge, district of Kansas, vice John C. Pollock, retired.

POSTMASTER

TEXAS

Alice Pipes to be postmaster at White Deer, in the State of Texas.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 12, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We approach Thee now, O Soul of our souls. As we have in ourselves the power to love and the longing to do, how much more shall we find in Thee the same love and power! Oh, the pity of it when we fail to bow to our higher natures and neglect to live out the divine life. Help us to check the minor strain that often runs low and sound the note of the ministry of our best manhood. We beseech Thee to always help us carry it up to spiritual culture and beauty. We acknowledge our responsibility of our time and place, and ask for full power to transform all fruitless wastes into gardens of promise and gladness. Lord God of nations, bless our entire country and all institutions that make for a better national life. Through Christ our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

Mr. TILSON. Mr. Speaker, I send to the Clerk's desk a resolution and ask unanimous consent for its present consideration.

The Clerk read as follows:

House Resolution 88

Resolved, That the following Members be, and they are hereby, elected members of the Committee on Expenditures in the Executive Departments, to wit:

Phil D. Swing, California; Guy E. Campbell, Pennsylvania; Harry E. Rowbottom, Indiana; to rank with the other majority members on said committee in the following order:

William Williamson (chairman), South Dakota; Clarence MacGregor, New York; Carroll L. Beedy, Maine; Don B. Colton, Utah; Phil D. Swing, California; Guy E. Campbell, Pennsylvania; Godfrey D. Goodwin, Minnesota; F. D. Letts, Iowa; Harry E. Rowbottom, Indiana; Frederick W. Dallinger, Massachusetts; John C. Schafer, Wisconsin; J. Russel Leech, Pennsylvania; Thomas C. Cochran, Pennsylvania.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 55. Joint resolution for the relief of Henry A. Bellows;

S. 3. An act for the relief of Kate Mathews;

S. 120. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols;

S. 342. An act for the relief of George B. Booker Co.;

S. 434. An act for the relief of Sadie Klauber;

S. 440. An act for the relief of Charles H. Send; and

S. 672. An act for the purpose of rehabilitating farm lands in the flood areas.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes. Pending that I ask the gentleman from Oklahoma [Mr. HASTINGS] whether or not it will be agreeable to him to let the general debate run along to-day and fix the limitation later after matters have developed?

Mr. HASTINGS. That will be entirely satisfactory.

Mr. CRAMTON. Then, Mr. Speaker, pending the motion I have made, I ask unanimous consent that the control of the time in general debate be divided equally between the gentleman from Oklahoma and myself.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Interior Department appropriation bill, and pending that asks unanimous consent that the time for general debate be not fixed at this time and that the control of the time in general debate be equally divided between himself and the gentleman from Oklahoma [Mr. HASTINGS]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Interior Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Interior Department appropriation bill, with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule of the House the time for general debate will be equally controlled by the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Oklahoma [Mr. HASTINGS]. The Chair recognizes the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, the bill before us for the Interior Department is one of the most interesting bills that goes through the Committee on Appropriations, and to some sections of the country it is of the greatest importance. The problems of the West, the protection and the development of public-land areas, the care of the Indians, the development of the national parks, a great part of the work of the Geological Survey, are of particular importance to a large section of the country.

It has been my fortune to present this bill as chairman of this subcommittee for six years preceding this. In all of that work during that time, and in the preparation of the bill this year, I have been most fortunate in having with me on my subcommittee colleagues most delightful in association, and whose knowledge of the subject before us was such as to relieve me very greatly of responsibility. The gentleman from Ohio [Mr. MURPHY] and myself are the tenderfeet on the subcommittee, but we have been fortunate in having with us for a long time Mr. TAYLOR, of Colorado, and Mr. FRENCH, of Idaho. We have been glad this year to welcome to this subcommittee, and have found of great assistance, the gentleman from Oklahoma [Mr. HASTINGS]. [Applause.] If the work of this subcommittee finds any merit in your eyes I am very frank to say that these four colleagues are entitled to the credit.

For the Interior Department we appropriated for the current year, including the deficiency bill that recently passed the Congress, $311,176,821.

The Budget recommends for 1929, $273,118,589. The amount in the bill before you, as recommended by the committee, is $272,430,789, which is $38,746,032 less than the appropriation for the current year and $687,800 less than the amount submitted in the estimates.

It is $38,746,032 less than the 1928 appropriations and $687,800 less than the amount requested in the estimates.

The decrease in the total appropriations recommended for 1929 under the amount appropriated for 1928 is accounted for in the main by the decrease of $37,078,000 under the Pension Office and $2,706,977 under the Bureau of Indian Affairs. Other decreases are $219,735 under the National Park Service, $159,500 under the General Land Office, $49,800 under the Geological Survey, $21,000 under Government in the Territories, and so forth, and $15,400 in the Secretary's office. The increases recommended for 1929 over the amounts appropriated for 1928 are $775,200 under the Reclamation Service, $20,080 under the Bureau of Education, $384,000 for St. Elizabeths Hospital, $16,600 for Columbia Institution for the Deaf, $22,000 for Howard University, and $286,500 for Freedmen's Hospital.

Comparing the appropriations proposed by the committee with the estimates proposed in the Budget, increases are $117,500 under the Bureau of Indian Affairs, $94,700 under the National Park Service, $40,000 under the Geological Survey, $26,500 under the Bureau of Education, and $10,000 under the Freedmen's Hospital. The decreases are $976,000 under the Reclamation Service and $500 under the General Land Office.

To that is to be added, however, a decrease of the burden on the Federal Treasury which does not show in the figures I have mentioned, amounting to $247,000 in the case of the Freedmen's Hospital, which I shall discuss later in my remarks. There is also covered back to the Treasury $61,082.12 of appropriations made in 1904, 1909, 1910, 1913, 1914, 1916, 1921, and 1922, and available until expended, but not longer required.

I will insert for the information of the House a tabulation which I am sure you would not want me to read at this time. It is an analysis of the expenditures of this department, beginning with the year 1922, the beginning of the Budget period, and continuing up to date, by bureaus, giving the total expenditure for the department, the total expenditure for the department outside of pensions, and the total expenditure outside of the payment of pensions and reclamation expenditures.

Appropriations for Department of the Interior, 1922–1929

Year	Secretary's office	Land Office	Indian Bureau	Pension Bureau	Reclamation Bureau	Geological Survey	National Park Service	Bureau of Education
1922	$2,131,070	$3,125,015	$10,342,304	$266,830,920	$20,277,000	$1,614,340	$1,433,220	$586,960
1923	1,572,920	2,954,550	10,134,852	254,246,191	14,800,000	1,450,940	1,446,520	621,960
1924	1,461,020	2,942,660	11,317,655	254,774,660	12,250,000	1,670,190	1,689,730	644,260
1925	1,693,240	2,940,820	11,276,220	224,616,000	12,867,500	1,706,482	2,880,535	702,380
Field classification		259,180	1,653,061		373,020	28,941	102,122	72,735
Total, 1925		3,200,000	12,929,281	224,616,000	13,240,520	1,735,423	2,982,657	775,115
1926	797,585	2,633,590	11,918,270	199,095,000	9,999,000	1,879,310	3,218,409	794,495
1927	803,000	2,342,300	12,901,160	193,921,000	7,556,000	1,819,440	3,698,920	864,100
1928	865,600	2,297,550	16,421,486	268,816,000	11,953,800	1,807,880	4,874,685	921,220
1929 [1]	850,200	2,138,050	13,714,509	231,738,000	12,729,000	1,758,080	4,654,950	941,300

[1] Proposed in accompanying bill.

Appropriations for Department of the Interior, 1922–1929—Continued

Year	Territories, government in	St. Elizabeths Hospital	Columbia Institution for the Deaf	Howard University	Freedmen's Hospital	Miscellaneous	Total	Total, exclusive of Pensions and Reclamation	Total, exclusive of Pensions
1922	$4,028,950	$1,114,500	$106,000	$280,000	$116,020		$311,986,299	$26,709,299	$46,986,299
1923	4,618,620	1,100,000	104,000	190,000	118,555	[2] $8,016	293,367,124	26,567,124	41,367,124
1924	2,150,540	1,146,500	107,000	232,500	172,800	[3] 2,845,309	293,404,824	31,154,824	43,404,824
1925	1,314,310	1,008,000	109,000	365,000	174,700		261,541,687	24,170,987	39,534,146
Field classification	6,600						2,608,459	2,122,639	
Total, 1925	1,320,910	1,008,000 [1]	109,000	365,000	174,700		264,150,146	28,409,626	41,650,146
1926	1,912,237	1,023,000	113,400	591,000	202,950		234,178,246	27,179,246	37,178,246
1927	1,995,708	924,000	113,400	218,000	166,390		227,323,418	27,767,418	35,323,418
1928	1,620,200	929,000	113,400	368,000	188,000		311,176,821	32,223,021	44,176,821
1929 [1]	1,599,200	1,313,000	130,000	390,000	474,500		272,430,789	49,701,789	[4] 42,480,789

[1] Proposed in accompanying bill.
[2] Miscellaneous relief acts.
[3] Increase of compensation.
[4] Does not include $19,950,000 appropriated to the civil-service retirement fund.

I am sure the House will be interested in that tabulation, and I am sure the House will be satisfied that in this department—a great constructive department, handling many important problems, and a department in which the expenditures were not increased materially, if at all, during the World War, and hence did not have that inflation to overcome in these days of economy—I am sure you will be satisfied that there is a real economy in the conduct of that department.

The opening of the report of the Secretary reads:

THE YEAR'S WORK IN BRIEF

The department has had a productive year in work performed. After four years of effort in consolidating and coordinating activities, reducing the personnel to a point more nearly commensurate with the needs of the service, and discontinuing unnecessary activities, the department has become a more compact, efficient organization than theretofore. During this period of reconstruction many offshoots of bureaucratic control have been abandoned. These were characterized by the magnified importance of nonessential activities and in cumbersome methods of transacting the legitimate work of the department.

The accomplishments in these directions are represented in dollars and cents by the saving of $131,331,871.61 in operation expenditures for the four years, but further by the reduction in force of 2,722 permanent employees and an increased output in the specific functions delegated to the department by law.

I fear possibly that some of you, if you read the report of the Secretary, might not understand just what the Secretary means in the beginning of that report. I have not been quite able to understand it myself. It says that the accomplishments in the direction of discontinuing unnecessary activities, and so forth, are represented in dollars and cents by the saving of $131,000,000 in operation expenses for the four years.

A study of the above table will show that expenditures of the department outside of the payment of pensions do not much exceed $40,000,000 a year, and have not during the period of four years stated, and this alleged decrease of $131,000,000 in those expenses, which is stated to be "in the operating expenses of the department," I do not quite understand. No doubt there is an explanation, but I am not able to give it. I would not consider that the reduction in the fund for the payment of pensions was a reduction in the operating cost of the department, and perhaps someone, not understanding that, might not appreciate the real showing of economy which the department makes, as you will do if you study the table I have given.

GENERAL LAND OFFICE

There is one bureau in the department to which I think I should call special attention in this connection, because we get the idea that an expenditure once entered upon is never ended. Furthermore, that there is no branch of the Government that is really reducing its expenditures. Many of the bureaus have an expanding work, which means increased expenditures. There are some that have a practically stationary program. But there are others that ought to pinch out, but they do not do it.

Let me call your attention to a notable exception, the General Land Office, under the administration of a splendid type of western manhood, a former Governor of Utah, Mr. Spry. The expenses of the bureau, with the economies carried forth by Governor Spry, with the complete support and approval of the Secretary of the Interior, show a reduction in the expenditures of the General Land Office from $3,125,015 in 1925 to $2,138,050 in 1929. [Applause.] There is a reduction of practically a million dollars, fully 30 per cent, in the operating cost of that bureau.

BUREAU OF INDIAN AFFAIRS

The Indian Service is one of the most difficult branches of the Government service. I think the Commissioner of Indian Affairs has the hardest, most thankless job in the whole Federal service. He must meet, on the one hand, the criticism of those who are in contact with the Indian, in a position to exploit the Indian and having the desire to do so. I do not want to be understood as saying that all who are in contact have that desire, but I am speaking of that element of those who are in contact who do have that desire and who are ready to raise any kind of a cry, true or not, whenever their fingers are pinched when they are reaching in to get something from the Indians for themselves.

There is another element that makes more trouble for the Commissioner of Indian Affairs and for the Government in carrying on a sane and progressive policy of rehabilitation for the Indian, and that is the many, many people throughout the country whose only knowledge of the Indian is as they have read about him, who have pictured romantic ideas of him, and who cherish an altruistic desire to see this Government do everything for the Indian; splendid people, many of them in high positions in social, political, and industrial life and who, having this desire, are frequently exploited, I may say, by men who, to make jobs for themselves or to make trouble for the Government, are constantly parading before the country alleged shortcomings of the Government.

Now, I have in mind one such organization that is perhaps the most active and the most destructive of those organizations, and that is the American Indian Defense Association. On its letterhead are the names of many splendid men and women whose only fault is that they have permitted their names to be exploited in a mistaken cause, playing into the hands of the secretary of the association, one John Collier.

John Collier is fundamentally a sensationalist and opponent of the Government. He does not, apparently, have any desire to do constructive things for the solution of the problem—certainly does not attempt them—and there are many such opportunities for such an organization, backed by such splendid men and women as he has back of him. No. He simply tears down. I say he is fundamentally against the Government, one of those who always is sure the Government of the United States is wrong and is doing wrong. He recently put out this pamphlet, The Sacco and Vanzetti Horror, by John Collier, under date of August 10, 1927. Whatever may have been its effect on public sentiment—possibly it had none—that was less destructive than this constant parading of propaganda in order to bring the Government into disfavor and disrepute in its handling of Indian affairs. [Applause.]

I am not an apologist for the Indian Bureau. I know very well that they must inevitably make mistakes from time to time in handling their widespread responsibilities. There are approximately 250,000 Indians, outside of the Five Civilized Tribes, with a total of property, tribal and individual, of $1,716,815,000, of which $920,000,000 is tribal and $796,000,000 individual. Their individual property and tribal property have each increased constantly and is now at its highest figure. They live in dissimilar conditions, some of them in the hot desert wastes of the Southwest and some of them in the coldest winters of the Northwest. Some of them have much more money than it is good for them to have or good for anyone to have without earning it; many of them are destitute. Some of them are well advanced and others are in the lowest condition of civilization. With all of their reservations scattered over the great West it is inevitable that, through human agencies, occasional mistakes of administration will occur.

There was a time, I have read, in the earlier days, when we had just subdued the Indians, when the West was not as well developed as it is now, and when those regions were most remote from the seat of government, that the Indian Service

was notoriously corrupt; and I think in the public mind the Indian Service of to-day has the disadvantage of some of that ancient aroma still clinging around it.

The Commissioner of Indian Affairs, Hon. Charles H. Burke, has had long experience with Indian affairs, through his life in the West and through his former connection with Indian affairs as chairman of the Committee on Indian Affairs of this House, and is a man of capacity, integrity, and of practical and sane idealism. He has associated with him, as assistant commissioner, Mr. Edgar B. Meritt, who has been in that bureau for some 30 years. I do not believe there is in the Government service a man who works harder and who is more sincerely devoted to the carrying out of the responsibilities of his position than Mr. Meritt. It was his vigilance that saved the San Carlos Reservoir site, and he is most zealous and devoted to the real welfare of the Indians. I do not believe there is a man more loyal in the discharge of his duties. The organization headed by Burke and Meritt is the organization that is under daily attack; and that attack is destructive and in some degree nullifies their constructive efforts.

A few months ago one of my colleagues, who is now sitting here before me, brought to my attention a circular issued by this Indian Defense organization. It was a circular prepared by its president, a physician in New York City, with reference to the death rate among the Indians. That circular, under date of January 28, 1927, stated, in so many words, that the death rate among the Indians has increased 48 per cent in four years. He purports to quote census statistics. I have not checked up those figures at the source, but I am one who will not accept tabulated figures when they go contrary to my own personal knowledge. There are many men in this House, every man who has been in contact with the Indian problem, who know that that statement is not true.

The gentleman in New York who put that forth, whether prepared by himself or by the secretary, John Collier, either knew it was giving the country a misunderstanding or else he did not know anything about the problem and should not have put out anything.

I have been on many reservations. I know of the effort the Government has been making during that very four years to increase and make more effective our health work among the Indians. I know that no such statement is true and that it has in it no element of truth.

The chief aim of the Indian Service in its health work is not only to more effectively care for and cure the sick, but also the establishment of a high standard of physical well-being and the raising of the vitality of the Indian race. Progress has been and is being made in this respect through application of preventive medicine and the teaching by precept and example of personal hygiene and home sanitation through the physicians, nurses, field matrons, hospital employees, and, in fact, all field employees, whether engaged in health, school, or agency work. By the raising of the standard of living, the problems of morbidity and mortality may be made less formidable.

In 1873 the first recognized steps were taken toward furnishing organized educational and medical facilities for the Indians. In this year an educational and medical division was established in the Indian Bureau. It could not be expected that the Indians would accept and take to scientific medical services in the same manner they accepted the white man's "fire water" and other vices. For generation upon generation they had relied upon their medicine men, with their weird incantations and practical knowledge gained by experience in the use of herbs, and so forth. But these white doctors were able at times of gatherings of the Indians at the agencies and trading post to extract teeth, lance boils, and perform other minor surgery, or perhaps render relief to old and infected wounds or illnesses which had defied the efforts of the medicine men. These small services gradually won favor among the Indians and gained their confidence, and a few Indians began calling upon the physicians. Little by little the services of the doctor came to be regarded more favorably. The medicine man and tribal custom still hold sway in some of the more remote sections, but are gradually losing favor.

With the increasing recognition of the value of the physicians' services, hospital facilities were found necessary, and attention to the provision of these facilities was made. In 1900 there were but five hospitals. There are now 100 hospitals and infirmaries, including those under construction or authorized in this bill. Now all but a few of the smaller reservations have hospital facilities, and efforts are being made to provide each of these with hospital facilities as rapidly as funds are available. The interest of the bureau in the expansion of this work is well emphasized in the report of the survey of medical needs in the Southwest by Mr. Meritt, which appears in our hearings.

The first specific appropriation for health work of any amount was made by the act of February 20, 1909, and provided $12,000 for the investigation, treatment, and prevention of trachoma. This sum was followed by an appropriation of $40,000 for the relief of distress and conservation of health which became available July 1, 1910. From this small beginning there has been waged an unceasing warfare against the two great scourges of this primitive people—trachoma and tuberculosis—and Congress has seen fit from time to time to increase the sum available for health work until in this bill for the fiscal year 1929 there is provided the sum of $1,434,500 for "conservation of health," with $113,000 of tribal funds added for the same purpose.

To-day there are 13 special physicians traveling constantly through the West treating the Indians for trachoma, and progress is being made in its eradication. Other items were used, but the specific appropriation which began in 1909 at $12,000 is in the bill that is before you—$1,434,500 from the Treasury of the United States—in addition to a trifling sum from the tribal funds.

Mr. LINTHICUM. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LINTHICUM. I want to ask the gentleman about how many Indians there are now?

Mr. CRAMTON. There are about 250,000; that is, outside of the Five Civilized Tribes, and there are 100,000 of those, making 353,000, as I recall.

Recently, and within the last two years, under the administration of Commissioner Burke, the medical service has been reorganized and a detail from the Public Health Service has come in, at its head Doctor Guthrie. So not only are we giving them more money but they are using it better and more effectively. If there is any item of grief in the Indian Service, and anything to which uplift organizations might well consecrate themselves for the purpose of getting some returns, it is the inadequacy of salaries in the Indian Service. That has been helped somewhat of late and we are now getting the benefit of it, but more is needed, especially in the positions of greatest responsibility.

Since I am on the subject, I came in contact while in the Southwest last fall with a man who had been nearly 40 years in the Indian Service, Mr. Charles L. Davis, the head of the White River Indian Agency for the Apaches. These Indians have a large reservation, 1,680,000 acres, or 2,625 square miles, $4,000,000 of timber in their forests, some undeveloped coal and iron mines and asbestos, large grazing areas, a tribal herd of 2,300 cattle, with a probable income of $10,000 from that herd for this year, as well as herds of permittees from which they get an income of over $30,000 for 15,000 cattle and 30,000 sheep. They derived $156,000 from timber last year. There are many individual Indians having substantial property interests, 500 individual Indians having a total of 21,650 head of stock from which their income this year is $55,000.

I met an interesting delegation of them. When the Government made up the Apache roll, after the days of Geronimo, they put them into bands and lettered the bands and numbered the individual members, and they still go by that designation. A–1 was a scout under General Crook and is now the chief of the tribe.

His brother is the medicine man of the tribe and is A–2. I met R–14, a most interesting character. When the war was on the agent suggested to R–14 that he ought to buy some Liberty bonds. He said, "How many do you think I ought to buy?" The agent said, "I think you ought to buy $10,000 worth." He came around in a day or two and said, "I will take $25,000 of them." The bonds were bought and they are in the safe of the agent. It is interesting to note that the bank in which his money had been deposited broke after that and he was fortunate to have Liberty bonds instead of that deposit.

This will give you some idea of the responsibilities, the financial responsibilities, of such an agent. Joined to this is the tactfulness required in handling 2,000 or 3,000 temperamental individuals and taking care of them. There is an order of executive ability that is required; and what do you suppose such a man with all this responsibility upon him gets after 40 years in the service, a man who has discharged his duties in a most highly commendable fashion and in a way that would have brought him a very substantial income in private employment? As I recall, he was getting $3,300 at the time of his retirement a few weeks ago.

You can not expect to get the highest type of service unless you are willing to pay somewhat nearly what it is worth; and these uplift organizations, if they would devote themselves

to some such constructive effort as this, could get somewhere, whereas now with this program of calumny and propaganda they are nothing but obstructionists and destroyers.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HOWARD of Oklahoma. Would the gentleman mind telling the House the salary of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs for carrying on this great work?

Mr. CRAMTON. Seven thousand five hundred dollars for the Commissioner of Indian Affairs and $5,400 for the assistant.

In connection with this matter of health, I have stated we have increased the appropriation. We have increased the facilities most wonderfully. It has been the policy of this subcommittee, in which we have had the support thoroughly of the House, to each year have a material increase in this appropriation. New hospitals are constructed each year, and this requires an addition for their support; and then the next year more new hospitals and more for their support.

The birth rate—and I quote now from the hearings a statement presented by Doctor Guthrie, an official of the Public Health Service, and a gentleman of reliability and who has the contact and familiarity with this subject—you know the trouble with figures and statistics, when you come to the Indian question, it is very hard to take a census among the Indians, either those that are sick or well, particularly such tribes as the Navajos, who inhabit great, arid wastes and who are hidden away among the brush, more or less; and so I suppose, if I went out to get some figures to make a bad case, I could find them, but here is a gentleman who is right in contact with them, who says that his figures are always somewhat incomplete, but he gives the best information he can:

> The general table of medical statistics is a consolidation of data from the various jurisdictions as tabulated from their annual reports. This table has to do principally with births and deaths and the incidence of the two main diseases, tuberculosis and trachoma. The first part of the table dealing with births and deaths shows a general birth rate for the Indian population throughout the country of 25.1 per thousand and a general death rate of 21.8, these being deaths from all causes.
>
> The birth rate for the period covered by this report is the lowest for any year since 1911, the highest birth rate for any fiscal year during this period being 38.8 per thousand population for 1914. The birth rate has shown a gradual but fairly constant decline.
>
> The death rate for the period 1911 to 1927, inclusive, has shown a downward trend, the rate for the fiscal year 1927 being the lowest with the exception of 1926, which was 18.2, and the same as 1923, when the death rate was 21.8. The highest death rate during the period 1911 to 1927, inclusive, was 35.6 for the year 1911. This excludes the fiscal year 1919, when the general death rate was influenced by deaths from influenza during the pandemic at this time.
>
> As stated in a footnote at the bottom of this table, the births and deaths for a given agency are often not inclusive, but are only for those cases with which the Government officials have come in contact. There are still a considerable number of births and deaths which are not brought to the knowledge of agency officials, and deaths still occur in which there has been no medical attendance and the information has come to light too late to obtain informative data thereon. The figures are considered to be indicative of trends and have a distinct value with reference to the Indian population as a whole.

The death rate for 1927 is the lowest it has been any year since 1911, except the one mentioned, and this entirely contrary to the statement submitted by these organizations.

Now, in addition to this propaganda which creates suspicion of the Government in the minds of many who make many good people believe their Government is acting unworthily, whereas, as a matter of fact, it is acting most generously and worthily, in addition to that, there is an active interference with the work of the Government.

I remember last year we had paraded before us the story of a poor Indian up in Wisconsin who was manacled and chained. He had broken prison several times on the reservation and the superintendent chained him. His offense then was a most hideous one, the abuse of three Indian girls. He broke prison several times, and we were almost led to tears at his desperate strait because he was chained up there. The appeal was made that he ought to be tried in the courts of the State instead of before an Indian judge or a superintendent.

It is interesting to bring this little incident up to date. That Indian, Paul Moore, thereafter was party to a murder, when a druggist was killed by burglars at Ashland, Wis., was this time tried in the courts of the State, and is now serving a life sentence. There will be no more occasion to worry about his being manacled on an Indian reservation.

Another organization is the Mission Indian Federation of California. A man named Jonathan Tibbetts is the head of that organization. It is in the records that up to 1922 he had collected $80,000 from these pitifully poor Indians of California, leading them to think he was getting this money so as to be able to induce the Government to do them justice.

The net result is that he secured $80,000 up to 1922, and I do not know how much since. He has organized "police" who are on the reservation, and the federation that appoints them states that their duties are "to preserve order on their respective reservations, to guard and protect the interests of the people."

The effrontery of a private organization to police a Government reservation and take over the functions of the Government! That could only culminate as it did last summer when, the officials of the Federal Government and the officials of the State and counties endeavoring to prevent some smuggling of liquor, armed interference by these unauthorized "police" resulted in the death of two or three Indians and the arrest of some of these police charged with the deaths, and they are now awaiting trial in the United States court. The hearings carry the full story.

You can see how much trouble it makes for those who have the responsibility of government among them to have such an organization thwart their efforts as I have indicated.

Sometimes you are given to understand that nearly all the money that the Government appropriates for the Indians is wasted in administration. What we spend there seems to be necessary. Each year the committee scrutinizes that, and each year we cut it down a little—what goes for administration and support. A little over $13,000,000 is proposed in this bill out of the Treasury of the United States, and out of that there is for education $7,297,000—over half of the total appropriation goes for education. That I can say, from a good deal of study of the question here and in the field, is being expended wisely and we are getting good results.

Now, the total number of children eligible for school attendance is 76,843. The number who are in Indian schools is 68,067. The number of eligible children not in school is 8,776. It is not strange that there should be several thousand children out of school, because of the conditions under which they live and their attitude in many cases as to school advantages, but we are reducing the number.

Mr. COLTON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COLTON. Has the gentleman any information as to the number that attend the public schools and the number that attend the Indian schools?

Mr. CRAMTON. In the Government schools we have 25,622. On the nonreservation boarding schools we have 9,616, on the reservation boarding schools 11,616, and at the day schools 4,390. Then there are the mission schools—contract boarding 2,030, noncontract boarding 2,327, and day schools 1,266. The number in the private schools is 35,124.

So the work of the Indian Bureau proceeds along safe and sane lines, with special emphasis upon three things: First, education; second, health; and, third, industrial assistance.

Mr. KNUTSON. In your hearings did you discover whether or not the tendency is to increase or to decrease the cost of the administration of Indians?

Mr. CRAMTON. I will say this, to be explicit in answer to the gentleman without evasion: The appropriation for the Indian Bureau increases, due to the increased appropriations that go exclusively and directly for health and education. The cost of administration is less—administration of Indian property and administration of the bureau; it decreases, not rapidly, but it does decrease.

Mr. KNUTSON. I notice that the item for the Minnesota Chippewas is practically the same, although a small increase is made for roads.

Mr. CRAMTON. Yes.

Mr. KNUTSON. Did the committee inquire of the Commissioner of Indian Affairs as to the proposal advanced by Secretary Work to transfer to the States for expenditure the money that is now being spent in education and health work among the Indians?

Mr. CRAMTON. I have never really seen the proposal of Secretary Work on that.

Mr. KNUTSON. You did not inquire about it?

Mr. CRAMTON. We did not go into it, but my inquiry and study of this subject for the last seven years has satisfied me that it would be folly to consider the decentralization of our health and educational work among the Indians. The States have a responsibility in handling their Indians, and if they fail to discharge their responsibility the result will be disastrous. The proposition is sometimes advanced that the United States should turn loose the Indians and their property. But see what happened in North Dakota, in one county up there,

the Turtle Mountain Band, the county has been obliged to spend $12,000 a year for indigent Indians who are unrestricted and have been given their lands and have been turned loose. That is what would happen, and effort is being made to have us ration them generally if we turned them loose.

Now the policy of the Government is to utilize State schools wherever possible. Wherever there is a public school and they will admit the Indian children, we are ready to pay for their admission, wherever it is possible to turn the funds over and let the localities administer the schools. But to turn over all our Indian health work and educational work to the individual States would mean disorganization. In many cases it might result in the diversion of funds to purposes which the Federal Government did not contemplate. That has been illustrated by the diversion of funds in connection with the maternity act, now on the statute books, where the States, with money turned over to them for one purpose, have used it for different purposes.

I may say that something of this kind did come to my attention in connection with some resolutions the other day. While we want the States to do their share as to the health of the Indian—and I think the States in many respects have a financial responsibility—wherever possible we will cooperate, but to have the work turned over to the States entirely would destroy the organization.

Mr. KNUTSON. The gentleman does not mean to say that the States are concerned when the Indians are still the wards of the Government and do not pay taxes and do not contribute to the support of the States?

Mr. CRAMTON. The States do not now limit their facilities for health and education to those who pay taxes. It is of the highest importance to the States that the Indian be made a useful member of society. I do not think the gentleman and I disagree as to that. The Federal Government has a responsibility which we perform generously, and I should say also that the States do have a responsibility. If the Indians should be turned loose and turned over to the States and own their property and their property made taxable, inside of three years those States would have a terrific burden placed upon them of maintaining people no longer wards of the Government and who would be no more fit to handle their property than they are now, and would soon be destitute and dependent.

PENSION BUREAU

The Bureau of Pensions bill before us carries materially less than last year. Just a word as to that. The expenditure under the appropriation for pensions for the fiscal year 1927 was $230,000,000. The appropriation had been $192,000,000, but because of new legislation affecting the Civil War and the Indian wars and the Spanish war the burden was increased. So instead of $192,000,000, the real burden was $230,000,000. There was an item in the deficiency bill last June, and because of the failure of that bill the Bureau of Pensions found that there was danger that they might not be able to pay the pensions for May and June. You can imagine the tragedy that would have happened in that case to old men and women, where it was so necessary for prompt payment. The Comptroller General was equal to the occasion; he cut the Gordian knot and gave a wrench to the law which I think everyone would approve of, because he adopted a construction that permitted every pensioner to get his pension when due.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COCHRAN of Missouri. I fully agree with what the gentleman says about what would have occurred if that order had not been made. Did the gentleman's committee investigate the 6, 8, and 12 months' delay at the present time in the Pension Bureau in handling the claims of Spanish War veterans? I have cases called to my attention where the men appeared before the examining board 6 or 8 or 10 months ago, and the decision of the commissioner has not yet been rendered, simply because the cases have not been reached. It is my understanding that the personnel of the Pension Bureau has not been increased, despite the fact that the Congress has time and again increased the work of the bureau by passing laws bringing in additional veterans under the general pension act.

Mr. CRAMTON. Mr. Chairman, the general burdens of the bureau are not so materially increased except for a period. The committee last year took the statement of the Commissioner of Pensions as to how many employees he would need under the policy of the department, and we gave him that number. Then the item went to the Senate, and the commissioner by that time thought it over and went before that body with a somewhat different showing from what he had made to us. That is not said in the way of criticism. He thought he had further information. I took some of the statements made in that hearing and tried to follow them up, and I got possibly a third and a fourth explanation. I simply mention that to point out the difficulty that we have of getting exact and positive and concise information from that bureau. I know that they have stated to other Members of Congress, and they possibly have to my friend, that they could not act more promptly because of the lack of employees. I suggested in the course of our hearings the possibility of some survey of the bureau to determine the real facts, but that suggestion did not meet with enthusiasm. You will find that in the hearings we did discuss with them the number of employees that they want, and the commissioner urged that the policy then followed of not filling vacancies caused by retirement or death or resignation should not be followed further. From the statement made before us the amount recommended by the committee, which is the amount proposed by the Budget, is very substantially what the commissioner says that he will need for the next year. If my recollection serves me, his figure was perhaps $10,000 more, on an item of something like $1,000,000, as I remember. The difference between the figure recommended by the committee and the statement made by the commissioner, as I give it from recollection, is not sufficient to justify any material delay in handling the cases; and the gentleman must remember that when Congress puts more burden upon such a service, and possibly several thousand new claims are filed quickly, it is not feasible to immediately increase that organization so as to handle that great crush of new business without delay.

Mr. COCHRAN of Missouri. At the same time, I do not feel that there should be a delay until the 1st of July in giving them the help they need to take care of the claims of Spanish War veterans, who are in need of financial assistance by reason of their disability at the present time, and whose examinations by the Pension Bureau physicians show that they are entitled to a pension under the act.

Mr. MORTON D. HULL. Will the gentleman please tell us where the Treasury found the money to meet these claims?

Mr. CRAMTON. That is what I was just about to come to. There was an appropriation of $192,000,000 for 1927, and added responsibilities were $38,000,000. The ruling of the comptroller, which you will find in the hearings, permitted the use of the 1928 appropriation for pensions, to pay the 1927 pensions. The only difference was, if they had been held over until the 1st of July, we would have had to pay them then, just the same out of the 1928 pensions. The only effect of his ruling was that these old men and women had their money when due, instead of waiting one or two months. There was the $38,000,000 added responsibilities from 1927, and then the commissioner came before the deficiency appropriation committee last December and said that he needed $8,000,000 more for 1928—$46,000,000 of a deficiency this year, to take care of that burden brought over from another year and the increased burden for 1928. The total expenditures for 1927 amounts to $230,000,000 and for 1928 it is now anticipated will be $229,000,000. For 1929 the estimate of the Budget is $210,000,000. There are so many things entering into this a year and a half in the future, through the death of pensioners and the presenting of new applications and their disposition that it can not be forecast absolutely. In our hearings the Commissioner of Pensions, on our insistence, expressed belief that about $217,500,000 will be necessary instead of $210,000,000, with a fluctuation between $213,000,000 to $220,000,000—something like that. My own judgment is that the $210,000,000 is a little short of what will be our obligations.

This fund is a fund in the use of which the bureau has no discretion. It can not be used for anything except the payment of pensions, and for those who have been found entitled to the pension. Therefore, the committee recommended in this language the addition of the words "immediately available," with the idea that hereafter we shall carry that language each year. So that each year the difficulty that was faced last May, if there should be a deficiency, will not again occur and the appropriation of the following year may be used.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield there?

Mr. CRAMTON. Yes.

Mr. KNUTSON. Has the committee made any provision for paying the expenses of contact officers from the Pension Bureau for the service they do in the different encampments?

Mr. CRAMTON. Yes. We have heard the gentlemen in touch with that question. We have concluded to give authority to the Secretary to allow them to attend the meetings.

RETIREMENT FUND

An important question coming under the bill under the Bureau of Pensions has to do with the retirement act. This bill carries for the first time $19,950,000 to refund or pay the Federal contribution for going on with the retirement act.

If I may be permitted to make this statement without interruption, I shall be glad, and then if I can answer questions I shall be glad to do that. The subject is one that I think is complicated for most Members of the House; it certainly is for me. I think possibly, if I can make a continuous statement with the information I have been able to get, you will get a better idea about it than if I were interrupted. As to this matter of the obligation of the Government in connection with the civil-service retirement and disability fund, I do not think that there is anything in the bill that is more important. It is the beginning of a policy to provide for financing our obligations under the retirement law. There are many propositions to extend the responsibility of the Government with reference to retirement of civil-service employees. An editorial appeared in the Post this morning which commented on one, a very important proposition, it seems to me, by which the employees will pay less and get more and pay for a shorter period, and so forth, and thereby the Federal Government relieved entirely from any financial responsibility. Probably I do not fully understand the editorial, but that is the understanding I got from it. But we have many propositions to shorten the period before the employee can be retired. I can not feel any enthusiasm about that. I think there is no greater tragedy in life than when a man is interested in his work and reaches a period when he still can perform that work, to be told that he must retire.

That is a tragedy, and I hope I never get into a position where they will tell me I have got to quit. Of course, all Members of Congress face that possibility. The questions that naturally arise in connection with this item are—

Why should an appropriation be made at this time when there is already in the fund over $68,000,000, and the fund is rapidly increasing from the contributions made by the employees? and,

If an appropriation is necessary, why is the amount to be appropriated fixed at $19,950,000?

It is a sound principle of government that in times of peace the Government should pay its way as it goes. Our Government can not do this with respect to the civil-service retirement and disability fund unless it begins to appropriate at once. Pensions are merely deferred pay and should be provided for as they are earned.

If, when the retirement act took effect in 1920, (1) every one of the 400,000 and more employees had just entered the service, and (2) if the Government had exacted thereafter from each of those employees a contribution that would have been sufficient, with compound interest, to provide in full for his own retirement, if those two conditions had existed, then there would be no necessity now nor at any time in the future of appropriating a dollar. But the situation was entirely different.

It has been my impression that many Government employees have the impression that their contributions pay the full cost of what they are to get, and I think many Members of Congress have that understanding. However, I hope this may bring the matter to their attention in such a way as to largely disabuse their minds of that impression. The day the retirement act took effect about 7,000 employees were eligible for retirement who had not contributed a penny to the retirement fund and they, under the law, share just the same as if they had contributed during all the required period of the law.

Mr. MORTON D. HULL. Then the appropriations provided for by law take care of the accrued obligations——

Mr. CRAMTON (interposing). If the gentleman will permit I am sure I will get to that. There have been no appropriations by law heretofore. This is the first appropriation to meet the Government's obligation and that obligation of the Government comes from two sources: First, that those who were in the service when the act took effect, whether they retired one month after the act took effect or 50 years after it took effect, will get the rates provided in the law, regardless of their own contributions; and, second, that the rate provided in the law to pay the annuities provided in the law is insufficient to meet those annuities.

As I say, the day the retirement act took effect about 7,000 employees were eligible for retirement who had not contributed a penny to the retirement fund; and, in addition to these 7,000, there were also in the service about 400,000 employees with periods of service to their credit ranging all the way from one day to 50 or more years who had contributed nothing in the past and whose pensions could not be provided for in full by contributions during the remainder of their services.

In order to pay the pensions of those who retired at once without contributing anything, and those who were approaching retirement age, whose contributions would be insufficient, and to make up the deficiencies in the contributions of those who would retire in the future the act required (sec. 8, par. 1, act 1920) that the contributions of all employees should be placed in a common fund which could be drawn upon immediately for pension payments.

It is obvious that this arrangement was merely a temporary expedient to provide the necessary capital to pay the pensions. It in no way relieved the Government of the necessity of making appropriations in the future. The act goes on to provide (sec. 11)—

> that in the case an employee is separated from the service before retirement on annuity, the total amount of his deductions with interest shall * * * be returned to him—

and (sec. 5, par. 4) that—

> in all cases where the annuity is discontinued * * * before the annuitant has received a sum equal to the total amount of his contributions with interest, the difference shall be paid to the employee or to his estate.

In other words, the law provides that the minimum that an employee shall receive in any event is the amount that he has paid, with compound interest thereon at 4 per cent.

The CHAIRMAN. The gentleman has occupied one hour.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to proceed for one additional hour.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for one additional hour. Is there objection?

There was no objection.

Mr. CRAMTON. That is the minimum he can receive. If he resigns before his retirement age, then what he puts in is paid back to him; if he is retired and dies before he has received as much as he has contributed, plus the compound interest, his estate gets the balance. On the other hand, if he retires and lives a long period so that he exhausts an amount equal to his contribution, plus the compound interest, and then continues to draw money, somebody has got to pay that, and as no employee is to receive any less under any circumstances than he has contributed, plus the compound interest, naturally no one employee can be called upon to pay the annuity of another, and that leaves the Government to do the job.

It is obvious from these two provisions that not one penny of the deficiency in the contributions of one employee could be made up from the contributions of another employee, but that ultimately every penny taken from the fund to pay an employee a benefit which he had not provided for himself would sooner or later have to be returned to the fund out of the Treasury of the United States with compound interest at 4 per cent.

That this was recognized by the framers of the act may logically be inferred from the reports of the committees which accompanied the bills both in the House and the Senate, and the debates on the floors of both Houses, and also the provision carried in section 15 of the act which reads as follows:

> The Secretary of the Interior shall submit annually to the Secretary of the Treasury estimates of appropriations necessary to continue this act in full force and effect.

Under this arrangement no estimate was ever submitted by the Secretary of the Interior until last year, and that estimate was not included in the Budget for the current year.

According to the records of the Bureau of Pensions more than $40,000,000 had been paid out of the fund in annuities under this arrangement prior to July 1, 1927. The first year the annuity payments amounted, in round figures, to $2,600,000; the second year to $4,200,000; the third year to $5,000,000; the fourth year to $5,700,000; the fifth year to $6,200,000; the sixth year to $6,800,000; and the seventh year to $9,600,000.

It will be seen that the annuity payments have increased every year since the act was passed, and I believe they will continue to increase for many years to come. The employees that went on pension in 1920 were the survivors of the active force of 30 years prior to that time; those who went on pension last year were likewise the survivors of the active force of 30 years ago. We may, therefore, fairly assume that the number of persons that will retire from year to year in the future will increase at about the same rate that the active force has increased from year to year in the past. This means that pension payments will probably increase within the next 10 years to a point where they will finally exceed the employees' net annual contributions; that is, after making deductions for refunds to those dying or withdrawing from the service. Such net annual contributions of employees now amount to approximately $20,500,000 ($24,358,882—$3,862,288=$20,493,594). When that time is reached the amount in the fund will begin to diminish rapidly and in the course of 10 years more the fund will be exhausted and thereafter the Government will have to provide each year the difference between the amount of the employees' net contributions and the total pension payments.

It is fair to assume that within the next 30 or 40 years the total pension payments and refunds will have increased to about $40,000,000 a year.

The board of actuaries tell us that, according to the valuation which they made as of July 1, 1927, the obligation which the Government assumed when the retirement act became law in 1920, plus that which it has incurred between that date and July 1, 1927, amounts to $393,000,000. This is generally referred to as the "accrued liability." This debt might be held indefinitely at its present amount by simply appropriating interest on it at 4 per cent, which would amount to $15,720,000 a year. The pay roll of the employees covered under the act amounted on July 1, 1927, to $798,000,000. This appropriation of $15,720,000 amounts to 1.97 per cent of the pay roll. Therefore if the Government were to appropriate 1.97 per cent of the pay roll, the accrued liability could be held at its present amount of $393,000,000. Such an appropriation would not, however, fully meet the obligation of the Government, for the contributions made by the employees at the rate of 3.5 per cent of their salaries have been found by actuarial determination to fall short of the amount required to pay the benefits by 0.48 of 1 per cent of the annual pay roll. Forty-eight hundredths of 1 per cent of the pay roll amounts to $3,851,794. Therefore if the Government were to appropriate 2.45 (1.97+0.48) per cent of the pay roll, or $19,572,729, it would hold the accrued liability at its present level and would provide its share of the accruing liability during the coming year.

When I say that to appropriate 2.45 per cent of the pay roll it will hold the accrued liability at its present amount and pay the Government's accruing liability, I mean provided the pay roll remains at its present level of $798,000,000. If the pay roll increases beyond this amount the contribution corresponding to the increase would tend to liquidate some part of the liability of $393,000,000.

In considering this question of the amount which the Government might properly appropriate for account of the retirement fund, the Budget Bureau decided to recommend an appropriation of an even 2.5 per cent of the pay roll, or a total of $19,950,000. This would mean that the difference between 2.45 per cent and 2.50 per cent of the pay roll, or, roughly, $400,000, the Government would apply to the liquidation of this accrued liability of $393,000,000.

Mr. BRIGHAM. Will the gentleman please explain how the employees' contributions are invested by the Government?

Mr. CRAMTON. I had hoped to cover that, but I do not have that information fully at hand. However, it is in the buying of bonds which are set aside in a separate fund and on which interest is paid. I think they are Government bonds.

Mr. LEHLBACH. I think they are largely farm-loan bonds.

Mr. BRIGHAM. Will the gentleman tell us what the average yield is?

Mr. CRAMTON. The report of the Secretary of the Treasury gives information as to the various retirement funds. The gentleman will understand that there are other retirement funds in operation—the State Department, the Army, the Navy, and so forth. On pages 136 and 137 of the report of the Secretary of the Treasury for the year ending June 30, 1927, is a statement with reference to this, and I will insert at this point the tabulation which appears on page 136:

Assets:		Principal cost	
$22,695,050	face amount fourth Liberty loan 4¼ per cent bonds	$22,399,454.01	
31,200,000	face amount 4 per cent special Treasury notes, payable June 30, 1931	31,200,000.00	
14,400,000	face amount 4 per cent special Treasury notes, payable June 30, 1932	14,400,000.00	
68,295,050			$67,999,454.01
Unexpended balances June 30, 1927			424,831.17
Total fund assets			68,424,285.18

Mr. BRIGHAM. It is probable that some of the securities are actually earning in excess of 4 per cent.

Mr. CRAMTON. Probably some of them do. I think the gentleman will find that section of the report of the Secretary of the Treasury of interest.

The question may be asked, How many years will the Government be required to appropriate this $19,950,000? Fifteen million seven hundred and twenty thousand dollars of that amount is interest on the accrued liabilities of $393,000,000. The length of time that the Government will have to appropriate the interest on this amount will depend entirely upon the rapidity with which the debt is liquidated. If it is not liquidated at all, the Government will have to appropriate it in perpetuity.

The question is whether the Government shall begin now to meet its obligations to the retirement fund as they are incurred from year to year, pay the interest on the accrued liabilities of $393,000,000, and create a small sinking fund starting with approximately one-half million dollars a year, or shall it allow its obligations to the fund to remain unpaid and to accumulate at compound interest until ultimately it will be called upon to appropriate about $40,000,000 a year. If it begins to appropriate 2.5 per cent of the pay roll now, the Government will be meeting its entire accruing liability from year to year and will be gradually liquidating the debt of $393,000,000 which it originally assumed. When this original liability has been wiped out, the Government's contributions will be reduced to less than one-half of 1 per cent of the pay roll, or approximately $4,000,000 a year. This amount is what is referred to in the report of the board of actuaries as "the Government's normal contributions," and is stated as forty-eight one-hundredths of 1 per cent of the pay roll.

The question therefore comes down to a practical one of whether the Government shall adopt a program involving an annual contribution of 2.5 per cent of the pay roll or approximately $20,000,000 a year, which will ultimately be reduced to forty-eight one-hundredths of 1 per cent of the pay roll, or approximately $4,000,000 a year; or shall it postpone appropriations for 20 years until the fund is exhausted and then be required to provide increasing amounts annually until in 40 years from now it must appropriate nearly $40,000,000 a year in perpetuity.

At that time the fund will be exhausted and the Government will owe the employees, in round figures, $875,000,000 on account of money borrowed from the fund to pay pensions. The pensions will then amount to about $35,000,000 and refunds to $32,000,000, making a total annual expenditure of $67,000,000. This expenditure will be met by the interest of $35,000,000 on the floating debt of $875,000,000, plus the Government's normal contribution of $4,000,000, represented by forty-eight one-hundredths of 1 per cent of the pay roll, plus the employees' contributions of $28,000,000. The fund will then stand as follows:

Income:	
Interest at 4 per cent on the floating debt of $875,000,000 to employees	$35,000,000
Normal contributions by the Government of forty-eight one-hundredths of 1 per cent of pay roll	4,000,000
Contributions by employees of 3.5 per cent of pay roll	28,000,000
Total	67,000,000
Expenditures:	
Pensions	35,000,000
Refunds	32,000,000
Total	67,000,000

At that time the Government will, in fact, be paying the entire cost of the pensions and in addition the excess of refunds over the contributions amounting to about $4,000,000 a year, and to that extent will be worse off than if no contributions were exacted from the employees. This situation would be the direct outcome of the Government's failure to meet its current obligations for pensions at the time the obligations are incurred.

In the hearings you will find quite a presentation of this matter and quite a showing of what was in the minds of various ones connected with the legislation at the time it passed Congress in 1920 and in 1926. I will only quote this extract from the report of the Committee on the Civil Service, which I think was presented by the gentleman from New Jersey, Mr. LEHLBACH. This report accompanied the bills which became law July 3, 1926, and in that report it is said:

> Generally the sum contributed by the employee is less than the cost of the annuity, and the difference is paid by the Government.
>
> The resources of the fund comprise the contributions of the employees with their interest accumulations and such appropriations as the Government must needs make to meet the liabilities, comprised of annuity payments and refunds.
>
> While contributions to the retirement fund have only been made since August, 1920, the benefits of retirement were made fully available to all employees within the system at that time. Those who were immediately retired when the law came into operation had contributed nothing toward their annuity and consequently the proportion of contribution by the Government to meet the cost of the annuity was 100 per cent. With each year the proportion the Government must pay will diminish, but will not completely reach the normal cost while there exists annuitants who were in the service prior to August, 1920.

On the other hand, a policy that ignores all Government liability and continues to meet all obligations of the fund out of the contributions of the employees and their earnings will have this result. Eventually the outgo will exceed the income and the cash balance in the fund will be gone. Thereafter it will be incumbent on the Government to appropriate annually to pay all annuities and to return all refunds with accumulated interest, less only the contributions for that year. To saddle upon future generations such an unwarranted expenditure is unconscionable.

Hence, I take it, the recommendation of the Budget and of the committee will have the indorsement of the gentleman from New Jersey, who was chairman of the committee which legislated on this question.

Mr. LEHLBACH. It most emphatically has.

Mr. CRAMTON. And I am sure the gentleman from New Jersey knows a great deal more about this subject than I can ever hope to know.

Have I reached the points the gentleman from Illinois had in mind?

Mr. MORTON D. HULL. I think the gentleman has answered the question.

Mr. CRAMTON. I must not trespass much more on the time of the committee. I will just touch on one or two other features of the bill in a briefer fashion.

Mr. MURPHY. May I refresh the gentleman's memory at this point for the sake of making the record complete?

Mr. CRAMTON. Yes.

Mr. MURPHY. I think the facts brought out on page 756 of the hearings, when the gentleman from Idaho [Mr. FRENCH] asked Mr. McCoy some questions, should appear here:

Mr. FRENCH. Let us put into the record at this point a statement that will show the total deficit as of June 30, 1927.

Mr. MCCOY. $440,558,433 would be the appropriation required by the Government as of June 30, 1927, to balance the total liabilities.

Mr. TAYLOR. Assuming that there is a legal liability under the law?

Mr. MCCOY. Well, we will leave the Government out. That is the amount necessary to balance the liability.

In other words, Mr. Chairman, according to the figures of Mr. McCoy, on June 30, 1927, the Government owed $440,558,433 to this retirement fund.

Mr. CRAMTON. And this appropriation is the first step toward meeting the obligations of the Government.

Mr. MURPHY. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. LEHLBACH. Four hundred and forty million dollars is not actually owed to the retirement fund on June 30, 1927, or any other time. Four hundred and forty million dollars is the present value of the payments to be made by the Government from August 22, 1920, until the last person who was in the employ of the Government in 1920 shall have died; that is, it is what it will owe over a course of possibly 40 or 50 years. It is the present value of what they will owe for half a century.

Mr. CRAMTON. Manifestly, that must be so.

Mr. MURPHY. The Government is doing the same thing with respect to this $440,000,000 that any great life insurance company would be required to do.

Mr. CRAMTON. It is an obligation which, when it accrues, will amount to that. Of course, if it were not as the gentleman from New Jersey has said, then this appropriation we have would not suffice to meet it in any appreciable degree. Of course, as soon as we make this appropriation it begins to bear the compounding of interest, and so forth.

RECLAMATION SERVICE

As to the reclamation fund carried in this bill, there is an appropriation of $12,614,000.

I will put in the RECORD a statement of the resources of that fund and from what the income is expected to be derived. I will not take your time now further than to say that they anticipate they will have on hand at the beginning of this next fiscal year $15,229,700, and an appropriation of $12,614,000 is as close to the amount that it is expected the fund will have available as we ought to go when we remember that the moneys are somewhat problematical as to returns.

Estimate of reclamation funds available, fiscal year 1929

Item	Actual			Estimated	
	1925	1926	1927	1928	1929
Sale of public lands and town lots	$761,580	$510,600	$596,200	$700,000	$700,000
Mineral leasing act	4,820,610	4,448,400	3,504,700	3,150,000	3,150,000
Potassium royalties	5,220	5,800	3,600	5,000	5,000
Federal power licenses	5,840	7,700	13,000	11,000	16,300
Subtotal, new money	5,593,250	4,972,500	4,117,500	3,866,000	3,871,300
Construction repayments and funds advanced	4,245,440	3,438,400	2,131,600	3,300,000	3,300,000
Operation and maintenance repayments	1,607,910	1,734,300	2,264,400	1,700,000	1,700,000
Miscellaneous collections, including power, grazing lands, etc	1,299,140	1,428,000	1,167,200	1,000,000	1,000,000
Subtotal, repayments	7,152,490	6,600,700	5,563,200	6,000,000	6,000,000
Total receipts	12,745,740	11,573,200	9,680,700	9,866,000	9,871,300
Cash on hand beginning of fiscal year	5,471,650	6,575,100	8,244,800	9,492,400	5,358,400
Total available	18,217,390	18,148,300	17,925,500	19,358,400	15,229,700

There is one thing in connection with this that I would like to call to the attention of the committee, and that is the proposed expansion of the Reclamation Service, to the South particularly, using appropriations out of the Federal Treasury. The reclamation fund, as operated in the West, in the public-land States, is operated out of money received in that fund from the public resources of those States. In other words, the reclamation has been carried on largely by money derived from sale of oil and minerals and public lands in the public-land States.

Now, we are about to meet a proposition to extend the work of reclamation in the Southern States to what is called cut-over lands and swamp lands.

In the discussions the matter has been broad enough to cover my State; in fact, there is an organization, the National Drainage League, or something of the kind, that is circularizing the country and wrote to the county drainage commissioner of one county in my district, a prosperous county where they spend thousands and thousands of money for drains. This National Drainage Association sent a circular to that county drainage commissioner—as it probably has to thousands of others—leading him to believe they had under way a program that would relieve the county of Huron, in the State of Michigan, from further expenditures for drainage and let the Federal Government take it over.

Of course, the program that actually will be presented to us will not be as far-reaching as that. Such a program would fall of its own weight; but the program is in certain States that have been most active in it—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, all of the States that are developed and have quite abundant resources—that in these States the Reclamation Service shall enter on a work of development, as set forth in the following resolutions set forth in the recent conference in Washington:

Whereas reclamation as now defined is a movement for better homes in directed country life centers for diversified farming, for education based upon the natural endowments of our people, for full use of all modern transportation and market facilities, and for the fullest application of available scientific knowledge.

Whereas successful demonstration of such a program is essential to our economic, social, and political life; and

Whereas the opportunities and needs of the South make it an appropriate field for these demonstrations: Therefore be it

Resolved, That we recommend as the general plan of development that approved by the Chief of the Bureau of Reclamation, which is based upon the report to the Secretary of the Interior, of an able and impartial advisory committee appointed by him, and further upon the detailed reports of the bureau experts made as the result of recent surveys authorized by Congress.

Second. That the Congress be asked to pass at this session such legislation as will authorize the Bureau of Reclamation of the Department of the Interior to carry out this program as rapidly as practicable.

Third. That an appropriation of $14,000,000 be requested, of which $2,000,000 shall be available for one project in each of the following States: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, in which States expert investigation already has been made; the exact amounts required and used to be determined within these limits by the Bureau of Reclamation.

Sufficient data has been gathered in South Carolina, Georgia, Mississippi, and Tennessee to enable plans and estimates of reclamation and farm development to be made and to forecast what benefits could be anticipated from such development.

In North Carolina, Florida, and Alabama these investigations have not been completed. The appropriation of $15,000 requested will be sufficient to accomplish this result and complete a final report on the work in all seven States. No further appropriations for investigations of this character seem to be necessary unless some constructive action is decided upon and legislation fixing the extent of the Federal Government's participation is enacted by Congress.

At a conference held in Washington December 14 and 15 this view was explained and a plan of future action outlined which contemplated the creation from private sources of a fund for financing certain features of the development and legislation by Congress to provide for planning and supervision only. The conference did not approve of this plan, but decided to ask Congress to finance this development.

The recommendation of the department has been that the Federal Government should not do more than give its services, and that the expenditures should come from the States and communities. But those resolutions urge that the total appropriation should come from the Federal Treasury. I do not know what the doctrine of State rights will come to in some sections of the country unless the desire for spending Federal funds is lessened in some way. I believe it is a serious matter—this desire to have the Government enter on a large improvement program out of the Federal Treasury in communities that are organized and have resources and that I believe can more economically and wisely handle their own problems. It was different in the West in the case of Nevada, Wyoming, and New Mexico, where there was a large amount of public land and the Federal Government felt that it was responsible for developing its own land. In cases like Alabama, Tennessee, and Georgia they have their own resources, their own organization in communities where they can very well carry on the work themselves.

Mr. WINTER. Will the gentleman yield?

Mr. CRAMTON. Certainly.

Mr. WINTER. It should also be noted that in cases of the West in these large areas there was only 5 or 8 per cent of agricultural land and the balance was nonagricultural.

Mr. CRAMTON. That is true. Now, the proposed legislation provides that the money shall be returned to the Government in 28 years with interest. We started the reclamation projects with the statement that the money was to come back in 10 years without interest; without interest because they always urged that it was their money and resources, and it was urged that 90 per cent would be used on public lands and come back in 10 years. That was extended to 20 years, and now it is 40 years without interest. This proposition says that the money will come back in 28 years. I wonder if we came back 20 years from now what the thing would be like; that is, if it once is started. As to the Geological Survey there is an apparent decrease in the appropriation, but an actual increase, due to an item the committee have recommended exceeding the Budget figure by $50,000 on the work of gauging streams in order that we may cooperate more fully with the States.

NATIONAL PARK SERVICE

As to construction of roads in the national parks, the bill appropriates two and one-half million dollars, of which a million and a half dollars is to pay prior obligations, some for new work.

The Budget recommended authority to contract obligations to the amount of a million and a half dollars, but the committee have recommended authority to contract additional obligations to the extent of $4,000,000 based upon this theory: First, that the increased attendance in the national parks, the increase of automobile travel in them is such as to make imperative the construction of additional roads and a more rapid development of roads than we have had heretofore. For instance, in the Yosemite Park the attendance was 490,000 for the year ending October 1 last, nearly treble the attendance two or three years ago, and in the other parks there is also an increase, though not as rapid, but on the whole 20 per cent per annum.

The roads program does not mean that the full $4,000,000 would come into the fiscal year of 1929; it means that there would be appropriated next December perhaps $2,500,000, certainly not more, if we adopt this authorization. Our purpose is to go along on a program of $5,000,000 a year. Further, this authorization will save money. For instance, if the road to be constructed is a job that takes more than one year, as the Mount Carmel Road in the Mount Zion Park, Utah—this year they contracted $605,000 for part of the road. Next year they will let the contract for the other portion of it. The contractor who is in there with his equipment will have an advantage over others when the next contract is let, which he will keep for himself rather than give to the Government.

If we had let the contract for the full million dollars' worth of work to be done in two years, then the Government would have gotten the advantage of that, and whoever bid would have known that in turning in their equipment and their organization, they would have had two years' work before them.

Some day I would like to talk to the House about the situation with reference to roads in the Yosemite National Park and the failure of the city of San Francisco to perform its obligations under the Hetch Hetchy act that passed years ago. But I am not going to take the time to do that now, but will do it at some future time when I have not tired you as much as I have to-day.

Mr. WILLIAMSON. Mr. Chairman, before the gentleman leaves the national parks, I would like to ask him a question.

Mr. CRAMTON. I yield.

Mr. WILLIAMSON. Is the appropriation for roads and trails throughout the national parks which was allowed this year, sufficient to take care of the program that the park service has in mind for the year 1928, or approximately that?

Mr. CRAMTON. For the year 1928?

Mr. WILLIAMSON. For the actual construction they intend to undertake in 1928.

Mr. CRAMTON. This bill is to provide for next year, although it is true that the funds are made immediately available to be used for the construction season of 1928.

Mr. WILLIAMSON. That is my understanding of it, from the language of the bill. What I am trying to get at is whether or not the amount actually appropriated for roads and trails throughout the national parks will be sufficient to carry out the program outlined by the park service.

Mr. CRAMTON. Here is the situation: $50,000,000 worth of roads are to be built. I do not say they are all going to be built out of this appropriation or that it is all that the park service would like to build this year, but this amount will cover the proposed $5,000,000 program which I think the gentleman has in mind.

EDUCATION OF NATIVES OF ALASKA

The $26,500 for the Bureau of Education in Alaska is due to the feeling of the committee that we have an obligation there to perform in extending the work among the natives of Alaska. I think I speak for the members of the committee when I say that. I know of the interest which the gentleman from Idaho [Mr. FRENCH] has shown particularly, and I think probably we would like to go further than we have in this bill. The $26,500 permits a school to be established at Kanakanak, where the canneries are donating the building, and we provide the equipment and maintenance. Then there is $9,000 for a school at Egegik, which is a most desolate place along the shores, the item being brought to our attention by the Delegate from Alaska [Mr. SUTHERLAND], and we are satisfied that it is highly important that it should be established. Back of this is this situation: Several years ago it had been the policy to bring the children from Alaska to the Indian school at Chemawa, Oreg., for education. We stopped that policy several years ago, and each year there is a provision in the bill which prevents it. That is for two reasons. In the first place, Chemawa is needed for the Indian children of this country, and secondly we felt that the natives of Alaska were not getting the training that they should have away from their own environment. So, several years ago, we started in to build up the industrial schools among the natives of Alaska, and, as a matter of fact, that work ought to progress more rapidly than it has. The budget before us had nothing for new construction and expansion. We have only provided those two schools. We would like to provide more for industrial training. Personally, I think we ought to expend from $50,000 to $100,000 each year, spreading that work up there.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HUDSON. I would ask in respect about the period over which this industrial education has extended.

Mr. CRAMTON. I should say four or five years.

Mr. FRENCH. Since that policy has been inaugurated.

Mr. CRAMTON. And the gentleman will find that it is bringing in very good results. There are very good reports upon it. The gentleman understands how the natives of Alaska are. They are on the shore, scattered in that immense line up, say,

into the Arctic regions, remote from everything, and their old-time industry of fishing is disappearing. We think this work is being carried on in a practical way.

Mr. HUDSON. To really reach them there must be a number of schools rather than to try and gather them into large schools.

Mr. CRAMTON. Oh, yes.

Mr. FRENCH. Probably the chairman of the committee should say that we are caring for some 4,000 children, but those children mostly are in the lower grades, and the ones to which the chairman has referred now are for the most part more advanced pupils, where we are trying to care for them in three industrial schools.

Mr. HUDSON. I would apprehend that the chairman of the committee means that the industrial work would have to apply to the higher grades.

Mr. CRAMTON. Yes. The other education, as Mr. FRENCH suggests, has been going on for a long time. I am sure that my colleague from Michigan will be much interested in the facts brought out by the gentleman from Idaho [Mr. FRENCH], who is very much interested in this work in connection with Alaska.

PROSPECTORS IN M'KINLEY NATIONAL PARK

I want now to call the attention of the House to the McKinley National Park, which is a wonderful reservation for game and a wonderful scenic area. When the law passed it contained authority to prospect for minerals in the park area. I suppose that was necessary in order to get the legislation through. At the present time I am advised that there is no active prospecting for minerals in the park area. There is one area that has been somewhat developed, the Copper River, or some such name. There was joined with that privilege of prospecting in the park area the privilege to the prospector of killing game for food, not to be taken out of the park.

Now, of course, anybody that you find in the park now killing game is a "prospector," and he was killing it for food. In the first place, if it is to be a national park it should be preserved without mining operations other than those heretofore authorized. I think the prospecting privilege should be eliminated; certainly with the building of the railroad and the development of other roads and the availability of other food supplies. If we are not willing to drop out prospecting, we should withdraw the right of prospectors to kill game in that wonderful domain. At present the game is frightened by hunters, and the visitors to the park lose the pleasure they would otherwise have in seeing the wild life in its natural state.

UNITED STATES DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, January 5, 1928.

Hon. LOUIS C. CRAMTON,
House of Representatives.

DEAR MR. CRAMTON: I have your letter of January 3 in regard to the law and the regulations pertaining to prospecting and killing of game in Mount McKinley National Park, Alaska. Following are extracts from the organic law establishing the park and rules and regulations promulgated by the Secretary of the Interior. The act of February 26, 1917 (39 Stat. 939, U. S. C. p. 410, sec. 352), provides that—

"The said park is established as a game refuge, and no person shall kill any game in said park except under an order from the Secretary of the Interior for the protection of persons or to protect or prevent the extermination of other animals or birds. Prospectors and miners engaged in prospecting or mining in said park may take and kill therein so much game or birds as may be needed for their actual necessities when short of food; but in no case shall animals or birds be killed in said park for sale or removal therefrom, or wantonly."

Under authority of the above law the Secretary of the Interior promulgated the following regulations in regard to hunting in the park:

"The park is a sanctuary for wild life of every sort, and hunting, killing, wounding, or capturing any bird or wild animal in the park, except dangerous animals when it is necessary to prevent them from destroying life or inflicting injury, is prohibited.

"Prospectors and miners actually engaged in prospecting or mining within the limits of the park may kill park game or birds needed for their actual necessities when short of food; but in no case shall animals or birds be killed in the park for sale or for removal therefrom or wantonly. Each prospector or miner killing animals or birds under these regulations must keep a detailed record in writing of animals and birds killed, open to the inspection of the superintendent, which shall at the first opportunity be sent to the superintendent after the prospecting or mining is ended. No animals shall be killed within the park limits primarily for the purpose of dog food, except with the prior permission in writing from the superintendent, but when animals are killed for food by prospectors or miners the excess portions may be fed dogs without such prior permission.

"The outfits, including guns, traps, horses, or means of transportation used by persons illegally engaged in hunting, killing, trapping, and snaring or capturing birds or wild animals, or in possession of game killed on the park lands under circumstances other than prescribed above shall be taken up by the superintendent and held subject to the order of the Director of the National Park Service. Firearms, carried by others than legitimate miners and prospectors, are prohibited in the park except on written permission of the superintendent."

With regard to the rights of prospectors within the park the following is an excerpt from the act of establishment, section 4, "Nothing in this act shall in any way modify or affect the mineral land laws applicable to the lands in the said park." In other words these lands were not withdrawn from location for the purposes of prospecting for minerals within the boundaries of the said park. By the act of February 25, 1920 (41 Stat. 437), it is provided that—

"All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States."

Under this law all citizens of the United States have the right to enter the park lands for the purposes of prospecting for mineral deposits. Prospecting permits for coal, phosphate, sodium, oil, oil shale, or gas are not obtainable in Mount McKinley.

The following is an extract from the superintendent's monthly report for the month of February, 1927:

"From a general observation made during last month, Chief Ranger Nyberg states he is fully convinced that the trappers, plying their profession outside the park boundaries, have increased at least 100 per cent over last year's quota. The rehabilitation of the park's wild life and its subsequent overflow to the neighboring localities is without doubt the cause of this, and incidentally proves that which has always been contended that leave the park animals alone and by unrestricted breeding their number will increase so as to force them to turn to those sections of the country outside the park boundaries. Here they would be offered a less crowded domain and possible larger feeding grounds, and would there be the legitimate prey and prize of the hunters and trappers."

It may also be said that even though the park has not suffered from the molestations of trappers as of yore, still there is room for a vast improvement in the attitude of the majority of prospectors in and adjoining the park area.

Nothing stated in the above paragraphs must be construed that there is now small warrant for additional rangers. The demand for an increased personnel is greater than ever.

The following is an extract from the superintendent's monthly report for the month of May, 1927:

"A rather good illustration of the character of one of the so-called prospectors operating within the confines of the park may be gained from a sketch of events occurring lately. Though the exact dates are lacking, the information is authentic and can be corroborated at any time.

"During the past month a Mr. Carlson, prospecting in the park and trapping in its environs, was arrested by the Territorial game warden for trapping beaver out of season. At the same time he had shot a white-skinned cow moose and had endeavored to sell the hide as a novelty. For this latter act he was also indicted for two counts under the Alaskan game law for killing out of season and the shooting of a female, which is prohibited. Upon his trial he was found guilty on six counts, and costs aggregating $1,000, and his pelts confiscated. He had also been in the habit of using from 9 to 12 dogs in his team and was ordered by the game commission to use only five hereafter. The reason for this was the commission concluded that a man of his caliber did not require that many dogs and that such a large team was a bad drain on the wild animal life (which he no doubt killed for dog feed).

"This type of 'prospector' is not wanted in the country, as his operations are detrimental to the wild life and also to the morale of others (though remunerative to the Territorial treasury). It is to be hoped that restrictions may be placed on such individuals while prospecting within the park.

"It may also be said in this case that Superintendent Karstens had visited this man's 'prospecting cabin' in the park about two years ago and therein found stretching boards (for fur), moose horns, and other evidences of illegal hunting and trapping. Chief Ranger Nyberg also kicked up a trap line in 1925, which it was conclusively found to belong to the same Mr. Carlson."

I trust this information is that which you desired.

Sincerely yours,

ARNO B. CAMMERER, *Acting Director.*

I want to call attention to the fact that the operation deficit of the Alaskan Railroad dropped below $900,000 during the year. It is the first year that it has been below $1,000,000. The operating deficit of the Alaskan Railroad for 1929 is practically one-half what it was in 1925. Quite a lot of expenditures

are being carried on for betterments that will further reduce the operating cost. Those betterments are of a permanent character.

FREEDMEN'S HOSPITAL

The only other thing that I desire to mention is the item with reference to Freedmen's Hospital, the last item in the bill. That is an institution that almost exclusively cares for the colored people. It was established by the Federal Government, and has been maintained exclusively by the Federal Government for many years, except occasionally when new construction was necessary. The District government in former years has paid partly for that new construction, but that has been rather an exception to the rule. It is a local institution, and it is the one hospital in the District of Columbia where the colored people generally are sent. There are a few exceptions. Sometimes they are sent to Gallinger. But generally they are sent now to Freedmen's Hospital. Colored patients, with their residence somewhere outside, are occasionally sent to this hospital, but the patients in most cases are resident somewhere in the District of Columbia. Of course, in a city like Detroit when a colored person is taken ill he is taken to a hospital, and every city has the duty of taking care of the stranger within its gates. He may not have a voting residence in Detroit, but if he is in Detroit and is taken ill, Detroit cares for him, just as the city of Chicago would take care of him if he were taken ill in Chicago and had a residence in Detroit. It is not to be believed that of the colored people of the Nation a great number come to Washington for the express purpose of getting treatment in this Freedmen's Hospital. They check up on them as nearly as they can, and establish a place of residence for them outside the District wherever possible, so that the figures they tabulate for us in the hearings may be deemed conservative as to the responsibility of the District. There were 938 patients who are shown to be residents pure and simple of the District out of about 2,800 indigent patients. Those are the ones for whom they could not find any excuse for charging up to the States. Then there is about the same number from Maryland and Virginia. Those are adjacent sections, in most instances just over the boundary line. There were 487 from Virginia and 490 from Maryland. Two thousand then live in the District of Columbia and just over the line, probably. In addition, there are about 19,000 ambulatory cases that the superintendent says are entirely District people.

The District has not provided any institution for the colored. They take some of them into Gallinger, but send most of them to the Freedmen's Hospital. They have been paying a per capita contract price for their indigent, but that does not include any of the overhead of the hospital or the new buildings, and so forth.

Frankly, a good deal may be said in favor of turning the institution over to the District so that they might have a hospital of their own, but the colored people have come to look upon it as being intended for them, and they prefer it as a Federal institution. The staff of the hospital—Superintendent Warfield and his excellent staff—now have a civil-service status which they would lose if they were turned over to the District. We felt that this was almost exclusively a District institution.

Mr. BERGER. Mr. Chairman, will the gentleman yield there?

Mr. CRAMTON. Yes.

Mr. BERGER. Is the staff made up of colored people?

Mr. CRAMTON. I think it is, entirely.

Mr. FRENCH. I believe so, entirely.

Mr. HUDSON. Does it have any connection with Howard University and its school of medicine, and so forth?

Mr. CRAMTON. No; except that a hospital and a school of medicine need an affiliation. The medical school of the university maintains a connection with the hospital. Both institutions acquire a benefit from that arrangement. But whether it was a Federal or a District institution, both Howard University and the Freedmen's Hospital would find it advantageous to continue that arrangement.

While we felt that this was almost exclusively a proper District responsibility, we felt also that we should be generous and so we are only asking that the District pay half of the cost of maintenance and half of the cost of the buildings, which we are satisfied are urgently needed. The gentleman from Idaho [Mr. FRENCH], of our subcommittee, went through the institution very carefully and commended very highly to the committee the value of the work done there, and also emphasized the need of the buildings here provided.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. The distinguished gentleman from Michigan has been compromising, has he, upon the so-called Cramton proposition?

Mr. CRAMTON. Not yet.

Mr. BLANTON. Well, he has on this particular case gone back to the 50–50 proposition.

Mr. CRAMTON. Not at all.

Mr. BLANTON. I notice in the press that a very distinguished Senator whom I happen to know owns much property out in the silk-stocking neighborhood of Washington——

Mr. CRAMTON. I am sure the gentleman from Texas does not——

Mr. BLANTON. The gentleman interrupts me. This particular Senator with his property, part of which forms a new addition out there that is becoming valuable, and should be taxed—he has come out for the 50-50 proposition.

The press is making a drive now, as it annually does, led by Mr. Theodore Noyes, who partly owns the Associated Press of the United States. He partly owns it, does he not? I will ask the gentleman from Wisconsin whether he does not partly own it?

Mr. BERGER. May I answer the gentleman?

Mr. CRAMTON. I do not know whose speech this is, but it is being improved right along.

Mr. BERGER. He does not own anything except his share in the Star.

Mr. BLANTON. I said partly.

Mr. BERGER. His share in the Star.

Mr. BLANTON. But he helps to conduct it because he is a high official of it. He is making a drive against the people of the United States for the pernicious 50-50 plan or at least the so-called 60-40 plan. Now, is the gentleman from Michigan going to stand hitched on the proposition? That is what I would like to know, because I have been fighting under his banner here and I have been trying to uphold his hands.

Mr. CRAMTON. I want to be sure of the gentleman's continued support. If the gentleman from Texas will be so kind as to continue his confidence in me and give me his support, he can be sure there will be no change in the system affecting the fiscal relations between the Federal Government and the District of Columbia, if I can help it.

Mr. BLANTON. May I say to my friend from Michigan, and to my colleagues, that there has been no man in the House fairer to the people of the District than the gentleman from Michigan. He has been as fair as he could be. The answer to all of this fuss in the newspapers is that the tax rate here in the District to-day is $1.70 on the hundred, which is all the tax they pay.

Mr. CRAMTON. One dollar and eighty cents.

Mr. BLANTON. One dollar and seventy cents for this tax year. That has been voted. I keep up a little closer than my friend does. It is $1.70 for this year. That is all the tax they pay, and on a 50 per cent assessment, if you please.

I can show you property after property, valuable property in the District, assessed at 50 per cent valuation, and, as I say, the rate is only $1.70. There is not another comparable city in the United States whose people pay as little tax as do the people in the District of Columbia. The people here ought to be ashamed of themselves for continually hounding the gentleman from Michigan because he wants to be fair both to them and to the rest of the people of the United States.

Mr. CRAMTON. The gentleman from Texas gives me credit, which, I am frank to say, has not always been accorded me, for being fair with the District. I am reminded of the man who was looking for a job. When he asked what pay he would get he was told they would pay him what he was worth, and he said he could not afford to work for that. So, in the District it is not enough to be fair with them. They can not afford that.

The last time the gentleman interrogated me on the floor on this plan I drew a very scathing editorial in a local newspaper, and so it was with some misgivings that I yielded again to-day, but perhaps I shall become acclimated to that. The gentleman has said something about the half-and-half plan with regard to the item that is before us. In what I do in the House I try to be practical and try to avoid setting my stake at a point that I can not come up to. I try to accomplish results, and that has been true in my efforts with reference to the District. What I am trying to do now with regard to this one item seemed to be the thing that could be done and is certainly fully fair to the District. Half of that is what we are assuming for the time being as our Federal responsibility and the other half is the responsibility of the District itself. That half is to be paid as other expenses of the District are paid. The present lump-sum system means that they pay the full amount. If we should

return to the 60–40 plan we would have 40 per cent of that other half to pay. However, I have no idea whatever that we will return to the 60–40 plan.

Mr. HUDSON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HUDSON. How does the Freedmen's Hospital compare with other hospitals in the city with reference to the skill of the staff and the treatment given?

Mr. CRAMTON. I will ask my friend from Idaho, who made the investigation of the institution, to answer that, if he cares to.

Mr. FRENCH. I am not a professional man. I think that question is one that I can not answer with any amount of information back of it. I understand, however, as the chairman has stated, that Doctor Warfield is held in high regard and that he is supported by a very able corps of assistants, which includes the nurse corps as well as the medical corps.

Mr. CRAMTON. I will say to the gentleman from Texas that I hope, when I get this bill off my hands and have a little relaxation, that one of my diversions will be to make some statement to the House on the subject he has brought up.

Mr. BLANTON. I am simply glad to know the gentleman has not compromised. [Laughter.]

Mr. CRAMTON. Well, I sometimes compromise when I have to, but not otherwise.

There is only one further thought and then I am through. In connection with what my colleague has said, I have felt personally it would be desirable for the institution to have it turned over to the District. It has not seemed wise to do so, for the reason I suggested, but I have thought if it were a District institution then it would be alongside of Gallinger and Congress would expect the District would give to Freedmen equipment equal to Gallinger. It would seem that the same authority should be supervising these different institutions, but that is quite apart from the present bill.

I thank the committee very much for its patience. [Applause.]

Mr. HASTINGS. Mr. Chairman, we have under consideration the Interior Department appropriation bill. As its name indicates, it appropriates for all of the bureaus under the supervision of the Interior Department.

This bill, in my judgment, affords a broader opportunity for a study of the internal affairs of our country, perhaps, than any other bill coming before Congress for consideration.

It is a bill that affects more people throughout the entire country and more people are therefore interested in it than any other appropriation bill that will come before Congress. Being a new member on the Committee on Appropriations, I want to confess the very modest part I have played in the preparation of this bill. It is a great pleasure for me to be associated with the other four members of the subcommittee who have performed a great service in the preparation of this bill. All four of my associates on the committee have seen long service in the House, and have been members of this particular subcommittee for a number of years, and they are therefore very familiar with many, if not all, of the details which came up for consideration in the preparation of this measure. I want particularly to commend the chairman of the subcommittee for his judicial temperament, for his fairness, for his thorough knowledge of the various bureaus appropriated for, and for his uniform courtesy and painstaking care which he has exercised in the preparation of every item in this bill.

The other members of the committee, the gentleman from Idaho [Mr. FRENCH], the gentleman from Ohio [Mr. MURPHY], and the gentleman from Colorado [Mr. TAYLOR] have each been diligent in the performance of their duties, and have rendered efficient service in cooperation with the chairman.

In connection with the consideration of this bill I want to invite attention, in an effort to correct an erroneous impression, particularly with the new Members, as well as some of the older Members of the House, and the people throughout the country generally, how this and other appropriation bills are prepared and recommended to the House for consideration.

This bill carries a total amount recommended for appropriation for the fiscal year ending June 30, 1929, of $272,430,789. Estimates were prepared by the Bureau of the Budget in advance and submitted to the committee for consideration, recommending appropriations for the various bureaus of $273,118,589.

When the hearings were held by the subcommittee the heads of the various bureaus charged with the expenditure of the money appropriated for them were called before the committee and made to justify every item recommended for appropriation in this bill.

Your attention is invited to the fact that there are 1,196 pages of printed hearings. The book containing the hearings is carefully indexed and any member who is not familiar with any item in the bill can turn to the index and find the page in the hearings where the oral and documentary testimony is submitted justifying that item. I am confident the people of the country do not understand the degree of care that is given; first, by the subcommittee, and, second, by the full Committee on Appropriations, and, third, by the Committee of the Whole House in the preparation, consideration, and passage of these appropriation bills. Somehow the erroneous impression has gone forth that Members are able, through favoritism, to secure the insertion of items for their particular districts.

I want to say to the House that this is a nonpartisan bill, that it is a nonsectional bill, and that there is not a single suggestion of favoritism in any line or in any item of appropriation in this bill. It is true there are more items of appropriations for certain States, but this is because the activities over which the Department of the Interior has control are located in those States; but there are no discriminations against States where there are similar activities.

This bill appropriates for the office of the Secretary of the Interior and his clerical force here in Washington, and the amount carried in this bill for that purpose is $850,000, the same amount recommended by the Bureau of the Budget, and which is $15,400 less than was appropriated for this purpose the current fiscal year.

The next bureau appropriated for is the General Land Office. This includes not only the salaries of the employees of that office here in Washington but for the salaries of employees located throughout the country, and for the most part in the Western States. Two million one hundred and thirty-eight thousand and fifty dollars is carried in the bill for this purpose, this being $500 less than was recommended by the Bureau of the Budget and $159,500 less than was carried for the General Land Office for the current year.

The next item is for the Bureau of Indian Affairs. The Indian population of the country, as estimated by the Indian Bureau, aggregates 354,940. In Oklahoma the number of Indians is given as 119,216. There were enrolled as members of the Five Civilized Tribes 101,506 Indians. It is not generally known that there are 33 Indian Tribes in Oklahoma. The State is correctly named "Oklahoma," meaning home of the red man. Approximately one-third of the Indians of the United States reside in Oklahoma. This bill, therefore, is of great importance to the people of that State, Indian and white.

This bill carries an appropriation for the Indian Service of $13,714,509, and is an increase, as compared with the recommendation of the Bureau of the Budget, of $117,500.

I want to call attention to two items in order to emphasize them: One is for education, exclusive of tribal funds, aggregating $7,297,000, or an increase of $186,000; and, second, under conservation of health, general relief, and hospital, $1,390,000, and this latter sum is $342,000 more than that appropriated for the past year.

The friends of the Indian throughout the country recognize that they can best be advanced through vocational and industrial education, and this is being stressed in all boarding and day schools where Indians are taught, and there has been a notable increase during the past few years. Complaint has been made that trachoma and tuberculosis are too prevalent among the Indians, and that not a sufficient amount has been appropriated for health work, and for that reason a very large increase is carried in this bill. Some few Indians are scattered throughout the Eastern States. There is one Indian reservation in New York State. A remnant of the Seminoles live in Florida, and they are the most primitive Indians in the United States. There are a few Choctaw Indians remaining in Mississippi, for whom a small appropriation is made in this bill. There are a number of Indians in North Carolina who hold their lands in common, and a Government Indian school is maintained there for their benefit. The greatest number of Indians, of course, are scattered throughout the Western States. Next to Oklahoma, Arizona has the largest number, 46,235 Indians. There are 23,000 in South Dakota, and New Mexico, California, Michigan, and Minnesota have a large Indian population.

Oftentimes the question is asked upon the floor of the House why we continue to make appropriations for Indians and why some of these appropriations have been increased. Up to about 25 or 30 years ago the Government dealt with the Indians as tribes. To illustrate, we dealt with the Five Civilized Tribes in Oklahoma collectively as tribes. It cost very little to administer the affairs of the Five Civilized Tribes from a governmental standpoint. The commission to the Five Civilized Tribes, commonly known as the Dawes Commission, was authorized under the act of Congress of March 3, 1893. It negotiated agreements with the Five Civilized Tribes looking to the allotment of their lands, the distribution of their money, and the

admission of their country to statehood. Agreements were finally made and ratified placing the responsibility upon the Government of the United States to make the rolls, individualize their lands, and distribute their money. Instead of dealing with the Five Civilized Tribes in their tribal capacity we had 101,506 allotments to make, money to distribute, heirships to determine, and innumerable individual matters connected with the affairs of each. By the various acts of Congress a large number of members of the Five Civilized Tribes have been freed from governmental supervision. It is now estimated that there are about 12,000 or less restricted Indians of the Five Civilized Tribes. But that does not paint the whole picture. The Indian Office is charged with the responsibility through its office in Washington and its field employees not only of supervising the ten or twelve thousand enrolled restricted Indians of the Five Civilized Tribes but the restricted heirs of deceased Indians who are not carried on the rolls, of course, must be supervised and cared for as individuals.

I detain you this long in order to bring to your attention the immense amount of detail that the Indian Bureau must supervise. Referring again to appropriations for schools, we are maintaining a number of industrial schools throughout the country where young men and young women are being educated in such a way as to enable them to go out and face the battles of life. Many of them are giving a good account of themselves and are doing a great deal toward the uplift of their people to whom they return. There has been some criticism as to the Indian employees throughout the country. I confess, and I am sure the other members of the committee will agree with me, that in my judgment practically all Indian employees are underpaid. I think that has been a just criticism for a number of years.

We have a large number of very faithful employees in the Indian Service. Many of them live in out-of-the-way places and away from social centers. They do not hold attractive positions. As one member of the committee, I would like to be able to raise the wages of many of the Indian employees. They are not paid salaries that will compare with other Government employees. I have particular reference to those teaching in Indian schools. The salaries of teachers throughout the country have been greatly increased, and I am sure I am conservative when I state that as a whole the teachers in the municipal and State schools receive on an average double the compensation of teachers in the Indian Service.

The chairman of the subcommittee, the gentleman from Michigan [Mr. CRAMTON], paid a deserved compliment to those in charge of the Indian Service. I would not be fair to myself if I did not join in a word of commendation of the head of the Indian Bureau and of his very efficient assistant. Many of the older Members of the House served in Congress with Mr. Burke. They remember his service on the Indian Affairs Committee. For a number of years he served as chairman of the Indian Affairs Committee. His home is in South Dakota, in an Indian atmosphere, where he has been able to gain much personal knowledge of the Indians. I believe he has made one of the most efficient Commissioners of Indian Affairs we have ever had. We may find occasion to disagree with him on some details, but upon the whole I believe that his office has been sympathetically administered and in the interest of the Indian. He has been ably assisted by Mr. Meritt, the Assistant Commissioner of Indian Affairs. I do not believe there is a man in the service of our Government who knows more about the details of his particular bureau than does Assistant Commissioner Meritt. He has been in the Indian Service for a quarter of a century. He is not only honest but he is efficient and courteous, and under the present management of the Indian Bureau there has been continued improvement in the service.

The next bureau for which this bill provides is the Pension Office. The appropriation for that office is $231,738,000, the amount recommended by the Bureau of the Budget.

It may be of interest to the Members of the House and the country generally to know that on June 30, 1927, there were carried on the pension rolls 489,942 names. Forty-one thousand nine hundred and ninety-four pensioners died during the year 1927, of whom 16,958 were Civil War soldiers and 20,828 were Civil War widows. Seventeen of those carried on the rolls are widows of the War of 1812, and there are six survivors of the War with Mexico. The total number of Civil War pensioners, including the widows of survivors of the Civil War, on June 30, 1927, numbered 302,691. There were 162,638 Spanish-American War pensioners. The present law provides for a minimum pension of $65 per month for all Union soldiers who saw service in the Civil War for 90 days and received an honorable discharge, and $50 per month for all widows of Civil War soldiers who were married to and living with their husbands during the war. It provides $30 per month for all such widows who married their husbands subsequent to the Civil War and prior to June 27, 1905.

The following table shows the total amount paid to pensioners, 1790 to end of fiscal year 1927:

War of the Revolution	$70,000,000.00
War of 1812	46,172,521.05
Indian wars	31,513,894.62
War with Mexico	58,056,020.69
Civil War	6,951,413,812.70
War with Spain	239,227,907.53
Regular Establishment	78,381,522.64
World War	219,966.55
Unclassified	16,513,425.54
Total	7,491,499,071.32

Appropriations are made for the Reclamation Service of $12,729,000, for the Geological Survey of $1,758,080, for the National Park Service of $4,654,950, for the Bureau of Education $941,300, for the government in the Territories and the Alaska Railway $1,599,200, for St. Elizabeths Hospital $1,313,000, for the Columbia Institution for the Deaf $130,000, for Howard University $390,000, for Freedmen's Hospital $474,500, and these various items all aggregate the grand total of $272,430,789.

A study of the various items contained in this bill covers such a wide range that consideration must be given to the expansion and development of the interior of our country.

I am glad to join with the other members of our subcommittee in bringing to the attention of the Members of the House the recommendations as set forth in this bill for the various bureaus of the Interior Department supervised by the Secretary of the Interior.

Mr. TILLMAN. Mr. Chairman and gentlemen of the committee, I rise to thank my personal friend, the distinguished gentleman from Oklahoma [Mr. HASTINGS], whose district joins mine, for paying a deserved and handsome tribute to Mr. Meritt, Assistant Commissioner of Indian Affairs, who is a legal resident of my town in Arkansas, and who, as he says, has been an important factor in the Indian Bureau for the past 25 years.

Permit me also in this connection to say that the membership will recall that daring woman, Mrs. Frances Wilson Grayson, who with her crew took flight from Roosevelt Field, New York, on December 23 last in an endeavor to be the first woman to fly from America to Europe. This brave woman who is supposed to have been lost at sea was born in my district, 25 miles from my home, and was born near the birthplace of my distinguished friend from Oklahoma [Mr. HASTINGS]. In this connection I ask the gentleman from Oklahoma how far from Cherokee City in my district is the place where he was born?

Mr. HASTINGS. Some 10 or 12 miles.

Mr. TILLMAN. In this connection, as a part of my remarks, to appear with them, I ask unanimous consent to insert a brief account of Mrs. Grayson, and a few facts touching on her family and early life.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. TILLMAN. In that connection, under unanimous consent, I submit the following:

Though far from the scene of the disappearance of the *Dawn*, amphibian plane of Mrs. Frances Wilson Grayson, intrepid woman flier and her crew, who took off from Roosevelt Field, N. Y., December 23, much interest in Mrs. Grayson and her disastrous attempt to be first woman to fly to England from America was aroused in Benton County when it was learned that Mrs. Grayson was born in the county and that her parents and early history were known to many residents of the county.

Frances Wilson was the daughter of Andrew J. and Minnie Lewis Grayson, and was born at Cherokee City, near Gentry, June 25, 1887. Andrew J. Wilson and his father, "Billy" Wilson, had a store and managed the post office at Cherokee City in the early days of the village, which resulted largely from a boom in 1881 and 1882, when the springs located there brought a large tourist trade. "Billy" Wilson carried the mail from Springdale to Cherokee City, and it is said that he computed the distance between the two places by tying a rag to a cart wheel and counting its revolutions. The house in which Frances Wilson was born was located about a block from the present post office at Cherokee City and was torn down about two years ago. When she was about a year old the family moved to Oklahoma, where her father farmed and operated a threshing machine for about four years, moving then to Muncie, Ind., where he now is engaged in the grocery business. The mother of Mrs. Grayson has been dead for several years.

RECALLED BY RESIDENT

John Lamphere, aged 64, and a neighbor and friend of the Wilson family during the residence of the family in Cherokee City, when asked about them, said:

"I was well acquainted with Andy Wilson and his wife. Her name was Minnie Lewis. She was a daughter of Preacher Lewis. She was a pretty girl and Andy was a fine looking young man, and they had about the worst case of being struck on each other I ever saw. They were engaged to be married. Andy had his license, and the time for the marriage was set for Christmas. Both their parents approved, but a few days before the wedding Andy and another young fellow went to Siloam Springs and while there they got too much liquor and got tipsy. Andy wasn't in the habit of doing this, but guess he was sorter celebratin' his coming marriage. Preacher Lewis heard of Andy's celebration and called off the wedding and forbid Andy to see the girl again. He kept her home for a few days until Sunday, then she came to Sunday school.

"Andy appeared on the scene to take her with him. Andy was headstrong and nearly always did what he started. Preacher Lewis was high-tempered and not afraid, and told Andy, 'No; you can't have the girl.' Andy said 'Yes,' and then the fight started.

"Several of the elders of the church pitched in to help the preacher, and some of the young bloods took a hand on Andy's side, and pretty soon there was a general fight going on right there in the church. In the mêlée Andy got Minnie away from the church and found Squire Fayette Blair on the street, and stepping upon a platform in front of a store, the justice of the peace married them before Preacher Lewis knew his daughter had left the church. In a few days the preacher's family welcomed their new son-in-law. Yes; I was there and saw them married. A big snow was on the ground at the time."

Mr. MURPHY. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON. Mr. Chairman, it is my purpose to talk upon the subject of the postal air service to South America as well as a highway to the Latin-American countries. The President, in his message to the Seventieth Congress, stated he was interested in extending air mail service to South America as well as building public roads. In a recent interview he informed me it had been his hope for a long while to have a highway built from the State of Maine through Mexico to Central and South America.

Postal air service is now being established in every part of the civilized world, and even in parts of the world not yet civilized. The people of our country are demanding quick transportation of mails. South America is the greatest market in the world; it is a growing one; and it is a country to which in time we must send our surplus commodities. Many of those interested in commerce on the western coast of South America have appealed for an air service from the United States.

It now requires three weeks to carry mail from Santiago, Chile, to New York, three weeks in return, and probably two weeks more are consumed in answering. Millions and millions of American capital are invested along the west coast of South America. It is natural that our country would send exports to the west coast, but on the east, England, France, and Germany have the advantage over us in that part of South America. Millions are invested in railroads, nitrate mines, copper, and in the tin mines of Bolivia. It is important that we should have quick communication in order to increase our exports to South America.

Very few industries are now established in South America, almost all the manufactured commodities consumed there are imported either from the other side of the Atlantic or from the United States. Ninety per cent of the automobiles are of American make, and in all the large cities it is quite as difficult to cross the streets as in New York or Washington.

Great Britain, France, and Italy understand they must have quick communication in order to take advantage of their opportunities for selling commodities in South America. Mr. Van Bouer in 1922 established an air service from Cartagena on the northern coast of Colombia to its capital, Bogota. Formerly it took two weeks to go from the coast to the capital of Colombia. The air service now makes the trip in about two days. In 1922 the stock of the company operating the air line paid 3 per cent; last year it paid 10 per cent. Recently Mr. Van Bouer endeavored to obtain the exclusive franchise for air service along the coast of Colombia to Tumaco in order to prevent an American corporation dominating that part of the coast. Recently Mr. Van Bouer came to America and endeavored to form an American corporation. He was not successful, as it would not be advisable to permit a foreign corporation to sail over the Panama Canal Zone.

Captain Grow, who was formerly in the United States naval service, resigned and has recently established a mail route from Lima to Iquites, the headwaters of the Amazon River. The only American air service in South America. It now requires four weeks for the ordinary mail service to reach the mouth of the Amazon from Lima, the saving of two weeks in the transportation.

We have not fully realized the great market which South America is opening to the world.

The Latacoere Co., a French one, has recently been organized to carry mail from Natal, Brazil, to Daker, Africa. By air service to the island of Fernando Noronha, which is about 300 miles from Natal; thence by special quick steamer service to the eastern coast of Africa, then by air service to Paris by the way of Casablanco, making the trip in about three and a half days from Rio de Janeiro and four and a half days from Buenos Aires. One can readily understand that this short time, as compared with three weeks from Buenos Aires to New York, would be of great commercial advantage to the foreign countries. The people of South America are just waking up.

Since the World War they have done a great deal to develop their country. But all this region [indicating on the map] is yet to be developed. They want agricultural implements, they want rails to build railroads, and they want cars. The United States might as well furnish these commodities as other countries.

I had an interview with President Laguia, of Peru; with President Selis, of Bolivia; and President Ibañez, of Chile. They expressed deep interest in establishing a mail service to South America.

A bill has recently been introduced into the House authorizing the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries. I want to bring the importance of air service to the attention of the House, that we may realize the necessity of quick postal communication in order to hold our commercial relations with South America. We do not want it all, but we want our part, and if we do not wake up to the conditions that now exist Great Britain, France, and Italy will have the advantage. Of course, during the period of the war, when Germany, France, and Italy could not keep their manufactures going, we gained a great deal in exports to South America. I think our total exports to the whole world in 1926 were about $4,800,000,000, and the exports from South America to the United States were about $800,000,000.

I submit the following table of our exports to South American countries:

Domestic exports to South American countries

[Thousands of dollars]

	From United Kingdom, 1926 [1]	From Germany, 1926	From France, 1925	From United States, 1926
Argentina	112,101	65,062	39,843	142,992
Brazil	61,264	44,986	21,783	95,252
Bolivia	2,629	2,040	5	5,131
Chile	27,527	16,729	10,021	48,738
Colombia	18,307	13,425	6,149	48,495
Ecuador	2,549	1,023	711	4,611
Paraguay	658	610		900
Peru	11,414	4,790	1,145	29,145
Uruguay	11,548	6,822	[2] 7,141	22,806
Venezuela	11,128	6,624	2,318	39,500
Guianas:				
British	5,577	[3]	[3]	1,568
French	10	[3]	1	150
Dutch	403	[3]	[3]	1,569
Total exports to South America	265,115	162,111	89,117	[4] 440,917
Grand total of all exports	3,172,655	2,328,419	2,222,444	4,711,721
Per cent of South America of grand total	8.4	7.0	4.0	9.4

[1] Final figures; preliminary figures shown in Commerce Yearbook, 1926, vol. 2.
[2] Uruguay and Paraguay.
[3] Not shown separately but included in grand total.
[4] Includes $60,000 exported to Falkland Islands.

I read in the paper some time ago that Colonel Lindbergh had arrived at Panama. Perhaps his flight to Central America will do more to bring about stronger social relations and good commercial conditions than the thousand of marines now in Nicaragua. The people in South America live in a different environment from ours, but we must have close communion with them if we wish to increase our commercial relations. We must first gain their confidence, and their confidence once gained, we must keep it in order to develop our commercial interests, and this can only be done by maintaining close relations between North and South America.

The President is very much interested in building a highway to South America. The Department of Commerce has accomplished much in this direction. In accordance with the sugges-

tion of the Department of Commerce, this [indicating on the map] is the route outlined for that highway.

In every country in South America, and I think in every country in Central America, there has been a revelation concerning the building of highways in the various Republics. You will notice on the map that a few miles have been constructed on either side of Mexico City. The great engineering trouble will be through Panama, because this is a swampy country and it is the home of the White Indians, and very few people have ever explored this White Indian district. If a road were built at present, it probably would have to be policed in order to be maintained. But civilization is going forward. Civilization will not stop, and, therefore, it is our duty not to let this opportunity go by but use our efforts to-day so that to-morrow we may find ourselves a step forward in developing the countries in Central and South America.

I wanted to take the time of the House to explain the air service that is now being established in South America—not by the natives of South America, but by foreigners—for the sole purpose of gaining commercial relations in South America.

I have taken all the time I desire to explain air service growing out of my short visit to South America. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. HASTINGS. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentlemen, last October I received a letter from Mr. Harlan Wood, a reputable lawyer of Washington, who is an American Legion man, calling my attention to a letter which he had written to Commissioner Taliaferro, of the District of Columbia. Without taking the time to read this letter and the attached letter to the commissioner, I shall ask leave to place them in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert two letters in the RECORD. Is there objection?

There was no objection.

The letters are as follows:

WASHINGTON, D. C., *October 13, 1927.*

Hon. THOMAS L. BLANTON,

House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: I trust you will recall our acquaintance. May I send you the inclosed copy of a communication addressed to Commissioner Taliaferro, in which I give him a synopsis of the duties of the United States Bureau of Efficiency and the action of the veteran organizations with reference to it. There are approximately 12,000 ex-service men and women in the Government service in Washington. You can count on your fingers the ones who favor this bureau. They would be indebted to you if you could secure the abolition of this office.

There were 62 delegates at the department convention of the American Legion, only 2 of whom voted against and fought the passage of the inclosed resolution. You will be interested to know that they were William Wolf Smith, of the Veterans' Bureau, and Daniel J. Donovan, District auditor. Notwithstanding their opposition as spokesmen for the resolution, I secured its passage by the majority above stated. I believe I can convince anyone—and I am not egotistical—that this bureau has forfeited all right to further existence.

In our last conversation you also agreed with me that you believed from the standpoint of an economical and efficient administration the other personnel bureaus of the Government, namely, the Personnel Classification Board, United States Employees' Compensation Commission, and the civil service, should be abolished and their duties consolidated either with the Civil Service Commission or into one bureau.

You will get strong support for such a movement, not only from the veteran and labor organizations but many others of a national scope, as well as earn the reward of rendering a distinctive service to the country generally. As far back as 1924 Congressman LEHLBACH, of New Jersey, was working and still is on certain phases of this consolidation, and in his prepared speech of February 12, 1924, on the subject before the House he listed over 12 national organizations who favored this action.

However, the most obnoxious of these bureaus is the United States Bureau of Efficiency. A late press report says that the District has adopted 40 of the 75 recommendations of this bureau. How long and how far can this transgression proceed? I think you can demand of the comptroller by what authority of law he authorizes the payment of salaries for the employees of this bureau engaged in this investigation work. So far as I can ascertain the most liberal construction of the acts of Congress gives it no such power, even for the executive departments of the Government, much less the municipal government of the District of Columbia.

I know you are very busy, but I hope you will take the time to go into the matters outlined in this and the inclosed communication. If I am wrong in anything, I am more than willing to be corrected and to apologize for any injustice done.

I do not know what you intend to do, but don't hesitate to call on me for any service I can render. I am free to speak and have nothing but unselfish ends to serve. If any hearings before committees are had, I shall be available to present the views of veteran organizations supplemented by my knowledge of the bureau based upon my study of it.

I need not add the expression of appreciation we as veterans feel for you in the work you have done in our behalf. Though you may not need it, still, if you should ever, I can gladly furnish you with resolutions of indorsement for your generous treatment of ex-service men. I have a close and personal contact with J. Frank Parrish, of Honey Grove, Tex., one of the most influential legionnaires in Texas. Legionnaires possessing a vote are an influence for good to be reckoned with; the only thing to be considered is that they are not acquainted with the situation as we are here. It would not be presumptuous on your part to indicate a desire for such indorsements for use as you may see fit.

Cordially yours,

HARLAN WOOD.

WASHINGTON, D. C., *September 29, 1927.*

Hon. SIDNEY F. TALIAFERRO,

1801 Sixteenth Street NW., Washington, D. C.

MY DEAR MR. TALIAFERRO: Since 1924 it has fallen my lot on behalf of the American Legion and other veteran organizations of which I am either an active or honorary member to make a study of the United States Bureau of Efficiency for our membership on account of the numerous complaints registered against this bureau because of its alleged departure from the duties prescribed in the organic acts of Congress which created the bureau, which departure the veteran organizations and other individuals believe and feel has resulted to the detriment of a great many ex-service men. As a result of our study and investigations, the American Legion, at its national convention in Omaha, Nebr., in 1925, and again at Philadelphia, Pa., in 1926, and this department of the American Legion—and I believe the national organizations in Paris did indorse the latter's action in 1927—went on record favoring the abolition by Congress of this bureau and the transfer of its functions to the Civil Service Commission, from whence it originated. The numerous investigations which have been conducted in the municipal affairs of the District of Columbia, as well as in the executive departments of the Government, have forcibly convinced us of the justice and merit of our position and has been the subject of considerable discussion among the several posts of the American Legion in the District of Columbia, with the net result that whenever the justification of the action of the United States Bureau of Efficiency is involved that it is practically unanimously condemned.

Personally and members of the organizations to which I belong, in our criticism and fight against the United States Bureau of Efficiency, we believe, and have so expressed it, that the intrusion of this office into the affairs of the District of Columbia should justly cause your resentment and that of the other commissioners, not only because the bureau has gone beyond the scope of its lawful authority but also because of the impracticable, apparently useless, and presumptuous recommendations which it sponsors. I am writing you because of the fact that you are a lawyer and, of course, can analyze from that point of view the statutes which create this office.

The Bureau of Efficiency was originally created as a division of the Civil Service Commission by act of Congress approved August 23, 1912. It is short and I therefore quote it in full:

"The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary. Any person knowingly violating the provisions of this section shall be summarily removed from office and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year." (37 Stat. L. 413.)

In 1916 the Division of Efficiency of the Civil Service Commission was literally picked up out of the Civil Service Commission and established as the present United States Bureau of Efficiency. The language of the act of Congress is quoted in full, as follows:

"Hereafter the Division of Efficiency of the Civil Service Commission shall be an independent establishment and shall be known as the Bureau of Efficiency; and the officers and employees of the said division shall be transferred to the Bureau of Efficiency without reappointment, and the records and papers pertaining to the work of the said division and the furniture, equipment, and supplies that have been purchased for it shall be transferred to the said bureau: *And provided further,* That the duties relating to efficiency ratings imposed upon the Civil Service Commission by section 4 of the legislative, executive, and judicial appropriation act approved August 23, 1912, and the duty of investigating the administrative needs of the service relating to personnel in the several executive departments and independent establishments imposed on the Civil Service Commission by the legislative, executive, and judicial appropriation act approved March 4, 1913, are transferred to the Bureau of Efficiency." (39 Stat. L. 15.)

The provision of the act of Congress approved March 4, 1913, relating to the administrative needs of the service referred to in the immediately preceding act is in full as follows:

"The Civil Service Commission shall investigate and report to the President, with its recommendations, as to the administrative needs of the service relating to personnel in the several executive departments and independent establishments in the District of Columbia, and report to Congress details of expenditure and of progress of work hereunder at the beginning of each regular session." (32 Stat. L. 750.)

You will note that the above act of Congress creating the Bureau of Efficiency (39 Stat. L. 15) is tacked on to the deficiencies appropriation act of February 28, 1916, chapter 37. In other words, it is not an independent act of Congress but an appendix to an appropriation act.

The only other statute with which I am familiar, and I have challenged the bureau's defenders for correction, that has any bearing on the United States Bureau of Efficiency is that recorded in Forty-first Statutes at Large, page 343, approved November 4, 1919. It is quoted in full as follows:

"That the Bureau of Efficiency is directed to investigate the scope and character of statistics needed by the Government, and the methods of collecting, compiling, and presenting statistical information by the several executive departments and independent Government establishments and submit to Congress a report of its findings together with such recommendations as it deems proper." (41 Stat. L. 343.)

It is barely possible that some subsequent appropriation act may carry language which could be interpreted to give authority to the Bureau of Efficiency for its present apparent undertakings. I have challenged the supporters of the bureau for such authority and the challenge remains unanswered. Hence, I think it is fair to assume that no authority exists covering the duties not prescribed in the organic acts of Congress that created this office, and if there were any language I believe a judicial construction of it would be to the effect that the investigations would relate to the duties as prescribed in the act of Congress rather than those duties that might pertain to investigations conducted by a grand jury, Department of Justice, prohibition agents, or internal-revenue agents.

The duties of the Bureau of Efficiency from the foregoing acts of Congress can be summarized and relate strictly to the "personnel in the executive departments of the District of Columbia"; that is, to establish an efficiency rating system, administrative needs of service relating to personnel, and to collect, compile, and present statistical information for the executive departments. I find no authority or anything relating to business methods, mechanical devices, administrative policies, municipal government of the District of Columbia, or any of its departments. Inasmuch as the duties are prescribed by Congress, I believe that the justification of the bureau in its position that the Gibson committee has requested it to do the things that it is doing is unfounded in fact and law and that the Gibson committee has no authority to require such services. The veteran organizations and the vast majority of individuals who compose them have no complaint whatever to make as to the merit or demerit of any recommendations that may have been made. Their complaint is due to the fact that the Bureau of Efficiency has not established a system of efficiency ratings based upon fact according to the records as kept whereby the protection afforded by the act of Congress of August 23, 1912, is really effective.

The first condition precedent to make the act of Congress of August 23, 1912, effective was to secure the approval of the President to the system established. This was not done until October 24, 1921, by Executive Order No. 3567, and then only at the insistence of the veteran organizations, so that from 1912 to 1921 the first condition precedent prescribed in the act had not been complied with. Our court of appeals has stated the same in the cases of Pershing *v.* Daniels and Dean *v.* Burleson (43 App. D. C. 470). At the time of these decisions the Bureau of Efficiency was still a part of the Civil Service Commission, known as the division of efficiency, and this accounts for the language used in the decision of the court of appeals, as follows:

"Under the former laws the courts had no power to review the action of the head of a department in discharging an employee for inefficiency. August 23, 1912, the act of Congress was passed, which is relied on in this case as changing that rule. Passing by the question whether the navy yard in Washington is a part of the executive department of the Navy within the terms of that act, we assume, for the purposes of this case, that it was so intended. It appears, nevertheless, that the Civil Service Commission had never exercised the authority conferred thereby to establish a system of efficiency ratings for the classified service in the several executive departments of the District of Columbia. That this proviso exempted discharged soldiers from discharge or dismissal has no effect. The proviso is a part of the section and is not intended to have an independent operation."

It is the serious contention of the veterans now in the executive departments of the Government that the system which was established and is now in vogue is not based upon fact, and that the administration of it is detrimental to their rights. Hence they have recommended and indorse the action of their organization in requesting Congress to abolish the United States Bureau of Efficiency and transfer its functions back to the Civil Service Commission. As a matter of fact, Congressman GIBSON, at the request of the national organization of the American Legion, introduced at the last session of Congress a joint resolution to abolish the United States Bureau of Efficiency and transfer its functions to the Civil Service Commission, and a similar act will be introduced at the coming session of Congress.

The Bureau of Efficiency has ingratiated itself in the hearts of a number of influential Members of Congress, because it has been at the disposal of these men, particularly Senator SMOOT and Congressman BLANTON. I believe it was virtually sustained in the House by the activity of Congressman BLANTON alone. On February 12, 1924, Congressman LEHLBACH, of New Jersey, delivered a condemnation of its activity that was most severe.

I believe there is going to come a time when you will find that this office will be endeavoring to dictate to you and the other commissioners as to how the District government should be conducted. I believe that you should have the benefit of the study that I have made as outlined above and the acts of Congress, which I believe give the Bureau of Efficiency no authority to meddle in your affairs and those of the District government, even though the President of the United States should request it, because such action transcends its lawful duties and because, as you well know, we are governed by laws and not men. I believe I can appreciate in a measure the possible delicacy of your position, but at the same time I feel that when the conflict comes, which it will ultimately, you and the other commissioners will be perfectly justified in suggesting to the Bureau of Efficiency that it stay in its own back yard and do its own knitting.

So far as I am aware from the United Spanish War Veterans and Veterans of Foreign Wars, Army and Navy Union, and American Legion, no criticism has been directed or urged for or on behalf of the individuals connected with the United States Bureau of Efficiency. At the last department convention of the American Legion I was chairman of the resolutions committee and sponsored for that committee the inclosed resolution, which was passed with only two dissenting votes. I stated in my argument, and I state to you, that what I have written is not based upon any prejudice against the Chief of the Bureau of Efficiency or any of its personnel. I do not have his acquaintance and I would not know him should I see him; however, he owes it to himself, and in justification of the conduct of his bureau to satisfy the organizations referred to above, that what he is doing is authorized by law. No individual encourages a conflict with any branch of the Government or any public official, especially when it means nothing to him personally, yet where unselfish and charitable ends are sought one may speak freely. For these reasons and because I am friendly to your administration I trust no undue publicity will be given to this communication, though you are at liberty to show its contents to anyone directly concerned or having your confidence.

That it may reach you personally I am forwarding it to your residence.

Cordially yours,

HARLAN WOOD,
201–204 McLachlen Building.

COPY OF RESOLUTION PASSED AT THE CONVENTION OF 1927 OF THE AMERICAN LEGION FOR THE JURISDICTION OF THE DISTRICT OF COLUMBIA

Resolution 7

Whereas the American Legion at its national conventions at Omaha, Nebr., in 1925 and in Philadelphia, Pa., in 1926 passed a resolution at the request of the American Legion, Department of the District of Columbia, calling upon Congress to abolish the United States Bureau of Efficiency, United States Personnel Classification Board, and the United States Workmen's Compensation Commission and to transfer their functions to the Civil Service Commission; and

Whereas it is the belief of ex-service men, as expressed by them at the national convention of the American Legion in the aforesaid action, that the United States Bureau of Efficiency has been grossly negligent and utterly indifferent in performing the duties required of it by law in the establishment and maintenance of a system of efficiency ratings based upon fact whereby ex-service men and women may have the protection afforded by law; and

Whereas it is the belief of ex-service men that the United States Bureau of Efficiency particularly has greatly transgressed its lawful duties with great resulting detriment to ex-service men: Now, therefore be it

Resolved, That the American Legion of the Department of the District of Columbia again requests the national convention of the American Legion to indorse and do its utmost to secure the passage of acts of Congress to effectuate the foregoing consolidation of the personnel bureaus of the Government; be it further

Resolved, That the delegates of the American Legion, Department of the District of Columbia, to the national convention be, and they are hereby, instructed to use every effort to secure the passage of this resolution by the national convention.

Mr. BLANTON. There is an organization of reputable citizens in Washington which desired to obtain information showing the number of employees and their salaries in the Bureau of Efficiency. One of its officers is Frederick William Wile, who is a distinguished journalist of high character and, in my judgment, one of the ablest in Washington. This information was denied to this organization. Was their request outrageous? They were citizens and taxpayers of this Nation, and it was their money and taxes that paid such salaries. Did they not have the right to know about their own business? But they were denied such information. They applied to the United States Civil Service Commission for such information. When their request was turned down they went into the local courts here and brought action to compel such information to be furnished them. But the courts held it should come through other sources. They were denied that information. The president of such organization appealed to me as a Member of Congress to get this information for him, relating the shameful way these citizens had been treated.

I wrote a letter to the chief of this bureau following that as a Member of Congress. We vote the money that pays their salaries. We are the ones who represent the 110,000,000 people of the United States whose money pays the expense of this bureau. I felt that as one Member of Congress I would have the right to the information and I wrote this letter. I want you to note it. Is there anything unreasonable about it? Is there anything disrespectful about it? Is there anything about it that would keep a bureau chief of the Government from furnishing the information asked for? Let me read it:

Washington, D. C., October 17, 1927—

That is just four days after Judge Harlan Wood wrote me his letter, and on the same day the president of this citizens' organization of the District appealed to me to get the information for them. The people of Washington have no representative in this Congress. Unless we represent them they are without representation, a city of 600,000 people, if you please. Apprised of such facts, I wanted such information for my own use and to put before my committee, and I requested it on their behalf also:

HOUSE OF REPRESENTATIVES,
Washington, D. C., October 17, 1927.

Hon. HERBERT D. BROWN,
Chief, Bureau of Efficiency, Washington, D. C.

MY DEAR MR. BROWN: For information to be used before our committee when it meets, I will ask you to please send me the following information:

(1) The names and respective salaries drawn of all officers in your bureau.

(2) The names and respective salaries drawn of all other employees in your bureau.

Please let me have the above information at the earliest date possible and oblige,

Very truly yours, THOMAS L. BLANTON.

Is there anything unreasonable about that? Have not we Members of Congress the right to get such information from bureau chiefs? Are the bureau chiefs bigger than the power that creates them?

He first promised to send me this information, and then I understood on the outside that he found I had been requested by certain organizations to get it, and I understood he then decided he would not let me have it. Then I called on him for the truth as to whether or not he had received $10,000 from a certain big corporation for doing work for them while he was chief of the Bureau of Efficiency. Not answering me directly but through the press, he in effect told me to go to; it was none of my business.

Mr. LARSEN (interposing). May I ask the gentleman whether he had already given his communication to the press that caused him to reply through the press?

Mr. BLANTON. Only after I had sent it to him and could not get the information. I did not give my letter of October 17, 1927, to the press at all. He first answered it on October 18, 1927, promising to give my request attention, and then after waiting an unreasonable time I learned from the press boys that he was going to ignore my request, because he did not want the citizens' associations of Washington to get hold of this information to use in checking up his bureau. And when he refused to give me this information, I then proceeded myself to check up his bureau and find out what it had been doing. And I learned that the du Ponts, of Delaware, had paid him about $10,000 for work he had done for them, since he has been director, and supposed to give all of his time and attention to the Bureau of Efficiency. I then wrote him and asked him some specific questions asking him about the money paid him by the du Ponts, and instead of answering my questions by letter he went into the press and said that "it was none of the business of Congress what he did with his time after hours." I will tell you what one of the big daily newspapers of Houston, Tex., the great city where I was born, and in which the next Democratic National Convention will be held, says about Brown's position.

It says that any Member of Congress has the right to find out what is going on in this Government, and that when a Member of Congress who represents the people of the country calls on one of the bureau chiefs for information concerning the business of his office he should give it.

Brown is telling it around now that the reason he refused to give this information was that I was mad at him because he caused one of my friends to be demoted—Traffic Director Eldridge.

I am no better friend to Traffic Director Eldridge than I am to any other Government official who does his duty. I am the friend of the lowliest policeman and the lowliest fireman of this District who does his duty. I am just as much a friend of the lowliest as I am of Mr. Eldridge or any other honest Government official, but I believe in doing justice to everybody.

Let me read you what one of the Hearst papers said yesterday. Is it coming to pass that the people of the country can place no reliance whatever upon an article they find in one of Hearst's papers? I have never given any of the Hearst papers provocation to dislike me or to attack me or to be unjust toward me. I have been fair with them. I have wasted my time on many an occasion, when I was busy, in stopping and answering questions of their reporters. I have given them everything my office has had when they have called on me for it. Why should they put things in the paper that are not true in behalf of Efficiency Director Brown? Hearst paper said, in substance, that Eldridge and Congressman BLANTON were arranging to attack the Bureau of Efficiency and Mr. Brown because of its action concerning automobile traffic tags being made by one of the agencies of the District government with reference to favoring a certain corporation.

There is not a word of truth in this. Mr. Eldridge never in his life spoke one word to me about that situation. I did not even know that an agency of the District government made these tags. I knew nothing whatever about how the matter was arranged. It is absolutely made out of the whole cloth. There is not a word of truth in it. Not one single word has ever passed between Mr. Eldridge and myself about it.

Is this the kind of reputation Hearst wants to get over the country—that people can not rely on anything they find in his paper? I am a friend of Director Eldridge, because he is honest, fearless, able, efficient, conscientious, and reliable. He has enforced the law, and lawbreakers were influential enough to get his scalp.

Let me mention just two cases of the many which made Traffic Director Eldridge unpopular. On October 25, 1926, he was forced under the law to revoke the permit to drive an automobile of Stephen Paul Murphy, whose police record is as follows: On January 19, 1920, was arrested for speeding and forfeited $5; on September 3, 1920, arrested for passing stop signal and given fine of $15 or 15 days; on October 19, 1920, arrested for disorderly conduct and forfeited $5; on November 6, 1920, was arrested for investigation; on November 28, 1920, arrested for having no District of Columbia tags and forfeited $5; on December 7, 1920, arrested for disorderly conduct and forfeited $5; on February 21, 1921, arrested for breaking glass in street and given fine of $10 or 10 days; on March 3, 1921, arrested for investigation; on April 2, 1921, arrested, charged with fornication, and forfeited $25; on September 10, 1921, arrested for disorderly conduct and forfeited $5; and on the same date was also charged with cutting corner and forfeited $5; also charged with passing on right of car and forfeited $5; also charged with speeding, forfeited $10; also charged with failing to show permit and forfeited $5; and once more in 1921 was arrested for investigation; on January 22, 1922, arrested

for assault and forfeited $5; and also on that date was charged by Officer Kelley with disorderly conduct and fined $5 or 5 days; and again charged by Officer Spaulding with disorderly conduct and fined $25 or 25 days; on February 6, 1922, was arrested for assault and forfeited $10; on March 24, 1922, was arrested for using dead tags; on March 31, 1922, was arrested for colliding and fined $15; on June 11, 1922, was arrested for speeding and forfeited $15; on June 26, 1922, was arrested for breaking glass in street; on August 5, 1922, was arrested for assault; on August 7, 1922, was arrested for carrying concealed weapons and also for threats; on February 3, 1923, was arrested for disorderly conduct and forfeited $5, and also for failing to give signal, forfeiting $2; on March 2, 1923, arrested for Maryland authorities; on March 8, 1923, arrested for no permit and also for no tags and fined $40; on June 4, 1923, arrested for affray, forfeited $50; on June 22, 1923, arrested for disorderly conduct, forfeited $5; on February 2, 1924, arrested for assault, forfeited $25, and also on such date was arrested for disorderly conduct, forfeiting $25; arrested for being drunk, forfeiting $25, and for assault on second party, forfeiting $25; on May 30, 1924, arrested for disorderly conduct and forfeited $5; on December 30, 1924, arrested for investigation; on January 6, 1925, arrested for assault and forfeited $25; on March 9, 1925, arrested for reckless driving and for using smoke screen and demanded jury trial; on June 30, 1925, arrested for illegal possession, and also for transporting, and fined $500 or 120 days; on July 12, 1925, arrested for disorderly conduct and forfeited $5; on October 7, 1925, arrested for disorderly conduct and fined $10, also for assault and fined $15; on October 8, 1925, arrested for taking property without consent of owner; on February 10, 1926, arrested for disorderly conduct and fined $10 or 10 days; on April 9, 1926, arrested for speeding 38 miles, fined $25 or 25 days, also for improper lights; on April 15, 1926, arrested for reckless driving; on August 26, 1926, arrested by Officer Helmuth for reckless driving; on August 27, 1926, arrested by Officer Murphy for reckless driving and fined $50 or 30 days, and also for retarding police and fined $25 or 25 days; on August 28, 1926, arrested for violating traffic regulations, and the courts having certified to the traffic department records of conviction requiring under the law the revoking of his permit, Traffic Director Eldridge, on October 25, 1926, revoked such permit. But this Mr. Stephen Paul Murphy, being a prominent and high-hat bootlegger and a citizen of great substance and influence, was able to punish Eldridge by helping to bring him into disfavor and unpopularity through adverse criticism.

Another prominent bootlegger who has helped to make Traffic Director Eldridge unpopular is Arthur Mason, who has been charged with violations of the law in our police courts in 36 different cases; the charges embracing assault, disorderly conduct, being drunk, illegal possession, transporting liquor, operating an auto while drunk, selling whisky, speeding, driving without permit, driving with dazzling lights, colliding, and permitting gambling.

Unfortunately for Traffic Director Eldridge the law and his sense of duty has forced him to bother some of the official family of Hearst's newspapers. Based on an order of court he canceled the permit of Mr. Charles Miller, a pressman of the Washington Times-Herald. And based on a charge, which under the law forced him to do so, he canceled the permit of Mr. Forrest C. Phillips, a route agent of such newspaper. But in all of his actions Eldridge has been actuated by a high sense of conscientious duty.

To become traffic director at $6,000 per year Hon. M. O. Eldridge sacrificed an honorable and desirable position with the American Automobile Association, which was paying him $7,500 per year, he being induced to take this position by prominent citizens who were seeking to better traffic conditions in Washington. And he succeeded in bringing order out of chaos. To show how the members of the American Automobile Association felt about the great injustice done Eldridge I quote the following letter, written by one of its members—a prominent attorney of Washington—Hon. Thomas M. Fields, whose office is in the Woodward Building and whose residence is 2704 Twenty-seventh Street NW.:

APRIL 2, 1927.

AMERICAN AUTOMOBILE ASSOCIATION,
Mills Building, Washington, D. C.

GENTLEMEN: Being out of sympathy with the recent demotion of Director of Traffic Eldridge to the position of assistant director of traffic at a salary decrease of $1,200 per annum, and realizing his efficiency and integrity and the great good which he has accomplished in his efforts relative to the regulation and control of local traffic conditions, and recalling what he accomplished while he was connected with the association before he became the director of traffic, I suggest that the members of the association make up the deficiency in his salary by voluntary contributions. In view of the large membership of the association, and the good will of all members toward Mr. Eldridge, quite likely all members will gladly contribute. The amount of each contribution would almost be negligible to make up the $1,200.

Speaking for myself, I am willing to contribute up to $100 if necessary, and my secretary, who is also a member of the association, will contribute up to $10.

Is my suggestion worthy of consideration and adoption?

Yours very respectfully,

T. M. FIELDS.

Here is what happened and this is what Brown is ashamed of. My good friend from Vermont [Mr. GIBSON], everyone knows how much I think of him and how I have commended him for the work that he has helped to do for the country, but he has gotten a little off. He has gotten into the byways where the briars are thick and he is not now doing much good in one respect. He deliberately, without any authority of law whatever, had the Bureau of Efficiency of the United States drop its work for the Government and begin to inspect the bureaus of the District of Columbia, which are merely municipal bureaus and are not bureaus of the Government at all, wasting its time on District bureaus when they have no authority whatever to inspect a single one of them. He has had Brown wasting the time of a whole organization down there.

Let me tell you just what he did. The first thing Brown did was to find out that Traffic Director Eldridge was enforcing the law against the big bugs, as well as the little ones here; that he was making the highbrows respect the law, and when the highbrows disobeyed the law, Traffic Director Eldridge was canceling their permits when the law required it, and they did not like it. Brown found out Eldridge was getting unpopular with many of the highbrows, and the commissioners saw these attacks in the papers and they thought they would make themselves popular, and do you know what they did? These commissioners, Mr. Taliaferro and Mr. Dougherty, wrote out a preliminary report for the United States Bureau of Efficiency to execute, calling for Eldridge's demotion and Moller's dismissal. Did they not do this, I will ask the gentleman from Vermont [Mr. GIBSON]?

If they did not, I will let the gentleman deny that the commissioners wrote that preliminary report of the Efficiency Bureau and told Brown to sign on the dotted line, and he signed. Did they not do that?

Mr. GIBSON. I will say to the gentleman from Texas that I had no personal knowledge as to what was done——

Mr. BLANTON. Oh, but the gentleman knows who wrote that report.

Mr. GIBSON. Wait; I was not present and have no personal knowledge as to what action the commissioners and the Board of Efficiency took.

Mr. BLANTON. Does not the gentleman know the commissioners told Brown to sign on the dotted line and he signed?

Mr. GIBSON. No; I do not, but I have been told so.

Mr. BLANTON. Well, that is sufficient. That is an admission against interest. [Laughter.] That is the fact. The commissioners prepared it and they told Brown to sign, and Brown signed.

And what did this report do? It caused them to kick out poor Colonel Moller on March 28, 1927, because of something they found out he had done outside of his office, out of hours, when his office was closed and which had nothing to do with the government of the District of Columbia. It was a social affair. They caused Director Eldridge to be demoted on April 1, 1927, for some complaint they lodged against Moller, and caused Eldridge's salary to be decreased $1,200 annually when they knew there was not a single scintilla of evidence that affected his honesty; and I am going to prove that to you right now, because after months of investigation, here is Mr. Brown's final report filed in May, 1927, signed, "Herbert D. Brown, Chief of the Bureau of Efficiency," respecting Moller and Eldridge and the Crouse-Hinds Co., which was the firm solely involved in their entire investigation. The preliminary report, which the commissioners prepared for the United States Bureau of Efficiency, and which they caused Herbert D. Brown to sign on the dotted line, imputed dishonest and fraudulent transactions respecting the District of Columbia. That was before Brown's bureau fairly started its investigation.

Here is what Brown said in his final report concerning these men whose whole future he had ruined. After investigating he found them all not guilty. Here is the final report over Brown's own signature, from which I quote the following:

There is no evidence to show that either Colonel Moller or Mr. Eldridge was animated by dishonest motives or ever profited in any way from the irregularities or that the Government suffered any loss from such irregularities.

That is from page 1472 of the printed hearings. No evidence, he says, to show dishonesty, and here is what he says about the Crouse-Hinds Co., concerning whose contract all the fuss was raised, and over an item involving $634. I again quote from said Herbert D. Brown's final report filed in May, 1927:

In justice to the Crouse-Hinds Co. it should be suggested that during the course of this investigation nothing was found to cause the slightest suspicion of dishonesty in the transaction on the part of the company. In our opinion that company should be absolved from any criticism in its dealings with the District of Columbia.

That report on May 27, 1927, caused Colonel Moller to be kicked out, and he and his family to have their lives ruined and Eldridge demoted.

Now, Colonel, when you get up to defend Brown and when you go to protect Brown trying to hedge around him where I can not get at the facts, you and I are at the parting of the ways.

Mr. GIBSON. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. GIBSON. I do not think the gentleman is correct in saying that I am protecting Doctor Brown or doing anything so that the facts can not be ascertained if they should be ascertained.

Mr. BLANTON. Let us see; my colleague knows that I am always fair. I like him even if I can not go with him.

Mr. GIBSON. Perhaps the gentleman will go with me.

Mr. BLANTON. No; I will not. Here is the situation. A member of our committee, known as the Gibson Investigating Committee, is Judge HOUSTON, of Delaware. You will remember that it is a Delaware corporation that has paid Brown $9,000, as Brown says; but I say $10,000. Du Ponts paid it to this chief of the United States Bureau of Efficiency for what? Not working for the Government, but working for the corporation. I imagine it is the influence of my good friend Judge HOUSTON, from Delaware, that is actuating my friend, Colonel GIBSON, from Vermont, in his motive to keep me from getting the facts from Director Brown.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HASTINGS. I yield the gentleman 10 minutes more.

Mr. BLANTON. I have had a resolution of inquiry pending before the gentleman's committee ever since Congress met in December.

Mr. GIBSON. The gentleman refers to the Committee on the Civil Service?

Mr. BLANTON. Of which the gentleman from Vermont is a member?

Mr. GIBSON. And we gave you a hearing this morning.

Mr. BLANTON. Oh, yes; I will tell you what kind of a hearing you gave me. [Laughter.]

Mr. GIBSON. We heard everything the gentleman presented without objection.

Mr. BLANTON. Will the gentleman from Vermont—where the maple sap runs except next year—will the gentleman deny that the du Ponts paid as much as $9,000 to Director Brown?

Mr. GIBSON. I have no knowledge of it.

Mr. BLANTON. What is the gentleman's information?

Mr. GIBSON. I have been told that covering a period of 13 years the company has paid Mr. Brown for advisory work on its retirement and pension system $9,000.

Mr. BLANTON. The gentleman gets the information from Judge HOUSTON and Mr. Brown?

Mr. GIBSON. I never passed a word with Mr. HOUSTON about it.

Mr. BLANTON. Did not Brown tell you so?

Mr. GIBSON. I decline to tell the gentleman where I got my information until the Civil Service Committee gets through with the hearings.

Mr. BLANTON. I am surprised to find so valuable a man in this Congress—for he is a valuable man—as Colonel GIBSON—standing up and protecting this man Brown from furnishing the information demanded by a Member of Congress. The du Ponts of Delaware have paid Brown.

Now, here is what happened this morning in the Civil Service Committee as long as the gentleman mentioned it. One member of the committee moved to report my resolution out as to the facts asked for, eliminating the $10,000 proposition. Another member moved a second that the resolution be reported out. And the committee was about to report it. Then Colonel GIBSON stepped in and offered a substitute that they would have another hearing first, and they would let Mr. Brown come up tomorrow and let me come before them again, wasting more of my time—not in the morning before noon, but at 2 o'clock tomorrow afternoon when the House is in session.

What right has your committee to meet when this House is in session? I ask that of the colonel from Vermont. None. We have never granted his committee the right to meet when this House is in session. It has not the right to do so; and when you meet to-morrow at 2 o'clock you are meeting without any authority of law, against the rules of this House, and you are meeting when Congress has not authorized you to meet, just like you had poor old Brown and his bureau investigate this District municipality, when the law says that bureau must confine its operations to only Government plants.

Mr. GIBSON. May I suggest that I am not the chairman of that committee, and I assume that the chairman of the committee, the gentleman from New Jersey [Mr. LEHLBACH], will take all measures necessary to protect the proceedings of that committee within the rules of the House.

Mr. BLANTON. I am going to see how the gentleman acts in the morning, because in the morning the Gibson subcommittee, authorized by the District Committee, is to meet and investigate these various matters. The Gibson committee has met and voted to have a hearing, and it was agreed on that we would have that hearing at 10 o'clock to-morrow morning, and that Brown should be brought before the committee, and I expect to ask him some questions; but the press says, and the press has been saying continually, attempting to quote the gentleman from Vermont [Mr. GIBSON], that the gentleman from Vermont is going to protect Brown in this hearing and not let any questions be asked him.

Mr. GIBSON. The gentleman refers to these same Hearst papers?

Mr. BLANTON. Oh, all of the papers have been saying that, and I am going to find out to-morrow where the gentleman stands.

Mr. GIBSON. Oh, you will find out all right.

Mr. BLANTON. And I shall withhold my criticism until after that meeting, but I am going to tell my friend from Vermont this: I do not care who steps in and seeks to protect Brown, I am going to let the people of this country know who is protecting him when I find out. The people have a right to know how much the du Ponts have been paying him. The people have a right to know whether he has been spending his time for the Government or for private corporations. The people of this country have a right to know, and I am going to see to it that they do know that, and I have got the information all ready. I am not depending on Brown for my information. I have it from several sources in this Government already. I know every one of the facts.

Mr. GIBSON. Then, of course, the gentleman does not need any investigation.

Mr. BLANTON. But I want Brown to answer and give the facts about his office. We have a right to know. After my friend from Vermont, Mr. GIBSON, sleeps on it to-night, I do not think he is going to protect Brown any more. Let me tell him this, that members of the American Legion who have had business with that Bureau of Efficiency condemn it and Brown. You will not find a labor organization in the District of Columbia that will say a good word for Brown, not one. Not a labor organization, and you will find only two men who will defend Brown. You will find Major Donovan, the auditor down here in the District government, whom Brown has taken care of, he and his family, and you find Poker Bill Smith down in the Veterans' Bureau defending him.

Mr. BOYLAN. And who is Poker Bill Smith?

Mr. BLANTON. Oh, I am surprised that my friend from New York does not know him. That proves that my colleague has never played poker. Poker Bill, through politics, is general counsel for the Veterans' Bureau, and has tried to turn down the just insurance and just compensation that is due to widows and orphans of our soldiers time and time again. He has been responsible for it. They have had to take an appeal to McCarl to make him pay, and McCarl has made him pay it.

You should read the record and see how he tried to rob Mrs. Bertie Fenlaw out of her dead husband's insurance, and McCarl made him pay it. Poker Bill Smith never tried a case in a courthouse until after he became general counsel of the Veterans' Bureau. He is another protégé of a distinguished Senator, and that is the reason we can not get rid of him. If he was not a protégé of this distinguished Senator who has so much influence, Director Hines would have kicked him out long ago; but I made him admit in the presence of General Hines and Senator SHEPPARD that he never tried a case in a courthouse in his life until he became the general counsel for the Veterans' Bureau—the chief legal authority for the Veterans' Bureau—that passes on hundreds of millions of dollars for the 4,000,000 men who served, in the matter of insurance for their widows and children and mothers. These are the two protégés of a distinguished Senator—Brown and Poker Bill Smith. At the American Legion convention in 1926, and the

one preceding it, a resolution was offered condemning Brown and the Bureau of Efficiency and asking that the bureau be abolished; and I will put it in my remarks.

Mr. GIBSON. You mean the District of Columbia?

Mr. BLANTON. Oh, I am talking about the National Convention of the American Legion of the United States. Then in the 1927 convention of the American Legion for the District of Columbia there was the resolution passed condemning the bureau and there were only two men who spoke and voted against it, and they were Donovan and Poker Bill Smith. That resolution passed unanimously in the American Legion district convention except for those two votes. They defended him. You are in bad company, Colonel! [Laughter.] You may be able to protect Brown, but I doubt it. I am going to wait for Brown to come across and give the information himself before I put it into the RECORD, but, Colonel, I am going to get the floor a little later on if you keep Brown from giving it, because we will have another appropriation bill up here, and I can get time, because my colleagues are good to me and they will give me time, and then I am going to come in, if you do keep him from giving the information, and I will give it to you second hand from other departments and bureaus of the Government. I will show the facts from other sources, if you do succeed in keeping Brown from answering questions.

I would rather give it first hand. If I do it I will give the name of every man who protects him. If a Senator protects him, I am going to give the Senator's name, and if a Congressman does it I will give you his name, without fear or favor.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HASTINGS. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. BUSBY].

The CHAIRMAN. The gentleman from Mississippi is recognized for 15 minutes.

Mr. BUSBY. Mr. Chairman and Members of the House, I have taken the floor expecting to consume part of the time I have been allotted in calling your attention to an article and to a picture contained in one of the publications gotten out by the Department of the Interior. I hold in my hand copy of a publication that is issued monthly by the Department of the Interior called The New Reclamation Era. I read on the second page of this publication:

> Issued monthly by the Bureau of Reclamation, Department of the Interior, Washington, D. C.; price to other than water users, 75 cents a year.

So I take it that this publication goes free into the hands of all water users on the reclamation projects of the United States, and it also circulates generally throughout the United States on a subscription basis. I am sure that it goes into the offices of thousands and thousands of business men.

The issue that I hold in my hand is dated January, 1928. I want to say parenthetically that I am interested in reclamation. I made an address on the floor of the House about two years ago in which I attempted to outline my position on that subject, and also to commend, as many people in my section of the country do not, the work that is being carried on in the western States reclaiming and making valuable wonderful stretches of land that would be worthless without the reclamation work that is being carried on by our Government.

On page 7 of this particular issue of the New Reclamation Era I find a picture. It is inserted in an article that was written by May A. Schnurr, secretary to the commissioner and associate editor of the New Reclamation Era. I called Miss Schnurr over the telephone and asked her what the picture was intended to represent. Her reply was that their field agent went out and gathered pictures and gathered data relating to the subject matter that her department had under consideration. Her article deals largely with the South. The picture I referred to represents an old ox with very broad horns; he has on a shuck collar, a croker sack back band, and trace chains corresponding to the other equipment, and this is all hitched to one of those old hopper cotton planters; a barefoot colored boy is back of the equipment in an attitude of working, but the whole outfit is standing still. The land where the picture was made is not laid off in rows. No furrows are seen in this land, and no planting is going on, so that you can easily see that the picture is made on a "dress-up" occasion purposely to secure this kind of a picture, for effect and not to represent the truth.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. CRAMTON. I also noticed that article, and one on the next page showing a southern family of dark complexion. Knowing the connection between this article and the proposed expenditure of Federal funds for farm development, it seemed like a strong showing of the need for such expenditure.

Mr. BUSBY. This picture is entitled "Methods still in use in the South." I want to say, gentlemen, that I am from Mississippi, the very heart of the South, and there are no such methods in that section of the country. So I asked Miss Schnurr if she had ever been in the South, and she answered, "I have not." She seemed to catch the trend of my mind and my object in calling her. She said, "I was absolutely confined in my article and the illustration to the material gathered by our field agent." I said, "What is the purpose in setting forth this picture which does not convey any idea of the real condition?" She replied by saying that that was the material furnished her, and she did not have anything else with which to fill in. I got the point that through the reclamation section of the work by our Government they wanted to make it really impressive on the country that we were in dire need of this assistance, and therefore it would be more agreeable to Congress to make the appropriation. I am not one of those who would come here and present any false cause in Congress that would induce it or prompt it to lend help to us in developing the country. I want to tell you in that connection an incident that happened near where I live.

A missionary school was maintained in that section in the South by a certain northern church, and one of the teachers wrote back to a newspaper in one of the Northern States depicting the horrible conditions in the South where the school was located. Her letter did not have in it any basis of truth. She knew it did not. When she was confronted with a copy of the article by some local people—it had gotten back to that section of the country—she explained in this way:

> Unless we can make it appear awful bad we can not obtain funds that will be sent down here with which to run our school.

I am against conveying false pictures to the country or any part of it in order to make an appeal for funds with which to carry on school work, reclamation, or any other kind of work. The South has suffered much by such false propaganda and deliberate misrepresentation. I emphatically protest against that method.

Mr. CRAMTON. If the gentleman will permit, I would like to say that in my contact, for a long time, with that office I have come to know this young woman, and I am sure any error has been entirely unintentional, because she would not, I am sure, have done anything for the sake of creating a false impression or taking any advantage through a misrepresentation. There may have been a lack of familiarity with this that has led to an error. I think the question the gentleman has brought to the attention of the House emphasizes what I have felt for a long time with reference to this publication. Other Members of Congress, and, I think, other Members of my committee, have not been fully in accord with that view; but I believe there is too much of a tendency toward propaganda in that publication to justify its publication out of the reclamation fund.

I think that whenever a Government publication enters the field of advocating policies that are before Congress or before the country there is a danger of some abuse in that particular.

Mr. BUSBY. I thank the gentleman for his observation. It is not my purpose at this time to cast any reflection whatever on the young lady, because she was very fair in her statement. The only error she committed, perhaps, was in not having some knowledge of the correctness of the impression she was conveying to the outside world by means of the pictures she used in her article. I told her when the conversation was over that it was perfectly all right so far as I was concerned. She curried favor slightly with me by saying this particular picture was taken in Georgia. I said that was up to the fellows from Georgia, and that she might hear from them. She said she was very sorry this had all happened. But too easily we convey a false impression to some other parts of the country, and I think the South has been subjected to that kind of treatment too long and too often.

I was in Chicago not long ago. I went there with a committee of business men to try to interest one of the larger concerns of the country in the establishment of a milk plant in our town. They told us frankly they were much interested in our particular section of the country and in our particular proposition. They told us the matter had been taken up with their board of directors, and when the question was presented to the board of directors and they told them they were contemplating going to Mississippi, the first thing the president of the board did was to throw up his hands and say, "My God, do not take anything to Mississippi." You will see, therefore,

why I am talking against this kind of a publication and this kind of a picture being sent out by the Government.

If you are going to establish a business in some section of the country, you do not want to establish it where the kind of condition shown in this picture prevails. I want to tell you that this condition does not prevail in the South, and it is not true as to my State or any of the other Southern States, for I have been all over them.

I want to direct your attention for a moment to the rapid development and organization of capital in my particular State of Mississippi. Within the last few years capital for the purpose of carrying on enterprises which will develop the home and develop the farm has been steadily increasing in my State. I am taking these figures from the State auditor's report of last week. In 1923, $10,617,000 of foreign capital was organized to do business in the State of Mississippi; in 1924, $4,218,000. Note the figures. In 1925, $6,098,000; in 1926, $219,807,000; in 1927, $586,908,000. We are growing by leaps and bounds. That is the way we are growing and not as the picture in the New Reclamation Era suggests.

In Mississippi we have advertised a great deal lately for the purpose of showing the country the advantages of that great State. For four years each year there has been organized a know Mississippi better train, and there hardly exists any section of our country that has not been visited by this train. It is composed of about 200 or 300 people. They have three or four exhibit cars, and this train makes a three or four weeks' tour of the country. Last September they went to the Pacific Coast and visited almost every State in the western part of our country. They made stops at various places, showed the exhibits, and let the country see what is in Mississippi and see the things we have done in the way of capital investment. If we are to be faced by a publication issued by our Government, giving the country any such picture as the one I have called to your attention, a publication going out under the authority of the Department of the Interior, certainly our efforts to show the greatness of our State will be very much minimized by the impression received through this kind of a picture. I for one want you to understand, and the country as generally as it can from my humble words, that this picture is not true to life or true to conditions as they exist in the South. We are as progressive in every way as any other section of the country; we use as modern machinery as any other section of the country; and get as good results in every line as any other section of the country.

I thank you. [Applause.]

Mr. HASTINGS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman, I would like to have the attention of the chairman of the subcommittee for a moment.

This morning during the course of the gentleman's remarks I asked him a question in reference to the personnel of the Pension Bureau. In looking over the hearings, at page 705, I read from the testimony of Mr. Scott, the Commissioner of the Pension Bureau:

> As will appear from additional statements, to be submitted in this connection, new legislation has materially increased the work of the bureau. While the adjudication of claims and the payment of pensions have been pushed with the utmost diligence, it has been necessary, by reason of a limited personnel, to curtail or suspend other important activities which should be resumed as speedily as possible.

Turning to page 717 of the hearings, I find a table in reference to the average number of employees in the bureau, as follows:

> In 1924, 878; 1925, 807; 1926, 763; 1927, 693; 1928 (estimated), 620; 1929 (estimated), 615.

My inquiry is due to the delay in the Pension Bureau in adjudicating claims of war veterans. The applications of the Spanish war veterans came in by the thousands after the Congress made the minimum pension $20 per month. The call is made on the War Department or the Navy Department for a report, which requires about two months. The men are then ordered before a medical board. It takes all the way from 6 months to 12 months to get a final decision on a claim.

Heretofore in the handling of pensions the pension generally commenced from the date the application was filed. It has been the policy recently of the bureau to date the pension from the day the applicant appeared before the examining board. The men entitled to pensions by reason of the law are required to wait all the way from 6 months to 12 months for their money, and it is necessary in most instances for a Member of Congress to get behind the claim before you can secure action in less than six months.

I am not finding fault with the Pension Bureau. I am finding fault now with the committee for not getting at the facts if they know these conditions exist, and I can not see how the members can not know they exist, because they are getting complaints from the Spanish War veterans.

If the Commissioner of Pensions states that he has a limited personnel and the Congress sees fit to increase the work of the bureau, it is beyond me to understand why he is not entitled to more money to carry out the purposes of the act. I would like to know the views of the committee as to why the bureau is going to reduce the force instead of increasing it.

Mr. CRAMTON. The gentleman forces a statement that I would not have cared to make, but it is the product of my contact with this bureau. I believe that with the force they have they ought to be able to give the service the gentleman asks for.

Mr. COCHRAN of Missouri. Well, they are not giving it. The gentleman will admit that.

Mr. CRAMTON. If the gentleman will permit, I accept the gentleman's statement and his criticism of the service. I have no personal knowledge of it, but I accept his statement, and I took it the gentleman wanted me to speak at this time.

Mr. COCHRAN of Missouri. Yes.

Mr. CRAMTON. For that reason I have made this statement. Furthermore, I will state that it is more difficult to get a positive, definite, fixed statement of the needs of this bureau than any other bureau I have anything to do with. As I indicated when I spoke before, one theory is presented to you and then they think it over and it is something different.

I have here the notation I made on my committee print of the bill when the commissioner was before us. The gentleman will find that we went up and down the matter, and the gentleman will find the hearings show the difficulty of getting a right, pointed, positive answer on something they ought to have been thinking about for months, if there is any such necessity as the gentleman speaks of.

The Budget estimate is $1,150,000 for salaries, and I entered a note at the time of the hearing, as a result of our examination of the commissioner, "Wants $1,160,000." This is what our hearing led up to, and that left a difference of $10,000 between the Budget and the commissioner. On an item of $1,150,000 that is not very much.

The gentleman will find, if he goes over these hearings for several pages, that we were given to understand the appropriation for the current year is not enough and that the work requires them to decrease their force more than they think they should decrease it. This was not a problem before my committee. This is a problem that should be before the deficiency committee. We are treating not the current year but next year.

We had trouble finding out from them how many men they would have at the end of this year or at the beginning of the next fiscal year. First they talked like it would be 600, and finally they told me they ought to have 615. Whether they have that many or not is not before my subcommittee. My subcommittee was recommending funds to begin the 1st of next July, and the gentleman will find, after some difficulty, as I say, a statement at the bottom of page 720, as follows:

> Mr. CRAMTON. Is that your statement, Mr. Commissioner, that you should have at the end of this year 615 employees instead of 600?
>
> Mr. SCOTT. I think we should have 615 employees at the end of the year.
>
> Mr. CRAMTON. If you have 615 employees the 1st of July, is it your theory that you need to continue that number through the next year?
>
> Mr. SCOTT. It is.
>
> Mr. CRAMTON. Have you made a pretty careful study of the situation with reference to the work resulting from new legislation, etc.?
>
> Mr. SCOTT. We have been behind, you understand, for two years.
>
> As a matter of fact, when I came to this bureau we had some 900 employees, and we are down now to 635. We are doing more work with the reduced force, and I think I have reduced it just as far as I can.
>
> Mr. CRAMTON. So, the 615 is your idea of what you ought to have the 1st of July, and you ought to have an average of that the next year?
>
> Mr. SCOTT. Yes.

Now, let me read this again:

> Mr. CRAMTON. So, the 615 is your idea of what you ought to have the 1st of July, and you ought to have an average of that the next year?
>
> Mr. SCOTT. Yes.
>
> Mr. CRAMTON. That is what the Budget appropriates. One million one hundred and fifty thousand dollars is sufficient to take care of your needs next year, as approved by the Budget and as stated by you here?
>
> Mr. SCOTT. Yes.

You will find that the Budget states that the allocation of that fund is for 615 employees which the commissioner told us was what was needed.

You can get from the hearings statements that the funds for current year are slightly inadequate, and which may force him to decrease his force before the 1st of July, but that question was not before our committee.

Mr. COCHRAN of Missouri. That will not correct the situation from my standpoint, because the situation exists to-day that existed before.

Mr. CRAMTON. There might be such a thing as inefficiency in administration.

Mr. COCHRAN of Missouri. Mr. Scott states, "We have been behind, you understand, for two years." That bears out my statement of the situation of the bureau that something ought to be done. I hope the gentleman from Michigan will insist on a survey of the bureau to determine what they do need.

Mr. CRAMTON. I have not had the experience the gentleman speaks of, but I know similar complaints had been brought to my attention and hence we brought out in the hearings all we could as to what was needed. Here is a responsible head of a bureau who has been complaining, but he says that instead of reducing the force further he ought to have not below 615, that if he has 615 next July it will be sufficient.

Mr. COCHRAN of Missouri. No doubt the commissioner has hanging upon his wall the word we hear so much about, "economy." I am for protecting the taxpayer's money but the taxpayer does not ask for economy at the expense of the ex-service men.

Mr. CRAMTON. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Chairman, as long as we are on the topic of the Bureau of Pensions I want to make some observations from my own experience and that of some other Members who I feel certain have had similar experience to my own.

We all have numerous claims for pensions. In some cases it is necessary to go into a great amount of detail and thought and study and advice as to the character of the evidence, in going over the evidence, and then in submitting the claim, and when there is a close question involved of analyzing that evidence in a letter to the Pension Commissioner when the claim is under discussion. It seems to me if a Member of Congress can give all that time and detailed thought and study to a single claim there ought to be some one in the office of Commissioner of Pensions who would give the same thought and study in handling the claim and in the correspondence regarding it.

During the past year while at home there were several claims of that character, and with the claim and in connection with the correspondence I went into considerable detail discussing the evidence and putting it up in detail somewhat like a lawyer would handle a matter in court.

Now, what did I get when the claim was turned down? I am not complaining because they were turned down; it may be that they were right, but I am complaining about the way the claims were and now are handled.

In answer to all the detailed correspondence, there was sent a carbon of the letter sent to the claimant saying that the claim was rejected, and nothing else. In other words, you get a letter, and from that letter you would not know whether anybody ever read the file or understandingly passed on the point that you looked into so carefully in preparing and presenting the case.

I took the matter up with the commissioner and wrote him I thought it was a queer thing that a Member of Congress, after putting that amount of work into a case, could get out of his office nothing but a carbon copy of a letter giving the conclusion, addressed to the claimant. He came back and said that the blame rested on Congress; that he did not have sufficient clerical force to write the letters and so sent a carbon copy. I then wrote him that I did not care so much about its being a carbon copy if he could get some one to intelligently go over the files and answer the correspondence and let me know the situation. He came back and said that he did not have sufficient appropriation to handle correspondence in that way. So I took the matter up with the distinguished chairman of the subcommittee.

As I recall it, I passed on some of the correspondence to him. The chairman of the committee advised me that, in his judgment, the fault was not with the appropriation but with the commissioner. I find now that in the commissioner's appearance before the committee he said he was satisfied with 615 men that have been allotted him by the Budget for the next year, which I think is about 15 more than they have this year. The two statements do not jibe. Either what is written to me is not the case or else he should have frankly told this subcommittee that Congress had been too niggardly and that he could not take care of this situation in a competent way, and he should then have asked for more money.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. LEAVITT. Is it not true that the heads of the different bureaus are under instructions not to ask the committees of Congress for more than the Budget states, and that they are under severe penalty if they do that?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield to me?

Mr. NEWTON. Yes.

Mr. CRAMTON. That is entirely true, but our subcommittee has followed the practice, when they have reason to believe that a situation ought to be developed, of attempting to develop that situation, as we did in this case, because the gentleman from Minnesota [Mr. NEWTON] had called the matter to my attention. You will find that I got from the commissioner a statement that they really needed $217,500,000 instead of $210,000,000 for the payment of pensions, and we gave him ample opportunity to respond to our inquiries, because the law that is mentioned does not apply if Congress asks for the information.

Mr. LEAVITT. But they are under the difficulties just the same.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CRAMTON. Mr. Chairman, I yield three minutes more to the gentleman from Minnesota.

Mr. NEWTON. Mr. Chairman, I appreciate what the gentleman from Montana [Mr. LEAVITT] has said, that by reason of a provision of law, which is necessary as such, there is a possibility of a chief of a bureau being embarrassed by coming out and saying frankly what he should have; but after all, if this Budget system is going to work as we want it to work, there ought to be men in charge of these bureaus who would take Congress at its word, and if they feel that they are justified in asking for additional moneys, that they have been unduly cut down, should talk frankly with the Members of Congress and frankly with the subcommittee in charge of the appropriations. I feel in connection with this particular matter that there has not existed that sort of frankness.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. ABERNETHY. Does not the gentleman know that if one of these bureau heads was to do that he would be promptly fired from his position by the present authorities in Washington?

Mr. NEWTON. I do not know that, and I do not believe that is the case.

Mr. CRAMTON. If the gentleman will yield, all of the time that this subcommittee worked on this bill, every year, these bureaus have responded to such invitations from our committee, and in some cases when they made a case increases have been made, and no official has ever experienced any embarrassment or difficulty by reason of responding to such a request from the committee.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. ABERNETHY. Does not the gentleman know that it is almost impossible to get these heads of bureaus to express themselves when it is contrary to the President's financial policy?

Mr. CRAMTON. Of course——

Mr. ABERNETHY. Unless the committee wants them to do it.

Mr. CRAMTON. Certainly; the law forbids their asking Congress for more than the Budget has recommended, and it is essential that that should be the law; but when Congress asks for information then that law is not effective, and I find them very generally responding. I have never known of any embarrassment to result to them from it.

Mr. NEWTON. Mr. Chairman, it seems to me that if this Budget system is to work, there should be that frankness on the part of the bureau chiefs and a desire upon the part of the Appropriation Committee to really find out as to every substantial item, whether the bureau chief has the money which he feels he ought to have, and I do not feel that in this case that has been carried out by the head of the bureau. It is discouraging when a man puts in the time that a Member does on some of these pension claims because of the appeal that they have to one's sympathy, to find them handled in a perfectly perfunctory manner and when you get through not to know whether anybody has even read what you have put up to them. I hope for a decided change in the Bureau of Pensions in the handling of congressional correspondence. [Applause.]

The CHAIRMAN. No further requests for time being made, the Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

For expenses incidental to the sale of timber, and for the expenses of administration of Indian forest lands from which such timber is sold to the extent that the proceeds of such sales are sufficient for that purpose, $175,000, reimbursable to the United States as provided in the act of February 14, 1920 (41 Stat. L. 415).

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 21, line 14, strike out "$175,000" and insert "$200,000."

Mr. CRAMTON. I would simply state in that connection that from our investigations and the hearings we have had we find that their fund, which is really reimbursable out of sales of timber, is not sufficient to meet the need, and the effect of the smaller item would be that 8 per cent being deducted from the sales to cover expenses we would deduct from the Indians more than we will spend for the purpose, and to avoid that I think the item should be increased at least as much as I have indicated in the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Flathead irrigation project, Montana: The unexpended balance of the appropriation for continuing construction of the irrigation systems on the Flathead Indian Reservation, Mont., contained in the act of May 10, 1926 (44 Stat. L. 464–466), as continued available in the act of January 12, 1927 (44 Stat. L. 945), shall remain available for the fiscal year 1929, subject to the conditions and provisions of said acts: *Provided*, That the unexpended balance of the $395,000 available for continuation of construction of a power plant may be used, in the discretion of the Secretary of the Interior, for the construction and operation of a power-distributing system and for purchase of power for said project but shall be available for that purpose only upon execution of an appropriate repayment contract as provided for in said acts: *Provided further*, That the net revenues derived from the operation of such distributing system shall be used to reimburse the United States in the order provided for in said acts: *Provided further*, That the Federal Power Commission is authorized, in accordance with the Federal water power act and upon terms satisfactory to the Secretary of the Interior, to issue a permit or permits or a license or licenses for the use, for the development of power, of power sites on the Flathead Reservation and of water rights reserved or appropriated for the irrigation projects: *Provided further*, That rentals from such licenses for use of Indian lands shall be paid the Indians of said reservation as a tribe, which money shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of 4 per cent: *Provided further*, That the public notice provided for in the act of January 12, 1927, shall be issued by the Secretary of the Interior upon the 1st day of November, 1930: *Provided further*, That, in his discretion, the Secretary of the Interior may provide in such repayment contracts for covering into construction costs the operation and maintenance charges for the irrigation season of 1928 and all undistributed operation and maintenance cost, and may extend the time for payment of operation and maintenance charges now due and unpaid for such period as in his judgment may be necessary, not exceeding five years, the charges now due so extended to bear interest payable annually at the rate of 6 per cent per annum until paid, and to contract for the payment of the construction charges now due and unpaid within such term of years as the Secretary may find to be necessary with interest payable annually at the rate of 6 per cent per annum until paid: *Provided further*, That not more than $35,000 of said reappropriated balance of $395,000 shall be immediately available for operation and maintenance, and $75,000 shall be available for construction of laterals near Ronan upon the execution of appropriate repayment contract as provided for in said acts.

Mr. WILLIAMSON. Mr. Chairman, I move to strike out the last word. I had not expected that this bill would be reached for reading until to-morrow, and as I did not get possession of the bill until to-day, I have not had time to go over it as carefully as I should have liked. I call the chairman's attention to page 56 of the bill, line 22:

South Dakota: Crow Creek Hospital, $9,000.

Is that appropriation of $9,000 to be used to alter some of the school buildings for use as hospitals? Is that the purpose of the appropriation?

Mr. CRAMTON. That is the appropriation for the maintenance of that hospital. The hospital has been in operation heretofore and this $9,000 is for its maintenance.

Mr. WILLIAMSON. I did not understand that the hospital at Crow Creek was in actual operation. I thought the plan was to reconstruct the school buildings there for hospital purposes, and I was wondering whether the appropriation is for that purpose.

Mr. CRAMTON. There has been an appropriation for the current year for this same hospital. The statement made to the committee was that the increase of $1,500 would provide an additional nurse, so the hospital appears to be in operation and they are providing an additional nurse. That is the reason for the increase in the appropriation, which in the current year was $7,500, while the bill before us carries $9,000. It is a maintenance item.

Mr. WILLIAMSON. I ask the chairman to turn to page 79. There he will find the item for the Belle Fourche irrigation project, South Dakota. The amount carried under that item is $250,000, and I want to ask the chairman whether that is for drainage purposes?

Mr. CRAMTON. That is for drainage purposes entirely.

Mr. WILLIAMSON. The total amount which will be required there, according to the estimates I have, is approximately $1,000,000. I understand it is the purpose of the committee to commence this drainage work this year, to spend $250,000, and then continue the work from year to year until the drainage is completed.

This $250,000 is not made immediately available.

Mr. CRAMTON. They are all immediately available.

Mr. WILLIAMSON. So the construction of the drainage system can commence next spring? Ordinarily the appropriation would not be available until July 1.

Mr. CRAMTON. But these construction items are immediately available under reclamation, because, for the sake of economy, it is necessary to have the contract cover the construction season rather than a fiscal year.

Mr. WILLIAMSON. I looked for the provision making it immediately available, but did not find it.

Mr. CRAMTON. It is in the first paragraph. There is $33,000 for two siphons in the lateral system and $217,000 for drainage construction.

Mr. WILLIAMSON. That covers what I desired to know. I wanted to make certain that the drainage work could be commenced next spring and continued until it should be completed.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read the bill down to and including line 12, page 54.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, had come to no resolution thereon.

ELECTION OF A MEMBER TO A COMMITTEE

Mr. TILSON. Mr. Speaker, I offer a resolution which I send to the desk, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 89

Resolved, That F. D. LETTS, Iowa, be, and he is hereby, elected a member of the Committee on Banking and Currency.

The resolution was agreed to.

ADJOURNMENT OVER

Mr. TILSON. Mr. Speaker, I ask unanimous consent, in case consideration of the Interior Department appropriation bill has been completed, that when the House adjourns on Friday, January 13, it adjourn until Monday, January 16 next.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

AIRPORT AT GOVERNORS ISLAND, N. Y.

Mr. O'CONNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, at the request of my colleague the gentleman from New York [Mr. COHEN], by printing a letter he has written to Maj. Gen. Hanson E. Ely regarding the airport on Governors Island.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. O'CONNELL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter written by my colleague, the gentleman from New York [Mr. COHEN] to Gen. Hanson E. Ely, which is as follows:

JANUARY 7, 1928.

Maj. Gen. HANSON E. ELY,
Governors Island, New York, N. Y.

MY DEAR GENERAL ELY: I have read the newspaper accounts of your statements before the Chamber of Commerce of the State of New York on Governors Island as a military necessity versus its use as an express airport station, and I desire to call your attention to a number of inaccuracies which, though perhaps not intentional, might give the public an erroneous impression of the suitability and advisability of Governors Island as an airport.

In the introduction to your speech you state that the subject will be "the pros and cons as to whether or not Governors Island, in whole or in part, should be used as an airport." Yet you fail to give one item favorable to Governors Island as an airport, confining yourself to the negative side entirely. Your speech seems to be merely a repetition of the arguments set forth by the Chamber of Commerce of the State of New York as to their objections to Governors Island as an airport, and it seems to me that the competent staff that assisted you in writing your speech took the greater part of it from the records of the chamber of commerce. All in all the speech seems clearly designed to meet the views of your hearers and to please them, and is not based on true facts and existing conditions.

Among your inaccuracies are the ones regarding Col. Charles A. Lindbergh's flights; the possibilities of planes hitting skyscrapers; the number of clear days at the island; fog and smoke; size of the island; and cost of conversion. None of these are borne out by facts.

You probably are not aware that thorough and extensive investigations made by a committee of the Sixty-eighth Congress, the Merchants' Association of the city of New York, the Hoover location committee, and the mayor's committee have all resulted in recommendations by these bodies for the use of Governors Island as an express airport to serve lower Manhattan and Brooklyn. These committees are all totally unbiased and are only concerned with the ultimate greatest benefit to the city and to the country.

If, as you state, the reason for the retention of Governors Island by the War Department is to house troops for the protection of the financial district, the following will prove conclusively that this need does not exist.

According to figures supplied by your predecessor, Maj. Gen. James H. McRae, Governors Island houses 112 officers and 1,055 men. A statement made by Representative LAGUARDIA, printed in the New York Times of August 7, 1927, is to the effect that according to data obtained from the office of The Adjutant General there were only 591 troops stationed on Governors Island.

You state that it would be advisable to protect with Government troops in times of domestic disturbances the subtreasury, customhouse, Federal reserve bank, and other Federal agencies, and that troops stationed on Governors Island could reach lower Manhattan with a minimum loss of time.

In refutation of this contention I cite the Wall Street explosion on September 16, 1920. The following is an extract from a letter received from Maj. Gen. J. H. McRae:

"Call for troops was received at Fort Jay at 12.10 p. m., September 16, 1920. A detachment of 2 officers and 57 men left Governors Island in trucks by ferry, arriving at the subtreasury at 12.45 p. m., same day. A second detachment of 4 officers and 48 men arrived at the subtreasury at 1.30 p. m. At 2.50 p. m. the detachments left the subtreasury and returned to Governors Island, arriving by the ferry leaving the Battery at 3.15 p. m."

Thus the entire detachment consisted of 6 officers and 105 men, and it took 1 hour and 20 minutes for 4 officers and 48 men to reach the scene of action. This will speak for itself as to the time necessary for troops to be moved to reach and to protect the financial district.

While on this subject may I state that, to my knowledge, this is the only time in 50 years that a call was made for Federal troops for the city of New York. I also call your attention to the following extract from a letter from Police Commissioner Joseph A. Warren:

"Please be advised that a survey of the department shows that 400 policemen could be brought into the financial district within half an hour. Of course, in the event of a serious outbreak this number could be almost indefinitely increased."

Also to extract from a letter written by Fire Commissioner John J. Dorman, as follows:

"We can assemble 100 men in the financial district in 15 minutes. Two engine companies can be operating with streams of water, which I understand are quite effective in dispersing rioters, in five minutes."

Also to extract from letter written by Gerhard M. Dahl, chairman of the board of directors of the Brooklyn-Manhattan Transit Corporation:

"It will take about 21 minutes for a train to go from the station nearest Fort Hamilton (which is Ninety-fifth Street) to Wall Street, and I am reliably informed that if this train skips stations it will take 17 minutes."

Therefore, if the financial district needs protection, the police and fire departments are able to give five times the amount of protection given by the soldiers on Governors Island in less than one-third the time, and troops can be brought from Fort Hamilton in less time than the same number of troops can be brought from Governors Island. In view of this, I see no reason why the troops stationed on Governors Island should not be removed and the island left available for an express landing field or airport, which is so necessary to the progress of New York City and of the United States.

I would ask you to send me duplicates of the maps that you used to illustrate your speech when you mentioned the airports Croydon, Le Bourget, and Tempelhof; also the map of Governors Island and the illustration you used to show the direction of the wind to confirm your statement that the wind for 11 months of the year is across the narrowest part of the island. I would also like a copy of the chart showing the enlargement of the island to an area 1,000 meters square, and also to an area 1 mile square, so as to compare it with the map of the harbor now in my possession.

You state that Governors Island is too small to be classed as a class A field. My bill to be introduced in Congress is for the use of Governors Island as a landing field or airport in conjunction with other fields located in the suburbs of New York, and that it will not rate as a class A field; it will rate as a class B field.

According to competent engineers, Governors Island contains 198 acres, and not 172 acres as you state. It is subject to an extension on both sides of the island's filled-in ground, which would give a width of approximately 1,000 feet at its narrowest point, a maximum width of 2,575 feet, and a maximum length of 4,500 feet, making it as large as Mitchel Field and larger than Roosevelt Field, Curtiss Field, and Miller Field. This can be further extended on both sides of the narrowest part of the island. The widening of the field on any part of the island will in no way obstruct the channel between Bedlows Island and Governors Island, but as a landing or express station in conjunction with other airports, no great extension of Governors Island is needed.

Such seasoned and eminent aviators as Commander Richard F. Byrd, Clarence Chamberlin, and Casey Jones have stated that there is nothing objectionable to Governors Island as a landing field. Clarence Chamberlin, in a speech at the National Republican Club, stated that Governors Island is large enough and is absolutely suitable for an airport. The experience and record of these men certainly gives their opinion more weight than the palpably biased statements of the military men and the Chamber of Commerce of the State of New York.

The prevailing winds northwest and southwest are distinctly favorable to the use of Governors Island as an express airport and not unfavorable, as stated in your speech. I call your attention to the fact that if the winds from the southwest are in the direction of the island's greatest length, the winds from the northwest could not be directly across the narrowest part of the island.

Your statement regarding the velocity of winds on Governors Island is not borne out by official meteorological reports. According to these reports and surveys, the wind conditions at Governors Island are practically the same as at all airports situated around New York City.

Referring to your statement that New York Bay is unsuitable for seaplanes because of ice, the conditions there are no different than in the East River, Hudson River, Harlem River, or Jamaica Bay.

Fog conditions are 1 per cent better at Governors Island than at Jamaica Bay or even Sandy Hook. Hadley Field could not be used as a landing field for three successive days during the month of October because of fog. Commander Byrd was unable to find Le Bourget because of fog. So you see, all fields have the fog problem, and no one ever considered discontinuing the use of any existing fields because of this.

On December 31, 1927, fog conditions over lower Manhattan and Governors Island were very bad. I telephoned from my office at 120 Broadway to the Bronx fire headquarters and asked about the fog there, and received the report that the condition was very bad. I telephoned to the Queens fire headquarters and inquired about the fog conditions at Fort Tilden, and was told they were very bad. I telephoned to Curtiss Field, and the party who answered said there was no visibility and that the fog was very bad. I was not able to get a telephone connection with Hadley Field. This merely proves that the fog conditions in the Bronx, Jamaica Bay, and Curtiss Field are practically the same as on Governors Island.

You state that an airport should be provided with water, electric power, and good roads. As an express landing station Governors Island would not require any roads other than now on the island, and facilities for the transportation of passengers, mail, and small packages to the mainland could be readily improved, and at very little expense.

I would like you to send me a copy of map 5, which shows the proximity of high buildings to Governors Island. The nearest high building to Governors Island is 1 mile distant from the shore line of the

island, and an experienced aviator does not need 1 mile to make a landing.

The unsatisfactory features which you outline regarding size, weather, fog, wind, etc., were existent during the war. Why, then, did the Government use Governors Island as a training station for aviators during the war? I never heard of an inexperienced flyer crashing into any buildings on lower Manhattan or having any accident because of any other of the factors you bring forth against the use of Governors Island as an airport. If Governors Island was entirely suitable for the training of novices, why is it unsuitable for use by experienced flyers and up-to-date machines?

In your desire to retain Governors Island for a military station you entirely ignore—or overlook—the fact that all other airports are so far distant from the financial and business sections of the city of New York that it takes from 45 minutes to 1½ hours to bring the mail and packages to and from the field, whereas mail and passengers could be landed on Manhattan Island in 15 minutes after arriving on Governors Island.

This very important factor received no consideration from you, but the selfish desires of the War Department to maintain Governors Island as a home for officers on duty in the headquarters of the Department of the East are being allowed to deliberately supersede the advantages of the entire country of airport facilities that will prove of inestimable value to the future of the country.

I take strong exception to your statement calling for the elimination of Governors Island from future consideration as an airport, because the statement is actuated by ulterior motives, and is opposed to the opinions of a committee of Representatives of the United States, the Hoover location committee, the Merchants' Association of New York, the mayor's committee, and by all the prominent and distinguished aviators of the day.

I trust that this letter will convince you of the suitability of Governors Island as an express airport station, and of its greater value to the United States for this purpose than for a military post, and that you will be willing to recommend to the War Department that it release the island in favor of its use as an airport.

Sincerely yours,

WILLIAM W. COHEN,
Member of Congress.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

A joint resolution and bills of the following titles were taken from the Speaker's table and referred to the appropriate committees, as indicated below:

S. J. Res. 55. Joint resolution for the relief of Henry A. Bellows; to the Committee on the Merchant Marine and Fisheries.

S. 440. An act for the relief of Charles H. Send; to the Committee on the Public Lands.

S. 434. An act for the relief of Sadie Klauber; to the Committee on Claims.

S. 342. An act for the relief of George B. Booker Co.; to the Committee on War Claims.

S. 120. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols; to the Committee on Claims.

S. 3. An act for the relief of Kate Mathews; to the Committee on Claims.

ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.), the House adjourned until to-morrow, Friday, January 13, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, January 13, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To extend the benefits of the Hatch Act, the Adams Act, the Prunell Act, and the Smith-Lever Act to the Territory of Alaska (H. R. 7952).

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.
District of Columbia appropriation bill.

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON FLOOD CONTROL

(10 a. m.—caucus room)

To hear Col. John S. Sewell and members of the flood control committee of the Southern States' Republican League discuss proposed projects to control the flood waters of the Mississippi River.

(2 p. m.—caucus room)

To hear Representative Christopherson, of South Dakota, discuss flood-control problems.

COMMITTEE ON LABOR

(10.30 a. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 7729).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend section 321 of the Penal Code (H. R. 7200).

To amend the Penal Code of the United States as amended (H. R. 7736).

To amend the first paragraph of section 29, title 2, chapter 85, of the first session of the Sixty-sixth Congress, found in volume 41, part 1, page 361 of the United States Statutes at Large, relating to punishment for the illegal manufacture and sale of liquors (H. R. 50).

To regulate the admissibility of evidence in certain actions in the courts of the United States (H. R. 51).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to hear Admiral Hughes discuss the building program.

COMMITTEE ON THE TERRITORIES

(Immediately after adjournment of the House)

To authorize the payment of amounts appropriated by the Legislature of Alaska on account of additional duties imposed upon Territorial officers (H. R. 8284).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact (H. R. 5773).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To authorize an appropriation to provide additional hospitals and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MICHENER: Committee on the Judiciary. H. R. 8229. A bill for the appointment of an additional circuit judge for the sixth judicial circuit; without amendment (Rept. No. 267). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 9020. A bill to amend an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto; without amendment (Rept. No. 268). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 9024. A bill to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation; without amendment (Rept. No. 269). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 9026. A bill to amend section 1112 of the Code of Law for the District of Columbia; without amendment (Rept. No. 270). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 9021. A bill providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes; without amendment (Rept. No. 271). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. H. R. 9051. A bill to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes"; without amendment (Rept. No. 272). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SUTHERLAND: Committee on the Territories. H. R. 2145. A bill for the relief of Albert J. Zyvolski; with amendment (Rept. No. 266). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8410) granting a pension to Laura Jane Chrysler; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8411) granting a pension to Ellen Treadwell; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8412) granting a pension to Rose Lapier; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A joint resolution (H. J. Res. 123) for the relief of Henry A. Bellows; Committee on Interstate and Foreign Commerce discharged, and referred to the Committee on the Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES: A bill (H. R. 9186) granting the consent of Congress to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, for the construction, maintenance, and operation of a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHAM: A bill (H. R. 9187) to amend the act entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes," approved May 24, 1924; to the Committee on Foreign Affairs.

By Mrs. ROGERS: A bill (H. R. 9188) to amend section 604, subdivision (b), of the World War adjusted compensation act; to the Committee on Ways and Means.

By Mr. SHALLENBERGER: A bill (H. R. 9189) to repeal section 15a of the interstate commerce act, and to restore rates, fares, and charges authorized prior to increases effective August 26, 1920; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9190) to amend section 26 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9191) to amend section 4 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9192) providing for the construction of certain works in the State of Nebraska; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 9193) to prohibit the collection of a surcharge for the transportation of persons or baggage in connection with the payment for parlor or sleeping car accommodations; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9194) authorizing the Secretary of the Interior to acquire land and erect a monument on the site of the battle between the Sioux and Pawnee Indian Tribes in Hitchcock County, Nebr., fought in the year 1873; to the Committee on the Library.

By Mr. WATSON: A bill (H. R. 9195) to amend sections 2804 and 3402 of the Revised Statutes; to the Committee on Ways and Means.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9196) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9197) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNING: A bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS: A bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. LaGUARDIA: A bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York; to the Committee on the Judiciary.

By Mr. MENGES: A bill (H. R. 9201) to provide for the more complete development of vocational education in the several States; to the Committee on Education.

By Mr. MORIN: A bill (H. R. 9202) to authorize construction at the United States Military Academy, West Point, N. Y.; to the Committee on Military Affairs.

By Mr. WELCH of California: A bill (H. R. 9203) relating to the induction of registrants who applied and who were accepted for induction and assigned to educational institutions for special and technical training under the provisions of the act approved August 31, 1918, but whose induction without fault of their own was not completed; to the Committee on Military Affairs.

By Mr. DRIVER: A bill (H. R. 9204) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 9205) to authorize an appropriation for the American group of the Interparliamentary Union; to the Committee on Foreign Affairs.

By Mr. DALLINGER: A bill (H. R. 9206) authorizing acquisition of a site for the farmers' produce market, and for other purposes; to the Committee on the District of Columbia.

By Mr. MORROW: A bill (H. R. 9207) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes; to the Committee on the Public Lands.

By Mr. MEAD: Joint resolution (H. J. Res. 159) for the purpose of providing a day of rest on December 25 of each year for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. ENGLAND: Joint resolution (H. J. Res. 160) requesting certain information relative to the United States naval ordnance plant, South Charleston, W. Va.; to the Committee on Naval Affairs.

By Mr. NELSON of Wisconsin: Concurrent resolution (H. Con. Res. 16) providing for the appointment of a joint committee of the Senate and House of Representatives, to meet with a similar committee composed of the Commissioners of the Philippine Islands and seven members of the Philippine Legislature, to discuss general conditions in the Philippine Islands, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 9208) granting an increase of pension to Mary Anthony; to the Committee on Invalid Pensions.

By Mr. BECK of Wisconsin: A bill (H. R. 9209) granting a pension to Ella Dibble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9210) for the relief of Lieut. George H. Hauge, United States Army; to the Committee on Claims.

By Mr. BRAND of Georgia: A bill (H. R. 9211) for the relief of Maj. Allen M. Burdett; to the Committee on Claims.

By Mr. BROWNING: A bill (H. R. 9212) granting an increase of pension to Lucinda M. Melson; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 9213) granting relief to the widow of Albert F. Smith; to the Committee on Military Affairs.

By Mr. CANFIELD: A bill (H. R. 9214) granting an increase of pension to Elizabeth Prentice; to the Committee on Pensions.

By Mr. CHASE: A bill (H. R. 9215) granting an increase of pension to Catharine Derstine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9216) granting an increase of pension to Mary Elizabeth Flegal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9217) granting a pension to Bertha C. Williams; to the Committee on Invalid Pensions.

By Mr. CLARKE: A bill (H. R. 9218) granting an increase of pension to Sarah E. Briggs; to the Committee on Invalid Pensions.

By Mr. COLTON: A bill (H. R. 9219) for the relief of B. W. Dalton; to the Committee on Claims.

Also, a bill (H. R. 9220) for the relief of David Thygerson; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 9221) granting a pension to Leonora M. Knox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9222) for the relief of Charles G. Johnson; to the Committee on Claims.

By Mr. DICKINSON of Iowa: A bill (H. R. 9223) granting a pension to Polly Ann Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9224) granting a pension to Celia Enright; to the Committee on Invalid Pensions.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 9225) for the relief of Frank Baglione; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 9226) to authorize the reappointment of George F. Seyle as second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. ENGLAND: A bill (H. R. 9227) granting relief to the trustees of Allegheny College, Blue Sulphur, Greenbrier County, W. Va.; to the Committee on Claims.

By Mr. FULBRIGHT: A bill (H. R. 9228) granting an increase of pension to Mary E. Griggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9229) granting an increase of pension to Christopher S. Alvord; to the Committee on Pensions.

Also, a bill (H. R. 9230) granting a pension to Eliza Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9231) granting a pension to Charles Dulaney; to the Committee on Invalid Pensions.

Mr. GARDNER of Indiana: A bill (H. R. 9232) granting an increase of pension to Wilhelmina H. Schwallier; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 9233) granting an increase of pension to Ettie C. Smith; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 9234) granting an increase of pension to Margaret Brown; to the Committee on Invalid Pensions.

By Mr. HOPE: A bill (H. R. 9235) granting an increase of pension to Cynthia C. Eaton; to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 9236) granting a pension to Eliza E. Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9237) granting an increase of pension to Mary J. Maxwell; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 9238) for the relief of the widow of Ephriam E. Page; to the Committee on Military Affairs.

By Mrs. KAHN: A bill (H. R. 9239) for the relief of the Shipowners & Merchants Tugboat Co. of San Francisco, Calif.; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 9240) granting an increase of pension to Margaret E. Gunter; to the Committee on Invalid Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 9241) granting a pension to Myrtle Grantham; to the Committee on Pensions.

By Mr. LEECH: A bill (H. R. 9242) granting an increase of pension to Hannah L. Hollen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9243) granting an increase of pension to Dillie Shuman; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 9244) granting an increase of pension to Lydia Reese; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 9245) granting a pension to Mary A. Moore; to the Committee on Pensions.

Also, a bill (H. R. 9246) granting an increase of pension to Malinda Stevens; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 9247) granting a pension to Julia H. Nichols; to the Committee on Invalid Pensions.

By Mr. MEAD: A bill (H. R. 9248) granting an increase of pension to John D. Sullivan; to the Committee on Pensions.

By Mr. NIEDRINGHAUS: A bill (H. R. 9249) granting retirement pay to Christ Roesch; to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 9250) granting a pension to Florence Lewis; to the Committee on Invalid Pensions.

By Mr. RANSLEY: A bill (H. R. 9251) for the relief of Joseph M. McAleer; to the Committee on Military Affairs.

Also, a bill (H. R. 9252) for the relief of E. K. Lamont & Son; to the Committee on Claims.

By Mr. ROBINSON of Iowa: A bill (H. R. 9253) granting an increase of pension to Bridget D. Boland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9254) granting a pension to Belle Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9255) granting a pension to Lillie Mueller; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 9256) to provide for a survey of the rivers in the New England States, with a view to the control of their destructive flood waters; to the Committee on Flood Control.

By Mr. ROWBOTTOM: A bill (H. R. 9257) granting an increase of pension to Emeline Isminger; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 9258) for the relief of Aaron Freilich; to the Committee on Claims.

By Mr. SPEAKS: A bill (H. R. 9259) granting an increase of pension to Fidelia Potts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9260) granting an increase of pension to Effie M. Livingston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9261) granting an increase of pension to Alice F. McMullan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9262) granting an increase of pension to Hilda E. Lamott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9263) granting an increase of pension to Emma J. Mawhirter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9264) granting an increase of pension to Betsy E. McAdow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9265) granting an increase of pension to Clara L. Stanbrook; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 9266) granting an increase of pension to Marion J. Secor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9267) granting an increase of pension to Ellen A. Chappell; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 9268) granting an increase of pension to Sarah Lytle; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 9269) granting a pension to Grady B. Baggett; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 9270) granting an increase of pension to Addie Sour; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 9271) granting a pension to Catharine Lenz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9272) granting an increase of pension to Hannah Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9273) granting a pension to Charles O. B. Spencer; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 9274) granting an increase of pension to Falinda Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9275) granting an increase of pension to Lida O. Craig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9276) granting a pension to Amanda Refitt; to the Committee on Invalid Pensions.

By Mr. WOODRUM: A bill (H. R. 9277) to pay the heirs of J. H. McVeigh, deceased, the sum of $10,375; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1421. By Mr. ARNOLD: Petition from citizens of Mount Vernon, Ill., protesting against the passage of the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1422. Also, petition from citizens of Avena, Ill., protesting against the passage of the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1423. Also, petition from citizens of Mount Vernon and Albers, Ill., urging the passage of Civil War pension legislation; to the Committee on Invalid Pensions.

1424. By Mr. AYRES: Petition of citizens of Cassoday, Kans., with reference to the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1425. Also, petition of citizens of Wichita, Kans., with reference to the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1426. By Mr. BRIGHAM: Petition of W. R. Ovitt, George E. Wright, and 148 other citizens of Enosburg Falls and East Fairfield, Vt., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1427. By Mr. BARBOUR: Resolutions adopted by the Fresno County Chamber of Commerce, Fresno, Calif.; the Civic Com-

mercial Association, Bakersfield, Calif.; and the Kings County Chamber of Commerce, Hanford, Calif.; opposing legislation which would place immigration from Mexico upon a quota basis; to the Committee on Immigration and Naturalization.

1428. Also, petitions of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1429. By Mr. BRIGHAM: Petition of W. E. Tatro and 131 other citizens of Enosburg Falls, Vt., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1430. By Mr. BROWNING: Petition against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1431. Also, petition against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1432. By Mr. CARTER: Petition of Mrs. M. J. Herrimann, of Alameda, Calif., and many others urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

1433. Also, petition of J. Warner, of Berkeley, Calif., and many others, urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

1434. By Mr. CHALMERS: Resolution of the Exchange Club, of Toledo, Ohio, petitioning the Congress of the United States to appropriate sufficient funds to provide adequate and proper housing for its officers and enlisted men; to the Committee on Military Affairs.

1435. Also, letter signed by the chairman flag committee of Ursula Wolcott Chapter, Daughters of the American Revolution, Toledo, Ohio, indorsing legislation relating to the proper and improper use of the United States flag; to the Committee on the Judiciary.

1436. Also, petition signed by residents of Toledo, Ohio, in regard to increasing the pensions of all Civil War veterans and their widows; to the Committee on Invalid Pensions.

1437. By Mr. COOPER of Wisconsin: Petition of citizens of Milton Junction, Wis., protesting against the passage of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1438. By Mr. CRAMTON: Petition signed by Mrs. Adelaide Banghart, Vassar, Mich., and 36 other residents of that vicinity, protesting against the passage of any compulsory Sunday observance bills; to the Committee on the District of Columbia.

1439. Also, petition signed by Fern Cumings, Otter Lake, Mich., and 31 other residents of that vicinity, protesting against the passage of any compulsory Sunday observance bills; to the Committee on the District of Columbia.

1440. By Mr. CULLEN: Petition signed by citizens of Brooklyn, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1441. By Mr. DAVIS: Petition of citizens of Manchester, Tenn., in favor of Civil War pension bill; to the Committee on Invalid Pensions.

1442. By Mr. DEMPSEY: Petition by citizens of Lockport, N. Y., protesting against the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1443. Also, petition by citizens of Middleport, N. Y., against the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1444. By Mr. DICKINSON of Iowa: Petition of citizens of Boone County, Iowa, favoring increase of pension for soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

1445. Also, petition of citizens of Carroll County, Iowa, opposing the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1446. By Mr. EVANS of Montana: Petition of citizens of Ravalli County, Mont., urging passage of the National Tribune's pension bill, granting increase in pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1447. By Mr. FENN: Petition of citizens of Granby, Conn., and vicinity, protesting against the passage of House bill 78, the so-called compulsory Sunday observance bill, and any other bills of a like character; to the Committee on the District of Columbia.

1448. Also, petition of citizens of Hartford, Conn., protesting against the passage of House bill 78, the so-called compulsory Sunday observance bill, and any other measure of like character; to the Committee on the District of Columbia.

1449. Also, petition of citizens of West Hartford, Conn., protesting against the passage of House bill 78, the so-called compulsory Sunday observance bill, and any other measures of a like character; to the Committee on the District of Columbia.

1450. By Mr. FULBRIGHT: Petition of citizens of Poynor, Mo., protesting against the passage of House bill 78, or any compulsory legislation for Sunday observance; to the Committee on the District of Columbia.

1451. Also, petition of citizens of Garber, Mo., and vicinity, protesting against the passage of House bill 78, or any compulsory legislation for Sunday observance; to the Committee on the District of Columbia.

1452. Also, petition of citizens of Bryant, Mo., protesting against the passage of House bill 78, or any compulsory legislation for Sunday observance; to the Committee on the District of Columbia.

1453. Also, petition of citizens of Ava, Mo., and vicinity, protesting against the passage of House bill 78, or any compulsory legislation for Sunday observance; to the Committee on the District of Columbia.

1454. Also, petition of citizens of Bradleysville, Mo., and vicinity, protesting against the passage of House bill 78, or any compulsory legislation for Sunday observance; to the Committee on the District of Columbia.

1455. Also, petition of citizens of Forsyth, Mo., and vicinity, protesting against the passage of House bill 78, or any compulsory legislation for Sunday observance; to the Committee on the District of Columbia.

1456. By Mr. GALLIVAN: Petition of Maj. Gen. Edward L. Logan, Massachusetts National Guard, recommending amendment to section 113 of the national defense act to provide for annual national rifle matches; to the Committee on Military Affairs.

1457. By Mr. GARNER of Texas: Petition of citizens of Edinburg, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

1458. Also, petition of citizens of Uvalde County, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

1459. By Mr. GOODWIN: Petition of Mrs. Gusta H. Behrendt and six other residents of Pine City, Minn., for an increase in the pensions awarded to the Union veterans of the Civil War, for those veterans in need of care and attendance, and for the widows of the veterans of the Civil War; to the Committee on Invalid Pensions.

1460. Also, petition of W. L. Shrode and 13 other residents of Princeton, Minn., in opposition to the provisions of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1461. Also, petition by D. A. Dewey, Esq., and 129 other residents of Kanabec County, Minn., urging immediate legislation to provide an increase of pension to the Union veterans of the Civil War, for the veterans of that war requiring aid and attendance, and to the Civil War widows; to the Committee on Invalid Pensions.

1462. Also, petition of Mrs. Mary A. Lindquist and 22 other residents of Chisago City, Minn., for an increase in pension to the Union veterans of the Civil War, for an additional increase to those veterans in need of care and attendance, and for an increase to the widows of the Union veterans of the Civil War; to the Committee on Invalid Pensions.

1463. By Mr. HADLEY: Petition of residents of Kent, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1464. Also, petition of residents of Sedro Woolley and vicinity, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1465. Also, petition of residents of Carnation, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1466. By Mr. HERSEY: Petition of residents of Houlton, Mars Hill, Bridgewater, and Westfield, Me., against compulsory Sunday legislation; to the Committee on the District of Columbia.

1467. Also, petition of Ulysses G. Mudgett and others, of Bangor, Me., urging legislation to increase the pensions of soldiers and their widows of the Civil War; to the Committee on Invalid Pensions.

1468. By Mr. HOOPER: Petition of Mrs. Guy V. Abbott and 29 other residents of Branch County, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1469. Also, petition of Carl Rainbow and 35 other residents of Climax, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1470. Also, petition or Mrs. C. J. Harrington and 37 other residents of Quincy, Mich., urging to bring to a vote a Civil War pension bill carrying the rates proposed by the National

Tribune for relief of needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

1471. By Mr. HOPE: Petition for legislation providing for increases in pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

1472. By Mr. JENKINS: Petition signed by 63 citizens of Reedsville, Ohio, petitioning Congress not to pass the compulsory Sunday observance bill nor any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

1473. Also, petition signed by 15 citizens of Jackson, Ohio, protesting against the passage of any Sunday observance bill or any other bill enforcing the observance of the Sabbath or Lord's day; to the Committee on the District of Columbia.

1474. Also, petition signed by 132 voters of the tenth congressional district of Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill for relief of widows and veterans; to the Committee on Invalid Pensions.

1475. By Mr. JOHNSON of Indiana: Petition of numerous Vermillion County, Ind., voters for the increase of Civil War pensions; to the Committee on Invalid Pensions.

1476. Also, petition of numerous voters of Terre Haute, Ind., for the increase of Civil War pensions; to the Committe on Invalid Pensions.

1477. By Mrs. KAHN: Petition of numerous residents of California, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1478. Also, petition of numerous residents of California, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1479. By Mr. KEARNS: Petition by citizens of Highland County, Ohio, against the passage of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

1480. Also, petitions of citizens of Scioto County, Ohio, against the passage of any compulsory observance bill; to the Committee on the District of Columbia.

1481. By Mr. KEMP: Petition of citizens of Hammond, La., protesting against House bill 78, Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1482. By Mr. KETCHAM: Petition of Robert Prothero and 124 other residents, of Dowagiac, Mich., and vicinity, protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1483. By Mr. LETTS: Petition of E. J. Blanchard and other citizens of Davenport, Iowa, protesting against House bill 78, or any other bill enforcing the proper observance of the Sabbath; to the Committee on the District of Columbia.

1484. Also, petition of F. J. Rhoades and other citizens of Clinton, Iowa, protesting against House bill 78, or any other bill enforcing the proper observance of the Sabbath; to the Committee on the District of Columbia.

1485. By Mr. McKEOWN: Petition of Mrs. Jennie Brothers, Mr. J. H. Epperson, Lee Tribble, and about 85 other citizens of Sapulpa, Okla., asking for immediate action on a Civil War pension bill; to the Committee on Invalid Pensions.

1486. Also, petition of Mrs. E. Atwell, Mrs. R. A. Fleming, George E. Prince, and about 35 other citizens of the fourth congressional district, State of Oklahoma, asking for immediate action on a Civil War pension bill; to the Committee on Invalid Pensions.

1487. By Mr. MARTIN of Massachusetts: Petition of William Kirkley and 79 other residents of Bristol County, Mass., protesting against the enactment of the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

1488. Also, petition of residents of Fall River, Mass., advocating the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

1489. By Mr. MONAST: Petition against compulsory Sunday laws by citizens of the State of Rhode Island; to the Committee on the District of Columbia.

1490. By Mr. MICHENER: Petition of sundry citizens of Jackson and Washtenaw Counties, Mich., asking for increase of Civil War pensions; to the Committee on Invalid Pensions.

1491. By Mr. MOORE of Kentucky: Petition signed by Mrs. Catherine E. Watson, Olean Howard, W. C. Turner, Mrs. Mary W. Crawley, and 70 others, residents of Glasgow, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of needy and suffering veterans and widows; to the Committee on Invalid Pensions.

1492. By Mr. MORIN: Petition of the National Association of Letter Carriers, of Pittsburgh, Pa., urging passage of Dale-Lehlbach bill so as to permit optional retirement of Federal employees after 30 years of service with an annuity of $1,200 per annum; to the Committee on the Civil Service.

1493. By Mr. NEWTON: Petition of Boyd E. Weatherly and other Minneapolis citizens, against compulsory Sunday observance; to the Committee on the District of Columbia.

1494. Also, petition of Mr. O. L. Hilde and others, of Minneapolis, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1495. Also, petition of W. V. Shepherdson, D. O., of Minneapolis, and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1496. Also, petition of Mrs. S. S. Johnston and others, of Minneapolis, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1497. By Mr. O'CONNOR of New York: Petition of 104 citizens of New York City, protesting against enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1498. By Mr. RAINEY: Petition of Annie E. Barnes and 31 other citizens of Forest City, Ill., favoring Civil War widows' pension increase; to the Committee on Invalid Pensions.

1499. By Mr. ROBINSON of Iowa: Petition from Omie C. Huston and 123 citizens of Hampton, Franklin County, Iowa, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1500. By Mrs. ROGERS: Petition of John E. Dearborn and 35 other residents of Andover, Mass., for relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

1501. By Mr. ROWBOTTOM: Petition of Mrs. Luch Hester and others of Evansville, Ind., that the bill granting pensions to all Civil War widows be enacted into a law at this session of Congress; to the Committee on Invalid Pensions.

1502. By Mr. SEGER: Petition of 22 residents of Paterson, Passaic, Clifton, Little Falls, and Hawthorne, N. J., favoring increased pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

1503. By Mr. TILSON: Petition of John E. Thomas and other citizens of New Haven, Conn., protesting against the passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

1504. By Mr. SPEAKS: Petition signed by some 50 citizens of Worthington, Franklin County, Ohio, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

1505. By Mr. STALKER: Petition of Ava G. Simkin and other citizens of Elmira, N. Y., urging against the passage of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1506. Also, petition of 90 citizens of Hornell, N. Y., protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

1507. Also, petition of H. L. Leonard, of Hornell, N. Y., and 626 other citizens of that vicinity, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1508. Also, petition of 90 citizens of Hornell, N. Y., and vicinity, protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

1509. Also, petition of Charles A. Kimble, of Horseheads, N. Y., and other citizens of that vicinity, protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

1510. Also, petition of Mrs. Adelia Carrier, of Apalachin, N. Y., and other citizens of that vicinity, urging the enactment of a Civil War pension bill to provide for an increase in pension for Civil War veterans and widows; to the Committee on Invalid Pensions.

1511. Also, petition of Mrs. Melvina E. Johnson and other citizens of Elmira, N. Y., urging the enactment of a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

1512. Also, petition of Mrs. Hannah Ball and other citizens of Valois, N. Y., urging the enactment of legislation to increase the pensions of Civil War veterans and widows; to the Committee on Invalid Pensions.

1513. By Mr. STRONG of Pennsylvania: Petition of citizens of Brookville, Pa., in favor of legislation to increase the rates of pension for Civil War veterans and their dependents; to the Committee on Invalid Pensions.

1514. By Mr. SUMMERS of Washington: Petition signed by J. N. Boggan and 49 others of Asotin, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1515. Also, petition signed by Helen E. Davis and others, of Yakima County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1516. By Mr. THATCHER: Petition of numerous citizens of Anchorage, Ky., favoring increase of pensions to Civil War soldiers and their widows; to the Committee on Invalid Pensions.

1517. By Mr. THURSTON: Petition of four citizens of Ringgold County, Iowa, protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1518. Also, petition of 31 citizens of Cedar County, Mo., protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1519. Also, petition of 14 citizens of Sharpsburg, Iowa, protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1520. Also, petition of 28 citizens of Sharpsburg, Iowa, protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1521. Also, petition of 68 citizens of Taylor County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1522. Also, petition of 23 citizens of Taylor County, Iowa, protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1523. Also, petition of 75 citizens of Taylor County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1524. Also, petition of 35 citizens of Taylor County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1525. Also, petition of 50 citizens of Taylor County, Iowa, protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1526. Also, petition of 30 citizens of Taylor County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1527. Also, petition of 30 citizens of Taylor County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1528. Also, petition of 40 citizens of Taylor County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1529. Also, petition of 42 citizens of Taylor County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1530. By Mr. TILSON: Petition of Charles O. Butler and other citizens of Cheshire, Conn., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1531. By Mr. VINCENT of Michigan: Petition of residents of the eighth congressional district of Michigan urging early action on a bill granting more liberal pensions to Civil War veterans and widows; to the Committee on Invalid Pensions.

1532. By Mr. VINSON of Kentucky: Petition of Carter County (Ky.) citizens on Civil War pension legislation; to the Committee on Invalid Pensions.

1533. Also, petition of Lawrence County (Ky.) citizens against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1534. By Mr. WHITE of Colorado: Petition from sundry citizens of Denver, Colo., protesting against the enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1535. Also, petition of numerous citizens of Denver, Colo., urging the passage of a Civil War pension bill looking to granting increase of pensions to veterans of that war and their dependents; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *January 13, 1928*

(*Legislative day of Wednesday, January 11, 1928*)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Sheppard
Barkley	Fletcher	McLean	Shipstead
Bayard	Frazier	McMaster	Shortridge
Bingham	George	McNary	Smoot
Black	Gerry	Mayfield	Steck
Blaine	Gillett	Metcalf	Steiwer
Blease	Glass	Neely	Stephens
Borah	Gould	Norbeck	Swanson
Bratton	Greene	Norris	Thomas
Brookhart	Hale	Nye	Trammell
Broussard	Harris	Oddie	Tydings
Bruce	Hawes	Overman	Tyson
Capper	Hayden	Phipps	Wagner
Caraway	Heflin	Pittman	Walsh, Mass.
Copeland	Howell	Ransdell	Walsh, Mont.
Couzens	Johnson	Reed, Mo.	Warren
Curtis	Jones	Reed, Pa.	Waterman
Cutting	Kendrick	Robinson, Ark.	Willis
Deneen	Keyes	Robinson, Ind.	
Dill	King	Sackett	
Edge	La Follette	Schall	

Mr. JONES. I was requested to announce that the Senator from Oklahoma [Mr. PINE] and the Senator from Montana [Mr. WHEELER] are detained in a hearing before the Committee on Indian Affairs.

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is necessarily detained from the Senate. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

REFUND OF PASSPORT FEES ERRONEOUSLY COLLECTED

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, requesting that section 3 of an act entitled "An act to regulate the issue and validity of passports, and for other purposes," Sixty-ninth Congress, session 1, approved July 3, 1926, Public No. 493, be amended so as to authorize the refund of passport fees erroneously collected otherwise than under the existing authority contained in that section.

I concur in the view of the Secretary of State, and I therefore request of the Congress legislation amending section 3 of the act of July 3, 1926, in the sense suggested.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 13, 1928.

SECOND INTERNATIONAL EMIGRATION AND IMMIGRATION CONFERENCE (S. DOC. NO. 40)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a communication from the Secretary of State, requesting that legislation be enacted to provide funds to cover the expense of this Government's participation in the Second International Emigration and Immigration Conference to be held at Habana commencing March 31, 1928. The Secretary of State sets forth in his letter the reasons why it is considered advisable that the United States be represented at this conference.

I concur in the view of the Secretary of State that this Government should participate in the Second International Emigration and Immigration Conference, and therefore request of the Congress legislation appropriating $5,000 for each and every expense connected with the representation of the United States at that conference, including travel, subsistence, or per diem in lieu thereof in amounts authorized in the discretion of the Secretary of State (notwithstanding the provisions of any other act), and compensation of employees as the Secretary of State shall consider necessary and authorize in his discretion.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 13, 1928.

ELECTRIC-POWER INDUSTRY—SUPPLY OF ELECTRICAL EQUIPMENT AND COMPETITIVE CONDITIONS

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, in response to Senate Resolution 329, Sixty-eighth Congress, second session (agreed to February 9, 1925), a report

of the commission on the electric-power industry, Volume II, entitled "Supply of Electrical Equipment and Competitive Conditions."

Mr. WALSH of Montana. This is the second volume of the report made in obedience to a resolution of the Senate. The first volume has been printed and is available to Senators. I think the report ought to go to the Committee on Printing.

Mr. SMOOT. That is where the other went, I will say to the Senator.

Mr. WALSH of Montana. I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, the report will be referred to the Committee on Printing.

THE MIDDLE RIO GRANDE CONSERVANCY PROJECT

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the chief engineer of the Middle Rio Grande Conservancy District, also signed by a board of consulting engineers, and accompanied by a report by the board, together with a letter by the Commissioner of Indian Affairs briefly explaining the situation, which were referred to the Committee on Indian Affairs.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, a report of the company for the year 1927, with the operations for the month of December only estimated, which was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

Mr. PHIPPS. Mr. President, I send to the desk telegrams and letters in the nature of petitions, together with copy of a response I have made relative to an increased tariff duty on onions. I ask that my letter be printed in the RECORD and that the names of the petitioners and the various organizations be noted, but not necessarily that the papers be printed in full. I ask that the telegrams and letters be referred to the Committee on Finance.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PHIPPS presented telegrams and letters in the nature of petitions from the Montrose County Chamber of Commerce, R. L. Loesch, secretary; H. A. Stevens, president; and H. B. Coffman, secretary, of a meeting of onion growers and dealers, held in Olathe; the Uncompaghre Valley Water Users' Association, by B. S. Tobin, acting secretary, and the Montrose Lions Club, by Walter P. Crose, president, all in the State of Colorado, praying for an increased tariff duty on onions, which were referred to the Committee on Finance.

The letter of response of Mr. PHIPPS on the subject is as follows:

UNITED STATES SENATE,
January 12, 1928.

Hon. JOHN F. BETHUNE,
Secretary United States Tariff Commission,
Washington, D. C.

MY DEAR MR. SECRETARY: Thanking you for your letter of January 11, transmitting notice of a public hearing next month on the production costs of onions, your records will show that I have earnestly urged an increased tariff duty on this important farm commodity. On August 15 last I presented letters and resolutions from citizens of Olathe, Colo., and later took up this matter with the commission in person, calling attention to the serious situation in Montrose County, and to telegrams from the chamber of commerce, the Olathe Onion Growers and Dealers' Association, the Uncompahgre Valley Water Users' Association, the Montrose Lions' Club, and others interested.

In view of the pending tariff resolution I am now calling such messages to the attention of my colleagues in the Senate, and the extreme necessity for a more adequate protective duty on onions has also been presented personally to the President of the United States.

I desire to impress upon your commission the gravity of the existing situation, especially in the West, as well as the need for raising a higher tariff wall against excessive importations of this important farm commodity. I deeply regret that the commission has found it impossible to recommend an increased duty on onions prior to this time, and sincerely trust that definite action will be expedited in every proper way. Farmers in my State, especially on the western slope, are deeply interested. Will you be so kind, therefore, as to consider this letter as their formal request for early and favorable action on the pending application, and to include their views in the hearings to be held early next month.

Cordially and sincerely yours,

LAWRENCE C. PHIPPS.

Mr. SHIPSTEAD presented the following resolutions of the Legislature of the State of Minnesota, which were referred to the Committee on Commerce:

A joint resolution memorializing Congress to amend the river and harbor act so as to provide for maintenance of a uniform stage of water in the headwaters of the Mississippi River throughout the year

Whereas the river and harbor act passed by Congress in 1880 provided for the creation of storage reservoirs to impound the high waters of the Mississippi River during the spring and early summer, and to release them during the late summer and fall, so as to produce a greater flow in said river during the low-water season in the interests of navigation, and disregarding the conservation and propagation of fish life in the headwaters of the Mississippi; and

Whereas the raising and lowering of the water in the storage reservoirs created by the War Department under said act has resulted in destroying much of the natural feeding, resting, and breeding grounds of migratory birds, and has affected the value of the property of riparian owners, and interfered with the natural propagation of game fish, and has resulted in the freezing of many thousands of game fishes in shallow bays during the winter months: Be it

Resolved by the House of Representatives of the State of Minnesota (the Senate concurring), That Congress be, and it hereby is, memorialized to so amend said river and harbor act that the wild life of the State of Minnesota may be protected and propagated, and that said act be amended so as to provide for the maintenance of a uniform stage of water or a definite, fixed, and permanent low-water level in said headwaters throughout the year; be it further

Resolved, That a certified copy of this resolution be transmitted to the Speaker of the House and the Vice President of the United States and to each Representative in Congress from the State of Minnesota.

JOHN A. JOHNSON,
Speaker of the House of Representatives.

W. I. NOLAN,
President of the Senate.

Passed the house of representatives the 9th day of March, 1927.

JOHN I. LEVIN,
Chief Clerk House of Representatives.

Passed the senate the 10th day of March, 1927.

GEO. W. PEACHEY,
Secretary of the Senate.

Approved March 11, 1927.

THEODORE CHRISTIANSON, *Governor.*

Filed March 11, 1927.

MIKE HOLM, *Secretary of State.*

I, Mike Holm, secretary of state of the State of Minnesota and keeper of the great seal, do hereby certify that the above is a true and correct copy of the resolution filed in my office March 11, 1927.

[SEAL.] MIKE HOLM, *Secretary of State.*

Mr. ROBINSON of Arkansas presented the following concurrent resolution of the General Assembly of the State of Arkansas, which was referred to the Committee on Finance:

House Concurrent Resolution 11

Whereas the people of the Nation are not unmindful of the service rendered by the valiant men and women of the country who served in the various branches of the national defense during the World War; and

Whereas it is the universal expectation and desire of all right-thinking people of the Nation that those men and women who sustained disabilities during their service either at home or abroad shall be properly compensated for their injuries and handicaps they sustained; and

Whereas the Congress of the United States has created the United States Veterans' Bureau, charged with administrative duty of awarding and paying compensation to the Nation's defenders who sustained handicaps, nervous, physical, and mental disabilities, resulting from their military service; and

Whereas millions of citizens of the States and Territories of the Union were accepted or called by draft by the Federal Government into military service for the defense of the Nation and its ideals; and

Whereas upon receiving honorable discharge from the military service, said men and women automatically reverted to their prior status as citizens of their respective States and Territories; and

Whereas the United States Veterans' Bureau is depriving thousands of disabled ex-service men and women and their dependents and beneficiaries of the benefits which Congress has provided for them and is, in contravention of the Bill of Rights of our Federal and State Constitutions, "adjudicating" numerous veterans who are suffering from nervous disabilities, insane, and mentally incompetent who are not incompetent, without granting them a "day in court" to defend their liberties and civil rights for the obvious purpose of enabling petty officials of the bureau to dictate the appointment of their own nominee

as guardians, curators, and conservators to receive the compensation award to which such veterans are entitled through the promulgation of erroneous legal decisions and to intricate and insurmountable rules and regulations and requirements: Be it therefore

Resolved (the senate concurring herein)—

SECTION 1. That our Senators and Representatives in Congress be petitioned to use their best efforts in an endeavor to bring about a change in the laws of the United States as necessary to adequately protect the liberty and civil rights of all disabled World War veterans who are suffering from nervous disabilities and who may hereafter apply to the United States Veterans' Bureau for the relief which has been provided for them by the Congress responsive to the desires of the people of this Nation.

SEC. 2. That our Senators and Representatives in Congress be petitioned to use their best efforts in an endeavor to bring about a change in conditions in the United States Veterans' Bureau to the end that those former service men and women of the World War having service-incurred or service-aggravated disabilities may be promptly compensated.

SEC. 3. That a copy of this concurrent resolution be sent to our Senators and Representatives in Congress, to Gen. Frank T. Hines, and Hon. William Wolf Smith, director and general council, respectively, of the United States Veterans' Bureau, Washington, D. C.; to Mr. William J. Winn, department commander of the Arkansas Department, American Legion; to Mr. Thomas M. Kirby, chairman national rehabilitation committee, Disabled American Veterans of the World War, Munsey Building, Washington, D. C.; to Mr. Watson B. Miller, chairman national rehabilitation committee, the American Legion, Bond Building, Washington, D. C.; and to Mr. Edwin S. Bettleheim, chairman Veterans of Foreign Wars, Metropolitan Bank Building, Washington, D. C.

February 25. Read and approved.

Mr. ROBINSON of Arkansas also presented a letter in the nature of a petition from Hugh W. Wicker, adjutant, the American Legion, of Little Rock, Ark., praying for the making of a small appropriation from which funds may be drawn for cigarettes and necessary clothing for veterans who are hospitalized and who are not drawing compensation, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, reported it with amendments and submitted a report (No. 75) thereon.

He also, from the Committee on the District of Columbia, to which was referred the bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia, reported it without amendment and submitted a report (No. 76) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EDGE:

A bill (S. 2524) for the relief of Josephine Doxey; to the Committee on Claims.

A bill (S. 2525) granting the consent of Congress for the construction, maintenance, and operation of a bridge across the Delaware River from the city of Philadelphia, Pa., to Gloucester County, N. J.; to the Committee on Commerce.

By Mr. PHIPPS:

A bill (S. 2526) for the relief of Sheldon R. Purdy; to the Committee on Post Offices and Post Roads.

By Mr. CAPPER:

A bill (S. 2527) granting an increase of pension to Julia A. Huston; and

A bill (S. 2528) granting an increase of pension to Mary E. Scott (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 2529) for the relief of Mrs. L. E. Burton; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 2530) for the relief of W. O. Whipps (with an accompanying paper); to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 2531) granting a pension to Charles L. Heintz (with accompanying papers); to the Committee on Pensions.

A bill (S. 2532) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers and receivers in the land offices in Alaska; to the Committee on Territories and Insular Possessions.

By Mr. SHIPSTEAD:

A bill (S. 2533) to repeal the United States grain standards act; to the Committee on Agriculture and Forestry.

By Mr. SHEPPARD:

A bill (S. 2534) authorizing the appropriation of $65,000 to be expended by the American Section, International Boundary Commission, United States and Mexico, for the purpose of making a survey to fix the boundary between the United States and Mexico, between El Paso, Tex., and Fort Quitman, Tex., and for other purposes; to the Committee on Foreign Relations.

By Mr. BRATTON:

A bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad aid bonds, and for the payment of the principal of railroad aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. BINGHAM:

A bill (S. 2536) to extend the time for which appropriations are authorized under the act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925; to the Committee on Printing.

By Mr. REED of Pennsylvania:

A bill (S. 2537) to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men; to the Committee on Military Affairs.

By Mr. DILL:

A bill (S. 2538) for the construction of a road across the Makah Reservation to Neah Bay, Wash.; to the Committee on Indian Affairs.

By Mr. ROBINSON of Arkansas:

A bill (S. 2539) granting a pension to Pleasant R. W. Harris; and

A bill (S. 2540) granting an increase of pension to Margaret J. Webb (with accompanying papers); to the Committee on Pensions.

Mr. SMOOT. I introduce a bill to amend an act authorizing the incorporation of the Smithsonian Institution, and at the same time I ask that the Committee on Finance be discharged from the further consideration of and for the indefinite postponement of Senate bill 1300, a bill for the same purpose but which requires amendment. Therefore I introduce a new bill and ask for the discharge of the committee and indefinite postponement of the bill (S. 1300) to amend an act authorizing the incorporation of the Smithsonian Institution.

The VICE PRESIDENT. Without objection, it is so ordered.

By Mr. SMOOT:

A bill (S. 2541) to amend an act authorizing the incorporation of the Smithsonian Institution; to the Committee on Finance.

LOWER COLORADO RIVER BASIN

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 1274) to provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

AVIATION FIELD IN ARIZONA

Mr. ASHURST. I ask unanimous consent, as to Calendar No. 45, the bill (S. 1154) to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes, that it be recommitted to the Committee on Public Lands and Surveys.

The VICE PRESIDENT. Without objection, it is so ordered.

INVESTIGATION OF SINKING OF THE SUBMARINE "S-4"

Mr. HALE. From the Committee on Naval Affairs I report back favorably with amendments the joint resolution (H. J. Res. 131), providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S-4*, and upon methods and appliances for the protection of submarines, and I submit a report (No. 77) thereon.

Mr. WALSH of Massachusetts. Will the Senator from Maine permit me to inquire what is the report he has just filed?

Mr. HALE. It is upon the joint resolution providing for an investigation into the submarine *S-4* disaster.

Mr. WALSH of Massachusetts. The majority of the committee has filed a written report?

Mr. HALE. A written report.

Mr. WALSH of Massachusetts. And it will be printed.

The PRESIDING OFFICER (Mr. STEIWER in the chair). The joint resolution will be placed on the calendar and the report will be printed under the rule.

THE TARIFF AND AGRICULTURAL RELIEF

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. MCMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

Mr. FESS. Mr. President, before we come to a vote on the pending resolution I desire to submit a few remarks. I have made the statement before that I do not recall any time when there have been so many problems before the country, but so few issues. The problems are many and they are complicated, but they do not strike a political difference that will amount to an issue such as has been the case in every period in the country's history since we have been a National Government. I might enumerate the problems which come before us and which are now pending, in which the parties on either side are as much or more divided among themselves than the parties are divided as between the original contestants.

There is probably to be found an explanation in that situation of our inability to arouse the public on matters of the franchise, because they are apt to say, "What is the difference?" There is really a great difference, however, between the parties on the subject now before us, the question of a protective tariff. I have noted in the last 20 years that difference growing less and less. It certainly is emphasized in the present resolution. It is offered by a Republican. The purport of the resolution is a lowering of the tariff. Just what the extent of that is to be no one knows. All the Senators who have spoken on the resolution on the opposite side of the aisle, except three, have supported the protective-tariff system in reference to particular items and have, therefore, expressed opposition to the resolution. If it is a matter pertaining to the manufacture of straw hats, the State which is employed in that business, represented by a distinguished Democrat, is protected in its interests by the representative speaking against the resolution because he wants protection on that item, to say nothing about other items which have not been mentioned. If the matter pertains to vegetable oils, there are Democratic representatives of the State who will speak on behalf of protection upon those articles.

If it is a case of citrus fruits coming from Florida the distinguished representatives of that State speak for protection. So I could go on and enumerate the various interests that have contended here on behalf of the protective tariff when it is to apply to particular articles. I am not criticizing those who have taken such a position with respect to particular items. The criticism that I offer is that a consistent attitude, it seems to me, would not permit a Senator to speak for protection for an article that his State produces and against protection for an article that other States produce, provided the articles sought to be protected come in competition with foreign imports; in other words, it is a sort of "spotted" protection theory that favors protection for the one article growing in a particular State, but free trade for other articles that are not produced by that State.

So I think I am justified in the statement that the difference between the political parties on this one issue is becoming less and less; in fact, I believe that the southern section of the country, as it becomes a great manufacturing section, will gradually become more and more adherent to the protective theory.

There might be some occasion for surprise in that the author of this resolution comes from a great agricultural State. It is a surprise to me, and as I have listened to the arguments of the proponents of the resolution, especially those who are on this side of the aisle, I think there is an element that is unfortunate to the extent that there is indicated more or less of defiance or of a feeling of retaliation, "We are going to get even; there has been discrimination, it is alleged; and in order that we may relieve these discriminations we are going to do certain things, no matter what may be the ultimate result." I am convinced that such is a very unfortunate plane for a legislative body to operate upon.

This is a very broad principle and the subject should be discussed as a matter of principle. Any suggestion that "we are going to have what we want, no matter what effect it may have upon the general public, or else we are going to pull the house down over our own heads" is like cutting off one's nose in order to spite one's face. I know of no situation that is better expressed by that aphorism than the situation that arises here.

The senior Senator from Idaho [Mr. BORAH], in my judgment, developed the fundamental proposition that is at the foundation of all tariff legislation, and I believe that he did not make it as strong as the facts will warrant. We are not only coming to be an agriculturally importing country but we are going to reach that condition much sooner than many Senators to-day believe. It is not only because we are in competition with new countries producing the same things agriculturally that we are producing, but it is largely because we are increasing our consumptive power in a marvelous manner without necessarily increasing the acreage tillable in agricultural production. Here is a source of production that is largely fixed; it can not be unlimitedly extended. Stress has been placed upon increasing production to the acre rather than increasing acreage. We have had that emphasis for the last 20 years upon the basis that we have an unlimited, increasingly growing consumptive need, while we have a fixed rather than a growing productive ability. The number of acres susceptible of production is not to be greatly increased, for it is more or less a fixed area, while the consumption needs are bound to increase.

Without an increase of acreage and with an increase of consumptive needs we must increase the production per acre. On that necessity emphasis has been laid for 20 years. As a result of that emphasis we have come to the point where that fixed acreage is producing a surplus which is growing less and will continue to grow less every year, which is inevitable. Before many years consumptive needs, unlimited in character except ability to buy, will be demanding a supply that our country will not be sufficiently productive to meet. Then comes the importation and its competition just as certainly as we are in this Chamber; that inevitable law of increasing needs, with a fixed ability to produce, will compel us to look to other countries. That is the point that was emphasized yesterday by the senior Senator from Idaho. We are bound under existing conditions to become in time an importing country of agricultural products.

Mr. MCMASTER. Mr. President, will the Senator yield?

Mr. FESS. I yield to the Senator from South Dakota.

Mr. MCMASTER. As I understand the distinguished Senator from Ohio, he infers that there will soon be need of the importation of additional agricultural products, but that there are already agricultural products upon the free list which need protection. That was the central theme discussed yesterday by the distinguished Senator from Idaho when he delivered his very able speech upon this subject. If it be true that duties are needed upon certain agricultural products which come in free at the present time, that is the argument why this resolution should be adopted.

Mr. FESS. Mr. President, that introduces another phase that has been discussed here in more or less of a desultory manner, as to just what this resolution means; whether it contemplates a complete revision of the tariff or whether a revision to be confined according to the wording of the resolution. If it contemplates a revision of the tariff, meaning that rates may be reduced or rates may be increased, that is a different subject entirely. I would not be in favor, I will say to the Senator the author of the resolution, of undertaking a revision of the tariff at this time. I make that statement in order to answer an anticipated question as to whether, if the resolution were changed by incorporating merely the word "revision," I would support it. I could not support a proposal to-day to open up the question of the revision of the tariff, and I will state why in my own time.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, I should like to ask a question. The resolution in its present form states—

> That many of the rates in existing tariff schedules are excessive and that the Senate favors immediate revision downward of such schedules.

I will ask the Senator from South Dakota, if I may, would he not be willing to insert the word "excessive" after the word "such," in the third line, so that there would be no ambiguity? The resolution then would read as follows:

> That many of the rates in existing tariff schedules are excessive and that the Senate favors an immediate revision downward of such excessive schedules.

Mr. MCMASTER. Mr. President, I have no objection to the insertion of the word "excessive" after the word "such" in line 3. I think it would be superfluous, so far as that is con-

cerned, because the language itself is perfectly plain that it means a revision downward of those schedules which are excessive.

Mr. COPELAND. However, to make it clear so that there could be no doubt, would the Senator we willing to insert that word?

Mr. McMASTER. Yes, Mr. President; I would be perfectly willing, and I ask that that word be incorporated in the resolution.

Mr. COPELAND. I thank the Senator. Now, may I ask the Senator from Ohio a question?

Mr. FESS. I yield to the Senator.

Mr. COPELAND. I believe that the position of the Senator from Ohio is exactly the same as my own position. I would not be in favor of a universal or horizontal reduction of the tariff schedules, but if there are excessive schedules they should be reduced. I assume that the Senator from Ohio will concede, in the first place, that if there are such excessive schedules they should be reduced. Am I right?

Mr. KING. Mr. President——

Mr. COPELAND. I hope the Senator from Utah will wait just a moment until the Senator from Ohio answers the question.

Mr. FESS. Did the Senator from New York ask the Senator from Ohio that question?

Mr. COPELAND. I am speaking to the Senator from Ohio. If there are schedules which are excessive, does the Senator believe that they should be lowered?

Mr. FESS. If there are duties which are excessive, meaning by that unnecessary, of course I would be in favor, when the time comes to revise the tariff, of reducing them.

Mr. COPELAND. Does the Senator mean by that that he would not be willing to do it now if it were demonstrated that they are excessive?

Mr. FESS. O Mr. President, the Senator from New York knows very well that talking about revision of the tariff under this resolution at this time is only a gesture. It is mere political "bunk," as the Senator knows, in an effort to provide campaign material for the approaching election. The Senator can not look me in the eye and suggest that he sincerely believes that there will be any effort during the present session of Congress to undertake a revision of the tariff schedules.

Mr. COPELAND. Of course, Mr. President, if this is political "bunk," it is Republican political "bunk," because the pending resolution was presented by a Senator on his own side of the aisle. But I do not believe it is political "bunk"; I think it is a perfectly proper thing, if I may say so.

Mr. FESS. Yes; the Senator believes that the Senate of the United States is not performing a proper function when it is consuming the time in discussing a matter which the House probably will not consider at all and upon which it has to act first.

Mr. COPELAND. If the Senator is asking me a question, I will say that the Senate is performing a proper function when it attempts in any proper way to correct conditions which have interfered with the prosperity of agriculture. Of course, the Senate can not initiate tariff legislation, but certainly, if there are tariff schedules which are excessive and if it can be shown that those tariff schedules are excessive and that by reason of the fact that they are excessive agriculture is imperiled, it would seem to me that every Senator should do everything he could to make possible the revision of those schedules in order that agriculture may be relieved and put on a parity with the other industries of the country.

Mr. FESS. Mr. President, the Senator from New York has a perfect right to express his views upon both sides of the question. He is on both sides. He is for protection. That will please the protectionists. He is against protection. That will please the free traders. He has a perfect right to his opinion. This is merely a gesture. There is not a person in this Chamber who believes for a second that this body has any right to deal with this subject from the beginning until a tariff bill comes over from the House. If we have nothing to do here except to talk, it is all right to proceed on that basis; but if we are to proceed regularly on tariff revision it must be admitted by every Senator that there is a way to do it, and that is the constitutional way. When it comes to that I will join in the consideration of the bill in the regular order.

Mr. COPELAND. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator yield further?

Mr. FESS. The Senator from New York can make his speech in his own time.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. COPELAND. Mr. President, I am sure the Senator from Ohio, having criticized the Senator from New York, would not wish to pass the matter over without permitting the Senator from New York to reply.

Mr. FESS. The Senator may reply in his own time, Mr. President.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. COPELAND. Oh, very well, if the Senator declines to permit a reply.

Mr. FESS. Mr. President, I was somewhat surprised that this resolution should come from an agricultural State, from a representative of a great section of the country almost entirely confined to the production of agriculture. I was surprised first because it has been my understanding that agriculture is chiefly concerned not in the lowering of rates but in the increase of rates.

As has been stated here before, the very first act that was passed after the close of the war was the emergency tariff act. That was confined entirely to agricultural products. It enumerated 28 of them. There is not a single item in that bill that is not agricultural; and I state here, without fear of contradiction by anyone who knows the facts, that never in the history of this country had a tariff bill been brought before either body and seriously considered that was limited to only one industry until the introduction and consideration of that bill; and it was because the liquidation of the farm situation was most hurtful, and in order to meet it as soon as possible the whole legislation was limited to agriculture.

Then in September of the following year—this agricultural bill having passed in May, 1921—in September, 1922, it was very largely included in the regular, permanent tariff legislation.

I have consulted with the Tariff Commission upon the applications for changes in the tariff. I am amazed at the number of applications that have been made for an increase of the tariff. There have been very few applications for a decrease of the tariff. I have also noted that 40 per cent of the applications for increase are confined to agriculture, and here rises in this Chamber a representative of the great agricultural section and offers a resolution requiring the immediate consideration of the tariff for the purpose of lowering the tariff schedules when the very first and most important schedule would cover the subject of agriculture!

Mr. McMASTER. Mr. President——

Mr. FESS. That is the reason why I was surprised to have this resolution come before us. Later on, after hearing the discussion of the author of the resolution and others who think with him, I came to the conclusion that they themselves are not seriously expecting that that will be done, but are offering the resolution simply as a suggestion that unless certain legislation is carried through looking to the improvement, in their view of the matter of agricultural conditions, there will be an onslaught on the whole industrial and agricultural fabric of the country. I do not think that is wise at all from any point of view.

Mr. McMASTER. Mr. President——

Mr. FESS. Now I yield to the author of the resolution.

Mr. McMASTER. I appreciate very much the fact that the distinguished Senator from Ohio desires to assume responsibility for the reasons and the purposes of the introduction of this resolution. I am very glad to have him attempt to interpret those motives and those reasons, but I want to say to him that he is far off in his interpretation.

In the first place, there are many agricultural products upon which there are no duties, and no one is asking for a reduction of duties upon products of that kind. For example, there are hides, which are upon the free list. Furthermore, the language of this resolution——

Mr. FESS. Mr. President, I want to pay some attention to the Senator's reference to hides. I want to give him some information on it.

Mr. McMASTER. May I continue my question?

Mr. FESS. No; wait until I finish this and then I will let the Senator continue his question.

Many times the Senator and others have mentioned the fact that hides are on the free list as a complaint against tariff legislation. I was in the other body at the time both the emergency tariff legislation and the permanent tariff legislation took place. I will say to the Senator from South Dakota that in the Committee of the Whole we placed hides on the dutiable list, whereupon there was offered a very small compensatory duty upon shoes. Shoes are on the free list and have been for a considerable period of time, and that was one reason for putting hides on the free list—the raw material with the finished product.

The theory of protection is to protect to the extent of the difference in the cost of production. Naturally that must go to labor. Therefore when we come to consider protection, certainly where labor is employed, it will be important; and we considered that if hides were on the free list, in all probability shoes, also on the free list, might be produced in competition with foreign countries. With the raw material on the free list, the finished product was put on the free list.

When an amendment was offered putting hides on the dutiable list, I voted for it in the Committee of the Whole, and then voted for a small compensatory duty on shoes. When we got out of the Committee of the Whole, however, and the matter was submitted to the vote of the House to adopt what had been done in the Committee of the Whole, the House took off the compensatory duty on shoes. Then the House reversed the action of the committee and hides remained on the free list. Later, as the Senator will recall, there was an effort to put hides on the dutiable list in this body. I want the Senator simply to know that I favored putting hides on the dutiable list and voted for it.

Mr. McMASTER. The Senator favors this resolution, then?

Mr. FESS. This resolution proposes to reduce and lower the tariff.

Mr. McMASTER. Oh, yes; it proposes to bring about a closer parity between agriculture and industry. Now, just a moment further.

Mr. FESS. Mr. President, the Senator says——

Mr. McMASTER. May I continue?

The PRESIDING OFFICER. Does the Senator from Ohio further yield to the Senator from South Dakota?

Mr. FESS. Not just now.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. FESS. The Senator says his resolution proposes to bring about a parity between agriculture and industry, and at the same time he argues that the tariff has nothing to do with it. I do not understand that sort of argument.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield now?

Mr. FESS. I yield now.

Mr. McMASTER. It was very gratifying to me to hear the Senator from Ohio explain why hides were put upon the free list; that is to say, if hides were put upon the free list, then shoes should be put upon the free list.

Evidence has been compiled and data have been placed before the Finance Committee showing that if there were a 15 per cent ad valorem duty on hides it would not affect the price of shoes more than from 2½ to 4 cents a pair; so it was a perfectly square deal, then, to ask the farmers to furnish shoes for all of the population of America when that price was affected only by from 2 to 4 cents and permit their product to go on the free list! As a matter of fact a duty of 15 or 20 per cent upon hides has no significant part in the cost of the manufacture of shoes; and it does not make any difference to me what were the circumstances surrounding the action when hides were put upon the free list. They are upon the free list, and it does not make any difference who was responsible for it; it is time that they went back upon the dutiable list.

Mr. FESS. Mr. President, the observation made by the Senator was not the basis upon which the action was taken. There are 6,600,000 farmers. All of these farmers do not produce hides. Only a portion of them produce hides, but there are 115,000,000 people who wear shoes; and the question was whether shoes should go on the free list, because we had reached a point where, in the efficiency of our machinery and labor, we could compete with foreign manufacturers. It was therefore decided that since everybody wears shoes they should go on the free list, since protection was no longer needed. Then the question was whether the raw material that goes into the manufacture of shoes should go on the free list. A majority in both branches took that view.

Mr. McMASTER. Mr. President, does the Senator from Ohio feel that that was an adequate excuse?

Mr. FESS. I do not. That is the reason why I did not vote for it.

Mr. McMASTER. The Senator and I agree, then, on this proposition.

Mr. FESS. On that particular one.

Mr. McMASTER. That alone would justify this resolution.

Mr. FESS. Oh, no; I differ from the Senator about that alone, or any other consideration, justifying this resolution in this body.

Mr. President, next to the production of the farmer's product, his chief concern is where to sell that which he does not use on his farm. I do not speak of it as surplus, because that term applies to what we export to a foreign country. I speak of the difference between what the farmer produces on his farm and what he consumes on his farm.

Every farmer consumes a small percentage of what he produces. He must look to some one who is not a farmer to consume what he himself does not consume. He can not sell to farmers, for they are producing the same thing he is producing. He must sell to people who are consumers, who are not engaged in the production of the same thing that he is producing. Therefore the chief concern of the producer on the farm is to find a place where people consume who are not farmers. There arises the supreme necessity of building up, on the part of the farmer, industry that is not engaged in farming. That is his only hope. Otherwise all that he could do would be to produce that which he lives upon, and he would have nowhere to sell the product which he wants to convert into money to pay taxes, insurance, interest, and the current expenses of the farm.

It seems to me that every agriculturist should have supreme in his mind a near-home market, as near as he could get it, and a market with great buying power. Otherwise, he has not any profit in what he does.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. McMASTER. I notice that the Senator, as all other Senators who oppose this resolution do, continually brings up the argument that the purport of this resolution is to destroy industry, to destroy the home market for agricultural products. All that this resolution purports to do, so far as industrial schedules are concerned, is to reduce excessive rates, and certainly no Member of the Senate can argue against reducing an excessive rate. If excessive rates are reduced, that protects every legitimate industry in America; it protects legitimate profits of every legitimate industry. That sort of an argument is entirely beside the question and outside of the purport of this resolution.

Mr. FESS. Mr. President, that identical argument has been used by the opponents of protection ever since the Government has been organized. You never heard a free trader who would admit that he was willing to break down American industry. Never in my life have I heard one admit that. They always argue that the reduction of the tariff will not do it. We have the history of every Democratic revision of the tariff, that was to do away with the protective tariff, and that statement, every item of it, has been contradicted by the history of our country.

I have been through the Northwest, through the great State which the distinguished author of this resolution represents. I have been through the great State north of it, and through that empire State of Montana, a great producer of wheat and other agricultural articles, and when I talked to the citizens of North Dakota and of South Dakota I found they were not slow to say to me, "The thing we need is people. What we want are more people to consume what we produce, and if physically we could plant near the Dakotas a great center of population, not engaged in agriculture but in industry outside of agriculture, we would boost tremendously the prices of the products produced by the farmer of North Dakota."

But the farmer is compelled to ship his products from North and South Dakota to the Twin Cities in the one case and to the eastern part of the United States, which is the chief consumer, in the other case, and in both cases he suffers heavy transportation costs. Now my friend, whether he means it or not, is proposing to extend the market 3,000 miles across the sea instead of bringing it closer to the place where the farmer is producing his article.

I know the trite argument of the promoters of free trade. They say, "No; it will not destroy the home market; it will have very little effect upon the home market." I say to the distinguished author of this resolution that if you put the American producer of manufactured goods in competition with the cheap labor of Europe by reducing or destroying the tariff, you immediately will put out of employment at least 5,000,000 men in America, as has been done in other days, and when you drop 5,000,000 men from the pay roll you lose $6,000,000,000 of consumptive power, and if you take out of the buying power of America $6,000,000,000, what becomes of the home market for the products the farmers raise in South Dakota and elsewhere?

Mr. McMASTER. Mr. President, will the Senator yield further?

Mr. FESS. I yield.

Mr. McMASTER. I am very much impressed by the able statements of the Senator from Ohio, but I remember that when I was in college I read that same kind of speech; but that was in the days when the two principles of free trade and protection were coming in competition with each other. That was back in the McKinley campaign. I remember reading that speech and

those arguments, and it was a splendid speech along those lines; but it has not a thing to do with the reduction of excess schedules in the present tariff law.

Mr. FESS. Mr. President, the Senator is taking refuge under the word "excess," which has been placed in the resolution as a relief to him from the embarrassment of the original resolution. Nevertheless, the proposal is to tear down what we call the integrity of American business, built upon a system of protective tariff. "Unless," they say, "you are going to join with us on some method of bringing the two things together, we will pull the whole house down." That we are told over and over on this side of the aisle. That is the thing that you can not get away from, that if certain things are not going to be done, we are going to pull this fabric down over our heads, and then they say, "Let everybody suffer alike." What does that mean, to let everybody suffer alike? It means that what they appear to feel is a discrimination in tariff legislation in favor of industry as against the farmer, a discrimination intended in the law, that may be easily remedied by amending the law. That position is without foundation. We give to agriculture not only the same protection industry receives, but we give it adequate increased protection over industry.

Every person who is informed knows that the last tariff law, that of 1922, provides a lower percentage of protection on industry than on agriculture; the increased percentage of protection is in favor of agriculture instead of industry. In the face of these facts, we are told over and over that the tariff legislation is against the farmer, on behalf of industry, as if we are choosing industry as a favorite as against one of the greatest industries we have in the country, namely, agriculture.

That is an unfair statement. If the Senator would say that the farmer has not the facility to employ the tariff protection as easily as the manufacturer has, there might be some basis for the statement, but when we are charged in legislation that we favor industry, discriminating against agriculture, the facts belie that statement, for, on the other hand, the favor has been given to agriculture.

Mr. KING. Mr. President, will the Senator permit a question there?

Mr. FESS. I yield.

Mr. KING. The Senator has, I think inadvertently, because I assume he wants to be entirely fair in his argument, assumed that there is a school in the Senate that is advocating free trade. I think the able Senator who is the author of the resolution before us negatives that very completely, and I ask the Senator if he does not remember that the Walker tariff law, which really was an expression of the economic and tariff philosophy of the Democratic Party, declared in 1846 that the tariff must be levied without discrimination against any section, or against any class, or against any product? The Senator recalls that Mr. Blaine pronounced that to be the greatest tariff act that was ever written, and the Senator must know that there is no one advocating free trade. I do not see why he constantly assumes that there is, because I assume that the Senator, as an educated man, must know that his arguments, in order to carry weight, must be founded and postulated upon facts, and not upon theories which have no foundation in fact.

Mr. FESS. Mr. President, let me edify the Senator from Utah by a citation of some history on the tariff question. I had not intended to do that, but he invites it, and he needs it, judging from the statement he has just made.

The first act under the administration of Washington was a protective tariff act, in order to encourage manufactories, to built up a varied industry in this country, and to supply as far as possible a market for the farmer. The tariff became a subject of discussion at once. It was indorsed by Thomas Jefferson. It was indorsed by James Madison.

At the close of the War of 1812 there seemed to be a fear that cotton, which was then coming to be a great article of export, would be militated against if the protective system continued. Consequently there was an effort to repeal the system. Finally a compromise was reached in 1833, handled largely by Henry Clay. The author was quoted yesterday by the distinguished senior Senator from Idaho [Mr. BORAH].

In 1846 Robert J. Walker was the author of the famous Walker tariff law of that year, and it is the verdict of history that as soon as it took effect there was a general paralysis of the business of the country that was relieved only by two items. The first was the wide famine in China, which called for much of what we produced. The second was the Crimean War of 1853, which involved the three great empires of Europe in war. Those two items supplied a market not unlike the market of Europe in 1914, and America could sell at a good price everything she could produce. That was the relief from the paralyzing, death-dealing business policy of the Robert J. Walker tariff of 1846.

We have had tariff discussions from that on down to the present time. The famous tariff act, known as the Mills bill, was offered. Then came the tariff of 1893, under the leadership of Grover Cleveland. The inevitable results that followed that tariff act were paralysis of business, capital in hiding, labor out of employment, and general destruction of industry in the land, with a nation-wide suffering of all classes.

Then in 1896, with the country in an indescribable situation industrially, the Great Commoner came out of the West with the assurance that all our trouble was due to our money, that what we needed was silver coined at the ratio of 16 to 1, and he swept the country on the basis that the tariff had nothing to do with the situation, but that it was the money power. We went through that campaign of 1896.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me to observe that Mr. Bryan swept the country in July and August, but McKinley swept the country in November.

Mr. FESS. The Senator is right. There is not a doubt in the world that if the election had been held in August, McKinley would not have been elected, but under a campaign of education, in which people began to think as to what would be the effect of the free and unlimited coinage of silver, that position was rejected, and immediately after the inauguration of McKinley in 1897 we had the Dingley bill of that year. Then, again, capital invested in industry, labor was employed at a steady and fairly high wage, and we secured relief from the death-dealing, business-destroying Democratic legislation of the former year.

We have the same thing coming up periodically. Whenever there is a depression in any section somebody comes along and suggests some artificial cure. We had it in the greenback movement of 1878. We had it again in the Populistic movement of 1890. We had it again in the free-silver movement in 1896. We had it last year from the same section upon the same basis, growing out of the same situation exactly—always some artificial method by the Government to cure economic ills. That is the one danger that I see in legislation on a fundamental subject such as the farm situation.

I am not going to quibble whether it is free trade or protection. I recognize that at one time it was tariff for revenue only. That was the Democratic theory. Then Samuel J. Randall came along, a protectionist, and he said "tariff for revenue only with incidental protection." Then we find Underwood coming along and it was "tariff competitive in its character," called "competitive tariff." What is the name they are now giving it? First, tariff for revenue; second, tariff with incidental protection; third, competitive tariff. What will be the name now to be applied? It is all an effort to get away from the name—free trade. To-day we find them defending the protective idea that covers some specific articles of their own localities, but rejecting other articles not in their territory.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FESS. I yield.

Mr. BROOKHART. The Senator's account of the great calamities which have followed tariff legislation is to some degree accurate. I want to call his attention to the fact that since the enactment of the last perfect tariff bill we have now more than a million farmers who have lost their homes in the United States, and the calamity is greater than all the calamities added together which he has described.

Mr. FESS. Back in 1896 that kind of talk was stigmatized as calamity howling. All over the country we had just that sort of talk. We have not heard much of it until recently it broke out in the Senate. It was voluble yesterday. The Senator from North Dakota [Mr. NYE] undertook to show that in the missions in this city there are being cared for people who have no place to sleep and no food to eat, and gave it as evidence that the country is in a bad state, a bad condition. The Senator from Minnesota [Mr. SHIPSTEAD] rose and employed as an argument to show that labor is suffering that there are a million people out of employment, and so on. Constantly the discriminations were pointed out between the well-to-do and the poor. They are offered as the results of legislation which they propose to cure here.

Let me say to my friend from Iowa that we have good authority that the poor is with us all the time. There is not a town in the broad scope of America that does not have the indigent. There is not a county in the United States that does not have an institution to take care of the infirm. There is not a city of any consequence which in every year since the war has not, as an expression of gratitude toward or sympathy for the unfortunates, gone into what we call the community chest and made contributions which in cities like

Cleveland will run up to the million mark, and in cities like my own city of Springfield, of 60,000 people, runs up to nearly hundreds of thousands, and so on. Does that mean that the Nation has been negligent and has produced by negligence the indigency which shows in every community and every city and every town?

I have visited the missions here. I want to say nothing unkind—God forbid it—and I do not mean to do it. But we can not find a town anywhere that we will not find people who suffer a lack of this world's goods because of a condition for which we are not responsible and which no legislation can cure.

We can relieve it by our voluntary efforts that show a great charitable spirit in America. These people are not out of work because they can not get the work so much as because they are not able to work or, I might say, in the cases of some of them, not willing to work. I make the statement here that there never has been a time in the history of the world, especially the last year, when there was so universal employment at such a high scale of wage, at such permanent and steady work, with so much of this world's goods generally distributed as in America at this time.

There has been a slowing down since last year. I suppose when Ford's great industry waited production in order to manufacture the new tools necessary for the new plans, with many hundreds and thousands out of employment, we are not responsible for it. I suppose when a great manufacturer sees fit to exchange the old machinery for new and must close down for a certain period in order to do it, that that unemployment is not to be laid to tariff legislation, but it is incident to the growth of the Nation's industry.

Mr. *President*, the arguments that we have poor in the city of Washington are not conclusive. The arguments that in my own town we have people who need help are not conclusive.

The Senator from Minnesota [Mr. SHIPSTEAD] took occasion to make an effort to prove that labor is not so well employed, and used figures which I tried to correct. The truth about the matter is that there has been a gradual decline in prices, both wholesale and retail, of the articles of industry. If that decline had been a precipitate falling off of prices, it would have been dangerous, but the decline was not precipitate. The decline has been steady, and it is in direct response to efficiency in production. We produced by the same number of people more than we produced before, and we have a greater bulk at the same cost, and that leads to a reduction of the price when it goes on the market.

It is the soundest economy that you or I can conceive to-day that when we reduce the current price in accordance with efficient service we make the cost to the consumer less and we increase the power of the consumer to buy and still lift the standard of living. So that when we speak about the lowering of the prices of these articles it does not mean that business is becoming less active. The truth about the matter is that 10 per cent less producers in 1927 produced 25 per cent more of the products. That is the soundest economy that can be offered, and instead of being looked upon as a suggestion of danger it ought to be looked upon as one of the most promising symptoms of our present day.

That leads me, Mr. President, to say another thing. We have been led by these utterances from the author of the pending resolution and others who think as he does to understand that the tariff is largely the cause of the disparity between agricultural and nonagricultural products, and it is proposed in this way to relieve that disparity. I have stated before that that is not the opinion, so far as I can get it, of agricultural thinkers who meet in Washington representing the various commissions which have been here studying the question.

On the other hand, here is a statement that can not be contradicted: Continuously there has been a gradual decrease of the purchasing dollar of nonagriculturalists up to the present day, and continuously, with a tremendous spurt last year, there has been an increase of the producing dollar of the agriculturalists. In other words, the disparity which in 1919 may have been 51 points came down last year to only about 11 points and pretty nearly disappeared by the end of the year 1927. If the lack of parity, if the disparity, is due to tariff legislation, then why, under a higher protection than before, have we a constantly decreasing price of the nonagricultural products and a constantly increasing price of the agricultural products to-day that are nearly on a parity?

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. FESS. I yield.

Mr. McMASTER. With reference to the tariff proposition not having any relation to the present condition of agriculture, it certainly must be an economic fact that if in the United States we have four or five separate and distinct classes, if four of those classes are distinctly under a protective system and are benefited by it, and for some reason or some condition the fifth class produces under high costs, but can not obtain the protection of that system, and must sell in cheap European markets, most assuredly the tariff system has something to do with the condition of agriculture.

Mr. FESS. That is just what I was talking about.

Mr. McMASTER. And that is just what I was talking about.

Mr. FESS. Speaking about producing under higher costs leads to the question evidently that the Senator meant that the disparity is due to tariff legislation, and I state that the facts disprove that most conclusively. A disparity of 51 points at a certain date under the old law has come to be negligible in 1927.

Mr. McMASTER. Mr. President, will the Senator from Ohio yield further?

Mr. FESS. I yield.

Mr. McMASTER. Under the tariff system, whether the tariff has been up or down has made some difference, that is true; but for the last 16 years, with the exception of three occasions, the farmer's dollar has been below par; and it was not during the period of high protection since 1922 that the farmer's dollar reached parity, for during the last six years, under this higher protection, the farmer's dollar has ranged all the way from 69 cents to 89 cents in value.

Mr. FESS. Mr. President, I hold in my hand charts which are graphically made to illustrate the curves of the indexes of prices. The chart covering relative purchasing power of a dollar in exchange for commodities shows that from January, 1910, to date agricultural commodities ranged slightly above nonagricultural products in the purchasing power of their respective dollars. That is a chart which I wish my friend to examine, if he does not care to take my word for it.

Chart No. 30 gives the index numbers of farm prices and wholesale prices of nonagricultural products. It shows that prices of agricultural products are slightly lower than those of nonagricultural products, but they are running close together.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FESS. If the Senator will permit me to proceed, in just a moment I will yield to him.

It is true, and nobody cares to dispute it, that agricultural products have suffered in relative price in the past; there is no doubt about that; and I have thought, in view of that fact, that the Government if it could find a sound method of relief ought to apply that relief, and, Mr. President, I want now to refer to that situation and to state why I favor affording relief that is economically legitimate.

Mr. BROOKHART rose.

Mr. FESS. Does the Senator from Iowa wish to interrupt me?

Mr. BROOKHART. In reference to the charts to which the Senator has referred I wish to call attention to a matter.

Mr. FESS. I yield to the Senator from Iowa.

Mr. BROOKHART. In the first place, those charts deal with wholesale prices. But the farmer never sells wholesale or buys wholesale, either. He has to operate on a retail basis, and that makes quite a difference.

Mr. FESS. It ought to make a difference the other way, but I am sorry to say that it does not.

Mr. BROOKHART. No; it certainly does not.

Mr. FESS. On the question of giving some relief to the farmers, I desire to say that some persons hold that the problem will, under economic laws, solve itself; that Congress ought not to interfere at all; that if we let it alone it will cure itself. I have not viewed the situation in that way, and I want to state why more than that is involved.

The farmer has to pay for the things he buys a price that is largely due to management, while he gets a price for the things he sells that is subject to the law of supply and demand without being much affected or influenced by management. There is a stabilization of the prices of nonagricultural products due to the regulation of production. Such regulation has been operating for the last 10 years through the commodity committees of the leading units engaged in production with their weekly meetings or at least monthly meetings. They take an inventory; they find whether they are producing for consumption or for storage. When they find they are producing for storage, they know that they are outrunning consumption and they are going to pile up overproduction that will ultimately

cause the whole product to sell for less than a smaller output would sell for.

What a fine example is afforded by cotton. When we produced 14,000,000 bales of cotton—just enough to supply the world's market—we got a certain price, but when we produced 18,000,000 bales of cotton—4,000,000 bales more than were necessary to supply the demand of the world—we got less for those 18,000,000 bales than for the 14,00,000 bales, due to the break of the price, resulting from overproduction. That makes it necessary to regulate production if possible, and nonagricultural industry largely does regulate production. That means prices are stabilized by limiting production within the bounds of consumption. Then, too, prices are stabilized at a high level because labor, which is the chief element entering into the cost of manufactured articles, is maintained at a high level by effective organization; and not only by effective organization but by the willing support to-day of the employer, because to-day we regard it sound economically to pay a reasonably high scale of wages. No longer do we think that profit is measured only by the difference between what it costs to produce an article and the price for which it is sold, and therefore make that margin as wide as possible in order to make the profit large. That would mean few sales. We have substituted for that theory narrow margins, quick sales, and many sales; and we have entered the new economy of making small profits on individual sales, but put emphasis on a large number of sales, that large number being measured by the power of consumption. The concern in America to-day is to increase the consumptive power which is the basis of profits; and for that reason it is a sound economic principle to pay a high scale of wages. So prices are stabilized by management and wages are stabilized at a high rate by organization.

I will say to my friend from Iowa that it is difficult for us to apply the same principle to the farmer; in other words, it is quite difficult to stabilize agricultural prices by a regulation of production and it is quite difficult to stabilize them at a high level, because it is difficult for the farmers to organize. For those two reasons, especially because the price of nonagricultural articles does reflect a certain management that is not wholly due to the law of supply and demand, I would be willing to employ any legitimate plan that is sound economically to assist the farmer in lifting his prices. I offered such a plan in the last Congress.

Mr. BROOKHART. Mr. President, I will say to the Senator that, in my judgment, it is perfectly easy to stabilize prices to the farmers by proper financing and control of the surplus by the control of the domestic surplus. That is what every protected manufacturer who has an exportable surplus is doing. Such manufacturers are selling abroad at less than they get at home.

I wish to state further to the Senator in reference to the index figures which he has quoted from the charts read by him that those index figures are not fair to the agricultural industry at all, because when there is a high index figure there is a short crop, and, while we have been getting a greater total return in money for short crops for a whole generation than we have for long crops—the large crops—yet we can not get enough for either one to pay the expenses and taxes of the farmer. So the index figures which the Senator has quoted are very misleading when they are used to show agricultural prosperity. A high index figure right now is due to short agricultural production.

Mr. FESS. Mr. President, to me one of the strongest arguments for the maintenance of a sound protective policy is the increasing high standards of living. There has been a suggestion by one or two Senators that it is a mistake to maintain that we are on a basis of high living standards. I have examined that question from the census reports, and I have in my hand here the figures which indicate an increasing elevation of the standard of living in America.

I have not the figures for 1927, but in 1919 the index figures for savings deposits in the banks and trust companies was 144, while in 1927 the figure was 211. That does not mean a comparison of amounts but it means a comparison per capita as affecting individuals. If it related merely to the amount, the elapse of time would account for the difference, but it does not mean that. Let me say that there are more deposits in the savings banks, representing small depositors, and largely the laboring men, by seven times over than the combined capital in the national banks, the State banks, and the trust companies of the United States. There is a suggestion of the situation of labor to-day. I will add also that there are three and a half times more home owners among the laboring class than there are of home owners big and little, rich and poor in the Kingdom of Great Britain, and I include only laboring men in America.

For members of building and loan associations, representing the builders of homes, the index figure in 1919 was 41, while in 1926 it was 85, or more than 100 per cent increase.

For sugar consumed during the year 1919, the index figure was 84, while in 1926 it was 117.

For meat consumed during the year 1919, the indicator stands at 138, while in 1926 it stood at 156.

For electrical household appliances manufactured during the year the indicator stood in 1919 at 37 and in 1926 at 55, or an increase of nearly 100 per cent.

In the case of washing machines for domestic use manufactured during the year, the index figure for 1919 stands at 39, and for 1926 it stands at 60; and so I might go on.

In the case of farms receiving electric service from central stations, in 1919 the indicator is 30; in 1926 it is 56, an increase of almost 100 per cent.

That indicates the increase of the standard of living from 1919 to 1926.

The Senator from Minnesota [Mr. SHIPSTEAD] yesterday spoke about wages. The way to find out what the average wage is would be to take the amount of money paid for labor and divide it by the number of laborers. I take those figures from the census report on manufactures. Dividing the total amount paid in wages by the number of wage earners as reported by the census of manufactures, the average annual wage for 1925 is found to be $1,280; and that does not include merely skilled labor. That includes all kinds of labor, both sexes, all ages, all degrees of skill. The average annual wage in this country in 1925 was $1,280. I am quite certain there is nothing like it in the history of the world. When a committee recently came over here from Europe to study labor conditions, they were amazed at the number of laborers who owned automobiles, and the number of homes that had in them modern conveniences.

Mr. President, what I am concerned about is whether we are going to yield here to a pressure that is placed upon us in the form of an alternative that "You must do what you regard as an unwise thing, or else we are going to pull down the entire fabric over our own heads." I desire, in the most earnest language I can employ, to say that the American protective tariff, designed to permit the investment of American capital in order to give employment to American labor at an American standard of wages and maintain American standards of living is the most supremely important issue that can come before the American people. If it becomes necessary for us to take this issue before the American people, there is no one fact that is more certain than that they believe in a protective tariff rather than a revenue tariff; and we shall welcome that sort of an issue if those who desire to break down this system are ready to make it.

I would suggest that this resolution be withdrawn. Let not the Senate play with a situation with which it has nothing to do, and become the subject of criticism everywhere where consistency between the two Houses is respected. Let the matter take the proper course of being introduced in the House; referred, if it is thought wise to consider it, to the committee, and then take whatever time is necessary to see whether we desire at this time to revise the tariff system.

My objection to the resolution is that every effort of this kind produces bad effects upon the American people. While I admit that as rapidly as duties become unnecessary—and that often is the case—they should be reduced, and, if we can get along without them altogether, they should be removed, I submit that this is not the time nor place to do it. In 1922, when we considered the bill that is now the law, our friends charged against it that it would destroy the revenue of the country. They wanted a tariff for revenue only, and they asserted that if we substituted a protective tariff we would destroy the revenue. It is well known that the last full year under the Underwood bill the revenue collected was $322,000,000. This year, under the present law, the revenue is $605,000,000. That is an increase of pretty nearly 100 per cent in the customs duties. That answers for all time the charge that protective legislation destroys the revenue.

Then we were told that this legislation would destroy our foreign commerce. It is well understood that our foreign commerce, both exports and imports, has continually increased under the present law. In the last few months there has been a little lowering of the exports of the country, but as a rule there has been a gradual increase.

So from the standpoint of revenue, from the standpoint of foreign trade, from the standpoint of employment of American labor, from the standpoint of investment of American capital, from the standpoint of general prosperity, I could not support a resolution like this even if it were pending in the House; much less when it comes up in the Senate, where it has no place.

Mr. COPELAND. Mr. President, a little while ago I attempted a colloquy with the Senator from Ohio, and he said, if I quote him correctly:

> The Senator from New York has a perfect right to express his views upon both sides of the question. He is on both sides. He is for protection. That will please the protectionists. He is against protection. That will please the free traders. He has a perfect right to his opinion. This is merely a gesture.

The Senator from Ohio would not permit me to reply in his time, and I am not sure that he will answer any questions that I ask him now; but I should like to ask the Senator from Ohio if the visit of the President to the West last year was a gesture. I should like to ask the Senator from Ohio if the farm relief bill which he presented last year was a gesture.

The Senator says that the presentation of this matter is political bunk. That is a form of political slang which I suppose we can understand.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. COPELAND. I yield to the Senator.

Mr. BROOKHART. I call attention to the fact that it took the Senator from Ohio a little over an hour and a half to explain that bunk.

Mr. COPELAND. Yes. He spent a lot of time this morning, and I remember when he was making this gesture last year it took him a long time to put over a speech as political bunk.

The Senator says he will not quibble, yet he says if there is an excessive tariff schedule it should be reduced. He does quibble, however, when he says that we must not do anything about the tariff for two or three years, or until some other more convenient season.

The Senator says I am on both sides of this question. I deny it. In my formal address the other day I stated distinctly that I could not vote for the resolution in the form in which it was then before the Senate. Since that time the Senator from South Dakota has revised the resolution. This morning, at my suggestion, he added one word which he says he thinks is not necessary; but the resolution as it is now presented reads as follows:

> *Resolved*, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive schedules, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

I am glad to say that as modified I can vote for this resolution, and I want to say to the Senator from Ohio and to anybody who may be interested in this resolution that I am not on both sides of this question. There are excessive tariff schedules, and it is the duty of this Congress to find a way to reduce those tariff schedules.

Yesterday—I was not in the Chamber at the time—the Senator from Connecticut [Mr. McLEAN] became excited over this subject. I want to quote exactly what he said about the Senator from New York. He said the Senator from New York did not know anything about how tariff schedules were written.

I admit that I have not had as much to do with the writing of tariff schedules as the Senator from Connecticut. I regard the Senator from Utah [Mr. SMOOT] and the Senator from Ohio [Mr. FESS] and the Senator from Indiana [Mr. WATSON] and the Senator from Connecticut [Mr. McLEAN] as great experts on writing high tariffs, and I plead guilty at once to the statement that I do not know as much about the tariff as these gentlemen do. But the particular thing that the Senator from Connecticut was disturbed about was that in my talk the day before I overstated the amount of added cost to the public involved in the aluminum schedule relating to household utensils. The Senator from Connecticut called attention to a little story I told about the aluminum pot my wife bought to make some preserves, and he said that any man who undertakes to discuss the tariff question in this Chamber ought to be sufficiently considerate of his own reputation to avoid a statement of the kind I made. I assume the Senator means that when I gave the figure of $2.28 in the case of this particular aluminum pot it was excessive to say that that is what the tariff added to the cost. In a statement earlier in the debate he said that it would be only about half that. He said that I was about 66⅔ per cent wrong.

Mr. CARAWAY. I do not think the Senator ought to be concerned about it, however. Nobody took it seriously.

Mr. COPELAND. I want to ask the Senator this question: Does the tariff on aluminum utensils add anything to the price the American housewife must pay for them?

Mr. McLEAN. Perhaps I can answer the Senator in this way: The price of the article to which the Senator referred was in 1919, 1920, and 1921, so far as my investigation shows, higher than the present price.

Mr. COPELAND. I am not interested in that. I ask the Senator this question: Does the tariff law of 1922, fixing a tariff of 11 cents a pound plus 55 per cent ad valorem, add anything to the price the American housewife must pay?

Mr. McLEAN. Since the Senator practically admits that he was 66⅔ per cent wrong in his statement, I will try to answer him to the best of my ability.

Mr. COPELAND. I hope the Senator will be more than 66⅔ per cent right when he makes his answer.

Mr. McLEAN. I think I shall be about 100 per cent right, as far as my investigation goes. I endeavored to ascertain as near as I could the price of the article to which the Senator referred—that is, a similar article produced in a foreign country—and I will say to the Senator now that he ought to know, if he is going to discuss the tariff question, that ad valorem duties are not laid upon the American valuation, but upon the foreign valuation of the article.

Mr. COPELAND. The Senator will remember that I said that while this utensil cost Mrs. Copeland $4.55, we would not make that the basis, but we would take $3.55. So that would represent the foreign value.

Mr. McLEAN. That saved the Senator from being 100 per cent wrong; it cut him down to 66⅔ per cent. As near as I could ascertain, the foreign value of a similar article would run from 80 cents to a dollar, although we can not estimate it exactly; can only approximate it. If the Senator will add 50 per cent of a dollar—I will give him the benefit of the largest price—to 33 cents, he will find what the tariff would be, provided a person bought a foreign article.

Mr. COPELAND. Then, when that article got to the American housewife, it would cost 55 per cent of the dollar——

Mr. McLEAN. If she purchased a foreign article. Does the Senator know whether it was made in this country or not?

Mr. COPELAND. It was made in this country.

Mr. McLEAN. Then that is an entirely different question. The Senator will probably find that aluminum ware to-day is cheaper than it was in 1919, 1920, and 1921, under the Underwood tariff, three years after the war closed.

Mr. COPELAND. Just one moment. The Senator is not interested in what the Underwood tariff was. I was attempting to point out to the Senate that the tariff act of 1922 does add materially to the cost of articles purchased in this country, made in this country.

Mr. McLEAN. I did not accuse the Senator of intentionally deceiving the American people, but I do say, and I want to repeat it now, that I have had experience enough in this body to know that again and again Senators will take the floor here and make statements, similar to those made by the Senator from New York, which indicate that they have absolutely no knowledge of the subject they are discussing; and while the Senator did not intend to deceive the American people, I want to say to him that a revision of the tariff is a serious matter, and when such statements are made as the Senator made two days ago, and go out to the American people, that the tax on the aluminum vessel he cited is $2.28, when in fact it is less than a dollar, I say that it is inexcusable on the part of the Senator from New York.

Mr. COPELAND. Mr. President, that is a very interesting statement and very illuminating and very cheering; but I am on my feet now to be informed by a man who is conceded to be a great tariff expert, and whether he concedes it to himself or not, he at least admits to the public that he knows more about it than I do, which would not in itself make him an expert. The Senator has already conceded that the tariff will add at least a dollar to the price of the utensil.

Mr. McLEAN. I have not conceded anything of the kind. I have said to the Senator that if the article purchased were made abroad about 90 cents would be added to the cost of the utensil.

Mr. COPELAND. By the tariff?

Mr. McLEAN. Yes. The Senator says himself that his wife purchased a domestic article.

Mr. COPELAND. Yes.

Mr. McLEAN. The Senator may speculate until sundown as to what the tariff tax was on that article, but it is my judgment, I will say to the Senator, that unless adequate rates were given to the production of aluminum articles in this country, in order that domestic competition may be maintained, his wife would pay not $4.50 but double that amount for the articles she uses. I base that statement upon testimony that we received by the cartload when we were revising the tariff in 1922.

Let me explain that to the Senator, if he will pardon me. The Senator knows that the minute these foreign producers get into this market they accomplish what we call "pocketing" the

American producer. The New York importers are in sympathy with the foreign producers. They get these goods abroad, of course, just as cheap as they can. They bring them to this country. The price is so low that the American producer can not compete and he quits. The American people are then absolutely at the mercy of the foreign importer and we had instance after instance where those importers had received a thousand per cent more than the foreign articles cost them.

When the Senator asks me whether this article which his wife bought carries a tax or not, I say that he can speculate on that proposition, but I want to say to him that if it were not for the tariff, if we did not stimulate and protect domestic competition in that article his wife would probably pay double the price she did pay. That is the history of the matter.

Mr. COPELAND. The American housewife ought to be very much obliged to the Republican tariff makers for establishing a tariff schedule which protects them against high prices, which is the argument the Senator makes.

Mr. CARAWAY. And, if I understood the Senator, he said that some articles were a thousand per cent higher.

Mr. McLEAN. That is undoubtedly true. If the Senator heard the remarks of the Senator from Idaho [Mr. BORAH] yesterday, he will realize that our foreign trade in competitive articles will grow less and less dependable as our competitors across the water avail themselves of our automatic machinery, and make everything that we make at a labor cost of from one-half to one-quarter of what the cost is in this country; and when they combine, as they probably will, and drive the American producer out of the market has the Senator any doubt that they will charge as high a price as they can get and that we shall be at the mercy of the foreign producer? We had that experience with sugar only a few years ago.

Mr. COPELAND. I have no doubt at all that the Senator is right, because they will profit by the experience of the combines in this country, which put the price up just as high as they could, and are continuing to do so; and the Aluminum Trust of America is one of the conspicuous examples.

Mr. McLEAN. The fact is that the Senator's statement is not true. The price of this very article, as far as my investigation goes, is lower than it was five or six years ago.

Mr. COPELAND. Let me ask the Senator this question: If there were not a high tariff or a tariff such as we have suggested in this paragraph, these utensils would come in from the other side, and the American housewife would buy them at a lower price, would she not?

Mr. McLEAN. I have tried to make it clear to the Senator that in all probability she would pay double the price she pays now. I do not want to repeat my statement. That is the experience we go through every time we cut the tariff—drive out the American producer and let in these foreign articles.

Mr. COPELAND. Mr. President, the Senator should be intellectually honest. What is the use of our denying the fact that the tariff does add to the price the American consumer pays for the article? There are reasons why a tariff should be imposed in many instances, for the sake of protection to American labor. I agree to all that, and I believe, in principle, in the protective-tariff system, as the Senator knows. But the point I was trying to make the other day and am trying to make now is this, that we must admit that the tariff is violative of natural law. It prevents the free operation of the law of supply and demand, and necessarily out of it comes an increase in price. I was making this point not to make an attack upon the system but to justify the position taken by these gentlemen who believe in some form of farm relief, that if the great manufacturers of America are to have protection which they get through the tariff system, and if the labor unions are to do and continue what I think is a very wise thing, to deal collectively with the employers and fix the price of labor, we must face the fact that the farmer, who is left in the open field of competition, is not fairly dealt with.

Mr. McLEAN. That inspires me to ask the Senator a question. Does the Senator think that reducing the tariff to a point below the difference in cost of production at home and abroad; that is, to an extent that will necessitate the cutting of wages in this country, would help the farmer?

Mr. COPELAND. No; I do not.

Mr. McLEAN. I am very glad to hear the Senator say that.

Mr. COPELAND. And I am consistent in that position, as the Senator must know.

Mr. McLEAN. I am delighted to hear the Senator say that; and, that being his position, it would seem to me that he would hesitate about voting for the pending resolution.

Mr. COPELAND. Just a moment. I do not want to have the Senator get any false idea from what I have said. I believe that the tariff on aluminum utensils is excessive, and I believe that the tariff upon aluminum is excessive. If the Senator yesterday heard the speech made by the Senator from Montana [Mr. WALSH] he, too, must be convinced; certainly he did not rise to his feet to question the conclusions of the Senator from Montana, though the Senator challenged the Senate to bring on any question or to raise any issue regarding the conclusions reached by him in his address.

Mr. SMOOT. What were his conclusions?

Mr. COPELAND. The Senator from Montana said, as found on page 1375 of the RECORD:

> I wonder if there is any conception among the Members of the Senate as to just exactly what that increase in price of 3 cents per pound on aluminum meant to American consumers.

He was speaking about the ingots and pigs, and not of the utensils, which we were discussing a moment ago.

> Since that time the consumption of aluminum has increased very largely. Every manufacturer of household utensils, and particularly every manufacturer of automobile bodies, was called upon to pay 3 cents a pound more for his aluminum on account of this duty as here disclosed.
>
> I have caused a computation to be made—

The Senator from Montana continued—

> and I find that since that time that increase has cost the American people, assuming the increase to be 3 cents per pound, not less than $800,000, and the duty upon sheets and coils unquestionably was at least a million dollars. All this goes to the Aluminum Co. of America, the only producer of crude aluminum in this country. Every dollar of it goes to that company, a gift to the company.
>
> That company is also engaged, or at least one of its subsidiaries, the Aluminum Manufactures Co., in the production of household utensils manufactured from aluminum, upon which, as we were told by the Senator from South Dakota [Mr. MCMASTER], there is a duty of 11 cents per pound and 55 per cent ad valorem.

The Senator from Montana said that with that duty, which the Senator from Connecticut and I have been discussing, of 11 cents per pound, plus 55 per cent ad valorem—

> I have no doubt at all that it realized from that source as much as it did from the other two sources combined. So that this has amounted to a gift to the Aluminum Co. of America, of which Andrew W. Mellon, the Secretary of the Treasury, is the controlling figure, of not less than $3,000,000 to $5,000,000.

Mr. McLEAN. Mr. President, the Senator from Montana made his statement. I do not know that his statement is incorrect. I have not read it. The Senator from Montana is a very able man; he is now known as the great American investigator; in fact, his friends have suggested that he might well be elected President of the United States upon the splendid record that he has made in this regard. I am somewhat surprised, however, that the Senator from Montana has not gone to the Tariff Commission with this problem. They have the power to recommend a reduction of 50 per cent, and he could no doubt get it through that source.

Mr. COPELAND. Let me inquire if there is not something pending before us in the way of an investigation, not made by the investigating Senator from Montana but by the Attorney General relative to the Aluminum Co. of America?

Mr. McLEAN. He could not reduce the tariff. The Tariff Commission, if they recommend a reduction to the President, might bring about a reduction of that tariff.

Mr. COPELAND. That is to be regretted.

Mr. McLEAN. It seems to me, if I were the Senator from Montana I would try that plan before I urged complete revision of the tariff.

Mr. COPELAND. Does the Senator from Connecticut doubt that the imposition of this tariff has enriched the Aluminum Co. of America to a very considerable extent?

Mr. McLEAN. I do not know. They employ between 20,000 and 30,000 men and pay high wages. It is possible that they have made some money, and it is fortunate if they have. We have to raise between $3,000,000,000 and $4,000,000,000 in taxes, and I think it is a good thing that somebody in this country is prosperous.

Mr. COPELAND. Was the Senator from Connecticut here yesterday when the Senator from Montana made his speech?

Mr. McLEAN. I was not.

Mr. COPELAND. I see the Senator from Utah is on his feet. Was he here yesterday?

Mr. SMOOT. No. I just told the Senator I was not here.

Mr. COPELAND. All right. I want to read into the RECORD what the Senator from Montana said:

> Mr. President, I challenge any Senator upon this floor to stand here and attempt to make a justification of these rates. They are nothing more than a pure gift to the Aluminum Co. of America of anywhere

from three to five million dollars a year. Senators will bear in mind also that that company is the sole producer of aluminum in America—a perfectly iron-bound copper-riveted monopoly.

That is what he said yesterday.

Mr. McLEAN. The Senator knows that aluminum is not a finished product. It is made from what we call bauxite, I believe.

Mr. COPELAND. I am aware of that.

Mr. McLEAN. My recollection is that several Senators on the other side of the Chamber voted for a tariff on bauxite. I think the Senator from Alabama [Mr. HEFLIN] did, if my memory serves me right.

Mr. COPELAND. May I say to the Senator from Connecticut that it does not make any difference to me how many Senators on this side of the aisle voted that way. I am trying to make clear to the country, if I can, that the protective tariff system, certainly the excessive schedules, has increased the prices of goods consumed by the people of America and that by reason of those increased prices they are contributing to the prosperity of the manufacturers of America. I have no fault to find with that fact.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. SMOOT. The interest that I have in imposing a tariff upon aluminum and aluminum ware is to keep the industry in the United States. I want to tell the Senator from New York that the Aluminum Co. of America owns, I suppose, 60 or 75 per cent of the raw material of the world.

Mr. COPELAND. I do not doubt it.

Mr. SMOOT. If the United States wants to drive that company out and let those 20,000 employees find some other work, employees who are paid wages as high as, if not higher than, wages in any other industry in the country, that company can establish their business in a foreign country where they get its bauxite, the raw material, and ship the finished material in here free. If the industry was destroyed in the United States and they had the complete market at their control, because they virtually control the raw product of the world, we then would find what the housewife in the United States would have to pay for aluminum ware, and besides that we would not get any revenue from that industry at all.

Mr. REED of Pennsylvania. Mr. President, will the Senator from New York yield to me for a question in that connection?

Mr. COPELAND. Certainly.

Mr. REED of Pennsylvania. I am told that the Aluminum Co. of America has one of the biggest plants in the world on the Saguenay River in Canada, and if this tariff duty were wholly taken off it would be able to supply the needs of the United States from that plant and import the aluminum in pig or in roll form into the United States free of duty.

Mr. SMOOT. I will say to the Senator, too, that I know it to be a fact that they have one of the greatest water powers in the world at that point, and so far as dollars and cents are concerned the Aluminum Co. of America could go to Canada now and establish their plant at that water power, right at the water's edge. They could establish their industry there and could make aluminum there cheaper than anywhere else in the world. They own properties all over the world, and raw materials are shipped in here.

Mr. CARAWAY. Mr. President, are the raw materials of aluminum shipped in here?

Mr. SMOOT. A great deal of it.

Mr. CARAWAY. Oh, now, Mr. President!

Mr. SMOOT. I know a great deal of it is.

Mr. CARAWAY. Just a minute, if I may interrupt the Senator without getting all excited about it. More than 90 per cent of the aluminum used in this country is mined in my own State of Arkansas.

Mr. SMOOT. I know a great deal is mined in the Senator's State.

Mr. CARAWAY. Bauxite is the raw material.

Mr. SMOOT. They own mines, as I said, all over the world and they could get all the bauxite they want without using a single solitary ton of bauxite from the United States.

Mr. CARAWAY. Why would it be cheaper to ship it to Canada than to manufacture it in this country?

Mr. SMOOT. The water rates do not amount to as much as the railroad rates.

Mr. CARAWAY. But it can not ship by water because it is mined inland.

Mr. REED of Pennsylvania. Does not the Senator know that the richest mines of bauxite in the world are in British and Dutch Guiana, right at the seacoast, and that the bauxite can be taken and is being taken from there right to the Saguenay plant without ever touching a railroad?

Mr. SMOOT. And unloaded right at the plant.

Mr. CARAWAY. Taken to the Great Lakes borders and unloaded?

Mr. SMOOT. No; unloaded on the Saguenay River in Canada.

Mr. REED of Pennsylvania. The Saguenay River flows into the St. Lawrence below Quebec.

Mr. CARAWAY. I have heard of it.

Mr. SMOOT. That is where they would establish the industry.

Mr. COPELAND. Does the Senator from Utah contemplate that the lowering of the schedule on aluminum and household utensils made of aluminum, so that it could not be called an excessive schedule, would drive this great company out of America?

Mr. SMOOT. I do not think so. I do not think it would as long as there was sufficient tariff to equalize the difference.

Mr. COPELAND. That is to say, the tariff could be lowered and the company would still continue to make some money?

Mr. SMOOT. I do not say so, and I do not know. The evidence given before the committee was that this was the tariff rate that would hold the industry in the United States, and I know, as I stated, that if the tariff is reduced so that they could produce the goods plus the tariff more cheaply in Canada or at any other place that is where they would go.

Mr. COPELAND. I want to say to the Senator that, of course, I tremble to think what might happen to the housewives of the country and the farmers and the country itself if we did not maintain this excessive tariff on aluminum. I can see from what the Senator says that the foundations of the Republic would be undermined if we were to do it. However, I want to call his attention to a letter which I placed in the RECORD on January 11, at page 1316, from an independent manufacturer of aluminum in America. He said:

> I repeat again that the many independent foundries making parts of automobiles, washing machines, vacuum cleaners, and other household appliances; also the many makers of kitchen utensils would be distinctly benefited by a lower cost on this raw material.

Mr. SMOOT. Yes; raw material.

Mr. COPELAND. Yes.

Mr. SMOOT. Certainly; raw material.

Mr. COPELAND. That is all right; but the Senator was finding fault a moment ago with the statement made by the Senator from Montana [Mr. WALSH], wherein he spoke of the advantage accruing to the Aluminum Co. of America by this increase of 3 cents per pound, which had amounted to not less than $1,000,000.

Mr. SMOOT. Mr. President, the Senator from Utah did not find any fault. The Senator stated that with the situation existing in this country it would be very easy to drive this industry out of the United States. The way to do it is to reduce the tariff so low that it would be profitable for that industry to move to Canada and to make its product there.

Mr. COPELAND. Yes; but the Senator at the same time——

Mr. SMOOT. As to the letter which was read here, the writer buys the raw material, but he does not say anything about the duty on the finished product. He wants free raw material and then he wants just as high protection as possible upon the manufactured goods. That is inconsistent.

Mr. COPELAND. And the Senator from Utah would be opposed to that?

Mr. SMOOT. I am opposed to any duty which is not required and in which there would not be some advantage to the United States. I am not opposed to taking care of the Senator's correspondent. I think he is taken care of, but he wants still more. One of the complaints which the Senator from Montana made yesterday was as to the manufactured product. The gentleman who wrote the letter is not trying to sell his product for less than the American Aluminum Co. sells its product.

Mr. COPELAND. No; he does not do it, because he gets the benefit of the tariff and he takes advantage of it.

Mr. SMOOT. Certainly; in other words, if he did not have a tariff he would not be in business, and he knows it just as well as does the Senator from New York.

Mr. COPELAND. Mr. President, I think the Senator from Utah is right in that sense, but the Senator from Utah has conceded—he did so a few moments ago—that the tariff on aluminum might be very materially reduced and still not drive the manufacturer out of business.

Mr. SMOOT. No; the Senator from New York suggested that that was the case, and the Senator from Utah did not have an opportunity to answer the suggestion. I will answer it now by saying I do not know whether or not the reduction of

this tariff at the present time and under present conditions would drive the industry out of the United States. I do, however, know that when the subject was under discussion that that was the representation made to the committee, and that the committee believed it, and so did Congress believe it.

Mr. COPELAND. The Senator from Utah knows very well, however, if the Senator from Montana is correct in stating that the profits of the Aluminum Co. of America are $5,000,000, that lowering the tariff is not going to drive the Aluminum Co. of America from our country.

Mr. SMOOT. If that company could make twice that profit in a foreign country, that is just exactly what they would do. They would go right over into Canada and make the product there; and I know that they are prepared to do it, I will say to the Senator from New York.

Mr. COPELAND. I am ready to believe that the Aluminum Co. of America is prepared to do anything that will benefit the Aluminum Co. of America, but I have not found any evidence anywhere to show that they are seeking to benefit the housewives of America.

I think that out of this discussion has once more been developed the fact—I say "once more" because every time the tariff is discussed the same fact is developed—that the protective-tariff system does increase the price of goods which are consumed by the people of this country. Every time a farmer buys a utensil or an implement, outside of the large farming implements, so called, when he buys a knife or a saw or a chain or a pick axe or a crowbar or a nail or a hammer he is paying an increased price because of the protective-tariff system. If that be true, and if the farmer is contributing to the welfare of the industrial plants of this country, contributing to the welfare of the manufacturers, why does not the industrial world in its turn say to the oppressed farmer, the farmer who is not prosperous, "If there is anything we can do to help you to obtain your share in this protection, we are going to do it"? But that is not the attitude.

I think that on two occasions I was the only Senator east of Indiana to vote for the McNary-Haugen bill. I voted for it twice. On both occasions I said, "The bill is violative of economic law; it interferes with the free flow of goods, and, therefore, it does unquestionably interfere with the law of supply and demand; it is uneconomic; but so is the tariff system, so is the labor-union collective bargaining, and the fixing of wages, which I am glad is being done; so is the fixing of rates on the railroads, permitting railroads to make a certain profit." All those things, Mr. President, are violative of economic law.

As I view it, in this country we must choose between an attack upon the tariff system and its destruction, an attack upon the labor unions and the destruction of those organizations, an attack upon railroad rates and the structure of railroad rates and their destruction. We have to choose between giving protection to every class in this country or we will have to submit to the destruction of these things which every one of us will admit are for the good of the country.

There is not a Senator on the other side of the aisle who is more convinced of the wisdom, the importance, and the necessity of the protective-tariff system than am I.

Mr. SMOOT. Mr. President, in the present tariff act the rates which were asked for by the farm organizations of this country were inserted.

Mr. COPELAND. Mr. President, why does the Senator give us another bit of talk like that? If I were the Senator from Ohio, I would say that that was "political bunk."

Mr. SMOOT. It may be "political bunk," but the Senator is discussing the question of the tariff, as I understand him. Now he brings in the farmer, and from what he has said he seems to think the farmer has not been treated the same as have those who are engaged in other industries. I wish again to say to the Senator that the farmer received exactly what he asked for in the present tariff act.

Mr. COPELAND. The Senator knows full well that the thing for which the farmer asked does not do him any good.

Mr. SMOOT. The Senator from Utah does not know any such thing. I know that it does do him good; and I can tell the Senator without a moment's hesitation how it does him good.

Mr. COPELAND. I thought, perhaps, the Senator was going to do that.

Mr. SMOOT. I do not want to take the Senator's time to do it, but I could start——

Mr. COPELAND. I have more than an hour before I will be compelled to leave the Chamber.

Mr. SMOOT. I could start with various agricultural commodities and go through them. Does the Senator think, for instance, that the tariff on wool has not done the farmer any good?

Mr. COPELAND. I think the tariff on wool has done him good.

Mr. SMOOT. Does the Senator think the tariff on sugar has not done him good?

Mr. COPELAND. I think it has done the Senator's State good and the few States which raise sugar beets.

Mr. SMOOT. The State of the Senator from Utah is not the only one that produces sugar beets by any manner of means.

Mr. COPELAND. The farmers have been benefited so far as that particular item is concerned; but, as I said the other day, we could afford to go into our pockets and pay a bounty to the beet-sugar growers of this country in order that the housewives might be saved $250,000,000 a year by reason of the increased prices which they are compelled to pay because of the tariff duties on sugar.

Mr. SMOOT. The Senator from New York has never told the Senate how he would raise that $250,000,000 revenue for the Government or from what source he would have it come. It would have to be raised in some manner somewhere, because it goes to pay the expenses of the Government. I could go through the list of commodities which the farmer produces and show that the tariff duties have benefited the farmer. If there are any rates in the law which are not sufficient, so far as I am personally concerned, I will be very glad to see them increased.

Mr. CARAWAY. Mr. President, when wheat sells higher in Canada than it does in the United States, how does the tariff on wheat profit the farmer?

Mr. SMOOT. All I can say is that the reports of the Department of Commerce show that not to be the case.

Mr. CARAWAY. That it is not the case?

Mr. SMOOT. Yes; it is not the case when the prices of the same grades of wheat are compared.

Mr. CARAWAY. Oh, well——

Mr. SMOOT. The Senator may laugh, but that is what the Department of Commerce states. I had the figures here the other day.

Mr. CARAWAY. I know the Senator did and everybody else had figures here to show the opposite.

Mr. SMOOT. No; everybody else did not have such figures.

Mr. CARAWAY. Just a moment. The Senator has gotten in the habit of disputing everybody's word, so that he does not wait to find out what they are going to deny, but just hollers out "no" almost every time a statement is made. If he would wait a little while, somebody might agree with him at some time. I do not think anybody will, but that might happen, although if it should the one agreeing would be wrong.

But I started to say that the market quotations were put in the RECORD by the Senator from Iowa where actual wheat was being sold, and they showed a discrimination in favor of Canada of nearly 20 cents a bushel. Of course, the Senator from Utah can say that is not so.

Mr. SMOOT. I have not said anything about that statement. The figures may have related to different grades of wheat. All I say is that the same grade of wheat is not selling for a higher price in Canada than it is in the United States.

Mr. CARAWAY. Yes; I heard the Senator say that.

Mr. SMOOT. And I say that I can prove it by our Department of Commerce.

Mr. CARAWAY. One may prove anything by the Department of Commerce. If what the Senator from Utah has just said can be proven in that way, then, anything can be proved in that way.

Mr. SMOOT. That may be proved, for it is an absolute fact.

Mr. CARAWAY. Can the Senator say that of his own knowledge?

Mr. SMOOT. From the way in which we obtain knowledge, I can say it.

Mr. CARAWAY. Knowledge is obtained, of course.

Mr. SMOOT. And that is the way all knowledge is obtained.

Mr. CARAWAY. I can not receive a statement like that with any seriousness at all. Now, if the Senator from New York will pardon me for a moment.

Mr. COPELAND. Certainly.

Mr. CARAWAY. The Senator from Connecticut [Mr. MCLEAN] took us all to task yesterday for our utter lack of knowledge or accuracy, and then made this most wonderful statement. I desire while he is present to refer to it. He said:

> The American people are just absolutely at the mercy of the foreign importer, and we had instance after instance where these importers had received a thousand per cent more than the article cost them.

About the highest rate of duty at all, as I understand, is 100 per cent; and how could even the Senator from Connecticut explain in what manner a hundred per cent duty could keep

out an article on which there was a thousand per cent profit? I ask the question in the interest of accuracy, because that statement comes from the side where accuracy has its habitat. Yet we are asked to take that kind of statement seriously.

Mr. McLEAN. Mr. President——

Mr. CARAWAY. Mr. President, let me say——

Mr. McLEAN. I presume the Senator thinks I ought to have an opportunity to reply?

Mr. CARAWAY. Of course; but I heard the Senator take a week at it.

Mr. COPELAND. I yield to the Senator from Connecticut.

Mr. McLEAN. The Senator from Arkansas says that I took a week at it. This indicates that the distinguished Senator from Arkansas himself can make statements that are far from correct.

Mr. CARAWAY. It is as correct, however, as saying that an article on which there is a thousand per cent profit can be kept out by a hundred per cent duty. The Senator, of course, did not take a week; it merely sounded that long to those who were listening to him.

Mr. McLEAN. The Senator from Connecticut said that it appeared to the committee when we were revising the tariff that in some instances the American producer had been "pocketed," as they call it; that is, importers had brought articles from abroad until they had driven the American producer out of market or had destroyed his market.

Mr. CARAWAY. But we could not protect the American producer against an article on which there was a thousand per cent profit by imposing a duty of 100 per cent, could we? What would be the use of putting a duty on such an article unless the duty were placed at a thousand per cent?

Mr. McLEAN. The rate fixed was of no use in some instances.

Mr. CARAWAY. What was the use of making a gesture and giving a man 100 per cent protection against an article sold at 1,000 per cent profit?

Mr. McLEAN. The Senator fails to understand the situation.

Mr. CARAWAY. I know I do not understand it, and I never will be able to understand it.

Mr. McLEAN. This situation arises: When the American producer of these articles is in what they call a "pocket," he has no market; would-be purchasers do not buy of him, but they buy of the importer, and when they buy of the importer and there is no domestic competition the retailer is then in a position to charge about anything he pleases. That appeared in evidence, and the evidence was not contradicted. The Senator will remember that the junior Senator from Idaho [Mr. GOODING] mentioned item after item here of which the retail price was ten times the price which the importer paid for the foreign article. That is what I said.

Mr. CARAWAY. The Senator meant to imply, if he meant anything, that the tariff was the thing that was preventing the American manufacturer from running against a 1,000 per cent profit, and he made that statement when he was lecturing the Senator from New York and aspersing all of us on our side for inaccuracy; and it was such a striking example of accuracy that I merely wanted to call attention to it.

Mr. COPELAND. Mr. President, if I may resume—I thank both Senators for assisting in the debate—the Senator from Utah mentioned wheat.

Mr. SMOOT. I did not mention it.

Mr. COPELAND. The Senator spoke about the tariff on wheat.

Mr. SMOOT. No; I replied to the question that wheat was less in this country than in Canada.

Mr. COPELAND. Anyhow, wheat has been mentioned, and that leads me to say a thing or two about it.

One reason why I am personally so interested in some form of relief for the farmer is because of the wheat situation. There is a lot of talk up in the Northwest about the St. Lawrence Canal, and how a canal from the Great Lakes to the sea somehow or other is going to help the wheat farmer of the West or Northwest. Of course, I am opposed to that canal. I believe that if we are to build such a canal we should build it across New York State to the headwaters of the Hudson River; and in attempting to develop the reasons for that conviction I made a study of the wheat situation.

I wonder how many of us have looked into that situation. Last year we exported about 100,000,000 bushels. Canada exported 250,000,000 bushels. Why is it that Canada can take care of its surplus wheat and we can not? It is that surplus that is giving the farmer the trouble.

The reason why the Canadian wheat goes to the Liverpool market is because it can go to the Liverpool market at a price far below the possibility of raising and selling American wheat. The absurdity of the St. Lawrence Canal project is shown by the fact that it would only facilitate the removal more cheaply of more Canadian wheat. You can take wheat in Canada from Saskatchewan and Alberta to the lake head at Port Arthur for 28 cents a bushel. To take wheat from Montana to Duluth at the lake head costs 44 cents a bushel. There is a difference of 16 cents a bushel in freight alone between American-raised wheat in the American Northwest and Canadian-raised wheat in the Canadian west.

We never can compete with that situation. We must face the fact that somehow or other we must either eat our own surplus or find some other way of disposing of it. That means this, as I see it: There must be found some way to equalize the American cost of producing wheat and marketing it or disposing of it and the price of the foreign article, just exactly as there is the necessity of equalizing the price between American production and foreign production. In other words, if the farmer is to have any degree of prosperity in the future he must have some form of farm protection.

The whole purpose of everything I have said to-day or any other day in connection with the pending resolution is to emphasize the fact that the protective-tariff system does increase the price to the American consumer and that the farmer is a large contributor to that increased price. The American farmer is affected by the labor-union situation, which I approve, as I have said repeatedly. If we are to permit the protective-tariff system to remain intact, and to permit labor to continue its collective bargaining, we must give equal protection to the farmer; and the logic is irresistible, so far as I can see.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. COPELAND. Certainly.

Mr. BROOKHART. The Senator mentioned the relation of labor and the labor union to this matter. Apparently the Senator agrees with the Senator from Ohio [Mr. FESS] that that increases the farmers' costs very greatly.

Mr. COPELAND. Yes, sir.

Mr. BROOKHART. I desire to call the Senator's attention to the fact that the total gross production of manufacturers in the United States is about $60,000,000,000, and of that labor gets only about $11,000,000,000; so the benefits to labor in this situation are not much greater than the benefits to the farmer.

Mr. COPELAND. Yes. I thank the Senator for what he has said. We can not question at all the relationship of the labor union and the fixing of price for their work to costs on the farm.

I own and operate a farm about 25 miles from New York, and labor upon my farm is influenced very greatly by the price of labor in the city. I have to pay an increased price for labor upon my farm because of the high price of labor in the city. That is a matter of no particular concern to me because my kind of a farm would never make a living for anybody, anyhow; but when the farmer is dependent upon his crop, and particularly where he is a one-crop farmer, there must be found for him some permanent and sure means of relief. Therefore I would apply exactly the same method of protection to the solution of the farmer's problem that we applied to the solution of the manufacturer's problem, and the same measure of relief that the labor union got when it started to deal collectively.

That is where I stand. The Senator from Ohio is most unjust when he intimated that I was trying to carry water on both shoulders. I am not. I believe in a protective-tariff system, but if there is an excessive schedule I want it reduced. It is only right that it should be reduced. I do stand here to say, however—and if I were the only Senator in this body to say it I would still say—that the farmer is entitled to the same measure of relief that we have given through the protective-tariff system to the manufacturer. It is the duty of the Senate, as I see it, to endeavor to find some means of solving this great economic problem and giving relief to our basic industry.

THE MERCHANT MARINE

Mr. WALSH of Massachusetts. Mr. President, the able Senator from Idaho [Mr. BORAH] yesterday pointed out the fact that there has been a very large increase in the exportation of wheat to foreign ports from Canada. He indicated that if the present tendency continued, Canada would shortly obtain a large percentage of the wheat export business which the United States heretofore has enjoyed. The suggestion of the Senator from Idaho led me to consult some statistics, and I have been surprised at the information revealed. The extent of the decline in the exportation of wheat from the United

States has been most marked. The increase in the exportation of wheat from Canada has been amazing.

Mr. President, I call the attention of Senators to these figures not only because they confirm the fears expressed by the Senator from Idaho but they also open up another subject for consideration.

The entire shipments of wheat from the port of Montreal in 1920 were 44,121,000 bushels. In 1921 the shipments were 50,112,000 bushels. In 1926 the shipments were 90,000,000 bushels—a gain of more than 100 per cent in six years.

Now, let us consider what were the exports of wheat from all the ports of the United States. For the fiscal year ending June 30, 1927, there were exported 156,250,000 bushels of wheat, as compared with 293,268,000 bushels in 1921 and 208,321,000 bushels in 1922—a decline of almost 100 per cent in the exportation of wheat from the United States.

These figures show the inroads which Canada is making into the wheat-export business of the United States, and they also show what is of equally great importance—that the Canadian Government policy of supporting and maintaining a merchant marine of its own has been of tremendous assistance in increasing the export business of Montreal and other Canadian ports.

Canada has a merchant-marine policy. We have none. Canada has given preferential freight rates to farm products. We have not. Canada has, through its own transportation systems, what is called a national interest in developing export business. We have none.

These figures might well cause alarm to the wheat-growing sections of America. But I present them not so much to emphasize the need of attention to and study of the agricultural problem which has been called to our attention by the zealous Senators from the Western States as to refer to the importance and need now of an American merchant-marine policy—definite, unmistakable, and comprehensive.

To indicate to what an extent the nearest port in the United States to the Montreal port has lost business as a result of the advantages which the Montreal port enjoys by reason of favorable freight rates of the Government-owned railroads and because of the Government's keen, anxious, and willing support of shipping facilities, I ask you to study a comparison of the figures of grain exports from the port of Boston and of wheat exports from the port of Montreal.

The exports of grain from Boston to foreign ports in 10-year periods from 1906 were:

Year ending Dec. 31:	Bushels
1906	18,204,757
1916	33,274,441
1926	3,492,721

The exports of wheat from Boston in 1916 were 3,775,000 bushels and in 1926 were 225,000 bushels.

In Montreal the amount of wheat exported has increased in 10 years from approximately 14,298,000 in 1916 to 90,000,000 bushels in 1926. In five years the port of Montreal has increased its export of wheat 100 per cent, while its nearest American port has decreased its export of grain (including all wheat) from 33,000,000 bushels to 3,000,000 bushels.

The intention of Canada to further reduce traffic through our ports is well indicated by the recent request of the Canadian Railroad Commission that the rates from Buffalo to St. John and Halifax be made the same as the rate from Buffalo to New York, disregarding the fact that the haul from Buffalo to Halifax is twice as long as the haul from Buffalo to New York.

In 1923 the number of bushels of grain exported from the following ports were:

Year ending Dec. 31:	Bushels
Montreal	120,013,038
New York	87,130,000
Baltimore	41,083,000
Philadelphia	32,107,000
Boston	9,387,662

The development of the port of Montreal and other Canadian ports reflects the policy of the Canadian Government. A continuation of this policy can only be counterbalanced by placing our ports in a favorable position with regard to rail and ocean port differentials for the sake of "national interest."

Mr. President, I call attention to these figures to ask the Senate to give some thought to the importance of a definite merchant-marine policy before the same story will be repeated in regard to the exports of other products than wheat.

Mr. SMOOT. Mr. President, will the Senator yield a moment for a question?

Mr. WALSH of Massachusetts. I yield.

Mr. SMOOT. I think the first address I made in the Senate was in behalf of a merchant marine. I believe in it with all my heart. I would like to see legislation to bring it about. I wanted to ask the Senator what form of merchant marine he would approve—a subsidy sufficient to equalize the difference in the expense of maintaining a merchant marine by American labor as against a foreign country, or some specific amount issued to any party or parties who may become interested in maintaining a line of ships between this country and other countries?

Mr. WALSH of Massachusetts. Mr. President, I am pleased to answer the question of the Senator from Utah. Under present conditions, as the situation now exists in this country, I am in favor of a Government-owned and a Government-operated merchant marine. I see no other solution of the question. I have reached that conclusion somewhat reluctantly, for I want frankly to say that I would much prefer a privately owned American merchant marine than a Government-owned merchant marine. I am fully aware of the abuses, the difficulties, and the waste resulting from Government operation. But there is no other choice. I am opposed to subsidies of any kind or character. I do not believe the shipping interests of this country have any more right to a subsidy to maintain shipping upon the high seas than the railroads, or the manufacturing, and the agricultural interests have a right to a subsidy. I consider the giving of subsidies one of the most dangerous evils that can creep into any governmental system.

Mr. President, I would try to carry out the intent and purpose of the shipping laws that are now upon the statute books providing for an American merchant marine. I consider that the shipping act of 1920 now in operation provides the support for an adequate American merchant marine first and last. The intent of Congress was not to abandon the advantage that we had at the end of the war from having a merchant marine costing billions of dollars that brought the flag of the American Republic into every port in the world. When the act was passed, it was never intended, it was never expected, that we would recede from the progress we made during the years of the war. The fault is not with the absence of law, it is with the policy and manner in which the law has been administered.

To be sure, it was provided in that act that we should seek and keep before us the purpose to convert our Government-owned merchant marine into the hands of private individuals, when such interests could develop and maintain a merchant marine; but it was never intended to declare our triumphant and superb American merchant marine that we inherited from the war bankrupt. It was never intended that at the end of the World War after building up an American merchant marine it should be liquidated, should be destroyed, as it practically has been by the policy that has since been pursued. As I understand that policy, it has been to get these ships into the hands of private owners at any sacrifice, under any circumstances, to discourage Government operation, and to get the American Government out of maintaining an American merchant marine. The trouble we are now experiencing—and I am in hearty accord with the Senator from Florida [Mr. FLETCHER] on this proposition—is due to the fact that the present law has not been given sympathetic execution by those in charge of the merchant marine policy of our country.

I think I have answered the Senator's question by stating that under present circumstances, with Government-owned ships in our possession, with the great need and importance of maintaining a merchant marine as an auxiliary to our Navy, I am in favor of a vigorous, positive, enthusiastic development of our merchant marine, and of abandoning the policy that has been pursued in recent years of destroying it, or taking the very lifeblood out of it by delaying, postponing, and discrediting the opportunity to give a real trial of Government operation.

Mr. President, as a matter of defense, regardless of our commercial necessities, I am heart and mind for a Government merchant marine—not one that would compete with the limited private American shipping interests now on the seas but as an auxiliary to them.

I arose, Mr. President, for the purpose of calling attention to the problem of the export of wheat, and to point out that it involves not only the great agricultural problem of the West, but it involves the question of whether Canadian ports and the Canadian merchant marine are eventually to transport all the wheat and much of the other export business of the country. Canada has already made tremendous advances, as I have pointed out. I do not hesitate to say that, linked with this agricultural question, is the importance of providing facilities for transporting at reasonable rates, speedily and regularly, to the ports of the world this most important export product of the American people.

I hope that attention will be given before many weeks have passed to the legislation pending here seeking to resuscitate, to put life, to put vitality into our merchant marine, and to establish a definite policy which will declare us either in the

business or out of the business of shipping. So far as I am concerned, while 67 per cent of our commerce is carried in foreign bottoms, and until private interests are able to take care of much of this large percentage, opposed as I am to ship subsidies, I am for a Government-owned merchant marine. I urge the Senator from Washington [Mr. JONES] to ask for prompt action on his bill which I understand seeks this end.

THE TARIFF AND AGRICULTURAL RELIEF

Mr. WILLIS. Mr. President, I have thus far taken no time upon the pending resolution, and now I shall ask the attention of the Senate for only a brief moment. If I thought that this body had any authority to act upon this question at this time I would still not be in favor of action, because I do not believe that at the present time it is wise or opportune to undertake the great subject of revision of the tariff. But I shall not go into that feature of it, because there is another reason which to me is controlling.

The Constitution of the United States is perfectly clear upon this proposition. The first paragraph of Article I, section 7, reads as follows:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

I had the honor to serve for a brief period in the body at the other end of the Capitol. I am not unacquainted therefore, as other Senators are not unacquainted, with the attitude which that body takes upon revenue bills. They very jealously defend their rights under the Constitution. If I were a Member of the House, as I once was, I do not hesitate to say that if the Senate should adopt a perfectly inane and futile resolution of *this kind* and send it to the House of Representatives, I should hope that the House would not only not consider it, but would simply refuse to receive it. In my judgment, in undertaking to act upon this proposition we are absolutely beyond our authority and are doing something which, if we do it seriously, will raise in the minds of people who are thoughtful and who are acquainted with the Constitution a very grave question as to the sincerity and the information of the Senate.

Mr. McMASTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. WILLIS. I yield.

Mr. McMASTER. As I understand the remarks of the distinguished Senator from Ohio, no Member of the Senate or the Senate itself is to have an opinion upon any particular question until it is sanctioned by the House.

Mr. WILLIS. Mr. President, I said nothing of the kind and thought nothing of the kind. If the Senator got that impression, his facilities for obtaining impressions are bad. Of course, any individual Senator has a right to his opinion, but when it comes to the point of wasting a week or 10 days of the Senate's time in the discussion of and possibly final adoption of a resolution upon a matter which the Senator himself knows is absolutely beyond the scope of the authority of the Senate, as far as I am concerned I do not propose to participate in such action, and shall therefore vote against the resolution.

Mr. McMASTER. I would like to ask this question of the distinguished Senator from Ohio: If in his judgment he thought this resolution were perfectly proper and if in his judgment the Constitution permitted the United States Senate to initiate revenue legislation, would he vote for this resolution under those circumstances?

Mr. WILLIS. The Senator has so many "ifs" in his question that I do not know whether I followed it or not. But I say to him frankly that I am opposed to this resolution, even if the Senate has authority to adopt it. Is that what the Senator wants me to say?

Mr. McMASTER. Why?

Mr. WILLIS. Because I do not believe that the present time is an opportune one for going into a revision of the tariff, and I would not vote for the resolution if it were here in legal form. That answers the Senator's question. But that is not the reason upon which I proceed.

I shall vote against the Senator's resolution, much as I dislike to do so. I should like to vote for any resolution which he sponsors, but I can not bring myself to believe that I ought to vote for a resolution which puts the Senate in a perfectly ridiculous and senseless attitude, and I am not going to do it.

Mr. McMASTER. In other words——

Mr. WILLIS. I think I have stated it very well without the Senator putting it in other words. I think I have made myself understood, so I hope the Senator will not endeavor to put it in other words.

Mr. McMASTER. I would not want to ask any embarrassing questions.

Mr. WILLIS. The Senator from Ohio is perfectly willing to hear any question his friend wants to ask, but he is not willing to have his attitude stated in other words. I will do my own stating, and I have stated that I think the adoption of such a resolution is absolutely beyond the power of the Senate and that therefore I shall not vote to have the Senate do a futile thing and adopt a resolution which, if passed anywhere, must originate in the House in accordance with the provision of the Constitution I have just quoted.

Mr. SACKETT. Mr. President, I would like to fortify the opinion which has just been given by the distinguished Senator from Ohio as to the absolute futility of the pending resolution, which states—

> That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive schedules, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

It is perfectly evident to every Member of the Senate that any resolution of that kind that we could pass would be of no greater value than asking the Members of the House to give a party and invite the Members of the Senate as their guests. As a revenue measure it can not originate in the Senate.

It is also futile for another reason, it seems to me, in that it is a resolution which attempts to limit the scope of the inquiry into tariff duties. I know of no attempt to revise the tariff at any time in history which has limited the question of revision to the revision downward of schedules which are excessive or has limited revision otherwise, without giving an opportunity to any industries to have inadequate tariff duties increased. Certainly many branches of agriculture to-day need a revision upward.

Mr. McMASTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from South Dakota?

Mr. SACKETT. I yield.

Mr. McMASTER. Just what language is there in the resolution that would not permit the changing of the agricultural schedules? What language is there in the resolution that would not permit the adjustment of almost any schedule we have in the tariff law?

Mr. SACKETT. It says the revision shall be downward.

Mr. McMASTER. And to what end, and what further purpose is expressed in the resolution? Does it not provide that revision shall be undertaken in order that agriculture may be brought nearer to a parity with industry? It is the same old interpretation put upon the resolution by every other Member in this body who opposes it. There is always some excuse, something about the language that is not just quite right to suit them. I will assure the Senator from Kentucky that if he will vote for the resolution, and if the resolution shall become effective, there will be ample opportunity to raise all the duties that he has in mind in regard to agricultural products, and I take exactly the same position. We will have also the same opportunity to reduce some excessive schedules.

Mr. SACKETT. But that is not the language of the resolution.

Mr. McMASTER. If the language were changed to suit the Senator, would he vote for it?

Mr. SACKETT. Not for a resolution to raise revenue originating in the Senate, which the Senate has no right to pass and which would not be compatible with the dignity of the House.

Mr. McMASTER. Does the Senator think the United States Senate has no right to express its opinion in regard to any matter?

Mr. SACKETT. No.

Mr. McMASTER. He does not think so?

Mr. SACKETT. No; I do not think so.

Mr. McMASTER. He thinks the Senate is gagged and bound?

Mr. SACKETT. No; I said I do not think that. But when the Constitution provides the place where measures providing for the raising of revenue shall originate, then I think it is time to stop and consider the kind of resolutions we send to the House. A resolution of this kind, which in its terms places a limit upon the scope of the inquiry which the tariff revision may take, is a resolution also which I can not favor for the reason that there are many industries in my own community, both in industry and in agriculture, which decidedly need a revision upward.

I can not subscribe to the doctrines which have been enunciated on the floor of the Senate from time to time that the tariff does not afford a protection to agriculture. I think that is a

statement altogether too broad. There are many branches of agriculture to which the tariff to-day does afford protection and without which it would be in a very serious condition. I can say to the distinguished Senator from South Dakota that the tobacco schedules to-day are a great source of revenue to the raisers of tobacco in the whole country, and without those duties the present wonderful tobacco fields of the country would be a shamble and that industry would be undoubtedly destroyed. It furnishes a good illustration, however, of the working of the tariff in agriculture, because there are some kinds of tobacco which, though protected by a duty, are export goods and, with a lack of demand in the export market, the tariff that is placed upon that kind of tobacco does not protect it.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. SACKETT. I will.

Mr. McMASTER. I am under the impression that if the Senator had remained in the Chamber during these debates——

Mr. SACKETT. The Senator was here most of the time.

Mr. McMASTER. There are some statements which he has made that I hardly think he would have made had he been here all the time. I do not remember of any statement being made absolutely to the effect that protection did not aid agriculture, but I have heard the statement made that the protective duties which we have upon wheat, and possibly upon millions of dollars worth of other agricultural products, are inoperative. I have heard that statement made, but I have heard no such statement made in regard to the duties being ineffective on all products.

Mr. SACKETT. Neither have I.

Mr. McMASTER. I can not imagine what there is in the resolution that has anything to do with injury to tobacco growers in America. Can the Senator see anything in the resolution that would injure them?

Mr. SACKETT. The Senator will remember what I said. I did not say there was anything in the resolution that would injure the tobacco growers of America. I said the tariff that exists on tobacco to-day was a great benefit to the tobacco industry and without it we would not be able to raise tobacco in profusion in this country. But the instance is also there of a class of tobacco which depends for its market upon export sales, and the export market is to-day so depressed that no amount of duty placed upon that particular kind of tobacco can save that industry. That but serves to draw the distinction between those articles of agriculture which are dependent upon export, which can not be protected by any amount of duty, and those articles which depend upon the home market for their main consumption.

If there were real opportunity under the resolution or any other resolution to go into the question of a change of tariff schedules where they are shown to be excessive in industry, it would be my desire to see those schedules corrected. While a believer in the tariff as a protection to American industry and as a means of building up the market for all the products of both American industry and American agriculture, I am not such a protective advocate as to desire to see any industry unduly protected or to have the rates which protect it excessive. Under a general opportunity for a revision of the tariff any excessive rates would receive my wholesome condemnation, but under a resolution of this kind, even if it were possible to bring about a revision of the tariff by the passage of the resolution, we would not have opportunity to go into the tariff question as a whole. As I said, I know of no previous time in our history when a revision of the tariff was limited to revision downward of certain schedules that should be revised.

The tariff is becoming more and more an exceedingly important question to the section of the country which I have the honor to represent in part, not only as to my State, but the entire South. I say to my colleagues who come from that section that the matter of tinkering with the tariff may mean more disaster to that part of the country to-day than to any other section. Wihin the last five years industry has been seeking a location within the Southland because of the advantages that come to it through climate, through the wonderful transportation facilities, and through labor conditions. On account of the resources of power which are now available in those sections, industry has been going into every State in the South, and more and more those industries have been able to prosper during the five years last past. To-day it forms a great reservoir of opportunity to industry, and as industry grows in every State, more and more will the people become dependent upon a protection which shall permit them to operate and manufacture as against the countries of Europe with their lower wage schedules and scale of living.

For that reason I feel that any question that is raised to-day about a change of the tariff has an effect upon the business of the South. If this were a real resolution that could have an eventual outcome of a change of the tariff schedule, we would feel throughout the country already a falling value in industry. The evenly balanced business machine of this country responds almost immediately to any suggestion that may come from the National Congress that the tariff schedules of the Nation are in danger of readjustment. Immediately we find business people beginning to haul in their horns lest they shall be crippled in the final outcome of tariff revision.

The Senate has been discussing this resolution for tariff revision now for a number of days, and no student of the markets represented in this country will for one moment think that the people of America believe there is the slightest danger of tariff revision under the resolution. It has fallen as a "dud" in the markets of the country. How different is that from the time when, at the beginning of an administration, a real tariff revision has been undertaken and business has immediately felt the discussion and felt it in every market in the land.

For that reason I can not but believe that this resolution is the outcome of a feeling of disappointment because the necessary agricultural legislation, in the opinion of those who come from the wheat States, was not enacted at the last session of Congress, a feeling of disappointment that has caused them, as was so well said this morning, to be willing to take the position that if they can not have the kind of legislation out of this Congress that would in their judgment bolster up the business of those communities, they are willing to pull the house down upon the shoulders of the people in retaliation.

Such an attitude does not gain my support even for the purpose of revising the schedules which I know are unjust and unworthy.

Mr. McMASTER. Mr. President, will the Senator from Kentucky yield to me for just a moment?

Mr. SACKETT. I am about through and shall give the Senator the floor in just a moment, if he will let me.

Mr. McMASTER. I should like to ask a question.

Mr. SACKETT. Very well.

Mr. McMASTER. The Senator then admits that there are excessive and unfair and unjust schedules in the present tariff act?

Mr. SACKETT. I am afraid there are.

Mr. McMASTER. That is all.

Mr. SACKETT. Yes; but I do not think, Mr. President, that when we begin talking about the unfair and unjust schedules of the present tariff act, the adjustment of which might help agriculture, it is very helpful immediately to bring up the aluminum schedule. Aluminum, of course, undoubtedly used by many agriculturists, but aluminum is a comparatively new article. We who happened to live before aluminum household utensils were available to the people of this country had the use of other household utensils, and those same household utensils can be used by agriculturists to-day without paying the tariff that is charged to the aluminum industry. That tariff may be just; it may be unjust. There is nothing before us to predicate a judgment as to that, except the fact that a company that enjoys the benefit of that tariff is prosperous. It may be the tariff is too high; if it is too high I should like to see it lowered; but the use of aluminum is not necessary to the agricultural interests of this country.

I recall that in my early days I saw household utensils made of granite ware, and I see the same character of household utensils in the stores to-day. So the use of aluminum upon the farms in any of the forms in which it is used to-day comes about by reason of one of two things—either it is cheaper than the thing for which it is a substitute, or it is so much better for the price that the users willingly pay the higher cost.

There are some schedules of the tariff which, in my judgment, ought to be revised downward, but there are some industrial schedules that ought to be raised. There is an industry in my own State and in the neighboring States for which I have been working with the Tariff Commission for more than two years, trying to get an advance in the schedules. I refer to the rag-rug industry. It seems a small one; but the warp of those rugs is made in factories and then it is sent into the mountain districts where in many households rags are pulled through the warp by the use of hand looms. It furnishes a means of livelihood to thousands of mountain families who have very little opportunity to earn money in other ways. Since 1920 a flood of rag rugs from Japan and China has deluged the domestic market. The increased importation in 1925 over 1924 was more than 2,000,000 square yards out of a total of 2,750,000 square yards altogether. The influx into this country of those rag rugs, produced by the cheap labor of the Far East, has destroyed the industry in the Kentucky mountains and the

mountains of Tennessee and of western Pennsylvania. That is an industry which is loudly calling for the help of the Government in order to maintain itself. Without an increase of the tariff sufficient to compensate for the difference between the cost of production in Japan and China and the domestic cost the people of those sections of the country must be deprived of the benefit of that industry. For that reason I say that if there is to be any revision of the tariff I can not consent for a moment to vote for a resolution which provides that only schedules that shall be revised downward shall be considered. Schedules that should be revised upward interest me fully as much on behalf of the people of my section as do the schedules that should be revised downward.

Another great industry which is being built up in that section of country and in the neighboring States is the dairy industry. That industry shows the need of further tariff protection against the importation of milk and cream and butter from across the Canadian border. It has been found that close to the great markets that industry grows faster than does any other industry of the central, southern, and northern sections of the South. It meets the direct competition of the people of Canada. That industry, too, should be given an opportunity to present its claims before I would consent to the passage of the resolution as now framed, limited to a revision downward of some few schedules that have been pointed out, and some of which, as I before stated, have little or no relation to the agricultural interests.

Mr. JOHNSON. Mr. President, I yield my unstinted admiration to the Senator from South Dakota [Mr. McMASTER] for the courage of his present adventure. I think certainly he has performed a very useful service. I have no sympathy with the arguments that are made that the Senate should not express its opinion upon any matter that is germane to that which concerns us in legislation or that which in any way concerns our people. I have no sympathy with the adjectives that have been hurled at the Senator from South Dakota because he has had the temerity to touch a subject such as the tariff. I congratulate him upon his very able presentation of this subject, and I congratulate him upon the fact that there has been a debate upon it which ought at least to be enlightening to the Senate and possibly to the country.

Mr. President, I think I understand, too, the reasons actuating the Senator from South Dakota and some of those who are aiding him in the presentation of a resolution of this kind and character. I understand, I think, better than some of our brethren here what rankles in the souls of the men in the Middle West and particularly of those who are engaged in agriculture, the very basic industry of this Nation.

I think I understand, sir, something of the catastrophe which has befallen the farming industry during the past few years, and I confess the deepest interest and an entire sympathy in anything which may be undertaken to alleviate the distress of the farmers of this land, and in anything, no matter how mistaken it may be in the opinion of some of our supposedly wise brethren, that may be undertaken by those who represent the farming communities to relieve and aid their people.

I desire, Mr. President, though, to obtain the necessary relief and to go at the matter the other way around; not by an endeavor to decrease the tariff or even indefinitely to revise it, for making a tariff law we who have dealt with the subject in the past have learned is a complex and a delicate and a difficult task. Under any circumstances it is delicate and it is difficult; under the circumstances at the present time it is more than delicate and more than difficult. So, sir, instead of touching this complex and this delicate and this difficult subject, in the endeavor to give the farmer his parity as described in the resolution in respect to the tariff, I would rather go to the specific and affirmative mode of agricultural relief, and by a definite act do him tardy justice.

I believe, sir, in anything which promises agricultural relief. I do not care that it may be determined to be bizarre by some of our distinguished economists and by many gentlemen from the East who have not the slightest conception of what is transpiring in the West. I do not care that gentlemen who arrogate to themselves all of the economic virtues or individuals who are coining their money out of eastern business say to us that what we endeavor to do for the farmer is empirical wholly and is quite beyond the pale of what they believe to be sound economics. If there is anything, any measure which promises relief, which gives even the possibility of relief to the men and the women and the children who have suffered in the Middle West, I will accept that measure, the McNary-Haugen bill or any other, in the endeavor to give something of relief to those who sorely need it.

In the endeavor to strike a parity in relation to the benefits that are derived from the tariff, the parity to which the farmer is entitled, I would go around in that way and I would do it by specific and definitive measures presented upon that subject, and that subject alone. I do not desire to do it by going in the other direction and undertaking the task, which ever is delicate and which in this instance is more than difficult, of revising, altering, or amending the present tariff law.

To revise downward excessive rates is something that I can scarcely wholly comprehend. I recognize that there are excessive rates; I recognize undoubtedly there are rates that ought to be reduced in a tariff law; but, coming from the West, coming from a territory that has asked tariffs and has received tariffs upon those things that come from the soil, I am not ready at this period and at this session to rest upon the determination of any of our eastern brethren as to what may be excessive rates in a tariff bill. What may seem to be excessive rates in a tariff upon the industrial products of the East to me would seem to those of the East quite the reverse; while what might seem to be excessive rates on the products of the soil of the Pacific coast to those who live in Massachusetts would seem to me to be, indeed, less than ought to be accorded.

Mr. McMASTER. Mr. President——

Mr. JOHNSON. I yield to the Senator from South Dakota.

Mr. McMASTER. As I understand the distinguished Senator from California, he would not favor a reopening of the tariff law, owing to the fact that he would not trust the interests of California to eastern interests and to their ideas in regard to tariff rates upon agricultural products raised in California. Then, as I understand, according to that theory, we must never again bring up the question of tariff revision?

Mr. JOHNSON. No; not at all, sir. Indicating an opinion here and asking the House to revise rates downward is a very different proposition from taking up a tariff bill in the regular course of legislation in the Congress of the United States. I do not wish to put it quite as harshly as the Senator did, that I would not trust our eastern brethren as to rates which should be accorded to the fruits, the nuts, and other products of the soil of the Pacific coast; but, sir, I would prefer, if there were to be any revision concerning the rates on those products which are grown upon the Pacific coast, myself to be a part of that revision, and to be a part of the determination whether or not any rate was excessive.

Sir, I violate no confidence, and say what is really a matter of history when I recite how the rates were obtained for the territory of the Senator from Oregon and the territory that I represent on the Pacific coast when the tariff bill was under discussion in 1922. We formed a bloc then. Rail at blocs, as you see fit, sir; say what you will regarding any organization within the organization of the Senate; but when the tariff bill was under discussion we formed what was termed a western bloc; and we formed it for protection of our States and our products. It embraced about 25 Senators from the West; and those 25 Senators appointed an executive committee of five, of which I had the honor to be one; and that bloc said to the gentlemen from the East, who were concerned alone in an industrial tariff, "All right, gentlemen; the West, with its 25 votes in the United States Senate, is finally going to have a tariff that suits the West"; and the West got a tariff that suited the West upon the products of the soil.

Blocs, of course, in mock horror, our eastern brethren say, are terrible things; dangerous, too; but, nevertheless, the organization of the West in 1922 effected the result at that time of giving to the West a modicum of that which had always been taken by the East; and I am very glad that we organized, and very glad that the result was attained.

Mr. McMASTER. Mr. President——

Mr. JOHNSON. I yield.

Mr. McMASTER. I want to congratulate the Senator upon the work of the bloc during that session. I think they did obtain most substantial results; but did they obtain everything that the farmers asked for? Not by a long way. The testimony before the Finance Committee shows that the farmers asked for higher duties on many things, and those duties were cut. Nothwithstanding that, I agree with the distinguished Senator from California that that bloc did put up a most magnificent fight, and they got so much more than they had ever gotten before that it was really a victory.

Mr. JOHNSON. That is right; and I may say to the Senator from South Dakota that when the tariff bill comes here again, if I happen to be a Member of the Senate at that time and the Senator from South Dakota happens to be a Member, I hope we will form again a western bloc; and we will not only get what we got before but we will get all of the things that the Senator from South Dakota would like to get to-day. I will aid him in then getting them to the best of my ability.

I recall, sir, the tariff that we then obtained. It is a singular thing that our tariffs in the West, generally speaking, are very

different from the tariffs in the East. Our tariffs relate to those things that come up out of the soil. They are very valuable to us, just as the tariffs that the Senator from South Dakota would have for his territory are very valuable to him. Ours are walnuts and almonds and olives and olive oil, lemons, and other products—things that come up out of the soil, and that under certain circumstances come into the fiercest kind of competition with things that are grown abroad.

I remember when the first question and the first contest came upon lemons here. The late lamented Senator from the State of Pennsylvania, Mr. Penrose, was then chairman of the Finance Committee. Upon this floor the State that I represent in part was represented then by one gentleman of the Democratic Party and one whose party is Republican. After a contest by the Republican Senator from California, who now speaks, for an increased tariff on lemons, the Senator from Pennsylvania accorded it in the emergency tariff bill; and for the first time in the history of the State of California we had a tariff upon lemons approaching justice. The rate was subsequently carried into the general tariff bill.

I recall subsequently the tariff that we sought upon almonds. Do you realize, sir, where the opposition came from? Every great confectioner in the East came down to Washington. Some of our distinguished brethren from New Jersey, I recall particularly, and from some of the New England States as well, marched into the Finance Committee—the Senator from Utah [Mr. SMOOT] will recall that fact—and, representing these great confectioners, they were demanding that we should not place a tariff upon almonds at all, because they could get a second-rate almond from Europe that would enable them to make their confectionery at a little less cost; and so great was the power of these confectioners of the East that it was only by the slightest margin of a very few votes before the Senate itself that we were enabled to obtain the present tariff upon almonds.

So it was upon walnuts. The Senator from Oregon and I stood side by side in making that fight. So it was upon olives and upon olive oil, with which we came in direct competition with our brethren across the sea. It was done, sir, because we organized; and we organized upon the theory that whereas tariff bills had been written in the past around the wants and the wishes and the profits of New England we were going to have, even if injustices might occur in that bill, at least a part of a tariff bill written around the production of the Western States of the United States of America.

I am afraid to touch those schedules now, sir. I would rather go to the relief that ought to be accorded the farmer the other way around, by a specific relief bill; and I will go the limit in that endeavor to give relief to agriculturists. I can not under the circumstances, sir—and I regret it, because of the author of the resolution and because of my sympathy with the fight he is making—I can not, sir, vote for the resolution that he has presented here now.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Edge	McMaster	Schall
Bayard	Fess	McNary	Sheppard
Bingham	Frazier	Mayfield	Shipstead
Black	Gerry	Metcalf	Smoot
Blaine	Gillett	Neely	Steck
Blease	Hale	Norris	Steiwer
Bratton	Harris	Nye	Stephens
Brookhart	Hawes	Oddie	Swanson
Broussard	Hayden	Overman	Thomas
Bruce	Heflin	Phipps	Trammell
Capper	Howell	Pittman	Tyson
Caraway	Johnson	Ransdell	Walsh, Mass.
Couzens	Jones	Reed, Mo.	Walsh, Mont.
Curtis	King	Reed, Pa.	Warren
Cutting	La Follette	Robinson, Ark.	Wheeler
Deneen	McKellar	Robinson, Ind.	Willis
Dill	McLean	Sackett	

Mr. BROOKHART. I desire to announce that the Senator from South Dakota [Mr. NORBECK], the Senator from Oklahoma [Mr. PINE], the Senator from Florida [Mr. FLETCHER], the Senator from Virginia [Mr. GLASS], and the Senator from Maryland [Mr. TYDINGS] are detained on business of the Senate in the Committee on Banking and Currency.

Mr. JONES. I desire to announce that the Senator from Wyoming [Mr. KENDRICK] is detained from the Chamber in the Committee on Irrigation and Reclamation.

I also desire to announce that the Senator from California [Mr. SHORTRIDGE], the Senator from Georgia [Mr. GEORGE], the Senator from Colorado [Mr. WATERMAN], and the Senator from Vermont [Mr. GREENE] are detained in a meeting of the Committee on Privileges and Elections.

The VICE PRESIDENT. Sixty-seven Senators having answered to their names, a quorum is present.

Mr. BRUCE. Mr. President, I desire to offer an amendment to the pending resolution.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 1, line 3, strike out the word "schedules" and insert the words "excessive rates."

Mr. THOMAS. Mr. President, in support of the pending resolution, I ask unanimous consent to have printed in the RECORD a letter just received by me from Mr. J. K. Wells a constituent of mine residing in Oklahoma City, Okla.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OKLAHOMA CITY, OKLA., *December 19, 1927.*

Hon. ELMER THOMAS,
Washington, D. C.

DEAR SIR: If I believe that the high protective tariff was good for the West, Middle West, and the South, I would certainly vote the Republican ticket. Not only that, but I would move to Illinois or Iowa and run for Congress, advocating a high protective tariff on both wheat and corn as a means of helping the present deplorable conditions of the farmers. If anyone can show me where a high protective tariff ever benefited any farmer in the South, West, or Middle West, with the exception of the beet-sugar, cane-sugar, rice, and wool-growing farmers, I will make them a present of the best suit of clothes that can be bought in Oklahoma City. The old argument of the protective tariff Republican is that on account of the high tariff schedules the eastern manufacturing industry is enabled to pay higher wages to their employees and consequently they are able to buy the products of the farm and pay more money for them. I will ask you if the highest-paid mechanic in the steel mills of Pittsburgh pays one cent more for a bushel of Kansas wheat than the peasants that sweep the streets of London? You know they pay just the same less the cost of transportation. I will also ask you if the highest-paid textile worker in the mills of New Bedford pays one cent more for a yard of calico spun in their own mills of cotton grown in Jackson County, Okla., than the coolies of China who work for 6 cents per day? You know they pay just the same less the cost of transportation in their favor. I will grant you that by virtue of the high protective tariff the high-wage earners may perhaps buy a little more of the farmer's wheat and a little more of his cotton products, but this is negligible, as you know. Under Cleveland's administration the farmer received on an average of about 65 cents per bushel for his wheat and it cost about 43 cents to produce it. Under Harding's and Coolidge's administrations the farmer has received about $1 per bushel for his wheat and it has cost about $1.05 to produce it. Mind you 65 cents under Cleveland's administration is worth about $1.15 at the present time. It is true that we have a tariff of 14 cents and 28 cents on wheat but it just about as ineffectual as the prohibition law is in Breathitt County, Ky., or in the Bowery district on the east side, New York City. We are producing from 800,000,000 to 900,000,000 bushels of wheat annually and consuming at home about 600,000,000 and exporting about 200,000,000 bushels per annum. This tariff act was passed to fool the farmers of the West and Northwest. Do you think for one moment if we produced only 400,000,000 bushels of wheat annually and had to import 200,000,000 to supply our domestic consumption that the Republicans would retain our present tariff schedules on wheat? Not for one moment. These schedules would be repealed immediately and our President and Senator SMOOT would tell the farmers it was all done in their interest to make them more prosperous.

I was both astonished and astounded when I read in the President's message to Congress wherein he said that everything the farmer sold was on the protected list and everything he bought was on the free list when just the opposite is true. I can not for the life of me understand how anyone occupying such an exalted position could so misstate the facts. I also read with considerable interest and astonishment the speeches of Senator REED SMOOT setting forth our prosperous conditions brought about by the high protective act of 1922. Since and including 1922 more than 80 per cent of the banks of the State of Montana have failed, more than 75 per cent of the banks of North Dakota, more than 67 per cent of the banks of South Dakota, more than 55 per cent of the banks of Iowa, more than 20 per cent of the banks of Nebraska, more than 65 per cent of the banks of New Mexico, more than 36 per cent of the banks of Oklahoma, more than 21 per cent of the banks of Kansas, and more than 16 per cent of the banks of Texas have failed; more than 25 per cent of all the farms in Montana, North Dakota, South Dakota, and Iowa have been sold on the auction block; more than 1,500,000 farmers moved to the city annually, and tenantry has increased more than 2 per cent annually in this country. I ask you, sir, do you call this prosperity? In 1850, 65 per cent of the population of the United States resided on the farm; now less than 40 per cent reside on the farm. If the country is so prosperous as they would have us believe, why are people leaving the farm so rapidly? I have never yet seen intelligent people run from money or prosperous conditions. Give us five years more of prosperity under the Republican protective tariff and you will have half of the farmers in the South, West and Middle West in the poorhouse.

I will grant you that industry is prosperous, but at the expense of agriculture. I will grant you that transportation is prosperous by vir-

tue of the Esch-Cummins Act, but at the expense of the farmers who constitute the bulwark of American prosperity.

The high protective tariff act is nothing more or less than a highway-robbing scheme to rob the West, Middle West, and Southwest for the benefit of the manufacturing East. I have just as much respect for a highwayman who takes my watch and money away from me in some dark alley with a six-shooter as I have for the Republican administration who robs me through the protective tariff act. One is done in defiance of all law and the other is done with the sanction of law and by virtue of the all-powerful industrial East.

There can be no prosperity for the farmers until the expense of production is decreased through a repeal of the tariff schedules and the placing of farm machinery on the free list, reduction of transportation rates and strict economy in public expenditures.

I hope you and I will live long enough to see the West and Middle West voting for their own financial interest rather than the way the great industrial East wants them to vote. When they wake up they will be voting solidly with the South against the present tariff schedules.

I want to thank you for the December issue of the Tariff Review which you recently sent me. I have read every article in it and analyzed carefully the one by Commissioner Brossard on How Farmers are Benefited by the Tariff. To my method of reasoning it is most illogical. The most phenomenal idea in it was the statement that the Tariff Commission, of which Mr. Brossard is a member, after arduous labor, research, and investigation "had reduced the duty on quail from 50 cents to 25 cents on each bird." No doubt this one act of this commission accounts for the prosperous condition of the farmers, as set forth in the President's message to Congress and by various speeches and statements from Senator REED SMOOT. Another such an extraordinary act by this commission in the interest of the farmers and we will have such a plethora of money in circulation throughout the United States, and Oklahoma in particular, that we will no doubt be able to retire our national debt.

I also learned from this article that they likewise "reduced the duty on limberger cheese from 15 cents to 7½ cents per pound," all in the interest of and for the benefit of the farmers. These two acts are the outstanding accomplishments of this commission since it was organized by an act of Congress in 1916, of which all of its members feel justly proud. This is the very quintessence of an efficient and faithful public service. Every epochal event in our national history is incomparable to these major achievements. For these momentous, frugal, laborious, and scientific accomplishments they should be extended the thanks of Congress and immediately retired on full pay. Then let it be said of them as was said of Paul of Tarsus, "Well done, thou good and faithful servant; as thou has been faithful over a few things"—lie down and take thy rest. Future generations of agrarians will sing their songs of praise and erect stately monuments to perpetuate their memories down through the corridors of time. "Reduction of duty on quail from 50 cents to 25 cents on each bird," and "on cheese from 15 cents to 7½ cents per pound," the crowning attainment of President Coolidge's administration. I have at last discovered why he is so popular with the farmers and why the country is so prosperous. Ne plus ultra.

I made the statement that the highest-paid mechanic in the steel mills of Pittsburgh paid no more for a bushel of Kansas-grown wheat than the poorest peasant that sweeps the streets of London; and also that he did not necessarily buy any greater quantity of it. In support of this last statement let me quote from the President's recent message to Congress on this very question, quoted verbatim: "Assuming that Europe would have more money if it sold us larger amounts of merchandise, it is not certain it would consume more of our food." These propositions are certainly analogous.

Tariff of every kind and description is nothing more or less than a local subsidy for local industry, meaning higher prices to local consumers. This subsidy is not paid by foreign consumers, for they are not compelled to pay higher prices as we are for the same commodity by virtue of the high protective tariff laws.

Another idea I would like to suggest in this connection and that is: The industries of Europe are at a decided disadvantage in competing in the markets of the United States with the industries of this country. This has been brought about by greater industrial efficiency and mass production methods of the United States, which not only offsets the effect of higher wages paid in this country, but which, as a matter of fact in the majority of instances make the cost per unit of commodities produced in this country less than the cost per unit of similar commodities produced abroad. Therefore, industries of this country can sell these same goods to the consumers at home and abroad cheaper than European industries can sell us similar commodities produced abroad, or even in the very foreign countries where their competitors are the very strongest. As a matter of fact they are doing this very thing each and every day. Do you think they need protection (?) at the expense of the consumer?

Would Senator CAPPER agree that it would be a good thing for the United States, and Kansas in particular, if England, Japan, Germany, and Austria should levy a duty of 42 cents per bushel on wheat? It would be effective in this instance cited above, but not in this country where we export over 200,000,000 bushels annually, while they are the largest importers of wheat.

I trust you agree with the statement in my letter to Senator NYE that no tariff schedule on the raw products of the farm can be effective where we produce same in abundance in excess of domestic consumption. A great many commodities like the raw products of the farm are on the dutiable list, but the law is ineffectual for the reason stated above. And yet, intelligent people fall for the "bunk" that tariff on wheat, corn, cotton, flour, bran, feed products, cottonseed, and many other raw products of the farm, too numerous to mention, is very beneficial to the farmer. It is nothing but sophistry personified. One must contravene their method of reasoning, suppress their initiative, and stultify their conscience to approve and support such an illogical and refutable proposition. These products were placed on the high-dutiable list in order to deceive the farmers and lead them to believe the Republicans are trying to give them the same benefits of the high-protective tariff as now enjoyed by industry.

I am thoroughly sold on the idea of reducing the tariff schedules on all necessaries of life and placing farm implements of all kinds on the free list as the most salutary method possible of relieving the present deplorable conditions of agriculture, in addition to a reduction in transportation rates and reduced expenditures in Government. It is a well-known fact that the consumer ultimately pays all fixed charges and taxes, it matters not how and when incurred.

From the gist of our recent correspondence you can readily see that no one could consistently accuse me of being in sympathy with any high protective tariff act, the McNary-Haugen bill, or one containing the same idea.

I want to beg your pardon for taking up so much of your valuable time, but the fact is, this is the last day of the week, month, and year and I have spent the day reading the Tariff Review, and while the subject matter is fresh on my mind I thought I would give you my mental reaction to the contents contained therein.

With best wishes and kindest regards, I am

Yours very truly,

J. K. WELLS.

Mr. McMASTER. Mr. President, in view of the fact that there have been several days' debate upon the resolution, and, so far as I know, only one or two Senators have indicated a desire to speak to-morrow, I would like, if possible, to obtain unanimous consent to agree to have a final vote upon the resolution at 2 o'clock on Monday.

Mr. SMOOT. Upon the resolution and all amendments?

Mr. McMASTER. And all amendments.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. Would it suit the Senator just as well to change the hour?

Mr. McMASTER. To what hour?

Mr. BRUCE. To some later hour, say, 3 o'clock.

Mr. McMASTER. That would be perfectly agreeable to me. I accept the suggestion and ask that we agree to vote at 3 o'clock on Monday.

Mr. WALSH of Massachusetts. I would like to ask the Senator from South Dakota if the amendment suggested by the Senator from Maryland is acceptable to him?

Mr. McMASTER. I have not been able to examine the amendment. A slight amendment was made this morning; that is, I suggested this morning that a change be made which I think would cover the amendment the Senator from Maryland proposes.

Mr. BRUCE. The effect of my amendment is to strike out the word "schedules," in line 3 of the resolution, and substitute the words "excessive rates." I understood that that would be agreeable to the Senator.

Mr. McMASTER. I will say that this morning the word "excessive" was inserted in the resolution, and I assume the only suggestion the Senator from Maryland makes is that the word "schedules" be changed to "rates." The word "excessive" is already in line 3 of the resolution. It was put in this morning. But we can look at the matter afterwards.

Mr. BRUCE. The resolution now reads:

That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such schedules.

Mr. McMASTER. We have inserted the word "excessive" before the word "schedules." Therefore the only word the Senator from Maryland desires to change is the word "schedules," which he desires to change to "rates."

The VICE PRESIDENT. The amendment was offered by the Senator from New York [Mr. COPELAND].

Mr. BRUCE. That amendment was to put the word "excessive" before the word "schedules," in line 3, was it not?

Mr. McMASTER. It was.

Mr. BRUCE. The effect would be just the same.

Mr. SMOOT. If the word "schedules" is used, it may be found that there are rates in a schedule that are too low and other rates that are too high. I am sure that will appear to the Senator himself.

Mr. McMASTER. That is why it is perfectly agreeable to me to insert the word "rates" instead of the word "schedules."

Mr. BRUCE. With my amendment the resolution would read:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates.

Mr. McMASTER. That is perfectly agreeable to me.

Mr. BRUCE. I was sure it would be.

The VICE PRESIDENT. The Senator from South Dakota accepts the modification, and the resolution will be modified as suggested.

Is there objection to the unanimous-consent request of the Senator from South Dakota? The Chair hears none, and it is so ordered.

Mr. CURTIS. The unanimous-consent agreement is that we vote at 3 o'clock on Monday.

The VICE PRESIDENT. At 3 o'clock on Monday.

The agreement was reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

It is agreed by unanimous consent that at 3 o'clock p. m., on the calendar day of Monday, January 16, 1928, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the resolution (S. Res. 52) favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress, through the regular parliamentary stages to its final disposition.

Mr. JONES. Mr. President, I desire to make a parliamentary inquiry. Is it in order, now that this agreement has been made, to move to take up another bill? That is, would it displace the present unfinished business?

The VICE PRESIDENT. At the hour of 3 o'clock on Monday the resolution will be voted upon; but a motion would be in order before that time.

Mr. JONES. I desire to move that the Senate proceed to the consideration of Order of Business No. 38, Senate bill 744, to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes. I will state that if this motion shall be agreed to I will ask unanimous consent temporarily to lay the bill aside. I do not desire to displace the resolution of the Senator from South Dakota.

Mr. McMASTER. I wish to say to the Senator from Washington that there are several Senators who have expressed a desire to speak upon the pending resolution, and one or two of them were ready to address the Senate this afternoon.

Mr. JONES. My motion would not prevent them from speaking on the resolution. I would have the merchant marine bill laid aside temporarily.

Mr. CURTIS. I hope the Senator from Washington will not insist on the motion this afternoon. A couple of Senators who are not now in the Chamber are opposed to the measure, and they spoke to me about it.

Mr. JONES. I would not interfere with them. I will temporarily lay the bill aside.

Mr. CURTIS. I know; but I think they would like to be here when the question is up as to whether the bill should be made the unfinished business.

Mr. JONES. I desire to give notice, then, that immediately after the vote is taken on the pending resolution, I shall seek recognition from the Chair to move to take up this bill.

The VICE PRESIDENT. The question is on agreeing to the resolution offered by the Senator from South Dakota [Mr. McMASTER] as modified.

Mr. CURTIS. Mr. President, in view of the unanimous-consent agreement, I suggest that we have an executive session, if no one wants to speak on the resolution now.

SEVERAL SENATORS. Very well.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, January 14, 1928, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate January 13 (legislative day of January 11), 1928

UNITED STATES MARSHAL

Reese Q. Lillard, of Tennessee, to be United States marshal, middle district of Tennessee. (A reappointment, his term having expired.)

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Douglas Potts, Infantry, from January 9, 1928.

To be lieutenant colonel

Maj. Lesley James McNair, Field Artillery, from January 9, 1928.

To be majors

Capt. Frederick William Huntington, Infantry, from December 14, 1927.

Capt. Howard J. Houghland, Air Corps, from December 15, 1927.

Capt. John James Bohn, Cavalry, from December 15, 1927.

Capt. Roland Roy Long, Infantry, from December 18, 1927.

Capt. Charles Belding Oldfield, Air Corps, from December 20, 1927.

Capt. Carl J. Smith, Coast Artillery Corps, from December 20, 1927.

Capt. Charles Joseph Allen, Infantry, from December 21, 1927, subject to examination required by law.

Capt. John Lawrence Dunn, Infantry, from December 22, 1927.

Capt. James Gregory Monihan, Cavalry, from December 25, 1927.

Capt. William Gaston Simmons, Cavalry, from December 25, 1927.

Capt. Charles Andrew McGarrigle, Quartermaster Corps, from December 29, 1927.

Capt. Alexander Putney Withers, Infantry, from January 9, 1928.

To be captains

First Lieut. Arthur Eugene Fox, Field Artillery, from December 14, 1927.

First Lieut. Carleton Smith, Infantry, from December 14, 1927.

First Lieut. Paul Conover Gripper, Signal Corps, from December 15, 1927.

First Lieut. LeCount Haynes Slocum, Field Artillery, from December 15, 1927.

First Lieut. Edwin Fry Barry, Ordnance Department, from December 17, 1927.

First Lieut. Frederick Harry Black, Field Artillery, from December 18, 1927.

First Lieut. Josef Robert Sheetz, Field Artillery, from December 18, 1927.

First Lieut. Charles Paul Cullen, Infantry, from December 19, 1927.

First Lieut. Frederic Arthur Metcalf, Field Artillery, from December 20, 1927.

First Lieut. Harry Emerson Storms, Signal Corps, from December 20, 1927.

First Lieut. David Dean Barrett, Infantry, from December 21, 1927.

First Lieut. Lawrence James Meyns, Ordnance Department, from December 22, 1927.

First Lieut. Thomas Harry Ramsey, Infantry, from December 25, 1927.

First Lieut. Leon Dessez, Field Artillery, from December 25, 1927.

First Lieut. Lawrence Iverson, Coast Artillery Corps, from December 28, 1927.

First Lieut. Archibald Luther Parmelee, Coast Artillery Corps, from December 29, 1927.

First Lieut. Walter Byron Fariss, Infantry, from December 31, 1927.

First Lieut. John Patrick Crehan, Field Artillery, from January 4, 1928.

First Lieut. Donald Sutter McConnaughy, Field Artillery, from January 6, 1928.

First Lieut. John Theodore Sunstone, Infantry, from January 9, 1928.

To be first lieutenants

Second Lieut. Will Walter White, Air Corps, from December 13, 1927.

Second Lieut. William Jackson Morton, jr., Signal Corps, from December 14, 1927.

Second Lieut. Wilbur Ray Pierce, Field Artillery, from December 14, 1927.
Second Lieut. Donald Henry Galloway, Cavalry, from December 15, 1927.
Second Lieut. Howard William Serig, Signal Corps, from December 15, 1927.
Second Lieut. Daniel De Bardeleben, Cavalry, from December 17, 1927.
Second Lieut. Patrick Weston Timberlake, Field Artillery, from December 18, 1927.
Second Lieut. Clyde Kenneth Rich, Air Corps, from December 18, 1927.
Second Lieut. Paul Wakefield Wolf, Air Corps, from December 19, 1927.
Second Lieut. David Larr, Field Artillery, from December 20, 1927.
Second Lieut. Laurence Carbee Craigie, Air Corps, from December 20, 1927.
Second Lieut. Philip Roy Dwyer, Infantry, from December 21, 1927.
Second Lieut. Sylvester John Keane, Signal Corps, from December 22, 1927.
Second Lieut. Allen Lloyd Keyes, Field Artillery, from December 25, 1927.
Second Lieut. Damon Mott Gunn, Infantry, from December 25, 1927.
Second Lieut. Charles Metz Seebach, Infantry, from December 28, 1927.
Second Lieut. Harry McKenzie Roper, Field Artillery, from December 29, 1927.
Second Lieut. James Henry Workman, Field Artillery, December 31, 1927.
Second Lieut. Charles Wesley Gettys, Coast Artillery Corps, from January 4, 1928.
Second Lieut. Henry James Pitt Harding, Infantry, from January 6, 1928.
Second Lieut. William Shepard Biddle, 3d, Cavalry, January 9, 1928.

MEDICAL CORPS

To be colonels

Lieut. Col. William Lawson Little, Medical Corps, from January 6, 1928.
Lieut. Col. Allie Walter Williams, Medical Corps, from January 6, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 13 (legislative day of January 11), 1928

FOREIGN SERVICE

TO BE VICE CONSULS OF CAREER

Howard F. Diehl.	Comer Howell.
Richard C. Dutrow.	Odin G. Loren.
George M. Graves.	James S. Moose, jr.
Randolph Harrison, jr.	Charles K. Morris.

UNCLASSIFIED

Howard F. Diehl.	Comer Howell.
Richard C. Dutrow.	Odin G. Loren.
George M. Graves.	James S. Moose, jr.
Randolph Harrison, jr.	Charles K. Morris.

POSTMASTERS

ALABAMA

Clifford M. Cox, Ozark.

ARIZONA

William F. Haas, Naco.

INDIANA

John T. Clapp, Beech Grove.
Charles F. Robertson, Brownstown.
Julia V. Clark, Colfax.
Ebert Garrigues, Francesville.
Ralph D. Gookins, Veedersburg.

IOWA

Fred O. Canfield, Dunkerton.
Andrew C. Link, Dyersville.
Eliza K. Alldredge, Melbourne.
George C. Parsons, Perry.
Nellie Hyde, Rowan.
Chester C. Yelland, Sheffield.
Mary J. Morse, Steamboat Rock.
John A. Hale, Tripoli.

LOUISIANA

Thomas L. Ducrest, Broussard.
J. Rodney Murrel, Church Point.
Robert M. Johnson, Colfax.
Ralph N. Menetre, Covington.
George W. Varnado, Franklinton.
Edward F. Crawford, Gretna.
Shep B. Hanes, Jena.
Lilha B. Brown, Lecompte.
William R. Morgan, Mandeville.
Novilla T. King, Simsboro.
Walter B. Eisely, Tallulah.
Louis Hebert, White Castle.

MARYLAND

William A. Brown, Cecilton.

MASSACHUSETTS

William F. Keller, Holliston.
George A. Coolidge, Hudson.
Leon C. W. Foote, Lee.
Ernest H. Wilcox, Manchester.
Turner R. Bailey, Medfield.
Bernard Campbell, Millville.
Charles D. Streeter, Mount Hermon.
Harold Winslow, New Bedford.
George W. Orcutt, North Abington.
James T. Potter, North Adams.
Alice K. Briggs, North Easton.
Alonzo W. Jones, Orleans.
Palmer J. Lord, Petersham.
Margaret E. Rourke, Prides Crossing.
Mark A. Putnam, Rutland.
William E. Chaffin, Scituate.
Edward L. Chapin, Southbridge.
Wesley G. Rose, South Deerfield.
Maurice Williams, South Easton.
John H. Preston, South Hadley.
Susan F. Twiss, Three Rivers.
Frederick C. Haigis, Turners Falls.
Otis J. A. Dionne, Walpole.
Blanche E. Robinson, Wareham.
Thomas E. Hynes, Wayland.
Alexander Wylie, Webster.
George D. Roe, Westfield.
Henry O. Bailey, West Newbury.
Mary A. Fallon, West Stockbridge.
W. C. Arthur Hebert, West Warren.

MISSOURI

Lester H. Pettit, Ava.
Verner H. Kirkendall, Birch Tree.
Nellie B. Gallihugh, Blairstown.
George C. Blackwell, Breckenridge.
Joe D. Scott, Bunceton.
Edward J. Schmidt, Centralia.
Anna B. Thomas, Corder.
Gustave R. Baumann, Creve Coeur.
Bransby B. Houghton, Crystal City.
Harry C. Grant, Cuba.
Percy B. Kidney, Darlington.
Sallie F. Duncan, Dearborn.
Mandana A. Schriefer, Fornfelt.
Isaac H. Arnold, Forsyth.
Thomas A. Scott, Greenfield.
William B. Green, Goodman.
George Scott, Higginsville.
John W. Rissler, Houstonia.
Joseph Q. Martin, Huntsville.
Maurice Craig, Illmo.
Joseph C. Forshee, Ironton.
John G. Kies, Jackson.
Victor M. Blankinship, Kennett.
Hugh L. Virtue, Kingston.
Oliver H. Simmons, Lancaster.
Clyde H. Turner, Mansfield.
Henry H. Jones, Memphis.
Charles S. Dickson, Milan.
John M. Medcalf, Monroe City.
Howard W. Mills, Mound City.

Lulu Ketrow, Mount Washington.
Ray R. Kelly, New Hampton.
Celia F. Kerr, New Madrid.
Eugene E. Wyatt, Oak Grove.
Sam S. Rutan, Odessa.
Frank L. Zeller, Oregon.
Henry O. Hopp, Oronogo.
Amy B. Buchard, Owensville.
Bruce C. Maples, Ozark.
Jesse A. Linthacum, Ridgeway.
Lou A. Slade, Rocheport.
Lester S. Eddings, Rogersville.
Alfred A. Smith, Rolla.
Luster C. Cottrill, Savannah.
Rufus G. Beezley, Steelville.
Waldo E. Andrew, Sweet Springs.
Estel G. Crawford, Tipton.
Fletcher G. Smart, Webb City.
Artie B. Keadle, Wellsville.
Archie T. Hollenbeck, Westplains.

NEBRASKA

Fred H. Carlson, Alliance.
Lewis A. Wight, Gibbon.
John S. Myers, Grant.
Joseph H. Harrison, Ravenna.

OKLAHOMA

James K. Malone, Allen.
William S. Sibley, Arnett.
R. Julian Miller, Bokchito.
John R. McIntosh, Chelsea.
Downey Milburn, Coweta.
John W. Brookman, Coyle.
Leroy J. Myers, Dustin.
John W. Bishop, Fairview.
Thomas H. Henderson, Fort Cobb.
Frederick M. Deselms, Guthrie.
Isom P. Clark, Heavener.
Alfred J. Canon, Hinton.
Susie M. Daniel, Jet.
Noah B. Hays, Keota.
Roy Sherman, Lexington.
John A. Norris, Okeene.
William G. Johnston, Oklahoma City.
Charles H. Johnson, Pawnee.
Howard Morris, Soper.
Virgil T. Gannaway, Tuttle.

PENNSYLVANIA

John F. Schwarztrauber, Archbald.
Annabelle Busler, Avis.
Harry M. Logan, Conshohocken.
John E. Cronk, Duke Center.
Wallace W. Scowden, Farrell.
George W. Larkins, Ford City.
Claude W. Keiser, Lykens.
John L. Eppley, Mechanicsburg.
M. Irene Workman, Mingoville.
Howard C. Emigh, Morrisdale.
John W. Clouse, Moscow.
Samuel J. Matthews, Olyphant.
Nora L. Pickering, Peckville.
Samuel H. Wigton, Philipsburg.
Anna B. McCully, Ramey.

VERMONT

Frank E. Robinson, Barre.
Joshua H. Blakley, Bellows Falls.
Stanley E. Brownell, Burlington.
Douglas C. Montgomery, East Arlington.
Lyman H. Leach, Essex Junction.
Dora W. Brown, Lunenburg.
Murray K. Paris, Lyndon.
Walter W. Wright, North Troy.
Edward H. Willis, Pittsford.
Charles W. Humphrey, Poultney.
Ernest W. Chase, Rochester.
Earle H. Bishop, West Rutland.
Belle H. Covell, Williamstown.

WISCONSIN

Theodore B. Ottum, McFarland.
Walter F. Martin, Mukwonago.
Mourits Mortenson, Stratford.
Melvin H. Schlytter, Wittenberg.

HOUSE OF REPRESENTATIVES

FRIDAY, *January 13, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, we thank Thee for this new day, for health, for happy friendships, for the open sky, for the wide earth; but we pray for the greatest wealth—the blessing of an undefiled heart. May the hand that bears all nature up protect our homes and shield us from the enemy that never abdicates. Thou who art our sovereign Friend, from whom earth's greatest souls have borrowed all their gifts, bless us with music without discord, with purity without stain, and with that peace which is far beyond human analysis. Wherever there are ignorance and restless passion, do Thou shed Thy light and bestow Thy strength. May we hate injustice, smite falsehood, and be consumed with a passion for righteousness, for the glory of Thy name, and for the good of our country. Amen.

The Journal of the proceedings of yesterday was read and approved.

FRANK H. FOSS

The SPEAKER laid before the House the following communication, which was read:

FITCHBURG, MASS., *January 12, 1928.*

Hon. NICHOLAS LONGWORTH,
Speaker House of Representatives.

SIR: In accordance with your designation of me, pursuant to Resolution 78, adopted by the House of Representatives, to administer the oath of office to Representative-elect FRANK H. FOSS, of the third district of the State of Massachusetts, I have the honor to report that on the 12th day of January, 1928, at his residence in Fitchburg, Mass., I administered the oath of office to Mr. FOSS, form prescribed by section 1757 of the Revised Statutes of the United States, being the form of oath administered to Members of the House of Representatives, to which Mr. FOSS subscribed.

I have the honor to be,
Yours respectfully,

CALVIN D. PAIGE.

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer the following privileged resolution and move its adoption.

The Clerk read as follows:

House Resolution 90

Whereas FRANK H. FOSS, a Representative for the State of Massachusetts, from the third district thereof, has been unable from sickness to appear in person to be sworn as a Member of this House, but has sworn to and subscribed the oath of office before the Hon. Calvin D. Paige, authorized by resolution of this House to administer the oath, and the said oath of office has been presented in his behalf to the House, and there being no contest or question as to his election: Therefore

Resolved, That the said oath be accepted and received by the House as the oath of office of the said FRANK H. FOSS as a Member of this House.

The resolution was agreed to.

CIVIL SERVICE COMMITTEE

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent that the Committee on the Civil Service may sit during the sessions of the House.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the Committee on the Civil Service may sit during the sessions of the House. Is there objection?

There was no objection.

ADDRESS OF HON. JOHN M'DUFFIE

Mr. BOWLING. Mr. Speaker, on July 1 of last year my colleague, Congressman MCDUFFIE, made a very interesting and instructive speech before the Alabama Bar Association on the dangerous tendencies in our Government. I ask unanimous consent to extend my remarks by printing it in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BOWLING. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Hon. JOHN MCDUFFIE:

DANGEROUS TENDENCIES IN OUR GOVERNMENT

Mr. President and gentlemen of the Bar Association of Alabama, I wish to express my appreciation of the honor done me by the invita-

tion to address this association. From the early days of our statehood the Alabama bar has held a high place in the esteem of the legal profession of the Nation. First State in the Union to adopt a code of ethics—largely the work of the late lamented Thomas G. Jones, of Montgomery—which has been followed by at least a dozen other States, and made the basis of the ethical canons of the American bar, Alabama has always been a leader in every movement to preserve the integrity of that profession which, more than any other, has had to do with the making and maintenance of the principles of the American Government.

I wish to assure you in the beginning, I have not come with any delusion that I could bring to this audience a message of wisdom and advice. I see before me those at whose feet I have sat, and those who possess that rare ability which makes them upstanding figures in the legal profession. I do venture, however, even at the risk of presumption on my part, to speak to you about those tendencies in our Government, which, if allowed to run their course unrestrained, will destroy our constitutional equilibrium—that even balance between State and Federal Government which has been the bulwark of our safety and the anchor sheet of the Republic. Our dual system of Government as provided in the Constitution, has been fitly termed "the longest reach of constructive statesmanship ever known in the world."

The tendency toward the surrender and elimination of the sovereign powers of the State, as well as the encroachment of Federal power, is destroying the incentive of local government, and striking down the initiative of the individual citizen; it is setting up in Washington an unbalanced and top-heavy system and gradually undermining the foundations of representative government.

BUREAUCRACY

According to Mr. Hoover, we now have more than 200 bureaus, boards, and commissions, great and small, with authority to make rules and regulations, largely fixing the policies of government under which we live. A great bureaucracy clothed with much authority and little responsibility, not only adds to the taxpayers' burden but through the dispensation of governmental favors, our people are encouraged to lean upon the Government for support rather than support the Government. To-day almost a decade after the close of the World War, Federal bureaus are still reaching out and putting their hands into numerous phases of the social and business life of the Nation. With increasing rapidity they are entering new fields every year for the performance of many duties which are more properly the functions of State and local governments. When once a Federal bureau enters any field with its powerful agencies, supported by the Public Treasury, it rarely, if ever, halts or turns backward but follows a natural course of expansion.

FEDERAL FUNCTIONS ENLARGED BY NATION'S GROWTH

Until 30 years ago, excepting the period of the War between the States, the activities of the Federal Government and its direct relation to the citizen aroused only the slightest interest in the minds of the people. To-day, however, a survey of the various functions of the many bureaus, boards, and commissions of the central Government presents a most engaging study.

Appropriations by the Federal Government for internal improvements were questioned long ago by President Madison, who vetoed a bill for the construction of the Cumberland Road, and in this he was followed by Mr. Monroe. In 1844 President Tyler likewise protested that Congress had no constitutional authority to use Federal funds for improvement of navigable channels in our rivers and harbors. Soon, however, we find Congress even granting vast areas of the public domain to aid in the construction of our great trunk line railroads. Such improvements with their strategic, economic, and political value were most essential for our national development, and with the passing of the years the pressure of public opinion accompanying our rapid growth has wrought reversals as well as many changes in the original ideas of the functions of the Federal Government. Annually increasing appropriations, not only for internal improvements but to meet the growing demands from every section of the country for the multiplication of bureau agencies to assist in solving the problems of the every-day life of the citizen, have been granted from year to year by the Congress, always ready to respond to the wishes of the people.

To-day it is almost impossible to conceive of a single phase of American life that does not feel the touch of the Government's hand or that is not affected by some regulation of a Federal bureau. Those of you gentlemen who came here to-day in automobiles traveled over roads that were constructed with the aid of funds of a Federal bureau, which even tested the material of which they are built, said the final word as to their proper location, and now advises how best to maintain them. Those who came on the railroads paid fares that are fixed by a bureau in Washington. Even your wearing apparel, from your hat to your shoes, including your spectacles, whether domestic or imported, was doubtless sold to you at a price responsive to a tariff rate made by the Federal Congress, but very likely adjusted by a commission in Washington. If your pockets are bulging with the coin of the realm, sooner or later the hand of a Federal bureau will reach in for its share of the income derived from your energy and industry. A Federal bureau expends millions annually for the reclamation of arid land, but prescribes, of course, the conditions under which those lands are used. Another bureau will lend you money on your farm land at a low rate of interest for a term of 40 years. A bureau will advise you how to build your home, even to the extent of where the kitchen should be. It will not only tell you what sort of flowers to plant but will occasionally send you a few to make your home more beautiful. A bureau tells you what kind of soil yours is and suggests the best methods of cultivation. It advises what amount and the kind of fertilizer to use and suggests how you can safeguard your premises against rats, insects, worms, beetles, and bugs. A bureau will advise you when, where, and what to plant, and, before the crop is grown, what the harvest will be. It teaches how to best transport the crop as well as the latest methods of marketing both at home and abroad. In many marketing centers throughout the land the expert eye of a Federal bureau inspects the fruit and vegetables for your table, the meat you eat, the butter and eggs you buy, and even the grass you grow. A Federal bureau tells us when the sun will shine, when the rain will fall, and warns us against tornadoes. Under the cotton futures act, the cotton standards act, the grain futures act, and the grain standards act, the standard containers act, the United States warehouse act, and the cooperative marketing act, the plant and animal quarantine acts, the pure food and the apple grading act, almost every phase of legal protection and assistance is thrown about the 30,000,000 of our people now engaged in agriculture. Indeed, the Government, through its bureaus, does almost everything except perform the labor and fix the prices of products, and there are those who now declare that regulation of prices by a bureau in Washington is a proper function of the Federal Government.

These are only a few of the multiplied activities of a beneficent Federal Government. The limitations of this hour will not permit me to name them all. Suffice it to say that many other interests in commerce and in the arts and sciences come in daily for their share of advice and supervision and for those bounties provided by the Federal Government to-day.

Mr. Coolidge, with his characteristic New England thrift and economy, very wisely suggested that the task uppermost in the minds of those "whose brains laid here the foundation for the hope of the world" was to see how much they could put into the Government, while it seems the thought uppermost in our mind is to find out how much we can get out of it.

SCHOOLS OF THOUGHT DEMANDING FURTHER EXTENSION OF FEDERAL POWER

Not content with all those powers for the advice and supervision of the business and social life of America to-day there are men and women, sincere but misguided, who are clamoring for further extension of Federal power. There is a school of thought demanding Government ownership and operation of railroads, coal mines, and other public utilities, despite the fact that the Government has never successfully operated any business without a loss to the Public Treasury.

There is a growing demand throughout the Nation for more bureaucratic control and more Federal supervision over the very person and conduct of the citizen himself. Even here in the Southland, where so much precious blood was spilled to preserve the integrity of State and local government, there are those who would all too quickly surrender to the Federal Government many duties and responsibilities which should be performed by State and local communities as well as in the home.

Under the maternity act a Federal bureau now advises the best methods as to how our children should be born, while under a scheme for birth control, not yet adopted, thank God, we might be advised whether or not it is wise to have them born at all.

Another proposal is to amend the Constitution and have the Congress provide a uniform marriage and divorce law for the Nation. Under the provisions of the twentieth amendment, which was unwisely, in my humble opinion, submitted to the States, and which they had the patriotism and courage to reject, some agent of the Federal Government might have been clothed with authority to go into the homes of the people regardless of the wishes of parents, and prescribe those rules and regulations, in conformity with the views of the professional reformer and social uplifter, governing the conditions under which the child, from its tender years almost to the date of majority, should be permitted to labor.

There was a time when we found inscriptions of tender and beautiful sentiment, such as "God bless our home" and "What is home without a mother," hanging about the firesides of our people. But, if the National Congress responds to such dangerous propaganda as involved in the twentieth amendment, and lends a willing ear to the unsound preachments of the well organized and sincere but misdirected zeal of a fanatical type of the sociologist, the time will come when, supplementing the sweet sentiment of "God bless our home" and "What is home without a mother" we will find inscribed about the hearthstones and over the portals of American homes, the later day, the ultraprogressive and Russianized sentiment, "May the Government bless our home" and "What is home without a Federal agent." No; the day will not come soon when the red-blooded American, who enjoys the protection of life and property as well as the immunity and safety of home, guaranteed under the Constitution, will surrender to some bureaucrat of the Federal Government the power to invade the sacred precincts of his home, so long as it is maintained as a home, without injury to his

neighbor or hurt to society. Let us hope the American citizen is not forgetting the assuring words of the great Pitt, describing that Anglo-Saxon ideal which has come down through all the cycles of the years to add to the blessings of our constitutional liberties: "The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail, its roof may shake; the winds may blow through it; the storms may enter; the rain may enter; but the King of England can not enter; all his forces dare not cross the threshold of the ruined tenement."

FEDERAL SUPERVISION OF PUBLIC SCHOOLS

Not satisfied with the local support in the education of our children, a problem that was distinctly left by the founders of the Republic for solution by communities and States; not content with the present Federal Bureau of Education with its nine divisions in Washington, there is another school of thought throughout the country demanding the establishment of a new department in the Central Government, to be known as the department of education. Another powerful bureau, if you please, to sit in Washington and sooner or later dictate, not only the type of school your child shall attend, but the courses of study he must pursue, and even who his classmates shall be. Some may persuade themselves that the only function, under the terms of this bill, to be performed by Federal authority is the simple and beneficent process of passing out annually millions of dollars to the States, but I challenge them to cite a single instance wherein the Federal Government has appropriated its funds without reserving to itself the last word as to how those funds shall be expended. Nor can we object to the reason and sound business judgment involved in the fact that wherever the Federal Government places its money, there it lays its hands.

LET US BE PROGRESSIVE, NOT ULTRAPROGRESSIVE

We glory in the marvelous achievements wrought within a century and a half by the intrepid genius of the American people laboring under the inspiration and light of liberty and religion. We glory in the accumulation of our vast national wealth, in our prowess upon land, upon sea, and in the air; we glory in our position of world leadership. But we should remember that vast wealth and power always teem with temptation and prosperity is full of peril. We can not stand still in America. All the mighty wheels of progress must continue to revolve. We must be progressive; we must advocate legislation and those changes in our Constitution necessary to meet new conditions in the onward march of American civilization. But this does not mean we must approve such radical proposals as those demanding that legislative enactment override the solemn declaration of the Supreme Court; it does not mean that our Government must function only by initiative referendum and recall; it does not mean that we should have any class superior to the Government in this country, for when such an hour comes, the boasted freedom of America will be destroyed; it does not mean that we must progress upon the theory that we can "make the poor man rich by making the rich man poor," for governments, like individuals, develop and progress only through a process of building up rather than one of tearing down; it does not mean that we must change from representative government to pure democracy in America.

WHITHER ARE WE DRIFTING?

We are not unmindful that in our rapid, economic, and industrial growth it was essential to enlarge the scope of Federal authority, but have we not reached the point in our national life where discretion and sound judgment dictates to us the stern necessity of checking the tendency to centralization and that increasing paternalism which may eventually destroy our self-reliance, if not make wards of us all? If the history of the world teaches one lesson better than another, it is that an over centralized government with its increasing hordes of office-holders becomes arrogant or intolerable, and sooner or later falls of its own weight. When we realize that, including Federal, State, county, and municipal Governments in the American Republic, for every 11 citizens over the age of 14 years, one is on a public pay roll of some character; we might well pause and ask ourselves the question, "Whither are we drifting?"

Instead of being a "government of law," as described by Webster in a debate with Hayne, this Republic is becoming a "government of laws." Almost daily we meet men and women clamoring for a "law for this" and a "law to prevent that." Shall the day come when all of our personal and domestic relations, as well as our business, will be regulated by some statute? It is estimated that we now have in America more than 2,000,000 laws, theoretically in force, regulating almost every phase of human life, while our National and State Legislatures are grinding out new statutes at an estimated rate of 15,000 a year. He was not far wrong who said that we are almost "law mad" in America, and that the "American people have more laws and obey them less than any other people in the world." After all, the future of American citizenship depends more upon the ideals maintained in the American home than upon thousands of newly made laws.

INCREASING DEMANDS FOR CONSTITUTIONAL AMENDMENTS

Within recent years a new impetus has been given to a tendency to radically change the fundamental law of the land. From 1789 to date there have been more than 2,000 resolutions proposing approximately 3,000 amendments to the Constitution. Between 1804 and 1860 these proposals averaged only about seven each year. Since 1889 this number increased to an average of about 30 a year, while in the Sixty-seventh Congress there were 103; in the Sixty-eighth Congress there were 87, and in the Sixty-ninth Congress about 60 resolutions proposing various and sundry amendments. These figures tell the story of an unending struggle to preserve the integrity of the Constitution. While some of those resolutions proposed changes that are doubtless needed, affecting the temporary and incidental provisions of the Constitution, many of them reveal the dangerous tendency to change those eternal and bedrock principles which need "no more change than the rules of simple arithmetic." Many of these proposals reflect a dangerous desire to turn from representative government to a pure democracy. A democracy is the only thing of which I can conceive that grows worse as it approaches purity. With her industry almost paralyzed, the morale of her people broken, the respect of leading nations lost; trying to confuse and drag down other peoples in her own muck and mire, Russia stands out to-day as the latest experiment in pure democracy. Let it be said to the credit of the political genius of the American people that of all the vast array of proposals to amend the Constitution only 19 have been adopted within the long span of 138 years of our national life.

ONLY THREE ENEMIES OF OUR CONSTITUTIONAL GOVERNMENT

There are but three enemies of the Constitution in the United States. These are ignorance, indifference, and selfishness. The average American inherently respects the Constitution, even though he may not have studied all of its provisions. Like a study of the Bible, 10 minutes study of the Constitution by the most depraved citizen will make of him a better man. The indifferent and ignorant may be aroused and taught, but the self-serving and class interests are dangerous to our ideals and institutions. The great force of a crystalized public opinion has always maintained or destroyed civilization and it will likewise preserve or destroy our Constitution. An enlightened, virile, and patriotic public opinion, therefore, must continue to be the safeguard of this Republic.

HISTORICAL BACKGROUND OF CONSTITUTION SHOULD BE STUDIED

The Constitution of the United States should be made a part of the curriculum of every school in the land. Our youth should be taught not only its simple language, which even the child can understand, but they should learn of its historic background. They should study the lives of its inspired makers, and realize that they were the "greatest architects in governmental structure" in all the history of the world. Behind those closed doors in that great Philadelphia convention hall were men of experience, historians, and scholars of great renown. There were graduates from Princeton, Harvard, Pennsylvania, Columbia, and some who had trained under Blackstone himself, while many had been Members of the Continental Congress. In laying the foundation for the world's last and fairest dream of human liberty truly was it said that those men acted "without the cunning of the politician or the cowardice of the demagogue." They knew the dismal story of Florence and Venice as they crumbled and faded away. They sought to avoid those baneful influences which tore Athens into fragments and conquered imperial Rome. Above all things, they were careful to provide the safeguards of representative government and lasting barriers against a pure democracy. That continuing conflict which began in Philadelphia in 1787; that cause which might fitly be styled "A Republic v. A Pure Democracy" is still on trial before the bar of American civilization.

THINK ON THESE THINGS

The time has come for the American people to renew their faith in our form of representative government and consecrate themselves to the preservation of its fundamental principles. The mind and conscience of our States must be quickened to their high duties and responsibilities if we are to preserve intact the integrity of State governments.

Avoiding the doctrine that the Constitution is too sacred to be amended in any of its parts, the thoughtful citizenship of this country must see to it that only those changes are made which are in harmony with the original purposes of that great document. Let us bear in mind the Biblical injunction: "Remove not the ancient landmarks which thy fathers have set."

It is refreshing that in recent years campaigns in behalf of the Constitution have been waged and warnings sounded against the tendencies to centralize the powers of government. The President in his Arlington address said: "We may wonder that it is necessary to reiterate and defend the fundamentals of our Government, yet the principles of government have the same need for reinforcement and support that characterizes the principles of religion." Paul in exhorting the Philippians said: "Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are pure, whatsoever things are lovely, whatsoever are of good report; if there be any virtue, and if there be any praise, think on these things." If we are to preserve for posterity the ideals and institutions of America, we should follow the advice of the great apostle and think on these things.

LEAVE TO ADDRESS THE HOUSE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that on Saturday, January 21, immediately after the reading of the Journal and the disposition of papers on the Speaker's desk,

Major STEDMAN, of North Carolina, may have 10 minutes in which to address the House on General Forrest, the great Confederate cavalry leader.

The SPEAKER. The gentleman from Missouri asks unanimous consent that on Saturday, January 21, immediately after reading of the Journal and disposition of papers on the Speaker's table, the gentleman from North Carolina [Mr. STEDMAN] may have leave to address the House for 10 minutes. Is there objection?

There was no objection.

ARTICLE BY HON. VICTOR L. BERGER

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article by the gentleman from Wisconsin [Mr. BERGER] on the subject of world peace.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, under leave to extend my remarks, I print in the RECORD an article by Hon. VICTOR L. BERGER on "World conditions for peace," which was published in Current History for January as part of a symposium of "Views of American statesmen."

The article is as follows:

WORLD CONDITIONS FOR PEACE

Mr. Steed wants a declaration by the "accredited spokesman" of the United States that if members of the League of Nations should ever take action against an aggressor nation, America would stand by the league.

The "accredited spokesman" can not do it.

TWO REASONS WHY IT CAN NOT BE DONE

Apart from our traditional American policy, from which our country has deviated only once—that is, during the World War—there are two tremendous obstacles in the way: First, the "treaty" of Versailles, which is a pact of hate and perpetuates hate, and to which we can not become a party, and, second, the competition for the world's markets is bound to create serious dissension between Great Britain and America within a generation, unless there is a strong Socialist Party in our country similar to the Labor Party in England. Diplomatic declarations are worse than useless.

To begin with, by promulgating the "world Monroe doctrine" that Mr. Steed suggests, we would in fact guarantee the "status quo post bellum"—guarantee the condition created by the pact of Versailles, which our Senate rejected.

Mr. Steed virtually wants us to underwrite the decisions of the League of Nations in which we have neither seat nor voice, according to a solemn referendum of our people. Underwrite only the righteous decisions, of course. But undoubtedly the decisions that Great Britain favors will always be "righteous" since this declaration is to be made at the behest of England, which has six seats in the League of Nations. The other side will always be the aggressor. We know history.

UNITED STATES TO BE WORLD CONSTABLE

And the United States is to act the part of a world constable. A peaceable constable, but—we know history. That constable is apt to turn into a highwayman.

The so-called treaty of Versailles now serves as the "legal" basis of all the transactions of Europe. The pact of Versailles is the "world's charter" and the League of Nations was simply created in Versailles as an instrument of the pact. Ask Clemenceau, Lloyd George, Poincaire, etc.

This pact of Versailles, which is the quintessence of 1,000 years of European hatreds and jealousies, is at the bottom of all the troubles of Europe, including the troubles of England, which are far more serious than the world knows. Why should America indorse it by standing behind the decisions of the League of Nations?

Until that infamous pact is scrapped Europe can have no peace and England no prosperity. And it makes not a particle of difference what kind of a new theory the President of the United States might promulgate at this time or any other time.

As to the troubles which are certain to arise between Great Britain and America on account of the competition for the world's markets—more later.

NATIONS MUST PAY PRICE FOR SUPREME CRIME AGAINST CIVILIZATION

Let us but clearly understand that the European nations—and particularly England—are paying the price for the World War. Great Britain can not expect to take part with extraordinary stupidity in the greatest crime against civilization without having to pay for it. The price may be England's position as a world empire, and it may be less. That depends on England's wisdom or England's luck. But England must pay the price. All of Europe has to pay the price. And even America is beginning to pay. Ask our farmers.

AMOUNT OF THE BIG BUTCHER BILL ANALYZED

And here is the bill:

According to the best statistics obtainable, the World War cost 30,000,000 lives and $400,000,000,000 in property.

In order to give some idea of what this means, just let me illustrate it in the following:

With that amount we could have built a $2,500 house and furnished this house with $1,000 worth of furniture and placed it on 5 acres of land worth $100 an acre and given all this to each and every family in the United States of America, Canada, Australia, England, Wales, Ireland, Scotland, France, Belgium, Germany, and Russia.

After doing this there would be enough money left to give each city of 200,000 inhabitants and over in all the countries named a $5,000,000 library, a $5,000,000 hospital, and a $10,000,000 university.

And then out of the balance we could still have sufficient money to set aside a sum at 5 per cent interest which would pay for all time to come a $1,000 yearly salarly for each of an army of 125,000 teachers, and in addition to this to pay the same salary to each of an army of 125,000 nurses.

And, after having done all this, we could still have enough left out of our $400,000,000,000 to buy up all of France and Belgium and everything of value that France and Belgium possess; that is, every French and Belgian farm, home, factory, church, railroad, street car—in fact, everything of value in those two countries in 1914.

For it must be remembered that the total valuation of France in 1914, according to French official figures, was $62,000,000,000.

The total of Belgium, according to Belgian official figures, was in the neighborhood of $12,000,000,000. This means a total valuation of the two countries in 1914 of less than $75,000,000,000.

In other words, the price which the leaders and statesmen of the entente, including the "statesmen" of the United States, made the people of the world pay for the victory over Germany, was equal to the value of five countries like France, plus five countries like Belgium.

WHY ENGLAND JOINED THE "CRUSADE"

And all this was done in order to preserve Great Britain's preponderance in the world's trade and to make France the foremost military power in the world's history—limited only by her terrific indebtedness and inability to borrow much more money. Great Britain could have prevented the war, but Great Britain, jealous of Germany's progress, joined the "crusade."

The most cruel part of the World War was not the ordeal of battle, nor the want which the German people especially had to suffer during the fighting, because they were surrounded by an iron ring. The most cruel part was the hunger blockade after the war, for six months after the armistice had been signed. And in that beastly and inhuman blockade not only Great Britain but also the United States took part.

Hundreds of thousands of Germans—mainly old people, women, and children—perished. This was one of the most dastardly and cruel acts of the Wilson administration. It was accomplished after Germany had laid down her arms on the so-called 14 points. These "14 points," however, were never even mentioned at the peace negotiations at Versailles.

THE ROBBER PACT OF VERSAILLES

And the results of that treaty of Versailles?

The Allies, and especially France, took everything Germany possessed not only in war material, machinery, and rolling stock but also horses, cows, etc.

The Reparation Commission established "reparations" regardless of any promises made in the armistice, and fixed no definite sum which Germany is to pay.

This peace of Versailles divided up 15,000,000 Germans among the hostile neighbors like sheep to be slaughtered. Are we to become a party to this?

Central Europe was Balkanized. The Allies took all the German colonies.

A number of new countries were founded, all of them satellites of France, each of them with a big standing army organized by Frenchmen.

The peace of Versailles helped to build up a monster Frankenstein in militaristic France and a number of smaller Frankensteins of the same kind in Poland, Czechoslovakia, Yugoslavia, and Rumania.

GERMANY'S PAUPER LABOR DANGER TO WORLD

On the other hand, the Germans, a nation which a few years ago was the foremost in the world in power, civilization, learning, art, and commerce, has to-day become a beggar folk. Their very poverty, coupled with the necessity to work cheaply in order to be able to pay the tribute, makes them a peril—German workmen get about one-fourth what American workmen do and less than one-half of the English workmen—and with their talent for organization this cheap German labor has become a danger to the labor of all other industrial nations.

GREAT BRITAIN MAY HAVE TO STAY POOR

As far as the victors are concerned, there is Great Britain standing around with hat in hand, timidly, almost tremblingly—because England is afraid of the French aerial fleet.

That is the only reason why the British Labor Party quietly dropped the scrapping of the treaty of Versailles from its program when MacDonald became Prime Minister.

There are millions of unemployed in England. France, however, up to the present day is not willing to permit Europe to become peaceful again. France is still keeping an army in the Rhine Province, sucking the lifeblood of industrial Germany.

And although England is largely depending on German trade, England is helpless.

So much for Great Britain. Is America to underwrite and perpetuate this condition?

WHAT IS NOW THE GLORY OF FRANCE?

Then there is France, which apparently drew the grand prize of this war. The fact is that France is maintaining the greatest standing army ever known, and is supporting the most elaborate and most military apparatus in history—out of sheer cowardice—since Germany is completely disarmed. It keeps 50,000 men in the Rhine Province alone after leaving the Ruhr district. The Germans, however, must pay for these.

Not only is France maintaining its own costly military establishment, but she has loaned money to Poland, Rumania, Yugoslavia, and to Czechoslovakia for the purpose of maintaining their armies and military establishments to assist French aggression whenever France so desires.

Is America to perpetuate this condition also?

DAWES PLAN MAKESHIFT OF INTERNATIONAL BANKERS TO EXPLOIT GERMANY

And then there is the Dawes plan. This is simply an attempt of the international bankers to enforce the impossible pact of Versailles.

France claims she can not pay her debts to the United States, but the bankrupt and starved German people are expected to pay some $35,000,000,000, which the Allies demand to begin with, because they have not set the total sum as yet, and this is more than thirty times as much as victorious Germany demanded of France in 1871.

Neither does the Dawes plan fix the total amount Germany is to pay. It only decides the amount Germany must pay each year for the next five years. The Dawes Commission does not say whether Germany is to pay that tribute for 100 years or for 1,000.

Furthermore, the plan provides that Germany must pay most of her reparations in goods, since the Allies have taken all the gold Germany possessed.

Thus the great problem is, How much goods can France and Belgium and England absorb without putting their own people out of work?

The Dawes plan worked for the first two years, because under the pretext of the plan Germany could borrow money from American bankers to fulfill her obligations during the first two years.

But for how long can Germany go on borrowing money for that purpose?

Only one-half of what the Germans are to pay is raised by taxation. The rest is a mortgage on the railroads and on all the private establishments, factories, mines, shops, etc., in Germany. These the French can sell to the highest bidder—to the capitalists of their own country, or to J. Pierpont Morgan, or to anyone else any time the Germans fall behind. The French Army is ready and Germany is defenseless. France asks for no declaration from the "accredited spokesman of America."

Evidently French and American plutocrats are looking for some pretext to get hold of all the railroads, factories, and mines of Germany. The Dawes Commission may furnish the pretext.

And, on top of it all, the Dawes plan does not set any date when Germany is supposed to have paid her debt.

HOPE THAT SOMETHING WILL HAPPEN

Moreover, there is also the all-important question, How long will the German people be willing to work like the slaves in Egypt or the slaves in old Rome for their foreign masters?

There is only this difference. That the German slaves are permitted to stay in their own country. According to the Dawes plan, they may have to remain in slavery forever.

All of which proves the Dawes plan the most devilish plan of squeezing and stripping a nation ever concocted in the history of the world.

The German Government and German Reichstag accepted this plan. They did so only under compulsion, because the nation was starving and the French bayonets were at the people's throats. It was only accepted with the hope that something would happen in the future that would show Germany the way out. Is the "accredited spokesman" of America to tell the Germans now that they they are to remain Helots forever?

This hope "that something would happen in the future" is evidently also in the minds of the best English statesmen. They see no way of being able to coerce France, which, if it so desired, could lay waste to London, Liverpool, Manchester, and any other English city within three days, as French papers gleefully point out. France possesses to-day the largest and best-equipped aerial fleet in the world.

A WORLD REVOLUTION MAY BE THE OUTCOME

On the other hand, all sensible men, and especially sensible Englishmen, must be aware that if they permit French and American capitalists to enslave 60,000,000 human beings—white human beings and highly intelligent and efficient human beings—in that manner, this would be the first step for enslaving the working class of England and even of France within a short time. A most terrific and bloody revolution, such as the world has never seen before, would sooner or later follow. And this may bring about bolshevism or wipe out the white race in Europe.

Now, this is an appalling situation. It is a danger which is not only facing Europe, of which Germany is a vital part, but our entire civilization.

GERMANY HAD NO CHOICE

And to return to the treaty of Versailles. It is based entirely on the "sole war guilt" of Germany.

The 14 points on which Germany laid down her arms were not even mentioned in Paris when the peace treaty was framed.

Prof. Harry Elmer Barnes, who studied the question of the Versailles treaty and of fixing the guilt of starting the war, says:

"Germany occupied the situation of a prisoner at the bar. And it was a case where the prosecution simply contented itself with the assumption of the guilt of the defendant. It was not required to furnish the proof. Germany was confronted with the alternative of signing the confession at once or having her territory invaded and occupied, with every probability that such an admission would ultimately be extorted from her."

LIE ABOUT GERMAN WAR GUILT GREATEST LIE OF ALL

It is generally admitted to-day, however, by all those who read the documents pertaining to the origin of the war, that the worst of all the innumerable war lies is the horrible lie that Germany was the sole cause of the World War. The pact of Versailles rests upon it.

The disclosures of the secret archives, which were published by the soviets, supplemented later by those from the German and English foreign offices, prove that Germany, instead of having been more guilty than the other powers in starting the World War, was infinitely less guilty than any of them.

In America we were told, however, that Germany, the "mad dog of Europe," had prepared for 44 years to fall upon the entirely unprepared civilized world in order to chew it up.

We entered the war because babies' fingers were cut off in Belgium by the Huns. We Americans went to war to "abolish militarism in the world forever."

But now we are to have our reward!

AMERICA IS TO HELP "TO DETER AN AGGRESSOR"

Now comes Mr. Steed, formerly editor of the London Times and at present editor of the Review of Reviews in London, and says:

"It's a fundamental truth that without the moral support of the United States there can be no certainty of world peace. Should there ever be a 'next war'—which God forbid, for it would probably mean the bolshevization of Europe—it is inconceivable that one side or the other could triumph without the moral backing of America.

"Englishmen used to say 'my country, right or wrong.' They say it no longer—or, at least, a strong and influential body of them understand that for Great Britain to pursue any policy likely to lead to war, or to attempt to use war or the weapon of blockade for the formation of any specific interest, would be to forfeit her title to the respect of mankind and to court the destruction of the British commonwealth of nations. * * *

"Modern Englishmen ask themselves and would fain ask the American people whether at some future time, after due deliberation and uninfluenced by any save purely American considerations, the accredited spokesman of the American people could not declare that the United States abhors aggressive war and that it will never weaken the hands of other nations which may band themselves together for the purpose of deterring an aggressor or compelling him to desist from aggression."

Mr. Steed remembers that when the British Government in 1920 wanted to send troops to help Poland fight Russia the British trade unions declared categorically that they would stop every wheel in England on 24-hours notice.

"LET GEORGE DO IT"

Evidently this is the strong and influential element in Great Britain now that would not go to war, "right or wrong," for their country. These workers want to be shown.

And since, as he explains at the beginning of his article, the League of Nations is failing to secure the peace of the world, in spite of the Locarno agreements, because neither Great Britain nor France, nor any other of the great military or naval powers, seem to be willing to diminish its armaments; and since it is clear that Germany can not remain permanently disarmed in the midst of armed neighbors unless the Germans agree to be the slaves of their neighbors forever; therefore Mr. Steed is willing to let "George do it." And not George V.

(Coburg) but the successor of George Washington in the District of Columbia is to do it—in case that members of the League of Nations should take joint action against an "aggressive nation."

BRITISH DIPLOMATS WOULD ALWAYS SHOW US THE ENEMY

In other words, Mr. Steed proposes that the United States, which by a referendum of the people has refused to join the League of Nations, should underwrite the league and its decisions by a declaration of "the accredited spokesman."

No "accredited spokesman" has a right to make such a declaration. That is fortunate—otherwise we would soon have a chance to repeat our recent experience. We would soon get a chance to fight some "mad dog of Europe" or Asia. We would fight many more "wars to end all wars." The British Tories would always be willing to show us the enemy.

PROFITS NOT IDEALS GOT US INTO THE WAR

Nevertheless, we are told by Mr. Steed that our "idealism" is not quite fully appreciated in Europe, even at the present time. There are still many ingrates in France and England who believe that we went to war because our munition makers and food speculators, who had profiteered to the tune of $7,000,000,000, wanted still more profits. There are some even in America who say that the fiscal agents of the Allies, Morgan & Co., had about a billion and a half coming from the allied governments, which indebtedness was a poor asset, in spite of all the innumerable victories they had won in the American papers every day, until the United States got into the scrap.

The truth is that no "idealism" got us into the World War. It was an incredible war propaganda—propaganda which probably was more thorough in America than in any country on God's earth. Parliament was told that the British Government spent about $500,000,000 during the war for that purpose, with the explanation that this was the best investment England had made. It was.

THE WAR PROPAGANDA IN AMERICA

More money was spent for propaganda in our country than in any other, and for a much longer period, but that was hardly necessary. The same plutocracy interested in getting the country into the war also controls most of the newspapers and controls the schools, churches, theaters, cinemas, and all means of communication and publicity.

Idealism? All that these propaganda agencies—including the myriads of four-minute speakers—accomplished was to awaken a certain mob spirit ready to murder and lynch. That spirit still prevails.

Of course, some young men volunteered—not very many—for what they called patriotic reasons.

In a sort of a hazy way they believed they were defending their country and their homes, lest "the Kaiser would come over and take all our money away."

MOST OF THEM ARE NOW DEBAMBOOZLED

But that kind of a story could not be repeated in our country for a generation to come—not even in order to enforce a decision of the League of Nations.

These young men are so disillusioned now that they would not even fight to keep up the Polish corridor through Germany or to hold the Tyrol for Italy, although the League of Nations is guaranteeing these and many other things. In fact, most of our soldiers realize to-day that they have been "bamboozled" much worse than "that old Presbyterian" in the White House.

A proclamation such as Mr. Steed suggests would raise a tremendous outcry against that President and his party about meddling again in Europe.

LET EUROPE UNITE ON ECONOMIC LINES

If Europe wants to have peace, Europe must scrap the pact of Versailles and get together on reasonable political and economic lines. The best method would be the formation of a United States of Europe, framed after the pattern of Switzerland, where Germans, Frenchmen, and Italians live together peaceably and happily.

Or if that can not be accomplished as yet, let them unite in two or three large economic units. These could get together again on many international, political, and economic questions.

That's the only solution. A "world Monroe doctrine" would not only add to our troubles but also to the troubles of Europe. Just ask Mexico or Nicaragua.

FOOD, RAW MATERIAL, AND TRADE ARE MAIN CAUSES

And now as to the other reason, the probability of difficulties with Great Britain.

The causes of modern war, and especially also of the World War, are clear to any observer. Most countries of Europe are limited territorially and are densely populated. The food that can be raised is insufficient to support the large population, and the natural resources can not supply the requirements of the industries. This is obviously the case in Great Britain, Germany, Italy, Belgium, and some other countries.

From this condition rises the rivalry for acquisition of foreign colonies, the efforts to defend and extend the oversea possessions and the policies of militarism and navalism. For many centuries sea power meant world power.

NATIONALISTIC HATREDS AND PAST HISTORIES ARE THE OTHER CAUSES

Add to this the memories of previous wars. There were 23 wars between France and Germany in 300 years. The French invaded Germany nineteen times and the Teutons retaliated four times. Add also the national hatreds and the thoughts of revenge—the policies of the "balance of power" in Europe, which was Great Britain's aim for centuries—the secret intrigues of diplomats—the fears and suspicions and megalomanias bred and fed and spread by the vicious nationalistic press in all nations—Pan Slavism, Pan Germanism, Pan Gallicism, and Brittania that must rule the waves—and the powerful armament and munition interests that reap rich harvests out of war—and there we have the sinister background.

No American declaration could make any change in these historical factors.

CAPITALIST SYSTEM INEVITABLY BREEDS IMPERIALISM

But deep at the bottom of modern struggles lie even more fundamental causes—causes rooted in the very nature of capitalist production.

Under the present system the wages received by the workers of any industrialized nation are insufficient to enable them to buy back with their wages what they have produced. The employing class makes a profit on their labor—and must make a profit in order to carry on business. Thus a surplus of products accumulates. The capitalist class, being small in number, can not consume all of the surplus. This surplus must be exported to foreign markets.

Moreover, in every industrialized nation—which to-day means every western civilized nation—it becomes increasingly difficult for the capitalists to reinvest their accumulated profits to advantage in their own country. These capitalists are constantly forced to look for new fields of profitable investment.

Thus capitalism inevitably leads to imperialism. This in turn brings about vast armaments and big navies. And sooner or later it brings war—not only to subjugate backward nations but also to destroy competitors.

Great Britain has been, so far, very successful in destroying competitors for the world market. Great Britain has annihilated the sea power of Spain, France, Holland, and Germany. Who is to be next?

MUSSOLINI MAY ALSO TRY IT

Of course, reactionary governments sometimes also deliberately plunge countries into war for the purpose of crushing progressive movements by creating "patriotic" excitement. This was evidently the case in Russia, for instance, where the Czar used the issue of Pan Slavism—or the world rule of the Slavic race—in an effort to hold down the Russian revolutionists. That is the reason why the "little white father" was so willing to make the plunge. Mussolini may try a similar stunt.

By the way, the only good that resulted from the World War was the dethronement of the Hohenzollerns, Hapsburgs, and Romanoffs—although all of this might have been brought about without a world cataclysm.

SOCIALISTS PREDICTED COMING OF WORLD WAR

At any rate, for more than half a century before the World War socialist writers and speakers warned the world of the impending tragedy, but the warning went unheeded. It is even possible that the capitalist world, constituted as it is, could not heed the warning without undergoing a thorough change, which capitalism fears.

Thus the World War came in spite of the warnings and protests of the socialists, and in spite of the personal desires of many of the capitalists themselves.

AMERICA NOW GREAT BRITAIN'S COMPETITOR

But the same elements and forces are still at work. Germany is crushed. But business is business still. Germany's place in world politics and also in the world markets is rapidly being taken by the United States of America. We are now Great Britain's most powerful competitor.

The statistics issued by our Department of Commerce tell a vivid story.

If the people shall remain blind to the terrible lessons of the World War and continue as they did with war pacts, secret alliances, declarations by "accredited spokesmen," leagues of nations, balances of power, etc., we may have a repetition of the disaster. In other words, if the main causes that brought on the World War—the causes that brought England into the World War—are left to operate, then this World War was surely not the last war.

Then it was only the first of a series of wars, each of them more terrible, more tragic than the one before. And the result may not even be bolshevism, it may be the wiping out of the white civilization and possibly of the white race.

THE NEXT "MAD DOG" WILL PROBABLY CHEW UP THE BRITISH EMPIRE

If England should determine to uphold its rule of the seven seas and its final control of the world's markets—as the Tories want England to do—by insisting on keeping up a larger navy than any other country, then, undoubtedly, England may also fight. And it will get its

allies wherever it can; even in Asia. But most certainly England will not be able to "Copenhagen" its next adversary. The next "mad dog" will probably chew up the British Empire.

And so long as these causes continue to operate any underwriting by the United States of any of these leagues or alliances can help nothing. Any declaration may simply furnish additional pretexts.

And that is absolutely unnecessary, because there always will be pretexts aplenty for a war when one is wanted. And as inventions and science are put to the service of militarism the wars will become more horrible.

SOCIALIST PARTIES A BLESSING

Socialism would have no such problems, of course. And even socialistic governments under the present form of society could readily find a solution. This is one of the reasons why even a big socialist party is a blessing to any civilized country, and would be a blessing to America.

I understand, however, that we can not abolish capitalism overnight. Any such attempt would only bring more misery.

And we do not have a Socialist Party commensurate with the size and importance of the country in the United States to-day, although there are such parties in Great Britain, Germany, Austria, and the Scandinavian countries.

MY PROPOSITION

Therefore this is my proposition:

Scrap the pact of Versailles and all the other pacts dictated by war, hatred, and hell.

Let the representatives of all the civilized nations of the world be assembled in a great world conference for the purpose of undoing, as far as possible, the evil effects of the World War and prevent its repetition.

WIPE SLATE CLEAN OF ALL DEBTS AND INDEMNITIES

Let us wipe the slate clean of all the war debts and indemnities. Germany by this time has paid about one hundred times as much as she should have paid. The reparation claim is a barefaced fraud. Allied cannons did as much damage as did German guns.

SELF-DETERMINATION FOR MINORITIES

Have referendums in all the various countries where there are strong minorities—under the rule of foreign governments. Let such people themselves decide whether they want to stay under that foreign rule. Give them their independence if demanded by two-thirds of the inhabitants of any contiguous district that borders on a nationality of their own.

ABOLISH ECONOMIC BARRIERS

Wipe out the economic obstacles, border lines, and tariffs all over Europe. America is a continent and a world of its own. Have absolute free exchange of production in Europe. Take in Russia also, if Russia is willing to come. If America troubles Europe by an eccentric high tariff, let a united Europe put up the same kind of a tariff against America. We are bright and will soon learn.

AN INTERNATIONAL CONGRESS AND AN INTERNATIONAL COURT

Have an international congress, with certain well understood legislative powers over international affairs. And establish a genuine international court to construe these international laws. America ought to join in that.

USE ONLY ECONOMIC PRESSURE TO ENFORCE DECISIONS

Appoint special commissions of neutrals to consider international disputes as they may arise. Such decisions to be enforced, if necessary, by economic pressure without resort to arms.

INTERNATIONAL CONTROL OF STRATEGIC WATERWAYS

Have international control of strategic waterways, such as the Dardanelles, the Straits of Gibraltar, and also the Suez, Kiel, and Panama Canals.

ASSURE FREEDOM OF THE SEAS

Have absolute neutrality and freedom of the seven seas. Divide up the colonies among the great European nations. We do not need any. In order to make all of this possible there must be as complete and universal a disarmament as necessary. And it ought to be brought about as speedily as possible.

PROHIBIT EXPORTATION OF WAR MATERIALS

And by all means let us have absolute prohibition of exportation of arms, war equipment, and food supplies for war purposes from one country to another.

Some of these propositions may look Utopian. But they are not. All of them are practicable.

If these steps are taken there can be no doubt that wars will be a thing of the past, at least within the white race.

As a primary measure, however, as the "conditio sine qua non"—the pact of Versailles must be scrapped. Otherwise "the next war," which God forbid, will mean the bolshevization of Europe.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the following concurrent resolution:

Senate Concurrent Resolution 4

Resolved by the Senate (the House of Representatives concurring), That for the purpose of interpreting the meaning of the tariff act of 1922 with respect to imported broken rice, "broken rice" shall include only rice which falls within the class "Brewers' milled rice," as defined in the United States standards for milled rice as promulgated by the Secretary of Agriculture.

The message also announced that the Presiding Officer had appointed Mr. SMOOT and Mr. SIMMONS members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CHINDBLOM in the chair.

The Clerk read the title to the bill.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

The sum of $113,000 is hereby appropriated out of the principal funds to the credit of the Confederated Bands of Ute Indians, the sum of $48,000 of said amount for the benefit of the Ute Mountain (formerly Navajo Springs) Band of said Indians in Colorado, and the sum of $35,000 of said amount for the Uintah, White River, and Uncompahgre Bands of Ute Indians in Utah, and the sum of $30,000 of said amount for the Southern Ute Indians in Colorado, which sums shall be charged to said bands, and the Secretary of the Interior is also authorized to withdraw from the Treasury the accrued interest to and including June 30, 1928, on the funds of the said Confederated Bands of Ute Indians appropriated under the act of March 4, 1913 (37 Stat. L. p. 934), and to expend or distribute the same for the purpose of administering the property of and promoting self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress, on the first Monday in December, 1929, a detailed statement as to all moneys expended as provided for herein: *Provided further*, That none of the funds in this paragraph shall be expended on road construction unless, wherever practicable, preference shall be given to Indians in the employment of labor on all roads constructed from the sums herein appropriated from the funds of the Confederated Bands of Utes.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 65, line 23, after the word "prescribe," strike out the language down to and including the word "herein," on line 2, page 66.

Mr. CRAMTON. Mr. Chairman, that simply strikes out the requirement for a report of expenditures. They are reported in the Budget, and another report does not seem to be necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, since I am on my feet I ask unanimous consent to return to page 17, line 23, in order to make a correction. The appropriation for the year 1928 is referred to and it should be 1927.

Mr. EDWARDS. What is the request? I could not hear.

Mr. CRAMTON. In the draft of the bill the appropriation for 1928 is referred to and it should be 1927.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 23, strike out "1928" and insert in lieu thereof the figures "1927."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Boise project, Idaho: For continuation of construction, Payette and Arrowrock divisions, $400,000: *Provided*, That of the unexpended bal-

ance of the appropriation for this project for the fiscal year 1927 there is reappropriated for operation and maintenance, Payette division, $17,000; for investigations, examination and surveys, Payette division, $18,000; for continuation of construction, Arrowrock and Payette divisions, $75,000.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment to correct the text, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 76, line 8, after the word "Payette," strike out "and Arrowrock divisions" and insert in lieu thereof the word "division."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Riverton project, Wyoming: For operation and maintenance, $30,000; continuation of construction under force account, $400,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1928, which is hereby reappropriated: *Provided*, That not to exceed $20,000 from the power revenues shall be available during the fiscal year 1929 for the operation and maintenance of the commercial system; in all, $430,000.

Mr. WINTER. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question with reference to a paragraph on page 80 concerning the Riverton project in Wyoming. I note that the amount is reduced about one-half from that which was reported by the Budget, and I would be pleased to have a word from the chairman with reference to that reduction, and whether it might reasonably be expected to be carried in the next bill, inasmuch as it is not included in this bill.

Mr. CRAMTON. Mr. Chairman, possibly a word about the Riverton project would be of interest. That is an important project and involves altogether a large expenditure. Some time ago what was known as the pavilion division was constructed. Settlement of that division has been slow and unsatisfactory. Then construction was commenced on the pilot division, principally the pilot canal, opening lands nearer the railroad. Congress made a large appropriation for that work. The Secretary of the Interior and the Commissioner of Reclamation went on the project some two or three years ago in the course of that work, and the Secretary of the Interior was so unfavorably impressed that he ordered the work stopped. Since that time construction of the project further has been a matter of some controversy here. Last year the department reversed its attitude and recommended that the construction of the Pilot Division be resumed, and the Budget recommended, in the deficiency appropriation bill that failed last year, an item of something like $500,000.

The majority of this subcommittee went over the project late in September and made some study for two days of its problems, and were more favorably impressed by its possibilities than we had been before. We were impressed, certainly, with the fact that the portion of the project already constructed can not be expected to develop without the further construction of the pilot division. While we were there we were assured that construction of the project beyond the pilot division would not be desired or asked for until there was a reasonable settlement of the pavilion and pilot divisions. Furthermore, we initiated negotiations while we were there which resulted, through the activity of our colleague, Mr. WINTER, and the governor of the State, Governor Emerson, in assurances of the construction of a branch of the railroad into this project as soon as our development becomes an actuality. Also, we have assurances from the beet-sugar companies of the construction of a beet-sugar factory to serve this district, following the development that may be anticipated.

For all of these reasons the committee was satisfied that the work should continue and the pilot division be constructed. That pilot division construction is to cost approximately $1,000,000, or just a trifle more than that. The deficiency item that was submitted in the deficiency bill last year, which failed, was submitted again by the Budget in the deficiency bill that just went through, and by the deficiency appropriation subcommittee was referred to our subcommittee, so that we had before us the two Budget estimates, each for approximately a half million dollars, a total of something over a million dollars for construction of these projects. These items for construction are immediately available. The information that we have on the ground, and since, all goes to the effect that something like a half million dollars is all that can be economically expended in one construction season. Therefore there seems no compelling reason, no substantial reason, for giving an appropriation for a million dollars. The project will be just as well off. Its construction will advance just as rapidly if the further appropriation is given a year from now.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. CRAMTON. Then, Mr. Chairman, I will ask recognition in my own right. I can understand, with the experience which they have had and the disappointment which they suffered before when construction was under way and was suspended, that the people there may well view the future with some uncertainty. I think, however, they may rest entirely satisfied with what we here report. This bill gives a cash appropriation of $400,000 and a reappropriation of $177,000 from the old unexpended balance, and an appropriation of power revenues.

It will give them for construction of the pilot canal something over $500,000, something more than the Budget estimate that was in our bill. Inasmuch as the department after further investigation has, for two successive years, recommended the completion of the construction of the pilot canal, and inasmuch as the Budget has for two successive years recommended it, and inasmuch as our committee after examination on the ground recommends this appropriation, and the report of the Committee on Appropriations indicates that a similar appropriation may be expected to follow it the next year, as the committee report says—

It is to be expected that a similar appropriation will be made in the 1930 bill, permitting completion of the pilot canal in the calendar year 1929—

the people in that vicinity may well feel satisfied as to what may be expected for next year. While the gentleman from Wyoming [Mr. WINTER] knows that I can not vouch for the action of Congress any more than he can, if as much, yet I can say that my own personal opinion is that there is no question about the appropriation of the amount remaining being made a year from now, so that that work can be completed in the calendar year 1929.

Now, that is the action of Congress. What action may be taken by the Interior Department is, of course, another question. But I have no doubt but that since they have now studied the problem they will proceed with the work.

Mr. WINTER. Mr. Chairman, will the gentleman yield there?

Mr. CRAMTON. Yes.

Mr. WINTER. I simply want to say that the explanation of the chairman is clear, and I think it has made manifest the disposition of himself and his subcommittee toward the final completion of this project. I thank the chairman for the statement he has made.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For investigations to be made by the Secretary of the Interior through the Bureau of Reclamation to obtain necessary information to determine how arid and semiarid, swamp, and cut-over timberlands in any of the States of the United States may be best developed, as authorized by subsection R, section 4, second deficiency act, fiscal year 1924, approved December 5, 1924 (43 Stat. 704), including the general objects of expenditure enumerated and permitted in the fourth paragraph in this act under the caption "Bureau of Reclamation," and including mileage for motor cycles and automobiles at the rates and under the conditions authorized herein in connection with the reclamation projects, $15,000.

Mr. SEARS of Florida. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS of Florida. I do so for the purpose of getting some information. Last year, when this bill was up for consideration, I moved to strike out $15,000 and make it $50,000, because I was assured by the department that it would take $50,000 to complete the work. At the beginning of this session, to my surprise, this $50,000 was not included in the deficiency bill. I took the matter up with the department, and my understanding was that the subcommittee would place it in the bill and that the amount would be $50,000 for this work when the bill came before us. I now find that $15,000 is recommended for the reclamation and investigation of arid and semiarid and swamp and cut-over timberland for every State in the Union as sufficient to complete that work. I have before me the statement of the chairman of this subcommittee which I would like to read, because the report says "any State in the Union." I doubt seriously if my friend from Michigan really meant this. He says:

Mr. CRAMTON. On page 365 there is an old item with reference to arid, semiarid, swamp, and cut-over timberlands in the South. At the time you anticipated that there would be in the deficiency bill a

further appropriation, but it was transferred to this bill, and I wish you would prepare a statement with reference to it. The item as submitted by the Budget for the deficiency bill reads:

"For investigations to be made by the Secretary of the Interior through the Bureau of Reclamation to obtain necessary information to determine how arid and semiarid, swamp, and cut-over timberlands in any of the States of the United States may be best developed, as authorized by subsection R, section 4, second deficiency act, fiscal year 1924, approved December 5, 1924 (43 Stat. p. 704), including the general objects of expenditure enumerated and permitted under the second paragraph in this act under the caption 'Bureau of Reclamation,' and including mileage for motor cycles and automobiles at the rates and under the conditions authorized herein in connection with the reclamation projects, $50,000."

Please set forth clearly the progress that has been made, the theory on which the department has been working, what you have done, and what you plan to do next year. For instance, I wish you would give some expression to this consideration. I have had the theory ever since this particular work started that it was leading up to the expenditure of Federal funds for the development of swamp lands and cut-over timberlands in the South, and I have been inclined to oppose it because of that fact. In Michigan we are not going to ask the Federal Government to furnish money to develop cut-over lands, and I think that these other States can very well take care of their own projects along those lines. I notice from the papers that within the last few days there has been a meeting held by Representatives from the South, and that they are declaring for a policy of Federal financing of this program. A number of very distinguished Members of Congress from the South have assured me that that would not be the case. Now, if you have any information as to the policy on which this project is proceeding, whether it is going to be one for Federal financing, or whether it is simply for Federal guidance and cooperative investigation, to be financed locally, I would be glad to have it.

Mr. CRAMTON. The fact is that I referred to the expenditure of Federal funds for the development of swamp and cut-over lands, whether north or south, east or west.

Mr. SEARS OF FLORIDA. I understood the gentleman said "the South."

Mr. CRAMTON. I do not believe in any development in the States by the use of Federal funds for that purpose.

Mr. SEARS of Florida. I thank the gentleman for his statement. It is not so reported in the hearings. On page 80 and page 81 of the bill is the item—

For investigation necessary to determine the economic conditions and financial feasibility of new projects and for investigations and other activities relating to the reorganization, settlement of lands, and final adjustments of existing projects, including examination of soils, classification of land, land-settlement activities—

and so forth, there is an appropriation of $75,000. I did not oppose that. I think I have been big enough and broad enough since I have been a Member of Congress to support propositions of that kind regardless of any sections of the country. These propositions should stand on their own merit. If I felt that the $75,000 would not be sufficient, I would move to increase that to $100,000.

With the information now before me, I am frank to confess to the committee that the expenditure of only $15,000 for any State in the Union would be practically wasted, and if you distributed it among the States of Georgia, Florida, South Carolina, it would be wasted. Last year I referred the matter to the department, and I am satisfied in a letter to me it is stated that practically nothing could be accomplished with a fund of $15,000 except the compilation of data and information. I was assured such was true.

We have some of the richest lands in the world in my State, and that land should be investigated for the benefit of the people of Michigan and other States represented by members of the committee, and then they would know how to utilize that rich land. We know something of that ourselves. I hope some Member of this House will offer an amendment to make it $50,000, because I believe Doctor Mead will not squander that money, and I am satisfied that when the bill goes to the Senate the Senate will increase the amount to $50,000 if we do not. I am satisfied that the convention which is to meet on the 28th of this month, the great leaders of thought in the States, will indorse the increase of the amount to $50,000. I would like to hear from some of my colleagues on that subject.

Mr. Chairman, I withdraw my pro forma amendment.

Mr. CRAMTON. Mr. Chairman, in reply to the gentleman's request for information, I may say that the work in question is quite different from the $75,000 item referred to on page 81. This last item is for economic and other investigations confined almost entirely to projects where we now have millions of dollars invested and where we are trying to get the money back. The appropriation comes out of the reclamation fund chargeable to these projects that will be investigated. The particular item now before us comes out of the Treasury of the United States.

In the course of an investigation leading up to a proposal to adopt a new policy that we have not heretofore carried on, that investigation has been under way for some time. It has progressed so far that on page 936 of the hearings you will find a resolution of a recent conference of these leaders of thought whom the gentleman mentions—the conference on southern reclamation by its committee on legislation; that they have reached the point in their investigation where they have figured out how much money they want to ask Congress for.

The investigation of the work, so far as the expenditure of Federal funds is concerned, has been carried on by the Bureau of Reclamation, in the Department of the Interior, and when Doctor Mead was before the subcommittee a memorandum which is inserted at the top of page 936 of the hearings states that—

In North Carolina, Florida, and Alabama these investigations have not been completed. The appropriation of $15,000 requested will be sufficient to accomplish this result and complete a final report on the work in all seven States. No further appropriations for investigations of this character seem to be necessary unless some constructive action is decided upon and legislation fixing the extent of the Federal Government's participation is enacted by Congress.

When I read that, I was not entirely sure that the doctor and I fully understood the situation. I was not sure that he was aware of the item for $50,000, because he spoke of $15,000; so I wrote him, and as a result I received a letter from him of date December 28, 1927, in which he says:

The $50,000 item for further investigation, to which you refer in the second paragraph of your letter, may be omitted. The item of $15,000, which I believe is at present in the appropriation bill as it is before your committee, however, will be necessary to close up the investigations we have in progress, particularly in Florida, North Carolina, and Alabama, and then prepare the report for transmission to Congress. I trust this item of $15,000 will be left intact.

Of course, he was laboring under a slight misunderstanding. There was only one item before us, and that was the item of $50,000. There was no item of $15,000. So we cut the $50,000 to $15,000 and gave him all we understand he needs, and I think that is all the gentleman can expect us to do.

Mr. EDWARDS. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. EDWARDS. Whose statement is that?

Mr. CRAMTON. It is the statement of Doctor Mead, the Commissioner of Reclamation.

Mr. EDWARDS. And he states that $15,000 is all that is necessary until the work is actually authorized by law.

Mr. CRAMTON. That is it exactly, and we are guided entirely by that statement.

Mr. SEARS of Florida. That is to carry on the work now in hand, which is a mere casual investigation. I am not betraying any confidence when I tell you they want more than $15,000, but they were afraid they will not even get the $15,000.

Mr. CRAMTON. I am sure Doctor Mead was not suffering from such a difficulty.

Mr. SEARS of Florida. He would like to carry on a further examination if the newspaper reports are correct.

Mr. CRAMTON. I put the matter fully before him and asked him whether he needed the full $50,000 or whether he could do without the $50,000.

Mr. SEARS of Florida. He said he would not object if I could have the amount increased here.

Mr. HARE. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HARE. I understand that the chairman contends $15,000 will be sufficient for the investigation until a constructive policy is determined upon.

Mr. CRAMTON. That is the statement of the Commissioner of Reclamation.

Mr. HARE. I would like to know whether the committee has made any plans for a definite future constructive policy for reclamation.

Mr. CRAMTON. That is not within the jurisdiction of my committee. That is a legislative proposition.

The CHAIRMAN. The time of the gentleman from Michigan has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. BUSBY. Mr. Chairman, I move to strike out the figures "$15,000," in line 11, page 83, and insert in lieu thereof the figures "$50,000."

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BUSBY: Page 83, line 11, strike out "$15,000" and insert in lieu thereof "$50,000."

Mr. BUSBY. Mr. Chairman, it seems that this particular item for investigations to be made by the Secretary of the Interior, through the Bureau of Reclamation, to obtain necessary information to determine how arid, swamp, and cut-over lands may be developed has been pretty well discussed by the chairman of the subcommittee, by my colleague from Florida [Mr. SEARS], and others. I happen to recall the very strong sentiment that was expressed by the department that is handling this proposition on the occasion of the getting together of the reclamation advocates last year, the occasion which has been referred to. At that time all were of the opinion that the $50,000 which was being provided for in the deficiency appropriation bill was as little as we ought to have for that work.

There is a turn of affairs in the southern section of our country which makes it imperative that we give some attention to the development of that section as well as to taking in the arid lands in the western part of the United States. I am sure every one is familiar with the reclamation fund that has been used for a great many years in the Western States, and used freely by them because it was set apart for them. The chairman of the committee now tells us we are using $75,000 out of the Treasury for the purpose of investigating conditions surrounding those projects so that we may protect the money that has gone out of the reclamation fund.

Mr. CRAMTON. I do not want the gentleman to misunderstand me, and I am not sure whether he does or not. The $75,000 comes out of the reclamation fund.

Mr. BUSBY. Well, it is a matter of bookkeeping as to which one of the items you would place it in.

Mr. LEAVITT. Is the gentleman familiar with the manner in which the reclamation fund is created?

Mr. BUSBY. Yes; I know that exactly.

Mr. LEAVITT. It is not created out of funds from the Treasury but is created mostly from the sale of public lands and oil leases in the West.

Mr. BANKHEAD. It is not created entirely from the sale of public lands in the West. Alabama has contributed to that fund, and I believe the State of Texas and a great many other States.

Mr. LEAVITT. But the bulk of it comes from the Western States.

Mr. BUSBY. The fund is made up of moneys derived from the sale of public lands and public properties, the proceeds of which go into this reclamation fund.

Mr. ARENTZ. Most of the money comes from oil leases.

Mr. LEAVITT. The sums received from sources other than western oil leases and the sale of public lands are very small and almost immaterial. Of course, I do not say that in opposition to the gentleman's position.

Mr. BUSBY. I am not in opposition to the great work that is being done in the West, but the proposition I want to present here is the necessity for an increase in this amount if we are to carry out the original program outlined by Doctor Mead and according to his own statements and his own words last year. Now, undoubtedly the department has altered its attitude on this proposition, but I believe an increase in this amount is necessary and should be provided in order to properly carry forward this particular class of work. Everyone knows that the South has made very few calls on the Government and has rarely asked for consideration at the hands of the Government from a financial standpoint.

If I did not feel this proposition was absolutely a necessary proposition and a valuable one to the country, and would bring material returns for the amount of attention and investment placed in it, I would not stand before you and advocate the adoption of the amendment I am offering here to-day.

With the progress of the South and the attention the country is turning to the South, especially from the dairying standpoint, you can not understand just what that means by the simple statement, unless you can see the northern and eastern dairying interests coming into that section, and with this condition confronting us, I feel we should be at least reasonably lenient toward the development of this particular proposition, and the gathering of information along the lines provided for in this fund. For this reason I have offered the amendment and ask its adoption.

Mr. McLAUGHLIN. Mr. Chairman, I am not in a position to express an intelligent opinion as to whether $15,000 is enough or the amendment offered by the gentleman who has just spoken should be adopted.

It was my privilege during the holiday recess of the Congress to make a trip to Florida with a number of the members of the Rivers and Harbors Committee, who went there in an official capacity to make an investigation of a proposed harbor improvement on the east coast in the vicinity of Fort Lauderdale and Hollywood Beach.

I am sure the members of the Committee on Rivers and Harbors were very favorably impressed with the situation as they saw it. Several days were devoted to looking over that territory, including some long trips, hundreds of miles, through the Everglades and up to and around Lake Okeechobee. My understanding is that if the harbor improvements shall be made, then provision will be made for connecting the harbor with the waters of this lake as they flow through the Everglades to the ocean. This will lead to a development of the Everglades, an area of approximately 4,000,000 acres, in portions of which there has already been wonderful development.

This was my first visit to Florida and what I saw there was a revelation to me, and little as I am able to estimate and form an intelligent opinion of the prospects of development, it seems to me the opinion is justified that with and as a result of the harbor project there will eventually, soon, I believe, be large growth and improvement, large industrial and agricultural development. We saw farms, great gardens, where vegetables were growing; we saw sugar plantations where sugar cane is grown, the most wonderful growth that any of us had ever seen, the ground being wonderfully fertile and analyses showing that the cane has a higher sugar content than any other cane grown in the world.

As to agriculture, everything there seems to lend itself to progress and development, and as the chairman of the subcommittee having charge of this bill says that no more money should be spent for these investigations than is in this bill provided until some project is determined or some development decided upon by the Congress, my impression is there will be a substantial harbor improvement down there. If this harbor is constructed and maintained the canal between Lake Okeechobee and the ocean will be opened. There will be commerce passing through the Everglades between the lake and the ocean, and there will be industrial and agricultural development. Everything indicates that the country will lend itself to this development, and if there is to be early harbor construction, as I trust there will be—if this prospect of harbor improvement is such a project as the gentleman from Michigan [Mr. CRAMTON] speaks of—then it may be time now to make an increase of this appropriation.

I am simply giving the committee the benefit of what I saw on the occasion of my pleasant visit to Florida, wishing simply to express firmly the opinion that it is a section of country to which the Federal Government should direct its attention and do everything that can becomingly and consistently be done. If more money than this bill carries is needed, it ought to be forthcoming and generously supplied.

The CHAIRMAN [Mr. LEHLBACH]. The time of the gentleman from Michigan has expired.

Mr. BUSBY. Mr. Chairman, I ask unanimous consent that the gentleman may have three additional minutes in which to answer questions.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for three additional minutes.

There was no objection.

Mr. BUSBY. Will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. BUSBY. Does not the gentleman realize that the very class of investigation we are asking for here must precede any intelligent action by Congress on a plan or program for reclamation or carrying forward the great work that the gentleman refers to in that particular section?

Mr. McLAUGHLIN. The Committee on Rivers and Harbors went to Florida only to look over the harbor proposition. I have said if that improvement is to be made, and when it is made, perhaps coincident with its construction, there may be a call for further investigation and further activities by our Government. There is abundant opportunity for it, and I trust that at the right time, I do not know whether it is now or not, suitable appropriations should be made.

Mr. BUSBY. Of course, the gentleman realizes that about six or seven Southern States must rely on this small amount of $15,000 for further investigations. If I understand the gentleman correctly, he was only in one portion of Florida.

Mr. McLAUGHLIN. Yes.

Mr. BUSBY. If other conditions are like that throughout these Southern States, then does not the gentleman feel that more than $15,000 should be provided with which to furnish us information regarding the situation, so that we can intelligently proceed with our legislation?

Mr. McLAUGHLIN. I wished to speak only of what I saw and the impressions I gained from traveling hundreds of miles over the fine roads in the portion of Florida I was privileged to see.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. CRAMTON and Mr. BANKHEAD rose.

Mr. CRAMTON. If the gentleman from Alabama will permit, I ask unanimous consent that after 20 minutes of debate on this paragraph and all amendments thereto that debate thereupon be closed.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that debate on this paragraph and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, this question of reclamation as it affects the southern sections has been one that has interested me for a number of years. In the Sixty-sixth Congress I introduced a comprehensive bill involving a policy along these lines. The reason that I thought the provisions of that bill were justified was because of my study of the western reclamation problem. Congress has been very liberal to you gentlemen of the West on your schemes out there, for it has appropriated and spent, in effect, out of the public funds to date at least $150,000,000 on western reclamation problems.

I have always believed that basically the whole proposition was unsound, because it did not provide that the Government should receive a reasonable amount of interest for the development of these resources. In addition to that a great many mistakes have been made in the selection of feasible sites which have proved disastrous to the Government and the occupants, as you all know.

Here you carry $75,000 in this bill for new projects. That is the language of the bill—feasible new projects in the West.

Mr. CRAMTON. The greater part of it is in trying to figure out how we will get the money out of the projects we have already inaugurated.

Mr. BANKHEAD. Then you ought to change the language in the bill. If it is not for new projects the language ought to be changed, for that is what it says.

Here is the attitude of the Representatives from the South on this question. There are millions of acres of swamp and overflowed land much more feasible for reclamation than the arid lands in the West, and our position has been since I started the fight that as a matter of equity one section of the country—and it ought not to be a sectional question—should have the same right as the other. The problem is one of national scope and authority. That is the reason I introduced the bill and had extensive hearings on it. President Harding in a message said that justice and wisdom should recognize our claims in the South for reclamation.

You say that this does not come out of the Treasury. It is true that it comes out of the reclamation fund, but if it had not been provided with receipts from public lands which have been converted into this fund they would have gone into the Treasury of the United States.

I realize that under the statement of the Commissioner of Reclamation the chairman of the subcommittee is well fortified in his objection to increasing the appropriation. But I do say—and I did not expect to say anything on the subject—that we have in the South, and you gentlemen who have been there know it—infinitely more inviting fields for real reclamation, at an infinitely cheaper cost, than you have in many western propositions, and especially along the lines of new projects that you are going into. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. WHITTINGTON. Mr. Chairman and members of the committee, the item under consideration is for the purpose of further investigations looking to a policy of national reclamation. As has been suggested by the gentleman from Alabama [Mr. BANKHEAD], to be justified as a national policy reclamation must be extended to apply to all portions of the country. I think this object is one that promotes national progress and national development.

NATIONAL RECLAMATION

The Federal Government did not embark upon a general policy of reclamation until 1902. Prior to that date irrigation had been carried on by the several States and by development companies.

It is estimated that under the policy inaugurated by the United States about 25 years ago some 2,000,000 acres of land in the West have been reclaimed. The appropriations aggregate approximately $200,000,000 for the reclamation of arid lands in the Western States, including the State of Texas. It is well to remember that only one-tenth of the land irrigated in the United States has been financed by the Federal Government.

This is not a new subject in the United States. Many Commonwealths owe their agricultural progress to the policy of reclamation. The State of Utah started such a policy more than 50 years ago. Something like 20,000,000 acres of land in the arid and semiarid regions of the United States have been reclaimed.

The Federal Government does not make a donation for reclamation. The Government lends the money for the construction of the project; and the cost of the project, without interest, is to be repaid by the settler. The item of interest is an important one. In order to obtain Federal legislation for reclamation it was at first insisted that some Federal interest must be involved. Originally the reclamation of public lands was provided for. However, Federal reclamation has been extended to private ownership, and many projects have been authorized where no public lands are involved.

It has been estimated that the item of interest consumes about 40 to 50 per cent of the cost of drainage improvements in the South. Reclamation in the South means drainage. If the Federal Government were to extend the same aid in promoting reclamation by drainage that it does in promoting reclamation by irrigation, it would save about 50 per cent of the cost of improvement.

In 1902 a revolving fund for reclamation was created from the sale of public lands after that date in the 16 arid and semiarid Western States. Subsequently, in 1907, the State of Texas was included in the reclamation program. There are no public lands in Texas, and it can not, therefore, now be said that reclamation only obtains in those States where public lands have been sold since the passage of the act.

Large areas of public lands have been sold in the States of the South as well as in the Western States since 1902. The idea was that in the West the proceeds of public lands sold would be utilized to reclaim and develop the remaining public lands in the Western States. It was argued that in 1850 the Government had donated swamp and overflow lands to the several States in an effort to promote the internal improvement of the country and to provide for the reclamation of swamp lands. The fact is, however, that the legislation donating the swamp and overflow lands was extended to all the States of the Union. Mississippi received about 3,288,418 acres, while Minnesota received 4,677,649 acres, Michigan 5,656,000 acres, California 2,188,547 acres, and Wisconsin 3,251,830 acres.

It is also the fact that upon the admission of the Western States larger areas of public lands were donated to them than were donated to the Southern States or to the other older States of the Union at the time of their admission.

Reclamation is, therefore, being promoted by appropriations from the Federal Treasury. It is interesting to recall that even in the arid and semiarid Western States drainage is an essential part of reclamation. If the water is permitted to remain on the lands without any system of drainage, large areas become useless. Reclamation in the West means applying water to the lands; it also means taking water off of the lands after it has served its purpose. So reclamation in the South means taking water off the lands so that they can be utilized for cultivation. I repeat that reclamation in the South is synonymous with drainage.

There is just as good reason as a matter of public welfare and under the Constitution of the United States for extending the policy of reclamation to other sections of the country as there was for inaugurating it for the benefit of the Western States.

Thus far reclamation has been confined to the West. In many instances appropriations should not have been made, and the improvement should not have been done. There have been mistakes. The policy ought not be entirely abandoned because of mistakes that have been made. Mistakes are made in all lines of human endeavor. The need for efficient reclamation, however, remains and must be recognized.

Reclamation is as old as recorded history. Egypt developed agriculture by irrigation from the Nile. Farming was made possible in Mesopotamia by irrigation from the Euphrates. Reclamation by irrigation is to-day practiced in Europe, Asia, Africa, and Australia.

RECLAMATION AND DEVELOPMENT OF SWAMP AND CUT-OVER LANDS IN THE SOUTH

Congress recognizes that reclamation should be national and accordingly for the fiscal year 1919 appropriated $100,000 for the investigation of lands outside of the then existing reclama-

tion projects in other sections of the country. Valuable information covering every State in the Union was accumulated, particularly in the South.

In 1924 Congress authorized an appropriation of $100,000 to obtain information as to how arid, semiarid, swamp, and cut-over land might best be developed. Appropriations of $15,000 were made by each of the sessions of the Sixty-ninth Congress. These appropriations were utilized to good effect by Dr. Elwood Mead, the efficient Director of Reclamation.

There is a widespread movement throughout the South for the conservation of the soil and for the reclamation of abandoned farm lands, as well as for the reclamation of swamp and cut-over lands. From every standpoint and from every angle there is just as good reason for Federal aid in drainage of swamp lands as there is for irrigation of arid lands.

The Federal interest is just as valid in one case as in the other. As a matter of fact, swamp and cut-over land can be reclaimed in the South at very much less expense than water can be applied to arid lands in the West. We are not denying the right of Federal aid for efficient reclamation. However, the policy of reclamation must be extended to embrace the entire country or it must be restricted. In many parts of the North, reclamation means drainage; in other parts of the country, reclamation means the restoration of worn-out and depleted lands. It may be more profitable to reclaim much of the nonproductive and depleted lands by growing timber thereon rather than by cultivation. Agriculture would be promoted by the cultivation of fertile lands and by utilizing the less fertile lands for growing timber in many instances. Reclamation means conserving areas that are already reclaimed, rather than extending and enlarging the cultivated areas. It would be more economical to aid the drainage districts of the South in caring for their indebtedness in constructing their drainage systems than it would be to encourage and assist in the development of other lands for cultivation. This is true in many cases and in many parts of the country.

PROBLEM OF INCREASING POPULATION

It is frequently said that other lands ought not to be brought into cultivation. We have had Federal reclamation for 25 years. There are about 1,242,750 acres on Government irrigation projects, and in 1925 they produced crops valued at $96,100,000. The total number of acres farmed in the United States during that year aggregated 372,000,000, with crops valued at $13,031,000,000. But a small percentage of the cultivated lands in the country is irrigated; only a small percentage is drained.

However, population is increasing at the rate of about 30,000,000 every 25 years. We can afford to ignore the warning of those who say there is danger of overproduction. We must look to the future as we provide for the present. It has been well said:

> Our last frontier has disappeared. The country must live within itself, and it is the part of good husbandry to protect our capital investment and restore by artificial means that which has been lost because of the demands of immediate necessity.

AIDED AND DIRECTED SETTLEMENT

There has been a revolution in the fundamental principles underlying reclamation. An evolution in the policy is easily observed. In all sections of the country the underlying principles that must govern all successful reclamation is aided and directed settlement. We have the experience of 25 years to profit by. Our mistakes in reclamation will be too expensive if we do not profit by them. The Bureau of Reclamation is aware that some projects have failed. There is much criticism of the Federal reclamation policy. Some $25,000,000 advanced by the Federal Government have been charged off. Reclamation has not been profitable in many cases. The Federal Treasury has lost, in many instances.

We have come to know that reclamation means building up a community as well as the construction of dams and reservoirs. The original idea of building dams and constructing canals is not enough. Turning water on dry land is not reclamation. We have come to know that the failure to recognize other important elements is responsible for the criticism directed against the general policy. The defect in the policy was not in the method of construction, but it was in the matter of settlement. The failure is attributable to the neglect of the human element. It takes men to build a community. Settlers must be given a chance; they must have credit. There must be a community life. Settlements can not be in isolated units, but must be in groups to secure social and economic advantages.

Markets must be studied and a definite program of crops adopted. Transportation must be considered. Above all, the method should be for ownership rather than for tenancy. The policy of reclamation must not be perverted to enable the land speculator to use Government funds for his own profit. Reclamation must be for the public benefit. It must be utilized to make the country more attractive and rural life more desirable. It must be utilized for the Nation and not merely for one section of the country. Both the need and the justification are as important in one case as in the other.

NATIONAL, NOT SECTIONAL

Reclamation is a part of the internal improvement policy of the United States. It distributes production; it distributes population; it creates national wealth; it provides for transportation; it furnishes markets for factories; it makes business for railroads; and it contributes to the health and wealth of the community and the Nation.

The abandonment of farms is a menace confronting the American people to-day. There are fewer farms in Mississippi to-day than there were five years ago. It is primarily an agricultural State. One of the great problems confronting the Nation is to make the countryside more attractive. The pioneer days are past. The farmer will no longer endure the hardships of life on the frontier. Life in the towns and cities is too attractive; work in the factories is too remunerative.

But agriculture is the basic industry of the country, and the Nation for its own well-being must protect agriculture as a part of the general policy for the public welfare. The Government must promote country life in the United States. Cities may multiply, but the citizens must be clothed and fed. The population of the Nation is increasing and we must provide for a larger population with each succeeding year. The West is entitled to reclamation, so is the North and the East and the South.

The South is a particularly inviting field. Its advantages are numerous. We have greater rainfall, more fertile soil, and a longer growing season. The cost of drainage in the South is far less than the cost of irrigation in the West. In the South we are closer to the markets of the country. It is not necessary to transport the products of the South over the transcontinental railroads.

Then, too, the South is facing the dawn of a new day. The eyes of the Nation are turning toward the superior advantages and marvelous resources of the South. Cotton mills are being moved from New England to the Carolinas; factories are being moved from Massachusetts to Tennessee.

The people of the South are determined to cooperate in every way possible to promote the reclamation of the entire country and in formulating a broad policy for reclamation. If Federal aid is extended for bringing into cultivation more acres in the arid West, it must be extended to aid in draining the swamp lands of the South. Aided and directed settlement is proclaimed as the salvation of the South. It must be practiced in the reclamation of the West. The theory must be converted into practice. One policy ought not to be advanced for the South and another for the West. We stand for the policy. We do not want exceptions made in any case. We ask that the same relief be given all sections.

If California can point with pride to her colonization policy for rural development, North Carolina can point with equal pride to the more successful and interesting experiments in land settlements that have been conducted by such public-spirited men as Mr. Hugh McRae of that State.

The modern and better idea is that in reclamation and rural development the fundamental element is not necessarily the reclamation of more land, but the building of homes; not the construction of more improvements, but the establishment of communities with facilities for social, business, and intellectual life that are attractive to worth-while citizens.

The South is ready to cooperate with the other States of the Union in promoting a national policy and a national program of reclamation. Without such a program reclamation can not succeed. The successful policy can not be sectional; it must be national.

Mr. GREEN of Florida. Mr. Chairman and gentlemen of the committee, I hope that the amendment offered by my colleague from Mississippi [Mr. BUSBY] will prevail. My mind goes back to the meeting about a year ago of those who were interested in reclamation work. They came here from all over the southeastern section of our country. Their expenses to Washington probably meant a great deal more than the small amount of money obtained. But it showed the willingness on their part to present the question to the Congress of the United States and to the country showing what they were interested in and willing to do on their part. It seems to me that the appropriation requested here of $50,000 when you spread it over seven or eight States is a very modest request.

The Nation is looking toward the South for its future field of fortune, expansion, business development, and industrial and

economic evolution; all eyes are turned on the South, and on Florida in particular. This vast area of fertile and profitable land can and will be soon profitably utilized and developed.

Fifteen thousand dollars is about $2,000 a State, yet we vote millions of dollars here for dams and other projects, which all mean for the development of our Nation. I vote for any section of my country that needs relief. When you want the arid lands reclaimed, I am willing to vote for it if the request is reasonable. Our Nation is well only when all sections of it are prosperous, happy, and are well cared for.

I appreciate the statement just made by my colleague from Michigan [Mr. McLAUGHLIN] when he told about his recent Florida trip, and of the great advantages and possibilities of Florida. Florida has already expended some $11,000,000 in the reclamation of the Everglades. We have millions of acres of cut-over lands in the South on which we need scientific advice with respect to their development, and the whole Nation as well as the South needs this section reclaimed and developed. Probably Doctor Mead needed the $50,000, but perhaps he wanted more for some other cause and feared he would jeopardize his causes if $50,000 was asked for the South. The South and the Nation would benefit by the additional appropriation, and I hope the amendment will prevail. [Applause.]

Mr. SEARS of Florida. Mr. Chairman, I trust I shall not be misunderstood by not offering the amendment. I simply want to get some information, and I want to repeat that if we appropriate only $15,000 you will not be able to scratch the soil in Florida with an investigation, much less any of the other States. If you want to waste that amount, go ahead and do it. I say to you as a Representative in Congress that the department is anxious to increase this sum. I want to thank my good friend from Michigan [Mr. McLAUGHLIN] for the nice things that he said about our State, and in reply will state that we already have a harbor of 25 feet at Miami. The members of the Committee on Rivers and Harbors are familiar with that, and we are going to have some other harbors. I now have before the committee two surveys for cross-State canals that will go through that rich section.

I sincerely trust that this House will not play with the proposition, but will give the department enough money so that a real investigation may be made, and that your friends who desire to purchase down there, if any so desire, will have real information and not fictitious or false or partial information, as they have had in the past. I hope the amendment will prevail.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. HASTINGS. The gentleman has read the hearings. Doctor Mead, in charge of this work, came before the subcommittee and said that this is all the money that we need. The subcommittee allowed him this sum of $15,000. Does the gentleman think it is fair to the committee, when no one appeared before the committee, to attempt to justify this increase now, when the head of the Reclamation Service says that $15,000 is all that is needed? In fairness to the Subcommittee on Appropriations and to the full Committee on Appropriations, if more money is needed for this particular work, ought not you gentlemen who are now speaking in favor of this amendment to appear before the Committee on Appropriations and give it an opportunity to hear what you have to say in justification of your proposed amendment?

Mr. SEARS of Florida. Did not Doctor Mead make so many other requests that he had to be modest in this work?

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. HASTINGS. Mr. Chairman, I shall take a minute or two to complete what I have to say. We have here 1,196 pages of hearings.

Mr. SEARS of Florida. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. SEARS of Florida. I gave the gentleman two minutes of my time in which to fight this thing and I did it to save time. The gentleman asks why we did not come before the subcommittee. I will answer that by saying that we did not because we never dreamed it would be cut down.

Mr. HASTINGS. If the gentleman thinks there is pressing need for an increase in this appropriation, in fairness to the regular procedure of the House, does not the gentleman think that when the bill goes to the Senate he ought to go before the Committee on Appropriations and seek there to thoroughly justify this proposed amendment so that the matter may be fairly considered and not come here on the floor of the House, when there has been no consideration given to this extra amount by the committee, and ask that this be done at this time? The gentleman knows that we have been trying to assure everyone that there shall not be any logrolling and that every item in this bill has had a fair consideration. I am sure that no man will criticize any member of the subcommittee when he reads these hearings and finds that Doctor Mead has said that $15,000 is all that he wants.

Mr. SEARS of Florida. When my friend gets to the Senate, I shall go to him, but until that time I shall not follow such tactics as he suggests.

Mr. CRAMTON. Mr. Chairman, this subcommittee does not know any politics or any section of the country. All sections are treated alike on their merits, and both sides of the aisle are treated alike. That is that.

There has been an investigation under way for two or three years leading up to some definite program of development of those swamp lands in the South, and they have come to the point where they have adopted resolutions as to what they want, and a bill has been introduced providing that money shall be taken out of the Treasury to improve those swamp lands. That investigation has been under the direction of the Commissioner of Reclamation, and he said to our committee that he did not need more than $15,000, and he did not think more than that should be expended until Congress had provided a definite program by legislation.

The wisdom of that program which is proposed is not involved now. The only question involved now is whether, when the head of a responsible bureau who has been carrying the work along says to the Committee on Appropriations that $15,000 is all he needs, we shall thrust upon him $50,000. That is the only question that is involved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. BUSBY) there were—ayes 32, noes 64.

So the amendment was rejected.

The Clerk read as follows:

Appropriations herein made shall be available for payment of the costs of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior;

Total, United States Geological Survey, $1,758,080.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Montana moves to strike out the last word.

Mr. LEAVITT. In the debate a few moments ago a statement was made in regard to the sources of the reclamation fund. I said that practically all of the fund was derived from the western public-land States. Since that time I have been able to secure the figures. Since the passage of the act of June 17, 1902, the reclamation act, there has been paid into the reclamation fund from oil leases, the sale of public lands, mineral leases, and to a small extent from the water power act, about $140,000,000. Of that amount, Alabama had contributed $46,000 and Louisiana about $10,000, practically all from coal leases. That is all that has been paid into the reclamation fund from any States in the Union except the public-land States of the West.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Grand Canyon National Park, Ariz.: For administration, protection, and maintenance, including not exceeding $2,100 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, $113,460; for construction of physical improvements, $55,540, including not exceeding $45,700 for the construction of buildings, of which not exceeding $1,700 shall be available for a checking station, $18,000 for an administration building, and $20,000 for a hospital building and equipment; in all, $169,000. The amount of $1,800 for the construction of a caretaker's cabin at sewage-purification plant, appropriated for the current fiscal year, is made immediately available for the construction of such employee's cottage in the Grand Canyon village site.

Mr. TEMPLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TEMPLE: Page 90, line 10, after the word "site" at the end of the line, insert the following: "Funds herein appropriated shall be available for the maintenance of a road within the following-described area, which is hereby added to and made a part of the Grand Canyon National Park: Beginning at the corner common to sections 14, 15, 22, and 23, township 30 north, range 4 east, Gila and Salt River meridian; thence west along the section line between sections 15 and 22, a distance of 950 feet; thence south a distance of 1,320

feet to a point on the south line of the north tier of forties of said section 22; thence east a distance of 1,610 feet; thence north a distance of 1,320 feet to a point on the line between sections 14 and 23; thence west along said section line, a distance of 660 feet to the place of beginning, containing an area of 48.79 acres more or less: *Provided*, That livestock permitted to graze in adjoining national forest areas shall be allowed to drift across the land described herein to private land north thereof within the park."

Mr. TEMPLE. Mr. Chairman, perhaps an explanation of this amendment is desirable. It provides that the funds appropriated in this paragraph may be used for the maintenance of a road within an area which now lies outside the park but which under this amendment would lie inside the park. That area is a little less than 49 acres. A commission, of which I was a member, was appointed about two years ago to adjust the boundary between the Grand Canyon National Park and the adjacent national forest. We considered then the advisability of taking in this small area but found that by doing so we would entirely surround the property of a private owner. In order to avoid closing him in he agreed that the road might cross his land. Now he seeks considerable compensation for permitting the road to cross his property. Of course, it is desirable always that the roads pass only over park land. If we add this 49-acre piece we can maintain the road entirely on park lands.

To preserve this man's rights we provide that his cattle, pastured on adjacent forest lands, may be permitted to cross from the land of the national forest to his private land, though by doing so they cross through a narrow portion of the national park. I have consulted the Representative from the State of Arizona, where this man lives, and, if I may say so, contrary to the rules, with the Senator from Arizona, who was formerly a Member of this House, and I find it is satisfactory to them. That is all I care to say unless there are some questions to be asked.

Mr. CRAMTON. I understand also that the gentleman has spoken with the chairman of the Committee on the Public Lands about this?

Mr. TEMPLE. Yes; and with the Congressman from Arizona.

Mr. CRAMTON. In view of the fact that the chairman of the Committee on the Public Lands has been consulted, I shall have no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Yosemite National Park, Calif.: For administration, protection, and maintenance, including not exceeding $5,350 for the purchase, maintenance, operation, and repair of horse-drawn and motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding $3,200 for maintenance of that part of the Wawona Road in the Sierra National Forest between the park boundary 2 miles north of Wawona and the park boundary near the Mariposa Grove of Big Trees, and not exceeding $2,000 for maintenance of the road in the Stanislaus National Forest connecting the Tioga Road with the Hetch Hetchy Road near Mather Station, and including necessary expenses of a comprehensive study of the problems relating to the use and enjoyment of the Yosemite National Park, and the preservation of its natural features, $290,000; for construction of physical improvements, $95,000, of which not to exceed $65,000 shall be available for water supply and camp-ground facilities at Glacier Point, $8,000 for two comfort stations and two community buildings at the winter camp grounds, and $6,000 for two employees' cottages; in all, $385,000.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 95, line 2, strike out "$95,000" and insert in lieu thereof "$97,250," and in line 6, after the word "cottages," insert "for the construction of a building to cover the sewage-disposal tank."

Mr. CRAMTON. Mr. Chairman, under date of January 9 the Budget has submitted a supplemental estimate of $2,250. In connection with it they say:

A report submitted on November 14, 1927, subsequent to the preparation of the Budget for 1929, by a sanitary engineer of the United States Public Health Service, on the operation of the sewage-treatment plant installed in 1921 at Yosemite National Park, shows that because of the large increase in the volume of sewage treated the odors from the plant have become so intolerable during the summer season as to require the early adoption of measures for the abatement of this nuisance. To remedy the situation, it is proposed to cover the septic tanks with a reasonably tight inclosure which can be opened and closed at such times as will render the odors relatively unobjectionable.

So the item that accompanies this statement from the Budget is the amendment that I have offered.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer an amendment to correct the total.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Strike out the figures "$385,000" and insert "$387,250."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Construction, etc., of roads and trails: For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior, including the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park and the international boundary, and the Grand Canyon Highway from the National Old Trails Highway to the south boundary of the Grand Canyon National Park, as authorized by the act approved June 5, 1924 (43 Stat. 423), to be immediately available and remain available until expended, $2,500,000, which includes $1,500,000, the remainder of the amount of the contractual authorization contained in the act making appropriations for the Department of the Interior for the fiscal year 1928, approved January 12, 1927: *Provided*, That not to exceed $9,000 of the amount herein appropriated may be expended for personal services in the District of Columbia during the fiscal year 1929: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of $4,000,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for the construction of roads in national parks and monuments shall be considered available for the purpose of discharging the obligations so created.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 9, line 24, after the colon insert: "*Provided further*, That balances of prior appropriations for construction of roads and trails in national parks shall remain available until expended."

Mr. CRAMTON. Mr. Chairman, the appropriations in this bill are so available and it had been supposed that appropriations made in prior years were likewise to be treated as available until expended, but it has been ruled by the Comptroller General that appropriations made for certain years heretofore were not. That complicates the situation, and it is rather difficult to unscramble the matter of bookkeeping. Therefore this amendment is suggested.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

GOVERNMENT IN THE TERRITORIES

TERRITORY OF ALASKA

Governor, $7,000; secretary, $3,600; in all, $10,600.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Chairman, I take it that after a law has become effective it is the province of the Appropriations Committee to provide appropriations for the carrying out of such a law and to see that the appropriations are economically and properly administered. Naturally the Appropriations Committee has nothing to do with general policies. While I have been critical of conditions in Alaska for several years, it is not my purpose to object to any appropriations; in fact, I expect

to vote for these appropriations, and I suspect they will be voted for unanimously; but I do wish to point out, very briefly, where, it seems to me, Congress itself, and perhaps governmental officials, have been lacking in their duty toward that Territorial possession.

In the President's message to Congress at the opening of the Sixty-ninth Congress we find this sentence—

The time has come for careful investigation of the expenditures and success of the laws by which we have undertaken to administer our outlying possessions. A very large amount of money is being expended for administration in Alaska. It appears so far out of proportion to the number of inhabitants and the amount of production as to indicate cause for thorough investigation.

This attitude of President Coolidge has been corroborated in numerous statements by the Secretary of the Interior. The Committee on Territories, as far back as 1923, made an intensive study of Alaska and recommended legislation which has remained dormant ever since. Therefore I say the day has come when we should not accept these items in appropriation bills in a pro forma manner and put them through as we do here. But, rather, we ought to go to the heart of such a subject as this and make an intensive study of the matters involved so as to change the system.

I did not intend to make any remarks in connection with this matter, as I have expressed my views very freely as to conditions in Alaska in previous Congresses, but night before last I happened to pick up a copy of the current number of the Atlantic Monthly and there I find a very exhaustive and dispassionate discussion, written by a man who probably knows more about conditions in Alaska—he did in the early days at any rate—than any other citizen except, perhaps, the Delegate from the Territory of Alaska. I do not wish to plagiarize from that article—written by Col. Wilds P. Richardson, of the United States Army, retired, and for whom the longest trail in Alaska is named—but I want to summarize the statements he makes in that article and call them to the attention of this House. He says this:

After 60 years of ownership, assertions about the Territory should be supported by a substantial showing of developed resources, wealth, and population.

He argues, in effect, that an inventory should be taken and that we should know something about where we stand in regard to Alaska. He says:

But the predicted inrushing of people following the construction of the railroad, the fast-growing cities, the population running into seven figures have not come true.

Further than that he calls attention to many other things we should do with respect to Alaska. You will hear, undoubtedly, an argument from the Delegate in a few moments, if he sees fit to make any reply to the statements I am making, and he will no doubt call your attention to how little it cost us to get Alaska, $7,000,000. In that connection it might be said that we made the Louisiana Purchase and secured Florida very cheap, as dollars and cents go. Colonel Richardson in this article calls attention to the developments in those sections of this country and what has come from them, whereas Alaska has lain dormant.

He goes on to show that the construction of the railroad was, as we all know now, a very serious mistake, and that it was absolutely unjustified by any facts that can be brought before Congress. Some of us who were here at the time the Alaskan Railroad was advocated remember the propaganda that was issued and the methods which were used to put it across. It has involved the expenditure of $70,000,000, and the very able manager of the railroad, Mr. Smith—who had long training with the Pennsylvania Railroad Co., and, I believe, is still an official of that company—to-day is gratified to be able to come before the committee of which our honored friend Mr. CRAMTON is chairman and inform us that for the first time the Alaskan Railroad deficit was under $1,000,000. It is costing more than $1,000,000 annually to keep up that road. Colonel Richardson says that that road costs us, if we charge up the interest account and everything of that kind, in the neighborhood of $4,000,000 per year to maintain.

We are chasing rainbows in Alaska. Aside from the fisheries the only real asset they have is down in the southeast corner where an agreement has been made to get out some timber and wood pulp which is fairly accessible. Building a railroad way up there in the interior where there is no population is entirely different. The only customer of any size at the present time of that railroad is a private company using it to deliver ore.

Colonel Richardson goes on to say that the one hope, as he sees it, of an increased population in Alaska is to change our immigration laws and get out propaganda to try to get people over there from the northern countries of Europe—Norway, Sweden, and Finland. I am not sure whether the former countrymen of our distinguished chairman [Mr. CHINDBLOM] would feel like migrating from such countries to northern Alaska; but this is the only type of people you can appeal to to go to Alaska and settle. The Scandinavians are the hardy kind that could withstand the climatic conditions. And even then, the Alaskan land office does not advise any settlers to come unless they can support themselves without going there. Here is what they say:

We do not advise settlers entering upon this land with the idea of getting their living entirely from the soil while improving their property.

There is just one further possibility other than the timber and fisheries, and that is an appeal to the tourists. This is where Colonel Richardson says there is a possibility of making some use of Alaska's property. The natural scenery is unsurpassed. It is marvelous scenery, and for about 10 or 12 weeks in the year, if there were accommodations, we could throw tourists in there by the thousands; but unfortunately, the entire arrangements for the care of people coming there are so limited that in spite of the hundreds of miles of travel one might make, you could more than put every tourist accommodation that is available in Alaska into one hotel along the line of the boardwalk in Atlantic City.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent that I may proceed for two additional minutes.

The CHAIRMAN. Without objection, the gentleman from Massachusetts is recognized for two additional minutes.

There was no objection.

Mr. DENISON. Will the gentleman yield?

Mr. TREADWAY. I yield to the gentleman.

Mr. DENISON. In line with the gentleman's remarks, we all know that most of the intellectuals were driven out of Russia and are now camping around in different localities of Europe. What would the gentleman think of our inviting them and offering them some inducements to go to Alaska?

Mr. TREADWAY. I am afraid we would run up against the immigration restrictions of our friend, the gentleman from Washington [Mr. JOHNSON].

I was just quoting Colonel Richardson as to the feasibility of endeavoring to secure people from these three nations. Very likely the colonel would include Russia as a part of it, and there would be just as much chance of the gentleman from Washington [Mr. JOHNSON] agreeing to that sort of an amendment of the immigration law as for any other country.

Mr. DENISON. I would say to the gentleman that the Russians who have been driven out of Russia are the only ones I would be willing to have go to Alaska.

Mr. LAGUARDIA. But they will not work.

Mr. DENISON. They would if they went to Alaska.

Mr. CRAMTON. If the gentleman will permit, we have some intellectuals here in this country that might be utilized. I agree with the gentleman's suggestion, at least, with respect to Alaska as a tourist country, and the gentleman, I am sure, appreciates that the neck of the bottle now is the lack of ocean transportation.

Mr. TREADWAY. Which we were very glad to allow the gentleman to include in his bill last year.

Mr. CRAMTON. Our action last year permitted an appreciable improvement, but it is to be hoped that the companies that are carrying on this work will increase their facilities much more because on that is dependent the tourist traffic to Alaska.

Mr. TREADWAY. Let me add to the gentleman's suggestion that it would not be entirely a question of the people getting up to Alaska, it would be a matter of accommodations for them after they got there. The Government has gone into hotel building at one point, the township of Curry, named after our distinguished Member from California. There is a Government hotel there. If the gentleman intends at any time to advocate construction of hotels under Federal appropriations, that is another question; but unless you have much better accommodations than are available for tourists there now, you can not get money-spending tourists to go up into that country in large numbers or to return for a second visit.

Mr. CRAMTON. May I observe in this connection that as to the park the situation is one that we hope will never call for expensive hotels. We hope the tourists who go to the park will be willing to take quarters a little different from what they get at home, and the development in the park does

not need to progress rapidly until we get ocean facilities that will enable tourists to go there.

Mr. TREADWAY. Oh, no.

Mr. CRAMTON. I am not arguing with the gentleman. I am making this statement for his information. It is our thought, and I think the policy of the Government, to provide accommodations in the park to keep up with the tourist traffic. When it comes to towns outside, I am sure there will be quarters, although I fear they will not be as comfortable as are maintained in some of the splendid hotels of Massachusetts with which the gentleman is most familiar.

Mr. DOWELL. Will the gentleman yield for a question there?

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. TREADWAY. Mr. Chairman, I shall have to ask for five additional minutes.

The CHAIRMAN. Without objection, the gentleman from Massachusetts is recognized for five additional minutes.

There was no objection.

Mr. DOWELL. Will the gentleman permit a question, and I want to extend this also to the chairman of the subcommittee. Has any provision been made further than was made last year to increase the transportation facilities to Alaska?

Mr. CRAMTON. The hearings will show that, but the result I may say of the language the committee recommended and to which the gentleman from Massachusetts [Mr. TREADWAY] was kind enough to withdraw his objection—the result of that authority to the Railroad Administration was materially to increase the facilities, and we hope that they will increase in the future.

Mr. DOWELL. Is there any way that we may increase them? It seems to me the objection raised by the gentleman from Massachusetts can easily be remedied when tourists arrive, for then there will be provision made if the tourists come.

Mr. TREADWAY. The gentleman is correct, but you will never get sufficient accommodations, scattered broadcast over that great Territory, to care for any large number, because you can not concentrate them sufficiently to make it a business proposition. The only way I see to extend beyond the camp roadhouse made of logs with paper and canvas partitions in which I spent some time, and similar facilities—the only way you are going to extend accommodations up there is through the same procedure that you took in building the road—take the money out of Uncle Sam's pocket. No business man will go up there as a hotel keeper on any extensive scale.

Mr. DOWELL. Will the gentleman from Massachusetts devote his energies to creating facilities for tourists to go up there instead of devoting criticism of those who are now up there and trying to do the best they can?

Mr. TREADWAY. I am not in the transportation business. I have agreed to vote for all appropriations you ask for Alaska; but, considering the fact that you have 25,000 white people scattered through the country, I say we are too lavish in expenditures. Take, for instance, the highway item alone. Last year the total highway appropriations are shown to be more than a half million dollars. That is, trails and roads for 25,000 people cost over a half million dollars.

Mr. LAGUARDIA. Then there is the climate.

Mr. TREADWAY. Yes. The highways can only be used for 10 or 12 weeks on account of the snow. A portion of the railroad is built on a moving glacier and has to be reconstructed annually. It is no place for farming. The farm people say in this report that they do not wait for the frost to get out of the ground. They can not wait. Further than that, the other nine months of the year they are buried under avalanches of snow, and six months they are in practical darkness. You can not urge citizens to go to Alaska in order to increase the population. It seems to me that this question ought to be constructively taken up and something done about the statements that have been made by those interested in Alaska and by this last article of Colonel Richardson. You ought to do something besides appropriating millions of dollars in connection with Alaskan affairs. [Applause.]

In his last chapter Colonel Richardson says, "Let Alaska be offered to the traveling, touring, scenery-loving public." In effect, he advocates development for Alaska somewhat similar to that of the Yellowstone National Park, in order to make use of what appears to be Alaska's greatest asset, namely, its scenic beauty and the lure of the wild life still existing there. It seems to me that Colonel Richardson's viewpoint is most sane and practical. Every year predictions are made and much flowery language wasted in prophecies of Alaska's enormous future population. Mr. Chairman, we are chasing rainbows. Why should we not see to it that such practical suggestions of one as familiar with conditions as Colonel Richardson admittedly is are used as a foundation for future legislation? Why is it that the recommendations of the President and the Secretary of the Interior have fallen on fallow ground? No matter how extravagant our appropriations may be or how much interest we may feel in Alaska, we have not the power to change nature. Alaska for 3 months out of 12 can be made an attractive playground for the American tourist, but for the other nine months, when buried in snow, and six months of the nine in darkness, it can never be made an El Dorado for comfort-loving American citizens.

I shall vote for the appropriations recommended in this bill, but I hope the time is not far distant when some practical effort can be made looking to a very material curtailment in these appropriations and a much more reasonable and practical attitude on the part of Congress toward Alaska's future.

Mr. VESTAL. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. VESTAL. Does the gentleman mean to convey to the membership of this House that this railway in Alaska can not be traveled over only four to six weeks each year?

Mr. TREADWAY. No; not the railway, as I believe large sums are expended for snow shoveling, but the use of the highways and trails is limited to a few weeks.

Mr. VESTAL. I left Fairbanks on the 17th day of September and drove out over the Richardson Highway. I had been there a month or six weeks.

Mr. TREADWAY. I said three months.

Mr. VESTAL. I understood the gentleman to say three weeks.

Mr. SUTHERLAND. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. SUTHERLAND. Did the gentleman, going into the consideration of the magazine article, form an opinion regarding the proposition of getting Europeans to go to Alaska?

Mr. TREADWAY. That is so apparently contrary to all our immigration provisions that it seems impractical. I think it an excellent suggestion if the people want to come there, and if we can get the immigration authorities to amend the immigration act and allow them to come I should be for it. [Applause.]

Mr. LAGUARDIA. How would you keep them there?

Mr. TREADWAY. The gentleman will have to ask the Delegate from Alaska.

Mr. ROY G. FITZGERALD. Mr. Chairman, I rise in opposition to the pro forma amendment and ask unanimous consent to extend my remarks in the RECORD.

The Chairman. Is there objection?

There was no objection.

Mr. ROY G. FITZGERALD. Mr. Chairman, I was much interested in looking over the RECORD this morning to read the discussion in respect to the efficiency of the Pension Bureau, which occurred yesterday. I am much interested in that because I find from official records that Ohio has more pensioners than any other State in the Union—43,881 on July 30, 1927—and more pension money is expended there than in any other State in the Union—$20,700,000 a year; also because of the great pressure upon the office of the Representative from the third district of Ohio, because in that district is concentrated the greatest number of pensioners of any district in the United States, and also of the location there of the central branch of the National Military Home at Dayton, Ohio. Therefore I take a special interest in the matter of this Pension Bureau appropriation.

It is perhaps too late to give it any consideration upon this bill, but I do ask that the Committee on Appropriations next year arrange for a definite survey of the situation in the Pension Office, and I make that suggestion because of what the distinguished chairman of the subcommittee on appropriations said in respect to the difficulty of ascertaining definitely how many employees are needed there in the course of the year. We now know that the Pension Office is six months or more behind on its work and that it has been behind in its work for more than two years. This causes a great deal of unnecessary work on the part of Members of Congress. We ought to have adequate appropriations for the Pension Bureau, so that it may be able to keep up with its work. I read with interest the complaint of the gentleman from Minnesota [Mr. NEWTON], and I agree with him that this bureau should have sufficient money so that they will be able to give proper consideration and reply to the communications of Members of Congress in respect to matters upon which Members have spent considerable time.

If I understand the matter correctly, when the estimates were made up for the fiscal year ending June 30, 1928, the Pension Commissioner showed a need for $1,190,000 to provide the requisite personnel to take care of the work. A great and

unusual burden had been put upon him by the removal of the Pension Office from the old building to the Interior Building. This amount of $1,190,000 was approved by the Budget Commission, but was reduced by the Committee on Appropriations of this House, and the bill when introduced and passed by the House in the last Congress, carried but $1,132,000, or a deficit of $58,000 in what the Pension Commission had testified was required. When the bill went to the Senate, the matter was investigated and the amount of the appropriation raised to $1,190,000, being the amount actually necessary to give the service required under the law. This difference between the House and Senate threw the bill into conference, and the representatives of the Appropriations Committee of the House secured a concession so that the bill as finally passed carried but $1,160,000 for a work which actually required the expenditure of $1,190,000. This means that the personnel of the Pension Bureau must be further cut down, the work retarded, and great additional burdens put upon the Members of Congress who are the recipient of continuous complaints because the Pension Bureau is physically unable, with its force so limited by the appropriation of Congress, to function as it should. I understand upon reliable authority that this year the Pension Commissioner certified that the work of the Pension Bureau would require an appropriation of $1,190,000 in order to function efficiently; that this amount was cut to $1,150,000 before the Budget reached Congress, probably in view of the action of the House committee in the last Congress.

We are now going into another year with the Pension Bureau crippled with insufficient employees, unable to properly fulfill its mission, and with thousands of the most pathetic and appealing cases of the rapidly dying veterans of the Civil War delayed until death must inevitably overtake hundreds of them before action can be had upon their claims which are crowding the Pension Office beyond its capacity to function under the restricted appropriations of the Congress. There are now only about 90,000 Union veterans of the Civil War left to us.

In the name of the veterans of the Civil and Spanish Wars, I protest against this treatment of the Pension Bureau. Because my office has, and has had for years, perhaps, more correspondence with the Pension Bureau than any other office in Congress, I am in a position to judge of the efficiency of its work. I here state that I have found the most energetic and sympathetic attitude in the Commissioner of Pensions and have understood that the delays experienced in correspondence and in action on claims were aggravated by, in fact due entirely to, inadequate personnel, due in turn to restricted appropriations by Congress. The situation in the last year or two has been seriously complicated by the removal of all the pension records and files from the old building to the new, and this alone has thrown back some of the work at least six months.

My experience with the Patent Office leads me to believe that that office is also suffering from niggardly treatment. More liberal appropriations should be made for the Patent Office. The prosperity of this country depends upon every legitimate safeguard being given by the Government to the development of manufacturing and commerce, while every sentiment of loyalty and gratitude requires prompt action from our Pension Bureau on behalf of those who served to defend the country and her institutions in time of need and to whom delay in adjudicating claims is so often equivalent to denial. It being too late now to remedy this matter in the House at this time on the present bill, I hope that a full investigation will be had by the Senate committee and adequate provision made for the work of the bureau, and I trust that the Representatives of this House on any conference committee will see to it that ample funds are provided for this work which is so near to the hearts of our people.

The Clerk read as follows:

For incidental and contingent expenses, clerk hire, not to exceed $2,800; janitor service for the governor's office and the executive mansion, not to exceed $2,760; traveling expenses of the governor while absent from the capital on official business, and of the secretary of the Territory while traveling on official business under direction of the governor; rent of executive offices, repair and preservation of governor's house and furniture; for care of grounds and purchase of necessary equipment; stationery, lights, water, and fuel; in all, $14,000, to be expended under the direction of the governor.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 101, line 14, strike out "$2,800" and insert "$3,520."

Mr. CRAMTON. Mr. Chairman, this does not increase the appropriation in this paragraph, but it increases the allocation available for clerk hire.

In that connection I ask unanimous consent to extend my remarks by inserting a letter from the Secretary of the Interior, which will explain this amendment and the necessity for it.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, January 13, 1928.

Hon. LOUIS C. CRAMTON,
Committee on Appropriations, House of Representatives.

MY DEAR MR. CRAMTON: In H. R. 9136, entitled "A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes," which was reported out of the House Committee on Appropriations January 11, 1928, on page 105 there is the following language:

"For incidental and contingent expenses, clerk hire, not to exceed $2,800; janitor service for the governor's office and the executive mansion, not to exceed $2,760; traveling expenses of the governor while absent from the capital on official business, and of the secretary of the Territory while traveling on official business under direction of the governor; rent of executive offices, repair and preservation of governor's house and furniture; for care of grounds and purchase of necessary equipment; stationery, lights, water, and fuel; in all, $14,000, to be expended under the direction of the governor."

The representative of the department at the time of the hearing on the bill suggested (see p. 1146 of the hearings on the bill) that:

"In the appropriation for the present fiscal year for incidental and contingent expenses in the office of the governor, clerk hire is fixed at not to exceed $2,800. The governor is very desirous of increasing this amount to $3,520 in order to give him more money for that purpose. It does not increase the amount of the estimate. The governor in discussing the subject in a letter dated December 10, 1927, stated, among other things, that—

"'In Alaska the secretary to the governor occupies a very responsible position. He is charged with the general supervision of the office, and in the absence of the governor is responsible for proper conduct of the work. The salary paid is not commensurate with salaries for similar positions in the Territory, and if the salary had not been augmented by an appropriation of $720 from the Territorial fund it would be impossible to obtain the services of a competent man, especially in view of the salary increases that have been made throughout the Government service in the past 10 years. A suit is now pending in the district court at Juneau, Alaska, attacking the validity of a Territorial appropriation of $720 which he has been paid in the past, and it is likely that hereafter the Territory will be estopped from making any contribution to the salary of the governor's secretary. He is a Federal employee, and his entire salary should be paid by the Federal Government. I am advised that if the limitation of $2,800 now contained in the appropriation bill is changed, and there are sufficient funds in the appropriation, we may expend for clerical hire up to the amount fixed by Congress. The changing of the limitation in the appropriation bill as suggested will not increase the total appropriation asked for, but will make it necessary for us to rearrange the budget in the governor's office. I believe this can be done, and it is recommended that the limitation of $2,800 be changed so that we may have an authorization for clerical hire not to exceed $3,520.'"

For the reasons above stated I have to request that the bill be amended by striking out the figures "2,800" and inserting in lieu thereof "3,520." This does not increase the appropriation over that provided for in the bill, but allows the governor some latitude in the matter of the salaries to be paid for clerk hire.

Very truly yours,

HUBERT WORK.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

TERRITORY OF HAWAII

Governor, $10,000; secretary, $5,400; in all, $15,400.

For contingent expenses, to be expended by the governor, for stationery, postage, and incidentals, $1,000; private secretary to the governor, $3,000; temporary clerk hire, $500; for traveling expenses of the governor while absent from the capital on official business, $500; in all, $5,000.

The CHAIRMAN. Without objection, the Clerk will be authorized to have the type in lines 13 and 14, page 108, of the language "temporary clerk hire, $500," changed from italics to roman.

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The committee informally rose; and the Speaker having resumed the chair, sundry messages in writing from the President were presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed a joint resolution and bills of the following titles:

On January 11, 1928:

H. J. Res. 82. Joint resolution to continue commissioners in the Court of Claims.

On January 12, 1928:

H. R. 6657. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River near Kettle Falls, Wash.

On January 13, 1928:

H. R. 483. An act authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings.

The committee resumed its session.

INTERIOR DEPARTMENT APPROPRIATION BILL

The Clerk read as follows:

Legislative expenses: For furniture, light, telephone, stationery, record casings and files, printing and binding, including printing, publications, and binding of the session laws and the house and senate journals, indexing records, postage, ice, water, clerk hire, mileage of members, and incidentals, pay of chaplain, clerk, sergeant at arms, stenographers, typewriters, janitors, and messengers, $30,000: *Provided*, That the members of the Legislature of the Territory of Hawaii shall not draw their compensation of $200 or any mileage for an extra session, held in compliance with section 54 of an act to provide a government for the Territory of Hawaii, approved April 30, 1900.

Mr. HOUSTON of Hawaii. Mr. Chairman, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendments offered by Mr. HOUSTON of Hawaii: Page 108, line 23, strike out the figures "$30,000" and substitute therefor the figures "$50,000"; line 25, strike out "$200" and substitute "$500."

The CHAIRMAN. Consideration will be given to the first amendment.

Mr. HOUSTON of Hawaii. Mr. Chairman, according to the organic act, the Legislature of the Territory of Hawaii shall have 15 members of the senate and shall have 30 members of the house—45 members in the legislature in all. By further Federal enactment these members of the Hawaiian Legislature shall be paid the sum of $1,000 per session of the legislature, which occurs once every two years. The total sum to pay for the mandatory salaries of these legislators exceeds by $15,000 the sum allowed here for legislative expenses, and besides their statutory salaries, the members are to be paid the sum of 20 cents per mile for traveling expenses involved in attending the session. In 1904, when the first legislature of the Territory met under the organic act, they were allowed the sum of $24,500 by Federal appropriation. They were at that time by statutory Federal enactment allowed the sum of $600 salary. In 1910 the sum allowed for Federal appropriation was raised to $30,000, at which figure it has remained up until the present time, including these estimates. In 1920 the salary of the legislators was raised by Federal enactment from $600 to $1,000, but the total sum has not been changed.

The total expenses of the Territorial legislature have risen from the figures that were covered at that time by the Federal appropriation until at the present time the expenditures of the last legislature totaled $130,000, of which the Territory of Hawaii provided the sum of $100,000.

The legislature at its last session passed a joint resolution memorializing Congress asking that the Federal share of the legislative expenses might be raised an appreciable amount, and the governor of the Territory has suggested the sum of $20,000. I submitted the matter to the Director of the Budget and I have not yet been able to get an answer.

As to the second amendment, on line 25, the sum of $200 is given. By statute the sum was fixed at $500. I think undoubtedly it ought to be corrected and made to conform to the existing statute.

Mr. CRAMTON. Mr. Chairman, the matter of the contribution to the expenses of Hawaii has been stationary for a number of years. I do not understand that the Delegate from Hawaii has had full opportunity for the Budget or the department to fully consider his claim. The amount proposed in this bill is the same as it has been for many years. I would prefer that the Delegate from Hawaii be given opportunity to present his proposition fully in the make-up of the next Budget rather than to accept the proposition here. I think, therefore, the amendment ought not to be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the Delegate from Hawaii.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I understood the gentleman from Hawaii offered another amendment. With reference to that amendment, that is simply to correct the phraseology. It refers to the salary of the members of the legislature, and says they shall not receive salary at certain special sessions—that is, when appropriation bills are considered. The law is changed, and instead of $200 salary it is now $500. The phraseology should be changed as the gentleman suggested.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOUSTON of Hawaii: Page 108, line 25, strike out the figures "$200" and substitute the figures "$500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ST. ELIZABETHS HOSPITAL

For support, clothing, and treatment in St. Elizabeths Hospital for the Insane from the Army, Navy, Marine Corps, Coast Guard, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States, civilians in the quartermaster's service of the Army, persons transferred from the Canal Zone who have been admitted to the hospital and who are indigent, and beneficiaries of the United States Veterans' Bureau, including not exceeding $27,000 for the purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for the use of the superintendent, purchasing agent, and general hospital business, and including not to exceed $285,000 for repairs and improvements to buildings and grounds and for additional fire-protection equipment, $913,000, including maintenance and operation of necessary facilities for feeding employees and others (at not less than cost), and the proceeds therefrom shall reimburse the appropriation for the institution; and not exceeding $1,500 of this sum may be expended in the removal of patients to their friends, not exceeding $1,500 in the purchase of such books, periodicals, and newspapers, for which payment may be made in advance, as may be required for the purposes of the hospital and for the medical library, and not exceeding $1,500 for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients: *Provided*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates who are not or who cease to be properly chargeable to Federal maintenance in the institution and in returning them to such places of residence: *Provided further*, That during the fiscal year 1929 the District of Columbia, or any branch of the Government requiring St. Elizabeths Hospital to care for patients for which they are responsible, shall pay by check to the superintendent, upon his written request, either in advance or at the end of each month, all or part of the estimated or actual cost of such maintenance, as the case may be, and bills rendered by the Superintendent of St. Elizabeths Hospital in accordance herewith shall not be subject to audit or certification in advance of payment; proper adjustments on the basis of the actual cost of the care of patients paid for in advance shall be made monthly or quarterly, as may be agreed upon between the superintendent of St. Elizabeths Hospital and the District of Columbia government, department, or establishments concerned. All sums paid to the superintendent of St. Elizabeths Hospital for the care of patients that he is authorized by law to receive shall be deposited to the credit on the books of the Treasury Department of the appropriation made for the care and maintenance of the patients at St. Elizabeths Hospital for the year in which the support, clothing, and treatment is provided, and be subject to requisition by the disbursing agent of St. Elizabeths Hospital upon the approval of the Secretary of the Interior.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, the developments made before the District Committee show conclusively that the superintendent of St. Elizabeths Insane Asylum, Dr. William A. White, is not a proper official to have charge of these 4,000 helpless inmates or to expend annually this vast sum of money which Congress appropriates for it.

He is protected by the Secretary of the Interior, who himself is a psychiatrist and has been in charge of a similar hospital in his State of Colorado in years gone by, and it is a well-known fact that among all such superintendents there is a fellow feeling that they must protect each other. Were it not for this fact Superintendent White could not stay there a day.

I want my colleagues to remember this, because it is important: There are eight departments of the Government now that by a mere order or a scratch of a pen from the chief can confine individuals to this insane asylum, with no hearing in court, with no chance of redress, and no opportunity of getting out. How much longer is Congress going to let that condition prevail? How much longer time is to elapse before Congress or its committees can frame and pass legislation that will stop it?

I maintain that there is not a department of Government that ought to have that power. When you send a person to a penitentiary he is sent for a term. When his term expires he goes free, and the world is prone to forget the crime he has committed and to give him a new start and a new chance. Aye, when a prisoner is sent to a penitentiary for life he still has a chance of being pardoned or having his term commuted and getting out and starting over again. But when you incarcerate a person in an insane asylum his future is ended. If he is able to go into the court by habeas corpus proceedings he may be able to get out, but the fact that he has been charged with insanity and has been in an insane asylum follows him all the rest of his days. It is something he can not get rid of.

I maintain that this Congress ought to pass a law providing that no department of the Government can send any person to an insane asylum until that person has been adjudged insane by a competent court, by a jury of his peers, in accordance with proper law.

The present law says that these six departments can send them there without a judgment of court, without a hearing in court, without their day in court and the opportunity of testifying in their own behalf and having other witnesses testify. But it presupposes that within 90 days the superintendent of St. Elizabeths will give them a hearing in court. Yet I have in my files case after case in that institution where they have been kept there a dozen years and have not been given a hearing or a chance to be heard.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. May I have five minutes more?

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. ENGLEBRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ENGLEBRIGHT. Does the gentleman mean to assert that there have been inmates in this institution for a dozen years without a hearing in court?

Mr. BLANTON. Yes. Since I have been bringing this matter to the attention of Congress there have been sixty-odd inmates who have gone into the Supreme Court of the District of Columbia on habeas corpus writs and presented their cases to a jury of their peers and have been discharged as sane by the verdict of the jury and judgment of the court, which forced the superintendent to discharge them.

I wonder if you know that your Secretary of the Navy can by the mere scratch of a pen send any man in the Naval Establishment to St. Elizabeths at will. There is no power that keeps him from it, and the law authorizes him to do it. He has the authority of law to do it. Is that a power that he should be possessed of? Do you know that your Secretary of War can do it? Do you know that the Commissioners of this District can do it? It ought to be stopped. It is not a responsibility that rests alone upon my shoulders. It is a responsibility that rests upon the shoulders of every Congressman and Senator in the Seventieth Congress. Is it so that I am the only one here concerned about this matter?

I went before a naval board and I had your Secretary of the Navy force Doctor White to bring a young naval officer from Georgia before a board. I conducted the examination and I showed that he was sane.

Let me quote you some of the evidence I offered in his behalf:

SWORN TESTIMONY OF DR. F. A. MOSS, HEAD OF THE DEPARTMENT OF PSYCHOLOGY, GEORGE WASHINGTON UNIVERSITY

I have studied Lieut. Commander Harry T. Sandlin almost daily for the last two weeks, during which time I have spent more than 50 hours going into all phases of his case. In addition to making a careful study of his history and giving him the usual subjective examination made by psychiatrists, I gave him a number of objective standardized tests with the hope of putting his case, in part at least, on a fact rather than an opinion basis.

In all the objective tests Mr. Sandlin's showing was that of a person with a normal mind. On the Army alpha test he made a score of 151, which is above the average for the officers in the Army and is 10 points above the average for university students. On the will temperament test his reactions were all within the normal limits. In his test for judgment in abstract relationships he shows a superior performance. His poorest showing was on the test calling for judgment in dealing with other people, and this defect, in my opinion, accounts in no small part for his present difficulty; for it is this shortcoming which often causes him to evaluate improperly the way others will interpret his acts. This, however, is not an indication of insanity, for some of our most intelligent people do not get along very well with others.

With the hope of discovering some objective evidence of his so-called "complexes," I gave him the association test devised for this purpose and described by Dr. William A. White on page 352 of his Outlines of Psychiatry. This test gave absolutely no indication either of an inferiority complex or of an abnormal attachment to his mother.

His neurological examination was negative. His family history showed no taint of insanity, and is what I would term a fairly normal family history. His previous personal history shows little of value in explaining the present difficulty, which really began with his first marriage and culminated in the recent court action in Boston.

At first I found it considerably difficult to reconcile some of his letters and telegrams with my other findings, but it is my opinion that the explanation of his present difficulty can be traced to his unfortunate marriage with the first Mrs. Sandlin. From the history it would seem that she is more or less of an adventuress, and that when they had separated she deliberately set about to cause him all the embarrassment possible. After several years of prolonged worry and uncertainty he finally succeeded in settling with her by paying her the lump sum of $6,400. But one and a half years after the final payment he found himself suddenly ordered to Boston to face a new action brought by her. At this time he had married again, and had two young children to support. His judgment in sending the letters and telegrams to Secretary Wilbur was admittedly poor, but I believe that these can be attributed in no small part to the excessive annoyance to which he was subjected by the tantalizing tactics of the first Mrs. Sandlin, who was aided by certain unsuspecting naval officers.

In spite of all the harassing that he has gone through he manifests at present no clear-cut symptoms of paranoia or of a paranoid state. He has no hallucinations, either visual or auditory. He neither has at present, nor has he had, any "hypochondriacal ideas." No period of "marked emotional depression," no clear-cut "ideas of reference," no "delusions of explanation," and no greatly exaggerated feelings either of "self-importance" or of "inferiority" can be found in the case. I was unable to find any "retrospective falsifications of memory," and I am positive that he has no mental deterioration. Yet all these, according to White's Outlines of Psychiatry, pages 109–113, are the signs by which one may recognize paranoia and paranoid states. His natural resentment at being thrown into an asylum for the insane might be termed an indication of a delusion of persecution, but his explanation of this feeling is too clear cut to permit one to believe that he has a definite, systematized delusional system, for he manifests no resentment at any particular individual, and only attributes his misfortune to the system under which he is working. Such being his attitude, I see nothing to make me suspect that he may do violence to any one, nor can I find any other reason for his being locked up in an asylum for the insane.

F. A. MOSS,
Head Department of Psychology,
George Washington University.

Subscribed and sworn to before me this 21st day of January, 1927.
[SEAL.] JAMES M. WOODWARD,
Notary Public, District of Columbia.

Then Dr. S. F. Acree, being duly sworn, testified before said naval board as follows:

My name is S. F. Acree, am 51 years old, entered State University of Texas in 1892, graduated there with degree of Bachelor of Science, then went to University of Chicago, where I received a Ph. D. in 1902, then spent 1903–4 in University of Berlin; I have been abroad five times, besides university work and chemical researches; I have been a teacher in Johns Hopkins University and Wisconsin and Syracuse Universities. I have published over 100 articles in various lines of chemistry in which I have been interested. I have been invited to give numerous addresses, and I was invited to make an address before the Faraday Society of Great Britain. I have appeared in a number of lectures involving chemistry and I have been connected with the direction of two plants for the commercial development of some of my processes; I was acquainted with Commander Sandlin while he was under observation in the Naval Hospital here in Washington; from August to October, 1925, we were at the same boarding house; I have talked to Commander Sandlin a great deal on subjects of current interest; I have been interested in naval subjects; we were a great deal together socially, and we were better acquainted with them than with any other family here, and that intimacy still exists; I have had occasion to note the conduct of Commander Sandlin with regard to the condition of his mind, and my opinion is based on continual contact with the medical men of

Johns Hopkins University, with whom I ate daily, taught medical students myself, having been on the staff of the Highland Hospital in Rochester, N. Y., having been friends of people interested in psychiatry in general; I did not even know at first, when I met Commander Sandlin, or for some time afterwards, that he was under observation in the Naval Hospital, and never suspected any such thing from any talk with him. I learned it after three months' acquaintance with him, and I have carefully watched his talk. I did not observe anything abnormal about him. He was to my mind an unusually fine man. He never tried to force on us Christian Science, or any such ideas. He was very fair, indeed. When I learned that Commander Sandlin was in St. Elizabeths I went over there. To my astonishment I found that he was the same well-poised, fair-minded man I had known before; I believe that Commander Sandlin is of sound mind; I do not believe that he is potentially dangerous to society—not in the slightest; since he has been let out of St. Elizabeths he has been a free agent, going where he pleased, and doing what he pleased; I have been attracted to him; I do not believe there is anything in the world the matter with his mind; a psychiatrist whom I know says he believes every person is a paranoid; with regard to the suggestion that Commander Sandlin made to the Navy, there is not anything that would indicate an unsoundness of mind; I called on Congressman BLANTON, my old schoolmate, to see that my friend got justice; I feel that Commander Sandlin has been misunderstood because he expresses himself in an unusually brilliant way.

He had been adjudged insane and kept in St. Elizabeths Insane Asylum for two months before I found him. And after I placed the evidence before the naval board, four out of five decided that he was not insane, and I forced the Navy Department to release him and discharge him. But they retired him, and they hold now, under a ruling of the Judge Advocate General of the Navy, that even after they retire an officer they still have jurisdiction over him, and if the Secretary sees fit he can order him back to St. Elizabeths any time he wants to, although he is retired.

Mr. STEVENSON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STEVENSON. The gentleman said there were a number of the Government departments that had the right to do this. The gentleman has named three of them, and I am very much interested in knowing the other departments that can do the same thing.

Mr. BLANTON. There are eight of them, and I will name them. You will remember that in response to my resolution which the House passed, Gen. J. R. McCarl, Comptroller General of the United States, between July 1 and December 1, 1926, made an exhaustive investigation of St. Elizabeths, and he made a report to Congress embracing 175 printed pages. In such report General McCarl certifies that under existing laws St. Elizabeths receives men and women for incarceration upon the mere order or request of the following heads of departments, to wit:

(1) From the Secretary of War—persons belonging to the Army, civilian employees in the Quartermaster Corps, interned persons, and prisoners of war; (2) from the Secretary of the Navy—insane persons belonging to the Navy and Marine Corps, naval interned persons, and prisoners of war; (3) from the Secretary of the Treasury—insane persons belonging to the Coast Guard, insane patients of the Public Health Service, merchant seamen, officers and crew of the several vessels belonging to the Bureau of Fisheries, ex-service men hospitalized by virtue of the war risk insurance act, commissioned officers of the Public Health Service, commissioned officers and enlisted men of the Coast and Geodetic Survey, discharged Army and Navy nurses, seamen on boats of Mississippi River Commission, employees in Lighthouse Service, civilian employees on Army transports, and civilian employees entitled to treatment under the United States employees' compensation act; (4) from the Secretary of the Interior—insane American citizens in the Canal Zone, persons charged with Federal offenses, persons convicted of Federal offenses; (5) from the Director of the United States Veterans' Bureau—all ex-service men, veterans of the World War who come under his jurisdiction; (6) from the president of the Board of Commissioners of Soldiers' Home—inmates of the Soldiers' Home; (7) from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers—inmates of the national home; (8) from the Commissioners of the District of Columbia—indigent patients and alleged insane persons of homicidal or otherwise dangerous tendencies pending formal commitment.

You will note that he lists eight different departments of this Government whose heads the law now gives the right to order human beings into an insane asylum without due hearing in court. General McCarl further certified:

These patients come from all walks of life and represent most every vocation and profession. There are patients who were lawyers, doctors, business men, machinists, common and skilled laborers; teachers, nurses, musicians, artists, authors, and writers; officers and men committed from the United States Army and Navy and Marine Corps; retired officers and men of the United States Army and Marine Corps; veterans of the Civil, Spanish, and the World Wars; women who come from the various social strata, mothers, wives, and unmarried girls. There are also insane criminals and the criminally insane committed from Federal prisons and by the Supreme Court of the District of Columbia.

Dr. William A. White testified under oath and our Gibson investigating committee unanimously found that there are 2,200 people incarcerated in St. Elizabeths Insane Asylum who have never been adjudged insane and who have never been given a trial to establish their sanity.

Note that General McCarl certified that the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury all can order men in this insane asylum. And they can do it without giving these men a proper hearing. By the mere scratch of a pen they can doom a man to St. Elizabeths, an insane asylum. It ought to stop. It exists because the people of the United States have not known it and they do not know it now, but I am bringing it to your attention, and I hope you will help me stop it. I hope you will help me get a bill passed through this House before we adjourn that will take that power from every department of this Government, so that before they can send a man to an insane asylum they must give him a hearing before a court and have him properly adjudged insane under the law.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JOHNSON of Texas. In Texas we have tribunals constituted which require a trial before anyone can be adjudged insane.

Mr. BLANTON. And very rightly so.

Mr. JOHNSON of Texas. Does not the gentleman think that ought to be the law of the Nation as well as of the States?

Mr. BLANTON. Certainly. It ought to be the law. Let me say to my colleague from Texas that I would rather to-day you would adjudge me guilty and send me to a penitentiary for 20 years than to send me out to St. Elizabeths Asylum charged with insanity, from what I know about that institution, because I would have a chance to get out of the penitentiary and a chance to show my innocence of the charge upon which I was sentenced, but when once the doors of St. Elizabeths are closed on an insane victim he rarely ever gets a chance.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes, because I want to answer some questions.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. HUDSON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSON. I am in sympathy with much the gentleman is saying.

Mr. BLANTON. Is there any part of that which I am saying with which the gentleman is not in sympathy?

Mr. HUDSON. No; I think not, but I did not think the gentleman would have any complaint to make to-day after having won such a signal victory in getting the Democratic convention to meet in the State of Texas.

Mr. BLANTON. Oh, I am not now talking politics.

Mr. HUDSON. I know the gentleman is not.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSPETH. I did not know that the conditions to which the gentleman refers existed here. Does the gentleman mean to say that a person can be sent to St. Elizabeths without judicial procedure?

Mr. BLANTON. Certainly. Secretary Mellon has done it, and Secretary Wilbur has done it. Your Secretary of War has done it.

Mr. HUDSPETH. The gentleman stated he would rather be sent to a penitentiary than to St. Elizabeths, and I know he would have rather been sentenced to a penitentiary in Texas three years ago because he would probably have gotten a pardon at that time.

Mr. BLANTON. I never did stand in with that particular pardoning power down there.

Mr. ROBSION of Kentucky. I have just been wondering how the gentleman would provide for such trials by the civil courts in the case of men in the Navy or the Army or the Coast Guard, the latter service being under the Treasury Department.

Mr. BLANTON. May I ask my friend from Kentucky this? Suppose the gentleman joined the Military Establishment or the Naval Establishment, does the gentleman surrender all of his rights civilly as a citizen? Does the gentleman by engaging in the military service in behalf of his flag in peace time or during war, thereby give the Secretary of that department the right to send him to an insane asylum without a hearing in court?

Mr. ROBSION of Kentucky. The gentleman is not a Yankee and he has no right to answer my question by asking me one. But is not this a proper authority for the Army and the Navy to have? How could you bring these men in and have them tried before the civil courts? The question of testing a man's sanity is certainly of no higher right than to pass upon his life and liberty, and we permit the Army and the Navy to try these men and in certain cases on conviction to put them to death. I do not understand that the Secretary of the Navy assumes the power or has the power to merely say, "Here, I send this man to the insane asylum." Is there not in every case a trial?

Mr. BLANTON. I hope the gentleman will not take up all of my three minutes, because I want to answer the gentleman.

Mr. ROBSION of Kentucky. Is not a soldier or sailor tried by a competent court-martial before such action is ever taken?

Mr. BLANTON. No. Rarely is he given a proper hearing. I do not think the Navy is competent to try the question of the sanity of a man. I think that is a personal right that ought to be adjudicated in a courthouse before a jury of his peers. I do not think the Secretary of the Navy or the Secretary of War or the Secretary of the Treasury ought to leave that to some subordinate officer and then approve such action by ordering him into an asylum.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ROBSION of Kentucky. Is not such a court-martial a part of our judicial system? It is our means of trying cases arising in the Army and Navy.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that I may have five minutes more. This is an important question, and I have given it great study.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. I want to say to my friend from Kentucky——

Mr. ROBSION of Kentucky. Let me continue just a little further so the gentleman can answer the question entirely at one time. Are not the courts-martial provided by the Army and the Navy part of the judicial system of this country, only they are restricted to dealing with men in the Army and the Navy?

Mr. BLANTON. No; they are not. Why, I have seen courts-martial in the Army and in the Navy when the ones who were trying the accused or the ones governing the body knew nothing in the world about law, knew nothing in the world about the rules of evidence and cared less about the rules of evidence. They admitted anything they wanted to admit and excluded everything they wanted to keep out.

I am one of those who believes that in peace times there ought not to be any court-martial in the Army or in the Navy. There ought to be the right to dismiss from the service for cause, reserved when they enlist, but when they commit crime, let them be tried in the courts. Oh, I have seen so many farcical courts-martial in the Army and Navy in peace times that I have become disgusted with them. I have been checking them up here for the last 10 years.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman, but I do not want to be diverted from St. Elizabeths.

Mr. SHALLENBERGER. No; I am interested in what the gentleman has stated, and I want to ask for information. Are not the boards that determine the sanity or insanity of a soldier or sailor from the Medical Department of the Army or of the Navy? We know they have a large corps of eminent medical men in both services, and my question is whether the service appoints such a board from the Medical Corps, which then determines the sanity or insanity of a man, which is somewhat comparable with such cases in civil life?

Mr. BLANTON. In the case of Lieutenant Commander Sandlin, they first ordered him to St. Elizabeths without any hearing. He was kept there about two months. He and his friends appealed to me, and I went out there and found he was absolutely sane, in my judgment, after a close, rigid cross-examination which I gave him. I demanded from the Navy a hearing before a board. They convened their board of five members, two being doctors, without notifying me, and without hearing a witness, they took him off into a room and would not even allow his wife to be present. Without anyone being present, that board of five members found him insane and so reported to the Secretary without a hearing. Then when I went before them they would not set the proceeding aside and hear the matter again de novo. They said if he could prove by evidence that the decision was wrong they would set it aside, but he had to prove his sanity first. And Secretary Wilbur upheld them in it. He did this and that very board by a vote of four out of five found him sane after I proceeded to prove his sanity, and he is now in his own home attending to his own business.

Let me show you what the wife of Commander Harry T. Sandlin says about it:

AFFIDAVIT OF MRS. BETTY SANDLIN

I, Mrs. Betty Sandlin, being duly sworn, upon oath, state: I am the wife of Lieut. Commander Harry Till Sandlin, who is now perfectly sane, and never during our married life has had one single thing the matter with his mind; he is unusually bright and well poised; the Navy is punishing him simply because he took up the study of Christian Science, and appealed direct to Secretary Wilbur for fair treatment, when he should have sent his letter through channels; wholly without warrant or trial the Navy had my husband locked up in St. Elizebaths Insane Asylum on November 8, 1926, and until Congressman BLANTON visited him there on December 14, 1926, he was shown no consideration whatever, but after Congressman BLANTON obtained my husband's record, and in the House of Representatives on December 15, 1926, condemned the Navy for its unwarrantable action, he was allowed to leave St. Elizabeths, and spent Christmas week at home with me and our two little children, and since December 31, 1926, has been allowed to stay at home and do what he pleased, except they had him report one night and required him to telephone St. Elizabeths about once a week; under orders from the Navy my husband appeared before the Naval Retiring Board January 3, 1927; they refused his request that I be allowed to act as his counsel, as I wanted to attend; the board consisted of five captains; the two medical members took my husband into a closed room for examination; on their return, Captain Carpenter, chairman, announced that he found my husband to be "paranoid state, condition permanent"; the other medical member concurred; the board approved, and announced that my husband did not have mental capacity to select his own counsel, and they would have had Secretary Wilbur appoint one, and adjourned until next morning; we went immediately to the Capitol, called Congressman BLANTON out of the House, and urged him to save us, and to see that we got justice, as we were not financially able to employ counsel; our friends also urged him, and he secured permission from Secretary Wilbur to conduct our defense at such hearing; he promptly appeared at said trial on the morning of January 4, 1927, but had said board to understand distinctly that in conducting my husband's defense, he did not appear as his attorney, but in his representative capacity, to see that an American got a square deal, and also to learn just how the Navy conducted such trials, where men without court trial could be consigned to insane asylums for life simply upon Navy orders; the hearings were held in the forenoon, so Congressman BLANTON could attend House sessions at noon; he conducted my husband's defense four days, and by competent evidence not only established my husband's sanity, but proved that the Navy was persecuting him; the chairman, Captain Carpenter, and his counsel, saw that they must get rid of Congressman BLANTON; at the close of the hearing on January 7, 1927, Chairman Carpenter ruled that if Congressman BLANTON appeared any further he must do so as my husband's attorney and not in his representative capacity, knowing at the time he would not do so, hence Congressman BLANTON refused to appear further; Congressman BLANTON had made Captain Carpenter admit that he had prejudged my husband's case, basing his decision that he was of paranoid state simply because he had communicated direct with Secretary Wilbur, and because an officer at Key West once reported that my husband refused to give up his duty there; such officer so reporting had himself been under mental observation for a year, and I personally know that his report was false, because I was then with my husband when he turned over his office strictly in accord with the naval order and regulations; and in deciding the case Chafrman Carpenter still held that my husband was of paranoid state, despite the fact that the other four members of the board changed their preliminary decision and held that he was not; I believe that if it had not been for Congressman BLANTON protecting us that naval board would have condemned my husband to St. Elizabeths Insane Asylum for life, when he is absolutely sane.

BETTY SANDLIN.

Sworn to and subscribed before me this 7th of March, 1927.

[SEAL.] WALTER C. NEILSON,

Notary Public in and for the District of Columbia.

It is an outrage upon common decency and justice for the Army and Navy thus to put sane men into insane asylums without proper hearings.

Mr. SHALLENBERGER. Do I understand that they put him in the asylum before there was a hearing before the board at all?

Mr. BLANTON. Yes. They ordered him out there and kept him shut up for nearly two months.

Mr. SHALLENBERGER. That is what I think is important.

Mr. BLANTON. And it was the Medical Corps of the Navy that did it. It was this Medical Corps of which the gentleman from Nebraska speaks so eloquently.

I hope my colleagues will help remedy this situation. It is our common responsibility. It is something which all of us should be interested in. Do not place it all on me. I need your help, and the people who have their rights taken away from them need your help. Please help us get a law passed to stop it. [Applause.]

The Clerk read as follows:

For medical and surgical building, $400,000; and the Secretary of the Interior is authorized to enter into contract or contracts for the erection of this building at a cost, including equipment, not to exceed $875,000.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 111, line 11, after the figures "$400,000," insert a comma and the following language: "including the cost of advertising for proposals, preparation of plans, and supervision of work, to be immediately available."

Mr. CRAMTON. Mr. Chairman, I think the amendment itself is explanatory, but I ask unanimous consent to extend my remarks by inserting the letter of the Secretary of the Interior.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The letter is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, January 12, 1928.

The Hon. LOUIS C. CRAMTON,
Appropriations Committee, House of Representatives.

MY DEAR MR. CRAMTON: In H. R. 9136, a bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, reported January 11, 1928, on page 111, and under the heading of St. Elizabeths Hospital, there is the following language:

"For medical and surgical building, $400,000; and the Secretary of the Interior is authorized to enter into contract or contracts for the erection of this building at a cost, including equipment, not to exceed $875,000."

Representatives of St. Elizabeths Hospital suggested, as noted in the hearings, page 1167, that there be added to the foregoing language the following: "including cost of advertising for proposals, preparation of plans, and supervision of work; to be immediately available."

Similar language is included in the authorization for additional buildings for Freedmen's Hospital in the committee's bill, and I believe that it is just as essential for such language to be added to the authorization for the building for St. Elizabeths Hospital.

I submit this for your earnest consideration.

Very truly yours,

HUBERT WORK, *Secretary.*

The amendment was agreed to.

The Clerk read as follows:

HOWARD UNIVERSITY

Salaries: For payment in full or in part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance to be paid from privately contributed funds, $160,000, of which sum not less than $2,200 shall be used for normal instruction.

Mr. LOWREY. Mr. Chairman, I make the point of order against that paragraph that it is an appropriation not authorized by law.

Mr. CRAMTON. Mr. Chairman, if I had not learned by experience in the past that it would do no good to make an appeal to the gentleman from Mississippi to withdraw his point of order, I should endeavor to make such an appeal to him, for the appropriation is so very desirable. I have to admit, however, that it is not authorized by existing law.

Mr. CHALMERS. Will the gentleman from Mississippi withhold his point of order for a moment?

Mr. LOWREY. I will reserve it.

Mr. CHALMERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHALMERS. I am sorry to have the point of order made. It seems to me that this is a very valuable service that is being rendered here in our National Capital by the Howard University. However, at this time it would not be wise to take up the time of the House, and since I have permission to extend my remarks in the RECORD I will take advantage of it.

I am heartily in favor of the passage of this bill. I am surprised that there should be any opposition to a system of education that would fit the colored race for general human service. I think we should encourage education in Howard University and I do not think the color of the students ought to make any difference whatever in encouraging education.

I know that when I was a student in college in Michigan, I sat next in class to a colored boy and we followed Cæsar together through the three parts of Gaul. I found him a good, honest, hard-working student.

Last month at a meeting of Washington City Congregational Club I had the pleasure of sitting at the speaker's table and eating dinner with Dr. Mordecai W. Johnson, the distinguished president of Howard University. Doctor Johnson was the principal speaker of the evening. He gave one of the most learned and finished addresses I have had the pleasure of listening to recently. Doctor Johnson is a great educator and a fine administrator. Any investment that the Congress sees fit to make in Howard University will bring splendid returns.

Howard University has had a long and honorable career. It was organized by act of Congress March 2, 1867, about two years after the close of the Civil War. Since that time Congress has appropriated about $5,000,000 for its support and maintenance. The legality of this appropriation has often been raised. Ever since I have been a Member of this body the annual appropriation extending financial assistance to Howard University has been passed after the most vigorous opposition and protest of the Democratic membership of the House. This uncertainty as a financial support should cease. We therefore propose to write the following measure into permanent law as soon as the legislative committee can bring in the bill:

Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all time be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education.

Howard University has an attendance of about 2,000 students, who are required to pay tuition and provide for their own living expenses. It has been thoroughly investigated by the college rating board of the Maryland and Middle States district and rated in class A. Thirty-eight States and 13 countries are represented in its attendance. President Durkee gave it as his judgment that fully 97 per cent of those who have attended Howard University have "stood up in the country as centers of influence for good."

There is a strong practical reason why a school like Howard University should be maintained in the District of Columbia. The Freedmen's Hospital was authorized by Congress in 1904, and was built upon land owned by Howard University. The university generously leased the land to the Federal Government for 99 years at $1 a year, with a privilege of renewal for a like period. The existence of this hospital so near the medical school of Howard University affords the students of the university an opportunity which exists nowhere else in this country to acquire the clinical instruction which is necessary to complete each student's medical course. On the other hand, this opportunity exists for white students in every State of the Union.

In addition to the great importance to the country of having an institution capable of developing trained leaders for the colored race in all walks of life, the urgent necessity of making possible a supply of properly trained physicians of that race for the protection of the health of all our people, white as well as black, must be plain to every fair-minded American citizen.

I believe that Howard University has entered upon the most successful period of its history. Dr. Mordecai W. Johnson was unanimously elected president by the board of trustees and is one of America's great college presidents. Doctor Johnson is the first colored man to serve as president of the university. He was graduated in 1911 from Morehouse College, Atlanta, Ga., with the degree of bachelor of arts. Doctor Johnson was retained for two years in his alma mater as professor of economics and history. In 1913 he received the degree of bachelor of arts from the University of Chicago. He was graduated from the Rochester Theological Seminary in 1919.

Later he was pastor of the First Baptist Church of Charleston, W. Va. He received the degree of bachelor of divinity from Rochester Theological Seminary on his historical thesis entitled "The Rise of the Knights Templar." He was graduated from Howard University with the degree of master of the science of theology.

Doctor Johnson is not only the first colored man to serve as president but is one of the youngest college presidents in the country. He is only 37 years of age.

The wisdom of the choice of Doctor Johnson as president of Howard University may be conceded because of the fact that Col. Theodore Roosevelt was chairman of the committee which unanimously recommended his election. I prophesy that under the administration of President Johnson, Howard University will become one of the great educational institutions of the world. Let me say this to my Democratic colleagues, let us be fair to the Negro race. The so-called negro problem is not of their making. The black man is not here of his own volition. He was seized by force and brought unwillingly to a strange country where for generations he was your slave and where as a race he has since been compelled to eke out a meager and precarious existence.

I want to call your attention to the fact that after his emancipation, that he has made the most remarkable progress, mentally and industrially, of any race recorded in the annals of history. In the short period of 60 years he has emerged from slavery and has won his place in world leadership to-day. You will find the negro holding his place with his white brother in leadership, in science, in literature, music, art, finance, industry, and commerce. You will find negro leaders in all lines of human activity.

He has not only won and held his place in the business and professional world, but he makes the right kind of a citizen. He is patriotic and American to the very core of his character. Let us lay aside prejudice, pass this bill, and build up here in the National Capital a great institution for the colored race.

Mr. LOWREY. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that there is no authority for the legislation in question. The point of order is admitted by the chairman of the committee, and the Chair sustains the point of order.

The Clerk read as follows:

General expenses: For equipment, supplies, apparatus, furniture, cases and shelving, stationery, ice, repairs to buildings and grounds, and for other necessary expenses, including reimbursement to the appropriation for Freedmen's Hospital of actual cost of heat and light furnished, $80,000.

Mr. LOWREY. Mr. Chairman, I make the same point of order to this paragraph.

Mr. CRAMTON. I have to admit that the point of order is well taken.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the construction and equipment of a chemistry building, $150,000; and the Secretary of the Interior is authorized to enter into contract or contracts for such building and equipment at a cost not to exceed $390,000.

Mr. LOWREY. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The point of order will have to be sustained.

The Clerk read as follows:

Total, Howard University, $390,000.

Mr. LOWREY. Mr. Chairman, I make the same point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk completed the reading of the bill.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to return to page 45, line 9, for the purpose of offering an amendment as suggested in a memorandum from the Indian Office.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to return to page 45, line 9, for the purpose of offering an amendment as indicated. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 45, line 9, after the figures "$10,000," strike out "for central heating plant, Seneca Indian School, Oklahoma, $25,000," and insert in lieu thereof "for central heating plant and water supply, Seneca Indian School, Oklahoma, $35,000."

Mr. HASTINGS. Mr. Chairman, without reading it, I have here a memorandum sent up to the chairman of the subcommittee having this bill in charge, justifying the increase of $10,000 for water supply at the Seneca Indian School. There is also a short letter, which I shall insert, addressed to my colleague, Mr. E. B. HOWARD, from the agent of that Indian reservation, in which he calls attention to the fact of the need of this appropriation and strongly urging that additional appropriation of $10,000. I ask unanimous consent to extend my remarks in the RECORD by inserting these papers.

The CHAIRMAN. Is there objection?

There was no objection.

The memorandum and letter are as follows:

MEMORANDUM RE WATER SUPPLY, SENECA SCHOOL

With reference to the matter of water supply for the Seneca Boarding School under the Quapaw jurisdiction, Oklahoma, the facts before the office are, briefly, as follows:

With the object of further developing a water supply for the school, the superintendent recently caused a shallow well to be dug from which a supply of water, which the superintendent reports under date of December 16 last to be sufficient for all school purposes, has been obtained. However, while the water in this well has been tested by the State laboratory and pronounced safe for domestic use, the superintendent expresses fear that the water thus obtained comes originally from a neighboring creek, which has many sources of contamination. If this should prove to be the case, the present status of the water supply at the school must be regarded as by no means satisfactory, and measures to provide another supply free from the danger of contamination will be necessary. To that end the superintendent contemplates digging a deep artesian well. He has also in mind to re-lay water lines at the school and install certain other equipment which is needed for the system.

There have been two serious epidemics at the school, one in 1926 and again in the fall of 1927, which have been traced to the present water supply which leads into the creek before mentioned, which possibly feeds the new shallow well.

Some of the present water mains have been in use for 25 years. The estimated cost of digging a deep artesian well, re-laying the water mains, and installing the needed equipment is $10,000.

MIAMI, OKLA., *January 11, 1928.*

Hon. E. B. HOWARD, M. C.:

Your letter 7th. Your understanding as to water system here correct. In fact, the recent epidemic of typhoid fever at this school was isolated directly to the present water supply and system. School physician and district supervising physician have recommended immediate change in entire water system. Suggest if possible a flat appropriation of $10,000 be made to become immediately available to cover cost of drilling new deep well and otherwise properly provide for labor, general equipment, etc., necessary to the furnishing of proper water supply for this school. It has been estimated that this amount will be necessary for that purpose. Letter follows.

SUFFECOOL.

MIAMI, OKLA., *January 12, 1928.*

INDIAN OFFICE,

Washington, D. C.:

Office wire 12th plan in mind is to drill deep artesian well and relay all water lines, some of which have been in use for 25 years; also install new needed equipment. This, it is believed, will furnish proper and adequate water supply if plan outlined by letter December 16th is carried out. Do not believe it will cost in excess of $750. First analysis of water in experimental well showed safe, yet there is some belief that this water supply comes from Lost Creek, about 300 feet south, and if this is true, this water has many sources of contamination and will probably necessitate constant treatment. Letter follows.

SUFFECOOL.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

Mr. HASTINGS. Mr. Chairman, I offer the following further amendment to correct the total.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: Page 44, line 24, strike out "$38,000" and insert "$398,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I do not know that it is necessary, but I ask unanimous consent that the Clerk may be authorized to correct the totals.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the Clerk be authorized to correct the totals. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, the committee are highly gratified that their work has met so fully with the approval of the House. This bill has been passed in record-breaking

time. I can account for it further only by the fact that we have a new member on the committee, the gentleman from Oklahoma [Mr. HASTINGS], and I think he is a very effective mascot.

I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9136, the Interior Department appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRAMTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDRESS OF HON. FINIS J. GARRETT

Mr. BANKHEAD. Mr. Speaker, I rise to submit a unanimous-consent request. I ask unanimous consent to have incorporated in the RECORD the speech delivered last night at the Jackson Day banquet at the Mayflower Hotel, in this city, by the distinguished leader of the minority the gentleman from Tennessee [Mr. GARRETT]. There is a little politics in it, of course, but nevertheless it is a very able document.

The SPEAKER. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

Democracy is not a state of mind nor a psychological manifestation. It is a fundamental thing which lies deep in the human heart, and in its essence is of the profoundest philosophy of human life.

It does not spring from government; it underlies government, at least our Government.

Simply because man exists he is possessed of certain rights. They are coexistent with his birth and coextensive with his being. Government is merely to assure these rights and the highest functioning of government is that activity, or lack of activity, as necessity dictates, which preserves them.

Democracy is the antithesis of selfishness, and its constant danger is that it become the victim of greed. Because of its very nature it is surrounded always with enemies—enemies that are astute, alert, constantly organized, and ever watchful.

Because its character renders it unable to offer favors of law and enable one individual through legislative manipulation to profit at the expense of another, it does not, as an instrument of government, command the influence or elicit the support of special interests. It has to rely upon reason, upon justice, and make its appeal to the higher motives and the broader sympathies of mankind, and, unfortunately, these are not always in the ascendant.

These enemies, watchful and adroit, are masters of political warfare. Tactics, strategics, logistics—they possess them all, and never yet have they been found lacking in munitions.

They understand frontal attack and flank movement; when to strike and when to give the counterstroke. The value of espionage they recognized long ago, and above all things they appreciate the importance of creating dissensions and divisions in democracy's forces, and we are all too prone to divide.

In 1924, although they had no heavy artillery with which to bombard us, we nevertheless broke ranks before we had gotten close enough for them to see the whites of our eyes.

Is it possible, I wonder, that a great party, grounded in traditions of glory, a great party which has written nearly every permanent chapter of American law, is again to fall a victim to its own folly and blither about nonessentials, fight with passionate abandon over imaginary goblins and academic abstractions, and forget the substance which challenges our bravest and our best? Heaven forbid!

Surely in the conditions which surround us and which are observable upon the very surface, without even probing to the depths, we have glaring issues upon which to make successful appeal to the intelligence and virtue of America. In the favoritism which within seven short years has been wrought into law; in the tangled confusion following in the wake of corruption and shame; in the foreign policy, or lack of foreign policy, which has left us without a friend among the nations of the world; in the domestic distresses which all their cunning has not enabled them to cure because avarice forbade alleviation; surely these things summon us to find a firm and common ground upon which the legions of democracy can stand and give lusty battle as in the victorious days of yore.

Democracy will not win grouped about a jumble of policies asserted as meeting the expediency of a fleeting hour. Democracy has won its fights when it had a battle flag which symbolized a system of principles fitted for the government of a free people in a republic (which is a democracy made practical) grounded upon a written constitution.

Democracy will never be destroyed; its philosophy too thoroughly permeates the world. And the party which espouses it stands in no danger of death from external forces. Its only danger lies within its own organism. It will not be killed, but it could commit suicide.

Democracy means respect for law and the implications of law; regard for the Constitution and the limitations of the Constitution; antagonism to governmental favoritism and the corrupting force of favoritism; enmity to privilege and the withering blight of privilege upon our institutions.

It means justice to the individual, and, therefore, peace among the masses.

The application of its principles by some party (for popular governments are administered only through the agency of party) constitutes the sole hope for the permanency of this democratic Republic.

Surely the Democratic Party—our Democratic Party—ought to be the one to apply democratic principles.

Its founder made it the instrumentality which rendered the Republic a democratic one. The man whose memory we honor this night revived it as it was about to become moribund and expanded it even beyond the hopes of its founder. A long line of illustrious leaders have followed them and carried on. Surely we of this demanding day will also carry on.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

PASSPORTS

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State requesting that section 3 of an act entitled "An act to regulate the issue and validity of passports, and for other purposes," Sixty-ninth Congress, session 1, approved July 3, 1926, Public, No. 493, be amended so as to authorize the refund of passport fees erroneously collected otherwise than under the existing authority contained in that section.

I concur in the view of the Secretary of State and I therefore request of the Congress legislation amending section 3 of the act of July 3, 1926, in the sense suggested.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 13, 1928.

SECOND INTERNATIONAL IMMIGRATION CONFERENCE

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I transmit herewith a communication from the Secretary of State requesting that legislation be enacted to provide funds to cover the expense of this Government's participation in the Second International Emigration and Immigration Conference, to be held at Habana commencing March 31, 1928. The Secretary of State sets forth in his letter the reasons why it is considered advisable that the United States be represented at this conference.

I concur in the view of the Secretary of State that this Government should participate in the Second International Emigration and Immigration Conference and therefore request of the Congress legislation appropriating $5,000 for each and every expense connected with the representation of the United States at that conference, including travel, subsistence, or per diem in lieu thereof, in amounts authorized in the discretion of the Secretary of State (notwithstanding the provisions of any other act), and compensation of employees as the Secretary of State shall consider necessary and authorize in his discretion.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 13, 1928.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BACON, for a few days, on account of illness.

REPRESENTATIVE LOUIS C. CRAMTON

Mr. FRENCH. Mr. Speaker, I ask unanimous consent to proceed for two minutes out of order.

The SPEAKER. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Speaker, less than 24 hours ago the Committee of the Whole House on the state of the Union began to consider under the five-minute rule the Interior Department appropriation bill. This bill contains 113 pages. A few minutes ago the bill was passed by the House of Representatives.

The chairman of the subcommittee that has reported the bill spoke of the appreciation of members of the subcommittee of the confidence reposed in the committee by the Members of the House. I want to say I am sure that the members of the subcommittee join with me when I tell you that the action of the House certainly was largely due to the confidence of the Members of the House in the chairman of the subcommittee, Mr. CRAMTON. [Applause.]

May I say further, the chairman of the subcommittee does not come from a State that has to do with reclamation, that has to do with Indian problems and with national parks, that has to do largely with the many public-land matters that have so much interest for the great western part of our country. Yet in his statement on yesterday to this House, as on previous occasions, our chairman indicated the profound knowledge that he has of all the subjects involved, knowledge not only of general policies and principles but of the multitude of details with which the appropriation bill for the Interior Department is concerned. The gentleman from Michigan [Mr. CRAMTON] has obtained this knowledge through rare diligence, through untiring energy, and through painstaking persistency both during the sessions of the Congress and during the time when Congress has been in recess in studying the problems with which this committee has been charged. Mr. Speaker, the promptness with which this House has ratified the work of the Appropriation Committee is, as I take it, in large measure a manifestation on the part of the House of its appreciation of the industry, the honesty, and fidelity of our distinguished chairman in the job you have given him to do. [Applause.]

ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, my colleague, as always, is unduly generous. [Applause.] I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 23 minutes p. m.), pursuant to the order previously made, the House adjourned until Monday, January 16, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, January 14, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

War Department appropriation bill.
Post Office Department appropriation bill.
District of Columbia appropriation bill.

COMMITTEE ON FLOOD CONTROL

(10 a. m.—caucus room)

To hear the Flood Commission of Pittsburgh and the Members of Congress from that city discuss projects to control the flood waters of the Mississippi River.

(2 p. m.—caucus room)

To hear members of the Mississippi River Commission discuss projects to control the flood waters of the Mississippi River.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to discuss the building program.

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To provide for the construction of works for the protection and development of the lower Colorado River Basin, for the approval of the Colorado River compact (H. R. 5773).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

283. A letter from the Secretary of the Interior, transmitting status and information relative to development of official plan for flood control, drainage, and irrigation, by J. L. Burkholder, chief engineer for Middle Rio Grande Conservancy District, Albuquerque, N. Mex., November 12, 1927 (H. Doc. No. 141); to the Committee on Indian Affairs and ordered to be printed, with illustrations.

284. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting report of the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1927; to the Committee on the District of Columbia.

285. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Justice for the fiscal year 1929, to be immediately available, amounting to $90,112.50 (H. Doc. No. 140); to the Committee on Appropriations and ordered to be printed.

286. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Raritan River, N. J., from natural deep water up to the west side of the Great Bend with a view to providing a suitable harbor with channel depth of 30 feet; to the Committee on Rivers and Harbors.

287. A letter from the Acting Secretary of Commerce, transmitting statement of disbursement required by section 195, Revised Statutes, United States, during the period December 1, 1926, to November 30, 1927; statement of expenditures under all appropriations for the Bureau of Fisheries during the fiscal year ended June 30, 1927; statement of typewriter, adding machines, and other labor-saving devices exchanged during the fiscal year ended June 30, 1927; and statement showing travel performed by officers and employees to points outside of the District of Columbia on official business; to the Committee on Expenditures.

288. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Smiths Creek, in the vicinity of Wilmington, N. C.; to the Committee on Rivers and Harbors.

289. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Fowl River, Ala., with a view to securing a navigable channel of 8 feet depth and suitable width from Mobile Bay to a point about one mile above the highway bridge on the Cedar Point Road; to the Committee on Rivers and Harbors.

290. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Mosquito Inlets, Fla.; to the Committee on Rivers and Harbors.

291. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Westport Harbor and Saugatuck River, Conn.; to the Committee on Rivers and Harbors.

292. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Assateague Anchorage, Va., with a view to the establishment of a harbor of refuge; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HICKEY: Committee on the Judiciary. H. R. 9052. A bill to amend section 6 of the act of May 28, 1896; without amendment (Rept. No. 273). Referred to the House Calendar.

Mr. HALL of Illinois: Committee on the Judiciary. H. R. 9049. A bill to amend section 227 of the Judicial Code; without amendment, (Rept. No. 274). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 9202. A bill to authorize construction at the United States Military Academy, West Point, N. Y.; without amendment (Rept. No. 277). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 8963. A bill for the relief of Richard H. Beier; with amendment (Rept. No. 275). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 6916. A bill to correct the military record of Charles B. Holmes; without amendment (Rept. No. 276). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8046) granting a pension to Lucy E. Riley, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 9278) to establish a Federal farm board to aid in orderly marketing and in the control and disposition of the surplus of agriculture commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. CRAIL: A bill (H. R. 9279) fixing the number of district judges for the southern district of California and providing for their appointment; to the Committee on the Judiciary.

By Mr. KINCHELOE: A bill (H. R. 9280) authorizing the extension of time for the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. LaGUARDIA: A bill (H. R. 9281) providing additional pay for submarine duty; to the Committee on Naval Affairs.

By Mr. TATGENHORST: A bill (H. R. 9282) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, by adding a new section thereto forbidding the deposit of noxious acids and acid materials in navigable waters of the United States; to the Committee on Rivers and Harbors.

By Mr. COLTON: A bill (H. R. 9283) to promote the development, protection, and utilization of grazing resources on public lands, to stabilize the range stock-raising industry, and for other purposes; to the Committee on the Public Lands.

By Mr. VINCENT of Michigan: A bill (H. R. 9284) to amend the immigration act of 1924 entitled "An act to limit the immigration of aliens into the United States, and for other purposes"; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: A bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death; to the Committee on Claims.

By Mr. HUDSPETH: A bill (H. R. 9286) authorizing the appropriation of $65,000 to be expended by the American section, International Boundary Commission, United States and Mexico, for the purpose of making a survey to fix the boundary between the United States and Mexico, between El Paso and Fort Quitman, Tex., and for other purposes; to the Committee on Foreign Affairs.

By Mr. UPDIKE: A bill (H. R. 9287) to authorize appropriations for construction at Fort Benjamin Harrison, Ind.; to the Committee on Military Affairs.

By Mr. HOPE: A bill (H. R. 9288) to amend the packers and stockyards act, 1921; to the Committee on Agriculture.

By Mr. ANDREW: A bill (H. R. 9289) to provide additional pay for personnel of the United States Navy assigned to duty on submarine vessels and diving duty; to the Committee on Naval Affairs.

By Mr. MONTAGUE: A bill (H. R. 9290) to further amend an act, commonly known as the Elkins Act, entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, as heretofore amended by an act approved June 29, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 9291) to create a commission to collect and publish the records of American women in war; to the Committee on Education.

Also, a bill (H. R. 9292) to amend the organic law of the United States Court for China, enacted June 30, 1906; to the Committee on Foreign Affairs.

By Mr. REECE: A bill (H. R. 9293) granting the consent of Congress to the highway department of the State of Tennessee to construct a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Oklahoma (by request): A bill (H. R. 9294) relating to the tribal and individual affairs of the Osage Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. MORIN: A bill (H. R. 9295) to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men; to the Committee on Military Affairs.

By Mr. GRIEST: A bill (H. R. 9296) to amend title 2 of an act approved February 28, 1925, regulating postal rates, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: A bill (H. R. 9297) authorizing the adjustment of the boundaries of the Olympic National Forest, Wash., and for other purposes; to the Committee on the Public Lands.

By Mr. CANNON: A bill (H. R. 9298) to prevent obstruction and burdens upon interstate trade and commerce in copyrighted motion-picture films, and to prevent the restraint upon the free competition in the production, distribution, and exhibition of copyrighted motion-picture films, and to prevent the further monopolization of the business of producing, distributing, and exhibiting copyrighted motion pictures, by prohibiting blind book and block booking of copyrighted motion-picture films and by prohibiting the arbitrary allocation of such films by distributors to theaters in which they or other distributors have an interest, direct or indirect, and by prohibiting the arbitrary refusal to book or sell such films to exhibitors in which they have no such interest; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Joint resolution (H. J. Res. 162) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SOMERS of New York: Joint resolution (H. J. Res. 163) to create a commission to consider the practicability of establishing a system of tribunals for adjudicating controversies among the different governments of America; to the Committee on Foreign Affairs.

By Mr. ANDREW: Concurrent resolution (H. Con. Res. 17) to complete historical frieze in the Rotunda of the Capitol by a portrayal of the arrival of Charles A. Lindbergh on the field of Le Bourget in France; to the Committee on the Library.

By Mr. WHITE of Kansas: Concurrent resolution (H. Con. Res. 18) proposing an amendment to the Constitution; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. MacGREGOR: Resolution (H. Res. 91) relating to officers and employees and services of the House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 9299) granting an increase of pension to Emma Willitts; to the Committee on Invalid Pensions.

By Mr. BLACK of New York: A bill (H. R. 9300) for the relief of Joseph N. Marin; to the Committee on Naval Affairs.

Also, a bill (H. R. 9301), for the relief of Hugh O'Malley; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 9302) granting a pension to Edgar M. Riggs; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 9303) for the relief of Dent Allcroft & Co., A. J. Baker Co. (Inc.), Horwitz & Arbid (Inc.), and Richard Evans & Sons Co.; to the Committee on Claims.

By Mr. EVANS of California: A bill (H. R. 9304) granting an increase of pension to Ella C. Baker; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 9305) granting an increase of pension to Mary Matter; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 9306) granting an increase of pension to Anna E. Castle; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 9307) granting a pension to James E. Rose; to the Committee on Pensions.

By Mr. HOPE: A bill (H. R. 9308) granting an increase of pension to Amanda C. Long; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 9309) to provide a preliminary survey of the Wabash River flowing through the State of Indiana, and along the southern boundary between the State of Indiana and the State of Illinois; to the Committee on Flood Control.

Also, a bill (H. R. 9310) for the relief of R. H. Bohannon; to the Committee on the Civil Service.

By Mr. KADING: A bill (H. R. 9311) granting an increase of pension to Ella E. Clark; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 9312) granting an increase of pension to Mary Ann Zebley; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 9313) granting a pension to Frank J. Mesmer; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 9314) granting an increase of pension to Millie I. Croco; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9315) granting an increase of pension to Amanda F. Cotter; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 9316) granting an increase of pension to Anna M. Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9317) to correct the military record of Elijah Frisby (borne also as Elisha Frisbee and Elijah Frisbee); to the Committee on Military Affairs.

By Mr. MOORE of Virginia: A bill (H. R. 9318) making Leona E. Kidwell eligible to receive the benefits of the civil service retirement act; to the Committee on the Civil Service.

By Mr. O'CONNOR of New York: A bill (H. R. 9319) for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.; to the Committee on Claims.

Also, a bill (H. R. 9320) for the relief of the Home Insurance Co. of New York, N. Y.; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 9321) granting a pension to Arnold M. Zirkle; to the Committee on Pensions.

Also, a bill (H. R. 9322) granting a pension to Richard Gregg; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 9323) granting an increase of pension to Mary Adams; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 9324) granting an increase of pension to Isabell Wilson; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 9325) granting a pension to Marion Welch; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 9326) to reimburse Wm. Raskin & Co. (Inc.), of Brooklyn, N. Y., for losses amounting to $15,000 sustained by them in 1918 and 1919 in the handling or dealing in or with wheat-flour substitutes; to the Committee on Claims.

By Mr. SWEET: A bill (H. R. 9327) granting an increase of pension to Nettie C. Talbott; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 9328) granting an increase of pension to Catherine Wilhart Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9329) granting an increase of pension to Sylvia Carr Laird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9330) granting an increase of pension to Elizabeth Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9331) granting an increase of pension to Margaret E. Glenn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9332) granting an increase of pension to Fidelia A. Gibson; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 9333) granting an increase of pension to Lenora Stewart; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 9334) for the relief of Morris J. Lang; to the Committee on Military Affairs.

By Mr. WHITE of Maine: A bill (H. R. 9335) granting an increase of pension to Eliza J. Merrill; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 9336) granting a pension to John J. Boesl; to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 9337) granting an increase of pension to Mary J. Corder; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Texas: A bill (H. R. 9338) for the relief of Lillard Milling Co.; to the Committee on Claims.

By Mr. FLETCHER: Joint resolution (H. J. Res. 161) to entitle John E. G. Blesell to petition for citizenship; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1536. By Mr. ALDRICH: Petition of Charles H. Sanferd and seven others of Cranston, R. I., against passage of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1537. By Mr. ANTHONY: Petition by the officers of Topeka Post, No. 94, Woman's Relief Corps, Department of Kansas, urging the enactment of legislation to increase the pensions of Civil War Veterans; to the Committee on Invalid Pensions.

1538. Also, petition by the officers of Topeka Post, No. 71, Grand Army of the Republic, Department of Kansas, urging legislation to increase the pension of widows of Civil War veterans; to the Committee on Invalid Pensions.

1539. Also, petition by citizens of Topeka, Kans., urging enactment of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1540. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1541. By Mr. BECK of Wisconsin; Petition of citizens of Minor Lake, State of Wisconsin, urging Congress to increase the pension of widows and soldiers of the Civil War veterans; to the Committee on Invalid Pensions.

1542. By Mr. BOHN: Petition by citizens of Boyne City, Mich., opposing House bill 78; to the Committee on the District of Columbia.

1543. Also, petition of citizens of Charlevoix County, Mich., opposing House bill 78; to the Committee on the District of Columbia.

1544. Also, petition by citizens of Emmet County, Mich., opposing House 78; to the Committee on the District of Columbia.

1545. Also, petition by citizens of Antrim County, Mich., opposing House bill 78; to the Committee on the District of Columbia.

1546. By Mr. BOWMAN: Petition in behalf of Civil War veterans and their widows, urging further relief legislation; to the Committee on Invalid Pensions.

1547. By Mr. BROWNING: Petition against the Lankford bill (H. R. 78), compulsory Sunday observance bill; to the Committee on the District of Columbia.

1548. Also, petition against the Lankford bill (H. R. 78), compulsory Sunday observance bill; to the Committee on the District of Columbia.

1549. By Mr. BULWINKLE: Petition of 70 citizens of Avery County, N. C., and 25 citizens of McAdenville and Belmont, N. C., against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1550. By Mr. BURTNESS: Petition of 27 residents of Galesburg, N. Dak., urging retention of 1890 census as basis for immigration quotas; that the new quota distribution based on national origin be annulled; and that no further measures of reduction of Scandinavian quotas be passed by Congress; to the Committee on Immigration and Naturalization.

1551. Also, petition of five citizens of Fargo, N. Dak., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying adequate increases; to the Committee on Invalid Pensions.

1552. By Mr. CARSS: Petition of Mrs. C. W. Buckley and 31 other residents of Mahtowa, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1553. Also, petition of residents of Duluth, Minn., urging action on a Civil War pension bill for the relief of veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

1554. Also, petition of residents of Duluth, Minn., urging action on a Civil War pension bill for the relief of needy and suffering veterans and widows; to the Committee on Invalid Pensions.

1555. By Mr. CELLER: Petition of citizens doing business with officials at the United States courthouse and post-office building, Brooklyn, N. Y., advocating the Welch bill; to the Committee on the Civil Service.

1556. Also, petition of employees of the Government in advocacy of the Welch bill; to the Committee on the Civil Service.

1557. By Mr. CLARKE: Petition from the citizens of Merrickville, N. Y., and vicinity, and from the citizens of Norwich, N. Y., and vicinity, against compulsory Sunday observance; to the Committee on the District of Columbia.

1558. By Mr. CLAGUE: Petition of M. R. Martin, of Westbrook, Minn., and others, opposing the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1559. By Mr. CROWTHER: Petition of residents of Northville, N. Y., favoring increase of pensions to Civil War soldiers and their widows; to the Committee on Invalid Pensions.

1560. By Mr. DEMPSEY: Petition of citizens of Lockport, N. Y., protesting against the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1561. By Mr. EVANS of Montana: Petition of E. R. Latham and others, of Elliston, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1562. Also, petition of Edgar Lanham and other residents of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1563. By Mr. FISHER: Petition of 325 persons, protesting against House bill 78; to the Committee on the District of Columbia.

1564. By Mr. ROY G. FITZGERALD: Petition of 134 citizens of Dayton, Ohio, praying for the defeat of House bill 78, making Sunday observance compulsory; to the Committee on the District of Columbia.

1565. By Mr. FOSS: Petition of Mrs. Elmira M. Plimpton and various other citizens of East Brookfield, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1566. Also, letter of Adolph Blomstedt, of Springfield, Mass., submitting petition signed by 28 citizens of the third congressional district of Massachusetts (Belchertown, Enfield, Monson, and Ware), protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1567. Also, petition of Joseph Schnetzler and 652 other citizens of the third congressional district of Massachusetts, protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1568. By Mr. GALLIVAN: Petition of Maj. Gen. Walter E. Lombard (Massachusetts National Guard, retired), president National Guard Association of Massachusetts, 746 Old South Building, Boston, Mass., recommending amendment to section 113 of the national defense act to provide for annual national rifle matches; to the Committee on Military Affairs.

1569. By Mr. GARBER: Petition of certain residents of the eighth congressional district of Oklahoma, urging the enactment of legislation to provide $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, and $50 per month for every Civil War widow; to the Committee on Invalid Pensions.

1570. By Mr. GRIEST: Petition of Little Britain Monthly Meeting of the Society of Friends, with regard to the building of cruisers; to the Committee on Naval Affairs.

1571. By Mr. HICKEY: Petition of Dr. H. B. Boram and other citizens of South Bend, Ind., opposing the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1572. Also, petition of Mrs. Edith Cross and other citizens of South Bend, Ind., opposing the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1573. By Mr. HOOPER: Petition of John Butts and 48 other residents of Grand Ledge, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1574. Also, petition of Mrs. George Sanders and 51 other residents of Kalamazoo County, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1575. By Mr. IRWIN: Petition of citizens of Belleville, Ill., praying for the enactment of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1576. By Mr. KIESS: Petitions from citizens of Galeton and North Bend, Pa., favoring legislation to increase the pension of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

1577. By Mr. KOPP: Petition signed by E. W. Graves and 60 other residents of Bentonsport and Bonaparte, Iowa, and vicinity, protesting the passage of any compulsory Sunday observance bill in general and House bill 78 in particular; to the Committee on the District of Columbia.

1578. By Mr. KVALE: Petition of 120 residents of Pope and Swift Counties, Minn., protesting against Sunday laws; to the Committee on the District of Columbia.

1579. Also, petition of several residents of Meeker County, Minn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1580. Also, petition of several residents of Meeker County, Minn., protesting against Sunday laws; to the Committee on the District of Columbia.

1581. Also, petition of several residents of Alexandria, Minn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1582. Also, petition of several residents of Willmar, Minn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1583. Also, petition of several residents of Big Stone and Stevens Counties, Minn., protesting against Sunday laws; to the Committee on the District of Columbia.

1584. Also, petition of several residents of Willmar, Minn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1585. By Mr. LAMPERT: Petition signed by 161 citizens of Menasha, Wis., protesting against the passage of so-called Sunday observance legislation; to the Committee on the District of Columbia.

1586. By Mr. LOZIER: Petition of 49 citizens of Chillicothe, Mo., urging increase of pension allowances to soldiers of the Civil War and their dependents; to the Committee on Invalid Pensions.

1587. By Mr. MAAS: Petition of Dr. Henry H. Hall and 1,088 petitioners of St. Paul, Minn., protesting against House bill 78, compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1588. Also, petition of August S. Anderson and 98 petitioners of St. Paul, Minn., protesting against House bill 78, compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1589. By Mr. MAJOR of Missouri: Petition of citizens of Humansville, Mo., urging the passage of legislation providing increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

1590. Also, petition of citizens of Saline County, Mo., urging the passage of legislation providing increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

1591. Also, petition of citizens of Springfield, Mo., urging the passage of legislation providing increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

1592. Also, petition of citizens of Springfield, Mo., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1593. Also, petition of citizens of Sedalia, Mo., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1594. Also, petition of citizens of Cole Camp, Mo., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1595. Also, petition of citizens of Saline County, Mo., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

1596. By Mr MAPES: Petition of residents of Sparta, Mich., advocating the enactment of additional legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

1597. By Mr. MORROW: Petition of Kiwanis Club, of Tucumcari, N. Mex., favoring House bill 8956, providing for the propagation of trees in the Great Plains area; to the Committee on Agriculture.

1598. By Mr. NEWTON: Petition of Peter Morton, of Minneapolis, and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1599. Also, petition of C. E. Powers and others, from Minneapolis, against Sunday compulsory observance; to the Committee on the District of Columbia.

1600. Also, petition of L. D. Ward and other Minneapolis citizens, against compulsory Sunday observance; to the Committee on the District of Columbia

1601. Also, petition of Mrs. Nora Flockey, of Minneapolis, and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1602. Also, petition of Nels Berglund, of Minneapolis, and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1603. Also, petition of Mrs. E. J. Peterson, of Minneapolis, and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1604. By Mr. PEAVEY: Petition of numerous citizens of Medford, Wis., protesting against the enactment of compulsory

Sunday observance legislation and particularly against House bill 78; to the Committee on the District of Columbia.

1605. Also, petition of numerous citizens of Superior, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1606. Also, petition of numerous citizens of Clear Lake, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1607. Also, petition of numerous citizens of Clayton, Wis., protesting against the enactment of compulsory Sunday legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1608. Also, petition of numerous citizens of Brule, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1609. Also, petition of numerous citizens of Iron River, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1610. Also, petition of numerous citizens of South Range, Wis., protesting against the enactment of compulsory Sunday legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1611. Also, petition of numerous citizens of Tripoli, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1612. Also, petition of numerous citizens of Brantwood, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1613. Also, petition of numerous citizens of Three Lakes, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1614. Also, petition of numerous citizens of Eagle River, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1615. Also, petition of numerous citizens of Trego, Wis., protesting against the enactment of compulsory Sunday legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1616. Also, petition of numerous citizens of Spooner, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1617. Also, petition of numerous citizens of Rhinelander, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1618. By Mr. RAMSEYER: Petition of citizens of Keswick, Iowa, favoring increase of pension for soldiers of the Civil War and their widows; to the Comimttee on Invalid Pensions.

1619. Also, petition of residents of Eddyville, Iowa, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1620. By Mr. REED of New York: Petition of residents of Celeron and Silver Creek, N. Y.; indorsing Civil War pension bill; to the Committee on Invalid Pensions.

1621. Also, petition of residents of Jamestown, Olean, and Falconer, N. Y.; to the Committee on the District of Columbia.

1622. By Mr. ROMJUE: Petition of D. C. Reynolds, E. M. Johnson, et al., of Queen City, Mo., in opposition to the passage of House bill 78; to the Committee on the District of Columbia.

1623. Also, petition of Guy Newkirk, F. H. Bristow, and other residents of Macon County, Mo., protesting against the passage of legislation establishing compulsory Sunday observance, and particularly House bill 78; to the Committee on the District of Columbia.

1624. By Mr. SCHAFER: Petition signed by citizens of Milwaukee, Wis., and vicinity, protesting against the compulsory Sunday observance bill or any other bill enforcing observance of the Sabbath, or any such resolution proposing such legislation; to the Committee on the District of Columbia.

1625. By Mr. SELVIG: Petition of Mr. Ole Kleppe and 26 adult residents of Newfolden and Viking, Marshall County, Minn., protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1626. By Mr. SINNOTT: Petition of numerous citizens of Bend, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1627. Also, petition of numerous citizens of Enterprise and La Grande, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1628. By Mr. SWING: Petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1629. Also, petition of citizens of Escondido and San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1630. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1631. Also, petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1632. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1633. Also, petition of citizens of San Bernardino County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1634. By Mr. TINKHAM: Resolutions of Ancient and Honorable Artillery Company of Massachusetts, indorsing the holding annually of the national rifle matches and urging the appropriation of the necessary funds; to the Committee on Military Affairs.

1635. By Mr. TREADWAY: Petition of citizens of Williamsburg, Mass., protesting against the passage of the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1636. By Mr. VINCENT of Michigan: Petition signed by residents of Pewamo, Mich., urging early action on a bill granting more liberal pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

1637. Also, petition of 51 residents of the eighth congressional district of Michigan, protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1638. By Mr. WILLIAMSON: Petition of C. A. Stewart and other residents of Hot Springs, S. Dak., against compulsory Sunday observance; to the Committee on the District of Columbia.

1639. Also, petition of C. E. Perrin and other residents, of Custer, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1640. Also, petition of Camille W. Yuill and other residents, of Custer, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1641. Also, petition of G. R. McColley and other residents, of Edgemont, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1642. Also, petition of E. G. Olsen and other residents, of Hot Springs, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1643. Also, petition of J. E. Mueller and other residents, of Hot Springs, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1644. By Mr. WINGO: Petition of citizens of Midland, Ark., protesting against passage of Lankford Sunday observance bill; to the Committee on the District of Columbia.

1645. By Mr. TREADWAY: Petition of residents of various towns in Berkshire County, Mass., against the passage of the so-called Lankford Sunday closing bill; to the Committee on the District of Columbia.

SENATE

SATURDAY, *January 14, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, whose kingdom is everlasting and power infinite, have mercy upon this whole land, and so guide the destiny of our Nation that the gentleness of Thy omnipotence may be tenderly revealed. Give us understanding hearts and discerning minds, that by our endeavors the safety, honor, and welfare of Thy people may be advanced. Grant that by looking unto Thee our love may be rekindled and by waiting upon Thee our strength may be renewed. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday last, when, on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

AIR NAVIGATION FACILITIES—SUPPLEMENTAL ESTIMATE OF APPROPRIATION (S. DOC. NO. 41)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation from the Department of Commerce, fiscal year 1929, for air navigation facilities, in the amount of $475,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	La Follette	Sheppard
Barkley	Fletcher	McKellar	Shipstead
Bayard	Frazier	McMaster	Shortridge
Bingham	George	McNary	Smoot
Black	Gerry	Mayfield	Steck
Blaine	Gillett	Metcalf	Steiwer
Blease	Glass	Moses	Stephens
Borah	Gould	Neely	Swanson
Bratton	Greene	Norbeck	Thomas
Brookhart	Hale	Norris	Trammell
Broussard	Harris	Nye	Tydings
Bruce	Harrison	Oddie	Tyson
Capper	Hawes	Overman	Walsh, Mass.
Caraway	Hayden	Phipps	Walsh, Mont.
Couzens	Heflin	Pine	Warren
Curtis	Howell	Pittman	Waterman
Cutting	Johnson	Ransdell	Wheeler
Deneen	Jones	Reed, Pa.	Willis
Dill	Kendrick	Robinson, Ark.	
Edwards	Keys	Robinson, Ind.	
Ferris	King	Sackett	

Mr. ROBINSON of Indiana. My colleague the senior Senator from Indiana [Mr. WATSON] is necessarily detained from the Senate. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

HOUSE BILL REFERRED

The bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

EXPERIENCE OF A MINNESOTA FARMER

Mr. SHIPSTEAD. Mr. President, I am in receipt of a letter this morning which I send to the desk and ask the clerk to read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

EAST GRAND FORKS, *January 10, 1928.*

Hon. H. SHIPSTEAD,
United States Senate, Washington, D. C.

DEAR SIR: When farm products sell at prices that are profitable to the producer, threats of boycott are heard as business interests and middlemen must have cheap food to make larger profits. January 1, 1921, I had 1,120 acres of land, all under cultivation, all the horses, machinery, and livestock needed to farm at a profit; Government bonds, bank deposits, and grain on hand to the value of over $10,000. January 1, 1928, I still have 1,120 acres of land, valued at 50 per cent less than 1920; the same amount of livestock and machinery; no Government bonds, no bank deposits, grain to the value of $2,000, not sufficient for seed and feed until next harvest. Oats were a failure here last year. Six adult persons have been working 365 days a year for the last seven years on our farm without wages. At present we milk about 30 cows; have retailed milk for 34 years in Grand Forks, N. Dak. The profits from our dairy the last seven years and our Government bonds have been used to produce cheap food. Management of farm is the same as from 1890 to 1920, when we accumulated this property, starting as a renter. Something is wrong.

ANDREW A. OLSON,
Box 4, East Grand Forks, Minn.

HON. EVANS WOOLLEN'S JACKSON DAY DINNER SPEECH

Mr. THOMAS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of a speech made at the recent Jackson day dinner in this city by Hon. Evans Woollen, of Indianapolis.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. Woollen's speech is as follows:

A recent magazine article, by Mr. Walter Lippman, was entitled "The sick donkey." Well, if the donkey has been sick it would seem to-night that he is convalescent. Twenty-one Democratic governors were invited to this dinner and nearly half of the Congress. Such convalescence gives hope that an invitation to the next quadrennial dinner may be sent to a Democratic president.

Mr. Lippmann said that he would not try to answer whether the donkey was worth saving. There was no need that he do so. The question answers itself. The faith of the Democratic Party is a living faith, presently useful, never more needed. Since the war, especially, there has been a growing and sinister feeling in the hearts of the common folk of America that they are not represented actually and effectively by those who control the National Government. There has developed the feeling that governmental policies are cut and dried and handed down by that small group of influential men who have the private ear of the Republican administration. And I tell you it is a disturbing thing when great bodies of our citizens, of the farmers, of labor, of the plain people everywhere, get the idea that what they do, what they say, whether and how they vote, is of no great consequence.

We are told that here in Washington there are "over 150 central agencies of various associations and groups." Some of them, to be sure, seek the common good. Most of them seek privilege for themselves at Muscle Shoals and Boulder Canyon or elsewhere. The privilege seekers are organized and articulate. They turn instinctively to the Republican Party. The unorganized and inarticulate, "the forgotten man," the consumer, they are those whom the Democratic Party must defend.

As a part of that defense it makes war on the Fordney-McCumber tariff. Let it be understood, however, that no one proposes to jump from protection to free trade. Whatever one may think about the principle of protection, he must, if he be realist as well as idealist, recognize that the system has been long established in this country and that vested interests are involved. What the Democratic Party does propose is tariff duties whose purpose is effective competition between foreign and domestic producers, duties in the making of which the voice of the American consumer shall be regarded as well as those still, small, insistent voices of privilege. What the party proposes is the immediate substitution of a moderate tariff act for the present immoderate act, and thereafter slowly progressive reduction in the direction of tariff for revenue only. The difference on the tariff is not a difference between extremes but a difference in direction. The Repbulican Party is headed one way. The Democratic Party is headed the other way. In the last 40 years we have had seven general tariffs acts—five Republican, two Democratic. Every one of those Republican acts was a step upward. For 40 years the movement, except as twice interrupted by the Democrats, has been steadily upward. Now the Democratic Party proposes to face in the other direction, to begin, prudently and without unfairness, a movement downward; to take from the tariff the worst of the plunder.

"The great question of the future * * *, is whether this policy (of tariff protection on manufactured products) has not fully served its purpose, and whether, indeed, it has not been pushed so far as to endanger the balance between agriculture and industry and so warrant such readjustment as may distribute its advantages and burdens more fairly." That quotation is not from a Democratic platform. It is from the report of the Business Men's Commission on Agriculture appointed by the National Industrial Conference Board and the Chamber of Commerce of the United States. Yes, the balance between agriculture and industry is endangered and our permanent well-being threatened. Whether legislation of the McNary-Haugen type is a solution sound in practicability may well be questioned, but I am impatient with the superior airs of Republican protectionists who protest against the proposed legislation as unsound in principle. For one I can see no difference in principle between the McNary-Haugen bill and the Fordney-McCumber Act. Each is designed to enable the seller by law to get prices higher than he could otherwise get. Indeed, my impatience leads me to say that economic unsoundness is not the worst thing in the world. Injustice is worse. The farmer is now the victim of injustice. That injustice must be removed; soundly, if possible, but in any event removed. It was not removed magically by the wave of a western hat assumed for the purposes of an agrarian gesture.

I am impatient, too, with those for whom patriotism is braggadocio and isolation. We are a part of the world and we had better remember it in self-interest if not in good will. For one thing, we had better be willing, at least, to examine the difficulties which stand in the way of consummating our adherence to the World Court. That, we thought, was one way to peace. Another stands brilliantly illustrated in the methods thus far of Mr. Dwight Morrow, our ambassador to Mexico, in contrast with the methods of previous Latin-American diplomacy.

Yes; the donkey has a lot of useful work to do. He is worth saving. Besides, you could not kill him. He can not kill himself, as he has proved more than once. The worst thing that could now happen to him would be a dose of bigotry. Traditionally haters of bigotry and repression, defenders of freedom in speech, press, religion, Democrats can not tolerate the denial of office on the ground of religious affiliation. Neither can they tolerate the advocacy of any man for office on the ground of religious affiliation. Not that way lies usefulness.

The Democratic Party, when true to its principles, has served well our country. Its usefulness now lies not in behind-the-door intrigues of bigots or sectionalists or privilege seekers but in the maintenance of an open door through which there shall be welcomed to the household all those who believe that the American people, still capable of self-government, are in no need of guardianship by the few and who believe that the national well-being is based not on the wisdom of the Republican Party but on the bounty of God and the genius of our people. Those so believing, unitedly embattled under the banner of faith in the plain people, can serve mightily—triumphantly, I am persuaded—for minimum government, home rule, freedom from privilege, international good will.

REPORTS OF COMMITTEES

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the resolution (S. Res. 79) providing for a general survey of the condition of the Indians in the United States, and for other purposes, reported it with amendments, and, on his motion, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2020) for the relief of Leonidas L. Cochran and Rosalie Cochran Brink, reported it without amendment and submitted a report (No. 78) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 1218) for the relief of Lincoln County, Oreg., reported it without amendment and submitted a report (No. 79) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1758) for the relief of Fred A. Knauf, reported it without amendment and submitted a report (No. 80) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., reported it without amendment and submitted a report (No. 81) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 1325) for the relief of John A. Fox, reported it without amendment and submitted a report (No. 82) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 2542) for the construction of a private conduit across Lincoln Road NE., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRATTON:

A bill (S. 2543) to authorize an appropriation for the construction of a bridge on the Zuni Indian Reservation in New Mexico; to the Committee on Appropriations.

A bill (S. 2544) providing for the acquirement by the United States of privately owned lands within Sandoval and Santa Fe Counties, N. Mex., known as the Ramon Vigil Grant, by exchanging therefor timber within the exterior boundaries of any national forest situated within the State of New Mexico; to the Committee on Agriculture and Forestry.

By Mr. CAPPER:

A bill (S. 2545) to authorize the sale of certain lands near Garden City, Kans.; to the Committee on Public Lands and Surveys.

By Mr. NEELY:

A bill (S. 2546) granting an increase of pension to Mary Fry; and

A bill (S. 2547) granting an increase of pension to Thomas Dillon; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 2548) granting an increase of pension to Clara L. Campbell (with accompanying papers); to the Committee on Pensions.

A bill (S. 2549) providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter; to the Committee on Foreign Relations.

By Mr. GOULD:

A bill (S. 2550) granting an increase of pension to Demerise Cyr; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 2551) granting an increase of pension to Mahala Buckmaster; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 2552) granting an increase of pension to Helen F. Livingston; to the Committee on Pensions.

By Mr. SACKETT (for Mr. GOFF):

A bill (S. 2553) granting an increase of pension to Catharine F. Stuart (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2554) granting the consent of Congress to the cities of Atchison and Leavenworth, Kans., the city of St. Joseph, Mo., and the counties of Buchanan and Platte, Mo., their successors or assigns, to construct a bridge across the Missouri River, or to acquire existing bridges; to the Committee on Commerce.

A bill (S. 2555) for the relief of Catherine McLinden (with accompanying papers); to the Committee on Finance.

A bill (S. 2556) granting an increase of pension to Julia I. Gritzmacher (with accompanying papers);

A bill (S. 2557) granting an increase of pension to Elizabeth E. Norris (with accompanying papers);

A bill (S. 2558) granting an increase of pension to Harriet Van Houten (with accompanying papers);

A bill (S. 2559) granting an increase of pension to Ruth Nelson (with accompanying papers);

A bill (S. 2560) granting an increase of pension to Marietta Hawley (with accompanying papers);

A bill (S. 2561) granting an increase of pension to Mary E. Girard (with accompanying papers);

A bill (S. 2562) granting an increase of pension to Roxana Raymond (with accompanying papers);

A bill (S. 2563) granting an increase of pension to Charles Halstead (with accompanying papers);

A bill (S. 2564) granting an increase of pension to Zachary T. Anthony (with accompanying papers);

A bill (S. 2565) granting a pension to Romelia D. Reynolds (with accompanying papers); and

A bill (S. 2566) granting a pension to George W. Banister (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 2567) granting a pension to Fred Sweetman; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 2568) granting an increase of pension to Frances Louise Simmons (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2569) providing for horticultural experiment and demonstration work in the semiarid or dry land regions of the United States; to the Committee on Agriculture and Forestry.

By Mr. NORBECK:

A bill (S. 2570) to establish the Kendrick National Park in the State of Wyoming, and for other purposes; and

A bill (S. 2571) to revise the boundary of the Yellowstone National Park in the State of Wyoming, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. McKELLAR:

A joint resolution (S. J. Res. 75) authorizing the President to invite the nations of the world to send representatives to a conference at Washington, D. C., in 1928 for the purpose of adopting a code of international law, and for other purposes; to the Committee on Foreign Relations.

DAM ON CLARKS FORK OF THE YELLOWSTONE RIVER

Mr. WHEELER introduced a joint resolution (S. J. Res. 74) authorizing investigations and surveys for a dam on the Clarks Fork of the Yellowstone River, which was read twice by its title, referred to the Committee on Commerce, and, on request of Mr. WHEELER, ordered to be printed in the RECORD, as follows:

Whereas to effect adequate control of the flood waters of the Missouri River, and as a means toward control of the flood waters of the Mississippi River, it is essential that the annual spring floods, which originate from melting snow in the headwaters of the Missouri River, shall be controlled at or near their sources; and

Whereas the Riker spillway project and ramifications (S. J. Res. 7, 70th Cong.), which calls for the construction of a master dam across the Missouri River above Bismarck, N. Dak., is now before the Congress and would effect such a result; and

Whereas the Clarks Fork of the Yellowstone River in Wyoming, just below the Montana State line, affords a location for a dam which, if

constructed, would control a large part of the flood waters which now ravage the valley of the Yellowstone River and would increase the flood-control capacity of the master dam aforesaid; and

Whereas such Clarks Fork dam could also be utilized for purposes of power and irrigation: Therefore be it

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed (1) to proceed immediately to make the necessary engineering investigations, surveys, borings, and plans and estimates for the construction of a dam on the Clarks Fork of the Yellowstone River, adequate to restrain the spring floods of such river, at a point approximately 8 miles south of the Montana-Wyoming State line, or at such other point on such river as the Secretary of the Interior deems suitable for the purpose, and (2) to report his findings to Congress within 60 days after the approval of this resolution. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, to enable the Secretary of the Interior to carry out the provisions of this resolution.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. BRATTON submitted an amendment intended to be proposed by him to House bill 9136, the Interior Department appropriation bill for the fiscal year 1929, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following:

"For the construction of a bridge on the Zuni Indian Reservation, N. Mex., under such rules and regulations as the Secretary of the Interior may prescribe, $2,000: *Provided*, That Indian labor shall be employed so far as practicable."

SELECT COMMITTEE ON REVISION OF THE LAWS

On motion of Mr. CURTIS, it was

Ordered, That the Select Committee on Revision of the Laws is hereby abolished, and the services of the clerks, assistant clerks, and other employees of said committee are dispensed with after January 31, 1928.

INVESTIGATION RELATIVE TO SINKING OF THE SUBMARINE "S-4"

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 109) submitted by Mr. TRAMMELL on the 12th instant, as follows:

Resolved, That a committee composed of five Senators, to be appointed by the President of the Senate, is hereby authorized and created.

Resolved further, That it shall be the duty of the said committee to investigate the full facts of the sinking of the submarine *S-4* in collision on December 17, 1927, with the United States Coast Guard destroyer *Paulding* off the Massachusetts coast, and the rescue and salvage operations carried on by the United States Navy subsequent thereto. All hearings before the committee shall be open to the public.

Resolved further, That to carry out and give effect to the provisions of this resolution the committee hereby created shall have power to issue subpœnas, administer oaths, summon witnesses, require the production of books and papers, and receive testimony taken before any proper officer in any State or Territory of the United States.

Resolved further, That the said committee shall immediately proceed with the said investigation and not later than March 15, 1928, make its report to the Senate.

Mr. CURTIS. Mr. President, under the law, this resolution should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. TRAMMELL. Mr. President, I beg to differ with the Senator from Kansas. The resolution does not carry an appropriation.

Mr. CURTIS. How could a committee employ a clerk and stenographer and take testimony without incurring an expenditure of money?

Mr. TRAMMELL. That is a matter which may be taken up after the adoption of the resolution.

Mr. CURTIS. I do not think the Senator from Florida can dodge the issue in that way. We may not do indirectly what the law forbids us from doing directly. The resolution, if adopted, would require the taking of testimony, and testimony can not be taken without paying the attendant expenses. However, I was going to suggest that the resolution might go over, because a report has been made on a joint resolution involving this question, which will come up early next week. The Senator from Florida could then offer his resolution as a substitute proposal at that time.

Mr. TRAMMELL. My request does not involve a dodging of the issue at all. I think the question of dodging the issue is involved more in the procedure of referring the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate in order to let that committee pass upon the question of the appropriation and thereby avoid a consideration of the real merits of the resolution, which calls for an investigation. I had hoped that we might have the question involved in the resolution considered on its merits as to whether or not we should order the proposed investigation and not have it sidetracked by being referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Florida yield to me for a moment?

Mr. TRAMMELL. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Does not the Senator from Florida think that the resolution should be discussed at the same time as the joint resolution reported by a majority of the Committee on Naval Affairs?

Mr. CURTIS. That joint resolution relates to the same subject.

Mr. WALSH of Massachusetts. Both resolutions relate to the same subject.

Mr. TRAMMELL. Mr. President, my resolution is expressive most conclusively of my sentiments that we should have an investigation on the part of a senatorial committee and that such investigation should be expedited and that there should be no unnecessary delay. However, under the circumstances, I am willing to have the resolution go over, holding its place.

Mr. CURTIS. That will be satisfactory.

Mr. WALSH of Massachusetts. I will say to the Senator from Florida that I am in accord with his position on the resolution.

Mr. TRAMMELL. I appreciate that.

The VICE PRESIDENT. The resolution submitted by the Senator from Florida will go over.

THE CALENDAR

The VICE PRESIDENT. If there be no further morning business, morning business is closed, and the calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

The bill (S. 1946) relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended, was announced as first in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

FRANK TOPPING AND OTHERS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 19) for the relief of Frank Topping and others.

Mr. KING. Let the bill be read, Mr. President.

The VICE PRESIDENT. The bill will be read.

The bill was read and considered as in Committee of the Whole, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, as follows, to wit: To Frank Topping, the sum of $372; to J. A. Garrett, the sum of $127.90; to Charles H. Lemon, the sum of $1,006.50; to Elmer B. Irvan, the sum of $121; to G. C. Rothwell, the sum of $1,240; to E. L. Brown, the sum of $492.60; to Robert White, the sum of $228; to Charles L. Shirar, the sum of $332.50; to A. E. Welsh, the sum of $421.80; said sum representing losses and damages sustained by above-named individuals as a result of the flood gates in Haskell Institute's drainage ditch not being closed during the high water in the Wakarusa River during the years 1921 and 1922.

Mr. SMOOT. Mr. President, I should like to have the Senator from Kansas [Mr. CAPPER], who introduced the bill, make a brief explanation of it.

Mr. CAPPER. Mr. President, the letter from the Secretary of the Interior, Mr. Work, explains the bill in full. His letter is found on the last page of the report of the committee.

Mr. SMOOT. Will the Senator from Kansas read the letter?

Mr. CAPPER. The important feature is stated in this paragraph of the letter of the Secretary of the Interior:

This bill is intended to provide reimbursement for damage sustained by Mr. Topping and other farmers in the vicinity of Lawrence, Kans., because of the flood at the Haskell Institute during the high water in the Wakarusa River in 1920, 1921, and 1922.

Under date of April 26, 1926, Mr. Topping, who appears to be acting as spokesman for the other claimants, wrote me that they had decided to withdraw their claims for damages alleged to have been sustained during the high water in 1920, there being no proof that any damage suffered during that year was caused by the Haskell floodgates being open.

The fact has been established that considerable damage was caused by the Haskell floodgates being washed out in 1921 and 1922 and the

department is in favor of reimbursement for such actual damages as may have been suffered in those years. However, from the information obtained relative to the actual damages suffered by the claimants, it is believed that the amounts appearing in the proposed bill are in some instances excessive and that the text should be revised so as to eliminate such portions of the claims as refer to damages alleged to have been suffered during 1920.

The bill has the full approval of the Secretary of the Interior, and the amounts have been carefully audited. The committee reported it favorably a year ago and the Senate passed it a year ago.

Mr. OVERMAN. Mr. President, let me inquire of the Senator how were the damages ascertained? Does the bill require that the Government shall ascertain the damages?

Mr. CAPPER. The Secretary of the Interior has had each claim audited. He suggested a reduction in various amounts in his report, and the bill has been made to conform to his recommendations.

Mr. SMOOT. The bill embodies the reduction suggested by the Secretary of the Interior.

Mr. CAPPER. Yes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. H. KING

The bill (S. 1766) for the relief of R. H. King was considered as in Committee of the Whole.

The VICE PRESIDENT. The amendment to the bill has been heretofore agreed to.

The bill as amended is as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. H. King, of Alvin, Tex., former postmaster at that place, $2,283.28, the amount paid by him to the Government of the United States on account of defalcation in in the post office at Alvin while he was postmaster, said defalcation having occurred without fault or negligence on his part.

Mr. KING. Mr. President, objection was made by my colleague [Mr. SMOOT] to this bill the other day.

Mr. SMOOT. I do not find the bill in my calendar.

Mr. KING. It is a bill which the committee has reported favorably providing for reimbursement to a postmaster, notwithstanding the fact that because of the postmaster's laxity the Postmaster General submitted an adverse recommendation.

Mr. SHEPPARD. Mr. President, I should like to make a statement in regard to the bill. The war savings stamps referred to in the bill were lost during the World War. The postmaster was sent a number of war savings stamps for sale to the public. He did not have adequate facilities to take care of those stamps and he placed them in a bank. They were lost in all probability because some official of the bank went wrong. There was no dishonesty or wrongdoing on the part of the postmaster. He made the loss good by using his life insurance.

Mr. KING. Mr. President, the facts stated by the Senator from Texas seem to place the case in a different category from that indicated by the report. The report states, in substance, that there was a shortage of $2,283.28 found in the war savings stamp account which was paid by Mr. King. The report indicates that the postmaster failed to provide an adequate check against the employees under his jurisdiction who handled war savings stamps and thrift stamps, and so forth. Suspicion pointed to the assistant postmaster at that time.

Then there is a report of the inspector in charge, which I have hastily glanced at, which is found on pages from 2 to 4, inclusive, of the committee's report. The inspector in charge indicates that the funds perhaps were taken by the assistant postmaster because of the failure to keep proper accounts and adopt a proper system and because of the lax method in which the postmaster checked the receipts and disbursements from day to day.

Mr. SHEPPARD. Mr. President, let me quote from the inspector's report.

Mr. KING. The point I was making is that there is nothing to indicate that the funds were in bank, but rather that they were in the post office.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Texas yield to me?

Mr. SHEPPARD. I yield.

Mr. ROBINSON of Arkansas. There is a paragraph in the inspector's report which indicates that the postmaster himself is a man of unquestionable integrity. Toward the bottom of page 3 I read:

While the postmaster has been rather lax in the manner of handling the accounts and cash, we do not believe that he has misused any of the funds. He has resided in Alvin, Tex., for a number of years, and he bears an excellent reputation. We would have no grounds whatever to accuse him of misappropriating funds of the office. He realized that he was responsible for the loss of the funds, and when we could not fix responsibility on any of the other employees of the office it was necessary for us to make demand on him for the amount of the shortage. He informed us that he had no personal funds whatever, and requested us to give him a few days in order that he could make arrangements to borrow the amount. He informed us that it would be necessary for him to mortgage his home in Alvin, Tex., in order to raise the amount. We were inclined to give him a few days, and he stated that he would try to raise the amount by the 16th instant, or before, or he would notify us that it would be impossible to secure the amount.

I think the Senate has passed a number of bills in cases where the record disclosed a greater degree of negligence on the part of the postmaster than was alleged in this instance by the inspector against the beneficiary of this bill. It is true that the report does say that the postmaster was somewhat lax in the manner of his handling the accounts and the cash of the office, but in numerous instances, taking into consideration all the equities of the case, we have reimbursed postmasters where similar conditions existed.

Mr. SHEPPARD. The shortage occurred, let me say to the Senator, during the war when everything was in a turmoil, when the work of the office had been doubled and trebled, and when the postmaster could not obtain additional facilities for the safe-keeping of the funds of his office. He placed these war savings stamps in a bank in order that they might be safely kept. There was a shortage in the account of one or more of the officers of the bank, and the logical conclusion is that they must have been lost on account of that shortage. There is no charge against the postmaster himself as to his reliability or honesty.

It seems to me that the postmaster exercised all due diligence in endeavoring to keep those war savings stamps in a proper way when he deposited them in the bank, finding that he had no secure way of keeping them in his office.

Mr. KING. Mr. President, as I read the report I do not reach the same conclusion as that indicated by the Senator from Texas. There is a supplemental report by inspectors, found on pages 4 to 7, inclusive, which indicates that probably there was a theft committed by the assistant postmaster, and there is nothing in this report to indicate that the funds were placed in a bank.

Mr. SHEPPARD. If the Senator will observe page 10 of the report, he will see that in a letter from the postmaster to myself he states that he placed the stamps in a bank.

Mr. KING. On page 5 it is stated, speaking of the assistant postmaster:

His reply to the charges have been received this date and they are herewith. It will be noted that he claims to be very much shocked and grieved that we should bring such accusations against him and he states that he had hoped that the investigation would show that he was in no way responsible for the shortage. Commenting on our charge that he had manifested no interest concerning the shortage, he states that he had made suggestions on a number of occasions to the postmaster, but the postmaster paid no attention to him; that he had suggested to the postmaster that each employee have a separate box to sell stamps from, etc. We will state that an affidavit taken by us from Clerk Smith shows that the postmaster did adopt a system of that kind and McClendon made slurring remarks about it.

The point I am making is that it would seem as though the funds were taken from the post office rather than from a bank.

Mr. SHEPPARD. They are speaking of McClendon here.

Mr. KING. Exactly—the assistant postmaster.

Mr. SHEPPARD. The man, in whose favor the bill is introduced, is R. H. King.

Mr. KING. Oh, I comprehend that.

Mr. SHEPPARD. Let me read to the Senator from the statement of the postmaster. He is a thoroughly reputable man. I know him personally:

The shortage occurred during the war when everything was in confusion and when the Alvin office had heaped upon it double and triple duty, due to the fact that it was a second-class post office, and was appointed central accounting office for Brazoria County. No extra facilities were furnished by the department to safeguard the excess of war savings stamps that this office was forced to handle, and in the case of the war savings stamps in question, I used my best judgment to safeguard them by placing them in the vault of the Farmers State Bank at

Alvin, Tex., thinking, of course, that the bank officials were honest, and using this precaution mainly to safeguard them against fire and theft.

The inspectors say:

We will state that the postmaster has not misused any funds and we consider him perfectly honest and reliable. It is our opinion, after making our investigation, that the shortage is chargeable to some employee who is accused of dishonesty.

This man was poor in worldly goods and supplied the loss by using his life insurance, as I have before stated.

I trust the Senator will permit the bill to pass.

Mr. KING. Was he not bonded?

Mr. SHEPPARD. He was bonded.

Mr. KING. Was the assistant postmaster bonded?

Mr. SHEPPARD. That I do not know; but the bonding company paid the loss and the postmaster reimbursed the bonding company.

Mr. KING. Mr. President, I shall not object to the consideration of the bill; but my recollection of many of these cases places this case outside of the list of those where the postmasters have received reimbursement from the Government.

As was stated by my colleague [Mr. SMOOT] the other day, there are a great many postmasters and other Government officials. There has been a very lax system obtaining in the matter of protecting the funds of the Government placed in the hands of various Government employees. If this thing is to go on it does seem to me that there ought to be legislation that will afford adequate protection to the Government, because at every session of Congress we have many of these bills for reimbursement because of the negligence or the dishonesty of some person in the employ of the Government. Often it is an employee rather than the chief of an office; but it seems to me that some plan ought to be adopted by which the Government can be fully protected, and the honest chief of a department may not be called upon to pay a shortage arising because of the dishonesty of some one else under him.

I shall not object to the consideration of the bill.

Mr. FLETCHER. Mr. President, while the Senator from Utah is quite correct in many of these instances involving a requirement that the postmaster shall keep a safe and deposit these things in his own safe, I can not see that there was any negligence here. This postmaster actually took the property to the safest place he could find, the vaults of the Farmers State Bank; and it seems to me that he can not be charged with negligence.

The VICE PRESIDENT. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF JOHN STEWART

The bill (S. 1622) for the relief of the estate of John Stewart, deceased, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William L. Browning, administrator of the estate of John Stewart, deceased, late civil engineer, for extra compensation for services rendered by him to the Government in connection with the Potomac Flats case, the sum of $2,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2185) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. KING. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

WILLIAM W. DANENHOWER

The bill (S. 1288) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendment, on page 1, line 6, after the words "sum of," to strike out "$42,260" and insert "$34,260," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William W. Danenhower, out of any money in the Treasury not otherwise appropriated, the sum of $34,260, for damages caused by the depreciation in value of his property situate in square 737 in the city of Washington, D. C., which said damages were caused by the elimination of the grade crossings of railroads in pursuance to the act of Congress approved February 12, 1901 (31 Stat. L. 774), and acts supplemental thereto, as found by the Court of Claims and reported in Senate Document No. 2, Sixty-seventh Congress, first session.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OWNER OF DRY DOCK NO. 6

The bill (S. 1981) for the relief of the owner of Dry Dock No. 6 was announced as next in order.

Mr. BRATTON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. BRATTON subsequently said: Mr. President, a moment ago I made objection to Senate bill 1981. Upon an investigation of the matter I have reached the conclusion that the bill is meritorious. I therefore withdraw the objection, and ask that we may return to that number.

The VICE PRESIDENT. Is there objection to returning to Senate bill 1981?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the claim of Staten Island Shipbuilding Co., owner of Dry Dock No. 6, against the United States of America for damages alleged to have been caused by a collision on January 6, 1923, between Dry Dock No. 6 and the steamship *Cody*, in Kill Van Kull, New York Harbor, while the said steamship was owned by the United States of America and was being operated in the service of the United States Shipping Board, may be sued for by the said Staten Island Shipbuilding Co. in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Staten Island Shipbuilding Co., or against Staten Island Shipbuilding Co. in favor of the United States, upon the same principles and measures of liability and with the same rights of appeal as in cases involving collision within the admiralty jurisdiction between movable floating structures designed for navigation: *Provided,* That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court; and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further,* That said suit shall be brought and commenced within four months from the date of the passage of this Act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. NIEHAUS

The bill (S. 380) for the relief of Charles H. Niehaus was announced as next in order.

Mr. KING. Let the bill be read.

The Chief Clerk read the bill.

Mr. KING. Will the Senator from Nebraska [Mr. HOWELL] make an explanation with regard to this bill? He reported the bill from the Committee on Claims.

Mr. HOWELL. I ask that the bill be passed over temporarily.

The VICE PRESIDENT. The bill will be passed over temporarily.

VAN DORN IRON WORKS CO.

The bill (S. 624) for the relief of the Van Dorn Iron Works Co. was announced as next in order, and was read.

Mr. JONES. I ask for an explanation of this bill.

Mr. WILLIS. Mr. President, the bill provides for payment to the Van Dorn Iron Works Co. for supplies that were furnished the Government and for which the company never has received any payment. I call the attention of the Senator particularly to the report, wherein appears a letter from the Postmaster General saying that this matter has been gone into and is reported, first, not in conflict with the financial program of the President; but I particularly call attention to the following letter from the Acting Postmaster General, noting especially the second paragraph, where I find this language:

The fact remains, however, that the Government received these boxes which it retained and made use of but for which it never paid anything, and from the evidence before the department it appears that the Van Dorn Iron Works Co., apparently an innocent manufacturer, has never

received any money from the Columbia Supply Co. for the boxes involved in this claim. (See the attached affidavit, dated July 21, 1919, by the vice president of the Van Dorn Iron Works Co.)

In a word, then, the Government received these boxes and made use of them; but because of some complications growing out of a fraudulent act by an officer of the United States this company never has received a penny for the boxes.

Mr. JONES. Mr. President, apparently the Van Dorn Iron Works Co. was a subcontractor.

Mr. WILLIS. I think that is correct.

Mr. JONES. Why could not they hold the original contractor?

Mr. WILLIS. I assume because it was found that the original contractor, the Columbia Supply Co., was insolvent, and it was a party to this fraudulent contract. That was the view taken by the Acting Postmaster General.

Mr. JONES. Did the original contractor get paid?

Mr. WILLIS. No; it is my understanding that he did not. That was set aside.

Mr. JONES. Is the Senator certain about that?

Mr. WILLIS. I would not want to say that I am absolutely certain. That is my understanding, however. I do not for the moment have the papers before me, but I think that is the case. I feel reasonably certain that that is the case.

Mr. JONES. I think we ought to be sure of that. I will ask that the bill go over to-day so that we can look into it.

Mr. WILLIS. All right. I have not any objection to that. I will investigate the matter fully.

The VICE PRESIDENT. The bill will be passed over.

ISABELLE R. DAMRON

The bill (S. 1361) for the relief of Isabelle R. Damron, postmaster at Clintwood, Va., was announced as next in order, and was read.

Mr. KING. Mr. President, I find on page 2 of the report this statement by the Postmaster General:

The loss thus appearing to have resulted from negligence within the meaning of the statute above cited, settlement of the claim was made by disallowances under date of January 31, 1924.

One of the rules of the department, if not the provision of the statute, is that postmasters must exercise all possible care for the protection of the public funds and property in their custody. Of course, that is obviously a very proper rule. It appears from the report that the postmaster neglected to lock the safe or the drawer, and went out during the middle of the day, leaving the drawer or the safe unlocked, and some person came in and purloined the money.

I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

ESTATE OF GEORGE B. SPEARIN

The bill (S. 1678) for the relief of the estate of George B. Spearin, deceased, was announced as next in order, and was read.

Mr. JONES. Mr. President, this seems to be a bill to pay a man for loss sustained by reason of the failure of his attorney to file a paper within a certain time. I think we should have some explanation of that, and whether or not the Government is going to become guarantor for the laches of an attorney.

I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

W. P. DALTON

The bill (S. 2005) for the relief of W. P. Dalton was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the sum of $5,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the payment in full of the claim of W. P. Dalton for injuries sustained at Laguna Dam, Ariz., on November 16, 1908, while in the employ of the United States Reclamation Service.

Mr. JONES. Mr. President, may we have a brief statement of the case?

Mr. KING. Apparently these injuries were sustained back in 1908.

Mr. ASHURST. Mr. President, the Senate has passed this bill twice in previous Congresses. The injured man, Mr. Dalton, was a switchman. He was employed by the United States Government on a switch engine in the construction of the Laguna Dam, in Arizona. The switch engine was proceeding along, and, without any fault or negligence on the part of Mr. Dalton, the switch was negligently misplaced or defective, as a result of which he was thrown from the front board violently to the ground and was dragged some 90 feet, sustaining what are alleged to be and what probably have proved to be permanent injuries. He is utterly incapable of doing manual labor.

I have been as brief as possible in reciting the history of the case. I might ask that the report be read, if Senators wish it. I will make that request.

Mr. JONES. I do not ask that it be read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROSA E. PLUMMER

The bill (S. 904) for the relief of Rosa E. Plummer was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Rosa E. Plummer, a former employee in the Bureau of Engraving and Printing, the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes, approved September 7, 1916," compensation hereunder to commence from and after the passage of this act.

Mr. JONES. Let us have a brief statement as to the bill.

Mr. CURTIS. Mr. President, the beneficiary under this bill is a woman who worked here at Washington for the Bureau of Engraving and Printing, and in the course of her employment her eyes were injured. She left the service for a time, and was taken back into the service, but her eyes got worse and she presented her resignation. She knew nothing about her right to compensation until she found that she was blind, and the doctors advised her that she was entitled to it. She asked for an application and filed it, but after a year had elapsed; so she was shut out because she had not filed it within the time required by the law.

Mr. ROBINSON of Arkansas. Is it necessary to pass a special act in order to afford her relief?

Mr. CURTIS. It is. She is totally blind now. She lives here in the city of Washington.

Mr. ROBINSON of Arkansas. There is no question but that she could have recovered if she had filed her claim in time?

Mr. CURTIS. If she had filed her claim within a year, she would have recovered.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD TUNNEL IN THE CITY OF WASHINGTON

The bill (S. 1279) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and empowered to discontinue the prosecution of all claims and suits pending in the Supreme Court of the District of Columbia and entitled suits at law Nos. 63579, 63580, 63581, and 63582, to recover the sum of $58,198.80 expended from public funds in resurfacing, repairing, and restoring to grade First Street east, between B Street south and B Street north, which work was rendered necessary by the subsidence of said street occasioned by the construction of a railroad tunnel under the said street incident to the project of elimination of grade crossings and the establishment of a union railroad station in the District of Columbia, authorized by acts of Congress approved February 12, 1901, and February 28, 1903: *Provided*, That the Philadelphia, Baltimore & Washington Railroad Co., the Pennsylvania Railroad Co., and the Washington Terminal Co., jointly or severally, pay to the collector of taxes of the District of Columbia a sum not less than $30,000 in compromise and settlement of said claim or claims: *Provided further*, That said sum shall be covered into the Treasury of the United States to the credit of the United States and the revenues of the District of Columbia in equal parts.

Mr. BRATTON. Mr. President, will not the Senator from Kansas [Mr. CAPPER], who reported the bill, explain the reason for compromising this claim for less than the full amount?

Mr. CAPPER. The bill involves a controversy between the District of Columbia and the Pennsylvania Railroad Co. that has been in the courts for many years. Finally the Commissioners of the District of Columbia and the legal department of the District came to the conclusion that it is in the interest of the District to accept an offer of compromise made by the railroad company.

The case has to do with the construction of the tunnel under First Street and is for damages resulting in connection with that work. The railroad company claims that the work done

by the engineering department of the District was not done according to the best engineering practices. The claim involved about $58,000. Finally, after a year spent in the courts, during which the District seems to have gotten the worst of it, it is the opinion of the legal department of the District that the acceptance of $30,000 would be clearly in the interest of the District.

Mr. BRATTON. Do the Commissioners of the District of Columbia concur in that view?

Mr. CAPPER. They prepared the bill and brought it to Congress, and have asked us to pass it. They appeared before our committee and urged prompt action upon the bill.

Mr. BRATTON. I have no objection to the passage of the bill.

Mr. CARAWAY. Mr. President, this matter was up once, I remember, when I was a member of the "town council." Where has it been all the years since then?

Mr. CAPPER. It has been in the courts.

Mr. CARAWAY. For 12 years?

Mr. CAPPER. There have been in the courts here several cases having to do with this particular claim.

Mr. CARAWAY. Why is it not a claim of the property owners against the railroad company and not against the District of Columbia, and why is there a bill here proposing that the United States shall pay half of it?

Mr. CAPPER. It was found some years after this tunnel was built——

Mr. CARAWAY. Who found?

Mr. CAPPER. There was a settlement in the tunnel——

Mr. CARAWAY. That was where the District went in and made a voluntary settlement?

Mr. CAPPER. No. I mean there was a settlement in the ground—that is, the subsurface of the ground—and the tunnel had to be reconstructed. The railroad company asked the District of Columbia to attend to the work, and, according to the records, it cost something like $58,000.

Mr. CARAWAY. That is what I am coming to. If the railroad company constructed a faulty tunnel, then why should the District of Columbia come in and offer to supervise and assume any responsibility for correcting this defect in the construction on the part of the railroad company? It grew out of the company putting in faulty timber work, did it not?

Mr. CAPPER. That is correct.

Mr. CARAWAY. The claim has been here for at least 10 years. There was never any obligation on the part of the District of Columbia to supervise and superintend that construction. Nobody ever authorized them to do it.

Mr. CAPPER. The railroad company appealed to the Commissioners of the District of Columbia——

Mr. CARAWAY. And they voluntarily went in there to assume something over which they had no authority, and nobody ever authorized them to do it.

Mr. CAPPER. A mistake may have been made but at any rate it was done. The present officials of the District of Columbia were in no way responsible for it, and they have been doing their best to collect for the District of Columbia. The case has been in the courts for years.

Mr. CARAWAY. I think the bill ought to go over. I am unwilling that we should do this. Let it go over.

Mr. CAPPER. I may add that this matter has been before the citizens' associations, representing the taxpayers of the District of Columbia, and we find their report here, from which it appears that, under all the circumstances, they are of opinion that the District is in a better way to secure its money through this compromise than in further litigation.

Mr. CARAWAY. But they are not getting a cent out of the railroad company through this compromise. They are asking the Federal Government to pay.

Mr. CAPPER. No; the bill is to authorize the District to accept $30,000 from the railroad company by way of a compromise.

Mr. CARAWAY. Did any lawyer advise them to do that?

Mr. CAPPER. All the lawyers the District has had in this litigation advised it.

Mr. CARAWAY. On which side were they employed?

Mr. CAPPER. There is one lawyer on the present Board of Commissioners of the District of Columbia, and the corporation counsel himself strongly urges it. There was a similar suit, involving another controversy, in which the District lost its case, and then important witnesses in this case have disappeared. For those reasons now the District commissioners are strongly of the opinion that this compromise ought to be accepted.

Mr. CARAWAY. The District needs somebody to look after its legal department then when such a thing as this is advised. I withdraw my objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KATE CANNIFF

The bill (S. 1543) for the relief of Kate Canniff was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Canniff the sum of $1,345, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United States on the lighthouse tender *Haze*, and as a result of which he died on October 20, 1909.

Mr. JONES. Mr. President, this bill was introduced by the Senator from Montana [Mr. WALSH], and I want to ask him if he does not think that it would be better to amend the bill in line with the report. As the bill now reads, it would pay the widow $1,345 "in full compensation for the death of her husband." I note in the report just how this $1,345 is arrived at, and it is suggested as "a liberal compensation for the injuries and expense sustained by him as the result of the accident." Then the report itemizes the different amounts as follows:

Expense of amputation; 2 artificial limbs, repairs to same for 7 years; two subsequent operations; 3 months' confinement in hospital; medical attendance, nurses, drugs	$975
Loss of pay from Mar. 15 to May 14, 1902, during which time he was separated from the service, at $50 per month	100
Loss of salary from May 19, 1909, to date of his last separation from the service, to Oct. 30, 1909, the date of his death, at $50 per month	270

That figures up $1,345, and apparently that is really what this amount was intended to take care of. I merely wanted to suggest that the Senator might think it wise to indicate the real purpose of the payment of the $1,345 instead of making it for compensation for the man's death, to make it reimbursable for the expenses incurred. That just occured to me.

Mr. WALSH of Montana. I thought that with the report there would be no misunderstanding about it.

Mr. JONES. I took what I read from the report.

Mr. WALSH of Montana. As the Senator was speaking, I thought perhaps it might be advisable to insert after the word "for," in line 6, the words "losses sustained through," so that it would read, "in full compensation for losses sustained through the death of her husband."

Mr. JONES. Does the Senator think that really covers it? As a matter of fact, $975 of this amount is for expense of amputation, two artificial limbs, repairs to same for seven years, two subsequent operations, and so forth.

Mr. WALSH of Montana. Those are losses sustained by her.

Mr. JONES. Not by reason of his death. This is compensation for these matters. I do not want to object to the bill, but I just want to suggest that matter to the Senator. It struck me that $1,345 was a very small compensation for the death of a man. So I looked at the report, and I found that, as a matter of fact, it was for compensation for expenses, you might say, of his last sickness, and so forth.

Mr. WALSH of Montana. That is quite true; it is not quite accurate to put it this way. But the bill was passed in exactly this form at least five times.

Mr. JONES. I know that a similar bill was passed. I merely make the suggestion. I do not object to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM HENSLEY

The bill (S. 1623) for the relief of William Hensley was announced as next in order.

Mr. KING. Mr. President, on page 6 of the report I find that this was for an injury occurring away back in 1910. The report says that there was a slight incised wound of the right cheek, and the injury was caused by the negligence of the claimant. The work this man was doing was not in the line of his duty. He was not ordered to do it. On page 7 it appears that the claimant was "reported at the dispensary with a splinter under the left middle finger nail. He received treatment and was advised to return to work." That was from the surgeon. W. G. Betts, quarterman, also reported "probable duration of incapacity for work due to injury, no absence necessary."

Then the United States surgeon, L. W. Spratling, reported on July 19, 1910, that the claimant "reported at the dispensary with a punctured wound, web of left index finger. A report was sent to the commandant at the time stating that he had received treatment and was advised to return to work."

There does not seem to be any liability and no injury sufficient to warrant this bill. I object.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Objection is made, and the bill will be passed over.

ALLOWANCES TO CERTAIN ARMY OFFICERS

The bill (S. 2032) for the relief of certain officers and former officers of the Army of the United States, and for other purposes, was announced as next in order.

Mr. KING. I would like to have an explanation of that bill.

Mr. ROBINSON of Arkansas. I note that the Senator from New York [Mr. COPELAND], who introduced the bill, is not present, and I suggest that it go over for to-day.

The PRESIDING OFFICER. The bill will go over without prejudice.

PROTECTION OF NAVIGABLE STREAMS

The bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. OVERMAN. Let that go over.

Mr. McNARY. Mr. President, at the suggestion of the distinguished Senator from North Carolina [Mr. OVERMAN] I am going to ask that the bill may go over to-day. However, I do want to notify my friend the Senator from North Carolina that at the very earliest opportunity I shall call this important measure up for action.

Mr. OVERMAN. I have no objection to that.

The PRESIDING OFFICER. The bill will be passed over.

BILLS AND JOINT RESOLUTIONS PASSED OVER

Mr. McNARY. I desire to call attention to orders of business 39, 40, 41, 42, and 43. Those are all departmental bills which have been introduced at the request of the Department of Agriculture. In view of the absence of one of the members of the committee who desired to have an opportunity further to consider some of these bills and study them, I ask that they may go over to-day.

The PRESIDING OFFICER. Without objection, Senate Joint Resolutions 20, 21, and 42, Senate bills 1182 and 1531 will be passed over without prejudice, in accordance with the request of the Senator from Oregon.

TAMPICO MARINE IRON WORKS

The bill (S. 472) for the relief of Tampico Marine Iron Works was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments.

The first amendment was, on page 1, line 4, after the word "pay" and a comma, to insert the words "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

Mr. JONES. Mr. President, may we have a brief explanation of this bill?

Mr. SHEPPARD. Mr. President, the amount stated in the bill is for work performed by a concern at Tampico on a vessel owned by the Shipping Board. The bill carries the amount which the Shipping Board consented to pay. The company at first asked for a larger sum. It was a foreign company and did not know that under our admiralty law it could not sue on a claim after a certain time. The time limit elapsed while they were attempting to compromise the matter. On this account it is necessary to obtain relief by a bill in Congress.

Mr. ROBINSON of Arkansas. There is no question about the amount?

Mr. SHEPPARD. None.

The next amendment of the Committee on Claims was, on page 1, line 7, to strike out "$4,677.98" and insert in lieu thereof "$2,573," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Beaumont Export & Import Co. for the Tampico Marine Iron Works, a foreign corporation, the sum of $2,573 in full settlement of all claims due the Tampico Marine Iron Works by the Government of the United States for work on, repairing, raising, and furnishing material for the United States Shipping Board vessel *Latham*, during the year 1920, on presentation to the Secretary of the Treasury from the Tampico Marine Iron Works of an authorization for payment of said amount to the Beaumont Export & Import Co., said authorization being in such terms as to make said payment to the Beaumont Export & Import Co. a complete settlement of all claims herein referred to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. SPATES

The bill (S. 1336) for the relief of Benjamin F. Spates was announced as next in order.

Mr. KING. Mr. President, this claim seems to be 45 years old. That is a pretty long time to let go by before bringing a claim. I object.

Mr. ODDIE. Mr. President, will the Senator from Utah listen to me a moment in reference to the bill? This accident, as the Senator stated, happened some 45 years ago. The claimant is now a very old man, and crippled because of the negligence of our Government. He was a carpenter employed at the Capitol, and while carrying a heavy timber fell through one of the sewer traps in front of the Capitol, which was found to be defective. He broke his ankle and has been a cripple ever since. He has been trying to get some just relief from the Government. A similar bill has been passed by the Senate a number of times. The amount has been reduced to a mere $1,000, and it is a claim based on fairness and justice on the part of the Government.

Mr. ROBINSON of Arkansas. Mr. President, when was the claim first presented, if the Senator from Nevada knows?

Mr. ODDIE. It has been presented to previous Congresses a number of times, but I do not know just how far back.

Mr. ROBINSON of Arkansas. That happens in a great many cases. A claim is presented here and passes one House of Congress during a given session and fails to pass in the other House, and after a period of some years we then plead the laches of the claimant as a reason for rejecting the claim or for not allowing it. I think our system in disposing of such matters is quite defective and that we ought not ourselves to cause the postponement of a claim and then plead laches against its final adjustment.

Mr. KING. Mr. President, may I suggest to the Senator that the first appearance, so far as the report indicates, was in the Sixty-eighth Congress, first session, so that many years apparently went by before there was any presentation of the claim. After a lapse of 45 years it is rather dangerous to allow claims for tort, when the Government is not in a position to defend itself.

Mr. TRAMMELL. Mr. President, I rather think the claim has been here longer than that. The Senate has acted favorably on it two or three different times. It is really a very meritorious claim, as stated by the Senator from Nevada. This old man is a cripple now. I have seen him repeatedly, and he is a cripple as the result of the accident. If he did wait a few years before he asked for it, I do not think that should be held against him. All the testimony shows that his present condition is due to the accident. He is getting old and is unable to do anything. The accident was because of a faulty sewer trap through which he fell while working here on the Capitol Grounds, and through no fault of his own.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will permit me further, in support of the suggestion of the Senator from Florida, I notice that some of the affidavits are dated as far back as 1885 and 1886, and that in 1914 the Superintendent of the Capitol Building and Grounds, Mr. Wood, made a report on the matter to Senator Bryan, who was then chairman of the Committee on Claims of the Senate. While there is no express statement in the RECORD that any action was taken by either House shortly after the injury, it does appear that the affidavits were taken at that time, indicating that some efforts were being made to collect the claim.

Mr. TRAMMELL. I am confident that efforts have been made for a great many years. It seems to me this matter has been pending since I have been on the committee, for the past 11 years. We have a number of times reported the bill favorably. I hope the Senator from Utah will withdraw his objection to this particular bill, because if we have any meritorious claims before the Senate, this is one of them.

Mr. KING. Very well, I will withdraw the objection.

There being no objection, the bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$2,000" and insert in lieu thereof "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin F. Spates, out of

any money in the Treasury not otherwise appropriated, the sum of $1,000 for a personal injury received by him on September 17, 1885, without fault or negligence on his part, while in the service of the United States Government, performing labor at the Capitol.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BREWSTER AGEE

The bill (S. 1442) for the relief of Brewster Agee was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Brewster Agee the sum of $2,500, as compensation for loss by death of her husband, George L. Agee, killed by United States soldiers during a riot at Griffin, Ga., on or about March 8, 1899.

Mr. HARRIS. Mr. President, a similar bill has passed the Senate several times previously providing for $5,000 instead of $2,500. The reason why, in introducing the bill, I fixed the amount at $2,500 instead of $5,000 is because at the last session of Congress the House Committee on Claims appointed a subcommittee to consider the matter, and they agreed to approve the payment of $2,500 instead of $5,000.

I happen to be familiar with the claim. I know the widow and know all about the matter. I know the doctor who made the affidavit that death was caused from this wound. The doctor is one of the leading doctors in the South.

Mr. JONES. Mr. President, I note in the report that the death of this man did not occur until 11 years after the accident. Can the Senator state the character or nature of the wound?

Mr. HARRIS. He was shot in the stomach and was very badly bent over for 11 years as a result of the wound. He happened to live in the town in which I reside.

Mr. JONES. The Senator knew him and knows the circumstances?

Mr. HARRIS. I know all about the case and I have talked with the doctor about it.

Mr. JONES. The Senator is satisfied that his death was really the result of this accident?

Mr. HARRIS. The ablest doctor in the State made an affidavit to that effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF GEORGE E. TAYLOR

The bill (S. 1358) for the relief of the heirs of George E. Taylor, deceased, was announced as next in order.

Mr. KING. Mr. President, I would like to have a statement of the matter from the Senator from Arkansas [Mr. CARAWAY], who reported the bill from the Committee on Claims.

Mr. CARAWAY. Mr. President, the bill was introduced by the Senator from Virginia [Mr. SWANSON]. A postal employee in the classified service was charged with embezzlement and dismissed from the service. He was completely vindicated in relation to the charge and was not responsible at all for the loss of the funds. He sought to be reinstated in his old place of employment. He had been so employed for a long time and had no other means of livelihood and no other calling or profession.

He was dismissed in 1911. In 1921 by an Executive order it was attempted to reinstate him, but he had then reached the age of 65 years and was denied reemployment. His reputation was blasted, his occupation was gone, his only means of earning a livelihood had been unjustly taken away from him by the Government, and the committee thought that $4,000 was a very reasonable sum in consideration of the humiliation and disgrace and loss of employment he sustained, and reported favorably that amount.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. H. Taylor and Vertner Tate, children and heirs of George E. Taylor, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, said sum to be in full and final settlement of all claims for salary he would have received had he not been unjustly arrested and dismissed from the Postal Service on May 11, 1911, to the date of his reinstatement on November 16, 1921, by Executive order.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

O. H. CHRISP

The bill (S. 1113) for the relief of O. H. Chrisp was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims, with an amendment on page 1, line 6, to strike out "$27,500" and insert in lieu thereof "$10,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to O. H. Chrisp, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, being damages for personal injuries due to the negligence of the Director General of Railroads on January 17, 1919, at Crawfordsville, Ark.

The amendment was agreed to.

Mr. BRATTON. Mr. President, I would like to ask the Senator from Arkansas if the proper procedure would not be to remove the statute of limitations and let the man sue in the courts for recovery of the amount claimed rather than to appropriate it out of the Treasury of the United States?

Mr. CARAWAY. His cause of action would be against the Railway Administration, which has gone out of existence. There is nobody for him to sue. Inasmuch as there is no question about the extent of his injury or the justness of his claim, it was the belief of the committee that he ought to be paid, and they finally fixed upon this amount. He had a judgment for $27,500 and it was reversed solely upon the ground that the suit ought to have been against the Railway Administration. There was no question about the liability.

Mr. BRATTON. Let me make a further inquiry of the Senator. Has the Railway Administration expired for all purposes? Is it not in force now for some purposes?

Mr. CARAWAY. I would say that I do not think it is for any purpose at all.

Mr. BRATTON. I was under the impression that it was continued for the purpose of being sued upon old claims. I may be in error.

Mr. CARAWAY. The Senator may be correct and I may be in error.

Mr. BRATTON. Is it a unanimous report of the committee?

Mr. CARAWAY. It is.

Mr. BRATTON. I have no objection to the passage of the bill.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF ESTATE TAX TO EUGENE DU PONT

The bill (S. 341) for the refund of estate tax erroneously collected was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine, in accordance with law, but without regard to any statute of limitations, any claim filed not later than six months after the passage of this act, by Eugene du Pont, surviving executor of the will of Amelia E. du Pont, late of Christiana Hundred, New Castle County, Del., deceased, for the refund of estate tax erroneously collected from the estate of said Amelia E. du Pont in 1918.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to said Eugene du Pont, surviving executor of the will of the said Amelia E. du Pont, any amount allowed in the determination of any claim filed in accordance with this act.

Mr. KING. Mr. President, the Committee on Finance has made very liberal provision for the bringing of suits for taxes erroneously collected and has been opposed to removing the statute of limitations except in important cases. I will ask the Senator from Delaware [Mr. BAYARD] to explain the reason for this apparent exception to the general rule.

Mr. BAYARD. Mr. President, the reason why this does not appeal to the Senator, apparently, is because it does not come within that statute. It does not come within the statute of limitations nor the recommendations made by the Committee on Finance.

These moneys were paid into the Federal Treasury in perfect good faith and the question was raised as to whether or no

there should be a rebate in regard to the large sum paid in by the estate.

The sums in question grew largely out of a stock dividend or what was supposed to be a stock dividend. The Treasury Department made three separate and distinct rulings upon whether or not this was a stock dividend or not a stock dividend and therefore amenable to the income tax law. A case was finally brought by some other person in the district court, which was taken to the Supreme Court, and then, and not until then, did the Treasury Department get behind the decision and make a final ruling.

The record discloses that every effort was made by the estate to do everything just and proper under the law. Mrs. du Pont paid in all the money she was called upon by the Treasury Department to pay, and when adjustment came and the amount was determined and the rebate was fixed as to amount, the Treasury Department said, "We are very sorry, but the statute of limitations has run and, according to our policy, no matter whether you paid the money providently or improvidently, no matter whether you paid the money in the best of good faith, we stand back of the statute of limitations, which has run against you."

That is the whole case. In the correspondence will be found statements where Secretary Mellon simply sets up the statute of limitations. I wrote a letter to Mr. Gregg, solicitor for the department, and he simply set up the statute of limitations. But neither of them denied the facts in the case nor denied the absolute good faith of the parties having paid the money at the request of the Treasury Department. They now seek to take it out under a ruling of the Supreme Court, which shows that the money belongs to the decedent estate.

Mr. KING. What is the amount involved?

Mr. BAYARD. The amount involved is $25,918.66.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDEXED COMPILATION OF ACTS OF INTERSTATE COMMERCE COMMISSION

The Senate proceeded to consider the resolution, S. Res. 17, which was read, as follows:

Resolved, That the Interstate Commerce Commission is hereby requested to prepare as soon as is practicable a manuscript, in form suitable to be printed, covering the text of those provisions of law which (1) are administered by the commission, (2) affect the commission's work, powers, or duties, and (3) the commission decides should be included so as to make available a comprehensive publication of the Federal laws relating to the regulation of carriers subject to the interstate commerce act, suitably annotated as the commission deems to be of public interest and value with digests, following each section or paragraph, of pertinent decisions of the Federal courts and the commission, together with an index, the text of general rules and regulations, or appropriate reference thereto, promulgated by the commission under authority of any of said provisions of law, and such tables as may be necessary, and to transmit such manuscript to the Secretary of the Senate upon the completion thereof. Such manuscript, when received, is authorized to be printed as transmitted as a Senate document, and shall be in lieu of the manuscript requested by S. Res. 334, Sixty-ninth Congress, agreed to January 28, 1927.

Mr. JONES. Mr. President, I do not see in the Chamber the Senator from Missouri [Mr. HAWES] who submitted the resolution.

Mr. FESS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. I do.

Mr. FESS. I reported the resolution for the Senator from Missouri [Mr. HAWES], and I will explain it if it is desired.

Mr. JONES. I think I understand the resolution; but what I wondered was would the resolution, if adopted, really give the Interstate Commerce Commission the authority to incur the expense which might be involved. Would the passage of a mere Senate resolution authorize that? It seems to me that if we desire this information, if we wish to authorize the Interstate Commerce Commission to prepare an annotated publication of its decisions and so on, we should properly authorize them to do it.

Mr. FESS. Mr. President, will the Senator from Washington permit me to interrupt him?

Mr. JONES. Yes.

Mr. FESS. A resolution similar to this was adopted at the last session, but it was so broad and at the same time so limited the time under which the commission was to perform the work that we were informed the commission could not properly undertake the task under the resolution, and it was withdrawn. The commission proceeded, however, to assemble the statutes for their own personal use. It also collected material for the annotations and gathered the necessary historical notes. About 125,000 points have already been covered. The commission itself offered objection to the resolution at the last session, but the commission now asks that the work be done. They have the work 50 per cent completed at the present time.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES. I do.

Mr. ROBINSON of Arkansas. It is contemplated by the terms of the resolution that the manuscript when received shall be printed as a Senate document.

Mr. FESS. Yes.

Mr. ROBINSON of Arkansas. I think the information is of very great value and importance.

Mr. FESS. And there is not anything, either publicly or privately, printed that covers the subject.

Mr. JONES. I agree with the Senator as to the importance of the work, and if these data are already prepared, then, it seems to me, it would be better to put the resolution in the form of a request to the commission to transmit it to the Senate.

Mr. ROBINSON of Arkansas. If the Senator will permit me, I desire to suggest that we can accomplish the purpose by the adoption of a simple Senate resolution ordering the publication of the manuscript as a Senate document.

Mr. JONES. Yes; if that is what is desired.

Mr. ROBINSON of Arkansas. Then, what I am curious to know is, Why would the Senator from Washington suggest that the resolution be put in the form of a concurrent or joint resolution?

Mr. JONES. I am not suggesting that finally, but I am suggesting that we ask the commission to transmit to the Senate what they have already gathered together. This is what I have in mind: Suppose the commission had not done anything of this sort, and then the Senate adopted a resolution requesting the commission to do it. They would have to go to very considerable expense, probably, to employ a force, and all that. The question in my mind is whether or not we could do that by a simple Senate resolution.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES. I yield.

Mr. ROBINSON of Arkansas. Why suppose the commission have not done it when we are assured that they have?

Mr. JONES. This resolution is framed apparently, from its wording, on the idea that they have not done it; and the resolution really directs and authorizes them to do it now. The Senator from Ohio [Mr. FESS] says the data have already been prepared and gathered together.

Mr. FESS. At the last session a resolution relative to the subject was adopted. The commission then, however, suggested that in the form in which the resolution was framed it was almost impossible for it, with its force, to do the work, because the resolution limited the time within which it should be done. The commission thought it was an important thing, and notwithstanding that the resolution was withdrawn the commission thought it was of such importance that they proceeded at once to assemble the data. I have word from the commission to the effect I have stated, because I refused to report the resolution until I got word from the commission. They recommend that this work shall be done, and, I repeat, it is now 50 per cent completed.

Mr. JONES. I have no objection to the resolution, except it does seem to me that we have not any authority by a mere Senate resolution to authorize the Interstate Commerce Commission or any other governmental body to go to considerable expense in preparing matter for publication.

Mr. FESS. We have frequently, however, asked for reports from various departments of the Government.

Mr. JONES. Yes; but I do not remember of our ever having asked for anything like this. This resolution requires the commission, if it requires anything, to proceed to gather together in manuscript form all the provisions of law administered by the commission or which affect the commission's work, powers, or duties, and decisions of the Federal courts and of the commission. The resolution also provides that the publication must be "suitably annotated as the commission deems to be of public interest and value with digests, following each section or paragraph of pertinent decisions of the Federal courts"; and all

that sort of thing. I think that is very desirable and I should be glad to get such a work. All that I had in mind, however, was that we ought not to ask the commission to do a thing like that by a mere Senate resolution. We can not authorize the commission to do anything of that kind; we can not authorize the expenditure of money for that purpose. It takes the concurrent action of the two Houses to do that.

Mr. FESS. I assume that the commission itself could proceed to collect or assemble this information if it thought that it was important, but could not print it unless authority was granted.

Mr. JONES. I doubt very much if it could do that without authority from Congress; but I do not make any point about that. I am not going to object to the resolution, but it does seem to me that we are going quite a long way in directing—for that is what it is—the Interstate Commerce Commission to prepare a very extensive publication such as is contemplated by the resolution.

Mr. FESS. I urge the Senator to read the report on the resolution, because I think he will find it entirely satisfactory.

The PRESIDING OFFICER. The Chair understands that the Senator from Washington does not object to the consideration of the resolution. Is the Chair correctly advised?

Mr. JONES. The Senator from Washington does not object.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS PASSED OVER

The bill (S. 620) for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas was announced as next in order.

Mr. THOMAS. Mr. President, this bill is of interest to my State. The author of the measure [Mr. MAYFIELD] is not in the Chamber. I ask that the bill may go over without prejudice.

The PRESIDING OFFICER. Without objection, that order will be made.

The bill (S. 744) to further develop an American merchant marine, to secure its permanence in the transportation of the foreign trade of the United States, and for other purposes, was announced as next in order.

Mr. JONES. We can not dispose of that bill this morning, so I will ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Under an order heretofore entered, Calendar Nos. 39, 40, 41, 42, and 43 will be passed over without prejudice. The next bill on the calendar will be stated.

TIME EXTENSIONS UNDER OIL AND GAS PERMITS

The bill (S. 1155) to grant extensions of time under oil and gas permits was announced as next in order; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with amendments. The first amendment was, on page 1, line 6, after the word "the," to strike out "acts" and insert "act."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES. Mr. President, I think we ought to have some explanation as to the need for the bill. I see the Senator who introduced it is not now present, and I will therefore ask that the bill go over.

The PRESIDING OFFICER. The bill will go over under objection.

UTAH NATIONAL PARK

The bill (S. 1312) to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the "Bryce Canyon National Park," and for other purposes, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the area within the State of Utah described in the act of Congress approved June 7, 1924 (43 Stat. 593), providing for the establishment of the Utah National Park, shall be, when established as a national park, known as the Bryce Canyon National Park.

SEC. 2. That the east half east half section 25, township 36 south, range 4 west; the east half southwest quarter section 20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24 and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian, be, and the same are hereby, excluded from the Powell National Forest and made a part of the Bryce Canyon National Park, subject to the provisions of the aforesaid act of Congress approved June 7, 1924.

SEC. 3. That unsurveyed sections 28 and 33, township 36 south, range 3 west, and section 20, township 37 south, range 3 west, Salt Lake meridian, public lands of the United States, be, and the same are hereby, added to and made a part of the Bryce Canyon National Park subject to the provisions of the aforesaid act of Congress approved June 7, 1924.

Mr. JONES. Mr. President, the title of this bill is to change the name of the Utah National Park, but apparently it has some other provisions. I do not know how important those provisions may be, but I should like to have an explanation as to the full extent of the bill.

The PRESIDING OFFICER. Does the Senator desire to object to the consideration of the bill?

Mr. JONES. I think it had better go over.

Mr. OVERMAN. Let it go over. The Senator who introduced it is not now present.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

Mr. JONES subsequently said: Mr. President, when Senate bill 1312 was reached, I asked that it go over. I have since had an opportunity to examine the bill, and desire to withdraw my objection and request that it go over.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL PARK AND PLANNING COMMISSION

The bill (S. 1284) amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924," was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the proviso in section 1 (a) in the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924" (Stat. L., vol. 44, p. 374), is hereby amended by striking out the words "subsistence not in excess of $10 per day and of travel when attending meetings of said commission or engaged in investigations pertaining to its activities," and inserting in lieu thereof the following: "travel when attending meetings of said commission or engaged in investigations pertaining to its activities and an allowance of $8 per day in lieu of subsistence during such travel and services," and is hereby reenacted so as to read as follows: "*Provided*, That the first members appointed under this act shall continue in office for terms of 3, 4, 5, and 6 years, respectively, from the date of the passage of this act, the terms of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. All members of the said commission shall serve without compensation therefor, but each shall be paid actual expenses of travel when attending meetings of said commission or engaged in investigations pertaining to its activities, and an allowance of $8 per day in lieu of subsistence during such travel and services. At the close of each Congress the presiding officer of the Senate and the Speaker of the House of Representatives shall appoint, respectively, a Senator and a Representative elect to the succeeding Congress to serve as members of this commission until the chairmen of the committees of the succeeding Congress shall be chosen. The Director of Public Buildings and Public Parks of the National Capital shall be executive and disbursing officer of said commission."

Mr. BRUCE. Mr. President, I should like to ask the Senator from Kansas what is the object of that bill?

Mr. CAPPER. Mr. President, the bill merely provides that the members of the National Park and Planning Commission shall be paid on a flat per diem basis of $8 per day. They now have a per diem allowance of $10 per day, but have no salary, serving without pay. They are required, however, to make a detailed report at each meeting of their miscellaneous expenses, which is a great annoyance. It is desired that the new arrangement shall be made in order to bring about a better handling of the accounts. The proposed legislation is asked for by the National Park and Planning Commission. The bill has been referred to the Director of the Budget, who approves it; it involves only a few hundred dollars a year and is in the interest of better bookkeeping. I see no possible objection to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRANT TO OREGON FOR PARK PURPOSES

The bill (S. 1193) granting certain rocks or islands to the State of Oregon for park purposes was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the State of Oregon for use and maintenance for public-park purposes those certain rocks or islands locally known as Castle, Tourist, and Elephant Rocks, situated in the Pacific Ocean near the town of Seal Rock and located approximately in fractional section 25, township 12 south, range 12 west, Willamette meridian, Oregon, on condition that same be maintained in their present condition as natural monuments or objects of scenic interest. In the event of failure on the part of the State to comply wih the conditions imposed in this act title shall revert to the United States, and the Secretary of the Interior is hereby authorized and empowered to determine the facts and declare such forfeiture and such reversion and restore said lands to the public domain, such order of the Secretary to be final and conclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HORACE A. CHOUMARD

The bill (S. 511) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. Objection is heard.

Mr. McKELLAR. Mr. President, will the Senator allow me to make a brief statement?

Mr. KING. I withhold the objection for the time being.

Mr. McKELLAR. Mr. President, this bill has passed the Senate, I think, four times, and is a very worthy measure. It involves a case where a chaplain of the Army, stationed in Texas, lost all of his household goods because of a storm which occurred there. The bill has been recommended by the department; it has passed this body, as I have said, four times; and I hope that the Senator will let it pass on this occasion.

I wish to say that I am not interested in it by reason of any personal acquaintance, for I never saw the chaplain in my life; he does not come from my State; but I think it is a worthy measure.

Mr. KING. Let me ask the Senator upon what theory is the Government to be held liable for what might be denominated in law "acts of God"? If we pay a chaplain for his personal property that has been lost because of a flood, why not, then, pay everybody who may be in the employment of the Government—every soldier, every sailor, every officer, every person who is in the Reclamation Service—if a flood comes or if lightning strikes his house and burns his property or an earthquake occurs or some other catastrophe destroys it? If the Government is to be held liable for the loss of property by reason of catastrophes of that character it would be held liable morally, if not legally, for physical injuries received from floods and fires and earthquakes, and so forth.

Mr. McKELLAR. Of course, Mr. President, if there was a legal liability capable of enforcement this bill would not be in the Senate, but there is moral liability upon the Government. This man was there in the employment of the Government. The Senator talks about others who might incur the loss of property under similar circumstances. As a rule, however, those who have suffered losses as has the beneficiary of this bill are compensated, but there is not any law for the compensation of a chaplain in the Army for a loss of this kind. That is the difference. Nearly all of those in the classes to which the Senator has referred who have lost property under similar circumstances have been paid by the Government where they were working for the Government. I repeat, I think that it is a very worthy case. The Senate thought so four times. This is the fifth time that it has been asked that the bill be passed, and I hope the Senator will allow it to be passed.

Mr. KING. Mr. President, let me say to the Senator that I do not understand that his statement is quite accurate—and, of course, I do not challenge it at all, because what the Senator says may be correct—wherein he states that other employees of the Government do receive compensation for loss of property. I can conceive of cases where, perhaps, there would be not only a moral but a legal liability, but if the Government is to become an insurer of the property of every employee from acts of God I do not know what the limit would be. Take the railroad companies which are carrying the mails; a flood comes and carries away the bridges, and cars which carry the mail are lost. Certainly the Government will not be held responsible for such catastrophes. An officer is stationed at a certain place and an earthquake occurs. He has thousands of dollars' worth of property there. Why should the Government reimburse him for his antiques and for his other personal property, perhaps of very great value, or for his house—he may have wealth and occupy a house of his own—which may be destroyed? I merely call attention to the comprehensiveness of this measure, and the lack of limitations, and the obligations which, if this is to be a precedent—and it would be—the Government inevitably would assume.

I ask the Senator himself if he regards this measure as wise. It may be entirely proper, but it strikes me that we ought to consider it very carefully. I will ask the Senator not to put me to the necessity of objecting, but let it be passed over until we can look into it a little further, and it may be taken up at the next meeting of the Senate.

Mr. McKELLAR. Of course, I shall be glad to do that; but I want to say that the War Department reported this as being an entirely just claim. The War Department did suggest that there ought to be a general law on the subject, but this seemed to me to be an exceptional case; and in view of the fact that not all of the losses were paid, but only a portion of them, and this man being a chaplain in the Army, I thought we might well pay this claim. As I say, the committee thought so, too. This is the fifth time they have thought so, and the Senate itself has thought so four times; and I am sure when the matter comes up again the Senator from Utah will agree to it.

The PRESIDING OFFICER. The bill will be passed over.

W. H. PRESLEIGH

The bill (S. 593) for the relief of W. H. Presleigh was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 2, after the enacting clause, to strike out "That there be paid" and to insert "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. H. Presleigh, of Meadow Creek, Wash., out of any money in the Treasury not otherwise appropriated, the sum of $900, for damages suffered by him on account of injuries received while performing his duties as janitor of the North Yakima, Wash., office of the United States Reclamation Service on October 1, 1907.

Mr. KING. Mr. President, let there be an explanation of that bill.

Mr. JONES. Mr. President, apparently Presleigh was a janitor in the North Yakima, Wash., office of the United States Reclamation Service, and he was directed by one of the officers in charge to take a team and a hack—this is a report from Charles H. Swigart, who had charge of the reclamation work—and, he thinks, a couple of engineers, out to the engineers' camp on sections 27–13–17 in the Wide Hollow district of Tieton unit. His instructions were to leave the hack there and bring the team back. Presleigh states that after he had unhitched the horses he went to get on one of them, and the horse was a little bit frightened, and some one fired a gun at the same time; that frightened the horse more, and he threw Presleigh off and kicked him, and the injury apparently resulted from this cause.

Those, in brief, are the circumstances.

The report from the department is that as far as any information they have is concerned, this man was entirely without fault in the injury he received. The bill has passed the Senate twice.

Mr. KING. Mr. President, may I ask the Senator, if this man was an employee of the Government, why should he not present his claim to the Employees' Compensation Commission?

Mr. JONES. It occurred prior to the passage of that act. The report says:

The alleged injury occurred prior to the passage of the act of May 30, 1908 (35 Stat. 556), which provides for compensation of laborers and mechanics injured while in the employ of the United States.

So he did not come under the terms of that act.

Mr. KING. When was his claim first presented to the Government?

Mr. JONES. The injury occurred——

Mr. KING. The injury occurred in 1907; but when was the claim presented to the Government for the first time?

Mr. JONES. I do not remember when it was. In 1916, I think, the first letter from the department was written. The bill was introduced in the Sixty-fourth Congress, and favorably reported. There was not any authority to present it to the Government, because the act providing for such a commission had not been passed. Whether or not the claimant took it up with any of the members of the delegation before I do not know. The bill has passed the Senate twice heretofore.

Mr. KING. I shall not object.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? The Chair hears none. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MORTESEN

The bill (S. 1219) for the relief of William Mortesen was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$20,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Mortesen the sum of $1,000 for assistance rendered to the United States Government in land cases in Oregon.

Mr. KING. Mr. President, I should like to know whether the Department of the Interior recommends payment, and if so, upon what theory, and what services were rendered by this claimant?

The PRESIDING OFFICER. The Chair is unable to inform the Senator.

Mr. KING. Turning to page 3 of the report made by Judge Finney, the Acting Secretary, I find this language:

The agent, as you see, thinks the Government would be justified in paying Mr. Mortesen something, say, $500, because of his services and because it would encourage others to render the Government assistance in such cases. I am constrained, however, to the conclusion that the precedent which would be created by the passage of this bill would result, not in benefits but in most injurious consequences, both to the Government and to the citizens of the public-land States. I therefore conclude that the bill in question should not become a law.

I object to the consideration of the bill.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

GROVER ASHLEY

The bill (S. 1121) for the relief of Grover Ashley was considered as in Committee of the Whole, and was read, as follows:

Whereas Grover Ashley was a private in the Eightieth Field Artillery, American Expeditionary Forces; and

Whereas while under arrest he was relieved of a sum of money amounting to $815.15 by officer of the day, Second Lieut. Charles S. Allen; and

Whereas said officer either stole said money, or permitted it to be stolen: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Grover Ashley the sum of $815.15.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

JOHN F. AND MARY L. WHITE

The bill (S. 1133) for the relief of John F. White and Mary L. White was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to ascertain and determine the claims of John F. White and Mary L. White, of Riverton, Wyo., for compensation for alleged damages and injuries to the property and persons of said claimants and their children sustained in an automobile accident on August 7, 1918, in the Shoshone and Arapahoe Indian Reservation, Wyo., and to certify to Congress the amounts so determined, if any, as just claims for payment out of appropriations that may be made by Congress therefor.

Mr. KING. I move to amend the bill by striking out, on lines 11 and 12, the words "for payment out of appropriations that may be made by Congress therefor."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRY SIMPSON

The bill (S. 1362) to extend the benefits of the employees' compensation act of September 7, 1916, to Harry Simpson was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Harry Simpson, on account of the results of an injury sustained March 9, 1915, while in the performance of duty as an employee of the navy yard at Norfolk, Va., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

Mr. JONES. Mr. President, I should like a brief explanation of that bill.

Mr. TRAMMELL. Mr. President, I reported this bill on behalf of the Claims Committee. It seems that the claimant was employed in the navy yard at Norfolk and suffered a very severe injury on account of the falling of a 1,500-pound weight on his hand.

Mr. JONES. The main point I had in mind was why it was necessary for us to pass this bill. Would not the claimant come under the terms of the employees' compensation act?

Mr. TRAMMELL. At the time the accident occurred the law was not in operation, but it was put in operation very shortly thereafter. The Secretary of the Navy, upon consideration of the case and the serious injury which resulted to this man, handicapping him because of the fact that all of his fingers were removed as a result of the accident, said that this was such a case that he thought an exception should be made, and he recommended that the bill be passed.

Mr. JONES. It is all right so far as I am concerned.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? The Chair hears none.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT WOOD

The bill (S. 1217) for the relief of Albert Wood was announced as next in order.

Mr. KING. Mr. President, I note the concluding paragraph in the report of the Postmaster General, found on page 3:

The action taken was strictly in accordance with the law and the terms of Mr. Wood's contract. It is believed, therefore, that this claim is without merit.

I think the bill had better go over.

The PRESIDING OFFICER. The bill will be passed over under objection.

ELIZABETH B. EDDY

The bill (S. 457) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Elizabeth B. Eddy, widow of Charles G. Eddy, of New York, N. Y., the sum of $602.92, and the said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. ZINGARELL AND WIFE

The bill (S. 496) for the relief of M. Zingarell and wife, Mary Alice Zingarell, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$12,000" and insert "$1,140," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. Zingarell and his wife, Mary Alice Zingarell, out of any money in the Treasury not otherwise appropriated, the sum of $1,140, to reimburse the said M. Zingarell and wife for the taking by the United States, in September, 1917, of three certain lots, namely, lots 9, 10, 11, in block 502–B on Furnace Hill, Sheffield, Ala., and the loss sustained thereby, said lots being included in the site required in the building of an experimental nitrate plant, and which said three lots were taken without adequate reimbursement to the owners thereof, said M. Zingarell and wife, Mary Alice Zingarell.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLA H. SMITH

The bill (S. 1120) for the relief of Ella H. Smith was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Ella H. Smith, postmistress at Wynne, Ark., an office of the second class, the sum of $3,700, which amount was lost by burglary without fault of hers, and which she repaid to the Government.

The amendment was agreed to.

Mr. KING. Mr. President, will the Senator from Arkansas explain whether there was any negligence on the part of this claimant?

Mr. CARAWAY. There was none at all. She was a widow, and gave her entire time to the post office.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD RIGGLES

The bill (S. 2363) for the relief of Richard Riggles was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "$3,000" and insert "$500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Richard Riggles, in full payment for injuries sustained by him on the 6th day of February, 1885, while in the discharge of his duties at the navy yard, Washington, resulting in the loss of his right leg.

Mr. JONES. Mr. President, it seems strange to me, if this man lost his leg without any fault on his part, that the committee should cut this amount down to $500, and I should like a brief explanation of the bill.

Mr. BRUCE. Mr. President, the bill was introduced by me. The committee cut it down because $500 was the amount that would have been paid to the claimant had the accident taken place after May 30, 1908.

Mr. ROBINSON of Arkansas. Mr. President, as I understand, the committee allowed this man a year's compensation?

Mr. BRUCE. It allowed him the usual amount. I am not asking for an increase.

Mr. ROBINSON of Arkansas. Which is what would have been allowed him under the compensation act?

Mr. BRUCE. That is the point.

Mr. JONES. Five hundred dollars would have been his year's compensation?

Mr. BRUCE. Yes. He got $1.60 a day.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINTA GOIKE

The bill (S. 516) for the relief of Minta Goike was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Minta Goike, from any funds not otherwise appropriated, the sum of $100, expenses incurred by her in going from Memphis, Tenn., to Jefferson Barracks, St. Louis, Mo., and returning, for the purpose of having her son, Sergt. Bruce L. Crossley, properly buried.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHENE M. SCOTT

The bill (S. 1542) for the relief of Josephene M. Scott was announced as next in order.

Mr. JONES. Let the bill be read.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Josephene M. Scott, widow of Harry Scott, of Opheim, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $1,000, to reimburse her for the loss of a valuable registered Percheron stallion, the death of which was caused by a test for dourine made by Dr. Perry Zenor, a veterinarian and representative of the Department of Agriculture.

Mr. KING. Mr. President, we have had a large number of claims against the Government for the alleged negligence and incompetency of the experts and doctors and veterinarians of the Department of Agriculture. I wonder if there is any way by which this can be avoided and whether the Government is liable for these accidents. Why does not the Department of Agriculture employ competent men?

As I recall, the Senator from Virginia [Mr. GLASS] had some difficulty and had to prosecute a case in the courts, and did show negligence. He brought an action against either the State or the negligent veterinarian. I repeat, we are having these claims against the Government constantly because of the negligence and incompetency of these people; and it is conceded, as I understand, that the department's own employees are negligent and incompetent, or else we would not be responsible.

I would like some explanation as to why the Government should pay or what steps are being taken by the Department of Agriculture to protect the Government against the incompetency and negligence of its own employees.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I object.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. WALSH of Montana subsequently said: Mr. President, when Senate bill 1542 was reached, objection was made to the consideration of it by the Senator from Utah [Mr. KING]. I trust he will withdraw his objection. The only fault he finds with the measure is that it is founded upon the negligence of an officer of the Government. The beneficiary of the bill is the widow of Harry Scott, who owned a very valuable stallion. A representative of the Bureau of Animal Industry went to see the stallion for the purpose of testing it for some contagious disease, and so handled the case that the stallion died. This official was required to give the stallion a certain test under the law. The committee finds that he was negligent in making the test, and the stallion died. Why should the estate of that poor man have to bear the loss of that valuable animal under those circumstances?

Mr. BRUCE. Mr. President, if the Senator will permit me, I may say that there is a very valuable precedent on which he can rely in this connection, with which I happened to be familiar some years ago. An agent of the Department of Agriculture went to Laurel, Md., and he handled various disinfectants in such a way as to kill some cattle. Claim was presented for their value, the claim was thoroughly considered, and was allowed, and passed both the House and the Senate.

Mr. WALSH of Montana. I do not see why it should not have been.

Mr. BRUCE. The owner of the cattle was made good for their loss.

Mr. KING. Mr. President, may I say to my friend from Montana that my objection was more for the purpose of eliciting information as to what steps are being taken by the Agricultural Department to purge itself of these incompetent and negligent officials. We are having claims presented here at every session for large damages because of the negligence of officials of the department. I am wondering why the Department of Agriculture does not get competent men instead of these incompetent persons.

Under the statement of the Senator, I am inclined to think that the Government ought to make payment in this case, and if the Senator from Montana will join with other Senators in trying to protect the Government by having some legislation passed that will compel the Department of Agriculture to employ competent veterinarians to handle these cases, I shall be very glad to cooperate with him.

Mr. WALSH of Montana. I shall be very glad to join with the Senator in any legislation that seems necessary; but, of course, the Government must choose its agents, and we have a Civil Service Commission that we entrust with determining the qualifications of applicants for these positions. I do not know what else can be done.

Mr. KING. A bill was presented here to-day which would involve the expenditure of many thousands of dollars, growing out of the negligence of these so-called public officials.

The PRESIDING OFFICER. Is there objection to the consideration of Senate bill 1542?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUNNISON-MAYFIELD LAND & GRAZING CO.

The bill (S. 1856) for the relief of the Gunnison-Mayfield Land & Grazing Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized in his discretion to accept title to the following-described lands either in whole or in part upon ascertainment that said lands are equal in value to the lands to be given in exchange therefor: The south half of sections 1 and 2, township 20 south, range 2 east of the Salt Lake guide meridian, and to issue to the Gunnison-Mayfield Land & Grazing Co., a corporation, in lieu thereof patents to the following-described areas or to such part thereof as is approximately equal in value to the lands conveyed: The southwest quarter of the northwest quarter of section 22, the southeast quarter of the northeast quarter, the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 21 and the north half of the northwest quarter of section 33, township 19 south, range 2 east, and lot 4 and the north half of the southwest quarter of section 3, the northeast quarter, the southeast quarter and the southwest quarter of section 4, the southwest quarter of the southeast quarter of section 5, the east half of the northeast quarter and the east half of the southeast quarter, the northwest quarter of the northeast quarter and the southwest quarter of the southeast quarter of section 8, township 20 south, range 2 east, Salt Lake meridian: *Provided*, That the lands conveyed to the Government shall thereupon become parts of the Manti National Forest and subject to all laws and regulations applicable thereto: *Provided further*, That patents be issued only on the surface rights of any of said lands which are included in coal-land withdrawal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES B. FITZGERALD

The bill (S. 1114) for the relief of James E. Fitzgerald was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "E" and insert in lieu thereof "B," so as to make the bill read:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to James B. Fitzgerald, a former employee in the Postal Service, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James B. Fitzgerald."

AIRPLANE ACCIDENT AT MOUNDSVILLE, W. VA.

The bill (S. 1164) to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va., was announced as next in order.

Mr. KING. Mr. President, may I ask whether this bill provides for the payment of the same amount to the representatives of each decedent? I should like also to ask what is probably the amount involved. The bill seems to place all decedents in the same category, and the right of relief to the representatives of each decedent in the same category. May I have some explanation of this bill? I do not want to object to it. Is the Senator from Kansas familiar with the bill?

Mr. CAPPER. I am not. I think it would be better to have the author of the bill here when it is considered.

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

ACTIONS FOR DEATH OR PERSONAL INJURY

The bill (S. 1798) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, within the exterior boundaries of any State, such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State within the exterior boundaries of which it may be.

Mr. ROBINSON of Arkansas. I think there should be an explanation of the bill.

Mr. WALSH of Montana. A similar bill has passed the Senate many times, at least three or four, but for some reason or other it has not succeeded in securing the approbation of the House. It is intended practically to make the application of what is known as Lord Campbell's Act to places within the exclusive jurisdiction of the United States.

Practically every State now has given a right of action to the legal representatives of the dependent relatives of one who has suffered a death by reason of the neglect or wrongful act of another, there being no such recovery, it will be recalled, at common law.

There are a great many places in the United States under the exclusive jurisdiction of the United States—the national parks, for instance. If a death should occur within those places, within the exclusive jurisdiction of the United States, there would be no right of recovery on the part of the representatives or dependents of the person who thus suffered death as a result of the wrongful act or neglect of another.

In the State of the Senator I suppose a right of action is given by the act of the Legislature of the State of Arkansas to the representatives of one who thus suffers, but if the death occur within the Hot Springs Reservation, being entirely within the jurisdiction of the United States, no recovery could be had, because recovery can be had there only by virtue of the laws of Congress. The same applies to the Yellowstone National Park in Wyoming and the Glacier National Park in Montana.

Mr. ROBINSON of Arkansas. This act would make the State law applicable?

Mr. WALSH of Montana. It would; so that if under the law of Arkansas a right of recovery could be had if the death occurred outside of the national park, the same right of action would exist if it occurred in the national park.

Mr. BRUCE. In other words, as I understand it, it is intended to meet the common-law principle that a personal action dies with the death of the person?

Mr. WALSH of Montana. Exactly.

Mr. ROBINSON of Arkansas. I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WRITS OF ERROR

The bill (S. 1801) in reference to writs of error was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the writ of error in cases, civil and criminal, is abolished. All relief which heretofore could be obtained by writ of error shall hereafter be obtainable by appeal.

SEC. 2. That in all cases where an appeal may be taken as of right it shall be taken by serving upon the adverse party or his attorney of record, and by filing in the office of the clerk with whom the order appealed from is entered, a written notice to the effect that the appellant appeals from the judgment or order or from a specified part thereof. No petition of appeal or allowance of an appeal shall be required: *Provided, however*, That the review of judgments of State courts of last resort shall be petitioned for and allowed in the same form as now provided by law for writs of error to such courts.

Mr. WALSH of Montana. I may say that this is a bill recommended by the American Bar Association for the purpose of simplifying the practice of getting appeals into the Supreme Court of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FANNIE M. HOLLINGSWORTH

The bill (S. 1795) for the relief of Fannie M. Hollingsworth was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to grant permission to Fannie M. Hollingsworth to divert, through a 1-inch pipe, for use for domestic purposes and fire protection on the property hereinafter described, water from a spring in a westerly direction from the said property approximately 450 yards, the said spring being the only one within such distance of the house on the said property, which is described as follows: Lot 4 of section 15 in township 33 north of range 18 west of the Montana prin-

cipal meridian, in Flathead County, State of Montana, containing approximately 11 acres, according to the Government survey thereof, subject to such conditions as the Secretary of the Interior may prescribe and subject further to the right of said Secretary to terminate any permit granted hereunder when, in his judgment, the particular water shall be needed by the Government in the administration and protection of Glacier National Park.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JURISDICTION OVER OIL AND GAS LEASES

The bill (S. 1959) to transfer to the Secretary of the Navy jurisdiction over oil and gas leases, issued by the Secretary of the Interior on lands in naval petroleum reserves, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That jurisdiction over and the administration and enforcement of all oil and gas leases on lands in naval petroleum reserves issued pursuant to the provisions of section 18 and section 18(a) of the act approved February 25, 1920 (41 Stat. L. 437), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," are hereby transferred to the Secretary of the Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. VAN HORNE

The bill (S. 601) for the relief of James E. Van Horne was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James E. Van Horne, bailiff of the United States District Court for the District of New Jersey, the sum of $507, on account of services rendered as bailiff of said court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

G. W. ROGERS

The bill (S. 2365) for the relief of G. W. Rogers was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. W. Rogers, former captain, Quartermaster Corps, United States Army, the sum of $400, representing the amount of deductions, during the months of May, June, July, and August, 1919, from his pay as captain, Quartermaster Corps, toward the settlement of a shortage in his accounts as disbursing officer in France during the period from December 23, 1918, to April 26, 1919, such shortage having been subsequently credited in his accounts by certificate of settlement No. M-19682-W.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REDUCTION IN CERTAIN TARIFF SCHEDULES

The resolution (S. Res. 52) favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress was announced as next in order.

The PRESIDING OFFICER. Being the unfinished business, the resolution will go over.

EXEMPTION FROM PAYMENT OF INCOME TAX

The bill (S. 789) to amend the merchant marine act, 1920, approved June 5, 1920, by insuring the exemption from income taxes during the 10-year period there provided of profits on the sale of certain vessels when the proceeds of such sales are invested in new American vessels approved by the Shipping Board, was announced as next in order.

Mr. KING. May we have some explanation of the bill?

Mr. SMOOT. I ask that it go over.

Mr. WILLIS (Mr. McNARY in the chair). Mr. President, I desire very briefly to explain the bill, which has been reported unanimously from the Committee on Commerce.

The situation giving rise to the necessity for this bill is as follows: The original merchant marine act of 1920 provided that when a vessel owner sold a ship, and immediately reinvested the proceeds of such sale in other ships built in American shipyards, the provisions of the then income tax law, namely, the act of 1918, titles 1, 2, and 3, should not apply. In other words, as an encouragement to the American merchant marine, shipowners should be exempt from the income tax law if the proceeds of sales, as I said, were immediately invested in other American-built ships.

We passed another income tax law in 1921, and the Internal Revenue Bureau held, and I think correctly, that by that act, the act of 1918 ceased to exist as such, and that therefore the intended privilege that should go to shipowners for the 10-year period from the date of the enactment of the merchant marine act could no longer be enjoyed.

The purpose of this legislation is to carry into effect the clear intention in the merchant marine act of 1920, namely, that for the period of 10 years following the enactment of the law vessel owners who thus reinvested the proceeds of the sales of their ships in other American-built ships should have that advantage. I might say that the matter was first brought to my attention by the former distinguished Secretary of War, the Hon. Newton D. Baker, who has given the matter much study, and was very much interested in the passage of the bill.

Mr. BRUCE. Mr. President, as I understand the object of the bill, it is to relieve shipowners who fall within that class of income tax upon the gain on resales?

Mr. WILLIS. Precisely. The original act provided that the proceeds when invested in other ships should be exempt from the provisions of titles 1, 2, and 3 of the act of 1918. It is a mere technicality. I think the bureau was absolutely right in its decision; but we want to carry into effect, if we can, the original purpose of the act.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. WILLIS. I yield.

Mr. SMOOT. Was this ever referred to the department?

Mr. WILLIS. It never was.

Mr. SMOOT. Does the Senator know anything about how much is involved in it?

Mr. WILLIS. I am glad the Senator asked that question. It was the opinion of the members of the committee that that was not a matter which concerned the department. Congress passed the act of 1920, making a very clear, definite statement of purpose. The question is, Do we want to abandon that or not? It seemed to the members of the committee that the purpose should be carried into effect.

Mr. SMOOT. I would like to know how far this goes, and I can not say just offhand whether it is legislation that ought to be approved, in my opinion. I do not say that it is not, but I want the bill to go over to-day, and I will look up the details and learn more about it. I do not want to have it passed to-day.

Mr. WILLIS. Very well.

The PRESIDING OFFICER. The bill will be passed over.

AGRICULTURAL EXTENSION WORK

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, was announced as next in order.

Mr. SMOOT. I would like to have some explanation of the bill, because it seems to me that there is a large amount of money involved in this. It may be perfectly justified, but I want to hear some explanation of it.

Mr. CAPPER. I think perhaps it would be well to have the bill go over, because the committee has had quite an extensive hearing, and the hearing has not yet been printed. The printed report will probably be here Monday or Tuesday.

Mr. SMOOT. I have received numerous telegrams and letters for and against the subject matter of the bill. I do not know that they refer to this particular bill, but they refer to the same subject matter. I really do not think the measure ought to be passed with no discussion whatever.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The bill will go over, under objection.

THE TARIFF AND AGRICULTURAL RELIEF

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. McMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of completing the calendar, and that we

recur to Order of Business 26, Senate bill 2032, for the relief of certain officers and former officers of the Army of the United States, and for other purposes.

Mr. CURTIS. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

PUNISHMENT FOR FALSE REPORTS TO THE POLICE

Mr. ROBINSON of Arkansas. Mr. President, there is but one bill remaining on the calendar that has not been called. I ask that it may be stated under the unanimous-consent agreement.

The PRESIDING OFFICER. The bill will be stated.

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BLEASE. Mr. President, I desire to offer an amendment to the bill. In line 6, after the word "Columbia," I move to insert:

And that all officials of the District shall enforce all laws as to all persons alike, regardless of their citizenship.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In line 6, after the word "Columbia," insert the words: "and that all officials of the District shall enforce all laws as to all persons alike, regardless of their citizenship," so as to make the bill read:

Be it enacted, etc., That it shall be unlawful for any person or persons willfully or knowingly to give, or send, or cause to be sent, or to make a false or fictitious report to the police of a commission of any crime within the District of Columbia, and that all officials of the District shall enforce all laws as to all persons alike, regardless of their citizenship. Anyone violating the provisions of this act shall be liable to a fine of not less than $5 nor more than $100, or to imprisonment not exceeding 30 days, or to both such fine and imprisonment.

Mr. BLEASE. Mr. President, I noticed in this morning's Washington Post the following statement:

SENATOR ASSAILS 40-MILE SPEEDING WOMEN MOTORISTS—TRAFFIC POLICE IGNORE RECKLESS DRIVING, WATERMAN TELLS DISTRICT COMMITTEE

Women motorists who drive around Washington at a speed of "upward of 40 miles an hour" have aroused the ire of Senator WATERMAN, of Colorado, a new member of the Senate District Committee. At a meeting of the committee yesterday, Senator WATERMAN said there was need of "drastic legislation" to punish speeding and reckless driving.

"Women drivers are particularly reckless," said Senator WATERMAN. "I see them driving around the streets at a speed upward of 40 miles an hour. No attention is paid to them by the traffic police. They are apparently without restraint."

In the Washington Times of yesterday afternoon, January 13, appeared an article which I ask to have inserted in the RECORD at this point without reading.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The article is as follows:

[From the Washington Times, January 13, 1928]

SIR ESME'S SON SENT HOME

Henry Howard, the 14-year-old boy who, while driving the automobile of his father, the British ambassador, ran down 12-year-old Beatrice De Forest, sailed on the *Majestic* to-day for England.

Young Howard was accompanied by another brother, Edward. Their parents, Sir Esme Howard and Lady Isabella Howard, accompanied them to New York.

The boys will reenter school in England, it was stated to-day at the British Embassy.

Traffic Director William H. Harland, who had an investigation made of the accident caused by young Howard's ignorance of traffic regulations, said the matter was a closed incident as far as his office was concerned.

The traffic director filed his report with the District Commissioners, recommending that the affair be turned over to the State Department. The boy is too young to have an operator's permit. The ambassador, who was in the car at the time of the accident, claimed "diplomatic immunity" for his son, and said he himself was to blame for permitting the son to drive in violation of the law.

Mr. BLEASE. In the Washington Star of yesterday appeared an article, "Attack on judiciary features court trial." I ask that this may be inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

[From the Washington Evening Star, January 13, 1928]

ATTACK ON JUDICIARY FEATURES COURT TRIAL—PRISONER REFUSES TO PAY FINE AFTER CONVICTION ON TRAFFIC CHARGE

Traffic court became a forum for a dissertation on the alleged corruption of judges in general and several New York judges in particular when Charles Bright, of New York, was arraigned yesterday afternoon before Judge Isaac R. Hitt on a charge of using a motor vehicle solely for the purpose of advertising. He was convicted and fined $25, which he refused to pay, evidently intending to serve a jail term instead.

Alleging that the trial was a conspiracy to keep him from appearing before the subjudiciary committee of Congress to air his troubles, and attacking John D. Rockefeller, Bright kept the court in a continual uproar. He refused the assistance of counsel that the judge assigned to him, saying that he would defend himself.

Bright said he is a member of the Equality League and that his placarded automobile truck is for the purpose of disseminating its propaganda. On the truck are large signs denouncing the judiciary of New York and Rockefeller.

Mr. BLEASE. I also ask that another article may be printed in the RECORD at this point entitled "Howards visit car victim."

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

HOWARDS VISIT CAR VICTIM

Traffic Director William H. Harland to-day took cognizance of the traffic accident in which Henry A. Howard, 14-year-old son of the British ambassador, Sir Esme Howard, drove the embassy car Saturday and knocked down and seriously injured a 12-year-old girl.

The boy has no driver's permit. The regular chauffeur was by his side. His mother and father were in the rear seat.

Assistant Traffic Director M. O. Eldridge is preparing to-day a detailed report of the affair.

The question of diplomatic immunity in a case of this kind has never arisen and the State Department has taken no action. Whether the fact that the chauffeur, carrying a permit and sitting next to the boy at the wheel, complied with the traffic regulations will be inquired into.

The injured girl is Beatrice Mae De Forest, daughter of John S. De Forest, 3038 Portner Street NW. The accident occurred at Connecticut Avenue and Portner Street when the girl alighted from a street car.

The child's condition is said to be improving. She is suffering from possible concussion of the brain and an X ray will be taken to-day to learn if her skull is fractured.

Sir Esme and Lady Howard called at the De Forest home late yesterday and, expressing their regret, left flowers.

Police of the fourteenth precinct made an incidental report of the accident but took no further action in the matter because of the diplomatic immunity enjoyed by foreign representatives and their families.

Mr. BLEASE. I also ask to have printed in the RECORD at this point an article appearing in the Washington Star of January 13, 1928, entitled "Sir Esme Howard's sons returning to England."

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

[From the Washington Evening Star, January 13, 1928]

SIR ESME HOWARD'S SONS RETURNING TO ENGLAND—LAD WHO FIGURED IN AUTO ACCIDENT AND HIS BROTHER WILL REENTER SCHOOL

The final episode in the accident case involving Henry Howard, 14-year-old son of Sir Esme Howard, British ambassador to the United States, was written to-day when the boy sailed from New York aboard the *Majestic* for England. Young Howard was accompanied by his brother Edward, both of whom are going home to return to school, it was said.

The ambassador's son was operating the British Embassy automobile Saturday when it struck and injured 12-year-old Beatrice Mae De Forest. A report on the accident submitted to the commissioners by Traffic Director William H. Harland held the boy responsible. No action was taken by the police because of diplomatic immunity, which protected him. The ambassador, however, showed every consideration for the injured child.

Sir Esme and Lady Howard accompanied their two sons to New York and are expected to return to Washington Monday.

Traffic Director Harland said that the accident case is closed so far as he is concerned.

Mr. BLEASE. Mr. President, it seems to me it is about time for the Senate to go on record in these matters.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BLEASE. Certainly.

Mr. CURTIS. If this matter is to be discussed at length, would it suit the Senator to have the bill go over until a future day?

Mr. BLEASE. Absolutely. I merely wanted to get these matters in the RECORD. It is perfectly satisfactory to me to have the bill passed over.

The PRESIDING OFFICER. The bill will be passed over.

INVESTIGATION OF SINKING OF "S-4"

The joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S-4*, and upon methods and appliances for the protection of submarines, was announced as the last entry on the calendar.

Mr. CURTIS. I ask that the joint resolution may go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

RELIEF OF CERTAIN ARMY OFFICERS

Mr. ROBINSON of Arkansas. Mr. President, I now ask that we recur to Calendar No. 26, the bill (S. 2032) for the relief of certain officers and former officers of the Army of the United States, and for other purposes.

When that bill was called its author was not present, and I myself was unfamiliar with its provisions. I understand that the Senator from Virginia [Mr. GLASS] is thoroughly familiar with the provisions of the bill and with a similar bill which has heretofore passed the Senate.

Mr. GLASS. Mr. President, as the report indicates, a similar bill originated in the House of Representatives and unanimously passed the Senate at its last session.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. GLASS. Certainly.

Mr. REED of Pennsylvania. I understand the bill now on the calendar is in exactly the same form and contains no new items?

Mr. GLASS. None at all.

Mr. REED of Pennsylvania. It is identical with the bill which we passed unanimously last year?

Mr. GLASS. Exactly. That is the full explanation of it.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to allow credit in the accounts of the following officers and former officers of the Army of the United States in the sums herein stated which now stand as disallowances on the books of the General Accounting Office:

(2) Herman H. Birney, jr. (formerly second lieutenant, Air Service), the sum of $1,403.50, being the amount of public funds for which he was accountable, lost or stolen on or about December 1, 1919.

(4) Capt. L. C. Brinton (now major), Coast Artillery, the sum of $1,398.66, being the amount of erroneous payments made by him during the summer of 1916 while acting as finance officer at Brownsville, Tex.

(5) Col. Earl I. Brown, Corps of Engineers, the sum of $9,341.35, being the amount paid by him in April, 1920, to the Sheridan-Kirk Contract Co., in connection with the construction of Lock and Dam No. 31, on the Ohio River, under contract dated November 6, 1912, and disallowed because the release, executed prior to such payment, terminating such contract prohibited such payment.

(7) Maj. Walter S. Drysdale, Infantry, the sum of $5,162.58, being the amount which he, as disbursing officer at Peking, China, credited in his accounts for the loss resulting from exchanges between United States and Chinese currency.

(8) Joe P. Esslinger (formerly captain One hundred and sixty-seventh Infantry), the sum of $499.56, being the amount of public funds for which he was accountable, and which he had not refunded to the United States, stolen on or about August 9, 1918.

(10) Maj. William F. Grote, Quartermaster Corps (now colonel, retired), the sum of $294.37, being the amount of erroneous payments made by him as disbursing officer at Fort Sheridan, Ill., from October, 1916, to July, 1917.

(14) Paul C. Hunt (formerly major, Adjutant General's Department), the sum of $1,177.54, being the amount which he, as disbursing officer at Berne, Switzerland, credited in his accounts for the loss resulting from the conversion of French francs into Swiss francs.

(19) Maj. F. G. Stritzinger, jr. (now colonel), General Staff, the sum of $30.34, being the amount of overpayments made by him as disbursing officer at Deming, N. Mex., in 1916.

(20) First Lieut. W. W. Jenna, Infantry, the sum of $11,276.63, being the amount which he, while assistant United States military attaché and acting quartermaster at Athens, Greece, and Belgrade, Yugoslavia, credited in his accounts for loss resulting from exchanges between United States and local currency.

(21) Maj. Wallace C. Philoon, Infantry, the sum of $4,945.64, being the amount which he, as disbursing officer at Peking, China, credited his accounts for the loss resulting from exchanges between United States and Chinese currency.

(22) Lieut. Col. C. E. N. Howard, retired, the sum of $639.29, being the amount paid by him in June, 1917, to Findlay and Taylor Bros. on account of shipment of Government property and supplies to the Pershing Expeditionary Forces in Mexico.

SEC. 3. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following officers and former officers of the Army of the United States the sums herein stated:

(1) Maj. Earl J. Atkisson, Chemical Warfare Service, the sum of $500, to cover the loss of his automobile shipped on a Government bill of lading on August 30, 1917, and not subsequently delivered to him, but later salvaged as Government property and sold for $291, which sum was deposited in the Treasury of the United States as miscellaneous receipts.

(2) Maj. Delbert Ausmus (now captain), Coast Artillery, the sum of $853.60, being the amount he has refunded to the United States to cover the loss of public funds, for which he was responsible, stolen in February, 1920.

(3) William A. Bailey (formerly first lieutenant, Signal Corps, agent officer), the sum of $936.16, being the amount he has refunded to the United States to partially cover the loss of public funds, for which he was responsible, stolen between October 30, 1919, and December 20, 1919.

(4) Capt. Ralph E. Bower, the sum of $135.10, being the amount he has refunded to the United States to cover the loss by fire, on or about March 6, 1920, of public funds for which he was responsible.

(5) Capt. William Bowman, Quartermaster Corps (now warrant officer) the sum of $450, being the amount he has refunded to the United States to partially cover the loss of public funds, for which he was responsible, lost in February, 1919.

(6) Henry C. Chappell (formerly captain, National Guard, retired), the sum of $58.50, being the amount paid by him to various newspaper companies for advertisements published in May, 1917, soliciting enlistments in the Quartermaster Reserve Corps.

(7) H. D. Cory (formerly captain, Quartermaster Corps), the sum of $600, being the amount he has refunded to the United States to cover the loss of public funds, for which he was responsible, stolen between March 27, 1918, and May 4, 1918.

(8) Capt. Richard D. Daugherity, Forty-eighth Infantry, the sum of $256.91, being the amount he has refunded to the United States to cover the loss of public funds, for which he was responsible, stolen on December 7, 1918.

(9) Maj. Charles B. Elliott, Infantry, the sum of $15.60, being the amount he has refunded to the United States to cover the amount of overpayments made by him, through a misinterpretation of regulations, to members of the National Guard of New Jersey from September 1, 1916, to November 30, 1916.

(10) Capt. Lewis J. Emery, Quartermaster Officers' Reserve Corps, the sum of $139, being the amount he has refunded to the United States to cover the loss, through an unavoidable accident, of public funds, for which he was responsible, during the transfer of funds at Cristobal, Canal Zone, on August 6, 1917.

(11) Joe P. Esslinger (formerly captain, One hundred and sixty-seventh Regiment, Infantry), the sum of $120.44, being the amount he has refunded to the United States to partially cover the loss of public funds, for which he was responsible, stolen on or about August 9, 1918.

(12) Capt. Thomas Feeney, Cavalry (now sergeant, detached enlisted men's list), the sum of $7.50, being the amount he paid on or about November 29, 1919, toward settling a claim for civilian clothing furnished general prisoners upon their discharge at war prison barracks No. 12, Fort Oglethorpe, Ga., in excess of the amount authorized for such clothing at that time.

(13) John H. Hall (formerly first lieutenant, Thirty-third Regiment, Infantry), the sum of $200, being the amount he has refunded to the United States to cover the loss of public funds, for which he was responsible, lost by him on or about July 6, 1918, while crossing the Aguadulce River, Panama.

(14) Capt. John Heilich, Quartermaster Corps (now technical sergeant), the sum of $1,960, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, stolen on or about December 10, 1919.

(15) Nelson Keys (formerly second lieutenant, Infantry), the sum of $238.75, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen on or about December 10, 1918.

(16) Capt. James T. MacDonald, Quartermaster Corps, the sum of $39.33, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, stolen on about April 8, 1920.

(17) William D. Nicholas (formerly first lieutenant, Quartermaster Corps), the sum of $226.84, being the amount he has refunded to the United States to cover the loss of public funds for which he was responsible, lost by the cashing of a check, on a forged indorsement, for such amount between May 2, 1919, and August 4, 1919.

(18) Alexander Perry (formerly captain, Coast Artillery Corps), the sum of $1,521.84, being the amount he has refunded to the United States to cover the loss on the United States Army transport *Princess Matioka* between December 9, 1919, and January 31, 1920, of public funds for which he was responsible.

(19) Capt. Talmage Phillips, Quartermaster Corps, the sum of $4,727.57, being the amount he has refunded to the United States to partially cover the loss of public funds for which he was responsible, stolen at Gatun, Panama Canal Zone.

(20) Charles F. Risler (formerly captain, Ordnance Department), the sum of $57, being the amount paid by him for advertising, on July 7, 1919, the sale of surplus ordnance supplies.

SEC. 4. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Berwind-White Coal Mining Co. the sum of $118.40. Such sum represents the amount of the damages sustained by such company as a result of a collision between the United States Army chartered barge *Eureka No. 12*, owned by such company, and the United States Army chartered tug *Reliable*, in New York Harbor, on August 23, 1918, due to defective steering gear on such tug.

SEC. 5. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence W. Hengen (formerly private, Machine Gun Company, One hundred and sixty-first Infantry), the sum of $55. Such sum represents the amount of pay due the said Clarence W. Hengen as private, and mailed to him on or about February 21, 1918, but which he failed to receive.

SEC. 6. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George G. Motter (formerly corporal, Company E, Three hundred and twenty-ninth Infantry), the sum of $50. Such sum represents the amount deducted from the pay of the said George G. Motter for the purchase of a Liberty bond which he has not received.

SEC. 7. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Schmidt, of Fort Leavenworth, Kans., the sum of $216.75. Such sum is equitably due him on account of the cancellation by the United States on November 1, 1917, of a contract granting him the privilege of grazing stock on a certain portion of the Fort Leavenworth Military Reservation for one year beginning July 1, 1917.

SEC. 8. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following newspapers and publishing companies the sums herein stated:

(1) Charleston American, Charleston, S. C., the sum of $38.40.

(2) Dispatch Printing Co., St. Paul, Minn., the sum of $60.48.

(3) Evening Post Publishing Co., Charleston, S. C., the sum of $40.32.

(4) Montgomery Advertiser, Montgomery, Ala., the sum of $16.75.

(5) Newburgh News Printing & Publishing Co., Newburgh, N. Y., the sum of $27.

(6) The New York Evening Journal, New York, N. Y., the sum of $420.

(7) Spokesman-Review, Spokane, Wash., the sum of $23.40.

(8) Stivers Printing Co., Middletown, N. Y., the sum of $22.50.

(9) Times Publishing Co., Montgomery, Ala., the sum of $4.69.

(10) Trenton Times, Trenton, N. J., the sum of $13.44.

(11) Waterbury Republican, Waterbury, Conn., the sum of $22.50.

Such sums represent the value of the printing, done respectively by such newspapers and publishing companies, of official advertisements which were ordered without prior written authority from the Secretary of War during the years 1918 and 1919.

SEC. 9. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following former enlisted men of the Army, their heirs or assigns, the sums herein stated:

(1) Jose M. Caballero, the sum of $50.

(2) Lloyd Cowles, the sum of $50.

(3) Charles A. Goodman, $50.

(4) Percy E. Leland, the sum of $100.

(5) Luis Rosario, the sum of $100.

Such sums represent the value of Liberty bonds which were subscribed and paid for in full by the respective former soldiers, but never received by them.

SEC. 10. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Paul C. Potter, Infantry, the sum of $572.11, being the appraised value of personal property lost or destroyed at Plattsburg Barracks, N. Y., between the months of May, 1916, and June, 1919.

SEC. 11. The Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of C. C. Spiller, deceased, late of Hamilton County, Tenn., the sum of $8,000.

SEC. 12. The Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,666.67 to Wynona A. Dixon.

SEC. 13. The Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sargeant Prentiss Knut, administrator de bonis non cum testamento annexo of the estate of Haller Nutt, late of Natchez, Miss., out of any money in the Treasury not otherwise appropriated, the sum of $131,328.

SEC. 14. The Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Henry H. Sibley, deceased, the sum of $101,242.50, in full settlement of his claim against the United States for the use of a patented invention in the manufacture of a tent known as the Sibley tent.

SEC. 15. That the claim of the legal representatives of the estate of Alphonse Desmare, deceased, and the claim of the legal representative of the estate of Cyprian Dupre, deceased, surviving partner of the late firm of Desmare & Dupre, for the net proceeds of cotton purchased or owned by them, taken by the United States officers, sold, and the net proceeds thereof placed in the United States Treasury be, and the same is hereby, referred to the Court of Claims for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12 Stat. L. 820), any statute of limitations, or the act of July 2, 1864 (13 Stat. L. 376), and all other nonintercourse laws, or section 179, Judicial Code, to the contrary notwithstanding, and report to Congress.

SEC. 16. That the claim of Louise St. Gez, executrix of Auguste Ferre, deceased, surviving partner of the late firm of Lapene & Ferre, for the net proceeds of the cotton purchased or owned by them, taken by United States officers, sold, and the net proceeds thereof placed in the United States Treasury, be, and the same is hereby, referred to the Court of Claims for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12 Stat. L. 820), any statute of limitations, or the act of July 2, 1864 (13 Stat. L. 376), and all other nonintercourse laws, or section 179, Judicial Code, to the contrary notwithstanding, and report to Congress.

SEC. 17. That the claim of the legal representatives of Robert Dillon, deceased, for the net proceeds of the cotton purchased, or turned over to him, or owned by him, taken by United States officers, sold, and the net proceeds thereof placed in the United States Treasury be, and the same is hereby, referred to the Court of Claims of the United States for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12 Stat. L. 820), any statute of limitations, or the act of July 2, 1864 (13 Stat. L. 376), and all other nonintercourse laws, or section 179, Judicial Code, to the contrary notwithstanding, and report to Congress: *Provided*, That the sum so paid shall be in full settlement of all claims and demands whatsoever growing out of any judgment so rendered in said claim of Robert Dillon, deceased, and in full of any claims and demands whatsoever growing out of said transaction, and that no interest shall be paid thereon.

SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, the sum of $34,161.63.

SEC. 19. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Governor of the State of Massachusetts, or his duly authorized agent, the sum of $233,885.82, out of any money in the Treasury not otherwise appropriated.

SEC. 20. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward I. Gallagher, administrator of the estate of Charles Gallagher, deceased, of New York, the sum of $23,387.03.

SEC. 21. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of Baltimore, State of Maryland, out of any money in the Treasury not otherwise appropriated, the sum of $173,073.60.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CURTIS. The call of the calendar has been completed.

The PRESIDING OFFICER. The call of the calendar has been completed.

TAX REFUNDS

Mr. HEFLIN. Mr. President, I send to the desk a resolution which I ask to have read.

The PRESIDING OFFICER. The resolution will be read, as requested.

The legislative clerk read the resolution (S. Res. 110), as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the Senate a list, by States, of the names of people to whom taxes have been refunded in the last refund of taxes made by the Secretary of the Treasury.

Mr. HEFLIN. Mr. President, I understand this list has been completed, but that it is not in the form which I suggest in the resolution. It will not be long until Congress will be asked to appropriate money to pay these refunds. If these names can be submitted by States, it will be quite a convenient thing for Senators and for the use of the press.

I ask unanimous consent for the present consideration of the resolution.

Mr. CURTIS. Mr. President, we have not had time to study the terms of the resolution. I ask the Senator to let it go over under the rule, so we may look into it and see just what it covers.

Mr. HEFLIN. It would not cost very much.

Mr. CURTIS. I ask that it go over under the rule.

The PRESIDING OFFICER. The resolution will go over under the rule.

Mr. HEFLIN. The Senate is going to be asked for about $103,000,000 to pay these refunds soon, and if it were to cost a considerable sum to furnish the information in the form that I have requested it would be money well spent.

Mr. CURTIS. I agree with the Senator, but the chairman of the committee wants to have an opportunity to study the resolution.

Mr. HEFLIN. Very well; let it go over until Monday.

The PRESIDING OFFICER. The resolution will go over under the rule.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Bingham	Fess	La Follette	Schall
Black	Fletcher	McKellar	Sheppard
Blaine	Frazier	McMaster	Shortridge
Blease	George	McNary	Smoot
Borah	Gerry	Metcalf	Steck
Bratton	Glass	Moses	Steiwer
Brookhart	Hale	Neely	Stephens
Bruce	Harris	Norris	Swanson
Capper	Harrison	Nye	Thomas
Caraway	Hawes	Oddie	Trammell
Couzens	Hayden	Overman	Tydings
Curtis	Heflin	Pine	Tyson
Cutting	Howell	Pittman	Walsh, Mass.
Dale	Johnson	Ransdell	Walsh, Mont.
Deneen	Jones	Reed, Pa.	Warren
Dill	Kendrick	Robinson, Ark.	Waterman
Edwards	Keyes	Robinson, Ind.	Wheeler
Ferris	King	Sackett	Willis

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

THE TARIFF AND AGRICULTURAL RELIEF

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD a brief prepared by Benjamin C. Marsh, managing director of the Farmers National Council, touching upon the resolution affecting the tariff which is now before the Senate.

The brief is as follows:

1. THE FORDNEY-M'CUMBER TARIFF ACT WAS ENACTED UNDER WAR-TIME FEAR, AND CONDITIONS HAVE CHANGED—MASS PRODUCTION IS NOW THE AMERICAN WAY OF MANUFACTURING

The Fordney-McCumber Tariff Act was enacted under the impression that European nations would manufacture so cheaply that they would not only flood America with their goods under the Underwood tariff rates but would evict American manufacturers from European and other markets. Just the reverse has been true. Not only were many American manufacturers extremely prosperous under the Underwood Tariff Act, after the war and up to 1922, but they were developing enormous productive capacity and what is known as mass production.

The man shortage during the war compelled American manufacturers to use their ingenuity and develop new types of machinery to substitute for man power, and this reduced the costs of production. Dr. Julius Klein, Director of the Bureau of Foreign Commerce, states in the annual report of the Secretary for 1927: "The value of our exports to Europe in 1926–27 was 77 per cent greater than the pre-war average—1910–1914. Our exports to all other parts of the world, taken together, increased during the same period by 215 per cent in value, and by 125 to 150 per cent in quantity. * * * Most remarkable has been the expansion of our sales in Asia, Oceania, and Africa. To each of these continents the value of our exports in 1926 was between four and five times greater than before the war. Even since 1921–22 we have rapidly increased our sales to practically all non-European countries in the face of the marked recovery of Europe's production and export capacity. With prices on a somewhat lower level our exports to the entire world, apart from Europe, were 51 per cent greater in value in 1926–27 than six years before. Apart from Europe, Asia is the only continent to which our exports during this period increased by less than 45 per cent; the slower growth in the case of Asia is due largely to the exceptional conditions in Japan and especially in China. It is encouraging to observe, however, that our sales to Asia have increased very materially in the last two years.

"There is every reason to believe that American export trade will continue to grow along with the expansion of our production."

The same report presents statistics showing that in 1927 the value of foodstuffs exported was 23 per cent less than in 1922, of raw materials 42 per cent more, but of semimanufactures 68 per cent, and of finished manufactures 63 per cent more than in 1922.

2. THE TARIFF HAS NOT BENEFITED ALL MANUFACTURERS

The report of the Commissioner of Internal Revenue for 1925 shows that in that year:

Of 5,479 corporations manufacturing textile and textile products, other than clothing, only 3,359, or about three-fifths, reported net income.

Of 6,792 corporations manufacturing clothing, 4,145, also about three-fifths, reported net income.

Of 2,359 corporations manufacturing leather and leather products, 1,373, also about three-fifths, reported net income.

Of 21,529 corporations manufacturing metal and metal products, 12,760 reported net income; again about three-fifths.

On the other hand, many individual corporations, particularly large ones, are making enormous profits as shown by the increase in the value of their common stock as reported in the New York Times for 1927:

	High	Low
American Bosch Magneto	26¾	13
American Linseed	72½	20⅛
American Sugar Refining	95¾	65¼
Baldwin Locomotive	265¾	143½
Chrysler Corporation	63½	38⅛
du Pont de Nemours	343⅞	168
Eastman Kodak	175¼	126¼
Kelly-Springfield Tire	32¾	9½
Otis Elevator Co	155¾	103
Pressed Steel Car	78¼	36½
Underwood Typewriter Co	70	45
United Dyewood	10	3¼
Victor Talking Machine	54⅝	32
White Sewing Machine	53¼	21½
United States Steel	160½	111⅜

3. FARMERS DO NOT SECURE BENEFITS FROM TARIFFS

The vigorous campaign for "farm relief" legislation has been largely based upon the conviction that the tariff upon most farm products, at least, is not effective, and can not be effective without a coordinate and practically inclusive control by a Government or farmer controlled corporation to direct the marketing and export of farm products. Certain farm organizations ask in addition an export bounty out of the Public Treasury to be paid upon farm products exported.

Either and both proposals are proof that a tariff of itself is not an advantage to farmers on most farm products which enter international commerce, and the producers of all farm products want to export part of them at least.

The criticism of the disparity between the rates upon farm products and manufactures of the Fordney-McCumber Tariff Act is not conclusive. It is a fight between two competing classes of producers as to which is more entitled to Government aid. The consumer, as such, naturally asks why either class is entitled to Government subsidy and more than preachers, doctors, lawyers, clerks, teachers, diggers of sewers, and those employed in the building trades, etc.

While the rates on farm products in the Fordney-McCumber Act are not as high as some farm leaders asked, it is almost certain that had higher tariff rates been imposed upon farm products at least equivalently higher duties would have been imposed as compensatory duties upon manufactures affected by these tariff duties.

The western Senator who demanded a high tariff on wool, with the assertion that it was time for the wool producers to have the iniquitous Schedule K of the wool manufacturers, gave the manufacturers their long-wanted excuse.

"Differences in the cost of production" are as much a myth of the economic mind, with respect to farm as to manufactured products, as between domestic costs and those of chief foreign competing nations.

As a prominent cotton manufacturer inadvertently admitted, such differences are not vital or important, because such costs differ as between foreign and domestic producers at different times and between domestic producers at the same time.

4. THE PRESENT TARIFF IS CUTTING OFF THE FOREIGN MARKET FOR FARM PRODUCTS

The Fordney-McCumber Tariff Act was the first act in the drama which signalizes the emergence of the United States as the world's greatest industrialist and imperialist nation. The second act will be the assumption by the international investment bankers of complete control of the Government of the United States. This is forecast by the appointment and confirmation of Mr. Dwight W. Morrow as ambassador to Mexico to control and determine our policy toward Latin America and probably shortly to become an efficient Secretary of State and control our entire foreign policy.

In that order of society which will be fully operating in the United States within 5 to 15 years there will not be any place for the high production cost, inefficient farmer. He is doomed.

The Fordney-McCumber Tariff Act was passed not exclusively because of the cupidity of manufacturers, but because, as indicated above, labor feared the competition of European factory workers. The skilled and astute general and investment bankers saw the opportunity to utilize the huge manufacturing plant, constructed during the war, in order to meet the demands of a world under arms, to put the world under debt to them as private bankers, as well as under debt to the Government of the United States. In six postwar years the total value of exports from the United States was over $12,000,000,000 more than the imports. American bankers loaned a major part of the funds to enable poverty-stricken Europe to buy food and machinery for rehabilitation and reconstruction.

America is perfectly equipped for this rôle. We originate or control two-fifths of the world's mineral resources, our people do about two-fifths of the world's work, and America has about two-fifths of the world's wealth.

Under this scheme of "America uber alles," however, there is no need for the export of farm products, not even to have America's requirements for foodstuffs, clothing, and forest products raised in America. They are to be largely imported to pay part of the principal and most of the interest on the loans and surplus exports of American manufacturers.

The American farmer has been warned of this.

Nearly four years ago President Coolidge stated that in a few years we should be an agricultural deficit-producing Nation. The late Secretary of Agriculture Wallace warned of the impending doom repeatedly from 1922 to his death.

Secretary Jardine recently said:

"All in all, agricultural exports are decreasing and other exports are of increasing relative importance, whether compared with total exports of all products or with total domestic production."

Twenty-five years ago exports of farm products were about two-thirds of the value of all exports, but in 1926 the value of annual products and of crops not fed, exported, was only 14.7 per cent of the total value—about one-seventh—and was only 41 per cent of the value of all exports—about two-fifths.

Farmers are not, as a body, highly efficient, and have little to gain with our present fiscal policy and present production costs from greater efficiency with the present farm plant.

The transferred position of crude materials and crude foodstuffs in imports and exports is shown by the following percentages for 11 months ended November, 1927:

	Per cent	
	Exports	Imports
Crude materials	24.7	38.4
Crude foodstuffs	9.1	11.7
Manufactured foodstuffs	9.7	11.0
Semimanufactures	14.7	17.9
Finished manufactures	41.8	21.0
Total value	100.0	100.0
Total value exports (11 months)	$4,457,226,000	
Total value imports (11 months)	3,852,536,000	
Excess exports over imports (11 months)	604,690,000	

The farmer's foreign market is going, while the present farm plant will produce at least two and a half times as much as it does now. A permanent large increase in export of farm products would disturb the schemes of the 228 gentlemen planning world domination, who in 1926 received incomes of $1,000,000 and over. It will not be permitted. Incidentally the increase in domestic demand for farm products will be very slow, while the rise of machinery will increase production very rapidly.

United States marines and warships are now being employed to subjugate nations in which American financiers have large investments producing farm products to compete with American farmers.

5. LABOR GETS A SMALLER PROPORTION OF THE VALUE OF MANUFACTURES THAN PREVIOUSLY

Nearly every manufacturer asking for a protective tariff or an increase thereof claims that it is necessary because labor is a chief or at least important cost of production, and the standards of American wage earners must be maintained against the low wages paid by foreign competitors.

Were that the case, wages paid in highly protected industries should be an increasing proportion of the value of such protected manufactures. The censuses of manufactures for 1921 and 1925 show the reverse to be true; that wages constitute a smaller proportion of the value of general groups of manufactures in 1925 than in 1921, the year before the Fordney-McCumber Act was passed.

For all manufactures wages were only 17.1 per cent of the total value in 1925 and 18.6 per cent in 1921. In textiles and their products the percentages were: 1925, 18.1 per cent; 1921, 21.1 per cent. The average wage was $1,108 and $976.

In iron and steel and their products, not including machinery, the percentages were: 1925, 19.8 per cent; 1921, 20.9 per cent. The average wage was $1,509 and $1,282.

In metals and metal products other than iron and steel the percentages were: 1925, 13.4 per cent; 1921, 18.3 per cent. The average wage was $1,421 and $1,209.

In machinery, not including transportation equipment, the percentages were: 1925, 24.4 per cent; 1921, 26 per cent. The average wage was $1,426 and $1,255.

In transportation equipment—air, land, and water—the percentages were: 1925, 16.6 per cent; 1921, 19.6 per cent. The average wage was, respectively, $1,622 and $1,456.

In every case labor received a materially smaller per cent of the value of the manufactures four years after the enactment of the Fordney-McCumber Tariff Act than the year before. In not a single case was the average wage paid in any of these industries in 1925 within $400 of the minimum requisite for an American standard of living for a family of four in any large industrial city.

6. LABOR GETS LOWER WAGES IN PROTECTED THAN NONPROTECTED INDUSTRIES

Union wages are reported on an hourly basis for principal cities. The following annual wage for 1925 is based on an eight-hour day and 250 days' work a year, necessarily an estimate, except for the five groups of protected industries mentioned above:

Textiles and products	$1,018
Iron and steel, except machinery	1,509
Metal products, other than iron and steel	1,421
Machinery, not including transportation	1,426
Transportation equipment	1,622
Asbestos workers	3,320
Bricklayers	2,940
Building laborers	1,466
Carpenters	2,368
Wharf and bridge workers	2,350
Hod carriers	1,840
Plasterers	2,970
Plumbers and gas fitters	2,562
Structural-iron workers	2,542
Average building trades	2,398
Average printing and publishing, book and job	1,950
Average printing and publishing, newspaper	2,260
Chauffeurs	1,298
Freight handlers	1,656
Granite cutters	2,220
Stonecutters	2,576
Linemen	1,870

7. OUR PRESENT TARIFF POLICY IS CREATING ANTAGONISM AMONG THE NATIONS OF THE WORLD

Mr. Frank H. Simonds, writing in the January Review of Reviews, comments:

"When all is said and done to establish the bases of optimism, I do not see any escape from the conclusion that Europe is moving toward another catastrophe."

The one probability of averting such a catastrophe is the fact that Europe is united in hatred or distrust of the United States. Our entire fiscal policy has been directed to deserve this. Central and South American countries have a similar bond of union against our fiscal policy. The Fordney-McCumber Tariff Act was an informal but effective declaration that a state of trade war existed between the United States and the rest of the world. The increased duties proclaimed under that act by the President have made the declaration even more positive. The results are only natural and will be increasingly serious.

ORDER OF BUSINESS

Mr. CURTIS. Mr. President, when I called for a quorum I had been advised that at least one Senator wished to address the Senate this afternoon on the pending resolution. I have since been advised, however, that he does not desire to do so, and if there is no other Senator desiring to address the Senate, I wish to move an executive session.

Mr. TYSON. Mr. President, if there is nothing else before the Senate, and we are not going to take up the unfinished business, I desire to address the Senate at this time upon the significance of the visit of the American Legion to France last year.

Mr. CURTIS. I yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

VISIT OF THE AMERICAN LEGION TO FRANCE IN 1927

Mr. TYSON. Mr. President, at this time, when our minds are still occupied to a large extent on the problems of peace and war in the world, and when a treaty of perpetual peace and friendship is now being considered between the United States and the Republic of France, and realizing the value and even necessity of doing what we can to maintain peace and good will among the nations of the earth, we should publicly commend every important act or movement which tends to promote peace and good will.

Believing it will be of interest and value to the Senate, I wish to take this opportunity to give a brief account of one of the most important events which has occurred, in my opinion, in a very long time—an event not only national but international in its scope and one which I had the opportunity to observe and one which I believe will have a far-reaching influence upon the friendly relations between the United States and her allies of the World War.

When the historians and chroniclers come to record the noteworthy happenings which transpired during the year 1927, particularly with regard to our own Nation and its relationship to the nations of the world, two events, at least, I am sure will be entered on history's pages.

In May of the year just passed the world applauded the heroic and successful flight from New York to Paris of that intrepid hero of the air, Col. Charles A. Lindbergh. No other individual has the world ever applauded with such universal acclaim. No other individual has ever accomplished such a marvelous and spectacular feat.

All of our people take an extraordinary pride in the fact that Colonel Lindbergh is an American citizen, and they like to believe that he typifies the true spirit of America.

The results of his historic flights have been far-reaching in their significance and they have already done much to bring about a more friendly attitude of many of the nations of the world toward each other.

Of his remarkable feats and flights the whole world is fully informed, and his services and his courage have been recognized by the Congress of the United States in awarding to him the congressional medal of honor, the highest honor it can bestow.

Following close upon Colonel Lindbergh's first historic flight to Paris last year, in keeping with the invitation which had been extended some two years before, the national organization of the American Legion went to France to hold its ninth annual convention in the city of Paris.

This undertaking by the organized veterans of the World War, it was hoped, would help to cement the spirit of friendliness between Europe and America, which apparently had lain dormant for some years, but which through the heroism and diplomacy of Colonel Lindbergh had been awakened and rekindled among the allied nations.

The invitation previously extended to the American Legion was renewed by the President of the French Republic in the following letter:

I address my very cordial greetings to the American Legion, and I rejoice to think that its next yearly convention is to be held in 1927 at Paris.

All the French will applaud you, the soldiers of the Great War, when you land next year in our ports, remembering the tragic hours when, nine years ago, you came with an admirable enthusiasm and outburst, bringing all the strength of your country to the service of right. In place of the battle fields you will find fertile plains, and instead of heaped ruins you will find now cites and villages; but the traces of the war, if they have partly disappeared from the surface of the earth, are engraved in our hearts, and all the French will welcome with joy those who but lately came to pour out their blood at their sides and hasten with them to victory.

This pilgrimage of your 30,000 veterans will therefore be to the country that guards the graves of your heroic soldiers; it is one of those events which count in the relations of peoples, which bring them closer together, and which help toward the ideal of peace which our two countries and their Governments wish to attain.

GASTON DOUMERGUE.

In September, 1927, 10 years after the first contingent of American Expeditionary Forces had landed in France, some 20,000 members of the American Legion and the American Legion Auxiliary sailed from our country to the countries of Europe on a pilgrimage of peace and a tour of good will.

On the eve of their sailing the President of the United States addressed to them, through their national commander, Howard P. Savage, the following message:

To the convention of the American Legion there is attached a significance far greater than that which is given to the gatherings in this country, important though they may be. Ten years have passed since the American Expeditionary Forces crossed to France following our decision to enter the great struggle then going on for the preservation of the ideals of democracy.

Now the members of the Legion, upon the generous invitation of the Republic of France, are returning to those scenes as a symbol that the bonds of respect, friendship, and affection existing from the very foundation of our country and cemented during the World War are as firm and strong now as in the past.

To hold your ninth annual convention in Paris, where in the spring of 1919 your great organization was conceived, was a happy thought. Not only do you carry with you the good will of America but it is your privilege to lay at the graves of your comrades there the tribute of a grateful country which will never cease to hold them in hallowed memory. Nor will you fail to remember also the sons of France who freely gave their lives to a great issue.

This honor the people of our country gladly bestow upon you, and speaking for them I want to express my sincere belief that your mission will be of highest value in further emphasizing the cordial relations which exist between our two Republics and the lofty principles which they have fought to preserve and which they will always cherish.

CALVIN COOLIDGE.

These legionnaires were ambassadors without portfolio, but they were enjoined by the President of our country to carry with them the good will of America, to lay at the graves of our comrades the tribute of our country, and to take our remembrances to the sons of France who gave their lives to a great cause.

On the flagship of the second American Expeditionary Forces, with the national commander of the Legion, was also the commander of the first American Expeditionary Forces, General Pershing. He, too, had the vision and the true conception of the importance and beneficent results of the undertaking. General Pershing said:

The assembling of the American Legion in France is not merely a reunion of veterans, but the joining together of two great nations having the same passionate love of peace, and there is strong reason to hope that the feelings we see manifested here may spread out in new directions and eventually help to protect other lands from the storms of hatred and violence.

It was also fitting that they should be welcomed by the generalissimo of the allied armies, and to them Marshal Foch addressed the following note of welcome:

MY DEAR COMRADES: No other country will understand you better than France. In the days of anguish Pershing came, leading the American army, and said "Lafayette, we are here!" And to-day, when France dresses her wounds the American Legion says, "For peace and liberty—together and forward!" Who is the Frenchman who would not answer this call?

(Signed) MARSHAL FOCH.

But the welcome which they received from Marshal Foch, from the rulers of the allied countries, from the peoples, and their former comrades, while at times attended with much formality and ceremony, was at all times whole hearted and genuine. At Cherbourg, at Antwerp, and at every port where ships carrying members of the Legion landed, there was a wonderful reception, which saw no let up in its sincerity throughout their entire stay in Europe.

It has been 10 years since the first American Expeditionary Forces landed on the shores of France to engage in a great war for justice and the liberty of the world. That expeditionary force arrived at a grave hour, when the hopes of free peoples hung in the balance. By its coming the balance was turned and the war brought to a victorious end.

The eyes of the world were upon the Legion upon this pilgrimage, and there was a solemnity about that endeavor that can hardly be expressed.

No such pilgrimage as this has ever been made before, where 20,000 ex-soldiers, subject to no restraint, but guided by self-imposed rules of self-respect, journeyed 3,000 miles from their homes, far across the sea, to meet their comrades of other days and to visit the scenes of their past experiences on the battle fields of a great war.

They went to meet and to mingle with their comrades and allies of other nations, and to do homage and to mourn at the shrine and graves of our heroic dead, where sleep in the

sacred soil of France 30,000 of our comrade soldiers of America who died there on the field of battle.

It was for them an inspiring and a heart-swelling time. They thought of the honor and glory and pride that was theirs in having the privilege of returning under those hallowed circumstances to the land of their comrades in arms of the greatest war of all the ages, and of being received with such manifestations of enthusiasm and friendship as were given them by the people of France.

It is impossible to express their happiness and joy in going back to that wonderful country; that country where they fought in the Great War and where they felt was, in a sense, their second home; to that land, the most battle scarred of all the world, where life has been one long struggle to hold their land from the invader; where the passion of the people is love of country and love of liberty, fraternity, and equality, and where the proudest honor a man can have is to be a soldier of France and in time of need to die for his country.

In that old city of Paris they viewed the great and towering monuments which are to be seen on every hand, erected to the memory of the gallant and brave sons of France who have fought and bled and died for their country on every battle field of Europe and in the greatest wars of the world for more than a thousand years.

That land where the tombs alike of Napoleon and of Lafayette are to be found.

They realized that France was the cradle of liberty for Europe, for there was fought the great French Revolution, which made it possible for all Europe at last to be free.

They remembered that it was France that originated the idea of honoring the unknown soldier.

They had the great privilege of visiting the spot where the remains of that unknown French soldier lie in a simple tomb under the magnificent Arc de Triomphe, buried there with the highest honor, ceremony, and love that soldier or citizen had ever received before in France, in order to show the new idea and conception of service and sacrifice and honor and justice in the world.

They looked down those avenues extending from the Arc de Triomphe in all directions and they felt a glow of admiration for that mighty, that brave and artistic people who have outdone the world in that beautiful city.

But they felt and knew that the greatest thing France has done is through untold suffering and blood to carry highest and longest and farthest in Europe the torch of liberty and freedom and equality for mankind.

They recalled that 150 years ago France saw America struggling, 3,000 miles away, and attempting to be free, and though she had not yet attained freedom for herself, the people of France saw their opportunity to forward and help the cause of freedom in the world, and they gave us their ships and their money and their men and fought and died on land and sea for us and helped America to gain the priceless blessing of freedom and liberty and independence.

As members of the American Legion and as soldiers of the American Expeditionary Forces, who had the privilege of fighting on the battle fields of France and who helped to drive the invader from her soil in the great World War, they were glad to acknowledge the eternal devotion and gratitude of the people of the United States of America to France for all she did for her in the Revolutionary War of 1776.

They remembered that she sent America that priceless patriot and blessing—Lafayette; that she sent us D'Estaing, De Grasse, and Rochambeau; and that in the changes and vicissitudes of time there came a day when we had an opportunity to show our gratitude, and when the soil of France was deeply invaded, 150 years after she had helped us to gain our independence, that America declared war upon the enemies of France, and that we made her war our war; that we said to her, "We offer you our services; we are ready to help to the last drop of our blood"; that we sent her then our own John J. Pershing; that we sent her 2,000,000 of our men, 3,000 miles across the sea.

That these soldiers of America arrived, and, fighting side by side with the weary, the worn, the maimed but dauntless, indomitable, and unconquerable veterans of France and her allies, who had been holding the battle line of hell for four long and terrible years and under the most dreadful engines of death and destruction that have ever been known, under the leadership of that great military genius, Marshal Foch, the enemy was at last hurled back and back, and a great and glorious victory was gained, and the freedom of France and the world was saved.

That visit to France was no holiday outing. It was a pilgrimage of peace to the graves of our dead, to the battle fields where we had fought, and to the capitals of the allied nations with whom we were associated in the World War.

It was my privilege and honor to be permitted to be with these comrades of ours, as I have said, and to those of you who did not go and to those who may have had any misgivings as to the wisdom of the undertaking or as to the kind of reception we would receive, I want to say that reception and the enthusiasm and cordiality of the French people were all that a most ardent friend of France or America could wish.

My own State had a delegation of almost 200 people at that convention, and when the Tennessee delegation, with the thousands of others from every State in the Union and from Alaska, Hawaii, and even from far-off China, marched down the beautiful streets and under the great Arc de Triomphe on the Champs Elysees of Paris, the acclaim and the enthusiasm of the French people knew no bounds.

Every legionnaire in that great parade marched by the tomb of the unknown French soldier, and with bowed head and reverent salute deposited upon the tomb a simple flower for memory and love and respect and comradeship to the man who had given his all, his life, for his country.

It was to me a proud moment to march with the Tennessee delegation and hear the French people on every hand, in every window, lining every street, and crowding every thoroughfare give vent to their feelings and to their love for America.

It was—

Vive Tennessee!
Vive L'États Unis!
Vive les Americains!

Long live Tennessee!
Long live the United States!
Long live the Americans!

Every other State delegation and contingent marching in that parade was received with like acclaim.

The Republic of France, the city of Paris, and the veterans of France gave entertainments in honor of the Legion. It was a personal welcome; it was a national welcome; and the day of our parade was by the French Republic made a national holiday.

I was in Paris during the entire week of the convention, and during that time I saw not one thing nor did I hear of one unpleasant incident to mar the eventful visit.

The French Chamber of Deputies and the Senate appropriated many millions of francs from the public treasury of France for the entertainment of the legionnaires. To give you some idea of the magnitude of the scale on which the Legion was entertained, I will state that 4,000 legionnaires were entertained at dinner at one time in one of the greatest buildings of France, the Hotel des Invalides.

The official welcome to the Legion was given at a banquet of the French Government at the Palais D'Orsay, but the welcome—really stupendous—came at the dinner in the Hotel des Invalides by the French Veterans' Association. It was a magnificent affair, requiring more than three weeks of preparation, and was one of the strongest gestures of French hospitality during the stay of the veterans at the convention. A dramatic touch was lent when hundreds of the French veterans, unmindful of a driving rain that drenched them, massed in the historic open-air court yard and cheered again and again their former comrades of the World War.

Not only did Paris extend every courtesy, but cordial invitations were given by the officials of many cities on the former battle fronts to the legionnaires, through their national commander, urging them to visit their cities and to bring delegations of legionnaires, so that these cities might show the American veterans in some small way their appreciation for what we had done in their liberation and in the saving of their country.

Those invitations came from the cities of Lille, Soissons, Chateau-Thierry, Rheims, St. Mihiel, and Verdun; and to these cities the national commander sent the national vice commanders of the Legion, with groups of legionnaires varying in numbers from 100 to 500.

At every city such receptions and honors were accorded them as befitted the dignity of the occasion and as would show the legionnaires that their sacrifices in the trying days of 1917 and 1918 were still remembered by a grateful people.

Upon the conclusion of the convention the national commander of the Legion and a group of some 250 legionnaires and members of the auxiliary, went on what would most properly be called a good-will tour to other cities of France and to various countries of Europe. This group visited many cities, where they were welcomed and where their reception was as enthusiastic as that which had been accorded to them in the city of Paris.

Newspapers everywhere heralded their coming, and the veterans of the World War of these cities and the city officials had planned splendid receptions for them.

In fact, I may say that the cities of the nations of our allies vied with each other in entertaining and doing honor to our veterans.

This group of legionnaires visited also the cities of Genoa, Pisa, and Rome in Italy.

To give you an idea of the scale on which they were entertained and the effort made to show the Legion respect and good will, not only to them but to America as well, I will state in Italy the program for their entertainment was arranged by the Italian Government, and nothing was left undone to show them that the Government of Italy and their Italian comrades felt signally honored by their visit and deeply grateful to them for their efforts in the waging of the war.

They were received by the King of Italy at his palace at Pisa. They were officially received by the city of Rome and by the Pope at the Vatican.

As an evidence of the favor in which the Government of Italy looks upon the American Legion in Italy, I have only to remind you of an article which appeared in the newspapers of the United States only a short time ago to the effect that in the Palace of Vimenale, in Rome, Premier Mussolini had had sumptuous quarters with every convenience set aside for the Department of the American Legion in Italy; and the Premier has also given the franking privilege in the use of the mails to all legionnaires in Italy in writing to former disabled soldiers of the American Army.

This is the first time that such authority was ever granted a foreign organization, for, as you may know, the American Legion in Italy is composed of Americans and Italians who fought in the American Army during the World War.

In Switzerland, a country which was not even in the World War, the city of Lucerne proclaimed a holiday and entertained our comrades.

In Strassburg, chief city of Alsace, so long torn from France, and in Metz, chief city of Lorraine, nothing was left undone to make their visit pleasant, and to show to the veterans of America that these Provinces, French in sympathy and French at heart, were grateful to us for having helped to liberate them from the rule of the German Government.

I was at Brussels when this group of legionnaires came to Belgium, and the warmth with which they were received assured me that Belgium had not forgotten the men of America who fought on the Belgian front.

They were received there by the King and Queen, were dined by the city of Brussels, by the Belgian Government, and by our comrades of that country.

From there the legionnaires went to London, where the veterans of Great Britain gave a luncheon to them, at which the Prince of Wales presided; the city of London gave a formal dinner to them, at which the lord mayor presided; the Government of Great Britain gave a dinner to them at which the Prime Minister presided, and the King and Queen of England gave a reception to the legionnaires and their wives and other members of the auxiliary at Buckingham Palace, an honor never before accorded on so large a scale by the King and Queen of Britain to any foreign delegation, as I am informed.

It is not easy for our soldiers to describe in words the sentiment that impelled them to an undertaking of this kind.

They went to show their friendliness toward France; their friends were going, they had left some of their comrades over there; they felt the urge of the renewal of that emotion which had stirred them when they went overseas in 1918; they wanted to visit again the scenes where their life's high adventure had been. There was no materialism in their visit.

They sacrificed to make this pilgrimage, and it gave to the world some new light upon the sentiment that is in the heart of every American, but which he sometimes through modesty and self-effacement tries to conceal. Our people are a people of ideals, and they are impelled by noble sentiments.

These legionnaires went together in a spirit of comradeship, and they met the French veterans, the Italian veterans, the Belgian and the British veterans in that same spirit.

They took a sorrowful pride in visiting the graves of their former comrades, but they took great pride in seeing the splendid care with which our Government is looking after those graves. They were pleased at the national spirit of hospitality that welcomed them to the countries of their former comrades, and they came away better citizens and better legionnaires for having made the venture and for having carried it to a successful conclusion.

Their entire trip, while full of pleasure, was at the same time tinged with sentiment and sadness.

On the voyage over, every boat carrying any sizeable contingent of legionnaires held memorial services in mid-ocean in memory of those who had served in the Navy—that illustrious Navy which took our Army over without the loss of a single soldier.

At the capitals of every allied country the national commander of the Legion, speaking for you and for me, and for our whole country, placed a wreath of remembrance upon the tomb of the unknown soldier of that particular country, and this exhibition of reverence shown toward the people of those countries brought forth in return a spirit of the deepest admiration for our Legion and for our country.

I have spoken at some length upon this recent national convention of the American Legion, because I feel that the second "A. E. F." must be classed with the first American Expeditionary Forces, and that these two events were among the highest points of patriotic endeavor to be found in the history of our country.

Being ambassadors without portfolio, but enjoined by the President to carry the good will of America, I can not but feel that the successful accomplishment of the second "A. E. F." was one of the greatest events of all time, and such as to bring the world nearer to peace, and will prove to be the cementing of a new feeling of comradeship and a renewal of that feeling of good will that existed among the allied nations on armistice day, 1918.

The American Legion deserves and should receive the congratulations of the Nation for their fine piece of work in the cause of peace. It was a gigantic undertaking that would have appalled men of less resolute character than those men who had fought and helped to win the great World War—the leaders of the American Legion.

This pilgrimage of this great number of our veterans of the World War was a long step forward for the peace of the world, and now that the way has been so well prepared the wisest and best thing the United States of America can do is to take advantage of this propitious opportunity and to bend our strongest efforts to the outlawry of unjust and unprovoked war. A great step forward to accomplish that much-desired result would be made by bringing about an agreement or treaty between the United States and France which would keep them from making war upon each other, because the ties of friendship between these two nations have been forged and welded so strongly by bonds of blood and service that they should live in peace and harmony until the end of time.

The example thus set by these two nations would extend to other nations, and ultimately might be the means of outlawing war and bringing peace to the world.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until Monday next at 12 o'clock.

The motion was agreed to; and (at 2 o'clock and 50 minutes p. m.) the Senate took a recess until Monday, January 16, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 14, 1928

CHIEF EXAMINER CIVIL SERVICE COMMISSION

Howard A. Edson to be chief examiner of the Civil Service Commission.

UNITED STATES COAST GUARD

To be chief boatswains

Albert M. Totzke.
John H. Kahnberg.
Frederick T. Ford.
Harvey S. Browne, jr.
Charles Martinson.
Otto Estad.
Simon B. Natwig.
Albert Nelson.
Hans Hanson.
Karl M. Varness.
Sverre Halvorsen.

To be chief gunners

William Woods.
Charles Heinzel.
Henry C. Sumner.
Helge C. Hermann.
Bertram G. Balcombe.
Antone J. Sousa.

To be chief machinists

Louis Spaniol.
Thomas G. Odderstol.
Edward Derum.
Alden E. Blood.
Magnus J. Knudsen.
Ross G. Blackburn.
Frank J. Bennett.
William W. DeWever.
William F. Kilroy.

To be chief carpenters

Thomas Abrahamson.
Walter Stegman.

To be chief pay clerks

William O. Duker.
Raymond N. Gillis.
Harry F. Brodbeck.
Owen P. Thomas.
Thomas L. Ryan.
Albert Trachtenberg.
Louis Brezovic.
George D. Batey.
Jacob Rosenberg.

To be chief radio electricians

Walter W. Reynolds.
William W. O'Steen.

POSTMASTERS

PENNSYLVANIA

Otis J. Pandel, Burnham.
John K. Hagerty, Chester.
Edward E. Fricker, Glenside.
Warren R. Grove, Greencastle.
Irene M. Tiffany, Hallstead.
Bert D. Stephens, Nicholson.
David B. Seasholtz, North Wales.
Eberhard D. Smith, Sellersville.
Maurice F. O'Connell, Susquehanna.
Wayne Elliott, West Chester.
Susanna S. Hartman, Yardley.

WISCONSIN

William Frankland, Montfort.
Nellie I. McGill, Oregon.
Frank I. Conner, Sun Prairie.

SENATE

MONDAY, *January 16, 1928*

(Legislative day of Saturday, January 14, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

SENATOR FROM PENNSYLVANIA

Mr. ROBINSON of Arkansas. Mr. President, I present a privileged petition, being the amended petition of William B. Wilson, contesting the seat of WILLIAM S. VARE in the United States Senate. I ask that the petition be referred to the Committee on Privileges and Elections.

The VICE PRESIDENT. It will be so referred.

CLAUDE G. BOWERS'S JACKSON DAY DINNER ADDRESS

Mr. ROBINSON of Arkansas. Mr. President. I ask unanimous consent that there be printed in the RECORD an address by Mr. Claude G. Bowers, of New York City, delivered at the Jackson Day dinner in this city on the 12th instant, on the subject "Back to the fundamentals."

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. Bowers's address is as follows:

BACK TO THE FUNDAMENTALS

One hundred years ago to-day conditions in America had created a paramount issue—shall the government be restored to the people, or shall it be made an instrumentality of monopoly for the exploitation of the average man? One hundred years ago this year, Andrew Jackson rallied the people to a memorable battle for the preservation of popular government and the subordination of money to man. The people responded, and Andrew Jackson won. And now, after just a hundred years, that paramount issue is back again; and the times demand that the party that Jackson led shall dedicate itself anew to the principles he fought for, and the policies he wrought for, and the victory he achieved.

When Andrew Jackson went forth to battle he unfurled no unfamiliar flag, but he marched under the battle-torn banner that was borne by Thomas Jefferson in his 12-year war to win a stake in government for every man and woman in the Republic.

Thomas Jefferson is the founder and philosopher of democracy; Andrew Jackson was the crusader and the sword.

And in Jackson's day, with Jefferson tottering to his tomb at Monticello, the philosophy of Jefferson required no interpreter—he who ran could read. He stood primarily for liberty—liberty of speech, liberty of the press, liberty in worship, and the greatest possible liberty in action consistent with the preservation of stability and order. He stood for the conservation of the rights of the States and local self-government everywhere.

He laid it down as an axiom of freedom, that that government is best which governs least—and that is sound Jeffersonian and Jacksonian democracy to-day. He believed that governments are made for men, and not men for governments; and he did not believe that governments are created to give some men the right to pick the pockets of their fellow men under the cover of the flag. He respected the rights of property, but above the rights of property he placed the rights of man—and that is sound democracy to-day. He was opposed to granting special privileges to the powerful, because he knew that the stability of society and the ultimate safety of property itself rests upon those adjustments of the governmental machinery that make for the greatest good of the greatest number.

Thus from his day on, whenever autocracy of privilege has seized on government the people have invariably restored the party of Jefferson and Jackson to power. And that restoration has meant less supervision of the citizen, fewer parasites upon the pay roll, lower taxes, more equitable laws, less privilege for the plutocracy, and greater opportunity for the masses of mankind.

With the triumph of Jefferson in 1800 the people entered upon their heritage, and then, lulled to sleep by a false sense of security, lost it to the selfish interests that never sleep. When Andrew Jackson assumed the leadership of his party, political power had been concentrated into the hands of a comparative few, acting under the inspiration of the most powerful moneyed institution that this Nation had then known. This invisible government was dictating policies to the representatives of the people. It was maintaining a lobby here in Washington which had become more influential in the molding of legislation than public opinion or the President. Throughout the country it controlled to a considerable extent the press and the agencies of propaganda. In almost every city of any size it had its so-called nonpartisan societies and clubs, responsive to the will of the financial dictator of the Nation. Through the instrumentality of the bank it coerced business men, dependent upon credit, into the doing of its will. Through the subserviency of the protected industries it was intimidating toilers in elections. And by throwing over the system the glamor of snobbery and by superciliously assuming a superiority of culture it had seduced or dragooned a large part of the intelligentsia into its ranks.

Thus the Jacksonians found the financiers against them, the beneficiaries of governmental graft against them, the greater portion of the press against them, a large per cent of the professional intellectuals against them; and against this combination, with all its money and prestige of power, Andrew Jackson led the people to a victory that literally preserved popular government for posterity and gave reality to the Democratic philosophy of Thomas Jefferson.

JACKSONIAN LEADERSHIP

And what sort of man was he who wrought this miracle?

Born in poverty, educated in the university of experience, and obsessed with a passionate faith in the people, he was eager to fight for the faith that was within him.

He was an organization man who believed that the effect of a victory should be determined by the men, down to the precinct workers and the district captains who had borne the brunt of the battle.

He was too wise to enter a conflict with enemies, spies, and traitors in the rear.

He had no patience with the timid or the time server, and he ordered the Miss Nancys and the Sister Sues back with the scullions and the cooks to make way for two-fisted fighting men upon the firing line.

His strategy of battle was to center upon a single issue, brush all extraneous matter out of the line of march, and, the strategy determined, to close debate and concentrate on victory.

Imagine if you can an Iago insinuating himself into Jackson's camp to propose the division of his army on evolution or the theory of relativity and living to report progress to the enemy who sent him.

He never fought with ping-pong stocks—he gave his men battle axes and artillery.

He never soft-pedaled his approach to conflict—he rode to battle waving a warrior's sword and shouting commands, and he rode at the head of the column.

He never inquired whether a policy would be good for the North, South, East, or West, for he knew that were it really good it would be good for the masses of the people everywhere.

He fought the common enemy, he waged no civil wars.

Under his courageous leadership the jingle of golden coin could not intimidate the army that he led, and the money barricades could not stop it, and the machinations of the enemy could not divide it, and thus it moved to inevitable and immortal victories for popular government and the economic rights of man.

JACKSONIAN METHODS

And how did he do it? By giving the people a fundamental issue that had a meaning at every fireside in every home in the country. He pointed to the intrenchments of monopoly and he said, "We will take that." He pointed to the growing power of privilege, and he said, "We will end that." He called attention to the increasing arrogance of class rule, and he asked the masses to follow him to battle for the restoration of a government of equal rights to all and special privileges to none.

Now it is not enough to arouse and mobilize the people unless they are given arms and ammunition and drilled to march all one way,

responsive to command. And this he did by doing something never done before, and never better done, from that day to this; he organized the masses down to every precinct in the land. Yes, and he introduced to the American scene that much-abused and most essential class of men in a representative democracy, the practical politician; and he made him the responsible agent of the party in every village in the country. Then, ordering these men to charge the foe, he made it plain that should the fight be won, the victory would belong to those who had battled in the trenches and taken the scars of conflict.

Thus the army that Jackson led was an organized body, with a fundamental issue, marching in harmony all one way, militant and unafraid, tireless and sleepless, and it moved to battle under the Jeffersonian banners and with the Jacksonian audacity and swept the enemy before it.

THE RISING OF THE PEOPLE

But what a fight! Never in American history has any party ever faced a more formidable foe than that which organized greed had mobilized behind Nicholas Biddle, of Philadelphia, and the bank. It was a war between men and mammon, between democracy and plutocracy, and Jackson led his "rabble" if you prefer, against the armed and uniformed forces of "respectability," equipped with the money of the bank.

When the timid trembled he sent them to the rear; when the treacherous betrayed, he kicked them from the camp; when the Hamiltonians who had wriggled somehow into the party of Thomas Jefferson went over to the enemy, as they always do in a fight on fundamentals, he called on his reserves. And they came with waving branches and songs and shouts from the corn rows and the factories and the smaller stores, armed, drilled, munitioned by Jackson's hated practical politicians, and eager to make a frolic of a fight.

And the enemy? He used his control of credit to force the business man to fight with foolish fury against the rising of the people. He tried to intimidate the toiler by reducing or threatening to reduce the working forces of the factories. He tried to debauch the farmer by advertising with bank money that in the event of Jackson's defeat the merchants would pay $2.50 a hundred for pork and in the event of his election but $1.50. And because the Americans of that generation were men, not mice, they rose at that, en masse, and marched. On every hilltop, everywhere, men and women of every class put up their hickory poles, unfurled their flags, and raised their voices in the Jacksonian Marseillaise:

"Hurrah for the Hickory tree
From the mountain top down to the sea
May it wave o'er the grave of the Tory and knave,
And shelter the honest and free."

And when the song died down it was to sound the pæan of triumph; for organized greed had gone down before organized men, money had been made subservient to man, an English-speaking people wise with the wisdom of the centuries had crushed monopoly again, and Jeffersonian Democracy shimmered all the brighter in the reflection of Andrew Jackson's sword.

JACKSON'S FIGHT TO BE FOUGHT ANEW

Ah, but some one says that we have no Philadelphia banker now—why mention him? No—"westward the course of empire wends its way"—even as far as Pittsburgh.

And some one asks what Jefferson and Jackson have to do with present-day problems and conditions; and the answer is that there is scarcely a domestic issue that Jefferson thought for and Jackson fought for and Woodrow Wilson wrought for that is not a living vital issue at this very hour.

If the party that these men stood for stands to-day where these men stood for equal rights to all and special privileges to none—there is an issue. If it stands where these men stood against monopoly and autocracy in government and in industry—there is an issue. If it stands where these men placed it for the rule of the majority and the greatest good to the greatest number, there is an issue. If it believes, as these men did, that the debaucher of the ballot, and the hucksters in high places who sell the Nation's birthright to line their pockets belong to the penitentiary and nowhere else, there is an issue. And to put all in a sentence—if it stands where these men stood for democracy and against the oligarchy of a privileged class—there, there is an issue that can mobolize the people and make them march with waving banners and the will to victory in their hearts.

THE MORAL COLLAPSE

Six years ago the American people, grown weary of right doing, turned from Monticello and the Hermitage to worship for a while at the shrine of the "best minds" in the little dove cot of the Little Green House on K Street. That was the beginning of the most putrid period of official dereliction and corruption that this Nation has ever known. We have seen the Nation's oil reserves bartered away for a song and a bribe; and such has been the lowering of official standards that we saw men high in the State, intrusted with the protection of the Nation's property—and the Nation's honor—stand aside as indifferent spectators of the crime until the party of Jackson, under the brilliant leadership of the Senator from Montana, exposed the infamy and forced the restitution of the Nation's stolen goods.

So complete has been the moral collapse, that when, after the exposure of the scandals in the Department of Justice, the then Attorney General offered his resignation in response to the overwhelming demand of an outraged public sentiment, we had the humiliation of seeing the resignation received with an expression of confidence and regret.

Thus, with commercialized government letting down the bars to commercialized politics, we have seen organized corruption marching in open procession against the integrity of the ballot and going into the market place to treat United States Senatorships as secondhand pieces of furniture to be put upon the auction block and knocked down to the highest bidder. There was nothing vulgar or common about these auctions. They were fashionable affairs; only the very rich could afford to bid.

And now that we have it on the highest authority that contributing to a slush fund is just "like giving money to a church," I suppose we shall soon be paying off the repeaters within the precincts of the cathedral and knocking down Senatorships from the pulpits of the churches.

MONOPOLY AGAIN

We have seen the privileged classes put in possession of the very instrumentalities of government intended for the protection of the people—the Federal Trade Commission set to play in the nursery of big business; the Tariff Commission given to understand that its primary function is to find pretexts for raising the tariff tax on the consumption of the poor. This Tariff Commission was intended as a scientific commission for the service of the public; it has come to be a sentimental lifting derrick for the pig-iron industry.

We have seen the trend toward the monopolization of industry smiled upon by the administration, and have heard the proposal made to break down all restrictions that these monopolies may run amuck and glut their greed upon the helpless. It is said that this is in accordance with Jefferson's idea that there should be no unnecessary governmental interference with business; it is conveniently forgotten that had Jefferson had his way the bill of rights would have included a prohibition against monopoly in commerce.

With every class groaning under the burdens of taxation, we have seen reductions made in the taxes of the very rich, and, thanks to the Democrats and some Republicans in Congress, there is some hope that we may be able to reduce the burdens of the average business man; but the régime in power stands like Gibraltar against the lifting of the penny of the tariff tax upon consumption from the bowed backs of men and women who are forced to struggle for the mere necessities of life.

Where is the issue? asks the enemy. With monopoly encouraged, with corruption flagrant and unafraid, with "big business" in the saddle, booted and spurred, and the farmer in the ditch; and with a tariff system that picks the pockets of the millions to the tune of billions under the protection of the police, if the party of Jefferson and Jackson can find no issue, it is time for it to go into a court of moral and intellectual bankruptcy and apply for a receiver.

"PROSPERITY"

Ah, but they say they have an issue that will overshadow any that you can possibly find, the issue of "prosperity."

What is "prosperity"? One million men out of employment and 3,000,000 working part time. Is that prosperity?

The overcrowded employment agencies of the centers of population; is that prosperity?

Hundreds of thousands of farmers dispossessed by mortgages and taxes and driven to bankruptcy and despair; is that prosperity?

Two thousand nine hundred and forty-four bank failures in the last six years as against 746 during the eight years of Democratic administration; is that prosperity?

Seventeen thousand three hundred and thirty-three commercial failures in the first nine months of 1927, representing an increase of $100,000,000 in liabilities over the same period of the year before; is that prosperity?

You remember that we used to call on the commercial drummer to get an idea of the business conditions of the country. Why is he muzzled now? He knows business conditions, sales, and collections from the cross-roads store to the emporiums of the cities. Why not hear him now? Because we have turned our backs upon the average business man with whom he deals to judge prosperity by the profits of a few monopolistic industries enjoying the paternal privileges of government. The trouble with the official announcer of prosperity here is that he is unable to penetrate the smoke screen of Pittsburgh to the vast empire that stretches thence to the Pacific Sea. When I read these fabulous stories of prosperity without precedent I am persuaded that they must come from Palm Beach where the Aluminum Trust may loll luxuriously on the piazza, and the infant steel industry may dig its little pink toes in the sands. I have more faith in the Hoosier philosopher "Abe Martin," who says that "Til Moots went to Indianapolis Thursday and bought a pair of new boots with money left over from the Wilson administration."

"Prosperity"? Yes; in spots, few and all too far between; but over vast reaches of this continent "prosperity" is as the peace of Warsaw—it blossoms in the midst of ruin and desolation.

Ah, but they say that business is safer in their hands than ours, and we counter with the question, "What business do you mean?" And our answer is that the greatest single service ever rendered honest business in the entire history of this country was when the Wilson administration and a Democratic Congress wrote into the statutes the Federal reserve system—the greatest single piece of constructive statesmanship in the last three-quarters of a century.

THE SUMMONS TO BATTLE

All over the world to-day there is a movement against democracy and toward "the good old-fashioned plan that he may get who has the power, and he may keep who can." Thus the issue in America is as fundamental as when Jackson rallied the people to the defense of their heritage. That battle must be fought anew. Permit the present trend to go on a little longer and everything held sacredly American by the generation of Jackson will be lost beyond recall. We are once more back to the fundamentals. It brings to the fore the eternal and universal conflict of the two great schools of political thought that are greater than parties and greater than countries and as great as humanity, because they go to the placing of the political and economic status of the average man and woman.

The fight we are called upon to make in this centennial year goes to the determination of the very form of government under which we live. It involves the principle of quality before the law and in government. It embraces liberty, monopoly, and home rule. It takes in economy and an equitable system of taxation. Yes; the fight the rank and file demands the party make is for nothing less than the preservation of those fundamentals of Americanism without which no people can be really prosperous or happy and no nation truly beneficent or strong.

Let the word go forth that you fight again for the fundamentals, and the people will respond. They heard it when Andrew Jackson rallied them to the fight against the national bank plutocracy that had the people by the throat. They heard it when Woodrow Wilson summoned all the people to the assertion of political and economic rights with a constructive program resting on the elementals of Jeffersonian democracy.

Let the word go forth—and suit the action to the word—and the independent voters and the liberal republican will come back home after their long unhappy sojourn among the fleshpots in the temple of privilege. The time is ripe. The hour has struck. The duty is imperative and sacred. No time for discords now on nonessentials—and no possible palliation. In this centennial year of Jackson's victory we go forth to meet the common enemy with old Jackson looking on.

Now has come the time for action,
Clear away all thought of faction,
Out from vacillating shame—
Every man no lie contain,
Let him answer to his name—
Call the roll.

THE TARIFF AND AGRICULTURAL RELIEF

The Senate resumed the consideration of the resolution (S. Res. 52) submitted by Mr. McMASTER, favoring a reduction of tariff schedules and the consideration of tariff legislation at the present session of Congress.

Mr. ROBINSON of Arkansas. Mr. President, it is my purpose to discuss the pending resolution. I realize that the time remaining for debate upon the resolution is brief and that a number of other Senators desire to participate in the discussion. For these reasons I do not intend to claim the attention of the Senate for a very long period.

It is my belief and contention that the pending resolution should be agreed to by the Senate. During the course of the debate some Senators have suggested that it constitutes an encroachment upon the body at the other end of the Capitol, the Constitution providing that measures affecting the revenues shall originate in the House of Representatives. It does not seem to me that there can be any objection, under our Constitution and methods of procedure, to the expression of opinion by the Senate on this very important subject. The resolution, of course, does not constitute legislation. It simply defines the readiness of the Senate to proceed with the consideration of legislation affecting the revenues.

Throughout the United States there is a growing sentiment in favor of revision of the tariff downward. This sentiment is in the minds and opinions of many citizens who are protectionists and who believe that the tariff should be employed to promote American industry. It is entertained almost unanimously by those who are not in sympathy with the doctrine of a high protective tariff. Unquestionably excessive tariffs constitute trade barriers. We have seen recently controversies arise between this Republic and the Republic of France, between our country and Argentina, over questions affecting existing tariffs. The tendency of some of the rates in important schedules of the Fordney-McCumber Tariff Act is to cut down both the import and the export trade of the United States, for it is a maxim that other countries as a rule can not take our products unless we also purchase from them the products which our people require.

It is not my intention now to enter into a detailed discussion of the rates in the existing law which need revision downward. During the course of the debate that subject has been entered into. It has been demonstrated, I think, that there is an intimate relationship between the tariff and the present condition of agriculture. Throughout the Middle West and the West the opinion is gaining ground that one of the most effective ways in which to afford agricultural producers relief is to diminish the cost of the commodities which they consume and the belief is general that this can be accomplished by a material reduction in some of the rates of duty now imposed under the tariff law.

The low prices of farm products are more oppressive than they would otherwise be because of the high prices of many manufactured products due to the tariff, products which farmers find it necessary to consume. Living costs in the United States continue on the whole too high. The logical process would be to cut down all living costs where they appear to be excessive, if that can be accomplished. Farmers would be benefited just as much by having the prices of the things they consume reduced, so long as that reduction does not go below the cost of production and a reasonable profit to producers, as if the prices of their products were substantially increased. It is amazing and amusing to hear in this Chamber the contention made by some of the advocates of farm relief that the country is enjoying an era of prosperity unparalleled in its previous history. I heard the stalwart Senator from Indiana [Mr. WATSON], in an address to this body a few days ago, say at one time that the farmers are poorer now, their labors more unprofitable than ever before in the history of the Nation, and at the same time he insisted that the country as a whole is more prosperous than it has ever been. I take issue with the President, who, in a recent address, said that the "country as a whole is enjoying a prosperity that has never been exceeded." I take issue with the Senator from Indiana and other Senators who made that assertion.

I would not for political advantage or other purpose unfairly state the condition of industry in the Nation; nor would I intentionally give expression to pessimistic sentiments or opinions which are not justified or sustained by existing facts. Let me point out in some detail circumstances which contradict the contention that the country is unusually prosperous.

The Secretary of the Treasury stated in his annual report for 1927:

> While business began to fall below the totals of last year and is not as active as in the most of 1926, it can hardly be said to be subnormal, and the underlying fundamentals appear to be sound.

Now, if there is a man in the United States to whom Republicans generally look as their adviser on economic conditions and economic problems, it is the Secretary of the Treasury. I have quoted his opinion respecting business conditions in the United States, seriously and deliberately made in his annual report. I respectfully submit to Senators that it does not justify either the statement in the President's address or the enthusiastic remarks on the subject of prosperity recently delivered here while the resolution was under consideration by the Senator from Indiana [Mr. WATSON].

The Director of Foreign and Domestic Commerce stated in an address recently delivered that of 100,000 businesses examined by his bureau during 1927, 34,000 of them are not making any profits whatever.

Mr. NORRIS. Mr. President, will the Senator repeat those figures again?

Mr. ROBINSON of Arkansas. They examined 100,000 businesses and found that 34,000 were not making any profits whatever. The report of the Commissioner of Internal Revenue for 1925 shows that during that year of 5,479 corporations manufacturing textile and textile products other than clothing, only 3,359, or about three-fifths, reported net incomes. Of 6,792 corporations manufacturing clothing, 4,145, also about three-fifths, reported net incomes. Of 2,359 corporations manufacturing leather and other products, 1,373, just about three-fifths, reported net income. Of 21,529 corporations manufacturing metal and metal products, 12,760, again about three-fifths, reported net income.

Now, it is noticeable and notable that the corporations referred to are engaged in producing commodities which are protected by high rates of duty imposed under the Fordney-McCumber Act, so it becomes clear that even the protected

interests, many of those enjoying the highest degree of protection they have experienced during the history of the country, are not earning net income. They are not paying income taxes in any amount.

Frequent reference has been made during this debate to bank failures as an evidence of adverse business conditions. In 1918, 20 State banks in the United States failed, having a total liability of $5,131,000. There were no national banks that failed during that year.

In 1919 there were 50 failures of State banks, with total liabilities of $10,520,000; and four national bank failures, with total liabilities of $1,000,850.

In 1920, 119 State banks failed, with liabilities of $50,708,000. Ten national banks failed, with liabilities of $3,350,000.

In 1921, 404 State banks failed, with liabilities of more than $173,000,000; 47 national banks failed, with liabilities of $28,500,000.

In 1922, 277 State banks failed, with total liabilities of $77,735,000; and 35 national banks failed, with total liabilities of $16,453,000.

In 1923, 578 State banks failed, with total liabilities of $203,739,000. During the same year 77 national banks failed, with liabilities of $36,568,000.

In 1924, 613 State banks failed, with total liabilities of $202,926,000; 121 national banks failed, with $69,656,000 of total liabilities.

In 1925, 361 State banks failed, with $100,488,000 total liabilities; 103 national banks failed during the same year, with $64,209,000 total liabilities.

I have only partial figures for 1926. In that year 772 State banks failed, with total liabilities—the greatest of any of the years—of $266,000,000. I have not the figures as to the national-bank failures for the year 1926.

In 1927 there was a diminution to 488 failures of State banks, with total liabilities of $195,000,000.

Mr. President, those figures are significant. They show that from no failures, substantially, in 1918 there occurred in 1925 something like 500 failures of State and national banks in the United States. In 1926 there were 772 failures of State banks alone.

Why does the Senator from Indiana [Mr. WATSON] insist and why does the President assert that, notwithstanding the conditions which I have described, the country is prosperous to a degree that justifies making it the sole issue of the Republican Party in the approaching campaign? Do they believe that the people of the country are so ignorant that they do not know when facts of this kind are misstated? Do they believe that any number of repetitions of a false assertion will delude and deceive the people of the country into maintaining the party now in power?

Let me continue the discussion of this very interesting and important subject for just a few moments. Bradstreet's report for the first nine months of 1927 shows 15,125 failures of commercial business houses, with liabilities of $462,810,996—an increase of 29 per cent in the amount of liabilities as compared with the same period of 1926. The increase, comparing 1927 with 1926, is 29 per cent, or almost one-third.

The relative figures for commercial failures for the first six months of 1927, by R. G. Dun & Co., disclose 12,292 failures, with liabilities amounting to $281,527,518, as compared with 11,476 failures, with liabilities totaling $209,888,501 during the corresponding period of 1926—an increase of 700 in number and of $70,000,000 in liabilities.

A decrease in income from farm products from $10,770,000,000 in 1924 to $9,266,000,000 in 1927 in the opinion of some economists is the real cause for the irregularity in the trend of business.

The Bureau of Labor Statistics furnish even more conclusive evidence of the fallacy of this boast of general prosperity. An examination reveals that employment is now 20 per cent less than in 1920 and there has been a decrease in the annual pay roll during the period from 1920 to 1927 by one-fourth. Under the index figure of 100 as of 1923 employment in manufacturing industries during 1920 was 118.8 per cent, while in 1926 it stood at 92.4 per cent, a shrinkage of 20 per cent. The decrease in the pay rolls for the same period is about one-fourth, or 25 per cent.

Mr. President, this is only a partial statement of actual conditions, but it touches many important industries in various parts of the United States. It is amazing beyond the power of the mind to grasp how Republican Senators and a Republican President can boast in the face of these facts and figures that the country is enjoying unusual prosperity.

Mr. SHORTRIDGE. Mr. President, as amended the resolution before us reads as follows:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all;

Resolved further, That such tariff revision should be considered and enacted during the present session of Congress; and

Resolved further, That a copy of this resolution be transmitted to the House of Representatives.

It will be observed, Mr. President, that the resolution recites that "many of the rates in the existing tariff schedules are excessive." Upon the very threshold of the brief remarks which I shall undertake to make—briefer if not interrupted—I ask the Senator from South Dakota to which of these schedules does he refer. What specific definite item in these schedules does he consider to be excessive; not pausing for an answer now, I inquire what he means by the word "excessive"?

Mr. McMASTER. Mr. President, does the Senator wish me to answer the question now?

Mr. SHORTRIDGE. The Senator may do so, but in order that I may not detain the Senate too long the Senator and others will put me under additional obligations if they will not interrupt me unless interruption will serve to develop relevant facts. However, if the Senator wishes to ask me a question, I will pause.

Mr. McMASTER. Mr. President, I suggest that the Senator take a few moments and devote his time to the hearings before the Finance Committee of the Senate in reference to the duties which are imposed on aluminum products. Such an examination, I think, would furnish food for thought. I further suggest to the distinguished Senator from California that the tariff rates affecting an institution which began with a capital of $1,500,000 and in the course of a few years, through the rates accorded it in various protective tariff measures, increased its capital to the staggering sum of $200,000,000, could well bear the inspection of the Senator from California.

Mr. SHORTRIDGE. Mr. President, answering briefly, let me say that I have devoted some attention and some little degree of thought to that immediate item. I happened to appear a number of times before the Committee on Finance, but there are certain Senators here, some of whom do me the honor to listen, who have complained—I was about to say whined—over certain rates who did not give the committee the benefit of their wisdom or their suggestions when the act of 1922 was under consideration by the Finance Committee. But be that as it may, I shall approach that item in a moment. Lest, however, I forget to do so in the hurry of getting through, let me inquire, if the rates now imposed upon aluminum under either or any of the sections of the law dealing with that commodity be excessive, why has not the Senator from South Dakota or the Senator from Montana or the Senators from any other of our 48 great States invoked the power of the President under the present act to reduce each and every of those rates fully 50 per cent?

Mr. McMASTER. Mr. President——

The VICE PRESIDENT. Does the Senator from California further yield to the Senator from South Dakota?

Mr. SHORTRIDGE. Yes.

Mr. McMASTER. I am very glad indeed that the Senator has asked that question.

Mr. SHORTRIDGE. I will be glad to have the Senator answer it.

Mr. McMASTER. When I first came to the Senate two years ago, being interested in the tariff schedules, I sent to the Tariff Commission and asked for definite information with regard to the cost of production in America and the cost of production abroad pertaining to two very important industries in the United States.

Mr. SHORTRIDGE. Let us hold our minds on aluminum.

Mr. McMASTER. Yes; but permit me to finish.

The Tariff Commission, which has been established here for years, which has 200 employees, which has an unlimited amount of money at its disposal, a commission that is supposed during these years to have been ascertaining with accuracy the very information of which the Senator speaks, sent to me certain information that was wholly inadequate; and, in fact, it admitted that it had no adequate information. We contend that not only the aluminum schedule but hundreds of other schedules in the present tariff act are excessive.

Mr. SHORTRIDGE. Mr. President, not to be impolite, I can not wait here all day for the Senator.

Mr. McMASTER. Please permit me to finish. The record reveals that during these years that the Tariff Commission has been in existence, with all of the means at its command to ascertain this information, it has passed upon some 25 cases.

That has taken six years. If there are 200 schedules that ought to be changed, it will take 48 years to bring about the result that the Senator from California suggests ought to be brought about in that way; and the Senators now living will be dead and gone long before that time arrives.

Mr. SHORTRIDGE. And the Senator from South Dakota thinks that this Congress could correct all those evils during this session?

Mr. McMASTER. They could correct some of them in less than 48 years.

Mr. SHORTRIDGE. Touching section 315, the so-called flexible section of the tariff act, I am gratified to be informed that the Senator from South Dakota was aware of that section. I had intended to read it. Without taking the time of the Senate, I will ask that that section be inserted in the RECORD at this point.

The PRESIDING OFFICER (Mr. WALSH of Massachusetts in the chair). Without objection, it is so ordered,

The subdivision (a) of that section is as follows:

SEC. 315. (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in costs of production in the United States and the principal competing country he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in such costs of production necessary to equalize the same. Thirty days after the date of such proclamation or proclamations such changes in classification shall take effect, and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila): *Provided*, That the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in Title I of this act, or in any amendatory act.

Mr. SHORTRIDGE. My experience under section 315 has not been so unhappy as the experience of my friend from South Dakota. I invoked the power of the President under section 315 on behalf of the producers of California. We have the products of all zones and all climates that need protection but we are not here whining, not here inveighing against the Republican Party's tariff act, because we did not secure everything we sought. We did not get all we wanted. I thought and I still think, for example, that we should have had higher and adequate tariff rates on Turkish leaf tobacco; and I am going to resume that fight when the tariff bill again comes properly before the committee and the Senate.

Mr. McMASTER. Then I suggest to the Senator that he vote for this resolution, and speed the day when he can accomplish that very purpose.

Mr. SHORTRIDGE. The Senator will find that I am a champion and defender of the true American system of a protective tariff, properly so characterized by great Henry Clay, some of whose speeches I commend to some gentlemen in this Chamber.

I invoked the power of the President in respect to maraschino cherries. There was a hearing. It took some time; but the President, being authoritatively advised as to the facts and perceiving that that product was not adequately protected, exercised his power and increased the rate 50 per cent.

I invoked the power of the President under section 315 in respect to magnesite, a product produced in my State and doubtless in other States of the Union. A hearing was had, facts were laid before the commission, arguments were presented, reasons assigned, and the President within the last 30 days exercised his power and increased the rates on magnesite 50 per cent.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from West Virginia?

Mr. SHORTRIDGE. I do.

Mr. NEELY. The Senator has been discussing maraschino cherries. For what purpose are those cherries used by the Senator and the people of his State since the adoption of the eighteenth amendment, and the enactment of the Volstead law?

Mr. SHORTRIDGE. I know that West Virginia is greatly concerned in the uses to which certain of our products are put.

Mr. NEELY. I am not greatly concerned. But I am mildly curious to know how this small fruit is utilized. Therefore, I beg the Senator, who is an authority on the subject, to enlighten us.

Mr. SHORTRIDGE. I am a profound student of that branch of industry—theoretically.

Mr. NEELY. And of all other branches. But for what purpose do they use maraschino cherries in California?

Mr. SHORTRIDGE. Oh, well, I can not hope to instruct the Senator from West Virginia. That were a hopeless task. Not to indulge in levity, however, that is a very important industry, which comes in direct competition with the producers of Italy; and, for reasons which were made perfectly plain, the Tariff Commission reported the fact, and the President exercised his judgment and his power and raised the rates, as I have stated.

Mr. NEELY. Since the able Senator has with such great accuracy and clearness answered my question, I am emboldened to ask him if he will not inform us about the value of the maraschino cherry industry in California?

Mr. SHORTRIDGE. I have not the figures before me, but it is a very important industry; and I dare say cherries are raised in practically all of our States, and I imagine also in the beautiful State represented here by my friend from West Virginia.

On behalf of the California Poultry Association and the National Poultry Association, I have filed with the President, to be referred to the commission, a petition asking for an increase of the rates of duty on certain poultry products. I invite the immediate attention of Senators to the fact that we of the Pacific coast are brought in more direct competition with oriental products than perhaps citizens in other or remote States. I need not consume time in pointing out the importance to South Dakota, to Iowa, to Minnesota, to North Dakota, as well as to my State, of this industry. I repeat that, on behalf of the national association as well as the California association, we have lodged with the President a petition asking for an increase of rates on certain of these products, particularly powdered eggs and frozen eggs, that come from China and other oriental countries. I am hopeful that the commission will soon report the facts to the President and that he will see the necessity and the wisdom of exercising his power and increasing these rates.

There is also pending before the commission the petition adverted to by the Senator from Idaho [Mr. BORAH], in which matter I am deeply interested, namely, the petition for an increase of the duties on onions. The delays in ascertaining and reporting the facts, on which the President acts, are almost intolerable. One of the reasons for the delay, as given by the commission, has been that as they construed the law they were obliged to proceed or send to the foreign countries, there to make individual and personal inquiry as to the cost of production; and we are well aware that producers or manufacturers in certain foreign countries refuse to open their books for the purpose of the examination.

That being so, I have ventured to state to the commission that these facts could be ascertained satisfactorily under the law without the immediate foreign inquiry, and that these facts, sufficient under the law to authorize the President to exercise his power, could be ascertained in other ways and immediately by the invoice prices as revealed at the customhouse. But, be that as it may, I agree with Senators that the rules and the regulations as to ascertaining these facts should be changed, if necessary, to speed the inquiry and to bring about relief—relief by way of raising or lowering a given rate.

Mr. McMASTER. Mr. President, I just want to suggest that I think the Senator is quite correct, and that if we proceed to revise the tariff through his methods at the rate that it has been revised in the past it will take nearly half a century to accomplish it.

Mr. SHORTRIDGE. Oh, no; it will not, Mr. President.

Mr. McMASTER. It has taken 6 years to adjust 25 cases; and if there are 200 cases to be adjusted it will take just 48 years to bring about that result. That is a mathematical calculation, and there is no guesswork about that statement.

Mr. SHORTRIDGE. The Senator, as he tells us, has invoked section 315 and sought to induce the President to lower certain rates, as I understand him. I said that my experience had not been so unhappy. There are pending, it is true, many other applications for relief; but this, in my judgment, is not the time to undertake, during this session, to rectify or correct any excessively high or inadequately low rates of tariff.

This resolution speaks in general terms of the schedules. It alleges that many schedules are "excessive" and favors an immediate revision downward of such excessive rates, "establishing a closer parity between agriculture and industry," whatever that may mean.

I do not wish to engage in disquisition over phraseology. Words, of course, sometimes express thought, but we do not

always speak with precision; we do not always think with perspicacity or speak with perspicuity—if that be the proper way to express it.

I would like to ask the Senator whether the farmer is not an industrialist, whether farming is not an industry, whether it is not one of the most important industries, upon which the very life of the Nation rests, upon which the very prosperity of every village and city and metropolis rests?

I remember a great speech delivered by a great American, certainly he was a great orator—and I use that word in its original and classic sense. William Jennings Bryan was a great orator. He could make the worse appear to be the better cause. He loved his country well. We differed, but I never questioned his patriotism, his sincerity, his devotion to the people, rich and poor, high and low. In the great speech which brought about his first nomination for the Presidency, delivered yonder in Chicago, he reminded the American people, he reminded the reactionary Democratic Party, that the poor man, the day laborer, the man on the farm, in the mine, on the railroad, in the shop, the poor man who went with his dinner pail to his labor and returned to his cottage, was a business man. I here venture to say and remind the Senate that the farmers of this country are engaged in industry. I decline to accept the differentiation between farming and manufacturing industries of our country. They are all engaged in industry, important industry, the one dependent on the other.

Even as the prosperity of the city depends upon the prosperity of the country, so, conversely, the prosperity of the country, of the producer, the farmer, rests upon the prosperity of the city. Their interests are mutual. They are corelated. You can not separate them and have prosperity for either. Therefore, when I hear in the Senate thoughtful Senators inveigh against the rates on "industry," they will pardon me if I wonder to what they refer, to what branch or division of industry.

I asked one of my learned friends the other day—I think it was the Senator from South Dakota—whether he regarded mining as falling within the term "farming," and he said "No," and technically that may be so. But mining is an industry, and a vastly important industry. When I see the very floor of this Chamber wet with the tears of men describing the dark picture and deploring the conditions of the farmer, I wonder also, Mr. President, why something has not been said on behalf of the miners of our country. In saying that I do not have in mind only the miners for coal. There are other mining industries than the mining of coal. Out in the West, in my own great State, many of the so-called low-grade gold mines are, if not finally abandoned, silent. Certain villages once prosperous are practically deserted. Why? There are reasons which it is not necessary now to state. But mining is a great industry, and every industry of the great city of Baltimore, represented by the scholarly Senator who sits before me [Mr. BRUCE], a great manufacturing city, a great industrial city, is dependent on the prosperity of the mining and other industries. If I analyze his master mind correctly, the Senator from Maryland must agree with me that the prosperity of the country is essential to the prosperity of his own city, for if the country languishes, if other sections of our country falter and become palsied, Baltimore will suffer, even as all other great central manufacturing cities will suffer; and if these great manufacturing cities are industrially paralyzed, the farmer, the agriculturist, will suffer.

I therefore come back to what I set out to inquire, why, when this resolution was introduced, its author did not in direct, plain terms aim at some particular schedule or item in the schedule—for there are hundreds of items in each schedule—where the duties, as he thought, were excessive. During his statement I inquired whether he was not willing to recite in his resolution that there were certain schedules or items in schedules too low, which should be raised, and he declined to accept my suggestion.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. With pleasure.

Mr. FLETCHER. I think beyond question there are many items in the present tariff law upon which the tariff ought to be readjusted. I will not take the Senator's time to enumerate them, but will state one as an illustration.

There is a patriotic, public-spirited gentleman living in Pennsylvania who proposes to erect a magnificent carillon on his property in Florida, not for his own entertainment and amusement but for the public culture and for the interest and pleasure of the people. This carillon would involve the importation of 62 bells of a kind manufactured in Belgium, no such bells being manufactured in the United States at all. The duty on all bells under the tariff law is 50 per cent. If those bells should cost, say, $100,000 in Belgium, this man would have to pay $50,000 to get them into the United States.

That is not of any particular concern or interest to any manufacturer of the United States. Bells of that superior tone, which can be heard some 20 miles, are not manufactured in the United States at all. It seems to me that in an instance like that the tariff is certainly out of all reason.

Mr. SHORTRIDGE. May I answer that observation? In such case, assuming the facts to be as stated by the Senator, personally I have no doubt but that if an appropriate petition were filed the President would reduce the duty 50 per cent. Moreover, I would join with the Senator in a case of that kind in asking that the duty be removed entirely.

Mr. FLETCHER. Mr. President, I have introduced a bill to that effect; but the trouble is that the committee evidently hesitates to reduce the tariff on specific items, because, I presume, they apprehend that if they make such a recommendation in one case they would probably find themselves in the midst of a general tariff reduction. Therefore, they have refused to report this bill up to this time. I assume that is the reason.

There is the trouble. If you pick out different items in the tariff law and try to correct those specifically and individually, you will find yourselves, as I have said, in the midst of a general tariff reduction, and for that reason it seems to be opposed. I can figure out no other reason, because there are instances—and I could enumerate many others—where the law is not beneficial to manufacturers in this country, but is really harmful and hurtful to citizens of the country.

Mr. SHORTRIDGE. Perhaps the reason assigned is a good and sufficient reason.

Mr. President, let me devote a moment longer to this flexible section of the tariff law. A very persuasive argument can be made as to the unconstitutionality of that section. A persuasive argument can be advanced against the policy of that section. But quite apart from the policy or constitutionality of the law, this is not the time to discuss those two propositions.

I will add, however, that I have very seriously questioned the legality of that section, having regard to the Constitution, and I have very seriously questioned the policy of it. But such is the law, and whilst we have that law presumed to be constitutional, presumed to be legal and valid, I have wondered why gentlemen complaining of specific items in the tariff did not invoke the power of the President under that section.

My experience, again to refer to it, has been upon the whole quite satisfactory.

If the Tariff Commission, as now constituted, would adopt the method of taking the invoice prices as they come to the customhouses as indicative of the original cost of production, with certain other information easily gathered, there need not be the long delay in ascertaining the facts upon which the President is authorized to act.

I had set down here to say, and I think I will say it, that if this resolution had not borne the name of the Senator from South Dakota [Mr. MCMASTER] I should have thought it was launched by some learned gentleman on the other side of the aisle, which, though it may divide, should not estrange us; or perhaps by a disciple of Cobden, or by some unreconciled and unashamed disciple of the old-time international free trader. But the Senator doubtless thinks he was serving his State and the Nation by aligning himself with Senators who repudiate his doctrine.

I digress to inquire whether all the farmers in this country live in North Dakota or South Dakota or Iowa, my native State. With two members in the Cabinet from Iowa, one of them a future President, and one humble son now representing in part the great State of California in the Senate, Iowa is doing pretty well; she is not bankrupt, her farms are not valueless, her people are not hungry or in rags, notwithstanding the direful, doleful picture of Iowa painted by my militant friend from that State [Mr. BROOKHART].

Mr. HARRISON. I did not understand what the Senator said about the future President from Iowa.

Mr. SHORTRIDGE. The next President, I say, was born in Iowa.

Mr. HARRISON. Oh, the next President!

Mr. SHORTRIDGE. Yes; the next President! Nothing would please me better, if Democratic misfortune should overtake the Nation, than to see my friend the senior Senator from Mississippi as Vice President.

Mr. HEFLIN. Did the Senator refer to Governor Lowden when he said the next President was born in Iowa?

Mr. SHORTRIDGE. Need I be more specific, Mr. President? Need I speak to my friend from Alabama in plainer terms? I referred to a son of Iowa now a member of the Cabinet.

Mr. HEFLIN. I did not hear that part of it. The Senator must be referring, then, to Mr. Hoover.

Mr. SHORTRIDGE. I was referring to Mr. Herbert Hoover.

Mr. DILL. Mr. President, will the Senator from California yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Washington?

Mr. SHORTRIDGE. I yield.

Mr. DILL. The happy reference to my friend, the Senator from Mississippi [Mr. HARRISON], made by the Senator from California, inspires me or causes me to ask whether or not the Senator has in mind the hope that the Senator from Mississippi might be taken from the floor of the Senate so that he would not throw so many barbs at the Republican side of the Chamber?

Mr. SHORTRIDGE. Far from that, Mr. President; for my life in Washington and in this Chamber has been made perfectly delightful by the good humor, the smiles, the cleverness, the wit, and the wisdom of the Senator from Mississippi. He never embarrasses me. He never angers me. Indeed, the more he talks about the Republican Party the stronger it becomes; wherefore I thank him. [Laughter.]

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New York?

Mr. SHORTRIDGE. I can not refuse to yield.

Mr. COPELAND. I thank the Senator. Where does the Senator's candidate for President stand on the eighteenth amendment and the Volstead Act?

Mr. SHORTRIDGE. Where does Governor Smith stand?

Mr. COPELAND. I explained at some length the other day where Governor Smith stands and was told by the Senator from Idaho [Mr. BORAH] that he could not support any candidate who was not for the eighteenth amendment and the Volstead Act. May I ask the Senator in all seriousness where Mr. Hoover stands on this great issue?

Mr. SHORTRIDGE. Of course, the question is so germane to the present discussion and so material to the pending resolution that I am tempted to answer the Senator's question. But let us reserve that for another occasion. The great Secretary of Commerce will make himself perfectly understood by the American people on all questions. Of course, he will not convince or satisfy my friend from New York, but I am sure he will convince and satisfy an overwhelming majority of the American people.

Mr. COPELAND. That is to say, if I correctly understand the Senator, it does not make any difference where Mr. Hoover stands on that subject; that so long as he is a Republican, that is enough?

Mr. SHORTRIDGE. With me; yes. I am like my friend from Arkansas [Mr. CARAWAY], who is not ashamed to say he is a Democrat. I am not ashamed to say that I am a Republican, without a prefix or any suffix. I am a Republican. I do not think I am wiser than all the other members of my party. I do not arrogate to myself an elephantine superiority over all other Republicans. I sometimes follow, rarely lead, but I am here to say that the Republican Party will nominate a worthy American citizen, and I entertain a rational hope and a well-fixed belief that he will be elected and continue the wise policies of this administration, and that citizen will be the great citizen from California.

Mr. COPELAND. Now, Mr. President——

Mr. SHORTRIDGE. Pardon me just a moment to finish that thought, utterly irrelevant to this discussion.

I am a Republican. I am very proud to remember that, in the first national convention which the Republican Party held in Philadelphia, California presented John C. Frémont, of California, as its candidate, who became the candidate of the party. We were weak then, it is true, and the great Pennsylvanian, James Buchanan, was elected President. But I am prouder still of the fact that the delegation of 12 from California cast its 12 votes for Abraham Lincoln for Vice President, and that we lived to see him sit in the seat of Washington. From a very early time I took my stand under the banner of the Republican Party, and if I may, without reflection, paraphrase the words of the greatest orator that ever sat in this Chamber, the most eloquent man that ever spoke in the Senate—and I have in mind all of the great Senators who have honored this body—if I may paraphrase the words of Col. E. D. Baker, the great Senator from Oregon, who died yonder at Balls Bluff, Where in youth my feet were planted, there my manhood and my age shall march.

I have been a Republican all my life.

I believe in the principles of the Republican Party. I glory in its achievements. I support its policies. I hurl no anathema at Democratic Members. I have no feeling of hostility toward them. I believe in principles and I try to uphold them. So if there be any doubt lingering in the mind of any one as to my position in politics, let that doubt be forever removed. And I am proud and happy to add that I am one of the great majority of the American people.

Mr. COPELAND. Mr. President, will the Senator yield again?

Mr. SHORTRIDGE. Certainly.

Mr. COPELAND. I have listened with the greatest interest to what the Senator from California has said, and I think he makes himself well qualified for the nomination because he said he is a Republican, and admits it and glories in it; but I would like to ask the Senator from California if Mr. Hoover is a Republican?

Mr. SHORTRIDGE. Mr. Hoover is a Republican.

Mr. COPELAND. How long has he been a Republican?

Mr. SHORTRIDGE. A great many years. The Senator from New York was once a Republican, too.

Mr. COPELAND. It seems to me there was once a time when Mr. Hoover was flirting with the Democratic Party for the nomination. Can the Senator tell us when he became a Republican?

Mr. SHORTRIDGE. I would not be at all surprised if the Democratic Party, which meets in Houston, will nominate him, join with the Republicans, and make his nomination unanimous. Of course, the Senator from New York was once an honored member of the Republican Party and we suffered a great loss, an irreparable loss, but he has become such a distinguished and valiant Democrat that we must congratulate that historic party upon its acquisition.

Mr. COPELAND. I am very much surprised at the Senator. I was a Republican for a while, but I became ashamed of it, and on that account I left the party and became a Democrat. But Mr. Hoover, much more recently than my defection, was uncertain whether he was a Democrat or a Republican. The Senator from California this morning qualified himself for the nomination, and so far as I am concerned, I think he is amply qualified for the office and would grace it, but he has not demonstrated to all the country or his own party that Mr. Hoover is a Republican, and he has not yet satisfied the Senator from Idaho [Mr. BORAH] whether Mr. Hoover is for the Volstead Act and the eighteenth amendment, or is not. Of course, there must be a united Republican Party or Mr. Hoover would not have a chance even for the nomination.

Mr. SHORTRIDGE. I have long since ceased to try to satisfy the Senator from Idaho. The Senator from Idaho was the one, the only Republican who voted against the tariff act of 1922. There were three noble Democrats, upstanding, far-seeing, thoroughbred Democrats who voted for that act. I refer, of course, to the two Senators from Louisiana [Mr. RANSDELL and Mr. BROUSSARD] and to the splendid Senator from Wyoming [Mr. KENDRICK]. They were the three Democrats who, upon the final roll call, voted for this wholesome legislation. But the Senator from Idaho [Mr. BORAH], for reasons which doubtless were satisfactory to him, voted against it; and I am afraid he has closed the door of the White House against himself forever.

Mr. BROOKHART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Iowa?

Mr. SHORTRIDGE. I yield.

Mr. BROOKHART. I would like to propose a unanimous-consent agreement. The time is getting short within which the debate may continue, and several Senators want to speak. I therefore propose that we extend the time of the Senator now occupying the floor 30 minutes longer, that thereafter all speeches be limited to 30 minutes, and that the time for the final vote be fixed at 4 o'clock instead of 3 o'clock.

Mr. SHORTRIDGE. I shall not take up the time of the Senate much longer. Of course, it can not be done. To attempt it will only take up time.

Mr. HEFLIN. Mr. President, I would suggest to the Senator from Iowa that his request would necessitate calling a quorum and would only take up a lot of time.

Mr. CURTIS. Mr. President, I hope the Senator from Iowa will withdraw his request.

Mr. BROOKHART. Very well; I withdraw the request.

Mr. SHORTRIDGE. Mr. President, returning to the beaten path, having wasted too much time in wandering roundabout and speaking on matters which really have no proper place here at this time for consideration, I repeat that I regret exceedingly that the Senator from South Dakota [Mr. MCMASTER] felt it his duty to introduce the pending resolution. If he thought that its passage here and by the House would be followed by an appropriate bill introduced into that chamber, and if moreover he thought he could get any aid or comfort from the Democratic Members of either House then—and with apologies I say

it—he was deluded. He is now under a fatal delusion. We can not hope for assistance from Members who are opposed to us in theory, honestly opposed, firmly opposed. Whether we call it a tariff for revenue only, a tariff for revenue with incidental protection, or whether we adopt any nomenclature, we know that there are two schools in America, and that there are Members of the Senate and the House who are irreconcilably divided in respect to tariff legislation, and that we can not look to the Democratic Party for relief for agriculture or for any other American industry.

Mr. McMASTER. Mr. President, will the Senator yield a moment?

Mr. SHORTRIDGE. Yes, but I wish to hasten along and get through.

The PRESIDING OFFICER. The Senator from California declines to yield.

Mr. SHORTRIDGE. Oh, no, Mr. President; I do not decline to yield; but I do desire to hasten along and get through.

The PRESIDING OFFICER. The Senator from California yields to the Senator from South Dakota.

Mr. McMASTER. There may be two schools in regard to the tariff system, but there should not be two schools; there should not be even one school favoring excess rates in tariff schedules.

Mr. SHORTRIDGE. Certainly not. Wherefore I am opposed to the resolution because I think it untimely and inopportune for reasons which have been stated again and again by others and which need not be repeated by me. This is not the proper place for such a resolution. If we should pass it, it would go to the House and be met with derision. It is conceivable that we have the naked right to express our opinion upon any subject under the sun, but since this resolution relates to a matter which under the law must originate in the House, I am very sure the resolution would not receive any welcome in the House of Representatives, no more of a welcome than was accorded the resolution which the Senate passed the other day in respect to the meeting of Congress.

The pending resolution, if adopted, can not move the House to action; it can not bring about the introduction of a bill; and it would be abortive and utterly without any beneficial or other effect. It can not stampede the House or any protectionist; it can not stampede the Senate, but it can take, as it has taken, much of our time.

I do not wish to say that the resolution was presented for any hidden or ulterior purpose. I do not wish to question the motives of the Senator. It has been rather timidly stated that the resolution was offered in order to bring about a more favorable consideration of another measure hitherto spoken of as the McNary-Haugen bill. My views upon that proposed legislation are known. About the only good thing connected with that bill is the name of the Senator who fathers it. That is about all in it that has any merit, in my poor judgment.

If this resolution should be adopted and the House should agree and a bill should be introduced to revise the tariff schedules downward, what then? It is perfectly plain to all of us that such a bill could not, would not pass the House; could not, would not pass the Senate during this session, even if we devoted all our time to its consideration. In the meanwhile what becomes of other pressing, vital measures, such as the alien property bill, the revenue measure, and flood control, not to mention other vitally important measures which we should consider and dispose of if humanly possible at this session? Time is on the wing and it stays for no man. We should consider the practical situation, and not launch upon one piece of proposed legislation to the exclusion of all others.

I again put the question to thoughtful Senators on this side of the Chamber and to those yonder who know that certain industries need protection, What good would come from the adoption of this resolution? Does any Senator here, particularly does the Senator who submitted the resolution, want another Walker tariff or another Wilson tariff? I refer to the bill introduced by Representative Wilson, of West Virginia. Is there anyone here now on this side of the Chamber who is yearning for another Underwood Tariff Act? Does the Senator from South Dakota wish a Mississippi flood of foreign imports inundating America?

Mr. President, time will not permit me or others to engage in a defense of the American protective-tariff system. Let me ask, however—and I appeal to the historical knowledge of the Senate—is it not a fact that the second bill that was passed by the Congress, signed by George Washington on the 4th day of July, 1789—timed on that day as a patriotic act—was a measure designed to afford protection to American labor? From that second bill which passed Congress in 1789 to this hour we have been in need of protecting American labor as against suicidal competition with the poorly paid labor of other countries? Is it not true and can it not be demonstrated that the American laborer, whether he be in the factory or on the farm, on the railroad or in the forest, in the city or in the village, has stood up for adequate protective tariff laws to protect him as against the poorly paid, the poorly housed, the poorly clad, the unhappy laboring men and women in other less fortunate countries than ours?

On some other occasion, if not here, elsewhere, I shall undertake to show, Mr. President, with respect, however, always for those who differ from me, that the prosperity of industry in factory and on farm in America rests upon adequate protection as against imports from other countries of the east or of the west.

I speak with some feeling upon that subject because we on the Pacific coast were the first to sound the alarm against oriental immigration. We were opposed to such immigration and we are opposed to the products of the cheap labor of the Orient coming into competition with American production. We can not compete with them. Does my friend from South Dakota agree with the learned Senator from Tennessee [Mr. McKELLAR], who told us that the farmer was not benefited at all or appreciably by the tariff rates? If the Senator from Tennessee were present, I would put this question to him—and with deference and respect in his absence I put it—Does he think that the Senators from Florida agree with him? Ask the two learned Senators from that State if they agree with him when he says, in effect, that a tariff on agricultural products means nothing to the American producer.

Ask the two great Senators from Arkansas—the one the leader of the Democratic side, the other the junior Senator from Arkansas, whose mind is as brilliant as Sheridan's, whose wit is as keen as Swift's—whether they agree that the tariff has no beneficial effect on American agriculture. To the Senators from Florida is due the increase in the tariff on grapefruit and the Senators from Arkansas voted for the tariff which we of California asked for on rice, which staple commodity is also produced in the States of Louisiana and Arkansas. Ask the two Senators from Louisiana whether agriculture is in need of tariff protection. Mining, we are told, does not come within the category of agriculture, but my eloquent friend from Alabama was very alert and very sincere when he voted for the tariff on amorphous graphite, mined in the great State of Alabama. Ask the Senators from Arizona, New Mexico, and Wyoming whether agriculture, including livestock, is benefited by tariff rates.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Yes; I yield.

Mr. COPELAND. I do not understand that the matters referred to by the Senator have any bearing whatever upon the pending resolution. This resolution relates to excessive tariffs.

Mr. SHORTRIDGE. Yes, sir.

Mr. COPELAND. If the Senators to whom the Senator has referred were here to speak for themselves, they would say that the tariff rates imposed on the commodities just mentioned by the Senator from California are not excessive; but if there are excessive rates in the act of 1922, does not the Senator believe that they should be reduced?

Mr. SHORTRIDGE. I say that a tariff rate can be excessively low as well as excessively high.

Mr. COPELAND. I will admit that.

Mr. SHORTRIDGE. Then, why not amend this resolution so as to provide that where rates are excessively low they shall be increased?

Mr. COPELAND. If the Senator will pardon me a moment further, will he answer this question: If the Senate should so amend the pending resolution, would the Senator from California vote for it?

Mr. SHORTRIDGE. I have said again and again that I would not, because this is not the appropriate time or place to consider the subject. I have alluded to the matter in order to show that Senators who are urging this resolution are deluded if they think they can during this session get the relief which the great agricultural interests of the country need in respect of many items.

Mr. COPELAND. Mr. President, will the Senator yield further?

Mr. SHORTRIDGE. Yes.

Mr. COPELAND. If we had an approaching epidemic of smallpox or typhus, would we wait until some "appropriate" time to take the steps that are necessary?

Mr. SHORTRIDGE. Oh, no.

Mr. COPELAND. If there are tariff rates which are known to be excessive or can be shown to be excessive, why should not we deal with them now and not wait for a more acceptable time?

Mr. SHORTRIDGE. If rates be excessive now they were excessive during the last session of Congress and they have been excessive ever since 1922, unless changed trade currents or changed conditions have since made them excessive.

Mr. COPELAND. Then, according to the logic of the Senator's statement, the excessive tariff rates must continue for ever and ever because they were written into the tariff act?

Mr. SHORTRIDGE. Far from that, but now is not the "accepted time." I want this country, Mr. President, to be industrially independent even as it is politically independent. I do not wish to see America dependent upon anything which we can grow or manufacture. I want an industrially independent America. I do not wish to see America again dependent upon any foreign country, particularly with respect to the chemical industry. I do not wish to see America dependent for the very necessaries of life and the very essentials for defense; and I am wondering whether the Senator thinks that the rates in the chemical and dye schedule are "excessive." There are Senators here, as there are gentlemen elsewhere, who seem to think that it would be advisable for us once more to become dependent upon Belgium or Germany or Switzerland in the matter of chemicals and dyes. I think it far better to build up the great chemical industry of America, which comprehends the manufacturer of perfumery, a fact which may be interesting to some who look down from the heights. Indeed, we can by chemistry make more delicious, delightful, intoxicating perfumes from coal tar than can be extracted from any flowers that bloom.

We now have a great perfumery industry in America. We have a great explosives industry—a matter of national defense. We have a great dye industry. We have an industry for medicines, the therapeutic industry. We have the great industry of manufacturing coloring matter for candies, confections. We have four or five great industries in America, employing hundreds and thousands of skilled workmen, women, men, all dependent upon the chemical industry, which industry depends upon protection from the foreign countries named. All these great and related industries are due to the Republican tariff act of 1922.

Some people say that the rates in the chemical schedules are "excessively" high. Do they wish to go back into the condition we were in at the beginning of the Great War? I wish to develop America. I wish to multiply the industries of America. I wish to give work and wages to American men and women; and when the time comes to take up and consider this whole subject I hope I shall be big enough to look beyond the boundaries of my own great State. I do not think I am in the center of the universe because the horizon comes down in a circle about me. If there is an industry in Florida that needs aid or assistance, I am for it. If there is an industry in New England or in any State that needs protection from foreign competition, I am for it; and why am I? May I apply the historic words of Patrick Henry? Patrick Henry opposed the ratification of the Constitution in words which inflame our minds now. He inveighed against it, fearing that it would develop a consolidated tyranny, as he termed the Constitution; but when the Constitution was ratified by the Virginia he loved and by the other States, then Patrick Henry said, "I am no longer a Virginian; I am an American."

So, on this tariff question, I am for any industry that needs protection as against competition with foreign capital or foreign labor, in order that we may have men employed earning good wages, happy fathers, happy wives, laughing children; and I wonder why some gentlemen elsewhere, or Senators here, appear to think that we in America, with our standard of life, our level of civilization, our high wages, can compete with the poorly paid labor of other lands.

I have only to add that, being a protectionist, I want adequate protection. I understand farming to be an industry—an important industry. There are many items in the present tariff act immediately affected within the agricultural schedule. I think many of them should be increased. There may be some in other schedules which should be reduced; but we can not consider the one or the other wisely without considering them all. The farmer is as directly interested in the manufacturing city and its prosperity as he is in the farm round about his house. Let the great cities—the great markets of the farm—perish and what becomes of agriculture or the producers of agricultural products?

My State is remote from the great markets of the East. We want to build up New England. We want her factories to be in full operation. We want to see mighty New York expand, and Philadelphia, and Baltimore, and all the great cities of the eastern or middle section of our country. From a purely selfish standpoint we seek their increased prosperity, because it increases the markets for the agricultural products of California; and I should imagine that the East would wish to see Utah and Colorado and California and other of the Western States multiply in population and prosper in order that a greater market may be afforded to the manufactured products of the East. In other words, we have a great Nation, one Nation, one people; and when one section of the country prospers, that prosperity overflows into other sections.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Yes; I yield.

Mr. COPELAND. Surely the Senator has no doubt that the attitude that he thinks should be the attitude of the eastern cities is actually the feeling that they have there. For instance, the Senator is very much interested in the protection of the Imperial Valley in his own State.

Mr. SHORTRIDGE. Yes, sir.

Mr. COPELAND. It will be of interest to the Senator to know that from the great bankers and business houses of my city I have had hundreds of letters urging me to do everything I could to protect the great Imperial Valley, because when there is prosperity in the Imperial Valley there is a demand for the goods manufactured in my State and city. So I may say that the attitude that the Senator describes as the ideal one is the attitude of those great cities.

Mr. SHORTRIDGE. I am gratified to know that, and, indeed, I did know it; and it serves to illustrate, perhaps, and emphasize a thought which is common to us all—that we can not hope for prosperity in old South Carolina if all the rest of the country is in rags. We can not hope for prosperity in the Southland if the North is paralyzed. We are one people, with one Constitution and with one destiny. I want a system which is American, which is broad and all-comprehensive; and I repeat myself when I say that if a given rate on a local product in any State in this Union will serve to develop the industry producing that product, I am for it, and I think I can justify my position.

I remember full well the very unhappy phrase of General Hancock. He spoke a truth, but it was distorted to his disadvantage, when he said that in a sense the tariff was a local question. What General Hancock meant to express was that in the sense that a tariff rate affected primarily a local situation, in that respect the tariff was a local question. That, in a sense, is true; but, in the larger view, a great and prosperous industry in Wisconsin—and they have great and prosperous industries there, not the least of which is the dairy industry—is beneficial to the whole country in more ways than it is now necessary to state.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Yes, Mr. President.

Mr. COPELAND. Did not General Hancock, when he said that, mean that the way men vote on tariffs will be determined largely by the locality from which they come?

Mr. SHORTRIDGE. That may be true, Mr. President; but we are not supposed here to be governed by purely local conditions. I repeat, perhaps unnecessarily, that if some industry should spring up in New York, the product of which should come in competition with the product of Italy or Belgium or Switzerland or Norway or China, and it could be made to appear that by adequate protection that industry could grow and develop and give labor and employment and wages to citizens of your great State, I would be for it as cheerfully as though the industry were in my State.

Mr. COPELAND. That is very generous of the Senator.

Mr. SHORTRIDGE. That is the kind of American I am.

Mr. COPELAND. And that is the reason why a lot of the Senators over here voted for the tariff on grapefruit which was proposed by the Senator; and it was proposed by the Senator because it was the local desire.

Mr. SHORTRIDGE. No; the Senator from Florida [Mr. FLETCHER] offered that amendment. Much to my surprise, the former chairman of the Finance Committee, Mr. McCumber, reported that bill out with half a cent a pound tariff on grapefruit; and it was none other than my scholarly friend from Florida, Mr. FLETCHER, if I may mention his name, who rose in his place and offered the amendment striking out "one-half cent per pound" and inserting "1 cent per pound"; and it is not betraying anything to say that I happen to know that the people of Florida will ask, are now asking, or, if not officially, are seeking an increase of the tariff on grapefruit because they can not compete with the Isle of Pines or Porto Rico; and those Senators, if present, and it were proper, would not contradict me. Moreover, the Senators from Arkansas voted for a protective tariff on rice. Of course, the two great Senators from Louisiana voted for protection on rice as well as on sugar, and ultimately voted for the bill itself, as did the junior Senator from Wyoming [Mr. KENDRICK].

I am not criticising any Senator here; but sometime the American people are going to be told and to hear that whereas

certain learned Senators will vote for a specific duty on some item which they produce, and aid in getting it into the bill, they will then ultimately vote against the passage of the bill.

In other words, if I may say it with propriety, they think of their own immediate locality rather than have regard for the Nation as a whole. But they are not all free traders, there are protectionists among them; alas, too few. My wonder has been, my regret is, that gentlemen who march under the Republican banner should be striving to do what I think is hurtful to the American protective-tariff system.

Mr. McMASTER. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield.

Mr. McMASTER. There should not be any Republicans marching under the Republican banner who believe in an excess rate in a tariff schedule.

Mr. SHORTRIDGE. Nobody believes in an excess rate.

Mr. President, let us not tear down one industry in the vain hope of building up another. I have poorly stated my position and I am done.

Mr. HOWELL. Mr. President, the pending tariff resolution is a wholly logical result of the plight of agriculture—of the persistent inequality from which this industry has suffered, and the refusal of other remedial legislation.

The urban population of this country is largely upon one plane, and the farmer upon another, at a lower level. Consider the grain and livestock farmer, that tremendously important factor in the great Middle West. During the last six and one-half years ending July 1, 1927, he has been required to pay from 40 per cent to 50 per cent more in freight rates than in 1913; 64 per cent more on an average for the nonagricultural products he has necessarily purchased; about 79 per cent more for a railroad ticket from Omaha to Chicago; 130 per cent more for the union labor that has entered into his buildings and other equipment; and finally 160 per cent more on account of taxes.

But how about the grain and livestock farmer's income from his products, the measure of the return for his services and the use of his capital? As an average during the last six and one-half years ending July 1, 1927, he has received but 23 per cent more for his grain and livestock than he did in 1913. In short, miscellaneous nonagricultural products that could be bought with three carloads of such products in 1913 have required four carloads on an average during the six and one-half years referred to. It may be urged that such have been the conditions, but how about the bounteous crops of the past season and the prosperity of agriculture that we read about in the metropolitan papers of that region? That we may not be misled I will take the liberty of reading a recent letter from the cashier of a national bank, wholly unsolicited so far as I am concerned. He says:

> There is not now, and has not been, any prosperity for the farmers in this community, which by the way is the best producing section of Nebraska, and being closely associated with them I know that they are thrifty enough, but are not making the net profit that their labor and investment entitle them to because of insufficient prices for their products, or because the things they must buy are too high. It would seem to me that there should be an adjustment of freight rates, and if it becomes necessary a marked downward revision of the tariff; in fact, I can not see where the farmer profits under the present tariff schedules, but I feel that I am not sufficiently posted to be sure on that point. * * * I presume that with enough points to bear down on that in time the combined West and South can get some concessions, if that is what we must call them, from the eastern groups. So much stress has been laid on the bountiful crops, and the Government reports have overestimated the corn crop without doubt; even the Omaha papers have helped lower the price by their continued advertising of how much money the farmers will get from the bounteous crop. To me this is all bunk. Most of the farmers still owe the banks and are trying to pay their interest and reduce debt. Until they are out of debt they will not be able to buy much and will not want to, as they have been pressed for payment by the banks in many cases and have had their ambition to borrow and make money crushed. I hope there is something here that will be helpful to you, as it seems this is an ideal time to start driving on the things that will give us a chance to get on a money-making basis.

This picture of our economic situation in the Middle West is from a conservative, substantial citizen, and if I am not mistaken a rock-ribbed Republican.

Yes, Mr. President, a perspective of the economic structure of this country clearly discloses that the mechanical industries, commerce, labor, and transportation are upon economic stilts, while the farmer, the man who produces from the soil, is down on the ground. As a consequence, the farmer has come here to Congress, not asking special privilege but merely justice—equality for his industry. He has pointed out that, generally speaking, there are but two remedies; that either he must be afforded economic stilts such as are enjoyed by his fellow industrialists or else the stilts which others enjoy must be eliminated.

Not wishing to disturb the economic situation of the country he has asked for stilts in the form of compulsory cooperation as set forth in what has come to be known as the McNary-Haugen bill. After vainly pleading his cause year after year, the Sixty-ninth Congress passed this measure, only to have it vetoed by the President. Now, again, the McNary-Haugen bill is pending legislation, but we are informed that it will be futile to pass it, as the Attorney General of the United States has advised the President that the proposal is unconstitutional, and unfortunately the President seems disinclined to proceed otherwise than he did with the measure adopted by the Sixty-ninth Congress; that is, he will not sign the bill, though there may be a majority of Congress for the measure, and allow the Supreme Court of the United States to finally determine its constitutionality, the only possible course by which the question can be finally and definitely settled.

Under the circumstances, therefore, is it strange that the agricultural interests of this country should be considering the only alternative—pulling the stilts from under the other fellow, not as a matter of revenge but of justice of self-preservation?

An examination of these economic stilts enjoyed by industry, commerce, labor, and transportation discloses that they consist of several distinct sections. One section is due to the results of voluntary cooperations, for the elimination of competition and the insurance of profit, such as local and national manufacturers' associations, and other similar cooperations, as wholesale and retail and other trade organizations. Another section is due to compulsory cooperations, decreed by Congress to the same end, namely, the elimination of competition for the insurance of profit. Under this heading are included the Esch-Cummins law relieving the railroads of the country of all competition. Prior to 1920 a railroad could file any schedule it saw fit not in excess of the maximum rate fixed by the Interstate Commerce Commission; and, after 30 days, it went into effect. Since then the minimum rate has been the maximum rate, thus eliminating all competition, resulting in the greatest era of prosperity for the railroads in their history.

Formerly at times a million immigrants came to our shores from Europe in a single year, most of whom belonged to the laboring class. To-day the European quotas are limited by law to some 150,000 annually. Of course, this legislation has limited competition in the field of labor.

Again, we have the Federal reserve system, the result of a compulsory cooperation measure of Congress, whereby all national banks are required to cooperate in maintaining standardized methods of banking, not, of course, to make less profit but to make more profit.

Then there is tariff legislation whose whole purpose is to eliminate the competition of the outside world, so far as our domestic market is concerned, thereby compelling the people of the United States to cooperate in paying higher prices for manufactured products than would otherwise be possible.

Such in a general way is the constitution of the economic stilts enjoyed by industry, commerce, labor, and transportation, and which the farmer must eliminate if he is to enjoy equality with his fellow industrialist, unless he is afforded similar effective advantages.

Assuming that the agriculturists' only alternative is to attack these stilts, how is he to proceed? What are the possibilities of success? He can not hope to dissolve such voluntary cooperations as manufacturers' associations, wholesale and retail and other trade organizations, and labor unions. Therefore, it would be unwise to waste any time on this particular section or sections of these stilts.

Again, what chance is there for the farmer in the face of the railway lobby in Washington to repeal the Esch-Cummins law, or even that portion thereof that relieves the railroad world of all competition?

I think it is generally admitted that we have entered upon a new era so far as immigration legislation is concerned; therefore there is no hope in this quarter. Neither is there any thought of attempting to repeal the Federal reserve act. However, so far as the tariff is concerned the situation is different. There have always been two well-defined schools of thought, and sometimes more, respecting protective theories.

That great political party—our Democratic brothers—have in theory at least been aligned against the tariff, although they have wobbled so much in this respect that it is not always possible to tell exactly where they are. Certain it is that many Democrats are protectionists, that many Democrats are high tariffites, while the majority of others, at least in Congress, believe in some degree of protection. However, it is always assumed that some Democratic assistance can be obtained for tariff readjustment at almost any time. And then again, even

among the rank and file of the Republican Party there is a dissatisfaction with many tariff schedules deemed excessive. Moreover, the farmers of the country as a class have been taught that the tariff, while favoring them in some respects, has upon the whole resulted to their disadvantage, and recently these agriculturists and others have been greatly encouraged in their belief by, first, the attitude of our international bankers. Thus last October an international manifesto was issued against the maintenance of tariff barriers throughout the world, including our own country, which elicited marked attention in this country, as it was signed by international bankers and business men. This document closes its appeal for the elimination of tariffs and trade prohibitions, as follows:

On the valuable political results which might flow from such a policy, from the substitution of good will for ill will, of cooperation for exclusiveness, we will not dwell. But we wish to place on record our conviction that the establishment of economic freedom is the best hope of restoring the commerce and the credit of the world.

The second cause of the encouragement is the report of the business men's commission. About a year ago the National Industrial Conference Board of New York City and the Chamber of Commerce of the United States of America, acting jointly, appointed a business men's commission on agriculture. This commission filed a report in the year 1927, and the following are quotations therefrom:

There is little doubt that the steady extension of tariff protection to manufacturing industries, and particularly the increase in the tariff level in postwar years, has, on the whole, affected agriculture unfavorably in comparison with manufacturing industry. * * *

In the long run the chief permanent effect on agriculture of tariffs devoted mainly to the encouragement of manufactures would be a restriction of the acreage in crops and a lessening of the values of farm lands.

* * * * * * *

The increase in rates put into effect in postwar years, combined with the shift of the United States from a debtor to a creditor status, undoubtedly contributed to the depression in agriculture.

It is, however, any increase in duties on manufactured goods, rather than the tariff as such, which is peculiarly harmful to agriculture.

* * * * * * *

Like the increase in railroad rates, this raising of the tariff came at a time very inopportune to the farmer. An increase in the degree of protection, so far as it is real and not a mere raising of rates already completely protective, can not fail to have an adverse effect on some exporting industries, and in the case of the tariff act of 1922 it seems probable that agriculture bore the brunt of this readjustment.

* * * * * * *

* * *, the commission believes that the time has come to give serious thought to the question of whether, under the prevailing conditions of American industry, agriculture and international trade, the benefits of the protective tariff system are fairly enough distributed between industry and agriculture to make for a stable balance in our national economy and protect the long-time interests of the Nation. * * * The commission recognizes that it would be disastrous to the farmer as well as to industry to attempt any radical, sudden, and general reversal of the protective policy, but it believes that earnest effort may well be made gradually to modify and intelligently to readjust that policy.

Therefore, in view of the situation which is presented, it must be apparent that if the farmers' only alternative is to attack the stilts under the other fellow, the most vulnerable section thereof is that composed of the tariff, hence, why I have stated that this tariff resolution is merely a logical result of the plight of agriculture and the refusal of remedial legislation.

Mr. TRAMMELL. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER (Mr. SMOOT in the chair). Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HOWELL. I yield.

Mr. TRAMMELL. Under the provisions of the pending resolution, does the Senator think there is carried with it the idea that there may be revision of the tariff on agricultural products upward?

Mr. HOWELL. Mr. President, it must be recognized that we can not consider tariff legislation without it being possible to propose revisions upward as well as downward.

Mr. TRAMMELL. I thank the Senator very much. The reason why I ask the question is that I think in a revision of the tariff there should be some revision upward on certain agricultural products, and some other products not on the list at all should probably have the tariff applied to them. I want to vote for a resolution which contemplates that movement as well as reducing some rates which we think are excessive.

Mr. HOWELL. The result of this legislation, if favorably acted upon by the House, will be to open up the whole tariff question and, hence, I shall vote aye on the question of its adoption for this reason.

Mr. BINGHAM. Mr. President——

Mr. HOWELL. I yield to the Senator from Connecticut.

Mr. BINGHAM. In view of what he has just said, would the Senator object to an amendment striking out the word "downward" after the word "revision"?

Mr. HOWELL. I can not speak for the author of the resolution.

Mr. BINGHAM. Would the Senator be willing to vote for such an amendment?

Mr. HOWELL. I will vote for any resolution that urges the consideration of the tariff at this time.

Mr. GEORGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. HOWELL. I yield.

Mr. GEORGE. May I ask the Senator if he expects there will be any effort to increase the tariff if the whole matter is thrown open?

Mr. HOWELL. I shall be glad to refer to that later in my remarks.

Mr. GEORGE. I thought almost everybody had reached the conclusion that not more and higher tariff duties would solve our economic difficulties; at least that while there might be some increase here and there, because it is not possible, of course, to make a tariff schedule that will prove entirely perfect in the light of experience, yet there is hardly anyone advocating the imposition of additional or higher duties.

Mr. HOWELL. I do not agree with the distinguished Senator from Georgia in that respect. There are some products which are now being imported into the country tariff free, which seriously affect farm interests.

Mr. GEORGE. I admitted the possibility, of course, that there might be, and I said there might be an item here and there; but the Senator does not think, does he, that the farmer gets very much benefit from the tariff?

Mr. HOWELL. I will discuss that also before I finish. I agree that even an entire repeal of tariff legislation would not afford equality to the farmer. This must be evident from what I have said, because there would still remain voluntary cooperations on the part of the mechanical industries—commerce, labor, and transportation. There would still be in effect the compulsory cooperation laws of which they are the beneficiaries.

Mr. GEORGE. The Senator uses the term "voluntary cooperation." I quite agree with him that there is cooperation, but I do not think it is altogether voluntary. Is not this the Senator's idea—I think it is of industry, whatever we public men say about it—that there must be organization behind any tariff in order to make it effective, either organization to control the production, to fix the domestic supply, or to take the sharp edges off of competition between the units producing a given article or a given commodity, and that without that combination, which the Senator is pleased to call "voluntary," the tariff would be ineffective?

What I mean is: Suppose there are any number of independent manufacturers of a given article in the United States. Suppose we have a tariff duty protecting that particular article. If there is unrestrained and unrestricted competition among the manufacturers of that particular article, the time will come when they must sell their product, and they will sell it without regard to whether the price is level with or below the tariff wall. But there can be no effective use of the tariff, and American industry knows it, unless there is organization back of the tariff. There must be organization back of it for the purpose of controlling the production or of restricting and controlling competition between the units producing the protected article. Therefore we have in this country combinations of wealth which have gone beyond combinations elsewhere in the world, and it always will be so, not alone because of the tariff, but it always will be so as long as there is a high-tariff duty fixed, because industry will feel the necessity of organization, whether we call it voluntary or not, back of that tariff wall in order to hold the prices up to that level.

The farmer can not do that, he does not do that, and perhaps there must be some kind of legislation worked out to compel involuntary cooperation. I know the Senator thinks the McNary-Haugen bill will do it, and if it should it would in a measure make the tariff effective; but on all farm products where domestic production exceeds domestic demand and where there is no cooperation, voluntarily or involuntarily, among the producing units, it is quite impossible to hold the price of

farm products up to the level of the tariff wall. That is the reason why there is no direct benefit to the farmers in the tariff on any farm product where the domestic production exceeds the domestic consumption. So I ask the Senator if he really believes that any tariff imposed on a farm product will greatly aid the farmer?

Mr. HOWELL. Mr. President, I thank the distinguished Senator from Georgia for calling my attention to his view respecting cooperation. I agree with him. There is no such thing as purely voluntary cooperation that is effective. There must be present a coercive factor. If we will consider voluntary cooperations generally, whether manufacturers' associations or labor unions, it must be evident that they would fail of their purpose if deprived of the power of willful coercion.

The farmer in this country is in unrestricted competition with his neighbor. Not only that, but so far as those products of which he produces a surplus are concerned, he is also in unrestricted competition with the peasants of the Old World. Voluntary cooperation for the farmer is impossible, because there are 6,300,000 farm operators in this country, and such coercion is not practicable. In my opinion, the only kind of cooperation that will ever be effective for the farmer is, as the Senator from Georgia has expressed it, involuntary cooperation—that is, legal compulsory cooperation. This is the keystone of the pending McNary-Haugen legislation, and it is for that reason that I have supported it; because I believe it affords the only practicable solution of the problem of equality for the farmer.

Mr. President, I have advocated stilts for the farmer—not pulling the stilts from under the other fellow. As a matter of fact, it has been my view, as expressed by the able Senator from Iowa [Mr. BROOKHART] the other day, that the section of these economic stilts that is due to the tariff is relatively small—about 12½ per cent was his estimate. Therefore, if his assumption and my belief are correct, the abandonment of our tariff policy would not mean equality for the farmer. It is for this reason that I have supported the McNary-Haugen proposal, because in my opinion it is the one plan that has been developed which might afford the equality sought, and, by virtue of the equalization fee provided therein, maintain such equality indefinitely. Without the equalization fee the necessary rotating fund proposed for stabilizing our markets for agricultural products could not be maintained intact. The proposal by Secretary Jardine, almost similar in character but minus the equalization fee, would loan farmers' associations $250,000,000 for stabilization purposes; that is, to maintain fair prices for the farmer through consistently bulling the market for agricultural products. Of course, such a plan means unavoidable losses as well as expenses of operation. These should be paid by the farmer out of the higher prices that such a policy might afford. Otherwise the $250,000,000 would gradually vanish, unless the borrowers made good such losses and expenses. But under such circumstances such losses and expenses would fall upon less than one-half of those enjoying such better prices, because the benefits would not be limited to the members of the farmers' associations borrowing these funds. Therefore, under such circumstances, it would be more profitable to remain out of the associations than in. All burdens of this character resulting from the development of equality for agriculture should be borne pro rata by all beneficiaries. If not, any such proposal must fail, unless the United States Treasury is to maintain such rotating fund by annual contributions, something that should not be contemplated for a moment.

Mr. President, I have long regarded certain tariff schedules as excessive, and in my opinion the last Congress should have attacked the tariff problem. Certainly, it should not be avoided this session. If we are not to consider tariff legislation now, when will it be considered? Certainly not in the next or short session. As a matter of fact, if we do not proceed with tariff legislation during this, the long session of the Seventieth Congress, no relief for agriculture from this source can be anticipated prior to 1930, and the Republican Party will necessarily be responsible for such delay.

I do not believe that the tariff should be dealt with in any revolutionary manner. That would cause economic distress and defeat the purpose of tariff revision. There is only one way to proceed, in my opinion, in dealing with the tariff—that is, by very gradual steps, a method that might be called tariff attrition. Consider the tariff wall. There are two ways by which it might be reduced: By the lowering of the height of the wall by gradually shaving off its top, say, at the rate of 2 per cent per annum, or by curtailing the length or extent of the wall by shaving off one of the ends through the elimination of the tariff on the products of some industry unnecessarily protected; that is, placing such products on the free list. The first plan of gradually reducing the height of the tariff wall, say, 2 per cent per annum, might be advantageously adopted were it not for the fact that succeeding Congresses could not be depended upon to maintain such a policy of attrition. The second method, however, is not subject to this objection, as experience indicates that it is becoming increasingly difficult to obtain a tariff for products which have been placed on the free list. Therefore there is a fair chance of holding any ground gained in this manner.

There is ample precedent for the use of this later method. We have been curtailing the tariff wall in just this way—cutting off the ends, as it were. Thus, hides that were formerly subject to a tariff were put upon the free list years ago; boots and shoes are also on the free list. I am informed, as a matter of fact, that they went on the free list together as the result of an agreement. The boot and shoe industry of the country had developed to a point where it no longer needed protection, but, of course, desired free hides, so the boot and shoe interests came to Congress and obligingly agreed that they would not oppose the free listing of their products if the farmer's hides could be treated likewise, with the result that the farmers awoke one morning to discover that hides were no longer protected.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. HOWELL. I yield to the distinguished Senator.

Mr. BINGHAM. Does the Senator from Nebraska believe in putting a tariff on hides?

Mr. HOWELL. If the farmer is not to be afforded equality by placing him upon economic stilts also, I certainly insist that he should have all the benefits which the tariff can afford.

Mr. BINGHAM. Then, the Senator believes that in that particular the tariff rates should be increased.

Mr. HOWELL. If the farmer's demand for equality is denied, then, I say let us put a tariff on hides for his benefit.

Not only have we curtailed the length of the tariff wall, as it were, by putting hides and boots and shoes on the free list, but also by including agricultural implements, and cement. Why not, then, add to this list the products of some other industries that are no longer puling infants but are able to prosper without subsidies in the way of tariffs.

As an example, consider pig iron. That greatest of all corporations, the United States Steel Corporation, produces pig iron; in fact, it is the largest producer of pig iron in the United States, if not in the world. Its capacity for such production in 1926 was 18,940,000 tons.

The tariff on pig iron in that year was 75 cents per ton, now raised through the Tariff Commission 50 per cent to $1.12½ per ton. Let us assume that in 1926 the steel corporation produced its capacity in pig iron, that pig iron was placed upon the free list, and that, therefore, the income of the steel corporation was reduced 75 cents for each ton of pig-iron production that year; or $14,205,000. How would this have affected the earnings of the steel corporation for that year? From its financial reports we learn that in 1926 there was outstanding common stock to the amount of $508,302,500, and that for that year the earnings thereon amounted to $17.98 per share, or a total of something less than $92,000,000. Subtracting the estimated loss had pig iron been on the free list that year, and the earnings on the common stock would have been reduced to something over $77,000,000, or to over $15 per share. If, instead of the 1926 earnings, we consider the average for the 10 years preceding 1927, we find that they amounted to $15.21 per share. Assume this to have been the earning per share for 1926, then the free listing of pig iron would have reduced such earnings to $12.41 per share.

Mr. BINGHAM. Mr. President, is it not true that the Tariff Commission, after making a study of pig iron, increased the rate to which the Senator has just referred?

Mr. HOWELL. Mr. President, I have already referred to this fact, and it is such results of its work that arouses suspicion in the minds of people respecting the usefulness of the commission. Certainly, the United States Steel Corporation, which turns out about 50 per cent of all the pig iron and steel produced in the United States, did not need this tariff increase. Consider the financial history of this great corporation. It is the amalgamation of certain steel and iron properties that was consummated by J. P. Morgan in 1901. The amalgamated properties had outstanding $159,450,000 in bonds. For the purpose of exchange, the new steel corporation issued $303,450,000 in bonds, an increase of $144,000,000. The amalgamated companies had outstanding in preferred stock $253,454,800. As a result of the exchange that took place the steel corporation issued $445,298,611 in preferred stock, an increase of $191,843,811.

The amalgamated companies had issued $468,816,194 common stock. In the course of the exchange $443,398,092 in common stock was issued by the steel corporation, a decrease in this particular class of stock of $25,418,102. However, when the exchange was completed, the bonds and stocks of the amalgamated companies, amounting to $881,720,994, were represented in a new steel corporation by bonds and stocks totaling $1,192,146,703. But this is not all. The common stock of the steel corporation was increased, and since 1903 has stood at $508,302,500. It is my understanding that Mr. Carnegie, whose properties were absorbed by the steel corporation, would have none of the common stock. He regarded it as something more vacuous than water.

What has happened since? The preferred stock, which undoubtedly more than represented all of the equity in the corporation's properties over and above its bonded indebtedness, has received annual dividends of 7 per cent. In addition thereto, the corporation has earned enough to make its common stock worth par, and enough more to pay up to and including 1926 something more than $550,000,000 in dividends upon such common stock; and still enough more to pay a 40 per cent stock dividend to its common stockholders of $203,321,000. And then, after all this, I understand there is still a surplus remaining in the Treasury of about $300,000,000.

To recapitulate, this corporation, the beneficiary of our protective tariff, has been enabled to earn for its common stockholder whose stock in 1903 represented less than water, a total of more than $1,560,000,000 up to and including 1926.

Is it strange that all the world wondered when the tariff commission last year recommended a 50 per cent increase in the tariff on pig iron? And again, is it remarkable that the American farmer showed some dissatisfaction when within the same 48 hours the President vetoed the McNary-Haugen bill, and also approved the finding of the Tariff Commission and put into effect its recommendation to increase the tariff on pig iron 50 per cent?

Mr. BINGHAM. But, Mr. President, on the other hand, is it not true that had the tariff on pig iron not been raised it would have meant throwing thousands of American workmen out of employment, and that while it is true that the tariff on pig iron has caused an increase in its cost it has meant the employment of thousands of Americans who otherwise could not have secured that employment?

Mr. HOWELL. Mr. President, certainly so far as the United States Steel Corporation is concerned there would have been no necessity of throwing out of employment thousands of men, had not the tariff on pig iron been increased, if the steel corporation would have been satisfied with earning 10 or 12 per cent on its common stock instead of 15 per cent.

Mr. President, I think the time has come to put pig iron on the free list, along with the farmer's hides, boots and shoes, farm implements, and cement, as such is my idea of proceeding in connection with the tariff whenever practicable.

Mr. BINGHAM. Mr. President, before the Senator concludes his remarks, will he, while talking about the Tariff Commission, tell us whether or not he thinks that their action in increasing the duty on butter from 8 to 12 cents a pound has benefited the farmer?

Mr. HOWELL. Mr. President, we exported about 5,000,000 pounds of butter last year. Whenever there is a surplus in connection with farm products, the world market usually determines the price of that product domestically, notwithstanding what the tariff may be.

Mr. BINGHAM. No; Mr. President, my question was whether or not the action of the Tariff Commission in increasing the rate on butter from 8 to 12 cents a pound had not very materially improved the farmer's position, because it had increased the price of butter that much.

Mr. HOWELL. Mr. President, heretofore in my remarks I have tried to afford a picture of the farmer's plight, based upon the relative prices for agriculture products for the six and a half years preceding July 1, and during this period, or for most of the time at least, this 12-cent tariff on butter has been in effect. Repeating myself in part: The average price of all agricultural products during that period was 32 per cent higher than in 1913, but notwithstanding this fact the farmer had to pay 64 per cent more for the nonagricultural products he was compelled to buy. Could the situation have been much worse had the tariff on butter remained at 8 cents per pound?

Mr. President, it has been urged that it is unwise and unnecessary for Congress to consider tariff legislation at this session. First, because there is not time, although this is the long session of the Seventieth Congress; and, second, because if a case is made before the Tariff Commission, in connection with any particular schedule, and an adjustment should be made, the President has the authority of increasing or reducing any tariff rate 50 per cent. It must be evident that if there is not time to deal with the tariff during this long session, there will certainly be no time to deal with it during the next, or short session of this Congress. Hence, any farm relief through a reduction or a revision of the tariff must be deferred until the long session in 1930. In my opinion, the Republican Party can not afford to be responsible for such a policy. Furthermore, whereas the Tariff Commission can act in connection with any commodity upon which a tariff is now imposed, neither the Tariff Commission nor the President can effectively deal with a product now on the free list. Now, it happens that some benefit might be afforded the farmer by imposing a tariff on certain imported products that compete with his products and displace large quantities thereof. In this connection consider vegetable oils. There were imported from foreign countries into the United States during 1926, free of duty, palm oil, palm kernel oil, inedible olive oil, and copra, from which is produced cocoanut oil, equivalent to a total of 371,000,000 pounds or about 40 per cent of our total exports of animal oils and fats during that year. Is it not evident that the competition of such imports is of serious moment to the farmer? There can be no question of this fact inasmuch as these importations in recent years have been increasing by leaps and bounds, whereas our exports of animal oils and fats have been decreasing. Nevertheless, however important a tariff on such products might be in minimizing the farmer's plight, nothing can be done unless we have an opportunity to legislate on the tariff, because they are on the free list.

Mr. SMITH. Mr. President, may I ask the Senator a question just there? He is speaking about these vegetable oils being imported into this country and taking the place of certain animal fats. The Senator from Georgia also called attention to the condition in which agriculture finds itself in relation to the tariff. The question I want to ask is this: Does not the Senator think it is idle to talk about the tariff benefiting the agricultural producer until and unless he is in a position by which he can control, either directly or indirectly, the price of the thing he produces?

The reason why I ask that question is that I happened to be a Member of this body when we passed the emergency tariff bill and increased the duty on wheat, and the price of wheat went down. So long as the buyer of the farm product fixes the price, what possible avail can there be to the farmer by virtue of the imposition of a tariff on his article, except that there may be incidentally a little competition somewhere and somehow amongst those who desire to purchase the product that the farmer produces? Until he is organized and then capitalized to a point where, when the tariff marks the line of prices, he can fix the price for the domestic consumption and export his surplus at what price he will, of what avail is the tariff to him?

Mr. HOWELL. Mr. President, I agree with the distinguished Senator from South Carolina that a tariff upon vegetable oils such as would result in our use of more animal fats would be of not great moment to the farmer; but it is urged that we do not need to have a consideration of the tariff at this session, because we have a Tariff Commission. You can not, however, appeal to the Tariff Commission in connection with a product upon which there is no tariff. I wanted to make it clear that this contention fails as to a product on the free list.

Mr. SMITH rose.

Mr. HOWELL. I beg the Senator's pardon, but the senior Senator from South Dakota [Mr. NORBECK] is waiting to speak, and I want to give him an opportunity to do so, and desire a few moments to finish.

Mr. SMITH. I simply did not want the impression to go out that I was opposed to the passage of this resolution. Until certain legislation that will specifically apply to the condition of agriculture is passed, which I do not think we can do with the tariff, I insist that it is unjust to impose a high protective tariff on our industries when we are unable to legislate to relieve the farmer in kind.

Mr. HOWELL. Now, Mr. President, I desire to call attention to an additional opportunity of aiding the farmer through tariff legislation. Last year we imported 255,000,000 gallons of blackstrap molasses, to which I have previously referred during this debate. The tariff thereon is only 1⅛ mills so far as Cuba is concerned, and that island exports to us nearly all that we use. In recent years blackstrap molasses has practically replaced corn in the manufacture of alcohol in this country. Now the situation is this: The farmer has been afforded a tariff of 15 cents a bushel on corn, but 5.6 gallons of blackstrap molasses will take the place of a bushel of corn in the manufacture of

alcohol, and on this substitute for a bushel of corn the tariff amounts to three-fourths cent. In 1926 there was used in the manufacture of alcohol 267,000,000 gallons of this blackstrap molasses, of which 255,000,000 gallons were imported in that year. In short, if there were a sufficient tariff on blackstrap molasses there would probably have been an additional demand for cash corn that year of from forty to fifty million bushels. This may not seem a very large amount compared to our total production of 2,700,000,000 bushels for the year in question. However, not more than 10 per cent of our corn ever gets into the market, or say 270,000,000 bushels. This being the case, an additional demand for from forty to fifty million bushels cash corn would undoubtedly have a marked and favorable effect upon the price of this product. A member of the Chicago Board of Trade has estimated that it might affect the price as much as 15 cents a bushel. This, I believe, is more than should be expected. However, there can be no question but that a demand of an additional forty to fifty million more bushels of corn in the manufacture of alcohol would prove a marked factor in determining the price of corn.

True, in connection with blackstrap molasses we could appeal to the Tariff Commission, but even so, suppose the commission should recommend that the tariff be increased 50 per cent, then, and in such case, the tariff on 5.6 gallons of blackstrap molasses, the equivalent of a bushel of corn in the manufacture of alcohol, would merely have to pay a total tariff charge of 1.1 cents. In other words, the tariff on corn is 15 cents a bushel, but the tariff on blackstrap molasses is so low that the equivalent of a bushel of corn, so far as the manufacture of alcohol is concerned, can be imported into this country at a cost of 1.1 cents. Thus it is evident that in connection with both vegetable oils and blackstrap molasses, and undoubtedly other products, the Tariff Commission and the President can do practically nothing for the farmer. Only through tariff legislation can the situation be adequately dealt with.

Mr. President, this resolution ought to pass, and if it does pass it should be persuasive with the House, as we ought to deal with the tariff problem during this session, and if we fail to do so the responsibility will be that of the Republican Party.

Mr. WALSH of Massachusetts. Mr. President, in view of the assertions that have been made during the pendency of the resolution, repeated again and again by many public officials and leaders of finance, asserting that the country is enjoying unparalleled prosperity, I submit certain concrete facts.

I ask to have inserted in the RECORD a table published in the Business Conditions Weekly of January 14, 1928.

This table contains the weekly factory pay roll of the 24 most important industries of the country and compares the pay rolls of these industries as of November, 1926, with the pay rolls of November, 1927.

In 20 of these 24 industries the pay rolls decreased in November, 1927, from that of November, 1926. In 14 of these industries the pay rolls were decreased more than 8 per cent; in 8 the decrease was more than 12 per cent; in 5 the decrease was more than 14 per cent. The greatest decrease in the three largest industries was 10, 16, and 14 per cent, respectively.

In only four industries has the pay roll increased, and these were only 4, 1, 2, and 2 per cent, respectively.

The total pay rolls for all these 24 industries show a net reduction in pay rolls in November, 1927, of 8 per cent over the pay rolls of November, 1926.

The total pay rolls of these 24 industries in the month of November, 1927, were $63,343,000. As the decrease was 8 per cent, the total decrease in dollars and cents to the factory workers in these 24 industries was $6,885,100 for the month of November. I ask that the table may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Weekly factory pay rolls

	November, 1927	Change from November, 1926 (increase (+) or decrease (−))
		Per cent
Automobiles	$8,691,000	−10.5
Iron and steel	7,345,000	−16.4
Foundry and machine shop products	6,267,000	−14.1
Car building and repair	4,968,000	−8.9
Cotton goods	3,849,000	+4.9
Printing	3,790,000	+1.5
Electrical products	3,406,000	−9.1
Lumber and millwork	3,239,000	−8.8

Weekly factory pay rolls—Continued

	November, 1927	Change from November, 1926 (increase (+) or decrease (−))
		Per cent
Slaughtering	$2,185,000	−3.4
Baking	1,830,000	+2.6
Boots and shoes	1,823,000	−17.7
Furniture	1,676,000	−6.1
Hosiery and knit goods	1,583,000	+2.1
Pulp and paper	1,555,000	−4.3
Woolen goods	1,485,000	−6.7
Petroleum refining	1,445,000	−14.9
Tires	1,402,000	−9.8
Men's clothing	1,397,000	−5.4
Silk goods	1,132,000	−5.0
Steam-heat apparatus	1,005,000	−12.0
Glass	950,000	−9.8
Machine tools	845,000	−14.8
Hardware	784,000	−12.8
Agricultural implements	690,000	−3.1
Other industries	13,381,000	
Total	76,723,000	−8.0

Mr. WALSH of Massachusetts. Mr. President, I ask also to insert in the RECORD, in connection with the debate upon the pending resolution relative to the claim of existing prosperity in this country, certain brief extracts as printed in the weekly reports of the United Business Service under the heading "Unfavorable factors" in the business situation."

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

REPORT OF DECEMBER 3, 1927

Severe competition will increase failures among small manufacturers.

REPORT OF DECEMBER 17, 1927

Average daily steel ingot output in November was about 16 per cent under 1926.

Average cloth sales in November were only 60.3 per cent of production.

Wage reductions in November exceeded advances for the first time in 1927.

REPORT OF DECEMBER 31, 1927

Early December car loadings at lowest level since the year 1923.

Eleven months' automobile output 21 per cent below same period in 1926.

Number of new incorporations is averaging fully 57 per cent under 1926.

REPORT OF JANUARY 7, 1928

Imports in 1927 estimated to have declined 5 per cent from 1926 totals.

Brokers loans increased more than $930,000,000 during 1927.

REPORT OF JANUARY 14, 1928

Failures during 1927 increased nearly 6 per cent over the 1926 level.

December pig-iron output fell 12.7 per cent under the same month a year ago.

Mr. WALSH of Massachusetts. Mr. President, I present and ask to have printed in the CONGRESSIONAL RECORD, in connection with my other remarks, a table prepared for me by the United States Tariff Commission, together with their letter, setting forth the production, trade, and consumption of agricultural products in 1926, together with the percentage of consumption represented by imports. I call particular attention to the small percentage of imports of food products compared with consumption. Regardless of tariffs and whether on free list or bearing a heavy tariff rate, sugar, wool, flaxseed, lemons, and walnuts would have to come in in large quantities, because we do produce but a very limited percentage of our needs in those products.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

UNITED STATES TARIFF COMMISSION,
Washington, January 14, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: In compliance with your request by telephone for information concerning importations of agricultural products and the value thereof, as compared with domestic consumption, the inclosed table has been prepared and is transmitted for your use.

The data is taken from statistics for the year 1926, which is the latest year for which complete statistics can be obtained for the commodities indicated, both as to imports and production. The import statistics are for the calendar year. The production statistics are for the nearest comparable crop year.

The commodities are arranged in the order of the magnitude of the value of their respective imports in 1926 except that statistics concerning meats are placed last.

The items listed in the table are not all of the items covered by imports, but are those of outstanding significance.

Very truly yours, JOHN F. BETHUNE, *Secretary.*

Important imported agricultural products—Production, trade, and consumption, 1926

[In thousands, i. e., 000 omitted]

Products	Unit of quantity	Domestic production (quantity)	Duty paid imports			Domestic exports (quantity)	Domestic consumption (quantity)	Per cent of consumption represented by imports
			Quantity	Value	Duties			
Cane sugar (raw)	Pound	[1] 2,965,368	8,280,834	$192,744	$145,428	[2] 228,750	11,017,452	75.16
Wool	do	310,901	114,612 193,012	30,003 79,264	[3] Free. 35,108	292	618,233	49.76
Tobacco	do	1,323,388	70,390	66,790	35,460	487,058	906,720	7.76
Flaxseed	Bushel	19,459	22,316	40,941	8,927	None.	41,775	53.42
Cheese	Pound	427,416	75,871	20,376	5,218	3,903	499,384	15.19
Wheat	Bushel	832,305	15,429 451	21,489 640	[4] Free. 189	138,275	709,910	2.24
Walnuts	Pound	[5] 31,800	49,228	8,932	3,661	None.	81,023	60.75
Potatoes	Bushel	356,360	5,647	8,221	1,694	2,033	359,974	1.57
Clover seed	Pound	[6] 34,964	39,428	5,702	1,251	1,753	72,639	54.28
Cattle	Number	[7] 24,513	212	5,378	1,491	14	24,710	.86
Rice	Pound	1,139,056	[8] 109,327	4,929	1,878	77,081	1,171,302	9.33
Hay	Ton	86,378	354	3,375	1,417	14	86,718	.41
Frozen eggs	Pound	[9] 80,000	18,516	3,071	1,111	[10] 522	97,994	18.90
Butter	do	1,451,766	6,727	2,389	676	5,483	1,453,010	.46
Hogs	Number	[7] 65,779	76	2,181	90	29	65,826	.12
Onions	Bushel	20,625	1,740	1,868	992	616	21,749	8.00
Peanuts	Pound	626,866	[11] 52,888 3,495	1,697 163	1,410 105	4,232	679,017	8.30
Lemons	Box	7,200	999	1,701	1,479	296	7,903	12.64
Corn	Bushel	2,645,031	1,056	909	158	23,064	2,623,023	.04
Apples	do	246,460	37	67	9	16,170	230,327	.02
Oats	do	1,253,739	157	56	24	11,574	1,242,322	.01
Oranges	Box	34,312	[12] 12	47	9	2,692	31,632	.04
Meats [13]	Pound	17,245,000	59,000			465,000	16,726,000	.35
Beef	do	7,458,000	41,000			38,000	7,429,000	.55
Veal	do	960,000	4,000				964,000	.41
Mutton and lamb	do	643,000	2,000			2,000	641,000	.31
Pork (excluding lard)	do	8,181,000	12,000			425,000	7,689,000	.16
			Total pounds [14]	*Total dollars* [14]	*Total dollars* [14]			
Beef, fresh	do		15,647,372	1,649,274	469,421			
Veal, fresh	do		3,888,880	575,859	116,666			
Pork, fresh	do		9,156,493	2,033,852	68,674			
Mutton, fresh	do		847,917	72,664	21,198			
Lamb, fresh	do		2,291,476	404,055	91,659			
Poultry	do		6,407,702	2,297,282	459,681			
Canned meats:								
Beef, including corned beef	do		21,045,222	2,497,410	499,482			
All other n. s. p. f.	do		1,335,931	177,322	35,464			
Beef and veal, pickled or cured	do		3,812,707	405,206	81,041			
Hams, shoulders, and bacon	do		1,768,556	672,985	35,371			
Pork, pickled, salted, and other	do		1,347,047	521,700	26,941			

[1] Louisiana, Hawaii, Porto Rico, and Virgin Islands.
[2] Converted to raw basis, 107 pounds raw to 100 pounds refined.
[3] Imported free in bond for carpets and rugs.
[4] Free in bond for milling and export as flour.
[5] Production for 1926 was unusually low. Average production for the years 1924-1927, inclusive, was about 59,000,000 pounds
[6] Shipments in 1926.
[7] Slaughter production.
[8] Includes uncleaned rice, cleaned or milled rice, and flour, meal, and broken rice.
[9] Estimated.
[10] Eggs and yolks, frozen, dried, or canned.
[11] Shelled converted to unshelled: 150 pounds of unshelled=100 pounds of shelled.
[12] Converted to boxes at 69 pounds per box. Imports in 1926 were largely from Japan. Conversions made on basis of California boxes.
[13] Source of meat data (Bureau of Animal Industry, Department of Agriculture). Exports are converted to dressed equivalent weights in calculating consumption. Additional import statistics from the Department of Commerce supplement the material from the Department of Agriculture.
[14] Detail of imports of the four classes of meats shown in the aggregate in the table above. In each case reexports have been excluded. In the detailed figures some minor terms not specially provided for are not included.

Mr. THOMAS. Mr. President, I ask permission to insert in the RECORD at this point a letter and statement from the Tariff Commission as to their activities and records since the flexible provision of the tariff law was enacted.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

UNITED STATES TARIFF COMMISSION,
Washington, January 13, 1928.

MY DEAR SENATOR THOMAS: Receipt is acknowledged of your letter of January 6 in reference to reports by the Tariff Commission to the President for purposes of section 315 of the tariff act of 1922.

There are inclosed two lists of subjects upon which such reports have been made by the commission. One list contains the subjects upon which proclamations have been issued by the President, and the other list contains the subjects upon which, for various reasons, no proclamation has been issued. Some of these reports are now under consideration by the President. One of them, linseed oil, has been returned to the commission for further information, and in some cases, such as that of sugar, the President has publicly stated that the facts submitted do not seem to warrant a change in the duty at the present time.

Sincerely yours,

THOMAS O. MARVIN, *Chairman.*

Subjects with respect to which the President has proclaimed changes in duties under the provisions of section 315 of the tariff act of 1922

Article	Change in duty	Date of proclamation	Effective date of change
Wheat	Increased from 30 cents to 42 cents per bushel of 60 pounds.	Mar. 7, 1924	Apr. 6, 1924
Flour, semolina, etc.	Increased from 78 cents to $1.04 per 100 pounds.		
Millfeeds, bran, etc.	Decreased from 15 per cent to 7½ per cent ad valorem.		
Sodium nitrite	Increased from 3 cents to 4½ cents per pound.	May 6, 1924	June 5, 1924
Barium dioxide	Increased from 4 cents to 6 cents per pound.	May 19, 1924	June 18, 1924
Diethylbarbituric acid (Veronal).	Increased—duty (25 per cent ad valorem) transferred to American selling price	Nov. 14, 1924	Nov. 29, 1924
Oxalic acid	Increased from 4 cents to 6 cents per pound.	Dec. 29, 1924	Jan. 28, 1925
Potassium chlorate	Increased from 1½ cents to 2¼ cents per pound.	Apr. 11, 1925	May 11, 1925
Bob-white quail	Decreased from 50 cents to 25 cents each (valued at $5 or less each).	Oct. 3, 1925	Nov. 2, 1925
Taximeters	Increased from $3 each plus 45 per cent ad valorem on foreign value, to $3 each plus 27.1 per cent on American selling price.	Dec. 12, 1925	Dec. 27, 1925

Subjects with respect to which the President has proclaimed changes in duties under the provisions of section 315 of the tariff act of 1922—Continued.

Article	Change in duty	Date of proclamation	Effective date of change
Men's sewed straw hats.	Increased from 60 per cent ad valorem to 88 per cent ad valorem on hats valued at $9.50 or less per dozen.	Feb. 12, 1926	Mar. 14, 1926
Butter	Increased from 8 cents to 12 cents per pound.	Mar. 6, 1926	Apr. 5, 1926
Print rollers	Increased from 60 per cent ad valorem to 72 per cent ad valorem	June 21, 1926	July 21, 1926
Paint brush handles	Decreased from 33⅓ per cent ad valorem to 16⅔ per cent ad valorem.	Oct. 14, 1926	Nov. 13, 1926
Methanol (methyl or wood alcohol).	Increased from 12 cents to 18 cents a gallon.	Nov. 27, 1926	Dec. 27, 1926
Gold leaf	Increased from 55 cents to 82½ cents per 100 on leaves not exceeding in size 3⅜ by 3⅜ inches and on larger leaves in proportion.	Feb. 23, 1927	Mar. 25, 1927
Pig iron	Increased from 75 cents per ton to $1.12½ per ton.	do	Do.
Emmenthaler type Swiss cheese.	Increased from 5 cents per pound, but not less than 25 per cent ad valorem, to 7½ cents per pound, but not less than 37½ per cent ad valorem.	June 8, 1927	July 8, 1927
Cresylic acid	Decreased from 7 cents per pound plus 40 per cent ad valorem based on American selling price to 3½ cents per pound plus 20 per cent ad valorem based on American selling price.	July 20, 1927	Aug. 19, 1927
Phenol	Decreased from 40 per cent ad valorem and 7 cents per pound to 20 per cent ad valorem and 3½ cents per pound.	Oct. 31, 1927	Nov. 30, 1927
Crude magnesite	Increased from five-sixteenths of 1 cent per pound to fifteen thirty-seconds of 1 cent per pound.	Nov. 10, 1927	Dec. 10, 1927
Caustic calcined magnesite.	Increased from five-eighths of 1 cent per pound to fifteen-sixteenths of 1 cent per pound.		
Cherries, sulphured, or in brine, stemmed or pitted.	Increased from 2 cents per pound to 3 cents per pound.	Dec. 3, 1927	Jan. 2, 1928

Subjects with respect to which the Tariff Commission has submitted reports to the President but upon which changes in duties have not been made

Article	Status
Casein	Report to the President stated that commission was not able, with the data available, to make definite findings.
Wall pockets	Do.
Sugar	On June 15, 1925, the President stated that after full consideration of the facts shown in reports of the members of the Tariff Commission he did not find that differences in costs of production were sufficiently established under present conditions to warrant any change from the present duty.
Cotton warp-knit fabric Cotton warp-knit fabric gloves.	On Oct. 3, 1925, the President stated that under the circumstances applying to the industry he did not feel warranted at that time in increasing the duty.
Linseed oil	Report returned to the commission with request for additional information.
Cotton hosiery	Under consideration by the President.
Halibut	Do.
Rag rugs	Do.

Mr. NORBECK. Mr. President, there are only a few minutes left before we are to vote on the resolution, which reads as follows:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

I agree with my colleague, Senator McMASTER, and I am going to vote for the resolution. I think he has fully shown that the agricultural tariffs are entirely inadequate as compared to the industrial tariffs.

The farmers on the prairies believe that industrial development does not only add to the greatness and glory of the Republic, but strengthens the country in a business way, giving employment to labor and a market for the farmers. The strength of the Republican Party is in the industrial East and that of the Democratic Party in the old South, but neither party has been able to carry a national election except with the electoral votes of the agricultural West. The Northwest has been slow in insisting that the benefits of this artificial prosperity which the tariff brings be distributed fairly between the different sections of the country.

I have said before, and I say again to-day, that unless economic justice is done to the Northwest the farmer will not continue to support the present protective tariff policy. He gets the small end of the benefits, and he knows it.

DEMOCRATIC FARM RELIEF

On the other hand, I have no patience with those Democrats who insist that farm relief lies in a Democratic tariff bill. It was under a Democratic tariff law that the agricultural depression came on. Agriculture was partially restored, and only partially, by the farmers' emergency tariff bill of 1921. Every Republican supported it except one, the senior Senator from New Hampshire [Mr. MOSES].

I do not see how the Democrats can get any comfort out of this situation. The farmers are complaining that the industrial East is unwilling to give them equal protection, but they are not ignorant of the fact that most of the Democrats voted against the agricultural tariff schedules. I have said before, and I repeat again, that the only thing worse than a Republican tariff is a Democratic tariff.

It can be fairly said that the present tariff law, and every previous Republican tariff law, has been for the direct benefit of the industrial centers, but no one will contend that the Democratic tariff discriminated in favor of the farmer. It is just as the distinguished Democrat from Maryland, Senator BRUCE, said the other day, that every Democratic tariff has to a certain extent been a protective tariff. While the rates were lower than those in the Republican tariff, the main protection went to the industrial sections and not to the agricultural sections.

It provided for free wool, free cattle, free sheep, free bacon, free milk, free poultry. Eggs and potatoes were also on the free list; no protection whatever was given.

In the Republican tariff law sufficient protection has been given to materially increase the prices of these farm products that were on the Democratic free list.

On the other hand, it must not be assumed that the Democratic tariff law is the only one that has a "free list," for in the present law there are many articles on the free list. Among them are the following: Furniture, lumber, shingles, cement, shoes, binders, mowers, plows, threshing machines, and so forth.

DUTY OF THE NORTHWEST

While the unwillingness of the industrial East and the positive refusal of the agricultural South to support agricultural schedules necessary for the Northwest farmers are well known and admitted, there is still another angle to this question, and that is the reluctance on the part of the Senators and Congressmen from the Northwest to demand a fair degree of protection when the last tariff bill was pending. Some Members of Congress from our own Northwestern States were so party-bound, so unwilling to have any discord or difference of opinion, so anxious to follow the leaders that they were always modest in their demands. Other Members from the Northwest, who had no party loyalty whatever, were so busy with other matters, in which the farmers had no direct interest, that they gave little or no attention to the agricultural tariff schedules, and except for the efforts of the junior Senator from Idaho [Mr. GOODING] the agricultural schedules would have been much lower.

It was largely through Senator GOODING that an agricultural tariff farm bloc was formed, consisting of about 14 Members from agricultural States. Some four or five meetings were held and the agricultural schedules to be asked for were agreed upon. There was indifference apparent in the bloc; there was also difference of opinion. Some Senators from the Northwest felt we should not ask for so much; but the point is that the schedules in the revenue act of 1922 are, with one or two exceptions, exactly those agreed upon by the members of the tariff farm bloc.

The failure to get a tariff on hides was due to Democratic opposition and a division among the Senators from agricultural States. It was not due to the opposition of the Eastern Republican Members; in fact, it was not the eastern Republicans, but the eastern Democrats who fought the agricultural tariff schedules. I well remember, for I was here at the time.

BALANCE OF POWER

The Northwest is entitled to better treatment than it has had, but the responsibility is partly upon the Northwest itself. The failure of Members from agricultural States to work together has been very apparent for the last six years. Ever since I came here the Northwestern States have held the balance of power between parties. The tariff bill could not have become a law except by the votes of those States.

The tax reduction bill No. 1, the so-called Mellon plan, could not have gotten anywhere except by the votes from the prairies.

It was a relief for the heavy taxpayers of the industrial and financial centers.

Tax reduction bill No. 2, another Mellon plan, would not have become a law except by the support of the farmer vote. This was also a reduction for the heavy taxpayers. We were, of course, assurred that tax reductions meant lower prices on manufactured goods. It was another false hope.

There was such well-organized and well-directed propaganda in behalf of these measures that the general public was misled. The propaganda was so effective as to sweep the Democratic Party completely off its feet and bring about a "backward march." For years they had protested against the Republican tax reductions as being for the benefit of the millionaires, but the tax reduction bills became law just the same. Now the Democrats take the position that the Republicans have not reduced these taxes enough, and that there should be further and more tax reduction. Evidently the Democratic Party also found that it was hard to fight organized business in this country and raise money for a campaign, so we find that party becoming more and more reactionary than the Republican Party is to-day.

The point is that the Northwest must look out for itself, and it will look out for itself. The farmers of the prairies are no longer party bound. They do not vote for labels alone. They now look carefully to principles of parties and to the character and record of the candidates. They are not unmindful of the fact that it was following eight years of Democratic administration that the Republican stock dividends, referred to by my colleague [Mr. McMASTER] the other day, were paid. They were not 10, 20, and 30 per cent; they ran to hundreds of per cent and thousands of per cent, and in one case a 16,000 per cent stock dividend was paid.

PARTY RESPONSIBILITY

The farmer well understands that his ruination came during a Democratic administration and was due to the attitude of the party toward him. He has watched closely the record of both sides of this Chamber on so-called farm relief measures, and he finds that only one record is worse than that of the Republican Party in the Senate, and that is that of the Democratic Party. But the farmer also knows that the Republican Party promised in its platform to remedy the inequality existing. The failure to do so is the record that stands against the party. The attitude of the parties and candidates will be closely watched in the coming presidential campaign.

The Senators from the agricultural South and the industrial East have joined hands against making the tariff effective for the farmer by the McNary-Haugen bill, and they are not supporting any other measure that will accomplish the purpose. The Northwest farmer is still pleading for economic justice for agriculture—a proportionate price for the products of his labor. If this is denied him, he will insist on tearing down the tariff wall. If the farmer is compelled to sell in a world market, he will demand the privilege of buying all his supplies in the same market free from import duty.

The tariff must be made effective for the farmer also or the tariff must be reduced.

Mr. BINGHAM. Mr. President, I desire to offer an amendment and to make a few remarks.

The VICE PRESIDENT. The clerk will read the amendment.

Mr. BINGHAM. I understand the Senator from North Dakota [Mr. FRAZIER] desires to speak. I was about to ask unanimous consent that the hour for voting be postponed until the Senator from North Dakota has had opportunity to speak.

The VICE PRESIDENT. Under the unanimous-consent agreement the vote must be taken at 3 o'clock. The clerk will read the amendment proposed by the Senator from Connecticut [Mr. BINGHAM].

The READING CLERK. On page 1, line 2, after the word "excessive," insert the words "that many of the rates are not high enough," and on page 1, line 3, strike out the word "downward."

Mr. BINGHAM. Mr. President, in the course of the debate during the last week it has come out many times that some of the tariff schedules were not high enough. This has been mentioned on the part of various Senators from various sections of the country, notably by the Senator from Washington [Mr. DILL] in regard to shingles, the Senator from Florida [Mr. TRAMMELL] in regard to certain farm products, and by other Senators regarding other schedules that are not high enough. The Senator from Nebraska [Mr. HOWELL] has just mentioned hides, which are on the free list. He thinks hides should carry a duty. It seems to me that it would be wise to take cognizance of that fact by inserting the words "that many of the rates are not high enough," and then striking out the word "downward," in order to take care of the situation which has been raised and make it clear that certain rates are not high enough, while others are too high. What is chiefly desired by these Senators of whom I have just spoken is an opportunity to revise the tariff, not necessarily downward but to revise it, whereas the way the resolution now reads it refers only to revising the tariff downward.

Mr. McMASTER. Mr. President——

Mr. BINGHAM. Just a moment, and then I shall yield the floor. Also, in line 3, I propose that the word "excessive" should come out in order that the revision may apply to rates which are not only excessive but to those which are too low and where a rate does not exist at all.

Mr. McMASTER. Mr. President, this amendment offered by the distinguished Senator from Connecticut is distinctly a New England amendment, so that when the tariff shall be revised it will be revised upward to an unlimited extent. That is the object of the amendment.

Mr. WALSH of Massachusetts. Mr. President, let the proposed amendment be read.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 1, line 2, after the word "excessive," insert the words "that many of the rates are not high enough," and on page 1, line 3, strike out the word "downward."

The VICE PRESIDENT. The hour of 3 o'clock having arrived, further debate on the resolution is not in order. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. BINGHAM].

Mr. BINGHAM. On that question I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. The question is upon agreeing to the resolution of the Senator from South Dakota [Mr. McMASTER] as modified.

Mr. SMOOT and Mr. WATSON. Let the resolution be reported.

The VICE PRESIDENT. The clerk will read the resolution as modified.

The Chief Clerk read the resolution as modified, as follows:

Resolved, That many of the rates in existing tariff schedules are excessive, and tnat the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

Resolved further, That such tariff revision should be considered and enacted during the present session of Congress; and

Resolved further, That a copy of this resolution be transmitted to the House of Representatives.

Mr. HARRISON. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. If present, he would vote "nay," and I, if permitted to vote, would vote "yea." I withhold my vote.

Mr. BROUSSARD (when Mr. RANSDELL's name was called). My colleague the senior Senator from Louisiana [Mr. RANSDELL] is out of the city. If present, he would vote "nay."

Mr. TYDINGS (when his name was called). On this vote I have a pair with the Senator from New Jersey [Mr. EDGE]. If he were present and I were permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. JONES. I was requested to announce that if the Senator from New Jersey [Mr. EDGE] were present he would vote "nay."

The result was announced—yeas 54, nays 34, as follows:

YEAS—54

Ashurst	Edwards	McKellar	Simmons
Barkley	Ferris	McMaster	Smith
Bayard	Frazier	Mayfield	Steck
Black	George	Neely	Stephens
Blaine	Gerry	Norbeck	Swanson
Blease	Glass	Norris	Thomas
Borah	Harris	Nye	Trammell
Bratton	Harrison	Overman	Tyson
Brookhart	Hawes	Pine	Wagner
Bruce	Hayden	Pittman	Walsh, Mass.
Capper	Heflin	Reed, Mo.	Walsh, Mont.
Caraway	Howell	Robinson, Ark.	Wheeler
Copeland	King	Sheppard	
Dill	La Follette	Shipstead	

NAYS—34

Bingham	Deneen	Hale	McNary
Broussard	Fess	Johnson	Metcalf
Couzens	Gillett	Jones	Moses
Curtis	Gooding	Kendrick	Oddie
Cutting	Gould	Keyes	Phipps
Dale	Greene	McLean	Reed, Pa.

Robinson, Ind.	Shortridge	Warren	Willis
Sackett	Smoot	Waterman	
Schall	Steiwer	Watson	

NOT VOTING—6

du Pont	Fletcher	Ransdell	Tydings
Edge	Goff		

So Mr. McMASTER's resolution, as modified, was agreed to, as follows:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

Resolved further, That such tariff revision should be considered and enacted during the present session of Congress; and

Resolved further, That a copy of this resolution be transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatitves, by Mr. Haltigan, one of its clerks, respectfully returned to the Senate the concurrent resolution (S. Con. Res. 4) interpreting the meaning of the tariff act of 1922 with respect to imported broken rice, and announced that, in the opinion of the House of Representatives, the concurrent resolution contravened the first clause of the seventh section of the first article of the Constitution and was an infringement of the privileges of the House.

THE MERCHANT MARINE

Mr. JONES. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 38, the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. ROBINSON of Arkansas. Mr. President, let the bill be read in full.

The VICE PRESIDENT. The clerk will read the bill.

The CHIEF CLERK. The bill as introduced and referred to the Committee on Commerce, reads as follows:

Be it enacted, etc., That the policy declared in section 1 of the merchant marine act, 1920, is hereby confirmed, and the purpose of the United States to maintain permanently a merchant marine adequate for the proper growth of the foreign and domestic commerce of the United States and for the national defense is hereby reaffirmed.

SEC. 2. The board shall not sell any vessel or any line of vessels when in its judgment the building up and maintenance of an adequate merchant marine can be best served by continued ownership of such vessel or such line by the United States.

SEC. 3. In addition to ordinary repairs to vessels incident to their regular operation, the board may recondition and improve vessels owned by the United States and in its possession or under its control, so as to equip them adequately for competition in the foreign trade of the United States.

SEC. 4. The necessity for the replacement of vessels owned by the United States and in the possession or under the control of the board and the construction of additional up-to-date cargo, combination cargo and passenger, and passenger ships, to give the United States an adequate merchant marine, is hereby recognized, and the board is authorized and directed to present to Congress from time to time, recommendations setting forth what new vessels are required, and the estimated cost thereof, to the end that Congress may, from time to time, make provision for replacements and additions. All vessels built by the board shall be built in the United States, and they shall be planned with reference to their possible usefulness as auxiliaries to the naval and military services of the United States.

SEC. 5. No vessels constructed pursuant to this act shall be sold without the consent of Congress hereafter given.

SEC. 6. The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

The Committee on Commerce reported the following amendment: On page 1, strike out section 2 in the following words:

SEC. 2. The board shall not sell any vessel or any line of vessels when in its judgment the building up and maintenance of an adequate merchant marine can be best served by continued ownership of such vessel or such line by the United States.

And insert in lieu thereof the following:

SEC. 2. The board shall not sell any vessel or any line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative unanimous vote of the members of the board duly recorded.

On page 3 the committee propose to strike out section 5 in the following words:

SEC. 5. No vessel constructed pursuant to this act shall be sold without the consent of Congress hereafter given.

Also, on page 3, at the end of line 11, the committee propose to add the words "to the extent of any such inconsistency," so as to make the last section read:

All acts and parts of acts inconsistent with this act are hereby repealed to the extent of any such inconsistency.

Mr. JONES. Mr. President, I will say that I do not want to proceed with the discussion of the bill this afternoon, but I desire to make it the unfinished business. After it is taken up I am going to ask that it be temporarily laid aside. I understand there is a resolution which was submitted by the Senator from Alabama [Mr. HEFLIN] and which he desires to call up this afternoon. I am perfectly willing that that should be done.

Mr. HEFLIN. Mr. President, I have no objection to that course if taken. I have in charge a resolution which I offered on Saturday, and I was requested to let it go over until Monday.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. COPELAND. Mr. President, I desire to speak on the motion very briefly.

The VICE PRESIDENT. The motion is debatable.

Mr. COPELAND. I want to ask the chairman of the committee just how soon he intends to proceed with the discussion of the bill if the motion should prevail.

Mr. JONES. I thought probably I might speak on it to-morrow, although I am perfectly willing, if there are other matters which may be brought up, to postpone it until a later time.

Mr. COPELAND. I notice the Senator has great difficulty in speaking. If I may speak as a physician as well as a Senator, it seems to me that the Senator from Washington needs to have more than one day to recover his voice.

Mr. JONES. I think probably I should have, and for that reason I do not desire to urge a discussion of the bill to-day.

Mr. COPELAND. I want to ask a question of the Senator from Washington. As the Senator knows, I have intimated or stated that I intend to present a minority report upon this bill, and I had hoped that the debate on the bill might be deferred until that report was ready. I have no desire to delay action on the bill and am perfectly willing to have it made the unfinished business; but I wish the Senator might agree that we shall not begin serious debate on the bill for two or three days, until the minority views which I desire to present may be prepared.

Mr. JONES. Mr. President, I will say to the Senator from New York that if it is entirely agreeable on to-morrow to lay the bill temporarily aside until the following day, I shall have no objection; but the Senator appreciates the situation. This, I think, is an opportune time to consider this subject, for the first thing we know there will be appropriation bills and bills of various kinds brought in, and we shall have difficulty in getting up the shipping bill.

I will say to the Senator that so far as I am personally concerned, if the Senator should so desire, I am perfectly willing to let the bill be laid aside temporarily until Wednesday if it shall be made the unfinished business of the Senate.

Mr. COPELAND. I thank the Senator. As he knows, I do not wish to postpone the consideration of the bill.

Mr. JONES. I know that.

Mr. COPELAND. But I do believe there is certain information which the Senate should have before it in a formal way, and if it is understood that the Senator from Washington will move to have the bill laid aside and that we shall not undertake a serious debate until the following day, I shall be gratified.

Mr. JONES. I will ask the Senate to-morrow that the bill may be laid aside until the next day.

Mr. KING. Mr. President, will the Senator from Washington yield to me?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I yield.

Mr. KING. Why does the Senator from Washington insist now on making this bill the unfinished business?

Mr. JONES. I do so because I want to get action on the measure, one way or the other. The Senator from Utah knows that there will be important bills coming in, and a good deal of time may be taken on them. This, I think, is one of the most vital questions that confronts us. The bill is on the calendar; I think the Senate is ready to take it up; and I hope that that may be done.

Mr. KING. But the Senator from Washington knows that he could move to take up the bill for consideration at any time. If now, however, it is made the unfinished business, he knows that it will have the right of way here over every other measure.

Mr. JONES. I think this is an opportune time to go on with the bill. I do not wish to shut anybody off, much less do I want to shut off the Senator from New York, because I think ultimately he and I will be in agreement. He wants to present a different proposition. I want him to present it, and I will not attempt at all to shut him out from doing so.

Mr. KING. Of course, if this motion shall prevail now, it would make the bill the unfinished business——

Mr. JONES. It would.

Mr. KING. To the exclusion of everything else, and the Senator any time, whether we are ready or otherwise, whether there has been sufficient discussion or otherwise, may bring the bill to our attention and may insist upon a vote.

Mr. JONES. No; I can not insist upon a vote.

Mr. KING. The Senator can insist that the consideration of the bill shall be proceeded with.

Mr. JONES. We shall not be disposed to shut anybody out who may desire to discuss this measure; but I think the Senator appreciates the situation just as much as I know the Senator from New York [Mr. COPELAND] does.

The PRESIDENT pro tempore. May the Chair clarify the situation by suggesting to the Senator from Utah that the bill may be displaced upon motion at any time.

Mr. JONES. That is true.

Mr. KING. I thank the Chair for admonishing me of the rule of the Senate with which I am entirely familiar, but I do not want the bill made the unfinished business, because it will preclude the consideration in an orderly way of other measures. To make it the unfinished business will give it the right of way. It is a measure of such great importance that the Senate ought to have full opportunity to discuss it and full opportunity to advise itself of the hearings which undoubtedly have been very extensive before the committee because of the importance of the measure. I shall have no objection to the Senator from Washington making his motion to-morrow, or on any other day, to proceed to the consideration of the bill.

Mr. FLETCHER and Mr. SHORTRIDGE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Washington has the floor. To whom does he yield?

Mr. JONES. I yield to the Senator from Florida.

Mr. FLETCHER. Mr. President, the Senator from Washington has made a motion to take up a measure that has been reported on and has heretofore been quite fully considered; at any rate, I think the general question has been considered quite fully. It seems to me it is important to make the bill the unfinished business in order that we may secure some legislation on the subject. Unless this measure shall be proceeded with, and unless we obtain some legislation speedily, it will be too late I am afraid to save any merchant marine worth while. I know the Senator from Washington is always disposed to be very reasonable about matters of this kind, and if any Senator desires to have the bill go over or if there shall be something else more pressing, an appropriation bill for instance, he will not be disposed to crowd it, but we ought to have the bill before us, let it be the unfinished business, and let us understand that the matter is going to be disposed of.

Mr. SHORTRIDGE and Mr. WILLIS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Washington yield; and, if so to whom?

Mr. JONES. I yield first to the Senator from California.

Mr. SHORTRIDGE. May I inquire whether the report of the hearings before the committee has been printed and has been furnished to the Senate?

Mr. JONES. I will say to the Senator from California that we have had no hearings before the committee at this session of Congress. The committee took up the question as to whether we should report a bill embodying the principle contained in this bill or whether we should report a bill providing for aid or a subsidy. The committee voted to report a bill with this principle in it. Having done that, we felt that further hearings were unnecessary.

Mr. SHORTRIDGE. For reasons which, perhaps, I think are known, I believe that the purpose is to rush this bill through. I hope that it will not be made the unfinished business. Give us a little time to prepare so that we may present our views with respect to the whole subject matter.

The Senator from Washington, doubtless, knows the situation, and must know the attitude of the members of the Shipping Board. This bill proposes that any one member of the board objecting may defeat any proposition touching the disposal of any one or more of the ships or vessels belonging to the Government.

Mr. JONES. That is an amendment to the bill.

Mr. SHORTRIDGE. It is an amendment which the committee proposes?

Mr. JONES. That is true.

Mr. SHORTRIDGE. In other words, it is proposed that everything may be blocked upon the objection of one man.

Mr. JONES. Well, the Senate can vote that down, if it so desires, when it is presented to it.

Mr. SHORTRIDGE. Of course it can; but I object to the manifest though no doubt well-intentioned desire to rush this bill through the Senate.

Mr. JONES. I will say to the Senator that there is no desire to rush it unduly. Ample time will be given for discussion and debate.

Mr. WILLIS. Mr. President——

Mr. JONES. I yield to the Senator from Ohio.

Mr. WILLIS. Mr. President, I desire, if the Senator from Washington will permit me, to make a single observation in response to what the Senator from California has said. I happened to be a member of the committee. There is not any purpose on the part of the committee or its chairman to rush this bill or any other bill through, but it is the purpose of the committee, which was voiced by the action of the chairman just now, to get this great question before the Senate. I, for one, believe that the question as to what we are going to do in regard to the shipping question, as to whether we are to have a merchant marine in this country, is one of the most important questions that can possibly engage the attention of the Senate. It was the idea of the committee that this bill should be reported and considered by the Senate. I reserved the right to vote as I pleased upon this bill or upon any amendment that might be offered thereto; but I do think that it is highly important that this question be brought before the Senate. I therefore hope the Senator from Washington will not withdraw his motion and that the motion will prevail, so that this bill may become the unfinished business of the Senate.

Mr. McKELLAR and Mr. SWANSON addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I yield first to the Senator from Tennessee.

Mr. McKELLAR. I should like to ask the Senator if the report of the committee is unanimous, or well-nigh so?

Mr. JONES. I do not like to speak for the committee; but I think I can say that the committee was substantially unanimous in reporting the bill. As the Senator from Ohio has indicated, there are some amendments which some members of the committee will vote for and some vote against.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from New York [Mr. COPELAND] stated a moment ago that he wanted to file a minority report.

Mr. JONES. Yes; the Senator from New York does desire to do that, as he has said; but I think the Senator from New York will probably bear me out when I say that ultimately, if his proposal should be voted down, he is so strongly for the merchant marine that he would stand with the committee. However, he has views which he thinks he ought to present; I sympathize with him in those views, and he shall have full opportunity to present them.

Mr. COPELAND. Will the Senator yield further?

The PRESIDENT pro tempore. Does the Senator from Washington yield further to the Senator from New York?

Mr. JONES. I yield.

Mr. COPELAND. The Senator from Washington is almost right. If certain amendments are made to the bill, I shall be glad to support it, but if this bill as presented by the committee were to be voted upon at this time and if I had 10 votes I should vote all of them against it, because this bill as proposed by the committee is a blow in the face of the privately owned merchant marine of this country; this bill proposes to commit the Government to the ownership and operation of the merchant marine as a permanent policy; and I do not believe that the Senate or the country desire any such policy to be forced upon us.

Mr. JONES. Of course, there is a difference of opinion with reference to the language of the bill itself; but I do care to discuss the merits of the bill on the motion to take it up. I desire to get it up and then we can discuss all the questions involved.

Mr. SWANSON and Mr. WILLIS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I yield first to the Senator from Virginia.

Mr. SWANSON. I should like to ask the Senator if it is not true that the Shipping Board is contemplating or have authorized—and the transaction may be consummated at any time—the sale of a large number of ships? If that shall be done, there will be very little occasion for the passage of this bill. As I understand, the Shipping Board is desirous of knowing

what is the policy of Congress in connection with the sale of ships. Consequently, it seems to me, it is very urgent that that policy should be fixed at as early a date as possible. Is not that the situation?

Mr. JONES. I did not take that phase of it into consideration so far as my action on this bill was concerned.

Mr. SWANSON. But is it not true that such a sale is being contemplated?

Mr. JONES. There was a proposal to sell a certain line on the Pacific, and bids have been called for, to be opened, I think, on the 10th of February.

Mr. SWANSON. Will that sale be delayed until this bill shall have been disposed of?

Mr. JONES. I do not know whether the Shipping Board would delay it or not.

Mr. SWANSON. There is urgent necessity if we are going to fix a policy that it should be fixed as soon as possible?

Mr. JONES. There is urgent necessity, in my judgment, for the Congress to declare what it is going to do.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I yield.

Mr. GLASS. May I ask the Senator—because I have not followed the bill—whether it involves any subsidy to private interests?

Mr. JONES. That is what it does not do.

Mr. GLASS. May I ask the Senator whether it involves any considerable burden upon the Federal Treasury?

Mr. JONES. Only so far as Congress may hereafter vote appropriations to carry out whatever recommendations may be sent to Congress for the building of additional ships.

Mr. COPELAND. There is a little more than that involved.

Mr. JONES. And for the carrying on of the shipping lines.

Mr. COPELAND. If the Senator will yield, there is just a little more than that involved, because it contemplates that these vessels may be reconditioned.

Mr. JONES. Oh, yes.

Mr. COPELAND. But, of course, that can be done out of the funds which are now in the Treasury at the disposal of the Shipping Board.

Mr. JONES. I know, as to the vessels which the board contemplates reconditioning, that it sought a Budget estimate, but I understand, as it would cost several million dollars, the board will not recondition those vessels without authority from Congress. Whatever authority they have for that is under existing law and not under this proposed legislation.

Mr. COPELAND. But section 3 of the bill does provide that, in addition to ordinary repairs to vessels incident to their regular operation, the board may recondition and improve vessels owned by the United States and in its possession or under its control so as to equip them adequately for competition in the foreign trade of the United States.

Mr. JONES. Yes; but if the Senator will read on he will find that they must submit their estimates to Congress.

Mr. COPELAND. No; that is for replacements.

Mr. JONES. I think it is all in the same section.

Mr. COPELAND. No; the Senator has not read the bill.

Mr. JONES. Yes; I have read it. I should like to see it the way the Senator suggests.

Mr. GLASS. Mr. President, may I ask the Senator if it is not a fair inference, in the light of the experience we have had in the last six or eight years, that the passage of the bill will involve a very great burden upon the Federal Treasury?

Mr. JONES. The passage of the bill will probably entail some further large appropriations for the building of new ships.

Mr. GLASS. Mr. President, is not this proposed action a commentary upon what we may expect at this session? The Ways and Means Committee of the other House convened during the recess of Congress for the purpose of reducing the tax burden of the country, and did report and the House passed a bill making a considerable reduction in the tax burden. That bill, for a period at least, seems to have been buried in the Finance Committee of the Senate, with the public announcement that it will not be taken up for consideration until the 15th of next March. That, in my conception, means an invitation to every looter of the Treasury in both branches of Congress to raid the Treasury so that there may be no tax reduction at all, and instead of considering the first bill that the other House passed we are called upon now to make unfinished business of a bill that means a very grave burden upon the public revenues.

I for one am not willing to vote to consider any bill that is going to make such an inroad upon the public revenues until we have first considered tax reduction in this body.

Mr. JONES. Mr. President, I desire to say, in partial answer to the suggestion of the Senator from Virginia, that so far as I am concerned I had no thought in mind such as he suggests. My only thought is that we are confronted with a situation with reference to a vital problem that requires immediate action—action just as soon as we can possibly take it, one way or the other. That is my sole purpose in pressing this bill.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator.

Mr. BORAH. The Senator from New York stated that this bill, as now drawn, has for its purpose committing the Government to Government ownership and operation of the merchant marine. Did I understand the Senator from Washington to say that he does not put that construction on the bill?

Mr. JONES. I do not put the construction that the Senator from New York does on the first section of the bill, but I do say that it is a Government-construction bill. Congress, of course, can reverse that at any time it sees fit to do so. I do not think the first section of the bill affirms that we propose permanently to stay in the Government-construction business.

The Senator from New York construes it that way. So far as the first section of the bill is concerned, I should be perfectly willing to have it cut out entirely. It does not accomplish anything in a legislative way, but it is simply a reaffirmation——

Mr. BORAH. Is it the first section to which the Senator has reference as committing us to Government ownership?

Mr. JONES. It is the first section.

Mr. BORAH. It will simplify the matter very much, then, if the Senator will strike out the section.

Mr. JONES. I shall be perfectly willing to strike out that section, so far as I am concerned.

Mr. WILLIS. Mr. President, if the Senator will permit me, I should like to observe only that the discussion that has ensued illustrates precisely the position of the committee, in this: We thought that Senators were interested in this great question of our shipping and that it was important that this question should be brought before the Senate in a broad way.

I want to say particularly in response to the suggestion made by the Senator from New York that he, of course, understands perfectly, because he knows the rules of the Senate, that his bill or any other bill on this subject, or perhaps any subject, would be in order as an amendment to this bill. What we want to do is to get this great American question before the Senate and take the sense of the Senate upon the question at as early a date as possible.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Kansas?

Mr. JONES. I yield to the Senator from Kansas.

Mr. CURTIS. I ask the Senator from Ohio if it would not be fair to the Senate first to have the minority report presented, so that we could have both sides before there was a discussion of the question?

Mr. WILLIS. Let me say in response to that, if the Senator will permit me, that there is no disposition on the part of the chairman of the committee to crowd consideration of this bill to the point where the minority report to be submitted by the Senator from New York can not be prepared and submitted. As the Senator from Washington stated, we all know what the situation is here and what is likely to ensue. Directly other measures will be in here, and we shall find ourselves in a crowded condition of the calendar; and the upshot of it will be that this great question, of tremendous importance to the American people, will go by without proper consideration. If, however, the motion of the Senator from Washington shall be adopted, we shall then have the matter before us; and everybody here knows the attitude of the Senator from Washington well enough to be sure that no unfair advantage will be taken and that every opportunity will be given to every Senator to present his views or file his report.

Mr. JONES. Mr. President, this bill was reported on January 9. I think the Senator from New York will bear me out in the statement that he said he might file a minority report. I had supposed it had gone so long that he had abandoned that purpose, and expected simply to propose the amendments which of course he can propose at any time. If he had told me that he had decided to file a minority report and wanted more time before the bill was brought up, however reluctant I might have been to delay it I certainly would have done so; but I really supposed that he had abandoned his idea of filing a minority report.

Mr. COPELAND. Mr. President, if the Senator will yield, I have no fault at all to find with the Senator from Washington. I think he had a perfect right to form the opinion that he has;

but, frankly, I had not realized that this bill would be called up so soon. I am very anxious indeed that there shall be a further meeting of the Commerce Committee in order that the amendments which I have suggested may be considered first by that committee. I do not think any one of them could be ruled out on a point of order——

Mr. JONES. I do not think so.

Mr. COPELAND. Because there is no money involved in any plan which I have to present; but there are such serious objections, as I see it, to this bill as it is, and amendments might be suggested to it which would accomplish what the Senator from Washington has in mind, that I wish it might be possible for it to go over for a few days, until there can be a further meeting of the Commerce Committee. Then I would not resist at all bringing this matter before us, whether the committee agrees with me or not. I want it debated on the floor.

Mr. JONES. Mr. President, let me suggest to the Senator that we make it the unfinished business, and then we will call a meeting of the Commerce Committee for Wednesday morning to consider any amendments that the Senator may have. Of course, any amendments that the committee might adopt I should be glad to have come up as committee amendments on the floor of the Senate; and in the meantime, to-morrow, if there are matters that ought to be taken up, we will temporarily lay the bill aside.

Mr. COPELAND. Mr. President, because I am so devoted to the cause of the merchant marine, I am going to agree to the suggestion of the Senator, although I think the Senate should begin to think about this bill. This bill, as it is written and presented from the committee, unless further modifications are made, I believe is a very dangerous bill. No matter whether you seek to read some other thought into it or not, the bill specifically provides that the purpose of the United States is to maintain permanently a merchant marine; and then, in order that there shall be no doubt about it, no ship can be sold by the Shipping Board in the future except by unanimous vote of the Shipping Board, and we know that there are one or two men on that board who have never voted to sell one ship. It would mean, if this bill were to pass as it is here, that the Government would be committed to the permanent ownership and operation of a merchant marine, and I believe for myself that that is most detrimental to the private shipping interests and to the great merchant marine which ultimately must certainly be operated by private individuals.

So, for these reasons, I should be very sorry to have the Senate proceed without having before it these other arguments and possible substitutes for the bill. The Senator now says, however, that if the bill is made the unfinished business he will call a meeting of the committee on Wednesday——

Mr. JONES. Wednesday morning.

Mr. COPELAND. And that these matters may be considered. So far as I am concerned, if the committee considers them and sees fit by a majority vote not to accept them, of course that is the business of the committee, and then possibly by the time we come to the consideration of the bill we will have a minority report.

Mr. JONES. I will say to the Senator and also to the Senate that there was quite a difference of opinion in the committee with reference to the amendment requiring the unanimous vote of the board for the sale of a ship. Some of us preferred not to have it quite so strong, but the majority of the committee supported that proposition.

Mr. ROBINSON of Arkansas. Mr. President, under the gentlemen's agreement that has been entered into it is utterly unimportant whether the Senate proceeds now to the consideration of this bill or waits until another day to take that action. The Senator from Washington has stated that he merely desires to have it made the unfinished business, and is himself not ready to proceed with the discussion of the bill. Manifestly, no other business can be done by the Senate, except the business that occurs during the morning hour after an adjournment, except by unanimous consent; and any Senator who objects to proceeding with this bill can displace it as the unfinished business of the Senate by objecting to the consideration of other business prior to the time when the Senate is ready to dispose of this bill.

I do not think there is any disposition here to prevent reasonably prompt action upon the measure. I thought the request of the Senator from New York was a reasonable one; and I do not see anything to be accomplished by making it the unfinished business and then immediately laying it aside, because, as I have already stated, any Senator who objects to proceeding with other business can have it displaced in that way.

Mr. KING. Mr. President, it is obvious that this measure repeals the existing Shipping Board act—No matter what efforts may be made to camouflage this measure—and no matter what interpretations may be placed upon this bill—it is a measure to repeal the existing law and to commit the Government irrevocably to the ownership and operation of a merchant marine.

The Senator from Idaho [Mr. BORAH] pertinently called attention to the first section, which states:

> That the policy declared in section 1 of the merchant marine act, 1920, is hereby confirmed; and the purpose of the United States to maintain permanently a merchant marine adequate for the proper growth of the foreign and domestic commerce of the United States and for the national defense is hereby reaffirmed.

However, the interpretation placed upon that act, in view of many provisions found therein, was that it was the duty of the Shipping Board at the earliest possible moment to dispose of the ships under the control of the Shipping Board and owned by the Government, putting them into the hands of private owners. This bill reverses that policy, and commits the United States Government to the ownership and operation of a merchant marine. Other sections in this bill confirm the position I have just indicated—for instance, section 2, to which the Senator from New York called attention:

> The board shall not sell any vessel or any line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative unanimous vote of the members of the board duly recorded.

Of course, this provision commits to the board the determination of what is an adequate merchant marine. The members of that board are the sole determinators of that question, and the negative vote of a single member would prevent the execution of provisions of existing law calling for the disposition of ships whenever that can be done.

Section 2 is an afterthought; it is an amendment to the bill as offered. It is offered for the purpose of preventing the alienation of a single ship and to compel the Government to remain in the shipping business. It seeks to prevent the Government from disposing of the ships which it now owns, or those which it may subsequently acquire, and it is apparent that the one negative vote is a complete embargo upon the disposition of any of the ships.

Section 4 provides:

> The necessity for the replacement of vessels owned by the United States and in the possession or under the control of the board and the construction of additional up-to-date cargo, combination cargo and passenger, and passenger ships, to give the United States an adequate merchant marine, is hereby recognized.

Then the board is directed to indicate to Congress the appropriations desired, and so forth. This reaffirms the position that the Government must continue to own and operate cargo and passenger or combination passenger and cargo ships, and the board is to determine what is to constitute an adequate merchant marine. The board, not Congress, is to determine whether it shall be 1,000 or 100 ships. The board is to decide what ships are to be built, and what are to be repaired, and are to operate such ships as they may see fit. But the important matter is that the Government is committed to the policy of owning and operating a merchant marine.

Section 5 provides:

> The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized.

That will be considered as granting carte blanche authority to the board to contract for ships and to operate them. Of course, they will do so at the peril of obtaining appropriations from Congress, but this provision is a declaration by Congress that the board is authorized and directed to proceed under the provisions of this bill and maintain an adequate merchant marine, according to their definition of what an adequate merchant marine is.

Mr. President, if we vote to take this bill up, it will be construed by some persons that the Senate is committed to the policy of a Government-owned and Government-operated merchant marine.

Mr. BINGHAM. Mr. President, before the Senator takes his seat, will he yield for a question?

Mr. KING. I yield.

Mr. BINGHAM. Does the Senator agree with the sentence in the message of the President of the United States sent here on the 6th of December, in which he said:

It should be our policy to keep our present vessels in repair and dispose of them as rapidly as possible, rather than undertake any new construction.

Mr. KING. I agree with one modification. The Shipping Board should be directed to sell all the ships it controls. If we had pursued a wise policy several years ago, we would have sold all the ships controlled by the board. Every ship that was seaworthy could have been sold in 1920 and 1921 at from $100 a ton to $200 a ton. But we clung tenaciously to the mistaken view that the Government should operate these ships, and the Shipping Board, with an inefficiency that has called for criticism, pursued a fatuous policy. It sought to commit the Government of the United States irrevocably to the ownership and operation of merchant ships.

There ought to be a mandatory instruction from Congress, directing the Shipping Board to dispose of all ships in its possession. The Government should get out of the shipping business. Congress should repeal a number of archaic laws; Americans should be permitted to purchase ships, wherever built, and bring them to the United States, then to be registered under our laws, and sailed under the American flag. If this were done, we would have a merchant marine.

The PRESIDING OFFICER (Mr. McNARY in the chair). The question is upon agreeing to the motion made by the Senator from Washington [Mr. JONES] that the Senate proceed to the consideration of Senate bill 744.

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. GERRY. I desire to announce that the senior Senator from Louisiana [Mr. RANSDELL] is paired with the Senator from New Jersey [Mr. EDGE]. The senior Senator from Louisiana is necessarily detained in his State. If he were present, on this question he would vote "yea," and if the Senator from New Jersey were present and permitted to vote, he would vote "nay."

I also wish to announce that the senior Senator from Arizona [Mr. ASHURST] is absent, attending a meeting of the Colorado River Commission.

The result was announced—yeas 61, nays 20, as follows:

YEAS—61

Barkley	George	Neely	Steck
Black	Gerry	Norris	Steiwer
Blaine	Harris	Nye	Stephens
Bratton	Harrison	Oddie	Swanson
Brookhart	Hawes	Overman	Trammell
Broussard	Hayden	Phipps	Tydings
Bruce	Heflin	Pine	Tyson
Capper	Howell	Reed, Mo.	Wagner
Copeland	Johnson	Robinson, Ark.	Walsh, Mass.
Couzens	Jones	Robinson, Ind.	Walsh, Mont.
Curtis	La Follette	Schall	Warren
Dill	McKellar	Sheppard	Wheeler
Edwards	McMaster	Shipstead	Willis
Ferris	McNary	Simmons	
Fletcher	Mayfield	Smith	
Frazier	Moses	Smoot	

NAYS—20

Bayard	Gillett	Keyes	Sackett
Bingham	Glass	King	Shortridge
Blease	Gould	McLean	Thomas
Cutting	Greene	Metcalf	Waterman
Fess	Hale	Reed, Pa.	Watson

NOT VOTING—13

Ashurst	Deneen	Gooding	Ransdell
Borah	du Pont	Kendrick	
Caraway	Edge	Norbeck	
Dale	Goff	Pittman	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, which had been reported from the Committee on Commerce with amendments.

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the Lions Club of Basin, Wyo., favoring the making of adequate appropriations for the reforestation of denuded areas within the national forests, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the Lions Club of Basin, Wyo., favoring the enactment of legislation to aid in insuring adequate supplies of timber and other forest products, which was referred to the Committee on Agriculture and Forestry.

Mr. LA FOLLETTE presented a petition of sundry citizens of Green Bay, Wis., praying for the passage of legislation granting substantially increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. CUTTING presented a memorial of sundry citizens of Fort Bayard, N. Mex., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. ROBINSON of Arkansas presented a telegram from John W. Summerlin, president of the Tensas Basin Flood Control Association, Monroe, La., making suggestions relative to flood control, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. MAYFIELD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens (Rept. No. 83); and

A bill (S. 2457) for the relief of Bert Moore (Rept. No. 84).

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2471) for the relief of the owner of the American steam tug *Charles Runyon* (Rept. No. 85);

A bill (S. 2516) for the relief of the owners and/or receiver of the American steam tug *W. S. Holbrook* (Rept. No. 86); and

A bill (S. 2517) for the relief of the owner of barge *Consolidation Coastwise No. 10* (Rept. No. 87).

Mr. NYE, from the Committee on Claims, to which was referred the bill (S. 2316) for the relief of Lewis C. Hopkins & Co., reported it without amendment and submitted a report (No. 88) thereon.

Mr. ASHURST, from the Committee on Public Lands and Surveys, to which was recommitted the bill (S. 1154) to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes, reported it with an amendment and submitted a report (No. 89) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 2524) for the relief of Josephine Doxey, reported it without amendment and submitted a report (No. 91) thereon.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 2215) to authorize the construction of a public highway to connect the town of Alderson with the village of Glenray, W. Va., reported it without amendment.

MINERAL LEASES IN NEW MEXICO

Mr. BRATTON. Mr. President, I report back favorably from the Committee on Public Lands and Surveys Senate Joint Resolution 38, giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted, and I submit a report thereon (No. 90). I ask for the immediate consideration of the joint resolution.

Mr. KING. Is the proposed amendment to the constitution of the State something like the amendment authorized in the State of Montana, under which the mineral lands may be leased for a limited period of time?

Mr. BRATTON. Yes. The original enabling act granting certain lands to the States provided a method of executing leases, and it has been found to be burdensome and in many instances restrictive of development. The joint resolution merely authorizes the people of the State to vote at the next regular election upon an amendment to the State constitution which will authorize the legislature of the State to prescribe the method of leasing the land, but always the proceeds are to be kept in the channels prescribed by the enabling act. That is what the proposed amendment to the State constitution does, and that is the purpose of it.

Mr. SHORTRIDGE. Mr. President, we could not hear the Senator from New Mexico because of the confusion in the Chamber. Will he kindly repeat his statement?

Mr. BRATTON. I will explain it again for the Senator's benefit. The act of June 20, 1910, admitting New Mexico into statehood granted certain lands to the State for specific purposes and prescribed how those lands should be leased. Among other things, it prescribed that publication must be made for 10 consecutive weeks at the State capital and in the county where the land is located. The question has arisen as to whether or not that provision applied to oil and gas leases. The State has gone forward under an interpretation made by the Supreme Court that it did not apply because Congress

granted to the State only nonmineral lands and did not have in mind the leasing of nonmineral lands for mineral purposes. The bar of the State is not agreed upon that construction. Some think the act does apply and would require that burdensome procedure in the executing of oil and gas leases upon 80 acres of land at some remote point, for instance.

Mr. SHORTRIDGE. Where is the title to the property?

Mr. BRATTON. In the State, but the enabling act provided that no change should be made without the consent of Congress and the people. The proposed amendment to the State constitution is to let the legislature prescribe in the future what shall be done in the way of leasing the State lands, but the amendment prescribes that all money coming from that source shall not be diverted from the channel prescribed by the enabling act. It does not change the use of the money. It simply lets the State say, if it should want to say, that in the future publication should be made 4 weeks or 2 weeks or not at all, instead of 10 weeks, both at the capital and in the county where the land is now located.

Mr. SHORTRIDGE. What change is made as to the funds?

Mr. BRATTON. No change whatever. The funds all go to the State, and the enabling act and the constitutional provision accepting the grant both provided that no change shall be made except with the consent of the Federal Government and the people of the State voting on a constitutional amendment. At the last session of the legislature a constitutional amendment was proposed, which authorized the State in the future by legislation to prescribe the machinery and method of leasing the lands or to validate outstanding leases. The joint resolution merely gives consent on the part of Congress that the people of the State may vote upon the amendment. They may reject it or they may adopt it at the election.

Mr. SHORTRIDGE. It does not amend the present existing law or the enabling act?

Mr. BRATTON. No. If the amendment is adopted at the State election, in the future the legislature of the State may prescribe what shall be done in the way of leasing of lands, but the use of the money and the purpose to which it shall be put are not changed in the joint resolution at all.

Mr. SHORTRIDGE. Is not this premature on the part of Congress?

Mr. BRATTON. No. The Congress must give its consent before they can even vote upon it.

There being no objection, the joint resolution was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That consent is hereby given and granted to the State of New Mexico and the qualified electors thereof to vote upon the question of amending the constitution of said State and to amend the same by the adoption of the following amendment proposed by the legislature of said State at its eighth regular session by H. J. Res. 8, approved March 11, 1927, to be designated as Article XXIV, said amendment being as follows, to wit:

"ARTICLE XXIV

"CONTRACTS FOR THE DEVELOPMENT AND PROTECTION OF MINERALS ON STATE LANDS

"Leases and other contracts, reserving a royalty to the State for the development and production of any and all minerals on lands granted or confirmed to the State of New Mexico by the act of Congress of June 20, 1910, entitled 'An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States,' may be made under such provisions relating to the necessity or requirement for or the mode and manner of appraisement, advertisement, and competitive bidding, and containing such terms and provisions, as may be provided by act of the legislature; the rentals, royalties, and other proceeds therefrom to be applied and conserved in accordance with the provisions of said act of Congress for the support or in aid of the common schools, or for the attainment of the respective purposes for which the several grants were made."

Consent also is given and granted to said State to enact such laws and establish such rules and regulations as it may deem necessary to carry such constitutional provision into full force and effect should the same be duly and legally adopted.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUTTING:

A bill (S. 2572) granting certain land in the town of Hot Springs, N. Mex., to the State of New Mexico; to the Committee on Public Lands and Surveys.

By Mr. WATSON:

A bill (S. 2573) granting a pension to Agnes Shinolt; and

A bill (S. 2574) granting an increase of pension to Anna C. Havens; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 2575) granting an increase of pension to Annie E. Mooney (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2576) for the relief of C. Earl Smith and Marie Patton; to the Committee on Claims.

A bill (S. 2577) granting an increase of pension to Elizabeth J. Craig (with accompanying papers); to the Committee on Pensions.

By Mr. GEORGE:

A bill (S. 2578) for the relief of Ralph W. Hood; to the Committee on Finance.

By Mr. MOSES:

A bill (S. 2579) granting an increase of pension to Alicia Newton (with accompanying papers);

A bill (S. 2580) granting an increase of pension to Louise B. Fuller (with accompanying papers); and

A bill (S. 2581) granting an increase of pension to Nellie F. Amsden (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 2582) to authorize Capt. Royden Williamson, United States Army, to accept from the Haitian Government the medal "Honneur et Merite"; to the Committee on Military Affairs.

A bill (S. 2583) granting a pension to Charles W. Pearson; to the Committee on Pensions.

A bill (S. 2584) for the relief of the owners of the sailing vessel *Creeksea* and all owners of cargo laden on board thereof at the time of her collision with the U. S. destroyer *Sands;*

A bill (S. 2585) for the relief of the owners of cargo laden aboard the U. S. transport *Florence Luckenbach* on or about December 27, 1918; and

A bill (S. 2586) for the relief of the owner of the Coast Transit Division barge *No. 4;* to the Committee on Claims.

By Mr. SACKETT (for Mr. GOFF):

A bill (S. 2587) granting an increase of pension to Angelina Childers (with accompanying papers); to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 2588) granting an increase of pension to James T. Powers; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2589) authorizing the extension of time for the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.; to the Committee on Commerce.

By Mr. HAWES:

A bill (S. 2590) for the relief of Philip J. Steiner; and

A bill (S. 2591) for the relief of Maria Maykovica; to the Committee on Claims.

A bill (S. 2592) granting an increase of pension to Ina Silsby (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 2593) to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia and State of Pennsylvania; to the Committee on Military Affairs.

By Mr. HARRISON:

A bill (S. 2594) transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department; to the Committee on Military Affairs.

By Mr. BLAINE:

A bill (S. 2596) to amend section 203 of the World War veterans' act of 1924, as amended;

A bill (S. 2597) to amend the World War veterans' act of 1924, as amended;

A bill (S. 2598) to repeal section 209 of the World War veterans' act of 1924, as amended;

A bill (S. 2599) to amend section 202, subsection (4), paragraph 2, of the World War veterans' act of 1924, as amended;

A bill (S. 2600) to amend section 200 of the World War veterans' act of 1924, as amended;

A bill (S. 2601) to amend section 202, subsection (10), of the World War veterans' act of 1924, as amended; and

A bill (S. 2602) to amend section 301 of the World War veterans' act of 1924, as amended; to the Committee on Finance.

By Mr. McMASTER:

A bill (S. 2603) to amend section 17 of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians into separate reservations and to

secure the relinquishment of the Indian title to the remainder, and for other purposes," as amended by the act of June 10, 1896; to the Committee on Indian Affairs.

By Mr. SACKETT:

A bill (S. 2604) granting an increase of pension to Edward R. Baker; to the Committee on Pensions.

AIR CORPS OFFICERS

Mr. ROBINSON of Arkansas introduced a bill (S. 2595) to increase the efficiency of the Air Corps, and for other purposes, which was read twice by its title, referred to the Committee on Military Affairs, and, on request of Mr. ROBINSON of Arkansas, ordered to be printed in the RECORD, as follows:

S. 2595, Seventieth Congress, first session

In the Senate of the United States, January 14 (calendar day, January 16), 1928

Mr. ROBINSON of Arkansas introduced the following bill, which was read twice and referred to the Committee on Military Affairs:

A bill to increase the efficiency of the Air Corps, and for other purposes

Be it enacted, etc., That there shall be established an Air Corps promotion list, upon which all Air Corps officers below the grade of brigadier general shall be arranged among themselves in the following manner:

1. All officers of the Air Corps as of July 1, 1927, shall be placed on the Air Corps promotion list in the same relative positions which they occupy on the single promotion list.

2. All officers commissioned in the Air Corps after July 1, 1927, shall be placed on the Air Corps promotion list according to the length of commissioned service.

Except as hereinafter provided, Air Corps officers below the grade of colonel shall be promoted to the grade of first lieutenant when credited with three years' commissioned service, to the grade of captain after 7 years' commissioned service, to the grade of major after 12 years' commissioned service, to the grade of lieutenant colonel after 18 years' commissioned service, and to the grade of colonel after 25 years' commissioned service. The number of Air Corps officers in the grade of colonel shall be not less than 4 per cent, nor more than 6 per cent, and the number in the grade of lieutenant colonel shall be not less than 5 per cent, nor more than 7 per cent, of the total number of Air Corps officers on the Air Corps promotion list, and the aggregate number of Air Corps officers in the grade of colonel, lieutenant colonel, and major shall be not less than 26 per cent, nor more than 40 per cent, of said total number of Air Corps officers, and in so far as necessary to maintain said minimum Air Corps officers of less than required years of commissioned service shall be promoted to the grades of colonel, lieutenant colonel, and major, and only in so far as their promotion will not cause said maximum of 40 per cent to be exceeded shall officers who have completed 12 years' service be promoted to the grade of major.

Air Corps officers may upon their own request or at the discretion of the President be transferred in grade to the retired list after 30 years' commissioned service: *Provided,* That each year of flying service shall be computed as two years of commissioned service, and such officers shall be retired in grade upon reaching the age of 54 years, unless serving in the grade of a general officer by detail, in which case he shall be retired upon the expiration of such detail. The pay and allowances of such retired officers shall be 75 per cent of all their pay immediately prior to retirement.

Wherever mentioned in this act, the words "flying service" shall be considered as meaning commissioned service during which participation in regular and frequent aerial flights has been, is, or may be required by competent orders, and shall include any period of illness or hospitalization, or leave of absence, which is both preceded and followed by actual flying service.

The provisions of this act shall be effective immediately upon its signature by the President, and all laws and parts of laws which are inconsistent herewith or are in conflict with the provisions hereof are hereby repealed as of that date.

ALTERATIONS IN THE SENATE OFFICE BUILDING

Mr. MOSES submitted the following resolution (S. Res. 111), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Architect of the Capitol hereby is authorized and directed to make certain necessary alterations and repairs in the Senate Office Building under the supervision of the Committee on Rules, at a cost not to exceed $6,000, to be paid out of the contingent fund of the Senate, miscellaneous items, fiscal year 1927.

GOVERNOR RITCHIE'S JACKSON DAY SPEECH

Mr. BRUCE. Mr. President, if there is no objection, I should like to have inserted in the RECORD the speech delivered by Albert C. Ritchie, Governor of Maryland, at the Jackson Day dinner in this city on the 12th instant.

The VICE PRESIDENT. Without objection, it is so ordered.

Governor Richie's speech is as follows:

I am very much flattered by this opportunity to be heard in the councils of our party. Yet I realize that there are many others here to-night who are as devoted to our political principles as I am and far better fitted to expound them. There is little I can hope to do except bear testimony, as the theologians say, to the faith that is in me.

They tell us that the Democratic Party has no real issue. The political situation bristles with issues. Issues produced by costly mistakes of omission and commission, domestic and foreign, by the party in power; issues raised by erroneous policies or by lack of policies; issues forced upon both parties by new social and economic developments, some of which go to the very heart of government.

But the great issue that confronts us to-day, as I see it, is not so much whether the Democratic Party shall prevail as it is whether democracy and democratic government shall prevail.

I am a Democrat with an abiding faith in the future of our party, because I have an abiding faith in the future of democracy; yet I believe it is democracy itself that is slowly but surely facing a crisis.

We are steadily moving to a conflict in which the issue will be very much more fundamental than whether this or that current contention is to prevail or whether this or that party shall dispense the powers of office. Rights and liberties that are guaranteed to us by charter and tradition are being lost and sacrificed in the flux of events, and democracy itself is being put to the test. My appeal is that we see our duty and our opportunity in this larger perspective.

Undoubtedly there are party differences of opinion to surmount. But these very differences may prove a source of strength instead of weakness. The Republicans have apparent harmony and unity because they are a stand-pat, do-nothing party. They do nothing, and they stand for nothing except for the status quo and the quid pro quo.

I am more afraid of party indifference than I am of party differences. Obviously our party can not win if we are to fight each other instead of uniting to fight for a common cause. But I have faith in our ability to unite our own people and appeal to the large independent vote that stands for liberal and Democratic principles.

I have this faith because the issues that seem to divide our party do not grow out of any lack of unity as to its traditional and historic principles. They are rather due to a difference of opinion as to the application of those principles. They exist chiefly because we have allowed certain aims and ideals to become national questions when they are politically local questions and should remain local.

It has been suggested that I touch these questions with becoming lightness, or, better still, not at all. But I know no language for a meeting of Democrats except the language of Democracy.

Nearly 150 years ago our party proclaimed to a waiting world faith in the individual human being and in the integrity of the local political unit. That has ever since been the spirit and creed of the Democratic Party. I believe it is the creed by which our party will again be restored to power. And in a Democratic assemblage I claim the right to speak the message of Democracy as we have inherited it from Jefferson and from Jackson.

Even now we see a Republican President with the fervor and zeal of a new convert declaring for what he calls the rights of the States. But the trouble is that the doctrine does not square with the theory or the practices of his party. The States appeal to Republicans as an aid to a strong centralized government. They appeal to Democrats as an agency for free government.

This country is still a democracy in the making, a democracy that must fight for its existence. The conflict between Hamilton and Jefferson was not one of theories but of actualities, and in the fullness of time these same elemental actualities are confronting us again to-day.

Shall this Nation be a democracy in fact as well as in name? Shall we govern ourselves or shall we be governed? Shall democracy be a vital, working political actuality or shall it be merely an academic theory?

Let the people but realize that we are met at Armageddon to settle that issue and our party will win, as it has always won whenever the issue has been raised.

Jefferson's fighting faith in democracy and Jackson's in the next great crisis of our political development may well be regarded as the two most important factors in our political history. Their faith is still the only fighting faith our party has.

Does anyone believe that given the power this faith will not translate itself into works? Then let him remember the eight years of Grover Cleveland, who did not bend before the storm. "Men and times," he said, "may differ, but principles never," and to him should go a full measure of credit for making this a sound money country and laying the foundations of our financial integrity and prosperity.

Or let such a one contrast the spirit and the accomplishments of the eight years of Democratic rule under Woodrow Wilson with the eight years under Republican Presidents since then.

Time does not permit a review of the Wilson administration, either its accomplishments in peace, culminating in the Federal reserve act,

to which Senator CARTER GLASS gave so freely of his talent and energy, or its amazing contribution to the winning of a mighty war.

Nor does time permit the record of Republican mistakes of omission and commission during the years which followed, except, perhaps, to say that the most conspicuous two were disclosed to a startled country by the almost unaided efforts of two great Democrats.

That the business of government will not again be defiled and exploited by political brigands is due more than anything else to the matchless energy of Senator THOMAS J. WALSH, of Montana; and that the election machinery will not again be debauched in this country is due more than anything else to the matchless energy of Senator JAMES A. REED, of Missouri.

Differences in principles seldom make much of an appeal until they translate themselves into results which the people can see and feel. These results are around us now. The masses are becoming conscious of the appalling growth of the Federal Government and of its overriding centralization. They are beginning to see the danger to their individual liberty from the decay and apathy of the States and from the encroachments on the right of self-government. They are coming to realize the extent to which some of our liberties have been abridged and others are jeopardized.

In the presence of a government with a big business complex, with its functions highly concentrated and with power feeding on power, the ordinary man feels helpless and grows politically apathetic. He loses interest in his local government because its functions are diverted. He loses interest in his national government because it is too remote and far away. He lets rights guaranteed to him and to his State sink into innocuous desuetude. He falls an easy victim to the propaganda and the programs of energetic minorities and to the extragovernmental groups and hierarchies which know what they want and descend upon the central government for it.

There is only one way to get the people back into their government, to get them to use it and not permit it any longer to be abused. That way is to give them the largest possible measure of self-government, individually, in their business and in their political state.

To those who doubt that, or who would limit the application of it, I summon again the memory of Grover Cleveland, who believed in a maximum of self-government, and held that the true ideals of liberty and democracy can be attained only under a government which grants the utmost autonomy to local political units. This, he thought, would mean cleaner politics, fewer bitter conflicts, less corruption, less bureaucracy, less centralization, less abuse of power, and less tyranny. Political progress, he claimed, rests with the individual and must be self-achieved; "an enlightened people can be trusted to govern themselves." He believed in the supremacy of the law and in its honest enforcement with equal justice to all, rich and poor; but held that all laws should be kept down to an irreducible minimum, and that both men and nations have the inalienable right "to choose their own ways of life and obedience."

To-day we are face to face with the modern application of that problem. Once the absorbing question was whether Federal powers were to be supreme within the Federal sphere, or whether the States could nullify them. Now, the question is whether State powers shall be supreme in the State sphere, or whether the Federal Government shall nullify them.

It is upon considerations such as these that I believe the hope of temperance and of respect for law in this country rests. I have profound regard for those who sincerely differ with me on this subject. I ask only that, whether we agree or differ about it, we have the courage to face it. In no other way can conflicting views ever become reconcilable.

To me the question is not at all one of wet or dry, to use the inept phrase of the hour. It involves the basic principle of American Government in all matters restrictive of personal liberty.

That basic principle is that those communities which want prohibitory legislation of this kind are entitled to have it. They are entitled, too, to be protected by effective regulations against shipments from other States which contravene their laws. But those communities which do not want this legislation should not be forced by other States into taking it anyhow. They should be free to promote temperance within their borders by such means and measures as suit their needs, as their people sanction and as command that degree of respect which will assure enforcement.

So I favor settling this problem by the traditional doctrine of American democracy—self-determination and home rule.

For like reasons I do not want to see the Federal Government begin the job of nationalizing the education of the young through a Federal department of education, or of controlling child labor throughout the land, but had rather trust the people of the States to enact humane and effective laws on both these subjects which will meet their diversified needs.

Nor do I want to see the industry of the Nation become the victim of standardized bureaucracy, with all that means in cost and incompetence, or constantly look to Washington for aid and subsidies, and thus become not only over-favored, but also over-regulated and badgered by job-creating and jurisdiction-grabbing commissions and bureaus.

The Democratic Party is not hostile to business or to big business. All we ask is that business look not to Government for special favors and privileges, that it leave the door of opportunity open for others to enter, and that the economies and efficiencies of big business inure in fair measure to the benefit of the consumer. Those things granted, business is as much entitled to grow big as it is to stay small, and government should keep its hands off it and out of it as far as possible.

I refuse to believe that the intelligence of the country can not see that business prosperity must rest on a sounder basis than political favoritism or inspired guidance from Washington. Business should look to and trust the States and their people, as the sources from which its strength and safety spring and as the arch and security of our governmental structure.

So I would keep the democratic units of our Government—State, city, and county—strong, and thus keep the spirit of democracy alive. And I know of no way of doing this except by protecting the rights of the individual as he has defined them in his various charters of liberty and as he guarded them by his system of constitutional limitations. If I read the history of the Democratic Party aright, these were the principles it first laid down and which gave force and vitality to our history; and ours is the party that must defend them now.

They say we can not win because of personal and territorial differences and discords. But on fundamental principles we are a united party. As I have said, it is in their application that we differ. Let's settle these differences locally as the fathers of the Nation planned. And let us not only be a party of opposition but a party of affirmation and leadership.

But they say we have no leaders to lead. I deny it. I see plenty of them around me to-night, loyal Democrats and competent. And, after all, in the case of any real leader fit to sit in high position, the ultimate test is not what may be his views on this or that current question. Most certainly it is not what may be his religious creed.

The ultimate test is simpler than that. It is whether he is sound and courageous, honest and understanding. As Grover Cleveland intimates in one of his letters, the whole art of government is simply applied common sense and common honesty, with reason, justice, and tolerance as handmaids. If one lacks those qualities, then he lacks leadership, no matter what his views on current questions may be.

That leadership of this sort strikes a responsive note is seen in the way the name of Gov. Alfred E. Smith, of New York, is received. He has proved himself, of course, the great governor of a great State, and an honest, fearless, and efficient administrator. But more than that, the masses sense that here is an authentic voice not only of the Democratic Party but of the democracy of the Nation, too.

He justifies the people's faith in democracy. They feel that Wall Street and Main Street look the same to him. They note that his idea seems to be the simple one of giving an honest and practical people as honest and practical government as he knows how. That is precisely the simple every-day creed of every honest Democrat, and it may become the simple creed on which the Democratic Party will march to victory.

So far as I can see, the Republican Party has but one issue. It claims our national prosperity as a party asset, and they tell us that so long as this prosperity continues there is no hope for the Democratic Party.

I have no fears about our continuing prosperity, although I would like to see it less spotty, and with less concentrated power to make it or break it. But if our prosperity is to continue, this will not be because of burdensome or discriminatory tariffs, or multibillion dollar budgets, or governmental benedictions or all the inspired wisdom which is now being handed out by some four million office holders.

We are prosperous in spite of all this. With our unlimited natural resources, a hundred million workers filled with the spirit of enterprise and initiative will assure prosperity, if you but make them feel that they have equality of opportunity and free play for their free energies in a free country.

That is what Woodrow Wilson meant by his fight for the "new freedom," and it is what is meant to-day by the fight for the old and traditional democracy of Jefferson and Jackson and Cleveland. It is indeed the only medium through which democracy can thrive—freedom from excessive taxation, from excessive regulation, from excessive interference with the free play of human effort and aspiration. It is for these things our party stands, and they are the very essence of abiding prosperity.

And so I close with a plea for Democratic unity and leadership in Democratic essentials. I plead for faith in the processes of liberty and in those underlying principles of the Republic which have been hammered out in the forge of experience and tested out in the furnace of time. Above all, I plead for faith in the right, and for courage to fight for that faith.

TENNESSEE'S WATER POWER—ADDRESS BY SENATOR M'KELLAR

Mr. HARRIS. Mr. President, I ask unanimous consent to have inserted in the RECORD an address delivered by the Senator from Tennessee [Mr. MCKELLAR] at Clarksville, Tenn., June 21,

1927, before the Kiwanis Club of that place, relative to the water power of Tennessee.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MCKELLAR DISCUSSES STATE'S WATER POWER—GIVES HIS VIEWS ON SITUATION BEFORE CLARKSVILLE KIWANIS CLUB—REGRETS TENNESSEE'S RIGHTS REMAIN UNDETERMINED

CLARKSVILLE, TENN., June 21.—(Special.)—Senator K. D. MCKELLAR reviewed the water-power situation in Tennessee in an address before the Kiwanis Club to-day.

The talk was made at the weekly luncheon of the Kiwanis Club in the Woman's Club Building, the luncheon being attended by the Kiwanis and a number of guests. R. H. Pickering presided at the luncheon and a delightful repast was spread.

The talk by Senator MCKELLAR to-day follows one made recently by Gus Newbern, director of the Tennessee Public Service Information Bureau, in which development of water power by private ownership was advocated. Senator MCKELLAR to-day gave an elaborate discussion of the water-power situation in the State.

The Senator was introduced by Jack Selsemeyer, county engineer, who was responsible for the invitation being extended him. Mr. Selsemeyer stated that the importance of the water-power subject was so great that the club membership would not be content to hear just one side of it discussed.

The reception to Senator MCKELLAR was very cordial. At the conclusion of his talk he asked those present who approved of his position to hold up their hands. Nearly every hand went up.

His address was in part as follows:

"Mr. Chairman, ladies and gentlemen, I greatly appreciate the invitation of the members of the Kiwanis Club of Clarksville to appear before them to-day for the purpose of giving my views about the water-power situation in Tennessee. Coming as the invitation did, entirely unsolicited, I am constrained to believe that the members of your club desire to have information upon this all-important question, and I am going to violate one of my usual rules. I think on only one or two other occasions in my life have I read a speech, but there has been so much misrepresentation of my views on the water-power question that I feel I want to have these views placed accurately before the people of Tennessee, and so I am going to take the liberty of reading these views to you, though I would much prefer talking to you without notes, and I am sure you would much prefer listening to me without notes.

MUSCLE SHOALS

"Before discussing the Tennessee water-power situation I desire to have a word to say about Muscle Shoals. As you all know, I was intensely interested and in favor of the proposal of Mr. Ford to take over Muscle Shoals, because I thought he could probably do more with it than anyone else, but for some reason Mr. Ford withdrew his bid, and I have since reached the conclusion that the Government should retain Muscle Shoals, use all necessary power generated there for the purpose of experimentation with fertilizers and the manufacture of fertilizers, and then sell the surplus power to the users of same, living within economic transmission distance of the plant. To illustrate what I desire to state is that I think that the municipalities should be given the preference and that any municipality should have the right to build transmission lines to the plant and receive current at a reasonable price. In this way only will the Muscle Shoals plant ever be of any actual value to the people. If it is transferred to any private company whatsoever, only the stockholders of that private company will ever benefit by the building of the plant. This plant was built with the people's money. It should be used for the benefit of all the people, as far as that can be done.

"You hear it frequently stated that the Congress should do something with the Muscle Shoals; that it should not lie idle. Well, of course, it is not lying idle! The Government has leased it to the Alabama Power Co. in violation of law, and it is paying an income to the Government greater than it would pay if any of the bids that have been made for it were accepted. In other words, it is ridiculous to talk about the Government losing money by not accepting one of the bids. The Government is selling this power to the Alabama Power Co. at one-fifth of a cent per kilowatt, and even at that price it is bringing the Government larger returns than it would if the Government had accepted the Alabama Power Co.'s and its associates' offer for a 50-year lease on the property. In other words, the Government is losing nothing even by its present handling of the property. Again, if Congress should enter into a proposed lease with the Alabama Power Co. the people would not be benefited, and more particularly the people of Tennessee would be deprived of any interest in the power, and would get none of the current except such as the Alabama Power Co. might see fit to give to us in this State. It is using none of it in this State now.

VIOLATION OF LAW

"The statute under which this plant was built specifically provides that the Government shall not transfer this plant or lease this plant to any private company or to use it jointly with any private company, and yet the present administration, in absolute and perfect violation of this law, has turned this plant over to the Alabama Power Co. It is a gross and inexcusable violation of law.

"And I want to call your special attention to the fact that though the Alabama Power Co. gets this power from the Government at one-fifth of a cent per kilowatt, it is selling it to the people of Alabama at a maximum price, I am informed, of 12½ cents per kilowatt. The profit that the Alabama Power Co. is making, therefore, is easy to be seen. I want every corporation to prosper. I want every power company to prosper, but it strikes me, and I believe it will strike you, that the spread between one-fifth of a cent and 12½ cents is a very large spread, about 6,250 per cent. But the power company claims that they sell to some consumers as low as 1 cent a kilowatt. Even if that is true, that is because those large users have potential competition. In other words, they can build a steam plant and generate power for that price. Therefore the Alabama Power Co. has to sell it on a competitive basis; but the small consumer has no such potential competition, and if he does not pay the 10 cents per kilowatt or 12½ cents per kilowatt, as the case may be, his current is turned off.

"I am not going to discuss the Muscle Shoals question any further, and shall now discuss the Tennessee situation.

EAST TENNESSEE SITES

"There are, perhaps, on the Tennessee and Cumberland Rivers and their tributaries 1,500,000 horsepower of undeveloped electrical energy. It is, perhaps, that most important natural resource the State has left. Its early and wise development along lines that will mean the greatest good to the greatest number of our citizens is one of the most important and difficult of all our State problems, and I am glad to see that your club is going into the matter thoroughly.

"The first, and, perhaps, the most important power problem is the question of the 11 dam sites on the Tennessee River, and its tributaries, all of which have been applied for by the East Tennessee Development Co. The principal and most desirable of all of these sites is at Cove Creek.

"I believe that five of these sites, including the Cove Creek site, have also been jointly applied for by the Union Carbide Co. of New York and the American Cyanamid Co., the location of which I do not recall. All of these applications are now pending before the Federal Power Commission. They have been pending there for some time without action by that commission.

"With the respect to the Union Carbide Co. bid, I might say that this company is a giant corporation of New York City, manufacturing a very great number of different articles, and using much power. Its associate is a fertilizer company with important connections. Should these two companies get these sites, or the five of them for which they have applied, the use of the power would, no doubt, be limited to the uses of these two companies and their subsidiaries, and I doubt exceedingly if the State or our citizens would be much benefited. These two companies also have an application in for Muscle Shoals, and, if they get the Shoals plant, as well as the pick of the East Tennessee sites, they might establish their principal business in Alabama, and take the Tennessee power down there. Frankly, I don't think much of their bids.

"Of course, I realize the great importance to our State and to all our southern country of cheap fertilizers. I have always contended that after its war uses the first and most meritorious use of the water power at Muscle Shoals was its use for fertilizers. I have not changed my view on that subject, but I do not believe that turning the power over to the fertilizer trust, as represented by the American Cyanamid Co., would have the effect of securing cheaper fertilizer for the farmer. The Government itself must retain and exercise such power as might be necessary for the manufacture of fertilizer until it can be determined whether or not cheaper fertilizers can be manufactured at Muscle Shoals.

"Returning to the east Tennessee developments, some years ago, as I recall, Senator Shields first introduced a bill or an amendment to appropriate $200,000 to be used by the Chief of Engineers in making a survey of the water power in the Tennessee River and its tributaries. In subsequent years other amounts were added until more than half a million was appropriated for these surveys. So great was my interest that as a member of the Appropriations Committee I gave them my unremitting support. Under the direction thus obtained from Congress, the Chief of Engineers was to make his report to Congress. More than a year ago it seems that he made a partial report through Maj. Harold Fiske, not to the Congress at all, but to the water-power companies, who were at the time seeking this power at the hands of the Federal Power Commission; but so far as I know, and I have inquired many times, no report has ever been made to the Congress. In the report of the Chief of Engineers it is said that a partial report was made, perhaps, several times; but my personal attempts to get such reports were always met by the statement that no reports had been made. Apparently the Engineering Department at that time seemed to think that they were representing the power companies and not the Government, and that all the information thus obtained was to go to the power companies. After his report to the power companies, and after these companies had made application for

these sites, hearings were held in Chattanooga by Major Fiske and he recommended, and afterwards the Chief of Engineers joined in that recommendation, that all of the 11 sites be given by the Federal Power Commission to the East Tennessee Development Co., which company was organized to represent the combined water-power companies commonly known as the Associated Water Power Cos. There the matter remains.

SUGGESTIONS TO ENGINEERS

"The vice president and engineer of this company, Mr. M. O. Leighton, of Washington, D. C., a very accomplished and delightful gentleman, came to see me and asked me to urge the early granting of the permits, and after going into the matter at some length I made the following suggestions to him:

"1. That the preliminary permit period of three years be reduced by agreement, and placed in the temporary license from three years to one year. My view was that, inasmuch as the Government had spent this more than one-half million dollars in making these surveys without any expense to the power companies, three years was too long for a temporary permit.

"2. That the period for building all the plants be reduced from 23 years, as suggested by Major Fiske, to a period of 7 years, and the agreement placed in the permanent license.

"3. That his company agree in advance for the Comptroller General of the United States to be authorized, in connection with the State commission, to examine the company's books from time to time, in order to see that the company was not making more than a reasonable return, and especially to see that stock and bond issues were properly limited to moneys actually put into the venture, or to earnings actually put back into the business, and that this agreement be put in the permanent license.

"4. That the company should also agree in advance and put in the license that a maximum rate of not more than 5 cents a kilowatt should be charged, and that within this limit the State utilities commission should regulate the rates to be charged by the company.

"5. That it be agreed in advance and put in the license that transmission lines be built from the several plants to all three of the great divisions of Tennessee to the end that it could be practically guaranteed that this power should be used within the State of Tennessee, and not carried, except in certain emergencies and in case of a surplus, to other States.

REASONS FOR SUGGESTIONS

"My reason for presenting these suggestions was in the public interest, which I conceive it always my duty as a Senator to attempt to protect. Manifestly, when so many in my State want these developments made immediately, and especially in view of the propaganda going out from the company that all of these plants would be built immediately if the permits were immediately granted, I could not consent when my advice was asked to agree to tying up all 11 of the plants for three years just to see whether the company wanted them or not, nor could I consent to tying up some of the plants for this company for 23 years more, the period recommended by Major Fiske for the completion of all.

"In a personal interview Mr. Leighton very readily consented to the reduction of the time to one year for the temporary permit and to a period of eight years within which all were to be completed. I did not consider the difference between seven and eight years very material, so there would have been little trouble, in my judgment, about agreeing upon my first two suggestions.

"As to the third suggestion, the supervision in conjunction with the State commission of the books and accounts by the Comptroller General of the United States, Mr. Leighton would not agree at all. He claimed the power act governed this, and he would make no agreement outside the act. The law allows public utilities a reasonable return, but when such utilities are allowed to issue stocks and bonds, virtually without limit, in this particular the Federal water power act falls far short of protecting the public interests. In this manner a grasping company might oftentimes be thus aided powerfully in taxing the people in rates far greater than enough to make reasonable returns. Of course, this question was of vital importance, because in the granting of such vast resources, in value even in their undeveloped state of, perhaps, $50,000,000, every safeguard should be thrown about the issuance of stocks and bonds and the basis upon which reasonable returns shall be earned.

"Nor would Mr. Leighton agree to the fourth suggeston of 5 cents as the maximum rates, nor, as I understand him, to any fixed maximum. He did not even suggest a maximum to which he would agree. He stated the water power act put the regulation of rates in the hands of the State utilities commission primarily and he would agree to nothing else.

THE SMALL CONSUMER

"As I understand it, the small consumer in the several large cities in Tennessee is paying on the average of 10 cents a kilowatt, their maximum rate, and in the smaller towns, I am advised, that the price is sometimes 12½ cents, maximum. These prices are extortionate. The prices at which current is sold to large consumers by these companies are, perhaps, not greatly out of line. The large consumer has the protection of a potential competition. In other words, should the distributing company charge the large consumers too much, the large consumed can always establish his own individual plant and manufacture his current at a reasonable cost. The small consumer, however, has no such protection. When the rates charged him are tremendously high he has no protection against them. He must pay them or his current will be cut off, and of course, he is not in a position to establish a plant of his own. Under these circumstances I felt it my duty, when asked for help in getting the permits allowed to aid in helping the small consumer, to ask in return a reasonable price, so my suggestion was a maximum rate to the small consumer of 5 cents. My reason for making this suggestion was not arbitrary. If that is not fair, another maximum should have been offered.

"I had looked into prices and conditions in many cities and States. In Los Angeles, where they have a State plant in competition with the old company, they have a maximum rate of 5½ cents; in Portland they have a maximum rate of 5 cents; in Seattle the maximum rate is 5 cents, and in many other cities the maximum rate is 5 cents. In Cleveland, Ohio, where they have a city-owned steam plant, my recollection is the price is 3 cents.

"To illustrate what I am trying to convey to you, I saw in Washington some time ago two electric-light bills, one a Washington, D. C., bill, where there is a private company, and the other a Hamilton, Ontario, bill, where they have a public company. Both of these bills were for exactly the same amount of current. The Washington, D. C., bill was $33.33; the Hamilton bill, where they had the State-developed current, was $3.33. The Washington, D. C., bill, as I recall, was ten times as great as the Hamilton, Ontario, bill. Again, the Government sells to the Alabama Power Co. its current at Muscle Shoals for 2 mills—in other words, one-fifth of a cent. The Alabama Power Co. has been getting this current from the Government at this figure since the water was turned on down there; and yet the Alabama Power Co. has not lowered its rate to the small consumer one particle. All this current that is costing the Alabama Power Co. one-fifth of a cent, that same current is being sold to the consumer at a maximum of 12½ cents. I am inclined to think that most people will agree that this is more than a reasonable profit, and yet, that is precisely what will happen if the power companies develop this enormous resource in east Tennessee without proper safeguards. The current will cost the company not exceeding one-fifth of a cent and they will be privileged to resell it to the small consumer at a maximum price of 12½ cents, because we all know that unless an agreement is made in advance, the ordinary consumer will get no reduction, just as is illustrated in the Alabama Power Co. case.

VALUABLE SITES

"With knowledge of these facts, I am wondering if the people of Tennessee will blame me for saying a good word for the small consumer of the current? And especially, when I was asked to recommend that the 11 sites, belonging to all the people of my beloved State, and worth in their natural condition, as estimated by Mr. Ford, perhaps $50,000,000 be delivered over to one company to be developed by that company virtually at will, because many of us will be gone when 26 years have passed away. If I am wrong in thus endeavoring to protect the public interests, I would like to know it. Surely, I have nothing against this company, many of its agents and attorneys and representatives are among my very best friends in the State. One of these companies is in my home city. Its officers and agents are splendid men. I would rather help them than hurt them. I would do these friends any favor in the world that I could conscientiously do them. Anyway, I would far rather do a man a favor than to do him an injury, but who will say in the light of these facts that my suggestions in all of these matters were unreasonable? Think it over calmly, my fellow citizens. I am your agent and representative in Washington. What position would you have me take in reference to these matters, and especially in the vital matter of a maximum rate for the small consumer?

"My fifth suggestion should have been agreed to, but it was not. Surely no Tennesseean would want this, their power, developed and then transmitted out of their own State, would you? Would any man in Tennessee say that they thought this power ought to be developed and sent to other States, if it was in the interest of this company to send it to other States? Do you think the permit should be granted without some safeguard protecting the interest of our own State? Now, the company says it will not send this power outside of the State, then if it is not going to do it anyway, why not put it into the contract? As is well known, the people in west Tennessee have no water power. Surely some provision of this kind should go into a contract and some guarantee should be had that this God-given, people-owned power should first be used in the various parts of our State before it is transmitted out of the State. Of course, the surplus should be used in other States if needed.

"I am not enamoured of public ownership of public utilities. It has its disadvantages. Under proper and effective regulations and under contractual relations, it would be better to have private ownership of public utilities; but when I see that because of conflict between State and National jurisdictions there is to be no substantial regula-

tions; when the company asking for this almost priceless public property, belonging to all of the people of my State, refusing any diminution of price to the small consumer; refuses to permit its stock and bond issues and its earnings and outlays to be supervised by a just, honest, and fair governmental agency; refuses to use Tennessee power on Tennessee soil, I am not only constrained to go slow on agreeing to its requests, but am also constrained to believe that it may be better for Tennessee to develop these resources herself, to the end that they, owned now by the people, may be used by the greatest number of our people.

"And the East Tennessee Development Co., being backed by all of the other companies, is, of course, amply able to make the developments and is very desirous of making them under the Federal power act. Under the terms of that act the Federal Power Commission may grant a three-year temporary permit or option upon all these sites to this concern. During this period of three years this one company would have all 11 sites tied up, and at the end of this three-year period could accept or refuse any or all of the sites under the law. If it accepted them, Major Fiske told me that they would probably be given 23 years more in which to develop all of the plants. In other words, they would simply be permitted within such period of 26 years to develop these plants as and when they desired to develop them. I am frank to say to the people of Tennessee that the tying up of all 11 of these great plants did not appeal to me, and when a representative of the company called to get me to urge the commission to give them the permits I very frankly stated my views to this representative."

STATE CORPORATION

"If the State organized a corporation and authorized it to issue bonds and proceed to develop this power on the Tennessee and its tributaries and on the Cumberland and its tributaries, in my judgment, if properly and honestly managed, it could sell the current thus generated at a maximum not exceeding 5 cents per kilowatt, pay its cost of building the dam, and probably earn enough perhaps to pay all of the expenses of the State government, thus doing away with State taxation. I suggest that you, gentlemen of the committee, think carefully over these suggestions and examine the question somewhat carefully and painstakingly. In this connection I desire to urge the great body of our citizens to begin a careful study of the problem involved in these water-power properties and to acquaint themselves so thoroughly with the details of this most important subject, so that they will be able to aid both State and National Governments in their solution of the questions. Only licenses and contracts which fully protect the public interest should be granted or entered into.

"It has been said that I am standing in the way of the early development of these plants. Quite to the contrary, I am sure that the foregoing facts conclusively prove that such is not the fact. Indeed, so anxious was I to have the power developed at the earliest possible moment that I offered an amendment to the last deficiency appropriation bill, which was unhappily lost in the last Republican filibuster in the Senate, providing that the Chief of Engineers should use $200,000 to make the borings at Cove Creek, with the further proviso that should this site be granted to a private company by the Federal Power Commission, such company should repay to the Government the cost of these borings. These borings have to be made as the initial step, and it seems to me that while the Federal Power Commission is deciding what it is going to do with this power, that the borings could be made, and I am inclined to believe that if the deficiency appropriation bill had passed it would have contained such a provision.

CUMBERLAND RIVER SITES

"As to the sites on the Cumberland and its tributaries, I have been told that Samuel Insull, the Chicago utility magnate, of senatorship-buying and utility commissionership-owning fame, has applied directly or indirectly through subsidiary companies for these Cumberland River sites. If this is true, his application should be denied. We do not want Mr. Insull in Tennessee. If Illinois likes him and his methods, it should keep him. There are men in Tennessee who do not like him and his methods, and I am one of them. The Federal Power Commission should not force him upon us. A recommendation was included in a recent report of the Chief of Engineers that the Government go into partnership with some water-power pirate—presumably Insull's company—and build these dams on the Cumberland River and then turn these plants over to the promoter. The Congress did not agree to the recommendation. It was a scheme worthy of Insull. As a piece of consummate nerve on the part of the promoter and upon the Government engineer the proposal was hard to beat. Think of it! The Government to go into partnership with some water-power pirate—presumably Insull's company—and build these same on the Cumberland River and then turn these plants over to the promoter. The Congress did not agree to the recommendations. It was a scheme worthy of Insull. As a piece of consummate nerve on the part of the promoter and upon the Government engineer the proposal was hard to beat. Think of it! The Government to build the power dams in part and then turn them over to the promoter! Such proposals as this should make us very carefully watch all proposals for developing our great power resources.

NONNAVIGABLE STREAMS

"The Federal water power act does not give the Federal Government power and jurisdiction over nonnavigable streams and streams which can not be made navigable. Congress never attempted to do such a thing in the law that was passed. If it had attempted to do it such grant of power would have, of course, been unconstitutional. Its only authority is to regulate commerce, and as nonnavigable streams have nothing to do with commerce it is perfectly plain to anyone that the Federal Water Power Commission can not have jurisdiction over nonnavigable streams. Yet, remarkable to say, ever since the passage of the Federal water power act the Federal Power Commission, wholly without authority, has claimed and exercised jurisdiction over all nonnavigable streams. It has no such power. It was never intended to give the commission any such power, and any licenses so granted are, in my judgment, both null and void. In view, however, of the claim of the commission and in order to settle the question thus raised by the commission, Congressman FINIS J. GARRETT in the House and I in the Senate have both introduced bills to amend the act by specifically excluding nonnavigable streams from the jurisdiction of the Federal Power Commission. As I stated before, any licenses granted by the Federal Power Commission for power sites on such nonnavigable streams are wholly null and void. Only the State has jurisdiction over such streams and such sites. This is an important question in Tennessee because there are many such streams in our State, and I am informed that the horsepower which might be developed on these nonnavigable streams will run into the hundreds of thousands of horsepower. Confusion has arisen between rival applicants in east Tennessee as to some of these sites, and the Water Power Commission has not yet acted with reference to it. I have been charged with having held up action of the commission. Of course, this charge is fallacious. I have no doubt in my own mind that the reason the Federal Power Commission has not acted is because they know that any action on their part in granting licenses in such cases would be null and void, and I do not believe that the commission itself is willing to take the responsibility of making a test case. Where the cases are uncontested they act, but where there is a contest they do not act.

CONCLUSION

"These, my friends, are my views on the water-power situation. I have no earthly interest in the matter except to do the right thing. I have no friends to reward, nor enemies to punish. I have but one desire, and that is, that this power matter be used for the benefit of the people of Tennessee. This power ought to be developed—it ought to be developed at the earliest possible moment. I will do everything humanly possible to get it developed at the earliest possible moment, provided only that when developed, it will be in the interest of the people of my beloved State and not solely and alone in the interest of those who develop it. I say again, that I want those who develop it, if it is developed by a private company, to make not only a reasonable profit, but an ample profit out of it. But I would be untrue to the people I represent in part, if I gave my sanction for any private concern to take over those enormous properties belonging to the people of all the State, without restriction as to price to be charged on the current to be sold, without restriction as to the limitation of bond, and with no restriction against the power being taken out of the State of Tennessee. In this particular, it is very different from the Muscle Shoals proposition. There, the plant was developed with the money of all the people. The State did not develop it. If Alabama had developed it, it should be used all of it in Alabama, and so, if the State of Tennessee, itself, or any corporation authorized by the State of Tennessee, develops this power, it should be used permanently in the State of Tennessee.

"It is a great misfortune that the rights of the State have not been judicially determined, and this should be done as soon as possible."

SENATOR FROM ILLINOIS

Mr. REED of Missouri. Mr. President, I desire to give notice to the Senate that on to-morrow the report of the special committee will be filed on what we call the Smith case from Illinois. I understand from the Senator from Illinois [Mr. DENEEN] that Mr. SMITH will not desire to be heard in person, but that the Senator from Illinois himself will present his own views and observations in favor of the seating of Mr. SMITH. As to whether any others desire to be heard on that side of the case, of course, I am not advised.

I do not know whether any person will speak in support of the committee. There may be a number who desire to do so, but so far as I am concerned I shall not desire to take more than 10 or 15 minutes. The Senator from Illinois tells me that his remarks will be short also. I thought that I ought to make this statement in order that the Senate might be advised of the situation and its business regulated accordingly.

Mr. DENEEN. Mr. President, I desire to supplement the statement of the Senator from Missouri by saying that on this side there will be only one other short speech on the subject, so far as I have been able to learn.

EIGHTH PROHIBITION ANNIVERSARY

Mr. SHEPPARD. Mr. President, nation-wide prohibition on this, the eighth anniversary of the ratification of the eighteenth amendment by the thirty-sixth State, is stronger in the United States than ever before.

Let us examine briefly certain phases of our history since nation-wide prohibition was adopted.

An important criterion by which to judge prohibition may be found in the economic status of the Nation. From this viewpoint, as well as many others, prohibition has justified itself. Our standards of living have reached the highest peak in history. The productivity of American industry is the greatest ever known. It has been well said that prohibition is putting more money in the American family pocketbook than it ever had before.

Mr. President, it is well known that blue Mondays, due to Saturday and Sunday dissipation in the days before prohibition, have virtually vanished from American industry; that the afternoon drag in production caused by noontime beer in the wet era is a thing of the past. The workers of the Nation, as a result of prohibition, possess clearer minds, steadier nerves, and sounder muscles.

Roger Babson, one of the foremost economic experts in this Nation, received so many inquiries as to the effect of prohibition that recently he sent out a questionnaire to a large number of employers representing many thousand workers. It was stated in 75 per cent of the replies that the economic results of prohibition had been beneficial both to the companies from their standpoint and to the employees from their standpoint—that prohibition had caused a general increase in production efficiency, accompanied by an increased production per hour per man; that less absenteeism, tardiness, loafing on the job, fewer industrial accidents, increased earnings, more continuous employment, a general improvement in living conditions had been noted as accompaniments of prohibition.

Henry Ford tells us that in his vast workshops there were before prohibition in each group of 5,000 men about 100 who gave trouble because of indulgence in liquor, that after prohibition the number in each group of 5,000 giving trouble on account of drink was less than 10. He says that before prohibition it was necessary to investigate absences from work to ascertain whether the men had been or were drunk or whether good reasons existed for laying off; that in a large proportion of such cases drink was found to be the cause; that after prohibition such investigation had become unnecessary, because it had been learned from observation that liquor was no longer the trouble; that as a result of prohibition the men in his factories were working more, working better, wasting less and saving more; that now when a man's pay is raised the increase goes to the wife or to a savings account instead of the saloon keeper.

It should be said to Mr. Ford's eternal credit that when a bootlegger begins operation near his plants he never rests until the bootlegger is apprehended, removed, and punished. He says that in this work he gets the cooperation of local, State, and Federal authorities.

Mr. Ford has announced his opposition to the repeal or modification of the Volstead Act.

Mr. R. H. Scott, another prominent auto manufacturer, president of the Reo Motor Co., states that during the days before prohibition his company made a very careful check of lost time by employees following pay day; that the larger number failed to report for work the first day following pay day, a less number the second, still less the third, while practically all came back on the fourth; that this meant a serious financial loss to the employees as well as the company, machines standing idle while employees were away; that since prohibition there has been no difference between the day after pay day and the day before; that the company is no longer troubled with absences due to drink.

Irving Fisher, the noted Yale economist, states that with the coming of prohibition wages suddenly rose from their old level, which they had kept without much change for a quarter of a century, to a new level where it is now a third higher than the old. He says that statistics of various types of personal savings such as the assets of building and loan associations and life insurance companies show a substantially greater rate of growth during the period from 1920 to 1925, the first five years of prohibition, than the period from 1915 to 1920, and that this increased rate is particularly marked if those assets are expressed in terms of purchasing power—that is, in 1915 dollars.

With the transfer of the billions expended for beverage alcohol to channels of useful commerce, a transfer made possible in 1920, the year of the advent of nation-wide prohibition, there began among the American people an expansion of personal credit and of commodity consumption unequaled in any other age or by any other people.

That expansion has been marked by a growth in savings, in life insurance, in the possession of facilities and comforts so astounding as to constitute the economic miracle of the ages.

But for certain political handicaps the human imagination would be powerless to measure what more the country might have accomplished since 1920.

In 1920 about 2,200,000 auto cars and trucks were sold in the United States, with a wholesale value of about $2,200,000,000.

In 1926 we produced about 4,400,000 cars and trucks, with a wholesale value of about $3,100,000,000.

In this period the National Automobile Chamber of Commerce tells us that the number of employees in affiliated branches of the automobile industry increased from about a million five hundred thousand to nearly three and a half millions.

In 1920 deposits in savings banks were about $15,300,000,000, the number of savings-bank depositors nearly twenty-two and a half millions.

In 1926 these savings deposits had grown to more than twenty-four and a half billions, the number of savings-bank depositors to more than forty-six and a half millions.

The assets of the life insurance companies grew from about seven billion three hundred million in 1920 to eleven and a half billions in 1925.

In 1920 we had 8,525 building and loan associations for the encouragement of home building, with about 5,000,000 members, and assets of a little more than two and a half billions.

In 1926 we had 12,403 building and loan associations, with nearly 10,000,000 members and assets of a little more than five and a half billions.

They tell us that the young men and women of the country are drinking generally. Of course, such statements violently misrepresent almost the entire body of the young manhood and womanhood of prohibition America, a manhood and womanhood pure, clean, wholesome, and strong. A member of the faculty of a Pennsylvania institution of learning testified before a committee of the Senate last year that drinking was rife among the students. A committee of these students met him at the train on his return, conducted him to a hall, where the student body had gathered to take him to task, and there he publicly retracted his unfounded statements about student drinking. A national periodical, well known in every part of the country, recently canvassed hundreds of colleges and universities, sending questionnaires to student leaders and faculty members in regard to the prevalence of drinking among students. Its compilation of the replies showed that they were practically unanimous to the effect that there was less drinking among students to-day than before prohibition and that drinking was no longer a general college problem. Practically the only college men assailed for drinking were the alumni of the pre-prohibition era, who attended college functions with bottles of liquor in their pockets or in their cars.

America is a Christian Nation, and one of its most gratifying characteristics is the fact that millions on millions of its young people are affiliated with Christian societies of both national and international scope. The thirty-first international convention of the Christian Endeavor Society recently met at Cleveland. It adopted resolutions stating, in substance, that the Christian Endeavor Society, representing 4,000,000 young people, with an annual growth of tens of thousands, placed itself on record as favoring the strict enforcement of all law and as especially in favor of the maintenance and support of the Constitution, including the eighteenth amendment; that its members resented the attitude of older people in attempting to foist upon the younger generation responsibility for the violation of the prohibition laws; that the unchallenged records of many of our educational institutions showed steady diminution in the amount of drinking on the campus and that, although a selfish and noisy minority still persisted in violating the law of the land as well as their own best interests, the overwhelming proportion of the student body is not engaged in lawbreaking; that the convention called upon the alumni of our various colleges and universities to rise above the practices in which too many of them have engaged in bringing back to the campus the outworn and now illegal habits of the past generation; that the members of the Christian Endeavor Society not alone avowed themselves in hearty sympathy with the eighteenth amendment because it is law, but because they believed it the best law yet framed. Add to the great army of Christian Endeavor the other great Christian bodies of young people in prohibition America and you will not find many left to wear the hip-pocket costume, to make a market for the criminal and outlawed callings of the rum pirate and the bootlegger.

Prohibition United States is the richest country in the world. The total income of its people amounted in 1926 to ninety billions, a sum never before equaled in this or any other land.

With but little more than 5 per cent of the world's population prohibition United States produces 43 per cent of the world's coal and consumes 42 per cent; it produces 54 per cent of the world's iron and consumes 53 per cent; it produces 64 per cent of the world's steel and consumes 57 per cent; it produces 49 per cent of the world's copper and consumes 44 per cent; it produces 64 per cent of the world's petroleum and consumes 72 per cent; it produces 69 per cent of the world's cotton and consumes 37 per cent; it produces 52 per cent of the world's timber and consumes 51 per cent; it produces 41 per cent of the world's shoes and consumes 39 per cent; it produces 43 per cent of the world's print paper and consumes 50 per cent; it produces 90 per cent of the world's automobiles and consumes 80 per cent.

Prohibition United States has five-eighths of the bank deposits of the world—or $52,000,000,000 out of $84,000,000,000.

Prohibition United States has 61 per cent of the telephones of the world—nearly 17,000,000—over which 50,000 calls per minute are handled every 24 hours.

Prohibition United States has 62 per cent of the world's radio broadcasting stations.

Prohibition United States produces no raw rubber, but consumes nearly three-fourths of the world's output. It produces no natural raw silk, but consumes 72 per cent of the earth's production.

Naturally prohibition United States leads the world in the use of water power, its plants for this purpose nearly equaling those of all of Europe.

Prohibition United States has the largest per capita wealth of all the countries of the world.

Prohibition United States has a national wealth of three hundred and twenty billions, more than half of the wealth of all the remainder of the earth, and two hundred billions in excess of the next wealthiest country, Great Britain, whose wealth is rated at one hundred and twenty billions.

The number of students attending all kinds of schools in the world outside the United States is roughly estimated, according to the United States Commissioner of Education, to be about 104,500,000. In prohibition United States we have nearly 28,000,000 in school—a number equivalent to more than a fourth of that of the rest of the world combined. According to the same authority, there are between 900,000 and 950,000 students in colleges and universities outside of the United States. In prohibition United States we have about 910,000, or almost as many as in all other countries of the earth put together.

I do not contend that prohibition is the sole cause of all this progress. The wets, however, have painted such woeful pictures of a land debauched and a people wrecked by prohibition that it is but just and fair to put into the foreground to-day the real United States, the United States of the eighteenth amendment and the Volstead Act.

Clearly the United States under prohibition is making the greatest economic progress in its own annals or in the annals of the world.

Mr. BRUCE. Mr. President, all of us who are acquainted with the Senator from Texas [Mr. SHEPPARD], for whom, in many respects, I entertain the very highest regard, know that he has the same unquestioning faith in the efficacy of prohibition that a very young, unsophisticated child has in the omnipotence of his father. This is not the time nor the place to enter into any extended refutation of the statements that have just been made by him. The answer to all of them, so far as they bear upon the industrial situation, is that the condition of prosperity which he portrayed in such vivid colors can not be due to prohibition, because there is no such thing as prohibition. That is my answer.

Year by year the Moderation League of New York, an association whose directorate is composed of men of the highest standing, such as Elihu Root, Bishop Fiske, and others whose names I might mention, has collected statistics from the chiefs of police of some 500 cities and towns in the United States as to arrests for drunkenness, and year by year the reports of the league have shown that arrests for drunkenness in those cities and towns have steadily mounted.

The same condition was shown to exist by the reports obtained by me in 1926 from the chiefs of police of 36 of the leading cities of this country—North, South, East, and West—and brought by me to the attention of the Senate. Those reports, too, demonstrate that ever since the first year after the enactment of the Volstead Act arrests for drunkenness in those cities have been increasing.

It was only yesterday—and this is but one out of hundreds of items of similar evidence that I could bring forward—there was placed in my hands a statement showing that in the city of Charleston, S. C., last year, one-third of all the arrests of every kind in that city were for drunkenness. Almost every year since I have been a Member of this body I have been at pains to ask the chief of police of the city of Washington for the figures covering arrests for drunkenness in Washington, and just as I have obtained them I have read them to the Senate. The tabulation of these figures proves that beginning with 6,375 arrests in 1921, arrests for drunkenness in Washington increased until they totaled 13,588 in 1927.

In the great city in which I live, the city of Baltimore, last year there were more deaths from acute alcoholism than in 1926; and the reports of the New York State Hospital Commission authorities, which I have brought to the attention of this body, show that in the State of New York alcoholic insanity has trebled during the existence of national prohibition.

That being so—and, of course, my figures can not be gainsaid, because they are figures that have been derived from chiefs of police throughout the country and the Hospital Commission of the State of New York—how can any favorable industrial results of any sort be fairly attributable to prohibition? We can not have at once increasing drunkenness and the increasing material prosperity which attends diminishing drunkenness. Everyone knows that the extraordinary prosperity that this country has enjoyed since the enactment of the Volstead Act, with a brief interval of depression in 1921, has not been referable in any respect to prohibition, but to economic causes of a general nature with which prohibition has no connection.

When the end of the World War came there was a tremendous industrial slack to be caught up in the United States. It would have been well for the farmer if there had been an agricultural slack, too, for him to catch up; but there was none. Domestic industrial work of all sorts, constructive and otherwise, was laid aside during the World War, because the industrial demands of the war itself absorbed all our industrial energy. The consequence was that when the war was over there was, as I have said, an enormous industrial slack to be made good; and the industrial establishments of this land have ever since been making that slack good. Now, it has almost been made good; and that is the explanation of the growing unemployment that is springing up throughout the country and is likely to become still more pronounced.

In other words, our savings-banks deposits have been swollen, industry in every form has been active, the country has been uncommonly prosperous, simply because there were economic forces at work entirely independent of prohibition. If this is not so, why, I ask the Senator from Texas, is it that in Canada—where prohibition does not prevail, except in several small Provinces—there has been a similar era of general industrial prosperity? There is no prohibition in Vancouver; there is no prohibition in Saskatchewan; there is no prohibition in Manitoba; there is no prohibition in Alberta; there is no prohibition in Ontario; there is no prohibition in Quebec; there is no prohibition in New Brunswick. All of those Provinces have had the good sense to repeal their prohibitory legislation; and yet such has been the remarkable industrial prosperity of the Dominion of Canada that at times the Canadian dollar has actually been at a premium over the American dollar.

Was that prosperity due to prohibition? Manifestly, it could not be; and if prohibition is such a beneficent thing in an economic sense, why was it that in 1921, when prohibition prevailed in this country, we found ourselves on the very eve of a fearful panic? Prohibition had nothing to do with that panic, and it had nothing to do with the revival of industry which followed it.

In some respects I do not doubt that there is not as much drinking of hard liquor among the industrial workers in this country as there was formerly. A man in an industrial establishment can no longer, as he could formerly, at lunch time walk right across the street and get a drink.

Drink can not be obtained quite so conveniently, quite so readily, as formerly by a worker engaged in his tasks from the time he takes up his work in the morning until the time he lays it down at night. But when I came to inquire into the real significance of that by questioning employers of labor in the city of Baltimore, I found that while workers were not drinking so much at saloons as in the past, they were far more than in the past fermenting and brewing in their own homes.

In other words, an industrial worker who formerly went to the corner saloon and got his drink now makes it to no small extent in his own house; and it is gratifying to say that in consequence now, to a far greater degree than before, instead of drinking distilled liquor, he is drinking fermented wine and home-brew, which is just the beneficient change that we are seeking to bring about and that was one of the cherished ideals of Thomas Jefferson. One of the things upon which the heart

of that great man was set was not prohibition—he was too wise, and had too true a philosophy of life, to subscribe to that—but the substituted use of wine instead of ardent spirits. What he aimed at was the very change that has been brought about in Canada by the operation of the Quebec system of liquor control.

That system went into effect some years ago in the Province of Quebec; and the number of arrests for drunkenness in the city of Montreal, for instance, has been cut down one-half as the result of its working. And it, in my judgment, should be the model for our adoption in this land; and, in addition to diminished drunkenness—I know it because I read the reports of the Quebec liquor commission year by year—the use of wine, beer, and other malt liquors in the Province of Quebec is rapidly displacing the use of ardent spirits.

Under the Quebec system of liquor control, the Government takes over altogether the sale of hard liquor. It is sold from Government warehouses, and Government-regulated dispensaries dispense wine, beer, and other malt liquors. I am glad to be able to say that I have introduced into the Senate at this session a proposed amendment to the Federal Constitution which contemplates clothing Congress with the power to establish the Quebec system of liquor control in this country, subject, of course, to any prohibitory provisions in State constitutions and to any prohibitory State laws that may now exist, and subject also to the right of any city or county at any time, with the authority of the State legislature, to submit to the inhabitants of that city or county the question as to whether they will or will not, within the limits of the city or county, have prohibition.

I shall not stop to refute what the Senator has said about drinking by women and youths. We do not have to resort to any books or pamphlets or police statistics on that subject. Anyone who comes into contact with the social world, at least of any large city in the Union, knows that to-day women and young people are drinking to an extent that they have never done before in the history of this country.

Why, only two or three years ago Bishop Nicholson, the president of the Anti-Saloon League, said in a public address in this city—

that all must admit that women are drinking more than in the past.

Mind you, that was the president of the Anti-Saloon League.

Ernest W. Mandeville, a writer in the Outlook, has said, after traversing a large part of the United States:

Women and young boys and girls of social classes, that never took a drink before prohibition, are now indulging in liquors which are a menace both to their morals and their health.

So the Senator from Texas is mistaken. These "benefits" that he supposes to have resulted from prohibition are simply the figments of his own enthusiastic imagination.

I might add that year by year the Metropolitan Life Insurance Co.—an insurance company which insures no less than 17,000,000 industrial workers—that is to say, some of the very workers to whom the Senator from Texas referred—has come out in periodical reports showing that deaths from alcohol have been steadily increasing among its industrial policyholders ever since the enactment of the Volstead Act. Mind you, I am not speaking now of the general policyholders of the Metropolitan Life Insurance Co.; I am speaking of its 17,000,000 industrial policyholders. I am speaking, in other words, of the very industrial workers whose sobriety is supposed by the Senator to be so much superior to that of the industrial workers of the pre-Volstead Act era.

Prohibition is a subject that it is hard for me to deal with briefly, because, if I can not speak fluently upon any other subject, I can, to use the expression of the poet, at least speak "with full-throated ease" on that subject.

In conclusion let me say that I think that the most lamentable thing about prohibition is the way in which it is building up in this country a tremendous organized criminal class.

The Senator from Idaho [Mr. BORAH] in my judgment was absolutely right when he said the other day in the New York Times that by far the most important question to be considered by the people of the United States at the present time is the question as to whether something can not be done to check the rising flow of crime in this country. Not only does the volume of crime seem to be larger than it ever was before, but its nature seems to be more aggravated, more flagitious, than ever was before. When I was a boy I used to read about those robberies on Hounslow Heath, near London, where bandits would hold up coaches at the point of the pistol and rob their passengers. What is the banditry of that day compared with the banditry of ours, when in great cities like New York and Chicago there seem to be criminals—bloodthirsty, blood-guilty criminals—who think no more of taking human life than a beast of the jungle does of pouncing upon some poor, helpless, innocent deer. The very slightest opposition to the will of one of these bandits leads apparently, without the least faltering, to a shot and death. Frequently they even lock up their victims in bank vaults, to live or die as chance may have it. Only a short time ago the chief of police of Chicago put himself on record as saying that in his judgment the fearful criminality that exists in parts of Illinois were due to the unenforceability of prohibition. I tremble for the future when I think of the powerful, organized, widespread class of criminals that is being built up in this country by the operation of the Volstead Act and the eighteenth amendment.

I live in a community where prohibition is believed to be detested by the mass of the people. At the same time, nowhere in this country is a more faithful effort made by the Federal judges to enforce the Volstead Act than in that community. Never have I heard a citizen of Baltimore, even the humblest, find any fault with the Federal judges of Baltimore because of the scrupulous fidelity with which they apply that law. Our people are too conservative and law-abiding, they prize too highly the judicial foundations on which all public peace and security rest, lightly to do that, but day by day we have a perpetual file of bootleggers of high and low degree streaming through the corridors of our Federal court in Baltimore, to be fined, to be jailed, or to be imprisoned in the penitentiary, and in many instances to swell the whole number of those who in one form or another prey criminally upon human society.

Does any man suppose that the peace, the integrity, and the purity of this country will not be profoundly prejudiced as time goes on by the great body of more or less artificially created malefactors which the Volstead Act produces? Send a man to jail as a bootlegger once, send him again as a bootlegger, and can you believe that in process of time the transition will not be easy for that man, from bootlegging to larceny, to highway robbery, to murder? In other words, this one law, the Volstead Act, has created in the very bosom of American society such a reckless, such a lawless body of men as no other agency has ever before created on such a lavish scale in the history of the country.

Does the Senator know that in the portion of the country which he supposes to be the driest there are more stills seized and destroyed than in any other part of the land? Is he aware of the fact that in 1925, 70 per cent of all the illicit plants and agencies that were seized by prohibition agents were seized in the 11 Confederate States of the United States of America? Is he aware of the fact that more of these lawless plants and agencies were seized in the State of Georgia than in any other State of the Union?

The Senator has wandered far afield. He has gone off into the realm of glowing fancies instead of confining himself to drab commonplace facts.

Now, for the first time we have an opportunity really to do away with, or at least modify, the conditions which are responsible for so much general disrespect for law, for so much political corruption, for so much bloodshed. Everything indicates that at least one of the two great national parties of our country will at its next national convention nominate a man pledged, at any rate by his personal convictions, to a modification of the Volstead Act and the eighteenth amendment.

I see that the Senator from Kansas is growing impatient, but I will have to ask him to let me complete what I am saying before he requests an adjournment, because I have but little more to say.

Mr. CURTIS. I would like to have an executive session, and I understand the Senator from New Jersey wants a moment. I hope the Senator will make his remarks as short as he can, as it is getting late.

Mr. BRUCE. The Senator from New Jersey seems so anxious to get the floor that I think I will have to yield to him, though I did want to say something about the recent examination in which 75 per cent of the present prohibition agents whom I voted to keep outside of the civil service law have just flunked. But I will take that subject up later, should the Senator from Texas make it necessary.

Mr. SHEPPARD. The Senator placed in the RECORD a few days ago "The memorial of a bottle of old Madeira." He opened the discussion in this Congress.

Mr. BRUCE. That was just a little jeu d'esprit.

Mr. SHEPPARD. But it contained the whole philosophy of the Senator's side of the question.

Mr. BRUCE. I think I have reason to congratulate myself upon my ability, even in a little jocose trifle like that, to sum up the whole philosophy of the subject.

Mr. SHEPPARD. The Senator's recent speech against prohibition was placed in the RECORD a day or two ago.

Mr. BRUCE. That was at the University of Virginia.

Mr. HEFLIN. Mr. President, if the Senator from Maryland will permit me, he placed the speech of Governor Ritchie, made at the Jackson Day banquet, in the RECORD just before the Senator from Texas got the floor.

Mr. BRUCE. I know, but that was the most temperate kind of speech.

Mr. HEFLIN. It was dripping wet.

Mr. BRUCE. That was not strong enough to serve my present purpose. I was trying to enter into a bargain with the Senator from Texas that if he would not say anything more on the subject of prohibition I would not say anything more; but I see he is unwilling to enter into such an agreement.

Mr. SHEPPARD. The Senator started the discussion.

Mr. BRUCE. Mr. President, I want to make just one more statement in connection with the views of industrial employers with respect to prohibition as brought out by the Senator from Texas.

The Senator will, I am sure, recollect that only a short time ago Mr. Schwab, one of the great industrialists of the United States, and, about the same time, Mr. Gary, of the Steel Co., who is now dead, both expressed the opinion, when speaking primarily as employers of labor, that there should be a referendum throughout the United States on the prohibition question.

Mr. EDWARDS. Mr. President, the hour is late and Senators desire to have an executive session, so I will take another time to answer in detail the speech of the Senator from Texas [Mr. SHEPPARD].

I am very glad to know that at least some Democrats have been responsible for the wonderful prosperity in this country. This is the first time I ever heard we were responsible for it. I thank the Senator for drawing my attention to the fact.

Inasmuch as there was a very fine compilation in the New York Times yesterday morning, designating and tabulating the actual expense of this remarkable prohibition amendment and the Volstead Act, and which I think will be very enlightening to the public, I ask unanimous consent to have it printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER (Mr. BLACK in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sunday, January 15, 1928]

PROHIBITION COST NATION $177,716,860—EXPENSES UNDER THE VOLSTEAD ACT, NOW 8 YEARS OLD, HAVE STEADILY INCREASED—DRY UNIT SPENT $75,716,860—COAST GUARD EXPENDED AN EQUAL SUM, BESIDES CAPITAL CHARGE OF 25 DESTROYERS—OTHER OUTLAYS RUN HIGH—DRYS ASSERT THAT REVENUE LOSS AND SO ON IS OFFSET BY FINES AND INDUSTRIAL GAINS

(Special to the New York Times)

WASHINGTON, January 14.—National prohibition, with a total cost for enforcement of more than $170,000,000 to the Federal Treasury alone, will round out the eighth year of its existence to-morrow. The Volstead law went into force January 16, 1920.

Starting with appropriations for the Prohibition Unit of $2,200,000 for the first six months, or from January 17 until June 30, 1920, and then with $6,350,000 for the fiscal year 1921, the annual charge has now increased from $30,000,000 to $35,000,000, which covers the outlay in all Federal branches. The duties of enforcement are divided between the Bureau of Prohibition and the Coast Guard, which are branches of the Treasury Department, and the Department of Justice, all of which have expanded proportionately to their appropriations.

Those who have followed this growth are agreed that in States, municipalities and other subdivisions the prohibition law has called for a similar great expansion of local police activities and expenditures. The Prohibition Unit, the Anti-Saloon League, and the Association Against the Prohibition Amendment assert that no one knows what that side of the cost has been. Only a few States issue information separated from the cost of other police functions and court proceedings. In many instances Federal officers have followed their cases into local courts, so that prohibition enforcement as such has been mingled with enforcement of other laws.

OTHER COSTS INCREASE TOTAL

There have been costs of another kind, not actually identified as charges for enforcement. They are results of prohibition, however, such as Federal revenue lost that would have come otherwise from taxes on distilled spirits and fermented liquors; discontinued use of farm products, especially the cereals that went into beverages; expenditures in politics and propaganda; expenditures for illicit beverages, and funds assembled by law violators for rum smuggling, automobiles, and other means for circumventing the Volstead Act.

Against such enforcement expenditures and economic losses, the drys place fines collected and improved man power, industrial power, and general economic productivity, asserting that all such benefits more than offset the money cost; or even the lives of dry agents, suspected violators, and innocent civilians lost in the warfare against demon rum.

Briefly, the financial outlay by the Federal Government for enforcement in eight years was as follows:

Prohibition Unit, actual	$75,716,860
Coast Guard, approximate	70,000,000
Department of Justice, estimated	32,000,000
Total	177,716,860

The figures for the Prohibition Unit are for a little more than eight years, since they cover the actual appropriations to June 30, 1928; those for the Coast Guard can not be fixed to the last dollar because that branch of the Government performs other than prohibition duties; those for the Department of Justice are the very minimum estimate of the extent to which legal cases have had to do with enforcing cases arising under the Volstead Act.

PROHIBITION UNIT'S RECORD

Appropriations for the Prohibition Unit have been:

1920 (Jan. 17 to June 30)	$2,200,000
1921 (fiscal year)	7,100,000
1922 (fiscal year)	7,500,000
1923 (fiscal year)	9,250,000
1924 (fiscal year)	9,000,000
1925 (fiscal year)	11,341,770
1926 (fiscal year)	11,000,000
1927 (fiscal year)	13,322,445

The Coast Guard had $13,000,000 for reconditioning destroyers and patrol boats and $5,000,000 for additional boats, or a total of $18,000,000 at the outset to equip it to start its warfare in 1924 against rum row, which the service recently asserted had been abolished, except in spasmodic instances.

In the fiscal year 1925, the Coast Guard received $8,000,000 in appropriations for operating expenses. This sum each year since has averaged $12,000,000. To the end of the fiscal year 1928, this gives a total of $44,000,000 for its share of prohibition enforcement. These have been the minimum sums estimated for the Coast Guard. It is believed that the total cost to that branch may have gone as high as $80,000,000.

Not included in the Coast Guard total is the capital charge for 25 destroyers, which has been estimated as $1,500,000 each, or $37,500,000, which would bring the total Federal enforcement outlay close to $215,000,000.

COST TO DEPARTMENT OF JUSTICE

The difficulty of segregating the money required by the Department of Justice for prohibition cases has been suggested. When the subcommittee of the Senate Judiciary Committee investigated prohibition enforcement, Representative VARE, of Pennsylvania, now Senator elect, inserted a note in his testimony which stated that Department of Justice officials estimated approximately one-third of the total funds appropriated for the department and the courts was for that work. Out of total appropriations each year in 1925 and 1926 of $24,000,000 this would be $8,000,000 a year. Figuring an average of $4,000,000 a year as the share of the department over the eight-year period gives the roughly estimated total of $32,000,000.

The only definite figures of cost available as to the States themselves are but illustrative. These are furnished in partial reports obtained by the Anti-Saloon League.

Wisconsin has expended for enforcement $60,000 a year since 1922, or $360,000. Fines collected in that State are put at $2,048,563.

Ohio, in 1926, appropriated $105,702, and it is believed the amounts since then would bring the total to well over $200,000. Dry leaders point to fines and penalties of $2,202,764 collected there as a result of the activities in 1926 and 1927.

California is believed to have spent for enforcement close to $1,000,000 since prohibition was started, with receipts from fines, etc., of about $2,000,000.

Most of the other States attempting to enforce the law have had their costs all lumped with general police charges.

FINES IN FEDERAL COURTS

Against the appropriations for Federal enforcement by the Prohibition Unit, officials place the fines and penalties collected through Federal courts as aggregating $38,390,889.36 to June 30, 1927, as follows:

1920	$1,148,512.04
1921	4,570,505.00
1922	4,355,892.14
1923	5,095,300.23
1924	6,538,115.24
1925	5,873,226.45
1926	5,647,328.53
1927	5,162,009.73

The drys point further to estimates of such economists as Prof. Irving Fisher, of Yale, and Roger Babson for benefits financially to the United States from prohibition.

They point to the following passage in Professor Fisher's statement before the Senate subcommittee in 1926:

"Personally, I am inclined to believe that prohibition has saved and added much more than the $6,000,000,000 that I have estimated as a safe minimum."

Professor Fisher quoted Herbert Hoover as confirming his conclusions, Mr. Hoover having stated in a speech to the United States Chamber of Commerce that since the war productivity had increased about 15 per cent, due to increase in population, while efficiency had increased from 10 to 15 per cent.

"In addition to elimination of waster," Mr. Hoover was quoted as saying, "we have had the benefit of notable advances in science, improvements in methods of management, and prohibition."

LOSS IN REVENUE SUMMED UP

There has been a definite ascertainable loss in revenues from distilled spirits and fermented liquors. These amounted to $483,050,854.47 in 1919 and $443,839,544.98 in 1918, but the drys say they were abnormal years.

In the eight years before 1918 the internal-revenue receipts from these sources were:

1910	$201,008,670.88
1911	211,804,579.55
1912	212,042,339.92
1913	223,314,452.21
1914	226,179,689.76
1915	223,948,646.09
1916	247,453,543.52
1917	284,008,512.62

This was an increase from 1910 to 1917 of more than $80,000,000 in annual receipts. Discounting the two abnormal years of taxes collected and assuming that the eight years from 1920 to 1928 would have seen a like increase in these revenues, the total that might now be expected if prohibition had not come would be close to $350,000,000 or more a year.

The wets assert that the possible taxes would be much greater than this, or at least $1,000,000,000 a year. They contend that if alcoholic-beverage taxes had increased on the same scale as in other countries, especially beers, the total in the United States would be $1,320,000,000 compared with the sum of about $1,800,000,000 collected now from individual and corporation income taxes.

173 PERSONS KILLED IN 7 YEARS

Forty-seven prohibition officers were killed from January 16, 1920, to October 31, 1927, and 126 civilians during the same period.

In contrast to these casualties, the drys pointed to the record which, they think, is now being made in enforcement. The report of Doctor Doran, the Commissioner of Prohibition, for the fiscal year 1927 indicates the rate at which this is proceeding.

"Prohibition agents," he said, "made 64,986 arrests during the year ended June 30, 1927, and seized 7,137 automobiles valued at $3,529,296.70 and 353 boats valued at $316,323. As a result of the work of such agents, 51,945 prohibition cases against individuals were handled in Federal courts and 36,546 persons were convicted, of which number 11,818 were given jail sentences. The courts imposed sentences aggregating 4,477 years and fines amounting to $5,775,225.48."

Prohibition and attempts at enforcement have been attended by prolonged debates in Congress, long hearings before committees, and constant attempts to find loopholes in the Volstead Act. National and State campaigns have been marked by bitter contests. Both dry and wet organizations have spent, and are still spending, millions on their respective sides of the prohibition question.

Prohibition looms also as a possible issue in the coming election campaign, and regardless of what its results may be, the fact stands out boldly that prohibition—eight years after its début—is more in politics than ever.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.) adjourned until to-morrow, Tuesday, January 17, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 16 (legislative day of January 14), 1928

COLLECTOR OF CUSTOMS

Harvey P. Bissell to be collector of customs, district No. 6, headquarters at Bridgeport, Conn.

UNITED STATES DISTRICT JUDGES

George T. McDermott to be United States district judge, district of Kansas.

Simon L. Adler to be United States district judge, western district of New York.

UNITED STATES MARSHALS

James A. Stafford to be United States marshal, southern district of Alabama.

George W. Collier to be United States marshal, district of Maryland.

Reese Q. Lillard to be United States marshal, middle district of Tennessee.

POSTMASTERS

NEW YORK

Henry B. Mulford, Binghamton.
Clayton A. Musser, Boonville.
William G. Fisher, Chadwicks.
Robert D. Southward, Congers.
Katherine A. Slattery, Maryknoll.
Ambrose D. Eldred, New Hartford.
Edward R. Harms, Pearl River.
Giles C. deGroot, Ronkonkoma.
John W. Bellis, Tappan.

SOUTH CAROLINA

Waulla E. Westbrook, Blacksburg.
Dora C. Folk, Brunson.
David H. Taylor, Cameron.
Samuel L. Myers, Chester.
Carl M. Norton, Estill.
Helen F. Shuler, Eutawville.
Fred L. Timmerman, Graniteville.
James H. Bodie, Leesville.
Julian R. Corley, Lexington.
Thomas J. Bolin, Neeses.
Lottie G. Myers, Pamlico.
Jefferson M. Davis, jr., Pinewood.

HOUSE OF REPRESENTATIVES

MONDAY, *January 16, 1928*

The House met at 12 o'clock noon.

Rev. William A. Lambeth, D. D., pastor of the Mount Vernon Place Methodist Episcopal Church South, offered the following prayer:

Holy Father, permit us to come now into intimate touch with Thee, the ultimate source of all inspiration for human service. Communicate unto us now Thy divine energy. May there come to be a holy passion within us for human service—personal, national, and international. Because we have come into touch with Thee, may there be an increasing yearning in our hearts to serve, in our day and generation, to the limits of our ability and opportunity. Give to us to see the duties of this day with the eyes of to-morrow. These things we pray in the name and, we trust, in the spirit of Thy Son, Jesus of Nazareth. Amen.

The Journal of the proceedings of Friday, January 13, 1928, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 19. An act for the relief of Frank Topping and others;

S. 341. An act for the refund of estate tax erroneously collected;

S. 457. An act to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy;

S. 472. An act for the relief of Tampico Marine Iron Works;

S. 496. An act for the relief of M. Zingarell and wife, Mary Alice Zingarell;

S. 516. An act for the relief of Minta Goike;

S. 593. An act for the relief of W. H. Presleigh;

S. 601. An act for the relief of James E. Van Horne;

S. 904. An act for the relief of Rosa E. Plummer;

S. 1113. An act for the relief of O. H. Chrisp;

S. 1114. An act for the relief of James B. Fitzgerald;

S. 1120. An act for the relief of Ella H. Smith;

S. 1121. An act for the relief of Grover Ashley;

S. 1133. An act for the relief of John F. White and Mary L. White;

S. 1193. An act granting certain rocks or islands to the State of Oregon for park purposes;

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street;

S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924";
S. 1288. An act to carry into effect the findings of the Court of Claims in the case of William W. Danenhower;
S. 1312. An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43d Stat. p. 593), to the "Bryce Canyon National Park," and for other purposes;
S. 1336. An act for the relief of Benjamin F. Spates;
S. 1358. An act for the relief of the heirs of George E. Taylor, deceased;
S. 1362. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Harry Simpson;
S. 1442. An act for the relief of Brewster Agee;
S. 1542. An act for the relief of Josephene M. Scott;
S. 1543. An act for the relief of Kate Canniff;
S. 1622. An act for the relief of the estate of John Stewart, deceased;
S. 1766. An act for the relief of R. H. King;
S. 1795. An act for the relief of Fannie M. Hollingsworth;
S. 1798. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States;
S. 1801. An act in reference to writs of error;
S. 1856. An act for the relief of Gunnison-Mayfield Land & Grazing Co.;
S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves;
S. 1981. An act for the relief of the owner of Dry Dock No. 6;
S. 2005. An act for the relief of W. P. Dalton;
S. 2032. An act for the relief of certain officers and former officers of the Army of the United States, and for other purposes;
S. 2363. An act for the relief of Richard Riggles; and
S. 2365. An act for the relief of G. W. Rogers.

PRIVILEGES OF THE HOUSE

Mr. GREEN of Iowa. Mr. Speaker, I rise to a question of the constitutional privileges of the House. I send to the Clerk's desk a resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Iowa offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 92

Resolved, That Senate Concurrent Resolution 4 in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said resolution be respectfully returned to the Senate with a message communicating this resolution.

Mr. GREEN of Iowa. Mr. Speaker, I send to the Clerk's desk Senate Concurrent Resolution 4, to be read for the information of the House.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That for the purpose of interpreting the meaning of the tariff act of 1922, with respect to imported broken rice, "broken rice" shall include only rice which falls within the class "brewers' milled rice" as defined in the United States standards for milled rice as promulgated by the Secretary of Agriculture.

Mr. GREEN of Iowa. Mr. Speaker, this Senate concurrent resolution, if it became a law and had any effect whatever—which, perhaps, may be doubted, as it is merely a resolution and not an amendment, in form, of the tariff law—would have the effect of changing the classification of broken rice, and, consequently, change the tariff rate upon it.

Mr. RAMSEYER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. RAMSEYER. Is it a joint or concurrent resolution?

Mr. GREEN of Iowa. It is a concurrent resolution. I may have referred to it as a joint resolution, but if I did that was an error.

Mr. RAMSEYER. No; I did not hear whether the gentleman referred to it as a joint resolution or a concurrent resolution, and that is the reason for my question. A joint resolution would have to be signed by the President, while a concurrent resolution would never leave the Capitol. That is the difference, as I understand it.

Mr. BLANTON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLANTON. And it does not have to be signed by the President.

Mr. GREEN of Iowa. Well, let us concede that, and that makes the adoption of this resolution by the Senate all the more strange.

Mr. BLANTON. Do not our brothers at the other end of the Capitol know that to change a law the President has to sign the resolution, and it would have to be a joint resolution rather than a concurrent resolution?

Mr. GREEN of Iowa. Apparently not.

Mr. GARNER of Texas. My colleague has been here quite a long time and he ought not to take up the time of the House in asking questions about the methods adopted on the part of the Senate and as to what is necessary to carry into force and effect their ideas. The idea of passing a concurrent resolution to change a law is like the expression of Congress that it ought to be done but will not be done.

Mr. RAMSEYER. If this is not going to have the effect of law, of course, it would not change the revenue act. If it is not a resolution affecting the revenue act, the question that arises in my mind is whether the Senate has undertaken to violate that provision of the constitution requiring that all bills for raising revenue shall originate in the House.

Mr. STEVENSON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. STEVENSON. I want to direct the gentleman's attention to the fact that it is not an attempt to change the law but it is an attempt to construe the law. If it were passed and it presented a proper construction of that law, according to the understanding of Congress, then they would go to the Supreme Court on the proposition that Congress had already interpreted it. That is the object of this resolution. It is not to change the law.

Mr. BLANTON. In sending it back to the Senate should we not amend it and provide the Senate with a parliamentarian?

Mr. GREEN of Iowa. Well, that does not seem to me to be a question that it is necessary to answer.

Mr. MARTIN of Louisiana. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MARTIN of Louisiana. I wish to state that I have introduced a House joint resolution covering the same subject which, I think, will be effective if it is passed and becomes a law.

Mr. GREEN of Iowa. I have no doubt about that. The gentleman is well versed in parliamentary practice and can do the right thing with reference to form, at least, even though it may be wrong in other directions.

But, Mr. Speaker, there is no need for me to spend much time on this resolution.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CHINDBLOM. The question has been raised as to whether this concurrent resolution would have the effect of law. In Volume IV of Hinds' Precedents, paragraph 3484, on November 24, 1903, in the Senate, the President pro tempore, the distinguished Senator from Maine, Mr. Frye, referring to a question which had arisen as to practice there, said the following:

The Chair desires to call the attention of the Senate to a matter which came up in the Senate yesterday. A concurrent resolution was under consideration and passed. The Senator from Colorado [Mr. Teller] asked the Chair if it went to the President and required his signature. The Chair replied, No. The Chair finds this article in the Constitution of the United States:

"Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

Then the distinguished President pro tempore of the Senate said:

Within the experience of the Chair in the Senate no concurrent resolution has ever been sent to the President of the United States, nor has he ever signed one. The Chair has endeavored faithfully to find out how concurrent resolutions escape the provision of the Constitution. He has not been able to succeed.

Therefore, Mr. Speaker, if the gentleman will yield for another moment, the Constitution does require that concurrent

resolutions shall be signed by the President, but a custom has grown up under which, for some reason, they have not been sent to the President. Anybody might claim that a concurrent resolution should be sent to the President and might try to compel such a resolution being sent to the President for his action.

Mr. BLANTON. But they would fail.

Mr. CHINDBLOM. Whether they would fail or not is a different question.

Mr. GREEN of Iowa. Mr. Speaker, I do not think it is necessary to take up very much time with this matter. As the gentleman from South Carolina [Mr. STEVENSON] has very well said, if this resolution was passed by this House it would be a construction of the law referred to by the two bodies of Congress and it would appeal to the Supreme Court of the United States in case the matter was taken up there, as it may even yet be, for a proper construction of the law. If it had any effect whatever it would have the effect desired by the party who introduced it to change the classification of rice, and a change of classification would change the duty and this would change the revenue.

How such a proposition ever got through the Senate is more than I can imagine. I can not understand how that body for a moment could think the House would receive such a resolution.

I do not care to discuss the merits of the question at all. The gentleman from Louisiana [Mr. MARTIN] says he has a proper resolution which will be submitted to the committee. Unless someone else desires time on the matter, I shall move the previous question.

Mr. GARNER of Texas. Mr. Speaker, I want to talk about 15 minutes on the tax question. I can take the time if the gentleman desires on this resolution or I will ask unanimous consent to address the House when this is over.

Mr. GREEN of Iowa. I have no objection to the gentleman having the time, but, Mr. Speaker, I move the previous question on the resolution.

Mr. GARNER of Texas. The gentleman can yield me 15 minutes now, and I can speak on the tax bill.

Mr. GREEN of Iowa. I do not think there will be any objection to the gentleman getting time.

I move the previous question on the resolution, Mr. Speaker.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. GREEN of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

LAW ENFORCEMENT

Mr. MILLER. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MILLER. Mr. Speaker, I am sure every Member of this House recognizes the prevalence of crime throughout the country, particularly that class of crime involving violence—violence of the most shocking character. This condition is not limited to any particular locality but is existent throughout the entire country.

In this connection and with this condition I wonder how many of us appreciate the enormous burden thrown upon the civilian police and peace officers throughout the country, not only in the protection of life and property but the apprehension of and running to the earth the perpetrators of crime.

In the commission of these crimes of violence the favorite and common weapon used by the criminal is the revolver—pistol. I sincerely hope I may have been of some assistance to the law officers throughout the country in lessening the indiscriminate use of this weapon by the enactment at the last session of this Congress of a bill introduced by me prohibiting transportation through the mails of this class of deadly weapons. The law went into effect July 1 last, and it is now too soon to appreciate the effect.

I know we all appreciate the services of the police of our various States, cities, and counties. With the purpose of stimulating and encouraging this great body of men in the performance of their duty and in recognition of their service, I ask unanimous consent to print in the RECORD an address delivered by Vice President Dawes at Chicago before the police chiefs of the United States and Canada.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The matter referred to follows:

ADDRESS BY THE HON. CHARLES G. DAWES BEFORE THE POLICE CHIEFS OF UNITED STATES AND CANADA ASSEMBLED AT CHICAGO, JULY, 1926

It is an honor to be called to address this gathering composed of men peculiarly responsible for the preservation of individual and community welfare in this and other countries. People are so habituated to life under police protection that they seldom stop to think what their lives would be without it, and what their individual and collective debt is to the brave men who occupy the front rank in the unending warfare waged for law and order. In the large cities of our country, wherein live the greatest number of our people, if we had no police we would not be safe in going from our homes to our business. Our children could not safely go to and return from their schools. Upon us as individuals would devolve the necessity of the protection of our persons and property; business would be paralyzed and life a daily apprehension for us and our families. The well-to-do portion of our population would be especially harassed. The portions of a city in which they dwell, from being the safest, would become the most dangerous, since their possessions would attract the special attention of the criminal class.

The policeman on the corner protecting individual and property rights is a visible representation of the Constitution of the United States; of the government of the State; of the government of the city, and of law and order. This may not all be theoretically so, but practically it is the fact. He is recognized and hated by the criminal class because this is so. He is one of the most important factors in our daily lives, though in the comparative security in which we live and for which he is chiefly responsible we have forgotten it.

When something happens in the community which annoys us in our daily routine the quick and unjust way in which we often condemn him, unheard, is the unconscious evidence of the general recognition of his indispensability to our welfare and happiness. His is a difficult task. He must be ready at an instant's notice to lay down his life for the protection, often, of his critics. From necessity he must meet the greatest emergencies by himself. When in the emergency of war the protection of government calls for national action the forces of government move, as a rule, in masses. The fight is a collective one. When the soldier faces fire, as a rule, he faces it with his comrades—he moves assisted by the influence of mass psychology. If he weakens, there is an instant penalty for cowardice. The minute he shows cowardice his comrades become his enemies—his life is forfeit.

Far be it from me to disparage the magnificent record of the American soldier. His courage and splendid achievements are justly the pride of the Nation, and reverently each year for all time the American people will spread over his grave the flowers which symbolize a loving memory.

But the policeman, fighting for the same things, generally goes to his conflict as one man, all alone. When he sees a felony being committed by an armed bandit he knows that the performance of his duty means an immediate contest to the death. If he is a coward he can slip away, and in many instances avoid it without personal consequences. If the bandit runs he can fail to properly pursue him. There are a hundred ways in which a cowardly policeman can avoid dangerous duty, but, my friends, the last thing we have come to expect in a policeman is cowardice. That, again, is the best evidence of our underlying faith in his courage and loyalty and our sense of dependence upon him.

Among the reasons why the policeman does not receive his deserved public acclaim and sympathy is because he is always at work and the record of his heroism is a continuous one, and therefore attracts less attention.

FAMILIARITY ALWAYS BREEDS INATTENTION AT LEAST

In the second place, every homicide, however unpremeditated and unassociated with the continual attack upon law and order by the criminal class, is charged up by the unthinking as an evidence of the lack of efficient police supervision. Aggregate statistics are often misleading. In appraising the actions and conduct of its police the public does not carry in its mind the marked and clear distinction which should be accorded those crimes which, in any community, will be committed entirely irrespective of the efficiency of the police system. The effectiveness of any police system is, therefore, liable to be judged not by its actual work but as good or bad in accordance with the character of the population in which it works.

My interest in the police force here and everywhere dates from the adoption of the new method of impanelling of grand juries in Cook County, which has been in operation for some 20 years. I was the foreman of the first grand jury assembled under the new law. In connection with its consideration of cases I personally questioned over 500 policemen as witnesses. Their intelligent attitude and their fairness and equipose made a deep impression upon me, especially since it was my first personal contact with the crime situation in a great city. For the first time I then realized the desperate nature of their eternal warfare with the criminal classes, the difficulties, dangers, and perplexities of their position, and the frequent unfairness of the public attitude toward them. Since that time the difficulties and dangers of their work, not only in Chicago but everywhere, have been multiplied many times.

We respect the record of law enforcement in England, and particularly in London. Their different method of judicial procedure contributes chiefly to their low crime record. Somebody else is to blame besides policemen for crime in our great cities; it is our method of judicial procedure—shyster lawyers.

But I call attention to a fact which is often overlooked, that while there is 1 policeman in London for every 356 people we have in Chicago only 1 policeman for every 544 people. Chicago ought to have at least 3,000 more policemen.

I just want to say something about the police of Chicago, and that is the obscurity in which they must do their work. It is comparatively easy to be a hero in time of danger in a crowd. Do you ever think of how difficult it is to be a hero all by yourself in the pursuance of duty when there is no penalty attached to you for the lack of it?

Since the month of April, 1923, in the police warfare on banditry in Chicago, 112 bandits have been killed by police officers in the act of committing a crime with a revolver in their hand. Thirty-one police officers in the same time have been killed in the discharge of duty by bandits, and of that number seven police officers after being mortally wounded themselves shot and killed their assailants. Why don't we think more of what is going on in our behalf so that we may live in quiet?

On the 10th of this month, in this city, a bandit, after an attempted holdup ran up a flight of stairs in the darkness and was known to be in the dark hallway armed. A Chicago policeman, Kasimer Wistert, immediately went up the stairs after him, was shot, and to-day lies perhaps mortally wounded in the Ravenswood Hospital. If he lives again, it will be because two of his brave comrades have given him their blood in transfusion.

This sublime act of courage, like so many others of these, our most important, yet most misunderstood public servants, is to-day almost forgotten except by the bereaved family. And yet in Revolutionary times because Israel Putnam, stepping forward, crawled in the dark into a wolf's den and mastered him, his heroic act has been heralded from that day to this. What is the reason they are forgotten? Simply because these men, these misunderstood public servants, perform their sublime acts of heroism all the time, continuously, and it makes little impression on our careless people.

You, gentlemen, in your position have many and great responsibilities, you have met them well. In spite of the everlasting cry of superficial criticism, I assure that so far as the intelligent portion of our population at least is concerned, they recognize and appreciate your great work at its real worth and stand solidly behind you and your comrades.

CORRESPONDENCE BETWEEN MR. HUDDLESTON AND MR. COLE

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent that I may extend in the RECORD letters exchanged between myself and the gentleman from Iowa [Mr. COLE].

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HUDDLESTON. In exercise of the leave to extend my remarks, I include correspondence between the gentleman from Iowa [Hon. CYRENUS COLE] and myself on the subject of an article written by him and published in the Cedar Rapids Evening Gazette and Republican on January 7, 1928:

LETTER FROM MR. HUDDLESTON

JANUARY 13, 1928.

Hon. CYRENUS COLE,
House of Representatives.

DEAR SIR: I have received clipping from Cedar Rapids Gazette of 7th instant, carrying an article credited to you, as author, in which, speaking of myself, you say, "Mr. HUDDLESTON is an extremist, and he leans to socialism, tinctured with sovietism."

The statement is libelous, but had it come from an outsider I should probably ignore it. As it is credited to a Member of Congress, I must call on you to withdraw it and to apologize in writing, not merely for the gross breach of courtesy due a fellow Member but for the libelous statement. Kindly let me have your prompt reply.

Yours truly,

GEORGE HUDDLESTON.

REPLY FROM MR. COLE

JANUARY 14, 1928.

Hon. GEORGE HUDDLESTON,
House of Representatives.

MY DEAR MR. HUDDLESTON: Let me assure you that it was not my intention to violate even the courtesies that should be extended by one Member to another, and I regret very much that the words I used in my newspaper letter have in any way offended you. I assure you that it was not my intention so to offend you, for as you know I hold you in very high regard. I regret that I used the language to which you object.

In my next letter to the same newspapers, which will be printed a week from to-day, I will correct the impression which you think I have conveyed to my readers. I will be glad to submit the statement to you before I transmit it so that it may be satisfactory to you. In the meantime I will talk it over with you personally.

Let me assure you that I want to do no injury to a fellow Member, and any injury which I may have done unintentionally or in your viewpoint I will be more than glad to undo to the extent that I can, and more than undo, for I can say, as I have often said, that though we do not agree in our views I hold you personally and as a fellow Member in the highest regard.

Sincerely,

CYRENUS COLE.

TAX REDUCTION

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, I have asked the indulgence of the House for this short time to refer to the situation with reference to tax reduction.

Early in November the Ways and Means Committee met, unofficially, and had hearings on a tax bill, as you will recall. The Secretary of the Treasury appeared before the committee and recommended a reduction of taxes to the extent of $225,000,000. The committee, after two weeks or more of hearings and then two weeks or more of consideration of the various items in the bill, reported a bill to the House carrying a reduction, as I recall, of around $232,000,000. The provisions of this bill had the approval of the Treasury Department and of the administration, if we may judge by a statement of the Secretary of the Treasury as well as a semiofficial statement made at the White House.

The bill was taken up in the House of Representatives and was amended. After certain amendments were placed on the bill it went to the Senate with a reduction in taxes estimated at $290,000,000. This estimate, however, was not made by the Treasury Department. So far as I recall at the moment, there has been no official estimate made of the amount of tax reduction under this bill for the calendar year 1929 by the Treasury Department. So I want to refer to the bill with particular reference to the calendar year 1929.

Section 141 does not apply to the calendar year 1928, and you will recall that when I refer to section 141—it is the section that repeals the consolidated or affiliated returns of corporations. This provision was inserted so as to permit the year 1928 to intervene from the time we drew the bill until the time that portion of it would go into effect, so as to give the corporations ample opportunity to adjust their affairs to a separate rendition. It went to the Senate. The Senator who is chairman of the Finance Committee of the Senate—I am speaking of matters outside of the Senate—is a member of the joint committee of the House and Senate with reference to taxation, and early in October at a meeting of that committee, as I recall the 16th day of October, the Senator in charge of the bill in the Senate announced that taxes could be reduced $350,000,000.

About two weeks later, in a final meeting of the joint committee, the same Senator said it could be reduced $300,000,000 at least, and a little later when the Treasury became alarmed that the House of Representatives would not carry out its mandate the same Senator announced at the White House that it could not exceed $225,000,000.

I give you that as a background that you may see some reason why the tax bill has not been brought up for consideration in the Senate.

The bill is not being considered because it contains provisions which the Treasury does not want in there.

If you have section 13 in the proposed bill, and if you have section 141 in the proposed law, and you have the automobile tax repealed in there, he would ask the President to veto it, although it would be a reduction of $85,000,000 for the calendar year 1928 but would be comparatively no reduction for the calendar year 1929. It is not on account of the amount of the tax reduction that caused the Treasury Department to object. It is the provisions in the bill that do not suit the administration—I ought not to say "administration," but does not suit the Secretary of the Treasury, and the Secretary of the Treasury is the administration so far as it applies to tax matters.

No one will gainsay that Mr. Mellon is absolutely the boss as far as the finances, the economic policy, of the administration is concerned.

If section 141 remains in this bill it will never become a law. It means increased taxes for Mr. Mellon. It is not tax reduc-

tion according to his viewpoint. It may have $290,000,000 tax reduction for 1929, but it will mean more taxes to him and his companies, and I challenge him to deny it.

Mr. JOHNSON of Texas. What is section 141?

Mr. GARNER of Texas. Section 141 is where you repeal the consolidated return and ask every corporation to stand on its own footing. While the bill as it passed the House will reduce the taxes $290,000,000, it would increase the taxes of Mr. Mellon over a million dollars for the year 1929. You are not going to put on the statute books any law that increases the taxes of the Secretary of the Treasury and reduces other people's taxes.

Mr. BLANTON. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. BLANTON. We could pass a bill over his veto, if Members of both Houses would vote to do it.

Mr. GARNER of Texas. My colleague knows that as long as Mr. Mellon is Secretary of the Treasury and Mr. Coolidge is in the White House it could not be done.

Mr. BLANTON. We have passed laws over a veto by the President in a Democratic administration.

Mr. GARNER of Texas. Not when their vital interests are involved.

Now, I do not want you to be misled and I do not want the country to be misled. It is the repeal of the consolidated return and the consumption tax on automobiles and the principle of graduated taxes on small corporations, and not the amount of the reduction, that is the reason for the delay. It is not the amount.

I say to this House, and I stake my reputation upon it as a forecaster of revenue, that for the calendar year 1929 the tax reduction in the bill that passed the House will not exceed $200,000,000. You ask how I bring that about. The repeal of the provisions of section 141 will give you over $50,000,000 in taxes. The twenty-odd thousand corporations in this country that now have the advantage provided for under that section of a joint return will turn into the Treasury for the year 1929 $50,000,000 more than they will for 1928. So the reduction of that tax would bring it to $240,000,000 and the increase by the year 1929 over the commercial production of the country for 1928 will reduce the amount still further to $200,000,000. So I say that the taxes in the present bill, if put into law now, for the calendar year 1929 would not exceed in reduction more than $200,000,000. The Secretary of the Treasury in the beginning said that he could not tell how much to take off because of the appropriations and he wanted it to go over until after March 15. Then he went to New York the other night and made a speech for the Women's Club, and he said that one of the reasons why he could not tell it was because the taxes that we were now levying and the ones that we were repealing made it so uncertain that he could not tell how much revenue there would be from the taxes. That is to say, we had repealed the automobile tax, which is a certainty, and we had repealed a tax that he did not mention, which was also a certainty, which was the stamp tax, and which amounted to $9,000,000, which had his approval, although the repeal of the automobile tax did not have his approval. The income tax of individuals and the estate taxes are more or less uncertain, and he wanted to have some permanent, definite taxes which were repealed in the bill in order to be able to make an estimate. It was amusing to me to see the Secretary of the Treasury teach one thing one week and another thing another week, because it is not usual with him, but he was finessing. He was trying to camouflage the real reason for his opposition to this bill. Have you heard him say one word about section 141? I know that that is the thing that hurts him. I know how much loss a certain few companies took advantage of in the last year. Let somebody in the Treasury Department deny it. I do not imagine they will. They may not think that what I say is of sufficient importance to take notice of it; but nevertheless I make the statement to the country that if you will take out the graduated-tax principle, applying to small corporations and section 141, you will find that that is all that he is afraid of. He does not care for the $25,000,000 reduction.

It is not a $25.000,0000 reduction. I overestimate it—I always try to estimate against myself when I am trying to make an argument, because I want to be fair. It is not $20,000,000 reduction, and the gain, because of the repeal of the consolidated return, will be more than $50,000,000. I estimated that one offset the other, if you will remember, in order to be fair, but it will not be $20,000,000; but the principle of it is what hurts, and the Secretary of the Treasury never wants to see the Congress adopt that principle. That is what he is afraid of, because he does not come within the little brackets. The consolidated return does help him, and he does not want that provision knocked out; but you take those two provisions out of the bill, and I venture the assertion—I will stake my reputation upon it—that with those two provisions out, if you will pass the bill with the reduction up to within $10,000,000 of $300,000,000 reduction, the President will sign it. I made that statement down at the other end of the Avenue to some gentlemen when I was talking to them, and I said that I would make them a little bet that he would sign it, but they did not take it. He will sign it, but he will not sign it if the repeal of section 141 is left in the bill. But you take that out and take out the graduated tax and reduce taxes to the amount of $300,000,000, and Mr. Mellon will write an approval of it and the President will sign it; but you leave that in there and reduce it to $100,000,000, and the President will veto it, because, I repeat, it will increase the taxes of Mr. Mellon and his associates, and that is not tax reduction according to Secretary Mellon's viewpoint. Whenever you pass any kind of tax reduction bill and it does not reduce the taxes of Mr. Mellon and his associates in big business, it is not tax reduction.

Mr. HOWARD of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. HOWARD of Nebraska. I think the gentleman is overmodest in making this statement, as he always is clearly inside the facts, giving the benefit always to the other fellow. I want to revise his estimate of the amount of taxes which the Mellon group of corporations will be compelled to pay if 141 shall remain in the bill. Instead of being $1,000,000 of benefit to the Mellons, my figures show that it will be nearer $3,000,000 of value to the Mellons and the Mellon group of corporations.

Mr. GARNER of Texas. All that I can do is to get statistics the best I can from Mr. Mellon's companies, and those associated with him. I can not go into the Treasury Department to find out how much losses they have had, which could not be charged against them if they had each one to make an individual return. But I do know this: I do know that one gentleman alone, whom many men in this House know, whom you all know and love and have confidence in, told me that the companies that he was associated with alone would pay nearly $5,000,000 more of taxes.

Mr. RANKIN. Is he in one of the Mellon companies?

Mr. GARNER of Texas. I think he is associated with the Mellon companies; I do not say he is with all the Mellon companies. I know that the largest coal company in the United States, or in the world, a company that has 30 subsidiaries, is very much concerned.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. GARNER of Texas. I will ask for one minute more in which to finish this.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER of Texas. It is very much concerned, and the secretary and the vice president told me—when I gave them an interview—they had to organize separate companies in various States—Kentucky, Tennessee, Ohio, Illinois, West Virginia, Pennsylvania, Oklahoma, and other States. They all had different companies, you know, doing business in those States, and if we compel them to make a separate rendition it will cost them a great many dollars a year more taxes.

Why not? Not one single iota of argument has ever been given showing that it is not equitable and just, showing that it is not a simpler way of administering the law, and showing that it is not economical. He said to me it is not sound economically. He meant, "You make me pay more taxes." Of course, if you are going to make anybody pay taxes, that is not sound economics to him. It is sound economics. No one can say that it is not sound in economics, just and equitable in principle, or simpler of administration. If these things are true, why should not section 141 remain in the bill? It will be a cowardly act of a Congress that strikes that provision from the bill. [Applause.]

The SPEAKER. The Clerk will call the Consent Calendar.

COOPERATIVE EXPERIMENT IN AGRICULTURE

The first business in order on the Consent Calendar was the resolution (H. J. Res. 81) for the amendment of the act of March 3, 1927, by authorizing an annual appropriation to carry out the cooperative experiments contemplated by the act.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The SPEAKER. The Clerk will report it.

Resolved, etc., That the act of March 3, 1927 (44 Stat. L. 1397), entitled "An act authorizing an appropriation to enable the Secretary

of Agriculture to cooperate with the South Carolina Agricultural Experiment Station" be, and the same is hereby, amended by adding the following:

"SEC. 2. That there is hereby authorized to be appropriated each fiscal year thereafter necessary appropriations to enable the Secretary of Agriculture to carry on the cooperative experiments contemplated by this act."

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

PERSONAL PHYSICIAN TO THE PRESIDENT

The next business on the Consent Calendar was the bill (H. R. 5658) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. REECE. Will the gentleman withhold his objection? There is an amendment that will be offered.

Mr. BLANTON. I will say to the gentleman from Tennessee, Mr. Speaker, that every time we change a President if we are going to create a colonel out of some doctor or surgeon simply because the President chooses him as his family physician with the pay of his rank for life we are embarking on a bad precedent, and I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

BRIDGE ACROSS THE ALLEGHENY RIVER

The next business on the Consent Calendar was the bill (H. R. 6041) granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to call the attention of the House to section 2 of this bill. There is a similar section in four or five bills giving the authority of Congress for a railroad to construct a bridge. Section 2 reads:

The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Pennsylvania Railroad Co., its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

What does that mean? That means that after the right to build a bridge is given a bridge corporation is organized, and it builds the bridge, and charges the railroad a toll or rates for the use of the bridge, and that is reflected in your freight rates. There is no reason why, when we grant permission to build a bridge to a railroad, we should grant them the authority to pass it on to a subsidiary or independent company which can charge rates that in turn will be reflected back on your freight rates. I do not see the purpose of section 2. If any gentleman connected with the Committee on Interstate and Foreign Commerce can enlighten us on that I shall be glad.

Mr. DENISON. I can answer that, Mr. Speaker. The Attorney General made a ruling construing a law similar to this, and held that when a franchise to construct a bridge is granted to anyone it can not be transferred or assigned without special permission.

Mr. BLANTON. We can not hear a word that the gentleman says.

Mr. DENISON. I will repeat it. The Attorney General has ruled that where a franchise to construct a bridge is granted by Congress it can not be transferred or assigned to any one unless permission is given by the granting power in granting the franchise, so that a railroad could not mortgage the franchise or issue bonds, or legally mortgage it, without this clause going into the bill. It is to meet that legal question that we put this provision in. It is absolutely necessary.

Mr. LAGUARDIA. The gentleman knows that bridge corporations are organized in many of these instances. They can charge into the rate even the grant we give to construct a bridge, and that is reflected in the freight rates.

Mr. DENISON. The gentleman can not point out a single instance in the United States where any railroad has transferred its franchise to construct a bridge to another corporation for the purpose mentioned by the gentleman from New York. There is no such case in the United States.

Mr. LAGUARDIA. Then why the necessity of incorporating this language in the bill?

Mr. DENISON. If the railroad company should be consolidated or should transfer all of its property to some other company without this language, it could not transfer the bridge.

Mr. LAGUARDIA. We should meet that situation when the time arrives.

Mr. DENISON. No; we should meet it right now and that is the reason why we have put this language in the franchise.

Mr. LAGUARDIA. I suggest that the gentleman allow these five railroad bridge bills to go over.

Mr. DENISON. You will have to let the others go over, too.

Mr. LAGUARDIA. No; the others are all right. I have gone into the matter and there are about five of them in this class. If the gentleman will not agree to let these five go over, I shall object.

The SPEAKER. Objection is heard.

BRIDGE ACROSS THE MAHONING RIVER

The next business on the Consent Calendar was the bill (H. R. 6045) granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress be, and it is hereby, granted to the commissioners of Mahoning County, Ohio, to replace and repair a bridge, together with the necessary approaches thereto, across the Mahoning River at a point suitable to the interests of navigation at or near South Avenue, Youngstown, Mahoning County, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges and other structures over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

On page 1, line 3, strike out the words "be, and it is hereby," and insert in lieu thereof the words "is hereby."

On page 2, in line 2, strike out the words "replace and repair a" and insert in lieu thereof the words "reconstruct, maintain, and operate the existing."

In line 8, on page 2, strike out the words "and other structures."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

NATIONAL MILITARY PARK AT THE BATTLE FIELD OF FORT DONELSON, TENN.

The next business on the Consent Calendar was the bill (H. R. 5500) to establish a national military park at the battle field at Fort Donelson, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this is a bill similar to a bill that passed at the last session of Congress.

Mr. BYRNS. It is.

Mr. LAGUARDIA. If any member of the Military Affairs Committee is present I would like to ask if it is the intention to bring in a string of these park bills at this session. It seems to me it is not a proper matter to bring up on the Consent Calendar. I do not mind a bill which simply provides for a survey and referring it to the War Department, and I shall not object to this bill, because it passed at the last session of Congress. However, I do not believe the Committee on Military Affairs ought to create a lot of these parks, dump them here, and expect us to pass them on a moment's notice on the Consent Calendar. I shall not object to this bill.

Mr. BLACK of Texas. Mr. Speaker, this bill authorizes either the purchase by voluntary agreement or condemnation of certain lands to be used on this battle field national park. I notice that section 8 provides that after the Secretary of War purchases it he is authorized "to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings," and so forth. Now, the point I make is that the Secretary of War in purchasing this land will doubtless pay the full value thereof, and then to turn around and authorize him to lease it to the owners for a nominal sum is not right. I shall not object to this bill if the gentleman will take out the word "nominal" and let the Secretary of War lease the lands upon such terms as he may see proper. Do not require him to necessarily lease it for a nominal sum.

Mr. BYRNS. I will say to the gentleman that this bill is an exact copy of two other bills that passed by unanimous consent at the last session of Congress, no objection being raised upon either side of the Chamber. Those bills carried $100,000, whereas I voluntarily reduced the amount carried in this bill to $50,000. I hope the gentleman will let this bill go through. Since those bills went through without objection I trust he will let this bill go through just as those bills went through.

Mr. BLACK of Texas. I will say to the gentleman that if those bills carried this same language they ought not to have carried it. They ought not to have passed with that sort of language in them. It is impossible for any one Member of Congress to keep track of each and every bill. That is beyond the capacity of any one Member.

Mr. BYRNS. I take it, Mr. Speaker, that would not be done, as a matter of fact, because it is not proposed to purchase much land. This was one of the most important battles of the Civil War. As the gentleman knows, if General Grant had not succeeded in capturing the 15,000 Confederate troops there, it is possible it would have been some time before he could have reached the great Southwest. This was the key that opened the Southwest, and if these Confederate soldiers had left Donelson and had gone on to Shiloh, it might have been a different tale.

Mr. BLACK of Texas. That goes to the merits of the bill. I shall not object to the bill, except I intend to offer this amendment.

Mr. BYRNS. Of course, if the gentleman, who did not object to the other two bills which contained this language, insists upon it, I am at the gentleman's mercy.

Mr. BLACK of Texas. I am not going to object to the present consideration of the bill, but I am going to offer the amendment.

Mr. BYRNS. Of course, I will have to consent to the gentleman's doing that if the gentleman insists upon it.

Mr. BLACK of Texas. I am not going to do anything more than allow the bill to come up and then offer the amendment. I think the language ought not to be in the bill. I withdraw my reservation of objection to the consideration of the bill, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act, the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Fort Donelson, Tenn., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Fort Donelson, Tenn., and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the Battle of Fort Donelson, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study. The commission shall submit a report of its findings and recommendations to the Secretary of War not later than December 1, 1927. Such report shall describe the portion or portions of land within the area of the battle field which the commission thinks should be acquired and embraced in a national park and the price at which such land can be purchased and its reasonable market value; the report of the commission shall also embrace a map or maps showing the lines of battle and the locations of all troops engaged in the Battle of Fort Donelson and the location of the land which it recommends be acquired for the national park; the report of the commission shall contain recommendations for the location of historical tablets at such points on the battle field, both within and without the land to be acquired for the park, as they may deem fitting and necessary to clearly designate positions and movements of troops and important events connected with the Battle of Fort Donelson.

SEC. 4. The Secretary of War is authorized to assign any officials of the War Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

SEC. 5. That, upon receipt of the report of said commission, the Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national park; to establish and substantially mark the boundaries of the said park; to definitely mark all lines of battle and locations of troops within the boundaries of the park and erect substantial historical tablets at such points within the park and in the vicinity of the park and its approaches as are recommended by the commission, together with such other points as the Secretary of War may deem appropriate: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battlefield, and the expenses of the commission, shall not exceed the sum of $100,000.

SEC. 6. That, upon the ceding of jurisdiction by the Legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of this act, together with the area already inclosed within the national cemetery at the battle field of Fort Donelson, are hereby declared to be a national park, to be known as the Fort Donelson National Park.

SEC. 7. That the said Fort Donelson National Park shall be under the control of the Secretary of War, and he is hereby authorized to make all needed regulations for the care of the park. The superintendent of the Fort Donelson National Cemetery shall likewise be the superintendent of and have the custody and care of the Fort Donelson National Park, under the direction of the Secretary of War.

SEC. 8. That the Secretary of War is hereby authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

SEC. 9. That it shall be lawful for the authorities of any State having troops engaged in the Battle of Fort Donelson to enter upon the lands and approaches of the Fort Donelson National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of War and shall first receive the written approval of the Secretary.

SEC. 10. That if any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such park, except by permission of the Secretary of War, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the park, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall for each and every such offense be fined not less than $5 nor more than $100.

SEC. 11. That the sum of $100,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of this act.

The bill was amended, on page 2, line 22, by changing "1927" to "1928."

The following committee amendment was agreed to:

On page 4, line 7, strike out the figures "$100,000" and insert in lieu thereof the figures "$50,000."

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment. On page 5, line 4, after the word "such" I move to strike out the word "nominal."

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 5, line 4, after the word "such," strike out the word "nominal."

Mr. BLACK of Texas. Mr. Speaker——

Mr. LAGUARDIA. Will the gentleman from Texas yield?

Mr. BLACK of Texas. Yes.

Mr. LAGUARDIA. I understand negotiations have been entirely completed by the War Department to carry into effect the provisions of this bill and that this can be obtained on nominal terms. This is simply an invitation to set aside the provisions with respect to nominal terms.

Mr. BLACK of Texas. No; the gentleman does not read the section correctly at all. Section 8 refers to the power of the Secretary of War to lease this land after it is acquired, and if the word "nominal" is stricken out then the Secretary of War will have the right to lease such land to the present owners upon such terms as he may deem equitable and right.

Mr. LAGUARDIA. I understand that is a part of the negotiation. If the gentleman takes that out and if they are going to charge for the use of the land, then, of course, the price of the land will probably be increased.

Mr. BLACK of Texas. The Secretary of War is going to purchase the land.

Mr. LAGUARDIA. Exactly.

Mr. BLACK of Texas. Either at a voluntary sale or by condemnation, and then after he acquires it section 8 authorizes him to lease it back to the owners.

Mr. LAGUARDIA. At nominal terms.

Mr. BLACK of Texas. At nominal terms, which may be $1 a year for a lease worth $1,000 a year.

Mr. LAGUARDIA. It is my understanding—and perhaps the gentleman from Tennessee can enlighten us upon it—all of this has been negotiated and has been taken into consideration and is a part of the general scheme.

Mr. BYRNS. I will say to the gentleman that this battle was fought on a number of ridges near Dover. Part of the land is not worth very much. There is some of it in cultivation, but I was told down there last summer that it could be bought for a very reasonable sum, and it is hoped that some of it will be donated. I submit if this amendment is adopted it is going to cost the Government more money for this reason. There are buildings upon the land that the Secretary of War would want to preserve if he should buy them. For instance, there is the old headquarters of General Grant there. If the Secretary can get somebody to go in there for a nominal sum and preserve that building and keep it in repair, then the National Government will be put to no expense in keeping it up.

I do not question the purpose of the gentleman from Texas, but if the gentleman knew the territory down there as I assure him I know it, he would know that if his amendment were adopted, and if the Secretary of War were required to charge a heavy sum for a lease, he would be unable to lease one inch of that ground and procure the preservation of these buildings free of cost to the Government.

Mr. BLACK of Texas. The striking out of the word "nominal" does not compel the Secretary of War to make any excessive charge at all.

But to leave it in means that if you make any lease at all you must make it on nominal terms.

Mr. BYRNS. The gentleman now is taking another tack. What does "nominal" mean? That is up to the Secretary of War as to what he thinks is a nominal price. Take a large building in Washington; if you use the word nominal in reference to a lease, no one would understand that the Secretary of War would charge 1 cent or $1, although it is true he would have that right. In such a case $50,000 might be a nominal sum. What I want to do is to give the Secretary of War full discretion and right to make a lease on such terms as he pleases; not necessarily a dollar a year, but if the Secretary of War feels it is to the interest of the Government, then he has the right to do it.

Mr. BLACK of Texas. Let us see how the section reads if the word "nominal" is stricken out. See if it does not read exactly as the gentleman wants the thing done, so he says. If the word "nominal" is stricken out, the section will read as follows:

SEC. 8. That the Secretary of War is hereby authorized to enter into agreements, upon such terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

Now, if you do not take out the word "nominal" you are specifically directing the Secretary of War to make this lease upon nominal terms. If the House wants to do that, all right. I am opposed to it.

Mr. BYRNS. I will say that last year the committee reported out two bills where the land was much more valuable and they were passed.

The SPEAKER. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken, and the amendment was rejected.

The Clerk completed the reading of the bill.

The following committee amendment was read:

Page 4, line 11, strike out the figures "$100,000" and insert the figures "$50,000."

The amendment was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to congratulate my colleague [Mr. BYRNS], the Representative of the district in which Fort Donelson is located, upon the successful passage of this bill. As is very well known, Tennessee, next to Virginia, was the greatest battle ground of the Civil War. I am not quite sure but that there were as many major and minor engagements upon Tennessee soil as upon Virginia soil. There are many of these battle fields that probably do not merit preservation in the way that is provided for as to this particular field, because of their lack of historical significance. They were merely fights, indecisive, and in some instances where they were decisive, as far as the battles themselves were concerned, they had no particular bearing upon the final result.

This particular battle did have a profound effect. It had a genuine significance in the history of the War of Secession. Following the fall of Fort Donelson the Federal troops occupied the State capital of Tennessee and the civil government under the Confederacy was driven out.

Not long following that the military governor of Tennessee was appointed and continued in that service until practically the end of the war, or until he was elected Vice President with Lincoln in 1864. Never again was civil authority under the Confederacy restored in Tennessee, a fact which, by the way, is frequently given as the reason why the State of Tennessee happened to be omitted from the Emancipation Proclamation in the first form in September, 1862, and later on in its final form in January, 1863. It had great significance, and it is peculiarly appropriate that the battle field of Fort Donelson should be marked, and I again congratulate my colleague. [Applause.]

Mr. DAVIS. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. DAVIS. Speaking of Tennessee being the battle ground, I ask the gentleman if it is not a fact that Tennessee furnished a larger percentage of her population as participants in the War between the States, counting those who went into both the Union and the Confederate Armies from that State, than any other State in the Union?

Mr. GARRETT of Tennessee. I can not speak from statistics upon that, but I have heard that frequently stated of our State and have reason to think that it is true. I have not examined the statistics.

Mr. DAVIS. My information is that it is true.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NEW CONSTRUCTION AT PACIFIC BRANCH, SOLDIERS' HOME, CALIF.

The next business on the Consent Calendar was the bill (H. R. 6990) to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object. We have a Board of Managers of the National Home for Disabled Volunteer Soldiers, and I note that Gen. George H. Wood is the president of that board. While the report of the committee on this bill contains an approval of this project by John A. Hadley, the governor of the Pacific Branch, there is

no approval in the report from the president of the Board of Managers.

Mr. JAMES. Mr. Speaker, if the gentleman will yield, last spring, after Congress adjourned, I told the Director of the Budget that I was going to take a trip to look over the Army posts. He asked me if I would not go to Sawtell and look over the new mess hall, where they were asking $200,000, and also the barracks. I also had a letter from General Wood asking me if I would not go there. General Wood made arrangements with the director at Los Angeles and also Governor Hadley to show me around. I have seen General Wood three or four times since that time and he is very strongly in favor of the entire amount being authorized, but states that in his opinion it could not be expended all in one year because the board would have to meet and see whether they would put the buildings on the present site, and if so, they could use only $350,000 to $400,000 a year.

Mr. BLACK of Texas. Can the gentleman explain why it is that there is no statement in the committee's report showing that this project is favored by General Wood, who is the president of the Board of Managers of this home for disabled volunteer soldiers?

Mr. JAMES. General Wood came to see me three or four times and stated that he heartily approved the entire amount being authorized, but I did not have him put that in writing.

Mr. SWING. He testified before the Military Affairs Committee last year as to the urgent need of the money to replace those fire traps with fireproof buildings.

Mr. BLACK of Texas. Mr. Speaker, these bills are brought up here under unanimous consent, without the opportunity of Members to read the hearings. It is an unusual procedure to authorize a large expenditure of this kind without the definite, affirmative approval of the president of the Board of Managers, and I can see no reason why the Committee on Military Affairs should not incorporate a definite, affirmative approval of that kind in the report of the committee to the House.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. BLANTON. This bill, as the gentleman knows, embraces an authorization for $2,100,000. The second bill down on the calendar from that, which will be called in a moment, appropriates $1,500,000.

Mr. LAGUARDIA. Four million dollars.

Mr. BLANTON. No; $1,500,000 for a new hospital at Dayton. These are bills of sufficient importance, I take it, not to be passed under unanimous consent. We are going to have left over from the Veterans' Bureau within a few years many more hospitals than we may have need for. Gradually we are going to rehabilitate our men, and we are going to have a lot of fine, first-class hospitals scattered over the land with no patients to go into them. I agree with my friend that we ought to go slow on these Army bills.

Mr. BLACK of Texas. If the Committee on Military Affairs could now read a statement from the president of the Board of Managers stating that this construction is needed, and that it has the approval of the Board of Managers, I would not take the responsibility of objecting, but there is no such report, and so I shall object.

Mr. CRAIL. Mr. Speaker, before the gentleman objects, will he yield to me for a moment?

Mr. BLACK of Texas. Yes.

Mr. CRAIL. Mr. Speaker, this soldiers' home is in the tenth congressional district of California, which I have the honor to represent in Congress. It is the largest soldiers' home in the United States. The gentleman from Michigan [Mr. JAMES] lives in Michigan and General Wood lives in Ohio. Neither is within 2,500 miles of this home. Governor Hadley is on the ground all of the time and he knows the situation. Of course, General Wood knows it in a general way, but he does not know the needs of this particular home as Gov. J. H. Hadley of the home does. Governor Hadley furnished the information on which the report of the Committee on Military Affairs is based.

Mr. BLACK of Texas. But is not it rather unusual for Congress to authorize an appropriation of this kind without its having the approval of the president of the Board of Managers of these homes? I do not recall its ever being done before.

Mr. JAMES. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. JAMES. I state on my responsibility as a Member of Congress that I have in my possession letters from General Wood—I am sorry that I have not them with me, but I can put them into the RECORD to-morrow——

Mr. BLACK of Texas. That do definitely approve the bill that is now before us?

Mr. JAMES. Yes.

Mr. BLACK of Texas. Upon a statement of the gentleman from Michigan [Mr. JAMES] that the Board of Managers of the National Home for Disabled Volunteer Soldiers approves this bill, I shall not object. Of course the gentleman's word is good for me. I do suggest, however, that in the future the Committee on Military Affairs should incorporate these approvals in their reports so that we will not have to act upon matters of that kind without proper information.

Mr. BLANTON. I reserve the right to object. I commend our new young colleague from the Pacific coast for his very active interest in this bill and for his effort "to bring home the bacon" to his tenth district. But this big piece of "bacon" is not expected of him by his constituents in so short a time. He will have plenty of time later on to get such matters through. This is too big a bill to pass under unanimous consent.

Mr. JAMES. The gentleman from California did not know I was going to California. I went out and inspected this home because the Director of the Budget asked me to go there.

Mr. BLANTON. The Committee on Military Affairs will have its day here, when it can bring up these important bills and have them passed under circumstances where we may give them proper and due consideration. That day will soon come. This is the kind of a bill that ought not to be brought up by the Committee on Military Affairs, and also the next one, providing a million and a half dollars for a hospital building at Dayton, Ohio. I object.

The SPEAKER. Objection is heard.

Mr. CRAIL. Will the gentleman yield to me for a moment before he finally objects?

Mr. BLANTON. I have no objection to the gentleman speaking on the bill, but I shall object.

Mr. CRAIL. I was going to say also that General Wood told me personally that he was very much in favor of this bill.

I want to say now that these barracks are overcrowded. They are fire traps. They were built 40 years ago. They ought to be torn down. They were built 25 years after the Civil War and only meant to be temporary quarters for a group of veterans whose days were already numbered and whose ranks were already rapidly thinning.

Ten years later the Spanish War came on. A new group of patriots volunteered and fought for their country. They too were and are entitled to be domiciled in the national homes for disabled volunteer soldiers. By 1915, these barracks, which were erected for the Civil War heroes, were about one-half occupied by Spanish War veterans, and now the Spanish War veterans outnumber the Civil War members of the home.

Then the great World War came upon us. Four million five hundred thousand American boys, the flower of the youth and manhood of our country, took up arms in defense of our country's cause. Through their valor and their heroic sacrifices the world was "kept safe for democracy." Great numbers of these brave lads lost their lives in battle, and hundreds of thousands more of them were wounded, shell shocked, gassed, smitten with disease, overtaken by the dreaded white scourge of tuberculosis. Thousands were blinded and thousands more were mentally unbalanced.

It is now only 10 years since America entered the World War. Already more than half of the members of this home are World War men. This home, which 10 years ago was overcrowded with veterans of the Civil War, Indian wars, and the Spanish War, is now predominated by World War boys. Statesmen look into the future. It is the duty of this Congress to look into the future. It does not take a prophet to foretell what the demands for soldiers' homes will be in the near future. A study of the statistics of the survivors of the Civil War and of the Spanish War will quickly convince any fair-minded patriot that these 4,500,000 veterans of the World War are going to require many more soldiers' homes than this country now has. The disabled veterans of the late war are entitled to the same loving care and ministration that our country has tried to give to the disabled heroes of its other wars. But this bill is not offered or urged in anticipation of future needs. It provides merely for the replacement of insanitary and unsafe barracks, which are already overcrowded and for which there is now a long waiting list, with much-needed fireproof and sanitary barracks. I urge the gentleman from Texas to withdraw his objection before it is too late.

Let me say this: These frame barracks were built to house 2,000 men. They were two-story frame structures. Because of the demand for more room the attics have been made into dormitories. There are now more than 3,400 men crowded into these barracks. More than 800 of them are survivors of the Civil War, the youngest of whom are over 80 years of age, and most of whom are over 90 years of age. The Spanish War men are all more than 50 years old. Great numbers of these

men are bedridden, helpless in mind and body—many should have the constant care and attention of loving friends. Some are in wheel chairs, others are led from place to place or feel their way because they can not see.

Many are sick and discouraged and depressed. All are in some way disabled. They are the charges of this Government, our Government, which is the richest Nation on earth and which can be and which wants to be the most generous and the most grateful Nation on earth.

These barracks, which this bill would replace, are as dry as powder. They are lined up close together in rows, so that if one should catch on fire the whole row would burn down. The mess hall caught fire last summer. Fortunately, it was detached. In 15 minutes it was a roaring inferno and in less than an hour it was burned to the ground. The stairways are narrow and winding. There are no elevators, no adequate fire prevention possible, no safety. Many of these helpless but gallant men are in the third stories of these fire traps. I tell the gentleman from Texas and I tell this Congress that if one of those tinder-box barracks catches on fire it will be a national calamity and a national disgrace.

I plead with the gentleman from Texas to withdraw his objection. With all the earnestness at my command, I beseech him to withdraw his objection before it is too late. I understand that under the rules of this body the objection of one Member can prevent the passage of this laudable, this noble effort on the part of a grateful people to care for those who bore the brunt of battle in the hour of our country's direst need. In the name of my country, your country, our country, I beg the gentleman from Texas to reconsider his objection and do the big thing, the generous thing, the unselfish thing, the patriotic thing, the noble thing, and join with those of this Congress who know the necessities and the dangers which demand the enactment of this legislation at the earliest possible moment.

It is not a matter of economy. It should not be a matter of dollars and cents. It is a matter of duty. It is an obligation we owe these boys. With a surplus of $600,000,000 in the Treasury last year, surely this great Nation can afford to be just and fair to those who saved it from defeat and destruction.

Mr. BLANTON. Will the gentleman yield there?

Mr. CRAIL. Yes.

Mr. BLANTON. I am getting some telegrams and letters now from towns and chambers of commerce in the Southwest urging that new hospitals be placed in their vicinity by the Veterans' Bureau. They are not so much interested in the hospitals for those who need them; they are interested in them from the commercial standpoint, wanting this much money to be expended in their districts. When hospitals are built I am interested in the men who are going to occupy them and need them most, aside from this question of the commercial interest in these matters. When its time comes on Calendar Wednesday, the Committee on Military Affairs will pick out its most important bills and may then pass them. It will have two whole days in this Congress in which to pass its bills.

Mr. CRAIL. The gentleman wholly misconceives the nature of this bill. It is not for a hospital at all. It is to replace old tinder-box, fire-trap barracks, now filled to overflowing, with modern, fireproof sanitary barracks.

Mr. BLANTON. It is a barracks.

Mr. CRAIL. Yes; it is a menace to life, to the sacred lives of the survivors of our Nation's wars. In humility I ask the gentleman to reconsider.

Mr. BLANTON. I understand; but I would like to see it brought up in its regular order by the Committee on Military Affairs on one of its two days and given consideration on its merits. But to having it considered by unanimous consent I am constrained to object.

The SPEAKER. The clerk will report the next bill.

THE ARMY RATION

The next business on the Consent Calendar was the bill (H. R. 7007) prescribing the Army ration.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, this is partly covered in last year's appropriation bill?

Mr. JAMES. Yes. This is in accordance with the Executive order of the President.

Mr. LAGUARDIA. If this is made permanent, we will not have any trouble any more?

Mr. JAMES. No.

Mr. LAGUARDIA. I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after July 1, 1928, the kinds and quantities of the component articles of the Army ration shall be as follows:

1. Garrison ration (for all persons entitled to a ration except under specific conditions for which other rations are prescribed):

Meat—Beef, fresh or frozen, 18 ounces; bacon, 6 ounces; flour, wheat, 18 ounces; baking powder, 0.08 ounce.

Dry vegetables—Beans, 1.3 ounces; rice, 0.8 ounce.

Fresh vegetables—Potatoes, 17 ounces; onions, 5 ounces; tomatoes, canned, 2 ounces.

Fruit—Prunes, 0.384 ounce; jam, 0.064 ounce; apples, evaporated, 0.128 ounce; peaches, evaporated, 0.128 ounce.

Macaroni, 0.5712 ounce; cheese, 0.5712 ounce; flavoring extract, 0.014 ounce.

Beverages—Coffee, roasted, or roasted and ground, 1.5 ounces; tea, 0.05 ounce; cocoa, 0.3 ounce.

Sugar, 4 ounces; milk, evaporated, unsweetened, 1 ounce.

Butter—Butter, 1.75 ounces; oleomargarine, 0.25 ounce.

Vinegar, 0.08 gill; pickles, cucumber, 0.08 gill; salt, 0.5712 ounce; pepper, black, 0.04 ounce.

Lard—Lard, 0.32 ounce; lard substitute, 0.32 ounce.

Sirup, 0.1427 gill; cinnamon, 0.014 ounce.

In Alaska the beef component will be increased by 10 per cent, the bacon component by 33⅓ per cent, and the vegetable component by 20 per cent.

On Thanksgiving Day and on Christmas Day the meat component will be as follows:

Turkey, drawn, 25 ounces; turkey, undrawn, 28 ounces.

When it is impracticable to bake soft bread, or if for any reason it is more economical to purchase than to bake it, soft bread will be a component in lieu of an equal quantity of flour.

The following additions and deductions will be made on the rations due:

a. For organizations averaging 25 men per day or less, add 10 per cent.

b. For organizations averaging 26 to 75 men per day, add 5 per cent.

c. For organizations averaging 76 to 150 men per day, make no change.

d. For organizations averaging more than 150 men per day, deduct 5 per cent.

e. For individual men authorized by the commanding officer of the post, camp, or station to mess separately, add 10 per cent.

f. For enlisted men serving and messing on Army mine planters, add 50 per cent.

g. The amount of ration credit due an organization maintaining separate messes for detachments will be computed by applying the foregoing provisions for organizations to each mess so maintained.

In special cases where, due to local conditions, the unusually small size of the detachment or the character of the work upon which the enlisted men are engaged, the additions authorized above are insufficient for the proper subsistence of the men, the Secretary of War is authorized to make such additional increase as may be necessary, provided the total allowance thus authorized shall be less than the monetary allowance prescribed for subsistence for enlisted men when rations in kind are not furnished and Government messing facilities are provided.

2. Travel rations (for troops traveling otherwise than by marching, and separated from cooking facilities):

Bread, soft, 18 ounces; or bread, hard, 16 ounces; beef, corned or hash, corned beef, 12 ounces; beans baked, 4 ounces; tomatoes, canned, 8 ounces; jam, 1.4 ounces; coffee, roasted and ground, 2 ounces; sugar, 4 ounces; milk, evaporated, unsweetened, 1 ounce.

3. Reserve ration (for use in campaign when the field ration is not available):

Beef, corned, 7 ounces; beans, with pork and plain sauce, 8.5 ounces; bread, hard, 6.6 ounces; chocolate, vanilla, sweetened, 3 ounces; coffee, soluble, 0.6 ounce; sugar, granulated, 2.4 ounces.

4. Field ration: The field ration is that prescribed for all persons entitled to a ration in time of war and whenever the ration-savings privilege is suspended. Its components will be prescribed by the War Department or the commander of the field forces and will correspond as nearly as practicable with the components of the garrison ration.

5. Troops traveling on transports: Food for troops traveling on United States Army transports will be prepared from the articles of subsistence stores which compose the ration for troops in garrison, varied by the substitution of other articles of authorized subsistence stores, the total daily cost per man of the food consumed not to exceed 20 per cent more than the current cost of the garrison ration, except on Thanksgiving Day and Christmas, when 60 per cent increase over the same current cost is authorized.

6. Ration and savings accounts: Credit will be given organizations on ration and savings accounts for the money value of the garrison or travel ration computed at the current prices of their component articles, and the finance officer will pay as savings to the organization com-

mander any excess in value of these articles over the value of the subsistence stores purchased by the organization.

The ration to be issued to troops on the march in time of peace will be prescribed by the commander, will not exceed the allowances prescribed for the garrison ration, and the ration-savings privilege will be suspended except that when so ordered by such commander the savings privilege on certain specified articles of the ration will be allowed.

SEC. 2. That all laws or parts of laws inconsistent with this act are repealed as of July 1, 1928.

The SPEAKER pro tempore (Mr. SNELL). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HOSPITAL AT DAYTON SOLDIERS' HOME, OHIO

The next business on the Consent Calendar was the bill (H. R. 132) authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I reserve the right to object, in order to get some information. This bill is to authorize an appropriation of $1,500,000 for a new hospital at Dayton, Ohio. I am wondering whether the same rule and regulation governs the Committee on Military Affairs that I find existent in the Committee on Naval Affairs. It is a knowledge of that rule that makes me watch bills carefully coming from either of those two departments.

You will remember that at the beginning of this session our colleague from Oklahoma [Mr. MCCLINTIC] denied authorship of a bill that had been put into the basket with his name on it, a bill providing a fine limousine for every officer in the Navy.

I found out that the bill came from the Navy Department, if you please. It sends up here all the bills that it wants passed, changing the law in this respect or in that respect, and turns them over to the clerk of the Committee on Naval Affairs, and the clerk can not get any one man to introduce them all, so he parcels them out among the membership of the committee. He distributes and parcels them out among the membership of the committee, and puts the name of some member on them and gets them in the basket. He puts the name of CARL VINSON on some of them; he puts the name of JIM MCCLINTIC on some of them; and it was the clerk of that committee, I am informed, who placed Mr. MCCLINTIC's name on that bill.

If that is the way the War Department has of getting its bills and special pet measures before Congress, it is high time that more than two or three of us were giving careful study to these propositions. I shall not object when the regular day for the Committee on Military Affairs comes for this bill to be considered, but this is not the time to bring up these two bills of major importance, one to spend $2,100,000 and this one to spend $1,500,000. Let us bring them up in the proper way and give them due consideration, and if they are just let us pass them and authorize the money to be spent, but to bring them up in this way, on the Unanimous Consent Calendar, is wrong, and I shall object.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. Some of us work very hard on this Consent Calendar, and my colleagues know that I do. It may as well be understood by all the committees now that any bill which carries with it an authorization for the appropriation of any large sum of money will be objected to on the Consent Calendar.

Mr. BLANTON. Let them bring them up on their Calendar Wednesday days.

Mr. LAGUARDIA. I am not now discussing the merits of the bill, but we should not pass such bills unless we know what we are talking about. It is not fair to the House or to the country. So that any bill which carries any large appropriation with it is going to be objected to on this calendar. Such bills should stand on their merit on Calendar Wednesday, when the committee has its day.

Mr. BLANTON. I hope the gentleman from New York will stand pat on that proposition.

Mr. LAGUARDIA. Of course, I will.

Mr. BLANTON. Mr. Speaker, I object.

Mr. JAMES. The gentleman from Texas asked me a question, and I would like to answer it.

Mr. BLANTON. I did not ask the gentleman a question. My interrogatory was propounded to the membership of the House.

Mr. JAMES. I want to say that does not apply to the Military Affairs Committee. I have a three-page report on this proposition from Hon. George H. Wood, chairman of the soldiers' homes.

Mr. BLANTON. The gentleman would have strengthened it if he had printed that report in the committee's report reporting that bill.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to speak for five minutes and explain the circumstances under which this bill was introduced.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to speak for five minutes. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object—and I shall not object—on consent day, when a bill is objected to, if the Members who are interested will let their remarks go until the bill comes up in the regular way, it will help us get through with this calendar. I shall not object to the gentleman having his time, but I hope the membership will bear that in mind.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ROY G. FITZGERALD. Mr. Speaker and gentlemen of the House, I am not a member of the Military Affairs Committee, so of course this soldiers' home hospital bill could not have been introduced by me in the way which was suggested by the gentleman from Texas. The circumstances are these: Some years ago there was a special committee appointed to investigate the hospitals at the soldiers' homes. That committee was appointed by this House, and I served on that committee with the gentleman from North Carolina [Mr. BULWINKLE], now a member of the Committee on World War Legislation. We were shocked at the condition of this hospital. It was a firetrap and had been built in the sixties. Seven hundred major operations a year were performed in this hospital. So crowded was this hospital and in so bad a condition was it that there were cases where they had operated on the wrong man before they found it out. Mr. BULWINKLE and myself went through that hospital. We found it had had no electric wires provided in the early days but that they had been put in during later years. In the basement there were places near the wiring where the plastering had broken through and lath exposed so that if any fire should come about by reason of crossed wires the whole building would soon go up in flames. We found paints, oils, and supplies and repair work in the basement. There were men in this hospital so helpless that they could not be moved except with great difficulty. There was a sort of fire escape where one could slide down on an incline, but in some cases the entrance to the fire escape was blocked by furniture placed before it, due to the crowded condition of the hospital. There were no elevators placed in the hospital in the early days. An elevator was put in later, but there was no shaft for it, nothing to inclose it. The floors were of wood and all of the inside of the building was of wood. It was brick on the outside, but it was not fireproof. The wooden floors were oiled for the purpose of keeping down the dust.

The hospital was so overcrowded and the conditions were such that we were immediately fearful of a catastrophe, so we sent for the inspectors of the fire department and had them test the hose. They found the hose would not hold water properly, but that water would break through the hose. They went through the hospital and found defects in the wiring, defects in the fixtures, and they denounced the building as a fire trap.

This report having been made to Congress, the president of the Board of Managers asked me to introduce the bill. I introduced the bill in the last Congress, and the witnesses were brought here from different parts of the country, including the president of the Board of Managers. The bill first introduced was referred to the Committee on Public Buildings and Grounds, and a very complete hearing was had, and the chief surgeon, the president of the Board of Managers, and others testified. The report of the special investigating committee of this House was presented and the matter was examined with great care. The bill was favorably reported and put on the Consent Calendar.

When the matter came on the floor of the House my good friend here from New York [Mr. LAGUARDIA] denounced the man who made an objection. He denounced that man, and now the gentleman is here applauding the objection which he denounced.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to proceed for one minute more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ROY G. FITZGERALD. I want to explain that I do not object to the gentleman's action. It was a sign of a very good heart, but the circumstances were these: The bill had been referred to the Committee on Public Buildings and Grounds. The Military Affairs Committee was jealous of this bill. They felt their jurisdiction was being interfered with, and they demanded that the bill be rereferred to the Military Affairs Committee. My good friend from New York said:

Let them object to a bill of this character under these circumstances and take the responsibility of a thing like this. (See CONGRESSIONAL RECORD, February 2, 1927.)

Mr. LAGUARDIA. We were at the end of the session then.

Mr. ROY G. FITZGERALD. At the request of a member of the Military Affairs Committee the bill was reintroduced and referred to the Military Affairs Committee and reported at once. This House passed not only one bill but passed both bills, and at the last moment I took it over to the Senate to get it passed by that body, but in the trouble they were having over there the bill could not be passed. I wanted the Members of the House to understand the circumstances. [Applause.]

FORT M'HENRY, MD.

The next business on the Consent Calendar was the bill (H. R. 204) to authorize an additional appropriation for Fort McHenry, Md.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, and I do not intend to object, I would like to ask the gentleman from Maryland, what does the word "restoration" mean here? Is there anything of the original Fort McHenry remaining?

Mr. LINTHICUM. Yes; a very large part of the old fort remains, and this is to restore the fort to the condition it was in during the War of 1812.

Mr. HOOPER. It is quite a Mecca for visitors, I presume?

Mr. LINTHICUM. It is not very presentable at this time, but after we get this appropriation, and the work is finished, it will be one of the finest historic shrines in the country.

Mr. HOOPER. I have no objection.

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object, and in all likelihood shall object. When this bill was originally passed, the act of March 3, 1925, provided "That the Secretary of War is hereby authorized and directed to dispose of the useless, temporary buildings and contents, constructed during the recent war, and from the proceeds thereof there is hereby authorized to be appropriated such sum as may be necessary, not exceeding $50,000, to be used by the Secretary of War in the restoration of said Fort McHenry."

Now comes in a bill authorizing $81,000 over and above the proceeds of sale of surplus property.

Gentlemen of the House, the Committee on Military Affairs originally got its program through on the ground it would sell surplus property and would be able to construct the new buildings out of such a fund. Some of us recommended that the Committee on Military Affairs come in here and say what they needed and to turn over the surplus property to the Treasury Department and let that department sell it and have the proceeds go into the Treasury.

In this instance the bill passed the House on the assurance that there was substantial property left over from the recent war to be disposed of, which would be sufficient to complete the restoration. Now we find the property did not bring as much as they expected, and not only the $50,000 was not sufficient, but here is an appropriation of $81,000.

Let me also call the gentleman's attention to the fact that the bill is very poorly drawn. The gentleman refers, at line 6, to an act which repeals another act and he does not properly cite the act. It should read, "An act approved March 3, 1925, Public, No. 543." Then we would know what we are talking about. I spent a great deal of time in running down this repeal of a former act.

This bill calls for an appropriation and takes the place of a former bill authorizing expenditures out of a specific fund. I believe this should be brought up when the Military Affairs Committee has its day, and for the present I object, Mr. Speaker.

FORT MONMOUTH MILITARY RESERVATION, N. J.

The next business on the Consent Calendar was the bill (H. R. 233) to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to acquire a strip of land lying along the easterly side of the Red Bank-Eatontown Highway, bordering on and for use of Fort Monmouth Military Reservation, N. J., and there is hereby authorized to be appropriated for such purpose a sum not to exceed $1,000 out of any money in the Treasury not otherwise appropriated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FORT BAKER MILITARY RESERVATION, CALIF.

The next business on the Consent Calendar was the bill (H. R. 4588) authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $35,000 for the repair and resurfacing of the roads on the Fort Baker Military Reservation, Calif.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MOUNT M'KINLEY NATIONAL PARK, ALASKA

The next business on the Consent Calendar was the bill (H. R. 8126) to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park, in the Terditory of Alaska," approved February 26, 1917.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is a bill with which I have a great deal of sympathy, for the reason that I realize that the present limitation of $10,000 a year for an expenditure fund for that national park sets a limit that is entirely impossible and inadequate.

In that connection, as soon as there is water transportation available so that tourists desiring to go to Alaska may have an opportunity of doing so, with the growth of that business, it is to be expected that this park will be developed materially, especially in the way of roads and transportation facilities. I say this so it will be understood that I have no feeling against the program the gentleman suggests.

But I do feel that some legislation is very much needed. There are two matters in connection with that park that need correction if it is to stand as a national park. First, there should be no prospecting permitted in the park. It is permitted under a reservation in the existing law. Further, if there is prospecting, the prospector should not be permitted to kill game. It is made a game preserve. Under the organic act they are permitted to kill game for their use. There is no prospecting at the present time in the park area, but anyone who is caught killing game, of course, is a "prospector."

I placed in my speech on the Interior bill a statement setting forth examples of abuse of that privilege.

The purpose of this statement is to urge upon the gentleman from Alaska, the Delegate [Mr. SUTHERLAND], the desirability of accepting an amendment to his bill to take care of the killing of game by prospectors. I will not urge on him at this time the other matter, although I think in the near future it ought to have attention. But certainly if the gentleman wants that park developed we should stop the killing of game. There was a time when there was some excuse for that, for the prospectors needed fresh meat and there were no transportation facilities.

But now that roads are developed, they do not need this permission any more.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. I will yield to the gentleman.

Mr. BLANTON. Is it true that when our friend from Michigan goes on his annual inspection of some of these parks they

give him quail on toast for breakfast, venison steak for lunch, and bear roast for dinner?

Mr. JOHNSON of Washington. They give him the roast, but not the other luxuries. [Laughter.]

Mr. CRAMTON. On my trip last fall the only wild game I had was a dinner of wild turkey on an Indian reservation, and that served to benefit one Indian. On that Apache reservation they do not permit the killing of turkeys except by the Indians, and when the superintendent wanted to get a turkey for Mr. HAYDEN and myself he inquired for the best turkey hunter on the reservation and found that they had him locked up, but they let him out. [Laughter.]

Mr. BLANTON. He was a prospector.

Mr. CRAMTON. Mr. Speaker, I have discussed this with the Delegate from Alaska [Mr. SUTHERLAND], and I understand his feelings, his reluctance about making a change in the status quo up there. However, I feel I shall have to urge his acceptance of the amendment that I have suggested. It is no more than to repeal the old authorization for prospectors to kill game in the park, and if the gentleman feels that he can accept this, I shall have no objection to the present consideration of the bill.

Mr. SUTHERLAND. Mr. Speaker, I feel that I have to yield to the inevitable, to the onward trend of conservation, which is extending all over the Territory, and I shall accept the gentleman's amendment.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the last proviso of section 7 of an act entitled "An act to establish the Mount McKinley National Park, in the Territory of Alaska," approved February 26, 1917, which is in the words and figures following: "*Provided*, That no appropriation for the maintenance of said park in excess of $10,000 annually shall be made, unless the same shall have first been expressly authorized by law," be, and the same is hereby, repealed.

Mr. CRAMTON. Mr. Speaker, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 1, after line 10, insert a new section, to read as follows:

"SEC. 2. The proviso of section 6 of an act entitled 'An act to establish the Mount McKinley National Park, in the Territory of Alaska,' approved February 26, 1917, which is in the words and figures following: '*Provided*, That prospectors and miners engaged in prospecting or mining in said park may take and kill therein so much game or birds as may be needed for their actual necessities when short of food; but in no case shall animals or birds be killed in said park for sale for removal therefrom, or wantonly,' be, and the same is hereby, repealed."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CARETAKERS FOR NATIONAL GUARD ORGANIZATIONS

The next business on the Consent Calendar was the bill (H. R. 242) to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, in New York City, for instance, the city government appropriates for the armories, and so many men are assigned, according to the floor space, and the city pays for it. The organization takes care of the buildings and the equipment. Artillery regiments are motorized, and they take care of the motors, and with Cavalry regiments they take care of the horses. Do other cities and States do the same, or do they make no allowance for the care of equipment and property?

Mr. JAMES. I could not answer.

Mr. LAGUARDIA. Here we authorize civilians where we have National Guard air squadrons.

Mr. JAMES. That is only for the National Guard, and only when they can not use the men already in the service.

Mr. LAGUARDIA. That is only heavier-than-air squadrons?

Mr. JAMES. Yes.

Mr. LAGUARDIA. I withdraw the objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second proviso of section 90 of the national defense act, as amended by the act approved May 28, 1926 (44 Stat. 673–674), be, and the same is hereby, amended so as to read:

"*Provided further*, That in each heavier-than-air squadron one caretaker may be a commissioned officer not above the grade of first lieutenant, and that in any organization whenever it shall be found impracticable to secure the necessary competent caretakers for the materials, animals, armament, or equipment thereof from the personnel of such organization, the organization commander may employ civilians for any or all except one of the caretakers authorized for the organization, and such civilians shall be entitled to such compensations as may be fixed by the Secretary of War."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AIRCRAFT PROCUREMENT BOARD

The next business on the Consent Calendar was the bill (H. R. 471) to provide for an aircraft procurement board, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is the gentleman going to insist upon the amendment to strike out the Postmaster General?

Mr. VINSON of Kentucky. The committee has recommended that.

Mr. LAGUARDIA. I am opposed to it. There is no reason why the Postmaster General should go off this board. It is true that the Post Office is now contracting for the carrying of the mail with private companies, but it is quite important that the Post Office Department keep abreast of the improvements and development in aircraft and motors. We do not know at what time it may have to reestablish its own flying corps. I have talked with the Assistant Postmaster General about that, and he said that all it would cost would be one chair at that table, and I do not see why we want to put him off the board.

Mr. VINSON of Kentucky. It was placed in there at the request of the Secretary of War.

Mr. LAGUARDIA. He surely can not do any harm on that board.

Mr. VINSON of Kentucky. If the gentleman proposes that as an amendment on the floor I shall not object to it.

Mr. LAGUARDIA. It is the other way around. It would take an amendment to take it out. It is in the bill now.

Mr. VINSON of Kentucky. It is done by the committee amendment?

Mr. LAGUARDIA. Yes. If we can agree to leave the Postmaster General on the board, I shall not object.

Mr. BLANTON. I am sure the gentleman from New York, who watches these things closely, agrees that this is one of the most valuable, constructive measures on this calendar? The Postmaster General does not now purchase airplanes or aircraft. All his business is concerned with leasing to private operators from a commercial standpoint, and the Secretary of Commerce does that for him. If he operated that air service under the direct supervision of the department, of course, he ought to be on this board.

Mr. LAGUARDIA. Let me say to the gentleman from Texas that the information contained in the report of the procurement board is very valuable.

Mr. BLANTON. He will have the benefit of every bit of the board's action. I do not believe he ought to be on the board.

Mr. McSWAIN. Mr. Speaker, I desire to concur very heartily with the sentiment expressed parenthetically by the gentleman from Texas, to the effect that this is a highly progressive and constructive measure, in that it looks to a closer cooperation and collaboration between those departments of the Government that are engaged in the purchase and use of aircraft, so that they will bring about a combination of the buying forces and thereby produce economy in the use of money and accomplish a higher degree of efficiency in the aircraft purchased. In that connection I desire to commend the services of the gentleman from Kentucky [Mr. VINSON], who was on the committee when that bill was originally introduced, and who has now gone to another committee.

Mr. BLANTON. And it is a step in the right direction, in that it may make possible a united air service under a department of national defense.

Mr. McSWAIN. I think it will be valuable to help bring about a single department of aviation in the future.

Mr. LAGUARDIA. It will not cost any more money.

The SPEAKER pro tempore. The print that I have here does not provide for the Assistant Postmaster General.

Mr. LAGUARDIA. The print I have does. When section 2 is reached I will offer an amendment.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That a single agency for the coordination of the plans for the procurement of aircraft for the Federal Government is hereby created and established to be known as the Aircraft Procurement Board, hereafter referred to as the board.

SEC. 2. That the board shall consist of an Assistant Secretary of War, an Assistant Secretary of the Navy, an Assistant Secretary of Commerce, to be designated by the heads of their respective departments, and the Chief of the Air Corps of the Army and the Chief of the Bureau of Aeronautics of the Navy.

SEC. 3. That it shall be the duty of the board to consider and coordinate all plans for the procurement of aircraft, aircraft engines, aircraft accessories, or equipment required by any Federal executive department or independent agency, and make recommendations thereon to the head of the executive department or independent agency concerned: *Provided*, That all such plans originating in any department shall be submitted to the board by the head of the executive department or independent agency concerned for review and recommendation prior to their approval.

SEC. 4. That the board, subject to the approval of the Secretaries of War, Navy, and Commerce, shall be organized with such assistants, committees, or subordinate agencies as, in the opinion of the board, may be necessary and advisable in order to efficiently perform its duties: *Provided*, That the personnel required for such assistants, committees, or subordinate agencies shall perform their duties under the control of the board and shall serve under their several permanent appointments in their respective executive departments and without increased remuneration therefor.

SEC. 5. That the board shall adopt rules and regulations for the conduct of its work and for the work of its assistants, committees, or subordinate agencies, which rules and regulations shall be subject to the approval of the Secretaries of War, Navy, and Commerce.

SEC. 6. That the board shall submit annually to the President, through the Secretaries of War, Navy, and Commerce, a report of its activities showing the status of the plans of all Federal departments or independent agencies, for the procurement of aircraft, aircraft engines, aircraft accessories or equipment, together with recommendations for a continuous and definite policy of aircraft procurement by the Federal Government so as to promote and develop the aircraft production capacity of the Nation in the interest of national defense.

SEC. 7. That all acts or parts of acts contrary to the provisions of this act or inconsistent therewith be, and the same are hereby, repealed.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment on page 2, line 3. After the word "Commerce," insert "and Assistant Postmaster General."

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 2, line 3, after the word "Commerce," insert the words "and Assistant Postmaster General."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. BLACK of Texas. Mr. Speaker, I make a point of order that the amendment is not in order.

Mr. LAGUARDIA. I think it would be bad taste for the gentleman from Texas to make a point of order against the amendment. We were following the gentleman's agreement. When the gentleman from Michigan [Mr. JAMES] offered an amendment I did not object to that.

Mr. BLACK of Texas. Mr. Speaker, I do not like the idea of the gentleman from New York calling my attention to what he says is bad taste. I entered into no agreement. I have a right to make a point of order.

Mr. LAGUARDIA. I said I would not object if this amendment should go in.

Mr. BLANTON. That did not assume that we were all going to accept the amendment.

Mr. LAGUARDIA. It was a definite understanding, as I understood.

Mr. BLANTON. My colleague from Texas [Mr. BLACK] offered an amendment a while ago under identical circumstances and the House voted it down.

Mr. BLACK of Texas. I make the point of order, Mr. Speaker, that the amendment is out of order.

The SPEAKER pro tempore. Does the gentleman want to be heard on the point of order?

Mr. BLACK of Texas. I do. It is not germane. Section 2 provides that the board shall consist of an Assistant Secretary of War, an Assistant Secretary of the Navy, and an Assistant Secretary of Commerce. It has been brought out in the debate that the Postmaster General does not purchase aircraft, but lets out the mail routes by contract. It seems to me that the amendment is not germane, and I make a point of order against it.

Mr. LAGUARDIA. I make the point of order that the gentleman can not make a point of order at this time because the Speaker submitted the bill to the House with the specific reservation of an amendment by name.

Mr. BLACK of Texas. Mr. Speaker, I will withdraw the point of order, to save a controversy about it, if it will please the gentleman any better. I am willing that the House vote on the amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, certainly I did not understand that we were all binding the House to acquiesce in the amendment that would be proposed by the gentleman from New York [Mr. LAGUARDIA]. He made a statement a while ago. I am opposed to the amendment. I do not think the amendment ought to prevail. I do not think the Post Office Department has any place in a military bill.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LAGUARDIA. The Department of Commerce is included here.

Mr. GARRETT of Tennessee. The relation of the Post Office Department to the activities contemplated in this bill is not such as it seems to me makes it desirable that a representative of that department should be included in the bill. I certainly hope that the gentleman from New York will not feel that his statement binds us to accept that amendment. I shall certainly vote against it.

Mr. BLACK of Texas. I object to the amendment and will vote against it, but I do not object to its being voted on.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. VINSON of Kentucky. Mr. Speaker, in the bill that was originally introduced the Assistant Postmaster General was not included in the procurement board. In the hearing before the Committee on Military Affairs the Secretary of War suggested or requested that he be made a member of the board. At that time they were engaged in the purchase of airplanes, and there might have been some reason for his inclusion at that time. Since that time they have had a change of policy in the Post Office Department, and upon this bill the Secretary of War requests that the Assistant Postmaster General be dropped. I just wanted to make that statement so the matter would be clear.

Mr. LAGUARDIA. But the gentleman is not opposing my amendment?

Mr. VINSON of Kentucky. Not at all.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 28, noes 26.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That it shall be the duty of the board to consider and coordinate all plans for the procurement of aircraft, aircraft engines, aircraft accessories, or equipment required by any Federal executive department or independent agency, and make recommendations thereon to the head of the executive department or independent agency concerned: *Provided*, That all such plans originating in any department shall be submitted to the board by the head of the executive department or independent agency concerned for review and recommendation prior to their approval.

SEC. 4. That the board, subject to the approval of the Secretaries of War, Navy, and Commerce, shall be organized with such assistants, committees, or subordinate agencies as, in the opinion of the board, may be necessary and advisable in order to efficiently perform its duties: *Provided*, That the personnel required for such assistants, committees, or subordinate agencies shall perform their duties under the control of the board and shall serve under their several permanent appointments in their respective executive departments and without increased remuneration therefor.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment to conform to the amendment just adopted. On page 2, line 18, after the word "Commerce," insert "and the Postmaster General."

The SPEAKER pro tempore. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 18, after the word "Commerce," insert the words "and the Postmaster General."

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. That the board shall adopt rules and regulations for the conduct of its work and for the work of its assistants, committees, or subordinate agencies, which rules and regulations shall be subject to the approval of the Secretaries of War, Navy, and Commerce.

Mr. LAGUARDIA. Mr. Speaker, on page 3, line 5, after the word "Commerce" I move to strike out the period and insert the words "and the Postmaster General."

The SPEAKER pro tempore. Without objection, the amendment will be agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the right to object, but I shall not object. Because the Military Affairs Committee evidently is unwilling to defend its own bill and its own action, I do not know that it is up to any of us to try to do it. I understand the Committee on Military Affairs itself suggested the bill in the form in which it stands, but I do not find any of them defending their own action in committee, so I do not suppose it is up to any of us to do it. However, I think the action of the committee was right.

The SPEAKER pro tempore. The objection is withdrawn, and, without objection, the amendment will be agreed to.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the board shall submit annually to the President, through the Secretaries of War, Navy, and Commerce, a report of its activities showing the status of the plans of all Federal departments or independent agencies, for the procurement of aircraft, aircraft engines, aircraft accessories or equipment, together with recommendations for a continuous and definite policy of aircraft procurement by the Federal Government so as to promote and develop the aircraft production capacity of the Nation in the interest of national defense.

Mr. LAGUARDIA. Mr. Speaker, on page 3, line 8, after the word "Commerce," I move to add the words "and the Postmaster General." I am reading from a printed bill reported by the Committee on Military Affairs of the House.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That all acts or parts of acts contrary to the provisions of this act or inconsistent therewith be, and the same are hereby, repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD on the bill just passed. Is there objection?

There was no objection.

Mr. VINSON of Kentucky. Mr. Speaker, this measure (H. R. 471), as originally introduced by me, is the same measure which I introduced in the last Congress as H. R. 11284. This last-numbered bill was discussed by me on the floor, at which time I called attention to the fact that it had received considerable inspection by the House machinery to permit of its being considered.

As stated at that time, it had been approved by the Military Affairs Committee of the House, after hearings at which Mr. Secretary Davis and General Patrick, then Chief of the Air Service, were present. Upon its being reported to the House, it was presented before the Rules Committee for a rule, which request was granted. It was made the order of the House in connection with two other aircraft measures—the McSwain bill and the Vinson bill—but, due to the subject matter of the measure, it could not be tacked on the five-year air program bill, either of the Army or the Navy, then pending in conference. Subsequently to the date of the speech above referred to, the Speaker of the House, Mr. LONGWORTH, recognized the distinguished gentleman of Michigan [Mr. JAMES], chairman of the Committee on Military Affairs, for the purpose of moving to suspend the rules and pass this measure. The measure passed the House on the 2d day of July, 1926, next to the last day of the first session of the Sixty-ninth Congress.

On October 6, 1926, the three new Assistant Secretaries of War, Navy, and Commerce were named as the head of their respective departments to compose a committee known as the advisory Air Corps coordination committee. The duty of this committee was—

To recommend to the Secretaries of War, Navy, and Commerce general policies relating to the coordination of the air activities of the Government.

At this time the bill was pending in the Senate, and on January 19, 1927, Hon. Dwight F. Davis, Secretary of War, addressed Senator Wadsworth, chairman of the Committee on Military Affairs in the Senate, that he was "in sympathy with the principles incorporated in this measure," but suggested that the ends sought would be substantially obtained through administrative action.

However, on February 15, 1927, after the Executive order of October 6, 1926, had been in operation for more than four months, the Secretary of War addressed the following letter to Senator Wadsworth:

HON. JAMES W. WADSWORTH, Jr.,
United States Senate, Washington, D. C.

MY DEAR SENATOR WADSWORTH: On January 19 I wrote to you concerning the War Department's attitude in regard to H. R. 11284, which provides for the creation of an aircraft procurement board.

In my letter I stated I was in sympathy with the principles incorporated in this measure, and pointed out that the ends sought to be obtained by the bill had already been substantially put into operation through administrative action.

As a result of this experience, gained during the past few months, I feel confident that the proposed procedure is sound, and I, therefore, recommend that this measure be passed at the present session, if that is possible.

I do feel, however, that it is not necessary to have an Assistant Postmaster General as a member of the board, for the reasons as stated in my letter of January 19.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

At this date, the Senate was locked in mortal combat via filibuster, which prevented any further consideration of this measure by that body.

On the first day of the present session I reintroduced the measure. The committee has given it favorable report, including as a part thereof, its report rendered in the Sixty-ninth Congress. With your permission, we will quote from the last mentioned report:

The President's Aircraft Board among its recommendations included one for the creation of Assistant Secretaries of War, Navy, and Commerce, who, among other things, could be especially useful in matters of aircraft procurement. In making this recommendation the report states that these Assistant Sceretaries acting together can perform in a continuous way from year to year by investigation and recommendation a substantial service to aviation.

The Lampert committee among its recommendations included one for the establishment of a single civil governmental agency to be given sole charge of procurement of aircraft, engines, equipment, etc. In making this recommendation the committee pointed out that such an agency would avoid duplication in expense, would promote the development of uniform equipment, and would carry out a definite and continuous policy of procurement, thereby strengthening the sources of supply and promoting aircraft production.

The bill herewith has been drawn with a view of accomplishing the results contemplated in the recommendations of both the Morrow Board and the Lampert committee. The actual machinery set up in this bill is different, perhaps, from that contemplated either by the Morrow Board or the Lampert committee. It consists of the Assistant Secretaries of War, Navy, Commerce, and Assistant Postmaster General, the Chief of Air Service of the Army, and the Chief of Bureau of Aeronautics of the Navy. In its composition, advantage is taken of the Assistant Secretaries recommended by the Morrow Board and of the idea of the Lampert committee that such an agency should have a predominating civilian point of view. The chiefs of the air branches of the Army and Navy have been included as members of this board in order that it may be furnished necessary technical information and counsel. The duties of the board will govern general procurement policies and will not be concerned with the determination of types of planes.

The main principle which has been adhered to in the composition of this Aircraft Procurement Board and in the definition of its duties is that coordination of effort will be obtained without interfering in any way with the present procurement responsibilities of the existing departments of the Government. The full responsibility for actual procurement is left with the heads of the present executive departments, but the plans along which their procurement programs must be developed will be coordinated by the Aircraft Procurement Board so as to accomplish a common objective. This is believed to be an important principle and one which should not be violated. The Secretaries of War and Navy have responsibilities in time of war of such tremendous

importance that their freedom of action in meeting these responsibilities must not be curtailed. The purpose of this board is to assist them in meeting these responsibilities.

At the time when the Federal Government is embarking upon five-year programs of aircraft development for the Army and Navy which involve expenditures of approximately $200,000,000, it is especially important that a body of this character be in existence from the very outset. The laws authorizing these development programs are general in character, and in order that the Government may carry them out with definite objectives and a continuity of policy in procurement, the actual plans for carrying them into effect for the Army and Navy should be very carefully coordinated by a single body, thereby insuring maximum efficiency with minimum of duplication of effort. Economy, which should be ever present in governmental activities, should be one of the controlling factors in guiding this procurement board. With a board of this character it is the opinion of the Committee on Military Affairs that maximum results can be obtained in developing the five-year program at a minimum of cost.

Attention is directed to the fact that this board is not to be an administrative agency. Its work will be of an executive character. The necessary information, data, etc., which the board will need in order to make correct decisions will be collected and furnished by the departments concerned. Whatever personnel the board requires in its work must be obtained from the existing executive departments so that the expenses incurred by the operation of the board itself will be minimum.

Section 6 of the bill requires an annual report to be made by the board to the President showing the status of plans of all Federal departments and independent agencies, the procurement of aircraft and aircraft accessories, together with recommendations for the carrying out of a continuous and definite policy of aircraft procurement. This will insure efficiency in the procurement of aircraft by the departments of the Federal Government, but this report also has another purpose, that of promoting and developing the aircraft production capacity of the Nation in the interest of national defense. This is an especially important feature of the board's work, for it is after an emergency is upon us that air equipment in great quantities must be obtained. The peace-time organization must provide the nucleus of a military fighting force properly balanced in all types of planes and equipment with a civilian industry sufficiently organized and developed in all of its phases to expand readily to meet war-time requirements.

With your permission, I will quote from the report on this bill by the Secretary of War, dated December 19, 1927, to Hon. JOHN M. MORIN, chairman Military Affairs Committee, House of Representatives:

DEAR MR. MORIN: You have asked me in your letter of December 9 to submit a report on H. R. 471, a bill "To provide for an aircraft procurement board and for other purposes."

Existing law contains no provisions applicable to this subject.

In brief, the enactment into law of the proposed bill would provide for an aircraft procurement board which would study and coordinate plans for the procurement of aircraft for the various Federal agencies and make recommendations to the heads of the departments. The result should be better teamwork on the part of the Government as a whole. It is important to note that the proposed bill does not take away from the heads of the departments their present authority to meet their responsibilities in the matter of the procurement of aircraft, and this principle is believed to be sound.

The proposed bill seems to be in full accord with the recommendations of the President's Aircraft Board which recommendations the War Department fully indorse. I am in hearty accord with the fundamental idea contained in this bill and believe that efforts should be made to apply it.

I take it that it is unnecessary for me to go further into the discussion of the measure as my speech on June 18, 1926, volume 67, part 10, CONGRESSIONAL RECORD, at pages 11576 et seq. expresses my views of its virtues and its purpose.

I feel that this bill will, undoubtedly, assist in the coordination of plans of procurement; it will assist in avoiding duplication; it will permit of economies in various manners; it will be a means of having a continuous and definite policy of procurement—not only available for their superiors at the time, but for their successors.

PURCHASE OF HORSES AND MULES FOR THE MILITARY ESTABLISHMENT

The next business on the Consent Calendar was the bill (H. R. 7195) to provide for the purchase of horses and mules for the Military Establishment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kentucky whether this is identical with the bill that was passed in the Sixty-ninth Congress.

Mr. VINSON of Kentucky. My recollection is that this bill did not pass.

Mr. HOOPER. I mean is this bill identical with the bill that came before the Sixty-ninth Congress?

Mr. VINSON of Kentucky. It is the same bill that came before the House at that time, but did not pass.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the number of horses purchased for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted (including the purchase of animals for breeding purposes), shall be limited to the actual needs of the mounted service, including reasonable provision for remounts. When practicable, horses and mules shall be purchased in the open market at all military posts or stations, when needed, within a maximum price to be fixed by the Secretary of War. No horse purchased shall be below the standard set by Army regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy, or except when otherwise specifically authorized by the act making appropriations for such purposes. In no case shall any polo ponies be purchased except for the United States Military Academy, and such ponies shall not be used at any other place.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MOUNT M'KINLEY NATIONAL PARK

Mr. CRAMTON. Mr. Speaker, with reference to H. R. 8126, passed a short while ago, and to which a section was added, if it is necessary to do so, I ask unanimous consent that the title be amended to conform to the act.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

OKANOGAN IRRIGATION DISTRICT

The next business on the Consent Calendar was the bill (H. R. 7203) to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill is of a good deal of interest. It touches in an important way on the matter of reclamation and in a region of the country where reclamation is a matter much discussed.

In the State of Washington they now propose the Columbia Basin project to cost a great many million dollars; to cost so much, it is known it can not come out of the reclamation fund as other irrigation projects. Hence this Congress will be asked to appropriate a great many million dollars for reclamation in the State of Washington, and Congress should be studying the history of reclamation.

The report on this bill is interesting but not at all complete, and I think before the House acts on the bill, in very condensed form, some information might be interesting. In connection with what I have been saying about reclamation in Washington, let me observe that the great Yakima project, that ought to be one of the most complete successes in reclamation work, is not able to pay its obligations, at least does not pay them. The Interior Department, under date of December 1, put out this press release:

Statements have been current in the press about the failure of the reclamation fund to revolve. The impression widely prevails that the construction obligations of the water users of the Federal irrigation projects are not being met. Wherever this impression is held, it is erroneous. Since the passage of the adjustment act payments in the full amount due to the Government are the rule and delinquencies are the exceptions.

I am one who has said frequently that the reclamation fund that originally was to revolve every 10 years, now has got to the point where it is to revolve once in 40 years, and has almost become stationary because of the failure to pay the obligations. It is the West that suffers by this and not the State of Michigan or the East. Hence I have tried to preach payment of obligations instead of continually wiping them off the slate or postponing them indefinitely.

This Yakima project, a splendid project in the State of Washington, has due and unpaid, by the last report made to the committee in charge of the Interior Department bill, construc-

tion charges to the amount of $243,258 and unpaid O. and M. charges to the amount of $161,985.

The project before us is a concrete example of the failure of the reclamation fund to revolve. The Government spent, according to the report made to our committee, $1,431,157.63. We passed the Smith adjustment act and we were told that was the last time they were going to ask us to wipe anything off the slate. This act wiped off the slate for the Okanogan $820,000, leaving $610,000. But this $1,431,000 was spent over 10 years ago. If there had been an interest charge on the money the amount would have been way above $1,431,000. We wiped off all but $610,000, and now comes this bill which says we are to wipe off $300,000 more. Do we get the cash? Do we get a bill that guarantees payment of even the $310,000? No; they are to pay $10,000 a year for 31 years, and I contend there is nothing in the bill before us that gives us adequate power to force the payment even of the $10,000 a year.

Mr. BLANTON. Is the gentleman going to stop it or is the gentleman just speaking generally?

Mr. CRAMTON. I want to get this information before the House. I think the gentlemen will be interested in one or two further observations.

Mr. BLANTON. I just want to interject this statement. The gentleman has had enough dealings with our friend, the gentleman from Idaho [Mr. SMITH] to know that he is still going to have to give the gentleman a handout every once in a while when he asks us.

Mr. CRAMTON. Let us not get our field too broad.

The value of the total crops for this project for the year 1926, by the information given us by the Reclamation Service, was $512,000. The average crop yield per acre was $133.35. The average from 1917 to 1926 was $215. And still we are told they must repudiate practically all of their obligations. They get $200 an acre in crops and can not pay $5 or $6 an acre per year to the Government. It does not come in under an "adjustment," but we are to adopt a new system of wiping these obligations off the slate. While they have been getting $215 an acre from their crops, they have unpaid O. and M. charges to the amount of $166,000.

I agree that stringent action ought to be taken with reference to this project. It appears, if the statement of the department is correct—the department throws up its hands about it—but if their statement is correct, then the Okanogan project is to take its place alongside of the Williston and another one down in Kansas, and perhaps one or two others, as stark, outstanding examples of failure of reclamation through the use of Federal funds.

I wanted to challenge the attention of the House to this particular example. They are going to wipe off the slate all but $310,000 of this obligation, and as to that amount they are to pay $10,000 a year for 31 years without interest. I do not believe the financial interests of the Government have been sufficiently safeguarded to warrant such action. I believe, even to whatever extent it may be warranted in this distressing case, it is unwise to create this example because I know if we do this as to the Okanogan, other Members from the West will have similar bills to compromise with the Government on the obligations of their projects. Therefore I am obliged to object, Mr. Speaker.

Mr. HILL of Washington. Will the gentleman reserve his objection?

Mr. CRAMTON. I will reserve it, certainly.

Mr. HILL of Washington. Mr. Speaker, the Okanogan project was authorized in 1905 on data that unquestionably was insufficient as the basis upon which to warrant the taking in of such a large acreage. The fact is that there is not enough water to carry the project with the acreage it now includes. You can not get away from that fact. The land is fertile, the climate is propitious, but the water is lacking.

From a period extending from 1911, the second year that water was placed on the land, down to the present time the report from the investigators from the Bureau of Reclamation say that in only five of those years has the supply of water approached the mark necessary for the production of profitable crops.

There has been a large gross yield on those lands, but that does not mean a net yield. The fact is that a very small portion of the land is receiving water sufficient to yield crops and the people on the project, aside from the burden of repaying to the Government the annual amount for construction and the operation and maintenance charges, have had to go into their pockets to pay for water outside of the Government supply. They have been compelled to pay since 1918, including 1926, over $500,000, or more than $110 per acre of the land under water, to get outside water in order to produce any crops. They must have relief.

In 1926 there was not a drop of water in the Government canal on that project. We have in that project some 1,175 acres which have prior rights. That is, those rights existed at the time the Government adopted this project, and the rights were recognized and were secured in an agreement between the original water users and the Government, so that they have the first call on the water.

In 1926 there was not sufficient water supply over and above what the Government must allow to these prior right users to permit a drop to the project users. In fact, there was only about 80 per cent of the water necessary to supply the prior rights.

Now, that is the condition. It is not simply a theory; we would like to pay up all the indebtedness and would do it without difficulty if we had the water, but the water is not there and it is a question of salvaging what we can out of a bankrupt and intolerable condition.

The people have done their best to meet the conditions. They can do no more. They paid out in 1926 $188,000 for outside water. Neither the Government nor the water users are to blame for the conditions that exist; but it is impossible to continue the project under such conditions. There are 3,800 acres of land under the project now producing fruit. The balance of the lands on which trees were planted and brought to a bearing stage have died for want of water. A committee appointed by the Secretary of the Interior went out last summer and investigated the project and wrote a report. They found that there are 3,800 acres of land that might reasonably be expected to be supplied with an adequate amount of water. The object of this bill is to turn the project over to the Okanogan irrigation district and let that district run it and reduce it to 3,800 acres so that it can have water, a reasonable amount, for the acreage retained and repay the Government the money due on the acreage reclaimed in the project, every dollar of it, and the Government take the loss for the acreage that is eliminated.

That is all there is to this bill. It is simply a proposition to reduce the project to an acreage where it can pay out on the basis of the reclaimed area.

Mr. BLANTON. Will the gentleman yield?

Mr. HILL of Washington. I will.

Mr. BLANTON. The gentleman's contention is that there will be 3,500 acres watered. What does the gentleman say about the production on the land on the facts as given by the gentleman from Michigan [Mr. CRAMTON], that it earns $200 an acre? With such earnings, why can not they pay more than $10,000 annually to the Government?

Mr. CRAMTON. If the gentleman will yield, I did not have reference to the 3,800 acres; I had reference to the 6,800 acres.

Mr. BLANTON. If I understood the gentleman from Michigan, his objection was really a live objection and not one that he is going to withdraw, so what is the use of taking up further time?

Mr. SMITH. Mr. Speaker, if the gentleman will permit me, I wish to express my very great surprise that the chairman of the subcommittee on appropriations in charge of appropriations for the Interior Department, including the Reclamation Bureau, would make the statement that he has made on this floor that reclamation is a failure. Everybody that has been familiar with the activities of the gentleman knows that he has actually been the best friend during the last 10 years that reclamation has had in this House.

He has taken the trouble year after year to travel over the western country and visit all of these projects, and he has talked with the settlers and has cooperated with them.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH. Yes.

Mr. CRAMTON. Nothing is gained by putting in my mouth words that I did not utter. I do not say that reclamation has been a failure. It has not been the success it should have been for the simple reason that in these western sections the feeling has grown that their obligations to the Government do not have to be paid, and I say that if this bill goes through it will be at least the third outstanding failure of reclamation.

Mr. SMITH. Yes; but these outstanding failures to which the gentleman refers are three of the most insignificant projects that have been taken up. Unfortunately, when these projects were taken up there was no soil survey made as is required under the act of December 1, 1924. When these projects were taken up they measured the water not as they are doing now, by engineers, but simply by conversing with the old settlers to ascertain how much rainfall there had been in the previous

years. It is true that the Garden City project in Kansas was a complete failure because the farmers would not contract for water. It is true that this project has been a partial failure because of shortage of water and also because of the fact that the soil is so shallow that it is impossible to raise crops upon it. This bill is simply in line with the act of March 5, 1926, which was based on an examination made by the advisors of the Secretary of the Interior, who visited all of these projects and segregated the land that could not be cultivated because of shallow soil, or water shortage and the rough land that could not be economically reclaimed.

When this project was examined, 2,440 acres were charged off because of the lack of soil fertility, and if they had been able to conclude their investigations regarding the supply of water at that time, they would have discovered then that additional water is not available, and would have charged off the very land we are charging off at this time. It is impossible to get blood out of a turnip. These farmers now pay $118 an acre for water for land for which there is sufficient water, and in order to make this project a success, it is necessary to afford this relief. The farmers who have been excluded from this land for which water is not available, are losing all of the time and the money that they have spent in trying to establish themselves on this land. This legislation provides for placing the project on a paying basis, and the Government will get back every dollar that has been expended on the land for which water is available. The Government will have to lose what has been spent on land for which there is no water. It seems to me that common sense dictates that the thing to do is to pass this bill and impose this obligation only upon the farmers who have sufficient water to reclaim their lands, and then let the balance of the expenditure be charged off.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SMITH. Yes.

Mr. BLANTON. But there is pending now before the Committee on Indian Affairs a proposition to place $61 an acre charge on the Indian lands in New Mexico, and the first question I asked was whether the Indians were demanding this, and they said no, and I find it is a white man's project.

Mr. SMITH. I am not on the Committee on Indian Affairs and am not advised about Indian projects, but I do believe this is a meritorious bill.

Mr. BLANTON. We ought first to be careful about putting these charges on the land, and then after we do it and spend public money, we ought to be careful about it being paid back.

Mr. DYER. Mr. Speaker, I feel that this is a very important matter and very likely ought not to be on the Consent Calendar. But I think we have had sufficient discussion, and I feel impelled to call for the regular order.

The SPEAKER pro tempore. The gentleman can demand the regular order.

Mr. SMITH. Mr. Speaker, reserving the right to object, if the matter goes over, as I presume it will, we will be very glad if the gentleman from Michigan [Mr. CRAMTON] will suggest some sensible, practical way to adjust this situation. It must be settled, because the Government is now paying much more in operation and maintenance than it is getting back. It is a losing proposition.

Mr. CRAMTON. Mr. Speaker, the gentleman from Idaho asks me to perform a herculean task. Perhaps I might ask him to perform one and ask whether, if I accept this proposition, the gentleman from Idaho will guarantee to the Congress that his committee will not bring to the House any more bills to wipe several hundred thousand dollars off the slate?

Mr. SMITH. I will say this, that I know of no other project where relief is necessary.

Mr. CRAMTON. Well, I do know of other projects where they can make as good a showing as they have on this one.

Mr. SMITH. They have not been presented to the attention of our committee.

Mr. CRAMTON. They will just as soon as this becomes law and they know that the way is open for them.

Mr. SMITH. Even that would be no excuse for not doing the sensible thing by these settlers.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker, if the gentleman from Michigan is going to lie down.

Mr. CRAMTON. I object.

DISBURSEMENT AND ACCOUNTING IN THE ARMY

The next business on the Consent Calendar was the bill (H. R. 7753) to authorize the disbursement of and accounting for the appropriation, "Pay, etc., of the Army," as one fund, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas reserves the right to object.

Mr. BLANTON. It is not often that they get anything as bad as this bill by my friend from South Carolina [Mr. McSWAIN]. He must have been looking at something somewhere else when they got this bill over on him. If this bill is passed it will permit the War Department to treat all its appropriations as one lump sum. That would be a bad precedent and a bad practice, and I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

Mr. McSWAIN. Mr. Speaker, will the gentleman reserve his objection for a moment, so that I can make an explanation?

Mr. BLANTON. I will reserve it for a moment, but I will object if no one else does.

Mr. McSWAIN. I heartily agree with the gentleman in his general sentiment in connection with the matter, but I think he will find that section 2 really ought to be the law in order that there will not be an indirect transfer of funds.

Mr. BLANTON. The War Department would let you pass 16 sections like section 2 if you put this section 1 into the law for them. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard. The gentleman from Idaho [Mr. SMITH] asks unanimous consent that the bill H. R. 7203 retain its place on the calendar. Is there objection?

There was no objection.

Mr. MORTON D. HULL. Does that mean, Mr. Speaker, that when this bill is again called up on the calendar it will require only one objection or three objections?

The SPEAKER pro tempore. It will require three objections next time. The Clerk will report the next bill.

PREPARATION OF MILITARY MAPS

The next business on the Consent Calendar was the bill (H. R. 7937) to authorize mapping agencies of the Government to assist in preparation of military maps.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the execution of topographic and other surveys the securing of extra topographic data, the preparation and printing of maps required for military purposes, in the research and development of surveying by means of aerial photography, and in field reproduction methods, the Secretary of War is authorized to secure the assistance, whenever practicable, of the United States Geological Survey, the Coast and Geodetic Survey, or other mapping agencies of the Government.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

AMENDMENT OF THE HAWAIIAN HOMES COMMISSION ACT, 1920

The next business on the Consent Calendar was the bill (H. R. 6989) to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Hawaii the reason for the limitation on page 3, which reads:

The commission shall not lease, use, nor dispose of more than 20,000 acres of the area of Hawaiian home lands, for settlement by native Hawaiians, in any calendar five-year period.

If this is as good as the report indicates—and I think it is—why retard the benefit of the bill?

Mr. HOUSTON of Hawaii. Because the amount of money available from the revolving fund is not sufficient to put in more than 20,000 acres in a five-year period. That matter was discussed in the Legislature of Hawaii. Although the revolving fund is increased to a certain amount, there is only a certain amount available every year, and you would go beyond the available fund if you allowed it every year.

Mr. LAGUARDIA. That is the reason?

Mr. HOUSTON of Hawaii. Yes. That is about as fast as they can go.

Mr. LAGUARDIA. I thank the gentleman.

Mr. CRAMTON. I would like the gentleman to tell us on what terms this land is offered to the natives of Hawaii.

Mr. HOUSTON of Hawaii. On a 99-year lease. The title remains in the Territory.

Mr. CRAMTON. What is the rate they pay?

Mr. HOUSTON of Hawaii. One dollar on a nominal lease.

Mr. CRAMTON. I visited the region in question in Molokai and was very much impressed by it.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That section 204 of the Hawaiian Homes Commission act, 1920, is hereby amended to read as follows:

"SEC. 204. Upon the passage of this act all available lands shall immediately assume the status of Hawaiian home lands and be under the control of the commission, to be used and disposed of in accordance with the provisions of this title, except that:

"(1) In case any available land is under lease by the Territory of Hawaii, by virtue of section 73 of the Hawaiian organic act, at the time of the passage of this act, such land shall not assume the status of Hawaiian home lands until the lease expires or the commissioner of public lands withdraws the lands from the operation of the lease. If the land is covered by a lease containing a withdrawal clause, as provided in subdivision (d) of section 73 of the Hawaiian organic act, the Commissioner of Public Lands shall withdraw such lands from the operation of the lease whenever the commission, with the approval of the Secretary of the Interior, gives notice to him that the commission is of the opinion that the lands are required by it for the purposes of this title; and such withdrawal shall be held to be for a public purpose within the meaning of that term as used in subdivision (d) of section 73 of the Hawaiian organic act;

"(2) Any available land, including land selected by the commission out of a larger area, as provided by this act, as may not be immediately needed for the purposes of this act may be returned to the Commissioner of Public Lands and may be leased by him as provided in subdivision (d) of section 73 of the Hawaiian organic act; any lease of Hawaiian home lands hereafter entered into shall contain a withdrawal clause, and the lands so leased shall be withdrawn by the Commissioner of Public Lands, for the purposes of this title, upon the commission giving five years' notice of such withdrawal;

"(3) The commission shall not lease, use, nor dispose of more than 20,000 acres of the area of Hawaiian home lands for settlement by native Hawaiians in any calendar five-year period."

SEC. 2. Section 213 of the Hawaiian Homes Commission act, 1920, as amended by act of February 3, 1923, is hereby further amended to read as follows:

"SEC. 213. There is hereby established in the treasury of the Territory a revolving fund to be known as the Hawaiian home loan fund. The entire receipts derived from any leasing of the 'available lands' defined in section 203, these receipts including proportionate shares of the receipts from the lands of Humuula Mauka, Piihonua, and Kaohe Hakuu, of which lands portions are yet to be selected and 30 per cent of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provision of law, or from water licenses, shall be covered into the fund until the amount of moneys paid therein from those three sources alone shall equal $2,000,000. In addition to these moneys and the moneys covered into the revolving fund as installments paid by lessees upon loans made to them as provided in paragraph 2 of section 215 there shall be covered into the revolving fund all other moneys received by the commission from any source whatsoever."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

NONSECTARIAN CHAPEL AT ARMY MEDICAL CENTER

The next business on the Consent Calendar was the bill (H. R. 6991) authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to grant, under such conditions as he shall determine, permission for the erection of a building for a nonsectarian chapel upon the grounds of the Army medical center in the District of Columbia, at the cost of funds raised and donated by the Gray Ladies of the Red Cross and without cost to the United States.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

TERRITORY OF HAWAII

The next business on the Consent Calendar was the bill (H. R. 83) to approve Act No. 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to call the Delegate's attention to the fact that here we are asked to approve an act. The title of the act is given in the bill, but the act itself does not appear in the bill and it does not appear in the report.

Mr. HOUSTON of Hawaii. I will say to the gentleman from New York that the act follows exactly the same wording that has been used in previous Congresses with respect to the same matters, and the report is exactly the same as has been used in previous reports out of committees on bills of the same nature. Both of these bills, 83 and 84, are to approve, as is required by the organic act that was granted to the Territory of Hawaii, a license that is issued to a certain company for providing light and power.

Mr. LAGUARDIA. I understand that, but I think when the House is asked to approve an act of the Legislature of Hawaii the report ought to contain the text of the act. I do not think that is an unreasonable request.

Mr. CRAMTON. I might suggest to the gentleman from New York and to the gentleman from Hawaii that I think I have some responsibility for the failure of this bill to carry the Hawaiian act, because on a previous occasion I made a protest against encumbering our statutes with those very long acts, but it would seem that the report itself might very well contain it. The reason the former report did not was because in the former case the bill did carry the act.

Mr. JOHNSON of Washington. Let me suggest that the committee held hearings, which are on file in the committee. The committee went into it very carefully, and we are satisfied that the franchises to be granted are proper.

Mr. LAGUARDIA. The gentleman and his committee have made an examination of this?

Mr. JOHNSON of Washington. Yes.

Mr. LAGUARDIA. I shall not object now, but I think it is only reasonable to request that the act itself be printed in the bill or in the report.

Mr. HOUSTON of Hawaii. I will note that.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That act No. 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on March 26, 1927, is hereby approved: *Provided*, That the authority in section 16 of said act for the amending, or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval by Congress in accordance with the organic act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TERRITORY OF HAWAII

The next business on the Consent Calendar was the bill (H. R. 84) to approve act 25 of the Session Laws of 1927 of the

Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows.

Be it enacted, etc., That act No. 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on March 26, 1927, is hereby approved: *Provided,* That the authority in section 15 of said act for the amending or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval by Congress in accordance with the organic act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ANCHORAGE, ALASKA

The next business on the Consent Calendar was the bill (H. R. 340) to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object, for the purpose of asking the gentleman from Alaska a question. I notice that this town has a population of only 1,856 people. This is to provide a bond issue of $100,000, with which to build an additional school building. About how many children are there in this town of 1,856 people?

Mr. SUTHERLAND. My impression is that to-day there are about 400 school children.

Mr. BLANTON. They already have some building, because this bill provides for an additional building.

Mr. SUTHERLAND. The present building is a dilapidated building. The people there do not think it is all that is required for the present attendance, and they have an overflow of scholars.

Mr. BLANTON. I shall not object to them bonding themselves, but it occurs to me they are going pretty rapidly out there for a small town.

Mr. JOHNSON of Washington. Let me inform the gentleman that the people of the little city of Anchorage are trying to catch up with the enormous program laid out by the Federal Government when they sought to make it a Federal city there about 10 or 15 years ago.

Mr. BLANTON. Due to the fact that if I should get to go out there some day in the far future with my friend from Michigan [Mr. CRAMTON], I shall expect my friend from Alaska to serve us with the same wild turkey, venison steak, and bear meat that our friend from Michigan gets elsewhere, we will let it go by.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the incorporated town of Anchorage, Alaska, is hereby authorized and empowered to issue bonds in any sum not to exceed $100,000 for the purpose of constructing and equipping an additional school building in said town.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Anchorage, at which election the question whether such bonds shall be issued shall be submitted to the qualified electors of said town of Anchorage. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of 65 per cent of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 6 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest and shall be in such denominations as the common council of said town may designate, but not exceeding $1,000 each, the principal to be due in 10 years from date thereof: *Provided, however,* That the common council of the said town of Anchorage may reserve the right to pay off such bonds in their numerical order at the rate of $10,000 or less thereof per annum from and after the expiration of four years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer, town of Anchorage, Alaska, or at such other place as may be designated by the common council of the town of Anchorage, the place of payment to be mentioned in said bonds: *And provided further,* That each and every such bond shall have the written signature of the mayor and clerk of said town of Anchorage and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than that specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed by the treasurer of said town under the limitations hereinbefore imposed and under the direction of said common council from time to time as the same may be required for the purposes aforesaid.

Mr. SUTHERLAND. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Alaska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUTHERLAND: On page 1, line 6, after the word "town," insert: "*Provided, however,* That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form, maturing in substantially equal annual installments, the first installment to mature not later than 5 years from the date of the issue of such series, and the last installment not later than 30 years from the date of such issue."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT OF HAWAIIAN ORGANIC ACT

The next business on the Consent Calendar was the bill (H. R. 5575) to amend the Hawaiian organic act, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 83 of the Hawaiian organic act, as amended, is amended by adding at the end thereof a new paragraph to read as follows:

"Hereafter no person shall be disqualified for service as a juror or grand juror by reason of sex, but the provisions of the law relating to the qualifications of jurors and grand jurors and exemptions from jury duty shall in all cases apply to women as well as to men, but such service shall not be compulsory upon any woman."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the bill by which the bill was passed was laid on the table.

SCHOOL BONDS OF SEWARD, ALASKA

The next business on the Consent Calendar was the bill (H. R. 7367) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. SUTHERLAND. Mr. Speaker, I will explain that these two amendments simply provide a uniform system of redemption of the bonds. It is the phraseology that was placed in the bonding bills of last session while they were in the Senate.

Mr. BLANTON. The particular point I want to call the gentleman's attention to is that this is a village of only 850 people. How many school children are in it?

Mr. SUTHERLAND. I do not know just the number of school children, but this is a town of considerable importance. I have given the census of 1920, but there is a larger population in Seward than that.

Mr. BLANTON. I shall not stand in the gentleman's way, but it does look as if they are bonding themselves pretty fast up there.

Mr. SUTHERLAND. They are bonding themselves in every case for school buildings.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the incorporated town of Seward, Alaska, is hereby authorized and empowered to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the said town of Seward, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Seward whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon condition that a majority of 65 per cent of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of Seward, not to exceed 7 per cent per annum, payable semiannually, and shall not be sold for less than their par value, with accrued interest, and shall be in denominations not exceeding $1,000 each, the principal to be due in 20 years from date thereof: *Provided, however,* That the common council of the said town of Seward may reserve the right to pay off such bonds in their numerical order at the rate of $4,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Seward, the place of payment to be mentioned in the bonds: *Provided further,* That each and every bond shall have the written signature of the mayor and clerk of said town of Seward and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the order and direction of said common council from time to time as the same may be required for said purposes.

Mr. SUTHERLAND. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Alaska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SUTHERLAND: On page 1, line 6, after the word "Alaska" insert "*Provided, however,* That no issue of bonds or other instruments of any such indebtedness shall be made, other than such bonds or other instruments of indebtedness in serial form, maturing in substantially equal annual installments, the first installment to mature not later than 5 years from the date of the issue of such series and the last installment not later than 30 years from the date of such issue."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION AT FORT BENNING, GA.

The next business on the Consent Calendar was the bill (H. R. 7478) to authorize appropriations for construction at military posts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA and Mr. BLANTON reserved the right to object.

Mr. LAGUARDIA. I want to ask if the $200,000 is over and above the $180,000 carried in the deficiency bill?

Mr. JAMES. We authorized $180,000 last year, which was carried in the deficiency bill. We authorized a total of about $700,000 for barracks and after the contract was let there was a surplus of $200,000. They need $200,000 more for an addition to the hospital and this simply authorizes a transfer of appropriations from the appropriation for barracks so that the money can be used for hospital purposes. There is no money involved at all.

Mr. LAGUARDIA. That is what I thought.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. It has not been long since we passed legislation at the instance of the War Department which turned over to it, as it said, $20,000,000 for new construction. I predicted then they would be coming back here with bill after bill for extra money. You will remember that just a few days ago, comparatively, General Summerall said they needed new barracks in the United States for the Army, and he was summoned across the United States as a punishment by the President of the United States for making that statement. I do not think this bill ought to come up under unanimous consent under such circumstances. We ought to wait and see what the President is going to do with General Summerall before we pass it, and I object.

Mr. WRIGHT. Will the gentleman withhold his objection?

Mr. BLANTON. If my friend wants to defend the President in punishing General Summerall, I will reserve my objection for that purpose.

Mr. WRIGHT. I want to state to the gentleman that this bill has nothing to do with the President or with General Summerall. There was an appropriation heretofore made for the construction of barracks at Fort Benning. Only $300,000 of the amount was actually used for barracks, and the purpose of this bill is simply to transfer it from the barracks fund in order to construct additional wings to the hospital, which construction is very badly needed there. There is no additional charge on the Treasury.

Mr. BLANTON. For the present, Mr. Speaker, I object.

AMENDING SECTION 7 OF PUBLIC ACT NO. 45

The next business on the Consent Calendar was the bill (H. R. 6094) to amend section 7 of public act No. 45, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second proviso of section 7 of public act No. 45 entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes," be, and the same is hereby, amended so as to authorize the Secretary of War to grant to the State of Louisiana a period of four years for the purpose of exercising the State's option in the purchase of Jackson Barracks.

Amend the title so as to read: "A bill to amend section 7 of public act No. 45, Sixty-ninth Congress, entitled 'An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes.'"

With the following committee amendments:

Page 1, line 3, strike out "Public Act No. 45" and insert in lieu thereof "An act"; on page 2, line 4, after the word "purposes," insert in parentheses the words "Forty-fourth United States Statutes, page 203"; and after the parenthesis "approved March 12, 1926"; and in line 7 strike out the word "four" and insert in lieu thereof the word "six"; and amend the title.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

TRANSFER OF THE TESTING PLANT OF THE AIR CORPS

The next business on the Consent Calendar was the bill (H. R. 7008) to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, this bill appropriates $1,200,000 and it ought to come up with the regular Military Affairs Committee bills on its Calendar Wednesday. I object.

BOARD OF VISITORS UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the bill (H. R. 8105) to provide for the membership of the Board of Visitors United States Military Academy, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the Board of Visitors to the United States Military Academy shall consist of five members of the Committee on Military Affairs of the Senate, seven members of the Committee on Military Affairs of the House of Representatives, and five members of the Committee on Appropriations of the House of Representatives, to be appointed by the respective chairmen thereof; the members so appointed shall visit the United States Military Academy at least once annually at such time or times as the chairmen of said committees shall appoint, and the members from each of said committees may visit said academy together or separately as the respective chairmen of said committees may elect; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees: *Provided*, That members chosen by the respective chairmen of the said committees who have been reelected to the Senate or House of Representatives may continue to serve as members of the Board of Visitors and visit the United States Military Academy, notwithstanding the expiration of Congress. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board and their actual expenses of travel.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADDITIONAL JUDGE FOR THE DISTRICT COURT OF SOUTHERN DISTRICT OF IOWA

The next business on the Consent Calendar was the bill (H. R. 6057) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, we have a law whereby one Federal district judge may be transferred to another district, even if another State, and if you will get the record which shows the condition of the docket in different States—for instance, in New Mexico and several other States I could name you will find some Federal judges with very little to do, very little business to transact, and they could be transferred to this district in Iowa and help clean up the docket.

Mr. DYER. Let me say to the gentleman the district judge from New Mexico to whom he has referred is sitting in the United States court of appeals and giving his whole time to that court.

Mr. BLANTON. In the last session of Congress we created a whole bunch of new judges. If the gentleman will investigate and see how high the sun is when they open court and how high it still is when they close it he will see that they could get busier and do more work.

Mr. DYER. This bill was reported to the last House in the last session of Congress.

Mr. BLANTON. I hate to object to a bill introduced by the chairman of the Ways and Means Committee, but I have to do it. However, I will reserve the objection for the present if he wants to make a statement.

Mr. GREEN of Iowa. Surely the gentleman from Texas does not want the conditions to prevail that now prevail in Iowa. If anybody wants to get a case put over he has not the slightest trouble in getting it done, for the judge comes there, has only a short time, and gets away as soon as he can, so that there is a practical denial of justice. Cases run along there for a couple of years.

Mr. BLANTON. That is the fault of the judge.

Mr. GREEN of Iowa. If there was a judge that belonged in the district, there would be no trouble in getting cases tried.

Mr. BLANTON. I notice a short time ago where a Texas judge, and he is a fine one, although he is a Republican, William H. Atwell, went all the way across the continent to New York to hold court, and he held it for quite a while. It shows that the condition of his docket was such that he could cross the United States at the expense of the people, because his expenses were paid, and help clean up the docket in another State. He also gets a per diem when absent from home.

Now, the Judiciary Committee will have a day pretty soon, and the gentleman can bring up his bill at that time.

Mr. GREEN of Iowa. This condition has been in existence for over two years.

Mr. BLANTON. I want to say to my friend that in my district, where I held court for eight years, there are now six judges doing the work that I used to do there. The legislature and Congress can keep on creating these judges because there is always some fellow that wants the position.

Mr. DYER. If the gentleman will permit me, there is no judge in that district now who is able to hold court. The sitting judge is absolutely incapacitated on account of physical conditions.

Mr. BLANTON. Why doesn't he retire?

Mr. DYER. He will as soon as he can. He has not reached the age of retirement yet.

Mr. GARRETT of Tennessee. And there is no way to compel him to retire.

Mr. DYER. This does not provide for an additional judge.

Mr. BLANTON. Mr. Speaker, I am always willing to hear from my party leader, the gentleman from Tennessee [Mr. GARRETT]. He has asked me to withdraw my objection, and if he is willing to take that responsibility I shall withdraw my objection.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is the congestion in this district due to the excessive number of cases with reference to violations of the prohibition act?

Mr. GREEN of Iowa. Oh, there are cases of that kind; but there are also cases against railroad companies and corporations that we can not get tried.

Mr. DYER. There is no judge in the district who can hold court, because he is ill. This is to provide a judge for that district to take his place. He will retire as soon as he reaches the age limit and there will be no additional judge appointed.

Mr. SCHAFER. Taking into consideration the present condition of the calendar, if a man should be arrested for violating the national prohibition act to-day, how long would it be before his case would be reached for consideration?

Mr. GREEN of Iowa. I can not inform the gentleman about that.

Mr. SCHAFER. I would like to know in what shape that calendar is.

Mr. GREEN of Iowa. There is a large number of cases on the docket now, and some of them have been there for two years, and they can not be disposed of.

Mr. SCHAFER. Mr. Speaker, in view of the fact that I believe in the enforcement of all laws, and also that a strict enforcement of the eighteenth amendment and the Volstead Act will bring about a change of opinion in Iowa asking for a modification of it, I shall withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent to substitute for the House bill the Senate bill 773, of similar title and text, and to pass the Senate bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to substitute the Senate bill and consider it in lieu of the House bill. Is there objection?

Mr. EDWARDS. Is that identical with the House bill?

Mr. DYER. It is identical.

The SPEAKER. The Chair hears no objection, and the Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint an additional judge of the District Court of the United States for the Southern District of Iowa, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation and allowances as the present judge of said district.

SEC. 2. When a vacancy shall occur in the office of the existing district judge for said district such vacancy shall not be filled unless authorized by the Congress.

SEC. 3. This act shall take effect upon its approval by the President.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill (H. R. 6057) was laid on the table.

CONSTRUCTION AT MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill authorizes an appropriation of $4,283,716. All of its

items are probably meritorious, but I think such a bill of such great importance should come up on the regular Military Affairs Committee day, on its Calendar Wednesday, and I object.

The SPEAKER. The gentleman from Texas objects.

BRIDGE ACROSS LAKE CHAMPLAIN

The next business on the Consent Calendar was House joint resolution (H. J. Res. 104) granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain Bridge Commission, and to construct, maintain, and operate a highway bridge across Lake Champlain.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. DYER. Mr. Speaker, I rise to submit a unanimous-consent request with respect to the reading of the joint resolution. The only part that is up for consideration by the House is that part on page 1 and down to line 12 on page 2, which gives authority to the States of New York and Vermont to construct this bridge.

The remainder of the resolution consists of articles of agreement between the States of Vermont and New York. I ask unanimous consent that the reading of the agreement may be dispensed with, though printed in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the reading of the joint resolution may be confined to the portion he refers to, and that the whole of it may be printed in the RECORD. Is there objection?

There was no objection.

The Clerk read the portion referred to.

Mr. CRAMTON. Mr. Speaker, I rise to ask a question of the gentleman from New York. Is it customary in granting such approval as this to print the full text of the agreement, thus lumbering up our statutes with 10 pages of small detail?

Mr. SNELL. I think the gentleman from Illinois [Mr. DENISON] is more able to answer that question than anyone else.

Mr. DENISON. Mr. Speaker, the gentleman from Michigan is of course familiar with the provision in our Constitution which expressly prohibits any contract or covenant being entered into between two States without the consent of Congress. When we grant our consent we have to set out the agreement agreed to.

Mr. CRAMTON. That answers the question.

Mr. LAGUARDIA. Mr. Speaker, I have looked up the precedents in this matter and I find that in some cases we have printed the agreement and in some cases we have not.

Mr. BLANTON. But is not the best practice usually to print the agreement in full?

Mr. LAGUARDIA. Yes.

The joint resolution is as follows:

Resolved, etc., That the consent of the Congress of the United States be, and it is hereby, given to the States of New York and Vermont to enter into the agreement or compact executed by the commissioners duly appointed on the part of the State of New York and commissioners duly appointed on the part of the State of Vermont for the creation of the Lake Champlain Bridge Commission, pursuant to authority of chapter 321 of the Laws of 1927 of the State of New York, and the authority of Act No. 139 of the acts and resolutions passed by the General Assembly of the State of Vermont at the biennial session, 1927, and each and every part and article thereof be, and the same is hereby, ratified, approved, and confirmed: *Provided,* That nothing therein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement; which agreement is in words and figures as follows:

Now, therefore, the said States of New York and Vermont do hereby enter into the following agreement, to wit:

ARTICLE I

The two States do agree that there shall be created the Lake Champlain Bridge Commission, which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated, and such other and additional powers as shall be conferred upon it by the legislature of either State, concurred in by the legislature of the other State, or by act or acts of Congress, as hereinafter provided.

ARTICLE II

The Lake Champlain Bridge Commission shall consist of six commissioners, three of whom shall be resident voters from the State of New York and residents of a county of New York adjoining Lake Champlain, and three of whom shall be residents of the State of Vermont. The New York members shall be chosen by the State of New York and the Vermont members shall be chosen by the State of Vermont, in the manner and for the terms fixed and determined from time to time by the legislature of each State, respectively. Each commissioner may be removed or suspended from office as provided by the law of the State for which he shall be appointed.

ARTICLE III

The said commissioners shall, for the purpose of doing business, constitute a board and may adopt suitable by-laws for its management.

ARTICLE IV

The Lake Champlain Bridge Commission shall constitute a body, both corporate and politic, with full power and authority to purchase, construct, own, maintain, and operate a highway bridge, including approaches, across Lake Champlain between the State of New York and the State of Vermont, and to make charges for the use thereof, and for any of such purposes to purchase, take, own, hold, and operate real or personal property, to borrow money, and secure the same by bonds or by mortgages upon any property held or acquired by it.

The members of the commission shall each receive as compensation for their services the sum of $10 a day for each day's service performed and in addition, all necessary expenses incurred in the performance of their duties, to be paid from the funds of the said Lake Champlain Bridge Commission.

ARTICLE V

The Lake Champlain Bridge Commission shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the legislature of either State, concurred in by the legislature of the other. Unless and until otherwise provided, it shall make an annual report to the governor of each State, setting forth in detail the operations and transactions conducted by it pursuant to this agreement, and any legislation thereunder, and which said report shall be submitted by the governor to the respective legislatures.

The Lake Champlain Bridge Commission shall not pledge the credit of either State, except by and with the authority of the legislature thereof.

ARTICLE VI

Each member of the Lake Champlain Bridge Commission, before entering upon his duties, shall take and subscribe the constitutional oath of office, which oath shall be filed in the office of the secretary of state of the State from which said commissioner is appointed.

The Lake Champlain Bridge Commission shall elect from its number a chairman and a vice chairman, and may appoint a secretary and treasurer, who need not be members of the commission, and such employees as it may require in the performance of its duties, and shall fix and determine their qualifications, duties, and compensation.

It shall adopt a seal and keep in well-bound books a record of all its meetings and proceedings, certificates, contracts, surety bonds, and corporate accounts, and shall maintain a suitable office where its maps, plans, documents, records, and accounts shall be kept, subject to public inspection at such times and under such regulations as the commission shall determine.

ARTICLE VII

Unless and until the revenues from operations conducted by the Lake Champlain Bridge Commission are adequate to meet all expenditures, the legislatures of the two States shall appropriate for the administrative expenses such sum or sums as shall be necessary and shall be recommended by the Lake Champlain Bridge Commission and approved by the governors of the two States in the following ratio, to wit: The State of New York shall appropriate 60 per cent thereof and the State of Vermont shall appropriate 40 per cent thereof. And unless and until otherwise determined by the action of the legislatures of the two States, the Lake Champlain Bridge Commission shall not incur any obligations for salaries, office, and other administrative expenses within the provisions of this article prior to the making of the appropriations by both States adequate to meet the same.

ARTICLE VIII

Unless and until otherwise determined by the action of the legislatures of the two States, no action of the Lake Champlain Bridge Commission shall be binding unless taken at a meeting at which at least two members of each State are present, and unless four votes are cast therefor, two from each State.

ARTICLE IX

The Lake Champlain Bridge Commission is hereby authorized to make suitable rules and regulations for the control of traffic across the bridge herein provided for, not inconsistent with the Constitution of the United States or of either State, and subject to the exercise of the power of Congress which, when concurred in or authorized by the legislatures of both States, shall be binding and effective upon all persons and corporations affected thereby.

ARTICLE X

The two States shall provide penalties for violation of any order, rule, or regulation of the Lake Champlain Bridge Commission and for the manner of enforcing the same.

ARTICLE XI

The commissioners of the two States shall have the power to apply to the Congress of the United States or any department of the United States for consent and approval of this agreement, and the bridge to be constructed thereunder by the Lake Champlain Bridge Commission pursuant to law or in the absence of such consent of Congress or of such department of the Federal Government, and until the same shall have been secured, this agreement shall be binding upon the State of New York, when ratified by it, and upon the State of Vermont, when ratified by it: *Provided, however,* That such consent shall be obtained within three years from the date hereof.

ARTICLE XII

The two States hereby agree that there shall be constructed a highway bridge between the State of New York and the State of Vermont as speedily as possible between a point heretofore selected by the aforesaid joint legislative committee and commission at Crown Point, in the county of Essex, and in the State of New York, and a point so selected near Chimney Point, in the town of Addison, in the State of Vermont. Such bridge shall be built according to the plans and specifications of the Lake Champlain Bridge Commission, as approved by such duly constituted Federal authority as by law may be required. The State of New York agrees to pay the entire cost of all highway approaches to said bridge in the State of New York, and the State of Vermont agrees to pay the entire cost of all highway approaches to said bridge in the State of Vermont.

ARTICLE XIII

If, for the construction of said bridge, including approaches, it shall become necessary to acquire lands, rights, or property, and the Lake Champlain Bridge Commission shall be unable to purchase the same upon terms which they deem reasonable, then, and in such case, the Lake Champlain Bridge Commission may take, by right of eminent domain, lands, rights, and property necessary for the proper construction of said bridge and approaches thereto. In the State of Vermont, for the taking of such lands, rights, and property, the said commission shall have the same rights, powers, and duties as are vested in the selectmen of towns for the taking of land for highway purposes, and the provisions of chapter 191 of the General Laws of the State of Vermont, with amendments thereto, are hereby made applicable to all proceedings hereunder.

In the State of New York, if, for any of the purposes provided herein, the Lake Champlain Bridge Commission shall find it necessary or convenient to acquire any real property in this State, then such Lake Champlain Bridge Commission may find and determine that such real property is required for a public use, and upon such due determination the said property shall be and shall be deemed to be required for such public use. Such real property may be acquired by such commission by gift or purchase or, in the event that such real property can not be so acquired, it may be acquired under the provisions of the condemnation law.

If it shall be necessary for the commission to set apart, out of any funds available therefor, any sum or sums to create a fund to be used for making compensation to owners of real property, or of any interest therein to be acquired for the purposes of this agreement, such fund shall be created within the State where such real property or interest therein is located, and shall not be used for any other purpose until such compensation has been duly made according to the law of the State wherein such real property or interest therein is located. The fund so created shall be deposited with the custodian authorized by law to receive and hold the same.

ARTICLE XIV

The State of New York agrees to provide and make available in the year 1927 the sum of $120,000 toward the cost of the construction of such bridge, and the State of Vermont agrees to provide and make available in the year 1927 the sum of $80,000 toward the cost of the construction of such bridge. Such funds shall be available for all costs incidental to the construction of the said bridge, but no part of such fund shall be used by the commission except for expenses of preparing specifications until this agreement also be ratified by the Congress of the United States.

No part of the said sum mentioned in this article shall be payable by either State unless the other State shall have made available to the Lake Champlain Bridge Commission the sum herein agreed to be made payable, the intent hereof being that each State shall cause to be paid over or made available to the Lake Champlain Bridge Commission, at such time as may be necessary, the sum herein set forth as an advance to the Lake Champlain Bridge Commission by the respective States for use in the construction of said bridge.

ARTICLE XV

Upon the completion of the bridge, pursuant to this agreement, the Lake Champlain Bridge Commission shall cause the boundary line between the two States on said bridge to be appropriately marked and indicated.

ARTICLE XVI

All accounts of the Lake Champlain Bridge Commission shall be audited jointly by the comptroller of the State of New York and the auditor of accounts of the State of Vermont and the report of such audit shall accompany the annual reports of said Lake Champlain Bridge Commission.

ARTICLE XVII

The balance of the money needed for the construction of the said bridge shall be raised by the Lake Champlain Bridge Commission on its own obligations secured by the pledge of the property owned by said commission and the revenues and tolls arising out of the use of the said bridge. As security for obligations so issued, and the moneys so appropriated, such property and such revenues and tolls arising out of the use of the said bridge shall be pledged as hereinafter provided to the repayment of the entire issue of bonds and other securities for the construction thereof, together with the interest and the repayment of the moneys paid over by the States, it being the declared policy of the States that the bridge, so far as the payment of bonds or other securities issued for the construction thereof, together with the repayment of the moneys advanced by the States, shall in all respects be self-sustaining; and the Lake Champlain Bridge Commission shall charge and maintain revenues and tolls for the use of the said bridge until all bonds and other securities issued for the construction thereof shall have been paid, and until the moneys so as aforesaid advanced by the States of New York and Vermont shall have been repaid, with interest at the rate of 4 per cent per annum.

The obligation for moneys so raised by the Lake Champlain Bridge Commission on its own obligations for the construction of the said bridge and purposes incidental thereto shall constitute a lien upon the property owned by said commission, and the revenues and tolls therefrom, in accordance with the terms upon which such moneys are raised, and any right or claim of the States, including that arising out of this agreement, shall be subordinated to such lien. The Lake Champlain Bridge Commission shall, however, pay into the State treasury of each State annually out of the revenues and tolls from the bridge a sum equal to 4 per cent upon the unpaid balance of the amount actually advanced to the Lake Champlain Bridge Commission by each State hereunder as interest for that year, together with at least 2 per cent of the principal of such advance, until the whole sum so advanced is repaid to the States, with accrued interest: *Provided,* That the Lake Champlain Bridge Commission shall not make such payments until it shall have accumulated a reserve fund, and only so long as and for the years in which it maintains such reserve fund equal to 10 per cent of its own obligations issued in relation to or for the construction of such bridge, over and above the sums required by the terms of such obligations to be set aside for amortization or a sinking fund, and unless in said year the tolls or revenues from the said bridge after the payment of all expenses for operation and maintenance are sufficient to satisfy the interest and other contractual requirements of said obligations: *And provided further,* That such payments shall not be made into the State treasury of either State unless there shall be available under the same conditions sufficient money to make payment on similar terms to the other State, and that if there exists such surplus revenue, but insufficient to make complete payment on such terms or conditions both to the States of New York and Vermont, then such surplus revenue shall be prorated in accordance with the respective unpaid balances of the advances made under the acts of the two States and such prorated sum shall be paid into the State treasury of each State in place and stead of the amount above provided, to be applied, first, upon interest accrued and unpaid, if any; second, upon the interest for the current year and the balance, if any, in reduction of the principal.

ARTICLE XVIII

The States of New York and Vermont do hereby pledge themselves, and it is hereby agreed with those subscribing to the obligations issued by the Lake Champlain Bridge Commission for the construction of such bridge and incidental purposes, that the States will not authorize the construction or maintenance of any other highway crossing for vehicular traffic over Lake Champlain between the two States in competition with the said bridge, nor will it limit or alter the rights vested in the Lake Champlain Bridge Commission to establish and levy such charges and tolls it may deem convenient and necessary to produce sufficient revenue to meet the expenses of maintenance and operation and to fulfill the terms of the obligations assumed by it in relation to such bridge until the said obligations, together with interest thereon, are fully met and discharged: *Provided,* That such crossings shall be considered as competitive with such bridge only if they shall form a highway connection for vehicular traffic between the two States across Lake Champlain within a distance of 25 miles from such bridge. The provisions of this article, when approved by the two States, shall constitute an agreement between the two States for the benefit of those lending money to the Lake Champlain Bridge Commission for the construction of such bridge, and the Lake Champlain Bridge Commission may include in the bonds or other evidences of its obligations issued by it for the

construction of the said bridge, or incidental purposes, such part of this agreement as shall seem proper as evidence of the foregoing agreement made by the two States with the holders of the said bonds or other obligations.

ARTICLE XIX

The States agree that the construction of the said bridge herein authorized be by contract to be executed as follows:

The Lake Champlain Bridge Commission shall advertise for proposals for the construction of such bridge according to the plans, specifications, and estimate approved by it therefor. The advertisement shall be limited to a brief description of the work proposed to be done, with an announcement stating where the maps, plans, specifications, and estimate may be seen, the terms and conditions under which proposals will be received, the time and place where the same shall be opened, and such other matters as the Lake Champlain Bridge Commission may deem advisable to include therein. Such advertisement shall be published at least once in each week for two successive weeks in such newspapers as the Lake Champlain Bridge Commission may designate.

Each proposal shall specify the gross sum for which the work will be performed, and shall also include the amount to be charged for each item specified in the estimate. The Lake Champlain Bridge Commission may prescribe and furnish forms for the submission of such proposals, which shall be sealed, and may prescribe the manner of submitting the same, which shall not be inconsistent herewith. Accompanying each proposal there shall be a draft or certified check for 3 per cent of the amount of the gross sum bid, which check, in case such proposal be accepted, shall be retained by the Lake Champlain Bridge Commission until the contract and the bond hereinafter provided for shall have been duly executed, whereupon such check shall be returned to the bidder. In case the bidder to whom the contract shall be awarded shall fail to execute such contract and bond, the money represented by such draft or certified check shall be regarded as liquidated damages, and shall be forfeited to the Lake Champlain Bridge Commission. The proposals, when opened, shall be subject at all reasonable times to public inspection, and at the time of opening shall be publicly read and conspicuously posted in such a manner as to indicate the several items of the proposal.

The contract for the construction of such bridge shall be awarded to the lowest responsible bidder, except that no contract shall be awarded at a greater sum than that required in the estimate made for such construction in accordance with the plans and specifications as approved. The lowest bid shall be deemed to be that which specifically states the lowest gross sum for which the entire work will be performed, including all the items specified in the estimate therefor.

If no proposal otherwise acceptable is made within the estimate accompanying the plans and specifications, the Lake Champlain Bridge Commission may cause the estimate to be amended.

The Lake Champlain Bridge Commission may reject any or all proposals, and may advertise for new proposals as above provided, if, in their opinion, the best interests of the States will thereby be promoted.

The Lake Champlain Bridge Commission shall prescribe the form of contracts and may include therein such matters as they may deem advantageous to the States.

The contractor, before entering into a contract for such construction, shall execute a bond in the form prescribed by the Lake Champlain Bridge Commission, with sufficient sureties, to be approved by the Lake Champlain Bridge Commission, conditioned that he will perform the work in accordance with the terms of the contract and with the plans and specifications, and that he will commence and complete the work within the time prescribed in the contract.

The bond shall also provide against any direct or indirect damages that shall be suffered or claimed on account of such construction during the time thereof and until such bridge is accepted.

The contract may provide for partial payment to an amount not exceeding 90 per cent of the value of the work done. Ten per cent of the contract price, where a bond approved by the Lake Champlain Bridge Commission is given, shall be retained until the entire work has been completed and accepted.

All contingencies arising during the prosecution of the work shall be provided for to the satisfaction of the Lake Champlain Bridge Commission, and as may be agreed upon in the original or by a supplemental contract executed by the commission; the amount to be expended shall not exceed the original estimate, unless such estimate shall have been duly amended by the commission. If a supplemental contract be executed by the Lake Champlain Bridge Commission for the performance of work or furnishing of material not provided for in the original contract, the amount to be charged thereunder for any such work or material shall not exceed the rate for which similar work or material was agreed to be performed or furnished under the original bid upon which the contract was awarded.

ARTICLE XX

The construction, maintenance, and operation of said bridge is in all respects for the benefit of the people of the two States, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and the Lake Champlain Bridge Commission shall be regarded as performing a governmental function in undertaking the said construction, maintenance, and operation, and in carrying out the provisions of law relating to the said bridge, and shall be required to pay no taxes or assessments upon any of the property acquired by it for the construction, operation, and maintenance of such bridge, and the interest of either State in any tolls collected under this article shall be free from any State, county, municipal, or local taxation whatsoever in the other State.

The obligations which may be issued by the Lake Champlain Bridge Commission for the construction of the bridge mentioned herein, or incidental thereto, shall be exempt from taxation and are to be legal securities in which all public officers and bodies of each State and of its municipal subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings loan associations, executors, administrators, guardians, trustees, and all other fiduciaries in each State may properly and legally invest the funds within their control.

ARTICLE XXI

It is the declared purpose of each of the contracting parties that this bridge will eventually be a free bridge, and to that end it is agreed that after the payment of all the obligations which may be issued against the bridge and the tolls and revenues thereof, and the State of New York and the State of Vermont shall have been fully repaid for any and all moneys that may have been advanced by them, together with all interest thereon, the Legislatures of the State of New York and the State of Vermont, subject to the approval of the governor of each State, by concurrent legislation, shall provide the method and procedure for the future operation, maintenance, and control of said bridge.

In witness whereof we have signed this compact or agreement by and under the authority of chapter 321 of the Laws of 1927 of the State of New York, and by and under the authority of Act 139 of the acts and resolutions passed by the General Assembly of the State of Vermont at the twenty-ninth biennial session, 1927, this 11th day of May, 1927.

As commissioners upon the part of the State of New York:

MORTIMER Y. FERRIS.
HARRY E. OWEN.
ROY LOCKWOOD.
ALBERT OTTINGER,
Attorney General of the State of New York.

As commissioners upon the part of the State of Vermont:

GEORGE Z. THOMPSON.
WILLIAM R. WARNER.
CHAS. E. SCHOFF.
J. WARD CARVER,
Attorney General of the State of Vermont.

In the presence of:

ALFRED E. SMITH.

SEC. 2. The right to alter, amend, or repeal this resolution is hereby expressly reserved.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

COUNTY EXTENSION AGENTS IN FLOOD-STRICKEN FARM AREAS

The next business on the Consent Calendar was the resolution (H. J. Res. 99) for the relief of flood-stricken farm areas in the United States, with special reference to aid in the employment of county extension agents.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON. I reserve the right to object. The main, big question of flood relief is now before our special committee on that subject. I take it that they are going to cover this whole question from the national standpoint.

Mr. GARRETT of Tennessee. They would not cover the question involved in this proposed measure. The Committee on Flood Control will, of course, deal only with preventives of floods.

Mr. BLANTON. Does not the gentleman from Tennessee believe that it will be better for the people of the United States generally and for the committee to consider all the question, the whole question, and not bring in these measures by piecemeal?

Mr. GARRETT of Tennessee. That committee would not have any jurisdiction of the matter involved here. There is no change of principle involved in any way in this measure. In other words, the Government is now doing what is proposed to be done in this bill except that it is not contributing in as great degree as it will, for a year's time under this bill, to the work being done in the counties that were wholly or in part affected by the flood. It would apply only to the flooded region, and it is a rehabilitation measure pure and simple. Many

of the counties—fortunately that was not true in my district—but in many of the counties the entire county was flooded. The local authorities have had to defer the taxes. They have been unable to pay salaries that were due.

Mr. BLANTON. I want the minority leader to remember that I am in sympathy with flood relief, but my idea was that the whole question ought to be determined and brought in in one piece of legislation. But in view of the gentleman's position on the matter I withdraw my objection.

Mr. GARRETT of Tennessee. They could not possibly include this.

Mr. CRAMTON. The opportunity will be given for a scrutiny of the items when they come in if the gentleman will accept an amendment inserting the words "not more than."

Mr. GARRETT of Tennessee. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that Senate bill 672 be substituted for the House resolution. It is in identical language with the House resolution.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Senate bill 672 be substituted for the House resolution. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the title of the Senate bill, as follows:

A bill (S. 672) for the purpose of rehabilitating farm lands in the flood areas.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from New Jersey [Mr. FORT] directs my attention to the fact that the Senate bill is not identical with the resolution as reported from the House. I thought it was. It is identical with the print of the bill which I have, but the gentleman from New Jersey directs my attention to the fact that the bill as reported from the Committee on Agriculture is broader than the Senate bill. I wonder if we could withdraw that bill for a moment and go ahead with the calendar while I confer further with the gentleman from New Jersey.

Mr. DENISON. It can be passed over.

Mr. GARRETT of Tennessee. Yes. I ask unanimous consent, Mr. Speaker, that it be passed over in its present stage.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

LIVE POULTRY

The next business on the Consent Calendar was the resolution (H. J. Res. 112) to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, to include poultry within their provisions.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. I ask unanimous consent that it go over at this time. I shall not object.

Mr. LEA. Will the gentleman consent to passing it over temporarily to-day? There is an important reason why we should procure prompt action on this matter, I can assure the gentleman.

The SPEAKER. The gentleman from California asks unanimous consent that the resolution be passed over temporarily. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next one.

APPEALS FROM DISTRICT COURTS

The next business on the Consent Calendar was the bill (H. R. 343) to amend section 128, subdivision (b), paragraph 1, of the Judicial Code, as amended February 13, 1925, relating to appeals from district courts.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 128, subdivision (b), paragraph 1, of the Judicial Code, as amended February 13, 1925, be amended to read as follows:

"First. To review the interlocutory orders or decrees of the district courts, including the district courts of Alaska, Hawaii, Virgin Islands, and Canal Zone, which are specified in section 129."

SEC. 2. Section 1339 of the Compiled Laws of Alaska, 1913, is hereby repealed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

INDIANS ON THE WALKER RIVER RESERVATION, NEV.

The next business on the Consent Calendar was the bill (H. R. 8281) to provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, this is another department bill. It is prepared in the Indian Bureau and is sent to a committee member to be introduced and passed. The Committee on Indian Affairs will have two days on some Calendar Wednesday soon, and then it can decide which of its bills it will take up and pass, and which is the most important. For the present I shall object to the consideration of this bill.

Mr. LEAVITT. Will the gentleman withhold his objection?

Mr. BLANTON. Some others might object.

Mr. CRAMTON. Will the gentleman withhold his objection just for this suggestion: In this case the department in question has the responsibility of administering public lands and also administering Indian affairs. There is very little involved in value and it is not a bill of such great importance as some of the others.

Mr. BLANTON. I will state that without my knowledge or consent I was drafted and placed on this Committee on Indian Affairs.

Mr. CRAMTON. I had overlooked that fact for the moment.

Mr. BLANTON. From the communications I have been receiving for the last two weeks, I have not increased my confidence in the administration bureau, and it has incited me to look into a good many of this department's affairs. To enable me to finish a survey I am making before these bills are passed, I want to hold them back for a little while.

Mr. CRAMTON. Of course, the gentleman understands, I think, that none of the protests he has received, however misguided those protests might have been, are against giving something to the Indians.

Mr. BLANTON. They have come, I think, from about a dozen States already, and whenever you see so much smoke there must be some fire somewhere, and the smoke is coming from various quarters.

Mr. LEAVITT. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. LEAVITT. The gentleman knows that in the Sixty-ninth Congress 5 per cent of the bills that were enacted into law came out of the Committee on Indian Affairs.

Mr. BLANTON. I know it is a very active committee and that it has a very active chairman and a very influential chairman.

Mr. LEAVITT. It will not be able to do the things that are necessary for the protection of the Indians in two days on Calendar Wednesday. This is a bill that is intended entirely for the protection of the Indians, and the gentleman from Michigan and myself have both visited that section.

Mr. BLANTON. I want to state to my friend, the chairman of the Committee on Indian Affairs, that there is a band of Alabama Indians in Texas that have been hounded and starved from one State to another until they finally landed in my State years ago, and Sam Houston, the President of the first Republic of Texas, caused two sections of land to be given to them by my State, and they have been starving to death ever since, and we have never been able to get this Indian Bureau to even recommend a thing for them except one little schoolhouse.

Mr. CRAMTON. In making that statement the gentleman is in error, because each year the Indian Bureau has recommended an appropriation.

Mr. BLANTON. Of how much?

Mr. CRAMTON. Of $8,000 or $10,000 annually. But they are not wards of the Government.

Mr. BLANTON. Why are they not wards of the Government? They are American Indians, and their ancestors were here before Columbus discovered America.

Mr. CRAMTON. They are not restricted Indians.

Mr. BLANTON. Why are they not wards of this Government? Is it because Sam Houston felt sorry for them and gave them two sections of land in Texas? My friend ought to withdraw the statement that they are not wards of the Government.

Mr. CRAMTON. Which statement?

Mr. BLANTON. About these Indians not being wards of the Government.

Mr. CRAMTON. Even if I withdrew the statement the statement I have made represents the facts, and it would still be true.

Mr. BLANTON. If they are not wards of the Government the time has come when the Indian Bureau ought to ask that they be made wards of the Government, because they are American Indians.

Mr. LEAVITT. Will the gentleman yield further?

Mr. BLANTON. Mr. Speaker, I must object.

EMPLOYMENT OF COUNTY EXTENSION AGENTS IN FLOOD-STRICKEN AREAS

Mr. GARRETT of Tennessee. Mr. Speaker, I ask that we may now return to the bill with respect to the rehabilitation of farm lands in the flood areas. I have prepared certain amendments which will make the two bills conform.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That due to the emergency existing in the lower Mississippi Valley as a result of the flood of 1927, county funds available from taxation are so impaired throughout the flood area that a continued support of the normal constructive activities of these counties, including the employment of county extension agents in agriculture and home economics, will be impossible. The Secretary of Agriculture is hereby authorized, in cooperation with the several States and local agencies within these States, to employ such county extension agents necessary to aid in quickly and adequately rehabilitating these flood-devastated farm areas.

SEC. 2. That for the purpose of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000 for the employment of county extension agents, traveling, subsistence, and other necessary expenses, to be expended by the Secretary of Agriculture under such rules and regulations as he may prescribe for the proper carrying out of the purposes of this act.

Mr. GARRETT of Tennessee. Mr. Speaker, I offer an amendment, in line 3, after the word "existing," strike out the words "in the lower Mississippi Valley" and insert the words "in various States."

The SPEAKER. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: On line 3, page 1 of the Senate bill, strike out the words "in the lower Mississippi Valley" and insert in lieu thereof the words "in various States."

The amendment was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I offer a further amendment, in line 4 make the word "flood" plural, so that it will read "as a result of the floods of 1927."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: In line 4 strike out the word "flood" and insert in lieu thereof the word "floods."

The amendment was agreed to.

Mr. GARRETT of Tennessee. And on page 2, line 1, before the word "to," insert the words "continue or."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: Page 2, line 1, after the word "to," insert the words "continue or," so that the line will read "with the several States and local agencies within these States, to continue or employ."

The amendment was agreed to.

Mr. GARRETT of Tennessee. And in line 6, page 1, the word "area" should be "areas."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: On page 1, line 6, strike out the word "area" and insert the word "areas."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, on page 2, line 3, after the word "appropriated," I move to insert the words "not more than."

The SPEAKER. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 3, after the word "appropriated," insert the words "not more than."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

AMENDMENT OF CERTAIN ACTS TO INCLUDE POULTRY WITHIN THEIR PROVISIONS

Mr. LEA. Mr. Speaker, I ask unanimous consent to return to Calendar No. 49, resolution (H. J. Res. 112) to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, to include poultry within their provisions.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. LAGUARDIA. Under an understanding had with the gentleman from California I shall not object to the consideration of this joint resolution at this time, pending a report from the Department of Agriculture of the State of New York. If this report should be adverse, then I shall present it to the Senate committee together with the gentleman from California.

Mr. LEA. That is entirely agreeable.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the act entitled "An act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals," approved May 29, 1884, as amended, the act entitled "An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of livestock, and for other purposes," approved February 2, 1903, and the act entitled "An act to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other livestock therefrom, and for other purposes," approved March 3, 1905, as amended, are hereby further amended to include within their provisions live poultry, and wherever in the said act the term "livestock" is used it shall be followed by the words "and/or live poultry"; and all the penalties, terms, and provisions in said acts, as amended, are hereby made applicable to live poultry.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

WITHDRAWAL OF CERTAIN LANDS FOR PAIUTE AND OTHER INDIANS

The next business on the Consent Calendar was the bill (H. R. 8282) to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

TO RESERVE 120 ACRES FOR KOOSHAREM BAND OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 8292) to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

BRIDGE ACROSS RED RIVER OF THE NORTH BETWEEN GRAND FORKS, N. DAK., AND EAST GRAND FORKS, MINN.

The next business on the Consent Calendar was the bill (H. R. 108) granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEAVITT. Mr. Speaker, I reserve the right to object in order to ask unanimous consent to speak for three minutes out of order.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. LEAVITT. Mr. Speaker, three bills on the calendar having to do with Indian matters have just been objected to by a member of the committee who was not present at the consideration of these bills in the committee.

The gentleman from Texas [Mr. BLANTON], a member of the Committee on Indian Affairs, has stated that he has heard from people in 12 States that they have found some wrong things being done by the Bureau of Indian Affairs, and evi-

dently is objecting to these bills because they are proposed by the bureau and the Secretary of the Interior. I will say to the gentleman from Texas that if he has made himself the willing recipient of all the ojections and complaints that are going to come from people pretending to speak for the dissatisfied Indians, he has quite a job on his hands. The gentleman from Wisconsin [Mr. FREAR] honestly undertook that rôle in the last Congress and voluntarily resigned from the committee, I think largely because he was deluged with so many letters and petitions that he wished to leave the committee.

These three bills the gentleman from Texas opposes, in behalf of the committee it should be said, propose only to give the Indians protection necessary to enable them to establish and maintain their own homes. The white people have taken from the Indians practically the entire country, and it is here proposed through Congress to restore certain small areas for the development of agricultural activities. The gentleman from Texas objects because these bills come from the bureau. The Committee on Indian Affairs listened to the cause of the Indians in connection with these three bills, and we moved to report them out favorably with recommendation that they pass. I am taking the floor to make it plain that these bills, I know, are in the best interest of the Indians and can not be objected to consistently by anyone calling himself a friend of the Indians.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that I may have five minutes to answer the gentleman.

The SPEAKER. The gentleman from Texas asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I did not seek a place on the Indian Committee; I was put there. These bills to which I have objected were voted out by the committee on the first day the committee met, on its very first meeting. The committee members were notified to be there at 10.30 o'clock a. m. It so happened that on that particular day I had an important meeting of another subcommittee, embracing important business to the people of the United States. I went to the first one and attended there for 30 minutes, until I could get things arranged where there would be nothing done that would menace the rights of the people of the United States.

I then went to my friend's Indian Committee about 11 o'clock or shortly after, within 35 minutes after the committee was supposed to have met, and was told by him and also by his secretary that three bills had been reported out favorably, and the committee had adjourned. I asked permission to be permitted if I saw fit to file minority reports after I examined them. The chairman said I would have the right in case I desired it. The committee could not have been together long enough to give very careful consideration of the three bills, because they were all reported in that short length of time.

I want to tell my friend that I went to the next meeting of his Indian Committee, and there was a bill considered by the committee at that meeting to place a charge of $61 an acre on lands of the Indians in the State of New Mexico. My friend will remember that I asked the representative of the Indian Bureau, who was trying to push the matter through if the Indians had requested that this be done, and he said "no."

Mr. LEAVITT. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LEAVITT. The gentleman from Texas left the meeting before it concluded, and the gentleman evidently is not aware that that measure went over to the next meeting for further information.

Mr. BLANTON. I left 15 minutes before the committee adjourned, to come to the House to be present at its opening. I stayed there long enough to bring out the fact that the Indians had not asked for this bill that was to hamper their lands $61 per acre. It was white men who asked for it "in behalf of the Indians." These white men were seeking to place a charge of $61 an acre on the poor Indians' land when these Indians had not asked for it.

I want to say that as long as I am on the gentleman's Indian Committee when his bills are good he will find me with him, but when his bills are bad he is going to find me objecting to them, and not in any superficial way but in a way that will stop them, if I can. These castigations which the gentleman may seek to give me on the floor are not going to run me off the committee, as he indicated it did the gentleman from Wisconsin, because I am one fellow who does not run. [Laughter.]

Mr. LEAVITT. The gentleman from Texas does not call these three bills on the calendar bad bills?

Mr. BLANTON. I have not yet finished my survey that the people have asked me to make, and as yet I can not tell. I have not reached a conclusion about them, but when I do, if I decide that they are bad, I am going to fight them.

Mr. LEAVITT. This is not the Indian Bureau——

Mr. BLANTON. But the gentleman is here sponsoring it now. All three of these are department bills, prepared in the Indian Bureau. They were sent in by the Indian Bureau to members of the gentleman's committee, to be introduced. The members did not prepare them. They are departmental bills.

Mr. LEAVITT. And is it not the duty of the Indian Bureau when it sees something that needs to be done to prepare the matter and send it to the Congress?

Mr. BLANTON. If they should be good bills for the Indians; yes. The Indian Committee has its right to bring them up on Indian Committee day, on Calendar Wednesday. The gentleman will find me probably then helping him to pass all good bills, but this is unanimous-consent day, when it is the duty of every Member of Congress, when he thinks a bill ought to be considered somewhere else, to get up in his representative capacity and object to it. This is where a man ought to function when he thinks a bill ought not to be passed at this time under unanimous consent.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North at a point suitable to the interests of navigation between Grand Forks, N. Dak., and East Grand Forks, Minn., in accordance with the provisions of an Act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906; and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the article "a," insert "free."

Page 2, lines 1 and 2, strike out the semicolon and the words "and ubject to the conditions and limitations contained in this act."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I move to suspend the rules and pass the bill 7009, to authorize appropriations for construction at military posts, and for other purposes, with the amendments which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $4,283,716, to be expended for the construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary, as follows:

Bolling Field, D. C., supply warehouse, $38,000; administration building, $42,000; Chanute Field, Ill., heating system in hangars, $5,629; Fort Crockett, Tex., machine shop and aero repair building, $19,869; dope and paint house and lean-to for boiler room, $10,775; Fort Sam Houston, Tex., macadamizing hangar line and construction of storm sewer and surface drainage for hangars, $3,858; Hawaiian Department (for the Air Corps), steel hangar, $39,500; addition to radio hut, $6,979; new primary flying field, San Antonio, Tex., hangars, $316,000; hangars for airdrome gunnery and bombing range, $79,000; field shop, $81,000; field warehouse, $38,000; headquarters and operations buildings, $40,000; radio, parachute, and photographic buildings, $56,000; New Primary Flying School, San Antonio, Tex., barracks, $700,000; noncommissioned officers' quarters, $156,000; and officers' quarters, $1,020,000: *Provided*, That the Secretary of War is hereby authorized, when directed by the President, to accept on behalf of the United States, free from incumbrances and without cost to the United States, the title in fee simple, to such lands as he may deem necessary or desirable, in the vicinity of San Antonio, Tex., approximately 2,400 acres, as a site for an Army primary flying school and flying field: *Provided further*, That upon the acceptance of the lands as herein appropriated for the construction thereon of barracks and officers' quarters and utilities and appurtenances thereto, such amounts as may have been appropriated or authorized for appropriation for barracks and officers' quarters and utilities and appurtenances at Brooks Field and Kelly Field, Tex., pursuant to the authority contained in the acts approved February 25, 1927 (44 Stat. L. 1235), and March 3, 1927 (44 Stat. L. 1390): *Provided further*, That upon the acceptance of the lands as herein provided the Secretary of War is hereby authorized to prepare the ground and construct the necessary roadways and utilities at said primary flying school and flying field and to

transfer thereto and reestablish thereon such buildings, utilities, and equipment then located at Brooks Field and Kelly Field, Tex., as he may determine to be necessary and desirable: *And provided further*, That the Secretary of War be, and he is hereby, authorized to sell, or cause to be sold, under the provisions of the act of March 12, 1926, the tracts or parcels of real property comprising Brooks Field and Kelly Field, Tex., or any portion thereof, upon determination by him that said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale and conveyance; Langley Field, Va., heating plant for hangar, $6,068; Middletown Air Depot, Middletown, Pa., hangars, $79,000; concrete floors in warehouse, $38,597; San Antonio, Air Depot, San Antonio, Tex., rock asphalt apron for hangars, $7,316; instrument house and engine repair and cleaning building, $6,861; Scott Field, Ill., hydrogen gas holder, $49,500; Fairfield Air Depot, Fairfield, Ohio, gasoline and oil tanks, $36,000; March Field, Calif., radio, photographic, and school buildings, $86,000; night-flying lighting system, $15,000; Maxwell Field, Ala., hangar, $39,500; field shop, $81,000; headquarters and operations buildings, $40,000; radio, parachute, and photographic buildings, $56,000; night-flying lighting system, $15,000; Mitchel Field, Long Island, N. Y., hangars, $79,000; field shop, $81,000; field warehouse, $38,000; headquarters and operations buildings, $40,000; radio, parachute, and photographic buildings, $56,000; Selfridge Field, Mich., hangars, $237,000; field shop, $81,000; headquarters and operations buildings, $40,000; radio and parachute buildings, $20,000; ceiling and walling hangars, $3,264; Albrook Field, Canal Zone, construction of landing field, $400,000.

The SPEAKER. Is a second demanded?

Mr. BLANTON. I demand a second. I am against taking this bill up under suspension of the rules.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Michigan asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Michigan [Mr. JAMES] is recognized for 20 minutes and the gentleman from Texas [Mr. BLANTON] will be recognized for 20 minutes.

Mr. JAMES. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Speaker, this is the execution, so far as the personnel and equipment is concerned, of the five-year program that was entered into a little more than a year ago for the Air Corps of the Army. In that five-year program there was authorization purely for the flying equipment and for the personnel necessary to handle it, but incident to flying machines and the personnel comes the question of housing, housing for the personnel and housing for the machines. Therefore it was necessary that we should provide officers' quarters for the officers of the Air Corps and barracks for the enlisted personnel of the Air Corps, and hangars in which to house the flying machines, and machine shops in which to repair them. Therefore, upon review of this entire building program contemplated here by this bill, the Members of the House will observe that nothing is undertaken to be taken care of here except as it is auxiliary to the Air Corps program that has already been deliberately outlined by the Congress, so that we are asking here for a total of about $4,200,000 with which to provide the quarters for the Air Corps and the equipment of the Air Corps. It is necessary if we are to have an Air Corps that this be provided. It follows as certainly as that the stable follows the horse, that there must be a place to keep the equipment and the men. There is also in this bill the item of consolidating the primary flying school at San Antonio, Tex. This is the largest single item in the bill. The climatic conditions there are peculiar for the learning of the art of aviation, and Kelly Field and Brooks Field are ultimately to be consolidated into one primary flying field. There is authorization in the amendment which was read by the reading clerk for the sale after the new buildings have been acquired and equipped of the two existing fields under general law providing for the disposition of real estate belonging to the War Department, so that this is but carrying out a policy and program already definitely and precisely outlined by the Congress.

Mr. MORTON D. HULL. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. MORTON D. HULL. There is one amendment here that proposes $1,000,000 for officers' quarters. Is that for the flying field?

Mr. McSWAIN. Yes; at the new primary flying school at San Antonio, Tex., the consolidated field. There will be $1,000,000 worth of quarters there, because the two fields are to be consolidated, and the largest aggregation of teaching and student force for this most powerful agency of modern science will all be assembled there near San Antonio, Tex. So that that item, like the other item——

Mr. WURZBACH. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. WURZBACH. It is a fact, is it not, that the item providing for a primary flying field at San Antonio not only passed the last Congress but passed the House of Representatives without a dissenting vote and was reported by this committee at this session by a full committee, I think 17 members being present, and was unanimously reported by the committee?

Mr. McSWAIN. Yes. In other words, that amendment just offered here, having been reported twice by the committee, was passed by this House at the last session. It would have passed the Senate but for the squeeze and jam which took place in the Senate in the dying days of the last Congress.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. BLANTON. Mr. Speaker, when this bill was first introduced by the War Department, by our friend from Michigan [Mr. JAMES], on December 12, 1927, it carried an authorization of $2,407,716. It is presumed that our friend introduced the bill just as the department wanted it at that time. Between that day, December 12, 1927, and the day that the committee met, on December 21, 1927, something happened that caused our friend and his committee to raise this authorization by about $2,000,000; because, instead of the bill now carrying $2,407,716, by amendment of the committee it now carries $4,283,716.

Mr. CRAMTON. I understood that the gentleman's criticism of the committee a little while ago was because they were following the recommendations of the department. Now, I understand that the gentleman is criticizing them because they are not following the recommendation of the department.

Mr. BLANTON. They are. If the gentleman will look over this carefully he will see a good deal of sop in it, a good many handouts in it, a good many parcels of bacon in it. It has been moved to suspend the rules and pass this bill. It can be amended in no particular. It must be accepted just as it is. I am against passing important bills in this manner when we can not amend them.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment. I will yield time to the gentleman later if he wants to speak. In the main, I am for the bill. But we should not pass it under suspension of rules, with only 20 minutes' debate, and when we can not amend it in any particular.

Mr. JOHNSON of Washington. Does not the gentleman realize that aviation is a very fast matter and even the department can not keep up with it?

Mr. BLANTON. Yes. I realize that aviation is the strongest arm of our national defense. I am one of those who would give everything reasonable and necessary to equip our Nation with the strongest possible Air Corps that is necessary. But I was very much impressed with the testimony which Col. Billy Mitchell gave before the President's special aircraft committee, whose sessions I attended regularly, because they met in vacation and I was able to attend. I was convinced that Billy Mitchell was right when he contended for a unified air service; when he contended that all of our air forces should be coordinated under one department; when he contended we would get a better one for every single branch of our service, with all waste, extravagance, and duplication eliminated. But as it is, you have a special Air Corps in the Army, and another special Air Corps in the Navy, another one for the marines, one for the Coast Guard, and another special air corps in the Department of Commerce, and another special commercial air corps which is employed to carry our United States mail.

Oh, this House took a step in the right direction to-day when it passed a bill without anybody objecting to it, when it provided for a coordinate committee to be composed of the Secretary of the Navy and the Secretary of War and the Secretary of Commerce and the Postmaster General as a purchasing committee to buy all of our air equipment. That was a proper step—a step in the right direction; and I was hopeful then that it might lead to one department of national defense, with an Army corps and a Navy branch and an air corps; where there might be one head; where duplication could be eliminated; where waste and expense and extravagance would be avoided.

But we are to go on and on. What is a double raise in this bill to the Military Committee or to the Army? Nothing; a mere bagatelle. They first come in and ask for $2,000,000;

and now we give them $4,000,000, because we have got to put enough in this bill to make it attractive to everybody.

You have got to spend much money down in San Antonio to get HARRY in line, and if there is anything on earth that will get HARRY in line it will be for you to spend money around San Antonio. I am for those buildings and expenditures down there, HARRY, just as you are. They are just as much my fields as they are yours. I want to see them developed just as you do. But if it is necessary to spend only $2,000,000 to do it, it is a waste of public money when you spend $4,000,000 to do it, and if by having one department of national defense, with a united air corps, we could save half of all the money were are now spending in the four different air services; it is our duty in this Congress, in behalf of the taxpayers, to consolidate these forces and quit wasting this money.

I went down there at Christmas time to my friend's district. I went out to these fields. I saw some awfully nice, attractive homes out there already, HARRY, for our officers in the Air Service; attractive homes, with modern conveniences, if you please.

Mr. JAMES. There is not a permanent building out there.

Mr. BLANTON. They are not built out of vitrified brick, but they are better homes than half the people in San Antonio live in. HARRY will not deny that. They are better than half the people in San Antonio live in, and San Antonio is one of the splendid cities of this country. It is one of the leading cities of my State. If I had to pick a new home in Texas, I do not know of a place to which I would rather go than San Antonio. Why, at Christmas, during the holidays, when I was there, I saw all of the finest vegetables in the land on that market. But what are we going to do, I ask my colleagues in conclusion? Are we just going to keep on and on and not take a stand? I hope that before this Congress adjourns there will be passed a constructive measure that will create one department of national defense, and it will save us $100,000,000 a year, in my judgment.

Mr. Speaker, I reserve the balance of my time.

Mr. JAMES. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. WURZBACH].

Mr. WURZBACH. Mr. Speaker, I am tempted to follow the example of the gentleman from Texas [Mr. BLANTON] and submit this case without argument. I listened very attentively to the remarks of the gentleman, and I did not find a single reason given why this legislation should not pass. He does not seem to attack any part of this bill except the amendment providing for the primary flying field at San Antonio.

With reference to the amendment about which the gentleman from Texas [Mr. BLANTON] complains—that is, the primary flying field—let me state that that legislation passed this House in the last Congress. It failed in the Senate Military Affairs Committee, because at that time San Antonio did not have the land upon which the improvements were to be erected. Since then the city of San Antonio has donated and has now in the bank $500,000, which will be given to the Government for this new flying field. Options have been delivered and deeds will be executed just as soon as this legislation passes.

Mr. MORTON D. HULL. Is it a condition for the location of this flying field there that the locality shall donate the land?

Mr. WURZBACH. That is the understanding. The condition is that the money is to be raised and placed on deposit in San Antonio banks for the purchase of this flying field of 2,400 acres of land. As stated before, that condition has been fully complied with.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. WURZBACH. Yes.

Mr. OLIVER of Alabama. What does the gentleman estimate to be the reasonable value of the land which is authorized to be sold?

Mr. WURZBACH. I know, as a matter of fact, that they are paying from $200 to $250 an acre for the land; and I have heard it stated by officers in the Air Service that it is the most ideal location for such a flying school and field as is contemplated by the pending bill that could be found in the entire United States.

Mr. BLANTON. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I yield the gentleman three minutes so that he may answer a question. When this bill was introduced on December 7 it carried $2,400,000?

Mr. WURZBACH. Yes.

Mr. BLANTON. That embraced the items for the gentleman's services at San Antonio?

Mr. WURZBACH. Oh, no.

Mr. BLANTON. Except what?

Mr. WURZBACH. Except the flying field. It did not include the very items the gentleman is complaining about. They were not included in H. R. 7009. The amendment which was offered by myself provides for the new primary flying school and field and is in the exact language of the bill I had introduced in this Congress and the identical language of the bill that passed this House in the last Congress, known as the Army housing bill.

Mr. BLANTON. It carried how much?

Mr. WURZBACH. It carried exactly the same sum provided for in this bill, $1,876,000.

Mr. BLANTON. Has the gentleman checked this bill up to see whether or not there is any waste in it; that is, as to the other items outside of San Antonio?

Mr. WURZBACH. Oh, yes. I have given it the usual investigation.

Mr. BLANTON. The usual investigation is just the once over and just glancing at the bill for the purpose of getting some idea about it.

Mr. WURZBACH. I am very glad to say that the Military Affairs Committee of this House is beginning to exercise some of its constitutional powers. It is authorizing legislation and not leaving that entirely to the Appropriations Committee.

Mr. BLANTON. I want to say to my friend from San Antonio that in his remarks a while ago he said something about how the people of San Antonio voted.

Mr. WURZBACH. I did not say anything about how they voted.

Mr. BLANTON. Some of the biggest taxpayers in the United States live in San Antonio, and they want their Congress to be careful about their expenditures, because they know that every million dollars we expend is going to have to be raised in taxation out of the pockets of the people.

Mr. WURZBACH. I understand that, and they generally depend on me to look out for that.

Mr. BLANTON. And usually their confidence is not misplaced.

Mr. JAMES. Mr. Speaker, I yield myself three minutes.

Gentlemen, the Committee on Military Affairs is not interested in politics in Texas, and we do not have on our committee any Democrats or any Republicans. We are not interested in partisanship.

There is not a single item in this bill that has not been submitted by the Air Service to the War Department and by the War Department submitted to the Director of the Budget. The Director of the Budget has sent up the exact amount to the Committee on Appropriations to be reported out by that Committee. General Fechet has stated:

> The items of technical construction contained in H. R. 7009 correspond, with the exception of the Middletown air depot and Maxwell Field, Ala., to the item pertaining to the various air corps stations now carried in the 1929 estimates.

The reason the Wurzbach amendment, so-called, was put in, was because last year we had in the housing bill recommended by the Director of the Budget, $1,876,000 for a new primary field at San Antonio. I talked with the Director of the Budget about it. It passed the House unanimously. It went over to the Senate and they found we did not own the land at San Antonio and it was stricken out of the bill. When I was down there in September I told the people down there that the chances were the House would not authorize $300,000 to purchase any land down there, and that even if the House did, the gentleman from Illinois [Mr. MADDEN] would not let it get out of the Committee on Appropriations, and told them the best thing they could do was to raise the money to buy the land.

A delegation came up to Washington and saw the Secretary of War, saw the gentleman from Texas [Mr. GARNER]—I do not know whether they saw the gentleman from Texas [Mr. WURZBACH] or not—and they said that if we would put that $1,876,000 in the bill, they would go back home and raise the money. A day or so after we reported out the bill I had a telegram to the effect that they had raised $500,000 to buy the land. Thereupon I talked with the Director of the Budget and with General Fechet and the amendments offered here to-day, selling the other two fields and accepting the land, were worked out by the Director of the Budget.

So there is not a single item here that has not been approved by the Director of the Budget.

Mr. BLANTON. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Texas has eight minutes remaining.

Mr. BLANTON. I only care to use three minutes of that time and I yield back the balance of my time.

I have not said one single word here against a single item in this bill; not one, and my colleague knows it. Every item may be just and proper. My whole argument was against passing bills under suspension of the rules when we can not amend them, and for the establishing of one department of national defense, and my colleague knows that.

Mr. CRAMTON and Mr. WURZBACH rose.

Mr. BLANTON. Is my colleague, since he has asked me some questions, against a department of national defense?

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. I will yield to the gentleman from Texas if the gentleman wants to answer me.

Mr. WURZBACH. I do not think that is really the matter that is worrying the gentleman.

Mr. BLANTON. Yes; it is. That is the sole matter that is worrying the gentleman.

Mr. WURZBACH. I will make the statement I will not incorporate the remarks I made about the gentleman. I will keep them out of my remarks.

Mr. BLANTON. Usually my friend does not straddle the fence, but I want to say that my whole purpose here was to try to get the Congress to take some action in behalf of a department of national defense and coordinate all of our military activities and avoid waste and extravagance.

Mr. CRAMTON. I hope the gentleman will not let what has been said about the senatorship cause him to shift his position.

Mr. BLANTON. Not a bit in the world. If I go to San Antonio, I will state to my friend, on the hustings I will do there just like I do here and everywhere else—I will meet all comers.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. OLIVER of Alabama. I am in sympathy with the position that the gentleman not only now takes but has taken so frequently, to hold down expenditures; and at San Antonio there has been one unwise expenditure which even the gentleman who represents the San Antonio district will admit.

Mr. BLANTON. I doubt it.

Mr. OLIVER of Alabama. And that is the building of a hangar there that stands out now, perhaps, as a monument to extravagance. It may never be used. I understand it cost about $1,000,000.

Mr. WURZBACH. I think that was built before I was a Member of the Congress.

Mr. OLIVER of Alabama. Nevertheless, it shows a very reckless expenditure of money; and I understand it may never be used.

Mr. BLANTON. My colleague (Mr. WURZBACH) will not admit it was unnecessary; however much it may have cost, or however little it may be used.

Mr. JAMES. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JAMES. I want to say to my friend from Texas that I was 1 of 10 in the committee who was strongly in favor of a department of national defense at the last time the matter was up. We were defeated by 11 to 10. We hope this time to get the bill out.

Mr. BLANTON. Then my argument has not been in vain. If we can create in this Congress one department of national defense, and abolish the War Department and the Navy Department, and coordinate all of our forces under one head, we will save a hundred million dollars each year for the people.

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. JAMES] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE ACROSS MISSISSIPPI RIVER AT OR NEAR LITTLE FALLS, MINN.

The next business on the Consent Calendar was the bill (H. R. 194) granting the consent of Congress to the county of Morrison, State of Minnesota, to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Morrison, State of Minnesota, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation between a point near the southeast corner of lot 3, section 34, township 41 north, range 32 west, in the county of Morrison, in the State of Minnesota, and a point opposite, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act. The construction of such bridge shall not be commenced, nor shall any alteration in the plans for the same be made either before or after its completion, until the plans and specifications for the bridge or for the alteration in the plans thereof have been submitted to the Secretary of War and the Chief of Engineers and approved by them as being adequate for the volume and weight of traffic that will pass over it.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the county of Morrison, its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Strike out all after the enacting clause and insert the following in lieu thereof:

"That the consent of Congress is hereby granted to the county of Morrison, State of Minnesota, its successors and assigns, to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation at or near Little Falls, Minn., in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906.

"SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the county of Morrison, its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

"SEC. 3. The act of Congress approved May 13, 1926, entitled 'An act granting the consent of Congress to the city of Little Falls, Minn., to construct a bridge across the Mississippi River at or near the southeast corner of lot 3, section 34, township 41 north, range 32 west,' is hereby repealed.

"SEC. 4. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn."

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MONTICELLO

The next business on the Consent Calendar was the bill (H. R. 199) granting the consent of Congress to the State of Minnesota to construct a bridge across the Mississippi River at Monticello, on Trunk Highway No. 25.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Minnesota to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, near the town of Monticello, on Trunk Highway No. 25, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Line 4, before the word "bridge," insert the word "free."

Line 6, after the word "navigation," insert a comma and the words "at or near."

Line 7, strike out the words "on Trunk Highway No. 25" and insert the word "Minnesota" in lieu thereof.

Line 10, after the figures "1906," insert a period and strike out the remainder of the section.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

Amend the title so as to read as follows: "A bill granting the consent of Congress to the State of Minnesota to construct,

maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn."

A motion to reconsider was laid on the table.

BRIDGE ACROSS SNAKE RIVER

The next business on the Consent Calendar was the bill (H. R. 319) granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Idaho to construct, maintain, and operate a bridge and approaches thereto across the Snake River within the city limits of Idaho Falls., Idaho, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters" approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Strike out all after the enacting clause and insert the following in lieu thereof:

"That the bridge now being constructed across the Snake River at Idaho Falls, Idaho, by the State of Idaho, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War, as providing suitable facilities for navigation, and operated as a free bridge, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before the bridge is commenced.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

Amend the title so as to read: "A bill to legalize a bridge across the Snake River at Idaho Falls, Idaho."

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE ALLEGHENY RIVER AT KITTANNING

The next business on the Consent Calendar was the bill (H. R. 495) granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Armstrong, a county of the State of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near Market Street, in the borough of Kittanning, county of Armstrong, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 5, after the words "operate a" insert the word "free."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE DULUTH SHIP CANAL

The next business on the Consent Calendar was the bill (H. R. 5510) granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Duluth, Minn., to construct, maintain, and operate a bridge and approaches thereto across the Duluth Ship Canal at the site of the existing suspended car transfer or aerial ferry constructed under an act of Congress dated February 7, 1902, and for that purpose to locate the towers and approaches of said structure on the lands of the United States pertaining to the said canal, as now occupied under a certain revocable license issued by the Secretary of War to the city of Duluth, Minn., under date of September 6, 1901, now on file in the War Department: *Provided*, That the city of Duluth, Minn., shall make any changes in the said structure and any changes in the towers and approaches located on said lands of the United States which the Secretary of War may from time to time prescribe and in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the word "a," insert the word "free"; line 6, after the word "at," insert the words "or near"; line 8, after the figures "1902," insert the following: "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

Page 2, line 7, insert a period after the word "prescribe" and strike out the remainder of the section.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE RIO GRANDE

The next business on the Consent Calendar was the bill (H. R. 5583) granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Kansas City, Mexico & Orient Railway Co. of Texas, a corporation organized under the laws of the State of Texas, and the Kansas City, Mexico & Orient Railway Co., a corporation organized under the laws of the State of Kansas, their successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Rio Grande River, at a point suitable to the interests of navigation between Ojinaga (formerly known as "Presidio Del Norte"), on the Rio Grande, on the Mexican side thereof, and a point in the State of Texas, in the county of Presidio, at or near the town called "Presidio" in the State of Texas, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co., their successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 3, after the word "River," insert the words "so far as the United States has jurisdiction over the waters of such river,".

Line 10, after the figures "1906" change the period to a comma and add the following: "and subject to the approval of the proper authorities in Mexico."

The committee amendments were agreed to,

The bill as amended was ordered to be engrossed and read a third time; was read the third time and passed.

Amend the title so as to read: "A bill granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River at or near Presidio, Tex."

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE TOMBIGBEE RIVER AT EPES, ALA.

The next business on the Consent Calendar was the bill (H. R. 5638) granting the consent of Congress to rebuild and reconstruct and maintain and operate the existing railroad bridge across the Tombigbee River, at Epes, in the State of Alabama.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Alabama Great Southern Railroad Co., a corporation of the State of Alabama, its successors and assigns, to rebuild, reconstruct, maintain, and operate the bridge of the said company with the necessary piers, abutments, and approaches across the Tombigbee River from Epes, in Sumter County, in the State of Alabama, to a point on the opposite bank of the said river in Greene County, in the State of Alabama, all points suitable to the interest of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Alabama Great Southern Railroad Co., a corporation of the State of Alabama, its successors and assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 6, strike out the words "the bridge of the said" and insert the words "its existing railroad bridge" in lieu thereof.

Line 7, strike out the words "company with the necessary piers, abutments," and, after the word "approaches," insert the word "thereto."

Page 2, line 2, strike out the word "all."

Line 3, strike out the words "points suitable to the interest of navigation."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE TOMBIGBEE RIVER, MONROE COUNTY, MISS.

The next business on the Consent Calendar was the bill (H. R. 5657) granting the consent of Congress to the board of supervisors of Monroe County, Miss., to construct a bridge across the Tombigbee River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the board of supervisors of Monroe County, Miss., and their successors and assigns, to construct, maintain, and operate a free bridge and approaches thereto across the Tombigbee River at a point suitable to the interests of navigation, at or near Aberdeen, in the county of Monroe, in the State of Mississippi, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Line 6, after the first word "a" insert the word "free."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill granting the consent of Congress to the board of supervisors of Monroe County, Miss., to construct, maintain, and operate a bridge across Tombigbee River, at or near Aberdeen, Monroe County, Miss."

A motion to reconsider was laid on the table.

BRIDGE ACROSS OUACHITA RIVER, MONROE, LA.

The next business on the Consent Calendar was the bill (H. R. 5725) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Monroe, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the amended bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the times for commencing and completing the construction of a bridge authorized by the act of Congress approved January 26, 1925, to be built by the State Highway Commission of Louisiana across the Ouachita River at a point suitable to the interests of navigation at or near Monroe, La., are hereby extended one and three years, respectively, from the date of approval hereof.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Monroe, La."

BRIDGE ACROSS BLACK RIVER, JONESVILLE, LA.

The next business on the Consent Calendar was the bill (H. R. 5726) granting the consent of Congress to Louisiana Highway Commission to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill as amended by the committee.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the times for commencing and completing the construction of a bridge authorized by the act of Congress approved March 10, 1926, to be built by the State Highway Commission of Louisiana across the Black River at a point suitable to the interests of navigation at or near Jonesville, La., are hereby extended one and three years, respectively, from the date of approval hereof.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to extend the times for commencing and completing of a bridge across the Black River at or near Jonesville, La."

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS BAYOU BARTHOLOMEW, MOREHOUSE PARISH, LA.

The next business on the Consent Calendar was the bill (H. R. 5728) granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near Point Pleasant, in Morehouse Parish.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill as amended.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the times for commencing and completing the construction of a bridge authorized by the act of Congress approved March 10, 1926, to be built by the State Highway Commission of Louisiana across the Black River at a point suitable to the interests of navigation at or near Jonesville, La., are hereby extended one and three years, respectively, from the date of approval hereof.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to extend the times for commencing and completing the construction of a bridge across the Black River at or near Jonesville, La."

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS GRAND CALUMET RIVER, EAST CHICAGO, IND.

The next business on the Consent Calendar was the bill (H. R. 5744) to authorize the construction of a bridge across the Grand Calumet River at East Chicago, Ind.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill as amended by the committee.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the consent of Congress is hereby granted to the board of commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Forsythe Avenue in the city of East Chicago, Lake County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill granting the consent of Congress for the reconstruction of a bridge across the Grand Calumet River at East Chicago, Ind."

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MAHONING RIVER, YOUNGSTOWN, OHIO

The next business on the Consent Calendar was the bill (H. R. 6046) granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at West Avenue, Youngstown, Mahoning County, Ohio.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress be, and it is hereby, granted to the city of Youngstown, Ohio, to construct, maintain, and operate a bridge, together with the necessary approaches thereto, across the Mahoning River at a point suitable to the interests of navigation, at or near West Avenue, Youngstown, Mahoning County, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges and other structures over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 5, after "a" insert "free."

Page 2, line 1, after the word "bridges," strike out "and other structures."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio."

A motion to reconsider the vote by which the bill was passed was laid on the table.

HIGHWAY BRIDGE ACROSS LAKE CHAMPLAIN

The next business on the Consent Calendar was the bill (H. R. 6099) granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a toll highway bridge across Lake Champlain.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill as amended by the committee.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the consent of Congress is hereby granted to the States of New York and Vermont, their successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is located, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

"SEC. 3. The said States of New York and Vermont, their successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

"SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain, between Crown Point, N. Y., and Chimney Point, Vt."

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ROCK RIVER, ILL.

The next business on the Consent Calendar was the bill (H. R. 6483) granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Rock River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois, county of Lee, and the city of Dixon, to construct, maintain, and operate a bridge and approaches thereto across the Rock River at the city of Dixon, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, after the word "Illinois," insert the word "the" and after the word "Dixon" insert "or to any or either of them, jointly or severally," and in line 6, after the article "a," insert the word "free," and in line 7, after the word "Dixon," insert "Illinois," and on page 2, line 1, after the figures "1906," strike out the comma, and the language "and subject to the conditions and limitations contained in this act."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill granting the consent of Congress to the State of Illinois, the county of Lee, and the city of Dixon, or any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Rock River at Dixon, Ill."

BRIDGE ACROSS LITTLE CALUMET RIVER, ILL.

The next business on the Consent Calendar was the bill (H. R. 6512) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River in Cook County, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the county of Cook, State of Illinois, to construct, maintain, and operate a highway bridge and approaches thereto across Little Calumet River at the line of Wentworth Avenue extended within section 20, township 36 north, range 15 east, in said county and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, after the word "given," insert "granted," and in line 5, after the article "a," insert the word "free," and in line 6, after the word "at," insert "a point suitable to the interests of navigation at or near," and in line 8 strike out "within section 20, township north, range 15 east."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Wentworth Avenue, in Cook County, State of Illinois."

BRIDGE ACROSS LITTLE CALUMET RIVER, COOK COUNTY, ILL.

The next business on the Consent Calendar was the bill (H. R. 6513) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River in Cook County, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the county of Cook, State of Illinois, to construct, maintain, and operate a highway bridge and approaches thereto across Little Calumet River at Ashland Avenue within section 6, township 36 north, range 14 east, in said county and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, after the word "given" insert the word "granted," and in line 5, after the article "a" insert "free," and in line 6, after the word "at" insert "a point suitable to the interests of navigation at or near," and after the word "avenue" strike out "within section 6, township 36 north, range 14 east."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois."

BRIDGE ACROSS LITTLE CALUMET RIVER, COOK COUNTY, ILL.

The next business on the Consent Calendar was the bill (H. R. 6514) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River in Cook County, Ill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the county of Cook, State of Illinois, to construct, maintain, and operate a highway bridge and approaches thereto across Little Calumet River at Indiana Avenue just north of the line of One hundred and fifty-fourth Street in said county and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, after the word "given," insert "granted," and in line 5, after the article "a," insert the word "free," and in line 6, after the word "at," insert "a point suitable to the interests of navigation at or near."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois."

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MAHONING RIVER, YOUNGSTOWN, OHIO

The next business on the Consent Calendar was the bill (H. R. 6958) granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Division Street, Youngstown, Mahoning County, Ohio.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress be, and it is hereby, granted to the city of Youngstown, Ohio, to construct, maintain, and operate a bridge, together with the necessary approaches thereto, across the Mahoning River at a point suitable to the interests of navigation at or near Division Street, Youngstown, Mahoning County, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges and other structures over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, after the word "Congress," strike out "be, and it is hereby," and insert "is hereby," and in line 5, after the article "a," insert "free"; and on page 2, after the word "bridges," strike out "and other structures."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio."

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS CANEY FORK RIVER, TENN.

The next business on the Consent Calendar was the bill (H. R. 6959) granting the consent of Congress for the construction of a bridge across the Caney Fork River, in Tennessee.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill as amended by the committee.

The Clerk read the bill, as follows:

Strike out all after the enacting clause and insert: "That the bridge now being constructed by the county of De Kalb, State of Tennessee, across the Caney Fork River at the head of Hurricane Island, in said State, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and the Chief of Engineers before the bridge is commenced.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. DENISON. Mr. Speaker, on behalf of the committee I offer an amendment to the committee amendment.

The Clerk read as follows:

In line 9 of the committee amendment, before the word "bridge," insert the word "free."

The amendment to the committee amendment was agreed to, and the committee amendment as amended was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill to legalize a bridge across the Caney Fork River in De Kalb County, Tenn."

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 7192) to amend an act, as amended, entitled "An act authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa."

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill as amended by the committee.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the times for commencing and completing the construction of the bridge to be built by the county of Beaver, Pa., across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa., authorized by the act of Congress approved February 26, 1926, entitled 'An act authorizing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.,' and amended by the act of Congress approved March 2, 1927, are hereby extended one and three years, respectively, from the date of approval hereof.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa."

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS HILLSBOROUGH BAY, TAMPA, FLA.

The next business on the Consent Calendar was the bill (H. R. 7218) to legalize a bridge across Hillsborough Bay at Twenty-second Street, Tampa, Fla.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the bridge now being constructed over Hillsborough Bay at Twenty-second Street, Tampa, Fla., by the county of Hillsborough, Fla., if completed in accordance with plans approved by the Chief of Engineers, and the Secretary of War, as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Secretary of War and Chief of Engineers before the bridge is commenced.

With a committee amendment as follows:

Page 1, line 6, strike out the word "approved" and insert the word "accepted," and on line 8, after the word "navigation," insert the words "and operated as a free bridge," and after line 4 insert as a new section the following:

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS THE SNAKE RIVER, IDAHO

The next business on the Consent Calendar was the bill (H. R. 7370) granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across Snake River near Indian Cove Ferry, Idaho.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Idaho to construct, maintain, and operate a bridge and approaches thereto across the Snake River near Indian Cove Ferry, Idaho, in section 32, township 5 south, range 8 east, base meridian, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Page 1, line 4, after the words "operate a," insert the word "free," and on line 6, after the word "Cove," strike out the word "Ferry," and on line 7, after the word "east," strike out the word "base" and insert the word "Boise."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho."

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS THE SNAKE RIVER NEAR SWAN VALLEY, IDAHO

The next business on the Consent Calendar was the bill (H. R. 7374) granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Swan Valley, Idaho.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Idaho to construct, maintain, and operate a bridge and approaches thereto across the Snake River near Swan Valley, Idaho, in section 4, township 1 north, range 43 east, base meridian, at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment as follows:

Page 1, line 4, after the words "operate a" insert the word "free," and on line 7, strike out the word "base" and insert the word "Boise," and on page 2, line 1, strike out the words "and subject to the conditions and limitations contained in this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER, W. VA.

The next business on the Consent Calendar was the bill (H. R. 7449) granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Big Sandy & Cumberland Railroad Co., a corporation organized under the laws of the State of Virginia, and authorized to do business in the State of West Virginia, and operate railways in Kentucky, its successors and assigns, to construct, maintain, and operate two bridges and approaches thereto across the Tug Fork of Big Sandy River at a point suitable to the interests of navigation near Devon, Mingo County, W. Va., where the said Tug Fork forms the boundary line between the States of West Virginia and Kentucky, in accordance with the provisions of the act to regulate the construction of bridges over navigable waters, approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Big Sandy & Cumberland Railroad Co., its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Page 1, line 8, after the word "two," insert the word "railroad," and on page 2, line 5, after the word "act" on line 4, insert the words "entitled 'An act.'"

The SPEAKER. The question is on agreeing to the amendment

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSOURI RIVER, MONT.

The next business on the Consent Calendar was the bill (H. R. 7466) granting the consent of Congress to the State of Montana, or Valley County, in the State of Montana, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Montana, or Valley County, in the State of Montana, to construct, maintain, and operate a free bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation at or near Glasgow, Mont., in township 25 north, range 40 east of the Montana principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Page 1, line 4, after the word "Montana" strike out the words "or Valley County, in the State of Montana" and insert the words "Valley County, Mont., and McCone, Mont., or to any or either of them, jointly or severally."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont."

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS THE ROCK RIVER, ILL.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill (H. R. 7745).

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Chicago & North Western Railway Co., a corporation of the State of Illinois, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Rock River at a point suitable to the interests of navigation in section 19, township 21 north, range 8 east of the fourth principal meridian, the same being in Palmyra and Nelson Townships, Lee County, Ill., in accordance with the provisions of an act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Chicago & North Western Railway Co., its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Page 2, line 5, after the figures "1906" strike out the words "and subject to the conditions and limitations contained in this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed:

The title of the bill was amended so as to read: "A bill granting the consent of Congress to the Chicago & North Western Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River."

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS ELK RIVER, ALA.

The next business on the Consent Calendar was the bill (H. R. 7913) granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Alabama and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Elk River at a point suitable to the interests of navigation, on the Athens-Florence road between Lauderdale and Limestone Counties, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 2, line 3, after the figures "1906," strike out the words "and subject to the conditions and limitations contained in this act," and on line 5, insert as a new section the following:

"SEC. 2. The act of Congress approved March 22, 1926, entitled 'An act granting the consent of Congress to the highway department of the

State of Alabama to construct a bridge across Elk River on the Athens-Forrest Road between Lauderdale and Limestone Counties, Ala.,' is hereby repealed," and on line 11, strike out the figure "2" and insert the figure "3."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE ALLEGHENY RIVER, PA.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to return to No. 18 on the calendar, bill H. R. 6041. The gentleman from New York [Mr. LAGUARDIA] has withdrawn his objection.

Mr. BLANTON. What is that?

Mr. DENISON. A bridge bill, No. H. R. 6041.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Pennsylvania Railroad Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Allegheny River at a point suitable to the interests of navigation, at Oil City, county of Venango, State of Pennsylvania, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Pennsylvania Railroad Co., its successors and assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make corrections in the text. The word "the" before the word "Pennsylvania," should begin with a capital letter. I ask that the Clerk be authorized to make this change also in the title.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

SPANISH WAR ENCAMPMENT MONUMENT

The next business on the Consent Calendar was the bill (H. R. 229) to authorize the erection of monuments or memorials to commemorate the encampments of Spanish War organizations at Chickamauga and Chattanooga National Military Park.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That notwithstanding the restrictive provisions of the act approved February 26, 1896 (29 Stat. p. 21), the Secretary of War is hereby authorized, in his discretion to permit without cost to the United States the erection of monuments or memorials to commemorate encampments of Spanish War organizations which were encamped in said park during the period of the Spanish-American War.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

RECOVERY OF BODIES OF OFFICERS, SOLDIERS, AND CIVILIAN EMPLOYEES

The next business on the Consent Calendar was the bill (H. R. 230) to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, in the War Department annual appropriation acts under the subtitle "Disposition of remains of officers, soldiers, and civilian employees," such sum as may be necessary to pay the expenses incident to the recovery of bodies of officers; cadets, United States Military Academy; acting assistant surgeons, members of the Army Nurse Corps, warrant officers, enlisted men, and civilian employees, under such regulations as the Secretary of War may prescribe.

Mr. CRAMTON. Mr. Speaker, I offer an amendment. The form of the bill seems hardly correct. It specifies that these appropriations must be carried in the annual Army bill, and so forth. There might be a time when money for this fund might be suggested for a deficiency bill, so I suggest the striking out of certain language.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Beginning in line 4, after the word "appropriated," strike out the words "in the War Department annual appropriation acts under the subtitle 'Disposition of remains of officers, soldiers, and civilian employees.'"

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL MILITARY PARK AT THE BATTLE FIELD OF GUILFORD COURTHOUSE

The next business on the Consent Calendar was the bill (H. R. 245) to continue the establishment of a national military park at the battle field of Guilford Courthouse.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the act entitled "An act to establish a national military park at the battle field of Guilford Courthouse," approved March 2, 1917, is hereby amended so as to provide that hereafter vacancies occurring by death or resignation in the membership of the commission in charge of the Guilford Courthouse National Military Park shall not be filled, and the duties of the offices thus vacated shall devolve upon the remaining commissioner or commissioners for said park: *Provided*, That when all the offices of commissioner in the Guilford Courthouse National Military Park are thus vacated the duties of such commissioners shall thereafter be performed under the direction of the Secretary of War.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CALL OF THE HOUSE

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

Mr. TILSON. Mr. Speaker, I hope the gentleman will withdraw his point of no quorum.

Mr. BLANTON. Well, we will have a roll call and get a quorum. A few of us have worked hard to-day.

Mr. TILSON. There are a number of bills on this calendar which should be considered to-day.

Mr. BLANTON. But this is only January. There is plenty of time.

Mr. TILSON. If the gentleman wishes to take the responsibility for taking the time and causing the inconvenience to the Members——

Mr. BLANTON (interposing). I will take the responsibility. I work as hard as anybody here.

Mr. TILSON. It is not half past 4 as yet.

Mr. BLANTON. How much does it lack of being half past 4?

Mr. TILSON. It is not half past 4 as yet.

Mr. BLANTON. It lacks one minute of being half past 4, and it will be dark in 30 minutes, and we yet have all of our office mail to sign.

Mr. TILSON. If the gentleman will let us run until 5 o'clock, as we usually do, he will save himself and others a good deal of time. I hope the gentleman will be reasonable, because we must go further with this calendar before we adjourn.

Mr. BLANTON. The floor leader is responsible if he has a roll call, but he should not want a few of us to stay here and work ourselves to death.

Mr. TILSON. The gentleman can be excused any time he wishes.

Mr. BLANTON. Mr. Speaker, I insist on the point of order and let us have a roll call.

Mr. TILSON. The gentleman has that right; but he will accomplish nothing by it except to cause inconvenience to many Members and waste time.

Mr. BLANTON. I work here on the floor as hard as anybody, and a lot of times I am on the floor when the floor leader is in his office or somewhere else. The floor leader knows how hard a few of us work on these bills, and I am not going to work myself down on them. Mr. Speaker, I insist on the point of order.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 12]

Almon	Dempsey	Kiess	Palmer
Andrew	Douglas, Ariz.	Kindred	Parker
Anthony	Douglass, Mass.	King	Porter
Arentz	Doutrich	Knutson	Pou
Aswell	Drane	Kopp	Prall
Bacon	Drewry	Koreli	Quayle
Bankhead	Eaton	Kunz	Rainey
Beck, Pa.	Estep	Kurtz	Robsion, Ky.
Beedy	Evans, Calif.	Lampert	Rubey
Begg	Faust	Langley	Sabath
Berger	Fitzgerald, Roy G.	Leatherwood	Sanders, N. Y.
Black, N. Y.	Foss	Leech	Sears, Fla.
Boies	Freeman	Letts	Seger
Bowles	Frothingham	Lindsay	Selvig
Bowling	Fulmer	Linthicum	Sirovich
Boylan	Gallivan	Lozier	Sproul, Kans.
Brand, Ohio	Garrett, Tex.	Luce	Stedman
Britten	Gifford	Lyon	Strother
Bulwinkle	Golder	McClintic	Sullivan
Bushong	Goldsborough	McFadden	Sweet
Byrns	Graham	McReynolds	Taylor, Colo.
Campbell	Hadley	Madden	Thompson
Canfield	Hall, Ind.	Magrady	Timberlake
Carew	Haugen	Manlove	Tinkham
Carley	Hawley	Mead	Treadway
Carter	Hersey	Merritt	Tucker
Casey	Holaday	Milligan	Underhill
Celler	Hope	Monast	Updike
Chase	Houston	Montague	Welch, Calif.
Cohen	Hughes	Mooney	Weller
Cole, Iowa	Hull, Tenn.	Moore, N. J.	Welsh, Pa.
Connally, Tex.	Igoe	Moore, Va.	Williams, Tex.
Cooper, Ohio	Irwin	Morin	Wilson, Miss.
Crail	Johnson, S. Dak.	Murphy	Wingo
Crisp	Kahn	Nelson, Me.	Winter
Crowther	Kelly	Nelson, Wis.	Wood
Cullen	Kendall	Newton	Woodrum
Davenport	Kent	O'Connell	Wyant
Davey	Kerr	O'Connor, N. Y.	Zihlman

The SPEAKER. Two hundred and seventy-seven Members have answered present; a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

DISPOSITION OF REMAINS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES OF THE ARMY

The next business on the Consent Calendar was the bill (H. R. 248) to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the purpose of the bill.

Mr. BLANTON. Mr. Speaker, I object.

BATTLE FIELDS OF BRICES CROSS ROADS AND TUPELO, IN MISS.

The next business on the consent calendar was the bill (H. R. 8736) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.

The clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection.

The clerk read the bill as follows:

Be it enacted, etc., That a commission is hereby created, to be composed of the following members, who shall be appointed by the Secretary of War: (1) A commissioned officer of the Corps of Engineers, United States Army; (2) a veteran of the Civil War, who served honorably in the military forces of the United States; and (3) a veteran of the Civil War, who served honorably in the military forces of the Confederate States of America.

SEC. 2. In appointing the members of the commission created by section 1 of this act the Secretary of War shall, as far as practicable, select persons familiar with the terrain of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., and the historical events associated therewith.

SEC. 3. It shall be the duty of the commission, acting under the direction of the Secretary of War, to inspect the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., in order to ascertain the feasibility of preserving and marking for historical and professional military study such fields. The commission shall submit a report of its findings and an itemized statement of its expenses to the Secretary of War not later than December 1, 1928.

SEC. 4. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, or such part thereof as may be necessary, in order to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARKERS FOR BATTLE FIELDS OF EASTPORT AND IUKA, MISS.

The next business on the consent calendar was the bill (H. R. 8737) providing for markers for the battle fields of Eastport, Miss., and Iuka, Miss.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is there any limit to the amount that may be spent?

Mr. RANKIN. I do not know.

Mr. LAGUARDIA. The bill does not provide any limit. I am simply inquiring for information.

Mr. RANKIN. I will accept any amendment the gentleman wants to offer.

Mr. LAGUARDIA. I have not the faintest idea what it ought to be, but it seems to me that good legislation would dictate some limit.

Mr. RANKIN. A similar provision has been passed with respect to all of these markers.

Mr. CRAMTON. Mr. Speaker, I think it is just as well not to have a limit. If a limit is stated, then they think they are entitled to have the full amount. If there is no amount stated, the Committee on Appropriations will try to hold them down.

Mr. LAGUARDIA. That is agreeable to me.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to obtain and place in the Civil War battle fields of Eastport, Miss., and Iuka, Miss., located in Tishomingo County of said State, appropriate markers, out of any money in the Treasury not otherwise appropriated, for the purpose of properly preserving these historic landmarks.

Mr. CRAMTON. Mr. Speaker, I offer an amendment. As the bill now reads it would sound as if the department were authorized to take the money directly out of the Treasury. I therefore move to amend by striking out those words.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Beginning in line 7, strike out the language "out of any money in the Treasury not otherwise appropriated."

Mr. CRAMTON. The bill will then stand as an authorization merely.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TO REGULATE SALES BY UTILITIES IN THE ARMY

The next business on the Consent Calendar was the bill (H. R. 7938) to regulate sales by utilities in the Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

HIGHWAY ACROSS VANCOUVER BARRACKS MILITARY RESERVATION

The next business on the Consent Calendar was the bill (H. R. 172) to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation in the State of Washington.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant and convey to the city of Vancouver, a municipal corporation of the State of Washington, a perpetual easement for the construction and maintenance of a public highway, not exceeding 60 feet in width, paralleling the Columbia River on the Vancouver Barracks Military Reservation in the State of Washington, at such location and under such conditions as may be approved by the Secretary of War, with the right to grade, fill, or otherwise build said highway above the danger of overflow of the Columbia River, to surface, pave, illuminate, lay mains, conduits, and culverts, and to make other improvements necessary for public-highway purposes: *Provided,* That the city of Vancouver shall perform at its own cost and expense such work as the Secretary of War may require for the protection of or to prevent interference with the use of any underground or other improvements on said reservation which may be affected by the construction and maintenance of said highway.

SEC. 2. No part of the property granted and conveyed by the Secretary of War for the purposes aforesaid shall be used for any other than highway purposes, and when said property shall cease to be so used it shall revert to the United States of America: *Provided,* That the United States at all times shall have the right to pass over or across said highway for gaining access to the Columbia River or for any other purpose and, in case of an emergency, may assume control of, hold, use, and occupy, temporarily or otherwise, without consent or leave from the city of Vancouver, any or all of said property and highway for any governmental purposes. And the United States shall not be or become liable for any damages or compensation whatever to the city of Vancouver for any future use by the United States for the aforesaid purposes of any or all of said property and highway.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SUPERINTENDENT OF ANTIETAM BATTLE FIELD

The next business on the Consent Calendar was the bill (H. R. 227) to regulate the appointment and duties of the superintendent of the Antietam battle field.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the superintendent of the Antietam battle field, near Sharpsburg, Md., shall perform his duties under the direction of the Quartermaster Corps and shall be selected and appointed by the Secretary of War, at his discretion, the person selected for this position to have been either a commissioned officer or enlisted man who has been honorably discharged or mustered out of the military service of the United States and who may have been disabled for active field service in line of duty.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The next business on the Consent Calendar was the bill (H. R. 232) to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved June 7, 1924, is hereby amended to read as follows:

"The following persons shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the order of a member of the Board of Managers, namely: Honorably discharged officers, soldiers, sailors, or marines, including women commissioned or enlisted, and male and female Army and Navy nurses under commission, enlistment, or contract since April 21, 1898, who served in the regular, volunteer, or other forces of the United States, or in the Organized Militia or National Guard when called into Federal service, and who are disabled by disease or wounds and who have no adequate means of support, and by reason of such disability are either temporarily or permanently incapacitated from earning a living."

With the following committee amendments:

Page 2, line 3, strike out the words "male and female".

Page 2, line 4, insert after the word "enlistment" the words "appointment, assignment."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

AMENDING THE NATIONAL DEFENSE ACT

The next business on the Consent Calendar was the bill (H. R. 8550), to amend the national defense act.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The clerk read as follows:

Be it enacted, etc., That "for the conduct of the annual competition known as the national matches and for the purpose of furnishing a national trophy, medals, and other prizes, to be provided and contested for, which competition shall be held annually, under such regulations as may be prescribed by the Secretary of War, said competition to be open to the Army, Navy, Marine Corps, and the National Guard, or Organized Militia, of the several States, Territories, and the District of Columbia, members of rifle clubs and civilians, and for the cost of trophy, prizes, medals, and all other expenditures requisite for and incident to the conduct of the annual competition and the maintenance and operation of the Small Arms Firing School connected therewith, and a sum necessary for the above-named purposes is hereby authorized to be appropriated annually as a part of the total sum appropriated for national defense; and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expense of members of the National Board for the Promotion of Rifle Practice to be expended for the purpose hereinbefore prescribed, under the direction of the Secretary of War, the sum of $7,500 is hereby authorized to be appropriated annually: *Provided,* That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress."

With the following committee amendment:

Page 1, line 2, after the word "assembled," insert the following: "That the act entitled 'An act for the promotion of rifle practice throughout the United States, approved February, 14, 1927 (U. S. Stat. 44–1095),' which adds an additional paragraph to section 113 of the national defense act, is hereby amended to read as follows."

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 17, before the figures "$7,500," insert the words "not more than."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TRANSFER OF OKANOGAN IRRIGATION PROJECT, STATE OF WASHINGTON

The next business on the Consent Calendar was the bill (S. 1661) to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

CHINESE SUBJECTS AT WEST POINT

The next business on the Consent Calendar was House joint resolution (H. J. Res. 39) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. I object.

Mr. SCHAFER. I object.

TWO SIAMESE SUBJECTS AT WEST POINT

The next business on the Consent Calendar was House joint resolution (H. J. Res. 50) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BLANTON. I object.

Mr. SCHAFER. I object.

ADDITIONAL CIRCUIT JUDGE, SIXTH JUDICIAL CIRCUIT

The next business on the Consent Calendar was the bill (H. R. 8229) for the appointment of an additional circuit judge for the sixth judicial circuit.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. BLANTON. I object.

Mr. DYER. Mr. Speaker, will the gentleman withhold his objection?

Mr. BLANTON. It is rather late, and possibly the gentleman from Connecticut [Mr. TILSON] may have a dinner engagement.

Mr. DYER. I wanted to state that this legislation is recommended not only by the Attorney General but by the judges who have to do with making recommendations as provided by law for additional judges.

Mr. BLANTON. Was it Attorney General Daugherty who made the recommendation?

Mr. DYER. No; it was made by the present Attorney General and approved by the commission of judges headed by the Chief Justice, Mr. Taft.

Mr. BLANTON. Mr. Speaker, I insist on the objection.

AMENDING CODE OF LAW, DISTRICT OF COLUMBIA—CLERK'S FEES

The next business on the Consent Calendar was the bill (H. R. 9020) to amend an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

STENOGRAPHERS IN UNITED STATES COURTS

The next business on the Consent Calendar was the bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the bill may be passed over without objection.

Mr. BLACK of Texas. I have no objection to its retaining its place on the calendar.

Mr. DYER. Mr. Speaker, I make the same request with respect to the two previous bills that were objected to.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the two bills just objected to and the one now under consideration be passed over and retain their place on the calendar. Is there objection?

There was no objection.

MARSHAL'S FEE, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 9026) to amend section 1112 of the Code of Law for the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 1112 of the act of March 3, 1901, chapter 854, entitled "An act to establish a code of law for the District of Columbia," be, and it is hereby, amended to read as follows:

"SEC. 1112. Marshal's fees: For each return on any warrant, attachment, summons, capias, or other writ (except execution, venire, or a summons or subpœna for a witness), whether or not service has been made, $1 for each person: *Provided, however,* That for the return on any citation, summons, notice, or rule issued by the probate court the fee shall be 50 cents for each person."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PUNISHMENT OF ESCAPING CRIMINALS

The next business on the Consent Calendar was the bill (H. R. 9021) providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That if any person convicted of an offense against Federal statutes, committed to any Federal penal or correctional institution, or any State, county, or other institution, designated as a place for the incarceration of Federal prisoners or being conveyed to or from such institution, shall break such prison and escape therefrom or shall escape from the custody of any official or employee conveying such person to or from such institution or shall escape from or leave without due authority any building, camp, farm, garden, city, town, road, street, or any place whatsoever in which such person is placed or to which such person is directed or permitted to go or in which such person is allowed to be by the warden or any other officer or employee of the prison, whether inside or outside of the prison walls or grounds, such person shall be deemed guilty of an escape and shall, upon conviction, be punished by imprisonment for a term not to exceed five years, to commence from and after the expiration of the term of previous sentence: *Provided,* That in order to constitute an escape under the provisions of this act it is not necessary that the prisoner be within any walls or inclosure nor that there shall be any actual breaking nor that such prisoner be in the presence or actual custody of any officer or other person.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

APPROVAL OF MARSHALS' VOUCHERS

The next business on the Consent Calendar was the bill (H. R. 9051) to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes."

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

Mr. DYER. This bill is asked especially by the Comptroller General in order to facilitate the keeping straight of the marshals' accounts.

Mr. BLANTON. What good reason is there for not rendering all accounts monthly, instead of quarterly?

Mr. DYER. They render their accounts to the Attorney General.

Mr. BLANTON. Why do they not want to render them monthly as the law requires? Why do they want to render them quarterly?

Mr. DYER. This is recommended by the Attorney General. It passed the House at the last session without objection.

Mr. BLANTON. I object to it.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

AMENDMENT OF NATIONAL DEFENSE ACT

The next business on the Consent Calendar was the bill (H. R. 234) to amend section 47d of the national defense act as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 47d of the national defense act, as amended by the act approved June 4, 1920 (41 Stat. p. 779), be, and the same is, further amended by inserting between the words "mile" and "for" in the fourteenth line of said section 47d the following language, to wit:

"Or, at the option of the Secretary of War, transportation in kind may be furnished, and in addition thereto candidates may be paid a subsistence allowance at the rate of 1 cent a mile within such limits as to territory as the Secretary of War may prescribe."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

RESERVE OFFICERS' TRAINING CORPS

The next business on the Consent Calendar was the bill (H. R. 244) to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amended accordingly section 47 of that act.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 47c of the national defense act of June 3, 1916, as amended, be, and the same is hereby, amended by adding thereto the following additional proviso:

"*Provided further*, That nothing in this act shall be construed to require that the advanced training provided for herein shall follow without interruption upon the completion of the two years' elective or compulsory course of military training prescribed in section 40 of this act or to require that such advanced training be pursued without interruption after it has been commenced in those cases where the person selected for advanced training at any institution will, under the rules and regulations thereof, normally require in order to be graduated therefrom a period of sufficient duration after any interruption to complete the advanced course without curtailment."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. TILSON. Mr. Speaker, the remaining bills have not been on the calendar here the requisite number of days. Therefore the calendar having been completed, unless there is a unanimous-consent request I shall move that the House do now adjourn.

PERMISSION FOR A COMMITTEE TO SIT DURING SESSIONS

Mr. DYER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary or its subcommittees during the present session of Congress may hold hearings at any time that will not interfere with the meetings of the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the Committee on the Judiciary and its subcommittees may hold public hearings during the sessions of the House.

Mr. DYER. Public hearings only during the time when the House is in session. We have several public hearings set for to-morrow, and there are a number of gentlemen who are coming here from out of town.

Mr. GARRETT of Tennessee. Is it for the next few days only?

Mr. DYER. I make it as a general request.

Mr. GARRETT of Tennessee. I shall not object to limiting it; I shall not object at all if the gentleman is making this request at the order of the committee; but unless it is at the order of the committee, I am not sure. Some members of some of the committees have spoken to me and objected to certain committees holding sessions during the sittings of the House.

Mr. DYER. I will limit it to the present week.

The SPEAKER. The gentleman from Missouri asks unanimous consent that during the present week the Committee on the Judiciary or any subcommittee thereof may have permission to sit during the sessions of the House. Is there objection?

There was no objection.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 17, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 17, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Independent offices appropriation bill.

(2 p. m.)

War Department appropriation bill.

District of Columbia appropriation bill.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend section 15a of the interstate commerce act as amended (H R. 5819 and H. R. 8549).

To repeal section 15a of the act entitled "An act to regulate commerce," as amended February 28, 1920, and to enact in lieu thereof provisions for meeting the transportation needs of the country (H. R. 8833).

COMMITTEE OF FLOOD CONTROL

(10 a. m.—caucus room)

To hear Representative DENISON, of Illinois, and Mr. Frank Freeden, of Chicago, discuss projects to control the flood waters of the Mississippi River.

(2 p. m.—caucus room)

To hear Senators SACKETT and BARKLEY, of Kentucky; Governor Fields, of Kentucky; Representatives KINCHELOE and GREGORY, of Kentucky; and Representative MCCLINTIC, of Oklahoma; and a delegation from Kentucky discuss projects to control the flood waters of the Mississippi River.

(8 p. m.—caucus room)

A meeting for the discussion of projects to control the flood waters of the Mississippi River.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To hear Admiral Hughes discuss the building program.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To prohibit the exportation of arms, munitions, or implements of war to certain foreign countries (H. J. Res. 1).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

For the adoption of the Columbia Basin reclamation project, and for other purposes (H. R. 7029).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON ELECTIONS NO. 2

(10 a. m.)

Whereas it is charged that JAMES M. BECK, a Representative elect to the Seventieth Congress from the State of Pennsylvania, is ineligible to a seat in the House of Representatives for the reason that he was not at the time of his election an inhabitant of the State of Pennsylvania in the sense of the provision of the Constitution of the United States (par. 5 of sec. 2, Art. I) prescribing the qualifications for Members thereof; and

Whereas such charge is made through a Member of the House and on his responsibility as such Member, upon the basis, as he asserts, of records and papers evidencing such ineligibility (H. Res. 1).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To facilitate disposition of the business of United States district courts, and for other purposes (H. R. 8556).

To authorize district courts of the United States to provide for reports of misdemeanor cases by United States commissioners, and for other purposes (H. R. 8555).

To provide for the procedure in the trial of certain criminal cases by the district courts of the United States (H. R. 8230).

To authorize the appointment of special United States commissioners, and for other purposes (H. R. 5608).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(7.30 p. m.)

Authorizing acquisition of a site for the farmers' produce market (H. R. 9206, 8836, and 8298).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

293. A letter from the Secretary of War, transmitting a draft of a bill to amend section 10 of an act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926; to the Committee on Military Affairs.

294. A letter from the Secretary of the Navy, transmitting draft of a bill providing for sundry matters affecting the naval service; to the Committee on Naval Affairs.

295. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Parker Head Harbor and Channel, Kennebec River, Me.; to the Committee on Rivers and Harbors.

296. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Broad Sound, Mass., with a view to the construction of a breakwater in the vicinity of Winthrop; to the Committee on Rivers and Harbors.

297. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of channel from Redwood City, Calif., to the main channel in San Francisco Bay, with a view to securing a depth of 30 feet and width of 300 feet (H. Doc. No. 142); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

298. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Norfolk Harbor, Va., with a view to providing an anchorage basin in the vicinity of Craney Island (H. Doc. No. 143); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

299. A communication from the President of the United States, transmitting proposed amendments to estimates for the Department of Agriculture contained in the Budget for the fiscal year 1929 (H. Doc. No. 144); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 482. A bill to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.; with amendment (Rept. No. 284). Referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL: Committee on Claims. H. R. 6106. A bill to amend section 3702, Revised Statutes; with amendment (Rept. No. 285). Referred to the Committee of the Whole House on the state of the Union.

Mr. UNDERHILL: Committee on Claims. H. R. 9285. A bill to provide for the settlement of claims against the United States on account of property damage, personal injury, or death; without amendment (Rept. No. 286). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on the Civil Service. H. R. 5603. A bill to authorize members of the Civil Service Commission and its duly authorized representatives to administer oaths of office; without amendment (Rept. No. 287). Referred to the House Calendar.

Mr. MONTAGUE: Committee on the Judiciary. H. R. 5623. A bill to amend the Judicial Code by adding a new section, to be numbered 274D; without amendment (Rept. No. 288). Referred to the House Calendar.

Mr. MOORE of Ohio: Committee on the Judiciary. H. R. 7011. A bill to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State; without amendment (Rept. No. 291). Referred to the House Calendar.

Mr. LEHLBACH: Committee on the Civil Service. H. R. 7908. A bill to authorize the granting of leave to ex-service men and women to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928; without amendment (Rept. No. 292). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BOX: Committee on Claims. H. R. 4127. A bill for the relief of Joel T. Smith; without amendment (Rept. No. 278). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 5925. A bill for the relief of the Fidelity & Deposit Co. of Maryland; with amendment (Rept. No. 279). Referred to the Committee of the Whole House.

Mr. BECK of Wisconsin: Committee on Claims. H. R. 8808. A bill for the relief of Charles R. Wareham; with amendment (Rept. No. 280). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 8886. A bill for the relief of Luc Mathias; with amendment (Rept. No. 281). Referred to the Committee of the Whole House.

Mr. ROY G. FITZGERALD: Committee on Claims. H. R. 8887. A bill for the relief of Victorina Mesa, of Cavite, P. I.; with amendment (Rept. No. 282). Referred to the Committee of the Whole House.

Mr. MONTAGUE: Committee on the Judiciary. H. R. 8216. A bill to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same; without amendment (Rept. No. 283). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 4920. A bill authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams, in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913; without amendment (Rept. No. 289). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 8987. A bill for the relief of John R. Butler; without amendment (Rept. No. 290). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1510) granting a pension to Nannie Austin; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4448) granting a pension to Mary M. Goodwin; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5402) for the relief of Joske Bros. Co.; Committee on Claims discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9303) for the relief of Dent, Allcroft & Co.; A. J. Baker Co. (Inc.); Horwitz & Arbib (Inc.); and Richard Evans & Sons Co.; Committee on Claims discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 5950) for the relief of Alice Sarrazin; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 9152) for the relief of the heirs of John B. Johnson; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7767) granting an increase of pension to Lucinda A. Fortney; Committee on Pensions discharged, and referred to the Commtitee on Invalid Pensions.

A bill (H. R. 9154) granting an increase of pension to Lucy Wells; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9160) for the relief of F. M. Rose; Committee on Claims discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9210) for the relief of Lieut. George H. Hauge; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9227) granting relief to the trustees of Allegheny College, Blue Sulphur, Greenbrier County, W. Va.; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9249) granting retirement pay to Christ Roesch; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8961) for the relief of Daniel S. Schaffer Co. (Inc.); Committee on Claims discharged; and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Ohio: A bill (H. R. 9339) granting the consent of Congress to the Board of County Commissioners of

Trumbull County, Ohio, to construct a free highway bridge across the Mahoning River at Warren, Trumbull County, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAIL: A bill (H. R. 9340) providing for the purchase of a suitable site and the erection of a public building at Culver City, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. DYER: A bill (H. R. 9341) to receive rank and pay for certain officers of the Navy; to the Committee on Naval Affairs.

By Mr. GAMBRILL: A bill (H. R. 9342) relating to length of service of professors of mathematics in the United States Navy; to the Committee on Naval Affairs.

By Mr. LUCE: A bill (H. R. 9343) to provide for dispensing with oath or affirmation as a method of verifying certain written instruments; to the Committee on the Judiciary.

By Mr. SMITH: A bill (H. R. 9344) to authorize the Secretary of the Interior to contract with irrigation districts and others for the acceleration of the payment of certain sums upon water charges under Federal irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. YON: A bill (H. R. 9345) adopting and authorizing the improvement of a waterway connecting Pensacola Bay in Florida with Mobile Bay in Alabama; to the Committee on Rivers and Harbors.

By Mr. ZIHLMAN: A bill (H. R. 9346) to fix the salaries of officers and members of the metropolitan police force and the fire department of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 9347) to regulate the practice of naturopathy in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HOWARD of Oklahoma; A bill (H. R. 9348) to restrict the inheritance of Quapaw lands, money, or mineral interests to heirs of Indian blood; to the Committee on Indian Affairs.

By Mr. DAVILA: A bill (H. R. 9349) for the relief of enlisted men of the United States military forces who served in Porto Rico from May 26, 1900, to April 23, 1904; to the Committee on Military Affairs.

By Mr. RATHBONE: A bill (H. R. 9350) granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River; to the Committee on Interstate and Foreign Commerce.

By Mr. ARNOLD: A bill (H. R. 9351) granting allowance for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BURDICK: A bill (H. R. 9352) providing for sundry matters affecting the naval service; to the Committee on Naval Affairs.

By Mr. HOLADAY: A bill (H. R. 9353) to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto; to the Committee on Military Affairs.

By Mr. KEMP: A bill (H. R. 9354) to provide for the establishment of a bee laboratory at Baton Rouge, La.; to the Committee on Agriculture.

By Mr. LUCE: A bill (H. R. 9355) to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes; to the Committee on the Library.

By Mr. MANSFIELD: A bill (H. R. 9356) to amend section 2 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes"; to the Committee on the Post Office and Post Roads.

By Mr. SELVIG: A bill (H. R. 9357) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. VESTAL: A bill (H. R. 9358) amending the statutes of the United States with reference to copyright registration of designs; to the Committee on Patents.

By Mr. VINSON of Georgia: A bill (H. R. 9359) to amend section 10 of an act entitled "An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926; to the Committee on Military Affairs.

By Mr. FURLOW: A bill (H. R. 9360) for the construction of rural post roads, exclusive of those now included in the system of Federal aid for construction of post roads; to the Committee on Roads.

By Mr. REID of Illinois: A bill (H. R. 9361) granting the consent of Congress to the city of St. Charles, State of Illinois, to widen a bridge across the Fox River within the city of St. Charles, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 9362) to change the name of St. Vincent's Orphan Asylum, and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia, approved February 25, 1831'"; to the Committee on the District of Columbia.

By Mr. DAVILA: A bill (H. R. 9363) to provide for the completion and repair of customs buildings in Porto Rico; to the Committee on Ways and Means.

By Mr. CELLER: A bill (H. R. 9364) to remit the duty on a carillon of bells which was imported for the Church of Good Counsel, Borough of Brooklyn, State of New York; to the Committee on Ways and Means.

By Mr. DRIVER: A bill (H. R. 9365) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKSTEIN: A bill (H. R. 9366) to increase the efficiency of the Air Corps, and for other purposes; to the Committee on Military Affairs.

By Mr. FREEMAN: A bill (H. R. 9367) to increase the appropriation for post-office building at Putnam, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. BECK of Pennsylvania: A bill (H. R. 9368) to authorize the Secretary of War to exchange with the Pennsylvania Railroad Co. certain tracts of land situate in the city of Philadelphia, and State of Pennsylvania; to the Committee on Military Affairs.

By Mr. HILL of Alabama: A bill (H. R. 9369) to recognize the military war services of adjutants general and United States property and disbursing officers as Federal military war duty during war period April 6, 1917, to November 11, 1918; to the Committee on Military Affairs.

By Mr. DICKINSON of Iowa: A bill (H. R. 9370) to amend the Federal reserve act, as amended, by granting to the Federal Reserve Board authority to increase reserve balances of certain banks; to the Committee on Banking and Currency.

By Mr. JONES: A bill (H. R. 9371) to place agricultural products upon a price equality with other commodities; to the Committee on Agriculture.

By Mr. EDWARDS: A bill (H. R. 9372) authorizing the purchase of a site and the erection thereon of a national home for soldiers and sailors of all wars; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 9373) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes, approved June 3, 1916, as amended, and for other purposes"; to the Committee on Military Affairs.

Also, a bill (H. R. 9374) to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

By Mr. MARTIN of Louisiana: Joint resolution (H. J. Res. 164) interpreting the meaning of the tariff act of 1922, with respect to imported broken rice; to the Committee on Ways and Means.

By Mr. CASEY: Joint resolution (H. J. Res. 165) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers; to the Committee on the Library.

By Mr. VESTAL: Joint resolution (H. J. Res. 166) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name; to the Committee on Ways and Means.

By Mr. SCHAFER: Resolution (H. Res. 93) authorizing the Committee on Expenditures in the Executive Departments to investigate the acts of the Alien Property Custodian's office, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 9375) granting an increase of pension to Margaret A. Walters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9376) granting an increase of pension to Nancy A. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9377) granting an increase of pension to Nancy Walton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9378) granting a pension to Fannie A. Davis; to the Committee on Invalid Pensions.

By Mr. BARBOUR: A bill (H. R. 9379) granting an increase of pension to Jane Tilly; to the Committee on Pensions.

By Mr. BECK of Wisconsin: A bill (H. R. 9380) for the relief of Frank E. Shults; to the Committee on Claims.

By Mr. BEGG: A bill (H. R. 9381) granting a pension to Minnie Rushton; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 9382) for the relief of Flora Yost (Klinawski); to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 9383) granting an increase of pension to Lizzie Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9384) granting a pension to Elizabeth Ross; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 9385) for the relief of the estate of L. Gordon Leech, bankrupt; to the Committee on Claims.

By Mr. COLLIER: A bill (H. R. 9386) for the relief of Leo C. Vollinger; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 9387) for the relief of George Woolsey; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 9388) for the relief of Albert Von Hoffman; to the Committee on Ways and Means.

By Mr. ROY G. FITZGERALD: A bill (H. R. 9389) granting a pension to June Harvie; to the Committee on Pensions.

Also, a bill (H. R. 9390) granting a pension to Mark T. Smith; to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 9391) granting a pension to Catharine S. Beagle; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 9392) granting a pension to Alice B. Putnam; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 9393) granting an increase of pension to Caroline Hoffman; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 9394) granting an increase of pension to Martha J. Hite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9395) granting an increase of pension to Mary Couch; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 9396) to compensate Eugenia Edwards, of Saluda, S. C., for allowances due and unpaid during the World War; to the Committee on War Claims.

By Mr. HASTINGS: A bill (H. R. 9397) to allow the distinguished-service medal for service in the World War to be awarded Capt. W. E. Corkill; to the Committee on Military Affairs.

By Mr. HICKEY: A bill (H. R. 9398) granting a pension to Martha A. Rambo; to the Committee on Invalid Pensions.

By Mr. HILL of Alabama: A bill (H. R. 9399) granting a pension to Mary M. Mehaffey; to the Committee on Invalid Pensions.

By Mr. HOLADAY: A bill (H. R. 9400) granting a pension to John S. Ashworth; to the Committee on Invalid Pensions.

By Mr. HOWARD of Oklahoma: A bill (H. R. 9401) for the relief of Clyde Blakley; to the Committee on Military Affairs.

Also, a bill (H. R. 9402) granting a pension to J. R. Westfall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9403) granting a pension to Rosetta Barnes; to the Committee on Invalid Pensions.

By Mr. IRVIN: A bill (H. R. 9404) granting an increase of pension to Rebecca Lane; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 9405) granting an increase of pension to Mary C. Parsons; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 9406) granting an increase of pension to Eliza A. Diveley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9407) granting an increase of pension to Ellen R. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9408) granting a pension to Allie Crabb; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 9409) to reimburse the City Flouring Mills (Inc.), of Muncy, Pa., for losses amounting to $2,079.50 sustained by them in 1918 and 1919 in the handling or dealing in or with wheat-flour substitutes; to the Committee on Claims.

By Mr. LAMPERT: A bill (H. R. 9410) granting an increase of pension to Marion Holvenstot; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 9411) for the relief of Maurice P. Dunlap; to the Committee on Foreign Affairs.

By Mr. MAPES: A bill (H. R. 9412) for the relief of Frank D. Peck; to the Committee on Military Affairs.

By Mr. MENGES: A bill (H. R. 9413) granting a pension to Annie C. Owens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9414) granting an increase of pension to Mary A. Glackin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9415) granting an increase of pension to Elizabeth Gallagher; to the Committee on Invalid Pensions.

By Mr. MOORE of New Jersey: A bill (H. R. 9416) granting an increase of pension to James Bartram; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 9417) for the relief of Harry C. Bradley; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 9418) granting an increase of pension to Margaret R. Humphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9419) granting a pension to William Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9420) granting an increase of pension to Lutie Hannah; to the Committee on Invalid Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 9421) granting an increase of pension to Katie B. Meister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9422) granting an increase of pension to Ellen J. Strain; to the Committee on Invalid Pensions.

By Mr. PRALL: A bill (H. R. 9423) for the relief of the depositors of the Mariner Harbor National Bank, Mariners Harbor, in the county of Richmond, in the State of New York; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 9424) granting an increase of pension to Jane A. Ford; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9425) granting an increase of pension to Harriet B. Gros; to the Committee on Invalid Pensions.

By Mr. QUAYLE: A bill (H. R. 9426) granting a pension to Edward Roediger; to the Committee on Pensions.

By Mr. RATHBONE: A bill (H. R. 9427) for the relief of Glen D. Tolman; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 9428) granting an increase of pension to Robert Bales; to the Committee on Pensions.

Also, a bill (H. R. 9429) granting a pension to Sarah E. Duffield; to the Committee on Invalid Pensions.

By Mr. REID of Illinois: A bill (H. R. 9430) granting a pension to Anna Radford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9431) granting a pension to Ruth H. Wight; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 9432) granting a pension to Phebe Clark Defendall; to the Committee on Pensions.

By Mr. SCHNEIDER: A bill (H. R. 9433) authorizing the payment to William P. Flood of $5,000 as reward for valuable services rendered the Government during his service in the Naval Gun Factory; to the Committee on Naval Affairs.

Also, a bill (H. R. 9434) to authorize the Secretary of the Interior to pay the claim of Mitchell Oshkenaniew, a member of the Menominee Tribe of Indians; to the Committee on Indian Affairs.

By Mr. SEGER: A bill (H. R. 9435) granting an increase of pension to Jennie Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9436) granting an increase of pension to Bessie M. Trenor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9437) granting an increase of pension to Catherine Whitney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9438) granting an increase of pension to Rachel Masker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9439) granting an increase of pension to Mary Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9440) granting an increase of pension to Christina Nauman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9441) granting an increase of pension to Elizabeth Brady; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9442) granting an increase of pension to Susie T. Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9443) granting an increase of pension to Martha Bogert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9444) granting an increase of pension to Rebecca Ettinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9445) granting an increase of pension to Dora Emmens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9446) granting an increase of pension to Elizabeth Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9447) granting an increase of pension to Emma Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9448) granting an increase of pension to Emma Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9449) granting an increase of pension to Rachel Mickler; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 9450) granting an increase of pension to Martha Vroman; to the Committee on Invalid Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 9451) for the relief of Adam R. Hartzell; to the Committee on Military Affairs.

Also, a bill (H. R. 9452) for the relief of Justin W. Chamberlain; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 9453) for the relief of Tracy Lee Phillips; to the Committee on Naval Affairs.

By Mr. STRONG of Pennsylvania: A bill (H. R. 9454) granting a pension to Susan Rettinger; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9455) granting a pension to Mary J. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9456) granting a pension to Mattie Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9457) granting a pension to Charley L. Roach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9458) granting a pension to Lucinda J. Mayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9459) granting a pension to Isabell Kennedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9460) granting a pension to John T. Everett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9461) granting an increase of pension to Jasper O. Craig; to the Committee on Pensions.

Also, a bill (H. R. 9462) granting a pension to Mary E. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9463) granting a pension to Rachel M. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9464) granting an increase of pension to Arthur Gray; to the Committee on Pensions.

Also, a bill (H. R. 9465) granting a pension to Martha Hutson; to the Committee on Pensions.

Also, a bill (H. R. 9466) granting a pension to Luchen N. Patterson; to the Committee on Pensions.

Also, a bill (H. R. 9467) granting a pension to Frederick Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9468) granting an increase of pension to Catharine Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9469) granting an increase of pension to Elizabeth Guy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9470) granting a pension to Jane Miller; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 9471) granting an increase of pension to Catharine Cocain; to the Committee on Pensions.

Also, a bill (H. R. 9472) granting an increase of pension to Mary Helphenstine; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 9473) granting a pension to Venia Hines; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 9474) granting an increase of pension to Ruth L. Terrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9475) granting a pension to Mary E. Givens; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 9476) granting a pension to Mary Middaugh; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 9477) granting a pension to James J. Potvin; to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 9478) granting a pension to Willie E. Smith; to the Committee on Pensions.

Also, a bill (H. R. 9479) granting an increase of pension to Lissetta Howell; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 9480) for the relief of Russell & Tucker, and certain other citizens of the States of Texas, Oklahoma, and Kansas; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1646. Petition of sundry citizens of the District of Columbia, opposing the passage of House bill 78, the compulsory Sunday observance bill, or any other legislation of this kind; to the Committee on the District of Columbia.

1647. By Mr. BARBOUR: Resolutions of Selma Chamber of Commerce, Selma, Calif., and Porterville Chamber of Commerce, Porterville, Calif., protesting against the placing of immigration from Mexico upon a quota basis; to the Committee on Immigration and Naturalization.

1648. Also, letter in opposition to Curtis-Reed education bill, signed by residents of Livingston, Calif.; to the Committee on Education.

1649. Also, petition of residents of the seventh congressional district, California, against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1650. By Mr. BOHN: Petitions from citizens of the city of Petoskey, Mich., opposing House bill 78; to the Committee on the District of Columbia.

1651. By Mr. BOIES: Petition signed by citizens of Turin and Onawa, Monona County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1652. Also, petition signed by citizens of Castana, Ute, and Soldier, Monona County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1653. By Mr. BUCHANAN: Petition against the Lankford compulsory Sunday observance bill (H. R. 78) by Mrs. Thomas C. Jensen, 918 Congress Avenue, Austin, Tex., and others; to the Committee on the District of Columbia.

1654. By Mr. BURDICK: Petition of 10 groups of residents of Rhode Island, against compulsory Sunday observance; to the Committee on the District of Columbia.

1655. By Mr. BURTON: Memorial of Baltimore quarterly meeting of the Religious Society of Friends, representing congregations in Pennsylvania, Maryland, the District of Columbia, and Virginia, assembled in session at Washington, January 14, 1928, indorsing House joint resolution 1, preventing the shipment of arms, etc., to countries engaged in aggressive warfare; to the Committee on Foreign Affairs.

1656. Also, resolution of board of directors of the Toledo (Ohio) Young Women's Christian Association, indorsing the Capper resolution (S. J. Res. 14) providing for the outlawry of war, and the Burton resolution (H. J. Res. 1) preventing the shipment of arms, etc., to countries engaging in aggressive warfare; to the Committee on Foreign Affairs.

1657. Also, resolution No. 81835, adopted by the council of the city of Cleveland, Ohio, January 9, 1928, approving the resolution introduced by Congressman Samuel Arentz, of Nevada, to provide a special congressional medal in memory of the air-mail pilots who lost their lives in service during the period when the air mail was operated by the United States Government; to the Committee on the Library.

1658. Also, resolution adopted by the Pythian Association of Cuyahoga County, Ohio, approving liberalization of the retirement laws for postal and other civil service employees, and indorsing Senate bill 1727 and House bill 25; to the Committee on the Civil Service.

1659. By Mr. CARTER: Petition of Mr. M. Morehouse and many others, of Alameda, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1660. Also, petition of Mr. S. D. Thomas and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1661. Also, petition of Miss Anna M. Thomas and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1662. Also, petition of Mr. D. Braco and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1663. Also, petition of Mr. F. A. Lacey and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1664. Also, petition of Mr. Eugene R. Smith and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1665. Also, petition of Mrs. George W. Crosley and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1666. Also, petition of Miss Portia E. Warren and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1667. Also, petition of Mrs. T. L. Dunn and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1668. Also, petition of Mrs. Charles M. Robinson and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1669. Also, petition of Mrs. L. Gagnon and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1670. Also, petition of Mr. George Bowman and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1671. Also, petition of Mr. M. Eakins and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1672. Also, petition of Mrs. H. Mitchell and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1673. Also, petition of Mr. B. Mitchels and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1674. Also, petition of Mr. Robert Smith and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1675. Also, petition of Mr. Henry L. Corson and many others, of California, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1676. Also, petition of Mr. W. B. Hammer and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1677. Also, petition of Mr. H. Herman and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1678. Also, petition of Mr. O. E. Balden and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1679. Also, petition of Mr. E. B. Jordan and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1680. Also, petition of Mr. Hyrum H. Beck and many others, of Albany, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1681. Also, petition of Miss Clara E. Courtney and many others, protesting against the passage of House bill 78, known as the Sunday bill; to the Committee on the District of Columbia.

1682. Also, petition of Mr. Milton A. Nathan and many others, of California, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1683. Also, petition of Mr. S. E. Withrow and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1864. Also, petition of Mrs. E. L. Hazelton and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1685. Also, petition of Mr. John Stack and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1686. Also, petition of Benjamin H. Jacobs and many others, of Alameda, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1687. Also, petition of Alex S. Kaul and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1688. Also, petition of J. T. Harris and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1689. Also, petition of L. A. Haas and many others, of California, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1690. Also, petition of H. C. Keeley and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1691. Also, petition of Byron A. Terrill and many others, of Alameda, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1692. Also, petition of G. A. Missen and many others, of Alameda, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1693. Also, petition of Mrs. Augusta Hall and many others, of California, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1694. Also, petition of Mrs. S. Abbott and many others, of Alameda, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1695. Also, petition of Mr. A. Binneeveg and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1696. Also, petition of Mrs. M. L. Graham and many others, of Hayward, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1697. Also, petition of Mr. Robert B. Hoag and many others, of Hayward, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1698. Also, petition of Mr. S. Marin and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1699. Also, petition of Mr. C. L. Middaugh and many others, of Alameda, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1700. Also, petition of Mr. A. B. Rosenyong and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1701. Also, petition of Mr. Weston Curtz and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1702. Also, petition of C. F. Myers and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1703. Also, petition of L. C. Robertson and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1704. Also, petition of Mrs. V. Redersen and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1705. Also, petition of L. Poitz and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1706. Also, petition of W. S. Daniels and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1707. By Mr. COOPER of Ohio: Petition of Harriet E. Bryan and others, of Youngstown, Ohio, to the Congress of the United States to bring to a vote a Civil War pension bill carrying increased rates, as proposed by the National Tribune, for Civil War survivors and Civil War widows; to the Committee on Invalid Pensions.

1708. By Mr. COOPER of Wisconsin: Petition of citizens of Racine, Wis., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1709. Also, petition of citizens of Franksville, Racine County, Wis., and vicinity, protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1710. By Mr. CRAIL: Petition of approximately 300 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1711. Also, petition of H. B. Wright and approximately 600 other citizens of Los Angeles County, Calif., protesting against Congress enacting any law requiring the observance of any day or establishing any religious observances by legislation; to the Committee on the District of Columbia.

1712. By Mr. CRAMTON: Petition signed by W. J. Webber and 106 other residents of Reese, Mich., and vicinity, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1713. Also, resolution adopted by a recent union meeting of various churches in Cass City, Mich., protesting against the passage of a large and competitive Navy building program; urging the drafting of a series of treaties between our Government and other great powers outlawing war as a national policy, and urging our Government, through the Pan American Congress at Havana, to renounce the policy of military intervention on the American continents and substitute a policy of friendly cooperation; to the Committee on Foreign Affairs.

1714. By Mr. DE ROUEN (By request): Petition of the citizens of Jennings, La., requesting that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

1715. Also, petition of the Acadia Post, No. 15, American Legion, Crowley, La., requesting that the Congress of the United States provide the necessary legislation to allow the United States Government to assume the entire cost of flood control of the Mississippi River, such costs to be assumed as a national obligation and on no other assumption or understanding; to the Committee on Flood Control.

1716. By Mr. DAVEY: Petition signed by citizens of Summit County, Ohio, protesting against passage of House bill 78; to the Committee on the District of Columbia.

1717. Also, petition signed by citizens of Portage County, Ohio, protesting against passage of House bill 78; to the committee on the District of Columbia.

1718. Also, petition signed by citizens of Kent, Portage County, Ohio, favoring passage of House bill 7206; to the Committee on the District of Columbia.

1719. Also, petition signed by citizens of Summit County, Ohio, protesting against passage of House bill 78; to the Committee on the District of Columbia.

1720. Also, petition signed by citizens of Lorain County, Ohio, in protest of passage of House bill 78; to the Committee on the District of Columbia.

1721. Also, petition signed by citizens of Summit County, Ohio, protesting against passage of House bill 78; to the Committee on the District of Columbia.

1722. Also, petition signed by citizens of Medina County, Ohio, in protest against passage of House bill 78; to the Committee on the District of Columbia.

1723. By Mr. DEAL: Petition of citizens of Portsmouth, Va., protesting against the passage of the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1724. Also, petition of citizens of Norfolk, Va., protesting against the passage of the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1725. By Mr. DEMPSEY: Petition of citizens of Lockport, N. Y., protesting against the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1726. Also, telegram of F. J. Roloss, Niagara Falls, N. Y., protesting against Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1727. Also, telegram from Mrs. John H. Deurkin, Buffalo, N. Y., favoring Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1728. By Mr. DENISON: Petition of various citizens of Alexander County, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1729. Also, petition of various citizens of Randolph County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

1730. By Mr. DICKINSON of Missouri: Petition protesting against the passage of House bill 78, or any compulsory Sunday observance legislation, by 28 citizens of St. Clair County; to the Committee on the District of Columbia.

1731. By Mr. DICKINSON of Iowa: Petition of citizens of Boone and Clinton Counties, Iowa, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1732. By Mr. DRIVER: Petition signed by citizens of Weiner and Poinsett Counties, Ark., urging passage of House bill 315; to the Committee on Ways and Means.

1733. Also, petition signed by citizens of Leachville, Ark., urging passage of legislation granting additional relief to our Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

1734. By Mr. ENGLEBRIGHT: Petition of T. H. Howell and various other citizens of Mount Shasta City, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1735. Also, petition of Mary A. Chamberlain and other citizens of Taylorsville, Calif., protesting against the Lankford Sunday closing bill for the district of Columbia; to the Committee on the District of Columbia.

1736. Also, petition of Andrew C. Battenberg and other citizens of Los Molinos, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1737. Also, petition of Mr. and Mrs. F. H. Thiele and various other citizens of Placerville, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1738. Also, petition of Elmer Cluff and various other citizens of Los Molinos, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1739. Also petition of Mrs. Otto L. Fox and other citizens of Corning, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1740. Also, petition of citizens of Corning, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1741. Also, petition of Elsie Thompson and other citizens of Taylorsville, Calif., protesting against Sunday closing for the District of Columbia; to the Committee on the District of Columbia.

1742. By Mr. EVANS of Montana: Petition of Hilda Lund and other residents of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1743. Also, petition of W. H. Rafferty and other residents of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1744. Also, petition of Norma Biggins and other residents of Missoula, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

1745. Also, petition of Roger M. Cummings and other residents of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1746. Also, petition of Charles D. Alkire and other residents of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1747. Also, petition of Mrs. W. A. Woehler and other residents of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1748. Also, petition of M. J. Barrett and other residents of Haugan, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1749. By Mr. FAUST: Petition signed by students of the botanical department of Junior College of St. Joseph, Mo., protesting against the sale of any part of our national parks; to the Committee on Public Buildings and Grounds.

1750. By Mr. FRENCH: Petition of 62 citizens of Weiser, Idaho, protesting against enactment of House bill 78, or any other compulsory Sunday observance law; to the Committee on the District of Columbia.

1751. By Mr. GIBSON: Petition from residents of West Halifax, Vt., opposing proposed legislation to compel Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1752. Also, petition of citizens of Brattleboro, Vt., in opposition to proposed legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1753. By Mr. GUYER: Petition of citizens of Allen County, Kans., protesting the enactment of compulsory Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

1754. Also, petition of citizens of Douglas and Franklin Counties, Kans., protesting the enactment of Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

1755. By Mr. HALE: Petition of 64 citizens of Manchester, Candia, and Chester, N. H., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1756. By Mr. HADLEY: Petition of a number of residents of East Stanwood, Wash., and vicinity, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1757. Also, petition of a number of residents of Jefferson County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1758. Also, petition of residents of Snohomish, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1759. Also, petition of residents of Marysville, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1760. By Mr. HAWLEY: Petition of residents of Dallas County, Jackson County, Medford, Oregon, Bandon, Medford Valley, Forest Grove, Washington County, Corvallis, Falls City, Roseburg, Clatsop County, and Grants Pass, all in the State of Oregon, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1761. By Mr. HERSEY: Petition from residents of Presque Isle and Crouseville, Me., against Sunday legislation; to the Committee on the District of Columbia.

1762. By Mr. HOCH: Petition of Jennie Ballew and 86 other voters of Elmdale, Kans., urging further liberalization of the pension laws; to the Committee on Invalid Pensions.

1763. Also, petition of George Regenold and other citizens of Osage City, Kans., for further liberalization of the pension laws; to the Committee on Invalid Pensions.

1764. Also, petition of J. B. Smith and other citizens of Cottonwood Falls, Kans., for further liberalization of the pension laws; to the Committee on Invalid Pensions.

1765. By Mr. HOWARD of Nebraska: Petition signed by Mrs. Frank Gray, of Bloomfield, Nebr., and other citizens of Bloomfield, protesting against the passage of the Lankford bill (H. R. 78) in behalf of compulsory observance of the Sabbath and any other proposed legislation providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1766. Also, petition signed by Henry F. Tiede, Loretto, Nebr., and 62 other citizens, protesting against the passage of the Lankford bill (H. R. 78) and all other proposed legislation to provide compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

1767. Also, petition signed by Roy G. Stretter, Petersburg, Nebr., and other citizens of Albion, Nebr., protesting against the passage of House bill 78, the Lankford bill, and all other proposed legislation to provide compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

1768. Also, petition signed by J. W. Anderson, of Petersburg, Nebr., and 48 other citizens of Petersburg, protesting against the passage of the Lankford bill (H. R. 78) and all other proposed legislation to provide for the compulory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

1769. Also, petition signed by J. A. Jones, of Bloomfield, Nebr., and other citizens of Knox County, protesting against the passage of House bill 78, the Lankford bill, and all other proposed legislation to provide for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1770. Also, petition signed by Eugene P. Weeks, of Petersburg, Nebr., and 56 other citizens, protesting against the passage of the Lankford bill (H. R. 78) and all other proposed legislation to provide for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1771. By Mr. JAMES: Petition of 130 citizens of the State of Michigan, opposing the passage of House bill 78, the Sunday observance bill, or any other bill that will give preference to the principles of one religion above the other; to the Committee on the District of Columbia.

1772. By Mr. JENKINS: Petition signed by about 200 citizens of Jackson County, Ohio, protesting against the passage of the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1773. By Mr. JOHNSON of Washington: Petition of 3,667 citizens of Clarke, Cowlitz, Grays Harbor, Lewis, Mason, and Pierce Counties, State of Washington, opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1774. By Mr. KING: Petition against compulsory Sunday observance signed by Mrs. Swaynie and 20 other citizens of Quincy, Ill.; to the Committee on the District of Columbia.

1775. By Mr. KNUTSON: Petition signed by E. Thompson, of Hewitt, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1776. Also, petition signed by W. C. Newman, of Cushing, Minn., and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1777. By Mr. KVALE: Petition of members of Brage Lodge, No. 75, Sons of Norway, Fertile, Minn., asking that the national origins section of the immigration act of 1924 be repealed and that the present basis of immigration be permanently retained; to the Committee on Immigration and Naturalization.

1778. Also, petition of S. A. Berger, commander, and members of John Schisler Post, American Legion, Weiner, Ark., requesting enactment of House bill 315; to the Committee on Ways and Means.

1779. Also, petition of E. L. Johnson, secretary, on behalf of Branch 1117, National Association Letter Carriers, Willmar, Minn., asking enactment of House bills 25 and 89; to the Committee on the Civil Service.

1780. Also, petition of Mrs. C. O. Jacobson and 25 other residents of Alexandria, Minn., remonstrating against enactment of House bill 78 or any other Sunday legislation; to the Committee on the District of Columbia.

1781. Also, petition of members of Ortonville (Minn.) Rifle Club, asking for appropriations for national matches at Camp Perry in the summer of 1928; to the Committee on Appropriations.

1782. By Mr. LEA: Petitions of 3,012 citizens of Butte, Glenn, Humboldt, Marin, Mendocino, Sonoma, Sutter, and Yuba Counties, Calif., protesting against the passage of the Lankford bill (H. R. 78) and other compulsory Sunday legislation; to the Committee on the District of Columbia.

1783. By Mr. LETTS: Petition of D. B. Rineley and other citizens of Fruitland and Muscatine, Iowa, protesting against the passage of House bill 78 or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

1784. Also, petition of J. H. Bielenberg and other citizens of Toronto, Iowa, protesting against the passage of House bill 78 or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

1785. Also, petition of Mary Groth and other citizens of Muscatine, Iowa, protesting against the passage of House bill 78 or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

1786. Also, petition of Edna Barko and other citizens of Muscatine, Iowa, protesting against the passage of House bill 78 or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

1787. By Mr. MacGREGOR: Petition of Stanley C. Babcock, of Buffalo, N. Y., for the relief of the disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

1788. By Mr. MARTIN of Massachusetts: Petition of Elizabeth E. Young and 44 other residents of Attleboro and North Attleboro, Mass., protesting against the enactment of the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

1789. By Mr. MAPES: Petition of numerous residents of Hudsonville, Mich., and vicinity against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1790. By Mr. MILLER: Petition of citizens of Seattle and vicinity, protesting House bill 78, the District of Columbia Sunday closing law; to the Committee on the District of Columbia.

1791. Also, petition of residents of Seattle, Wash., for increased pensions to veterans and widows of Civil War; to the Committee on Invalid Pensions.

1792. By Mr. MOONEY: Resolution of Cleveland City Council, indorsing House Joint Resolution 138, to provide for recognition in the shape of a memorial in the form of a monument and medal for airplane pilots in the Postal Service, and for other purposes; to the Committee on Rules.

1793. By Mr. MOORE of New Jersey: Petition of citizens of Bayonne, N. J., in favor of an increase in pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

1794. By Mr. MOORE of Kentucky: Petition signed by D. W. Eubank, M. H. Glover, O. T. Pulliam, and 22 other citizens of Metcalfe County, Ky., against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1795. By Mr. NELSON of Wisconsin: Petition signed by Mr. Donald Bellard and others, of Platteville, Wis., urging Congress to afford relief to Civil War survivors; to the Committee on Invalid Pensions.

1796. Also, petition signed by Mrs. E. M. Keyes and others, of Madison, Wis., protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1797. By Mr. NEWTON: Petition of Mrs. V. Miles and others, of Minneapolis, against compulsory Sunday observance; to the Committee on the District of Columbia.

1798. By Mr. O'CONNELL: Petition of the Columbia Phonograph Co. (Inc.), of New York City, favoring flood control legislation as a national problem in its economic as well as in its humanitarian aspect; to the Committee on Flood Control.

1799. Also, petition of the Talking Machine and Radio Men (Inc.), of New York, favoring the passage of the Kelly-Capper fair trade bill; to the Committee on Interstate and Foreign Commerce.

1800. Also, petition of the Cattaraugus Tannery, Olean, N. Y., favoring the elimination of the provision for consolidated returns of affiliated corporations in the new revenue act now before Congress; to the Committee on Ways and Means.

1801. By Mr. PRATT: Petition of citizens of Greenville, Greene County, N. Y., urging further increases in the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1802. By Mr. RAMSEYER: Petition of residents of Monroe County, Iowa, protesting against any Sunday observance legislation; to the Committee on the District of Columbia.

1803. By Mr. SANDERS of New York: Petition of Charles L. Herbert and 40 citizens of Batavia, N. Y., protesting against the passage of the Lankford bill, compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1804. Also, petition of Mrs. Rhea M. Farnsworth and 52 other citizens of Batavia, N. Y., protesting against the passage of the Lankford bill (H. R. 78), compulsory Sunday observance; to the Committee on the District of Columbia.

1805. Also, petition of Mrs. Mattie Voorhees and 12 other citizens of Batavia, N. Y., protesting against the passage of House bill 78, compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1806. Also, petition of Mrs. Alice Case and 38 other citizens of Livonia, N. Y., protesting against the passage of the Lankford bill, compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1807. Also, petition of Malcolm Bennett and 43 citizens of Nunda and Dalton, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1808. Also, petition of Elizabeth Bennett and 57 citizens of Nunda, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1809. Also, petition of Harry C. Scharnweber and 102 citizens of Castile and Pike, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1810. Also, petition of 139 citizens of Rochester, N. Y., and nearby villages, protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1811. Also, petition of Mrs. Rosa Converse and 11 citizens of Rochester, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1812. Also, petition of Mrs. Emily Gardner and 17 citizens of Perry, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1813. Also, petition of Miss Marjorie J. E. Newman and 56 citizens of Rochester, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1814. Also, petition of Mrs. R. E. Newman and 107 citizens of Rochester, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1815. Also, petition of Mrs. William York and 36 citizens of Scottsville, N. Y., and near-by villages, protesting the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

1816. By Mr. SCHNEIDER: Petition of numerous citizens of Appleton, Wis., protesting against the enactment of House bill 78, or any similar compulsory Sunday observance laws; to the Committee on the District of Columbia.

1817. Also, petition of citizens of Brown County, State of Wisconsin, protesting against enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance laws; to the Committee on the District of Columbia.

1818. Also, petition of numerous citizens of Underhill, Wis., protesting against the enactment of House bill 78, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1819. Also, petition of numerous citizens of Brown County, State of Wisconsin, protesting against the enactment of House bill 78, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1820. By Mr. SELVIG: Petition of Israel Lindberg and 55 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1821. Also, petition of 53 adult residents of Becker County, Minn., protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1822. Also, petition of nine adult residents of Warroad, Minn., protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1823. By Mr. TILSON: Petition of Elmer Bennett and other residents of New Haven, Conn., opposing the passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

1824. Also, petition of Miss Mary Woods and other residents of New Haven, Conn., opposing passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

1825. By Mr. SMITH: Petition signed by J. R. Masters and 19 other residents of Idaho Falls, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1826. By Mr. STRONG of Pennsylvania: Petitions in favor of legislation removing the time limit for the reinstatement and conversion of war-risk insurance; for increased liberalization of the desirability provisions of Government life insurance at adequate increased rates; for the reinstatement of the examining and rating boards of the United States Veterans' Bureau at Harrisburg, Pa.; to restore the parity pay provisions for warrant and chief warrant officers of the United States Navy; for the retirement of emergency Army officers permanently disabled in line of duty in the World War; and for an appropriation for a hospital to be erected at or near Philadelphia for disabled veterans; to the Committee on World War Veterans' Legislation.

1827. By Mr. SUMMERS of Washington: Petition signed by H. H. Marshall and others, of Walla Walla County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1828. Also, petition signed by W. F. Mack and 32 others, of Yakima County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1829. Also, petition signed by Isom Lamb and 17 others, of Yakima County, Wash., protesting against the enactment of compulsory Sunday observance legislaion; to the Committee on the District of Columbia.

1830. Also, petition signed by D. W. Chubb and 35 others, of Yakima County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1831. By Mr. SWEET: Evidence in support of House bill 9327, granting an increase of pension to Nettie C. Talbott; to the Committee on Invalid Pensions.

1832. By Mr. SWING: Petition of citizens of Elsinore, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1833. Also, petition of citizens of Riverside and vicinity, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1834. Also, petition of citizens of Beaumont, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1835. Also, petition of citizens of Encinitas, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1836. Also, petition of citizens of Beaumont, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1837. Also, petition of citizens of Lakeview, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1838. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

1839. By Mr. THURSTON: Petition of 30 citizens of Gravity, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1840. Also, petition of 68 citizens of Union County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1841. Also, petition of 136 citizens of Union County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1842. Also, petition of 40 citizens of Union County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1843. Also, petition of 37 citizens of Creston, Union County, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1844. Also, petition of 28 citizens of Corydon, Wayne County, State of Iowa, protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1845. By Mr. TILSON: Petition of Mrs. Homer Allen and other residents of New Haven, Conn., opposing the passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

1846. By Mr. TINKHAM: Resolution of the staff of the Greater Boston Chapter of the Military Order of the World

War, favoring the holding annually of the national rifle matches; to the Committee on Military Affairs.

1847. By Mr. VINCENT of Michigan: Petition of 171 residents of the eighth congressional district of Michigan, protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1848. By Mr. WAINWRIGHT: Petition of certain citizens of Port Chester, N. Y., protesting against the passage of any bill making the observance of the Sabbath or Lord's Day compulsory under civil penalty; to the Committee on the District of Columbia.

1849. Also, petition of certain citizens of Armonk, Westchester County, N. Y., urging the passage of the Civil War pension bill proposed by the National Tribune; to the Committee on Invalid Pensions.

1850. By Mr. WASON: Petition of 20 residents of Amherst, N. H., protesting against the Sunday closing bill (H. R. 78); to the Committee on the District of Columbia.

1851. By Mr. WARE: Petition signed by E. G. Rairden and others of Covington, Ky., protesting against House bill 78; to the Committee on the District of Columbia.

1852. Also, petition of Mrs. W. D. Boyer and others of Silver Grove, Ky., protesting against House bill 78; to the Committee on the District of Columbia.

1853. By Mr. White of Colorado: Petition of sundry citizens of Denver, Colo., protesting the enactment of Lankford bill, providing compulsory Sunday observance; to the Committee on the District of Columbia.

1854. By Mr. WILLIAMSON: Petition signed by Mark Spotted Horse, of Kyle, S. Dak., and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

SENATE

TUESDAY, *January 17, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, who knowest our downsittings and our uprisings, who understandest our thoughts long before, send us forth to our labor with the panoply of Thy love. Make us to be like unto Him who came not to be ministered unto but to minister and to give His life for the world. Imbue us each day with a deeper sense of obligation, a tender pity for those who toil and weep, a noble impatience with the wrong, a reverent approval of the right. Reveal Thyself in every duty of the day and make every common task to glow with the beauty of Thy touch. For the sake of Him who loves us to the uttermost, our Saviour, Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Shipstead
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blaine	Gerry	Metcalf	Steck
Blease	Gillett	Moses	Steiwer
Borah	Glass	Norbeck	Stephens
Bratton	Gould	Norris	Swanson
Brookhart	Greene	Nye	Thomas
Broussard	Hale	Oddie	Trammell
Bruce	Harris	Overman	Tydings
Capper	Harrison	Phipps	Tyson
Caraway	Hawes	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Reed, Mo.	Walsh, Mont.
Curtis	Howell	Reed, Pa.	Warren
Cutting	Johnson	Robinson, Ark.	Waterman
Dale	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Willis
Dill	Keyes	Schall	
Edwards	King	Sheppard	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by the Lions' Club of Torrington, Wyo., protesting against the passage of legislation tending further to restrict the immigration of Mexican citizens into the United States, which was referred to the Committee on Immigration.

He also presented a resolution adopted at the annual meeting of chairmen of boards of county commissioners and county assessors of the State of Wyoming, favoring amendment of section 5219 of the Revised Statutes of the United States relating to taxation of national banks, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a resolution adopted by the Swedish Evangelical Mission Church, at McPherson, Kans., protesting against the quota provision of the existing immigration law and also against the passage of legislation decreasing the immigration quotas of Sweden, Denmark, France, Germany, Norway, and Switzerland, which was referred to the Committee on Immigration.

Mr. FESS presented a petition of sundry citizens of Cincinnati and vicinity in the State of Ohio praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented petitions of sundry citizens of Hamilton County, Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented a petition of sundry citizens of the State of New York praying for the passage of legislation granting increase in pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a resolution adopted by the Flushing (New York) Unit of the League of Nations Non-Partisan Association in annual meeting assembled, indorsing the Capper and Burton resolutions and the Briand proposal relative to the promotion of world peace, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (S. 1094) to amend the practice and procedure in Federal courts, and for other purposes, reported it with amendments and submitted a report (No. 93) thereon.

Mr. TYDINGS, from the Committee on Naval Affairs, to which was referred the bill (S. 1655) granting six months' pay to Maria J. McShane, reported it without amendment and submitted a report (No. 94) thereon.

USE OF LIQUORS BY FOREIGN REPRESENTATIVES

Mr. SMOOT. Mr. President, I was requested by the Finance Committee to ask that that committee be discharged from the further consideration of the resolution (S. Res. 31), submitted by the Senator from South Carolina [Mr. BLEASE], and that the resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYDINGS:

A bill (S. 2605) for the relief of John Edward Flowers; to the Committee on Claims.

By Mr. DILL:

A bill (S. 2606) granting a pension to John L. Collins; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 2607) granting an increase of pension to Ella H. Libby (with accompanying papers); to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 2608) for the relief of Calvary Cemetery, Little Rock, Ark.; to the Committee on Claims.

A bill (S. 2609) to provide for the construction of a swimming pool at the Army and Navy Hospital at Hot Springs National Park, Ark.; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 2610) granting an increase of pension to Amanda J. McAlister; to the Committee on Pensions.

A bill (S. 2611) to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation; to the Committee on Military Affairs.

A bill (S. 2612) for the relief of Mary Ellen Tiefenthaler; and

A bill (S. 2613) to carry into effect the findings of the Court of Claims in the case of Henry A. Laughlin and others; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 2614) granting an increase of pension to Elizabeth Cook (with accompanying papers); and

A bill (S. 2615) granting an increase of pension to Louisa E. Kelley (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 2616) for the relief of Fred P. Steiger (with accompanying papers);

A bill (S. 2617) for the relief of Minor H. Moore (with accompanying papers); and

A bill (S. 2618) for the relief of Frank Merritt (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2619) granting a pension to Joshuo F. Hamilton (with accompanying papers);

A bill (S. 2620) granting an increase of pension to James Hogan (with accompanying papers);

A bill (S. 2621) granting a pension to John Shuler (with accompanying papers);

A bill (S. 2622) granting a pension to Martha Hasty (with accompanying papers);

A bill (S. 2623) granting a pension to J. R. Colville (with accompanying papers);

A bill (S. 2624) granting a pension to Nellie Wilson (with accompanying papers);

A bill (S. 2625) granting an increase of pension to George Wiszneanckas (with accompanying papers);

A bill (S. 2626) granting a pension to William R. Humphries (with accompanying papers);

A bill (S. 2627) granting a pension to William P. Moore (with accompanying papers);

A bill (S. 2628) granting an increase of pension to Arthur Plank (with accompanying papers);

A bill (S. 2629) granting a pension to Ella H. Litton (with accompanying papers);

A bill (S. 2630) granting an increase of pension to Pauline C. Hazelrigg (with accompanying papers);

A bill (S. 2631) granting a pension to Libbie H. Power (with accompanying papers);

A bill (S. 2632) granting a pension to Mary E. Jamison (with accompanying papers);

A bill (S. 2633) granting a pension to Nancy J. McHargue (with accompanying papers);

A bill (S. 2634) granting a pension to Carlos G. Bostwick (with accompanying papers);

A bill (S. 2635) granting a pension to Joseph Burris;

A bill (S. 2636) granting an increase of pension to Caroline Ebbert (with accompanying papers);

A bill (S. 2637) granting a pension to Lucinda A. Smalley (with accompanying papers);

A bill (S. 2638) granting an increase of pension to Nellie Winters (with accompanying papers);

A bill (S. 2639) granting a pension to Atison L. Southard (with accompanying papers); and

A bill (S. 2640) granting a pension to Mary E. Rogers (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 2641) to provide for the election of the Board of Education of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. NORRIS:

A bill (S. 2642) granting a pension to Rachel C. Dalrymple; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 2643) for the adjudication and determination of the claims arising under the extension by the Commissioner of Patents of the patent granted to Frederick G. Ransford and Peter Low as assignees of Marcus P. Norton, No. 25036, August 9, 1859; to the Committee on Post Offices and Post Roads.

A bill (S. 2644) to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation; and

A bill (S. 2645) for the relief of the owners of the barge *Consolidation Coastwise No. 24;* to the Committee on Claims.

A bill (S. 2646) granting a pension to Abbie M. McKenzie; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 2647) granting an increase of pension to Sarah R. Labarron; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 2648) granting an increase of pension to Mary Asbell; and

A bill (S. 2649) granting a pension to Ellis East (with accompanying papers); to the Committee on Pensions.

A bill (S. 2650) for the relief of John H. Addleman (with accompanying papers); to the Committee on Military Affairs.

By Mr. NORRIS:

A joint resolution (S. J. Res. 76) providing for a reunion of the surviving veterans of both sides of the War of 1861 to 1865, in the city of Washington, in the year 1928; and authorizing an appropriation to pay the expenses of such joint reunion; to the Committee on Military Affairs.

THE MERCHANT MARINE

Mr. COPELAND submitted five amendments intended to be proposed by him to the bill (S. 744). to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

COMMITTEE SERVICE

On motion of Mr. WATSON, and by unanimous consent, it was—

Ordered, That Mr. EDGE be excused from further service as a member of the Committee on Commerce; that Mr. WATERMAN be excused from further service as a member of the Committee on the District of Columbia; and that Mr. REED of Pennsylvania be excused from further service as a member of the Committee on Territories and Insular Possessions.

Ordered, That Mr. CUTTING be assigned to service on the foregoing committees.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 773) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of Iowa.

The message also announced that the House had passed the bill (S. 672) for the purpose of rehabilitating farm lands in the flood areas, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 83. An act to approve Act No. 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai";

H. R. 84. An act to approve Act No. 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii";

H. R. 108. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North;

H. R. 172. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public-highway purposes over and upon a portion of the Vancouver Barracks Military Reservation in the State of Washington;

H. R. 194. An act granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 199. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn.;

H. R. 227. An act to regulate the appointment and duties of the superintendent of the Antietam battle field;

H. R. 229. An act to authorize the erection of monuments or memorials to commemorate the encampments of Spanish War organizations at Chickamauga and Chattanooga National Military Park;

H. R. 230. An act to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees;

H. R. 232. An act to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto;

H. R. 233. An act to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J.;

H. R. 234. An act to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp;

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under

certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 244. An act to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amending accordingly section 47c of that act;

H. R. 245. An act to continue the establishment of a national military park at the battle field of Guilford Courthouse;

H. R. 319. An act to legalize a bridge across the Snake River at Idaho Falls, Idaho;

H. R. 340. An act to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes;

H. R. 343. An act to amend section 128, subdivision (b), paragraph 1, of the Judicial Code as amended February 13, 1925, relating to appeals from district courts;

H. R. 471. An act to provide for an aircraft procurement board, and for other purposes;

H. R. 495. An act granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River, at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 4588. An act authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.;

H. R. 5500. An act to establish a national military park at the battle field of Fort Donelson, Tenn.;

H. R. 5510. An act granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal;

H. R. 5575. An act to amend the Hawaiian organic act, as amended;

H. R. 5583. An act granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River, at or near Presidio, Tex.;

H. R. 5638. An act granting the consent of Congress to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River, at Epes, in the State of Alabama;

H. R. 5657. An act granting the consent of Congress to the board of supervisors of Monroe County, Miss., to construct, maintain, and operate a bridge across Tombigbee River, at or near Aberdeen, Monroe County, Miss.;

H. R. 5725. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Monroe, La.;

H. R. 5726. An act to extend the times for commencing and completing the construction of a bridge across the Black River at or near Jonesville, La.;

H. R. 5728. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State highway commission of Louisiana, to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near Point Pleasant, La.;

H. R. 5744. An act granting the consent of Congress for the reconstruction of a bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 6041. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River;

H. R. 6045. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6046. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6094. An act to amend section 7 of public act No. 45, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.;

H. R. 6483. An act granting the consent of Congress to the State of Illinois, the county of Lee, and the city of Dixon, or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Rock River at Dixon, Ill.;

H. R. 6512. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Wentworth Avenue, in Cook County, State of Illinois;

H. R. 6513. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

H. R. 6514. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois;

H. R. 6958. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio;

H. R. 6959. An act to legalize a bridge across the Caney Fork River in De Kalb County, Tenn.;

H. R. 6989. An act to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923;

H. R. 6991. An act authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes;

H. R. 7007. An act prescribing the Army ration;

H. R. 7009. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7192. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 7195. An act to provide for the purchase of horses and mules for the Military Establishment;

H. R. 7218. An act to legalize a bridge across Hillsborough Bay at Twenty-second Street, Tampa, Fla.;

H. R. 7367. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska;

H. R. 7370. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho;

H. R. 7374. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across Snake River near Swan Valley, Idaho;

H. R. 7449. An act granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.;

H. R. 7466. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.;

H. R. 7745. An act granting the consent of Congress to the Chicago & North Western Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River;

H. R. 7913. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.;

H. R. 7937. An act to authorize mapping agencies of the Government to assist in preparation of military maps;

H. R. 8105. An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes;

H. R. 8126. An act to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park, in the Territory of Alaska," approved February 26, 1917;

H. R. 8550. An act to amend the national defense act;

H. R. 8736. An act to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.;

H. R. 8737. An act providing for markers for battle fields of Eastport, Miss., and Iuka, Miss.;

H. R. 9021. An act providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes;

H. R. 9026. An act to amend section 1112 of the Code of Law for the District of Columbia;

H. J. Res. 81. Joint resolution for the amendment of the act of March 3, 1927, by authorizing an annual appropriation to carry out the cooperative experiments contemplated by the act;

H. J. Res. 104. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the

Lake Champlain bridge commission and to construct, maintain, and operate a highway bridge across Lake Champlain; and

H. J. Res. 112. Joint resolution to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, to include poultry within their provisions.

TAX REFUNDS

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of the resolution (S. Res. 110) which I introduced on last Saturday. If it leads to any debate I shall not press it.

The VICE PRESIDENT. The resolution will be read for information.

The Chief Clerk read the resolution (S. Res. 110) submitted by Mr. HEFLIN on the 14th instant, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the Senate a list, by States, of the names of people to whom taxes have been refunded, and the amount so refunded in each case, in the last refund of taxes made by the Secretary of the Treasury.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. Mr. President, will the Senator let the matter go over? I thought I had brought from my office a letter from the department with reference to it, but I find that I do not have it here. I have no desire to delay the resolution but would like to have the letter here when it is considered.

Mr. HEFLIN. Very well; I am willing that it shall go over.

The VICE PRESIDENT. The resolution will go over.

SENATOR FROM ILLINOIS

Mr. REED of Missouri. Mr. President, in behalf of the special committee appointed to investigate campaign expenditures and subsequently directed to grant hearings to FRANK L. SMITH, of Illinois, I present at this time, as a matter of high privilege, the report of the committee (No. 92), together with a resolution (S. Res. 112) touching the matter in controversy. The report proper—that is, the report as to the facts—is concurred in by all the members of the committee who were present at the hearing. The Senator from West Virginia [Mr. GOFF], being ill and unable to be present, is still unable to take part in any matter concerning the resolution.

The resolution which is attached to and is made a part of the report is offered by myself, the Senator from Oregon [Mr. MCNARY], and the Senator from Wisconsin [Mr. LA FOLLETTE]. I ask that the report may be read.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read the report (No. 92), as follows:

SENATORIAL CAMPAIGN EXPENDITURES

Mr. REED of Missouri, from the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, submitted the following report (No. 92) pursuant to Senate Resolution 1:

THE CASE OF FRANK L. SMITH

The special committee appointed pursuant to Senate Resolution 195, Sixty-ninth Congress, and the various resolutions supplementary thereto, to whom Senate Resolution 1, Seventieth Congress, first session, was referred, respectfully reports on the case of FRANK L. SMITH, as follows:

That heretofore, to wit, on the 16th day of December, 1926, said committee reported its proceedings touching the primary in Illinois at which the said FRANK L. SMITH was nominated as a candidate of the Republican Party for the United States Senate. Said report is hereby incorporated by reference.

Your committee begs to report that after the passage of Senate Resolution 1, Seventieth Congress, first session, the following proceedings were had:

On the 13th day of December, 1927, the committee sent to Mr. FRANK L. SMITH the following telegram:

"The special committee at its meeting this morning agreed to take up and consider your case at the earliest possible time in which you are prepared to proceed. The committee suggests and would like to hold its meeting beginning Friday, December 16. If you can be ready on that date, please wire immediately to that effect. If this is not possible, then indicate at once the earliest possible date when you can be in readiness. In this connection the committee will accord you every privilege to submit such evidence, produce such witnesses as you desire, and will be pleased to hear any statement which you may care to make either in person or by counsel. The committee will also accord you the full privilege of representation by counsel. Your earliest possible reply is solicited."

On December 14 the committee received from Mr. SMITH his reply to the foregoing telegram, said reply being as follows:

"I have for acknowledgment your telegram of yesterday indicating the special committee of the United States Senate to which my right to take the oath of office as Senator elect has been referred would consider my case first and suggesting Friday of this week or an early convenient date thereafter. It will not be possible for me to make appearance the 16th, as time is too short. It is generally understood that Congress will recess early next week for the holidays, and with this in view may I suggest a day be fixed agreeable to your committee for my appearance immediately after the holiday recess. Your advice as to the day appointed with these suggestions in mind will be appreciated. Please answer Dwight, Ill."

Upon receipt of Mr. SMITH'S telegram the committee again held a meeting, and in accordance with the instructions of the committee a telegram, dated December 17, 1927, was sent by the chairman of the committee to Mr. SMITH, which reads as follows:

"In accordance with the decision of the special committee I hereby notify you that in accordance with your request that a date be fixed after the holidays a hearing will be held at 10 o'clock January 7, 1928, in order that you may be heard in the manner stated to you in committee telegram dated December 13."

Accordingly, on January 7, 1928, at the hour of 10 o'clock a. m., the committee assembled to conduct the said hearings, at which time proceedings were had and evidence taken, all of which is set out in extenso in the document hereto attached, marked "Exhibit A," and made a part of your committee's report.

At said hearing of your committee the following appearances were made:

Mr. FRANK L. SMITH appeared in person and by his attorney, Hon. C. J. Doyle.

Attorney General Oscar E. Carlstrom appeared for the State of Illinois.

A delegation on the constitutional rights of Illinois also appeared, and was represented by State Senator John Dailey as chairman. The president of the Illinois Senate, Hon. Richard T. Barr; Hon. Robert Scholes, speaker of the House of Representatives of Illinois; Representatives Reed F. Cutler and Gus J. Johnson of the House of Representatives of Illinois, members.

These gentlemen were also accompanied by United States Senator CHARLES F. DENEEN.

Hon. C. J. Doyle stated to the committee the order of procedure which it was desired should be followed, and in accordance with his suggestion the proceedings were so conducted.

Mr. Samuel Insull and his counsel, Mr. Daniel J. Schuyler, appeared and gave testimony, which in general was confined to those phases of their former examination in which they had declined to answer the questions of the committee. The testimony of these witnesses will be detailed more fully in a separate report. For the present it is thought sufficient to state that their evidence, so far as direcly pertinent to this report, was to the effect that Mr. Insull had by the hand of Mr. Schuyler delivered to Mr. Charles F. Francis for the Small-Lundin organization $20,000 in cash; that Francis had charge of the publicity work of the Small-Lundin faction. That faction was understood to be supporting Senator SMITH, but that they also had a candidate for sheriff, and that the candidate for sheriff was running with a group of other men that the same organization was supporting.

Mr. Insull also contributed $20,000 to Mr. George F. Harding for the so-called Harding organization. This was paid in cash by hand of Mr. Schuyler; that Mr. Harding was an important man in certain wards in Chicago, particularly the first, second, third, fourth, fifth, sixth, and seventh wards; that he was understood to be supporting SMITH and a group of candidates, and that the money was turned over to Harding to help him in his fight for his group of candidates; that the reason the witnesses had refused in their previous examinations before the committee to disclose the persons to whom these moneys were paid was because Francis and Harding had told Schuyler that they did not want him to mention their names and did not want Mr. Insull to mention their names, because they were not in the senatorial campaign and had not been interested in it and did not want to be mixed up in it. Nevertheless, Witness Schuyler stated that he understood that they were supporting a group or groups of candidates which embraced Mr. SMITH as a candidate for nomination to the Senate.

At the conclusion of the testimony of Mr. Schuyler, the attorney general of Illinois, the representatives of the general assembly, Senator John Dailey, and Mr. SMITH in person addressed the committee. No evidence whatever was furnished. The protest of the General Assembly of Illinois, which has already received the attention of the Senate and been printed in the record, was formally presented to the committee.

The attorney general of Illinois, State Senator Dailey, and Mr. SMITH all took the position that until and unless Mr. SMITH was sworn in as a United States Senator, neither the special committee nor any regular committee of the Senate, nor the Senate itself, had the power or jurisdiction to pass upon the qualifications of Mr. SMITH, or to take any action whatsoever in relation to his claim to a seat.

The arguments presented by these gentlemen all appear in the transcript of the proceedings, which is herewith filed.

It will be observed that nothing was presented by Mr. SMITH or on his behalf which has not in substance been heretofore presented upon

the floor of the Senate. He offered no new evidence; he presented no new argument; he simply stood upon the claim that the committee and the Senate were alike without jurisdiction to consider and pass upon his right to a seat in the Senate until it shall have first seated him as a Senator.

Your committee, having complied with the instructions contained in Senate Resolution 1, Seventieth Congress, first session, respectfully presents and recommends the passage of the attached resolution, being in substance and effect the resolution offered by the senior Senator from Nebraska, Mr. NORRIS, on the 5th day of December, 1927, and incorporated in and being a part of Senate Resolution 1, which said resolution was by the Senate approved on the 7th day of December, 1927. There is omitted from said resolution the clause instructing this committee to grant further hearings, and there is added to the resolution a further clause relating to the right of the said FRANK L. SMITH to membership in the Senate, all of which appears from the text of said resolution which is by your committee respectfully recommended for passage:

RESOLUTION 112

Whereas on the 17th day of May, 1926, the Senate passed a resolution creating a special committee to investigate and determine the improper use of money to promote the nomination or election of persons to the United States Senate, and the employment of certain other corrupt and unlawful means to secure such nomination or election.

Whereas said committee in the discharge of its duties notified FRANK L. SMITH, of Illinois, then a candidate for the United States Senate from that State, of its proceeding, and the said FRANK L. SMITH appeared in person and was permitted to counsel with and be represented by his attorneys and agents.

Whereas the said committee has reported—

That the evidence without substantial dispute shows that there was expended directly or indirectly for and on behalf of the candidacy of the said FRANK L. SMITH for the United States Senate the sum of $458,782; that all of the above sum except $171,500 was contributed directly to and received by the personal agent and representative of the said FRANK L. SMITH with his full knowledge and consent; and that of the total sum aforesaid there was contributed by officers of large public-service institutions doing business in the State of Illinois or by said institutions the sum of $203,000, a substantial part of which sum was contributed by men who were nonresidents of Illinois, but who were officers of Illinois public-service corporations.

That at all of the times aforesaid the said FRANK L. SMITH was chairman of the Illinois Commerce Commission, and that said public-service corporations commonly and generally had business before said commission, and said commission was, among other things, empowered to regulate the rates, charges, and business of said corporations.

That by the statutes of Illinois it is made a misdemeanor for any officer or agent of such public-service corporations to contribute any money to any member of said commission, or for any member of said commission to accept such moneys upon penalty of removal from office.

That said SMITH has in no manner controverted the truth of the foregoing facts, although full and complete opportunity was given to him, not only to present evidence but arguments in his behalf; and

Whereas the said official report of said committee and the sworn evidence is now and for many months has been on file with the Senate, and all of the said facts appear without substantial dispute: Now therefore be it

Resolved, That the acceptance and expenditure of the various sums of money aforesaid in behalf of the candidacy of the said FRANK L. SMITH is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of free government, and taints with fraud and corruption the credentials for a seat in the Senate presented by the said FRANK L. SMITH; and be it further

Resolved, That the said FRANK L. SMITH is not entitled to take the oath of office and is not entitled to membership in the Senate of the United States, and that a vacancy exists in the representation of the State of Illinois in the United States Senate.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. BORAH. Mr. President, I presume that members of the committee and those who are more familiar with the facts and arguments, and so forth, are ready to proceed with the discussion; but I should like to know whether it is the purpose of those having in charge the resolution to have a vote on it to-day?

Mr. REED of Missouri. Mr. President, I have had some talk with the Senator from Illinois [Mr. DENEEN], who tells me that he is ready to proceed on behalf of Mr. SMITH, and I understand also that Mr. SMITH has been notified and that he is agreeable to having this matter proceed at once. I should like to know if that is certainly the case. I make that inquiry of the Senator from Illinois.

Mr. DENEEN. That is the case, as I understand.

Mr. REED of Missouri. I want to be particular about it, because the Senate has accorded Mr. SMITH the right to be present on the floor and to say whatever he may see fit to present to the Senate; but if it is clearly understood that he does not desire to be present, then we are ready, so far as the committee is concerned, to proceed at once.

Mr. BORAH. Mr. President, I should like to have sufficient time to examine the hearings and the arguments at the last hearings, and it is impossible to do that without some little time. I should not want to postpone the resolution over to-morrow, but I should like to have it go over to-day after those who are prepared to speak have spoken.

Mr. REED of Missouri. Mr. President, the report is printed; and in so far as the evidence is concerned, as is stated in the report, Mr. SMITH declined to produce any evidence, and no evidence was produced. The committee received the testimony of Mr. Insull and his attorney, Mr. Schuyler, in answer to certain questions that they had previously declined to answer. The substance of their testimony is reported. It simply was to the effect that Mr. Insull had given two sums of $20,000 each to two gentlemen who were concerned in the political campaign at the time as managers or members of organizations, and that this money had been expended in the interest of a group of candidates of whom Mr. SMITH was one.

Mr. BORAH. Mr. President, I know in a general way about that, and I am not particularly concerned about it.

Mr. REED of Missouri. Let me proceed. That brings us back to the question, then, of what was presented on behalf of Mr. SMITH. That is contained in the arguments of the gentlemen mentioned in the report—the attorney general of Illinois, a representative of the General Assembly of Illinois, and the statement of Mr. SMITH. It is all set out in the report, and I think all together embraces five pages. The Senator can read it in a few minutes.

Mr. BORAH. Yes; perhaps I can read it in a few minutes, but I should like to have a little more time to consider the effect of it. Of course, if the committee insists on proceeding, I can only acquiesce in the program; but I should like it very much if the matter would not be voted on until to-morrow.

Mr. MOSES. Mr. President, may I say to the Senator from Idaho that what he says is wholly beside the mark. The tumbrel is at the door; the guillotine has been greased for use. Why delay the execution?

Mr. BORAH. Mr. President, there is one feature of this matter in which I am very deeply interested; and in the light of the present situation, and as the matter is now presented, I should like indeed to have an opportunity to examine it a little further before I make up my mind what I shall do. I say, however, that I am at the disposal of the committee.

Mr. REED of Missouri. Mr. President, I do not want to be understood as trying to force any proposition connected with this case to a vote at any inopportune time. The fact is that it has been generally regarded that the Senator from Illinois [Mr. DENEEN] in a way was the spokesman for Mr. SMITH, and for several days this evidence has been presented and been in the hands of the Senate, and Senator DENEEN several times has expressed a desire to dispose of the matter. Action was delayed for two or three days, I presume I might say, because I was partially ill and unable to be at the Senate.

I want to accommodate the Senator from Idaho, of course. I want, however, to have in consideration the desire of the Senate and also the desire of Senator DENEEN, and I do not want to be in the position of forcing action; but I had assumed that it was rather generally understood that this matter would be taken up to-day, and I announced on yesterday that it would be called up this morning.

I do not know what I can say further in regard to the matter; but I do not want to be in the position of forcing a vote at any time when the Members are not ready to vote.

Mr. BORAH. Mr. President, I am interested in this matter wholly aside from Mr. SMITH. So far as the first part of the resolution is concerned, I am entirely in accord with the committee. It is the second paragraph of the resolution in which I am interested. I am not interested because of Mr. SMITH's interest in this seat, but for a wholly different reason. I do not think anything will be lost by having the matter go over a day, but I shall try to be prepared when the time comes.

Mr. SHORTRIDGE. Mr. President, I am not interested at all in the personality of Mr. SMITH, of Illinois, but I am very profoundly and deeply interested in the rights of States. I think that this subject should be further considered, and I should be very glad to listen to the views of the Senator from Idaho, and it may be that I shall be moved to add a word or two. I am deeply interested, not in personalities, but in the right of Illinois to be represented by two Senators chosen by the free men and women of that State. I am interested in the right of every State in this Union to have Senators seated here, sworn in here when they come with credentials which upon their face speak verity. Therefore I do hope that while

we may proceed to-day with some arguments on the matter, the vote shall not be pressed until to-morrow.

Mr. KING obtained the floor.

Mr. CURTIS. Mr. President, will the Senator yield until I make a suggestion?

Mr. KING. I yield.

Mr. CURTIS. I suggest that we proceed with this matter until the speeches which are ready to be delivered to-day have been made, and that at the conclusion of the business to-day we take a recess until 12 o'clock to-morrow. Then we can finish up the matter very easily, and save two hours for debate in the morning.

Mr. REED of Missouri. Mr. President, I have no objection to any method that will allow every Member of the Senate the fullest opportunity to speak—a right which they, of course, always have at all times except when cloture is applied, and that is not going to be applied to this resolution. I am also willing that they shall have time to read the evidence if they have not read it; and I think the suggestion of the Senator from Kansas is a very satisfactory one, so far as I am concerned.

Mr. KING. Mr. President, under the provisions of Senate Resolution No. 195, agreed to May 17, calendar day May 19, 1926, a special committee was appointed to consider and investigate expenses in primary and senatorial elections. The committee has submitted several reports and is now submitting, as I understand, its final report in the case of FRANK L. SMITH, Senator elect from Illinois.

The committee was not directed or required to make findings or submit conclusions, but to ascertain the facts in connection with expenditures in primary and senatorial elections. That interpretation, as I understand, was placed upon the resolution by the committee at its hearings on Saturday, January 7, 1928.

I subscribe to the special and final report herewith submitted by the majority of the committee, except that part which refers to the resolution offered by the Senator from Nebraska [Mr. NORRIS] and also the final resolution contained in the report. I did not sign the report, Mr. President, and am not in accord with the parts of it to which I have just referred.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. DENEEN. Mr. President, at the hearing before the special committee of the Senate on January 7, 1928, FRANK L. SMITH, Senator elect from Illinois, said:

> I can at this time do neither more nor less than to insist upon the sovereign rights of the State whose credentials I bear. That right is to have the candidate of her choice, who possesses all the constitutional qualifications, admitted to membership in this body, thereby according to my State the equal representation to which she is constitutionally entitled. When that right is granted, then I shall freely, gladly, and unafraid meet any and all charges respecting my moral or other fitness to continue a Member of this distinguished body. But unless and until the right of my State to such full, equal, and continuous representation is first accorded, I can not become a party to an unwarranted precedent nor to any pretended inquiry as to my personal fitness for association with the distinguished men now composing the Senate of the United States.

The attorney general of Illinois, the Hon. Oscar E. Carlstrom, the official spokesman of the State, said:

> We feel that we can not submit the rights of sovereignty of the State of Illinois at the present moment to this committee and recognize its jurisdiction until this Senator [Senator SMITH] has been fully accorded his rights before the bar of the Senate.

The Hon. John Dailey, member of the Illinois State Senate, presented on behalf of the committee on constitutional rights appointed by the General Assembly of Illinois in this matter resolutions in part as follows:

> *Resolved*, That a delegation on the constitutional rights of the State of Illinois be, and the same is hereby, created, the said delegation to consist of the speaker of the house of representatives, the president of the senate, and two members of the house of representatives to be appointed by the speaker thereof and two members of the senate to be appointed by the president of the senate on the nomination of the executive committee, and it shall be the duty of said delegation on the constitutional rights of the State of Illinois to appear before the Senate of the United States, or any of its committees or subcommittees upon the convening of said Senate and at any time thereafter, and to present to said Senate and its committees a consideration of the constitutional rights of this State, and on behalf of the people of this State respectfully to insist upon the recognition by the Senate of the United States of the constitutional right of this State to be represented in the Senate of the United States by two Senators, and that said constitutional right be recognized by the administration of the oath to the Hon. FRANK L. SMITH as United States Senator from this State.

The issue presented by the State of Illinois and by Senator-elect FRANK L. SMITH is, therefore, his right to take the oath of office before a trial upon any objections to his right to retain his seat in the Senate.

Mr. President, on January 19, 1927, and again on December 6, 1927, I discussed the precedents in the Senate regarding the administering of the oath of office to Mr. SMITH as Senator designate and Senator elect from Illinois, and on December 6, 1927, I discussed the qualifications prescribed by the Constitution for a Senator elect, and the resolution of the senior Senator from Nebraska, the concluding paragraph of which was:

> *Resolved*, That the said FRANK L. SMITH is not entitled to take the oath of office and is not entitled to membership in the Senate of the United States.

I shall not occupy the time or the attention of the Senate in restating matters submitted in the speeches to which I have referred. But in view of the importance of this case to the State of Illinois in the matter of its full representation in the United States Senate and of the precedent which will be established by the decision of the Senate in this matter, I wish to state briefly the contentions of my State on the facts and the law in this case:

First, at the Republican primaries for the nomination of United States Senator in Illinois, on April 13, 1926, FRANK L. SMITH received 642,023 votes and William B. McKinley received 522,771 votes. In the Democratic primaries, George E. Brennan received 201,851 votes. Mr. Brennan was unopposed. At the election of United States Senator on November 2, 1926, FRANK L. SMITH (Republican) received 842,273 votes; George E. Brennan (Democrat), 774,943 votes; Hugh S. Magill (independent Republican), 156,245 votes. No contest has been filed against FRANK L. SMITH on his nomination or election.

The hearings of the special committee were held in Chicago from July 26 to August 5, inclusive, 1926. The testimony was given wide publicity and the independent Republican candidate at the election based his candidacy and made his campaign on the testimony submitted. The testimony which the Senate has was submitted to the people of Illinois in the campaign preceding Mr. SMITH's election and was a matter of general discussion and the people passed upon it.

Will it be contended that the people of Illinois had not the legal right to elect Mr. SMITH United States Senator?

The Senate has no legal power to elect a United States Senator for Illinois. Its legal powers are limited to determining whether in fact Mr. SMITH was elected United States Senator and whether he has the qualifications prescribed in the Constitution. The Committee on Privileges and Elections of the Senate passed upon the credentials of Senator-elect SMITH on March 4, 1927, and reported that the certificate of his election "is in due and correct form."

There is no dispute about the legality of the election or that Mr. SMITH has the qualifications prescribed in the Federal Constitution, which are:

> No person shall be a Senator who shall not have attained to the age of 30 years and been nine years a citizen of the United States, and who shall not when elected be an inhabitant of that State from which he shall be chosen. (Art. I, sec. 3, par. 3.)

The position which the State of Illinois takes is that the United States Senate can not create any additional qualifications for a United States Senator or limit further the power of a State to elect him; that neither the Senate nor the Congress nor the States can add to the qualifications of a Senator as expressed in the Constitution of the United States; and that neither the Senate nor the Congress nor the State of Illinois, nor any other State, has prescribed any additional qualifications for United States Senator; that the pending motion attempts to add additional qualifications and by the Senate alone.

On this matter I wish to quote from the decision of the Supreme Court of Illinois in the case of People *v.* McCormick (vol. 261, p. 423), as follows:

> It may be true that many persons having the constitutional qualifications are wholly unfit to discharge the duties of many offices within the State, but if the legislature possesses the power to vary the constitutional qualifications for office by adding new requirements or imposing additional limitations, then eligibility to office and freedom of elections depend not upon constituitonal guaranties but upon legislative forebearance. If the legislature may alter the constitutional requirements, its power is unlimited, and only such persons may be elected to office as the legislature may permit. In our judgment, when the constitution undertakes to prescribe qualifications for office, its declaration is conclusive of the whole matter, whether in affirmative or

in negative form. Eligibility to office belongs to all persons. In our constitution no other form of stating eligibility to office is found than the declaration that no person shall be eligible who does not possess certain qualifications. The Constitution of the United States is in the same form in this particular, and so are the constitutions of other States. The expression of the disabilities specified excludes others. The declaration in the constitution that certain persons are not eligible to office implies that all other persons are eligible.

But it was urged in the previous debates in this case that the Senate has the inherent power of self-defense; that otherwise a State might send to the Senate an idiot, an insane person, a leper, a man with an incurable, contagious disease, a man without moral character, or a criminal. The Senate is not without power under the Constitution to protect itself in self-defense or otherwise. Senator Philander C. Knox, on February 14, 1907, expressed the law very clearly, as follows:

If I were asked to state concisely the true theory of the Constitution upon this important point I would unhesitatingly say:

First. That the Constitution undertakes to prescribe no moral or mental qualification, and in respect to such qualifications as it does prescribe the Senate by a majority vote shall judge of their existence in each case, whether the question is raised before or after the Senator has taken his seat.

Second. That as to all matters affecting a man's moral or mental fitness the States are to be the judges in the first instance, subject, however, to the power of the Senate to reverse their judgment by a two-thirds vote of expulsion when an offense or an offensive status extends into the period of senatorial service, and such a question can only be made after the Senator has taken his seat.

If to this it is objected that it contemplates admitting a man who may be immediately expelled, I reply that it is hardly proper to adopt a rule of constitutional construction and senatorial action based upon the theory that the States will send criminals or idiots to the Senate. Besides, it does not seem to me to be conceding much to a State after it has deliberately and solemnly elected a Senator after the fullest consideration of his merits to concede on the first blush of the business the State's intelligent and honorable conduct by allowing its chosen representative admission to the body to which he is accredited.

If, therefore, Mr. SMITH took the oath of office as United States Senator and objection were made that he was disqualified, he could be expelled, but not until he had had the right to be heard as a Senator. (Art. I, sec. 5, par. 2.)

It is sought to establish a new precedent here. What will be the limitations of the power of the Senate to deny a man, by a majority vote, the right to take the oath of office as a Senator elect or designate if Mr. SMITH is denied the oath of office? Suppose the offense charged were a violation of the Volstead Act; suppose it were failing to pay taxes; or suppose the objections were directed to the question of politics or religion or race or occupation or social status of the Senator elect or designate. What are to be the limitations set to the power of the United States Senate by a mere majority vote to deny a sovereign State the right to elect its own United States Senator?

Suppose a political party or a coalition of minorities in the Senate should refuse to admit from a State a Senator who had been elected by less than a majority of its electors on the theory that the election did not represent the views of the State or that the State tolerated or approved minority government. I ask those who support the motion to refuse the oath of office to Mr. SMITH to define the limitations of the power they seek to have exerted in his case.

The procedure sought here is in fact to expel Mr. SMITH from the Senate by a majority vote before he has become a Member of this body. This is an indirect, an improper, and an unprecedented procedure.

To refuse him the oath of office means to ignore the election in Illinois. It means that a State can not elect a United States Senator without the consent and approval of the Senate. It means to subtract from the sovereignty of the State and to make the United States Senate sovereign in the matter of choosing United States Senators.

Mr. SMITH stated before the special committee that he will defend himself after taking the oath of office, should objection be made to his right to a seat in this body. He said:

I shall freely, gladly, and unafraid, meet any charges regarding my moral or other fitness to continue a Member of this distinguished body.

Mr. President, the oath of office should be administered to Senator-elect SMITH. The sovereign right of the State of Illinois to elect its United States Senator should be respected. Should objections be made in the Senate against him thereafter, let him then meet them in his own defense and in his own proper person.

Mr. CARAWAY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Arkansas?

Mr. DENEEN. I yield.

Mr. CARAWAY. Is it the Senator's view that if one should come to the Senate with a certificate from a State showing that he is a Senator designate, he should be seated without question?

Mr. DENEEN. Yes; if he has the qualifications prescribed in the Constitution of the United States.

Mr. CARAWAY. How are we to know that he has those qualifications?

Mr. DENEEN. There is no question about that in this case.

Mr. CARAWAY. Oh, no; but the Senator was discussing the theory. Does the Senator concede that the Senate has the right to decline to let him be sworn in until it investigates whether he has the requisite qualifications?

Mr. DENEEN. If he has the qualifications prescribed by the Constitution——

Mr. CARAWAY. Yes; but how would the Senate go about ascertaining that fact?

Mr. DENEEN. There is no objection on my part to any inquiry into those matters.

Mr. CARAWAY. I am talking about the theory of it. I am trying to find out what the Senator's theory is. Does the Senator concede that the Senate has the right to refuse to administer the oath until it shall make inquiry to ascertain whether he has certain qualifications?

Mr. DENEEN. Certain constitutional qualifications.

Mr. CARAWAY. It has the right then to go back of the certificate of election to ascertain whether he is a citizen of the State, whether he has attained legal age, whether he is not tainted by treason?

Mr. DENEEN. Yes.

Mr. CARAWAY. The Senate has a perfect right to deny him the right to be sworn in until it has made an investigation of those facts?

Mr. DENEEN. And whether he is an inhabitant of the State.

Mr. CARAWAY. The Senator concedes that?

Mr. DENEEN. Yes; there is no dispute about that.

Mr. CARAWAY. In other words, the right is not absolute to be sworn in, but it depends upon whether a certain number of facts back of it entitle a man to a seat?

Mr. DENEEN. The administering of the oath of office is an administrative act. The President of the Senate has no discretion in the matter. If the Senator elect or designate has the qualifications prescribed in the Constitution and his State has elected him, he is entitled to take the oath as a matter of course.

Mr. CARAWAY. He is entitled to take the oath regardless of whether he is a citizen of that State at all or not?

Mr. DENEEN. No.

Mr. CARAWAY. I am trying to get the Senator's position. The Senator does concede that the Senate has the right to stand the Senator designate aside and make an independent inquiry as to certain qualifications, does he not?

Mr. DENEEN. There is no question about it. I cited precedents on that point in a former speech on January 19, 1927.

Mr. CARAWAY. I am trying to get the Senator's view. The Senate has a perfect right, then, to make inquiry as to whether he is a citizen of the State, whether he has attained legal age, whether he is a citizen of the United States, and whether he has not been convicted of treason? It has a perfect right to go back into those questions?

Mr. DENEEN. There is no question about that.

Mr. CARAWAY. Then, if the Senate has the right to go back of the certificate of election for any purpose, it has a right to inquire into other matters, has it not?

Mr. DENEEN. Not beyond the qualifications prescribed by the Constitution. It can not make new rules as new Senators come to the body.

Mr. CARAWAY. The Senator's position resolves itself into the question of what the Senate's constitutional right is, does it not?

Mr. DENEEN. The State of Illinois——

Mr. CARAWAY. No, no. Will the Senator answer my question?

Mr. DENEEN. May I answer the question in my own way?

Mr. CARAWAY. Certainly.

Mr. DENEEN. The State of Illinois has a sovereign right to elect a Senator. No other State has that right as to the State of Illinois. The Senate has a right to pass on his constitutional qualifications.

Mr. CARAWAY. Then the question is what the constitutional qualifications are?

Mr. DENEEN. There is no dispute about that.

Mr. CARAWAY. There is no dispute about certain things being qualifications, but does the Senator think that no kind of immorality is pertinent to be inquired into by the Senate?

Mr. DENEEN. Not on his mere right to take the oath——

Mr. CARAWAY. Where does the difference arise? Where does the Senator ascertain that the Senate's right to inquire into his qualifications ceases? On what authority does he limit the Senate?

Mr. DENEEN. Its power is limited to an inquiry into his constitutional qualifications.

Mr. CARAWAY. Has it any more right to deal with him after he comes into the Senate than it had before he got into the Senate?

Mr. DENEEN. It has a right to expel him for disorderly behavior or, as stated by former Senator Knox, for an offense or an offensive status extending into the period of senatorial service.

Mr. CARAWAY. The Senator denies the right to exclude a man, no matter how corruptly he came here, for acts that transpired before he was sworn in by the Senate?

Mr. DENEEN. The Senate can make that inquiry on a motion to expel.

Mr. CARAWAY. But it has no right to expel him for acts which transpired before he became a Member, has it?

Mr. DENEEN. The State passed on that question.

Mr. CARAWAY. That is what I said. The Senator then does not believe it makes any difference how a man comes here, if he is ever sworn in then he is entitled to stay?

Mr. DENEEN. I do not. He may be expelled for certain offenses.

Mr. CARAWAY. But that is for conduct after he comes into the Senate.

Mr. DENEEN. The Senate can not expel him before he arrives.

Mr. CARAWAY. I know; but he has a perfect right to stay here if he gets in, unless he does something after he takes the oath of office. Is that the Senator's view?

Mr. DENEEN. I will not say as to that.

Mr. CARAWAY. I am trying to ascertain the Senator's position.

Mr. DENEEN. The authority is not clearly defined.

Mr. CARAWAY. What is the Senator's view about it?

Mr. DENEEN. I think former Senator Knox stated it clearly.

Mr. CARAWAY. The Senator's position is that it makes no difference how a man gets here, if there is nothing against his conduct after he becomes a Member he is entitled to stay?

Mr. DENEEN. Yes. He would be entitled to stay unless found to be disqualified.

Mr. CARAWAY. He is legally entitled to stay?

Mr. DENEEN. If he is legally admitted, he is legally entitled to stay, unless he is expelled.

Mr. CARAWAY. But for acts committed after he becomes a Member?

Mr. DENEEN. That is not the subject matter of discussion.

Mr. CARAWAY. I know; but I am trying to find out the Senator's position.

Mr. DENEEN. Many men have differed about that. The record is filled with opinions of distinguished Senators on the subject.

Mr. CARAWAY. I am trying to get the opinion of the Senator from Illinois.

Mr. DENEEN. I am trying to cross the first bridge before I come to the second one. The only issue is whether Mr. SMITH is qualified under the Constitution to take the oath of office.

Mr. CARAWAY. Oh, no; that is not the issue here at all, and anybody that drags that in is trying to evade the real issue. The real issue is whether a man may corruptly come here and retain his seat, or corruptly obtain it and retain it. That is the issue, and there is no use talking about whether he is a citizen of Illinois, because nobody questions that.

Mr. DENEEN. On that matter, Senator-elect SMITH says he will meet the issue and meet it fully.

Mr. CARAWAY. Yes; I remember he said that to a committee of which I was a member; and then he did not do it.

Mr. DENEEN. That is a matter of conduct and not a matter of constitutional right.

Mr. CARAWAY. The thing we are dealing with here, and the Senator from Illinois is well aware of it, is conduct preceding the election. If the Senator contends that the Senate has no right to inquire into what happens before a man becomes a Senator, he concedes that Insull can buy both seats in Illinois and the men for whom he purchases the seats have a perfect right to be sworn in and retain their seats. Is that so?

Mr. DENEEN. May I answer the Senator's question in Yankee fashion? Will the Senator say that a man who has committed any offense or violated any law, no matter how petty, may be thrown out by the Senate when it has the votes?

Mr. CARAWAY. No; I am talking about corruption. I say the Senate has a perfect right to see that a man does not purchase a seat for somebody else and put him in the Senate. Insull has no more right to buy a seat in Illinois than he has a right to buy one in Nebraska. I am asking the Senator from Illinois if he believes Insull has the right to buy both seats in Illinois and whether he would have the right to have both men seated to represent Insull through being called "Senators from Illinois"?

Mr. DENEEN. That matter would have to depend upon a hearing and not upon supposititious facts.

Mr. CARAWAY. The Senate has a right to inquire into that, has it not?

Mr. DENEEN. I think the only issue is as to the constitutional qualifications in reference to taking the oath of office. That is the contention of Senator-elect SMITH and it is the contention of the Illinois Legislature and of the attorney general of Illinois.

Mr. CARAWAY. I must admit that I can not follow that line of reasoning.

Mr. WALSH of Montana. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Montana?

Mr. DENEEN. I yield.

Mr. WALSH of Montana. The Senator's study of this matter will, of course, have apprised him of the fact that following the Civil War quite a large number of Members elect of the House of Representatives and some Members elect of the Senate had participated in the war against the Union and were, of course, guilty technically of treason. Had the Senator been a Member of this body at that time would he have voted to admit those men?

Mr. DENEEN. My answer was made on January 19, 1927. I reviewed about 40 cases and drew this conclusion:

> It will be observed that in the foregoing 16 cases the grounds for contest in 6 related to the loyalty of the Senator elect; in 7 the question related to irregularity of elections; in the case of Adelbert Ames, of Mississippi, in 1870, the contest related to inhabitancy; and in the case of Shields in Minnesota and in the Louisiana cases the objection was that there was no constitutionally organized State government.
>
> It appears, therefore, that in these 16 cases where the oath was denied until charges were heard by committees, the grounds of contest were the lack of the qualifications defined in section 3 of Article I of the Constitution—relating to age, citizenship in the United States, and inhabitancy—and the inhibitions under the fourteenth amendment.
>
> To sum up, then, the precedents establish that since the case of General Shields in 1849 the Senate has in no case denied the right of a Senator elect or designate to take the oath of office before the hearing of his case, except where the qualifications specifically defined in section 3 of Article I of the Constitution itself were involved.

Mr. WALSH of Montana. Does the Senator mean by that to say that the House did not exclude Members upon the sole ground that they had participated in the rebellion?

Mr. DENEEN. There were some cases after the Civil War.

Mr. WALSH of Montana. That is what I am asking about.

Mr. DENEEN. They exerted that power without constitutional right. On another occasion I reviewed about 40 cases and expressed my views. I did not deem it necessary at this time to review the cases which were reviewed in a former speech, nor have I discussed the law regarding the term "qualifications" in the Constitution, having done so on December 6, 1927.

Mr. WALSH of Montana. I put what I thought was quite a direct question to the Senator, namely, had he been a Member of the Senate at that time when a man appeared here asking the right to take the qualifying oath and it was undisputed that he had participated in the rebellion, would the Senator have voted to have the qualifying oath administered to him?

Mr. DENEEN. I do not intend to be led away from the issue in this case by creating supposititious cases and then arguing them. The facts here are plain, and the law relating to them is plain enough.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. DENEEN. I yield.

Mr. REED of Missouri. I do not desire to enter into a controversy with the Senator. He has expressed his views, and I

shall later express mine; but, so that I may be certain I understand his position, I want to ask him if it is the Senator's position that if an election is tainted with fraud and corruption of such a character and gravity as to determine the result, the Senate can not at some time exclude the Member?

Mr. DENEEN. There is no doubt that the Senate could on a motion to expel.

Mr. REED of Missouri. Very well. Now, suppose that these facts of fraud and corruption were well known to the people of the State and discussed during the election, and that, nevertheless, the applicant for a seat obtained a majority, would it still be within the power of the Senate at some time to exclude the applicant?

Mr. DENEEN. As I stated, in my opinion the Senate would have the power to exclude him on a motion to expel; but if he comes with the constitutional qualifications, he has the right to take the oath and then meet objections which may be raised.

Mr. REED of Missouri. So if I understand the Senator, his position is this: If there be fraud and corruption materially affecting an election, even though that fraud and corruption may have been discussed by the people of the State during the campaign, the Senate, after having sworn the man in, has the right then to try the case, and if it determines there was material fraud and corruption, it has the right to exclude him?

Mr. DENEEN. I have replied to that question in discussing the case before us.

Mr. REED of Missouri. The Senator thinks he has done that?

Mr. DENEEN. I think so.

Mr. REED of Missouri. So that the real questions, as I understand, that we have here to settle are, first, was there corruption or misconduct of such character as to affect materially the election and the right of the applicant to retain a seat; and, secondly, when does the Senate come into possession of the power to pass upon that question? The contention of the Senator from Illinois in this case is limited to the one matter, namely, that the Senate can not at this time and prior to swearing in Mr. SMITH act on his case in any particular. That, I think, is the position the Senator from Illinois takes.

Mr. DENEEN. If he has the qualifications prescribed by the Constitution.

Mr. REED of Missouri. Exactly. May I ask another question? Does the Senator think that if a man comes here with a certificate reciting that he possesses the qualifications named in the Constitution expressly the Senate must receive him and swear him in, or can the Senate stop him at the threshold and inquire whether he possesses the particular qualifications named in the Constitution?

Mr. DENEEN. I think I have answered that question. The Senate can inquire into the qualifications as outlined in the Constitution.

Mr. REED of Missouri. Then the Senator concedes that the certificate of election is not conclusive or binding upon the Senate in the matter of originally acting upon the right of the applicant to be sworn in; that the Senate can go back of the certificate in so far as the constitutional qualifications are concerned and can inquire into them?

Mr. DENEEN. I think so. For instance, if the matter related to the organization of a State, it certainly could. It would seem to me that the Senate could inquire into whether or not the Senator elect or Senator designate had the qualifications prescribed in the Constitution.

Mr. REED of Missouri. So that the proposition, then, narrows itself to this: The Senate is not bound absolutely by the terms of the certificate of election, but may inquire into the recitations of fact contained in the certificate in so far as the facts being inquired into relate solely to the specific qualifications mentioned in the Constitution; but the Senator takes the further position that we can not inquire as an initial step into any other matter but must swear the Senator in?

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. REED of Missouri. Just one moment, please. Let me proceed. What I have stated I understand to be the position of the Senator from Illinois?

Mr. DENEEN. I could not hear quite all of the question of the Senator; I think I apprehended it; but I am not quite sure.

Mr. REED of Missouri. I understand the Senator to admit that if a man comes here with a certificate regular in form and embracing the statement that he possesses the constitutional qualifications, the Senate can hold him up at the door and make a preliminary inquiry as to whether he possesses the particular qualifications named in the Constitution?

Mr. DENEEN. I think the Senate has the power to do so, and has exercised it many times, as stated by me heretofore in a review of the precedents.

Mr. REED of Pennsylvania. Will not the Senator from Missouri permit a question there?

Mr. REED of Missouri. I should like to continue on this line of thought.

Mr. REED of Pennsylvania. The Senator from Missouri will permit some questions after a while, then?

Mr. REED of Missouri. Yes; I will permit all the questions the Senator from Pennsylvania may desire to ask me.

The Senator from Illinois states that after a man is sworn in the Senate can then inquire into frauds or irregularities or of improper conduct tainting the election.

Mr. DENEEN. I have so stated in my remarks, in which I quoted the speech of former Senator Knox, which, I think, expresses the correct procedure more clearly than anything that I could find by my examination.

Mr. REED of Missouri. That being true, will the Senator tell me where he finds in the Constitution any statement to the effect that the right of the Senate to inquire into the qualifications of its Members as to acts which transpired before the election is any greater after the oath has been administered than it is before the oath is administered? There is, of course, no such clause. I now yield to the Senator from Pennsylvania.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. REED of Missouri. The Senator from Pennsylvania [Mr. REED] had enlisted my attention.

Mr. REED of Pennsylvania. I do not know whether I am the subject or the object of this Socratic method of bringing out the truth, but I want to ask the Senator a question.

Mr. REED of Missouri. What was the statement of the Senator from Pennsylvania?

Mr. REED of Pennsylvania. I stated that I did not know whether I was the examined or the examiner.

Mr. REED of Missouri. The Senator from Pennsylvania rose to examine me.

Mr. REED of Pennsylvania. Yes; that is what I hope to be able to do now.

Mr. REED of Missouri. Very well; proceed.

Mr. REED of Pennsylvania. Does the Senator from Missouri find any significance in the use of the word "member" in that sentence of the Constitution which gives the Senate the power to pass upon the elections, returns, and qualifications of its Members? The Senator from Missouri is asking to have pointed out some place in the Constitution which indicates that the inquiry must be made after the individual becomes a Member.

Mr. ROBINSON of Arkansas rose.

Mr. REED of Missouri. The Senator from Arkansas [Mr. ROBINSON] desires to answer that question, and I yield to him.

Mr. REED of Pennsylvania. I claim the same privilege that the Senator from Missouri claimed a few minutes ago.

Mr. REED of Missouri. Very well. Then, I will say I think there is no peculiar, hidden, or mysterious meaning about the word "member" at all as used in the Constitution. It applies to a man who comes here and asserts his right to a seat in the Senate as a Member. I think the refinements that have been indulged in along that line if they came from any other source than the very high and distinguished places they do come from would be utterly puerile.

Mr. REED of Pennsylvania. Then the Senator thinks that the word "qualifications" should be carefully scanned and should be widened to allow any matter of mental, moral, or physical capacity to be brought in within that scope, but that the word "members" which immediately follows the word "qualifications" in that sentence of the Constitution is to be given no particular significance?

Mr. REED of Missouri. The Senator from Arkansas desires to read an authority on that question.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Pennsylvania permit me to read it now?

Mr. REED of Pennsylvania. I beg the Senator to postpone that treat for a few minutes because I have not reached the subject about which I wanted to interrogate the Senator from Missouri.

Mr. ROBINSON of Arkansas. Well, will the Senator from Missouri permit me to make a brief statement?

Mr. REED of Missouri. Certainly.

Mr. REED of Pennsylvania. I beg the Senator to let me finish. I will not take more than five minutes.

Mr. ROBINSON of Arkansas. The Senator from Pennsylvania has asked a question as to the true construction of the word "member" in this connection, and I wanted to point out to him the fact that the courts have defined the word "member" in a similar connection to mean a person who has been chosen to serve in a political convention or a legislative body.

Mr. REED of Pennsylvania. Very good. Just a little while ago I rose to answer a question propounded by the Senator

from Missouri and he objected to allowing me to do so or to my interjecting a single suggestion.

Mr. REED of Missouri. I wanted to stick to the theme, but I am perfectly willing now to answer any questions. Can the Senator repeat his question?

Mr. REED of Pennsylvania. I am going on with my next question.

Mr. REED of Missouri. I have not answered the question the Senator just asked.

Mr. REED of Pennsylvania. The Senator has not answered any question that I have asked.

Mr. REED of Missouri. That is merely a matter of understanding; that is all.

Mr. REED of Pennsylvania. Perhaps that is it. When the Senator from Missouri began to investigate in his incomparable way the primary in Illinois in the spring of 1926 he brought out all the facts regarding the contribution by Insull for SMITH's benefit; he reported them to the Senate, and they were known to the entire country. Now, it is the Senator's view, is it not, that those facts then disclosed made Mr. SMITH incapable of election to the United States Senate? Is that correct?

Mr. REED of Missouri. They did not make him incapable of election to the United States Senate, but they made it improper for him to sit in the United States Senate, because one of the steps by which he secured his election was through the improper methods used to get on the ticket.

Mr. REED of Pennsylvania. And that was the Senator's view in the spring of 1926, was it not?

Mr. REED of Missouri. Yes; it was my view and has been the view of almost everybody who knew the facts ever since.

Mr. REED of Pennsylvania. Very good. It seems not to have been the view of some 800,000 citizens of Illinois who constituted a majority of the voters at the general election in the following November.

Mr. REED of Missouri. Very well.

Mr. REED of Pennsylvania. Now, what significance, if any—and I ask the question in all sincerity to inform myself and others—what significance, if any, does the Senator attach to that general election and to that action of the voters of Illinois? Does he think that their action in November was a complete nullity?

Mr. REED of Missouri. Now let me ask the Senator what he has to say to this——

Mr. REED of Pennsylvania. No. I should like to get the Senator's opinion, and then I will tell him mine.

Mr. REED of Missouri. I am going to give the Senator my opinion and give it to him very plainly. Does the Senator mean to say that if a man by any kind of fraud or corruption can get his name upon a ticket, and if thereafter he is elected, he is entitled to take his seat, although he never could have been upon the ticket except for that fraud and corruption, and that the vote of the people is final and conclusive regardless of any fraud, chicanery, or corruption which may have been committed? Does the Senator take that position?

Mr. REED of Pennsylvania. The Senator wants me to answer his question before he answers mine? Is that right?

Mr. REED of Missouri. I am asking the Senator that question. I can answer the Senator, however. I hold to the view that whenever any material step which a candidate for office takes in order to secure a seat in this body is a corrupt step materially affecting the result, and the Senate is apprised of that corruption, and the man would never have been here except for the corruption, it is the duty of the Senate in the protection of the country to say that that kind of fraud and corruption vitiates the election. That is my view. To take the view that if a man can by bribery, by fraud, by corruption, by any kind of villainy get his name printed upon a party ticket so that, although there may be great numbers of people who vote their protests, yet in the general sweep of the election he is carried over with the tide, he must thereafter be seated, is to open the door to every kind of fraud and iniquity; it is to say to every scoundrel who is at large, "All you have to do is by some means to get upon a ticket in a State that is largely Democratic or largely Republican, and then by virtue of the very fraud which gave you that position you can finally land here and there is no power to prevent it." If that is the case, then the Senate is defenseless, and rogues may as well begin their nefarious business in the open.

Mr. REED of Pennsylvania. Now, will the Senator tell us whether he thinks it is significant that full knowledge of this so-called fraud was enjoyed by the people of Illinois before their election? Would that change his conclusion at all?

Mr. REED of Missouri. Not a particle—not a particle.

Mr. REED of Pennsylvania. The Senator would not attach any importance, then, to the action of the people of Illinois, who knew all about this election, just as much as the Senator from Missouri knows, and nevertheless chose to elect FRANK SMITH to the Senate?

Mr. REED of Missouri. I would not attach the slightest importance to the fact that in a party-ridden State a political machine was able to put over a candidate, even though he was covered all over with the leprosy of crime, if when he came here one of the steps that he took was in the teeth of the law, in the teeth of morals, and in violation of the statutes of his own State, which is the case here.

Mr. REED of Pennsylvania. Would the Senator extend that to a person who was nominated in a Southern State which excluded all negroes from the right to vote?

Mr. REED of Missouri. I will extend it to any State where fraud and corruption and villainy have tainted the election; and I will say this: I have heard a good deal about Southern States and I am not going to go into a discussion of that question; but I will say that there was such a spectacle presented in the Senator's own State, where the white people of the State were debauched, as ought to chain his attention and all his moral risibilities and energies within the confines of his own Commonwealth. He need not look beyond.

Mr. REED of Pennsylvania. Mr. President, my moral risibilities—whatever those articles may be—will be devoted to the election in Pennsylvania when we get to that subject; but what I am trying to get the Senator to answer is——

Mr. REED of Missouri. The Senator need not try. He has been getting answers. Just let him keep right on. He will get all he is entitled to, and get them very directly.

Mr. REED of Pennsylvania. That is encouraging, because I should like this one answered directly: Does the Senator consider it to be corrupt and improper to suppress the vote of the entire negro population in each of the Southern States?

Mr. REED of Missouri. I should like to ask the Senator what that has to do with the question of FRANK SMITH in Illinois?

Mr. REED of Pennsylvania. We have just been answering hypothetical questions from the Senator from Missouri and the Senator from Arkansas [Mr. CARAWAY]; and the first time we begin to apply the doctrine to that side of the aisle the Senator asks what that has to do with FRANK SMITH.

Mr. REED of Missouri. Very well. Now I understand the Senator's position.

Mr. REED of Pennsylvania. I want to know whether, in the next Congress, the Senator, if he is here—and I hope he will be—will join with us in applying this principle to men nominated in primaries from which all colored voters are excluded?

Mr. REED of Missouri. The Senator asks four or five questions, and does not wait to be answered. The Senator's position now seems to be this: "It is true that we have here a case of corruption"——

Mr. REED of Pennsylvania. I am instancing another case of corruption.

Mr. REED of Missouri. "Our defense is that there was corruption somewhere else. Ergo, there being corruption in more than one place, we must admit all."

Mr. REED of Pennsylvania. I am trying to find out whether the Senator is consistent in his statements of constitutional law or whether he is not; and all I can get is argumentum ad hominem, which means vilification of me.

Mr. REED of Missouri. Why, I have not vilified the Senator from Pennsylvania. I have simply stated his position. If he is vilified, sir, he is vilified by his own language, for I have simply called attention to what his position is—that his defense is not the defense of Mr. SMITH; it is not the assertion that Mr. SMITH comes here with clean hands; but that somewhere else, some hundreds of miles away, in other States, there have been things which the Senator regards as improper. That has nothing to do with this case, unless the Senator proceeds further and says that because there is wickedness in other States this particular wickedness must be palliated and excused.

Mr. REED of Pennsylvania. I never expected to hear such an argument from the Senator who stood and questioned the Senator from Illinois [Mr. DENEEN] about hypothetical cases of constitutional law.

Mr. REED of Missouri. Now, let me answer the Senator directly. The Senator, I presume, thinks he is discussing a constitutional question now; does he?

Mr. REED of Pennsylvania. I am surprised to know that it has not occurred to the Senator from Missouri that the action he proposes here is a serious invasion of the constitutional rights of the States.

Mr. REED of Missouri. Very well.

Mr. REED of Pennsylvania. And I hoped that by giving him illustrations from among his friends he might be brought to realize it.

Mr. REED of Missouri. The Senator need not worry at all about my views on the Constitution.

Mr. REED of Pennsylvania. I am gravely worried about them.

Mr. REED of Missouri. They have been taken with reference to this case, and the same views will stand with reference to every State of this Union when the case is presented.

Mr. REED of Pennsylvania. I am encouraged to hear that.

Mr. REED of Missouri. But I do not propose to be led aside from the discussion of this case into the discussion of problems in other States until we come to them. If, however, the Senator will stand with me and try to do what can be done to see that men who come to the doors of the Senate come here properly elected by the people of their States and with clean hands, then we will be in agreement for once or twice in our lives; for I think we did agree once before, when I was quite certain I must be mistaken.

Mr. REED of Pennsylvania. I am trying to get the Senator now to realize that my position applies as well to these Southern States as to the Northern States.

Mr. REED of Missouri. Very well.

Mr. REED of Pennsylvania. I do not believe that the Senate has any right to pass on the primaries in the Southern States, either. I say, that when the Southern States elect their representatives here in the general election that is binding on us, and we are no court of appeal from them.

Mr. REED of Missouri. The Senator will, of course, note that if he can establish that doctrine, Pennsylvania can continue to hold the same kind of elections she has been holding.

Mr. REED of Pennsylvania. Yes; and Kansas City; but I am going to respond to the Senator's appeal and stick to Illinois for a minute.

Mr. REED of Missouri. The Senator seems to think I am taking my position in one way in Pennsylvania and that I would not take the same position with reference to other States. That may be the Senator's viewpoint; it may be the point from which he reasons; but I beg to assure him that at any time while I am a Member of this body, if a case comes here showing fraud and corruption I shall be ready to vote to exclude the applicant for a seat if the evidence is before the Senate. If the evidence is not before the Senate when he makes his application, in ordinary cases he would be sworn in and the evidence would then be taken, and then I would vote to exclude him.

Mr. REED of Pennsylvania. That is all I am asking the Senator. I did not mean to imply the contrary at all.

Mr. REED of Missouri. The Senator need not spend a moment about that. He must not draw the conclusion—I hope he does not draw the conclusion—that any action I have taken in this matter has been taken on any other ground as to Pennsylvania or as to Illinois than the ground I would occupy in any case. He has no right to draw that inference.

Mr. REED of Pennsylvania. I have not drawn the inference. I am merely asking the Senator to establish that fact.

Mr. REED of Missouri. The Senator ought to assume it.

Mr. REED of Pennsylvania. I have been very glad to have it put beyond the reach of assumption, because the time will come, if this principle is established now against the State of Illinois when most of the Senators who vote for it will live to rue the day.

Mr. REED of Missouri. Mr. President, when a man in the course of a colloquy gets to the point of making threats against Senators from other States, practically telling them that they are hereafter going to be excluded, it rather seems to me we have reached a point where it is useless to proceed any further.

Mr. REED of Pennsylvania. I beg the Senator to listen to me, and not to imagine innuendos that I never intended myself. I want to ask the Senator whether the fraud of which he complains in the Illinois primary was a fraud committed on the people of Illinois which they themselves fully understood before they acted in November, 1926.

Mr. REED of Missouri. That is the same question that has been asked three times in at least that many different ways.

The fraud that was perpetrated, the wrong that was done, obtained a position upon a ballot. There was discussion in the State of Illinois. Nevertheless, whether the people of the State of Illinois still continued to vote for this man or not, if this was a substantial step taken by him to gain a seat in this body, the action of the people of Illinois can not ratify that kind of wrong. In other words, it takes more than a vote of the people of a State to wipe out a fraud, to extinguish an iniquity. If that be not true, then this body and this country are powerless to preserve free government.

The Senator seems to think that if a majority of people vote for the ratification of any kind of iniquity, that purges the act of its iniquity, and that the people of the United States have no right to protect themselves against men who come here by those methods. I have this to say to the Senator on that point: A Senator who is sent here by the State of Illinois must have been elected by the people of Illinois in accordance with law; and any man who commits frauds in an election taints and destroys his election just as fraud taints and destroys any contract or any act——

Mr. REED of Pennsylvania. Is there any fraud claimed in this election?

Mr. REED of Missouri. Plenty of fraud in the primary; and that no vote thereafter taken by a people can cleanse the act of its fraud and its iniquity if it be an act which contributed to the bringing of the individual here to the Senate.

More than that, there are other States in the Union that have some rights; for when a Senator comes here from Illinois he becomes a Senator of the United States, and he is as much a Senator for each of the 48 States as he is for the State that sent him here, and his vote binds all of the States.

Therefore these other States have the right to say that, no matter what the vote may have been in a particular State, if the individual coming here does not come along the road of the law, walking it straight, and coming here without taint upon his office, they will refuse to allow him to sit here and bind the sovereign people of this Republic.

Any other view than that means that fraud can walk in the noonday, that corrupt organizations can defeat any chance at fair elections, and that every kind of iniquity and every sort of villainy will triumph, provided by some means a majority of votes can be gotten into a ballot box. That is not good morals; it is not good law.

This body does have the right to protect itself, and protect the country by protecting itself, and when men stand here as the special pleaders for fraud, as the defenders of iniquity, as the partners in crime, making themselves partners by ratifying a crime, when they get into that sort of mental frame there is no use carrying on debates with them.

Mr. REED of Pennsylvania. Mr. President, for the first time since these debates began we have arrived at a concise statement of the law which our adversaries believe governs this case. For the first time they have frankly thrown to the four winds the doctrine that the States have left any rights in such a matter and have taken the position that the voters in the States, with full knowledge of the facts, are nevertheless to be treated like little children, subject to our guardianship.

I do not believe that my distinguished colleague from Missouri has any monopoly in being an opponent of corruption and of fraud and of other villainies of which he has talked to us so often, but I do believe, sir, that he confuses his thought and ours when he claims that the successful candidate in an election should not be seated because of some supposed corruption in a primary election committed back in the spring of 1926, against the people of Illinois, if you please, for they were the victims of that corruption if it existed; they knew all about it. They knew as much about that so-called corruption by the time November brought its election as does the Senator from Missouri at this minute. Yet he would set himself up as a divinity above the people of Illinois to say that they were so feeble-minded in condoning that, as they appeared to have done in the general election, that although they know FRANK SMITH better than he does, although they may have reasons for electing FRANK SMITH that we can not know, reasons that to them outweigh this irregularity in the primaries many months before, yet nevertheless the State of Illinois is so far gone in subjection to this little group of us who sit here that we can override the judgment of nearly a million voters who cast their votes for FRANK SMITH; a majority of 96 of us stands so supreme in integrity and in intelligence that we can say to that great mass of people in Illinois, "You are moralless, if you will, or imbeciles, and your judgment deserves no respect."

I say, Mr. President, there never would have been any Constitution of the United States had it ever been supposed that this little group of Senators here would arrogate to themselves a power like that. There never would have been any compromise in the Philadelphia Convention, there never would have been any agreement that the States should have equal representation in this body, had it been so much as suspected that the Senate would gather to itself so extravagant a power as that.

We talk of State rights. For a long time, for many decades, the declaration for State rights was the foundation stone in the platform of the Democratic Party. You have thrown it to the winds. I put to you as an illustration the well-known

evasion of the fourteenth and fifteenth amendments throughout the primaries in the Democratic South. I do not believe that is any of our business. I believe in the rights of those Southern States. I believe that the men they elect to represent them should be received here, as they come as the ambassadors of those Southern States. But you are destroying that principle.

I always had thought, and I believe my colleagues joined with me, that if those primaries you have down there were unconstitutional, it was up to the citizens in your States to correct them, and beyond our power and beyond the scope of our authority. You are destroying that principle.

You have never yet, in your consideration of these so-called corruption cases in the North, had the courage to consider the vast numbers of people on which those campaign funds were spent. You have never yet treated VARE fairly in the recitals of your resolutions. You have ascribed to him expenditures made long before he knew it, for the benefit of other men, without his knowledge, and without his getting one penny's worth of benefit. One hundred and five thousand dollars in Beidleman's fund was spent before Beidleman ever became an ally of VARE, and yet in the resolution which you passed here last month you ascribed that to VARE, and put it in your preamble as if it were proof of villainy.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. REED of Missouri. I ask the Senator to yield for a correction.

Mr. REED of Pennsylvania. Yes; I yield.

Mr. REED of Missouri. I do not care to enter into a discussion of the minutiæ of the resolution which was offered here. The Senator says we have never yet given VARE an opportunity to be heard.

Mr. REED of Pennsylvania. I did not say that. I made no such statement. The Senator must have misheard me.

Mr. REED of Missouri. Then I certainly misunderstood the Senator. He said that VARE never had an opportunity to present his case.

Mr. REED of Pennsylvania. I did not say that.

Mr. REED of Missouri. If the Senator did not say that, I have nothing to say; but I certainly misheard him if he did not. I understood his statement to amount to this, that we had never yet had the courage to inquire into the number of voters; that we never yet had had the courage to give Mr. VARE an opportunity to explain anything.

Mr. REED of Pensylvania. No; I did not say that.

Mr. REED of Missouri. Very well; if the Senator did not say it, I have no complaint. I want to say that Mr. VARE was welcomed to the committee; he was given every opportunity he asked for; he gave his own testimony; the testimony that was produced was practically undisputed; the matter has gone back to the committee, and just as soon as Mr. VARE is able—and if he is able now, we are ready to proceed now—we are going to give him an opportunity to put in whatever evidence he wants to put in. It is perhaps unfortunate that we have been discussing the Pennsylvania case here this morning, but it has been dragged into this controversy by the ears, as it were.

Mr. REED of Pennsylvania. Not by me, Mr. President. So, because of the facts I was recounting when the Senator interrupted me, I wonder at the correctness of some of these statements in the preamble here. I am sorry the Senator from Illinois has not seen fit to discuss them.

That is not the question on which I have risen, however. This is what I want to say, and to say it with every particle of sincerity of which I am capable, that in the second paragraph of this resolution we are pretending to assert a power the Constitution never gave us, a power no one who helped to frame the Constitution meant to give us.

I do not need to go back and quote to the Senate those sentences with which we are all so familiar. Obviously it is true that in this resolution, and particularly in the second paragraph of it, in declaring SMITH'S seat vacant we are not passing on the election of one of our Members, because it is admitted that there is no charge of fraud in that election, that the people of Illinois knew all the facts that we knew before they went into that election, and therefore the adoption of this resolution is not an assertion of that power in the Constitution.

There is no question of the returns of this particular Member of the Senate. I will not stop to quibble about the word "member." We will assume that SMITH is a Member.

We do not pretend by this resolution as reported from the committee to be passing on the qualifications of a Member of the Senate. If the wording of this resolution now reported to us were that "the Senate finds that FRANK L. SMITH has not the qualifications to be a Member of the Senate," I should quarrel with the extension of the word "qualifications" to cover such broad power, but I should, nevertheless, admit that the resolution showed a definite intent on the part of the Senate to exercise that particular constitutional power. But it does not do that.

It is perfectly obvious, from a reading of the proposed resolution, that it is not to be adopted in the exercise of that power which the Constitution gives us, to judge "of the elections, returns, and qualifications" of our Members.

It is equally obvious that it is not intended to be an assertion of our disciplinary power to expel by a two-thirds vote. It is quite obvious that it is not an assertion of that power. Those are the only two powers the Senate has over its membership.

We look to the Constitution for some authority in ourselves to adopt this resolution now presented, and we find that under neither of the two clauses referred to is the Senate authorized, and apparently the resolution is drawn with no regard for either of those two clauses. If I am wrong in that, I hope the author of the resolution will point out which of the powers given in the Constitution is attempted to be asserted by this resolution, and particularly by the second paragraph of it.

In conclusion, Mr. President, there is no use arguing against the adoption of this resolution. As the Senator from New Hampshire [Mr. MOSES] said a short time ago, "The tumbrel is at the door, the guillotine is greased for use." But I do not believe that anyone who is a sincere believer in the sovereignty of the separate States, as I claim to be, ought to let this resolution pass without some such word of protest as I myself have freely tried to utter.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate bill 744.

In this connection the Chair wishes to state that his personal opinion is that the question already before the Senate is one of the highest personal privilege and should be continued with, but the precedents of the Senate are uniformly in opposition to the opinion of the Chair.

Mr. JONES. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. GEORGE. Mr. President, I have not been hastily committed to the view which I have expressed by my vote in the Vare and the Smith cases. But I have reached my conclusions after the most mature deliberation I have been able to give to this important question. My conclusion briefly is that the power of the Senate in the premises can not be denied, that it is only a question of the rightful exercise of that power. I base the conclusion entirely upon the Constitution. I shall read but briefly and speak briefly.

The Constitution provides that no person shall be a Senator who shall not have attained the age of 30 years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State from which he shall be chosen. It will be observed that the Constitution does not lay down positive qualifications. It simply specifies disqualifications.

Another provision of the Constitution:

> And no person holding any office under the United States shall be a Member of either House during his continuance in office.

Again there is no attempt to prescribe a positive qualification, but the Constitution merely asserts a disqualifying fact.

Then, when we go to the fourteenth amendment we find in section 3 that no person shall be a Senator so far as this matter is concerned—

> who, having previously taken an oath as a Member of Congress or as an officer of the United States or as a member of any State legislature or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disability.

Wherever the question is dealt with in the Constitution it is stated in the negative. There is no positive qualification laid down in the instrument. Mere disqualifying facts are noted.

I am quite familiar with the doctrine that where a constitution prescribes certain disqualifications, the disqualifications enumerated are exhaustive of all others. That view may be supported upon a highly technical process of reasoning. It does not in fact or in practice control either in the construction of statutes or constitutions. Some authorities follow it, but I can not subscribe to that view. I have reached the conclusion, as I have said, not hastily, but cautiously and deliberately, that the Constitution merely prescribes certain disqualifications and

says to the Senate, "You shall not admit a man under 30 years of age and who is not a citizen of the United States and who is not an inhabitant of the State from which he was elected." It says to the Senate, "You shall not permit one to sit here who is at the same time the holder of an office under the United States."

That that is the correct view of it seems to me to be beyond the peradventure of a doubt when one considers those circumstances which occurred prior to and during and immediately following the War between the States. The fourteenth amendment prescribed an additional disqualification. Those who framed and submitted the amendment never doubted that the Senate had the power to exclude a Member who had previously taken an oath to support the Constitution and yet had engaged in any one of the several things enumerated and prohibited in the amendment; but they were anxious to make that disqualification absolute, and so they said that no one who had previously taken the oath of office and who had subsequently engaged in any of the several acts enumerated in the amendment should be eligible to membership in the Senate. Prior to the submission and ratification of the amendment the power to exclude a Senator elect had been exercised by the Senate, composed in large part of the same Senators who framed and submitted the amendment. Throughout its history the Senate had in fact excluded Senators elect for reasons other than those specifically set forth in the Constitution.

But the Congress submitting the amendment and the States ratifying it went one step further. They said that while no one can be a Member who, having taken the oath and thereafter has engaged in any one of the several things enumerated in the amendment, yet by a two-thirds vote of both Houses the disqualification might be relieved, showing beyond all reasonable doubt the intent and purpose to further limit a general power. We construe the Constitution for its intent and meaning and not by highly technical rules which would destroy it. Looking to the real meaning of the instrument, it always was the concept that either House of the Congress had certain powers, entirely unlimited, save and except by the Constitution itself. With respect to the power to judge of the election returns and qualifications of its Members, the Constitution is at pains to declare that the Senate had not the power to admit and to recognize the right of one to sit who was under a certain age and who was not an inhabitant of the State at the time of his election and who had not been a citizen of the United States for a certain number of years, and who fell under the condemnation of certain other disqualifying facts in the instrument enumerated.

It has been said that at the time of election the people of Illinois knew all of the facts which the Senate now knows. There is a confusion in the thought. The right of a State is one thing, but the right of the Congress of the United States is another thing. Every right that the Congress has has been given it by the States themselves, including the State of Illinois. The States have given to the Congress, and each House of it, the power under which we act, and the granting of the power is a direct command to the Senate to exercise that power on proper occasion.

The Senate acts under the provision that each House shall be the judge of the elections, returns, and qualifications of its own Members. The narrow argument is here made that one is not a Member until he has actually taken his seat, though he may have been elected for that purpose, and is appearing here and demanding the right to take his seat. Why "judge of the election" if there can be no inquiry until the man has taken his seat? I grant that in the majority of cases it is contemplated that the Senator elect will be admitted to the Senate, and I grant that in the vast majority of cases the Senator elect should be admitted to a seat in the Senate. But the conclusion to which I come is that the naked power of the Senate can not be questioned; that it is in every instance only a question of the rightful exercise of the power.

The assertion that when the people of the State of Illinois, with full knowledge of all the facts, have elected Mr. SMITH to represent the State in this body, that then this body has no power to make inquiry concerning those same facts at least, overlooks the controlling fact that the people of the United States and the several States thereof, including the State of Illinois, have conferred the broad power upon the Senate to do the very thing that the Senate is proceeding to do in this instance. We do not here judge an offense committed against the people of a State. We assert our right to protect the Senate in the exercise of a power expressly granted and conferred by the States themselves upon the Senate.

The doctrine has here been invoked that, perchance, some Southern States have discriminated in their primary or election laws against a certain class of our citizens, that in some way we on this side of the aisle are estopped, especially those of us from the Southern States, to raise any question touching the qualification, election, or returns of any man who comes here from any State. I have no desire to get into two controversies at once, but that argument has about as much logic in it, of common sense in it, and of fairness in it, as the argument frequently advanced that because one comes from the South where certain amendments are alleged to have been nullified, he is estopped from saying that other amendments shall not be nullified. In my place I say now that whenever any Southern State, my own included, goes beyond the limitations of the Constitution, any person at interest is invited to take an appeal through all of the courts to the Supreme Court of the United States to determine the question. There is no such thing as violating the Constitution by legislative action when a State asserts its power within the limits of the Federal Constitution.

It is said we violate the spirit of the Constitution. I am not concerned with that. The Supreme Court of the United States has not hesitated to strike down State law, and State primary law at that, whenever the law has been found to be unconstitutional. As late as March last the Supreme Court of the United States declared unconstitutional a provision of the primary or election law of the State of Texas. I believe it was a provision of the primary law of the State of Texas.

Why this effort to invoke this doctrine here? Why should Senators persist in the effort to frighten by threat the South every time they wish us to do wrong? Why do they not undertake to scare us when they wish us to do right?

I have said before and I repeat—and this by way of answer to the ridiculously extreme argument that has been submitted—that whenever this body exercises the right to exclude a Member because of a State policy which the Supreme Court of the United States, specially charged with the construction of the Constitution, has held to be a valid exercise of State power, then a seat in this body will not be worth retaining. That is my answer to it. That is the only answer that I desire to make to it.

On the facts I might answer that in my State we have not integrated the primary law into the election law. The primary is purely a party regulation. In my State and in every Southern State so far as I know the members of the Negro race may qualify and may vote. Approximately 3,000 of them in the last election for President in one city in my State did qualify and vote for the present Chief Executive of the United States.

That was not a primary, but, as I have said, we have not integrated our primary laws into our general election laws. We have not sought to control the Republican primary or convention. The Republican Party generally conducts its affairs in my State through conventions, though it may make use of the primary system, the choice being absolutely within its discretion. But the point, Mr. President, is that when my State violates the Federal Constitution an open invitation is issued to every man or woman in interest to test the validity of that law, and when it is stricken down by the Supreme Court we will acquiesce in the decision.

More than that, I have not the slightest hesitancy in saying that when the time comes, as happily it will come, I believe, when every line of our law which seemingly gives offense to any right-thinking man or woman in this country may be written out of it, no section of this Nation will be happier than will the South itself. But are we to be forbidden to take a position upon a highly moral question because perchance somebody thinks that we have overridden some provision of the Constitution? We have made our fight within the Constitution. We do not seek to go beyond the Constitution, and within the Constitution we have a perfect right to make our fight. Furthermore—and the argument is applicable to this issue and to another to which I have adverted—whatever the South may have done, she has acted in the honest and abiding conviction that it was necessary for her so to act in order to preserve her own civilization for the protection and welfare of every race within her borders. That is to say, Mr. President, the South has done what men and nations have ever done, and, I undertake to say, will ever do; she has responded to what she sincerely believed to be the supreme law—the law of self-preservation. Whether she was always right, whether she was sometimes wrong, is not now the question; but honest men are not estopped from casting their votes upon great moral questions simply and solely because their people, actuated by high and controlling motive, may on occasions have been mistaken.

It might have been the wiser course to have permitted Mr. SMITH to have taken his seat, to have received the oath of office, and then to have proceeded, without further business intervening, to determine his final right to a seat in the Senate; but that time has passed; the case is now here, and Mr. SMITH has declined to go forward with his case. He has

seen fit to stand on what he deems to be his constitutional right, a right supported by the view of many able men from the beginning of the Government, but to which we who are in favor of this resolution do not agree.

What are we going to do? The facts are undisputed; the material facts have never been at issue. They are recited in the resolution. They are known of all men. It is unnecessary to repeat them here. If a case ever called for the exercise of the power which I think the Senate undoubtedly possesses, it is the case at bar. Irrespective of whether the Illinois primary law has been integrated into the general election law of that State, waiving that question aside, it is a fact that Mr. SMITH entered the Republican primary; it is a fact that an enormous sum of money, more than $400,000, I believe, was expended in that primary, partly at least, to secure his nomination.

It is also a fact that a large sum of money, more than $200,000, was contributed by Mr. Insull, and the connections of Mr. Insull in this case are not disputed. Whether the primary law of Illinois was and is a part of the election machinery of that State, as a matter of fact Mr. SMITH elected to go into the Illinois primary; as the result of that contest his name was placed on his party's ticket in the general election, and the general election resulted in his coming to the Senate. So that the facts which the Senate is called upon to consider are facts related directly to his election, and if the facts and circumstances disclose fraud in the actual step which, whether he was obliged to take or not, he elected to take and did take, then the Senate has the right to say to Mr. SMITH, "In the examination of your election and your qualifications, in view of the undisputed facts and circumstances, we will exercise our power to prevent your coming into this body."

Mr. President, the power may have been as well exercised after Mr. SMITH had taken the oath of office; I grant that, because the question of exclusion or expulsion does not so much depend upon the time when the motion is made, but, in fact, upon the character of the motion and the grounds upon which the motion proceeds. When a fact vital to the election and directly connected with and related to the election is the subject of the inquiry, the proper motion, in my judgment, whenever made, is one to exclude. The motion to expel is against a sitting Member and on account of an act which has occurred or transpired after he has qualified as a Member of the body.

The Senate has no quarrel with the people of Illinois; it does not take issue with the State of Illinois; it answers to Illinois and the 47 other States to which it is directly responsible in the language of the Constitution; in the exercise of the power to judge of the election, returns, and qualifications of Mr. SMITH it is found that he is not entitled to a seat here.

The offense committed by Mr. SMITH against the people of Illinois is and must remain a question between Mr. SMITH and the people of his State; but whatever, in the light of the undisputed and uncontroverted evidence, it is the duty, under the Constitution, of the Senate to do, the Senate must do regardless of other considerations, not as a challenge to the great State of Illinois but because Illinois and all other American States expect the Senate of the United States to exercise the power which was given to it in the Constitution for the protection of the Senate and the people of the United States.

My vote here may determine no less an issue than the issue of peace or war; and my State alone, regardless of my election and qualifications, can not insist that that great power shall be exercised by one who, in the deliberate opinion of the majority of the Senate, has no rightful place to a seat in the body.

I am not much concerned whether Mr. SMITH knew at the time that contributions to his campaign were being made by one who, under the law and in all good morals, had no right to make the contributions, or whether he knew at the time the amount of money expended for and on his behalf. To quibble over these questions is to permit the ultimate corruption of the legislative branch of the Government by a Senate too timorous to exercise its plain right under the Constitution.

One thing, Mr. President, is certain—long before the election, even while the primaries were in progress, the facts were disclosed. They were brought to the attention of Mr. SMITH as well as to the attention of every man in the Republic. When those facts came to Mr. SMITH, one course, and one course only, was open to him: To surrender to the people of his State the nomination which his party had given him, and, if he then desired, to go before his party and the people of the State and ask for their confidence. That way, and that way only, the path of duty lay; that way, and that way only, honor pointed.

To those Senators who believe that power exists under the Constitution in this instance to preserve public and political morality, but one course is open—the calm and dispassionate exercise of the power. We are fortified by the uncontroverted facts. No one has and no one will justify, excuse, or condone the things that have transpired in this case.

Mr. BINGHAM. Mr. President, I have listened with great interest to the distinguished constitutional lawyers who have argued this case from the beginning. I have the very highest regard for the Senator from Missouri [Mr. REED] as a constitutional lawyer, and for the Senator from Georgia [Mr. GEORGE], who has so ably presented the case against the Senator elect from Illinois.

I have not the good fortune to be a constitutional lawyer or a lawyer of any kind. I am merely a student of history, as all of us are. I speak merely as one who is interested in preserving that form of government which the fathers gave us, and which has made our land more prosperous and given us a better Government than any constitution has ever given to any other country.

The Senator from Missouri has charged—unfortunately, it seems to me—that those who are opposed to this resolution are partners in crime. He said:

> When men stand here as the special pleaders for fraud, as the defenders of iniquity, as the partners in crime, making themselves partners by ratifying a crime, when they get into that sort of mental frame there is no use carrying on debates with them.

His zeal has affected his judgment in this matter, Mr. President, it seems to me, if I may say so without any reflection on the distinguished Senator. It surely may be permitted to one to take a view contrary to that taken by the majority of this body without being accused of being a partner in crime.

As a matter of fact, the Senator from Missouri and his friends are arguing this case from the point of view of those who believe in a strongly centralized government rather than from the point of view of those who believe in the rights of the States.

It is, of course, obvious that the great Democratic Party, which for many years has expressed in its platforms a belief in State rights, finds itself in an embarrassing position at the present time. The Democratic Party has no monopoly of a belief in State rights. Many of us who sit on this side of the aisle are earnest followers of the doctrines of local self-government and of State rights as laid down by Thomas Jefferson and the fathers. To us these doctrines still have a certain vitality, even though they lead us into embarrassing situations. I submit that it is an extremely embarrassing situation with which we are faced at the present time, when, if we speak against this resolution, we are accused of being partners in crime; when those who venture to differ with this distinguished special committee are accused of condoning fraud and corruption, while they, standing on a high moral plane, and with earnest emphasis and magnificent oratory, look upon those of us who venture to disagree with them as condoning crime, as condoning corruption.

Mr. President, it seems to me that this situation calls vividly to mind the fact that in this country we are drifting more and more away from the views of the fathers, more and more away from that doctrine of the rights of the sovereign States on which the Constitution was founded, more and more toward the benefits of a benevolent despotism.

There is no question that a benevolent despotism can secure more efficient government, more moral government, more immediate righteousness than a free, popular government. One has only to read history, to read the debates about the establishment of popular government, to realize that the founders of our Constitution and those who preceded them, who were interested in this subject, were afraid of popular government, were afraid to trust the judgment of the people. Many preferred a benevolent autocracy. Many of them preferred a monarchy. Many of them would have preferred to see George Washington—whom they worshiped, and whom we still revere—raised to the position of a constitutional monarch. It has been said that that was the view of Alexander Hamilton and others.

There is no question, Mr. President, that a benevolent despotism secures more righteousness, more morality, than a popular government where people may act as they choose to act.

Mr. REED of Missouri and Mr. WALSH of Montana addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri or to the Senator from Montana?

Mr. BINGHAM. I hope the Senators will not interrupt me for just a moment. I shall not be very long.

The PRESIDENT pro tempore. The Senator from Connecticut declines to yield.

Mr. BINGHAM. We have in this case the extraordinary fact, as presented to us by the Senator from Missouri, of a State

which, having full knowledge of certain circumstances, unfortunate to say the least, has proceeded by a very large majority to elect to membership in this body one of its citizens who fulfills the qualifications as laid down in the Constitution, but who does not suit the committee. The 800,000 people who voted for FRANK L. SMITH knew that there had been certain irregularities at the primary. Nevertheless they chose Mr. SMITH. Furthermore, it is stated by the committee in one of the paragraphs preceding their resolution, one of the whereases—

That by the statutes of Illinois it its made a misdemeanor for any officer or agent of such public-service corporations to contribute any money to any member of said commission, or for any member of said commission to accept such moneys, upon penalty of removal from office.

Mr. President, this special committee tells us that that law of Illinois has been broken. Before it tells us this, it is in evidence in the hearings that three members of that committee had already gone on record as being opposed to any claim of innocence on the part of Mr. SMITH.

No court in Illinois has ever passed on this case. The people of Illinois, through their district attorneys or through their officers of the law, or whatever may be their usual methods of bringing criminals to the bar of justice, have not proceeded against Mr. SMITH. He has had no fair trial in a court of law as to whether or not he broke the law. We have in this case merely the decision of this committee that he broke the law. That is not our usual way, under the principles of justice which we have inherited from our ancestors, of trying those who break the law in this country. It has been our practice from time immemorial to assume that a man was innocent and to consider him innocent until he had been proven guilty in a court of law; but this case evidently is not regarded in Illinois as of sufficient importance for any district attorney or any special attorney to bring any case in any criminal court against Mr. SMITH, and so he has not been convicted of any fraud or corruption. Under our practice, then, he is innocent.

Notwithstanding that fact, the Senate by a large vote has denied him the privilege of taking his oath as a Senator from Illinois, although it seemed to the minority at that time, and still seems so to me, that we had no right so to deny him.

Mr. President, I can only read the Constitution as a plain man, not as a lawyer; but the way the Constitution reads and the way the rules of the Senate read, I do not see how the Senate was justified at all in voting as it did. In view of the fact that the credentials arrived in due form, and that the committee had said that the credentials were correct, were signed by the proper authorities, and that the credentials were presented at the desk, and the man to whose election they certified presented himself and asked to be sworn in, I confess that I can not see by what right he was denied that right which he had under the Constitution and under our own rules. However, that right was denied him. Now we are asked to pass this extraordinary resolution. It is, in effect, an act of despotism.

Mr. BORAH. Mr. President, may I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BINGHAM. I yield.

Mr. BORAH. Since this morning session I have had an opportunity to go through this record, and since that time I am also informed that some Senators desire to get away to-morrow. If there is no one who desires to continue the debate, I am willing to vote this afternoon.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. WALSH of Montana. I have some convictions in this matter which I desire to submit, and I will not be able to present them to-day. I should like to have the matter go over.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BINGHAM. I yield.

Mr. REED of Missouri. I have no more authority to speak than any other Senator, except that I happen to be chairman of the committee. I repeat that, as far as the committee is concerned, we are ready to proceed with the debate until it is finished. At the same time, we do not want to be understood as taking any action which will bar any Senator from a reasonable opportunity to present his views. It seems to me that under all the conditions we might let the debate proceed as long as Senators desire to speak this afternoon, which will probably consume the afternoon, and then we can make proper arrangements. I thank the Senator for yielding.

Mr. BINGHAM. Mr. President, there are certain advantages to be gained from a popular government which are not to be gained from a benevolent despotism. Let us take a very small and insignificant instance—that of the matter of schools. There are many people in the United States who would like to see a department of education established in Washington, with power greatly to increase the amount of money spent in our various schools, and with power to direct examinations, and to determine what kind of teachers and school boards there should be for those schools. There are some States where the State board of education follows a policy of directing, through the locals boards, how schools should be run, how they should be built, the qualifications of teachers, and so on.

There is no question, I think, that by central direction one could secure better schoolhouses, perhaps more highly trained teachers, perhaps a more uniform curriculum, and so forth, than by the method followed of having the local school boards choose their own teachers, set their own standards, and discover whether the teachers are adequate and whether the pupils are receiving a real education or only a make-believe education.

Nevertheless, I am one of those who believe that the local school boards should have that power, even though the results produced are not so good as might be expected from a great centralized educational authority. I believe it, because it gives to the members of the local school boards that practice in self-government which is necessary for the development of citizenship; that useful practice in making mistakes—mistakes which they can see immediately after they have been made. It gives them the opportunity to learn from these mistakes, and therefore the use of local school boards is beneficial to citizenship, even though the schools which are created under their control may not be as good as those which might be created under central control. I have brought up that instance, Mr. President, merely to show one small way in which local self-government works for the benefit of citizenship, even though it results in standards not satisfactory to the majority of people in the United States.

Now, to come to the question before us, the State of Illinois has been accused before the Senate of deliberately and by a large majority selecting a man who was not suited to sit in this body. I can find no justification in the Constitution for our acting as an advisory body to the State of Illinois. The Constitution provides that the President of the United States may not appoint a Federal officer except by the advice and consent of the Senate. Judges, United States marshals, even postmasters, throughout the United States, are appointed by the President, but only by and with the advice and consent of the Senate. No man can become a second lieutenant in the Army, or a postmaster at the "four-corners," unless the Senate advises and consents. But there is nothing said in the Constitution about the Senate having to advise and consent regarding the qualifications of a candidate for membership in this body. Of course, it seems to me that such an idea was furthest from the minds of the founding fathers. Had they intended that the Senate should be the judge of the qualifications of candidates for membership, and that the States could not be trusted to elect to this body any one whom the Senate decided was not fit for a seat in it, the Constitution would have stated so. It would have been quite easy to have put in a clause providing that the States might select two Senators who could have their seats "by and with the advice and consent of the Senate." But such a thing was furthest from their thoughts. The Constitution never would have been adopted by the States had it been supposed that the Senate was going to set itself up as the judge of the morals and conduct and the qualifications, apart from the qualifications mentioned in the Constitution, of those who were to be elected to office.

Of course, I realize that there is distinguished opinion on both sides of this question, and that the majority of the Senate does not agree with this position. But, in view of the fact that those of us who vote against this resolution have already been accused of being "partners in crime" for so doing, and will be accused in the future from time to time, as we have so frequently seen in other cases, of condoning corruption, it seems to me only fair to state once more our reasons for voting against the resolution, without condoning in any way any actions that Mr. SMITH may or may not have performed.

We are not interested at all in the personal case of Mr. SMITH. We are deeply interested in the rights of the people of the sovereign State of Illinois. We desire to preserve their right to elect to membership in this body anyone who is a citizen in good and regular standing, and who is not disqualified by the disqualifications mentioned in the Constitution. We are opposed to this resolution because we do not wish to see set up here a select committee of what has been called the most exclusive and distinguished club in the world, a select membership committee, that shall say whether or not we wish to have

come and sit with us some one of whose habits or whose past performances we do not approve.

I agree that the membership of the Senate being what it is at present, we might pick out a better set of candidates than is picked out in the hurlyburly of politics, and by popular government. Benevolent despotism always does things better and more efficiently than does popular government. But I do not agree for a moment that in the future it would be better for this country if we were to set up an omniscient despotism.

It seems to me that it is far more important that we should permit the people of the United States to select bad men to represent them in the Senate, as was stated in Philadelphia in the Constitutional Convention would be the case, that the people would from time to time elect bad men; I repeat, it is far better for us to permit the people of the States to elect bad men to seats in the Senate than it is for us to destroy our form of government, to destroy State sovereignty, to deny the right of the people to elect whom they choose, and thereby to take away from them one of the most precious duties and responsibilities of their citizenship. In the future if we keep on doing things of this kind we shall remove so many of the responsibilities of citizenship from the citizens of the United States that they will be not citizens but subjects; they will be not fit to be citizens, not fit to exercise the duties of citizenship, but only fit to be faithful subjects, paying their taxes and accepting words of wisdom that may roll down on their heads from the moral heights of Capitol Hill.

Mr. President, I should like to call to the attention of the Senate a statement of the attorney general of Illinois, as made in the hearings, part 7, January 7, 1928, before the special committee. I ask that the clerk at the desk read the first paragraph.

The PRESIDENT pro tempore. Without objection, the clerk will read.

The legislative clerk read as follows:

STATEMENT OF OSCAR E. CARLSTROM, ATTORNEY GENERAL OF THE STATE OF ILLINOIS

Mr. CARLSTROM. Mr. Chairman and gentlemen, I shall speak very briefly, merely announcing the position and attitude of the State of Illinois with reference to this inquiry from a legal and constitutional standpoint. I speak with hesitancy because of the gravity of the situation, and the fact that I speak extemporaneously. I shall make only a most careful statement of the position of the State, which is the same that I announced when I appeared before the Committee on Privileges and Elections when they were considering the case of the Senator from Illinois, where one member at least of this committee was present as a member of that committee at the last session. We there maintained consistently the position that until the right of the Senator from Illinois to sit as a Member of the Senate had been recognized to the extent of giving him the oath, he was not a Member of this body, and until that was done he was not subject to the Senate or to the jurisdiction of this committee on the question of facts, persisting only in his right to sit as the duly elected, duly constituted representative in the United States Senate according to the constitutional rights to which we hold him to be entitled. We respectfully adhere to that position. I could not do otherwise, speaking for the sovereignty of the State of Illinois, under the Constitution of the United States as we understand it; and my view, as shown by the records of the Committee on Privileges and Elections, is fully stated and I need not repeat it.

Mr. BINGHAM. Mr. President, we have here the appeal from the State of Illinois, through her properly elected attorney general, that we grant Senator-elect SMITH the rights to which he is entitled under the Constitution.

One other point, Mr. President, and I shall be done.

Mr. FESS. Before the Senator enters upon that point, will he yield?

Mr. BINGHAM. I yield.

Mr. FESS. While this report specifies upon what basis the action is taken, which might be regarded as broader than the mere character that goes to the qualifications and elections, we did take action before this in the case of the appointment of Mr. SMITH, where there could not be any question as to an election. The inquiry must be confined purely to the matter of qualifications, and the qualifications there must be personal, must go to his character, a very broad term, it would seem to me, for no one questioned that the Governor of Illinois had the right to appoint Mr. SMITH to fill a vacancy created by the death of Senator McKinley. That question was not raised. There was no doubt about the accuracy or the completeness of the credentials which he presented. Yet this body refused to recognize that appointment, on the theory that he was personally not acceptable to sit in this body. So far as I can see, that is all there is to it. If we act on that theory, where is the limit?

Mr. BINGHAM. There is no limit.

I thank the Senator for his interruption. He will remember that we debated the matter at that time, and we expressed the opinion that if the Senate really wanted to know the opinion of the people of the United States it might submit to them a constitutional amendment stating that States shall be permitted to elect two Senators to this body "by and with the advice and consent of the Senate" and see how far it got with any such amendment. The people of the United States have no desire whatsoever to see the Senate of the United States act in the same capacity toward the ambassadors from the various States in which we act toward postmasters, members of the Army, members of the Diplomatic Service, and other appointees of the President. The appointment of an official by the President, by a single official, is one thing. The expressed opinion and choice of the people of the sovereign States is another thing. And, as the Senator from Ohio has pointed out, the choice of the Governor of the State of Illinois, when he was by the people of Illinois given the privilege of making that choice, is an act of high privilege under the Constitution, which he had every right to exercise and which, I believe, we had no right to nullify. Yet a majority of the Senate, acting under a wave of popular dislike for what has happened in these elections, a popular fear of the use of money, a popular distrust of popular government, acted to nullify the action of the Governor of Illinois.

Mr. FESS. Mr. President, will the Senator yield further?

Mr. BINGHAM. Certainly.

Mr. FESS. It was said to-day that there were instances immediately following the Civil War where the prima facie cases presented by the credentials were not sufficient and the Senators elect were denied the right to take the oath. Those cases, as the Senator will recall, grew out of a very deep bitterness which was the inevitable result of the Civil War. The fourteenth amendment was the basis of reconstruction. It was adopted and ratified in 1868. Reconstruction was completed along about 1870. The cases which came up, where the party was denied the right to be sworn in, went to the question of loyalty and that was specified in the Constitution. It was in the fourteenth amendment. There may be cases which came up before the fourteenth amendment had been ratified, but up to that time all of those matters were in question as to reconstruction.

This body, dominated by a bitter spirit in the North against a certain section of the country growing out of the Civil War, could easily deny the right of the one applying to be sworn in, even in case that were done outside of the fourteenth amendment. Is it a safe rule to follow, considering the intensity of feeling following the Civil War, to say that what took place then should be the practice of this body, which was at that time different from what it had ever been before or has been since? Would that be safe as a precedent for us to follow?

Mr. BINGHAM. It certainly would not. Furthermore, it would also be true, would it not, that if in times of peace and quiet like the present, without any great issue like slavery or a recent conflict between the States upsetting the country, we proceed without haste to establish a precedent of this kind it is worse. If in quiet days we say deliberately to the State which appears here through its only Senator now on the floor, and through its attorney general and through the members of its legislature, to our committee, asking us to give the oath to the man they selected, that we deny their claim, what does the Senator think will happen when this country is excited? Supposing the country is divided over a matter which arouses the greatest amount of national passion, and certain Senators elect come here who disagree with the majority in the United States? Does the Senator think they will be seated? Will not a precedent established in quiet times have an even worse effect in unquiet times?

Mr. FESS. The Senator from Ohio thinks it a very dangerous precedent. If the Senator from Connecticut will permit, I would like to put a specific question. The fourteenth amendment very specifically says that whenever the right to vote of any male citizen of 21 years of age is denied, that the basis of representation—I am quoting as it is—in the Congress from that State shall be reduced in the ratio that that right is denied to the voting population of 21 years of age and over. Suppose that a Senator elect presents himself from a State where the population which is denied that right to vote is equal to the population that votes, then the basis of representation in the other body would be cut in half. But it is not; it never has been. Suppose that we in this body should say, "You have been elected in a State where the fourteenth amendment to the Constitution has been violated. Stand aside upon that basis." If this is a precedent to be set on the question of character, where half the population is denied, in violation of the spirit of the Constitution, the right to vote, would not we be justi-

fied in giving that as a reason for saying, "Stand aside; we do not intend to let you take the oath"? If we have the votes to do it, can we not do it on this precedent?

Mr. BINGHAM. Certainly; on the precedent which is aimed to be established in this case we would have that right; but I do not think, believing as I do in State rights, that we ought to do it.

Mr. FESS. The Senator knows I do not believe in that either, but I am asking the question. Is not this a precedent which would fit that case, and would not that be a condition which we could allege with as much force as this one?

Mr. BINGHAM. Undoubtedly this would be such a precedent that we might go to almost any extreme in denying a Senator elect the right to take the oath. Anyone who came here with a different religious belief from the majority, with a different attitude toward the eighteenth amendment, with a different kind of education, speaking a different language, could be denied the oath. All sorts of things one might easily imagine happening, and being used as an excuse to deny the Senator elect the right to his seat just as much as those the Senator from Ohio just mentioned.

It seems to me it is a most dangerous precedent we are establishing, and without any real national necessity for doing so, because this is a time of peace, when the Nation is not in danger, and when we ought to consider these things calmly and dispassionately. We can well afford to say, as I should like to say, as I would like to have the Senate say to the State of Illinois, "You elected by a big majority a man who does not measure up to the standards which the majority of the people in the United States would like to see as Members of this body; but you elected him, and, of course, if that is the kind of man you want to have represent you, that is your business and not ours."

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Does the Senator from Connecticut yield to the Senator from Montana?

Mr. WALSH of Montana. Will the Senator permit me to address an inquiry to the Senator from Ohio?

Mr. BINGHAM. Certainly.

Mr. WALSH of Montana. The Senator from Ohio referred in a disparaging way to precedents set by both Houses of Congress with reference to Members elect who had participated in the Civil War on the part of the Confederate States. I would like to inquire of the Senator from Ohio, were he a Member of either House at that time, would he have voted that way?

Mr. FESS. Wherever the point of difference was a matter of violation of the fourteenth amendment——

Mr. WALSH of Montana. No; my question has no relation to the fourteenth amendment. I want the Senator to assume the case of a man coming here with a certificate of election, who confessedly had participated in the Civil War upon the part of the Confederate States. Would the Senator, were he a Member of this body at that time, vote to admit him?

Mr. FESS. No; because the fourteenth amendment would forbid it.

Mr. WALSH of Montana. I want the Senator to assume the case of a man who was not under the fourteenth amendment. The Senator will remember that that applied only to a man who had taken an oath to support the Constitution.

Mr. FESS. Certainly.

Mr. WALSH of Montana. I want the Senator to assume the case of a man coming here who had not taken the oath to support the Constitution and had as a matter of fact participated in the rebellion. Would the Senator have voted to seat him?

Mr. FESS. Most likely I would if he had not originally taken the oath of office.

Mr. WALSH of Montana. The fourteenth amendment provides that whenever one had taken the oath to support the Constitution of the United States and had subsequently participated in the rebellion he became ineligible.

Mr. FESS. Yes.

Mr. WALSH of Montana. I want the Senator to suppose the case of a man who never did hold public office, never took any oath to support the Constitution of the United States, as millions of our citizens have not, but who came here with a certificate of election and who was actually a general in the Civil War.

Mr. FESS. Had been, but not at that time?

Mr. WALSH of Montana. He had been, of course. The war was over and he came here with a certificate of election.

Mr. FESS. That would not disqualify him.

Mr. WALSH of Montana. Would the Senator vote to seat him?

Mr. FESS. Most likely I would.

Mr. WALSH of Montana. Very well. Suppose the same thing occurred again and there were rebellion in this country that was eventually suppressed, and one or more of those who participated in it, never having taken an oath to support the Constitution and thus not falling under the fourteenth amendment, should present themselves as Senators elect, would the Senator vote to seat them?

Mr. FESS. That is the same question.

Mr. WALSH of Montana. Of course it is the same question.

Mr. FESS. I have a concrete example that will enlighten the Senator from Montana. A man who had been elected to Congress, although under indictment and afterwards convicted of disloyalty, applied for entrance to the other body while I was a Member of it. It was a case of clear disloyalty. I voted to refuse to let him take the oath because he was not capable of taking the oath. He was disloyal and had been convicted of that crime.

Mr. NORRIS. Was not his certificate regular?

Mr. FESS. That particular thing was not under the fourteenth amendment. That will answer the Senator from Montana.

Mr. NORRIS. Mr. President, will the Senator permit me to ask the question again? Did the man whom the Senator voted to keep out have a certificate that was regular and signed by the Governor of the State?

Mr. FESS. He had a certificate of his election, but the disqualification was constitutional.

Mr. NORRIS. Exactly, but the certificate of election did not show that he was disloyal or that he had been indicted or that he had been convicted, did it? Why was he not sworn in first?

Mr. FESS. The certificate of election is not sufficient to validate either the fourteenth amendment or criminality.

Mr. NORRIS. No; but according to the argument the Senator makes and which the Senator from Connecticut likewise makes, the certificate of election is sufficient to let him be sworn in. Was that man sworn in?

Mr. FESS. No.

Mr. NORRIS. Then the Senator must go back and apologize for his vote or apologize for the position he takes here. He certainly is in a joint debate with himself.

Mr. FESS. Does the Senator believe that a man who is disloyal to the Constitution, who has already been convicted of disloyalty, should be admitted to take the oath?

Mr. NORRIS. Of course not; I never would take the position taken by the Senator from Ohio and the Senator from Connecticut about the certificate being something that was more holy than the holy of holies. I concede that it does not cover up crime, that it is not inviolate, and that we can go behind it, and that the Senator was justified in voting as he did when a Member of the House. But now he is condemning us because we will not vote to give a man the right to take the oath of office when he did the same thing himself in another instance. I am surprised!

Mr. FESS. The Senator may be surprised, but the two cases are not at all parallel.

Mr. NORRIS. No; it is like the lawyer who——

Mr. BINGHAM. Mr. President, I must decline to yield further. I desire to get through with my speech. I am perfectly willing to allow the Senators to continue their colloquy in their own time, but I must decline to yield further at this time.

Mr. President, there have been a great many cases where Senators elect have come to this body with their election in doubt. We had one within the last three or four years. The junior Senator from Iowa [Mr. BROOKHART] came here with his election in doubt. As a matter of fact, the Senate later decided that he had not been elected by a majority of the electorate. I did not so vote but, as usual, I was in the minority. The Senate decided that he had not been elected by a majority of the electorate but only by a minority; and yet that gentleman had been allowed to vote here on various questions, to take full part in representing his State, as he had a constitutional right to do, until the question had been settled, even though he had not been elected by a majority of the voters of his State, at least in the opinion of a majority of the Senate. I still think that he had been so elected, but that is neither here nor there.

Mr. NORRIS. Now, Mr. President, will the Senator from Connecticut yield to me.

Mr. BINGHAM. I do not wish to be interrupted. The point is that we have repeatedly allowed Senators to take the oath because their certificate stated they had been elected, and after they had taken the oath we permitted them to represent their States until we could look into the matter, as we are

given the right to do under the Constitution, and determine whether or not they had been properly elected. It was found in that case after the Senator had been sitting here for over a year that he had not been properly elected, at least so a majority of the Senate said. He was then deprived of his seat; but in the meantime Iowa had had her full representation in the Senate. It seems to me that the same thing applies in this case.

Mr. NORRIS. Now, Mr. President, will not the Senator yield?

Mr. BINGHAM. I am not going to speak much further.

Mr. NORRIS. I should like to make a suggestion at that point. I do not think the Senator is quite fair in asking us to consider the Brookhart case as similar to the pending case. Of course, I will not submit my question without his consent, but I should like to submit it.

Mr. BINGHAM. I should like very much to conclude my remarks. It is not only in the Brookhart case that that was done but the same was true as to many other cases. It has been the almost universal practice in the Senate where there was doubt about the election to permit the Senator elect bringing credentials to present his credentials, to be sworn in, and then to have his case tried.

In section 5, the Constitution provides:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business.

That section follows section 4 in which the times, places, and manner of holding elections for Senators and Representatives are considered. I should like to call the attention of Senators, and especially of those Senators who claim that our right to be the judge of the qualifications of our own Members is quite a different thing from our right to be the judge of the election of Members, to this fact: In section 4 the manner of holding elections is to be prescribed in each State by the legislature thereof, but the Constitution reserves to Congress the right—that is, to both Houses—at any time by law to "make or alter such regulations, except as to the places of choosing Senators."

The places of choosing Senators can not be determined by the Congress, but only by the people of the States. The times and manner of holding elections may be determined by the Congress, but not by the body concerned. That is quite clear from section 4; yet in section 5 it is provided that each House shall be the judge of the elections of its Members.

Mr. President, I submit that if the Constitution means that we can really provide any qualifications we like, that we can say that a man must be so tall and so broad and shall weigh so much and that he must have a certain color of hair or that he must subscribe to a certain religion or that he must be moral, or one thing or another—if the clause which provides that we shall be the judge of the qualifications gives us plenary power, as many Senators claim, to decide the nature of the man who is to be permitted to take his seat here, then why does not the Constitution give us the right to say that the times and manner of holding elections might also be determined by the Senate?

Why, Mr. President, the idea is preposterous. It was never intended by the 13 sovereign States which surrendered part of their sovereignty "in order to form a more perfect union" that the Senate should have the right to dictate to them with regard to the way they should hold their elections or as to the qualifications of the persons they were to choose; but it was intended merely that the Senate was to decide as a judge whether those elections had been properly conducted, whether the returns had been properly counted, whether the qualifications of the Member were such that he was not disqualified by the clause in the Constitution prescribing disqualifications.

Mr. WALSH of Montana. Mr. President——

Mr. BINGHAM. I yield to the Senator from Montana.

Mr. WALSH of Montana. I desire to interrogate the Senator with respect to the remarks he was just making to the effect that the Senate may exclude a man for slight and trivial causes of no consequence at all; that it might exclude him for any cause. The same provision of the Constitution gives to the Senate the right to expel a Member. Has it occurred to the Senator that the Senate may expel a Member for exactly the same trivial causes, the color of his hair, the kind of clothes he wears, or any other trivial cause that the Senate might think sufficient?

Mr. BINGHAM. Mr. President, there is a very interesting difference there, and I am glad that the Senator has brought out that point.

Mr. WALSH of Montana. Oh, yes; there is an interesting difference as to the number of votes required; that is all. But I want to invite the attention of the Senator to the fact that the Constitution has not endeavored to define the causes for which a man may be expelled any more than it has attempted to define the causes for which he may be excluded.

Mr. BINGHAM. The Constitution provides:

> Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

Mr. WALSH of Montana. For what causes?

Mr. BINGHAM. Mr. President, of course, I am at a great disadvantage in arguing with the Senator from Montana, for he is one of the most distinguished constitutional lawyers in the United States, and, as I have repeatedly stated, I am not a lawyer of any kind; I am merely trying to find out what the Constitution means according to an ordinary common-sense interpretation——

Mr. WALSH of Montana. And I am trying to help the Senator.

Mr. BINGHAM. I thank the Senator; his help is greatly appreciated.

In this particular clause of the Constitution it is stated that "each House may determine the rules of its proceedings"—it gives each House the right to make rules—"punish its Members for disorderly behavior," or infringement of the rules, in other words. Now, to what extent may that punishment go? How far can we go in punishing a Member? The Constitution then goes on to say, "and, with the concurrence of two-thirds," it may even go so far as to expel a Member. Personally, I do not think that the right to expel a Member could properly come from any other cause than the disorderly behavior here referred to or a breaking of the rules, but still by that clause two-thirds of the Senate undoubtedly are given the right to expel. As my able colleague, the distinguished senior Senator from Connecticut [Mr. McLEAN], said in discussing this question a few weeks ago that the fathers evidently felt that they could always trust two-thirds of the Senate to see that justice was done to a Member. They could not trust a mere majority. Now, in the case of being the judge of the elections, the judge of the returns, and judge of the qualifications, only a quorum is required to do business. Mr. President, I desire to ask the Senator from Montana, does he not think that if the fathers, who in writing the Constitution gave two-thirds of the Members of the Senate the right to expel, had supposed for a moment that the judgment of the qualifications which they reposed in the Senate gave to the Senate the right to determine those qualifications, they would have permitted these most important matters to be decided by a simple majority vote? Would they not have required a two-thirds vote? If not, why require a two-thirds vote for expulsion?

Mr. WALSH of Montana. That is an entirely different matter. There is no reason for making any distinction between the qualifications and the elections. The qualifications are coupled up with the elections and returns; they are all determined by a majority vote.

Mr. BINGHAM. Exactly; that is the point which I am trying to make, and then I am through.

As the Senator has said, the questions are coupled with the elections and returns; the Senate acts as a judge as to whether the election has been properly carried out; the Senate does not decide where or when or in what manner the election shall take place. It judges whether the elections have been properly carried out; it judges whether the returns have been properly counted; it judges whether the man who presents himself with credentials for a seat is disqualified under the Constitution or whether his qualifications are such as to entitle him to his seat here. There is no question whatever that if the sovereign States which gave up a part of their sovereignty in order to form this Union had supposed that we were going to tell them what kind of a man they could elect, and had put it in the Constitution, the Constitution would never have been adopted. As the distinguished Senator from Georgia [Mr. GEORGE] said a few moments ago, there are no affirmative qualifications; the people of the States are to determine those for themselves. There are disqualifications, and the Senate is the judge as to whether or not the man is disqualified to take his seat under the Constitution.

I hope very sincerely, Mr. President, that the future will not be so dark as it looks to those of us who still believe in the rights of the States and in the importance of that doctrine. The action of the Senate in this case is foreordained, for the Senate has already gone on record two or three times. As mentioned by the Senator from Ohio [Mr. FESS], it denied Mr. SMITH, coming here with the unquestioned certificate of the governor of his State, the right to take the oath. I most sincerely hope that the actions which the Senate has taken and the one which it is about to take will not result as badly as it seems to some of us is likely to be the case; I am more interested in

preserving the fundamental principles on which this Government was founded and which I believe will lead to happiness in the future than I am in any individual case that may arise. Were I not so deeply interested in preserving to the States the rights guaranteed them under the Constitution, rights which they never surrendered when they adopted the Constitution, I would not place myself in the unfortunate position of being accused by the Senator from Missouri of being one of those who are "partners in crime."

Mr. McKELLAR. Mr. President, a few days ago the Senator elect from Illinois, Mr. SMITH, made this statement to the Associated Press:

> Not unless and until the right of my State to such full, equal, and continuous representation is first accorded, I can not become a party to an unwarranted precedent, nor to any pretended inquiry as to my personal fitness for association with the distinguished men now composing the Senate of the United States.

Mr. President, for a very few moments I wish to address myself to that statement. I think that there has been some misapprehension both in the Senate and out of it as to the clause of the Constitution upon which that statement is based.

In discussing the Smith and Vare cases, it has frequently been said that the constitutional provision "that no State without its consent shall be deprived of its equal suffrage in the Senate" has some bearing upon this case.

Inside and outside of the Senate those who have favored the seating of Mr. VARE and Mr. SMITH have treated this particular provision of the Constitution just as if the Constitution, in Article I, section 5, provided as follows:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members—
>
> But—
>
> no State without its consent shall be deprived of its equal suffrage in the Senate.

I wish to point out that there is no such connection between the two provisions of the Constitution. It is true that it is provided in section 3 as follows:

> No person shall be a Senator who shall not have attained to the age of 30 years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

These are purely disqualifications.

However, the Constitution makers in section 5 gave plenary power to both Houses to pass upon the elections, qualifications, and returns of its Members by providing:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members.

There is no limitation and there is no qualification of this plenary power. The provision about the States being deprived of their representation comes long afterwards in Article V. That article has nothing to do with the question of qualifications at all. It has nothing to do with elections at all; it has nothing to do with returns at all; indeed, it refers to but one contingent possibility, and that contingent possibility is an amendment to the Constitution.

Mr. SHORTRIDGE. Mr. President——

Mr. McKELLAR. I will yield to the Senator in a little while. It does not deal with those things which are prohibited or those things which are required. It deals only with the contingent case of when amendments shall be made to the Constitution when it points out how those amendments shall be made.

Article V is as follows:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Mr. President, words in a written instrument must be taken in connection with the whole instrument, it is true; but also they must be taken in connection with their usual and ordinary meaning in connection with the result sought to be obtained. The Constitution was divided into articles dealing with particular subjects. By no construction could this provision be regarded as limiting the plenary power given the Senate over the qualifications of its Members as provided in Article II. It had no connection with the qualifications of any person claiming to be elected to the Senate. These words—

> that no State, without its consent, shall be deprived of its equal suffrage in the Senate—,

merely refer to the system provided for in the Constitution of two Senators from each State, however large or however small the State might be. If that provision had referred to the question of qualifications, it would have been put back in Article I, section 5.

As we all know, there had been a great fight in the Constitutional Convention over how the Senate should be created. There were some who believed that the States ought to elect Senators according to population, just as they elect Members of the House. Others thought that the larger States should be given a certain number of Senators and the smaller States a smaller number of Senators. There were many plans suggested; but finally, in a compromise, it was determined to give each State two Senators, regardless of the size of the State. This provision in Article V had only to do with that question, and then only in case of amendments to the Constitution. I doubt if a single person in the convention ever dreamed that the provision in Article V—

> that no State, without its consent, shall be deprived of its equal suffrage in the Senate—

would ever be used as an argument to limit the Senate's absolute and plenary power to pass upon the qualifications of its Members in such way as it might see fit.

Mr. SHORTRIDGE. Mr. President——

Mr. McKELLAR. I will yield to the Senator in just a moment.

Mr. SHORTRIDGE. In connection with the words "plenary power," I wanted to invite the Senator's attention——

Mr. McKELLAR. The Senator can invite my attention to the matter in just a minute, when I have finished what I have to say on this particular matter.

Mr. SHORTRIDGE. I will not trouble the Senator.

Mr. McKELLAR. In all the discussion about equal State representation in the Constitutional Convention—and there was a large amount of discussion about it—the question of qualifications of Senators did not arise in that connection. The question of qualifications arose in an entirely different way.

That the provision in Article 5 "that no State, without its consent, shall be deprived of its equal suffrage in the Senate" has no bearing on this question is perfectly apparent from our history, for many times since our Government was founded has a State been deprived of its equal suffrage in the Senate.

For instance, the State of Wyoming from 1891 to 1893 had only one Senator here. The Legislature of Wyoming was not able to agree; and that splendid Senator who had formerly represented it, our beloved colleague, Senator FRANCIS E. WARREN, and who has represented it ever since 1893, was not here. The failure of the Wyoming Legislature to elect a Senator during those two years did not have the slightest connection with the provision in Article V providing for amendments to the Constitution. I recall also that Tennessee, Delaware, Pennsylvania, and a great number of other States in the not far distant past had only one Senator here because of the failure of legislatures to elect. In the one case the legislature failed to elect. In this case the two States in question elected men whose qualifications the Senate, under its plenary power, was unwilling to accept. In neither case does the provision of Article V apply. If that article applied in the way that is now argued, the two Senators must always be here to represent that State. If a Senator should die, the State must have another man right here at the instant to take his place. If one were ill, the State would have to have an alternate Senator to put in his place. It would be not only a difficult but practically an impossible provision, if the rule were laid down that every State must have two Senators here always representing it, or otherwise such State would be deprived of its equal suffrage in the Senate. Of course, the Constitution makers had no such situation in their minds. The provision that "no State, without its consent, shall be deprived of its equal suffrage in the Senate," had solely and alone to do with the enactment of amendments to the Constitution, and constituted no kind of limitation, express or implied, on the Senate's plenary power, given by the Constitution in terms, to judge of the qualifications of its Members.

Mr. President, I may add that I think the power that is going to be exercised in this case and in the Vare case is a very large power and ought not to be exercised except under the most certain conditions and when there can be no reasonable doubt about the facts justifying the exercise of the power. The facts

in the case of Mr. SMITH are perfectly certain. His disqualifications are not only shown by the proof, but he himself admits by his position in the case that those disqualifications exist. Under those circumstances, believing as I do that the Constitution gives this body absolute and plenary power over the qualifications of its Members, and it not being disputed as a matter of fact that Mr. SMITH has been guilty of violating the Illinois law in securing very large contributions from those concerns which it was his duty as commerce commissioner to regulate, and that his nomination and consequent election were obtained by corrupt means, with which wrong-doing he has been charged here, there is, as it seems to me, but one thing for a Senator under his oath to do, and that is to vote for this resolution denying to Mr. SMITH a seat in the Senate. I shall so vote.

Mr. HALE. Mr. President, I regard the presence of a corrupt Senator in this body as a real menace to the Republic. Had the Committee on Privileges and Elections—or, for that matter, any other committee duly appointed to act by the Senate—made the report that this committee has made, and had the facts contained in that report been uncontroverted, I should have voted, after the Senator had been allowed to take his seat, to declare the Illinois seat vacant. I can not, however, subscribe to the procedure that is now being followed, which prevents a Senator who comes to us with properly attested credentials under the Constitution from taking his seat in the Senate; and I therefore must vote against this resolution.

TAX REDUCTION

Mr. HARRISON. Mr. President, if any other Senators desire to discuss the pending resolution, I shall not occupy the time of the Senate. Otherwise, I wish to discuss another matter.

For the past two years there has been much talk in the country about tax reduction. We have seen surpluses piled up in the Treasury, but the Congress has been derelict in absorbing these surpluses by releasing the taxpayers from the burdens.

During the last Congress we attempted to pass some tax-reduction legislation, but we were thwarted in our attempt by the majority of this body. No one dreamed, however, that this Congress would convene without the immediate consideration of real tax-reduction legislation. It is quite true that that impression gathered some force because of the utterances of the distinguished Senator from Utah [Mr. SMOOT], the chairman of the Finance Committee of the Senate. From his home out in Utah, following the adjournment of Congress, when he had joined others in the defeat of a tax reduction bill, evidently after hearing from his constituents he gave out statements from Salt Lake City stating that he favored this Congress taking up the question and settling it immediately.

I have before me some newspaper clippings of what the Senator from Utah said on various occasions with reference to tax reduction.

On July 10 of last year, from Salt Lake City, he gave out a statement carried in the New York Times, headed "SMOOT for tax cut of $300,000,000." This item reads:

SALT LAKE CITY, UTAH, July 6.—Senator REED SMOOT, chairman of the Senate Finance Committee, fixes at $300,000,000 the reduction in the Nation's annual revenue that should be permitted by decrease in tax levies.

The Senator is inclined to "point with pride" to a Treasury surplus at the close of the fiscal year of about $600,000,000, but any reduction in taxes, he insists, must be made in the light of knowledge of what that surplus consists.

He points to various elements going into the Nation's revenue * * *.

He urges that there should be some margin of safety since lean years may follow fat years in business.

Then, on July 22 the New York Times carried an article under the headline:

SMOOT again asks Coolidge to call a special session.

Mr. SMOOT. I did not ask the President for an extra session.

Mr. HARRISON. I am only quoting from the New York Times, which is a very reputable newspaper.

Mr. SMOOT. I never asked President Coolidge for an extra session, never had it in my mind, and therefore the statement is not correct.

Mr. HARRISON. This article states that the Senator was invited down to Black Hills, and was going to confer with the President, and might talk about tax reduction at that time, although it says that he thinks it is only a social call. He went, and from Rapid City, S. Dak., is this item carried in the New York Times, headed:

SMOOT again asks Coolidge to call a special session.

Where that newspaper correspondent got the information I do not know.

Mr. SMOOT. Neither do I.

Mr. HARRISON. The correspondent was at Rapid City, S. Dak. Senator SMOOT had made a hurried social call out to see the President in the Black Hills, and this paper makes what it alleges to be a quotation from Senator SMOOT. The article states:

Senator SMOOT, of Utah, chairman of the Senate Finance Committee, arrived at President Coolidge's lodge to-day and, after a brief conference with the President, reiterated his demand for a special session of Congress and outlined his taxation-revision program.

"In my opinion an extra session of Congress not later than November 1 is absolutely necessary if the flood sufferers are to obtain prompt and adequate relief at a time when they should have it," Senator SMOOT said. "Since reading what Secretary Hoover said about the needs of the farmers in the South after November 1, there seems to me pressing need for calling Congress into special session long in advance of the regular session in December."

The Senator's taxation-revision plan provides for a cut of $300,000,000, including the following reductions.

* * * * * * *

"It will be physically impossible for Congress to enact a tax revision bill in time to make the reductions effective March 15, when the first payments are required, unless there is a special session. I foresee some difficulties in getting a tax bill through even by that time, should Congress convene in special session a month or six weeks before the regular December session.

"I feel that the minority Members will not prevent the enactment of the deficiency bill and flood relief by dilatory methods, but after these are out of the way partisan politics over the seating of the two Senators from Illinois and Pennsylvania is sure to occupy the attention of the Senate for a very long time."

Further on he reiterates those views, and on August 27, in an article dated Salt Lake City, the Senator said:

All parties agree that the corporations should have this delayed relief, but we may expect, of course, some political vaporizing when the question comes up for action.

Everything the Senator said last summer, while he was in close touch with the people, was to the effect that tax reduction should come quickly and speedily, and, as suggested in these news items, that the Congress should be convened at least November 1, so that the tax bill could be taken up and passed.

Well, the Secretary of the Treasury expressed the opinion that there should not be any tax reduction until after March 15. The Senator had a talk with him, I presume, if the newspapers carry the truth, and he has changed his opinion about the $300,000,000 tax reduction, and now, I believe, he says that the papers quote him correctly that it ought not to be as large as the bill that passed the House, which carried some $290,000,000.

Mr. President, I have read these quotations to show, I will not say hypocrisy, because that is too strong a word, but to show how quickly the Senator from Utah can change his mind. We got an inkling last week of what might happen in the Finance Committee, because the Senator said that the Republicans on the committee would line up against reporting out this tax reduction bill. This morning we met and had a vote. Nine Democratic members of the Finance Committee voted for the immediate consideration of that bill. Eleven Republican members of the committee, all of them, voted against the consideration of the tax reduction bill.

I am wondering what has come over the vision and the dreams of the distinguished Senator from Utah. When are we to have tax reduction? The Senator in the summer said it must pass before March 15 in order to give the relief. Now, he wants to wait until after March 15, and perhaps then there will be some other excuse offered to prevent any tax reduction at all.

Mr. President, I want to read, merely for the RECORD, some figures as to the condition of the Treasury, because no doubt the Senator will rise in his august majesty and say that we will know more about the condition of the Treasury March 15 than we know now. I want to read a statement of the estimates of the Treasury Department of the surpluses for the past seven years or more, and then the figures of the actual revenue that came in, to show the great difference between the estimates of the Treasury Department and the real facts.

In 1922 the estimate of the surplus was $24,468,000. The actual surplus was $313,000,000, nearly $300,000,000 more than the estimated surplus.

In 1923 the estimate of the surplus was $273,000,000. The actual surplus was $309,000,000.

In 1924 the estimate of the surplus was $329,000,000. The actual surplus was $505,000,000.

In 1925 the estimate of the surplus was $67,000,000. The actual surplus was $250,000,000.

In 1926 the estimate of the surplus was $262,000,000. The actual surplus turned out to be $377,000,000.

In 1927 the estimate was $383,000,000. The actual surplus was $635,000,000.

This year the estimate is $454,000,000. The tax reduction bill as it passed the House carried only about $294,000,000, and I submit we have enough facts to show that the American people are entitled to a reduction of taxes, with the surplus accumulations as large as they are now, and I submit that the country will not indorse what the distinguished Senator and his colleagues have done, and that we will be justified in going to extreme methods here to try to put this bill through.

The Senator's colleagues in the House thought this was of such tremendous importance that they agreed that the tax reduction bill which is before the Senate Finance Committee was to be called "House Bill No. 1," so that it should go to the country that the first legislation considered by this Congress was a tax reduction measure. Now they have sidestepped and have gone back on the proposition.

MEMORIAL TO THE WOMEN OF THE WORLD WAR

Mr. FESS. Mr. President, at the last session of Congress an appropriation was authorized in the amount of $150,000 for the building by the Red Cross of a war memorial to the women of the United States who participated in the World War. The condition was that no appropriation was to be made until $300,000 had been raised. Already $480,000 has been raised, which is about $170,000 more than had been agreed upon. However, the lowest bid for the memorial is $530,000. This means that about $90,000 must be made up yet; $150,000 more than the women have agreed upon has already been contributed.

In view of what I have stated, I report from the Committee on the Library Senate Joint Resolution 66, authorizing an additional appropriation of $50,000, and I ask unanimous consent that the Senate receive the report.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent to submit a report from the Committee on the Library. Is there objection?

Mr. GERRY. Reserving the right to object, I would like to ask the Senator from Ohio how much of an increase this would involve.

Mr. FESS. The original appropriation was $150,000. The Red Cross made collections to that amount, making the total fund $300,000. There was to be no payment of any money until $300,000 was raised. That has been raised and $150,000, in addition, by the Red Cross. They have $480,000. The lowest bid for the memorial is $530,000, the highest bid being something over $600,000. The women agreed to proceed to raise the $90,000 additional if we would make up $50,000. They have already raised $170,000 more than was agreed upon.

Mr. GERRY. Has the joint resolution been agreed upon by the committee?

Mr. FESS. Yes; unanimously.

The PRESIDENT pro tempore. Is there objection to the Senate receiving the report? The Chair hears none, and the report is received.

Mr. FESS. Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 66) authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924, which was read, as follows:

Resolved, etc., That there is authorized to be appropriated, in addition to the sum authorized to be appropriated by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924, the sum of $50,000 to be used for the erection and equipment of the memorial building provided for by such joint resolution. Such sum shall be expended under the direction of the commission, consisting of the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library, created by such joint resolution, and its disbursement shall not be contingent upon any private subscription.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 83. An act to approve Act No. 24 of the Session Laws of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai";

H. R. 84. An act to approve Act No. 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii";

H. R. 340. An act to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes;

H. R. 5575. An act to amend the Hawaiian organic act, as amended;

H. R. 6989. An act to amend the Hawaiian homes commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923;

H. R. 7367. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska; and

H. R. 8126. An act to repeal the sixty-first proviso of section 6 and the last proviso of section 7 of "An act to establish the Mount McKinley National Park, in the Territory of Alaska," approved February 26, 1917; to the Committee on Territories and Insular Possessions.

H. R. 172. An act to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation, in the State of Washington;

H. R. 227. An act to regulate the appointment and duties of the superintendent of the Antietam battle field;

H. R. 229. An act to authorize the erection of monuments or memorials to commemorate the encampments of Spanish War organizations at Chickamauga and Chattanooga National Military Park;

H. R. 230. An act to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees;

H. R. 232. An act to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto;

H. R. 233. An act to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J.;

H. R. 234. An act to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp;

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 244. An act to enable members of the Reserve Officers' Training Corps who have interrupted the course of training prescribed in the act of June 4, 1920, to resume such training and amended accordingly section 47c of that act;

H. R. 245. An act to continue the establishment of a national military park at the battle field of Guilford Courthouse;

H. R. 471. An act to provide for an aircraft procurement board, and for other purposes;

H. R. 4588. An act authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.;

H. R. 5500. An act to establish a national military park at the battle field of Fort Donelson, Tenn.;

H. R. 6094. An act to amend section 7 of public act No. 45, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

H. R. 6991. An act authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes;

H. R. 7007. An act prescribing the Army ration;

H. R. 7009. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7195. An act to provide for the purchase of horses and mules for the Military Establishment;

H. R. 7937. An act to authorize mapping agencies of the Government to assist in preparation of military maps;

H. R. 8105. An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes;

H. R. 8550. An act to amend the national defense act; and

H. R. 8737. An act providing for markers for battle fields of Eastport, Miss., and Iuka, Miss.; to the Committee on Military Affairs.

H. R. 343. An act to amend section 128, subdivision (b), paragraph 1, of the Judicial Code as amended February 13, 1925, relating to appeals from district courts;

H. R. 9021. An act providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes; and

H. R. 9026. An act to amend section 1112 of the Code of Law for the District of Columbia; to the Committee on the Judiciary.

H. R. 108. An act granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North;

H. R. 194. An act granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 199. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn.;

H. R. 319. An act to legalize a bridge across the Snake River at Idaho Falls, Idaho;

H. R. 495. An act granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River, at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 5510. An act granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal;

H. R. 5583. Granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct, maintain, and operate a railroad bridge across the Rio Grande River, at or near Presidio, Texas;

H. R. 5638. An act granting the consent of Congress to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River, at Epes, in the State of Alabama;

H. R. 5657. An act granting the consent of Congress to the board of supervisors of Monroe County, Miss., to construct, maintain, and operate a bridge across Tombigbee River, at or near Aberdeen, Monroe County, Miss.;

H. R. 5725. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Monroe, La.;

H. R. 5726. An act to extend the times for commencing and completing a bridge across the Black River at or near Jonesville, La.;

H. R. 5728. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near Point Pleasant, La.;

H. R. 5744. An act granting the consent of Congress for the reconstruction of a bridge across the Grand Calument River at East Chicago, Ind.;

H. R. 6041. An act granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River;

H. R. 6045. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6046. An act granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio;

H. R. 6099. An act granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Crown Point, N. Y., and Chimney Point, Vt.;

H. R. 6483. An act granting the consent of Congress to the State of Illinois, the county of Lee, and the city of Dixon, or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Rock River at Dixon, Ill.;

H. R. 6512. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Wentworth Avenue, in Cook County, State of Illinois;

H. R. 6513. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois;

H. R. 6514. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois;

H. R. 6958. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio;

H. R. 6959. An act to legalize a bridge across the Caney Fork River in De Kalb County, Tenn.;

H. R. 7192. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa.;

H. R. 7218. An act to legalize a bridge across Hillsborough Bay at Twenty-second Street, Tampa, Fla.;

H. R. 7370. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho;

H. R. 7374. An act granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across Snake River near Swan Valley, Idaho;

H. R. 7449. An act granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River near Devon, Mingo County, W. Va.;

H. R. 7466. An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont.;

H. R. 7745. An act granting the consent of Congress to the Chicago & North Western Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River;

H. R. 7913. An act granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.;

H. R. 8736. An act to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.; and

H. J. Res. 104. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of New York and the State of Vermont for the creation of the Lake Champlain bridge commission and to construct, maintain, and operate a highway bridge across Lake Champlain; to the Committee on Commerce.

H. J. Res. 81. Joint resolution for the amendment of the act of March 3, 1927, by authorizing an annual appropriation to carry out the cooperative experiments contemplated by the act; and

H. J. Res. 112. Joint resolution to amend the act of May 29, 1884, as amended, the act of February 2, 1903, and the act of March 3, 1905, as amended, to include poultry within their provisions; to the Committee on Agriculture and Forestry.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock p. m.), under the order previously entered, took a recess until to-morrow, Wednesday, January 18, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 17, 1928

COLLECTORS OF INTERNAL REVENUE

Oliver G. Addleman to be collector of internal revenue for the eighth district of Illinois.

Louis J. Huwe to be collector of internal revenue for the first district of Ohio.

PROMOTIONS IN THE NAVY

To be captains

Bruce L. Canaga.
Walter B. Woodson.
Louis P. Davis.
Harold G. Bowen.
Edgar G. Oberlin.
Nelson H. Goss.
Stanford C. Hooper.
William O. Spears.
George V. Stewart.

To be commanders

Ward W. Waddell.
Henry G. Cooper, jr.
Mark C. Bowman.
Jesse B. Oldendorf.
Roland M. Comfort.
James S. Spore.
Percy T. Wright.
Ernest L. Gunther.

To be lieutenant commanders

Harold B. Sallada.
Felix B. Stump.
Gilbert C. Hoover.
Francis C. Denebrink.

To be lieutenants

Roland R. Killian.
Artyn L. Main.
Wilbur F. Broun.
Lucius K. Scott.
Richard R. Dennett.
Hal C. Jones.
Jefferson D. Beard.

To be lieutenants (junior grade)

Edward L. Woodyard.
Allen P. Calvert.
Roy W. Lajeunesse.
Murray J. Tichenor.
Edward E. Gminder.

To be surgeon

James E. Fetherston.

To be passed assistant surgeons

Arra B. Chesser.
John Q. Owsley, jr.
John F. Luten.

To be chaplains

Earl M. Criger.
John P. Forsander.

To be chief gunners

Charles A. Strumsky.
John Nicol.

To be chief pay clerk

Writner Hostetter.

POSTMASTERS

CALIFORNIA

Charles Z. Irvine, Taft.

DELAWARE

Stephen W. Miller, Camden.
Jehu F. Hudson, Georgetown.

NEW JERSEY

Rollin A. Cale, Pleasantville.
Velma M. Kitchell, Whippany.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 17, 1928*

The House met at 12 o'clock noon.

Rev. William S. Abernethy, D. D., pastor of the Calvary Baptist Church, offered the following prayer:

Our Father above, we bow in gratitude before Thee this morning. Thou art the giver of every good and perfect gift. All that we have and are we owe to Thee. The gold and the silver are Thine, the cattle upon the hills are Thine, and we are but stewards from whom an accounting will be asked. Grant that we may be good stewards. We ask that wisdom may be granted so that the various questions that may arise this day may be successfully dealt with. May we be patient, courageous, just, brotherly, and so may we to-day do honor to Thee, our Maker, our Preserver, our Friend; and all this we humbly ask in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADDRESS OF PRESIDENT COOLIDGE BEFORE THE PAN AMERICAN CONFERENCE

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by the President of the United States, delivered before the Pan American Conference at Habana, Cuba, on January 16, 1928.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing an address recently delivered by the President. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of President Coolidge before the Pan American Conference, Habana, Cuba, January 16, 1928:

Mr. President and members of the Pan American Conference, no citizen of any of the Americas could come to the queen of the islands of the West Indies without experiencing an emotion of gratitude and reverence. These are the outposts of the new civilization of the Western Hemisphere. It was among them that the three small ships of the heroic admiral came when, with the assistance and support of Spain, Columbus presented to Europe the first widespread, public, and authoritative knowledge of the New World. Other points may have been previously visited, but for these was reserved the final revelation. The great discoverer brought with him the seed of more republics, the promise of greater human freedom, than ever crossed the seas on any other voyage. With him sailed immortal declarations of independence and great charters of self-government. He laid out a course that led from despotism to democracy. Edward Everett Hale, a seer of New England, tells us that this gallant seaman who rose above the storms to become the forerunner of an age of pioneers,

> "Left blood and guilt and tyranny behind,
> Sailing still west the hidden shore to find;
> For all mankind that unstained scroll unfurled,
> Where God might write anew the story of the world."

In the spirit of Christopher Columbus all of the Americas have an eternal bond of unity, a common heritage bequeathed to us alone. Unless we together redeem the promise which his voyage held for humanity, it must remain forever void. This is the destiny which Pan America has been chosen to fulfill.

As we look back over the accomplishments of the past four centuries we can see that we are warranted in asserting that the Western Hemisphere has not failed in the service that it seemed destined to render to humanity. Progress does not go forward in a straight line. It is a succession of waves. We can not always ride on their crest, but among our republics the main tide of human advancement has been steadily rising. The people have taken charge of their own affairs. In spite of some temporary discouragements, they have on the whole been successful. The fertility of a virgin soil, a wealth of mineral deposits, an abundance of water power, a multitude of navigable rivers, all at the command of a resourceful people, have produced a material prosperity greater in amount and more widely distributed than ever before fell to the lot of the human race. The arts and sciences have flourished, the advantages of education are widespread, devotion to religion is marked by its sincerity. The spirit of liberty is universal. An attitude of peace and good will prevails among our nations. A determination to adjust differences among ourselves, not by a resort to force, but by the application of the principles of justice and equity, is one of our strongest characteristics. The sovereignty of small nations is respected. It is for the purpose of giving stronger guaranties to these principles, of increasing the amount and extending the breadth of these blessings, that this conference has been assembled.

The very place where we are meeting is a complete demonstration of the progress we are making. Thirty years ago Cuba ranked as a foreign possession, torn by revolution and devastated by hostile forces. Such government as existed rested on military force. To-day Cuba is her own sovereign. Her people are independent, free, prosperous, peaceful, and enjoying the advantages of self-government. The last important area has taken her place among the republics of the New World. Our fair hostess has raised herself to a high and honorable position among the nations of the earth. The intellectual qualities of the Cuban people have won for them a permanent place in science, art, and literature, and their production of staple commodities has made them an important factor in the economic structure of the world. They have reached a position in the stability of their government, in the genuine expression of their public opinion at the ballot box, and in the recognized soundness of their public credit that has commanded universal respect and admiration. What Cuba has done, others have done and are doing.

It is a heavy responsibility which rests upon the people and the governments represented at this conference. Unto them has been given a new land, free from the traditional jealousies and hatreds of the Old World, where the people might come into the fullest state of development. It is among the republics of this hemisphere that the

principle of human rights has had its broadest application; where political freedom and equality and economic opportunity have made their greatest advance. Our most sacred trust has been, and is, the establishment and expansion of the spirit of democracy. No doubt we shall make some false starts and experience some disappointing reactions. But we have put our confidence in the ultimate wisdom of the people. We believe we can rely on their intelligence, their honesty, and their character. We are thoroughly committed to the principle that they are better fitted to govern themselves than anyone else is to govern them. We do not claim immediate perfection. But we do expect continual progress. Our history reveals that in such expectation we have not been disappointed. It is better for the people to make their own mistakes than to have some one else make their mistakes for them.

Next to our attachment to the principle of self-government has been our attachment to the policy of peace. When the Republics of the Western Hemisphere gained their independence, they were compelled to fight for it. They have always been a brave, resolute, and determined people, willing to make any sacrifices to defend what they believed to be their rights. But when once their rights have been secured, they have been almost equally solicitous to respect the rights of others. Their chief efforts have been devoted to the arts of peace. They have never come under the delusion of military grandeur. Nowhere among these Republics have greater military establishments ever been maintained for the purpose of overawing or subjugating other nations. We have all nourished a commendable sentiment of moderate preparation for national defense, believing that for a nation to be unreasonably neglectful of the military art, even if it did not invite and cause such aggression as to result either in war or in abject humiliation, it must finally lead to a disastrous disintegration of the very moral fiber of the nation. But it is one thing to be prepared to defend our rights as a last extremity and quite another to rely on force where reason ought to prevail. The form of our governments guarantees us against the Old World dynastic wars. It is scarcely too much to say that the conflicts which have been waged by our Republics for 150 years have been almost entirely for the purpose of securing independence and extending the domain of human freedom. When these have been accomplished, we have not failed to heed the admonition to beat our swords into plowshares.

We have kept the peace so largely among our Republics because democracies are peace loving. They are founded on the desire to promote the general welfare of the people, which is seldom accomplished by warfare. In addition to this, we have adopted a spirit of accommodation, good will, confidence, and mutual helpfulness. We have been slow to anger and plenteous in mercy. When this attitude prevails it is not difficult to find practical means of adjusting differences. The statesmanship of the southern American Republics has shown a peculiar skill and aptitude in this field. It began with mutual consultation. The first Pan American Congress assembled at Panama City about 100 years ago. The purpose of that gathering has never been forgotten, and it may be said to have marked the beginning of a permanent institution. The Republics south of the Rio Grande have produced a most impressive record of a resort to mediation, arbitration, and other peaceful methods of the adjustment and adjudication of their international differences. A study of their treaties will disclose some of the finest examples of mutual covenants for the limitation of armaments and the avoidance of hostile conflict. In the discovery of the true principles of international relations, and in the practical ability of putting them into effect, they have demonstrated a moral power and strength of character for which the whole world should be profoundly grateful.

The Pan American conferences meet for the purpose of maintaining and extending these important principles. It is impossible to conceive of a more inspiring motive which men could entertain in dealing with the affairs of this world. You have convened to take counsel together for increasing the domestic welfare of the free people of our independent Republics and promoting international peace. No other part of the world could provide constituencies which all have such a unity of purpose. The whole atmosphere of the conference is animated with the spirit of democracy and good will. This is the fundamental concept of your organization. All nations here represented stand on an exact footing of equality. The smallest and the weakest speaks here with the same authority as the largest and the most powerful. You come together under the present condition, and the future expectation, of profound peace. You are continuing to strike a new note in international gatherings by maintaining a forum in which not the selfish interests of a few but the general welfare of all will be considered.

If you are to approximate your past successes, it will be because you do not hesitate to meet facts squarely. We must consider not only our strength but our weaknesses. We must give thought not only to our excellence but to our defects. The attitude of the open mind must prevail. Most of all, you must be guided by patience, tolerance, and charity, judging your sister nations not only by their accomplishments, but also by their aspirations. A Divine Providence has made us a neighborhood of Republics. It is impossible to suppose that it was for the purpose of making us hostile to each other, but from time to time to reveal to us the methods by which we might secure the advantages and blessings of enduring friendships.

Like the subjects which have occupied the attention of your predecessors, the topics contained in the agenda of the present conference call for cooperative international action. They belong to the class of inquiries that produce closer international relations, promoting the good of all in the political, economic, social, and cultural spheres. Your predecessors have shown great wisdom in directing their attention to the matters that unite and strengthen us in friendly collaboration—subjects that develop an inter-American unity of sentiment which alone can make our common endeavors fruitful.

The existence of this conference, held for the consideration of measures of purely American concern, involves no antagonism toward any other section of the world or any other organization. It means that the independent Republics of the Western Hemisphere, animated by the same ideals, enjoying the common blessings of freedom and peace, realize that there are many matters of mutual interest and importance which can best be investigated and resolved through the medium of such friendly contact and negotiation as is necessary for cooperative action. We realize that one of the most important services which we can render to humanity, the one for which we are peculiarly responsible, is to maintain the ideals of our Western World. That is our obligation. No one else can discharge it for us. If it is to be met, we must meet it ourselves. We must join together in assuring conditions under which our Republics will have the freedom and the responsibility of working out their own destiny in their own way.

The proceedings of the successive Pan American conferences reveal a record of achievement which, without attempting the spectacular, constantly builds on the solid foundation of the immediately attainable. With each succeeding conference the agreements for the orderly settlement of such differences as may arise between the American Republics have been extended and strengthened, thus making their relationship more certain and more secure. Each conference has contributed its share toward developing more intimate cultural ties among the nations of this hemisphere, and establishing new currents of mutual understanding. Obstacles to closer economic relations have been removed, thus clearing the pathways of commercial intercourse.

Of scarcely less importance have been the many special conferences which from time to time have assembled for the purpose of dealing with the more technical questions in the relations between the Republics of America. The meetings of the International Commission of Jurists, the Pan American Highway Conferences, the Child Welfare Conferences, the Sanitary Conferences, the Conference on Consular Procedure, the Scientific Congresses, the Financial Conferences, the Red Cross Conferences, and the highly important and significant Congress of Journalists have all served to strengthen that spirit of Pan American solidarity which, in the last analysis, represents one of the greatest achievements of our American civilization and one which, in the future, is destined to play so important a part in the fulfillment of the high mission intrusted to the Republics of this hemisphere.

It has been most gratifying to witness the increasing interchange of university professors and the constantly growing stream of student migration from one country to another. No other influence can be more potent and effective in promoting mutual comprehension of national aims and ideals. It is sincerely to be hoped that this cultural interchange will with each year assume larger proportions.

It is not desirable that we should attempt to be all alike. Progress is not secured through uniformity and similarity but rather through multiplicity and diversity. We should all be intent on maintaining our own institutions and customs, preserving the purity of our own language and literature, fostering the ideals of our own culture and society. In a territory reaching from the north temperate zone through the Tropics to the South Pole, there is room enough for every worthy activity which is profitable and every ideal which is good. Our geographical location, as well as our political ideals, has endowed us with a self-contained unity and independence. Instead of considering our variations as an obstacle, we ought to realize that they are a contribution to harmonious political and economic relations.

In this great work of furthering inter-American understanding, a large responsibility rests upon the press of all countries. In our present stage of civilization, knowledge of foreign people is almost wholly supplied from that source. By misinterpreting facts, or by carelessness in presenting them in their true light, much damage can be done. While great progress has been made toward the publication of fuller information and unbiased views, a better exchange of news service would do much to promote mutual knowledge and understanding. What happens in this hemisphere is of more vital interest to all of us than what happens across any of the oceans.

An increase of information depends largely on an increase in the means of communication. During the entire nineteenth century intercourse between the American Republics was exceedingly difficult, and this isolation proved a serious obstacle to closer understanding. The twentieth century, however, and especially the last 10 years, have witnessed astonishing changes in this respect. Transportation by water

has become rapid, comfortable, and relatively inexpensive. Shipping facilities from the United States have been largely improved. Our Government is greatly interested in increasing their efficiency. Railway lines have been extended so that it will soon be possible to travel with practically no interruption from the northern border of the United States to the southern border of El Salvador, and in South America from Peru to Patagonia. During very recent years every government of this hemisphere has been giving special attention to the building of highways, partly with a view to establishing feeders to the railway lines, but also to provide great arteries of inter-American communication for motor transport. On the wall of my office hangs a map showing proposed highways connecting the principal points of our two continents.

I am asking the United States Congress to authorize sending engineering advisers, the same as we send military and naval advisers, when requested by other countries, to assist in road building. These gratifying changes are about to be supplemented by the establishment of aviation routes, primarily for the transportation of mails, which will afford to our Republics a channel of interchange which will find its ultimate expression in closer cultural and commercial ties and in better mutual comprehension. Our Congress also has under consideration proposals for supporting such air routes. Citizens of the United States are considering installing them.

Private organizations of a civic, cultural, and educational character also have a great opportunity to help in the development of a closer understanding amongst the nations of America. The fine cooperation of the Red Cross Societies of the American Continents is an outstanding instance of the field for service open to the civic and philanthropic organizations of this hemisphere.

In the domain of commercial relations the last few years have witnessed an extraordinary strengthening of the economic ties binding together our Republics. In both agricultural and industrial production the countries of America are now complementing one another to an unusual degree, resulting in an increasing exchange of commodities. Furthermore, recent years have witnessed a most gratifying rise in the standards of living of the wage earners throughout the Americas. They enjoy a greater productive and earning capacity, with a consequent increase in their purchasing power which has been reflected in the growing volume of inter-American commerce, destined to become more and more important as it combines a scientific utilization of natural resources with an increasing economic power of the masses of the people. The greater a nation becomes in wealth and production the more it has for the service of its neighbors, the larger its markets for the goods of others. The operation of natural forces, supplemented by the conscious purpose of the governments and peoples of the Americas, has increased their mutual interest in each other and strengthened the commercial ties among them.

In this work of inter-American cooperation an important part has been played by the Pan American Union. It stands as the permanent organ of these conferences. This international organization has labored unceasingly to give effect to the treaties and resolutions adopted by the successive conferences. Its scope of usefulness is constantly being enlarged and its ability to serve the American Republics is strengthened with each year that passes.

In the area of political relations the results have been no less gratifying and even more significant. It is almost impossible fully to appreciate the remarkable record achieved by the Republics of America in the settlement of the differences that have arisen among them. Because of ill-defined boundaries of the sparsely settled political subdivisions of the old Spanish colonial empire, the independent States of America carved out of it fell heir to a large number of territorial disputes which, in many cases, were of an exceedingly delicate and difficult nature. It is a tribute to the spirit of good will and mutual accommodation which has dominated the relations among the nations of the Western World that most of these disputes have been settled by the orderly process of negotiation, mediation, and arbitration. The adjustment of international differences on the American Continents has happily advanced to a stage at which but few questions remain unsolved. This extraordinary record of achievement places heavy responsibility upon the present generation to advance the great work that has been so auspiciously begun.

It is a high example that we have set for the world in resolving international differences without resort to force. If these conferences mean anything, they mean the bringing of all our people more definitely and more completely under the reign of law. After all, it is in that direction that we must look with the greatest assurance for human progress. We can make no advance in the realm of economics, we can do nothing for education, we can accomplish but little even in the sphere of religion until human affairs are brought within the orderly rule of law. The surest refuge of the weak and the oppressed is in the law. It is preeminently the shield of small nations. This is necessarily a long, laborious process, which must broaden out from precedent to precedent, from the general acceptance of principle to principle. New activities require new laws. The rules for the governing of aviation are only beginning to be considered. We shall make more progress in the end if we proceed with deliberation. No doubt you will find in your discussions many principles that you are ready to announce as sound and settled rules of action. But there are certain to be other questions concerning which it is not possible at the present time to lay down a specific rule of law. This need not discourage anyone. It is rather the most conclusive evidence that the results which have been secured are not of a temporary and ill-considered nature, but a mature statement of sound and conclusive principles.

The founders of our Republics sought no peculiar preferment for themselves. That same disinterested spirit which has animated the conduct of our past conferences has given the American family of nations a high place in the opinion of the world. Our Republics seek no special privileges for themselves, nor are they moved by any of those purposes of domination and restraints upon liberty of action which in other times and places have been fatal to peace and progress. In the international system which you represent the rights of each nation carry with them corresponding obligations, defined by laws which we recognize as binding upon all of us. It is through the careful observance of these laws which define our rights and impose our duties that international cooperation is possible. This lays on us all a continental responsibility which none of us wish to avoid and the fulfillment of which is one of the most important guaranties of international friendship.

While the law is necessary for the proper guidance of human action, and will always remain the source of freedom and liberty and the ultimate guaranty of all our rights, there is another element in our experience which must always be taken into consideration. We read that "The letter killeth but the spirit giveth life." Oftentimes in our international relationship we shall have to look to the spirit rather than to the letter of the law. We shall have to realize that the highest law is consideration, cooperation, friendship, and charity. Without the application of these there can be no peace and no progress, no liberty, and no republic. These are the attributes that raise human relationships out of the realm of the mechanical, above the realm of animal existence, into the loftier sphere that borders on the divine. If we are to experience a new era in our affairs, it will be because the world recognizes and lives in accordance with this spirit. Its most complete expression is the golden rule.

The light which Columbus followed has not failed. The courage that carried him on still lives. They are the heritage of the people of Bolivar and of Washington. We must lay our voyage of exploration toward complete understanding and friendship. Having taken that course, we must not be turned aside by the fears of the timid, the counsels of the ignorant, or the designs of the malevolent. With law and charity as our guides, with that ancient faith which is only strengthened when it requires sacrifices, we shall anchor at last in the harbor of justice and truth. The same Pilot which stood by the side of the great discoverer, and the same Wisdom which instructed the founding fathers of our Republics, will continue to abide with us.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the joint resolution (S. J. Res. 38) giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following resolution:

Senate Resolution 52

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all;

Resolved further, That such tariff revision should be considered and enacted during the present session of Congress; and

Resolved further, That a copy of this resolution be transmitted to the House of Representatives.

SENATE TARIFF RESOLUTION

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Mr. Speaker, may I ask what reference it is proposed to make of the message from the Senate urging tariff reduction?

The SPEAKER. The Chair understands it does not require any action in the House or any reference.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that it be referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair does not think that motion is in order.

Mr. GARRETT of Tennessee. May I suggest that nobody has made a point of order.

The SPEAKER. The Chair himself makes the point of order.

Mr. GARRETT of Tennessee. Mr. Speaker, seriously, what becomes of the resolution?

The SPEAKER. The Chair understands it is merely a notification from the Senate and requires no reference at all.

Mr. GARRETT of Tennessee. May we have it read?

The SPEAKER. It has been read.

Mr. TILSON. It was read in full.

Mr. GARRETT of Tennessee. No; it was read by title.

The SPEAKER. The entire resolution was read, so the Chair understands.

Mr. GARRETT of Tennessee. Will the matter lie on the Speaker's table?

The SPEAKER. As the Chair understands there is no need for any reference whatever.

Mr. GARNER of Texas. It is in mid-air, then?

The SPEAKER. So the Chair understands. The document is in the possession of the Clerk and therefore of the House, and it is spread upon the Journal.

Mr. BLANTON. It will remain in the hip pocket of the Speaker, technically.

Mr. TILSON. It is the same as though the Speaker were absent and we elected a Speaker pro tempore while he was away. We would notify the Senate, and so they have notified us, by a message, of some action they have taken.

Mr. KING. Mr. Speaker, I move that the resolution be referred to the international bankers of New York who want to open up the markets of America to foreign goods.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to refer the resolution to the Committee on Ways and Means.

The SPEAKER. The Chair does not think that motion is in order.

Mr. GARNER of Texas. Then the Chair takes the position that this resolution can not be referred to the Committee of the Whole House on the state of the Union or to the Ways and Means Committee or to any other body and that the House has no control over it whatever?

The SPEAKER. The Chair thinks it can not be referred to any committee under the rules. Only such messages and portions of messages as require action by the House can be referred to committees under the precedents. There is no rule of the House under which this document may be referred to a committee. The Chair thinks that it comes to the House in the same manner and subject to the same disposition as messages relating to the organization of the Senate, which are merely received and spread upon the Journal.

Mr. GARNER of Texas. This is the first time in the history of my service here or in any other body where a matter came into the House of Representatives and it was held that the House did not have some control over it; that it is a sacred document which can not be reached by the House of Representatives in any way whatever. I do not understand the philosophy of such a rule. If the Senate sends a piece of paper to this House or if the Legislature of the State of Texas or the people of the city of Cincinnati send a petition to this House, the position taken by the Chair is that if the House itself desires to take such petitions and refer them to a committee of the House, that the House itself has no right to do it under the rules of the House of Representatives. I do not understand the philosophy of that.

Mr. CAREW. Mr. Speaker, I make the point of no quorum.

Mr. GARNER of Texas. What is the trouble?

The SPEAKER. The gentleman from New York makes the point of no quorum.

Mr. CAREW. I withdraw the point, Mr. Speaker.

Mr. GARRETT of Tennessee. Mr. Speaker, in order that we may have a parliamentary precedent here I renew my motion that this resolution be referred to the Committee of the Whole House on the state of the Union.

Mr. TILSON. Mr. Speaker, I make the point of order that the motion of the gentleman from Tennessee is not in order. It is simply a Senate resolution not requiring or even requesting the concurrence of the House. It states in the resolution that a copy of it shall be sent to the House of Representatives. It is not a joint resolution or a concurrent resolution and certainly it is not a House resolution. These three are the only kinds of resolutions known in the practice of this House.

The SPEAKER. In order that there may be no doubt as to what the resolution provides, the Clerk will read it.

The Clerk read as follows:

Senate Resolution 52

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

Resolved further, That such tariff revision should be considered and enacted during the present session of Congress; and

Resolved further, That a copy of this resolution be transmitted to the House of Representatives.

Mr. GARRETT of Tennessee. Mr. Speaker, I presume the Chair will sustain the point of order.

The SPEAKER. The Chair sustains the point of order.

Mr. GARRETT of Tennessee. Then, Mr. Speaker, I move that the resolution be referred to the Committee on Ways and Means.

Mr. TILSON. Mr. Speaker, I make the point of order that this motion is not in order in connection with a Senate resolution.

The SPEAKER. The Chair sustains the point of order.

Mr. GARRETT of Tennessee. Mr. Speaker, I respectfully appeal from the decision of the Chair.

Mr. TILSON. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from Connecticut moves to lay the appeal on the table. The question is on the motion of the gentleman from Connecticut.

The question was taken, and the Chair announced he was in doubt.

Mr. TILSON. Mr. Speaker, we may just as well have the yeas and nays at the start. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 164, not voting 87, as follows:

[Roll No. 13]

YEAS—183

Ackerman	Englebright	Korell	Shreve
Adkins	Evans, Calif.	LaGuardia	Simmons
Aldrich	Faust	Langley	Sinnott
Allen	Fenn	Leavitt	Smith
Andresen	Fish	Leech	Snell
Andrew	Fitzgerald, W. T.	Lehlbach	Speaks
Arentz	Fort	Letts	Spearing
Bacharach	Freeman	Luce	Sproul, Ill.
Bachmann	French	McLaughlin	Sproul, Kans.
Barbour	Frothingham	McLeod	Stalker
Beedy	Furlow	Maas	Stobbs
Bohn	Garber	Madden	Strong, Kans.
Bowles	Gibson	Mapes	Strong, Pa.
Bowman	Gifford	Martin, La.	Summers, Wash.
Brand, Ohio	Glynn	Martin, Mass.	Sweet
Brigham	Goodwin	Menges	Swick
Buckbee	Green, Iowa	Merritt	Swing
Burdick	Griest	Michaelson	Tatgenhorst
Burtness	Guyer	Michener	Temple
Burton	Hadley	Miller	Thatcher
Bushong	Hale	Monast	Thompson
Butler	Hall, Ind.	Moore, Ohio	Thurston
Campbell	Hall, N. Dak.	Morgan	Tilson
Carter	Hancock	Morin	Timberlake
Casey	Hardy	Murphy	Treadway
Chalmers	Haugen	Nelson, Me.	Underhill
Chindblom	Hawley	Newton	Vestal
Clancy	Hersey	Niedringhaus	Vincent, Mich.
Clarke	Hickey	O'Connor, La.	Wainwright
Cochran, Pa.	Hoch	Parker	Wason
Cole, Iowa	Hoffman	Perkins	Watres
Colton	Hogg	Porter	Watson
Cooper, Ohio	Holaday	Pratt	Welch, Calif.
Cooper, Wis.	Hooper	Purnell	Welsh, Pa.
Crail	Houston, Del.	Ramseyer	White, Kans.
Cramton	Hughes	Ransley	White, Me.
Crowther	Hull, Morton D.	Rathbone	Williams, Ill.
Dallinger	Jenkins	Reece	Williamson
Darrow	Johnson, Ill.	Reed, N. Y.	Wilson, La.
Denison	Johnson, Wash.	Reid, Ill.	Winter
De Rouen	Kearns	Robinson, Iowa	Wolverton
Dickinson, Iowa	Kemp	Rogers	Wood
Dowell	Ketcham	Rowbottom	Woodruff
Dyer	King	Sears, Nebr.	Wurzbach
Elliott	Knutson	Seger	Wyant
England	Kopp	Selvig	

NAYS—164

Abernethy	Brand, Ga.	Cohen	Doyle
Allgood	Briggs	Collier	Driver
Almon	Browne	Combs	Edwards
Arnold	Browning	Connery	Eslick
Auf der Heide	Buchanan	Corning	Evans, Mont.
Ayres	Bulwinkle	Cox	Fisher
Bankhead	Busby	Crisp	Fitzpatrick
Beck, Wis.	Byrns	Crosser	Fletcher
Bell	Cannon	Cullen	Frear
Black, Tex.	Carew	Davey	Fulbright
Bland	Carss	Davis	Fulmer
Blanton	Cartwright	Deal	Gardner, Ind.
Bloom	Chapman	Dickinson, Mo.	Garner, Tex.
Bowling	Christopherson	Dominick	Garrett, Tenn.
Box	Clague	Doughton	Garrett, Tex.
Boylan	Cochran, Mo.	Douglass, Mass.	Gasque

Gilbert	Lankford	Norton, Nebr.	Somers, N. Y.
Gregory	Larsen	O'Brien	Steagall
Green, Fla.	Lindsay	O'Connell	Steele
Greenwood	Lowrey	Oldfield	Stevenson
Griffin	Lozier	Oliver, Ala.	Sumners, Tex.
Hammer	Lyon	Oliver, N. Y.	Swank
Hare	McClintic	Palmisano	Tarver
Harrison	McDuffie	Parks	Taylor, Colo.
Hastings	McKeown	Peavey	Tillman
Hill, Ala.	McMillan	Peery	Underwood
Hill, Wash.	McReynolds	Pou	Vinson, Ga.
Howard, Nebr.	McSwain	Quin	Vinson, Ky.
Huddleston	McSweeney	Ragon	Ware
Hudspeth	Major, Ill.	Rainey	Warren
Hull, Tenn.	Major, Mo.	Rankin	Weaver
Jacobstein	Mansfield	Rayburn	White, Colo.
Jeffers	Milligan	Reed, Ark.	Whitehead
Johnson, Okla.	Montague	Romjue	Whittington
Johnson, Tex.	Moore, Ky.	Rutherford	Williams, Mo.
Jones	Moore, Va.	Sandlin	Williams, Tex.
Kading	Moorman	Schafer	Wilson, Miss.
Kincheloe	Morehead	Schneider	Wingo
Kvale	Morrow	Sears, Fla.	Woodrum
Lampert	Nelson, Mo.	Shallenberger	Wright
Lanham	Nelson, Wis.	Sinclair	Yon

NOT VOTING—87

Anthony	Doutrich	Johnson, S. Dak.	Palmer
Aswell	Drane	Kahn	Prall
Bacon	Drewry	Kelly	Quayle
Beck, Pa.	Eaton	Kendall	Robsion, Ky.
Beers	Estep	Kent	Rubey
Begg	Fitzgerald, Roy G.	Kerr	Sabath
Berger	Foss	Kiess	Sanders, N. Y.
Black, N. Y.	Free	Kindred	Sanders, Tex.
Boies	Gallivan	Kunz	Sirovitch
Britten	Gambrill	Kurtz	Stedman
Canfield	Golder	Lea	Strother
Carley	Goldsborough	Leatherwood	Sullivan
Celler	Graham	Linthicum	Taber
Chase	Hall, Ill.	McFadden	Taylor, Tenn.
Collins	Hope	MacGregor	Tinkham
Connally, Tex.	Howard, Okla.	Magrady	Tucker
Connolly, Pa.	Hudson	Manlove	Updike
Curry	Hull, Wm. E.	Mead	Weller
Davenport	Igoe	Mooney	Yates
Dempsey	Irwin	Moore, N. J.	Zihlman
Dickstein	James	Norton, N. J.	
Douglas, Ariz.	Johnson, Ind.	O'Connor, N. Y.	

So the motion to lay the appeal on the table was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Graham (for) with Mr. Gallivan (against).
Mr. Yates (for) with Mr. Canfield (against).
Mr. Connolly of Pennsylvania (for) with Mrs. Norton of New Jersey (against).
Mr. Begg (for) with Mr. Kunz (against).
Mr. McFadden (for) with Mr. Sabath (against).
Mr. Taber (for) with Mr. Celler (against).
Mr. Eaton (for) with Mr. Douglas of Arizona (against).
Mr. Foss (for) with Mr. Kent (against).
Mr. Hudson (for) with Mr. Mead (against).
Mr. Updike (for) with Mr. Tucker (against).
Mr. Magrady (for) with Mr. Stedman (against).
Mr. Bacon (for) with Mr. Aswell (against).
Mr. Dempsey (for) with Mr. Connally of Texas (against).
Mr. Beck of Pennsylvania (for) with Mr. Igoe (against).
Mr. Zihlman (for) with Mr. Goldsborough (against).
Mr. Free (for) with Mr. Weller (against).
Mr. Johnson of South Dakota (for) with Mr. Mooney (against).
Mr. Palmer (for) with Mr. Prall (against).
Mr. Manlove (for) with Mr. Collins (against).
Mr. Kiess (for) with Mr. Sullivan (against).
Mr. Britten (for) with Mr. Drane (against).
Mr. Kendall (for) with Mr. Kindred (against).
Mr. MacGregor (for) with Mr. Moore of New Jersey (against).
Mr. Estep (for) with Mr. Gambrill (against).
Mrs. Kahn (for) with Mr. O'Connor of New York (against).
Mr. Kurtz (for) with Mr. Rubey (against).
Mr. Curry (for) with Mr. Quayle (against).
Mr. Golder (for) with Mr. Drewry (against).
Mr. Chase (for) with Mr. Black of New York (against).
Mr. Davenport (for) with Mr. Kerr (against).
Mr. Roy G. Fitzgerald (for) with Mr. Sirovich (against).
Mr. Johnson of Indiana (for) with Mr. Lea (against).
Mr. Kelly (for) with Mr. Dickstein (against).
Mr. Tinkham (for) with Mr. Sanders of Texas (against).
Mr. Sanders of New York (for) with Mr. Linthicum (against).
Mr. Robsion of Kentucky (for) with Mr. Carley (against).
Mr. Beers (for) with Mr. Howard of Oklahoma (against).
Mr. James (for) with Mr. Berger (against).

Mr. BEERS. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. BEERS. I was not present when my name was called. I was present during a part of the roll call, but not when my name was reached.

The SPEAKER. The gentleman does not qualify.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague the gentleman from Massachusetts [Mr. GALLIVAN] is unavoidably absent; if present, he would vote "no."

Mr. UPDIKE. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. UPDIKE. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. DEMPSEY. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. DEMPSEY. I was not present when my name was called. I was here during the calling of part of the roll.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD, from the Committee on Appropriations, presented a privileged report on the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, which was read, and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CULLEN reserved all points of order on the bill.

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill just reported, and pending that motion I would like to make a suggestion to the gentleman from New York with respect to time.

Mr. CULLEN. Mr. Speaker, I have requests for several hours' time, and I was wondering if it would be satisfactory to the chairman if we could run along in general debate and then probably later fix a time?

Mr. WOOD. That is the very suggestion I was going to make to the gentleman from New York.

Mr. TILSON. Will the two gentlemen agree as to division of time and the control of time?

Mr. WOOD. Yes; I would suggest that the time be equally divided, one half to be controlled by myself and the other by the gentleman from New York [Mr. CULLEN].

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the independent offices appropriation bill, and pending that motion asks unanimous consent that general debate be equally divided between himself and the gentleman from New York. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, with Mr. DOWELL in the chair.

The Clerk read the title of the bill.

Mr. WOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. WOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

TAX REDUCTION

Mr. TREADWAY. Mr. Chairman, I ask that I be not interrupted until I have concluded my statement; then if I have any time I shall be glad to yield.

Mr. Chairman, in the course of the few years it has been my privilege to be a Member of this House I have heard numerous speeches, many of them to my mind very laudible in their purpose, many of them absolutely truthful and correct, but some of them containing misstatements.

There was a speech made on this floor yesterday which it seems to me outranks anything I have known to take place here for absolute misstatements of fact. I refer to the speech made by the gentleman from Texas [Mr. GARNER] in relation to tax matters. In the course of that speech he sets down a very distinct defy, but before I touch on that I want to make this statement:

I realize the long and faithful service of the gentleman from Texas. I realize the rank he holds both in the House and on the important Ways and Means Committee, but I do not hesitate to say that I think the gentleman abuses his position in the House when he comes upon this floor and makes such statements as he did yesterday and expects the membership of the House to accept his statements as accurate, realizing that he is a man of great judgment and ability and of very high standing in the House.

He says he does not want to mislead anybody. "I do not want you [referring to the membership of the House] to be misled and I do not want the country to be misled."

Why, Mr. Chairman, that is the whole purpose of his speech, endeavoring to mislead the House and mislead the country. The papers of yesterday afternoon throughout the country bore in headlines the speech of the gentleman from Texas. That is exactly what he was endeavoring to do, to mislead the House and mislead the country. But he states in his plausible way that he has no intention of misleading anybody. I substitute "everybody," for that was his object, to mislead everybody.

What does he say about certain sections? He refers to section 141 and makes a prophecy that if section 141 of the revenue bill as passed by the House remains in the bill it will not be signed; then he goes on to say that the reason it will not be signed is because the Secretary of the Treasury happens to be interested in corporations, and that this is an anticorporation section.

Permit me to explain the situation briefly. Under the present law (section 240) corporations which are affiliated are permitted to file consolidated returns. The bill as reported by the Committee on Ways and Means contained two sections on this subject. Section 141 retains the provisions of the present law for the taxable years 1927 and 1928. The other section (section 118) contained a substitute for the consolidated-return provisions, to become effective after 1928. I assume that the gentleman from Texas is presenting the broad question as to whether or not consolidated corporations should be treated for tax purposes as separate entities and is not raising the issue between the provisions of the existing law and the provisions of the proposed substitute. Although his references to the sections of the bill are rather confusing and inaccurate, I assume that the gentleman from Texas has taken the position that all corporations should be treated as separate taxable entities. I am very glad indeed of the opportunity of meeting the gentleman upon this issue.

The gentleman from Texas was particularly anxious to bring about the elimination of section 118. He now goes so far as to say that the receipts of the Government will be increased by at least $50,000,000 in 1929 as the result of his amendment striking out section 118.

I want to predict—and my prediction is just as good as is that of the gentleman from Texas; you might say neither is worth a hurrah—I am not quite so conceited, as is the gentleman from Texas, as to claim that I can put up the financial argument to prove the mistakes he has used to mislead—but I make the prediction that the receipts with consolidated returns in the law will be exactly as large as they are if the privilege to file consolidated returns is repealed. That is my prediction.

The gentleman from Texas may have been trying to cut out what he considers the evils of consolidated returns, but let me predict, just as the gentleman did yesterday—only from a different angle—that if there is a reason for corporations to endeavor to make consolidated returns, they will so set up their business transactions in some way or other as to absolutely nullify the amendment of the gentleman from Texas [Mr. GARNER] eliminating section 118. That is going to be the result, and you can not stop them from doing it, and I put my prophecy against his, that the revenue will not be increased by striking out section 118. On the contrary, there is danger of material loss in revenue by new methods of evasion.

Let me for a moment analyze the accuracy of the gentleman's statement that the elimination of the consolidated returns provisions will increase the revenues for 1929 by $50,000,000—and, Mr. Chairman, I invite attention to the fact that the gentleman from Texas has willingly risked his reputation upon the accuracy of his statement. The actual fact is that the effect of the amendment of the gentleman from Texas, striking section 118 from the bill, can not possibly be reflected in the revenues received until the fiscal year 1930, and the full effect will not be felt until the fiscal year 1931. The entire argument of the gentleman from Texas is based upon his statement that his amendment will produce $50,000,000 more revenue for 1929; that accordingly the bill as it passed the House reduced the taxes by $240,000,000 rather than by $290,000,000; and that consequently the slight increase in the reduction from the amount placed as the maximum by the Secretary of the Treasury can not possibly justify holding the tax bill up until March 15. Upon this reasoning the gentleman from Texas searches for some other cause for the delay. The provisions of section 141 will permit corporations paying taxes in the fiscal year 1929 to pay them upon the basis of consolidated returns. The gentleman from Texas must admit that his amendment can have no effect upon the 1929 revenues.

But, Mr. Chairman, that is not the worst indictment that I bring against the gentleman from Texas. The greater part of the speech of the gentleman yesterday was a personal attack upon the Secretary of the Treasury. It is a favorite theme of the gentleman from Texas. At every opportunity he seems to think a great benefit will come to the Democratic Party by calling attention to the fact that undoubtedly the Secretary of the Treasury pays a rather large income tax. He says in the course of his remarks that the reason that this bill will not become law is that it will add to Mr. Mellon's taxes. He does not want to mislead anybody. No, no! Give him credit for not trying to mislead—of course. But if the gentleman from Pennsylvania, the honorable Secretary of the Treasury, is as wealthy as the gentleman from Texas makes him out to be—and I do not know the first thing about it, but I assume that the gentleman from Texas for once has made a correct statement, and that the Secretary of the Treasury is a wealthy man—he can afford to pay more taxes, and there will be no citizen more willing to do it than the Secretary of the Treasury. [Applause on the Republican side.] Oh, this effort on the part of some people to act as demagogues and make out that because a few people group themselves together and do business as a corporation and have a large capitalization, it is the ruination of the American people, and to endeavor to mislead the people into thinking that is true, is very, very irritating, and that is the situation we find ourselves in to-day. That is the situation that has brought about such an attack as the gentleman from Texas made yesterday. He says he would bank his reputation—I think that is his language somewhere—on the accuracy of the statements that he makes. I am not going into details, but I want the House to know that one of the items in the tax bill as it came to the House reduced the tax on transfers of stock by 50 per cent—an item of $9,000,000. The gentleman from Texas yesterday said that because probably the Secretary of the Treasury owned some shares of stock, he was in favor of that reduction. As a matter of fact he opposed it, and every statement that has come to us, either to our committee or to the public in general, from the Secretary of the Treasury, or anybody connected with the Treasury, has opposed the taking off of the excise tax on stock transfers. And still our great leader on the Democratic side of the great Ways and Means Committee does not want to mislead or to deceive anyone when he says that the Secretary of the Treasury favors making that reduction! The Secretary of the Treasury opposed it all of the way and all of the time.

There is another reference that should not be passed over in the very eloquent address of the gentleman from Texas—and by the way, it is a very great pleasure, let me say to the gentleman, to be favored the next morning after he makes his speech with a copy of his remarks in the RECORD, because often we have noticed that his remarks remain in his pocket or in his office until the subject matter has passed out of the minds of the people, and I think there are times on record when his remarks have not even ever been printed. It is, therefore, very gratifying to see his address in the RECORD this morning. I shall read to you now a paragraph from the gentleman's speech, and I have no doubt that later the gentleman from Texas will explain its meaning. Here it is:

> I can not go into the Treasury Department to find out how much losses they have had, which could not be charged against them if they had each one to make an individual return. But I do know this: I do know that one gentleman alone, whom many men in this House know, whom you all know and love and have confidence in, told me that the companies that he was associated with alone would pay nearly $5,000,000 more of taxes.

I have not the slightest idea whom the gentleman had in mind when he made that statement, but I do say this: The gentleman from Texas did want to carry the impression to the public, and particularly to the Members of this House, that that paragraph referred either to the Secretary of the Treasury, Mr. Mellon, or to the Undersecretary of the Treasury, Mr. Mills.

Mr. GARNER of Texas rose.

Mr. TREADWAY. It is so worded as to wish you gentlemen to infer——

Mr. GARNER of Texas. Mr. Chairman——

Mr. TREADWAY. Oh, I yield to the gentleman from Texas.

Mr. GARNER of Texas. Mr. Chairman, the gentleman from Massachusetts announced in the beginning that he did not want to be interrupted. I have not sought to interrupt him, although he made one statement in the beginning that was not correct; but now he is making a statement that is wholly incorrect, and I desire to call his attention to it at this time so that he may know before he takes his seat that the statement is not correct.

Mr. TREADWAY. That the gentleman made? I realize that, certainly.

Mr. GARNER of Texas. The gentleman said the purpose I had in making that statement was to refer to the Secretary of the Treasury.

Mr. TREADWAY. To draw the inference that you were referring either to Mr. Mellon or to Mr. Mills, and I repeat it.

Mr. GARNER of Texas. That is not correct.

Mr. TREADWAY. Who was it? You did not say who it was, but you wanted us to think it was either Mr. Mellon or Mr. Mills. I defy you to say who it was, for the benefit of the Members of the House. I know it was not either one of those gentlemen. I know that if they were called upon to pay their taxes they would not whine about it and they would not make a personal excuse for not paying them.

What an absurd situation we are in. I said at first, I will say to the gentleman, when I referred to that paragraph, that I did not know who you meant; but I know who you wanted us to think you meant, and I repeat, you wanted us to think it was either Mr. Mellon or Mr. Mills who would be affected to the extent of $5,000,000 of taxes by this present law.

Now there is another side to this corporation matter, and it will perhaps be time enough to discuss the merits of the question when we see whether the people are misled or not. But the gentleman, during the time when the bill was up for consideration here, argued in effect and made a very compelling argument and got enough votes to put it across, that a company having a selling agency must report in one return the profits from the sale; the same stockholders owning the manufacturing concern, and under the provision that the gentleman from Texas put into the bill by his leadership the group of men forming a selling company must report their profits as a separate item and pay taxes on it. But you can not put against those profits the cost of manufacturing.

That is what the gentleman's amendment to the tax bill did. Why take a man doing business in his individual capacity; John Smith does business in his own right, and in one place he manufactures, say, pocketknives. They make some up in our country. In one shop he manufactures pocketknives, and down the street he has a retail store where he sells them, and he has a wholesale agent out on the road to sell them. Do you mean to tell me that it is not common sense to allow that man to charge the cost of his production against the profits from his sales?

Now that explains in plain English the effect of depriving corporations of the right to make affiliated or joint consolidated returns. The gentleman does not refer now, and did not refer yesterday—and, of course, did not intend to mislead anybody—did not refer to the old law at all. Section 240 is the law to-day under which this consolidated return is permitted. He did not say that that was the present law.

Section 240 has been on the statute books for some time, and you would think that he had discovered a new cure of the tax ills of corporations when he speaks of this great bugaboo of consolidated returns.

Now, I want in closing to say just one further word, and that is with reference to the prophecy that the gentleman from Texas makes, that if section 141 remains in this bill, the bill will never become a law. It means increased taxes for Mr. Mellon; it is not tax revision, according to his viewpoint.

Now, there are drawbacks to the public service, serious drawbacks to the public service, and that is one of them. When a man on this floor assumes the rôle of a demagogue—I use the word with its full meaning—and endeavors to have it appear to the American people that a man holding such a responsible position as that of the Secretary of the Treasury would stand in the way of legislation which the people have enacted because of its personal effect on him and his finances, the man who makes that statement is a demagogue of the very worst type. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WASON. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from Massachusetts is recognized for two additional minutes.

Mr. TREADWAY. I hold no brief for the Secretary of the Treasury. I do not suppose I have spoken to him a dozen times in the period during which he has been Secretary. But it is fortunate that the opinion of the gentleman from Texas is not one that prevails among the public at large. The public knows that we are getting wonderful service, the very ablest of financial service, from the present Secretary of the Treasury. [Applause.] And when a gentleman like the gentleman from Texas comes on this floor and talks as a demagogue to this House and publishes in his speech the statement that such a man as Andrew W. Mellon would allow his private interests to take the place of his public duty, oh, it is too low demagoguism to bear. I get angry. But fortunately the Secretary of the Treasury has an even disposition, and he has stood that sort of abuse for a long time at the hands of certain gentlemen.

I think it is time that some of us stood on this floor and thanked such a public official as Andrew W. Mellon for the service performed for this country during the past few years. [Applause.] He took the Treasury at a time of great stress. He moved into that organization men that——

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. TREADWAY. I intended to say a little more about Mr. Mellon.

Mr. WASON. Mr. Chairman, I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Massachusetts is recognized for three minutes more.

Mr. TREADWAY. I thank the gentleman from New Hampshire. This gentleman, Andrew W. Mellon, subordinated every bit of his personal wishes in accepting public office. What a retiring, reticent man he is! Until you know something about him you wonder as to his financial ability and acumen. But when you see the result of the way he has funded the debts of this country, and see the great service he has rendered to us all, you realize his greatness, you recognize his ability, and you know that he is too big a man to put any store whatsoever in such demagogic statements as were made about him on this floor yesterday by the gentleman from Texas. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. GARNER.]

Mr. GARNER of Texas. Mr. Chairman, and gentlemen of the committee, when the gentleman from Massachusetts [Mr. TREADWAY] got up to speak he particularly asked that he be not interrupted during the 20 minutes he had. I do not blame him for making that request. I make no such request myself. His second statement was that he wanted to show that I had made a misstatement of fact on yesterday. I call to your attention that you can not find in his 25 or 26 minutes a single instance where he called your attention to any misstatement of fact I made. [Applause.] I wait for some gentleman in the audience to call attention to a single misstatement of fact I made and I yield to the gentleman from Massachusetts, if he wants to do so, to call attention to a single misstatement of fact I made yesterday. He has challenged no misstatement of fact; but he has challenged a conclusion I came to. Then he wound up by saying I made a demagogic speech. This is not the first time I have been charged with making a demagogic speech, and probably it will not be the last time; but that is the only charge that can be made against me when gentlemen can not answer the arguments I have made. [Applause.]

He said I made a certain statement about the Secretary of the Treasury. I have never yet made a statement that reflected upon his honor, but I have drawn conclusions that bore out human nature and the action of the Secretary of the Treasury for the last six or seven years, circumstantial evidence, human nature, which drove him to do certain things. That is the statement I made yesterday. I made the statement that Andrew Mellon, in the consideration of this bill, had a selfish interest and that that interest was being asserted to keep the tax bill from becoming a law. I repeat it to-day. [Applause.]

I heard a gentleman, when he was passing through here a few moments ago, say that a friend of his had made a statement which reminded him somewhat of the gentleman from Massachusetts and his action this morning. He said:

"My friend TREADWAY," to use an automobile expression, "has one of the largest hoods and the loudest horn with the least horsepower that I ever heard of in my life." [Laughter and applause.]

If the administration is to let the gentleman from Massachusetts defend its position on the floor of this House, I suggest to you that you must teach him something more than the philosophy he used this morning.

I stated certain facts yesterday, and I came to certain conclusions. He says the conclusions are erroneous. That is up to you to determine; but not a single fact that I stated yesterday has been contradicted. Some of them had to be drawn from conclusions. They could not be demonstrated entirely, but they are the best I could find.

The estimates I make are like the estimates the Treasury Department makes; they may be erroneous, but they are the best I could do, and I made them in good faith. Those estimates go to the essence of the question of tax reduction for the calendar year 1929. I said then, and I repeat now, that if you will pass the bill that we passed here, and which is pending before the Senate, you will not have a reduction of $200,000,000 in the calendar year 1929. If that is true, then,

why do you not pass the bill? It is not the amount that prevents passage, I repeat, but it is the provisions in there that affect, unfortunately, we will say, the Secretary of the Treasury and those associated with him. I estimated yesterday it would cost the Secretary of the Treasury $1,000,000 more if section 141 remained in this bill. The gentleman from Massachusetts does not even know that section 118 was stricken out. [Applause.] He was speaking about it a moment ago as being in the bill. He does not know we struck it out in the House of Representatives. That is just about the way he is informed with respect to most subjects he discusses, and that is the reason my friend illustrated him as he did, because he does not seem to know what he is talking about.

Now, if that is true, if the total tax reduction for the calendar year 1929, when section 141 will go into force and effect, will be $200,000,000 or less, why do we not pass the bill? Secretary Mellon said it was all right to pass the bill we reported from the Ways and Means Committee with a reduction of $232,000,000, did he not? But we put on three amendments distasteful to the Secretary of the Treasury and distasteful to some of his associates even on the Republican side. One was the elimination of the automobile tax. They object to that because they want the principles of the sales tax left in the law. It is not the little money they are going to get out of it, but they want to retain the principle so that some of these days they can go to the American people and ask them to change from this iniquitous tax, as they term it, the estate tax or the income tax, and go to the sales tax, as Mr. Mellon and a number of his associates would like to do. Therefore they want the automobile tax left in the bill—even if it were as low as one-fourth of 1 per cent—so that that principle will be in the law.

Now, we permitted affiliated returns to be made when the excess-profits tax was in force and effect. It was right then. The excess-profits tax made it right and I can demonstrate it to anybody. The report that was made on it—and only one was made on it—was based on the excess-profits tax. But having got that favoritism and having got that advantage in paying taxes, Mr. Mellon and his associates, the large corporations, considered that it became a vested right, although they have no right under the present system to have that provision in the law.

We give them a discretion. They can make separate returns for each of their corporations if that is the best for them or they can consolidate them if that is the best for them. I said when I offered that amendment that it would take $25,000,000 more into the Treasury.

I said yesterday $50,000,000. Why did you not deny that? That was a statement of fact. You said you were going to show I made misstatements of facts. Show a misstatement of fact I made yesterday. There was not a single one, and I have yielded twice for the purpose of having one suggested.

Why does he not say that is not the fact? I will tell you why he does not say it. It may not be the fact, but that is the best I can estimate it, but Mr. Mellon does not want the subject investigated because he is afraid to agitate it. They do not want the American people to become advised about it. That is the reason he does not want it done. [Applause.]

You are afraid to challenge the statement I made yesterday that section 141 would cost Mr. Mellon $1,000,000 more in money than permitting consolidated returns. Why? The Secretary will tell you to leave it alone. The Secretary does not want that question investigated. The Secretary does not care anything about any more information on that than he can help.

I will not say who it was told me that certain associated corporations would pay $5,000,000 more. It was not the Secretary of the Treasury; it was not the Undersecretary of the Treasury, and I had no intention of conveying any such thought yesterday, and I say this as honestly as I ever spoke anything; but the gentleman who told me has the privileges of this House and he is identified with the Mellon interests. I will make it a little more specific, at least.

Now, gentlemen, I do not care about having a personal controversy about this matter. I would rather take up and discuss the principles involved and what is for the best interests of the country, and in order to do this I thought the other end of the Capitol should know what, in my judgment, was holding up this bill, or at least some associates over there should know this who feel the same way about tax reduction that I do.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CULLEN. Mr. Chairman, I yield the gentleman five minutes more.

Mr. GARNER of Texas. I thank the gentleman, although I may not use that much time.

I wanted some gentlemen at the other end of the Capitol to understand what was being done.

How many Members of this House, both Democrats and Republicans, have heard from the corporations who want to continue double rendition? I would not be a bit surprised if out of the 435 Members at least 400 of you have been appealed to already to strike out the provisions of 141 from this bill.

I know I have heard a lot of colleagues on this side, as well as a few on the other side, say that they are already beginning to hear from them because they are coming to me and asking me about it. Pressure will be brought to bear upon you, the strongest pressure you can think of. Already from my home State two men, who are among the best friends I have, have been to Washington to see me about this provision, and neither of them ever owned enough stock in any corporation to be complaining about it; but they were good friends of mine and the corporations knew they could see John and might have some influence with him, and they were concerned about 141. They will bring this pressure to bear on every Member here, whether Republican or Democrat, because they hope to strike it out in the Senate, and if they can strike it out in the Senate and bring it back here and have your conferees agree to it, they will be happy and the bill will become a law. The Secretary of the Treasury will be happy and he will have accomplished what his associates and his advisers have asked him to do and what they believe in.

I have never attacked the Secretary's integrity. I have spoken of him in the highest terms, also of his human nature and the political thought that he has been preaching for 50 years, and have said that this has governed him in his office. Why should I not conclude this? For the last five or six years every circumstance has demonstrated it.

Take his recommendations to the Ways and Means Committee this year, for instance, and what do we find? Repeal of the estate tax. Interested? No; he is not interested. Reduction of the surtax. Interested? No; he is not interested; he pays no surtaxes.

If you had carried out his rates, and he had the audacity—to write in his recommendations specific rates—the gentleman from Iowa [Mr. GREEN] did not speak about it, but he ought to have done so. If I was chairman of the Ways and Means Committee and a Democratic Secretary of the Treasury had the audacity in his report urging tax reduction to write in rates, I think I would do like we did with respect to the Senate yesterday. I would send it back to him and tell him, "You must come down here with a more respectful and decent message instead of undertaking to tell the Congress of the United States what the rates should be." Go and get the hearings before the Ways and Means Committee and you will find that the Secretary of the Treasury not only suggested that the intermediate brackets be adjusted but he even had the audacity to send them down to the gentleman from Iowa [Mr. GREEN] and say, "Here are the rates you ought to put in," something that was never done before, as I recall.

If you had adopted these rates, how much in taxes would this have benefited Mr. Mellon? The estimate is that it would have benefited those paying in excess of $100,000, $30,000,000. Those paying taxes in excess of $100,000 would have been benefited to the extent of $30,000,000, and those paying between $18,000 and $100,000, $20,000,000. So does Mr. Mellon pay below or above? Was it really to take the curve out of that line or was it for the benefit of the gentlemen who pay on above $100,000 of income? You can make your own deduction, and yet they say I charge him unjustly or in a demagogic way.

I give you the facts and you may draw your own conclusion. I say, and I think the facts justify it, that in making this recommendation he had a selfish interest; that when he recommended the repeal of the estate tax he was looking forward a little bit further with an estate of $500,000,000, part of which may have to go to the Treasury. I have the right to draw this deduction. The country draws this deduction, and it has the right to, because I have never seen any Secretary of the Treasury, and few Presidents even, that could disassociate from themselves either a lifetime of training or human nature. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. WASON. Mr. Chairman, I yield to the gentleman from Iowa [Mr. GREEN] 15 minutes.

Mr. GREEN of Iowa. Mr. Chairman, some of the statements made by the gentleman from Texas would be amusing if their effects on the House, judging by the vote taken at the time the bill was under discussion, were not so serious. The gentleman says that no one can call attention to any misstatement he has made. I will not talk about misstatements, but I will have a

few words to say with regard to statements that are just as far from what the real situations are as it is possible to get them.

I certainly have nothing personal to say with reference to the gentleman from Texas, but I do not know how in the world he can get so badly mistaken as he is with reference to some matters he has been talking about. I simply can not understand it at all, and it is a little difficult for me to make an argument on the proposition for that reason.

He tells you that the Secretary of the Treasury and the big corporations want section 141 out of the bill.

Mr. GARNER of Texas. If the gentleman will pardon me, I did not say that, they want the provisions in section 141 stricken from 141. If they strike out those provisions consolidated returns will be permitted under the old law.

Mr. GREEN of Iowa. The gentleman is badly mistaken on that. Consolidated returns will not be permitted at all. Here is what the gentleman said yesterday with reference to the Secretary of the Treasury:

> Have you heard him say one word about section 141? I know that that is the thing that hurts him. I know how much loss a certain few companies took advantage of in the last year. Let somebody in the Treasury Department deny it. I do not imagine they will. They may not think that what I say is of sufficient importance to take notice of it; but nevertheless I make the statement to the country that if you will take out the graduated-tax principle, applying to small corporations and section 141, you will find that that is all that he is afraid of. He does not care for the $25,000,000 reduction.

There is no one that I know of unless it is the gentleman from Texas who wants section 141 taken out of the bill. In substance it simply provides that consolidated returns shall go on for two years more. Why? Why should anybody object to it?

Mr. GARNER of Texas. Will the gentleman yield?

Mr. GREEN of Iowa. I will yield to the gentleman.

Mr. GARNER of Texas. If the Senate strikes out section 141, will the gentleman sustain the House position?

Mr. GREEN of Iowa. I do not know just what the House position is. I think the House did something it did not intend to do when it struck out section 118. I will not sustain striking out section 141, and that is what the gentleman is attacking the Secretary of the Treasury on. But the gentleman from Texas did not make such a motion in committee.

Mr. GARNER of Texas. Will the gentleman in conference sustain the provisions of section 141 and seek to retain it in the bill?

Mr. GREEN of Iowa. Certainly I will. Section 141 is all right as far as it goes.

Mr. GARNER of Texas. I am glad to hear that.

Mr. GREEN of Iowa. And so will the gentleman from Texas when he gets around and thinks about it. Nobody objects to section 141.

Now, let us go into the substance, the meat of the matter. It is whether we will allow consolidated returns. Under section 141 they are permitted for two years longer, and then they are obliged to cease. That is this year and next year.

Mr. GARNER of Texas. No; January 1, 1929.

Mr. GREEN of Iowa. But they will make the returns for this year and next year under it, and that is the reason that I say it will be for two years more. I am absolutely accurate about this, and I will try to be accurate about everything I say.

Where do we get the provisions in reference to consolidated returns? The gentleman from Texas got to thinking about that matter to-day, and as he thought he got into a little different position than he had taken yesterday. The fact of the matter is the provision in relation to consolidated returns was put in the bill back in 1918. Who was Secretary of the Treasury at that time. Certainly it was not Andrew W. Mellon, for that was during Democratic days, and the Democrats put it in. It has been in the law ever since, and the gentleman from Texas voted for it in all the bills we have had passed since that time. He voted for it in different form—when we had the excess-profits tax and after we had the profit tax repealed nobody said a word against it. There was a good reason why they should not. Why was it put in? To prevent the evasion of taxes. So the Democratic leaders said at the time, and I agreed with them. It was absolutely necessary to prevent the evasion of taxes. If the Secretary of the Treasury can not require consolidated returns, it is the easiest thing in the world for corporations to evade the payment of taxes. Suppose we have two corporations, one of which made a large profit and holds it in the shape of physical property of some kind, it does not make any difference what it is, or even intangible property, for that matter. Suppose the corporation making the profit sells to one of its subsidiary corporations and makes a big loss on paper. If the Bureau of Internal Revenue can not require consolidated returns, that corporation can charge up that loss and the subsidiary company does not have to account for the profit. That is only one of the many ways in which these provisions can be used for the purpose of evading taxes. That is the reason why a provision preventing the evasion of taxes in this way was kept in the bill.

I think I may be permitted to state that I do not hold any brief for the Secretary of the Treasury. He has said nothing to me about this matter. In fact, he has said nothing to anybody about the provision for consolidated returns. Who got up this provision in the pending bill with reference to consolidated returns contained in section 118? The present law has a general provision in it with reference to consolidated returns. The provision in the bill was proposed by the advisory committee which was appointed by me. I shall assume the responsibility for that; but I have the word of the gentleman from Texas [Mr. GARNER] that I made good appointments on that committee. I think he said that I could not have selected any better, and I presume that he would stick by his statement. That advisory committee consisted of tax experts, men who were skilled in the business, men employed, of course, in some instances by big concerns and some not employed at all, like Mr. Thomas W. Page, who has a high reputation as an economist and does not hire out to anybody, except, I suppose, he gets a salary as president of the Economic Association. Others were economists who did not get any salary, but all were men of the highest reputation. Incidentally I might say that Mr. Page is a Democrat. The politics of the others I do not know. They were selected on account of their ability, without regard to politics. They presented this plan with reference to consolidated returns to the committee, and why did they present it instead of the present law? They said that we ought to have the returns made separately, because the present system was so complicated and made much trouble; that nothing came to the department about which they got into so many disputes as these consolidated returns. Of course, section 118 would impose a considerable burden on the corporations who were required to make all these separate returns, and that is the reason why I said when the matter was before the House that the corporations did not want this provision in the bill. They preferred the present law, instead of having to make returns for every separate corporation, which would make much more work. Well, as the bill originally read before section 118 was stricken out on the motion of the gentleman from Texas, they were opposed to it because it would make them a great deal more work.

But this advisory committee and the joint committee agreed with them on that matter and felt that the best method was to require separate returns. It was an effort in the direction of simplification. That is all, and yet the Secretary of the Treasury, who did not propose it, is accused of favoring a plan for his own advantage. It allows corporations to offset the losses of companies in which they owned 95 per cent or more of the stock. At first blush that might look like a one-sided proposition, to allow the losses and make no provision with reference to the gains, but no provision with reference to gains was necessary, because the gains would be taxed anyway, and they would be taxed at exactly the same rates, because we have a flat corporation rate that would apply to them singly or taken together and in any event. This is the situation. The Secretary of the Treasury never urged this. It is not his plan; he is not to be charged with it, whether it be good or bad. I think it is a good plan and ought to stay in the bill.

As to section 141, nobody wants it repealed. What some want is section 118 restored to the bill. Others want the provisions of the present law retained. I am not in favor of restoring the old provisions for consolidated returns which the gentleman from Texas voted for a number of times, but which I have concluded do not work well, and evidently the gentleman from Texas has come to the same conclusion.

Now, this whole matter is simply one of fairness to the corporations. I do not believe I can be accused with being any special friend of the corporations, and I hope that I am not charged with being an enemy to them, because I am not. I want to treat them fairly and squarely. But if an individual is carrying on a business in one town, and also carries on a business in another town, he can offset the losses which he may sustain from either one of those businesses which he owns. He owns both of them, and there is not any question about it. Why should not a corporation be permitted the same thing? Why should we not deal fairly and squarely with corporations, the same as we do with individuals?

I can see no reason why we should not. The gentleman from Texas says that the Secretary of the Treasury thinks the corporations will have to pay a great deal more taxes. Perhaps

they would if section 141 did not stay in the bill and they did not have two years in which to adjust themselves to the situation. And yet, the gentleman says the Secretary wants to strike out that section because of corporations in which he is personally interested!

I do not know of a tax expert anywhere, and I do not believe there is one who will claim that at the end of two years the corporations can not so adjust themselves that they will not have to pay more taxes to any considerable extent than they do now. I know that that is the view of Mr. McCoy, and I have heard the gentleman from Texas approve Mr. McCoy as being a highly competent expert. He is the Treasury Actuary, as you know. He says that the result of this proposition, as it stands in the bill, will not be to bring the Treasury any more taxes whatever.

I want to say just one word with reference to another provision that the gentleman got in the bill, and that is the graduated tax on corporations.

Well, I do not know how it is with the gentleman from Texas, but I have viewed with considerable alarm the growth of chain stores in this country. I doubt whether they are a good thing for the people and for anybody. I know this, that if the amendment of the gentleman from Texas prevails with reference to the graduated tax on corporations, I can go to the Standard Oil Co., which has its filling stations all over this country, and I can go to any of these chain stores and show them how they can, by incorporating their particular business in each town, get their rates reduced, and thus beat the Government out of a lot of money. That is the proposition that the gentleman claims is of such interest to the people generally. There is no question about that. No one can deny it.

Now, I have endeavored, gentlemen, to put this matter before you in a plain way. I make no charges against anybody, except that I think the gentleman from Texas gets highly mistaken about these tax matters at times, and I have endeavored to point out as well as I could the very serious errors into which he falls.

Mr. GIFFORD. I am sure the gentleman has tried to make it plain, and has made it plain; but I do not believe that the gentleman from Texas differs with any of us about the consolidated returns. I think the gentleman from Texas differs as to the several methods mentioned in section 118, which provided three methods.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GIFFORD. I ask unanimous consent that the gentleman's time be extended three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Iowa is recognized for three minutes more.

Mr. GIFFORD. Some of us Members recognize our responsibility for the vote cast. The gentleman speaks of affiliated corporations. Any two under section 118 could file affiliated returns. The speaker has not referred to that provision. I believe the membership of this side of the House care little about the fortunes of Mr. Mellon. If the principle of the consolidated return is right, we want the consolidated return.

Mr. GREEN of Iowa. Let me understand the gentleman. Is the gentleman opposed to the consolidated returns or not?

Mr. GIFFORD. I am in favor of consolidated returns. That is the trouble. When section 118 went out of the bill, the committee allowed section 141 to remain, providing for two years, and no attempt was made by the committee to amend and extend the privilege which has been allowed since 1918.

Mr. GREEN of Iowa. Then the gentleman does not oppose that?

Mr. GIFFORD. No; I have not opposed it.

Mr. GREEN of Iowa. I do not think the gentleman from Massachusetts and myself disagree on any fundamental matter. The gentleman from Texas [Mr. GARNER] and I differ absolutely. The gentleman from Massachusetts agrees that we ought to have consolidated returns in some form. Under the amendment of the gentleman from Texas we would not have them at all after the year 1928.

Mr. GIFFORD. I understood the gentleman from Texas made the statement this morning, or before, that he believed in one method or the other. He sees danger in both consolidated and separate returns.

Mr. GREEN of Iowa. There is no question about what the gentleman from Texas wants, and the argument against the principle of the consolidated returns was the feature of his argument on the bill.

Mr. GIFFORD. The gentleman from Texas got the bill in that shape, and all of us who voted against section 118 left it in that shape; but I can not understand the attitude of the committee in not trying to correct sections 141 and 240 after section 118 was stricken out.

Mr. TREADWAY. My colleague means the committee as a whole.

Mr. GREEN of Iowa. The gentleman from Texas [Mr. GARNER] argued that the consolidated-return provision enabled the big corporations to take advantage of the little ones, so that the House struck out 118 and left in no provision by which such returns could be made. The committee could only assume that the majority agreed with the gentleman from Texas.

Mr. WASON. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. CHINDBLOM. Mr. Chairman, I think it might be well to remind the House and the country that we have reached the open season in the political jungle of 1928. I think the address of the gentleman from Texas [Mr. GARNER] yesterday was entirely political. His purpose was, if possible, to charge the Secretary of the Treasury, the Treasury Department, and the administration with postponement in the passage of the tax reduction bill or the tax revision bill upon selfish grounds, namely, that the Secretary of the Treasury and others associated with the administration are so interested in corporation taxes that because they disapprove of the elimination of consolidated returns for corporations they would prevent entirely the passage of any tax reduction bill this year.

Now, the gentleman from Texas is in the habit of charging certain things on the floor of the House, and then challenging somebody to deny it, and if no denial is made, if his challenge is not accepted, then he assumes that his charge must be taken as true and correct. So on the floor yesterday he made the charge that the Secretary of the Treasury is holding up the tax reduction bill because he does not like the elimination of the original section 118 in the committee bill or the limitation contained in section 141.

Now, what grounds has the gentleman from Texas for that viewpoint? Is it not a fact that the Secretary of the Treasury, the Undersecretary of the Treasury, and the President himself, ever since last fall, have insisted that the tax reduction could not go beyond $225,000,000 with safety to the United States and future financial operations? And when the House did go beyond $225,000,000 to the extent of $67,000,000, of course, to be consistent—and they were consistent—they insisted that that reduction was too large. But the gentleman from Texas would try to make the country believe that it was because there were some other things in the bill which they did not like. For that view he submitted no proof or facts, but his own surmises and deductions. The fact is that the administration has become naturally apprehensive as to the final amount of tax reduction that may be contained in the revenue bill now pending in the Senate, and therefore believes it wise not to press the legislation until the tax income for 1927 may be quite accurately ascertained. The gentleman from Texas, however, is trying to make political capital out of this wise delay.

I do not think the gentleman from Texas [Mr. GARNER] was in the confidence of the Secretary of the Treasury or the Undersecretary of the Treasury to the extent that they have told him that because they would suffer by reason of these provisions in the bill on the subject of consolidated returns they would oppose the passage of this bill. Does anybody believe, as a matter of fact, that the Secretary of the Treasury would do any such thing? Would the Secretary of the Treasury take the gentleman from Texas into his confidence or anybody else and say to him, "I am stopping this bill and I am going to prevent the passage of this bill because some of the corporations in which I am heavily interested are going to be compelled to pay larger taxes." Oh, no; the gentleman from Texas did not mean to imply anything of the sort. He knows he has no such information in spite of his very great assurance when he appears here and says, "I charge so-and-so and I challenge anybody to deny it." He points at gentlemen in the House and says, "I challenge the gentleman from Iowa, I challenge the gentleman from Illinois, and I challenge the gentleman from Pennsylvania," and if you do not get upon your feet immediately and tell the gentleman from Texas that he is telling an untruth or that he is mistaken in what he says, his statement must be taken as absolutely true and the country must believe it.

Oh, pshaw; we have gotten into the quadrennial season of political debate and the gentleman from Texas thought he would start the political battle of 1928 by an attack upon the Secretary of the Treasury. But let us not be so serious about it. It has not hurt the Secretary of the Treasury; it has not hurt the President of the United States; it has not

hurt the administration or the Republican Party. When the returns come in even during this year, the confidence of the people in the party, in the administration, in the Secretary of the Treasury, and in the President of the United States will be amply demonstrated. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield 15 minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

TARIFF REVISION

Mr. GARRETT of Tennessee. Mr. Chairman, I think it will be agreed that whatever the effect of the expressions of the gentleman from Texas [Mr. GARNER] upon the feelings of the Secretary of the Treasury and the Undersecretary of the Treasury may have been, he at least did succeed in flushing the covey in the House of Representatives. [Laughter and applause.]

I did not, however, arise, Mr. Chairman, to inject myself into a discussion of that particular phase of taxation, but an occurrence took place earlier in the day here in the House so remarkable in its character, both as to its parliamentary and its possible political and economic aspects, that I think it highly proper that a plain statement should be made of just what was involved.

On yesterday the Senate of the United States did about the only thing the Senate could do under the circumstances in regard to a tariff revision. All know, and the Senate itself no longer than yesterday was reminded by the House of the fact, that revenue bills must originate in the House of Representatives; and the Senate, recognizing this fact and feeling that the time had come in the economic condition of the country when there should be a revision of certain of the tariff rates, took the only course that was open to it and passed the resolution I hold in my hand, which reads:

Resolved, That many of the rates in existing tariff schedules are excessive and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

Resolved further, That such tariff revision should be considered and enacted during the present session of Congress; and

Resolved further, That a copy of this resolution be transmitted to the House of Representatives.

It was duly transmitted and presented to the House immediately after the reading of the Journal—a respectful and meaning gesture on the part of a body which could not originate the legislation it suggested because of constitutional limitations. After it had been read to the House the question arose as to what would be the reaction of the House to the suggestion of the Senate, and we began to try to find some method of expression. I myself made a motion. The final motion made by me was that it be referred to the Committee on Ways and Means of the House, the committee charged under the rules of the House, made in accordance with the Constitution, with the responsibility of formulating tariff legislation. The Speaker, first upon his own motion and later upon a point of order made by the floor leader of the majority [Mr. TILSON], held that such a motion was not in order. What a remarkable ruling that was. I realize the Speaker had to make that ruling without a chance to examine the precedents and without any particular opportunity of reasoning out this proposition. I express the opinion here and now that it is very doubtful whether the Speaker, who I know wishes always to be parliamentarily correct, will adhere to that opinion after he has had an opportunity of reasoning it out.

I think, Mr. Chairman, that unquestionably a resolution of this character coming to the House, being read to the House, and being physically here, the House had the right to refer it to some committee of the House for action.

Mr. BLANTON. Would the gentleman mind an interruption right there?

Mr. GARRETT of Tennessee. No.

Mr. BLANTON. I want to remind the gentleman that at first the Speaker refused to have it read to the House, when the gentleman from Tennessee asked that it be submitted, and it was only after the question of the point of order came up that the Speaker had it read from the Clerk's desk.

Mr. GARRETT of Tennessee. The Speaker, I believe, in response to my suggestion that it be read, stated that it had been read by a clerk of the Senate, but, of course, that is not the way the matter should come before the House of Representatives.

Mr. BLANTON. A matter can come before the House only when it is read at the Clerk's desk.

Mr. GARRETT of Tennessee. Unquestionably, so far as the matter of procedure is concerned, I think the gentleman from Texas is correct. Now, I do not insist it would have been the duty of the Speaker of his own motion to have made a reference of this resolution. I am not prepared to speak upon that point at this time. I do not know what his duty would probably have been, and I shall not insist it was his duty to refer it. We sought to save the Speaker any responsibility in that connection by letting the House itself take action. I made a respectful appeal from the decision of the Chair; the gentleman from Connecticut moved to lay that appeal upon the table, and the motion of the gentleman from Connecticut prevailed.

Now, let us see precisely what it meant. It meant—it could have meant nothing less—that gentlemen voting for the motion of the gentleman from Connecticut did not concur in the thought that there should be a revision of any of the tariff schedules at this time. It is true that that direct question was not before the House, but gentlemen of long experience in this House, many of whom have raised their voices in the country, if they have been correctly reported by the press of the country, in favor of a revision of the tariff, who have threatened the stand-pat element of their own party with party revolution if they did not respond in an effort, not to bring about a Democratic tariff but in an effort simply to so adjust rates—proceeding, if they desired, upon the protective principle—as that there should be a greater equality between industry and agriculture. Those gentlemen are chargeable with a knowledge of the rules of the House; they do know the rules and they are bound to know that this presented their first opportunity even to make a gesture toward bringing about that which they so earnestly proclaim they desire. [Applause.]

Mr. LEAVITT. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LEAVITT. Would this resolution have allowed a raising of the tariff rates on agricultural products? Did it not speak only of a reduction?

Mr. GARRETT of Tennessee. Let me say to the gentleman, the committee of course, when it had taken jurisdiction of the subject matter, would have brought in such bill as it saw proper to bring in. Of course, it would have lain within the power of the committee to have brought in a bill which would have been violative of this resolution.

Mr. LEAVITT. Yes; and it would have to be violative of the resolution if it raised any of the tariffs on agricultural products.

Mr. GARRETT of Tennessee. Well, that, of course, would be a question to be discussed at another day and at another time. The thing I am seeking to emphasize now is that gentlemen have cut themselves off——

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. CHINDBLOM. The resolution of the Senate was directed to the House of Representatives. Does not the gentleman think that the proper, final depository for that resolution is in the archives of the House rather than in the archives of a committee, and is not the Committee on Ways and Means as well informed of the contents of that resolution, whether the resolution goes to them or not?

Mr. GARRETT of Tennessee. Well, I think it would help them to read it over again. [Laughter and applause.]

Mr. CHINDBLOM. Fortunately, it will appear twice in the RECORD. The gentleman has put it in the RECORD again, and it will appear in the RECORD at the point where it was presented this morning. So the members of the Ways and Means Committee will have no trouble in reading the resolution.

Mr. GARRETT of Tennessee. Of course, the gentleman from Illinois [Mr. CHINDBLOM] quibbles. Action on the part of this House in referring this resolution to the Committee on Ways and Means would have indicated to that committee that action from that committee was desired. [Applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. BLANTON. Let me say to the gentleman from Montana [Mr. LEAVITT] that the resolution from the Senate declared that it was "to establish a closer parity between agriculture and industry" and thus it was to bring about an adjustment of rates that would be fairer to agriculture.

Mr. CHINDBLOM. Oh, the gentleman had better read the resolution again.

Mr. LEAVITT. It states by "a reduction of tariffs," and if we followed the spirit of it, would not allow any raising whatever of any tariffs on agricultural products, and that is the reason that many of us were opposed to it.

Mr. BLANTON. But its purpose was to bring about an adjustment of rates in behalf of agriculture. I read the resolution carefully.

Mr. GARRETT of Tennessee. Mr. Chairman, let me say one word more on the parliamentary situation, because I am not so sure this thing is all over yet. If a petition from a single individual or a group of individuals, however small, should come to this body and any Member of the House were willing

to assume the responsibility of presenting it by dropping it in the basket or presenting it from the floor, if he should have an opportunity to present it from the floor, that resolution would be taken and, under the rules of the House, referred to a committee. Here is a resolution of the Senate of the United States dealing with a profoundly serious subject, suggesting a revision of the tariff laws that affect industry and agriculture and every interest and activity of the citizens of the country. It comes to the House in a regular and official way, and the House precludes itself from even having its committee consider it.

Mr. HUDSPETH. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Texas.

Mr. HUDSPETH. I will tell my colleague why I voted not to sustain the Chair. I saw a statement where a certain gentleman from Iowa had prepared a bill to place a duty on hides, which duty has not been placed upon them by the party in power, and every cattleman in my district—and I take it in the gentleman's district—wants a duty on hides; and how are we going to get it unless this matter is referred to the Ways and Means Committee?

Mr. BLANTON. It is the only way to get it, and I am with my colleague on that proposition.

Mr. HUDSPETH. That is why I voted not to sustain the Chair.

Mr. COLTON. Will the gentleman yield for a question on the parliamentary situation?

Mr. GARRETT of Tennessee. I yield.

Mr. COLTON. Does the gentleman contend that every resolution which is a Senate resolution purely that is passed by the Senate should be acted upon by the House?

Mr. GARRETT of Tennessee. I contend that if the House desires to act upon it and to send it to a committee, it has the right so to do, and that therefore the Speaker was in error in making his ruling and that a majority of the House was in error in sustaining the ruling of the Speaker.

Mr. COLTON. If, for instance, the Senate should notify us of its appointment of a Secretary, for example, does the gentleman feel that the parliamentary situation is such that there should be action on the part of the House?

Mr. GARRETT of Tennessee. No; I do not think there should be, but, of course, the House might refer even that resolution to a committee.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. CULLEN. Mr. Chairman, I yield the gentleman from Tennessee five more minutes.

Mr. GARRETT of Tennessee. If the House chose to refer that to a committee, I think it would have a perfect right, as a parliamentary proposition, to do so. Of course, I do not think there would ever be any necessity for that. But this is a resolution dealing with a matter of legislation, of legislation which must originate in the House, respectfully suggested by another body which is ready to act, but which can not act because of a constitutional limitation, and a majority of the House refuses to place it even at a point where there can be a beginning upon the subject matter.

Mr. COOPER of Wisconsin and Mr. MANSFIELD rose.

Mr. COOPER of Wisconsin. Would the gentleman permit an interruption?

Mr. GARRETT of Tennessee. I yield first to the gentleman from Wisconsin. The gentleman wants to defend himself probably.

Mr. COOPER of Wisconsin. Here is a question that occurs to me which might be relevant. The ordinary resolution in Congress is either joint or concurrent. A Senate joint resolution requires the action of both the Senate and of the House and the signature of the President and then becomes law.

A Senate concurrent resolution, in order to have any effect, requires the action of both the Senate and the House, but does not require the signature of the President. It does, however, bind the two bodies. Then there is a third kind of resolution, which is neither joint nor concurrent, but is a purely House resolution or a purely Senate resolution.

When a concurrent resolution comes here from the Senate and is reported by the Clerk, he always says, "In which the concurrence of the House is requested." No such request was made on this resolution because it is purely a Senate resolution, a mere expression of Senate opinion. Now, if a Senate concurrent resolution or a Senate joint resolution were referred to a House committee, the committee could bring in the resolution with an amendment or amendments; but had this mere Senate resolution been referred to a House committee, how would such a committee bring back the resolution? It could neither deny nor amend the Senate's expression of its own opinion. What could the committee have reported under that resolution of the Senate?

Mr. GARRETT of Tennessee. It could have reported a bill [applause] and given the House an opportunity to act upon it.

Mr. COOPER of Wisconsin. It can do that at any time without the slightest reference to this resolution. But the committee could not report this Senate resolution to the House, either with or without amendment, for legislative action. That is the difference between the two situations.

Mr. GARRETT of Tennessee. Well, let us get right down then to the very serious proposition, if my friend from Wisconsin does not object, would he like to see a bill reported? If my friend from Wisconsin does not object to answering the question.

Mr. COOPER of Wisconsin. That is a very artful way to get away from what I was talking about. [Laughter and applause.]

Mr. GARRETT of Tennessee. Ah, Mr. Chairman, we need not quibble——

Mr. COOPER of Wisconsin. The gentleman says I rose to defend myself. I did not at all.

Mr. GARRETT of Tennessee. Then, I withdraw the statement.

Mr. COOPER of Wisconsin. I rose to discuss the question and the gentleman evaded it.

Mr. GARRETT of Tennessee. I beg the gentleman's pardon. I did not mean to evade it. I understood the gentleman made a statement, as a fact, which might have an important bearing upon the parliamentary matter, but did not understand he was asking me a question.

Mr. GARNER of Texas. The gentleman from Tennessee did ask a question of the gentleman from Wisconsin that the gentleman from Wisconsin did not answer.

Mr. COOPER of Wisconsin. The gentleman from Wisconsin is not in the habit of dodging, and he especially is not apt to dodge anything which comes from the gentleman from Texas [Mr. GARNER]. The gentleman from Wisconsin has not evaded anything. It occurred to him as certainly a proper question on parliamentary procedure whether a Senate resolution which is neither joint nor concurrent, but merely expressive of Senate opinion, requires or is properly subject to action of any kind by the House.

Mr. GARRETT of Tennessee. I will answer in this way: Under the gentleman's own reasoning he would have been at liberty to vote as he pleased under the reference of the resolution, but we never reached that point. The gentleman from Wisconsin and others who voted as he did precluded the House from voting as to whether they wanted it so referred or not.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. CULLEN. I yield the gentleman five minutes more.

Mr. GARRETT of Tennessee. Now, Mr. Chairman, we need not deceive ourselves. One of the very serious questions that confronts the Congress and the country is that of undertaking to formulate some character of legislation that will aid distressed agriculture. We differ as to methods, but I take it there is no one here—and he does not have to be a Democrat to speak of it—that does not recognize the distress of agriculture.

One of the strongest clubs which agriculture has to wield is the favoritism that has been shown other interests in this country and which we know have been shown other interests; in my opinion more marked in favoritism that has been written in the tariff laws than in any other legislation which Congress has passed.

The use of that argument causes every man giving thought to farm legislation and who stands under the pressure, political and otherwise, for agricultural legislation, causes every man to have to take a tight grip on his intellectual integrity lest he be led into the support of something which a number of farmers believe would help them, but which he does not believe would help them.

I believe you will find in every substantial farmers' organization in America which has given consideration to farm relief legislation seriously and without reference to its political aspects—those organizations who have not permitted themselves to come under the domination of partisan politics—I believe you will find in the expressions given out by everyone of them—one of the very first elements in it is the demand for the reduction of the tariff duties upon things the farmer has to buy. [Applause.]

This resolution of the Senate recognizes that condition and deals with it in express terms. This House, the majority party, under the leadership of the majority leader, cut itself off from even making a gesture toward bringing relief in the way of tariff revision, which is at least one aspect of the relief de-

manded by the agricultural interests of the United States. [Applause.]

Mr. GARBER. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. GARBER. I will ask the gentleman if he considers the resolution exactly fair in view of the universal sentiment throughout the West and of the demand from farm organizations of the country for the increase of rates on farm products, in view of the existing imports amounting to at least a billion and a half dollars of competitive farm products in this country?

Mr. GARRETT of Tennessee. Personally I am satisfied with the resolution, but the gentleman must not lose sight of the fact that the Committee on Ways and Means does not have to go exactly by the resolution. It could make up a bill to suit itself, but the gentleman has voted against even that, has voted against even saying we want them to make up anything. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. WASON. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Speaker and gentlemen, I come from an agricultural State and district. I am in favor of revising the tariff on agricultural products upwards. [Applause.] I want to increase the tariff on canned meats, on beef, corn, dairy products, hides, and I do not want any revision downwards. [Applause.]

I do not want any resolution to go through here and go to the Ways and Means Committee that says we want a revision downward. I believe in a protective tariff. I do not believe you can have the high standard of living that we have in this country, so much higher than the other nations of the earth, unless you have a tariff wall to keep out cheap foreign agricultural and manufactured products made with cheap labor. I want to protect American labor and the American farmer, and I want to do it by a tariff. I do not want to leave tariff laws to the Democratic Party. The inference to be drawn from the speeches we have heard to-day is that if they could get hold of the tariff, oh, my, how they would help the farmers of the country! They would like to go to the country now and say: "We, the Democratic Party, want to help the farmer." I hold in my hand the record of the Democratic Party on what they did to my farmers when they were in power.

Mr. RAYBURN. When did the farmer get the highest price for his products—under a Democratic or a Republican administration?

Mr. STRONG of Kansas. During the war and at that time you set price on wheat and did not do so on cotton.

Mr. RAYBURN. But the Republican candidate for President had more to do with it than anybody else.

Mr. STRONG of Kansas. No; he did not.

Mr. RAYBURN. Your next candidate for President had more to do with it than anybody else.

Mr. STRONG of Kansas. Oh, the next candidate for President is coming from Kansas—Hon. CHARLES CURTIS. [Applause.]

Mr. MANSFIELD. Oh, he will never get a smell.

Mr. STRONG of Kansas. And the farmers will never get a smell, if the Democrats win on the tariff proposition. Here is what you did in 1913, here is your record for agriculture, and here is also the record of the Republican Party:

Under the Republican tariff of 1922 the duty on wheat was first fixed at 30 cents a bushel and later we raised it to 42 cents a bushel, and under the Democratic tariff of 1913 it was made tariff free. Corn in the Republican tariff was given 15 cents a bushel protection, and under the Democratic tariff law it was free. Rye under the Republican tariff law was protected by 15 cents a bushel, while under the Democratic tariff it was free. Oats under the Republican law were granted 15 cents a bushel, and under the Democratic law 6 cents. Butter under the Republican law was 8 cents and later was increased to 12 cents a pound, while under the Democratic law it stood at 2½ cents a pound. Eggs under the Republican law were protected by a tariff of 8 cents a dozen, and under the Democratic law they were free. Dressed poultry under the Republican tariff was 3 cents a pound, and under the Democratic law 1 cent a pound. Milk under the Republican tariff was 2½ cents a pound, while under the Democratic tariff it was free. Cream under the Republican tariff was taxed at 20 cents a gallon, while under the Democratic law it was free. Honey, 3 cents a pound under the Republican tariff, and 10 cents a gallon under the Democratic tariff. Alfalfa, 4 cents under the Republican tariff and free under the Democratic law. Clovers, millets, timothy, all protected under the Republican tariff and all free under the Democratic law. Fresh beef and veal, 3 cents a pound under the Republican tariff and free under the Democratic tariff. Cattle of a thousand and fifty pounds and under, a cent and a half under the Republican law and free under the Democratic. Cattle of a thousand and fifty pounds and over, 2 cents a pound under the Republican tariff and free under the Democratic law. Meat, prepared or preserved, 20 per cent ad valorem under the Republican tariff and free under the Democratic law. Fresh lamb, 4 cents a pound under the Republican tariff and free under the Democratic law. Fresh mutton, 2½ cents a pound under the Republican tariff and free under the Democratic tariff. Sheep, $2 a head under the Republican tariff and free under the Democratic law. Swine, half a cent a pound under the Republican tariff and free under the Democratic law. Bacon, 2 cents a pound under the Republican tariff and free under the Democratic tariff. Lard, 1 cent a pound under the Republican tariff and free under the Democratic law.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WASON. Mr. Chairman, I yield the gentleman five minutes more.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. In a moment. Lard compounds, 4 cents under the Republican tariff and free under the Democratic law. Hay, $4 a ton under the Republican tariff and free under the Democratic law.

That is the record of the two parties so far as a protection of agricultural products is concerned. [Applause on the Republican side.] I yield to my friend from Texas.

Mr. HUDSPETH. The gentleman, like myself, represents a livestock district as well as a farming district. The gentleman's party has been in power now for about seven years. Will the gentleman tell me how much they have given to the cowman as a duty on hides?

Mr. STRONG of Kansas. They have not given him a duty on hides, and I have stood with the gentleman from Texas for such a duty; but they did give him a tariff of $20 on his steers, and the Democrats did not give him any protection at all. [Applause on the Republican side.]

Mr. HUDSPETH. The gentleman realizes that if we did put a tariff on hides we would not raise the price of a pair of shoes 10 cents. The gentleman further realizes that the tariff on hides would probably put into the pockets of the cattleman at least $5 a head on every cow that he owns, and he needs it. Most of them have gone into bankruptcy. Some of them now are getting their feet on safe ground. When we are not putting an additional tax on the consumer who buys a pair of shoes by granting the cattleman a small ad valorem duty on hides, will the gentleman tell me how we can relieve the cattleman, when he voted against referring this resolution? I do not understand that it was revising the tariff downward on agricultural products, but it was a question of referring it to a committee that has the right to report out a bill. Will the gentleman tell me how he can relieve the cattleman under those circumstances?

Mr. STRONG of Kansas. You are trying to make the country believe that if we had sent this resolution to the Committee on Ways and Means it would have forced out a resolution for tariff revision. It would not have resulted in any such thing. They would not have had to do anything with it that they did not want to do. The question was whether we would override a Republican Speaker and override a resolution of the Republican leader and stay within our organization or not. I am a Republican, and I will stay with my organization when I think it is right, and I think it is right in this case. [Applause.]

Mr. BLANTON. Whatever the Senate resolution is and does, the gentleman and his party voted to throw it in the wastebasket.

Mr. STRONG of Kansas. No.

Mr. BLANTON. What did you do?

Mr. STRONG of Kansas. We keep it in the House.

Mr. BLANTON. It is in the wastebasket now. The people of the country will pass on what the resolution is and does and what the gentleman and his party have done with it.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. LEAVITT. This resolution, containing the provision that the reduction be made downward, would necessarily mean a reduction on agricultural products downward, would it not?

Mr. STRONG of Kansas. Yes. I will answer that. My friend from Texas here [Mr. HUDSPETH] and I agree concerning the tariff on hides. But to override our leader and our Committee on Ways and Means on this resolution to revise tariff rates downward would not give you any assurance that we were to get a duty on hides.

You are trying to get credit from the farmers for doing something that you have not done. When you were in power and had the chance, why did you not put a tariff on hides?

You not only did not put a tariff on hides, but you did not put a duty on cattle or any other agricultural products. We have given you a duty of $20 on cattle, and now you are blaming us for not also putting a duty on hides, when you know to have done so would have forced a duty on shoes.

Mr. HUDSPETH. The reason I did not vote that way was that I was not a Member of Congress at that time. [Laughter.] If I had been here I would have voted to put a duty on hides so that they could not ship in those foreign hides here. With those foreign hides coming here a duty on hides in this country would not affect the price of shoes to the extent of 10 cents a pair.

Mr. STRONG of Kansas. I agree with you, but I am not going to vote for a resolution coming in here, supported by the Democratic Party, to revise the tariff downward. What I want to do is to get a tariff revision upward on agricultural products! [Applause.]

Mr. HUDSPETH. I will say to the gentleman as to that, that much as I regret to do so, I sometimes vote with the Republicans when I think they are right.

Mr. STRONG of Kansas. And I will vote with you for a tariff on hides.

Mr. HUDSPETH. I think you are right. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. RAINEY].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. RAINEY. Mr. Chairman, it is not an important matter as to where this resolution physically is at the present time; whether it is before the Committee on Ways and Means or is buried here in its grave; and that is what happened to-day. But that is entirely immaterial. The question, the appealing question, before the country to-day is this: Which party in the Congress of the United States is in favor of a logical downward revision of the tariff and which party is against it?

That is the question. Our tariff law is out of date. It is archaic. It was out of date 10 minutes after it was passed. It does not fit into modern conditions in this world. We have embarked on a new economic era. We are selling money abroad now; we have so much of it, concentrated in the hands of a few, that we are selling it abroad, and we are getting back under this plutocratic administration more money every year for the money we sell abroad than we are getting for the goods we sell abroad. Our balance of trade is two or three or four hundred million dollars less per year than the amount we get as interest from the funds we have loaned abroad.

Now, every economist in the world of any standing at all knows that those conditions exist, and if the present tariff is to remain, that pushes us nearer and ever nearer to the precipice. Everybody seems to know that except certain leaders of the Republican Party. Everybody seems to know that except the Republican side of this House. It is behind the economists of the world. It is behind the conditions which confront us now; and the point about the whole thing is that, with the exception of 8 or 10 who sit on that side of the Chamber, to-day you have unanimously voted against a proposition which looked toward giving to this country a logical and a lower tariff, or take a step in the direction of giving to this country a tariff which fits into the modern scheme of business on which we have entered in this world.

The gentleman from Kansas [Mr. STRONG] correctly analyzed the Underwood bill. It did not place any tariff on the things he has mentioned. It did not put a duty on them, because the kind of tariffs you impose on agricultural products are not effective.

We knew it was not effective, and it did not go on. You had it in the laws which preceded the Underwood tariff, and you have put it in the present law; but the fact remains that under the Underwood tariff bill we got higher prices for the things we produce on our farms than we ever succeeded in getting before or since.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. LEAVITT. If the Democrats were writing the next tariff bill, would they take the tariff off of agricultural products again?

Mr. RAINEY. If the Democrats were writing the next tariff law, they would give agricultural products effective rates. That is what they would do.

Mr. LEAVITT. What would that do? Would that put them on or take them off the tariff list?

Mr. RAINEY. An effective tariff on agricultural products would give the agricultural products a real tariff. It would restore the purchasing power of the farmer, and that is the proposition for which the farmers of this country stand.

Mr. LEAVITT. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. LEAVITT. I do not understand, and I am probably dense on that, but the gentleman has not yet said whether that would be a lower tariff, and whether the gentleman would take the rates off or not.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CULLEN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. RAINEY. Under the leadership of the Democratic Party, in some instances it might mean lower and in other instances it might mean higher, but in every instance it would mean a logical tariff; and that is what we can not expect from your party.

Mr. LEAVITT. Will the gentleman yield further?

Mr. RAINEY. Yes.

Mr. LEAVITT. I am interested in products raised in Montana, like sugar, wheat, wool, cattle, and things of that kind. What would the gentleman do with those things under his logical tariff?

Mr. RAINEY. I will say this about wool and I will say this about sugar for the benefit of the gentleman from Montana: Those are two articles that this country must have. The higher you place the tariff on those two articles the bigger the price the consumer will pay for those two articles. We live in the north temperate zone, and we have got to wear woolen clothing. We produce only one-half of our supply of wool, and if you put a tariff on that wool we will try to keep warm, if we can, but we will have to pay a higher price, and we will have to meet the rigors of our cold winters. Would the gentleman increase the tariff on wool?

Mr. LEAVITT. Yes. I would certainly not lower it.

Mr. RAINEY. I thank the gentleman for his frankness. He would increase the tariff on wool until the people who must wear woolen clothing in this country or die must pay the price fixed by the greed of those who raise wool in Montana, where sheep roam over land that is not adapted to any other purpose.

Mr. LEAVITT. And should therefore be used for the raising of wool.

Mr. RAINEY. That would result in raising the price of clothing to every working man who works in a factory; it would raise the price of clothing to every farmer who toils on his farm. That is the effect of that policy and I would be against it, I will say to the gentleman. A high tariff does not help the wool industry, because the number of sheep on our ranges is constantly decreasing.

Mr. LEAVITT. That is not true of Montana.

Mr. RAINEY. That is true through the country generally, I will say to the gentleman, that you have fewer sheep now than you ever had before.

Mr. LEAVITT. Then we need more of a tariff to protect the sheep industry and not less.

Mr. RAINEY. The gentleman has been perfectly frank and he emphasizes the protectionist idea of the tariff. No matter how many people in this country suffer he is perfectly willing to let them suffer provided the men who live in Montana can make more money out of it. In other words, his position is this: As to all of these other things he must buy, he is perfectly willing to be robbed himself in order to enjoy the delightful privilege of robbing everybody else. The gentleman is an ideal protectionist and an ideal Republican.

Mr. LEAVITT. I thank the gentleman for that compliment. Will the gentleman yield further?

Mr. RAINEY. Yes.

Mr. LEAVITT. My desire is not to rob anybody, but to protect an American industry so that we can use our own lands to the best advantage.

Mr. RAINEY. The gentleman has made his selfish position so plain that it is unnecessary for me to comment upon it further. He is willing that everybody must pay twice as much as he pays now for clothing to shut out the blasts of winter in order that a few sheep barons in the wilds of his own State can make some more money. There is no trouble about the Republican position. That is it, and the gentleman has made it perfectly plain.

Mr. MANSFIELD. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. MANSFIELD. I will call attention to the fact that under the Underwood tariff law copra had a tariff on it of 1 cent per pound. Under the present tariff law it is on the free list. Copra is the substance from which coconut oil is made, and millions of tons of coconut oil are now competing with hog lard in this country.

Mr. RAINEY. The gentleman from Texas is absolutely right. The Underwood law was logical in all particulars.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CULLEN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. LOZIER. Apropos of the suggestion of the gentleman from Montana with respect to the effectiveness of the present tariff on agricultural products, may I call the gentleman's attention to the fact that according to the Chicago Tribune, a great Republican newspaper, on last Saturday, cash wheat in Winnipeg sold at $1.37¾ a bushel and $1.23⅞ in Minneapolis, a difference of 14 cents in favor of the Winnipeg market. Also on the same day, the Chicago price of May wheat was $1.30, Minneapolis $1.27, and Winnipeg $1.36. On the same day the price in Chicago of July wheat was $1.26, Minneapolis $1.28, and Winnipeg $1.35. Further, during one-half of the period from the time of the passage of the Fordney-McCumber Tariff Act, the price of wheat in Winnipeg has been from 4 to 14 cents a bushel above the price of the same grade of wheat in Minneapolis and in Chicago, which shows the wheat often commands a higher price in Canada than in the United States.

Mr. RAINEY. That is true, of course, and that has always been true.

Mr. LEAVITT. Will the gentleman yield?

Mr. RAINEY. I regret I can not yield again. Perhaps if I have time later I will yield.

Mr. LEAVITT. The gentleman directed a question to me.

Mr. RAINEY. Well, go ahead. I yield.

Mr. LEAVITT. I would like to ask the gentleman if he thinks that difference is because there is a tariff on wheat.

Mr. RAINEY. I will answer that. The difference is because it is better wheat there. That is the difference.

Mr. LEAVITT. If the gentleman will yield further, I will state that Montana went into the Chicago grain show this fall and took the sweepstakes over the rest of the world on its wheat, so there is no better wheat anywhere.

Mr. RAINEY. Well, you might have had a bushel or two that would do that. [Laughter.]

Mr. LEAVITT. We raised 76,000,000 bushels of wheat that will compete with the wheat of any country in the world and will take the prizes at any grain show.

Mr. RAINEY. I congratulate the gentleman in Montana, whoever he was, who had enough time to pick out enough good grains of wheat to beat this wheat they sell up there in Winnipeg.

Mr. LEAVITT. The show was in the gentleman's own State and the gentleman's State took no prizes at that show.

Mr. RAINEY. We do not raise hard wheat to any extent and we do not pretend to be a wheat State. If we did and if we tried, we would not stop for Montana, but would go right ahead and be the greatest wheat State in the Union.

Mr. GREENWOOD. Will the gentleman yield?

Mr. RAINEY. I yield.

Mr. GREENWOOD. The gentleman from Montana [Mr. LEAVITT] further complicates the matter for me to understand. If Montana raises better wheat, why does it take a less price under protection in competition with a poorer grade of wheat in Canada where the tariff is not so high?

Mr. RAINEY. Oh, the more the gentleman from Montana says, the more illogical his position becomes [laughter], and this is true of anybody who tries to defend a protective tariff in this world at the present time. [Laughter.]

Mr. LEAVITT. The gentleman and I were together on the McNary-Haugen bill, were we not? And that was intended to make the wheat tariff effective.

Mr. RAINEY. If we were, I congratulate the gentleman. For once the gentleman was right.

Mr. LEAVITT. The gentleman from Montana was also right on that point when the gentleman from Illinois was wrong in a previous Congress, because the gentleman was then opposed to the first bill.

Mr. RAINEY. Not at all. I opposed the first McNary-Haugen bill because it was utterly illogical and would not have worked, and the farm organizations themselves now admit it. Let me say to the gentleman, however, that illogical as the first McNary-Haugen bill was, all that it attempted to do was to restore the purchasing power to the produce which the farmer raised on his farm which that produce enjoyed in a Democratic year, 1913. If the gentleman is wedded to the first McNary-Haugen bill, that is all he tried to do—to get for the farmers a Democratic price for what they produced. The second McNary-Haugen bill contained an effort to make what tariff you give to the farmer effective, and this was not in the first bill; and the position taken by the gentleman now, if he supported the second McNary-Haugen bill, and the position taken by him then are absolutely irreconcilable.

Of course, we did not get during the Wilson administration the highest prices for farm products we ever got in the history of the country, because they were on the free list. We got the highest prices for farm products the country ever knew because our present system of tariffs has nothing to do with fixing those prices, except in a few instances, no matter how high you make it.

The prices of farm products were brought about by the prosperity which prevailed during the Wilson administration [applause], and which has failed since then.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CULLEN. Mr. Chairman, I yield the gentleman five minutes more.

Mr. RAINEY. A prosperity which we do not have to-day except in certain spots in this country. They call attention to the per capita wealth which the country enjoys at the present time; that is, they take the entire wealth of the United States and divide it by the number of people who live here, and call that the per capita wealth of the country. This Republican per capita method of doing things does not appeal to me. In order to illustrate what I mean—take Andrew W. Mellon, Henry Ford, and myself, just we three. Together we are worth $4,000,000,000. In order to tell how much we are worth per capita you divide that by three; and if you divide that by three you reach the conclusion at once that I am worth over $1,000,000,000, and I want to deny it so far as I am concerned. They have still got the $4,000,000,000 when you make that kind of a division, and I have still got the per capita, and that is all I get out of it. [Laughter.]

So we have to-day a prosperity which exists in spots, with money in the hands of a few people, an aristocracy of money; so much money that they are hunting for new and ever new fields of investment abroad at high rates of interest; so much money that they have got to send it away from the United States in order to invest it and to bring back the returns they are demanding. At the present time throughout the New England States, the very center of the protection field of this country, every day, more and more spindles become silent; every day more and more men are out of employment; and it will not be long until you commence to hear from that sort of thing. This country can not exist with its wealth, with its income monopolized under the present fiscal policies of this administration in the hands of a few; and so this afternoon almost the solid vote on the Democratic side of the House stood in favor of a logical downward revision of the tariff, the kind of a revision which would increase the purchasing power of the farmers' dollar; the kind of a revision which would increase the purchasing power of every man who toils, whether in field or factory or mine; the kind of purchasing power that the people of this country are demanding. We stood for that on this side, and with the exception of 8 or 10 courageous Republicans you registered this afternoon your opposition to that sort of a régime.

You registered your approval of the present conditions which create millionaires in ever-increasing numbers, until to-day under your régime we have twice as many as when you commenced operations in 1921 and four times as many as we had when the war started in Europe. Why? Under your manipulation of the fiscal affairs of this country, headed by a multimillionaire of multimillionaires—because Mr. Mellon is the real head of this administration—you have consolidated the wealth of the country until just a comparatively few people have it. You now have, and can point with pride to the fact, I presume, that there are 208 men of the United States whose income is $1,000,000 a year; and more than that, quite a considerable number of them have incomes larger than $1,000,000 a year. This is a Republican creation to which you can point with pride. We can not point with pride to it.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CULLEN. Mr. Chairman, I yield the gentleman five minutes more.

Mr. BLANTON. Will the gentleman yield?

Mr. RAINEY. In a moment. We would prefer that that money by a sound fiscal system, a system of lower taxes and a proper adjustment of taxes, be distributed throughout the length and breadth of this land, to bring happiness and comfort and higher standards of living and better standards of living into the homes of the poorer people.

I yield to the gentleman from Texas.

Mr. BLANTON. The gentleman from Kansas [Mr. STRONG] several years ago made a different kind of speech and then

placed in the CONGRESSIONAL RECORD a table of 17 different farm implements, showing how much more they cost the farmers down in Kansas under the Fordney-McCumber Act than they did under the Underwood Tariff Act. I have that RECORD here, and I wonder if the gentleman would like to put that table of Mr. STRONG'S in his speech to offset the other table that the gentleman from Kansas [Mr. STRONG] read?

Mr. RAINEY. If the gentleman from Kansas has anything of value, I would be glad to put it in, but so far he has not presented anything of value.

Mr. BLANTON. It shows 17 different farm implements upon which, he said, the farmers of Kansas had to pay so much more under the Fordney-McCumber Act than they did under the Underwood Act. I have the table here, and I wish the gentleman would read it.

Mr. RAINEY. It may be interesting. Have I lots of time?

Mr. BLANTON. Go ahead and read it.

Mr. RAINEY. Whenever you want me to quit, let me know.

Mr. CULLEN. I would be glad to yield the gentleman further time, but there are quite a number of requests for time on this side.

Mr. RAINEY. I am not going to take the time to read it now.

SEVERAL MEMBERS. Read it.

Mr. RAINEY. I will read it.

Implements	1914	1924
Hand corn sheller	$8.00	$17.50
Walking cultivator	18.00	38.00
Riding cultivator	25.00	62.00
1-row lister	36.00	89.50
Sulky plow	40.00	75.00
3-section harrow	18.00	41.00
Corn planter	50.00	83.50
Mowing machine	45.00	95.00
Self-dump hay rake	28.00	55.00
Wagon box	16.00	36.00
Farm wagon	85.00	150.00
Grain drill	85.00	165.00
2-row stalk cutter	45.00	110.00
Grain binder	150.00	225.00
2-row corn disk	38.00	95.00
Walking plow, 14-inch	14.00	28.00
Harness, per set	46.00	75.00

Of course, this list could be continued indefinitely.

Mr. BLANTON. That is the gentleman from Kansas's own table, applicable to the State of Kansas.

Mr. STRONG of Kansas. I admit it.

Mr. RAINEY. I hope the gentleman from Kansas will take time to explain it to the farmers in his State.

Mr. STRONG of Kansas. I am going to explain it in about a minute.

Mr. RAINEY. After the gentleman has explained it, I hope he will call attention to the fact that under a Democratic administration the farmer paid the prices I named first for implements which he used in producing his foodstuffs, and under a Republican administration he paid the prices that I read second. And then let the farmers decide which they like the better.

I suggest to the gentleman from Kansas that he might continue his explanation as to what happened to the farmers by calling attention to the prices they got for pigs and cattle and cereals of all kinds when they were produced under low Democratic prices for farm implements with which they made their crops and then the comparatively small prices they get at the present time. The gentleman can explain also how the farmers have left the farms in the State of Kansas and how many more have left during the past year.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. WASON. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. STRONG].

Mr. STRONG of Kansas. Mr. Chairman, I put that table in the RECORD of what the farmers were paying for agricultural implements at the time we were trying to pass farm-relief legislation.

The farmers of this country know that the Democratic Party is not their friend. This talk of trying to make the farmers believe that they were prosperous under the Democratic administration and went to the bad under the Republican Administration is all camouflage.

Here is what happened: When you took possession of the Government in 1912 we were paying low prices for agricultural implements; we were getting fair prices for products of the farm. What did you do? In 1913 you passed a tariff law and put practically every agricultural product on the free list, so low that agricultural products came into this country from all over the world. Eggs came from China by the shipload; butter from Norway, Denmark, and Sweden; milk, cheese, and wheat from Canada; wool and sheep from Australia; corn, cattle, and meat products from Argentina. All tariff free.

During the war, of course, prices went up, but we would have got much better prices if the Democratic Party had not declared that wheat could only go to $2.26 in Chicago.

Mr. AYRES. Will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. AYRES. How long had we been in the war in 1914 when the gentleman called attention that machinery was selling for one-third of the price for what it is now selling?

Mr. STRONG of Kansas. You had just got in.

Mr. AYRES. We did not get into the war until 1917.

Mr. STRONG of Kansas. I mean you had just got into power, when you passed your tariff act. We were paying low prices——

Mr. AYRES. Oh, the gentleman ought to be fair. The Underwood tariff bill was in operation only until the Fordney-McCumber bill was passed.

Mr. STRONG of Kansas. It went into operation months before war broke out in Europe, and low prices on agricultural machinery and fair prices on agricultural products had been in existence for years, and my friend from Kansas knows it. You passed a tariff bill putting agricultural products on the free list and agricultural products came in from all over the world and down went prices of agricultural products. Wheat went down to 65 cents in Marshall County, Kans., in the spring of 1914.

Mr. AYRES. That must be the only county in the State.

Mr. STRONG of Kansas. No, it was all over Kansas.

Mr. AYRES. It was $1.10 in October, 1914.

Mr. STRONG of Kansas. Yes, after war started in Europe. But in 1913 you passed your tariff law, and put agricultural products on the free list, and agricultural products fell in price. We could not meet the cheap foreign prices. Then came on the war in Europe, in 1914, and then is when prices began to go up. You can not dodge by saying that we did not get in the war until 1917. We had the benefit of war prices the fall of 1914 and in 1915 and 1916, before we got into the war, and everybody knows that.

Mr. AYRES. I would like to hear the gentleman's explanation of the table that he put in the RECORD in 1924.

Mr. STRONG of Kansas. Then sit down and give me a chance to tell you.

Mr. AYRES. I will be glad to do so if the gentleman will give us that explanation.

Mr. STRONG of Kansas. Oh, you gentlemen do not want information; you are trying to camouflage, and you do not want the facts. [Laughter on the Democratic side.]

Mr. AYRES rose.

Mr. STRONG of Kansas. Sit down a moment. I must refuse to yield. I want to tell you why that table was put in. I put that table in the RECORD when we were trying to pass farm relief legislation. I wanted agricultural products to have a better price. During and after the war you had held down the price on agricultural products—by your tariff bill which admitted foreign agricultural products free, and by your limitation on the price of wheat—and I wanted to show that everything the farmer had to buy had gone up; that he needed farm relief.

Mr. AYRES. Will the gentleman please explain why the difference in the price of machinery in 1914 and in 1924. That is what I want to know.

Mr. STRONG of Kansas. I can explain it to you. We had war prices——

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. WASON. Mr. Chairman, I yield two minutes more to the gentleman from Kansas.

Mr. STRONG of Kansas. We had war prices. The price of materials went up everywhere, and we had to pay more for labor in making agricultural implements and the farmer had to pay high prices for them, while he did not get a like high price for what he had to sell, largely because the Democratic administration had permitted foreign agricultural products to come in tariff free and flood our markets, while they limited prices on the farmer's wheat and other products. We Republicans had passed the farmers' emergency tariff act and in 1924 were trying to get additional farm relief legislation, and I introduced the comparative table of prices of agricultural implements

before and after the war to show the need of agriculture for farm relief legislation. [Laughter on the Democratic side.]

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Not now. I note the Democrats do not like to have the truth told them.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. STRONG of Kansas. Yes.

Mr. LEAVITT. Is it not true that all of these agricultural implements are on the free list under the Republican tariff?

Mr. STRONG of Kansas. I shall come to that in a moment. When we came into power we found this condition. We found that everything that the farmer had to buy had gone up, while everything that he had to sell had gone down. Of course, during the war he got fair prices, but I am talking about conditions after the war. I have just a few moments ago told you what the Republican Party did when it passed its tariff law for the relief of agriculture when we came into power after the war. Here is what the Republican Party put on the free list in 1922 to reduce the high prices on what the farmers have to buy. We put on the free list "agricultural implements including picks, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers (except lawn mowers), horse rakes, cultivators, threshing machines, cotton gins, wagons and carts; livestock imported for breeding purposes, antitoxins, vaccines, serums, and bacterines; binding twine, barbed wire, either plain or galvanized, fertilizers, oil cake and oil-cake meal; building material, including shingles, pickets, palings, wood, logs, timber, cement; leather goods, including harness, boots and shoes, gloves, and coal.

Let me say that I own a 320-acre dairy and stock farm. Everything I buy on that farm is on the free list and everything that I sell is on a protected list, and that is under a Republican tariff law. [Applause on the Republican side.]

Mr. CULLEN. Mr. Chairman, I yield myself 15 minutes. Gentlemen of the committee, this bill which we now have under consideration carries an aggregate appropriation of $526,193,111 for the Executive Office and sundry independent executive bureaus, boards, and commissions for the fiscal year of 1929, while in the fiscal year 1928 the sum of $533,908,414 was appropriated. The Budget estimate for 1929 is $527,553,802.

There is, therefore, a decrease of $7,715,303 over the same appropriation bill of 1928 and a decrease of $1,360,691 as recommended by the Budget.

The two largest amounts appropriated under this bill are those for the United States Veterans' Bureau, totaling $485,560,000, and the United States Shipping Board, which is $12,288,750.

For the Executive Office the sum of $437,180 is appropriated; Alien Property Custodian, American Battle Monuments Commission, and the Arlington Memorial Bridge Commission, $2,300,000.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CULLEN. Yes.

Mr. BLANTON. The gentleman mentions the Alien Property Custodian.

Mr. CULLEN. Yes.

Mr. BLANTON. What right has the gentleman's Committee on Appropriations to pass legislation raising his salary?

Mr. CULLEN. The Alien Property Custodian's salary is raised on the theory that he is an able man in the right place.

Mr. BLANTON. But what authority has the Committee on Appropriations to pass such legislation?

Mr. CULLEN. Oh, well, the committee recognizes worth and efficiency.

Mr. BLANTON. They did not stop there. They raised another salary in the Shipping Board personnel.

Mr. CULLEN. Yes.

Mr. BLANTON. Why did they do that? They had no such authority.

Mr. CULLEN. Because he is a very efficient man, and I helped to raise it.

Mr. BLANTON. Are all of our legislative committees going to stop functioning and go home? Is the one big Committee on Appropriations going to do all of the legislative work?

Mr. CULLEN. Not necessarily.

Mr. BLANTON. There is other legislation in the gentleman's bill that I can mention.

Mr. CULLEN. What is it?

Mr. BLANTON. I hope that our friends on the Committee on Appropriations will stop legislating. I hate to make points of order. But when this bill is read under the five-minute rule, I shall be compelled to strike these legislative provisions out of this appropriation bill by making points of order against them.

Mr. CULLEN. Well, there will be time enough for that when the bill is being read under the five-minute rule.

Mr. BLANTON. The committee does put in legislation whenever it wants to, when it thinks it can get by with it.

Mr. CULLEN. I do not know about that, but I believe they should recognize efficiency in any department. I do not believe in cutting away salaries and decreasing efficiency. If we have a good man in the right place, keep him there.

Mr. BLANTON. I am not talking about the merits. I am talking about the committee going beyond its power and trying to legislate instead of appropriating.

Mr. CULLEN. Board of Mediation, $347,902; Board of Tax Appeals, $720,740; Bureau of Efficiency, $210,350; Civil Service Commission, $1,098,752; Commission of Fine Arts, $7,300; Employees' Compensation Commission, $3,675,000; Federal Board of Vocational Education, $853,000; Federal Power Commission, $112,640; Federal Radio Commission, $80,560; Federal Trade Commission, $963,000; General Accounting Office, $3,820,000; Housing Commission, $475,750; Interstate Commerce Commission, $7,654,745; National Advisory Committee for Aeronautics, $600,000; Smithsonian Institution, $944,162; Tariff Commission, $754,000; United States Geographic Board, $4,300; United States Shipping Board, $12,288,750; United States Veterans' Bureau, $485,560,000; and in addition, the permanent annual appropriations for 1929 amount to $84,650,250.

In order to have a permanent record and to call the attention of the Members generally to the objects and amounts for which these appropriations are made, I ask unanimous consent to insert herewith a prepared statement thereof.

Mr. Chairman, I ask unanimous consent to insert herewith a prepared statement concerning some of the details.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. CULLEN. The statements are as follows:

INDEPENDENT OFFICES APPROPRIATION BILL, FISCAL YEAR 1929

Comparative statement of the amounts appropriated for the fiscal year 1928, the Budget estimates for the fiscal year 1929, and the amounts recommended in the accompanying bill for 1929

Object	Appropriations for 1928 in the independent offices deficiency and other acts	Estimates for 1929, regular annual and supplemental	Amount recommended in the bill for 1929	Increase (+) or decrease (−), bill compared with 1928 appropriation	Increase (+) or decrease (−), bill compared with 1929 Budget estimates
EXECUTIVE OFFICE					
President, salary of	$75,000.00	$75,000.00	$75,000.00		
Vice President, salary of	15,000.00	15,000.00	15,000.00		
Executive Office:					
Salaries	95,260.00	96,480.00	96,480.00	+$1,220.00	
Contingent expenses	35,500.00	35,000.00	35,000.00	−500.00	
President, traveling expenses	25,000.00	25,000.00	25,000.00		
Printing and binding	2,800.00	2,800.00	2,800.00		
Executive Mansion and grounds, maintenance	104,000.00	102,000.00	102,000.00	−2,000.00	
White House police:					
Salaries	83,400.00	83,400.00	83,400.00		
Uniforms and equipment	2,500.00	2,500.00	2,500.00		
Cancellation of oil leases	90,000.00			−90,000.00	
Total, Executive Office	528,460.00	437,180.00	437,180.00	−91,280.00	

INDEPENDENT OFFICES APPROPRIATION BILL, FISCAL YEAR 1929—Continued

Comparative statement of the amounts appropriated for the fiscal year 1928, the Budget estimates for the fiscal year 1929, etc.—Continued

Object	Appropriations for 1928 in the independent offices deficiency and other acts	Estimates for 1929, regular annual and supplemental	Amount recommended in the bill for 1929	Increase (+) or decrease (−), bill compared with 1928 appropriation	Increase (+) or decrease (−), bill compared with 1929 Budget estimates
ALIEN PROPERTY CUSTODIAN					
Salaries and expenses	$97,500.00	$7,500.00		−$97,500.00	−$7,500.00
Printing and binding	500.00			−500.00	
Total, Alien Property Custodian	98,000.00	7,500.00		−98,000.00	−7,500.00
American Battle Monuments Commission, salaries and expenses	600,000.00	700,000.00	$700,000.00	+100,000.00	
Arlington Memorial Bridge Commission	2,500,000.00	2,300,000.00	2,300,000.00	−200,000.00	
BOARD OF MEDIATION					
Salaries	60,000.00	60,000.00	60,000.00		
General expenses	177,000.00	155,102.00	155,102.00	−21,898.00	
Arbitration boards	100,000.00	80,000.00	80,000.00	−20,000.00	
Emergency boards	50,000.00	50,000.00	50,000.00		
Printing and binding	3,000.00	2,800.00	2,800.00	−200.00	
Total, Board of Mediation	390,000.00	347,902.00	347,902.00	−42,098.00	
BOARD OF TAX APPEALS					
Salaries and expenses	682,740.00	682,740.00	682,740.00		
Printing and binding	30,040.00	38,000.00	38,000.00	+7,960.00	
Total, Board of Tax Appeals	712,780.00	720,740.00	720,740.00	+7,960.00	
BUREAU OF EFFICIENCY					
Salaries and expenses	210,000.00	210,000.00	210,000.00		
Printing and binding	350.00	350.00	350.00		
Total, Bureau of Efficiency	210,350.00	210,350.00	210,350.00		
CIVIL SERVICE COMMISSION					
Office force	609,500.00	578,160.00	578,160.00	−31,340.00	
Field force	330,000.00	334,000.00	334,000.00	+4,000.00	
Expert examiners	2,000.00	2,000.00	2,000.00		
Examination of presidential postmasters	26,000.00	26,000.00	26,000.00		
Traveling expenses	102,500.00	32,000.00	32,000.00	−70,500.00	
Contingent expenses	46,350.00	44,000.00	44,000.00	−2,350.00	
Rent	24,592.00	24,592.00	24,592.00		
Printing and binding	58,000.00	58,000.00	58,000.00		
Total, Civil Service Commission	1,198,942.00	1,098,752.00	1,098,752.00	−100,190.00	
COMMISSION OF FINE ARTS					
Salaries and expenses	7,000.00	7,000.00	7,000.00		
Printing and binding	300.00	300.00	300.00		
Total, Commission of Fine Arts	7,300.00	7,300.00	7,300.00		
EMPLOYEES' COMPENSATION COMMISSION					
Salaries	372,540.00	460,000.00	460,000.00	+75,460.00	
Contingent expenses	12,000.00				
Printing and binding	13,700.00	15,000.00	15,000.00	+1,300.00	
Administration of employees' compensation fund	3,250,000.00	3,200,000.00	3,200,000.00	−50,000.00	
Total, Employees' Compensation Commission	3,648,240.00	3,675,000.00	3,675,000.00	+26,760.00	
FEDERAL BOARD FOR VOCATIONAL EDUCATION					
Vocational education, Hawaii	30,000.00	30,000.00	30,000.00		
Vocational rehabilitation	700,000.00	750,000.00	750,000.00	+50,000.00	
Administrative expenses	68,230.00	73,000.00	73,000.00	+4,770.00	
Total, Federal Board for Vocational Education	798,230.00	853,000.00	853,000.00	+54,770.00	
FEDERAL POWER COMMISSION					
Salaries and expenses	28,500.00	108,840.00	108,840.00	+80,340.00	
Printing and binding	4,000.00	3,800.00	3,800.00	−200.00	
Total, Federal Power Commission	32,500.00	112,640.00	112,640.00	+80,140.00	
FEDERAL RADIO COMMISSION					
Salaries of commissioners		18,000.00	18,000.00	+18,000.00	
General expenses	52,186.00	62,560.00	62,560.00	+10,374.00	
Total, Federal Radio Commission	52,186.00	80,560.00	80,560.00	+28,374.00	
FEDERAL TRADE COMMISSION					
Salaries	50,000.00	50,000.00	50,000.00		
Expenses	917,850.00	895,000.00	895,000.00	−22,850.00	
Printing and binding	16,500.00	18,000.00	18,000.00	+1,500.00	
Total, Federal Trade Commission	984,350.00	963,000.00	963,000.00	−21,350.00	
GENERAL ACCOUNTING OFFICE					
Salaries	3,575,000.00	3,575,000.00	3,575,000.00		
Contingent expenses	242,400.00	220,000.00	220,000.00	−22,400.00	
Printing and binding	26,000.00	25,000.00	25,000.00	−1,000.00	
Total, General Accounting Office	3,843,400.00	3,820,000.00	3,820,000.00	−23,400.00	
George Washington Bicentennial Commission	14,000.00			−14,000.00	

INDEPENDENT OFFICES APPROPRIATION BILL, FISCAL YEAR 1929—Continued

Comparative statement of the amounts appropriated for the fiscal year 1928, the Budget estimates for the fiscal year 1929, etc.—Continued

Object	Appropriations for 1928 in the independent offices deficiency and other acts	Estimates for 1929, regular annual and supplemental	Amount recommended in the bill for 1929	Increase (+) or decrease (−), bill compared with 1928 appropriation	Increase (+) or decrease (−), bill compared with 1929 Budget estimates
HOUSING CORPORATION					
Salaries	$43,300.00	$40,300.00	$40,300.00	−$3,000.00	
Contingent expenses	5,000.00	5,000.00	5,000.00		
Printing and binding	800.00	800.00	800.00		
Collections	29,000.00	22,000.00	22,000.00	−7,000.00	
Government hotels, Washington	480,136.00	403,250.00	403,250.00	−76,886.00	
Maintenance, unsold property	1,000.00	400.00	400.00	−600.00	
Miscellaneous expenses on property sold	5,000.00	4,000.00	4,000.00	−1,000.00	
Total, Housing Corporation	564,236.00	475,750.00	475,750.00	−88,486.00	
INTERSTATE COMMERCE COMMISSION					
Salaries	139,500.00	139,500.00	139,500.00		
General expenses	2,460,600.00	2,564,500.00	2,564,500.00	+103,900.00	
Regulating commerce	1,315,000.00	1,327,745.00	1,327,745.00	+12,745.00	
Safety of employees, etc	515,824.00	515,824.00	515,824.00		
Signal safety systems	148,320.00	148,320.00	148,320.00		
Locomotive safety inspection	493,856.00	491,448.00	493,856.00		+$2,408.00
Valuation of property	2,563,214.00	2,200,000.00	2,200,000.00	−363,214.00	
Printing and binding	345,000.00	255,000.00	265,000.00	−80,000.00	+10,000.00
Total, Interstate Commerce Commission	7,981,314.00	7,642,337.00	7,654,745.00	−326,569.00	+12,000.00
NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS					
Salaries and expenses	537,000.00	587,000.00	587,000.00	+50,000.00	
Printing and binding	13,000.00	13,000.00	13,000.00		
Total, National Advisory Committee for Aeronautics	550,000.00	600,000.00	600,000.00	+50,000.00	
PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL					
Salaries	1,710,560.00	1,724,530.00	1,724,530.00	+13,970.00	
General expenses	740,460.00	857,000.00	857,000.00	+116,540.00	
Printing and binding	3,450.00	3,450.00	3,450.00		
Total	2,454,470.00	2,584,980.00	2,584,980.00	+130,510.00	
SMITHSONIAN INSTITUTION					
General administration		25,000.00	32,500.00	+32,500.00	+7,500.00
International exchanges	46,855.00	47,855.00	48,208.00	+1,353.00	+353.00
American Ethnology	58,720.00	58,720.00	60,300.00	+1,580.00	+1,580.00
International Catalogue of Scientific Literature	7,260.00	7,260.00	7,460.00	+200.00	+200.00
Astrophysical Observatory	32,060.00	32,060.00	33,200.00	+1,140.00	+1,140.00
Assistant secretary	7,500.00	7,500.00		−7,500.00	−7,500.00
Natural History Building	80,000.00			−80,000.00	
National Museum:					
Furniture, cases, etc	26,500.00	29,500.00	29,560.00	+3,060.00	+60.00
Heat, telegraph, etc	79,500.00	83,340.00	84,040.00	+4,540.00	+700.00
Increase of collections	473,510.00	483,110.00	502,546.00	+29,036.00	+19,436.00
Repairs to building, etc	13,000.00	17,610.00	17,730.00	+4,730.00	+120.00
Purchase of books, etc	1,500.00	2,000.00	2,000.00	+500.00	
Stamps and foreign postage	450.00	450.00	450.00		
Steel gallery—construction	12,500.00			−12,500.00	
National Gallery of Art	30,356.00	30,356.00	31,168.00	+812.00	+812.00
Printing and binding	90,000.00	90,000.00	95,000.00	+5,000.00	+5,000.00
Total, Smithsonian Institution	959,711.00	914,761.00	944,162.00	−15,549.00	+29,401.00
TARIFF COMMISSION					
Salaries and expenses	673,500.00	738,000.00	738,000.00	+64,500.00	
Printing and binding	12,500.00	11,000.00	16,000.00	+3,500.00	+5,000.00
Total, Tariff Commission	686,000.00	749,000.00	754,000.00	+68,000.00	+5,000.00
U. S. GEOGRAPHIC BOARD					
Salaries	3,645.00	3,660.00	3,660.00	+15.00	
Printing and binding	300.00	640.00	640.00	+340.00	
Total, Geographic Board	3,945.00	4,300.00	4,300.00	+355.00	
U. S. SHIPPING BOARD					
Salaries and expenses	283,000.00	279,750.00	279,750.00	−3,250.00	
Printing and binding	7,000.00	9,000.00	9,000.00	+2,000.00	
Emergency shipping fund	12,000,000.00	13,400,000.00	12,000,000.00		−1,400,000.00
Special shipping fund	(1)	(1)	(1)		
Total, Shipping Board	12,290,000.00	13,688,750.00	12,288,750.00	−1,250.00	−1,400,000.00
U. S. VETERANS' BUREAU					
Salaries and expenses	42,500,000.00	40,000,000.00	40,000,000.00	−2,500,000.00	
Printing and binding	125,000.00	135,000.00	135,000.00	+10,000.00	
Military and naval compensation	187,900,000.00	195,000,000.00	195,000,000.00	+7,100,000.00	
Medical and hospital services	35,275,000.00	31,675,000.00	31,675,000.00	−3,600,000.00	
Adjusted certificate fund	112,000,000.00	112,000,000.00	112,000,000.00		
Military and naval insurance	114,000,000.00	106,750,000.00	106,750,000.00	−7,250,000.00	
Hospital facilities and services	1,000,000.00			−1,000,000.00	
Total, U. S. Veterans' Bureau	492,800,000.00	485,560,000.00	485,560,000.00	−7,240,000.00	
Grand total, Executive Office and independent offices appropriation act	533,908,414.00	527,553,802.00	526,193,111.00	−7,715,303.00	−1,360,691.00

[1] Reappropriation.

Permanent annual appropriations

Object	1928	1929
Alaska, relief of indigent	$15,000	$15,000
Federal Board for Vocational Education	7,367,000	7,367,000
Federal Power Commission	10,000	8,250
Federal Reserve Board		2,700,000
Smithsonian Institution	60,000	60,000
Veterans' Bureau		74,500,000
Total	7,452,000	84,650,250

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, January 16, 1928.

Hon. THOMAS H. CULLEN,
House of Representatives,
Washington, D. C.

MY DEAR MR. CULLEN: In reply to your verbal inquiry relative to the items making up the $3,507,385 under the caption "Repairs and alterations," appropriation "Medical and hospital services" requested by this bureau for 1929, there are listed below by purpose and amounts the items making up this amount:

Additions to buildings	$1,096,735
Heating plants—coal and ash bunkers	147,800
Lighting system	18,000
Deep well and water plants	104,000
Fences	9,500
Reroofing	11,100
Master-key systems	7,000
Machinery	5,000
Water and sewer facilities	25,000
Irrigation	17,000
Alterations to quarters	16,700
Landscaping	10,500
Painting	114,450
Sidewalks and roads	333,500
Refrigeration systems	17,100
Trees and shrubs	2,000
Incinerator	8,500
Alterations and repairs	1,141,000
Approach work	224,500
Repairs to furniture and equipment	198,000
Total	3,507,385

For further information, at the time of the hearings there was left with the chairman of the Subcommittee on Appropriations a detailed itemization of my estimate, which would show by activity each individual item. Should this information not prove sufficient, I will be pleased to have my budget officer call upon you and go into such detail as might be considered necessary.

Very truly yours, FRANK T. HINES, *Director.*

Mr. CULLEN. Our subcommittee has labored for the past few weeks in session with our esteemed chairman and colleague, Congressman WOOD, and Congressmen WASON, SUMMERS of Washington, and VINSON of Kentucky, and with the cooperation of that stalwart and distinguished gentleman from Illinois, Hon. MARTIN B. MADDEN, chairman of our Appropriations Committee, while conducting hearings with the representatives of the various independent offices before our committee. From a general résumé thereof, I believe that the employees of the Federal departments are rendering most efficient and capable service, worthy of much praise and recognition. But I warn the Congress not to reduce too far the needed appropriations for the operation of our governmental agencies, and thus cripple and retard the progress that is being made in bringing about the greatest possible degree of efficiency compatible with the amount of money that is appropriated annually. [Applause.]

The men who left their jobs, their homes and relatives to enlist in defense of the lives and property of the American people in time of war, some of whom were crippled and maimed for life, while others paid the supreme sacrifice, must be well and properly cared for, and adequate and up-to-date hospital facilities provided. This bill seeks $485,560,000 for the Veterans' Bureau, of which amount $31,675,000 is proposed for present hospital purposes, exclusive of personnel, and which amount does not include the appropriation to be reported in the hospital bill now pending before the Veterans' Committee.

I am for an American merchant marine, supported, maintained, and developed along with the other big institutions of this great country. I believe in the principle of Federal aid. We must have a merchant marine capable of transporting our enormous overseas commerce and serving the American people in time of war and distress, when it is absolutely necessary that food and supplies be furnished our forces on land and sea, and act as an auxiliary to the Navy.

Our country ranks about eighth in the shipping business, and although the early founders of this Government advocated and encouraged the building of a large merchant marine, our present shipping business is at the lowest ebb, brought about more by the present prohibitive tariff than by any other cause I know of.

By the act of Congress of date July 4, 1789, a discount of 10 per cent was allowed on all goods in ships owned by American citizens, and a further rebate was allowed on tea imported from the East Indies in American vessels. With such aid and encouragement the tonnage carried in American bottoms increased from 123,893 in 1789, to something over four hundred thousand in 1792. In other words, the percentage of exports and imports increased from 25.6 to 92 per cent. As early as 1840 the British Government adopted the policy of granting subsidies to certain steamship lines, and shortly Italy, France, and the other European countries followed. Presidents Washington, Adams, Jefferson, and Madison strongly advocated relief to the shipping industry, and it was no other than Thomas Jefferson who said:

> To force shipbuilding is to establish shipyards; is to form magazines; to multiply useful hands; to produce artists and workmen of every kind who may be found at once for the peaceful speculations of commerce and for the terrible wants of war.

From the year 1831 to 1841, the number of foreign ships in our ports increased over 400 per cent, while during the same period American ships only increased 40 per cent. The British Government in 1834 granted to certain lines a subsidy of $850,000, and in a few years such subsidies were increased from three to four million dollars. It is very significant that those who advocated and initiated the movement to compete in the shipping business with the British lines by granting subsidies, were men of power, leadership, and national influence such as Presidents Jefferson and Polk, and Senator Thomas King of Georgia, and by the largest shipowner of more recent time, A. A. Low, Esq., father of Hon. Seth Low, former mayor of New York and president of Columbia College and of the New York Chamber of Commerce. There was practically no increase in the amount of imports and exports carried in American ships up to the time of the great World War, with the proportion of tonnage transported in American vessels being 8.2 per cent in 1901, while in 1914 it was only 8.6 per cent. The Merchant Marine Commission, established by Congress in 1904, composed of five Senators and five Representatives, with Senator Gallinger of New Hampshire, as chairman, recommended tonnage subsidies on cargo vessels to certain steamship lines to the West Indies, South America, South Africa, Australia, and the Orient, but this provision embodied in the measure that passed the Senate was eliminated in the House.

The Italian Government alone has spent approximately $4,600,000 annually in the construction and operation of their ships and mail lines to China, India, North and East Africa, and Egypt, and France has expended about $13,000,000 a year in the equipment and operation of its various ship lines to Australia, eastern Mediterranean, Brazil, and other countries, while England is also appropriating between seven and eight million dollars every year in aiding and developing her merchant marine.

During the past summer months I had the opportunity of securing first-hand information while in Europe studying the shipping industries of the foreign countries, particularly England, Italy, France, and Germany. All of these countries are now establishing additional shipyards, constructing and equipping vessels to transport the commerce on the high seas.

Italy is building two new ships of twenty-five to thirty thousand tonnage, while France and Germany are also forging ahead under a very large shipbuilding program, reconditioning and thoroughly equipping all their old ships on hand and constructing additional ships. To-day our North American lines are badly in need of two modern vessels of 30,000 tonnage to supply the great demand for additional export passenger, mail, and freight services, along with the *Leviathan*, *George Washington*, *President Harding*, *America*, *President Roosevelt*, and the *Republic*. Sailing of these ships should be made at least three times a week, and thus eliminate the great delay and congestion entailed by sailing only once every 10 days or two weeks.

During the fiscal year 1927, shipments to Europe amounted to the enormous value of $2,397,000,000, or 48 per cent of all our exports, and our imports were $1,268,000,000. Great Britain and Ireland paid about one billion for our products; Italy, $142,000,000; France, $243,000,000; Germany, $443,000,000; and the Netherlands, $143,000,000.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CULLEN. Yes.

Mr. BLANTON. I think the gentleman is making a most interesting speech and giving us some valuable information. I am sorry the membership are not giving him their full attention.

Mr. CULLEN. It will all go into the RECORD. A chain is no stronger than its weakest link, and in order to maintain a feeling of national security in future periods of distress and trouble, we must have a larger fleet of adequate and modern ships and improve our national defense. On November 30, 1927, the United States Fleet Corporation had 266 cargo, 5 passenger, and 9 tanker ships in operation, totaling a fleet of 285 ships. In case of trouble the United States would be forced to spend nearly $3,000,000,000 for the construction of emergency ships, and in the meanwhile American lives would be sacrificed before the ships could be placed in operation. In order that we may balance the North American fleet, the two ships, *Mount Vernon* and the *Monticello*, now lying down at Chesapeake Bay, should be repaired, reconditioned, and put in operation, so that sailings could be had at least three times a week.

It was very gratifying to me and to the other members of the committee to know that the Shipping Board and the Emergency Fleet Corporation are being managed and operated on a strictly business basis. They are cutting away expenses where not needed and not reducing in any way the efficiency of its operations. They have practiced for the last year the strictest kind of economy, and that is what the Congress of the United States expects, as well as the people of the country.

I am fully convinced that the wisest and best policy is to have shipyards and train men to become proficient and experienced shipbuilders, as this feature of our ship program is just as important to the upbuilding of a merchant marine for reconditioning and repair in order that our ships can be kept up to that high standard worthy of the merchant marine of a great country and place our business at least on a par with that of the foreign nations. [Applause.]

Mr. WASON. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. SELVIG].

The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes.

Mr. SELVIG. Mr. Chairman and Members of the House, we have listened to a very important discussion this afternoon in reference to the resolution that was read before the House referring to the tariff. I could not find myself in favor of that resolution, because it proposes to reduce the tariff. I come from an agricultural district in Minnesota. The need of the farmers there is to increase the tariff rate on a considerable number of competitive agricultural products.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SELVIG. In a minute. In the year 1926 there were competitive agricultural imports shipped into this country aggregating in value one billion and a half dollars, and for the purpose of protecting our farmers against importations of this nature I am in favor of increasing the tariff rates on all such products at the present time.

Reference was also made in the debate this afternoon to the conditions which existed in the year 1914, at the time when the war in Europe began. At that time we were operating under the tariff act of 1913, and had that continued, without the increased demand for food and the higher prices realized during the war time, the situation we were left in in 1920, so far as the farmers were concerned, would have been much worse than it was. The emergency tariff act assisted the farmers in regaining their markets at the close of the war.

It may be that there are some schedules in our present tariff act that are too high, so far as the industrial and manufacturing schedules are concerned, and I hope this matter will be made a subject of investigation, and at the present session of Congress, at the initiative of the Committee on Ways and Means.

Now there is one more point that I wish to bring up, and that is with reference to the cost of farm machinery. There is no doubt that at the present time the cost of farm machinery is higher than it was formerly. I had occasion not long ago to talk with a member of a very prominent manufacturing concern producing binders, and I asked him what the most important factor in the production of binders was, and he informed me that it was labor.

I was informed that a binder involved in its total cost a labor item of between 82 and 84 per cent, which will account for the increased price of binders to-day. According to the June, 1927, earnings of New York factory workers, labor has increased 135 per cent over the level of labor wages during the period before the war, so that we have an explanation with reference to the increased labor cost of machinery. The increased cost is due to the labor that enters into the manufacture of such machinery and the increased cost, therefore, is not a tariff element.

Mr. BLANTON. Would the gentleman mind yielding for a question?

Mr. SELVIG. I yield to the gentleman.

Mr. BLANTON. The gentleman from Kansas [Mr. STRONG] said that the farmers of the country knew who their friends were and indicated they are not complaining. If they are not complaining, and if there is not a general discontent on behalf of agriculture all over the country, I want to ask the gentleman why did the President do his summering in South Dakota?

Mr. SELVIG. He went there because he found that was a good place to go, and wished to spend the summer there.

Mr. BLANTON. It was to alleviate this discontent as far as he could, was it not?

Mr. SELVIG. I do not think so.

Mr. BLANTON. I hope the gentleman can square that with his conscience.

Mr. SELVIG. I visited the President in South Dakota last summer, and found he had selected the most wonderful place for his summer residence, and I hope the President will come West next summer.

Mr. BLANTON. I want to say to the gentleman that I heard the Governor of South Dakota here in Washington assert that, in his judgment, the tariff ought to be revised downward on things that the farmer uses. What has the gentleman to say about that?

Mr. SELVIG. The great need at the present time, as far as the tariff is concerned, is to increase the schedules on competitive agricultural products. [Applause.] That is the first thing.

Mr. BLANTON. But how about revising it downward on all of the things the farmer must buy? That would help farmers.

Mr. SELVIG. We have on the free list a very large proportion of the things the farmer purchases. [Applause.] In addition to increasing the tariff on competitive agricultural schedules, we should also make the tariff effective on our surplus crops through the enactment of a bill similar to the one introduced at the last session by Chairman HAUGEN, of our Committee on Agriculture.

Mr. BLANTON. But my friend heard that table of 17 different farm implements that my friend from Kansas testified as costing more down in Kansas, under the present tariff act, from one-third to double what they cost the farmer under the Underwood tariff law.

Mr. SELVIG. I pointed out a few moments ago that, as far as the cost of a binder is concerned, the labor element entering into the cost of the manufacture of a binder approximates between 82 and 84 per cent, so that the increased cost of labor has therefore made the increased cost of farm machinery.

Mr. BLANTON. But that does not reduce the amount the farmer has to pay for it?

Mr. SELVIG. No; it does not do that. However, we can not attribute that to the tariff. The inference this afternoon was that the tariff is the cause of that increase.

Mr. BLANTON. The farmer wants some relief himself.

Mr. SELVIG. The farmer needs to get a better price for himself, and if we have an increased tariff on competitive agricultural products, that will give him that increased price. So will the Federal farm board if that legislation is enacted, as I expect it to be during this Congress.

Mr. KVALE. Will the gentleman yield?

Mr. SELVIG. Yes.

Mr. KVALE. The gentleman stated a while ago that he voted to table the tariff resolution because of its demand for a revision downward.

Mr. SELVIG. A revision downward, and the great need for competitive agricultural products is a revision upward.

Mr. KVALE. As I recall, the resolution provided for a revision downward of the excessive rates, and the Senator from South Dakota who introduced the resolution in the Senate is not in favor, so far as I know, of a revision downward on agricultural imports, nor are we of the West in favor of such a revision. We are in favor of a revision of the tariff on the implements and the other things a farmer has to buy, and for which he pays an excessive price to-day.

Mr. SELVIG. As far as I am concerned, the resolution that was passed by the Senate was unfortunate in its terminology, in that it states that the tariff schedules are to be revised downward, and I am against a revision of the agricultural schedules downward.

Mr. KVALE. The Senator from South Dakota is not in favor of that, nor am I.

Mr. NEWTON. Will the gentleman yield?

Mr. SELVIG. Yes.

Mr. NEWTON. Does my colleague know of a single agricultural implement that is not on the free list? All agricultural implements are on the free list, are they not?

Mr. SELVIG. Yes.

Mr. NEWTON. So that the statement just made, that the farmer is paying a duty upon agricultural implements, is not justified?

Mr. KVALE. I will say to the gentleman from Minnesota that many of the things which enter into the manufacture of these implements are not on the free list.

Mr. NEWTON. I got the impression that the gentleman thought the farmer was paying a duty on agricultural implements.

Mr. KVALE. I am not speaking of agricultural implements only, but of these other things which enter into their manufacture.

Mr. NEWTON. However, the gentleman has not answered my question. Will not the gentleman state frankly to the House that under the tariff law as it now stands agricultural implements are on the free list?

Mr. KVALE. But the gentleman knows that many of the things entering into the manufacture of those implements are not on the free list, which amounts to the same thing.

Mr. TILSON. Mr. Chairman, I feel that I must suggest that the gentleman has asked for a very limited time, and that the older Members are taking most of his time from him.

Mr. BLANTON. He is able to take care of himself.

Mr. TILSON. He has taken care of himself very well so far as the gentleman from Texas is concerned. [Applause.]

Mr. BLANTON. And he could do it as to the gentleman from Connecticut, and he does not need him.

Mr. SELVIG. Mr. Chairman and Members of the House, to-day, January 17, 1928, is the two hundred and twenty-second anniversary of the birth of Benjamin Franklin. At least we are reasonably certain that he first saw light on the 17th of January, 1706, although strong claims are made that January 6 is the correct date. Upon investigation I found that the weight of opinion favored January 17.

This decision was probably influenced, in part, by the fact that January 6 is past and that to wait a whole year before delivering this speech would be too great a hardship to bear.

Benjamin Franklin has fittingly been called the first typical American. He was born of an immigrant father but would be a typical American if he lived to-day.

He is affectionately regarded as one of our greatest men. By many he is ranked as the greatest of all Americans. He is undoubtedly entitled to a place among the greatest men that have lived.

His talents and interests were many. Great as a philosopher and scientist, successful as a publisher, capable as a politician and diplomatist, and renowned as a writer, he added glory to the name of America throughout the entire world.

He is the father of the public library. He is the founder of the city police and fire department systems of American cities. His efforts led to the establishment of the first public hospital. He, in part, at least, may be said to be the leader in establishing the State university as a part of America's great contributions to education.

These achievements, if there were no others, would entitle him not only to America's gratitude but to the plaudits of humanity at large.

But there is more to be added. He was successful in business and attended strictly to it, but did not permit business to possess his soul. His humor has delighted millions.

Benjamin Franklin's crowning achievement, however, lies not in his business success nor in his writings. His was the opportunity to give service, unmatched in brilliancy, resourcefulness, and achievement, to his country in foreign courts.

During those trying years when our country's founders struggled and fought to bring forth a new nation "conceived in liberty and dedicated to the proposition that all men are created equal," Franklin was in Europe, where, undismayed by innumerable setbacks and disasters, he, smilingly and hopefully, day after day hung on. He won a place in the affections of all and secured the help without which all would have been lost.

Franklin lived to see these thirteen Colonies "hang together, and not separately," as he at one time feared they would, and become a nation.

On April 17, 1790, at the ripe old age of 84, he passed away, honored, respected, and loved by all the peoples of the civilized world.

To-day I shall not attempt to portray his life nor to recount his great achievements. I merely desire to call to the attention of the Members of the House Benjamin Franklin's devotion to truth, to facing the facts as they were, and to emphasize his greatest service, which lay in his ability to meet the situations that arose during those critical years in our Nation's life and to solve the problems that confronted our country.

He had an unerring instinct for facts, and a guiding principle of his eventful life was to use facts upon which to base his conclusions.

Facts and truth are not always easily found. A great American of our day, Mr. Owen D. Young, in characteristic form expressed this in the following words:

> Facts can be applied in any field. Our curse is ignorance. Facts are our scarcest raw material. This is shown by the economy with which we use them, because they are as difficult to get as they are precious to have.

Agriculture presents one of the most difficult fields in which to secure facts that may prove to be of value in analyzing the problems confronting our farmers. But we must have them and they must be presented in order that our farming class may be encouraged and aided in their great task.

All are agreed that agriculture is one of our Nation's most fundamental interests. The statesmen of every age have ever exalted the tillers of the soil, the producers of life's necessities, who, year in and year out, through unremitting toil, plough, sow, and harvest that our people may be fed and clothed.

George Washington, in a letter to the Marquis de Lafayette, written at Mount Vernon January 29, 1789, emphasized the transcending importance of agriculture, and extolled its handmaid—industry. In this letter he expresses his conviction that both should go forward together, that industry should be encouraged, but with "no diminution in agriculture" and not "to the prejudice of agriculture."

In this letter he displayed the rare statesmanship that always characterized his views. Modern-day statesmen, grappling with the acute agricultural problems that were left us as a heritage of the World War, can well take note of his words.

In his address to both Houses of Congress, January 8, 1790, George Washington indicates his interest in the country's welfare when he said:

> The advancement of agriculture (which he placed first), commerce, and manufactures, by all proper means, will not, I trust, need recommendation.

In all his writings and in his work George Washington, the father of our country, showed the keenest interest in agriculture, which he held was the foundation of our national weal.

George Washington, too, had a good word to say for the West. He early sensed the potential importance of that vast region, destined to become the world's greatest food-producing region.

In a letter to Richard Henderson, written from Mount Vernon, June 19, 1788, he wrote:

> If I was a young man, just preparing to begin the world, or if advanced in life and had a family to make a provision for, I know of no country where I should rather fix my habitation than in some part of that region.

To-day, amidst the great wealth and prosperity of our industrial sections, his invitation to go West does not carry with it the appeal of those words spoken 140 years ago. His admonition that agriculture, first, and commerce and industry should go forward hand in hand has been neglected.

Agriculture trails in the dust. Modern invention, organizing genius, and an industrial-minded statesmanship have permitted agriculture to lag far, far behind.

There is a suggestion in Washington's words that should be heeded in the United States to-day. To provide equal opportunity for the farmer is one of the great tasks that confront present-day statesmanship.

In 1859, on September 20, at Milwaukee, Wis., another of the world's great men spoke words of wisdom and truth with reference to agriculture. He was none other than a tall, lanky Illinois lawyer, Abraham Lincoln, who had been invited to address the members of the Wisconsin State Agricultural Society at their annual meeting.

In this address Lincoln coined a phrase which has gone around the world, "Every blade of grass is a study; and to produce two where there was but one is both a profit and a pleasure."

It should be so even to-day. But, alas, it is not. Overproduction and the surplus have become the bugbears of our agricultural economy. The law of supply and demand, twisted and torn through legislative enactments and the power of organization, has been set aside for all excepting the lone, unorganized, largely unaided, individualistic farmer.

Millions for production, not one cent for control. Education to produce two blades of grass where but one grew before, but 'nary a gesture even to aid the farmer in stabilizing prices that

will enable him to meet the increasing costs, taxes, interest, and transportation charges. This is the condition in which the farmers find themselves to-day.

Legislation involving indirect price fixing for labor, commerce, banking, industry, and transportation, but nothing to smoothen the path for the farmers. No one can successfully deny that this is the true situation to-day.

Shades of Abe Lincoln! What an indictment against our enlightened age!

Lincoln's conception of the dignity and worth of agriculture brought forth, upon this same occasion, these words:

> This leads me to the further reflection that no other human occupation opens so wide a field for the profitable and agreeable combination of labor with cultivated thought, as agriculture.

This should be as true to-day as when these memorable words were spoken in 1859. But the farmer can not live on noble sentiment alone. He must secure a profit for his time and capital. He must be given the benefit of a favorable governmental policy. He, too, must be relieved of some of the crushing burdens that bear down on him so heavily. The discussions in this House bear abundant testimony to the handicaps under which our present-day agriculture suffers.

Nearly 68 years ago Lincoln made another statement in which there is a prophetic note. This, too, was a part of his Madison address. He said:

> It also follows that that interest [referring to agriculture] is most worthy of all to be cherished and cultivated—that if there be inevitable conflict between that interest and any other, the other should yield.

This leads up to the situation to-day. Realizing that facts are our "scarcest raw material" and that "one has to dig deep for them," I have been delving into agricultural statistics for the purpose of throwing a little light, if possible, on the problem. To-day, for agriculture's sake, facts are "precious to have." They must be secured if we are to help solve the problem that confronts us.

There have been many investigations of late to ascertain the true status of agriculture and to determine in which direction, as a nation, we are going.

These investigations have been, in the main, fruitful of results. In considering the facts which have been disclosed, I would emphasize to-day Franklin's devotion to truth, Washington's inherent conviction as to the importance of agriculture, and Lincoln's declaration that the people of our country should put no other gods before them.

I repeat his memorable words—

> That if there be inevitable conflict between that interest (agriculture) and any other, that other should yield.

What is more fitting than on this birthday anniversary of that practical man, that far-seeing statesman, that constructive politician, that searcher for truth, Benjamin Franklin, that we join in spending a few moments to consider our greatest and most urgent national problem, the rehabilitation of agriculture.

In this busy, hurry-scurry world of ours, with its "madding crowd," its noise and jazz, its political opportunism and hypocritical gestures, it is worth while to let the words of Washington and Lincoln sink into our consciousness if only for a fleeting second.

Statesmanship of the highest order must be focussed on the farmers' problems. One objective should be held in view, that of establishing a forward-looking national policy for agriculture. This great task confronts the Nation to-day. Nineteen hundred and twenty-eight can be made an epochal year in our history if a beginning is made in solving this problem.

There are only a few people who are willing to leave the solution of the agricultural problem to natural laws. Supply and demand has been drastically disturbed by the industrial policy of the Government.

It is well to be reminded that Washington believed the Nation's policy should encourage agriculture, commerce, and industry to go forward together. Lincoln urged that in any conflict with any other interest agriculture should be given the right of way. Those words apply to-day with even greater emphasis than in 1788 and 1859, when they were spoken.

We have witnessed since 1920 the transfer of thirteen billions of wealth from the country to the city. The farmers, unaided, were powerless to prevent this transfer of their capital wealth. They needed the strong arm of the Government to protect them from the increased burdens placed on them by restrictive immigration legislation, by increased taxes, by greatly increased interest charges on a stupendous farm indebtedness, by the higher cost of commodities, by increased transportation costs, all of which they had to meet during a period when the decreased purchasing power of European countries was an additional handicap.

Agriculture is carried on by six and one-half million independent competing units, differing in kind of production, location, and always confronted with the ravages of flood, drought, frost, winds, insect, fungi, and animal diseases, and subject to the price-depressing effects of any surplus production that fair wind and weather bring.

Statistical evidence—

According to Dr. G. F. Warren, of Cornell University, admitted to be one of our Nation's soundest farm economists—

> indicates that we are in the eighth year of the most serious agricultural depression ever known in the United States. The depression involves primarily the food producers of staple foods.

In June, 1927, quoting from Government statistics, farm prices were 149 per cent above the pre-war level, retail prices 172 per cent above, and the earnings of New York factory workers 235 per cent above this same level.

This is one of the "facts" referred to by Mr. Owen D. Young as "our scarcest raw material." It is a fact to which those who have been intrusted with the solemn duty of national lawmaking should give sympathetic and constructive consideration.

Students of the agricultural situation have analyzed the factors which enter into the dimunition of farm income which began in 1920 and continues to be with us.

Again I quote from Doctor Warren's clear and logical study. In two tables he has presented estimates of the proportion of the agricultural depression that was due to (a) increased interest payments, (b) tax payments, (c) overproduction, and (d) the discrepancy between farm and retail prices. The years 1921 and 1926 were used in this investigation.

In 1921, according to these estimates, 52 per cent of the depression was due to the low prices received by the producers of 36 food products in a comparison to the retail prices of the same commodities, 34 per cent to overproduction, 10 per cent to increased tax payments, and 4 per cent to increased interest payments.

TABLE I.—*Estimated relative importance of various factors in the agricultural depression of food producers for the year 1921*

[Based on prices for December 1]

Factors	Loss to food producers	Per cent
Increased interest payments	[1] $145,000,000	4
Increased tax payments	[1] 353,000,000	10
Overproduction	1,170,000,000	34
Discrepancy in farm and retail prices	1,760,000,000	52
Total	3,428,000,000	100

[1] Since food production represents about 75 per cent of the total output of agriculture, this percentage of the total increase in interest and tax payments is used.

In 1926, according to his estimates, 55 per cent of the depression was due to low prices received by the farmers in comparison with the retail prices, only 20 per cent was due to overproduction, the proportion of the depression that was due to increased tax payments was 18 per cent and to increased interest payments 7 per cent.

TABLE II.—*Estimated relative importance of various factors in the agricultural depression for the year 1926*

[Based on prices for December 1]

Factors	Loss to food producers	Per cent
Increased interest payments	$145,000,000	7
Increased tax payments	353,000,000	18
Overproduction	400,000,000	20
Discrepancy between farm and retail prices	1,080,000,000	55
Total	1,978,000,000	100

These very significant data are impressive. They refute the most commonly voiced expression that the farmers themselves are to blame; that all their woes have come as a result of overproduction.

Overproduction as a factor has been reduced from 34 per cent in 1921 to 20 per cent in 1926. Increased interest payments continue to demand a heavy share, having increased from 4 per cent in 1921 to 7 per cent in 1926 as a factor in farm depression. The farm tax burden increased as a factor from 10 per cent in 1921 to 18 per cent in 1926.

The crux of the entire situation is the continuance of the discrepancy between farm and retail prices as a factor. In 1921 this discrepancy was responsible for 52 per cent of the agricultural depression, which increased to 55 per cent in 1926.

Present prices have resulted in a decline in food production, and an even greater decline looms large in the future. The present actute shortage of beef cattle is incontrovertible evidence of effects of the low price level through which that industry passed a few years ago.

Constructive statesmanship requires a careful consideration of facts. It is not enough to let affairs drift along, leading to no one knows where.

There has been so much said about overproduction that the general public has been led to believe that it is the cause of all the farmers' ills.

I would not in this presence undertake to minimize any constructive effort which seeks to adjust production to effective consumptive demand. I would, however, point out the difficulties that are in the way to bring this about when you consider that there are six and one-half millions of farm units, and that weather, season, and rainfall, if you please, are the most potent factors in production, overshadowing greatly the influence of acreage and even of price.

There is one phase of this problem to which I would call the attention of the Members of the House, because it involves the results of governmental policy. This is the indirect effect on our domestic output and the price caused by the importation into the United States of a great volume of competitive agricultural products. The governmental tariff policy which permits the annual importation of $1,500,000,000 of competitive agricultural imports is directly inimical to the interests of our domestic producers of these products.

The tariff can be made to be of greater direct benefit to our farming class. I state this with a great appreciation of the benefits that accrue from the present tariff act, both directly in the adequate duties on a few of our farm products, and those that come indirectly in assisting our consumers in maintaining the high standard of living that prevails in the United States.

I offer two suggestions at this time with respect to our tariff policy that if adopted would be of assured benefit to the farmers of the Nation.

In the first place, let us make it possible for our farmers to produce with profit here in our own land at least $1,000,000,000 in value of farm products which are now annually imported and which can be produced to advantage here. It will be necessary to rewrite a few of our agricultural tariff schedules in order to assist the farmers in this undertaking.

I do not intend to-day to go into detail regarding this proposal. It requires, however, no argument to show that if our farmers receive protection which would be adequate and effective that they would then be in a position to produce those competitive imports which are sold here. The result would be that a part at least of the overproduction factor with reference to other crops or commodities would be removed. In other words, our farmers by tariff readjustment would then be enabled to dispose of these agricultural products for which there is a domestic demand on a domestic price basis, instead of being compelled to dispose of them at prices to meet the ever-increasing foreign importations.

The present rates on many of our competitive agricultural products are too low. This fact is well known to the Members of the House.

The many requests to increase these rates that have been presented to the Tariff Commission during the last five years, each supported by data which justify higher rates, indicate the widespread interest that prevails.

I desire to call to your attention a bill which I introduced in the House yesterday, which provides increases in a few of the agricultural tariff schedules. I invite the attention of the Members of the House not only to this bill but to a score of other bills which have been introduced by my distinguished colleagues which provide for increased rates on many other agricultural schedules.

The bill which I introduced includes products of considerable importance to the farmers. These are dairy and poultry products, potatoes and potato starch, buckwheat, clover seeds, turnips, hay, flaxseed, and copra.

Imports of these products, aggregating $128,728,000 in 1926, were admitted into the United States in direct competition with domestic producers. The increased rate of duty that is proposed in this bill for these products is equivalent to about 40 per cent ad valorem, which is less than the average ad valorem rates in the so-called industrial and manufactures schedules of the present tariff act.

The proposed rates are not submitted as the last word on the subject. The schedules are presented in order that all interested may study them. This can result in but the one conclusion that the Members of the House will be convinced of their reasonableness and at the proper time will enact them into law as a measure of justice for our farmers.

Before I specify in detail the changes proposed in the bill, I desire to quote briefly from a statement issued on December 27, 1927, by Chairman Edgar B. Brossard, of the United States Tariff Commission, in which he discusses the agricultural imports that are coming into the United States in ever-increasing volume each year:

> The farmers have asked the Tariff Commission for increases in the duties on their respective farm products. What they seem to want is adequate protection for their farm products in this enormous home market. And they want to get that protection without destroying the purchasing power of the consumers, of farm products in the industrial and commercial centers of this their home market.

I beg to submit that the farmers do not merely "seem" to want adequate protection for their farm products. They demand it. They are weary of waiting for the commission to act. In most cases, also, the rates must be increased beyond the limitation Congress has fixed for any increase the commission might grant.

The farmers come to the Congress of the United States requesting that justice be done them and that they get a square deal. They ask that the great Ways and Means Committee of this House set a time for hearings on these schedules in the near future.

As stated before, other Members of the House have introduced bills to increase the duties on various farm products, all of which should receive the early and careful consideration of this body.

Proposed increases in import rates in bill introduced by Hon. C. G. Selvig

Paragraph in tariff act	Commodity	Duty	Proposed duty	Value, 1926 imports
85	Potato starch, pound	$0.01¾	$0.06	$599,038.00
707	Fresh milk, gallon	.02½	.06½	
	Cream, do	.20	.60	
	Sour milk and buttermilk, do	.01	.03	
708	Condensed or evaporated milk:			
	Unsweetened, pound	.01	.04	
	Sweetened, do	.10½	.04½	
	All other, do	.01⅝	.04	34,169,968.00
	Powdered whole milk, do	.03	.09	
	Powdered cream, do	.07	.10	
	Powdered skim milk, do	.01½	.04	
	Malted milk and milk compounds, per cent	20	40	
709	Butter, pound	.12	.16	
710	Cheese, do	.05	.07½	
711	Live poultry, do	.03	.09	
712	Dead poultry, do	.06	.12	
	N. s. p. f., per cent	35	45	
713	Eggs in shell, dozen	.08	.14	
	Frozen eggs, pound	.06	.10	
	Frozen egg albumen, do	.06	.10	10,699,444.80
	Frozen egg yolk, do	.06	.10	
	Dried eggs, do	.18	.30	
	Dried egg albumen, do	.18	.30	
	Dried egg yolk, do	.18	.30	
723	Buckwheat, hundredweight	.10	.40	74,632.00
761	Alfalfa seed, pound	.04	.08	
	Clover seed:			
	Alsike, do	.04	.08	
	Crimson, do	.01	.03	6,540,000.00
	Red, do	.04	.08	
	White, do	.03	.08	
	N. s. p. f., do	.02	.06	
769	Potatoes, hundredweight	.50	.80	8,221,038.00
771	Turnips, do	.12	.50	596,059.00
777	Hay, ton	4.00	6.00	3,374,586.00
760	Flaxseed, bushel	.40	.60	40,940,619.00
	Copra, pound	Free.	.03	23,513,066.00
	Total			128,728,000.00

The readjustment of many of the agricultural tariff schedules is one step necessary in rebuilding our agriculture.

In the second place, it is well known to all that the tariff is ineffective on many of our surplus crops and commodities and only partially effective on some. This presents a problem requiring immediate legislative action. To accomplish what is needed, the farmers have united in requesting that governmental machinery be set up for the purpose of stabilizing the price on these crops and commodities. The Members of Congress are familiar with plans that have been proposed for the control of the surplus. It is gratifying to note that those holding divergent views regarding this problem are now nearer an agreement with respect to proposed legislation than at any time in the past.

In my humble opinion, it would be nothing short of a calamity for this Congress to adjourn without passing this legislation, which is regarded as absolutely essential in the effort to rehabilitate our agriculture. We are in the eighth year of a most serious agricultural depression. There are no signs of any substantial improvement, viewing the situation as a whole.

The factors causing the depression have been studied by persons in all walks of life. The Business Men's Commission, in their recently issued report, after a most searching inquiry, admit that the surplus is a price-depressing factor of major importance. They suggest a plan for its solution.

The farmers themselves have studied the problem for several years. They believe that the commission's plan is inadequate. They, too, have proposed a plan. In this plan the producers themselves will be required to bear the entire expense that will be involved in the administration of the act. There are no revolutionary theories involved at all. The plan simply authorizes a Government board to perfect a 100 per cent farm-commodity organization for each of the products of which we produce a surplus, in order that the costs of handling this surplus, and the benefits that will be derived from such control, may be equitably distributed among all the producers of that commodity.

If these two suggestions which have been briefly sketched could be put into operation at once in order that their effectiveness may be demonstrated, further study should then be given to the other tariff schedules which through legislative enactment have materially increased the costs of commodities which the farmers must buy.

I am a believer in the protective tariff system. There is no doubt in my mind that it has materially aided the United States to attain its present enviable position in industry and that it has proved to be of some value to agriculture.

If there are industrial and manufactures schedules in the present tariff act which can be lowered, for the benefit of agriculture, this should be done. This phase of the problem requires further study and painstaking investigation which I sincerely trust will be made during this session of Congress.

The inadequacy of our tariff in respect to agriculture and, in addition, the results of the policy of restricting immigration are important factors in the present agricultural depression. They have tended to widen the spread between what the farmers receive for their products and what they pay for the commodities that they must buy. This disparity, in addition to the difference between the farm price and the retail price of food, is greater than many are led to believe.

Increased transportation rates, bolstered up by Federal legislation, are also an important factor in the prevailing disparity. The unprecedented increase in taxes, amounting on the averages to about one-third of the farmers' cash income, is another factor. While this is largely the result of increases in local and State taxes, it creates a factor that must be considered, for the taxes must be paid. Taxes must be paid, and they can be met only out of the cash income the farmer receives. As the farmers' purchasing power has been greatly diminished, the tax burden is thereby correspondingly increased.

I have briefly touched upon a few of the factors which must be given consideration in a study of the farm situation in the United States.

I was prompted to prepare these remarks as a result of reading a recently published life of Benjamin Franklin. His genius lay in securing facts upon which to base his conclusions and in his unerring instinct for initiating practical means of doing things, even though they were at the time new and untried. This made him a leader in establishing institutions and services which have proved their worth and have been a blessing to all mankind.

Our approach to the solution of the farm problem should be made in the same spirit. A condition, not a theory, confronts us. Our great agricultural population is in distress. For eight long years they have cried out for help. Their problems deserve and must secure consideration that will again place agriculture into its rightful place of economic equality.

Let us get the facts. Let us face the great national problem that confronts us. Let us pass adequate and effective legislation that will insure for us and our posterity the benefits that will come in a land where agriculture, industry, and commerce march forward together in even rank to the national greatness that lies in the future.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CULLEN. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. PALMISANO].

Mr. PALMISANO. Mr. Chairman, I have a resolution I want the Clerk to read.

The CHAIRMAN. For information?

Mr. PALMISANO. I am offering a resolution.

The CHAIRMAN. That is entirely out of order.

Mr. PALMISANO. I understand we have that right under general debate.

Mr. BLANTON. In his own time the gentleman can ask the Clerk to read it, for the information of the House.

The CHAIRMAN. It can be read for information, but to offer a resolution is not in order.

Mr. BLANTON. He has the right to have it read for information.

The CHAIRMAN. But that is not what the gentleman is asking.

Mr. PALMISANO. Then I ask, Mr. Chairman, that the resolution be read for information.

The CHAIRMAN. Is there objection?

Mr. TILSON. Mr. Chairman, I understand the gentleman is simply asking that this document be read in his own time.

Mr. PALMISANO. Yes.

The CHAIRMAN. If there is no objection, the Clerk will read the resolution.

There was no objection.

The Clerk read as follows:

Resolution

Whereas John F. J. Herbert, prohibition administrator for the Maryland-District of Columbia area, did on or about the 20th day of April, 1927, sanction and approve the practices of prohibition agents serving under him in blackjacking citizens; and

Whereas he has promoted Prohibition Agent Robert E. Beall, who had been indicted by the grand jury of the State of Maryland for assaulting and beating two women; and

Whereas he has in his department one Harry C. Wimbley, as an undercover buyer, who had been convicted of the crime of robbery and sentenced to six years to the Maryland Penitentiary; said Wimbley has since been indicted by the grand jury of the State of Maryland for assault with intent to kill and carrying a deadly weapon, on which charge the United States attorney for the district of Maryland is defending him at the request of Prohibition Administrator John F. J. Herbert; and

Whereas one Joseph R. Brewer, prohibition agent, operating under said John F. J. Herbert, with three other agents, was indicted for the murder of Charles V. Gunlacht, a 73-year-old farmer, who had protested their entering his premises without a search warrant; and

Whereas the said Joseph R. Brewer who was the principal in the said killing was permitted by the said John F. J. Herbert to continue in the service, and particularly he was permitted to make further raids: Therefore be it

Resolved, That the Speaker of the House of Representatives of the United States be, and he is hereby, authorized and directed to appoint five Members of the House to investigate the methods employed by the prohibition administrator for the Maryland-District of Columbia area in employing agents, undercover men, and others in the enforcement of the eighteenth amendment and the Volstead Act, the retaining of men in the department charged with crimes and the protecting of them by having the United States attorney for the district of Maryland to defend them. The said committee is hereby authorized and empowered to conduct such inquiries at such times and places as the committee may deem necessary, to send for persons and papers, administer oaths and affirmations, and compel the attendance of witnesses. And the sum of $10,000 is hereby appropriated, out of the contingent fund, for the purpose of making effective the purposes of this resolution.

Mr. PALMISANO. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting some correspondence I have had with the Prohibition Commissioner.

Mr. BLANTON. Mr. Chairman, reserving the right to object, and I shall not object, I want to ask the gentleman if the whereases that are contained in his resolution are his own whereases or do they purport to be facts coming from somebody else which the gentleman is stating on hearsay?

Mr. PALMISANO. They are facts that I have gotten through correspondence with the Prohibition Commissioner and from newspaper reports.

Mr. BLANTON. They are not such things that the gentleman could swear are true on his own personal responsibility, are they? Does the gentleman know they are true?

Mr. PALMISANO. I have not investigated them all, but I will say that I have correspondence with the Prohibition Commissioner dating back to April 21, 1927.

Mr. BLANTON. But it is all hearsay, so far as the gentleman knows?

Mr. PALMISANO. Yes; like all such matters. I can not say I have made a personal investigation, but I would ask that the Members read this correspondence I have had with the commissioner to show that I have tried to be fair in my dealings on this subject.

The CHAIRMAN. Is there objection?

There was no objection.

The matter referred to follows:

APRIL 21, 1927.

Gen. LINCOLN C. ANDREWS,

Prohibition Department, Washington, D. C.

MY DEAR GENERAL: I have recently noticed in the Baltimore press that the prohibition agents operating under Prohibition Administrator

John F. J. Herbert have been very active with their guns and blackjacks, and according to the inclosed clipping of the Baltimore News of April 21, 1927, Administrator Herbert sanctions the strong-arm methods.

You will note that the agents involved were charged with using a blackjack on a prisoner and then with the attempt of trying to hug and kiss the prisoner's wife. To the charge of using the blackjack the agents attempted to blame their subordinate, their chauffeur, one Edward L. Boone. Boone, in turn, denied that he had used the blackjack and claimed that the agents were trying to make him the goat. To the charge of attempting to hug and kiss the prisoner's wife, the agents' defense was that they were just kidding and were mixing a little fun with their work.

It seems to me by their action in denying the charge and attempting to place it on their chauffeur they showed conclusively that they were not justified in using the blackjack, and their explanation of the kissing of the prisoner's wife is ridiculous and utter nonsense.

Notwithstanding their action, Mr. Herbert has sanctioned their methods and in so doing Mr. Herbert has proven without a doubt that he is not the proper person nor are the agents proper persons to administer the prohibition law.

I do not know of any law that justifies an officer of the law to attempt to maim any prisoner unless the officer's life is in danger, and in this case neither of them claimed that their life was in danger.

I therefore respectfully request that you ask for the resignation of Mr. Herbert and the agents involved in this episode as it is in this way alone that the people of Maryland can be made to feel that the law is being honestly and intelligently enforced, and is not a mere cloak for the operation of persons who would bring the Government into disrepute.

Very respectfully yours,

VINCENT L. PALMISANO.

Reply.

APRIL 27, 1927.

Hon. VINCENT L. PALMISANO,
House of Representatives, United States, Washington, D. C.

MY DEAR CONGRESSMAN: I have your letter of the 21st and will have an investigation made as to the facts in the matter you bring to my attention in connection with Administrator Herbert's conduct of office. When I have the facts before me, I will be able to answer your letter more intelligently.

Very truly yours,

L. C. ANDREWS, *Assistant Secretary.*

JUNE 1, 1927.

Gen. LINCOLN C. ANDREWS,
Prohibition Department, Washington, D. C.

MY DEAR GENERAL: On April 21, 1927, I called your attention to the brutal treatment of certain prisoners by the prohibition agents operating in Maryland and the sanction of such treatment by Prohibition Administrator John F. J. Herbert.

Although more than a month has elapsed since you promised an investigation, I have heard nothing. Meanwhile the agents and Mr. Herbert continue to treat the public with disrespect.

I noticed in the Baltimore press of May 6 and 7 that several prominent citizens of Baltimore advised you to ignore my complaint because it was made for political purposes. May I say in this connection that I do not know Mr. Herbert nor do I know his politics. My complaint is based on the newspaper account of the affair, and if these prominent gentlemen will give to the press facts to show that the report was wrong, I will be the first person to apologize to Mr. Herbert and his agents.

Will you kindly let me know if the investigation is completed and what is the finding as to my complaint? If the finding is adverse to me, will you let me have a copy of the report?

Very truly yours,

VINCENT L. PALMISANO.

Reply.

JUNE 16, 1927.

Hon. VINCENT L. PALMISANO,
House of Representatives, Washington, D. C.

MY DEAR MR. PALMISANO: I have carefully looked over the papers in the Jasco case and given consideration to your statement relative to the treatment of certain prisoners by agents operating under Administrator John F. J. Herbert, Baltimore, Md.

I am strongly of the opinion that there was some exaggeration in the early reports on these matters which you received, and I believe that extended inquiry has shown that the work of the men under Colonel Herbert was generally creditable to Federal officers. The difficulties of the work are, of course, apparent to us all. The use of blackjacks appears to be legal, inasmuch as the Maryland State law prohibiting their use especially exempts officers of State, county, or city.

I am of the opinion that Colonel Herbert is following very closely the actions of his men and can be relied upon to impose conduct on the part of his officers that is not only correct but will meet with the approval of the judicial officials before whom the cases are tried.

Very sincerely yours,

J. M. DORAN,
Commissioner of Prohibition.

BALTIMORE, MD., *June 20, 1927.*

Hon. J. M. DORAN,
Commissioner of Prohibition, Washington, D. C.

MY DEAR COMMISSIONER: I wish to acknowledge yours of the 16th instant in which you state that you have carefully looked into the Jasco case and were of the opinion that there was some exaggeration in the early reports and that extended inquiry has shown that the work of the man under Colonel Herbert was generally creditable to Federal officers. You seem to justify the use of blackjacks because the Maryland State law prohibiting their use exempts officers of the State, county, or city. While it is true that the Maryland State law exempts State and city officers, no State or city officers are permitted to use blackjacks except in self-defense.

The people of Maryland desire to know did the agents use the blackjack or was it Boone, the chauffeur, and if the agents did use the blackjack, why did they blame Boone for using it?

I do not believe that the people will have any faith in Colonel Herbert unless you can explain the denial by the agents before United States Commissioner Supplee and the final acquittal of Jasco.

Since Colonel Herbert has been in charge he has encouraged his agents to use violent tactics, and he has treated the best of our citizens with contempt. The agents always have their hands on their guns ready to pull the trigger upon the least provocation. The attitude of Colonel Herbert is again shown when, on March 29, 1927, he stated that an investigation was not necessary when a man by the name of Hicks was shot by an alleged agent, notwithstanding the fact that the same agent has previously been brought before the United States court for murder.

The attitude of Colonel Herbert is that the agents' word is preferred to any other citizen, no matter what his standing in the community.

Very sincerely yours,

VINCENT L. PALMISANO.

P. S. You will pardon me for making these letters public, but I am compelled, as the people in this State are following closely the final outcome.

No reply.

SEPTEMBER 2, 1927.

Hon. J. M. DORAN,
Commissioner of Prohibition, Washington, D. C.

MY DEAR COMMISSIONER: Some months ago I brought to your attention certain charges against Col. John F. J. Herbert, prohibition director for Maryland. In further justification of my request made at that time for his removal, I call your attention to another instance of his unfitness.

The facts of this instance were developed in the hearing of the case of the State of Maryland *v.* Robert E. Beall, eastern police station of Baltimore, August 23, 1927, a stenographic copy the testimony therein being inclosed herewith.

VINCENT L. PALMISANO.

SEPTEMBER 8, 1927.

Hon. VINCENT L. PALMISANO, M. C.,
Baltimore, Md.

MY DEAR CONGRESSMAN: I have your letter of September 2, inclosing transcript of testimony taken in the case of State of Maryland *v.* Robert E. Beall, August 23, 1927.

I have read over the record personally and it is my opinion that the facts as related by the various witnesses do not present a very clear picture of what actually occurred. I find upon inquiry that the entire matter has been transferred to the Federal court, and I am sure that you would not seek a final determination on a matter of this sort which is still pending in court.

Very sincerely yours,

J. M. DORAN,
Commissioner of Prohibition.

Reply.

BALTIMORE, MD., *September 13, 1927.*

Hon. J. M. DORAN,
Commissioner of Prohibition, Washington, D. C.

MR. COMMISSIONER: I wish to acknowledge yours of the 8th instant in reply to my letter of the 2d instant, in which I requested the removal of Colonel Herbert and several agents who were charged with assault. In reply, I wish to state that I am exceedingly sorry to see the attitude that you have taken in this matter. I especially call your attention to Agent Robert E. Beall, who has been in numerous assault charges and has for the second time been indicted by the grand jury of the State of Maryland, which cases will be or have been transferred to the Federal court on the claim that the agent was a Federal officer.

In Maryland when a State officer is indicted for an alleged crime that particular officer is suspended pending the final hearing. It seems to me that if the Federal Government expects the citizens of the State of Maryland to have any respect at all for the Volstead Act and the agents, the Government should insist upon the agents enforcing the law in an orderly manner, and whenever an agent is charged with an alleged crime that particular agent after an indictment should be suspended until a final hearing, and if convicted of the crime with which he is accused dismissed, and, on the other hand, if not convicted he should be reinstated with pay. That, in my judgment, is the only way you will have the citizens to respect the Volstead Act and the agents.

Very truly yours,

VINCENT L. PALMISANO.

Mr. Chairman, the Members of this House may differ as to the Volstead Act and the eighteenth amendment, but it seems to me that we are all in accord in that as long as the Volstead Act is on the statute books, the Government is to enforce it and enforce it only in a peaceful and orderly manner, and we ought to notify the Prohibition Department in the various States that we will not tolerate the high-jacket enforcement as has been done throughout the country. The thing that is being done and encouraged by the gentleman who has charge of the Maryland-District of Columbia area is being done throughout the United States. To give an illustration of how much he thinks of the lives of our citizens—when a man was shot by an agent on March 28, 1927, he says, that an investigation was not necessary, but, on the other hand, when the State road commissioner of Maryland protested against the agents throwing glass on the State roads he apologized to the State road chairman and stated that it would not occur again. In other words, he has placed the damage to an automobile tire above that of a human being. But not only has that hapened in Maryland; I kindly refer you to a case in Virginia where a minister's daughter driving along in the night was shot because she would not stop at the request of an agent whose identity the young lady did not know. The same thing applies in North Carolina, where a milkman was shot because he did not stop at the request of an unidentified agent; and also in Detroit, where a girl (11 years of age) was killed because she, with her father, was in the way of one of the rum chasers. Put yourself in the position of the 73-year-old farmer who was shot down by Agent Brewer, with the assistance of three others, all of whom were from 25 to 35 years of age, coming on your premises without a warrant when requested to keep off the grounds refused to do so, pulled out their weapons and shot at this unfortunate. Then at the preliminary hearing Brewer is held without bail, he being the principal, and when the case is transferred to the United States District Court the district attorney and the prohibition administrator of Maryland has his bail reduced to $10,000, one of the agents was dismissed, one was held on $2,000, and one on $1,000. Why the necessity of holding Brewer under $10,000 unless there is a a prima facie case against this man Brewer, who, according to the paper, was suspended by Herbert and later on permitted to assist in raids, and when Herbert was questioned by the State's attorney of the county as to whether or not he was assisting the agents he evaded the question and Mr. Dorsey had to obtain this information from Acting Commissioner Oftedal, who stated that Brewer was retained on the pay roll, but not on active duty, only assisting by driving autos. It seems to me that the prohibition administration from chief administrator down have no respect for the Constitution and the Members of Congress. When you violate the Volstead Act you are informed that you are a nullifier. The violation is not a provision of the Constitution, but an act of Congress; on the other hand, to enforce that particular law they disregard all provisions of the Constitution, take the law in their own hands as if they were czars. Why, only the other day, the first time, I believe, in the history of the Civil Service Board, at least for the last 25 years, we find that the Prohibition Commissioner, Dr. J. M. Doran, criticizes the Civil Service Board for the examination given the agents because 85 per cent of them had failed and he requested that a new examination be given.

Doctor Doran does not want to have the agents in the civil-service list, as he and the prohibition administrators will not be able to select gunmen and thugs in order to enforce this law, as Doctor Doran says:

We want men who can raid bootleg joints and uncovered stills, and we don't care whether they can spell difficult words.

Of course, Doctor Doran, like the prohibition administrator of Maryland, wants the type of man as Wimbley, a man who has been convicted of highway robbery, sentenced to a term of six years in the Maryland Penitentiary, and then when he is charged with assault with intent to kill and carrying a deadly weapon, is defended by the United States attorney for the district of Maryland at the expense of the Government, no doubt at the recommendation of the prohibition administrator of the Maryland-District of Columbia area.

I also want to call your attention to the ruling of Judge Gus A. Schuldt, presiding judge of the police court, who, several days ago, dismissed a jury of 1 woman and 11 men because they had dismissed two men charged with the violation of the Volstead Act. According to the ruling, it seems that the trial by jury is also denied, although guaranteed to you by the Constitution, because if the jurors are compelled to believe the agents and disregard entirely the testimony of the accused, or who are compelled to follow the instruction of the judge, then why have a jury trial? It is simply the tendency of men who are under the influence of the Anti-Saloon League that disregard all the constitutional rights of others in order to enforce the Volstead Act.

Mr. BLANTON. Will the gentleman yield?

Mr. PALMISANO. Yes.

Mr. BLANTON. Is the gentleman in favor of the eighteenth amendment?

Mr. PALMISANO. To be frank, no; but——

Mr. BLANTON. But the gentleman is under oath to protect and defend the eighteenth amendment of the Constitution against all enemies, foreign and domestic.

Mr. PALMISANO. I will say this: While I am opposed to the eighteenth amendment from the way I see it violated, I will say to the gentleman from Texas that if the gentleman will introduce an amendment striking out the twenty-ninth section of the Volstead Act and provide that every man in Congress and every judge——

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CULLEN. Mr. Chairman, I yield the gentleman three more minutes.

Mr. PALMISANO. If the gentleman from Texas will have the twenty-ninth section of the Volstead Act stricken out and make every judge and every district attorney and every Member of Congress an agent with the right to arrest, and provide that in the event he is found guilty of violating the law by acquiescing in any violation of the act he shall be impeached and for a period of 10 years prevented from holding office under the Federal Government, I will tell the gentleman from Texas now that I will be one of the best agents that the Government will ever have, and will work gratis.

Mr. BLANTON. Will the gentleman yield further?

Mr. PALMISANO. Yes.

Mr. BLANTON. I have a resolution pending now before the Congress to require all officials of the United States—Cabinet officers, Senators, Congressmen, judges, Army and Navy officers, and Government employees—to obey the law and to support the eighteenth amendment and not buy liquor from a bootlegger. Will the gentleman support that?

Mr. PALMISANO. I just told the gentleman that I would go a little further than even the gentleman from Texas will go. [Laughter and applause.]

Mr. WASON. Mr. Chairman, I yield to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. COLE of Iowa. Mr. Chairman, although no bill on the subject has as yet been introduced in either House of Congress, Members of both Houses have for some days been receiving telegrams protesting the passage of legislation which is described as "the new corn sugar bill." These telegrams allege that a bill, still unknown to them as to its contents, "would ruin the honey industry, which produces a $2,000,000 crop annually."

There is reason to believe that the telegrams, though purporting to come from all parts of the country, are being prepared in some central agency—an agency that seems to be adequately financed for such purposes.

It would seem that these propagandists at least might have reserved judgment until they knew the contents of the bill. If they had done so their telegrams would not have seemed necessary. I am sure that they would have been deemed unnecessary if the only object of the protestors is to safeguard those who keep bees and those who deal in honey, for their interests will be fully safeguarded in this legislation.

As a matter of fact, honey is now amply protected against the injection or insertion of any foreign material, including sugars, and it is properly so protected, for honey is a product that stands in a class by itself, the purity and integrity of which must be preserved. No legislation in the history of this

body has ever been contemplated which would permit the insertion of any of the sugars into any food product sold as honey.

However, these insidious rumors, absurd as they are when analyzed, have been so persistently forced upon Members of Congress that in framing the new bill the proponents of corn sugar legislation have taken them into consideration. They have therefore decided to put into a new bill, although it is legally unnecessary to do so, the following definite and explicit proviso:

Provided, however, That nothing in this act shall be deemed to permit the insertion of dextrose and/or levulose by mixing or blending in any article of food sold or offered for sale as honey.

The framers have made this language as strong as possible and if it can be shown that it is not strong enough they will be glad to make any additions necessary to strengthen it. The proponents of these new sugars have never intended nor contemplated in any way competing with, or interfering with, or hampering in any way, the continuous development of the bee and honey industry.

On the contrary, those who are primarily interested in sugar made from corn are even more vitally interested in bee culture than is the bee industry itself. Without bees the famed Corn Belt must eventually deteriorate in productiveness. To maintain the vitality of corn lands the clovers are a necessary factor, for it is through their cultivation that such lands are replenished as to nitrogen. And the busy little bees are necessary for the propagation of the clover plants. They and they alone carry the pollen that fertilizes these plants.

Instead of ruining or even injuring the bee industry the proponents of this legislation would prefer to add another proviso to the effect that every man who cultivates a field of corn shall be required to keep a colony of bees. That is how much the American farmer, in whose behalf this legislation is proposed, is interested in the associated industry of honeybees.

Instead of seeking to array these two American interests against each other the opponents of the proposed legislation should direct their efforts toward bringing them into cooperation, for these industries are not only necessary to each other but they are both concerned with the production of American sugars for the American people, for honey is the imperial sugar of all sugars, and there is more than ample room for both.

Last year we imported more than 75 per cent of the sugar that we consumed and we consumed over a hundred pounds per capita. There is no reason why we should not derive a larger proportion of this sugar from our own soil crops. We are rejuvenating the cane fields of Louisiana and we are glad of that and we are renewing our efforts in the production of sugar from beets. There will always be a market for all the cane and beet sugar that we can produce in the United States, and with all our efforts we can hardly hope to supply a fifth of that market. Whatever may be said for the new sugars named in this legislation, sucrose derived from cane and beets will largely remain the sugar for household consumption; and even in the industries these new sugars will never displace sucrose to an extent that can effect present American cane or beet sugar production.

There is more than ample room in the American markets for all of these American sugars. All the American sugar industries, including beet, maple, honey, and corn, and the sirup and molasses industries, should cooperate to enlarge the American markets for each and for all.

They will need cooperation, for there will be continued efforts to break down the existing tariff schedules, on sugar and its by-products, of the Fordney-McCumber Act. These tariffs will need defenders, united and determined defenders, against the onslaughts that are possible and probable.

Let us realize that any lowering of the sugar tariffs now or in the near future would ruin all the American sugar industries. Without tariff protection they can not exist.

The necessity for the domestic production of sugars is now recognized by all the great nations of the world. England, with her large colonial production of sucrose, was the last to capitulate. Within two years, by means of a high protective tariff and by subsidies, she has put into home operation 13 large sugar factories, utilizing sugar beets grown on British home soil.

The proponents of the new sugars for which we shall seek legislation invite the cooperation of all the American sugar industries. In union alone is their strength.

Let us beware of the insidious propaganda by which they are seeking to break down our inherent strength by arraying us one against the other.

Mr. CULLEN. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article on national origins.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. KVALE. Mr. Chairman, my subject is immigration; more particularly, the much-debated subject of national origins.

On June 7, 1926, Senator SHIPSTEAD introduced in the Senate a bill to repeal the national origins provision of the immigration act of May 26, 1924. On June 15, 1926, I introduced the same bill in the House. The identical bill was reintroduced in this Congress by myself in the House on December 5 and by Senator SHIPSTEAD in the Senate on December 12. This bill, accordingly (S. 1481; H. R. 316), is the first bill introduced in Congress for the repeal of the national origins provision of the immigration act.

I have had in mind discussing at some length this phase of the immigration law and have gathered quite a few data and statistics on the subject. But yesterday I received a copy of a book containing an article on this very subject which is so scientific and exhaustive that I have decided to abandon my contemplated speech and simply insert in the RECORD this most excellent treatise.

The article is printed in the Lutheran World Almanac and Encyclopedia, 1927–28, and is written by Dr. O. M. Norlie, professor at Luther College, Decorah, Iowa. It is the most comprehensive and authoritative document on national origins that has appeared up to this time or is likely to appear in the future.

Doctor Norlie is a scholar of wide renown and one of the most eminent statisticians in the United States to-day. I hope the members of the Committee on Immigration and Naturalization and other Members of the House will take time to study the tables and the facts submitted in this article. They will be found intensely interesting and exceedingly instructive.

[From the Lutheran World Almanac for 1928]

I. NATIONAL ORIGINS

1. EXPLANATION

In 1924 Congress passed an immigration act. Various bills and resolutions were later offered proposing changes, particularly with reference to national origins. The President of the United States appointed the Secretaries of State, Commerce, and Labor to make a scientific study of the matter, and two experts from each of these three departments were appointed to compile national-origin statistics. Hearings were held before the Committee on Immigration and Naturalization in the House of Representatives on January 18, 19, and 20, 1927, in which the findings of this committee were set forth and explained.

The immigration during the 70-year period 1820–1890 has been called the "old immigration"; that of the period 1890–1920 the "new immigration." The relation between these two periods can be seen from the following table:

Section	Old immigration	Per cent	New immigration	Per cent	Total	Per cent
Western and northern Europe	11,920,220	77.2	4,550,964	24.5	16,471,184	48.9
Eastern and southern Europe	1,782,417	11.6	11,520,409	63.6	13,302,826	39.5
Other lands	1,725,010	11.2	2,147,388	11.9	3,872,398	11.6
Total	15,427,647	100.0	18,218,761	100.0	33,646,408	100.0

This means that the old immigration, often called the "Nordic," formerly called the "Germanic," has decreased from about three-fourths to about one-fourth of the whole immigrant tide. This situation has filled the minds of most American sociologists and statesmen with apprehension. Just as in the days when the fear of an economic and industrial invasion of Chinese led Congress to pass exclusion acts against them, so now Congress has been trying to regulate immigration so as to keep the land open for the Nordics, who were the founders of this land and whose institutions must be maintained.

To illustrate: The present immigration quotas as based on the foreign-born populations in 1890 clearly favor western and northern immigration stock. Thus—

	Quota	Per cent
Western and northern Europe	141,197	85.7
Great Britain	62,574	38.0
England, Scotland, Wales, and Northern Ireland	34,007	20.6
Irish Free State	28,567	17.4
Non-British	78,623	47.7
Germany	51,227	31.1
Scandinavia	18,903	11.4
France, Holland, Belgium, etc	8,493	5.2
Eastern and southern Europe	19,925	12.2
Other lands	3,525	2.1
Total present quotas, based on 1890 foreign-born population	164,667	100.0

According to the present quotas, listed above, the immigration must now come almost exclusively from western and northern Europe—namely, 85.7 per cent. But only 38 per cent of this 85.7 per cent falls upon Great Britain. Therefore the agitation to readjust the quotas

on the basis of national origins. And the new proposal, which was on the brink of becoming a law, is as follows:

	Quota	Per cent
Western and northern Europe	125,531	83.7
Great Britain	93,465	62.3
England, Scotland, Wales, and Northern Ireland	85,135	56.7
Irish Free State	8,330	5.6
Non-British	32,066	21.4
Germany	20,028	13.3
Scandinavia	6,170	4.1
France, Holland, Belgium., etc	5,868	4.0
Eastern and southern Europe	23,269	15.5
Other lands	1,200	0.8
Total proposed quotas, based on national-origin estimate of 1924	150,000	100.0

On this proposal the gains and losses over present quotas would be—

	Gain	Loss
	Per cent	*Per cent*
Western and northern Europe		2.0
Great Britain	24.3	
England, Scotland, Wales, and North Ireland	36.2	
Irish Free State		11.8
Non-British		26.3
Germany		17.8
Scandinavia		7.3
France, Holland, Belgium, etc		1.2
Eastern and southern Europe	3.3	
Other lands		1.3

The facts set forth in this table have been compiled from the "national origins provision, immigration act of 1924, Hearing No. 69.2.1." (1927, p. 5).

The chief country to gain by this proposed immigration act is Protestant Great Britain and the countries to lose are the Irish Free State, Germany, and Scandinavia.

The proposed act seems to be a blow at Germany and Scandinavia in particular.

We question seriously whether the findings of the committee on national origins is scientific. In fact, the report of this committee as submitted to the President of the United States and signed by Secretaries Kellogg, Hoover, and Davis says: "Although this is the best information we have been able to secure, we wish to call attention to the reservation made by the committee and to state that, in our opinion, the statistical and historical information available raises grave doubts as to the whole value of these computations as a basis for the purposes intended."

Several things detract from the scientific character of the findings of the committee. For one thing, the population of 1790, as listed in the census reports, is not an adequate basis for the calculation, because it is biased in favor of England and omits most of the other national groups.

Again, the national origins theory rests on the false presumption that all the national groups have the same birth rate and have maintained the same rate from the beginning.

Moreover, this theory must assume that the immigration reports and the census returns have been uniform, complete, and reliable, a very mistaken assumption.

II. NATIONAL ORIGINS TABLE

(Method: National groups multiplied by decades)

	1790 (13 decades)	1820 (10 decades)	1830 (9 decades)	1840 (8 decades)	1850 (7 decades)	1860 (6 decades)	1870 (5 decades)	1880 (4 decades)	1890 (3 decades)
Total Europe	41,241,772	988,720	4,461,192	12,772,816	17,168,599	12,386,442	11,309,520	18,926,428	10,676,379
Austria						46,800	364,845	1,414,888	1,778,121
Belgium		270	198	40,592	33,166	40,404	36,105	80,696	54,501
Denmark	16,500	1,690	9,567	4,312	26,243	102,564	158,855	352,528	150,693
France	229,047	84,970	410,175	618,096	534,506	215,904	361,005	201,852	92,310
Germany	2,293,291	67,610	1,372,086	3,470,008	6,661,669	4,724,808	3,590,910	5,811,880	1,515,456
Great Britain	37,554,335	758,030	2,548,719	8,382,104	9,366,651	6,256,044	4,924,570	5,851,356	1,979,862
England	33,874,087	221,670	68,499	256,736	1,729,875	1,333,662	2,188,530	2,578,720	650,178
Ireland	799,942	507,240	1,866,429	6,245,752	6,398,833	2,614,668	2,184,355	2,621,928	1,165,248
Scotland	2,880,306	29,120	24,003	29,696	268,317	232,608	437,820	599,476	132,564
Wales			1,665	10,088	44,233	25,878	33,155	50,560	31,671
Not specified			588,123	1,839,832	925,393	2,049,228	80,710	672	201
Greece								8,212	47,937
Holland	1,026,467	10,780	12,708	66,008	75,523	54,612	82,705	214,804	80,274
Italy		4,080	20,277	14,960	64,617	70,368	278,810	1,229,240	1,955,679
Norway	16,500	910	8,100	69,352	97,678	272,748	476,615	706,344	285,042
Portugal							23,135	47,608	81,969
Rumania								23,752	38,250
Russia		910	5,814	5,248	11,347	27,216	261,270	1,060,356	1,806,033
Spain		26,220	26,586	22,072	72,471	50,958	26,330	17,672	26,193
Sweden	65,000	560	2,709	34,672	48,839	383,040	579,610	1,567,104	678,798
Switzerland		32,260	43,389	37,152	175,077	139,716	141,465	327,952	93,537
Turkey in Europe								4,740	11,358
Other Europe	60,632	430	864	1,240	812	1,260	3,290	5,384	366
Total North America		110,330	293,112	471,120	514,472	991,206	2,014,285	1,696,876	113,010
Canada		22,770	122,616	333,784	415,163	923,226	1,916,345	1,571,208	9,192
Central America		1,050	396	2,944	3,143	576	1,050	1,848	1,707
Mexico		48,170	59,391	26,168	21,546	13,146	25,810	7,652	2,913
West Indies		38,340	110,709	108,224	74,620	54,258	71,080	116,168	99,198
Oceania		20	81	232	1,106	1,326	54,570	50,296	11,895
South America		5,310	7,704	28,632	8,568	8,376	5,620	9,216	3,225
Other lands		329,750	620,136	432,112	203,077	112,068	56,750	27,060	43,425
Grand total, white	41,241,772	1,434,130	5,382,225	13,704,912	17,895,822	13,499,418	13,440,745	20,709,876	10,847,934

	1900 (2 decades)	1910 (1 decade)	Grand total	Per cent	Estimated total white stock	Census total, first and second generations	Census total foreign born, first generation (immigrants)	Census total native born, second generation (children of immigrants)	Estimated census total native born, later generations (grandchildren, etc.)
Total Europe	16,272,032	4,376,564	150,580,464	93.657	88,796,370	31,185,237	12,177,725	19,007,512	57,611,133
Austria	4,290,532	896,342	8,791,528	5.460	5,177,222	3,129,798	1,445,141	1,684,657	2,047,424
Belgium	83,270	33,746	403,948	.250	237,052	122,686	63,234	59,452	114,366
Bulgaria						43,703	32,681	11,022	143,703
Denmark	130,570	41,983	985,505	.620	587,890	467,525	191,496	276,029	120,365
Finland						296,276	150,770	145,506	1296,276
France	146,758	61,897	2,956,520	1.833	1,738,067	333,678	124,727	208,951	1,404,389
Germany	682,996	143,945	30,341,659	18.882	17,901,085	7,259,992	1,915,864	5,344,128	10,644,093
Great Britain	1,730,030	487,589	79,839,290	49.656	47,084,650	7,405,126	2,365,849	5,039,277	39,679,524
England	776,034	249,944	43,927,935	27.321	25,906,398	2,307,112	824,088	1,483,024	23,599,286
Ireland	678,130	146,181	25,228,706	15.691	14,878,350	4,136,395	1,164,707	2,971,688	10,741,955
Scotland	240,938	78,357	4,953,205	3.081	2,921,432	731,239	310,092	421,147	2,190,193
Wales	34,928	13,107	245,285	.152	144,128	230,380	66,962	163,418	186,252
Not specified			5,484,159	3.411	3,234,342				3,234,342

1 Discrepancy between census and immigration figures.

II. NATIONAL ORIGINS TABLE—continued

(*Method: National groups multiplied by decades*)—Continued

	1900 (2 decades)	1910 (1 decade)	Grand total	Per cent	Estimated total white stock	Census total, first and second generations	Census total foreign born, first generation (immigrants)	Census total native born, second generation (children of immigrants)	Estimated census total native born, later generations (grandchildren, etc.)
Greece	235,038	184,201	575,388	0.358	339,459	212,342	166,786	45,556	127,117
Holland	96,524	43,718	1,764,123	1.093	1,036,393	362,318	134,220	228,089	674,075
Hungary						1,110,905	598,170	512,735	[1]1,110,905
Italy	4,091,754	1,109,524	8,839,309	5.493	5,208,513	3,338,941	1,615,180	1,721,761	1,871,572
Luxemburg						43,109	12,837	30,272	[1]43,109
Norway	381,010	66,395	2,370,694	1.475	1,398,608	1,023,225	362,051	661,174	375,383
Portugal	138,298	89,732	380,802	0.237	224,726	134,794	67,948	66,846	89,932
Rumania	106,016	13,311	181,329	0.112	106,199	134,318	85,255	49,063	[1]28,119
Russia	3,194,612	921,957	7,294,763	4.537	4,302,025	3,871,109	2,020,646	1,850,463	430,916
Spain	55,870	68,611	392,983	0.244	231,363	77,947	52,686	25,261	153,416
Sweden	499,068	95,074	3,954,474	2.459	2,331,646	1,457,382	632,656	824,726	874,264
Switzerland	69,844	23,091	1,083,483	0.674	639,093	327,797	117,270	210,527	311,296
Turkey in Europe	238,512	77,210	331,820	0.206	195,331	23,268	18,907	4,361	172,063
Other Europe	1,330	18,238	93,846	0.058	54,048	10,998	3,342	7,656	43,050
Total North America	689,216	1,101,772	7,995,399	4.973	4,715,444	3,400,104	1,368,966	2,031,138	1,315,340
Canada	358,452	742,185	6,414,941	3.991	3,784,302	2,629,276	873,770	1,755,506	1,155,026
Central America	16,384	17,159	46,257	.028	26,550				26,550
Mexico	99,284	219,004	523,084	.325	308,170	725,332	473,287	252,045	[1]417,162
West Indies	215,096	123,424	1,011,117	.629	596,422	45,496	21,909	23,587	550,926
Oceania	25,048	13,427	159,001	.099	93,873				93,873
South America	34,560	41,899	152,110	.094	89,132	19,487	11,782	7,705	69,645
Other lands	67,046	1,147	1,892,571	1.177	1,126,096	116,458	48,299	68,159	1,069,638
Mixed parentage						1,502,457		1,502,457	[1]1,502,457
Grand total, white	17,088,902	5,534,809	160,780,545	100.00	94,820,915	36,223,743	13,606,772	22,616,971	58,597,172

[1] Discrepancy between census and immigration figures.

To show the inadequate and utterly unscientific character of the national origins theory, we present herewith a statistical study of the theory by the method of decades. The United States census has been taken every 10 years, beginning with 1790. The statistics for immigration have been taken every year since 1820 and can be grouped in 10-year periods. The population of the white stock in 1790 was 3,172,444. The total immigration from 1820 to 1920 was 33,646,408, of whom 32,801,857 were whites, a number more than ten times as large as the original population in 1790. The method of decades used in making the following estimate is, in brief, as follows: 1,000,000 for 1 decade is equal to 500,000 for 2 decades and 100,000 for 10 decades; 3,172,444 people in 1790 living 13 decades are equal to 41,241,772 in 1910 living only 1 decade. The figures for immigration are taken from reports of the Commissioner General of Immigration. The statistics of the original population are taken from A Century of Population Growth, published by the Census Bureau in 1909. Assuming that the distribution of population among the various nationalities by the census of 1790 is correct, and assuming that all the national groups have the same rate of natural increase which remains constant, we have added to the native racial stock at each decade the immigrant racial stock for that decade. Taking the white population at a census and adding the 10-year increase through immigration, we have used that total as a devisor in finding out how many times it will go into the total white population of the next census. Then we have used that quotient as a multiplier for each racial group in order to estimate its size at the next census. This was done for each decade from 1790 to 1920. Then in the last four columns of our table we have compared our results for 1920, based upon the national origins theory, with the actual figures of the census report of 1920. The very great discrepancies prove the utter inadequacy of the national origins theory.

III. OBSERVATIONS AND CONCLUSIONS

In making the compilation many difficulties arise. For example, the sources are inadequate and conflicting. There does not seem to be much correlation, if any, between the Bureau of the Census and the Bureau of Immigration. The two bureaus do not list the same countries at all times and make changes from decade to decade and from year to year. The Bureau of Immigration keeps a record of races, as, for example, Hebrew and Spanish-American. But it is impossible to say from what countries the Hebrews came or the Spanish-Americans. The Bureau of Immigration lumps the Norwegians, Danes, and Swedes under one heading—Scandinavians—and has separate rubrics for north Italians and south Italians. The Bureau of the Census—not a distinct bureau before 1902—recognized only seven races in 1790, namely, English, Scotch, Irish, Dutch, French, German, and Hebrew, and grouped all the remaining races under one term—all other. Since 1790 the Bureau of the Census has not taken a count of the Hebrews. The 1790 count was made much later on the basis of surnames, and is without question unfair to thousands who had Anglicized their names and thus became counted as English. There is no census of people from Austria-Hungary before 1861, none of Greece before 1881, none of Norway and Sweden as separate countries before 1868, none of Rumania before 1881, none of Turkey before 1881. The census reports do not give the same country all the time. They often omit a country as Poland, but mention a section of another country, as Bohemia. They take no account of the foreign born until 1850. They do not list the children of foreign born until 1890. They take no account of later generations at all. There are discrepancies of fact as well as of method. Thus, on page 83 of the Statistical Abstract of the United States for 1925 we read that from 1851 to 1860 the number of immigrants was 2,511,060, but on page 85 it is said that 2,598,214 immigrants came over in this period. On page 83 the number for 1861–1870 is 2,377,279; on page 85 it is 2,314,824. The best work of the United States statistical offices is no doubt the best work of its kind in the world, but it is far from perfect. The first law in statistics is to have definite rubrics with definite terminology for each. This law is frequently flaunted.

The national-origins table above was made on the assumption that all the races have multiplied with equal rapidity. This is not the case. The immigrants have multiplied more rapidly than the native population. The poor have had larger families than the rich; country folk larger than city folk. The original stock, according to the census returns, was 82.1 per cent English, and according to the method of decades used in the above table it would number 23,705,229 in 1920, of whom 19,461,993 would be of English stock. The fact is that the native stock is on the decrease, not on the increase. The average family in 1850 had 5.6 members; in 1860, 5.3; in 1870, 5.1; in 1880, 5; in 1890, 4.9; in 1900, 4.7; in 1910, 4.5.

The English are, as a race, the most prominent of the races that make up America. Through early colonization and conquest they laid claim to the whole of the Atlantic seaboard, and later, through war, purchase, and treaty, with the hearty aid of other settlers, extended their possessions from the Atlantic to the Pacific. They determined the language of the country, its form of government, and most of its institutions and opportunities for advancement. During the seventeenth and eighteenth centuries they were the main contributors to the population of America. During the eighteenth century the Scotch-Irish and the Germans migrated in almost equal numbers, and their combined migration was nearly that of the English for the century. But these newcomers were compelled to settle down as frontiersmen, and to leave to their English-sprung predecessors the more prominent occupations of politics, the professions, education, literature, trade, commerce, army, and navy. From 1820 to 1920 only 2,591,231, or 7.4 per cent of the total immigration, came from England. Still, the English have easily maintained their position as the most influential people in America. They are not handicapped by language or other foreign "taint." They occupy, as a rule, controlling positions in every walk of life. Nearly all the Presidents have been of English lineage; most of the governors. They have furnished most of the editors of the great dailies and the heads of school systems and universities. The great American authors and the captains of industry are nearly all English. The culture of the American schools and the ideals of America as a whole are mainly from England, by way of New England. The English have been, as a rule, kind masters; the other races faithful servants.

It is in the States where the English are most dominant that the decrease in the size of a family is most evident, and in the well-to-do sections of our cities. For example, in New England the average family is only 4.1 persons. The native born in Massachusetts in 1910 had a birth rate of 14.8 per 1,000, but the foreign born had a birth rate of 49.5. The death rate of the natives in Massachusetts was 16.3 for the natives and 15.8 for the foreign born. The deaths were greater than births by 1.5 per 1,000 among the native born; among the foreign born the births were 34 per 1,000 more than the deaths.

Bushee shows in his Ethnic Factors in the Population of Boston (1903) that the birth rate of the native born in Boston is 16.4 per 1,000 and the death rate is 17.2. Of the Irish in Boston the birth rate is 45.6 and the death rate is 25.2; Germans, birth rate 48, and death rate 15; Russian Jews, birth rate 94.6 and death rate 15.9; Italians, birth rate 104.6 and death rate 25.3.

It is generally maintained that the best people limit their offspring; the worst do not. It is said that the worst citizens are most prolific. This depends upon the meaning of good citizenship. A poor man can be a good citizen. He is usually more industrious, thrifty, law abiding and God fearing than the rich, and the statistics prove absolutely that most foreign groups stand above the native population in regard to industry, thrift, obedience to law and practice of religion.

Says Ellwood in his Sociology and Modern Social Problems: "If the present tendencies continue, it is apparently not difficult to foresee a time in the not very distant future when the old Puritan New England families will be replaced in the population of Massachusetts and Boston almost entirely by recent immigrants." Ellwood adds (p. 177): "Practically everywhere the same tendencies are manifest; that is, everywhere we find the native-born white population failing to hold its own alongside of the more recent immigrants. Apparently, therefore, we must conclude that the birth rate of the native whites in the United States is declining to such an extent that that element in our population threatens to become extinct if present tendencies continue." In the light of this situation it is certainly not scientific to reckon that 56.7 per cent of the white stock in the United States hails from Protestant Britain, and to give Protestant Britain a quota of 86,135 out of every 150,000 immigrants.

Therefore, the national origins theory of legislation on immigration is unscientific, unfair, and unwise, and the proposed immigration act ought not to become law. It overlooks important historical facts. It is an unwise discrimination among races and nations. It is based upon an unsound theory of citizenship and an unwarranted fear of the "foreigner." And, above all, it rests upon inadequate statistical calculations.

Up to the close of 1919 the United States had issued five Liberty loans—two in 1917, two in 1918, and one in 1919, the last being known as the Victory Liberty loan. In these five loans $18,500,000,000 was called for. Over $24,000,000,000 was actually subscribed; 21,000,000 people subscribed for the fourth loan. One of the posters in the Victory Liberty loan of April, 1919, was drawn by Howard Chandler Christy, entitled "Americans all!" It had the picture of an American flag, a woman in front of it placing a laurel wreath above the honor roll of men who had given their lives for the United States. There were five names of men from northern and western Europe: Smith, O'Brien, Du Bois, Haucke, and Knutson; there were nine names of men from southern and eastern Europe: Gonzales, Villotto, Andressi, Pappandrikopolous, Chriszanevicz, Kowalski, Turovich, Cejka, and Levy. These were all Americans—"Americans all!". Here were both Jew and Gentile, Greek and barbarian; all were, as Gavit calls them, "Americans by choice." America had been to them, as Craig puts it, "God's melting pot." The massing here of representatives from many lands should not hinder them from becoming one nation. They all have something to supply and something to surrender for the making of an ideal people. "Stop calling the immigrant a problem," says Shriver. "How would you like somebody to call you a problem?" Among the interesting things in Shriver's book Immigrant Forces is a table showing the proportion of immigrant employees in various industries. For example: Ninety-four per cent of the people engaged in making clothing are immigrants; 53 per cent of those engaged in the manufacture of boots and shoes; 71 per cent of the iron and steel workers; 79 per cent of the copper miners; 72 per cent of the coal miners; 89 per cent of the oil refiners; 80 per cent of the furniture makers; 76 per cent of the meat packers; 93 per cent of the sugar refiners.

The variety of races in America is astonishing. America is a Babel. A newspaper reporter observed that in New York City 66 languages are spoken by as many groups, 49 newspapers are published in foreign languages, and the school at Mulberry Bend has children of 29 nationalities. Yet all these eventually become one people, with one language and one flag.

For mankind is one in spirit, and an instinct bears along,
Round earth's electric circle, the swift flash of right or wrong;
Whether conscious or unconscious, yet humanity's vast frame
Through its ocean-sundered fibers feels the gush of joy or shame—
In the gain or loss of one race all the rest have equal claim.

The present writer is American born, from immigrant parents. They had come from Norway, a country small on the map but big in achievement. He went to public school, where he was taunted on account of his nationality and made to believe that his stock was low down and the scum of the earth. He knows better now, for he has carefully investigated his own stock and many other races and written many and authoritative books about them. The following words from the address of President Calvin Coolidge at the Norse-American Centennial, June 8, 1925, St. Paul, Minn., while addressed to the Norwegians in particular, could have been spoken with equal truth about almost any other immigrant group in this land:

"Our America, with all that it represents of hope in the world, is now and will be what you make it. Its institutions of religious liberty, of education and economic opportunity, of constitutional rights, of the integrity of the law, are the most precious possessions of the human race. These do not emanate from the Government. They come from the consecration of the father, the love of the mother, and the devotion of the children. They are the product of that honest, earnest, and tireless effort that goes into the rearing of the family altar and the making of a home of our country. They can have no stronger supporters, no more loyal defenders, than that great body of our citizenship which you represent. When I look upon you and realize what you are and what you have done, I know that in your hands our country is secure. You have laid up your treasure in what America represents, and there will your hearts be also. You have given your pledge to the land of the free. The pledge of the Norwegian people has never yet gone unredeemed." This address has been published by Congress as House Document No. 143, 1926.

A delegation of notables from Norway came to attend the Norse-American Centennial at St. Paul. In New York they were officially welcomed by Mayor John Hylan. In his address, which was very felicitous, he remarked that he liked the Norwegians because they made good servants. "I am glad to hear that," answered the spokesman for the visitors, "they were taught in their Norwegian home to be true and faithful. But bear in mind the promise 'that he who has been faithful over a few things will be made ruler over many things.' The Norwegians, you say, have been faithful in the little things. They are good servants, but they do not remain as servants forever. I understand they are already becoming mayors and hold other offices of honor and trust. Six of your 48 governors are of Norwegian blood."

So it is with the Jew. He may be brought up in the East Side ghetto, but after a while you find him or his sons living on Riverside Drive, West Side. So with the other immigrants, they make good. They came here to make good. They work hard in this beloved land of their choice. They try to transplant the best culture of their fatherlands on American soil. They enrich American ideals and living. They intermarry and produce a vigorous race. They build the home, the most fundamental of social institutions. They do not believe in divorce or race suicide. "The whole history of Europe," says Techet in his Volker, Vaterlander und Fursten (1913), p. 149), "testifies to the wholesome effect of racial intermixture effected under favorable conditions, and it also proves that no race has ever created a progressive civilization without a certain admixture of foreign blood."

The proposed immigration act is not the solution of the immigration problem. It is based on fiction, not fact. It is based on prejudice, not reason. It discriminates against the Germans and Scandinavians, two of the finest groups of immigrants that have ever set foot on American soil and have done more than even the original stock in bearing the brunt and the burden of opening up the frontiers and saving this land as a home of free institutions. The Germans and Scandinavians have been coming to America for a long time, an increasing stream, fresh and powerful as mountain torrents. Leif Erickson, a Norwegian, discovered Vinland in the year 1000; Tyrker, a German, was a member of his band. The Swedes settled Delaware and Pennsylvania in 1638. The Danes and Norwegians were in New York along with Hendrik Hudson. Our America, like England herself, is more German and Scandinavian than English. The proposed immigration act must not pass. It is unfair and pernicious. Let the Germans and Scandinavians come to America and they will enrich this land with brain and brawn, with patriotic devotion, and Christian idealism.

We have no quarrel with Congress for passing laws restricting undesirable immigrants—the criminal, the diseased, the degenerate. Nor do we discuss here the question of restriction at all. We accept the policy of establishing quotas as a political issue, and we are not concerned with the political aspects at all. We call attention to the fact that the proposed quotas on the national origin basis are unscientific and unjust.

Mr. CULLEN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, some time ago I mentioned the fact that I had called on the Bureau of Efficiency for certain information. We have in this bill before us $200,000 for the Bureau of Efficiency. The information I sought was to find out just how they were spending that money, and what their many employees were doing for the Government in return

therefor. You will remember that Chief Brown refused to give that information.

When the House met on December 5 last I introduced Resolution No. 16 propounding six questions of inquiry to the Chief of the Bureau of Efficiency to bring out this information.

When the Bureau of Efficiency found it was going to be forced to grant it, it did give it. The Chief of the Bureau of Efficiency, Mr. Herbert D. Brown, brought to me this morning at my office, in writing, his answer to all such inquiries, giving me all the facts I requested, which I desire to discuss in my 10 minutes. Without reading them I ask unanimous consent to insert them in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TILSON. The gentleman asks unanimous consent to insert the questions and the answers.

Mr. BLANTON. Yes; the questions and the answers to the questions propounded to him, and I also expect to extend my remarks generally under the leave.

The following are my six questions of inquiry which in my resolution, (H. Res. 16), introduced by me in this House of December 5, 1927, I propounded to said Herbert D. Brown, Chief of the United States Bureau of Efficiency.

Resolved, That the Chief of the United States Bureau of Efficiency is directed to report to the House of Representatives at the earliest date practicable the following facts:

(1) The names, their post-office addresses, and their respective salaries of all officers and employees of the said United States Bureau of Efficiency who have been employed by it during any part of the calendar year of 1927, and when, respectively, they began working for said bureau, and if any have ceased working for said bureau, the date they ceased working for said bureau.

(2) The names and post-office addresses of all persons, corporations, or other business concerns, if any, for whom, since he has been Chief of the United States Bureau of Efficiency, he has rendered any service for which he received pay, when, respectively, he rendered same, and the compensation, respectively, he received for same, if he did do so.

(3) The names of all employees of the United States Bureau of Efficiency since he has been chief of same, if any, who have rendered any service for any person, corporation, or other business concern for which they received pay, the names and addresses of such employees and employers, when they so worked, and the remuneration they received for same, if any did so work.

(4) What departments, bureaus, commissions, or independent establishments of the United States Government has the United States Bureau of Efficiency investigated since January 1, 1927, the number of employees and length of time engaged upon each of same.

(5) What departments or officers of the government of the District of Columbia has the United States Bureau of Efficiency investigated since January 1, 1927, the number of employees and length of time engaged upon each of same, and what law authorized same, respectively.

(6) Where reports of such investigations were made, attach copies.

The following are the six answers said Herbert D. Brown, Chief of the United States Bureau of Efficiency, made in writing over his own signature and brought to my office this morning, except that I have left out the argument he made in trying to excuse his accepting employment from corporations on the outside, to wit:

ANSWERS OF HERBERT D. BROWN

On House Resolution 16, I am furnishing you certain information called for by that resolution.

First. I inclose a statement marked "Exhibit A," showing the names, salary rates, dates of appointment, dates of termination of service, if any, of all officers and employees of the Bureau of Efficiency during the period from July 1, 1926, to December 1, 1927. The post-office address of all of the employees of the bureau is Washington, D. C.

Second. I do not consider that the information called for in the second paragraph of the resolution is of any interest to Congress, for the reason that such unofficial undertakings as I have engaged in during the time I have occupied the position of Chief of the Bureau of Efficiency have been conducted outside of the recognized hours for official employment. I am, nevertheless, entirely willing to furnish the information, etc.

The only company from which I have received any considerable amount of money is the du Pont Co. of Wilmington, Del. They have paid me for services covering a period of 13 years—from 1914 to 1927—the sum of $7,886.42. From all other sources I have received about $500.

Third. I am unable to furnish the information called for in the third paragraph of the resolution for the reason that it is not within my knowledge and is not a matter of record. I can state, however, that no officer or employee of the Bureau of Efficiency has rendered any service for any outside concern or individual during the usual hours of duty in Government offices except during periods of leaves of absence.

Fourth. I inclose a list, marked "Exhibit B," of the Government offices, exclusive of the government of the District of Columbia, in which the Bureau of Efficiency was employed during the period from January 1, 1927, to December 1, 1927, showing the amount expended for salaries in connection with each assignment.

Fifth. I inclose a list, marked "Exhibit C," of the offices of the government of the District of Columbia in which the Bureau of Efficiency was engaged during the period from January 1, 1927, to December 1, 1927, showing the aggregate amount expended for salaries in connection with those assignments.

Sixth. I also inclose a memorandum, marked "Exhibit D," relating to the question of the authority for making investigations in the government of the District of Columbia.

Yours very truly,

HERBERT D. BROWN,
Chief, Bureau of Efficiency.

EXHIBIT A.

HERBERT D. BROWN'S EXHIBITS ATTACHED TO HIS ANSWERS

List of employees of the United States Bureau of Efficiency during the period July 1, 1926, to November 30, 1927, and salary status of employees as of December 1, 1927

Name	Period of service		Annual salary rate
	Appointed	Terminated	
PERMANENT EMPLOYEES			
Herbert D. Brown	Mar. 25, 1913		$7,500
William H. McReynolds	July 1, 1913		6,500
Victor G. Croissant	July 16, 1914	June 15, 1919	5,200
	July 15, 1920		
Donald P. Evans	Aug. 21, 1917		5,200
Malcolm Kerlin	Jan. 1, 1920	Apr. 15, 1920	6,000
	Oct. 20, 1922		
Thomas F. Murphy	July 16, 1919		5,600
Herbert H. Rapp	July 3, 1917	Jan. 24, 1920	6,000
	Nov. 16, 1920	Mar. 8, 1926	
	Jan. 19, 1927		
James V. Bennett	Aug. 18, 1919		4,800
Edward E. Berney	Apr. 21, 1926	Sept. 23, 1927	4,200
Jerome F. Gunther	Feb. 2, 1920		4,000
Geo. C. Havenner	May 22, 1919		4,600
John L. Keddy	Aug. 1, 1920	Sept. 23, 1927	4,200
William E. Mickey	Aug. 7, 1919		3,800
Sidney Morgan	July 1, 1922		3,800
John B. Payne	May 9, 1927		4,200
Paul N. Peck	Sept. 9, 1918		4,800
Paul L. Rapp	Apr. 27, 1921	Apr. 30, 1924	4,000
	May 16, 1924		
Verne P. Simmons	Mar. 14, 1927		4,000
Arthur G. Thomas	Apr. 10, 1921		5,000
Wilson E. Wilmot	May 16, 1913	July 15, 1926	4,600
	May 16, 1927		
William F. Littlejohn	Sept. 22, 1919		3,500
Leonard W. A'Hearn	May 14, 1927		3,000
Paul B. Banning	Dec. 1, 1926		3,200
Ralph Bowman	Jan. 1, 1921		3,600
German S. Ellsworth	Oct. 18, 1922	July 4, 1927	3,100
Archie L. Peterson	July 26, 1926		3,300
Florence C. Bell	Dec. 24, 1917		3,000
David W. Cannon	Oct. 22, 1923		2,600
John H. Clark	Mar. 1, 1927		2,400
Bernard E. Garrett	May 26, 1919		3,000
Robert W. Maxwell	Sept. 20, 1926		2,500
Oliver C. Murray	Apr. 23, 1921		2,800
Raymond J. Queenin	May 3, 1926		2,600
Owen G. Reichmann	Oct. 8, 1926		2,500
William E. Talsey	May 1, 1927	Aug. 26, 1927	2,400
Theodore F. Wilson, jr	Dec. 13, 1920		2,900
Nellie L. Yeatman	Sept. 16, 1913		2,600
Daisy F. Fridley	Jan. 6, 1920		2,400
Flora S. Hoff	Oct. 1, 1917		2,400
Gladys E. Weaver	Apr. 1, 1919		2,300
Lura E. Harrison	Sept. 28, 1920		2,000
Edwin G. Royster	Oct. 16, 1926		2,200
Walter F. Carruthers	Aug. 19, 1919		2,040
Gertrude C. Lombard	Oct. 5, 1919		2,040
Geraldine E. Anglim	Dec. 8, 1925		1,620
Rebecca A. Crawford	May 1, 1927		1,500
Virginia Guard	Sept. 20, 1917		1,860
Gertrude F. Ronan	Apr. 11, 1927		1,500
Freda Smigelsky	Apr. 13, 1921		1,800
Ina Sparks	Dec. 15, 1926		1,560
Genevieve E. Lemmer	June 2, 1920		1,500
Grace M. Trageser	Apr. 21, 1920		1,500
Margaret F. Nash	Mar. 29, 1926		1,440
Richard Fourchy	Dec. 26, 1926		4,000
Victor H. Gottschalk	Apr. 1, 1925		5,000
Geo. K. Hamill	May 23, 1927		4,400
Russell R. Reagh	Mar. 21, 1927		3,000
Vernon Worthington	Mar. 3, 1926		1,140
Geo. W. Powell	June 9, 1919		1,200
William G. Shields	July 29, 1921		1,080
Geo. A. Washington	Dec. 1, 1913	Sept. 30, 1918	1,260
			183,840

EXHIBIT A—Continued

List of employees of the United States Bureau of Efficiency, etc.—Continued

Name	Period of service		Annual salary rate
	Appointed	Terminated	
TEMPORARY EMPLOYEES			
Annie Mathews	Jan. 13, 1927	Jan. 14, 1927	$7,500
Howard B. Gill (furloughed)	Jan. 6, 1927	Nov. 6, 1927	5,200
Geo. W. Reik	July 21, 1927[1]		3,800
Edward H. Schirmer	Feb. 1, 1927	Apr 15, 1927	3,000
Joyce M. Baldwin	Aug. 15, 1927	Aug. 19, 1927	1,500
Mabel Byler	Oct. 25, 1926	Dec. 24, 1926	1,500
Geo. F. Crane	Mar. 24, 1927		1,500
Elizabeth D'Orsay	Mar. 29, 1927	Aug. 20, 1927	1,500
Ruth M. Learn	Mar. 18, 1927	Oct. 17, 1927	1,500
Jo O'Hara	June 20, 1927	Oct. 25, 1927	1,500
Edith Ogden	Mar. 19, 1927	June 2, 1927	1,500
Maude H. Rogers	Oct. 26, 1926	Dec. 25, 1926	1,500
Elizabeth E. Stern	June 8, 1927	Aug. 31, 1927	1,500
Agnes Wilson	July 9, 1927		1,500
Ree D. (Zug) Brooks	do	Nov. 28, 1927	1,500
Mabel Barker	Sept. 9, 1927		1,320
Martha E. Bergseth	Aug. 22, 1927		1,320
Ethel M. Brown	Aug. 15, 1927	Aug. 20, 1927	1,320
Elsie D. Echols	July 1, 1926	Aug. 5, 1926	1,320
Dorothy C. English	June 9, 1927	June 30, 1927	1,320
Gertrude V. Fowler	Sept. 1, 1927	Oct. 24, 1927	1,320
Stella C. Reed	Aug. 17, 1927	Oct. 17, 1927	1,320
Helen E. Smith	Aug. 15, 1927	Nov. 14, 1927	1,320
Grace O. Washburn	May 10, 1927	June 30, 1927	1,320
Margaret A. Burt (7 days)	May 1, 1927	May 31, 1927	5,200
Constance C. Burt (83 days)	July 1, 1926	Dec. 31, 1926	5,200
Adele B. Schnatz (31 days)	do	Aug. 31, 1926	5,200
Adele B. Schnatz (73 days)	Oct. 1, 1926	Dec. 31, 1926	3,800
Joseph Sanford	Oct. 18, 1927		3,800
Otto C. Winestock	June 11, 1927		3,800
Wallace R. Brode	July 1, 1926	June 30, 1927	3,000
James H. Platt	May 10, 1927		3,000
NOT ON FULL-TIME BASIS			
Ernest C. Steward	Aug. 4, 1927		3,000

[1] Only.

Total permanent employees as of Dec. 1, 1927, 57, annual roll.

EXHIBIT B

Offices of the government of the District of Columbia in which the Bureau of Efficiency was engaged during the period from January 1 to December 1, 1927

Name of office:	Total expenditure
Retirement valuation, teachers	$3,059.50
Recorder of deeds and register of wills, District of Columbia	2,570.30
Police court, District of Columbia	52.19
House committee—Gibson subcommittee	61,941.49
Public-school survey, District of Columbia	38,208.79
Total	105,832.27

Mr. BLANTON. Mr. Chairman and gentlemen, in these answers the Chief of the United States Bureau of Efficiency, Mr. Herbert D. Brown, shows, and he himself admits, that he has received pay from one outside corporation, the du Ponts of Delaware, $7,886.42 for work he has performed for such corporation since he has been Chief of the Bureau of Efficiency.

Mr. SPROUL of Illinois. In how long a period?

Mr. BLANTON. Since he has been Chief of the Bureau of Efficiency.

Mr. SPROUL of Illinois. How long is that?

Mr. BLANTON. He says he has received it during the past 13 years. He became Chief of the Bureau of Efficiency in 1916, and it has been while he was chief.

Mr. SPROUL of Illinois. Is there anything in the law that forbids him to receive it?

Mr. BLANTON. I do not yield further to my friend; I will let my friend square that with his own conscience.

Mr. SPROUL of Illinois. It is squared. [Laughter.]

Mr. BLANTON. If the gentleman wants to build houses as a contractor, or wants to practice law, during the time that he is in Congress he ought to let the people of Illinois know that he is doing it, and if the Chief of the Bureau of Efficiency who is getting $7,500 a year from the people's tax money wants to spend his time on the outside for corporations he ought to let Congress at least know about it without compelling them to dig it out of him. Now, up to finding this out I have been one of his strongest defenders on the floor.

I have not altogether lost confidence in him. I still believe that he is doing some good work. I still would have been his defender here had it not been for his recent actions, but I say that when a man uses his efforts and energies at nighttime for somebody else, he can not do that degree and quality of work which the people are entitled to in the daytime.

Mr. SPROUL of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No; I regret that I have not the time. If I had the time I would. I want to show you why I object to it. This Chief of the Bureau of Efficiency will tell you that he recommends constantly for the departments of this Government, both Federal and District, the purchase of certain important valuable machinery and supplies from various corporations. If you will ask him he will tell you that for the Veterans' Bureau he purchased a tabulating machine which cost the taxpayers of this country over $400,000, and it is stored there in the basement of the Veterans' Bureau, and has never been used by anyone, and there have been four different directors in there since it was purchased, and not one of them has ever used it, because it is not practicable to use it. It is absolutely worthless, so far as four different directors of the Veterans' Bureau have determined.

He will tell you that he helped to draw up the specifications for the purchase of machinery for both the Federal Government and the District government. If you ask him he will tell you that he drew up the specifications for the machinery that made here in the District the last automobile tag numbers, and he will tell you that he not only drew up the specifications, but he afterwards recommended to the District Commissioners that they buy this machinery from the firm from which it was bought. Oh, how easy it is to be employed when a man can draw up specifications for machinery furnished by certain corporations, and when he is in a position to recommend its purchase, for those corporations to come to him and offer him employment that pays him large sums on the outside!

Mr. LAGUARDIA. Would not such a contract be void?

Mr. BLANTON. No; because we have Congressmen here like my friend from Illinois [Mr. SPROUL] who believes that so long as they give eight hours a day to the Government they can do anything on earth they want to at night.

Mr. SPROUL of Illinois. Does not the gentleman do that? He is drawing salary from the Government as a Congressman.

Mr. BLANTON. No; I most certainly do not. I have been in Congress 11 years, and I could have made each year since I have been here as much as $20,000 practicing law, but I have never practiced law since I have been a Congressman. I give all my time to the people, and I work day and night for them.

Mr. SPROUL of Illinois. Did not the gentleman lecture in my home city of Chicago and was he not paid for a lecture there?

Mr. BLANTON. No; I did not lecture, but upon invitation I addressed the leading business men of Chicago, and my expenses were paid, and they told me that they got value received for it.

Mr. SPROUL of Illinois. They told me so also.

Mr. BLANTON. But I do not take employment from them. And I do not take employment from anybody. My time belongs to the people when I am in Congress, and they get all of my time. They do not get a part of it. They get all of my energies; they do not get just part of them.

The Washington Post the other day published an editorial saying that the fact that the head of the Bureau of Efficiency had been employed by the du Ponts, was evidence that he was a great man; that if the du Ponts would employ him and pay him seven or eight thousand dollars it was evidence of his efficiency. When he is drawing specifications and when he is making recommendations for the purchase of valuable machinery, and when he can cause to be purchased for one bureau like the Veterans' Bureau a tabulating machine that cost the taxpayers $400,000 and is worthless, corporations can afford to employ him, and pay him seven or eight thousand dollars in fees. And he says he has received some other fees, amounting to $500 from some others.

Mr. Chairman, I have not altogether lost confidence in Mr. Brown yet. I believe he will quit this practice. When I came here he was one of the most efficient men that we had in the Government. When I came here I had as much confidence in him as I had in any other Government official here in Washington. When I came here I believed that he was doing as much for the taxpayers as any other official in the Government. I have stood here on this floor time and time again when he was attacked and defended him, and I have helped your chairman, MARTIN MADDEN, defend him. I was one of those who helped Mr. MADDEN and Mr. WOOD's committee increase his salary to $7,500 a year. But I was expecting him to give all of his time to the people of this Government and not to accept employment from corporations on the outside. And I expected him to give me information about his bureau when I asked for it. And why did not he give it when I first asked for it? Why did he compel me to force him to give it to me?

Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman has about half a minute.

Mr. BLANTON. I am sorry that I have not more time. I want to call attention to the fact that Mr. Brown admits in the information that he gave me this morning in writing, in response to this Resolution No. 16, that last year for the District government alone, not the Federal Government, he expended $105,000 of the people's money. He did not have any authority of law to do this. He thus wasted the people's tax money, as he has nothing whatever to do with the District.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SPROUL of Illinois. I ask the gentleman from New Hampshire [Mr. WASON] to yield the gentleman a little more time so that he may be able to answer some questions I would like to ask him about that report that is going to be published to-morrow.

Mr. BLANTON. I would be very glad to answer any questions that the gentleman would ask me if he will get the gentleman from New Hampshire to yield me the time.

Mr. WASON. Mr. Chairman, the gentleman will have to get the time from the gentleman from New York [Mr. CULLEN].

Mr. BLANTON. I shall not ask for any more time from the gentleman from New York, as he has already given me more time than he had to spare.

Mr. CULLEN. Mr. Chairman, I yield 45 minutes to the gentleman from Mississippi [Mr. LOWREY].

The CHAIRMAN. The gentleman from Mississippi is recognized for 45 minutes.

Mr. LOWREY. Mr. Chairman, after listening to the proceedings this afternoon I concluded that the debate had degenerated or regenerated into a kind of free-for-all tariff fight. Since that time it has regenerated two or three different ways. I am going to talk to you people for a little while, and I believe if you will listen to me I will be able to give you something quite interesting and instructive about negroes and white folks. Most of you gentlemen belong to one or the other of those races, and you ought to be interested.

We southern white folks who know the old-time southern negro, and who like him and appreciate him, consider him a wit and a humorist and a philosopher of a very rare type. There are no others just like him. For instance, a negro went to town one time upon circus day and saw an elephant for the first time. He said, "That is the curiousest animal I ever seed in my life. He eat hay with his tail." Another negro replied, "That ain't no tail; that big thing what hang down over his mouf, you call dat a tail?" The first negro replied, "I dunno what you call it if it ain't a tail. It hang down lak a tail and curl up lak a tail. It sho look lak a tail to me." The other said, "Dat ain't no tail; dat's his trunk." "Den ah reckon dat little un what hang down behin', dats his suitcase," was the reply.

A friend of mine was out with a negro driver some years ago, in the old days of livery teams and buggies, and the negro said to him, "Boss, does you think you has a pretty good time?" "Yes," replied my friend, "I think I have a fine time. I would like for you to show me somebody who has a better time than I." The negro said, "No, Boss; you is mistaken. There ain't nobody in dis world but a nigger dat has a real good time. There are a lot of white folks dat thinks dey has a good time, but it is just ignorance."

I am coming before you to-day to show you in what respect you are in ignorance with reference to certain conditions and to my attitude on certain questions.

I want to make a correction. I have been wanting for three or four years a real chance to discuss an issue before this Congress, and have discussed it three or four times, but having had not more than 5 or 10 minutes on either occasion I could not go into it at all.

Now the question I am going to discuss for a little while is again the Howard University question. I am not going particularly into an argument upon it, but it has been a matter of surprise to me to notice the ignorance that some of my good friends have shown as to my attitude on that question, and my spirit in regard to it. Now, in order that I may correct the ignorance that apparently prevails among some of you folks who have been thinking hard about it and considering me to be a miserable, hard-boiled sinner because of my position on that subject, and in order that I may give it to you straight and candidly and kindly, I have reduced to writing what I am going to say. I am going to read as much of it as the time allotted to me permits, but I want you to get it verbatim et literatim et punctuatim, with no chance of anybody misquoting me or misunderstanding me in the matter.

THE QUESTION OF FEDERAL SUPPORT OF HOWARD UNIVERSITY

For four successive years now I have opposed the items in the Interior bill making appropriations for maintenance and improvement of Howard University. Each year I have been able to eliminate the item from the House bill on point of order that it was an appropriation not authorized by law. The Chairman has always sustained the point of order and the proponents of the measure have always agreed that his ruling was correct.

The items proposed in the bill from year to year have varied in amount from $218,000 to $863,000 and have averaged near a half million dollars a year. It is now 49 years since Congress began appropriating to this institution. The annual amounts to start on were $10,000 per year, and it was more than a quarter of a century before a single appropriation reached $50,000. But as usual in such cases "Increase of appetite grew by what it fed on." It is another case of the camel getting his nose under the tent. The annual amount called for soon grew to more than $100,000, and now for 15 years it has never been less than $100,000. And for seven of those years it has gone above $200,000 and on up as high as $591,000 and then $863,000 for a single year. All told, Congress has given to this one institution for negro education pure gratuities amounting to $5,000,000. I say pure gratuities because Howard is in no sense a Government institution. So, in taking the money of the taxpayer and giving it to this school we have bestowed Federal funds on private charity, just as if we gave the public money to Hampton or Tuskegee or Fiske; or to Yale or Johns Hopkins or George Washington or any other institution for the education of white people.

And all these millions have been thus appropriated without authority of law. It seems to me that we have reached the forks of the road on this matter, and that the road has three forks: (1) We must go on indefinitely making these appropriations illegally, and doubtless indefinitely increasing them; or (2) we must pass a bill to legalize them; or (3) we must quit making them.

I favor the last-mentioned course, but I want to discuss the three briefly.

If we legalize it we commit ourselves permanently to the governmental policy of maintaining at Federal expense a university for one race of our population. We do not maintain such an institution for whites or Indians or any other race except the Negro.

If we go on doing the thing illegally, as in the past, we give the country a bad example of method in legislation, and stultify ourselves as legislators.

But do the conditions demand or justify our continuing these appropriations at all? I hold that in proportion to their educational needs the negroes of America are as well provided for as the white folks. In almost every county of the South the money paid to maintain schools for negro children is far beyond the proportion of tax which the negroes pay. In addition to this every Southern State supports a school of higher grade for negroes, and most of them support two or three such schools. And then there are the private and church schools, institutes, academies, and colleges by the score, and in recent years the Rosenwald schools. In my own State, according to the last report which I have read, there were 47 such schools. At least a half dozen of these are colleges with property, equipment, and support comparing favorably with the average white college of the State. In the Southern States there are more than 200 of them listed as being for "higher education." This, of course, does not mean higher classical education, but in many instances it means higher practical education of the first order.

What I assert unhesitatingly and without fear of contradiction is this: Wherever the Negro race is found, North or South, the State, the county, and private philanthropy are furnishing them elementary schools well proportioned to their numbers and their needs; and also high schools, colleges, and teacher training schools equal to those furnished to the white people, when we consider the numbers in each race that are really prepared for high school and college. Then why should the Federal Government adopt one institution for one race and heap millions in gratuities upon it at the expense of all other institutions of both races? Through municipal and State governments we furnish to white and negro youth schools of all grades from elementary to college, and by cooperation with the States the Federal Government helps both races in agricultural and mechanical schools, but so far as I know Howard is the only real university that receives annually its hundreds of thousands of dollars in gratuities from the Government.

And just across the town there is George Washington University. Of its 6,000 pupils a very large per cent are Government clerks and employees who work hard for the day, then spend their evenings and hard-earned money for some school opportunities. And they pay full twice the rate of tuition that is paid at Howard, which would not be true if their institution received some hundreds of thousands of Government gratuities each year. To you gentlemen who consider me so wicked and hard-boiled on account of my attitude on this matter I commend a slogan: "Millions for negro pupils, not a cent for whites."

My argument is not against Howard University or its work. The plea is made that the Negro race are in need of teachers, preachers, dentists, and physicians, and that Howard is furnishing these. But Howard is not the only institution that can furnish them. Many other schools are doing the same work and doing it without Government appropriation. It is as easy to get voluntary contributions to negro education as to any other line of philanthropy in America. Witness the speedy success of the recent campaign to raise $5,000,000 for Tuskegee and Hampton. Of course, this philanthropy will not turn to Howard in a great way as long as it is understood that the United States Government will provide for that institution. Yet, if your contention as to the work being done by Howard is true, let that plea go to the world with the statement that Government aid has been withdrawn and the response would evidently be even greater than the responses to the appeals of Hampton and Tuskegee.

Howard has come thus far through the munificence of Congress in illegally appropriating to a private institution some $5,000,000 taxed from the people for Government expenses. The time has now come not that the burden should be permanently fastened on the Government in a way to insure its constant growth as a vicious paternalistic proposition, but that the institution should be given the opportunity and responsibility of living and working by its own right and its own strength and in its own way.

But every time this question comes up for consideration in the House it takes a turn against which I want here and now to enter a vigorous protest. In fact, almost every discussion that involves the Negro race in any way takes the same turn. Some of you northern Republicans make it the occasion for saying things which will go out to the negro voters of your districts to impress them that you are their friends and the other fellows are their enemies. This is not only unfair, unjust, and untrue, but it further complicates a social and civic situation which is already serious enough. These insinuations were made when the House discussed the question of a special memorial to the negro troops in France. Again when the question of the bathing beaches for the city of Washington was before us the great and efficient chairman of the Appropriations Committee made a speech which was a startling surprise to me and has become more and more a surprise, as I have observed his sane views and his valuable public service in dealing generally with Federal appropriations. I suppose, however, that we may expect almost any public man to fall occasionally before the temptation of making a speech for home consumption. Yet even in a speech for that purpose the question of justice should be considered.

And even my genial friend the gentleman from Ohio [Mr. CHALMERS] fell before the same false god in his remarks published in last Friday's RECORD, when he appealed especially to his "Democratic friends" and spoke more than once as if this were a party question in which the Democrats were against the negro.

I insist that this should not be, and really is not in any sense either a partisan or a local matter. It is a question of governmental policy and legislative action upon which every man should lay prejudice and political expediency aside and act upon his conscientious judgment as to what is morally right and essentially just. If this is done, I have no fear as to what the final action of the Congress will be.

As to the partisan division on the matter, I may say here that four of the men who have called my position in question have been Democrats, and two of them have been southern Democrats. Again, during the six years that I have been in Washington many of the strongest expressions that I have heard on the negro question have come from northern Republicans. Two men who represent districts extending as far north as the Great Lakes and both of whom hold very high positions in the Republican ranks of this House have expressed to me very strongly their opposition to giving the franchise to citizens of the District of Columbia, and have assigned as their reason the fact that it would enfranchise such a large number of negroes here in the National Capital, and might finally mean negro domination in our capital city. Note, please, this was not the declaration of negro-hating southern Democrats, but of very prominent northern Republican Congressmen. I do not wish to appeal to either sectional prejudice or race prejudice, but when there is a consistent effort to deceive the negro population of America on a question like this I think it is time that the full truth should be told. And just at this point let me say a word to the gentlemen from the north who thus shrink from the idea of having the balance of power in our National Capital held by the Negro race: For my part I am very sure that the most effective agency in bringing that situation about would be to make the city of Washington the great educational and social center for that race. If we are going to give them a great national university, I think it would be wiser to select some other location for it. In my candid opinion, five out of six of the Members of this House are in their naked hearts anxious to avert the possible conditions which I have here mentioned.

But again as to the question of our mental attitudes toward this race of people: During the recent rivers and harbors convention I sat at the banquet table and talked with a prominent delegate from one of the large cities of New York State. He was telling me enthusiastically about the splendid residence suburb in which he lives, and about the rapid growth through which that suburb has recently passed.

Among other advantages which he mentioned, he said with considerable emphasis, "And we do not allow a negro in it." Then he went on to speak of how property values had been brought down and many home owners had suffered crushing loss in so many cities by the settlement of even a few negroes in white communities. Again, a prominent lady from a Northwestern Republican State, speaking to me but recently of the town in which she had lived, said:

> And they do not allow a negro to stay in the town. They have a vigilance committee, whose business it is to meet one when he comes into the town and notify him that he will have to go elsewhere.

Again I call your attention to the things that have occurred in East St. Louis, in Chicago, in Detroit, and elsewhere—in the States of Illinois, Ohio, New Jersey, and so forth. There have been cases of violent race troubles, which at least indicate that the bitterest race antagonisms are not in the South. True, we have in the South the policy of race segregation, more marked, perhaps, than it is in any other country where the two races occupy the same territory. But Lothrop Stoddard in his recent book on Reforging America states that where this segregation is the most rigid and the most marked there occurs the least friction between the races. I am very sure that any change in that particular among our southern people would be very bad for both races and would greatly increase racial antagonism and race troubles generally.

On my recent holiday trip into the South I talked with the president of one of the greatest southern colleges for negroes. He is a white man that was raised and educated in the North and had seen little or nothing of southern conditions until he went there as president of this institution. He stated frankly to me that in his opinion the best friends the negroes have are the southern white folks.

Now let me say again, I do not discuss this rather unpleasant subject through any disposition to arouse prejudices—partisan, racial, or sectional. I really think that northern people and southern people, Republicans and Democrats, are nearer together on these matters than we have perhaps imagined. The race question is here and is, in my opinion, growing more acute in the North than in the South. The proper settlement of it is the white man's burden, and it is a grave responsibility which we should meet bravely and frankly. And it is not fair nor right that it should be handled as a political football.

We southern people have traditional and long-established principles on race relations. For some of these we have been much abused in some places where the race question was not a local reality. It has sometimes been a practical demonstration of the saying that "Fools rush in where angels fear to tread."

I am glad to note, however, that sectional antagonisms on this question are diminishing. As the Negro race has scattered more and more into the various sections of the country and the white people of all sections have come to know him better there has come about a better understanding of his race traits and of the real relations that have so long existed between him and the southern white man. For my part I am sure that the best relation that has ever existed between poverty and wealth, between ignorance and intelligence, and between two widely divergent races has been the relation between the old-time southern negro and his whi' folks. If I had another hour to speak to you, I could fill the time with illustrations of this relationship, and I believe I could show to any doubter that the

southern white man with his old-time paternal and somewhat disciplinary care has been the best and the most helpful friend that the Negro race has had.

But this brings me back to the original question of discussion. The southern people and the northern people alike have joined in the move to give the negro something in the way of an education. When we count the tax money which the southern white man has paid for negro schools, I am sure that the southern people have contributed more to this cause than has anybody else. And again I assert that we have given to this race as adequate educational advantages as to any others for whom we provide, and that there is certainly no good reason for, and that there are abundant reasons against, maintaining permanently a great university for negroes in our National Capital at Federal expense. And finally let me say, if this is to be done at all, it ought to be done out of the funds of the District of Columbia, and be a District institution just as in my State, and every other Southern State, we maintain, for instance, a negro agricultural and mechanical college as a State institution. Gentlemen claim that Howard is needed to train physicians and protect the health of the race. If so, let it be done as other District institutions are maintained, the Federal Government furnishing only such proportion of the funds as it furnishes for other District purposes.

Mr. BLANTON. Will the gentleman now yield?

Mr. LOWREY. Yes.

Mr. BLANTON. My colleague said it ought to be done wholly out of the funds of the District of Columbia. I wonder if he has ever investigated to find out just how many southern States are sending negro students to Howard University at this time. I want to say to my friend that I have investigated it. Many are coming here from many States. Howard University to-day is training nurses for the Negro race; it is training colored dentists; it is training colored doctors, and teachers, and nurses; and it is doing work that must be done for this race which can not help itself. That is the reason I have been liberal. I have never made a point of order against it or any of its appropriations since I have been here, and I never will; because I think it is doing a splendid work for a race of people that must have something done for it if anything is done at all. That is why I have not gone with the gentleman.

Mr. LOWREY. Now, let me ask the gentleman a question: Are there not many other schools that are doing that same thing, and do not the white people and the Indians everywhere need the same thing? The Government is providing for them all alike.

Mr. BLANTON. Oh, but white people will help white schools more than they will help negro schools; and if it were not for the Government aid that Congress has been giving this institution for the past years it would not be the institution it is; and it would not be doing for the Negro race what it is doing. The gentleman should have said that it is a white man's burden, and it is a burden we must assume. While we have been fudging with the law to do it I have not found it in my heart to make a point of order against these appropriations, and I hope the gentleman will stay here long enough to reach the same conclusion I have reached about it.

Mr. CHALMERS. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. CHALMERS. I want to say to my friend from Mississippi that I do not rise in a spirit of citicism at all. My friend knows I appreciate his service here in the House and I appreciate his record as a national leader in the educational field. He knows I know of his service in Mississippi and I know of his service in Texas and other places where he has worked in the department of education. I will say to my friend that, of course, in my talk of last week I had advice for the Democrats. I like the Democrats. I like the negro and sympathize with him and I am with my friend from Texas [Mr. BLANTON] in that. I believe we have a great responsibility to the Negro race. The negroes are not in this country of their own free will. They were brought here and it is the white man's burden to foster education among them and send, not only into the District of Columbia, but into the several States of the Union skilled and professional negro leaders, so that they may work amongst the peoples of their own communities. We should prepare here doctors, nurses, educators, and lawyers and send them out to lead the negroes in all parts of the country.

Mr. TILSON. If the gentleman from Mississippi will allow me a question before he answers the two gentlemen who have asked him questions, perhaps he may be able to kill three birds with one barrel. First, let me say to the gentleman that I know of his great interest in the subject of education and of the great work he has done along that line. I believe also that he wishes to be fair to the colored race. Does he not believe that Howard University here at Washington or some other institution like it is necessary in order that the negro may have something like an equal chance with the white man who has all the great universities of America accessible to him? Considering the circumstances of the American negro and all the handicaps he must carry in the struggle for an education, does not the gentleman from Mississippi believe it to be fair and just that there should be one first-class university of high rank where the negro can go and acquire a higher education?

Mr. LOWREY. I do not know where to begin. I guess I will begin here and come through. No; I do not believe that a little bit; because I know that in my State, for instance, there are at least six colleges for negroes, one of them supported by the State and the others supported by Christian denominations. With their equipment and their financial backing they will come nearer furnishing all that is needed for the number of negroes in Mississippi that are ready for college than the number of colleges for white people in Mississippi will come to furnishing it to the number of white people who are ready for college. That is true in my State, and it is true in practically every other Southern State. Then, throughout the North there are not only schools for the negroes, but there are colleges into which they are admitted, the universities for white people. I simply contend that the provision is ample and that it is a bad precedent for the Government to appropriate Government funds by the millions as gratuities to one institution that does not belong to the Government. I do not believe that should be done in order to provide for one race that is being just as well provided for everywhere else. Does that answer your question, so far as you want me to answer it?

Mr. CHALMERS. Of course, I do not agree with the gentleman.

Mr. LOWREY. I do not mean that you agree with me, but have I sufficiently answered your question?

Mr. CHALMERS. I think so.

Mr. LOWREY. Now, what was your question, Mr. BLANTON?

Mr. BLANTON. I will ask the gentleman one. He has not a college in his State that graduates negro dentists, and he has not a college in his State that graduates negro doctors. As far as the gentleman's State is concerned, it graduates negro teachers, and that is as far as it goes, but Howard University graduates negro dentists; it graduates negro physicians and negro surgeons; it graduates negro pharmacists; it graduates negro teachers; and it graduates negro trained nurses. Every one of them is needed from one side of the United States to the other to minister to the colored race, wherever there are members of that race. Now, is the gentleman against that or is he for it? I want to find out where the gentleman stands on it.

Mr. LOWREY. In my observation there are places where negro doctors and negro nurses are needed. I think they are needed here, but if you are going to hang it on that, why not provide a medical or dental college? I have never raised my voice against the Freedmen's Hospital, and never will, and I have never raised my voice against the training of nurses.

I have been to the Spellman Seminary in Atlanta, a school for negro women. I have seen their splendid hospital and their nurse training.

They tell me that their nurses not only nurse their own race, but in many cases white families in the town really prefer them. They think for some reason they make a more desirable helper about the sick room. I am heartily in favor of that, but there is an institution that is graduating nurses just as well as this one. I do not know about Hampton and I do not know about Tuskegee, but I am sure that all of that could be done there. Here is my point, at least. If we drop the Federal appropriation and proclaim to-morrow that this great institution falls entirely upon charity, what will happen? When Tuskegee and Hampton went out to raise money they raised $5,000,000 in a very short while for the two institutions. If the people could have said, "But the Government is giving them $200,000 or $300,000 a year," they could not have touched that amount. They could not have raised a tithe of it.

Mr. BLANTON. I will tell my friend about one matter which he can not answer. We will not let negroes go to the State University of Texas. We do not want them there, and for one I am perfectly willing for the Government of the United States to have a university for them in Washington, and to keep them segregated here and away from Texas.

Mr. LOWREY. Yes; I can answer that. There are plenty of negro universities to which your white folks can not go, either. They are supported for the two races. While they can not go to the University of Texas, they can go to other insti-

tutions. The University of Texas may be some university. You Texas people think anything is something that is in Texas, but it is not a hopeless and ruinous privation for a negro to be barred from going to the University of Texas.

Mr. BLANTON. That is not the way the doctor used to think when he lived in my State as the head of a Texas institution.

Mr. LOWREY. Oh, I admit Texas is a great, big, windy State, for that matter [laughter], and we will not have any argument on that. You know, the other day there was a dispute here between the gentleman from southern Texas [Mr. HUDSPETH] and the gentleman from Florida [Mr. GREEN] about which place a man ought to go when he has made his fortune and is ready to die—whether he should go to southern Texas to die or ought to go to southern Florida. I said I thought it made very little difference, because if he died in either place it would be the most satisfactory place in the world for him to die. If he died in either place and went to another and happier world, then the change would be so great that it would make it only the more glorious that he had come all the way from Florida or Texas to a place like that, and if he died in either place and went to the wrong place the contrast would be so slight it would not hurt very much. [Laughter.] So I admit that Texas is a great State. I am with the gentleman on that.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. LOWREY. Yes.

Mr. O'CONNOR of Louisiana. Is it not the fact that most of the Southern States support negro educational institutions that have the rank of college or above?

Mr. LOWREY. There is not a Southern State that does not, and there is not a Southern State in which there are less than half a dozen institutions supported within the State by other means that have the rank of a college. The gentleman's State has a great negro university, and there are plenty of places in the North where the negro can go and get his medical education.

But I come back to my first point. If the gentlemen will arrange through proper cooperation with the District of Columbia to educate negro doctors in the District, I will make no fight on that, but this is a question of the maintenance of a great university for all purposes.

Mr. BLANTON. Let me say to my friend from Mississippi, I do not believe there is a single taxpayer in the State of Texas who will say one word against the little stipend that we give to Howard University every year.

Mr. LOWREY. How many taxpayers are there in the District of Columbia that, when a question of public health is concerned and when the white physicians here do not want the negro practice, would kick against the District maintaining a place to educate its negro doctors and nurses?

Mr. BLANTON. It is more than a District proposition, it is a national proposition. There are negro students there from practically every State in the Union.

Mr. LOWREY. So is Tuskegee a national proposition, and there are students there from almost every State of the Union. So is Hampton and therefore the argument comes that we ought to begin to give some hundred thousand dollars or so to each of those institutions. George Washington University is a national proposition. The lady registrar told me over the phone to-day that they have about 6,000 pupils and their estimate is that two-thirds of them are young men and young women who are working in offices here during the day and taking their hours at night to attend that institution. They pay twice the tuition that is paid at Howard, and it is a national proposition, because there are students there from all over the United States.

Mr. CHALMERS. Will the gentleman yield?

Mr. LOWREY. I will yield.

Mr. CHALMERS. I think the crux of the whole matter is this. We approach this subject from different viewpoints. The gentleman from Mississippi would not sit down to the table and eat with a negro.

Mr. LOWREY. I would not.

Mr. CHALMERS. I would and have.

As I said, the negroes are here because we brought them here. The first shipload, I think, was brought over in 1620. Now, the responsibility is the white man's burden. It is up to us it seems to me—and I agree with my friend from Texas that we ought to have in the National Capital a university that would prepare these people especially to go South and lead their fellows in the different avocations and walks of life.

Mr. LOWREY. The trouble is the gentleman has gone far away from the subject.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. BLANTON. We want to find out who brought these negroes here originally.

Mr. CULLEN. I yield to the gentleman two minutes more.

Mr. LOWREY. Ask the gentleman from Ohio who brought them here.

Mr. CHALMERS. You brought them here. The demand for cheap labor in the South brought them here.

Mr. BLANTON. We are talking about the original ones that came here in 1620. The gentleman is talking about one set of negroes and we are talking about their ancestors.

Mr. LOWREY. Let me say again that I admit what the gentleman says about the white man's burden, that we need doctors and nurses, but I differ from him as wide as the poles on the segregation of races. I am sure the segregation in the South has made the best relations between the races, and that anything else would have brought ruin and bloodshed. There would have been five difficulties between the races where there is now one.

Mr. WASON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9481 and had come to no resolution thereon.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Interior appropriation bill.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to extend his remarks in the RECORD on the Interior appropriation bill. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker and gentlemen of the House, by the passage of H. R. 9136, the Interior Department appropriation bill, which is fair to every department of the Government concerned therein, much needed improvement will go forward in my State. This is especially true in dealing with the Indian population of New Mexico. According to department figures New Mexico has 22,869 Indians, which Indian population is only exceeded by the States of Arizona, Oklahoma, and South Dakota. Moreover, the Indian population in New Mexico is increasing; only two tribes in the State show a decrease, namely, the Jicarilla Apaches, a tribe which numbers only 627; statistics show that there were 11 more deaths than births in that tribe during the past year. The Eastern Navajo Tribe broke even; all other tribes within the State show an increase.

It is stated by the Bureau of Indian Affairs that there are 905 more men than women among the Indians of New Mexico; that this condition results in much wife-stealing among the tribes. In this respect, no doubt, the Indian in his development of modern civilization is to some extent patterning after his white associates. The only defect the department complains about is that there is no law or legislation to remedy this evil among the Indians.

I have suggested for some time that if our Indians are to be recognized as citizens, according to the act of Congress, that the State law be applied to them; if not, that special United States commissioners with proper qualifications should be selected in the locality of the Indian pueblos or settlements; said commissioners to have jurisdiction as to this offense and other offenses, thus bringing our Indian citizens under the jurisdiction of our form of government at the earliest time possible.

It is said by those in charge of the northern Pueblos that the majority of the Indians legally marry and seldom seek divorces. That the Indians of New Mexico as a whole are temperate; that the Indian population as a community consume very little liquor, as compared with white communities of like population. Thus it seems that the civilizing influence and development of the white man has increased his appetite for liquor, whether for medicinal purposes or otherwise. The question of the use of drugs by the New Mexico Indians is very meager; and the use of peyote is said to be restricted within the tribes of the State to one small clan at Taos, N. Mex. The Indians of New Mexico thus far are not yet versed in the making of home-brew liquor, and as to gambling—so often predominant among Indians—that is not found among them.

The Bureau of Indian Affairs states that the individual and tribal property of the New Mexico Indians is valued by the department at $26,391,850, of which more than three million is in livestock and poultry and $240,000 invested in farm wagons, machinery, and automobiles.

The subcommittee investigating the needs of the various Indian schools in New Mexico made the following provisions: For the Albuquerque Indian school, which has an enrollment of 850 pupils, for the support of the school, including salaries, repairs, improvements, heating plant, and the purchase of 20 acres of additional land, a total of $256,500 is appropriated. This school is in a flourishing condition and is said to be one of the most progressive Indian schools of the Southwest.

The Santa Fe Indian school: For the education of Indian children, repairs of school buildings, the construction of a new hospital, will be cared for under the appropriation of $195,000. The committee dealt with the Indian school situation in an exceedingly fair manner, in providing for the uplift of the red man and in helping him to meet the responsibility that soon will come to him.

The Charles Burke Indian School at Fort Wingate, N. Mex., on the Navajo Reservation, having an enrollment of 600 pupils, is provided for in an appropriation of $158,000; this includes the superintendent's pay and general repairs and improvements to the school. The Navajo Tribe is one tribe in the State which has not been given adequate educational facilities. It is said that there are some 500 eligible Navajo children without proper school facilities. The tribe has a great possibility for wealth from its oil, coal, and future agricultural development.

The waters of the Navajo Reservation, moreover, should be protected in the Colorado River in the same manner that the waters of the Gila River were for the Pima Indians of Arizona. The Navajos have a large royalty from oil now accumulating to their credit. The Indian Bureau should request from Congress legislation to set aside each year several hundred thousand dollars from the mineral funds of the tribe, to be used for educational purposes.

The appropriation bill carries an item for $50,000 to carry out a provision of the treaty of June 1, 1868, between the United States and the Navajos. This treaty required that the United States provide school facilities for the children of the Navajo Tribe. The provision was long delayed, nearly 60 years, and it is at last being provided. It is to be hoped that the department will make a speedy survey of the school situation and will recommend in future legislation the setting aside of sufficient income from the great natural resources of oil and coal on Navajo Indian lands for the education of these Indian tribes, so that every Navajo child can be given at least a common-school education.

The Jicarilla and Mescalero Indians are provided for in the bill to the extent of $115,000. These Indians are said to be at this time rather prosperous from the income from lumber and livestock. The Mescaleros number 666. The Indian problem of New Mexico has received very definite and desirable attention from the Indian Bureau, and especially from the painstaking, careful, and hard-working Interior Department branch of the Appropriations Committee, which passed upon the items for the Indian communities of my State.

It is a pleasure to state that the Indian is making material progress in my State; this is especially true of the younger Indians who are being educated and trained in the Indian schools, education thus far largely provided by the Government. It is said that the Navajo boys are especially quick and adept in manual training; they adopt the methods of construction employed by the whites and are changing the unsanitary hogans heretofore used by their parents for modern and, to some extent, sanitary homes. The Navajos are very industrious and quick to follow the labor of the white man. In this respect they show a greater adaptability than do the Pueblo Indians, who have had a civilization dating back a thousand years, and they very reluctantly change to the civilization of their modern white neighbors.

New Mexico has two successful reclamation projects which stand at the peak of success among the irrigation projects fostered by the Government. The Carlsbad project, although handicapped by lack of quick reports from the Reclamation Service, is still struggling for its future utility and is awaiting the fulfillment of the contract by this department of the Government. The figures for 1927 show that the gross value of crop yield in the Carlsbad project is $83 per acre. New Mexico, one of the arid States, has an abundance of water when properly impounded to put the State in the front rank of the successful irrigation States of the Union. The State, however, still remains the runt, if I may use the term, among the irrigation States. This may be due to some extent to the lack of energy of the State to look after its water rights; but a great deal of the situation is due to the old Spanish grants that have been held in large areas and a policy that has prevented small owners from having access to and the use of water by appropriation. This policy many times has been used for political purposes. The native people, due to poverty in water development, have been handicapped.

The Rio Grande project, New Mexico and Texas, is a reclamation project which ranks among the successful projects of the Government; its total value of crop yield for 1926 was $7,760,900. That part of the project lying within the State of Texas was permitted by act of the Sixty-ninth Congress to use $350,000 of the charges to be repaid to the Government for the construction of a canal upon the United States side of the Rio Grande. The canal to be built for the purpose of carrying water to the project in Texas and to prevent the theft of water on the opposite side of the river. The appropriation carried in the bill appears to be generous, in the sum of $430,000, and in further permitting the unexpended balance of $400,000 to be made available in 1928.

These New Mexico projects have returned proper payment to the Government and will continue to do so, as climatic and crop conditions offer a far better return to the Government in New Mexico, Texas, Arizona, and California (by the investment of reclamation funds) than do many of the northern projects fostered by Government aid. Yet, it is with much effort that the Reclamation Bureau can be directed to this outstanding truth. In fact, New Mexico has not been able to have included within her State a new reclamation project since 1906. It is to be hoped that the Reclamation Service as now constituted may scan these remarks and give us the reason for this unjust discrimination.

The Forest Service is moving along very successfully in my State, and in my opinion is functioning very beneficially. The State is fortunate in its large area of national forest land of 8,481,455 acres. It is, in fact, a godsend for the future protection of our State in its water supply. The State is receiving a fund from this timber resource that materially assists in the operation of the State expenses of roads and schools.

The national monuments within the State, seven in number, are receiving recognition by the National Park Service; and the committee having in charge the supervision of the funds for this purpose gave careful and particular attention to the Carlsbad Caverns, a national monument created by proclamation of the President on October 25, 1923. This monument, though known to exist long before the date of its creation as a monument, was first brought to the attention of the President by Dr. Willis T. Lee, of the United States Geological Survey. The National Geographic Society announced the beauties of the caves by publishing pictures of the same. The remarkable decorations excel those of any other caves heretofore known to man. There is one room one-half mile long, with a maximum width of 400 feet and a maximum height of 348 feet; here are nature's wonderful stalactites, varying in sizes and shapes from needlelike formations to huge pendants; even images rivaling the totem poles of the Indians of the far north are found among the stalagmites. The coloring is from a chalky white and frostlike appearance to every color conceivable.

In some places the columns reach from ceiling to floor; basins of onyx marble 50 feet across are found in the big room. Many of the basins are decorated with lily-like pads or crusts of onyx formed at the surface of the pools, resembling the manner in which ice forms at the edge of water pools. Within the caverns are cool springs of pure water for drinking purposes; the water is available in all parts of the cave with the exception of Pera's Chamber, which contains water containing salts not palatable.

The Carlsbad Caverns are 26 miles from Carlsbad, N. Mex.; access to the caves is by an up-to-date automobile road. The hotel facilities and accommodations in this active western town are very good. The cave has been explored 27 miles, of which 7½ miles have trails and are open for travel, carrying the sightseer from the surface to a depth of 800 feet below the surface in the big room.

A committee from the House visited personally all Government activities in New Mexico, and in this appropriation bill dealt very justly with the same. The committee by its action has demonstrated that constructive work should be done in dealing with the Indians, in protecting our national forests, our national parks and monuments, and our reclamation projects. I heartily commend the committee for their fair and careful considerations of the problems committed to their care in my State.

The gentleman now discussing this subject, and who has had personal knowledge of the Carlsbad Caves since 1923, remembers clearly his first efforts upon the floor of the House when he offered an amendment to the then pending Interior Department appropriation bill; the amendment was for $25,000 for the caves. The amendment was defeated. The item, however, was put back in the Senate side, and a good friend on

the House side kept the item in the bill. Thus development of the caves was started, and it has advanced wonderfully. This wonderful storehouse of nature's handiwork was visited in 1927 by 30,000 people, as against 11,741 in 1926; 2,453 in 1925; and 1,591 in 1924. The Government has started in earnest to assist in the opening and developing of this picturesque cave created by nature for the study and pleasure of man.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 773. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa.

ADJOURNMENT

Mr. WASON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 18, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 18, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend section 15a of the interstate commerce act as amended (H. R. 5819 and H. R. 8549).

To repeal section 15a of the act entitled "An act to regulate commerce," as amended February 28, 1920, and to enact in lieu thereof provisions for meeting the transportation needs of the country (H. R. 8833).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to hear Admiral Hughes discuss the building program.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To authorize an appropriation to provide additional hospitals and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10 a. m.)

To provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project (H. R. 5742).

To provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project (H. R. 5743).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

Granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes (H. R. 6466).

To grant to the town of Cicero, Cook County, Ill., an easement over certain Government property (H. R. 7472).

To authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes (S. 1968).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To authorize the registration of judgments, decrees, and orders rendered by any court of record, of any State or of the United States, in any other such court of record, and to prescribe the effect thereof (H. R. 5615).

Directing the Comptroller General of the United States to reopen, readjust, and resettle the account between the State of Nevada and the United States (H. J. Res. 111).

To prevent desecration of the flag and insignia of the United States and to provide punishment therefor (H. R. 5724).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

300. A letter from the Secretary of War, transmitting report dated January 13, 1928, from the Chief of Engineers, United States Army, on preliminary examination of Hudson River at Ossining, N. Y., authorized by the river and harbor act approved March 3, 1925, together with accompanying papers; to the Committee on Rivers and Harbors.

301. A letter from the Secretary of War, transmitting report dated January 14, 1928, from the Chief of Engineers, United States Army, on preliminary examination of Ogeechee River, Ga., from its mouth to Jencks Bridge, authorized by the river and harbor act approved January 21, 1927, together with accompanying papers; to the Committee on Rivers and Harbors.

302. A letter from the Secretary of War, transmitting report dated January 13, 1928, from the Chief of Engineers, United States Army, on preliminary examination of ship canal or connecting waterway from Flushing Bay or the headwaters of Newton Creek to Jamaica Bay, authorized by the river and harbor act of March 3, 1925, together with accompanying papers; to the Committee on Rivers and Harbors.

303. A letter from the Past Assistant Adjutant General, transmitting the Journal of the Sixty-first National Encampment, Grand Army of the Republic, held at Grand Rapids, Mich., September 11 to 16, 1927, which is submitted as provided in Public Resolution No. 25, Sixty-eighth Congress, approved June 6, 1924 (H. Doc. No. 67); to the Committee on Military Affairs and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOOD: Committee on Appropriations. H. R. 9481. A bill making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 293). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on the District of Columbia. H. R. 7206. A bill to establish a national war memorial museum and veterans' headquarters in the building known as Ford's Theater; without amendment (Rept. No. 299). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 8725. A bill to amend section 224 of the Judicial Code; without amendment (Rept. No. 300). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 9022. A bill to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va.; without amendment (Rept. No. 301). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BURDICK: Committee on Naval Affairs. H. R. 3721. A bill for the relief of Arthur L. Hecykell; without amendment (Rept. No. 294). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 4302. A bill for the relief of Russell H. Lindsay; without amendment (Rept. No. 295). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 4767. A bill for the relief of Paymaster Charles Robert O'Leary, United States Navy; with amendment (Rept. No. 296). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H. R. 6194. A bill for the relief of Frank Stinchcomb; without amendment (Rept. No. 297). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 9151. A bill for the relief of Joseph M. Black; without amendment (Rept. No. 298). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7416) granting a pension to Jennie Ellen Powell; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1713) granting an increase of pension to Eliza Hoag; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8388) for the relief of Jennie Bruce Gallahan; Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (H. R. 8803) granting a pension to Carrie Lee Wallace; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WOOD: A bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes; referred to the Committee of the Whole House on the state of the Union.

By Mr. ALDRICH: A bill (H. R. 9482) providing for the purchase of a site and the erection of a public building at Cranston, R. I.; to the Committee on Public Buildings and Grounds.

By Mr. MORROW: A bill (H. R. 9483) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico; to the Committee on Indian Affairs.

By Mr. BANKHEAD: A bill (H. R. 9484) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainesville-Aliceville road, in Pickens County, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS of Illinois: A bill (H. R. 9485) granting the consent of Congress to Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River; to the Committee on Interstate and Foreign Commerce.

By Mr. ABERNETHY: A bill (H. R. 9486) providing for the examination and survey to be made of the channel in Alligator Creek, N. C., and the channel connecting the said creek with the inland waterway; to the Committee on Rivers and Harbors.

By Mr. BELL: A bill (H. R. 9487) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BRAND of Georgia: A bill (H. R. 9488) authorizing the President of the United States to appoint a judge or judges to preside in the Supreme Court of the United States when any member or members thereof are disqualified; to the Committee on the Judiciary.

By Mr. CURRY: A bill (H. R. 9489) to provide for the designation of clerks or employees of the Department of the Interior to serve as registers in the land offices in Alaska; to the Committee on the Public Lands.

By Mr. FREE: A bill (H. R. 9490) to amend section 4530 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9491) to amend section 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea"; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMMER: A bill (H. R. 9492) granting increased pensions to the widows or beneficiaries of officers and enlisted men who are killed or disabled in time of peace or war while engaged in hazardous occupations; to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 9493) to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea post clerks; to the Committee on the Post Office and Post Roads.

By Mrs. KAHN: A bill (H. R. 9494) to amend section 9 of the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922; to the Committee on Military Affairs.

By Mr. KETCHAM: A bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture; to the Committee on Agriculture.

By Mr. McSWAIN: A bill (H. R. 9496) to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. MEAD: A bill (H. R. 9497) to amend an act entitled "An act reclassifying the salaries of postmasters and employees of the postal service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: A bill (H. R. 9498) to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation; to the Committee on Military Affairs.

By Mr. RATHBONE: A bill (H. R. 9499) to authorize the construction of a memorial to the memory of George Rogers Clark at Fort Gage, Randolph County, Ill.; to the Committee on the Library.

By Mr. WILLIAMS of Illinois: A bill (H. R. 9500) to require all commodities manufactured in penal and reformatory institutions, or with the labor of prisoners, to be labeled, and to divest all commodities manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases; to the Committee on Labor.

By Mr. WURZBACH: A bill (H. R. 9501) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. McMILLAN: A bill (H. R. 9502) to amend the act of February 28, 1925, providing for leaves of absence with pay for postal employees; to the Committee on the Post Office and Post Roads.

By Mrs. ROGERS: A bill (H. R. 9503) authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers and enlisted men; to the Committee on Naval Affairs.

By Mr. FISH: Joint resolution (H. J. Res. 167) declaring it the policy of the United States to prohibit the exportation of any arms or munitions of war to any country with which we are at peace and providing penalties therefor, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ZIHLMAN: Resolution (H. Res. 94) to assist subcommittee investigation of the government of the District of Columbia; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 9504) for the relief of Numa Nunn; to the Committee on Claims.

By Mr. AUF DER HEIDE: A bill (H. R. 9505) granting a pension to Salome Cerrenner; to the Committee on Invalid Pensions.

By Mr. BACHMANN: A bill (H. R. 9506) granting an increase of pension to Mary A. Biggs; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 9507) granting a pension to Clotilde Holderby; to the Committee on Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 9508) granting an increase of pension to Sarah E. Sinnard; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 9509) for the relief of Ray Ernest Smith; to the Committee on War Claims.

By Mr. BROWNE: A bill (H. R. 9510) granting a pension to Thresa Coleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9511) granting a pension to Ernestina Tappen; to the Committee on Invalid Pensions.

By Mr. BURTNESS: A bill (H. R. 9512) granting a pension to Emily S. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9513) for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers' Co-operative Dairy & Produce Co., a corporation, bankrupt; to the Committee on Ways and Means.

By Mr. BUSHONG: A bill (H. R. 9514) granting an increase of pension to Elizabeth Hess; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 9515) for the relief of Homer N. Horine; to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 9516) for the relief of Capt. W. B. Finney; to the Committee on War Claims.

Also, a bill (H. R. 9517) granting a pension to Julia Van Buren Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9518) for the relief of Steve Popp; to the Committee on Military Affairs.

By Mr. COLLIER: A bill (H. R. 9519) for the relief of David McD. Shearer; to the Committee on Claims.

By Mr. CONNERY: A bill (H. R. 9520) for the relief of Adeline Mulvey; to the Committee on Military Affairs.

Also, a bill (H. R. 9521) granting a pension to Jennie B. Southwick; to the Committee on Pensions.

Also, a bill (H. R. 9522) granting a pension to Abbie F. Daniels; to the Committee on Pensions.

Also, a bill (H. R. 9523) granting a pension to Drucilla Van Nest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9524) granting a pension to Mary Gertrude Hickey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9525) granting a pension to Ellen A. Farrelly; to the Committee on Pensions.

By Mr. CRISP: A bill (H. R. 9526) granting a pension to Samuel A. Kersey; to the Committee on Pensions.

By Mr. FREE: A bill (H. R. 9527) for the relief of J. A. Miller; to the Committee on Claims.

Also, a bill (H. R. 9528) granting an increase of pension to Anna Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9529) granting an increase of pension to Mary E. Oliver; to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 9530) for the relief of W. L. Inabnit; to the Committee on Claims.

By Mr. HARDY: A bill (H. R. 9531) granting an increase of pension to Maria A. Towers; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 9532) granting a pension to Susie A. Diggs; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 9533) granting an increase of pension to Mary Hollopeter; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 9534) granting a pension to Mary A. Rogers; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 9535) for the relief of the First National Bank of Marissa, Marissa, Ill.; to the Committee on Claims.

By Mrs. KAHN: A bill (H. R. 9536) for the relief of Patrick Collum; to the Committee on Naval Affairs.

Also, A bill (H. R. 9537) to correct the military record of Arthur Waldenmeyer; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 9538) granting an increase of pension to Sarah E. Prior; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 9539) granting a pension to Helen K. Andrews; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 9540) for the relief of M. Seller & Co.; to the Committee on Claims.

By Mr. LEAVITT: A bill (H. R. 9541) granting an increase of pension to Arminda J. Orcutt; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 9542) granting a pension to Elizabeth B. Huffmon; to the Committee on Invalid Pensions.

By Mr. LYON: A bill (H. R. 9543) for the relief of John Thomas Wilkins; to the Committee on Claims.

By Mr. MAAS: A bill (H. R. 9544) for the relief of E. H. Berg; to the Committee on Claims.

Also, a bill (H. R. 9545) for the relief of Jens H. Larsen; to the Committee on Claims.

By Mr. MADDEN: A bill (H. R. 9546) for the relief of T. D. Randall & Co.; to the Committee on War Claims.

By Mr. MAJOR of Illinois: A bill (H. R. 9547) granting an increase of pension to Peter Sherlock; to the Committee on Pensions.

Also, a bill (H. R. 9548) granting an increase of pension to Sarah E. Pearson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9549) granting a pension to Moroni Oseland; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 9550) granting an increase of pension to Minnie Toner; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 9551) granting an increase of pension to Louis Schuckman; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 9552) granting a pension to Curtis Keck; to the Committee on Pensions.

Also, a bill (H. R. 9553) for the relief of John Miller Grove, alias James M. Groves; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 9554) granting an increase of pension to M. Emma Cline; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 9555) granting an increase of pension to Harriett Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9556) granting an increase of pension to Sarah J. Hyatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9557) granting an increase of pension to Adelaide Tuthill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9558) granting an increase of pension to Charlotte W. Stanley; to the Committee on Invalid Pensions.

By Mr. STROTHER: A bill (H. R. 9559) granting an increase of pension to Joseph S. Houch; to the Committee on Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 9560) granting a pension to Julius W. Edwards; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9561) for the relief of Samuel H. Walker; to the Committee on Claims.

By Mr. THATCHER: A bill (H. R. 9562) granting a pension to Albert H. Black; to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 9563) granting an increase of pension to Mary R. Hill; to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 9564) for the relief of Central of Georgia Railway Co., to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1855. By Mr. AUF DER HEIDE: Petition of citizens of the eleventh congressional district of New Jersey in opposition to House bill 78; to the Committee on the District of Columbia.

1856. By Mr. BACHMANN: Petition of Mrs. Mary C. Dawson and other citizens of Fleming, W. Va., requesting that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune, in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

1857. By Mr. BARBOUR: Petitions of residents of the seventh congressional district of California, protesting against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1858. By Mr. BURTON: Memorial of New York Yearly Meeting of the Religious Society of Friends, indorsing House Joint Resolution 1, preventing the shipment of arms, etc., to countries engaging in aggressive warfare; to the Committee on Foreign Affairs.

1859. By Mr. CARSS: Petition of Mrs. Gust Johnson and 49 other residents of Moose Lake, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1860. By Mr. BURTON: Resolution unanimously adopted by the Flushing (N. Y.) Peace Society at its annual meeting, January 9, 1928, indorsing Senate Joint Resolution 14, the Capper resolution for the outlawry of war, and House Joint Resolution 1, the Burton resolution prohibiting exportation of arms, etc., to countries engaged in aggressive warfare; to the Committee on Foreign Affairs.

1861. Also, resolution of the meeting of the Religious Society of Friends of Philadelphia and vicinity, indorsing House Joint Resolution 1, forbidding sales of munitions to aggressor nations; to the Committee on Foreign Affairs.

1862. Also, resolution of the National Board of the Young Women's Christian Association, 600 Lexington Avenue, New York City, indorsing the Capper resolution (S. J. Res. 14) for the outlawry of war, and the Burton resolution (H. J. Res. 1) to prevent the shipment of arms, etc., to countries engaging in aggressive warfare; to the Committee on Foreign Affairs.

1863. By Mr. CARSS: Petition of Mrs. Hanna Boge and 27 other residents of Duluth, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1864. Also, resolution of Winnibegoshish Chippewa Council, requesting the Congress of the United States and the Commissioner of Indian Affairs to grant immediate relief to the

Chippewa Indians in the State of Minnesota; to the Committee on Indian Affairs.

1865. Also, petition of Mr. Fred Gorham and 146 other residents of Virginia, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1866. Also, petition of Omar H. Johnson and 54 other residents of Duluth, Minn., protesting passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1867. Also, petition of Mrs. Byron Penrose and 33 other residents of Moose Lake, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1868. Also, petition of C. J. Dodge and 74 other residents of Moose Lake, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1869. Also, petition of I. J. Bjerke and 157 other residents of Duluth, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1870. By Mr. CHALMERS: Petition of the Van Wormer Brotherhood of Toledo, Ohio, opposing the sale of munitions of war to foreign countries; to the Committee on Foreign Affairs.

1871. Also, petition for increase of pension of all Civil War veterans and their widows, signed by residents of White House, Ohio, and Toledo, Ohio; to the Committee on Invalid Pensions.

1872. By Mr. CRAIL: Petition of approximately 150 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1873. By Mr. CURRY: Petition of several thousand residents of the third congressional district, California, against the enactment of House bill 78, or any compulsory Sunday legislation; to the Committee on the District of Columbia.

1874. By Mr. DOWELL: Petition of residents of Des Moines, Iowa, relative to Civil War pension legislation; to the Committee on Invalid Pensions.

1875. By Mr. EVANS of Montana: Petition of Richard Rapholz and other residents of Bigfork, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1876. By Mr. FENN: Petition of citizens of Hartford, Conn., protesting against the passage of House bill 78, the so-called compulsory Sunday observance bill, and any other bills of like character; to the Committee on the District of Columbia.

1877. Also, petition of citizens of Plantsville, Conn., protesting against the passage of House bill 78, the so-called compulsory Sunday observance bill, or any other bills of like character; to the Committee on the District of Columbia.

1878. Also, petitions of citizens of Hartford, Conn., protesting against the passage of House bill 78, the so-called compulsory Sunday observance bill, or any other bills of a like character; to the Committee on the District of Columbia.

1879. By Mr. FRENCH: Petition of 17 citizens of Bonner County, Idaho, protesting against enactment of House bill 78, or other compulsory Sunday observance laws; to the Committee on the District of Columbia.

1880. Also, petition of 125 citizens of Cœur d'Alene, Idaho, protesting against enactment of House bill 78, or other compulsory Sunday observance law; to the Committee on the District of Columbia.

1881. Also, petition of 18 citizens of Cœur d'Alene, Idaho, protesting against enactment of House bill 78, or other compulsory Sunday observance; to the Committee on the District of Columbia.

1882. By Mr. GARBER: Petition signed by certain residents of Carmen, Okla., protesting against the enactment of compulsory Sunday observance legislation, and especially against House bill 78; to the Committee on the District of Columbia.

1883. By Mr. GARNER of Texas: Memorial of St. Ann Women's Society, of Castroville, Tex., relative to conditions in Mexico; to the Committee on Foreign Affairs.

1884. By Mr. GREGORY: Petition of P. G. Curd and 108 other citizens of Kentucky, protesting against the passage of legislation establishing compulsory Sunday observance, and particularly House bill 78; to the Committee on the District of Columbia.

1885. By Mr. HADLEY: Petition of residents of East Stanwood, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1886. Also, petition of residents of Bellingham, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1887. Also, petition of residents of King County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1888. Also, petition of a few residents of Jefferson County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

1889. By Mr. KEARNS: Petitions by citizens of Scioto County Ohio, urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

1890. By Mr. KORELL: Petition of numerous citizens of Portland, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance; to the Committee on the District of Columbia.

1891. By Mr. KNUTSON: Petition signed by Mrs. R. S. Townsend and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1892. Also, petition signed by Mr. R. I. Denton and others, protesting against the compulsory Sunday ovservance legislation; to the Committee on the District of Columbia.

1893. By Mr. LETTS: Petition of Mrs. C. B. McCormick and other citizens of Davenport, Iowa, protesting against the passage of House bill 78, or any other bill providing for the compulsory observance of the Sabbath; to the Committee on the District of Columbia.

1894. Also, petition of Mr. Charles F. Heiland and other citizens of Muscatine, Iowa, protesting against the passage of House bill 78, or any other bill providing for the compulsory observance of the Sabbath; to the Committee on the District of Columbia.

1895. By Mr. LYON: Petition of certain citizens of Wilmington, N. C., asking for increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

1896. By Mr. MORROW: Petition of Thomas Jefferson Chapter of the Daughters of the American Revolution, Carlsbad, N. Mex., presented by Anna A. Roberts, secretary, indorsing Joint Resolution 11, proper use of the flag; to the Committee on the Judiciary.

1897. By Mr. O'CONNELL: Petition of the Asphalt Association of New York City, with reference to Federal aid to good roads; improving tributary highways; need of wider highways; prohibit imitation or defacement of danger signs along highways; opposing billboards and advertising on or near highways; favoring legislation for the holding of an international road congress, the meeting to be held in the United States in 1930; promotion of good roads abroad; for American participation in Second Pan American Highway Conference; and the repeal of war excise tax on passenger automobiles; to the Committee on Roads.

1898. Also, petition of the Tennessee Chapter of the Disabled Emergency Officers of the World War, National Sanatorium, Tennessee, favoring the passage of House bill 500 for the retirement of emergency officers; to the Committee on World War Veterans' Legislation.

1899. By Mr. REED of New York: Petition of residents of Hornell, Alfred, and Belmont, N. Y., protesting against House bill 78; to the Committee on the District of Columbia.

1900. By Mr. SCHNEIDER: Petition of numerous citizens of Coleman, Wis., protesting against the enactment of House bill 78, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1901. Also, petition of numerous citizens of Oconto County, Wis., protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1902. Also, petition of numerous citizens of Suring, Wis., protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1903. Also, petition of numerous citizens of Pound, Wis., protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1904. By Mr. SEGER: Petition of Mr. Cornelius Hager and 187 residents of Passaic County, N. J., against compulsory Sunday observance legislation in the District of Columbia; to the Committee on the District of Columbia.

1905. By Mr. SWING: Petition of citizens of Orange and Los Angeles Counties, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1906. Also, petition of citizens of Lemon Grove, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1907. Also, petition of citizens of La Mesa, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1908. Also, petition of citizens of Riverside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1909. Also, petition of citizens of Calexico, Calif., and other communities protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

1910. By Mr. TAYLOR of Colorado: Petition from citizens of Kremmling, Colo., protesting against the passage of House bill 78, or any other bills relating to compulsory observance of Sunday; to the Committee on the District of Columbia.

1911. Also, petition from citizens of Montrose, Colo., protesting against the passage of House bill 78 or any other bills relating to compulsory observance of Sunday; to the Committee on the District of Columbia.

1912. Also, petition from citizens of Grand Junction, Colo., protesting against the passage of House bill 78 or any other bills relating to compulsory Sunday observance; to the Committee on the District of Columbia.

1913. By Mr. TILSON: Petition of Mrs. Julia M. Butler and others, opposing the passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

1914. By Mr. SMITH: Petition signed by Mrs. John Zuidema and 34 other residents of Meridian, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1915. Also, petition signed by Charles W. Kromer and 32 other residents of Ada County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1916. Also, petition signed by Mrs. R. D. Boyd and 36 other residents of Twin Falls County, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1917. Also, petition signed by Mr. A. T. Ellis and 84 other residents of Boise, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1918. Also, petition signed by Mrs. J. S. Robinson and 19 other residents of Cassia County, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1919. Also, petition signed by Mr. Harold R. Vining and 62 other residents of Pocatello, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1920. By Mr. SPEARING: Petition of citizens of New Orleans, La., protesting against the passage of House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

1921. By Mr. STALKER: Petition of Mrs. George E. Meeker, of Elmira, N. Y., and other citizens of that vicinity, urging against the passage of legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

1922. Also, petition of Mrs. Mary E. Rouse, of Corning, N. Y., and other citizens of that vicinity, protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

1923. Also, petition of C. R. Elliott, of Elmira, N. Y., and other citizens of that vicinity, urging against the enactment of legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

1924. Also, petition of Mrs. Alvin H. Marvin, of Elmira, N. Y., and 148 other citizens of that vicinity, protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

1925. By Mr. WATSON: Petition of certain citizens of Pottstown, Pa., urging the passage of the Civil War pension bill proposed by the National Tribune; to the Committee on Invalid Pensions.

1926. By Mr. WINTER: Resolution adopted at the annual meeting of Chairmen of Boards of County Commissioners and County Assessors of Wyoming; to the Committee on Banking and Currency.

1927. Also, resolution adopted by the Torrington Lions Club, against further restriction of Mexican immigration; to the Committee on Immigration and Naturalization.

1928. Also, resolution adopted by the Lieut. Thomas King Camp, No. 26, of Rawlins, Carbon County, Wyo.; to the Committee on World War Veterans' Legislation.

1929. By Mr. ZIHLMAN: Petition of residents of Cumberland, Md., urging immediate steps be taken to bring to a vote a Civil War pension bill, carrying rates proposed by the National Tribune, in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

1930. Also, petition of residents of Kitzmiller, Md., urging immediate steps be taken to bring to a vote a Civil War pension bill, carrying rates proposed by the National Tribune, in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *January 18, 1928*

(Legislative day of Tuesday, January 17, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 773) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa, and it was thereupon signed by the Vice President.

REHABILITATION OF FARM LANDS IN THE FLOOD AREAS

The VICE PRESIDENT. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 672) for the purpose of rehabilitating farm lands in the flood areas, which will be read.

Mr. ROBINSON of Arkansas. Mr. President, I move that the Senate concur in the House amendments.

I will take just a moment to explain the amendments. There are four amendments made by the House of Representatives. The first is on page 1, in lines 3 and 4, to strike out the words "existing in the lower Mississippi Valley as a result of the floods" and to insert in lieu of that language the words "in various States as a result of the floods."

The second strikes out in line 6 the word "area" and inserts in lieu thereof the word "areas."

The third inserts in line 11 the words "continue or," so that it will read "to continue or employ" instead of "to employ."

The fourth is on page 2, line 3, to insert the words "not more than" after the word "appropriated."

In my opinion, the amendments are not material, and I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SENATOR FROM ILLINOIS

The Senate resumed the consideration of the resolution (S. Res. 112) opposing the seating of FRANK L. SMITH as a Senator from the State of Illinois, reported from the special committee investigating senatorial campaign expenditures.

Mr. BORAH. Mr. President, before we start the discussion, I desire to submit a parliamentary inquiry. There are two resolves in the resolution, paragraph 1 and paragraph 2 of the resolution. I ask as a parliamentary proposition whether the resolution is subject to a division on the vote?

The VICE PRESIDENT. The resolution is subject to amendment.

Mr. OVERMAN. The Chair decides that the resolution is subject to amendment?

The VICE PRESIDENT. It is subject to amendment.

Mr. OVERMAN. But are the two resolves subject to be voted upon separately?

The VICE PRESIDENT. They can be voted upon separately.

PETITIONS AND MEMORIALS

Mr. BAYARD. I ask unanimous consent to have printed in the RECORD and referred to the Finance Committee a communication. with an accompanying resolution, that I have received under date of January 16, 1928, from the Illinois Bankers' Association.

There being no objection, the communication and accompanying paper were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

ILLINOIS BANKERS' ASSOCIATION,
Chicago, Ill., January 16, 1928.

Hon. THOMAS F. BAYARD,
Member the Senate, Washington, D. C.

DEAR SIR: The Illinois Bankers' Association is much interested in the enactment of H. R. 1 and especially in the provision pertaining to the corporation income tax. I take the liberty of inclosing a copy of

resolutions on this subject adopted by our committee on Federal legislation, which have been approved by our executive council.

We believe that corporations are entitled to a reduction in the corporation income tax to a rate not to exceed 10 per cent; that such a reduction will help to aid industry and prevent a possible business depression; that individuals doing business as such now have a distinct advantage over corporations because of unequal Federal taxation, and that the present rate is unfair to corporations.

We respectfully urge that H. R. 1 be given immediate consideration and legislation granting the desired relief enacted as early as possible. Delay would not only prevent the reduction in the tax that corporations as a whole seem entitled to, but would continue the present inequity for another year.

Your efforts along this line will be very much appreciated by the bankers of Illinois.

Yours very truly,

M. A. GRAETTINGER, *Secretary.*

The committee believes that corporations were discriminated against when the Federal income law was last amended; that the relief to corporate business previously expected and not granted should now be forthcoming; that the present Federal tax of 13½ per cent on every dollar of net earnings by corporations is oppressive and unjust; that the tremendous surplus accumulating annually in the United States Treasury warrants a reduction and that such reduction should be no less than 3½ points, leaving a net corporate tax of 10 per cent.

To the end that the law may be amended to bring the desired and deserved relief to corporations, this committee will use its best efforts to arouse the interest of, and secure the promise of support from, the Senators and Congressmen of this State.

Mr. CAPPER presented a resolution adopted by the Evangelical Mission Church, of New Gottland, Kans., protesting against the quota provision of the existing immigration law and favoring the amendment of that law so that the new quota provision be repealed and the provision of previous law continued, which was referred to the Committee on Immigration.

Mr. BINGHAM presented a resolution adopted by the Swedish Evangelical Mission Church, of Woodstock, Conn., protesting against the quota provision of the existing immigration law and favoring amendment of that law so that the new quota provision be repealed and the provision of previous law continued, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1425) to remove a cloud on title, reported it without amendment and submitted a report (No. 95) thereon.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (S. 61) granting an increase of pension to Louise A. Wood, reported it without amendment and submitted a report (No. 96) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 1541) for the relief of George A. Robertson, reported it without amendment and submitted a report (No. 97) thereon.

Mr. SHORTRIDGE, from the Committee on Naval Affairs, to which was referred the bill (S. 150) for the relief of former officers of the United States Naval Reserve force and the United States Marine Corps Reserve who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment, reported it with amendments and submitted a report (No. 98) thereon.

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1455) to grant extensions of time under coal permits (Rept. No. 99); and

A bill (S. 2021) extending and continuing to January 12, 1930, the provisions of "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.," approved January 12, 1925 (Rept. No. 100).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 2651) granting an increase of pension to Lucinda Johnson; to the Committee on Pensions.

A bill (S. 2652) to amend an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," which act was approved June 10, 1920, and for other purposes; to the Committee on Commerce.

By Mr. WALSH of Massachusetts:

A bill (S. 2653) for the relief of Helen L. O'Brien;

A bill (S. 2654) for the relief of the estate of Michael P. Small, deceased, formerly an officer in the United States Army; and

A bill (S. 2655) to carry out the findings of the Court of Claims in the case of the Atlantic Works of Boston, Mass.; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 2656) to establish a minimum area for a Shenandoah national park, for administration, protection, and general development by the National Park Service, and for other purposes; to the Committee on Public Lands and Surveys.

A bill (S. 2657) for the relief of George W. Boyer; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 2658) authorizing the President of the United States to appoint a committee of five from executive departments or independent establishments of the Federal Government to recommend to the Committee on Disposition of Useless Executive Papers the disposition of such documents, and for other purposes; to the Committee on Printing.

By Mr. NORRIS:

A bill (S. 2659) to amend section 918 of the Code of Law for the District of Columbia; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 2660) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes; to the Committee on the District of Columbia.

By Mr. NORBECK:

A bill (S. 2661) granting a pension to Ursula Sophia G. Cleaver (with accompanying papers);

A bill (S. 2662) granting a pension to William B. Griffin (with accompanying papers); and

A bill (S. 2663) granting an increase of pension to Rosalie Labrie; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2664) granting an increase of pension to Jane Hosler (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2665) to increase the minimum rate of pensions; to the Committee on Pensions.

A bill (S. 2666) granting the consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; to the Committee on Commerce.

By Mr. CURTIS:

A bill (S. 2667) granting an increase of pension to Mary R. Dickman; to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 2668) for the relief of the estates of Francis A. Gonzales and Antonio Gonzales; to the Committee on Claims.

By Mr. TRAMMELL:

A bill (S. 2669) granting a pension to Dennett H. Mosely; to the Committee on Pensions.

A bill (S. 2670) to correct the military record of James Russell Davis, jr.; and

A bill (S. 2671) providing for the honorable discharge of John Fawcett as captain in the United States Army; to the Committee on Military Affairs.

Mr. FLETCHER. I introduce a joint resolution for reference to the Committee on Commerce. I understand that great pressure is being brought to bear on the Shipping Board to dispose of a fleet of some 36 ships on the Pacific coast, and I understand the same movement is on foot as to the Atlantic coast. I introduce the joint resolution so that we may, if possible, protect the Shipping Board from being coerced into a position which I know is wrong.

By Mr. FLETCHER:

A joint resolution (S. J. Res. 77) directing the United States Shipping Board to make no sales of vessels operated by it except under certain conditions; to the Committee on Commerce.

By Mr. TRAMMELL:

A joint resolution (S. J. Res. 78) providing for a survey for a cross-State canal from the east to the west coast of Florida; and

A joint resolution (S. J. Res. 79) providing for a survey for a sea-level canal from Miami, Fla., to Poinciana, Fla.; to the Committee on Commerce.

RESTRICTIONS OF LOANS BY FEDERAL RESERVE BANKS

Mr. LA FOLLETTE submitted the following resolution (S. Res. 113), which was referred to the Committee on Banking and Currency:

Whereas the total loans secured by stocks and bonds of the 51 member banks in the New York Federal reserve district on January 11, 1928, reached the unprecedented total of $3,819,573,000; and

Whereas the largest part of this sum is used for speculation on the New York Stock Exchange, as stated by the Federal Reserve Board in its annual report for 1926, as follows:

"The largest growth, both absolutely and relatively, was in security loans, which increased by about 66 per cent during the period. That this growth in loans on securities represents to a considerable extent an increased volume of credit used in financing transactions in securities at the New York Stock Exchange is indicated by the rapid growth during the period of loans to brokers and dealers in securities in the New York market"; and

Whereas during the past year such speculative loans made through the Federal reserve system have increased more than a billion dollars, and during the past seven years more than $3,000,000,000; and

Whereas the reports of the New York Federal Reserve Bank reveal that $1,502,580,000 of these loans on stocks and bonds is for the account of out-of-town banks, representing credit transferred from other parts of the country, to be used in New York for speculative purposes; and

Whereas the inevitable result of the utilization of the funds of the Federal reserve system for speculative purposes is to restrict the amount of credit available for legitimate commercial purposes, as is indicated by the fact that the amount of commercial paper outstanding as reported to the Federal Reserve Bank of New York actually decreased from a total of $925,379,000 in October, 1924, to $610,945,000 in October, 1927; and

Whereas the intent of the Congress in the creation of the Federal reserve system was to prevent its use for the encouragement or support of purely speculative operations, as is evidenced by the following paragraph of section 13 of the Federal reserve act:

"Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are to be used, for such purposes, the Federal Reserve Board to have the right to determine or define the character of the paper thus eligible for discount within the meaning of this act. Nothing in this act contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise from being eligible for such discount, and the notes, drafts, and bills of exchange of factors issued as such making advances exclusively to producers of staple agricultural products in their raw state shall be eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States": Now, therefore, be it

Resolved, That it is the sense of the Senate that the Federal Reserve Board should immediately take steps to restrict the further expansion of loans by member banks for speculative purposes and as rapidly as is compatible with the financial stability of the Nation require the contraction of such loans to the lowest possible amount; and be it further

Resolved, That the Federal Reserve Board be directed to report to the Congress what legislation, if any, is required to prevent the future use of the funds and credit of the Federal reserve system for speculative purposes.

CONFERENCE FOR THE LIMITATION OF NAVAL ARMAMENT

Mr. HALE. Mr. President, I present the records of the Conference for the Limitation of Naval Armament, held at Geneva from June 20 to August 4, 1927, which I move be referred to the Committee on Printing with a view to having it printed.

The motion was agreed to.

RICHMOND P. HOBSON ON THE PERIL OF NARCOTIC DRUGS

Mr. BLACK. Mr. President, I present an article prepared by Hon. Richmond P. Hobson, director of the Anti-Narcotic League, on the peril of narcotic drugs, which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO DISTINCT NARCOTIC PROBLEMS

There are two distinct narcotic problems that menace the world. The old opium problem proper, that affects chiefly the eastern peoples; the new heroin problem, that now menaces the western nations. Heretofore the old problem, naturally, has held the center of the stage, and the new problem has scarcely yet come in for recognition, though it menaces the western world more than the old problem the eastern world. The opium problem grows slowly. The heroin problem is spreading with inconceivable swiftness, and it is of the utmost importance that it should engage the attention of western nations with the least possible delay.

THE SERIOUSNESS OF BOTH PROBLEMS

It is hard to realize how serious these problems really are—the opium problem to the eastern world, the heroin problem to the western world. Addicts in the Orient are numbered literally as tens of millions.

In the western world the ravages of heroin addiction are fast getting beyond control.

The health commissioner of a great city of the Middle West, investigating the cause of the rising tide of crime, reported that girls and boys are appearing in the underworld by the thousands at very tender ages—14, 15, 16, 17—practically all of the girls and most of the boys having come by the swift drug road.

Scientific men, in view of the hopelessness of permanent cures, call drug addicts "the living dead."

PHILOSOPHY-HISTORY

The human race is consuming every year many thousands of tons of poisonous narcotic drugs, not 1 per cent of which is necessary for strictly medicinal purposes. Nearly all of this great quantity is consumed by addicts who number in the world scores of millions—who are abject slaves—who consider getting their drug supply as the supreme consideration, in many cases as a matter of life and death.

The production and distribution of these drugs constitute a profitable traffic of vast proportions extending to all corners of the earth. In the Orient, the chief home of the sleep poppy whose seed capsules produce opium, the governments, for the revenue profits, encourage and often subsidize production and control distribution. In the Occident, where chemical science is turned to concentrating the poison of opium into morphine and turning this into a still more powerful poison narcotic (heroin), laws and regulations loosely enacted for repression drive most of the addiction traffic to cover, where it flourishes in the dark in spite of the agents of the law.

The motive and urge that constantly drive the traffic on are the enormous profits, the jobber and retailer between them often realizing more than a thousand per cent profit. Add to this the lure for the armies of impoverished addicts of getting the drug for themselves through recruiting and supplying new addicts. It is not surprising that the amount of narcotic drugs produced is probably thirty times the amount required for medicinal purposes.

Human slavery as a source of profit dates back to remote ages and continued far into the Christian era, almost to the present time—even amongst advanced peoples. The bondage of narcotic drugs is a modified form of the exploitation of slavery. While this form of exploitation of human beings through bondage is of less than two centuries growth, it has reached proportions both in the number of bondmen and in the profits of the traffic, far greater than those of the slave traffic at its maximum. The source of supply of the new drug, "heroin," the most menacing narcotic drug yet produced, has heretofore been opium and morphine, but because of the enormous profits in the exploitation of this drug, due to its power of enslaving the youthful victims, the new banditry made possible, and the recruiting activities of its victims, through a veritable mania, we may expect synthetic chemists to develop new sources of supply, in all probability starting from coal-tar products. Furthermore, in course of time for the same reasons we may expect as synthetic chemistry progresses the bringing forth of new narcotic drugs even more powerful and deadly than heroin.

The profits are so great because the poor addict, under the awful depression and torture of withdrawal symptoms, feels he must have the drug, no matter what the cost or the consequences, whether he has to spend his last dollar, whether he has to steal to get the money, whether he has to rob or even commit murder.

The bulk of this vast horde are "hooked" into addiction because of their ignorance, never dreaming what the consequences are to be when they take the first "shot" or first "sniff."

IGNORANCE—THE REAL CAUSE

Manifestly, no normal youth, or, for that matter, normal adult, would deliberately embrace this "living death" of drug addiction if he knew what it meant. The whole recruiting system is based on the ignorance of the victims, and thorough education would literally sweep away the very foundation of this hideous traffic.

"Tuffy Reid," a youth of 20, of Los Angeles, Calif., was hanged recently at St. Quentin, the California penitentiary, for murder committed while robbing a store.

Just before the execution he gave a statement that ended with these words:

"I never committed a crime until after I was 'hooked' at the age of 16. A peddler offered me a pinch of 'snow,' saying it was 'great stuff' and would give me a kick. When I held back he said, 'Oh, be

a sport; try anything once.' I did. But it was once too often. I never dreamed what it would lead to. Oh, if somebody had only warned me.

"There are so many ways in which they are 'hooking' the boys and girls. Why, in heaven's name, doesn't somebody warn them?"

Society is made up of individuals and has the same motives of self-preservation as the individual, and it is only in its ignorance that it could be subjected to ruthless exploitation of drugs. Therefore, the fundamental principle of grand strategy of the struggle is simple. The forces of education that may be termed the "life forces" must find the way to get the vital knowledge of drug addiction to society, and especially to the youth, while the forces of exploitation, which may be termed the "death forces," for their own existence must thwart these efforts and throw all obstacles in the path.

MAJOR TACTICS

Remembering this fundamental principle, it is not difficult to recognize the plays inaugurated by the enemy. The following are some of them:

(1) The agents and the friends of the traffic to pretend to be opposed to education on the ground of the danger of arousing curiosity and getting better results from suggestion. As a matter of fact, educators exploded this fallacy in general long ago. Curiosity and the impulse to try anything once are aroused by the peddlers when the victim is ignorant, whereas loathing is aroused when he is informed. It is manifest that with such awful consequences falling upon addicts this, of all questions, lends itself the most effectively to the processes of education.

(2) Agents and friends of the traffic would be opposed to popular articles with fear that exaggerations may slip in. As a matter of fact, with so much secretiveness, when new facts are brought out it can be assumed that "the half has never been told."

(3) Agents and friends of the traffic keep the heroin problem in the background by keeping the eyes of the western world turned upon the opium problem of the East and away from the heroin problems of the West.

(4) Agents and friends of the traffic express surprise and doubt the discovery and production of synthetic heroin, with the inference that opium is still necessary to its production and in treating addiction problems of the West, as though it were simply the comparatively slight problem of morphine addiction and one of therapeutics, to be dealt with and controlled by the medical profession, and to ignore or minimize the great and overshadowing problem of criminal heroin addiction.

(5) Agents and friends of the traffic pose as infallible in their own unscientific conclusions, and criticize without scruples the conclusions of those promoting education, no matter how scientifically arrived at.

(6) Agents and friends of the traffic oppose secretly all important moves of those promoting narcotic education and spread under cover false rumors concerning the affairs of education organizations.

(7) Not infrequently the instruments for such unscrupulous methods are addicts themselves, with naturally very little regard for veracity and honor, whose psychology can usually be protected by its apologetic attitude toward addicts and its tendency to belittle the problem of addiction. It is not necessary to pursue these tactical items further. Speaking generally, while there may be exceptional cases, it can be said that active opposition to reasonable efforts for narcotic education is indefensible.

The sleep poppy, the source of opium, is a native plant in Asia and southeastern Europe. Frequent notices of its use for poisoning are found in ancient and medieval records. Opium smoking was devised by the Dutch in Java in the eighteenth century, first mixed with tobacco, then used alone. From Java it was taken to Formosa, and thence to the mainland of China.

Portuguese traders first developed the importation of opium into China.

They were succeeded by the East India Co. with a monopoly of the traffic of India. The amount shipped from India into China rose as high as 10,000,000 pounds in the year 1858. In 1906 the production in China itself was estimated at 44,000,000 pounds, importations from India that year being over 7,000,000 pounds. At that date estimates place the number of addicts in China at 27 per cent of the adult male population.

In 1803 a French chemist discovered how to produce morphine from opium, and a half century later an American chemist discovered how to produce cocaine from coca leaves.

These concentrated drugs used generally in medicine, ten times as powerful as opium, swiftly produced addiction in all lands, at first as a by-product of medical practice, later through exploitation as well.

In 1898 a German chemist discovered how to produce heroin from morphine, between three and four times as powerful as morphine. With the spread of heroin, the narcotic menace has developed into a pressing world peril.

In 1729 the Chinese Government issued an edict prohibiting opium smoking in China. The effect was good but proved of little permanent avail. In 1790 the Chinese Government again issued an edict prohibiting opium smoking and in 1800 prohibiting the importation of opium into China. This led up to the opium wars waged on China which compelled its submission to the importation of the opium.

The dawning of hope for real reform came when America in 1905 enacted a law prohibiting opium traffic in the Philippine Islands and sent a committee to the governments of the Orient. This action was followed by China in 1906 with an edict prohibiting the use of opium and the culture of the poppy. Upon the initiative of the United States, the first international opium conference was held in Shanghai in 1909, followed by a second and third conference at The Hague in 1912 and 1913. Recently conferences of the opium commission of the League of Nations and its committees have been held at Geneva.

These conferences while of great value, particularly in bringing out the fact that narcotic drug addiction is a problem to all nations and to the human race, have illustrated how slow and how difficult it is to secure adequate international cooperation and how even where these have been secured, though of elementary nature, the greatest difficulties have been encountered on account of smuggling. Universal experience has shown that laws and treaties are difficult to secure and more difficult to enforce.

The Shanghai conference in 1900, The Hague convention of 1912 and 1913, and the meetings of the opium commission of the League of Nations, successor of The Hague conventions, have been confined with limited agenda, to processes of law, while the Philadelphia world conference of 1926, called by the International Narcotic Education Association, was restricted to questions of narcotic education. The conference of committees in New York in 1927, on the other hand, grappled with the whole problem of narcotic defense and founded the World Narcotic Defense Association to be a center of control to promote the defense, relief, safety, and immunity of mankind from this universal menace.

WORLD NARCOTIC DEFENSE ASSOCIATION

The desire for financial profits, springing from the basic and universal motive of self-preservation, tends to bring forth antisocial business activities on the part of individuals and groups to exploit society through harmful commodities, especially those that are habit forming and enslaving, which, naturally, prove the most profitable.

Since the universal motive of self-preservation raises a barrier of protection where knowledge and appreciation of the consequences exist, the exploitation thrives upon the ignorance of its victims before their capture and their helplessness afterwards. Therefore, education, revealing the nature and consequences, is fundamental in any comprehensive treatment.

This exploitation partakes of the nature of a parasite and the nature of a beast of prey or inherent enemy. Therefore, governmental and legal processes are logical weapons for society to invoke and organize for its defense.

Since its victims are the chief instruments through which this enemy preys upon society, the isolation and rehabilitation of these victims, constitute an integral part of the treatment.

The defense of society against narcotic-drug addiction must therefore embrace processes of education, processes of law, and processes of reclamation.

The following is the resolution adopted at the conference of committees:

"*Resolved*, That the governing board of the conference be authorized and requested to provide for the incorporation under the laws of the State of New York of an association, nonprofit, wholly eleemosynary, to be known as the World Narcotic Defense Association, with full powers to utilize all honorable means to attain the following object, namely, the mobilization and direction of the resources and vitality of society everywhere against narcotic-drug addiction to acquire and maintain immunity from this universal racial menace.

"*Resolved further*, That the World Narcotic Defense Association should have authority to raise, establish, and administer the narcotic-drug defense foundation and other funds for developing existing agencies and creating and developing new agencies of narcotic defense, including processes of education, processes of law, processes of reclamation, and such other agencies and processes as the association may deem necessary or expedient to combat the ravages of narcotic-drug addiction in America and throughout the world."

In pursuance of this resolution the association has been duly incorporated under the laws of New York, with the members of the governing board as incorporators.

This association is designed to be a central control to stimulate, organize, direct, and correlate narcotic-defense activities everywhere in all departments so that processes of education, processes of law, and processes of reclamation will act and react until the vital forces of organized society are marshaled to throw off this menacing ill.

The main reliance in America, as in other lands, for permanent relief from this threatening ill must be found, as intimated before, in the process of prevention through organized narcotic education. Experimentation during the last seven years has brought out the methods by which this can be effectuated. The principle involved is that of having an analogy of a nerve center or ganglion of the body physical which presides over the question of safety from this peril

and organizes and stimulates and directs the vital forces of society to make effective resistance. For carrying out this principle two organizations have been developed by a process of actual functioning, namely: The International Narcotic Education Association, incorporated in 1921 under the laws of California, a corporation "not for profit," which undertakes to organize, develop, and standardize narcotic education in the schools, colleges, and education machinery proper of this country proper and ultimately of other countries, and the World Conference on Narcotic Education, its subsidiary, founded in Philadelphia July 8, 1926, which seeks the cooperation of organized agencies, the press, the pulpit, the screen, the radio, clubs, associations, etc., to extend narcotic education throughout society in general, and especially during narcotic education week, the last week of February of each year.

NARCOTIC EDUCATION WEEK

The following is an extract from the report of the first annual observance of Narcotic Education Week, February, 1927:

"The phenomenal success of the first annual observance of narcotic education week, the last week in February, 1927, in the enthusiastic adherence throughout this country, as well as in many foreign lands, and the quickened interest which was manifest in all departments, fully justifies making Narcotic Education Week a permanent institution and further demonstrates the fact that in education we are on the true road.

"Special satisfaction is felt from the effect of public opinion created during Narcotic Education Week upon the legislatures of the several States in session at that time. Many legislatures heretofore indifferent promptly took up and enacted progressive narcotic legislation. Especially gratifying has been the Legislatures of California and New York. For many years these legislatures had regularly defeated narcotic bills. After narcotic education week and during the congested periods that precede adjournment these legislatures, without serious opposition, passed progressive laws that would have been considered impossible of passage before.

"Evidencing the splendid indorsement of Narcotic Education Week, out of 3,400 replies to a preliminary query addressed to a group of individuals comprising the leaders of thought in various fields, designed for the purpose of appraising public sentiment, 3,369 were favorable and 31 unfavorable—opposition amounting to less than one-tenth of 1 per cent.

"Using the spoken word, records show that more than 21,000 organized programs were conducted by civic and religious organizations, nearly 10,000 by woman's organizations, about 5,000 by colleges, schools, and teachers' associations. Nearly 400 broadcasting stations put a narcotic education message on the air, and 76 of these put on a well-prepared drama.

"The written word was as widely invoked. Clippings from all parts of the country show the general cooperation of the press, through the Associated Press, the United Press, Universal Service, and other agencies. The service included editorials, pictorials, news items, general, national, local, feature articles, etc. The local press gave important assistance, especially in helping groups in putting on their programs. Major organizations, institutions, business groups freely used their own trade journals, periodicals, bulletins, etc.

"The far-reaching benefit of so vast an educational impact through both the spoken word and the written word can scarcely be overestimated. Narcotic Education Week ought truly to serve as a continuing stimulus to more energetic effort throughout the future."

TOXICOLOGY—BIOLOGY

The principal narcotics that have defied legal control and are now scourging humanity, namely, opium, morphine, cocaine, heroin, belong to the general class of organic or hydrocarbon poisons. They concentrate their attack upon the nervous system, producing in toxic doses, delirium, coma, convulsions.

These are all alkaloidal poisons, most of which in nature are generated by plants.

Opium is the coagulated sap of the capsules of the sleep or white poppy, grown chiefly in India, China, Turkey, and Persia. Morphine constitutes the principal poisoning element in opium, about 8 to 15 per cent. Heroin was made formerly only from morphine by treating it with acetic acid and hydrochloric acid. It is reported now, as stated, that chemists have learned how to make it synthetically from coal-tar products. Cocaine is made usually from the leaves of the coca plant grown chiefly in South America, but is now made also synthetically from coal-tar products.

Chemically, these poisons are built up around the deadly pyridin base containing five atoms of hydrogen, five atoms of carbon, and one atom of nitrogen, joined together in a nucleus like a closed ring. The complex structure in this opium group contains three rings, the phenanthren structure united to the nitrogen nucleus, with oxygen introduced.

In morphine, the formula, $C_{17}H_{19}O_3N$, contains 17 atoms of carbon, 19 of hydrogen, and 1 of nitrogen, 3 of oxygen. The formula of cocaine is $C_{17}H_{21}O_4N$. In the case of heroin, acetic and hydrochloric acid introduce additional complexity, giving more powerful poisoning properties, producing morphine-diacetylate, having the formula $C_{21}H_{23}O_5N$.

Protoplasm, the living material from which all living parts are built, is composed of proteins, water and a little salt. Its life processes require a regular supply of food and oxygen and regular elimination of waste products. Some poisons attack the protoplasm itself; some interfere with its necessary life processes; some do both.

The highly organized alkaloidal poisons combine readily with proteins, and easily penetrate the wall or sheathing that protects the living cells. Consequently, we would expect the result to be not only violent derangement in the usual activities and life processes but permanent injury to the structure.

Since the nervous system is the most highly organized part of the whole human organism, it is not surprising that these complex alkaloidal poisons should show their chief effect upon the nervous system and should attack man more than the lower animals. Since, of the nervous system, the upper brain is the most delicate, it is not surprising that this part should be quickly attacked and deeply injured, although it is from damage to the functions of the lower brain that death occurs with a fatal dose.

PHYSIOLOGY

Narcotics are soluble in fat, so they penetrate the fatty sheathing that protects the brain from most harmful substances in the blood current, and in this way the poison comes quickly in contact with the delicate, highly organized gray matter.

One of the earlier physiological effects is to stop the action of the parts that cause the sensation of pain, and this is what gives narcotics their chief legitimate value in the practice of medicine, but even in the effect of deadening the sense of pain the action of the drug is that of a poison. The medicinal is contracting.

In the same way these poisons attack the delicate, carefully protected organs of reproduction, impairing the sexual powers of the male, causing the female addict to become sterile, and undermining the germ plasm, by virtue of which the species renews its life from generation to generation.

Tyrode (Harvard), in his Pharmacology, sums up the symptoms of morphine addition as follows: "Depravity of the mind; general debility; loss of weight and appetite; loss of sexual powers; sleeplessness; eczema; contracted pupils; diarrhea, alternating with constipation; and finally death from malnutrition."

The case is different with cocaine and heroin. The victims of these powerful drugs, unless they have repeated treatment, live but a short time, at best. The degeneration of the upper brain is so swift that the elements of character crumble in a few months. Complete demoralization follows and often the life of crime joins with physical ills and the spur of torture of the drug to hasten the end.

One-eighth of a grain of morphine or one twenty-fifth of a grain of heroin is sufficient to cause the drug effect. In a few days the system will develop sufficient capacity to neutralize this quantity. Then the drug effect will be felt only after getting beyond the point of neutralization, when it will be necessary to have a quarter of a grain, later a half grain, and soon a grain and more to produce the desired effect. Though 1 to 2 grains of morphine is a fatal dose ordinarily to a person unaccustomed to the drug, 10 grains of morphine daily is common, many taking 20 grains, some 50. There are records of more than 100 grains taken daily.

When the drug begins to subside, as it does in a few hours, the equilibrium is upset as though by an irritating poison. The distressing effect is general, no part of the body escapes. A condition of torture sets in. The muscles seem to become knotty. Cramps ensue in the abdomen and viscera, attended frequently by vomiting and involuntary discharge of the bowels. Pains often succeed each other as though a sword were being thrust through the body. In advanced cases this suffering (called withdrawal symptoms) is considered the most acute torture ever endured by man and continues for days. In some cases death will ensue if the addict is far advanced and the dose or "shots" are suddenly stopped. The drug of addiction will quickly relieve this torture. Naturally the addict comes to consider getting his supply of the drug as a matter of life and death.

PSYCHOLOGY

Morphine, cocaine, heroin are white powders, all soluble in water, all bitter to the taste. Morphine is usually put up in the form of tablets. Cocaine and heroin are called "snow," and in various localities by other names.

Heroin predominates now, especially in the eastern portion of the United States, so that "snow," "snow parties," etc., refer usually to heroin.

When luring girls into addiction the peddler often calls heroin "headache powder." With peddlers at large, using as they often do boys and girls to aid them, the safe precaution for a youth of either sex to take is to repulse instantly any suggestion to "take a shot," which means to take a hypodermic of morphine, to take "a sniff" or "a blow" of "snow," and to avoid all forms of white powder.

It is the custom to give away heroin free to the youth till he or she is "hooked." When children are away from home it is a safe practice to accept nothing as a gift to eat, drink, or whiff, not even from a supposed friend. When you decline the first offer, the boy or

girl aiding the peddler will taunt you or challenge you and say, "Try anything once," "You will get a kick out of it," "Watch me," "Come to our 'snow party' and watch the other fellows do it." Alas! Once is once too often. The poison is so swift that the poor youth will seek the next party for relief, and the next. A "snow party" a day for a week will probably drag a youth into the bondage of addiction worse than death from which experience teaches there is no sure escape.

The narcotic poison penetrating the upper brain naturally inflicts the deepest and swiftest injury upon the parts that are the tenderest, the most complex, and unstable, which are developed latest in human evolutionary progress and distinguish the man from the brute. This part of the brain may be considered as the temple of the spirit, the seat of altruistic motives, of character, of those high, God-like traits upon which an advanced and enduring civilization are built.

The transformation in character is swift in the young, and swifter with cocaine and heroin than with the other narcotics. In an incredibly short time a youth of either sex "hooked" with the "snow gang" loses the results of good heredity and of careful home training.

Self-respect, honor, obedience, ambition, truthfulness melt away. Virtue and morality disintegrate. The question of securing the drug supply becomes absolutely dominant. To get this supply the addict will not only advocate public policies against the public welfare but will lie, steal, rob, and if necessary commit murder. Thus we can understand how intimately addiction is connected causatively with crime.

In addition to the general antisocial traits of all addicts the heroin addict has two special characteristics: First, for a period after taking the drug he experiences an "exaltation of the ego," looks upon himself as a hero. Bent upon getting money to buy his drug, he will dare anything, thinks he can accomplish anything. The daylight holdups, robberies, and murders committed by these young criminal heroin addicts eclipse in daring all the exploits of Jesse James and his gang. This can be said also of cocaine addicts.

Secondly, the heroin addict has a mania to bring everybody else into addiction. It may be said in general that all addicts have a desire for company and wish others to share with them the problem of securing the drug supply, but in the case of the heroin addict, it is an absolute mania for recruiting. He thinks, dreams, plots to bring all whom he contacts into addiction. All addiction tends to spread. Heroin addiction can be likened to a contagion.

Dr. Alexander Lambert, in a hearing before the Committee on Foreign Affairs, Sixty-seventh Congress, said: "Cocaine brings an insanity, an acute insanity with it, but cocaine and heroin both inflate personality. Heroin cuts off the sense of responsibility in the moral sense much quicker than morphine. The heroin addicts will more quickly commit crime, with no sense of regret or responsibility for it. The herd instinct is obliterated by heroin, and the herd instincts are the ones which control the moral sense in the sense of responsibility to others. Heroin is the worst evil of them all."

Another general characteristic of addiction psychology is secretiveness. Where the drug supply is easily accessible so that withdrawal symptoms do not occur, addicts sometimes remain for months or years undetected by their own families and most intimate friends.

SOCIOLOGY

The family is the foundation of society. In the family, society not only prepares its citizenship in the most essential attributes of character, but renews its very life through the welding of two lines of germ plasm. Without considering the economics of the home and the want and tragedy that come in with narcotics, we must look upon narcotics as making a deadly assault upon the germ plasm itself. In the earlier stages addiction weakens the germ plasm and tends toward the production of abnormal offspring.

In the later stages of addiction, the male addict loses sexual power and the female addict becomes sterile, thus the line of germ plasm ends.

It is usually morhpine given in illness by a careless physician or taken in patent medicines that brings addiction, with its train of sorrows, to parents in established homes. However, these make but a small percentage of the new addicts. Heroin, on the other hand, usually catches the boy and the girl between 16 and 20, or even younger, like the young bird before it has learned to fly, and the new homes are never built. These victims constitute the bulk of new recruits that are swelling the ranks of addiction.

The average standard of character of the citizen determines the stage of civilization. The spread of morphine addiction tends to bring social disorders and gradual decay. The spread of heroin besides lowering the standard of citizenship of necessity hastens social death by stopping the reproduction of homes.

It is with the Nation as with the individuals and the families that compose the Nation. The unchecked advance of addiction must entail national degradation, ending in national death.

In scientific circles, because of their ghastly plight and almost hopeless outlook for permanent relief, addicts are called the "living dead." The spread of addiction in any land must be regarded as the approach of the "living death" to that people. Left to run its course, the approach will be slow or swift according to the drug—slow with opium, faster with morphine, galloping with heroin.

Suppose it were announced that there were more than a million lepers among our people. Think what a shock the announcement would produce. Yet drug addiction is far more incurable than leprosy, far more tragic to its victims, and is spreading like a moral and physical scourge.

In the latest hearings—those conducted by the Committee on Ways and Means, having under consideration the Porter antiheroin bill, just enacted—Dr. Amos O. Squire, chief physician of Sing Sing prison, said: "That drug addiction is on the increase there is no doubt in my mind. To illustrate, since 1918, comparing it with the year ending June, 1922, shows an increase of 900 per cent in the number of drug addicts admitted to Sing Sing prison. There has been a radical increase since 1919."

Before the same committee John W. H. Crim, Assistant Attorney General of the United States, speaking of narcotic addiction, said: "It is unquestionably increasing. About 40 per cent of the prisoners we are sending to the penitentiaries at Atlanta, Leavenworth, and McNeil Island this term of court are addicts."

On account of secretiveness no one knows just how many heroin addicts there are in the country. We know it is an army. Serious estimates for the total number of addicts as reported in the 1918–19 survey of the Treasury Department range from 200,000 to 4,000,000. Dr. Carleton Simon, special deputy police commissioner of New York City, has estimated that while only 58 ounces of heroin were lawfully prescribed by the medical profession in the city of New York in the last 12 months, 76,000 ounces were consumed. Remember that 2,000 young addicts can be created with 1 ounce. The mind that concentrates upon the heroin problem must stand appalled.

The latest and most authoritative estimates are those relating also to the city of New York, reported to the Philadelphia World Conference on Narcotic Education by the commissioner of correction, the senior medical officer, the warden and the chief of criminal identification of that city. This survey shows 60 per cent of all inmates of correctional institutions, involving cases of moral turpitude, as addicts or narcotic cases, and the official estimate for that city is placed at 200,000. Court records show that most of these addicts are heroin addicts of tender ages—in their teens or just out.

When it is remembered that heroin was only discovered in 1898 in central Germany and began to be exploited in America in 1910, it is evident that its expansion has been at an alarming rate in recent years. This is borne out by records of the narcotics division of the Treasury Department in their report of offenses against narcotic laws—the number in 1918 was 1,000; in 1919, 2,000; in 1921, over 4,000; and with steady and rapid increase had reached over 10,000 in 1925. A questionnaire sent out by a special committee under the chairmanship of Hon. John W. Davis to correctional institutions and departments of justice shows a similar alarming increase in the last few years.

The chief of the criminal identification bureau of New York reported at the Philadelphia World Conference that nearly all of the banditry, daring daylight robberies, holdups, and crimes of violence in that city are being committed by addicts, especially heroin addicts and cocaine addicts, many of them very young. The health commissioner of Chicago has made a similar report from that city.

Certainly a problem such as this, having reached such vast proportions with the attendant ravages so vitally affecting every department of human life, should arouse the solicitude of our Government and of the governments of other lands and all thoughtful citizens who are devoted to the uplifting of mankind.

INSTRUCTION FOR TEACHERS AND PARENTS REGARDING EDUCATION OF CHILDREN WITH REFERENCE TO NARCOTIC DRUGS

(Prepared in Teachers College, Columbia University, New York City)

HABITS

Two psychological principles have been observed in preparation of the following statements, and it is recommended to teachers and parents that these be generally observed in education with reference to narcotic drugs:

(1) The tendency in education with reference to any grave danger is to appeal to fear. The appeal to fear may be temporarily effective, but fear is not constructive unless it is supplemented by the determination to control the danger. A spirit of courageous control is to be preferred to a spirit of fear.

(2) Curiosity should not be whetted to stimulate dangerous experimentation with drugs. Whenever the situation calls for it, curiosity should be satisfied by complete knowledge, for full and complete knowledge will surely forestall incautious experiment.

Education with reference to narcotic drugs should conform to the best accepted practices of the general educational program in the schools. Accordingly the aim of the teacher will be to lead the child to form certain desirable habits and attitudes and to acquire the knowl-

edge which will enable him to act ethically and intelligently. The child must know what right is; he must wish to do right; he must be able to do right.

The desirable habits which parents and teachers should help children to form with reference to narcotic drugs are as follows:

ELEMENTARY SCHOOLS

(1) The child should never take anything to eat, drink, or sniff from strangers, new acquaintances unknown to parents, or acquaintances whom the child knows only slightly.

(2) He should choose for his friends only the children of whom his mother or some one in authority approves and who measures up to the ideals of true, healthy, and straightforward character.

(3) He should learn to meet bravely every situation involving unavoidable pain. (This will tend to prevent use of pain-deadening drugs for headache, etc.)

(4) He should find his keenest enjoyment in outdoor sports, such as skating, swimming, riding, etc., rather than from indoor amusements.

(5) He should avoid all habit-forming drinks, such as tea and coffee; soft drinks containing caffein, such as coca cola; and alcoholic drinks.

(6) He should avoid the use of tobacco in any form.

HIGH SCHOOLS

In addition to all the preceding habits the high-school pupils should have the following ones:

(1) He should habitually rely upon a healthful régime of living in order to keep well, instead of upon use of patent medicines or drugs.

(2) He should avoid all use of drugs except upon the prescription of a reliable physician. Headache powders or tablets in particular may be dangerous. He should learn not to give "soothing sirups" or other drugs to babies or children.

(3) He should avoid all hypodermic injections except when given by reliable physician or nurse.

(4) He does what he can to fight the drug evil whenever an opportunity occurs.

(5) He should feel responsible for the safety of younger children and should help them to obey the preceding rules and protect them from candy, powder, tablets, or any drink that may be offered by a stranger.

IDEALS, STANDARDS, AND ATTITUDES

The success of education with regard to narcotic drugs depends to a large extent upon the formation of certain character traits and upon the effectiveness of certain ideals or attitudes in influencing behavior. The beginning of these character traits should be made in babyhood. Some of the most important are as follows:

(1) Suspicion of any kind of secret or underhand amusement.

(2) Belief that to refuse to do a thing that everyone else in the group is doing because it is an underhand or harmful thing to do is brave, not cowardly.

(3) A feeling of horror and fear of drug addiction.

(4) A tendency to feel afraid of strangers who offer things to eat, drink, or sniff.

(5) A belief that the effect of an act on future happiness and usefulness is more important than a temporary immediate enjoyment.

(6) A tendency to weigh the consequences of any unfamiliar act before engaging in it.

(7) An unwillingness to "try anything once," such as eating, drinking, or sniffing unknown substances or using the hypodermic needle. "Once" may be too often.

(8) Confidence in the parents and a habit of freely discussing with them all of the day's happenings. As the result of such an attitude the child or youth would be likely to tell his parents of his first experiences with drug vendors or suspicious characters. This might lead to the early discovery of "snow parties." After the drug has been used and the drug habit formed the addict becomes very secretive, and it is difficult to discover the existence of the menace.

(9) Feeling of responsibility for supporting legislation regarding control of narcotic drugs and keeping informed regarding expert opinion of what the most effective type of legislation is.

(10) The ideal of self-control, of being able to control one's own actions for the best good of family, friends, and community, as well as personal well-being. If this ideal has become consciously worth while to the boy and girl, they will seek to avoid anything such as the drug habit, which makes self-control impossible.

(11) The ideals of good citizenship, good workmanship, and good sportsmanship. These ideals require that the boy and girl do everything possible to keep themselves physically, mentally, and morally fit; that they observe all habits which keep them in good condition and avoid all habits and indulgences which impair their ability and usefulness.

(12) The ideal of reliability. The boy or girl who can be depended upon is respected and admired. The use of narcotic drugs undermines all qualities of trustworthiness. Boys and girls who pride themselves on being dependable, trustworthy, and reliable will not knowingly use narcotic drugs.

IDEALS AND KNOWLEDGE

The important habits and ideals related to the prevention of the illegitimate use of narcotic drugs have been briefly outlined. It will have become evident that although they are the backbone of prevention, they must be supplemented by knowledge.

A considerable body of knowledge has been presented in preceding pages. Some suggestions follow regarding the use of this information with school children and the different approaches that are possible.

ELEMENTARY GRADES

In the elementary grades it is not necessary that the child should have much detailed knowledge regarding narcotic drugs. The major emphasis should be placed on the habits and attitudes listed in preceding paragraphs. The information which is given will be more effective if given in its natural relationship to the problems with which the elementary child deals than if given as isolated lessons about narcotic drugs. Effective use may be made of the following situations:

1. In safety education the child considers the problems of avoiding dangers of various kinds; he learns to recognize and avoid common poisonous plants; to avoid dangerous animals; to refrain from putting any unknown pills, berries, food, or drink into the mouth. The avoidance of the dangers of narcotic drugs has an obvious place here.

2. In nature study the child learns that certain plants have poisonous leaves, berries, or flowers, or that poisonous products may be made from them. He may also discover that some plants have medicinal value. The medicinal value and also the harmful poisonous results of the use of the poppy derivatives may be mentioned. In nature study the pupil also acquires an understanding of the necessary conditions for growth—proper food, light, air, moisture, temperature, etc. He may learn in this connection that certain poisons hinder growth and that narcotic drugs are such poisons.

3. In study of food the child learns what are good foods and drinks for human beings, and that only those substances and no others should ever be taken into the mouth, except when given by parents, nurse, or physician.

4. Temperance education with reference to alcoholic drinks may usually be extended to include reference to narcotic drugs. The same moral reasons for abstinence apply in both cases.

HIGH SCHOOLS

In high schools, more extensive knowledge should be given. This is the period of danger.

1. The social sciences—history, civics, geography, and economics—form a natural setting for studying the problems of drug addiction as they affect our civilization:

(a) Its effect on our criminal problem; (b) its effect upon the home; (c) its effect upon the individual's ability to earn a living; (d) its growing menace, as indicated by the history of the production and use of narcotic drugs; (e) its world significance, the necessity for international control, and attempts at international regulation at various conferences.

China's attempt to rid herself of the opium menace and the selfish greed of the other world powers should be studied as a significant historical event. Emphasis should be placed upon the fundamental idea that narcotic drugs should be kept out of human reach by world control of the production in all countries, of raw opium and cocoa leaves so that there is no surplus beyond the supply needed for medical and scientific purposes. This should show the future citizen his responsibility in relation to the support of any legislative measures regarding drugs.

2. Biography and literature may be used to show the devastating effect of drug addiction in the lives of famous characters in history and literatures; e. g., Poe and DeQuincy.

3. In chemistry the student may learn the consumption of narcotic drugs, reach a scientific understanding of why they are poisons and what their chemical action is. This will necessarily be simply presented in high schools, but the student will gain the scientific point of view.

4. In biology or physiology the student may learn the effects of poisons upon the growth and life of living tissues and upon the organism as a whole. He may learn here that the use of narcotic drugs destroys the powers of reproduction, and this will give him the scientific basis for understanding the disastrous effects of drug addiction upon the preservation of the race.

5. In psychology the student discovers the laws of habit formation, the effect of drugs upon the nervous system, and the terrific difficulties in breaking the drug habit.

EXAMPLES FOR LESSONS IN SCHOOLS

Two detailed suggestions for lessons on the drug problems:

These lessons are not to be taught word for word in all situations. They are included to give a concrete idea of certain principles of method especially.

(1) The use of a real problem as the basis of the lesson. The first lesson would be taught if there were definite rumors or evidence of drug traffic among children in the neighborhood. The second, if newspapers and magazines were printing articles concerning the prevalence and danger of drugs in the community.

(2) The presentation of story or facts in such a way as to have the convictions and conclusions come from the children—not from the teacher.

(3) Lessons dealing with the drug problem should be taught with all the earnestness and force of personality that is possible by a teacher who feels the importance of this subject.

It would be better not to teach such lessons at all than to teach them in a superficial, perfunctory way, which might simply arouse curiosity rather than fear of the drug evil and the will to control it.

TEACHER. Several of the students this week brought in clippings from newspapers about drug addiction. (Reads parts from clippings.) These clippings say that the drug menace is a very serious problem. What are some points you would consider in deciding how important the problem is?

PUPIL. What kinds of drugs are most dangerous?

PUPIL. Are drugs being easily made and sold?

PUPIL. Do many people take drugs?

PUPIL. Does taking a drug one or two times do any harm?

PUPIL. Can a person who has been a drug addict ever be cured?

PUPIL. What effect do the drugs have on health and character?

PUPIL. What effect does the person who takes drugs have on other people?

TEACHER. (Writes the questions suggested on the board.) These are all important points. Let us try to answer the first question, What drugs are mentioned in the clippings read?

PUPILS. Opium, morphine, cocaine, heroin.

TEACHER. When we think of the effects of opium smoking—some of the Chinese victims look scarcely human—it would seem that opium must be the most dangerous. But heroin is nearly ten times more powerful than opium. Would there be any other factor beside the concentration, making one of these more dangerous than another?

PUPIL. If one were easier to take than another.

TEACHER. Yes. Heroin is made in the form of a white powder that can be easily "sniffed." Others require a hypodermic needle. Can you see how that makes heroin especially dangerous?

PUPIL. Yes. Most people would be suspicious of the use of a needle, but the white powder would look quite harmless to anyone who didn't know what it was.

TEACHER. Exactly so. Is there any other factor which makes these drugs so dangerous?

PUPIL. They can be easily smuggled in.

TEACHER. Yes; it is estimated that $20,000 worth of opium can be packed in one suitcase and that 2,000 addicts can be produced with one ounce of heroin. As John said, that makes it easy for people to smuggle it into the country and sell it to their victims. The next question, "Do many people take drugs?" is more difficult to answer—why?

PUPIL. People keep it a secret—they feel it is a disgrace.

TEACHER. Yes. The actual number of drug addicts has been estimated to be from 250,000 to 2,000,000. Prison authorities at Leavenworth in 1921 reported 15.5 per cent of drug addicts and in 1922, 24 per cent. The chief physician of Sing Sing says that there was an increase in addicts of 900 per cent from 1919 to 1922. What do these figures show?

PUPIL. That it is becoming a more serious problem all the time.

TEACHER. Your next question asks, "Does taking a drug one or two times do any harm?" Does being bitten by a poisonous snake once or twice do any harm? Does playing with fire once or twice ever do any harm? Taking a drug once may result in the drug habit. The more powerful the drug, the more certain its quick habit-forming effect. Heroin taken six times will make an addict—a slave to the drug. (Tells the story of Wallace Reid and his unsuccessful fight with the drug habit.)

(The teacher similarly takes up a discussion of the other questions proposed, in every case drawing conclusions and suggestions from the children, and supplying information herself as needed.)

Teacher finally asks: What are your conclusions concerning this problem of drug addiction?

Pupils make summary.

TEACHER. What can we as a class do to prevent the spread of the drug evil?

Pupils give suggestions:

If we ever get into a situation where boys or girls are about to take any of these drugs we can tell them what the consequences would be, and prevent them from taking the drug. We can help make outdoor sports more popular than indoor sports.

We can report to the police any suspicious-looking people.

We can take medicine only when the doctor gives it to us.

TEACHER. These are good suggestions. We will be prepared to be master of any situation of danger if we meet it, and all other times forget about it, get thrills from outdoor sports as John said, and "fill every unforgiving minute" by doing something profitable and interesting to ourselves and worth while to others.

CALL OF THE ROLL

Mr. HEFLIN obtained the floor.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	Gerry	Mayfield	Smoot
Blaine	Gillett	Moses	Steck
Blease	Glass	Norbeck	Steiwer
Borah	Gould	Norris	Stephens
Bratton	Greene	Nye	Swanson
Brookhart	Hale	Oddie	Thomas
Broussard	Harris	Overman	Trammell
Bruce	Harrison	Phipps	Tydings
Capper	Hawes	Pine	Tyson
Caraway	Hayden	Pittman	Wagner
Copeland	Heflin	Reed, Mo.	Walsh, Mass.
Couzens	Howell	Reed, Pa.	Walsh, Mont.
Curtis	Jones	Robinson, Ark.	Warren
Cutting	Kendrick	Robinson, Ind.	Waterman
Dale	Keyes	Sackett	Watson
Deneen	King	Schall	Willis
Dill	La Follette	Sheppard	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

PERSONAL EXPLANATION—ALLEGED MEXICAN PROPAGANDA

Mr. HEFLIN. Mr. President, not long ago the Senate was astounded by the disclosures of the Hearst publications of a disgraceful and scandalous charge against four United States Senators. My name was in that list. As soon as I learned that my name was involved I said, "An enemy hath done this." Practically everyone who has spoken to me about the matter has expressed opinions that agree entirely with mine.

I am unable to say at this time just who all had a hand in the cowardly, sneaking, and infamous plan to associate my name with the despicable Hearst-Mexican scandal. Considering all the facts and circumstances in the case there is no escape from the conclusion that it is the direct result of a conspiracy on the part of certain Roman Catholics to frame, injure, and if possible to destroy me for the work I did in the Senate to defeat the efforts of the Knights of Columbus and the Roman Catholic hierarchy to involve the United States in war with Mexico on behalf of the Catholic Church.

The man from whom Hearst got the forged papers is a Roman Catholic. He testified that he obtained them from Roman Catholic clerks in the Mexican Government and that he told them he wanted the papers for Bishop Diaz, a Roman Catholic bishop of Mexico. Hearst's wife is a Roman Catholic.

Mr. President, when I was doing everything in my power in the Senate to prevent the Roman Catholics from using the United States Army to fight the battles of the Roman Catholic Church in Mexico, I was attacked most viciously by the entire Roman Catholic press of the country and Catholic priests denounced me in their pulpits for daring to stand in the way of the war program of the Pope of Rome. They were willing to kill American boys to restore the Catholic Church to power in Mexico. I was the only Senator who laid bare the Roman Catholic program to get us in war. I received threatening letters from Roman Catholics telling me that if I did not cease my opposition that they would murder me. A Catholic priest in New York, named Belford, published a statement suggesting that the Catholics should hire thugs to waylay and mob me.

During that debate last winter the People's Forum, Ohio State Journal, complimented me for exposing the Roman Catholic conspiracy to get our country into war with Mexico, and added that "anything may happen to Senator HEFLIN, from ostracism to murder." But I never dreamed that they would resort to such a low-down, sneaking, and disgraceful thing as this attempt to destroy my good name and assassinate my character.

Scores of American citizens have written me that they believed the money paid to manufacture the Hearst Catholic Mexican scandal was furnished by the Knights of Columbus. It will be remembered that the Knights of Columbus raised at Philadelphia a million dollars to be used in carrying on propaganda for war with Mexico. I pointed out in my speeches in the Senate that the Knights of Columbus had passed a resolution denouncing our policy of peace toward Mexico and "demanding" that it "be changed forthwith." And I called attention to the fact that a Roman Catholic Congressman, Mr. BOYLAN, of New York City, introduced a resolution in the House demanding that we immediately sever diplomatic relations with Mexico. That resolution meant war and I said

so. That resolution was supported in the Committee on Foreign Affairs of the House by nobody but Roman Catholics. The grievance stated, and the cause for war made known, was purely and wholly a Roman Catholic question, and the reasons for urging the passage of the Boylan resolution were "the persecution of Catholics and the efforts to destroy the Roman Catholic Church in Mexico."

I said then that it was not an American question, but a Roman Catholic question, and that the affairs of the Roman Catholic Church in Mexico are none of our business, and I said: "No American boy is going to be carried off to Mexico and killed in such a conflict if I can prevent it."

In discharging my duty to my country I have incurred the displeasure and brought down upon my head the wrath of certain intolerant and bigoted Roman Catholics. The misrepresentations and scurrilous insinuations made against me by leading Roman Catholic newspapers since the Hearst Catholic Mexican scandal was investigated by the Senate committee have confirmed me in the conviction that those who inspired and initiated the diabolical scheme to involve my name in this scandal were Roman Catholics who were mad with me and who were willing to employ any dishonorable means possible to do me injury. So in seeking some one who would lend himself to the miserably corrupt and contemptible business of giving it publicity, they sought and obtained the service of William Randolph Hearst. He was willing, without a scintilla of truth to support him, to drag the names of four United States Senators into a horrible and loathsome scandal when he knew that they were innocent. After causing my name and the names of three other Senators to be associated with a dishonorable act—an act that nobody but a thief and scoundrel would be guilty of—he told the committee, under oath, that he did not believe that any one of the Senators had ever been approached on the subject—that he was convinced that they were all innocent and had had nothing whatever to do with the matter in question. And yet he was willing to purchase, and did purchase for publication, "manufactured falsehoods" and "forged papers" from a Roman Catholic Mexican thief. He was willing to bring four United States Senators into disrepute and blacken their characters on statements that he himself admits were false. He is willing to deal with Roman Catholic Mexican thieves in order to traduce and slander Senators of his own country. Willing to wallow in the cesspool of corruption and shame, and then hang his head like a thief come to judgment, and by his conduct and statements confess himself to be a notorious slanderer, corruptionist, and scoundrel.

Mr. President, the Catholic Union and Times, of Buffalo, N. Y., subscriber to the National Catholic Welfare Conference News Service at Washington, has this to say, under the caption "Senator HEFLIN":

> While it has been apparent in Washington circles for some time that Senator HEFLIN was a paid lecturer of these anti-Catholic organizations, his admission during the hearing of the Senate committee on the Hearst Mexican revelations came as a great surprise. He also forecast a new series of speeches to be delivered on the floor of the Senate in the near future. One can readily understand what these outbursts will disclose. Mr. HEFLIN will warn of the danger of Catholicism. He will tell of the plans of the Knights of Columbus to rule the Nation and of the menacing shadow of Pope Pius XI. Senator HEFLIN'S own State has denounced him. His days in the Senate are numbered. The State of Alabama can be counted on to deal him a crushing blow when he again seeks reelection.

Mr. President, that article, on the face of it, discloses malice and hatred in the hearts of the priests and the clerical officials back of it in the Catholic Church. It discloses knowledge of this conspiracy about which I am speaking to-day. I am satisfied that the editors and managers of this newspaper, most of whom are Catholic priests and high officials in the Catholic organization, knew that I was to be "framed," and that they had a hand in it.

Let me read a few excerpts from letters received on this subject. They clearly show what the people generally think about the efforts made to injure me.

Here is a letter from California dated December 15 and addressed to me. It reads, in part, as follows:

> If it had not been for the four Senators named by Hearst, this country would be at war with Mexico to-day; and not only that, but many a big steal would have been pulled off. If they could but put Senators BORAH, LA FOLLETTE, HEFLIN, and NORRIS out of the way, they would have everything their own way; but, thank God, they are on the job and any amount of dirty work they do will not disturb my confidence in these men.
>
> JAMES F. COOPER.

Here is another one from Findlay, Ohio, addressed to me and dated December 19:

> We are led to believe that the Roman Catholic clericals are the ones that engineered the so-called Hearst exposures in the Mexican situation. We hope that no let up will happen and the guilt be placed where it belongs, and we are willing to gamble that "Rome" had a hand in it.
>
> C. R. GALLOWAY.

Here is one from Camden, S. C., addressed to me:

> I am a stranger to you, but judging from your record you are a man "after my own heart." I admire a man who is not afraid "to speak out in meetin'." Seems like your friends, the Roman Catholics, hit you a foul blow. No one believes the charge.
>
> H. C. HADDY, Jr.

Here is one from Norfolk, Va., which is addressed to me:

> It has not been very long ago since the files of the Secretary of State of the United States were tampered with to such an extent that original documents were altered or copied. This alone is enough proof that the forces that are behind the affair are powerful.
>
> T. W. DAUGHERTY.

Here is one from Syracuse, N. Y., the home State of Alfred E. Smith, the gentleman that the Senator from New York [Mr. COPELAND] so eloquently pictures as the next nominee of the Democratic Party. I will have more to say about that a little later on. [Laughter.] This letter is addressed to me:

> The enemy has at last touched a vital spot. We will now proceed to find him and destroy him. Never fear, THOMAS, we know you and believe in you and trust you fully. You will be vindicated and the enemy of America will be uncovered and Hearst will find that no Knights of Columbus money will buy war with Mexico. You did your duty and Americans trust you. We are back of you.
>
> Rev. B. MONROE POSTER.

Here is a letter from Richmond, Va., addressed to me:

> Hearst's attack on you, BORAH, NORRIS, and LA FOLLETTE is alleged to be a "Jesuit" trick. * * * All Irish-Catholic papers are "egging" their readers on to create trouble and the Irish-Catholic prelates in the Catholic hierarchy are the worst offenders.
>
> S. SAXE.

Here is a telegram from Kansas City, Mo., addressed to me:

> We had the pleasure of hearing you speak in Kansas City and the honor to shake your hand, and we just want to say that we resent with all vigor possible the imputations the Hearst papers are casting against you and the other Senators, and wish you would convey to them also our complete belief in their integrity and high principles, as well as yourself. We are of the belief that it is a fraud and is the direct result of directions of the Pope or his emissaries.
>
> W. A. HAWK AND WIFE.

Another from Los Angeles, Calif., addressed to me:

> It is a disgraceful state of affairs when a publisher can assail public officials without proof or reason except probably being paid a portion of the $1,000,000 raised by the Knight of Columbus.
>
> L. LUDLOW HALGHT.

Another one from Oakland, Leon County, Tex., addressed to me:

> Just a few lines to let you know that the true-blooded Americans are with you in your stand regarding Mexico and the Nicaraguan question. Also we are with you on the Hearst charges against you. It seems that the Hearst charges are simply a part of the program inaugurated by the Knights of Columbus in 1926 in Philadelphia to try to involve this country in war with Mexico.
>
> WILLIAM HUBB GILL, Sr.

Another one from Los Angeles addressed to me:

> This man Hearst is nothing but a paid hireling of the Church of Rome. He is aided and abetted by that interest in this country. His attacks upon you and the other three Senators are inspired by the "fine Italian hand" of the interest I mention above. This is in retaliation for your stand on Mexican affairs last session of Congress. * * *
>
> B. W. BROWN.

Here is another one from Wilmerding, Pa., addressed to me:

> The only organization to have a motive for this plot would be the Roman Catholic political machine or church.
>
> If it can be proved that the Roman church was behind this, of which I think there is little doubt, Al Smith's ambition for nomination would get a death blow, as would also the hierarchy's, for the control of this country.

* * * * * * *

If these United States had a few more Senators like you—

Well, that has such a fulsome compliment to me that I will not read it. You can get the idea from what I did read, though, of what was in the mind of this patriot.

Here is one from Brooklyn, N. Y.:

As one who admires the brave fight you are making against the Roman Catholic hierarchy in the United States, permit me to make a suggestion. I have heard it stated that Hearst's documents about Mexico were worked up by the Catholics, and that he received a substantial sum of money from the Knights of Columbus here to print them.

Mr. President, I have any number of these letters; but I have read enough of them to let the Senate know exactly what is in the minds of the people of this Nation who are not yet afraid to speak above a whisper against the Roman Catholic political machine.

The Catholic Union and Times, Buffalo, December 22, 1927, has these headlines reporting the hearings in the committee here in Washington:

Senator HEFLIN'S "patriotism" shown in terms of dollars. Admits being paid by K. K. K. for lecturing. Alabama solon makes admission at Senate probe of Hearst Mexican revelations.

Now, get this:

Propagandist for Calles. Other anti-Catholic organizations also paid United States Senator for speaking in country.

* * * * * * *

Now that Senator HEFLIN, of Alabama, has sworn before a Senate committee not only that he took money from klansmen, Protestant ministers, Masons, and others for lectures on the Mexican situation last summer, but also that his lectures were of the same character as his anti-Catholic speeches in the Senate—

And so forth.

In the legislature of his own State of Alabama, a derisive resolution was offered proposing that HEFLIN be made an admiral and be posted at sea to fire his "most deadly verbosity" upon the impending "attack of the Pope of Rome. * * *."

In July, however, a somewhat different face was put on the Alabaman's vocal efforts when it was learned that he had caused his speeches in the Senate to be collected into a pamphlet of 138 pages and was offering it for sale at stated prices. "Customers" might buy the booklet in quantities at reduced price, he assured them.

Mr. President, they knew that that statement was absolutely false. Mr. President, most Senators here recall the fight that I made in January and February, a fight opened by the Senator from Idaho [Mr. BORAH]—the able, fearless, incorruptible Senator from the State of Idaho—who had in mind nothing but the good of his country in protecting the lives of our boys and remaining at peace with a neighboring republic. He made a speech in this body, and he warned us of how dangerously near we were to war with Mexico.

The next day after his great speech I spoke about other activities in the same direction, efforts being made by the Knights of Columbus to involve us in war. I called to the attention of the Senate a resolution passed by them at Philadelphia in which they denounced this Government's policy of peace toward Mexico and demanded that it cease immediately. They did not request that it be considered and modified if possible, but they were so bold and brazen and arrogant that they "demanded" that it cease "immediately."

I called attention to that. The New York World had an editorial about that time, saying that if the people of the United States did not want war with Mexico they had better write to their Members of the House and Senate, because we were dangerously near to war with Mexico. I submit to you, Senators, and to the country, was it not time that I was speaking, and other Senators, against a war then threatening our country? Was it not time that I was making a protest if I cared anything about the peace and happiness of my own country, the lives of the boys of the United States? Was it not my duty to take a stand against such a war when there was no excuse under heaven for such a war?

I said to the Senate then, and to the country, that it was a Roman Catholic question, that it was not an American question, and that we had no business to marshal our soldiers and go off and fight the battles of the Roman Catholic Church. That was the stand that I took; and by taking that stand I drove from cover the most insidious and dangerous and deadly political machine that ever had its existence in any country on the earth—the Roman Catholic political machine. Without rhyme or reason the press of that machine attacked me from one end of the country to the other, all of them denouncing me, not a single American note sounded amongst them all—Catholic, Roman Catholic, allegiance to the Government of Rome above this Government manifested in every line that they wrote against me; and I have been picked out by them to make an object lesson of for you other Senators. I dare them; I defy them all. I have taken my stand for my country against the invisible government of the Pope of Rome, and I am going to uncover it in the United States in spite of what the Jesuits may do with dagger or poison. I have consecrated myself to the service, and I bare my breast to all these enemies of my country.

Did anybody ever hear of a more villainous attack than this made on me since this committee investigated the scandalous charges that these Roman Catholics inspired against me, misrepresenting me still? One of them showed what he had in mind when they put my name in it. He said, "Senator HEFLIN will be defeated. His days are numbered." That is what they hope. Well, they have already picked out two gentlemen—I am not going to call their names now, but I will call them enough before I finish operating on them in my State—they have already picked out two who are ready to swallow their Protestant convictions and crawl on their bellies like serpents before the Pope, and kiss the cardinal's ring or do anything else, in order to get a seat in the Senate; but there is not one of them ever born of woman who can beat me in my State. I defy these evil, un-American forces of Rome. I do not fear them.

I have not got time to consider what may happen to me. I am ready to accept whatever comes to me. I will not swallow my convictions for office. I never counted the cost in my life when I took a stand on a political question or on any other question. I am ready to spend and be spent in the cause of my country, and I am deeply indignant at the efforts made by Roman Catholics to besmirch my name. I have always done what I thought was right as God gave me the light to see what is right. When I take a stand I feel that I am doing my duty; and when I feel that I am doing my duty I am willing to take what comes, whether it is victory or defeat.

Now, listen:

A priest group up in Buffalo said that I had been denounced in my State. A bigger falsehood was never uttered. I spoke 35 times in my State in September and October. I never had so many calls in my life. The halls in two-thirds of the places would not hold the audiences, and in every place where I spoke the audience rose en masse. There were not over 5 out of an audience of 7,000 that did not stand up and indorse my fight on this particular question.

Talk about my being denounced! I have not been denounced. The patriotic people of my State are too high-minded, courageous, and well grounded in the principles of Martin Luther and the Democratic Party to bow their knee to this veiled, insidious monster of the political machine of the Roman Catholic Church who has his habitat in Tammany Hall.

One smart Aleck in my State, who has already been defeated for the Senate—and defeated badly—by my distinguished colleague who sits at my right, had a hand in getting up a resolution to designate me as the "admiral" to guard against the Pope. The new and inexperienced member of the legislature hardly knew what he was introducing. He asked them, when they handed it to him, "Is there any comeback in this to me?" They said, "No"; and he sent it up and they read it; and that is all that was done with it. It was referred to a committee and died in the committee.

While thinking over that ridiculous performance of ambitious but dead politicians, I wrote a few lines about the gentleman who introduced the resolution, and since this Union and Times paper refers to that incident I am going to read it to you. I did not even know this fellow who had introduced this resolution.

Old Uncle Johnnie used to say,
  You'll find, as a rule,
In every legislature
  At least one fool.

Who is this man Edmondson?
  I never heard of him;
Is he low and stocky,
  Or is he tall and slim?

Slick and smooth he must have been,
  When asking Jefferson County for a legislative ride,
He was able to use a false Protestant skin
  To cover his Catholic hide.

But now he throws his disguise off,
  It appears to be so at least,
And in the legislature
  Does the bidding of the priest.

A handy man for crooks to use,
In problems up for solution;
They write their stuff and hand to him,
As they did this resolution.

And then he introduces it,
And, lo, it bears his name,
Then Roman priests smile on him,
And he thinks he's won fame.

And fame it is for Edmondson,
The Vatican choir will sing,
As he crawls on his all fours,
To kiss the cardinal's ring.

Perhaps he's never traveled
Very far from home,
But the Al Smith bunch will give him now
A nice long trip to Rome.

His youthful dreams realized,
Fulfilled his life-long hope,
When he beholds with joyous eyes,
His secret lord, the Pope.

They'll kill the fatted calf for him,
And spread a Roman feast,
And everywhere Edmondson turns,
He'll see a Roman priest.

They'll pour soft music in his ears,
And sing to him, hi, ho,
Then take him to where the Pope is,
And let him kiss his toe.

They'll lead him about the Vatican then,
Where grows the tall green grass,
Then take him to the Pope again,
And let him kiss the lass
Who will guide him through purgatory,
Under the Pope's field glass.

Then bring him back to Birmingham,
The remainder of his life to dwell,
Then put him in a casket,
That he himself doth sell,
Then turn him over to the priest,
And let him go to hell.

Mr. President, this Roman Catholic machine and Knights of Columbus régime sought to keep my speeches from getting into the press. They succeeded with a large portion of the press.

They then sought to keep me from mailing my speeches to the people in the country who wanted them and were willing to pay the Government for printing them. Let me tell the Senate what occurred. I received fully 5,000 letters requesting copies of my speeches. I said, "I am not able to have these speeches printed and sent to people all over the country." I got up a compilation of different speeches into one, 138 pages, to circulate in my own State, where I knew this Roman Catholic machine would attack me and misrepresent me, where I had already seen they were spending money to buy up newspapers, to poison public sentiment, and to misrepresent me and my work in the Senate. So I fixed this speech up in one big pamphlet and inquired what copies would cost. I paid $336 for the first thousand and $44 a thousand for the remainder.

Then I conceived this idea: I would let the people have the speeches printed themselves and pay for them, and I would order them for them. So hundreds and hundreds of requests came, and I ordered the speeches. They would buy 500 from the Government, not from me. I never made a cent out of them, of course. The Government would send them to my office and my office would do the work of sending them out to the people, to be distributed in the localities.

I submit to Senators that that was fair and proper. Every two years both national committees get speeches of some Senator or Member of the House and send them out in bulk to various localities, to be distributed locally. What do you suppose happened about this? This Union and Times said that I wrote to customers that I would sell the speeches cheap, in bulk. No such thing happened. They knew that they told a falsehood when they stated that. I have been out money on them myself, because every time they put the type up it costs me about $18, and I am doing that and the people are still getting them.

What do you suppose they are doing in various localities? Roman Catholic postmasters are telling the people the speeches are not frankable. They are making them put stamps on them, doing all they can to keep them from reaching the people. What do you suppose happened here in the Post Office Department? This Roman Catholic machine went down to the Post Office Department and attacked me, and tried to prevent these speeches being mailed out. Did you have any idea they were doing such things in this country? They do not want anything against their work known to the people. They suppress it wherever they can.

They went down to the Washington Post, one of their agents, had published article after article attacking me, said that I was abusing my franking privilege, and then had to admit at last that it was found that "Senator HEFLIN was within his rights"; but they never published my statement showing that I was within my rights and any of the facts about it. Is that fair? I am telling you these things so you will know the story of this fight I made against war with Mexico, and the penalty they tried to make me pay for making that fight.

They sent lecturers throughout the United States, who lectured on Mexico, giving their side of it, telling about mistreatment of priests and nuns, and the people commenced to wire me when Congress adjourned, "Won't you come and deliver us an address on the Mexican question? The Knights of Columbus had a lecturer here. He presented the other side. We can not get the truth from the press. Won't you come?" I started out speaking on the Mexican question in that way. The first speech I made was for the pastor of Christ Church in Clinton, Iowa. They said they would pay me $250 to come up there and make a speech. When I got up there and addressed 2,000 people, I saw that this preacher was looking after the financial end of it, and I took off a hundred dollars. I spoke many times in Iowa, and I found in Dubuque that the Catholics had taken charge of the public schools, had turned every Protestant teacher out and put Catholic teachers in charge. The board of trustees elected were Catholics, and every one of them sent his children to parochial schools. That is why they want to suppress me, because I am telling you what they are doing wherever they have the power. That is what they will do to you and me if they ever get that power in the United States.

Mr. President, they talk to me about nominating Al Smith! It will never be the deliberate judgment of the patriotic people of the Democratic Party. They are not going to do it.

Roman Catholic lecturers have been going about the country advocating interference in Mexico. Who paid them? The Knights of Columbus paid them out of that million dollars they raised at Philadelphia, and they are assailing me for letting the people in the various localities of the country pay my expenses and an honorarium to come and give them the truth on the subject. Several Senators go out and deliver addresses that way during their vacations, and it is all right. It helps to educate the people on these questions. In my case it was getting important truths to them, which they could not get in any other way. The newspapers would not give it to them.

Let me tell you what I found when I got there. At nearly every place I spoke I found that Catholic priests and Knights of Columbus had tried to keep the Protestant people—Masons, Junior Order of American Mechanics, Klansmen, Odd Fellows, Red Men, and other Protestant orders—from having a hall for me to speak in. What do you think of that, Senators? Frequently, I found that a Knight of Columbus had lectured in the hall that I was to speak in—just two or three nights before. Priests were busy; Knights of Columbus, under their command, protested against an American Senator telling about their efforts to kill our boys in a war for the Roman Catholic Church in Mexico.

That is why they want to get my scalp, because I tell the people truths about them that some public men, strange to say, fear to speak about, even in a whisper. They are trained in the business of guarding the interests of the Roman Catholic machine. You let any public man say a word against their activities, and they go to him, and if he does not apologize and promise his soul to them, they will defeat him if they can. It is time the Protestants were waking up, and when they find a Protestant bowing the knee to this insidious Roman Catholic power, they should say to him, "If you are going to do that, we are going to beat you." Then, let him come out in the open and be an American, and do the fair and right thing by all, Protestants, Catholics, and Jews.

I am not fighting the Catholics as citizens; I am not fighting their mode of worship; if they want that particular mode, let them have it. But I am fighting the enemy of my country—the dangerous political machine of the Roman Catholic Church. That machine noses its way into business. They will boycott the business man who takes a stand against their activities when he feels that it is his duty as an American to do so. They will boycott a newspaper that tells the truth about their un-American conduct regarding matters vital to the welfare and preservation of constitutional government in America. The Roman Catholic political machine and what it represents are first and foremost in all that it does.

Mr. President, I spoke at Dubois, Pa., and one of the members of the committee, a fine Mason, said, "One of the papers would not publish the notice that you were going to speak. The editor had agreed to do it, and we paid him, and the Knights of Columbus and the priests went to him and said to him, 'If you publish that statement, we will boycott your paper.'" He said, "I haven't anything to do with getting up the statement. They brought the statement here giving notice of Senator HEFLIN'S speech. I am just going to publish it, without comment." They said, "If you do, we will boycott your paper." And he would not publish it.

Then the courageous Protestants of Dubois—God bless them—went down and said, "If you do not print it, if you deny us this publicity—we have already paid you—giving notice of our public speaking, if you are going to let the Roman Catholics run your paper and this community, we will boycott you." And they did. Scores and scores of subscribers quit that week. You have got to fight them with fire. I am satisfied that many Senators here did not know that such things were being done by this Roman Catholic régime in the United States. Did you have any idea they were doing these things? They are worried about Senator HEFLIN spreading his anti-Catholic speeches around! I was getting important truths to the country. Truths that should be in possession of every Gentile and Jew who loves this country and wants to see its free institutions preserved in their integrity.

I also spoke at Butler, Pa. The chairman of the committee said, "Senator, the members of the school board want to see you." They were in charge of the public school hall. I said, "I will be glad to see them." They came to see me. They said, "The Catholic priest objects to your speaking on Mexico. He is willing for you to speak if you will not mention the Catholic Church in connection with the Mexican situation." I said, "There is no war question involved except that injected by the agents of the Roman Catholic Church."

No Protestant or Jew is back of the movement, nobody but Roman Catholics. When they told me that the priest would not consent for me to speak unless I would agree to his terms it got under my American skin, and I said, "A Roman Catholic priest is to tell me what I can speak about? There are not enough of them in the United States to do that. I do not ask a Catholic priest what I may speak about or may not speak about. I am going to discuss this question just like I have discussed it everywhere I have spoken, and tell the truth about it, and if they do not agree that I am telling the truth, let them answer my speech." Then with one voice they said, "Certainly the Senator can speak in the school hall." I said, "If you people have reached the point where you have got to go and ask the Roman Catholic priest and Knights of Columbus whether you can have speaking in this community or not, you Protestants, God knows you have fallen to a mighty low level." They said, "No; we will not do it. You will have the hall."

What do you suppose that priest told them when they went back and said, "Yes; Senator HEFLIN will speak in the school hall." He said, "All right; you will have trouble at the speaking. I can not control the Knights of Columbus." You ought to have heard the opening remarks of my speech that night. I told them what had occurred at the beginning with the school board and said, "The priest said he could not control the Knights of Columbus and we would have trouble. Think of that! A mob of Roman Catholics willing to break up public speaking, to terrorize public assembly in your community, threatening violence to frighten people away." The house was packed. There were 2,000 or more. I said, "Fellow citizens, this is America, and if they start anything here tonight and the priest will not control them, we will control them," and that American audience would have controlled them too.

Do you know what happened to me that night? Friends suggested that I might need armed guards to escort me from the hotel to the public-school hall in a community in this great Protestant country, where thugs were threatening to do violence to an American Senator who had dared to come and tell the truth about their efforts to kill American boys in the cause of the Pope of Rome. Some of them were armed who escorted me to the hall and back to my hotel, here in the United States, in Pennsylvania, where the Roman Catholic spirit was rampant, and had threatened to do violence to me if I dared to speak about Mexico, because this priest said he could not control the Knights of Columbus.

What else do you suppose they did? I spoke at Bethlehem, Pa., in the finest school auditorium that I ever saw. It was built as a memorial to the brave boys who died in France. I said, "This is the finest school hall I have ever seen." One of the citizens present on the platform said, "By the way, Senator, did we tell you about the efforts of the Catholics to keep us from having this hall for you to speak in"? I said, "No. Why"? The priests and the Knights of Columbus opposed it. They demanded that we have a meeting of the board after a majority of the board had already agreed for you to have it. They insisted on having a meeting. Two members of the board are Roman Catholics and one of them a Protestant who married a Catholic. They fought it to the last ditch and had a vote of six Protestants granting the use of the hall, and three others, two Catholics and the Protestant who married a Catholic, voting to deny us the use of the hall. That was right up here in Pennsylvania in our own United States.

I am talking to some people who do not understand this question at all. They have not the slightest insight to what is going on right here in the United States. They do not understand and appreciate the mysterious and sneaking things that are going on behind the screen, but I am telling them about it. This un-American spirit has got to change or there is going to be trouble. Either that or Americans have got to fall down and obey this Roman Catholic machine's edict. You are either going to stand up against it and combat its evil influence and activities or you are going to let it keep moving along in various directions until some sad day it will be too late perhaps to save ourselves from its destructive power.

Last spring I was booked to speak at Ridgeway, Pa. They had rented the theater and paid $150 for it. I saw the receipt. The theater company advertised my speaking on its cards. "Friday night Senator HEFLIN lectures on the Mexican question." They had announced it to the public themselves.

What do you suppose happened? When I was on the train going there a gentleman from that town boarded the same train. He was disturbed and indignant. He had paid the $150 and had expected to get his money back from tickets sold. They had sold, I believe, 1,200 tickets, and the theater man came to them and told them that the Roman Catholic priests and the Knights of Columbus had objected to me speaking in the theater on the Mexican question, and had threatened to boycott the theater and that he had to withdraw the permit for its use for that purpose. The man who had rented it said, "You can not withdraw it. It is advertised. You have my money and I have your receipt." The theater man said "I will pay it back." He said, "I will not accept it. The tickets have been sold in accordance with our contract and the people will be here to hear Senator HEFLIN give the facts about the Mexican question."

That night the theater was closed and dark. The manager was away hiding out. The sheriff was there to keep people who held tickets from entering. A courageous American judge up there issued an order requiring them to open the theater and let those people use it to hear me speak, and the Roman Catholic official, whose duty it was to serve the order of the judge, hid out and could not be found. One thousand two hundred men and women peaceful, law-abiding Protestant citizens of America stood there in the dark in front of that theater. They were not permitted to enter. They had bought tickets. A number of citizens came back to the hotel and told me what had happened. They wanted me to speak in the open air but I told them I could not do that. They said they had nothing but a Masonic hall that had only about 250 chairs in it, but which would hold a thousand people or more. I said, "Are your people willing to stand"? "Oh, yes; anywhere if you will speak to them." I said, "All right," and I spoke to them, too. After I finished my speech a Protestant preacher, who had been asleep on this question prior to that time, jumped up and said, "I want to say a word. I had no idea that such a spirit lurked in the breast of these people here. Henceforth I am a soldier in the service." We had our meeting in spite of the reprehensible and un-American conduct of intolerant Roman Catholics.

Senators, would you have believed that such a thing as that could happen right here in the United States?

In every place I went, without a single exception, I heard of their efforts to prevent Protestant people from having a hall in which to hear me discuss the Mexican question and the efforts of Roman Catholics to involve us in war with Mexico. At Bloomington, Ill., the treasurer of the Civic League of Illinois who was with me told me about a Catholic boy who had left the audience where I was speaking to go home to get a gun to come back and shoot me, and some older heads among Catholics got hold of him and kept him from carrying out his threat. Senators, can you even imagine the presence in America of activities that will produce such a spirit in the youth of that group of people living here in the United States?

Mr. President, I am telling the Senate and the country what some of these people are doing quietly, secretly, and sometimes in the open out in the States that you do not know about, and when you discover them and catch them cold they jump sud-

denly and appear startled and look innocent and exclaim: "Intolerance and bigotry." That is their old stock in store. I agree with Voltaire and Garibaldi and General Grant and Lincoln that the Jesuit institutions are dangerous institutions in anybody's country. They are here in Washington City—yes, here in the United States. They are using their mental processes to manipulate the minds of those they want to control, and I fear they have had hold of my friend the Senator from New York [Mr. COPELAND], trying to make him think that Al Smith has some chance to be nominated. You know you call up somebody over the telephone in order to send a message to them. Well, these Jesuits use their mental messages on weak-minded people, but I do not refer to the Senator from New York when I make that suggestion. They try to direct your thoughts. I have a pamphlet here which shows that they are sending their messages now broadcast, trying to control the people's minds in favor of Al Smith and Roman Catholicism. They have got a big job on hand. The Jesuits and the Roman Catholic machine have certainly got a big job on their hands.

Mr. President, I have told of some of the experiences that I have had on my rounds to reach the people who wanted to hear the truth regarding the Mexican question. I am a poor man and not able to tour the States on a speaking tour at my own expense. So American patriots who wanted to hear me on this question arranged for the meetings. I had the checks they gave me cashed in the disbursing office of the Senate. I was glad to go, although tired out physically when the last session was over. I was glad to go and talk to these people and let them know what was going on and arouse them, if I could, to the dangers that threatened.

For all that I have been plotted against and drawn into a scandal, and the charge was made by these scoundrels that I was being paid, that I was accepting a bribe to fight to keep my country out of war. I was told by people wherever I went about the country, "You have attacked and opposed the Roman Catholic program. That bunch will never let up on you. They will pursue and punish you. Be on your guard always."

Mr. President, I had a letter from Baltimore last spring which said "they have sent the word out to Catholic newspapers all over the country to go after HEFLIN," and they have certainly carried out their instructions. All over the country they have had their papers attacking me and they have had mean and bitter magazine articles written about me, many of them since I opposed the Pope's program to use the United States Army to restore the Roman Catholic Church to power in Mexico. They have paid out a lot of money to carry on their attacks upon me. They know that I am an American and that they can not control me like they do control some half-hammered, weak-kneed Protestants in public station who are unworthy of the name of Protestant. It is time our people were getting their eyes open and apprising themselves of what is going on.

I saw a newspaper statement the other day where a very clever southern gentleman who is not a Catholic, but whose brother is a Catholic, which said, "Al Smith must be nominated now because the religious question has been raised." How ridiculous! The fact is Roman Catholics raised the religious question. They raised it at the Knights of Columbus convention at Philadelphia. The New York Times said in reporting that convention:

> The religious question as it affects the Catholic Church in Mexico was the main question before the convention.

That paper was their friend. I think the Catholics own it now. What did the Roman Catholic Bishop Daugherty say? He said, "Your action"—referring to the resolution of the Knights of Columbus—"seems to have aroused a dormant element in this country," referring to the Protestants in charge of the Government, "and shown them that they can not ignore and slight American Catholics." Who raised that question? It was done by the Roman Catholics.

Then, Mr. President, in the Democratic convention at New York what happened? The Roman Catholics brought in the question of denouncing the Ku-Klux Klan. I hold no brief for the klan, but I indorse a great many things it stands for. It has in it some of the noblest principles that were ever embodied in the doctrine of any secret order. Of course, they have done things, some of them, that I do not indorse, but I do indorse their efforts to build a strong American spirit here in the United States under the American flag. I indorse their effort to aid the foreigners who come here in becoming in deed and in truth real American citizens. I indorse their work in driving bolshevism and communism out of the communities where they are strong; and they have done it. Show me a place where the Ku-Klux Klan is strong in northern cities and I will show you where communists and bolshevists are being put out of business. Say what you please about them, but they are Americans to the core. Nobody but a Protestant can belong to that organization. To the Knights of Columbus order nobody but a Catholic can belong. I do not indorse anybody's attack upon the law-abiding Jew. That is one mistake that some klansmen in some States have made.

What did I see in the convention in New York? I saw Roman Catholic delegates in the corridors of the hotels noisily demanding that the Ku-Klux Klan be denounced by the Democratic convention. I talked to a number of them. I said, "Gentlemen, that question has got no business in this convention; you may not like the klan, but you have got no business trying to get a National Democratic Convention to denounce it. It is a Protestant order and Protestants generally think that you want it denounced because you are Catholics. What would you think if it sought to denounce the Knights of Columbus by the convention? Nobody but Catholics can join that order." "No," they replied, "we want the convention to denounce it." I said, "If you do, you will tear the Democratic Party to pieces," and a number of them replied, "To hell with the party if it will not denounce the klan." So I tell you Senators again that they put Roman Catholic government above everything, above the Democratic Party, and above their country. That is plain talk, but it is the plain truth.

What happened? They proceeded with their fight. In the committee room William Jennings Bryan—peace to his ashes, God rest his soul—struggled to keep that issue out of the convention. He and his friends defeated in the committee on platform and resolutions, and then they came out on the convention floor with it, and Roman Catholics who are prominent in their party demanded that the convention put their denunciation in the Democratic platform. Five thousand lawless hoodlums, Roman Catholics from Tammany, stood in the rear of the hall, and when one Roman Catholic official, a Senator, was speaking in favor of denouncing the klan they cheered him to the echo.

Then, when Mr. Bryan came out to try to prevent this threatened split in the party, to try to calm the element that sought to kill the hope of party success, what did they do? This bunch of Tammanyites hissed him and heckled him, and it was nearly 30 minutes before he could say a word. I with others, putting our hands up to our mouths in this fashion [illustrating], hollered to them to desist; that that was Mr. Bryan; to let him speak. An officious Roman Catholic official of some sort on the platform of the convention came up and put his hand on my shoulder and told me if I did not stop that noise he would have to put me out. Well, I wish Senators could have seen the situation. I told him, "If you do not get back where you belong, I will knock you off this platform." And he got back. That is the situation that we found there, when they were doing what? When as Roman Catholics—not as Americans, not as Democrats—they were demanding that a Democratic convention that had nothing on earth to do with the Ku-Klux fraternity, or any other fraternity, should damn it and denounce it in convention.

What happened? They called the roll and the proposition was defeated by four votes. Then they went to work from Saturday night until Monday morning to get some of the delegates to change their minds and reconsider the proposition and put it in the platform. I told some of the delegates from my State that if Alabama voted for that motion I would denounce the delegation over my signature in the State and go to the mat with them all. And the Alabama delegation did not go with them to reconsider the proposition.

Some Senators know about that. What next? John W. Davis—a very able, clever gentleman but the poorest politician that ever stood in front of a political army—permitted these gentlemen, not as Americans, not as Democrats, but as Roman Catholics, to insist that he denounce the Ku-Klux Klan and finish our chances of success at the polls after the convention had rejected that motion.

Then they sent word to Mr. Coolidge, so it is said, to join Mr. Davis in denouncing the klan. A bunch of priests called on him and told him Davis was going to denounce the klan, it is said, and that he had better denounce it, too, and they would eliminate that question as an issue.

Coolidge said he did not make a chatterbox out of his mouth about things that were not in the platform. [Laughter.] And he got elected, the Senator from South Carolina [Mr. BLEASE] suggests. But what did John W. Davis do?

Mr. BLEASE. He got what he ought to have gotten; he got beaten.

Mr. HEFLIN. John W. Davis denounced it after this group of Catholics from Tammany, New York City, Al Smith's crowd, insisted that he denounce it, even after the great Democratic Party of the Nation had declined to take such action. Were they not putting the government of Rome above the Democratic

Party then? Of course, they were; there is no other conclusion; and in an evil hour Davis denounced the klan and lost four States by that action.

Then what did they do? They owed him every vote they had; but they betrayed him. Another situation arose and they voted for Cal Coolidge, and gave Coolidge in the Democratic New York City nearly as big a majority as Al Smith got. Then talk about lecturing Democrats who say they could not support Al Smith as the nominee of the Democratic Party! If he is nominated he will not be the nominee of the Democratic Party, but he will be the nominee of the Roman Catholic party. We had just as well talk plainly about this thing. I am not going to fail my country and help anybody's insidious, false, and dangerous campaign. They helped to defeat Davis after he had done what they wanted done. They voted for Coolidge. Can Senators understand that? Coolidge refused to denounce the Klan. They were mad with him, of course, because he would not do it. Why did they vote for him?

Has our action in Nicaragua got anything to do with any of these things? We recall the friendly leanings of Mr. Kellogg in January last when the Senator from Idaho [Mr. BORAH] nailed this issue to the cross. At that time the Secretary of State was wobbling, and it looked like we were about to get into war with Mexico, which is what they wanted. Did the understanding that they would see our Mexican policy changed have anything to do with their voting for Mr. Coolidge?

Diaz, a Roman Catholic, is an imposter and usurper in Nicaragua, filling the office of President, to which he has never been elected, and he holds sway over the dead bodies of natives who fought for self-government and home rule as our forefathers fought. Yet our soldiers with guns and bayonets are fighting to hold this man in the office of President. The Roman hierarchy is in control in Nicaragua, and priests are riding in the limousines of the Government; they are making frequent trips to the capital, and that crowd is in control. They have closed over half the public schools; they are taking the money appropriated for that purpose and turning it over to Roman Catholic priests. The soldiers of Diaz, Roman Catholics, are not in danger; they are not shedding any blood; they are sitting back while American boys, the sons of Protestant fathers and mothers are pursuing Sandino, a patriot, and we are killing the native stock who love liberty well enough to fight and die for it.

Will the Senate longer sit in silence and be treated as a rubber stamp by the President, who is conducting a one-man war in the name of the United States when Congress has never declared war? What are we here for Senators? Are we going to permit this situation to continue? I have a resolution before the Committee on Foreign Relations calling for the withdrawal of our troops from Nicaragua. I believe if the Senate and the House of Representatives were given a chance to consider that resolution they would vote to adopt it and bring our soldiers home.

What right have we to superintend an election in Nicaragua? When we first went there we were told it was to protect American life and property. Next we were told that it was to superintend an election in a foreign land; and next to kill the enemies of Diaz in their mountain fastnesses. My God, what are we coming to? Is the Senate losing its courage? Are we as individuals losing our courage? Are we afraid to speak out because the Roman Catholic hierarchy wants to control Nicaragua and get us in war with Mexico?

Let me tell you what is going to happen in Nicaragua. I have the inside information from a very reliable, brilliant American who has been down there.

Mexicans who know something about military science are training Nicaraguan natives; they are helping Sandino; they are enemies of Calles and they are going to surrender to our troops, it is said, in due time and say that Calles sent them down there to help fight the United States. A miserable plot and scandal! Those who would involve my name with a scandal and involve my honor and my integrity as a man and as a public servant are behind this scheme to pull this country into war with Mexico.

Did Senators read what Archbishop Curley said last night, speaking to 500 priests and prelates? He said that they were too timid; that they ought to come out more and press their Mexican cause. That is what he was talking about, and he said that he could not understand why we did not go there and clean up. Still trying to get us into war with Mexico.

What did the Pope say while Lindbergh was in Mexico? He said that he could not understand why the civilized government did not clean up Mexico.

What did the Catholic women of this Nation say by resolution right here in Washington while Lindbergh was there as an ambassador of good will? They called on this Government to be ashamed of what we are doing to continue cordial relations with this "red-handed murderer," Calles, and denounced him in all sorts of fashions and his government because of the treatment of nuns and priests and Catholic bishops. Are we going to war for the Catholic machine, for the Catholic Church?

Senators, I am astounded when I know what I do about these movements in the United States that more of us are not talking out in meeting. The situation ought to arouse the patriotism of every Senator and stir his blood so that he would get up and make himself felt.

Mr. President, in a remark to his aid, Capt. Archie Butt, recorded by him in a letter to his mother, published in the New York Herald-Tribune in 1924, Roosevelt said:

> The Roman Catholic Church is in no way suited to this country and can never have any great permanent growth, except through immigration, for its thought is Latin, and entirely at variance with the dominant thought of our country and its institutions.

Then Mr. Roosevelt tells about when he was in Rome, and, of course, they expected him, the ex-President, to call on the Pope, and they sent him word that he could not call if he visited a certain Protestant mission there. Roosevelt was an American. He did not bow the knee to the Roman Catholic hierarchy or the Government of Rome. He declined to let them tell him where he could go or could not go, and he did not call on the Pope.

The great Frenchman, Lafayette, said that if this Government ever lost its liberty it would be by priests and nuns.

Thomas E. Watson, of Georgia, said:

> As to the public schools, everybody knows where Romanism stands. It is waging relentless warfare against the free, nonsectarian school, its purpose being to put the children in the power of the nuns and priests.

That is in keeping with what Lafayette said.

> Wherever Rome has ruled she has left the people sunk in ignorance. Never has she encouraged the laity to study the Bible. In every possible way she has striven to make learning a sealed book to the masses, compelling them to look to the priest for guidance.

Is not that true? What about Mexico; and why do they hate the very ground the President of Mexico walks on? Because he has had the courage to beard the Roman lion in his den and tell him and the world the truth. He said:

> For 400 years you cursed my poor country. Every insurrection, every revolution, all the trouble we have had can be traced to your meddling with government in Mexico.

Then they talk about expelling priests and not expelling Protestant ministers from Mexico. Do you know why? Every Protestant preacher in the service is a native, and these foreign-trained priests are sent there, and I think they have done right to keep them out. That is why they are expelling them. They are willing for the Catholics to have native priests, but foreign priests have kept the masses of Mexico ignorant so long that it is hard to find one competent enough to do the job as they want it done.

Mr. President, Premier Edward Herriot, of France, throughout his tenure of office labored to free the public schools of France and the newly regained Provinces of Alsace and Lorraine from the blight of priestcraft.

On January 23, 1925, Premier Herriot demanded that France sever all relations with the Vatican, saying:

> Rome must cease its attempts to make of Catholicism a political party in France.

God knows they have already made one of it here in the United States. When I was speaking around last summer, and I predicted that Al Smith would not be nominated, the papers of Boston quoted Jim Curley, who used to be in Congress from there and has since been made mayor of Boston, a Roman Catholic. He said if Al Smith was not nominated they would form a Catholic party, and I said, "Mr. Curley is a quarter of a century behind. They have already formed a Roman Catholic party." There are three distinct political parties in this country to-day—the Democratic Party, the Republican Party, and the Roman Catholic Party.

Again, Mr. Herriot said—listen:

> Rome is trying to constitute Catholic parties everywhere. * * *
> The Pope has congratulated the Catholics for having organized in France. This is intervention in French internal affairs. The Pope should have remained politically neutral.

On September 10, 1924, I saw a dispatch from Rome, from the Pope, in which he said it was not only his right but his duty to advise Catholics how to vote.

Continuing, Mr. Herriot said:

There is one policy—the policy of liberty and independence from the Vatican. Every nation is free, and we do not have to receive orders from the Pope.

That is the Premier of France talking. I do not remember whether he is a Catholic or not, but he is a high officer in a Catholic country, and he is sound in what he said.

Up in Rhode Island last summer the Catholic bishops had collected from some of the French Catholics $3,000,000. The Frenchman is a man of an inquiring mind, and some of them wanted to know of the bishops what had been done with that $3,000,000. They declined to tell. They went into court to have them account for that $3,000,000; and they took the case to the Pope of Rome, or to the college of cardinals, and they denounced these French Catholics. The last I saw of it they were threatening to excommunicate them, which means send their souls to hell, for daring to go into a court created by this Government about matters arising among citizens of this Government. The conduct of the Catholic bishops showed beyond question their allegiance to another government above this Government, and that was the Roman Catholic government.

Is there any escape from that conclusion? What was it that General Grant, the friend of the public school, said on this subject?

The free school is the promoter of that intelligence which is to preserve us a free nation! If we are to have another contest in the near future of our national existence, I predict that the dividing line will not be Mason and Dixon's; but between patriotism and intelligence on one side, and superstition and ambition on the other! Now, in this centennial year of our national existence, I believe it is a good time to begin the work of strengthening the foundation of the house commenced by our forefathers 100 years ago, at Concord and Lexington.

Encourage free schools and resolve that not one dollar of money appropriated to their support, no matter how raised, shall be appropriated to any sectarian school.

I am told that they appropriate money in New York for a certain sectarian school.

Now, let me bring to your attention something that has never been brought to light.

When Senator Bard, a Republican of California, was a Member of this body, a Roman Catholic Knight of Columbus, Doctor Scharf, of this city, went to him and made him a proposition that if the Congress would appropriate $200,000 for two years to Catholic schools they would throw the Catholic vote in 20 close congressional districts to the Republican candidates, and make sure of carrying the House by the Republicans. I have the testimony here—Senator Bard's testimony. He said Doctor Scharf brought him a letter from a Roman Catholic bishop named Montgomery; they were all in the scheme, and Scharf represented the Catholic Church, and the church was ready to have Democratic Catholics vote the Republican ticket in 20 districts named if they would give, out of the Treasury of the United States, $200,000 a year to Catholic schools for two years, making $400,000. Senator Bard, an honest man, told the committee what had occurred, and prevented this awful steal and deal from going through.

I am showing you that they put the Roman machine above the Democratic Party, above the Government, and above everything; and the sooner the American people find it out the better it will be for free institutions in America.

I would, if I could, reach the hearts of the Catholics who are patriotic, and tell them to draw back from the abyss to which some of their imported thick-headed priests are leading them. They are going to bring trouble, I fear. The patriotic people of the United States do not like this brazen boldness and arrogant opposition to the public-school system, free speech, peaceful assembly, and restricted immigration. Let me cite you to another instance where they put the Catholic régime first. Lindbergh, a Mason, the "Lone Eagle," as fine a type of American manhood as ever walked the earth, came back from Paris, and they gave him a big ovation in New York. Now, why should they have provided that he had to be stopped on that parade and required to go out into the square where a Catholic cardinal sat like a king on his throne and do obeisance to him, and shake hands and greet him, while the paraders halted in the street? That was not a Catholic occasion; it was an American occasion, when all Americans of all creeds should have honored him. They ought to have had Baptists, Methodists, Presbyterians, Lutherans, and all denominations out to do him honor. But they did not do it. Protestant preachers were in the background. Protestant people as such were pushed aside, and this great parade was halted, Lindbergh was escorted out, Governor Smith in front kissed the cardinal's ring. Mayor Walker next kissed the cardinal's ring, and of course it was supposed that Lindbergh would kiss the cardinal's ring; but he did not do it. He reached out that long arm and caught the cardinal by the hand and said, "How are you?"

That is the American way of doing it. He did not fall into the trap. He remembered his own Protestantism and his good father's and mother's Protestantism and Americanism.

I served in the House with Congressman Lindbergh, this young man's father.

In 1916 Lindbergh's father introduced in the House a resolution calling for an investigation of the Roman Catholic convents and the general activities of the political machine of the Roman Catholic Church. He set out, in section 7 of that resolution, that the Roman Catholics were seeking to involve us in war with Mexico. He said they were trying to destroy our public schools, free speech, free press; and yet they take his son—no doubt some of them had in mind that he might kiss that ring—and they bring him and bow his strong American back to the customs of paganism and superstition—kissing the cardinal's ring. Thank God, he stood up, with head erect, and American light upon his face, and refused to do it.

Did you know they introduced a bill in the Legislature of New York a few years back seeking to repeal the law which makes it a penalty to impersonate Christ? The purpose of it was to give them permission to allow a Catholic priest to impersonate Him in the Passion Play for the moving pictures of the country. All the States have laws forbidding any person impersonating Christ, and it is a good law. The legislature defeated the Catholic bill to permit a Catholic priest to impersonate Christ in a play in a theater in New York.

Did you know that they introduced in the New York Legislature a bill providing a penalty for anyone who represented a school-teacher seeking a school in the various communities in the State of New York if such representative dared to tell the people of the religious belief of the applicant for the school? They did, and I have seen a copy of it. I have it somewhere.

A gentleman in Albany sent it to me. What was the purpose of that? At the hearing before a legislative committee it was disclosed that the Knights of Columbus said that out in the State the Protestants were prejudiced against having Roman Catholic teachers, and if told the applicants were Roman Catholics they did not want them to teach Protestant children, and they were seeking to use the power of the New York Legislature to prevent Protestant people from knowing the religious belief of those who were to teach their children. This was done, it was claimed, to enable Catholic teachers to get into schools without the people knowing what religious belief they had.

What right have they to keep Protestant parents from knowing who is to teach their children? They have a right to know. The Roman Catholic parochial school teaches the unity of church and state. The Roman Catholic parochial school teaches that the Pope is the ruler of all lands, the Vicar of Christ, and God himself in the flesh.

The Roman Catholic machine is against a free press, it is against free speech. It has shown it on many occasions. On my rounds in speaking to the American people last year I found certain Catholics violating practically every principle of the first amendment to the Constitution. Talk about infringing free speech! They tried to keep my speeches from reaching the American people through the press. They tried to prevent those who wanted to hear me tell about the efforts made to involve us in war with Mexico from having a hall for that purpose. So they tried to deny them their constitutional right of peaceful assembly. They tried to prevent local newspapers from publishing notices of my speaking dates. So they interfered with the free press. And yet when you expose their un-American activities they squirm with a look of injured innocence on their faces and say, "They are intolerant; they are bigoted." The unfortunate thing is that they frequently induce half-asleep, half-hammered Protestants to stand up and make their speeches for them about intolerance, and they just sit back and laugh amongst themselves and say, "It went over all right. He never has known the job that we have put over on him." I will tell you what he is doing. As surely as God reigns he is helping them pave the way for the overthrow of free institutions in America.

I want to read you something that will open the eyes of the American people unless they are already blind. I want every Senator to hear this. Here is a wide-awake and truly great American. Brilliant, courageous, and eloquent; who has spoken things that this Nation needs to know. I refer to Doctor McDaniel, president of the Southern Baptist convention. I repeat he has proclaimed some important truths to his countrymen. Here is what he said:

"Rome never changes" is the proud boast of Roman Catholics. Wherever she has had the power she has suppressed dissenting opinion. Intolerance and persecution are marks of her identity through the centuries. To-day she is doing the same as in the years when freedom was in her chains.

In this good year of our Lord the bishop on the Island of Malorca in the Mediterranean led a procession of the mayor, town council, school children, and citizenry to the public square and burned several books which the people had been reading.

In Italy there appears to be an alignment between fascism and Romanism. Freemasonry was the first object of attack. Lodges were destroyed, their records burned, and Masons by the hundreds imprisoned or killed. Non-Roman Catholic denominations were the second to feel the hand of intolerance. Their churches were ordered to close all evening schools, for the order reads, "the matter of teaching, both spiritual and physical, is a delicate one and should be intrusted to the state and its church." A church building near Naples was burned to the ground, and the members were severely beaten.

And yet Roman Catholics here have the gall to talk about us interfering with an armed force in Mexico, when right under the Pope's eye in Rome they are killing Protestants who demand the right to worship God according to the dictates of their own consciences.

But let me read to you from the great message of Doctor McDaniel, of Virginia:

The press was the third to fall under the proscriptive ban. Non-Catholic papers were first forbidden to print anything contrary to Romanism. Then, on June 30, the American daily papers carried a news item from Rome under the heading, "Freedom of Italian press is curtailed drastically," virtually no foreign news may be printed. The order grossly violates every principle of the freedom of the press.

In the United States, where Catholocism is not in the ascendency, Roman Catholics have their secret societies, their houses of worship, and their religious press, and all under the protection of law. I would contend for such protection if it were not already theirs. In Italy, the seat of the Papacy, where the Roman Catholic Church is recognized by the Dictator Mussolini as "the state's church," Masonic lodges are forbidden, dissenting congregations are broken up, denominational papers are censored, and freedom of the press is denied. The Pope could remedy these wrongs in a day if he would, but he is silent. Roman Catholics of the United States doubtless could be influential and instrumental in securing for non-Catholics in Italy the rights that Catholics enjoy in the United States, but they are silent. One is constrained to inquire: If the Pope and Roman Catholics had the power in the United States that they have in Italy, would they be as intolerant here as they are there? Judged by every historical precedent, they would.

Judge Alfred J. Talley, chairman of the committee on Catholic interests of the Catholic Club of New York, has the effrontery to demand that the Government of the United States withdraw recognition of the Government of Mexico and "brand her as an outlaw," but neither he nor the Catholic Club takes any notice of the outrages visited upon non-Catholics in Italy. It depends on whose ox is gored. He can see the "persecution" of Romanists in Mexico, but is blind to the persecution of Masons and non-Catholics in Italy. He is afflicted with hyperopia.

Mr. President, if George Washington were alive to-day and in Italy, they would strip him of his Masonic paraphernalia and deny him the right to meet with his Masonic brethren in a lodge in Italy. Roman Catholics have recently murdered at Florence, Italy, in one night, 137 Masons, and only 10 of those deaths were ever announced in the press of the United States. Catholic newspapers and Catholic-controlled newspapers will not tell the truth about these things to the people of the United States. My friends, they are interfering with the press. They will not let such facts be known. They do not want us to know of the cruelties and crimes of certain Roman Catholics in countries where they are in power. They want to keep us in the dark.

Continuing, Doctor McDaniel said:

The United States is the country most coveted by the Papacy.

When the time came to organize the Colonies into a nation it was Anglo-Saxons who did it. All spoke the same language. All, except a few descendants of Dutch and Swedes in New York and Delaware, some Germans in Pennsylvania, some children of French Huguenots in New England and the Middle States belonging to the same race. Mr. Bryce aptly says: "All except some Roman Catholics in Maryland professed the Protestant religion." Being of one language, one race, and one religion, they organized the freest Government on earth. Here all languages are spoken, all races reside, and all religions are protected. It would be the irony of fate if, after this Nation has grown great by a policy of liberalism toward all, a Latin-speaking religion, made strong by immigration, should take advantage of our liberal laws to shelter and strengthen itself until it stole away our liberty and subtly bound us with the fetters of Romanism. One of our most perplexing tasks is so to guide the affairs of this Nation as to prevent this catastrophe, and at the same time see that equal justice is meted out to all citizens and religions.

ANOTHER STATEMENT FROM DOCTOR M'DANIEL

No religion, however, must use American freedom as a cloak to cover itself until it grows strong enough to cast the cloak away and thus disclose its own selfish and tyrannical character.

I commend that to the thoughtful consideration of every American who loves his country. This man has told the truth. He knows what is going on more than a great many Senators or Members of the House know; more than the American people generally know; but thank God they are getting their eyes open.

Let me read to you now the declared purpose of certain Roman Catholics, high in authority, to destroy Protestantism by force in America. Listen to Bishop Cannon. I have read to you from a message from a great Protestant—a Baptist. This one is from a great Methodist bishop, Bishop Cannon. He is in entire agreement with Doctor McDaniel, president of the Southern Baptist convention. He said that where the Catholics are in the minority they are very courteous and tolerant, but where they get to be in the majority they are very bold, aggressive, tyrannical, and intolerant; and that is true. Listen to his statement:

As a proof of the real position of Romanism, quotations are given from a very recent book entitled "The State and the Church," published by Dr. John A. Ryan, professor of moral theology at the Catholic University of America, and Father Miller, of the Jesuit Society, printed and copyrighted by the National Catholic Welfare Council in 1924.

Listen to this on page 32; we read:

Pope Leo XIII declares that the state must not only have care for religion but recognize the true religion. This means the form of religion professed by the Catholic Church. It is a thoroughly logical position. If the state is under moral compulsion to profess and promote religion, it is obviously obliged to profess and promote only the religion that is true, for no individual, no group of individuals, no society, no state is justified in supporting error or in according to error the same recognition as to truth.

Again it is declared:

But constitutions can be changed, and non-Catholic sects may decline to such a point that the political proscription of them may become feasible and expedient.

Mr. President, there is the Roman Catholic threat that whenever they get the power they will tell us here as they are telling them in Italy, "close that Baptist Church and that Methodist Church, Presbyterian, and so on. This is a Catholic country and you can not carry on your religious program here against the Roman Catholic Church." Here they are declaring it in the books written and circulated by the leading writers of the Roman Catholic Church.

Listen to this astounding statement in this Roman Catholic book:

What protection would they then have against the Catholic state?

God deliver my country from that day. They are telling us that when the time comes they will suppress Protestantism, they will force people to submit to their way of thinking, and they say, "What chance would they have against the power of the Catholic state?" In view of these threatening things, with so many Protestants asleep, I tremble for the safety of my country. Let me read that again:

What protection would they [the Protestants] then have against the Catholic state?

What protection have these Masons now in Italy? Lodges torn down, books and records burned, Masons imprisoned, 137 murdered in a night, and the grand master of the Masons of Italy sent off to prison for five years. Not a word from the Catholic power in the United States nor from that power in Italy. Then talk about being intolerant!

Listen to this statement from the same Catholic book:

The latter could logically tolerate only such religious activities as were confined to the members of the dissenting group. It could not permit them to carry on the general propaganda.

What does that mean? You could not send your missionaries abroad. You could not hold meetings in your churches and preach the gospel as Christ would have you preach it. You could not go around and have family prayer with the sick ones in the home. What a horrible doctrine to announce in these United States.

Then Bishop Cannon said:

Here is set forth openly and boldly the Romish doctrine of the right, even the duty, of the Romish Church wherever it has the numbers and the power to prohibit the carrying on of religious activities—"propaganda" by the smaller bodies. In this language is found the seed of every form of Romish intolerance, including the un-Christian, cruel, devilish inquisition.

Mr. President, in the name of all that is dear to us as a free people I call on my countrymen to wake up. The climax of this move is Al Smith's candidacy for President. Wake up, Americans! Gird your loins for political battle, the like of which you have not seen in all the tide of time in this country. Get ready for this battle. The Roman Catholics of every country on the earth are backing his campaign. Already they are spending money in the South buying up newspapers, seeking to control the vehicles that carry the news to the people. They are sending writers down there from New York and other places to misrepresent and slander our State, all this to build a foundation on which to work for Al Smith for President. The Roman Catholic edict has gone forth in secret articles, "Al Smith is to be made President." Doctor McDaniel said: "Of all countries the Pope wants to control this country." "The Knights of Columbus slogan," said Doctor Chapman, M. A. C., "is make America Catholic." Here they tell you in their book that they will force the propaganda of Protestants to cease, they will lay the heavy hand of a Catholic state upon you and crush the life out of Protestantism in America.

Oh, Martin Luther, great father of the Protestant reformation!. The greatest event in religious history except the coming of Christ was when Martin Luther, when a Roman Catholic priest, heard God speaking to him from His throne on high to throw off the robes and habiliments of superstition, paganism, and the man-made creed of Plato, which is found in a book recently published called the "History of Philosophy." The great Luther arose and thundered the doctrine of the Bible, that "Whosoever will, let him come and partake of the water of life freely," and that every man and every woman may bow down and worship God according to the dictates of their conscience." That is the essence of religious freedom. All hail to Martin Luther!

Under his doctrine no human being can be forced to belong to any particular church. You could not compel anyone to go up and kneel down and confess to a priest through a hole in a door. They could address their petitions directly to God, the Father of us all. That was Luther's doctrine. Confess your sins to Him, address Him represented by His Son, who went about doing good, who restored sight to the blind, made the lame to walk, and brought life to the dead. This was the Master who walked the dusty highways of Judea, preaching the gospel of democracy unto the least of these, my brethren. That was Martin Luther, who barely escaped with his life from Catholics who sought to kill him.

They sent for John Huss, another one who loved religious freedom well enough to die for it, who threw off the Roman Catholic shackles. They sent for him and promised him on their honor that they would guard and protect him. They wanted to hear his side, they said. They murdered him, burned him at the stake. They broke their vow to him. They trampled their honor in the dust, if they had any, and burned this Christian martyr at the stake. They did the same thing to Savonarola. They promised him protection, broke faith with him, and burned him at the stake. They sent for Luther, and Luther had a guard that would not desert him. They could not in any way frighten his guard and make them afraid. They had become thoroughly imbued with the doctrine of Luther, and they were ready to die for him. They tried to burn Luther at the stake, and when his friends got him away they had to place a strong guard about his home two years to keep the Roman Catholics from murdering him. There again is a fine sample of their tolerance.

The inquisition, one of the most deadly things in all history. The enemies of the Roman Catholics were thrown in prison and held there for years and years because they would not accept the Roman Catholic religion. Napoleon, when he swept with his brave legions into Spain and Italy, struck the shackles from the limbs of white-haired old prisoners who had been incarcerated for 30 or 40 years. They had strangled others to death and burned others at the stake—the Roman Catholics' Spanish Inquisition.

In France on St. Bartholomew's Day—of cursed memory—at midnight the signal for the slaughter of Protestants was given by ringing the bell in a Roman Catholic Church tower. Roman Catholics went forth with their implements of murder and killed men, women, and children—60,000 of them. Pope Gregory V issued a medal to be worn by those who had murdered 60,000 Protestants—the enemies of the Catholic Church, and the King ordered bonfires lighted throughout the country in honor of those who had murdered the enemies of the Roman Catholic Church.

The spirit that prompted that malice, violence, and murder is the same spirit in a different form that connected my name with this Hearst-Mexican-Catholic scandal. It is that devilish spirit that has always manifested itself when they felt that they were growing in power and were going to get control of the country.

God deliver this Nation from the rule of Al Smith and all that that means to this country. Go look at the corrupt record of Tammany and hang your heads in shame. Pillage and plunder and graft, a Roman Catholic political machine. Al Smith now its candidate for President of these United States. Tammany, denounced by Cleveland and Wilson and all the great leaders of the party. Tammany now comes forth with a soaking wet Tammanyite, a nullifyer of the Constitution and a Roman Catholic for President of the United States. I warn my party against nominating him. If they put the nomination of my party on him the Republicans can and will defeat him by from fifteen to twenty million votes.

The American people, with their knowledge of what this political machine of the Roman Catholic Church is doing, are not going to turn this Government over to it just now, and I do not blame them. Would you want Al Smith in the White House with Diaz, the Roman Catholic, running for President in Nicaragua, and our soldiers kept down there constantly baptizing the soil with the blood of the natives and killing American boys to help a Roman Catholic get elected to the office of President there? Would you want this Roman Catholic wet in the White House, with the Mexican situation as it is? Do you recall that the Roman Catholic women of America have just recently urged the President of the United States to interfere in Mexico? Archbishop Curley just last night scolding because we are not doing something, with the Knights of Columbus at Philadelphia demanding that something be done, and the resolution from a Roman Catholic Congressman from New York demanding that we sever diplomatic relations with Mexico, and Catholic organizations doing the same thing, all on account, they say, of the persecution of Catholics and the effort to destroy the Catholic Church in Mexico? Would you want to put Al Smith in charge of this Government with the power to appoint a Secretary of State and an Ambassador to Mexico at this particular time? I, for one, do not want to do that. If you are the right kind of Americans, you do not want to do it.

I am sounding this note in time. I want the country to know that it is to the highest and best interests of the Nation to defeat Al Smith's nomination. He ought not to be nominated. In my judgment, he is not going to be nominated. Every Senator in the South who supports him will never come back to this Capitol. The real Democratic Party is entitled to consideration. I have seen that party in the South—God bless that section—when the fires of the Democratic Party had gone out in the East, the North, and the West, not a Democratic governor in any of them. The South stood alone, carrying the torch of the party and bearing aloft the ark of the covenant of the Democrats of the United States. The South—God bless her—no cloud of scandal hangs on her horizon, no act of dishonor darkens her name.

And now they tell us that if we do not nominate Al Smith they will quit the party. Let them quit the party. They have done it many times before. They did it in 1916 and did their best to beat Wilson because he would not go to war with Mexico for the Roman Catholic Church. They did it in 1924 because there was some sort of understanding, I do not know just what yet, with the Republican leaders. One thing certain they did not vote for Davis. They threw down the Democratic nominee. In fact, Al Smith has no right to run in the Democratic primary. They who constitute the Roman Catholic political machine in New York are not Democratic. Let that bunch support one Democrat for President before they offer somebody for the nomination. Let Americans stand together and strive to preserve free institutions in America. Let Roman Catholic laymen show the priests and prelates that they put the American Government above everything. I am going to introduce a resolution proposing an amendment to the Constitution to deport every man found in the United States who holds a double allegiance—one to this country and one to the Catholic Government at Rome.

If he can not swear before God with his hand on his heart, that he holds allegiance to this flag, the Stars and Stripes, and to this flag only, I want him deported. There is no place in the United States for a man who holds secret allegiance to a

foreign country. I do not want any double allegiance; secret allegiance to the Pope of Rome, and some sort of manifested allegiance to this country, which is frequently brushed aside whenever Catholic occasion requires, is not a wholesome thing for our country.

I have a picture on my desk of the United States flag pulled down on the battleship *Cincinnati*. I cut it out of the Washington Post. The Roman Catholic flag is above it. Under it, it is said, "This is the only flag that flies above the United States flag." It is Sunday and they are having service. I want that order changed. I do not want to see the Roman Catholic flag or any Protestant flag above the American flag. They can hang their signs somewhere else.

When I saw that flag there I said, "That represents the spirit of 'Rome first.'" Let the United States flag always be first and on top. I resent the putting of the Catholic flag above the United States flag. I want a law that will deport persons of double allegiance, those who are playing a double-handed game. I do not want the time to come that Doctor McDaniel speaks of when they have grown so strong under the wings of our liberalism that they will come out and crush Protestantism and Americanism in the United States.

Do Senators remember when I spoke here last spring that I read about the Protestant movement in England to combat the efforts of the Roman Catholics to change the Protestant prayer book? Do they remember that I read where Protestants were getting up petitions against it? Well, the prediction I made has come to pass. The Catholic crowd submitted the change to the Parliament. The House of Lords adopted it, but the House of Commons defeated it. Listen! The only paper in America that recorded it of which I know was the Washington Star. I have had occasion to criticize that newspaper; I criticize it when I think it deserves it; but I also praise it when it deserves it. I praise that newspaper for publishing that statement. Here is what that newspaper said when the House of Commons defeated the proposition to change the prayer book, "The applause was deafening in the galleries; the Protestants were rejoicing that they had defeated the Roman Catholic move to Catholicize the prayer book of England." Now, you see they have grown bold enough in England to make that fight and it has gone to Parliament. The House of Lords surrendered to the Roman Catholics, but the House of Commons sustained the Protestant cause. They are moving upon England, the mother country.

The Catholic machine has already struck down free speech, peaceful assembly, and a free press in Italy. They are murdering men who belong to the secret order of Washington—Freemasonry—and yet we are permitting the Knights of Columbus to flourish and to threaten our public assemblies in the United States when we dare to speak about things that they do not want us to speak about.

Mr. President, let me say just a further word. It is impossible to cover this important subject in one speech. I want to read from Mussolini's own hand:

> The soul of Italy must be purified and it devolves on me to fill the assignment. * * * The liberty of the press, individual freedom, freedom of thought, all such vagaries must go.

That is the way Italy is to be saved. Right here in the United States we are permitting dangerous secret orders to be formed—the fascists—and I will discuss them in due time—and a Roman Catholic secret order flourishing right here in the United States, started in the State of New York. Governor Smith has never opened his mouth against it, but it is ten thousand times more deadly to American institutions than any Ku-Klux Klan or anything like it could ever be, with the head of it—Mussolini—in Italy.

Do Senators here realize that most Americans are asleep and that Catholic orders are putting things over all around us? But a few public men can be found to open their mouths and state the truth about them. Should a public man do so they go to him and threaten him and he has got to defy them or apologize and promise them he will never say anything else. I know of the Governor of a State who told a joke that they thought reflected on some nuns; he was just innocently repeating it. They called on him and they liked to have scared the wits out of him. He apologized; he has never told a story on them since, and has become one of the most subservient tools they have.

If ever anything is said about them in a newspaper locally, they just go quietly to the person running the newspaper and say "If that ever occurs any more we will stop our subscriptions," and you will never see anything more in that paper, as a rule. Now and then you find an American editor who will go out and tell his friends about the threat and they tell him to stand by his convictions, that they will stand by him.

This Roman Catholic political machine works in politics; and meddles with men's business. They have more people in the Government departments here at Washington than they are entitled to. Do you know, Senators, that they had a forged note about Mexico which disturbed the State Department? Do they remember that in April last? We were almost brought to the verge of war. There was an insulting note written to Calles and an insulting note written to this Government; and both countries stood wondering why such a note was written. Those notes were both forged. Seventy per cent, I am informed, of the employees of the State Department are Roman Catholics. I have read here a letter from a gentleman who said that these papers were stolen out of there last year.

Let us investigate these things and find out just where we are. If we are all real Americans, let us by all means be Americans first, not Methodists first or Baptists first or Roman Catholics first, but Americans first. Let the Catholics strip themselves of this Roman Catholic political machine that "buts in" on politics as Catholics and come out in the open like other citizens and stand up like Americans, not sensitive when somebody tells the truth on them, as I have told it here to-day.

They can not deny that the Knights of Columbus resolution to get us in war was passed at Philadelphia; they can not deny that a resolution was introduced in the House of Representatives by Mr. BOYLAN, a Roman Catholic, to sever diplomatic relations with Mexico; they can not dispute their efforts in Nicaragua to get us into war with Mexico through Nicaragua, and I am just as certain that they had a hand in this conspiracy against me and the Senators from Idaho, Wisconsin, and Nebraska as that I live and God reigns. That was the climax of an effort to silence me and them and to destroy our influence; probably to intimidate us into silence. I want to assert again, in conclusion, that I will not be cowed or intimidated by their efforts and by the mean, scandalous, lying, thieving acts they have committed toward me.

There is no amount of money that I would have accepted to have had my name even associated with it; but when they were unable to keep me from speaking in this body—and they tried to do that—when they were unable to keep me from reaching the people—and they tried to do that in order to prevent them having the truth—and when they sought to keep the Post Office Department from letting the people get my speeches from the Government when they paid for them—and they tried to do that and then charged me with selling my speeches to "customers"—they were lying and doing an un-American thing. That bunch of priests in Buffalo, N. Y., priests in charge of that newspaper—hierarchs of the church—every one of them knew when they wrote that that they were liars in the sight of God, and they are; daring to bring their infamous attacks into the sacred precincts of this Chamber to attack the name and the honor of an American Senator who will not bow the knee to the Roman Catholic hierarchy.

There ought to be some way to punish them as well as to punish Hearst—and we are not through with him yet. Probably the greatest punishment that could come to him would be to make him pay heavy damages for the wrong and the harm he has done. He probably would not feel any other kind of punishment; a man who, because of property in Mexico, because his wife is a Catholic, and because of his connections with the Roman Catholic crowd, would permit himself to be used to drag the names of four Senators of his own country into shame and scandal like this is not worthy of the respect of decent American citizens nor are those who inspired this attack, who got this Mexican half-breed Avila—and a lower skunk and scoundrel never breathed; half Mexican and half Italian, Roman Catholic on both sides, a hydra-headed Roman Catholic monster, the tool used to lug my name and three other Senators into such a scandal as this.

Mr. President, in the name of all that I hold dear as an American and in the name of the good mother who bore me and my good father who has gone to his reward, and my dear wife who has gone on to heaven, I reconsecrate myself to the service of my country. I will continue to expose and attack un-American conduct wherever I find it and do all in my power to keep them from carrying that flag and American boys to fight in Mexico or elsewhere for the Roman Catholic Church.

Mr. ROBINSON of Arkansas. Mr. President, I take the floor to make a very brief statement with reference to some of the inferences and some of the express declarations made by the Senator from Alabama in the address that he has just concluded in this Chamber.

There is not here a Member who does not believe that the Senator from Alabama and the other Senators to whom he has made reference, whose names were coupled with his in certain published documents that have been the subject matter

of investigation by the committee of the Senate, are entirely free from any express or implied suspicion as to corrupt practices or motives. The special committee of the Senate recently made a partial report to that effect. The Senate committee investigating the documents has been unable to identify the person or persons responsible for the forgeries; and no testimony which the committee feels reflects light upon the subject discloses the motives prompting the forgeries.

I consider it my duty to say that, whatever may have been the motive of Mr. Hearst in publishing the documents, I think it unworthy of the Senator from Alabama to declare that the fact, if it be a fact, that Mrs. Hearst is a Catholic is in any way responsible for the publication of these documents.

I hold no brief for Mr. Hearst. It is true that there naturally arises in the mind of every person the inquiry as to who committed the great offense against these worthy Senators and also what was the motive that prompted that infamous conduct; but there is, sir, in my judgment, not one word of testimony in the entire record taken by the special committee of the Senate that justifies the inference asserted by the Senator from Alabama that the Catholic Church or Catholic agencies inspired or prompted the forgeries for the purpose of humiliating or disgracing him or for any other purpose.

It may be that in the future, in the prosecution of its labors, the committee will be able to ascertain or to identify the guilty parties; and it may be that upon the disclosure as to who forged these documents some implication may arise as to the motive prompting the misconduct.

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. ROBINSON of Arkansas. I yield to the Senator from Alabama.

Mr. HEFLIN. So far as I am concerned, I am going to object to the Senator from Arkansas remaining on that committee any longer. He feels called on to try to answer my speech to-day and go out of his way since somebody has come down there and had a conversation with him; and I am going to object to the Senator from Arkansas remaining on the committee any longer. I do not think he is fair to me, and as a representative of the Democratic Party I repudiate his speech.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Alabama can, of course, take any course about the matter that he chooses to take, and the Senate can take any course about the matter that it desires to take; and the Senate would relieve me from a very arduous and embarrassing duty if it saw fit to supply my place with another Senator in whom it has greater confidence.

Mr. HEFLIN. I shall ask that that course be taken.

Mr. ROBINSON of Arkansas. Very well. The Senator from Alabama can do that now, or at any other time that he desires to do it.

Mr. President, I am making this statement from a sense of fairness and justice. I have served in the Senate a good many years, and I have enjoyed an intimate friendship with the Senator from Alabama. I feel that I have a duty to perform on this occasion. I may be wrong about it; the Senator from Alabama may be correct; but I do not believe there is a member of this committee who does not in his conscience justify my declaration that the inference, asserted over and over again by the Senator from Alabama, that the Catholic Church and the Knights of Columbus forged or inspired the forgery of these documents to injure him, is unjust and unwarranted.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. ROBINSON of Arkansas. I yield to the Senator from Pennsylvania, of course.

Mr. REED of Pennsylvania. I was chairman of that committee, and I want to say that for myself I agree with every word the Senator from Arkansas is saying. There was not one syllable of evidence that anything in the case was inspired by any religious sect or any religious group whatsoever.

Mr. BRUCE. Mr. President, if the Senator will allow me——

Mr. ROBINSON of Arkansas. I yield to the Senator from Maryland.

Mr. BRUCE. I rise merely for the purpose of saying that I entertain precisely the same conclusions with respect to that matter that the Senator from Arkansas and the Senator from Pennsylvania do. It so happens that I, also, am a member of that committee.

Mr. HEFLIN. Mr. President, if the Senator will permit me right there——

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. HEFLIN. The Senator from Maryland took the same position upon this question when I discussed it here last spring. I did not think that he would do me any injustice when I consented for him to go on this committee, and I am still willing for him to remain on it until we can reorganize.

The Senator from Pennsylvania [Mr. REED] had just finished a fight with me and others the day he was appointed on the committee. I had opposed the seating of his man VARE from Pennsylvania; and, really, the member of that committee whom I would regard straight out as my friend would have been the Senator from California [Mr. JOHNSON].

The Senator from Arkansas had something to say here last spring on this question. He felt called on then to say something, and he did. He has gone further to-day than he did then. I discussed part of the testimony and then read letters from people all over the country saying that the Roman Catholics were doing this or the Knights of Columbus, and read excerpts from Catholic papers. The Senator feels called on to get up here now and try to lecture me; and I want the matter considered when this is over, because we are going to draw the line here. I am going to insist on it. The Senator from Arkansas can not remain leader of the Democrats and fight the Roman Catholics' battle every time the issue is raised in this body without some expression from a constitutional Democrat.

Mr. ROBINSON of Arkansas. Mr. President, whenever the Senator from Alabama can determine who shall be the leader of the Democratic Party in the Senate of the United States, that party can get somebody else than myself to lead it here.

Mr. HEFLIN. Well, you have my consent to do that now.

Mr. ROBINSON of Arkansas. Yes.

Mr. President, it is an amazing demonstration by the Senator from Alabama, who thinks there is a personal affront in the declaration that I have made, supported by every member of the special committee who is present, that in our judgment the record does not justify the inference drawn by the Senator from Alabama that the Catholic Church or its agents prompted the forging of the documents.

Mr. HEFLIN. And I never said in my speech that they did. I showed what happened in the committee, and read these letters and these newspaper articles, and then made my speech.

Mr. ROBINSON of Arkansas. Oh, Mr. President, I think throughout the speech of the Senator from Alabama and at its very conclusion he made that assertion in forceful language. I do not think my memory can be mistaken, and I am going to ask the Senator from Alabama now not to do what he is in the habit of doing—revise his remarks to such an extent that they are not recognizable after he speaks here.

Mr. HEFLIN. Mr. President, that is not true. That is not true.

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator from Alabama had better not interrupt me.

Mr. HEFLIN. Well, I will say——

The VICE PRESIDENT. The Senator from Arkansas has the floor.

Mr. ROBINSON of Arkansas. I yield to the Senator.

Mr. HEFLIN. I will say that the statement is not true that I correct my speeches so that they are not recognizable. I correct them as every other Senator does if I am interrupted, speaking offhand. I correct them; and it is my right to do it.

Mr. ROBINSON of Arkansas. Yes; but I repeat, Mr. President, that in the presence of all the Senate and of this audience the Senator from Alabama over and over said to-day that he believed that the Catholic Church and the Knights of Columbus and other agencies associated with the Catholic Church were responsible for connecting his name with these documents.

Mr. HEFLIN. I did; and I repeat that.

Mr. ROBINSON of Arkansas. Yes. I say that the record of the testimony which the committee took does not justify that inference or declaration, and, in my judgment, the Senator from Alabama is without justification to take offense at that statement.

I am performing what I believe to be a duty. I have not raised any question as to the Senator's right to say or to do anything that he thinks he is justified in doing in connection with this subject or this controversy.

With peculiarly bad taste, without justification in the conscience of a single one of his colleagues, either on this side of the Chamber or on the other, the Senator from Alabama has lugged into this debate the names of prospective presidential candidates. The Senate of the United States can not determine whom the Democratic Party will nominate for President at its next convention, to be held at Houston, Tex. The Senator from Alabama has asserted over and over that the Governor of New

York, Mr. Smith, will not be nominated; and he gave as his reason the assertion that Governor Smith is a Catholic.

Mr. HEFLIN. That he was a Tammanyite, a "wet," and a Roman Catholic.

Mr. ROBINSON of Arkansas. And a Catholic, yes; and the Senator said that Democrats should hang their heads in shame at the mention of the name of Governor Smith.

Mr. President, I beg the pardon of the Senate for taking note of such an irrelevant declaration; but it does seem to me that the statement made from this side of the Chamber as with the authority and approval of the Democratic Members of the Senate should be denied.

Mr. HEFLIN. Mr. President, it was not——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Alabama?

Mr. ROBINSON of Arkansas. Yes; I yield.

Mr. HEFLIN. I never suggested the matter to any Democrat, and I do not care whether they indorse it or not. I am at liberty to speak about it.

Mr. ROBINSON of Arkansas. I understand that.

Mr. HEFLIN. I read a letter here from a man saying that Al Smith was going to be nominated, and so forth, and they discussed Mr. Hoover here the other day on the other side. The senior Senator from New York [Mr. COPELAND] discussed Smith and said he would be nominated and elected. Does the Senator from Arkansas propose to take the position that I can not say he will not be elected?

Mr. ROBINSON of Arkansas. Oh, no; the Senator from Arkansas does not take the position that the Senator from Alabama may not say anything he desires to say, but the Senator from Arkansas thinks that he also has the right to say a few things when he thinks the Senator from Alabama says things that ought to be replied to. The Senator from Alabama seems to think that it is a personal matter when the Senator from Arkansas differs from him regarding any statement that he makes. I do not take that view of the subject. I daily differ from my colleagues here. I have heard the Senator from Alabama a dozen times during the last year make what he calls his anti-Catholic speech. I have heard him denounce the Catholic Church and the Pope of Rome and the cardinal and the bishop and the priest and the nun until I am sick and tired of it, as a Democrat.

Mr. HEFLIN. I would like to have the Senator make that speech in Arkansas.

Mr. ROBINSON of Arkansas. I will make that speech in Arkansas, and I will make it in Alabama, too.

Mr. HEFLIN. If you do, they will tar and feather you.

Mr. ROBINSON of Arkansas. Oh, yes. That shows the proscriptive spirit which dwells in the bosom of my friend from Alabama.

Mr. HEFLIN. No——

Mr. ROBINSON of Arkansas. He says that if I say here or in Arkansas or in Alabama that I am tired of hearing him abuse and denounce the Catholic Church, and the agencies of the Catholic Church, they will tar and feather me. That is illustrative, my friends, of how a good man can go wrong, and how far wrong he can go, and what a fool he can make of himself after he has gone wrong.

Mr. HEFLIN. Mr. President, I was replying——

Mr. ROBINSON of Arkansas. Mr. President, I have the floor. I will yield to the Senator if he will courteously address me. But now, Mr. President, the Senator from Alabama has served notice on me, because I do not agree with him respecting this subject and the statement that he made about it, that he is in some mysterious way going to remove me from the leadership of this side of the Chamber. The Senator can attempt that at any time. I am going to call a conference tomorrow, and I challenge the Senator from Alabama to come before the conference and move the election of another leader for the Democratic Party of the Senate.

Mr. HEFLIN. Mr. President——

Mr. ROBINSON of Arkansas. We will take a vote on the subject there and find out whether the Senator from Alabama is entitled to discredit millions of good citizens of the United States in the name of the Democratic Party because of their religion.

Mr. HEFLIN. Now, Mr. President, the Senator from Arkansas misunderstood entirely what I said.

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Alabama?

Mr. ROBINSON of Arkansas. Yes; I yield.

Mr. HEFLIN. I said, not that we would elect another leader now, but that I resented—and I do resent—the Senator standing up and trying to lecture me for drawing my conclusions about why this thing has been done to me. The Senator has no right to lecture me as he is doing. I have a right to give my conclusions, and I want a roll call. I want every Senator's name called and to have him asked, "Do you condemn Senator HEFLIN for attacking the Knights of Columbus for trying to get us into war, and for introducing a resolution in regard to the activities in Nicaragua, and for making the speech he did in defense of himself? Do you condemn him? Call the roll." I would like to have that done, and every Democrat who wishes to repudiate me will not come back to the Senate.

Mr. ROBINSON of Arkansas. I refuse to yield further.

The VICE PRESIDENT. The Senator from Arkansas refuses to yield further.

Mr. ROBINSON of Arkansas. The Senator from Alabama announces that he does not propose to meet the issue about whether I am to keep the leadership of the Democratic Party in the Senate. He wants to raise another issue and have a vote on that.

Mr. President, I leave it to my colleagues whether I lectured the Senator from Alabama until he forced me to do so. I rose in the utmost of good faith, and in the kindliest spirit, to make a statement which I thought it was my duty to make, and which I know now it was my duty to make.

Mr. HEFLIN. Mr. President, before I rose——

The VICE PRESIDENT. The Senator from Arkansas has the floor.

Mr. HEFLIN. Before I rose the Senator said I had said something that was unworthy of me. If that is not lecturing me, what is it?

Mr. ROBINSON of Arkansas. Yes; I did say that it was unworthy of the Senator from Alabama to charge, expressly or impliedly, that the fact, if it be a fact, that Mrs. Hearst is a Catholic, had something to do with the insertion of the names in these documents, and I say now to the Senator from Alabama, in moderate language, that I am amazed, I am amazed beyond the power of expression, that he would bring the name of a lady into this controversy, even though she be a Catholic.

Mr. HEFLIN. What wrong was there in doing that, if she is?

Mr. ROBINSON of Arkansas. If the Senator can not recognize it, I do not propose to waste the time of the Senate in telling him. A man of a chivalrous spirit would hold William R. Hearst responsible, rather than assail the wife of William R. Hearst, who is totally inoffensive, so far as I know, in this connection.

Mr. HEFLIN. I do hold him responsible, and the Senator ought to have held him responsible in his report. You never said anything about him.

Mr. ROBINSON of Arkansas. Mrs. Hearst's name should never have been mentioned.

Mr. HEFLIN. I am responsible for it.

Mr. ROBINSON of Arkansas. I know that.

Mr. HEFLIN. And I resent the Senator——

Mr. ROBINSON of Arkansas. And I think it is unworthy of the Senator from Alabama——

Mr. HEFLIN. It is unworthy of you to say that.

Mr. ROBINSON of Arkansas. All right. I can not settle that with the Senator from Alabama. It is another fact about which we differ.

The Senator from Alabama has said that Al Smith, because he is a Catholic, can not be nominated for President by the Democrats. He said that every Democrat ought to hang his head in shame when the name of Al Smith is mentioned. I have never been classed as an Al Smith supporter, but I have not been one of that class who believed that Governor Smith should be excluded from the list of candidates because he is a Catholic. I do not believe in excluding a candidate on account of his religion, nor do I believe in nominating a candidate on account of his religion. I believe, Mr. President, that one who is a Catholic has just as much right to apply for the favor of his party associates as one who is a Methodist or a Baptist, and I believe that when you deny that right you deny a fundamental principle of this Government.

I know that the proscriptive spirit has been powerful in every age, and I know it is easy for Senators who are eloquent and forceful and able, as is the Senator from Alabama, to fan the flames of religious hostility and animosity, and I know that as a result of prejudices thus created some of the bravest and best men who have served in public life have gone down to oblivion and defeat. Yet I know that it is the duty of a man who is a Democrat and who believes in our theory of government to stand for the equality of all men and not proscribe any man because of his religion.

Mr. HEFLIN. Mr. President, will the Senator yield there?

Mr. ROBINSON of Arkansas. Yes; I yield.

Mr. HEFLIN. Did the Senator hear me read the editorial from the Buffalo Union and Times saying that I was done, that I would be defeated at the next election, and that I should be defeated?

Mr. ROBINSON of Arkansas. I may have heard it.

Mr. HEFLIN. Will the Senator permit them to talk about a Protestant Democrat?

Mr. ROBINSON of Arkansas. Mr. President, if I had my way about it, I would stop Catholics from abusing Protestants and Protestants from abusing Catholics. That is the only way you can have that degree of religious tolerance and friendly cooperation which the principles upon which this Government was founded contemplate. The general tenor of the address of the Senator from Alabama is unwholesome and harmful. I have not raised the question as to whether the statements made about him were justified. I know that many of them that have been brought to my attention are not justified. But I call the attention of the Senate to the fact that for months and months the Senator has been repeating these so-called anti-Catholic speeches, and now he has brought into the Senate the question as to who shall not be nominated by the Democratic Party. He has said that we should hang our heads in shame at the mention of the name of Governor Smith.

Mr. HEFLIN. Have I not a right to suggest who ought to be nominated?

Mr. ROBINSON of Arkansas. Certainly; but have I not a right to reply to the Senator?

Mr. HEFLIN. Would the Senator suppress free speech in the Senate?

Mr. ROBINSON of Arkansas. The Senator from Alabama and I are perfectly amicable. He will be reappointing me to the committee the first thing you know, and I will be appointing him to some new committee.

Mr. HEFLIN. I am going to get the Senator right before I get through.

Mr. ROBINSON of Arkansas. Oh, yes. The trouble about the Senator from Alabama is that he takes himself so seriously that he thinks he can dictate to the whole Democratic Party what is right.

Mr. HEFLIN. No——

Mr. ROBINSON of Arkansas. And I do not think he can do so.

Mr. HEFLIN. And I do not think——

Mr. ROBINSON of Arkansas. There is not any well-grounded feeling in the Democratic Party of antagonism toward Catholics. Many of our strongest supporters are members of the Catholic Church. Many of the greatest Democrats this Nation has known have been members of the Catholic Church. While I do not belong to the Catholic Church—and am a Methodist—the fact remains that one who looks at history with an unprejudiced eye can not fail to recognize the fact that the glory of this Republic and the luster of that flag and the promise which the future holds are locked up in the memory, the deeds, and the achievements of American citizens, and no distinction has been made or can be made as to what religion they professed.

When the storm of war swept the world and men were dying daily by thousands, and the best and tenderest this Nation could give was given; when women whose hands had never known the touch of toil had gone to the front and donned the uniform of the Red Cross, and were standing by the bedsides of the wounded and dying, and fighting back with valor delirium, disease, and approaching death, there was no question then as to whether they were Catholics or Methodists or Baptists.

Above the smoke of conflict there towered one figure, venerated by men, women, and children throughout the allied world. It was the figure of a cardinal—Cardinal Mercier—God bless his memory! No man made greater sacrifices, endured more prolonged hardships, faced death with more unyielding courage than this Catholic cardinal.

When I was a child, plague swept the city of Memphis, Tenn. My eye could not read because of my youth, but by the fireside one evening my father read in the New York Sun a story which made me appreciate the Catholic nun. Every home in Memphis was assailed by the plague. The story was that throughout the night carts laden with uncoffined bodies were being hurried out to new graveyards where burials took place without ceremony. Men, women, and children were fleeing in every direction. The plague shrouded the city and forecast the doom of thousands.

The Sun recounted the story that three women in the robes of Catholic nuns left the city of Baltimore on a train for the scene of sorrow, desolation, and death. These three women went into the face of danger, and fearlessly and resignedly sought to relieve the sufferings of their fellow beings. When at last the plague was lifted and the people began to return to their homes in Memphis and take up the affairs and duties of life again these three nuns had themselves fallen victims to the plague. They had died literally in efforts to relieve the sufferings of others; and out in an unknown graveyard, in graves that are unmarked to this day and will remain unmarked until the final judgment day, they sleep the sleep that knows no wakening. In all the years that have come and gone since then I have not been quick to ridicule or censure or defame the name of a Catholic nun.

Mr. President, I had not expected to claim the attention of the Senate for a longer period than was necessary to make the statement which I did make in the beginning and which was so heatedly challenged by the Senator from Alabama. I hope that whoever serves on the select committee of the Senate will be able to inform the Senate who forged the documents and to suggest the probable motive prompting those forgeries. But whether I continue to serve or am removed on the motion of the Senator from Alabama, I think that he has too long and too often injected the religious controversy into these debates. I do not challenge his right to differ from me, but as he differs from me he can not question my right to assert my own opinion.

Written deep in the history of all the centuries gone by is the record of persecutions, religious persecutions. If we follow the pathway that humanity has taken from the very beginning we will find it marked by a trail of blood. Catholics have persecuted Protestants; Protestants have persecuted Catholics; sins, shames, and crimes have been perpetrated in the name of religion. It is all contrary to the teachings of the Master and to the spirit of this Government, and he does his country no service who lights the torch or sounds the cry of religious intolerance and persecution.

Mr. HEFLIN. Mr. President, I was utterly surprised and astounded at the position taken by the Senator from Arkansas [Mr. ROBINSON]. I do not know just why he felt called on to try to read a lecture to me, a Democrat, when my name had been drawn into one of the foulest manufactured scandals ever connected with a public man. I spoke my convictions on the subject as I had a right to do, and when the Senator from Arkansas rose to reply to me, to lecture me, I was astounded and I was offended by some of the things that he said.

I have a right to say who I think was involved in this scandal, who inspired it, who initiated it, and I have already said so. The Senator from Arkansas has evidently been preparing himself for a speech on this occasion. The peroration which he brought in about the nun and the soldiers in the Argonne and some priest named Mercier, all have nothing whatever to do with this matter. I have told what certain Catholics are now doing. I have told what the Knights of Columbus did at Philadelphia. The Senator from Arkansas can not deny the truth of my statements about that. I have shown that they passed a resolution denouncing their Government's policy and recommending that it cease that policy of peace toward Mexico. I have shown that a New York Congressman, a Roman Catholic, in the House, offered a resolution to sever diplomatic relations with Mexico and they had hearings on it, and no Protestant or Jew appeared to back it, nobody but Roman Catholics supported it. I have shown their activities in Nicaragua, where we are now killing American boys in defense of an imposter and usurper, a Roman Catholic president, and Catholic boys are nowhere in danger. They are far back of the firing line and Protestant sons of Protestant fathers and mothers are being butchered in Nicaragua. The Senator from Arkansas says nothing about that. One of them from my State has been killed. The war is going on there, and yet no act of Congress declaring war has been passed.

I rose here to tell what I think about certain Roman Catholics in the various walks of life who have attacked my honor and threatened my life. I referred to the Roman Catholic priest in New York who suggested that I should be waylaid and mobbed. None of these things have inspired the eloquence of the Senator from Arkansas. His heart has not gone out to me at any time while I have been fighting the battles of my country against the Roman Catholic machine that has sought to get the United States into war with Mexico. Not only has it sought it in the past, it is seeking now to do that very thing. This cardinal in Baltimore is in favor of it. The Catholic Daughters of America are in favor of it. While Lindbergh was in Mexico, carrying good will and friendship to those people, certain Catholics here are complaining that we are shaking hands with Calles and seeking to remain in cordial relations with the Government of Mexico. I am dealing with cold facts. I have read letters into the

RECORD, a dozen or more, from Protestant Americans who tell me that they believe that the bringing of my name into this Mexican scandal is the result of a Roman Catholic conspiracy. I am reading their letters and drawing my own conclusions. And the Senator from Arkansas has gone out of his way as an American, and out of his way as a Democrat, and out of his way as the Democratic leader in this body, to undertake to fight the battles of Roman Catholics against a Protestant Senator who has been assaulted by them and who has been giving his convictions and conclusions on the subject.

It is unworthy of the Senator from Arkansas to stand up here and try to browbeat me because I dare to say what I please and what I think about Roman Catholics and Al Smith. If the Senator from Arkansas should declare for Al Smith, he will be beaten to a frazzle for the Senate in Arkansas. No doubt because of the speech he has made here to-day he will receive letters from Arkansas asking him what on earth he meant by his very strange conduct on this occasion. I will ask him to ask the Democrats on this side of the Chamber who of them disapprove of me saying what I please to say on this subject and who of them are ready to rebuke me for saying what I did to now stand up. There is not one of them who is worthy of being here who take such a stand by standing up. Not one. I dare such a one to stand. [Laughter.]

Yes, the Senator from Arkansas has not guessed right as to the sentiment on this side. The sentiment on this side of the Chamber does not approve of the very strange conduct of the Senator from Arkansas. He has felt called upon, somehow, to get up here and insult me and offend the American people who are supporting me all over the Nation in my fight to expose the insidious, mean, vicious effort of Roman Catholics to get the United States into war with Mexico. The Senator viciously attacks me because I am opposed to the Roman Catholic war program. I do not fear the Senator from Arkansas politically or in any other way. I resent his uncalled for and unwarranted meddling with me in this affair. I have a right to speak in the Senate about what I please, and let me say to the Senator from Arkansas that I have not yet even begun to speak about Al Smith. [Laughter.]

I am going to say a good deal about him for the entertainment, and let me hope for the enlightenment, of the Senator from Arkansas. This is still a free country and we still have free speech in the Senate.

I repeat in substance what I said here at the last session. If we had a majority of Roman Catholics in the Senate, I do not believe it would be possible for me to make the speech that I have made here this morning, but I had never expected to live to see the day when a Protestant Senator from Arkansas and a Democrat like JOE ROBINSON would stand up here and make the speech he did make in their defense and at the same time criticize and abuse an American Senator who has been scandalized by them in an effort to destroy him. One of the editors of a Roman Catholic paper, since this investigation was started and completed, has said that I had been denounced by the people of my State, which is a falsehood, and that I am doomed to defeat when I come up for reelection, because I have offended certain Roman Catholics.

Am I not at liberty to answer those attacks and say what I please as an American and a Democratic Senator without being lectured by the Senator from Arkansas? I dare him to make to the people of his home State, Arkansas, exactly the same speech he has made here to-day. If he were to speak to a thousand patriotic people in Arkansas and say exactly what he has said here to-day about me in the defense of Al Smith and the Roman Catholic machine behind the screen, they would hiss him in practically every audience in Arkansas. He does not represent the people of Arkansas in his strange attack on me. I will speak to Arkansas audiences this summer. I stayed out of there previously on account of the Senator and his colleague. I was invited in there to lecture all over the State. I did not want to stir up any subject there that might embarrass them in any way, but I am going in now. I am going to deliver about 20 lectures down there now. Whenever one of them challenges me on a vital principle I always try to accommodate him.

The Senator from Arkansas has challenged me, strange to say; and he has challenged me and insulted me when I stood here in defense of my honor; yes, and when I was giving my best judgment and conscientious conclusions as to who had inspired and initiated the connection of my name with this miserable Mexican scandal. I repeat the attack on me is the result of a Roman Catholic conspiracy, Mr. President. When I get up here, as I have a right to do, and tell the Senate who I think the enemies are the present leader of the Democrats in this Chamber and a member of the special investigating committee, who had nothing whatever to say in condemnation of Hearst had nothing whatever to say in condemnation of Avila, the villain and thief used in the case, now, strange to say, gets up and lectures me and praises Roman Catholics.

The committee report was, indeed, mild-mannered and weak on the crooks and criminals who slandered four United States Senators. They brought it in here and, of course, they exonerated us; there was nothing else that could be done, and that, of course, was all right; but they never arraigned Hearst in a single line. Why was that? Was it because of his close relations with Mellon? Was it because Mellon refunded him nearly $800,000 in taxes? What was it? And what was it that has moved my former friend from Arkansas to get into this debate in the manner that he has?

Lord, God of Hosts, be with us yet.

The idea of JOE ROBINSON [laughter] from the fine old State of Arkansas getting up here and making the speech he made to-day. I wonder if he could be fishing for the Al Smith support when we get through throwing him through the skylights of the convention? I wonder if he thinks that they will appreciate his efforts here to-day and rise up and say, "We will nominate you." Well, Joe, if the Roman Catholic machine nominates you, you have not got as much chance to be elected President as a mouse-colored mule has to operate an airplane in a nonstop trip to Paris. If that bunch nominates you as the heir to the Al Smith support, good bye Josephus; you are gone for keeps. [Laughter.]

The idea, Mr. President, of the Senator from Arkansas getting up here in the Senate and undertaking to lecture me under the peculiar circumstances that exist. If some Roman Catholic Senator had done it, it might have been excusable, for he would be expected to say something for the church or its political organization; but for the Senator from Arkansas to take it on himself without even consulting the Democrats on his side to stand up in the Senate and affront and offend and insult a Democratic Senator, the only Democratic Senator whose name was connected with this infamous Roman Catholic plot, to stand here and arraign him and insult him in a speech as he has done is unworthy of the Senator from Arkansas, and deserves to be denounced by every real Democrat in the Senate.

The Senator from Arkansas does not voice the views and convictions of the Democratic Senators on this side. The Democrats on this side of the Chamber—the self-respecting, brave Democrats, who are 100 per cent Americans—are not in sympathy with the Senator from Arkansas, who has tried to rebuke me for making the speech that I wanted to make under the conditions that exist. I dare say that there is not another Protestant Senator in this body on either side who would have gotten up here and made just such a speech as the Senator from Arkansas [Mr. ROBINSON] has made. I am not sure that I know who the gentleman was who walked down and sat down by and talked with Senator ROBINSON a little while before he spoke, but I am almost sure that he is a Roman Catholic Congressman from New York. [Laughter.]

Oh, Mr. President, we are coming to a miserable pass in this body under the present leadership on the Democratic side if a Democratic Senator whose honor has been assailed can not get up and speak his convictions and tell the truth to his colleagues and to the country as he sees the truth—it makes no difference whether he is talking about Catholics, Protestants, or Jews; that is his business. Then for the Senator from Arkansas to get up and tell me that I ought not to have said that Mrs. Hearst is a Catholic. That was a link in the chain of circumstance and testimony that I obtained. I showed that the other parties were Catholics, and that this man's wife was a Catholic, and this book on Jesuitism says the wife frequently controls the husband by mental manipulation. Of course, the Senator from Arkansas did not know anything about that; some other sort of manipulation got him going, and so he gets up and undertakes to rebuke me and speaks about my speech "being unworthy of the Senator from Alabama."

Let the people who hear me and who read it be the judges of that. Since the Senator has taken the strange stand he has I do not care what the Senator's opinion as to whether my position is worthy or unworthy. I do not care the snap of my finger. The Senator from Arkansas has taken a strange position and one that is unworthy of him. He had no right to take such an unwarranted position as the leader on this side of the Senate without first consulting the Democrats on this side. He has got no right as leader to intrude himself in as he has done to-day and arraign a Democrat who has been assailed by these villains who have tried to destroy me as a Senator of the United States. They have attacked my honor, Mr. President, and I think more of that than I do of the wealth of the world. After I have discussed matters with reference to myself and then

quoted great Baptist preachers and great Methodist preachers, and quoted Grant and Lincoln and Jefferson, Roosevelt and Voltaire and Luther and Garibaldi and Savonarola, all warning us against the dangers of the Roman Catholic political machine, the Senator from Arkansas rises up and makes a speech—a very bitter speech—and suggests what I have done, his Democratic colleague, is an outrageous thing. He will be petted and praised by the Roman Catholics. The hierarchy will put a wreath of appreciation and approval upon his brow; they will even let him kiss the cardinal's ring. Oh, they will accord great honors to him. They have always been able, strange to say, to get some Protestant to wade into the breach and take up the cudgel and fight their Roman Catholic battles. But I never thought that they would ever be able to get so intelligent a man as the Senator from Arkansas to come to their rescue at a terrible time like this. But they got him into it to-day; and he winds up by telling about three nuns who died down there in a plague in Memphis some 30 years ago. I am sorry about that, but I am in no way to blame for that.

He tells us about others whom he knew in his youth. I have not said anything about those things. I am not discussing them here to-day. I have not said anything about Catholic soldiers who fought worthily in France. I honor every one of them who did his duty; but I am talking about Roman activities here in America and telling about those of them who are still trying to get us into war with Mexico in behalf of the Catholic Church, and also about their efforts to destroy me because I opposed their Mexican war program.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. I do not think I will. I think too much of the Senator. I am afraid he might say something that would cause me to feel like operating on him. [Laughter.]

Mr. TYDINGS. Mr. President, I should be very glad to have the Senator operate on me if he would give me the same chance on him.

Mr. HEFLIN. I like the fine young Senator from Maryland, but I can not yield to him just now.

Mr. President, I repeat, I honor every Catholic who has done his duty by our country, but I am speaking of those who have harmed me and who are already boasting and rejoicing at what they think is my defeat for reelection, in view of the scandal they have put upon me. They would rather have me out of this body than anything else in the world, except the election of Al Smith for President. They would rather drive me out of the Senate than anything that could happen except putting Al Smith in the White House; but they are not going to do either.

I can beat, and I will beat if I live, anybody they run against me in Alabama, I do not care who it may be; and if the Senator from Arkansas will make a speech such as he has made here to-day, they will beat him in Arkansas ten to one. If he will make that speech in Arkansas exactly as he made it here—and I want him to leave it just like he made it in the RECORD—he is going to have a hard time to come back even if nobody runs against him. [Laughter.] They would come mighty near beating him without any opposition.

But, Mr. President, I want to say before I close, and I have been on this floor quite a long time already, that my feelings are hurt. I am deeply offended at the course the Senator from Arkansas [Mr. ROBINSON] has taken. I never dreamed that he could be induced to take such a stand. All that I hold dear has been assailed in this Hearst-Mexican-Roman Catholic scandal—my good name, my honor, my integrity, the reputation that I have tried to build with faithful service to my country. I have done what I thought was my duty; I have come here and laid the facts as I had them, and given the conclusions as I have reached them to the Senate, and I am rebuked, strange to say, by the minority leader. The Roman Catholic Senators sat back and smiled as the Senator from Arkansas attacked me, and many of the other Democrats have frowned their disapproval. They do not, they can not indorse his strange stand. None but those who are dependent upon the Catholic vote to reelect them do indorse his course, and I trust they will not cause me to call their names. If they do, I will name them; I know them. There are three or four of them. They would do a heap of things to obtain that support, and they would attack me if pressed into service.

I can not understand, I repeat, why the Senator from Arkansas has done this thing. If he has consulted with any Senator on this side and told him that he was going to assail me in this fashion, I should like for the Senator with whom he consulted to stand up now and let me and the Senate know who advised or sponsored such a thing. If there is a Democratic Senator on this side who approves his attack upon me for saying what I wanted to say in a matter involving my honor and integrity, I want him to stand up and show where he stands. [A pause.] No one stands and the Senator from Arkansas does not have the approval of the real Democrats on this side.

Mr. President, I have no religious prejudice. [Laughter.] I am simply a whole-hearted American. I wish the Catholics well if they will set up American ideals and love and serve this country and stop that political machine working behind the screen and under the cloak of the Roman Catholic Church. I am willing for them to have their religion, but I am not willing for them to have the United States Army to fight their religious battles in foreign countries. I am not willing for them to take Protestant boys or Catholic boys or Jewish boys from Arkansas and Alabama and other States and transport them to Mexico to fight and die to restore the Catholic Church to power in that country.

The Catholic Church, we are told, has acquired half of the lands of Mexico; and how did it get them? When the wealthy landowner came to die the priest told him, "If you will deed your property to the Roman Catholic Church, we will pray you out of purgatory." That is the way, we are told, they got half the lands of Mexico; and the suddenly made poor Mexican families, stripped of their substance, bereft of their homes, were set adrift in Mexico; the church had gotten the estate. In this way the Catholic Church accumulated half the lands of Mexico. The Roman Catholic priests went amongst the farmers and would not let them plant their crops until they had paid them a fee to bless the soil so that it would produce in abundance. They raised money from them in that way. Furthermore, they had in the Mexican constitution a provision that no Protestant or other religion could exist in Mexico—none but the Roman Catholic religion. And now the Roman Catholics of the United States are still trying to involve us in war with Mexico because of the Roman Catholic Church.

I got into the discussion of this question as an American Senator following the speech of the able Senator from Idaho [Mr. BORAH]. I spoke for my country and the lives of our boys. I have got no apology to make for it; I am going to continue to fight to keep them from using our Army for such a miserable purpose.

They are never going to take American boys out of Arkansas and Alabama and kill them in the cause of the Pope in Mexico, if I can help it. It does not make any difference how many times the Senator from Arkansas [Mr. ROBINSON] attacks and abuses me, he will not, he can not, intimidate me or drive me from my duty in this matter. I will continue to carry on.

Mr. President, Senator ROBINSON is a member of the committee appointed to try this case in which I am involved, and strange to say he has become a partisan before the thing is over, and stands here and undertakes to lecture me and to prosecute me, a man accused by the villainous bunch that I am discussing. The position of the Senator from Arkansas is inexcusable and indefensible. Of course, I object to him continuing further on that committee. I would not be just to myself and the questions of the decent and honorable proprieties involved longer to permit this Senator, since his performance here to-day, to remain on the committee to investigate the Hearst-Mexican-Catholic scandal.

Why, Mr. President, in view of what the Senator from Arkansas has done here to-day, when my honor and character have been unjustly and scandalously attacked, I could not even think of permitting him, if I can help it, to remain on the committee. I am deeply in earnest about it, and must ask him to retire from that committee.

I had nothing to do with selecting the committee. Of course, there are some others on that committee that I do not regard as my very warmest personal friends, but I was not considering that. I was willing for any Senate committee to investigate the slanderous charges. The other members have not yet undertaken to persecute or prosecute me. That remained for the Senator from Arkansas [Mr. ROBINSON], strange to say.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. ROBINSON of Arkansas. I ask unanimous consent that at the conclusion of the remarks of the Senator from Alabama the Senate proceed to vote on the question as to whether I shall continue a member of the special committee of the Senate.

Mr. HEFLIN. I object, Mr. President. I want the Senate to hear me on that proposition. I certainly have a right to be heard on it. I will bring it up in due time. The Senator from Arkansas need have no fear about that.

Mr. President, when the Senator from Arkansas last interrupted me I was about to conclude my remarks.

The attack on me by the Senator from Arkansas can not be defended; it was inexcusable and indefensible. There never has been anything like it in the history of this body that I know anything about. Strange, indeed! On a committee of Senators to try this case, having exonerated me, and still holding the committee in existence for some other purpose, the Senator rises, a juror in the case trying me and other Senators, and proceeds to prosecute one of the men who has been under investigation before him. Great God! There is not anything like it in history that I can now recall. I repeat, the conduct of the Senator from Arkansas is inexcusable and indefensible.

Let me close by saying to the Senator that I, too, had a youth time. When I was about 12 years old my father and mother commenced to have family prayer. My father was a country doctor and a farmer. There were eight boys of us, and one girl. One night my father was called off to see somebody who was sick and my mother held prayer. I shall never forget that picture. With a little center table with two or three lighted candles on it and the big family Bible, she read the Twenty-third Psalm, and then knelt down with us children all about the hearthstone and prayed. She prayed to God to bless her children, to make them honorable and useful in the world.

Mr. President, I have never forgotten that prayer. I have never forgotten the teaching that she gave me, or the teaching of my good father. Both of them have gone to their reward. I was a poor boy. I struggled for an education. I borrowed the money that enabled me to go to college. I had a hard time—perhaps the hardest time of any boy in the family. When my mother died I carried the keys to the smokehouse and the pantry and gave out the provisions to the cook and looked after the housekeeping and then did work on my father's farm. I had a hard time, I thought; but I got along somehow, and the people of my State have been good to me. They elected me to local offices and then secretary of state of Alabama, then to Congress for 16½ years, and twice to the United States Senate.

I love the people of my State and they love and honor me. I think more of my honor as a native-born Alabamian and more of their loving favor than anything else connected with my public career. I have striven to do my duty. I have tried to do it as God has given me the light to see it; and when my honor and integrity have been assailed and dragged into the mire and filth of such a scandal as this, it has touched and aroused every fiber of my indignation and resentment. And, Mr. President, in the name of the sainted mother who gave me birth and in the name of my good wife, who has departed this life and gone to her reward, leaving to me the fine and manly boy who bears my full name, I want to say that I had rather leave to him a good name, the name of a father who had met honestly and courageously all the engagements of his public life and had done his duty as he saw it, than anything else in the world.

Mr. President, nearly all Senators, I believe, will understand and appreciate my resentment at the conduct of the Senator from Arkansas when he gets up here and champions the cause of those who have attacked and slandered me. I resent and repudiate his strange and inexcusable performance here to-day.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry. What is the business before the Senate?

The VICE PRESIDENT. The question is on agreeing to Senate Resolution 112.

Mr. WALSH of Montana. I desire to address myself to that question.

SENATOR FROM ILLINOIS

The Senate resumed the consideration of the resolution (S. Res. 112) opposing the seating of FRANK L. SMITH as a Senator from the State of Illinois, reported from the special committee investigating senatorial campaign expenditures.

Mr. WALSH of Montana. Mr. President, the opportunity was denied me to participate in the brief debate which ensued at the opening of the present session over the admission of claimants to seats here from the States of Illinois and Pennsylvania. The attitude taken by one of them, bringing the subject again thus early before us upon the report of the committee to which it was referred, warrants me in submitting some observations on the constitutional aspects of the question presented by the course pursued toward them. He, in effect, as I understand the situation, stands mute in the face of the charges against him, and declines to discuss or meet them until and unless he is provisionally seated, thus renewing the controversy over the right of the Senate under any circumstances to halt at the door a claimant coming with a certificate of election until his qualifications and the legality of his election shall have been inquired into.

When the question was presented at the last session of the Senate of its right under the Constitution to deny a seat in this body to FRANK L. SMITH, it turned upon the interpretation to be given the word "qualifications" in that clause of our organic law providing that each House of the Congress shall be the judge of the elections, returns, and qualifications of its Members. SMITH claimed, under appointment from the Governor of the State of Illinois, to fill the unexpired term of the late lamented Senator William B. McKinley, whose death followed speedily upon the primary preceding the general election of 1926 in which he was defeated for the nomination of his party by SMITH; his election, as the returns showed, being offered by the governor as one, at least, of the moving considerations for his appointment.

A committee of the Senate had meanwhile reported that there had been spent in the primary to encompass his nomination a sum in excess of $458,782, considerably more than the amount reported in the Newberry case, concerning which the Senate declared by formal resolution—

> The expenditure of such excessive sums, either by a candidate or by his friends and relatives in his behalf, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved.

It will be recalled that that resolution originated with and was supported by the friends of Newberry, not by those who sought to exclude him. It was condonatory in character; and, if it had any purpose except as a means of escape for some Senators whose conscience drove them to one course while party expediency pulled in the opposite direction, it must have been intended as a warning that the Senate would not stand for a repetition of such extravagant use of money to break into this body.

But that was not the head and front of the offending of SMITH. He was at the time of the nomination and election, and for a number of years theretofore had been, the chairman of the Illinois Commerce Commission, charged with the duty of fixing the rates to be charged by and otherwise regulating corporations operating as public utilities in that State. The heaviest contributor to his campaign fund was shown to be Samuel Insull, the managing head of public utility corporations having a nominal capital of approximately a billion dollars, a gigantic and complex system, with ramifications in distant parts of the country, but centered in the city of Chicago, Ill., with business more or less continuously before the commission mentioned. Insull's contributions totaled the tidy sum of $158,735. Some Members of the Senate took the view that, considering SMITH's flagrant disregard of the warning given in the Newberry case, considering his total disregard of the decencies in accepting huge contributions from a suitor, either existing, past, or prospective, before the tribunal of which he was the head, he had shown himself disqualified for membership in this body. If anyone doubts the soundness of the conclusion thus arrived at, let him imagine a Senate composed of men all of whom, or any considerable number of whom, were of such easy political virtue or who were similarly tied to favor-seeking corporations or their masters.

It was contended, however, and now is insisted in behalf of SMITH that the Senate was powerless thus to preserve its own integrity. On the one hand it was claimed that one legally elected or appointed, possessing the qualifications of age, citizenship, and residence, specified in the Constitution, must be admitted, whatever may be his deficiencies either in character or in intellect. On the other hand, it was insisted that the Constitution absolutely forbade the admission of one wanting in any of the three particulars mentioned, but left the Senate free otherwise to judge of the qualifications of the claimant; and attention was directed to the peculiar language, negative in character, of the Constitution:

> No person shall be a Senator who shall not have attained to the age of 30 years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

It must be admitted that either contention, followed to its ultimate and logical conclusion, leads perilously near, if it does not precipitate its supporters over, the brink of absurdity. The advocates of the one theory must admit, if they are correct, that, having the three constitutional qualifications, a State may send here a convicted felon, the perpetrator of a foul murder, even a traitor whose hand has been raised against his country, and who, unregenerate, may be plotting against its very life. This august body must admit him. No crime, however heinous,

no moral turpitude, however grave, can bar him. Nor is it to be regarded as too speculative to indulge in the supposition of the election of one thus clouded in character or reputation.

After the Civil War there appeared repeatedly at the bar of both Houses, demanding admission, Members elect who had participated in that unfortunate conflict on the part of the Confederate States. Whatever may be said either in justification or in extenuation of their course, whatever moral aspect it may bear, they were technically guilty of treason against the United States. Such a situation is not unlikely to arise after any unsuccessful revolution. The Constitution contemplates that such a crisis may confront the country, for it defines treason as levying war against the United States or giving aid and comfort to its enemies. Yea, it assumes that even high officials may be involved in such guilt, for it declares that Members of Congress shall be exempt from arrest except for treason, felony, or breach of the peace while attending the sessions, or going to or returning from the same.

And the uprising of 1861 is by no means the only instance in our history when the authority of the Federal Government was defied by force of arms. Aaron Burr was tried and John Brown hung for treason. The whisky rebellion and the Dorr rebellion were quickly suppressed. It is not difficult to conceive Burr, his hands red with the blood of Alexander Hamilton and under suspicion not yet cleared of plotting the dismemberment of the Union, as having been elected to the Senate by a Western State, or John Brown, escaping on some technicality, returning triumphantly to the Capital as a Senator from bleeding Kansas.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. SHORTRIDGE. I recognize the Senator as a man familiar with the Constitution of the United States and with the history of our country. Is it not a fact that because many thoughtful men, regardless of politics or partisanship, reached the conclusion that men who had been in rebellion against our Government were nevertheless eligible for election to this body, the fourteenth amendment was proposed and ultimately became a part of the Constitution? I am asking the Senator if that is not historically the origin of and one of the reasons assigned for the fourteenth amendment?

Mr. WALSH of Montana. Mr. President, let us not get into a state of confusion about this. The fourteenth amendment adds other disqualifications. It disqualifies one who, having taken an oath to support the Constitution, afterwards engages in rebellion. The Congress was still left in its own discretion, as it had been theretofore, to exclude him for other causes.

Mr. SHORTRIDGE. But without that amendment, a citizen who had engaged in open rebellion against this Government was eligible for a seat in this body.

Mr. WALSH of Montana. He was not absolutely excluded, but each House of Congress, by the Constitution, was to judge of his qualifications, and they invariably decided that he did not have the qualifications under such circumstances.

Mr. SHORTRIDGE. Those precedents we will deal with hereafter; but permit me to put the matter in this form: It is my firm belief that prior to the adoption of that amendment, any citizen of any State possessing the qualifications, of age, citizenship, and inhabitancy, was eligible for election and for a seat in this body, notwithstanding his theretofore open conduct of rebellion, and I am of the opinion that it was because learned Members of this body, representing both sides of the Chamber, reached the conclusion that there was nothing in the Constitution as of then to bar him; that because of that belief it was sought to bar him, and he was barred, by virtue of the fourteenth amendment.

Mr. WALSH of Montana. But he was not. He was only barred if he had theretofore taken an oath to support the Constitution.

Mr. SHORTRIDGE. Certainly, one who had taken the oath mentioned, as was the case of a certain Senator who had retired from this body to join in the rebellion. Of course, he had taken an oath. Afterwards, if he sought to reenter this body, it was believed by many that he was eligible, but there were those who thought that such a thing should never be possible; hence the fourteenth amendment.

Mr. WALSH of Montana. Quite so.

Mr. SHORTRIDGE. Hence the fourteenth amendment, and particularly subdivision 3 of that amendment; but without that amendment he was eligible.

Mr. WALSH of Montana. The Senate could bar him or not as it saw fit.

Mr. SHORTRIDGE. No; the Senate could not bar him, according to my view, and that was the view of the Senate as then constituted. Of course, there may have been difference of opinion in regard to that point.

Mr. WALSH of Montana. I take it that the country realized that either House was at liberty to seat these people or not to seat them, but in view of the high passions that were aroused then the country intended to take that discretion away from both Houses by the fourteenth amendment as to the particular class therein mentioned.

Mr. SHORTRIDGE. And, of course, to that intense passion and heat I attribute some of the precedents upon which men now rely.

Mr. WALSH of Montana. Let me ask the Senator now, as I asked another Senator upon the other side, suppose the Senator in his place here immediately after the war and one of these men, before the fourteenth amendment was adopted, came here with a certificate from the governor of a State. How would the Senator vote?

Mr. SHORTRIDGE. I am glad that question is put to me. I answer it categorically and plainly. As the Constitution then stood, upon the reconstruction or the coming back into the Union—if it was ever out of the Union—of a given State, if its legislature—the Legislature of Georgia, for example—had properly elected any man who met the qualifications of a Senator as I understand them to be, even though he had led the Confederate forces in the Battle of Gettysburg, a distinguished southern soldier, I would have voted to admit him into this body.

Mr. WALSH of Montana. The Senator thinks so now.

Mr. SHORTRIDGE. I was not then alive to so think.

Mr. WALSH of Montana. Of course.

Mr. SHORTRIDGE. But if I had been, I would have thought so and done so.

Mr. WALSH of Montana. Is the Senator able to tell us how the Senators from his State voted on the matter at the time?

Mr. SHORTRIDGE. No; offhand I am not. There were some very great Democratic Senators from California, as the Senator knows so well, and some Republicans, through the years. I do not remember how they voted. But let me say this, that there would have been another reason why I would have voted to admit him, and I say this, feeling very deeply on the subject. I would have voted for him because the erring son was returning, and if he came back here to enter this Chamber, to take an oath to support his Constitution, I would have welcomed him.

Mr. WALSH of Montana. Most of the members of the Senator's party, however, took a very different view about it at that time.

Mr. SHORTRIDGE. That may be so, but I am speaking for my own poor self.

Mr. WALSH of Montana. Mr. President, having presented one horn of the dilemma, I proceed to present the other.

It is true that if the other alternative be taken and it be held that either House may go beyond the three qualifications specified in the Constitution, there is no limit to its discretion in excluding one legally elected to membership. It may reject him for the most trivial cause, for any cause originating in its whim or caprice, on account of the color of his hair, the cut of his clothes, or his racial origin. But in every act of that character it would be restrained by the force of public opinion, if not by the oath each member must take, and by his conscience and self respect, regardless of his oath. After all, ours is pretty much a government by public opinion. Any gross offense, such as that supposed, would be likely to bring retribution at the polls. The power might be abused. If it were lacking, treason might stalk these halls unmolested.

Both Houses have wisely settled the question in favor of the existence of the power. After some vacillation they both eventually, after the Civil War, excluded at will, and repeatedly excluded, those who had been in arms against the Union. The House refused to permit Brigham Roberts, coming here with four wives, to take the qualifying oath. It turned down Victor Berger for lack of loyalty to the country during the World War. Just what offenses, just what lack of moral principle, will justify resort to the power to exclude, is nowhere defined, and perhaps it is well that no attempt should be made to define it. The Constitution does not specify upon what grounds a member may be expelled. Each House it says—and says only—may by a two-thirds vote expel a Member.

Official conduct is judged by different standards in different times. Most of us will recall when all Members of Congress and most judges traveled on railroad passes. A Federal judge

who toured the country gratuitously in the private car of an officer of a railroad company was dismissed by this body sitting as a court of impeachment, most of the triers having accepted like favors. In our times a Member would be expelled for speculating in the public funds while legislation affecting their value was pending, as did half the Members of the First Congress while Hamilton's financial measures were before it.

So much has been said because there has been a renewal of the charge in journals, usually apologetic concerning corruption, that in the case of SMITH the Senate manifested the mob spirit and flouted the Constitution. A former Member of this body, with more asperity than reason, elaborates that view in an article lately published.

The issue before us relates, however, rather to the validity of the election than to the qualifications of the claimants challenged. Both questions, however, are here involved. Of the right of the Senate to determine whether either was duly and legally elected there is no room for dispute. It is insisted, however, that pending the determination of that question they must be sworn in and accorded all the privileges of membership because they come here with the certificate, the one from the Governor of Illinois and the other from the Governor of Pennsylvania. Much oratory is indulged in concerning the sanctity of such a certificate from the executive of a sovereign State and the sacred right of a State to representation in this body. A book has been published under the pretentious title of "The Vanishing Rights of the States." Whatever merit it may have from a literary point of view, it masquerades as a scientific discussion of a public question, when in reality it is a brief for WILLIAM S. VARE, the author having recently been rewarded by that gentleman with a seat in the House of Representatives, handed to him just as parliamentary seats were bestowed on court favorites in the good old days of the rotten boroughs by the proprietors thereof.

The book features the career of John Wilkes, and that is where the funny part comes in; Wilkes, invoked in defense and support of corruption, in fighting which he gained his place in history. It is said that the devil can cite Scripture to his purpose. Well, he can cite history, too. God works in a mysterious way His wonders to perform, and He often uses queer instruments to effect His purposes.

Wilkes came upon the scene in the stirring decade that preceded our Revolutionary War. George III was struggling to rule after the arbitrary and tyrannical fashion of his Hanoverian ancestors, but the Parliament stood in his way. Well, he would buy the Parliament with royal smiles, with the equivalent of those days of rides on the *Mayflower* and breakfasts of buckwheat cakes and maple sirup; with appointments and promotions; with titles dear to the heart of an Englishman; and, where necessary, with cold cash.

The historian Green tells us that "the elections for the new Parliament, which met in 1768, were more corrupt than any that had as yet been witnessed," and he adds that "even the stoutest opponents of reform shrank aghast from the open bribery of constituencies and the prodigal barter of seats."

It was in that heyday when Walpole gave expression to his famous apothegm, "Every man has his price." George found that a good many had. Not Wilkes. He was a scurrilous scoundrel, of bad manners and worse morals. He was a facile writer with an inexhaustible command of billingsgate, which he let loose in unrestrained measure at the policies and persons of the ministers, and particularly at the venality of the court; in short, at the corruption that pervaded the entire government. His shafts of ridicule and invective were even directed at the sacred person of the King. While a member of Parliament in 1764 he was charged with publishing a seditious libel and fled to France to escape arrest. He returned in 1768 and boldly entered the campaign then in progress, and despite all the power of the Crown was elected from Middlesex. He was promptly expelled; and then ensued a game of battledore and shuttlecock, his constituency returning him three times more, the House excluding him as often. Meanwhile the treatment he had had gave rise to riots. Mobs paraded the streets of many of the cities shouting "Wilkes and liberty." The populace was strongly with him. He became even more a hero in America than in England. A thriving town of Pennsylvania—Wilkes-Barre—took its name from him and another critic of the Crown and friend of the Colonies, Colonel Barré. He managed eventually to hold his seat and in 1782, when the ministry came in that called off the war with the States, the record of his repeated expulsion and other proceedings of the Commons against him was expunged.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from Montana yield to the Senator from California?

Mr. WALSH of Montana. Certainly.

Mr. SHORTRIDGE. Of course, the Senator has in mind that sovereignty rested in that body—in the Parliament—whereas our powers here are delegated powers, and we have no power unless it is specifically or necessarily impliedly delegated; wherefore the Parliament, claiming that the power rested in it or the House of Commons, not controlled, as I think we are controlled, by a written Constitution delegating our power, the House of Commons could do anything it saw fit to do.

Mr. WALSH of Montana. Oh, yes; but the Supreme Court of the United States decided the other day that there are implied powers in each House which are not expressed in the Constitution at all.

Mr. SHORTRIDGE. Why, many powers are implied, of course.

Mr. WALSH of Montana. Very well. We contend that it is implied that each House has the right to protect itself against the inclusion of people of that character unless it is prohibited by the Constitution.

Mr. SHORTRIDGE. Even though it reverses the judgment of a State?

Mr. WALSH of Montana. A State must send its Members here subject to the provisions of the Constitution which give to this body the power to judge of his qualifications and also of his election.

What is the lesson of the Wilkes story? Obviously that the House of Commons freely exercised the power either to expel or exclude for any offense or delinquency which in its judgment rendered it dangerous to the public weal that the proscribed individual should become or continue a member of the national council. It may have exercised this plenary authority unwisely, unjustifiably at times, and possibly may have done so in the Wilkes case, but what harm has come to the British Nation by virtue of it?

Mr. NORRIS. Mr. President, may I interrupt the Senator just at that point?

Mr. WALSH of Montana. Certainly.

Mr. NORRIS. I can not permit that statement to pass without giving it, as I believe it deserves, a little more emphasis than the Senator has given it.

The case the Senator has been referring to was given by Mr. BECK in his book as an illustration to show that neither the Senate nor the House possessed this power. He gave that as an illustration. As the Senator has truthfully said, the very illustration is a demonstration that the Parliament exercised the very power that we are exercising here and which he is trying to deny in the argument he is making.

Mr. WALSH of Montana. Exactly.

Mr. NORRIS. So that his only illustration is an illustration from history that the Parliament exercised the power which he is trying to prevent us from exercising here.

Mr. WALSH of Montana. He sought to demonstrate that because the Parliament of Great Britain did what it had no right to do, the Congress of the United States has no right to do this because the Parliament of Great Britain did not have that right.

Mr. SHORTRIDGE. Mr. President, may I add just this observation?

Mr. WALSH of Montana. I yield to the Senator from California.

Mr. SHORTRIDGE. The Parliament was not restrained and constitutionally they did have a right to do what they did. It may have been unwise, it may have been altogether improper for other reasons, but they had the constitutional right and power to do what they did.

Mr. NORRIS. But the author of this book has selected that as an illustration.

Mr. SHORTRIDGE. I do not care anything about that.

Mr. NORRIS. The Senator from Montana has not selected the illustration. He is taking it from the book, the author of which is trying to demonstrate that we do not possess this power.

Mr. SHORTRIDGE. I want it always borne in mind that there is nothing in the written law, or indeed the unwritten law of Great Britain, which controlled the action of the House of Commons, whereas I must ever bear in mind that our power is a delegated power.

Mr. WALSH of Montana. I understand that perfectly well. The Senator always gets back to the proposition that there are three provisions in the Constitution describing the disqualifications. We understand that perfectly. I thought I had passed that. I was endeavoring to present, as fairly as I know how, the items on both sides of the question, and then

I said that considering the safety of our Government we ought to adopt the conclusion for which I contend.

Mr. SHORTRIDGE. I want, of course, to make it an indestructible Union. That is why I stand so firmly for the views I entertain.

Mr. WALSH of Montana. Yes; I understand, and I shall discuss that a little later.

Some of us will recall the case of Bradlaugh, the blatant atheist. He not only denied that the heavens declare the glory of God and the firmament showeth His handiwork, but he proclaimed it in season and out of season, if, indeed, there be a season for such preachment. He aired his peculiar conceptions incessantly, coarsely, blasphemously, to the serious offense of the God-loving people of Britain. He was expelled from the House of Commons, was reelected, and the Wilkes incident was repeated. It is said, however, that Wilkes having reached his popular favor in the Colonies, the framers of the Constitution, mindful of his fight, determined to deprive either House of the discretion in respect to the admission of Members exercised by the British House of Commons and to require it to admit any person, however lacking he might be in moral or intellectual fitness, or however patent might be his disloyalty to the Nation. If they had any such purpose they signally failed to express it. It would have been so easy, having said that no person shall be a Senator who has not arrived at the age of 30 years, been nine years a citizen of the United States, and who is not at the time of his election a resident of the State from which he is chosen, to add and "no other qualification shall be required," or to say, "Any person who is 30 years of age, who has been for nine years a citizen of the United States, and who at the time of his election is a resident of the State from which he is chosen is eligible to membership in the Senate." Other appropriate language might have been chosen.

The Constitution is itself sufficient evidence that the members of the convention by which it was framed were masters of English and adepts in the use of terse and appropriate language through which to express themselves. The idea must be rejected that they intended to prevent the exclusion of one whose loyalty was open to serious question or the lack of which had been demonstrated, or one notoriously wanting in integrity or any semblance of moral worth.

I recur to the contention that SMITH and VARE coming here with the formal certificates of election from the governors of their States, respectively, the Senate must admit them temporarily, and that they are entitled to all the privileges of membership until it is definitely decided by the Senate as to either that he has not been legally elected. As stated, such a certificate is the object of much panegyric. It is represented as a ponderous document of the highest probative value. In fact it is, in a contest at least, without any value whatever. It serves simply to cast the burden of proof upon the rival claimant not provided with it. Such a contest is governed by the rule of the preponderance of the evidence. If the evidence, exclusive of the certificate, favors the case of the contestant even to the extent of the twentieth part of our poor scruple, he gets the seat, the certificate can not overcome that paltry advantage, so weak it is.

In the Steck-Brookhart contest some claimed the preponderance of the evidence to be in favor of BROOKHART, others that the balance inclined to STECK, but no one supporting the claim of the former had the hardihood to assert that there was any value in the certificate issued to him, except to impose the burden of proof on STECK.

Mr. SHORTRIDGE. Mr. President, may I propound a question to the Senator right there?

The PRESIDING OFFICER. Does the Senator from Montana yield again to the Senator from California?

Mr. WALSH of Montana. I yield.

Mr. SHORTRIDGE. Of course, the certificate is presumed to speak the truth.

Mr. WALSH of Montana. Yes.

Mr. SHORTRIDGE. And, of course, we take official knowledge of the laws of the State, and I suppose we indulge in the presumption that official duty has been regularly performed.

Mr. WALSH of Montana. Exactly.

Mr. SHORTRIDGE. Therefore, a credential certificate bearing the signature of a governor, countersigned and bearing the signature of the secretary of state, is presumed to speak verity, supported by the presumptions which I have mentioned. Now, until there is an appropriate attack upon that fact, thus presumed to be a fact, is not the holder of that certificate entitled to the benefit of all the facts it recites, of which the ultimate fact——

Mr. WALSH of Montana. He is entitled to the benefit of the recital.

Mr. SHORTRIDGE. And the recital is that he has been duly elected, and being duly elected, it follows that he is entitled to enter upon the discharge of his duties.

Mr. WALSH of Montana. But my contention is that if some one comes in and controverts that situation, and a contest ensues and evidence is taken pro and con, the certificate does not amount to anything.

Mr. SHORTRIDGE. The Senator and I will agree that at a certain stage, if, when he has had the benefit of the recited facts and enters upon the office, he is inducted into the office in question, then, of course, an attack may be made upon that certificate.

Mr. WALSH of Montana. I shall presently come to the proposition that the Senate is not obliged to accept that as the sole and exclusive evidence.

Mr. SHORTRIDGE. I shall rely upon Stephen A. Douglas and a few other very eminent Democrats.

Mr. WALSH of Montana. Stephen was not regarded very highly as a lawyer.

Mr. SHORTRIDGE. He was, I think, a very great man.

Mr. WALSH of Montana. Yes; I agree with the Senator—a great statesman.

It has occurred to me as remarkable that the line of argument giving occasion to these remarks should have been made for the obvious purpose of exciting misgivings on the part of Members from the South in the hope that they would abandon their party associates in this momentous matter. Audacity could hardly go further than to make such an appeal to them. What measure of sanctity would be ascribed by any Member on this side of the aisle to the certificates of the governors of three Southern States reporting that the Hayes electors were chosen therein at the election of 1876? I address the inquiry in a special manner to the Senators from South Carolina, the Senators from Florida, and the Senators from Louisiana. If the certificate of FRANK L. SMITH is less tainted, it still comes from a governor, adjudicated by the courts of his State to be a defaulter to it to the tune of approximately a million dollars, and still elected, owing to a startling state of political morals in Illinois of which the report of the Reed committee gives us some inkling. The certificate presented by Mr. VARE comes from a governor elected through an unholy alliance between the VARE and the Mellon factions, each of which charged in the primary campaign that the other was out to corrupt the electorate and steal the election, each meanwhile spending such stupendous sums as to arouse the Nation.

Enough about the certificate extolled as being of such surpassing consequence.

Mr. SHORTRIDGE. May I ask the Senator a question?

Mr. WALSH of Montana. Certainly.

Mr. SHORTRIDGE. Does the Senator attach no importance to the word in the Constitution, namely, the word "judge"; that we must judge?

Mr. WALSH of Montana. I am going to talk about that.

Mr. SHORTRIDGE. I hope so. We must judge here; we can not think of other things.

Mr. WALSH of Montana. I have not failed to reflect upon these matters.

Mr. SHORTRIDGE. I also have devoted some time and thought to them.

Mr. WALSH of Montana. The real question is as to whether the Senate must admit the man in whose behalf it is issued. If the Senate must admit him then it is not the judge, provisionally, of his election, but the governor of the State from which he comes is. By what language of the Constitution is any such power conferred upon the governor? It is conceded that the Senate is the judge of whether, being legally elected, he shall occupy a place permanently—that is, for the term—in this body; but by some strange course of reasoning it is contended that, pending an inquiry into the validity of his election, whatever proof may be at hand, however compelling may be the evidence before the Senate, he must be admitted.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator another question; and it will be the last?

Mr. WALSH of Montana. Bear in mind that I court interruptions.

Mr. SHORTRIDGE. If I recall his words, the Senator asked, "Where is the power granting to the governor the right to certify?"

Mr. WALSH of Montana. No; the right to decide that this man has been elected.

Mr. SHORTRIDGE. Must we not bear in mind that the Congress under the Constitution did not create the State; it did not create the governor, but the States created us, so to speak? They, the States, had the inherent original right and power to send delegates to a Congress. They limited their inherent original power or right, but we did not create the States or create

their power. They had it; they claimed to be sovereign; and they never surrendered their sovereignty save to a limited degree in respect to this matter, namely, the sending of their delegates.

They limited themselves by saying, "We will only choose those who are, in the case of Members of the House of Representatives, 25 years of age, seven years a citizen, and an inhabitant of the State, and as to the Senate, 30 years of age, nine years a citizen, and an inhabitant of the State; but the power to choose them was an inherent original power in the original thirteen States. Wherefore I claim that they had the power——

Mr. WALSH of Montana. The power to choose them was not original; it was conferred by the Constitution.

Mr. SHORTRIDGE. I do not agree with the Senator as a legal or constitutional question.

Mr. WALSH of Montana. I am simply dealing with the language of the Constitution.

Mr. SHORTRIDGE. Very well.

Mr. REED of Missouri. And the decisions of the court are to the same effect.

Mr. SHORTRIDGE. The dogmatic announcements often heard uttered by the Senator from Missouri do not quite end the discussion.

Mr. REED of Missouri. If the Senator will pardon me, I did not mean to be dogmatic; I merely suggested that the courts have decided the same way, and I will undertake to call the Senator's attention to the language of the law writers at the proper time.

Mr. SHORTRIDGE. There are many decisions and many discussions of the law writers that hold that the right to be represented in the Congress as set up by the Constitution was a right inherent in the States, and that they have never surrendered that right except to the limited degree agreed upon by them all.

Mr. WALSH of Montana. Does the Senator mean by that that the right existed prior to the Constitution?

Mr. SHORTRIDGE. I mean it in the sense that there was a union among the States operating under the Articles of Confederation. Under those articles we waged the Revolutionary War. Nobody questioned the right of Virginia, or of New York, or of Pennsylvania to send delegates to the Congress organized and operating under the Articles of Confederation.

Mr. WALSH of Montana. But the Articles of Confederation themselves provided for such representation.

Mr. SHORTRIDGE. I grant that; but it was a right which the States asserted, and they did not claim the right by virtue of any of the Articles of Confederation.

Mr. BAYARD. Mr. President, may I suggest to the Senator from California that the provisional Congress operated for a number of years before the Articles of Confederation were ever adopted.

Mr. SHORTRIDGE. Certainly.

Mr. BAYARD. Then it could not have operated under those articles, could it?

Mr. SHORTRIDGE. I was speaking of the Congress which operated under the Articles of Confederation.

Mr. BAYARD. But some Congress operated long before as well as during that period, and that prior Congress had nothing to do with the Articles of Confederation, so far as this particular suggestion is concerned, that is being discussed here to-day.

Mr. SHORTRIDGE. That is quite true, but in the earlier Congress—we will call it the Colonial Congress—did anybody in New York question the right of Virginia to send Delegates?

Mr. BAYARD. I do not know that they did before or afterwards; but that is not the point; they were operating as a continuing body, notwithstanding the later adoption of the Articles of Confederation. So that contention has nothing whatever to do with the question before the Senate.

Mr. SHORTRIDGE. Perhaps it has not, but I think it has very great importance as a background to be considered in determining and construing the language found in Article I, section 3.

Mr. WALSH of Montana. Mr. President, whatever the view of the Senator may be, my own is that the Constitution of the United States grants to the States the right to send Representatives to both bodies of Congress.

I repeat it is conceded that the Senate is the judge of whether being legally elected he shall occupy a place permanently, that is, for the term, in this body, but by some strange course of reasoning it is contended that pending an inquiry into the validity of his election, whatever proof may be at hand, however compelling may be the evidence before the Senate, he must be admitted. It needs no argument that any such theory is in derogation of the powers conferred and the duty devolved upon the Senate by the Constitution. "Each House," that immortal document declares, "shall be the judge of the elections, returns, and qualifications of its Members." What is it to be a judge? Does it not imply the weighing of evidence? There being no contest, the certificate of the governor is sufficient evidence of the election of the person recited therein to have been elected. There being no countervailing evidence the Senate finds him to have been elected and admits him. Every time a man comes here with a certificate the Senate judges whether he is elected or not. It determines the matter provisionally.

Mr. SHORTRIDGE. But in this instance there is no contest pending.

Mr. WALSH of Montana. No; but there is evidence here just the same. It judges of his election. And even if there is a contest or protest, supported by ex parte affidavits, as is usually the case, the Senate may, and ordinarily one may say does, decline to regard such as proof and admits provisionally the claimant bearing the official certificate of election.

It is because in the great majority of cases—one might almost say that invariably heretofore it has been the case—no valid and competent proof to the contrary was before the Senate, and the claimant so armed was provisionally admitted, that the notion has prevailed, and is now somewhat spectacularly proclaimed by Mr. SMITH, that the Senate is under some kind of constitutional compulsion to admit him. It would abrogate its rights and fail in its duty if, having before it perfectly competent evidence to the contrary, it should admit to membership, even for a day, a claimant presenting himself with nothing more than a formal certificate of election. That the report of a committee of the Senate, based upon evidence taken by it under the direction of the Senate at hearings at which the claimant testified, of which he had notice and an opportunity to submit his proof, may be and should be considered by the Senate in determining whether Mr. SMITH should be provisionally seated is, as I think, indisputable. If in the judgment of the Senate the evidence so taken warrants his eventual exclusion either upon the grounds that he is disqualified or was not legally elected, it would be false to its trust to admit him provisionally.

To test the theory advanced that no proof is admissible to overcome the effect of the certificate of the governor in connection with the provisional admission of a claimant favored with it, let it be assumed that it has been determined upon indubitable evidence by the courts of the State from which he comes, in a contest over a State office, that the election relied upon was so tainted with fraud and corruption as to render it invalid, and that the candidate claiming to be elected Senator, realizing the importance of the contest as it affected his chances of obtaining the object of his ambition, had actually participated through counsel in the contest. Would anyone say that the Senate must shut its eyes to the adjudication so made and the proof so taken and give him a seat in this body, to be occupied possibly for a period equal to that for which Newberry was accorded membership in this body? I should like to address that question now to the Senator from California.

Mr. SHORTRIDGE. Does the Senator desire an immediate answer?

Mr. WALSH of Montana. As promptly as the Senator can give it.

Mr. SHORTRIDGE. A little later I hope to answer that proposition.

Mr. ROBINSON of Arkansas. I suggest that the Senator answer it now.

Mr. SHORTRIDGE. Well, I hold to the theory that when a certificate, we will say for brevity a credential, is presented to the Senate bearing the name of the governor of the State—and we can take judicial notice of the fact that he is governor—and also bearing the name of the secretary of state—and we can take official or judicial notice of that fact—and the certificate is in proper form and substance, my position is that he is entitled to enter upon his duties.

Mr. WALSH of Montana. I understand that perfectly, but that is not the question.

Mr. SHORTRIDGE. Wait a moment. Even though there has been testimony aliunde the record before the committee or whatnot, there being no contest pending as against the certificate, my answer is that he is entitled to the full benefit of that certificate and entitled to be sworn in. Then, if the facts which the Senator suggests in the question be properly proved, properly established, of course the Senate would take appropriate action. To answer otherwise, I think, is to deny to the State its right to be heard through accredited representatives sent by it. I draw a great distinction between the man and the official. Moreover, further answering the question, it is not the rights of the man that concern me, not the individual rights of the man, though he has certain rights; but I contend that

any other position than that I have thus stated means this, that the informed, deliberate, official act of the State is reversed by this body before that State has a voice in the premises.

Mr. WALSH of Montana. But I addressed a categorical question to the Senator and he has not categorically answered it; he has merely declared his general attitude upon the whole subject. I ask him to assume that in the State of Montana an election was held at which a Senator was chosen as well as State officers; that a challenge was made of the validity of the election of a certain State officer in the State of Montana; that a trial was had in the court; that the man who claimed to have been elected Senator and who received the certificate was concerned about it and hired counsel who appeared in that lawsuit; that in that lawsuit it was determined that the whole election was so tainted with fraud that no man on the ticket was elected; that case went to the Supreme Court of the State of Montana and was affirmed there; that he came here with a certificate, and that the Senate had information concerning the proceedings out there, and the judgment of the court and the character of the evidence that was adduced. In that state of affairs I want to know what the Senate would do, whether it would exclude him or whether it would seat him and leave him here three years, as it did in the case of Newberry?

Mr. SHORTRIDGE. I will answer that categorically. Assuming all those facts to be as stated, if, after they were admitted to be facts, the Governor of the great State of Montana should certify that this man had been regularly elected by the people of that State to represent them in this body for a period of six years, commencing on such and such a day, and the man should present himself here, I answer, he would be entitled to take the oath and be inducted into the office; and then we could take up the matters to which the Senator refers, and take appropriate action.

Mr. WALSH of Montana. In my judgment, the Senate would simply abrogate its duty under the Constitution if it were to take any such course.

Mr. SHORTRIDGE. Of course, I think that if we deny his right and the State's right to have him sworn, we are simply repudiating the Constitution.

Mr. WALSH of Montana. That brings me to another plaint in behalf of VARE and SMITH. The States from which they come, it is said, are denied their equal representation in the Senate, and reference is made to Article V of the Constitution in relation to amendments. That provision refers only to a proceeding by which a State would be deprived by constitutional amendment of its equal representation. The applicable provision of the Constitution is section 3, Article I, amended by the seventeenth amendment, declaring that the Senate shall consist of two Senators from each State, meaning that each State is entitled to elect two Senators—two qualified Senators—and the Senate is made the judge as to whether a particular State did, in fact, legally elect a Senator, and whether he is qualified.

Mr. SHORTRIDGE. The power of the Senate to decide that point is no greater than it was before to decide whether the legislature legally elected a given man.

Mr. WALSH of Montana. Oh, certainly not. It does not make any difference how he is legally elected.

Mr. SHORTRIDGE. Whether by the legislature or by the people.

Mr. WALSH of Montana. No; the duty devolves upon the Senate to determine whether he has been legally elected.

Mr. SHORTRIDGE. Undoubtedly so.

Mr. WALSH of Montana. And also whether he is qualified. The Senate is the judge under the Constitution.

Mr. SHORTRIDGE. The question is, What are his qualifications?

Mr. WALSH of Montana. The State is no more represented in the Senate by one not legally elected than if the seat were vacant. Newberry sat here for three years before, by the narrow margin of four votes, it was decided by the Senate in the spring of 1922 that he had been legally elected; but, reading the handwriting on the wall after the election in the fall of that year, he promptly resigned. Can anyone say that while here he represented the State of Michigan?

Mr. SHORTRIDGE. Mr. President, the Senator and I tried to keep Senator BROOKHART here.

Mr. WALSH of Montana. Exactly. We thought that he was legally elected.

Mr. SHORTRIDGE. I did.

Mr. WALSH of Montana. Yes. Can anyone say that while here Newberry represented the State of Michigan?

Mr. SHORTRIDGE. Will the Senator pardon me? Then I will not interrupt again.

Mr. WALSH of Montana. Yes.

Mr. SHORTRIDGE. But apply that same question to our friend here from Iowa.

Mr. WALSH of Montana. Very well.

Mr. SHORTRIDGE. Senator BROOKHART came here with credentials from that State.

Mr. WALSH of Montana. Exactly.

Mr. SHORTRIDGE. He was sworn in.

Mr. WALSH of Montana. Yes; and there was no evidence before the Senate to the contrary.

Mr. SHORTRIDGE. No; but wait a moment. He sat here for a year or two.

Mr. WALSH of Montana. Exactly.

Mr. SHORTRIDGE. And the Senate then determined that he was not properly elected.

Mr. WALSH of Montana. Exactly; so the Senate determined that he was not representing the State of Iowa.

Mr. SHORTRIDGE. Ah, but I think he was, during that period, representing the State.

Mr. WALSH of Montana. How could he be if he was not legally elected?

Mr. SHORTRIDGE. That is a mere quibble on words. The acts of a judge on the bench, appointed, but not yet confirmed, are legal acts.

Mr. REED of Missouri. That is because of the necessities of the case, not because it is right.

Mr. SHORTRIDGE. It may be so, and I do not approve of it myself. I do not think a man should sit on the bench until he is confirmed.

Mr. WALSH of Montana. The difficulty about that is that we are made the judges of senatorial elections, and the judges are not made the judges of their designation.

Mr. SHORTRIDGE. But if Newberry, for example, did not in part represent during that period the State of Michigan, then the Senator's argument, of course, goes to the point that Senator BROOKHART did not represent Iowa.

Mr. WALSH of Montana. Certainly; I agree with the Senator. The Senate, by excluding him, said, "You do not represent the people of Iowa. You have no business here."

Mr. SHORTRIDGE. Meantime he did vote.

Mr. WALSH of Montana. Oh, yes; he did vote, no doubt. That is the trouble about the thing. That is the point I am making. You allow a man to come in here who has no right to come in here, and you let him vote for two or three years.

Mr. SHORTRIDGE. You can not tell anything about that argument until you test the legal principle.

Mr. WALSH of Montana. I inquire again, Can any one say that while he was here Newberry represented the State of Michigan? So pronounced was the revulsion of feeling in that great State at the methods by which he gained an apparent right to membership in this body that for the first time since Lewis Cass quit public life in the fifties of the last century, 75 years ago, if I have my history aright, it sent a Democratic Senator here in the person of our revered colleague, Senator FERRIS, and then it sent another great Senator who, though nominally a Republican, has been a thorn in the side of the Republican organization that backed Newberry ever since he joined us, but of whom it may be said without flattery that there is no more industrious, independent, or useful Member of the Senate.

Who is there that can say the State of Illinois is being denied representation in this body because FRANK L. SMITH is not permitted to participate in its deliberations or vote on measures before it? If the State of Illinois permits its elections to be so conducted as to throw serious doubt upon the title of one claiming to be elected as Senator, how may it justly complain if he is denied admittance until it can be ascertained whether he has or has not been legally elected?

If he should be seated, and it should eventually be determined that he was not legally elected, my State and yours, every State in the Union, every citizen thereof, and the stranger within our gates, would be bound by legislation which, perchance, but for his influence and vote, would never have been enacted. It is not too much to say that the course of our history was profoundly affected by the votes of Newberry while he was here. The Senate acted within its rights and powers, and, as I think, wisely and justly, in denying SMITH a seat provisionally among us, and should proceed to judgment upon his ultimate right to membership in this body mindful of its honor and splendid traditions.

Before closing, I am moved to advert to a theory of our Government advanced in the course of the debate yesterday that ought not to go unchallenged. It was boldly asserted that however tainted with corruption the nomination of a candidate for the Senate may be, though it be established that it was procured by open and revolting bribery, the facts being published

during the campaign, and thus brought to the notice of the electors of the State, who nevertheless give him a plurality of the votes cast, his election is unimpeachable and he must be seated; that to reject him is to impair a sacred right of his State. The fact that he is a confessed or proven bribe giver is of no consequence in the view of the Senator who maintains that neither that nor any other villainy disqualifies him for membership here, and the fact that wholesale bribery in his interest characterized the primary is of no consequence, since only the ultimate election counts. It follows, though it was not so stated, that it is equally without importance that his transgressions were not generally known to the people of the State before they voted for him.

The proposition thus advanced scarcely requires refutation. Baldly stated, as it was on this floor, it is too shocking for acceptance.

In the opinion of Chief Justice White in the Newberry case, contending for the right of Congress to legislate in relation to primaries for the nomination of party candidates, he called attention to the practice which prevailed in some States, under the old system of electing Senators by vote of the legislatures, of nominating party candidates in conventions, the members of a legislature thus being persuaded to surrender their individual views and to vote for the party nominee; and to the extension of that practice until, under the Oregon system, a member of the legislature was under the strongest compulsion to vote for the candidate favored in the popular election. He referred to the fact that electors of President and Vice President invariably voted for the nominee of the party, and would be regarded as acting dishonorably, even traitorously in a party sense, if they did otherwise.

Mr. SHORTRIDGE. Presidential electors?

Mr. WALSH of Montana. Yes. In that connection he recalled that James Russell Lowell, a Republican elector of the State of Massachusetts, was strongly importuned, following the election of 1876, to rebuke the scandalous proceedings by which an apparent Republican majority in the Electoral College was secured, by voting for Tilden; but, eminent statesman and high-minded man that he was, he declined, asserting that custom had so sanctioned the change in our system, making electors mere automatons, that he could not honorably depart from it. And the learned justice argued that in like manner the influence of the nomination upon the voter was so compelling that fraud in procuring it might properly be regarded as vitiating the election or, at least, was so intimately associated with the making of the choice in the final election in respect to Members of Congress as that the purity of the nominating process might properly be safeguarded by national legislation. Pursuing this line of argument, he called attention to the fact that in quite a number of the States the election of the candidates of the dominant party invariably or almost invariably follows their nomination, so that the only contest therein occurs before the primary.

In a number of Southern States the strife is between Democratic candidates in the primary; in Illinois and Pennsylvania the real fight occurs in the Republican primaries. It is quite immaterial whether or not one accepts the view of Chief Justice White and his concurring associates that Congress may legislate concerning primaries at which candidates for Members of Congress are chosen. My own opinion is that his argument is irrefutable.

The Australian ballot system necessarily ties the primary to the ultimate election and makes them both equally a part of the machinery of the choice. But, whether the Congress may or may not legislate with respect to primaries, it can inquire, and ought to inquire, whether in any of the steps leading to the ultimate choice the claimant or his supporters have resorted to corruption, and to reject him if in its opinion he has, or the result has been materially affected by such villainy, the toleration of which means the death of free government.

What is the difference to the people of my State whether one claiming to be elected to the Senate from another secured his election by bribing his constituency in the primary or bribing them in the final election? Our peril from legislation in which he is a factor is as great in the one case as in the other. If Congress can not legislate to insure purity in primaries, there is all the more reason why the Senate should exclude a claimant whose election is tainted with fraud perpetrated in the primaries.

Mr. SHORTRIDGE obtained the floor.

Mr. CURTIS. Mr. President, with the consent of the Senator from California I desire to submit a unanimous-consent request that when the Senate concludes its business to-day it take a recess until 12 o'clock to-morrow, and that we vote on the pending resolution not later than 5 o'clock to-morrow afternoon.

The PRESIDING OFFICER (Mr. STEIWER in the chair). Is there objection?

Mr. BRATTON. Mr. President, I do not care to object to the unanimous-consent agreement proposed. I desire to submit a few observations on the question; and the danger that we usually encounter in entering into such unanimous-consent agreements is that some Senator will address himself to another subject, and may consume all the time, thereby preventing certain Senators who want to address themselves to the subject before the Senate from doing so.

Mr. MOSES. Mr. President, does the Senator from New Mexico have in mind those speeches that have been made to-day in behalf of the Republican Party, and made on the other side of the Chamber?

Mr. BRATTON. I appreciate the subtlety of the remark of the Senator from New Hampshire, and it is characteristic of him.

Mr. CURTIS. We can cure that objection by limiting the speeches of Senators to the subject, and also in time.

Mr. WILLIS. Mr. President, what is the request of the Senator from Kansas?

Mr. CURTIS. The request is that the Senate, at the conclusion of its business to-day, take a recess until 12 o'clock to-morrow, and that we have a vote on the pending resolution at not later than 5 o'clock to-morrow evening.

Mr. WILLIS. Let me suggest to the Senator from Kansas that it is absolutely impossible for some of us to be here as late as 5 o'clock to-morrow, and we want to vote on this matter. Would not the Senator consider this proposition, to have the Senate meet at an earlier hour and then agree to vote at not later than 2.30? Some of us have to leave at 3.

Mr. SHORTRIDGE. At this time I object to any such arrangement.

Mr. WILLIS. There may be other objections. The Senator just files an objection without any consultation or discussion.

Mr. SHORTRIDGE. The proposition is such that I object to it at this moment.

Mr. WILLIS. Very well.

Mr. MOSES. Senators can fix any time they desire, as far as I am concerned, Mr. President, for voting to declare a seat vacant which has been empty since the 5th of December.

Mr. CURTIS. I submit my request.

The VICE PRESIDENT. Is there objection to the request?

Mr. BRUCE. I object. I do not want to have the discussion cut off yet a while.

Mr. WILLIS. Will not the Senator from Kansas submit a request that we shall agree to vote some time on the succeeding day?

Mr. NORRIS. I wish the Senator from Kansas would submit a request like that submitted before, but leaving out the fixing of the time for a vote. I think we will reach a vote before 5 o'clock, without any limit being fixed.

Mr. MOSES. The Senator means a unanimous-consent request merely to recess at the conclusion of to-day's session?

Mr. NORRIS. Yes; until 12 o'clock to-morrow.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it recess until 12 o'clock to-morrow.

Mr. WILLIS. Mr. President, I am not going to object to that, but would not the Senator consider the convenience of some of us and make a request that a vote be had on the next day at 1 o'clock, say? Some of us have been pretty regular in our attendance on the sessions of the Senate, and we are greatly interested in taking a vote on this matter.

Mr. CURTIS. Quite a number of the Senators are in the same position the Senator from Ohio is in.

Mr. NORRIS. I would like to ask the Senator from Ohio if he means 1 o'clock day after to-morrow?

Mr. WILLIS. Yes.

Mr. NORRIS. I do not think there will be any question about our reaching a vote by to-morrow at 5 o'clock.

Mr. WILLIS. The trouble is that some of us can not be here without exceeding inconvenience after 3 o'clock to-morrow.

Mr. ROBINSON of Arkansas. There are some others of us who can not be here day after to-morrow. A number of Senators have indicated that they will not be in the Chamber day after to-morrow.

Mr. CURTIS. Let me change my request. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 11 o'clock to-morrow.

Mr. WILLIS. That is good.

The VICE PRESIDENT. Is there objection?

Mr. REED of Missouri. Mr. President, I was going to suggest that the Senate go on to-night until 7 o'clock, and before that hour has arrived we can probably reach a definite understanding as to the time when the debate shall be concluded.

I am not going to object to the Senator's request, but there are Senators here who want to leave to-morrow, and I would like to give them an opportunity to vote. But there has been a conference called, I understand, for 10 o'clock to-morrow.

Mr. OVERMAN. Why can we not agree to vote on this question day after to-morrow at 12 o'clock, or at 1 o'clock?

Mr. MOSES. As to that, I would like to say that the Senator from Connecticut informs me that a large number of Senators are going to be out of the city on Friday and Saturday, at Norfolk, inspecting the new aircraft carrier. I am not one of them, I will say to the Senator from Missouri, who looks at me so reproachfully.

Mr. REED of Missouri. No; I look at the Senator admiringly, as I always do.

Mr. MOSES. I thank the Senator, and apologize for my strabismus.

Mr. BRUCE. Mr. President, as the Senator from Nebraska has suggested, I think the situation will take care of itself, but I for one am just a little dissatisfied with the way fixing a time for the close of discussion operates practically. All sorts of extraneous matters have been injected into the bowels of the debate going on to-day, and there is no assurance, if we fix some hour to-morrow, that Senators who desire to express their opinions upon the pending resolution will have an opportunity to do so. I think, as the Senator from Nebraska has suggested, that the situation will take care of itself.

Mr. SMITH. Mr. President, I want to suggest to the Senator from Maryland that by unanimous consent we can restrict the speeches to the subject matter, and committee meetings and other appointments for to-morrow can be postponed until the next day, and we can meet at 11 o'clock to-morrow.

Mr. BRUCE. The Senator from Arkansas has just suggested that there is going to be a Democratic conference to-morrow.

Mr. SMITH. I do not see why we may not postpone it until day after to-morrow.

Mr. CURTIS. Mr. President, has the Senator from Arkansas any objection to our meeting at 11 o'clock to-morrow?

Mr. ROBINSON of Arkansas. Mr. President, I announced some time ago, during the course of the debate, that a conference of Democrats has been called for 10.30 to-morrow morning. I expect that conference to be held. The debate, however, might proceed from 11 o'clock, as I do not wish to be put in the position of vacating the notice for the conference.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it recess until 11 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED of Missouri. Mr. President, I have not consulted the other Members, and if I speak contrary to their wishes they will make it known, but I want to give notice now, on behalf of the committee, that I shall ask the Senate to remain in session to-morrow until it has disposed of the Smith case.

I am going to make the further suggestion that, while the Senate should not vary its rule that there is a conclusive presumption that he who speaks is speaking to the question before the Senate, in view of the present situation I think Senators ought to forego their desire to speak on other subjects until this matter is disposed of. There is no way to enforce that, and I do not think we ought to enforce it, even by unanimous consent, but I do hope that it will be done. This matter has been debated at great length, and we all had expected it to be concluded to-day, but most of the day has been taken up by the discussion of foreign matter.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.), under the order previously entered, took a recess until to-morrow, Thursday, January 19, 1928, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 18 (legislative day of January 17), 1928

ASSISTANT SECRETARY OF THE TREASURY DEPARTMENT

Henry Herrick Bond, to be Assistant Secretary.

REGISTER OF THE TREASURY

Walter O. Woods to be register.

GENERAL COUNSEL, INTERNAL REVENUE SERVICE

Clarence M. Charest to be general counsel.

COLLECTOR OF INTERNAL REVENUE

Fred O. Goodell to be collector for the district of Arizona.

PUBLIC HEALTH SERVICE

To be assistant surgeon

Maurice A. Roe.

To be passed assistant surgeon

Carl E. Rice.

To be assistant surgeons

Ralph Horton.
Gerald M. Kunkel.
Edmund T. Lentz.
W. J. Bryan McAuliffe.
Albert S. Irving.
William W. Nesbit.
George D. Boone.
Leon O. Parker.
Bernard J. Macauley.
John R. Murdock.
Thomas C. Kienzle.
Leo J. Hand.
George R. Welch.
Clarence D. Kosar.
Joseph F. Van Ackeren.

To be senior surgeons

Samuel B. Grubbs.
Milton H. Foster.

To be surgeon

Lynne A. Fullerton

UNITED STATES CIRCUIT JUDGE

Augustus N. Hand to be United States circuit judge, second circuit.

UNITED STATES ATTORNEY

Harry B. Amey to be United States attorney, district of Vermont.

POSTMASTERS

IDAHO

Richard L. Baker, Ashton.
Florence V. Clark, Bellevue.
Elsie Harrell, Cambridge.
George W. Prout, Council.
Roy M. Parsons, Hagerman.
Wheeler W. Elledge, Lava Hot Springs.
James M. Shaw, Kooskia.
Elvira R. Denny, Leadore.
Fred V. Diers, Mackay.
Helga M. Cook, McCall.
Charles L. Edwards, McCammon.
Joseph Y. Haight, Oakley.
Mabel P. Wetherell, Post Falls.
Kenneth E. McBride, Salmon.
Oakley A. West, Weiser.

MINNESOTA

Martin Leet, Blackduck.
Carl Adams, Brainerd.
Norman W. Christensen, Cass Lake.
Jennie M. Payne, Goodridge.
Adolph C. Gilbertson, Ironton.
John Briffett, Lake Benton.
Jacob Gish, Le Sueur.
James H. Smullen, Lesueur Center.
John J. Ruff, Long Lake.
Lewis B. Krook, New Ulm.
Edwin H. Vollmer, Northfield.
Frederick F. Arndt, Prior Lake.
Emily F. Peake, Remer.
Frank L. Henderson, South St. Paul.
Julia H. Johnson, Windom.
Lambert L. H. Osberg, Winthrop.

PENNSYLVANIA

Stanley L. Bechtel, Bally.
Luther F. Gilbert, Boyertown.
Sarah E. Richey, Carmichaels.
Oscar W. Welsh, Douglassville.
Fred L. Webster, Emporium.
Arthur D. Garber, Florin.
Allen L. Shomo, Hamburg.
Gene M. Bisignani, Jessup.
Henry M. Stauffer, Leola.
Henry B. Haines, Maytown.
Phares S. Auxer, Mountville.
Naomi G. Hazell, Norwood Station.
Howard Sterner, Richlandtown.
Richard L. Harpel, Sinking Spring.
Peter L. Rohrer, Smoketown.
Charles F. Wenrich, Wernersville.
William Brice, jr., Bedford.
William B. Edmiston, Brownsville.
Nathaniel E. Lyons, Lake Lynn.
Samuel L. Rogers, Newell.
Raymond R. Strickler, Perryopolis.
Delos M. Graham, Starjunction.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 18, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Out of the depths of our needs and hopes we ask of our Heavenly Father wisdom and guidance. May we put into each day some definite value; and being pure in our purpose, strong in our contentions for the right, we shall justify our calling. With certainty may we understand that our visions for our country are only worth while when they are made permanent and serve our fellow men. In the interest of the common life may our faith be translated into worthy zeal. Do Thou help us to the ministry of a well-ordered life; let all our forces be well drilled, well disciplined, and bless us with an evangelizing influence of chaste and winsome characters. Power is only hallowed when it works to hallowed ends. We pray in the name of the world's Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

UNITED STATES COURT OF CUSTOMS APPEALS—REFERENCE OF BILL

Mr. VESTAL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. VESTAL. Mr. Speaker, I rise to ask unanimous consent that the bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes, which was referred to the Committee on Patents, be rereferred to the Committee on the Judiciary, where I think it rightfully belongs.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill H. R. 6687, referred to the Committee on Patents, be rereferred to the Committee on the Judiciary. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the joint resolution (S. J. Res. 66) authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924, in which the concurrence of the House of Representatives was requested.

THE ASWELL FARM RELIEF BILL

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks briefly on the question of farm legislation.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his own remarks on farm legislation. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, I have introduced H. R. 9278, a farm relief bill without the equalization fee, in this form because I am very eager to see helpful farm legislation speedily enacted by the Seventieth Congress. The United States Attorney General in the last Congress advised the President that the equalization fee contained in the Haugen bill is unconstitutional and the President could not, if he would, without repudiating his Attorney General, sign a similar bill containing the equalization fee. This situation plainly reveals that if any legislation containing the equalization fee should be passed, even by both Houses, there would be no farm relief legislation in this Congress.

Those gentlemen in and out of the Congress who persist in demanding the equalization fee or nothing are assuming full responsibility for the failure of the Seventieth Congress to enact farm legislation. The attention of the country should be called to this outstanding fact now.

I have cleared away all other differences and sharply drawn the issue as to the equalization fee. First, the members of the committee, then the Congress, will have a chance to vote directly for or against the equalization fee.

House bill 9278 is a modification of the bill introduced by Mr. HAUGEN in this Congress. The substantial difference between my bill and the Haugen bill is that it, unlike the Haugen bill, does not provide for any equalization fee or Federal tax on the producers, but in lieu thereof provides for the payment from the Treasury through a revolving fund of losses, costs, and charges arising under marketing agreements, which revolving fund also receives the profits from the sale of commodities. A total appropriation for the revolving fund of $400,000,000 is authorized. Only $250,000,000, however, of this sum is made available for the payment of such losses, costs, and charges. The remaining $150,000,000 is made available for loans to cooperative associations only.

My bill is also applicable to all agricultural commodities, as the Haugen bill is. Like the Haugen bill, it also further provides—

1. For the appointment by the President, without restriction, of the Federal farm board created therein.

2. For the creation of commodity advisory councils to assure complete representation of commodities in respect of which the board may enter into marketing agreements.

3. For loans from the revolving fund to cooperative associations for (1) controlling a surplus of any agricultural commodity, and (2) for the acquisition of facilities for storage. Loans for the latter purpose outstanding at any time are limited to an aggregate amount of $25,000,000. The aggregate amount of loans, however, for both purposes is restricted to $150,000,000 instead of $400,000,000 as provided in the Haugen bill. All such loans are to bear interest at the rate of 4 per cent per annum.

4. For the registration of clearing house associations established by cooperative associations which are adapted to effect the orderly production, distribution, and marketing of perishable agricultural commodities and of terminal market associations established by cooperative associations which are adapted to maintain public markets in distribution centers for the more orderly distribution and marketing of perishable agricultural commodities.

5. For the making by the board of marketing agreements with cooperative associations (whenever the board finds that a surplus of an agricultural commodity exists) for the withholding or the purchase, withholding, and disposal of any part of the surplus. The losses, if any, are to be paid out of the revolving fund, and profits, if any, are to be paid into such fund.

If H. R. 9278 is enacted into law and a board of proper caliber is appointed there would likely be profits instead of losses in marketing the cotton, tobacco, and rice surpluses, but we may expect losses in handling the wheat surplus. The passage of this bill putting the Federal Government behind the plan would, in my opinion, make it unnecessary for operations to be declared on most commodities because the moral effect of the Government's power would maintain just and fair prices to the producers.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the committees.

NORTHERN JUDICIAL DISTRICT, OKLAHOMA

Mr. DYER (when the Committee on the Judiciary was called). Mr. Speaker, I call up the bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of said State.

The SPEAKER. The gentleman from Missouri calls up the bill H. R. 7011, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That Okfuskee County, of the northern judicial district of the State of Oklahoma, be, and the same is hereby, detached from the northern judicial district and attached to and made a part of the eastern judicial district of said State.

Mr. DYER. Mr. Speaker, this bill does one thing only, and that is to take a county out of one judicial district and put it in another district in the State of Oklahoma. The bill is recommended by the Attorney General, who said that its enactment into law will not only be for the convenience of the people having business in the courts but will save expense.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield to me?

Mr. DYER. Yes.

Mr. SUMNERS of Texas. Mr. Speaker, this bill was introduced by the gentleman from Oklahoma [Mr. MCKEOWN]. The gentleman from Oklahoma, his colleague [Mr. HOWARD], is interested in the proposed legislation, and would like a little time.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Speaker and gentlemen of the House, in the Sixty-eighth Congress I was the author of the measure creating the northern judicial district of Oklahoma. At that time we saw fit to include Okfuskee County in that district. We did so then because we thought it would bring into the district a kind of averaging up of the judicial business of that State, which is divided into three judicial

districts. However, congressional ethics persuade me that the gentleman from the fourth congressional district of Oklahoma, [Mr. McKEOWN] is better informed as to the convenience and the necessities of the people in his district as to court jurisdiction, location, traveling conditions, and so forth, than I, and has a right to speak for them, and while personally I should prefer that this county remain in the northern judicial district, for that reason I shall not ask the House to defeat the measure.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PUBLIC HIGHWAY OVER GOVERNMENT PROPERTY AT ALDERSON, W. VA.

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 9022) to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va.

The SPEAKER. The gentleman from Missouri calls up the bill H. R. 9022. This bill is on the Union Calendar.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, just what does this bill do to the Federal Government?

Mr. DYER. All that this bill does is to permit a right of way for a public highway across a certain Government reservation in the town of Alderson, W. Va.

Mr. BLANTON. Does it interfere with the Government's use of that property?

Mr. DYER. It does not.

Mr. BLANTON. Might it interfere with it in the future? Is there a recovery clause in the bill, whereby if it should interfere with the Government's use in the future the Government could get rid of this easement that it is proposed to grant?

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. SUMNERS of Texas. There is a provision in the bill which makes the whole grant revocable.

Mr. BLANTON. Then I shall not object, if that is the case.

Mr. DYER. The bill provides that it shall be entered into subject to and under such conditions and regulations as the Attorney General shall from time to time prescribe, and subject to revocation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized and empowered to grant to the town of Alderson, W. Va., subject to and under such conditions and regulations as the Attorney General shall from time to time prescribe, and subject to revocation at such time as in his judgment the interests of the United States require it, the right to construct and maintain upon and across the eastern end of the premises occupied and used by and for the Federal Industrial Institution for Women at Alderson, W. Va., a public highway to connect the town of Alderson with the village of Glenray.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

APPROVAL OF MARSHALS' VOUCHERS

Mr. DYER. Mr. Speaker, I call up the bill H. R. 9051.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes," be, and the same hereby is, amended to read as follows:

"That the accounts of United States marshals, except the marshals of the United States courts in China and the Canal Zone, shall be rendered quarterly, under such regulations as may be prescribed by the Attorney General, and transmitted to the Attorney General within 20 days after the close of each quarter. The said accounts shall be rendered in duplicate, but no signature shall be required on the duplicate vouchers. It shall be the duty of the marshal to retain in his office the duplicate accounts, where they shall be open to public inspection at all times. The accounts of United States commissioners shall be rendered quarterly, in duplicate, under such regulations as may be prescribed by the Attorney General, and transmitted to the clerk of the United States district court for the district in which the commissioner resides, who shall file the duplicate in his office and transmit the original to the Attorney General. The approval of the court as to the accounts of marshals and commissioners shall not be required."

SEC. 2. This act shall take effect on July 1, 1928.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. BLANTON. What is the necessity for changing the present law so as to permit the accounts to be rendered quarterly?

Mr. DYER. I will say to the gentleman that is in order to facilitate speedy settlements. Monthly returns are unnecessary. I send to the Clerk's desk a letter on that point and ask that it be read.

Mr. BLANTON. Is there a good reason for it?

Mr. DYER. Yes. It is recommended by the Comptroller General and by the Attorney General.

Mr. BLANTON. There is one feature of this bill that I am sure ought not to appeal to the gentleman from Missouri [Mr. DYER], and that is the clause next to the last, which provides that the approval of the judge shall not be necessary. That is a dangerous practice to establish with respect to the accounts of court officers.

I want to say to my friend that I remember distinctly that with respect to the account of a sheriff whom I considered honest, who waited on one of the courts in one of the counties where I held court, had mileage charged up in 17 different criminal cases for serving processes which he served on one man on one trip at one time, and under the law he was allowed mileage in only one case, whereas he had charged for 17 cases, because it happened that the process was in 17 cases, which process he served on one man at one time. If it had not been for the law which required the approval of the court, that sheriff would have collected 17 times the mileage that the law allowed.

Mr. LAGUARDIA. I will say to the gentleman that when the original law was enacted we had no Comptroller General, so that now the approval of the court is only perfunctory and the account goes to the Comptroller General.

Mr. BLANTON. He is merely an additional check. It is not for the Comptroller General to send his inspectors to each of the 48 States to find out whether these accounts are correct and straight or not. It is the primary duty of the court to find that out. When a marshal sends up here charges for 17 trips the Comptroller General does not know and can not tell from the papers that he has made only one trip.

Mr. LAGUARDIA. The Comptroller General in a certain case sent out vouchers showing that a sheriff took a trolley car, and 17 cents were saved thereby.

Mr. BLANTON. I know; but the judges ought to approve these accounts for our marshals. If we keep on, we are going to have a Comptroller General's office with a plant so big that the old Pension Bureau down here will not hold it. The Pension Bureau is full now of officials in the comptroller's office. Do you want to enlarge that tremendous building every year?

Mr. LAGUARDIA. The Comptroller General has the facilities to check up all these vouchers.

Mr. BLANTON. No; he can simply O. K. them as a matter of course. In behalf of the taxpayers and in behalf of having honest and just accounts rendered by the various marshals of the United States, I am wondering whether my friend from Missouri might not have that clause stricken out. As it stands it would prevent the courts from approving the accounts. It ought to go out and the law stand as it is now.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. There may be a lot of force in what the gentleman from Texas [Mr. BLANTON] says. The comptroller can not well go behind the face of the papers. He can not act upon anything except what appears on the face of the papers, and it is folly to think that he can check up the papers in the way it has been suggested here.

Mr. BLANTON. I will offer an amendment to strike out that paragraph.

The SPEAKER. Does the gentleman from Missouri yield?

Mr. DYER. I yield to the gentlemen from Texas to offer an amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 10, after the word "General," strike out the following: "The approval of the court as to the accounts of marshals and commissioners shall not be required."

Mr. BLANTON. Since the chairman of the Committee on the Judiciary is willing that an amendment be offered and my friend from Michigan [Mr. CRAMTON] believes the amendment is good I do not desire to occupy further time.

Mr. LAGUARDIA rose.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. DYER. Yes.

Mr. LAGUARDIA. In a letter from the Attorney General he says the Comptroller General states that this requirement should be abolished and urges legislation to that end.

Mr. BLANTON. I want to say to my friend from New York this: That I know exactly how these accounts are prepared by these marshals. They are prepared just exactly like the accounts of sheriffs. On the face of them there is no one in Washington, 2,000 miles away, who could tell to save his soul whether the items are just or not. Usually the gentleman from New York is in favor of salutary provisions in the law to protect the people's Treasury.

Mr. LAGUARDIA. I think this will expedite the procedure and produce the very end that the gentleman from Texas and I are trying to achieve.

Mr. BLANTON. Oh, the Comptroller General's office is created for an entirely different purpose.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. BLANTON. Mr. Speaker, I call for a division.

The SPEAKER. The gentleman from Texas demands a division.

The House divided; and there were—ayes 18, noes 39.

Mr. BLANTON. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty Members are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The doors were closed.

The question was taken; and there were—yeas 154, nays 192, not voting 87, as follows:

[Roll No. 14]

YEAS—154

Abernethy	Davey	Jacobstein	Peavey
Allgood	Davis	Jeffers	Pou
Arnold	Dickinson, Mo.	Johnson, Okla.	Prall
Auf der Heide	Dickstein	Johnson, Tex.	Quayle
Ayres	Doughton	Jones	Quin
Bankhead	Douglass, Mass.	Kemp	Ragon
Beck, Wis.	Doyle	Kent	Rainey
Berger	Drane	Kincheloe	Rankin
Black, N. Y.	Drewry	Kvale	Rayburn
Blanton	Driver	Lanham	Reed, Ark.
Bohn	Edwards	Lankford	Romjue
Box	Eslick	Lindsay	Rubey
Boylan	Evans, Calif.	Lowrey	Rutherford
Brand, Ga.	Evans, Mont.	Lozier	Sanders, Tex.
Briggs	Fitzpatrick	McClintic	Schafer
Browning	Fletcher	McKeown	Schneider
Buchanan	Frear	McMillan	Sears, Fla.
Bulwinkle	Fulbright	McReynolds	Simmons
Busby	Fulmer	McSwain	Steagall
Byrns	Gambrill	McSweeney	Steele
Cannon	Gardner, Ind.	Major, Ill.	Stevenson
Carew	Garrett, Tenn.	Mansfield	Sullivan
Carley	Gasque	Mapes	Swank
Carss	Gilbert	Martin, La.	Tarver
Carter	Goldsborough	Milligan	Taylor, Colo.
Cartwright	Gregory	Moore, Ky.	Taylor, Tenn.
Casey	Green, Fla.	Moorman	Thatcher
Chapman	Greenwood	Morrow	Underwood
Cohen	Griffin	Nelson, Mo.	Vinson, Ga.
Collier	Hammer	Nelson, Wis.	Vinson, Ky.
Collins	Hare	Norton, Nebr.	Whitehead
Connery	Hastings	Norton, N. J.	Whittington
Cooper, Wis.	Hill, Ala.	O'Brien	Williams, Mo.
Corning	Hill, Wash.	O'Connell	Williams, Tex.
Cox	Hooper	O'Connor, La.	Williamson
Cramton	Howard, Nebr.	Oldfield	Wright
Crisp	Howard, Okla.	Oliver, Ala.	Yon
Crosser	Huddleston	Palmisano	
Cullen	Hull, Tenn.	Parks	

NAYS—192

Ackerman	Bowles	Clarke	Dominick
Adkins	Bowling	Cochran, Mo.	Doutrich
Aldrich	Bowman	Cochran, Pa.	Dowell
Allen	Brand, Ohio	Cole, Iowa	Dyer
Almon	Brigham	Colton	Eaton
Andresen	Browne	Combs	Elliott
Andrew	Buckbee	Connolly, Pa.	England
Arentz	Burtness	Cooper, Ohio	Englebright
Bacharach	Burton	Crail	Estep
Bachmann	Bushong	Crowther	Faust
Bacon	Campbell	Dallinger	Fenn
Barbour	Celler	Darrow	Fish
Black, Tex.	Chalmers	Davenport	Fisher
Bland	Christopherson	Denison	Fitzgerald, W. T.
Bloom	Clague	Dickinson, Iowa	Fort
Freeman	Johnson, Ind.	Moore, Ohio	Strong, Pa.
French	Johnson, Wash.	Moore, Va.	Summers, Wash.
Frothingham	Kading	Murphy	Sumners, Tex.
Furlow	Kahn	Nelson, Me.	Swick
Garber	Kearns	Newton	Swing
Garner, Tex.	Kelly	Niedringhaus	Tatgenhorst
Gibson	Ketcham	Peery	Temple
Gifford	King	Perkins	Thurston
Glynn	Knutson	Pratt	Tillman
Goodwin	Kopp	Purnell	Tilson
Green, Iowa	Korell	Ramseyer	Timberlake
Griest	Kurtz	Ransley	Treadway
Guyer	LaGuardia	Rathbone	Underhill
Hadley	Langley	Reece	Updike
Hale	Leavitt	Reed, N. Y.	Vestal
Hall, Ill.	Lehlbach	Reid, Ill.	Vincent, Mich.
Hall, Ind.	Letts	Robinson, Iowa.	Wainwright
Hall, N. Dak.	Luce	Robsion, Ky.	Ware
Hancock	McDuffie	Rogers	Wason
Harrison	McLaughlin	Sears, Nebr.	Watres
Hawley	McLeod	Seger	Watson
Hersey	Maas	Selvig	Weaver
Hickey	Magrady	Shallenberger	Welch, Calif.
Hoch	Major, Mo.	Shreve	Welsh, Pa.
Hoffman	Manlove	Sinnott	White, Kans.
Hogg	Martin, Mass.	Smith	White, Me.
Holaday	Menges	Snell	Williams, Ill.
Hope	Merritt	Somers, N. Y.	Wolverton
Hudson	Michaelson	Speaks	Wood
Hughes	Michener	Spearing	Woodruff
Hull, Morton D.	Miller	Sproul, Ill.	Woodrum
Jenkins	Monast	Sproul, Kans.	Wurzbach
Johnson, Ill.	Montague	Stobbs	Zihlman

NOT VOTING—87

Anthony	Foss	Lea	Sandlin
Aswell	Free	Leatherwood	Sinclair
Beck, Pa.	Gallivan	Leech	Sirovich
Beedy	Garrett, Tex.	Linthicum	Stalker
Beers	Golder	Lyon	Stedman
Begg	Graham	McFadden	Strong, Kans.
Bell	Hardy	MacGregor	Strother
Boies	Haugen	Madden	Sweet
Britten	Houston, Del.	Mead	Taber
Burdick	Hudspeth	Mooney	Thompson
Butler	Hull, Wm. E.	Moore, N. J.	Tinkham
Canfield	Igoe	Morehead	Tucker
Chase	Irwin	Morgan	Warren
Chindblom	James	Morin	Weller
Clancy	Johnson, S. Dak.	O'Connor, N. Y.	White, Colo.
Connally, Tex.	Kendall	Oliver, N. Y.	Wilson, La.
Curry	Kerr	Palmer	Wilson, Miss.
Deal	Kiess	Parker	Wingo
Dempsey	Kindred	Porter	Winter
De Rouen	Kunz	Rowbottom	Wyant
Douglas, Ariz.	Lampert	Sabath	Yates
Fitzgerald, Roy G.	Larsen	Sanders, N. Y.	

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Canfield (for) with Mr. Graham (against).

Until further notice:

Mr. McFadden with Mr. Deal.
Mr. Begg with Mr. Sabath.
Mr. Porter with Mr. Lyon.
Mr. Chindblom with Mr. Kindred.
Mr. Madden with Mr. Warren.
Mr. Butler with Mr. Bell.
Mr. Sweet with Mr. Gallivan.
Mr. Free with Mr. Hudspeth.
Mr. Taber with Mr. White of Colorado.
Mr. Chase with Mr. Moore of New Jersey.
Mr. Johnson of South Dakota with Mr. O'Connor of New York.
Mr. Kiess with Mr. Larsen.
Mr. Wyant with Mr. Griffin.
Mr. Palmer with Mr. Wilson of Mississippi.
Mr. Beedy with Mr. Morehead.
Mr. Leech with Mr. Tucker.
Mr. Beck of Pennsylvania with Mr. Sandlin.
Mr. Kendall with Mr. Aswell.
Mr. Yates with Mr. Igoe.
Mr. Stalker with Mr. Lea.
Mr. Foss with Mr. Oliver of New York.
Mr. Dempsey with Mr. Wingo.
Mr. MacGregor with Mr. Stedman.
Mr. Rowbottom with Mr. De Rouen.
Mr. Thompson with Mr. Kerr.
Mr. Britten with Mr. Connally of Texas.
Mr. Anthony with Mr. Douglas of Arizona.
Mr. Parker with Mr. Wilson of Louisiana.
Mr. Burdick with Mr. Garrett of Texas.
Mr. Sinclair with Mr. Weller.
Mr. Curry with Mr. Kunz.
Mr. James with Mr. Mooney.
Mr. Lampert with Mr. Linthicum.
Mr. Leatherwood with Mr. Mead.
Mr. Tinkham with Mr. Sirovich.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I call up H. R. 9049, a bill to amend section 227 of the Judicial Code.

The SPEAKER. The gentleman from Missouri calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. BLANTON. Mr. Speaker, before that consent is granted, will the Chair have the bill reported so we may know what it is?

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 227 of the Judicial Code be, and the same is hereby, amended to read as follows:

"SEC. 227. The reports provided for in section 225 shall be printed, bound, and issued within eight months after said decisions have been rendered by the Supreme Court, and within said period the Attorney General shall distribute copies of said Supreme Court reports as follows: To the President, the Justices of the Supreme Court, the judges of the Court of Customs Appeals, the judges of the Circuit Court of Appeals, the judges of the district courts, the judges of the Court of Claims, the justices of the Customs Court, and judges of the Court of Appeals, and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the United States Court for China, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each of the executive departments, the Assistant Postmaster General, the Secretary of the Senate for use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives; the office of the Legislative Counsel, Senate branch; the office of the Legislative Counsel, House branch; the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Comptroller General of the United States, the Assistant Comptroller General, the Comptroller of the Currency, the Director of the Budget, the Assistant Director of the Budget, the Commissioner of Internal Revenue, the Director of the Mint, the Solicitor of the General Accounting Office, each of the chiefs of divisions in the General Accounting Office, the counsel of the Bureau of the Budget, the Judge Advocate General of the Army; the Chief of Finance, War Department; the Judge Advocate General, Navy Department; the Paymaster General, Navy Department; the Commissioner of Indian Affairs, the Commissioner of the General Land Office, the Commissioner of Pensions, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Navigation, the Commissioner General of Immigration, the Director of the Geological Survey, the Director of the Census, the Forester and Chief of Forest Service, Department of Agriculture; the purchasing agent, Post Office Department; the Federal Trade Commission, the clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the United States attorney for the District of Columbia; the chairman, United States Shipping Board; the Naval Academy at Annapolis, Md.; the Military Academy at West Point, N. Y.; and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each one copy; to the Interstate Commerce Commission, 16 copies; to the law library of the Supreme Court, 25 copies; to the law library of the Department of the Interior, 2 copies; to the law library of the Department of Justice, 5 copies; to the law library of the Judge Advocate General of the Army, 2 copies; to the Secretary of the Senate for the use of committees of the Senate, 30 copies; to the Clerk of the House of Representatives for the use of the committees of the House, 35 copies; to the marshal of the Supreme Court as custodian of the public property used by the court for the use of the justices thereof in the conference room, robing room, and court room, 6 copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands, 7 copies; to the Secretary of War for military headquarters which now exercise or may hereafter exercise general court-martial jurisdiction, such number, not to exceed in time of peace 25 copies, as the Secretary of War may from time to time specify; and to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, 1 copy.

"The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them; to each United States judge and to each United States district attorney who has not received a set; to each of the places where district courts are now held to which reports have not been distributed, and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them: *Provided*, That this act shall not be construed so as to require that reports and digests printed prior to the date of approval of this act shall be furnished to the Secretary of War for military headquarters.

"No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States unless there be at such place a United States officer to whose responsible custody they can be committed.

"The clerks of courts (except the Supreme Court) shall in all cases keep the said reports and digests for the use of the courts and of the officers thereof. Said reports and digests shall remain the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office.

"The Public Printer shall turn over to the Attorney General, upon request, such reports as he may require in order to make the distribution authorized to be made by the Attorney General hereunder."

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object—and I shall not—for information I want to ask the gentleman from Missouri a question. Except as to one very slight change this is practically the law that is in force to-day, is it not?

Mr. DYER. That is correct. There is only one change.

Mr. BLANTON. One official was not getting these reports?

Mr. DYER. No; one court.

Mr. BLANTON. One court, I meant. Why could not the great Judiciary Committee have brought in a four-line bill that would have given these reports to that court and not have to repeat the entire law over again in this five-page bill to make that change?

Mr. DYER. I will state to the gentleman that this bill was sent to the committee by the Attorney General, and it was introduced by the chairman of our committee. This is the usual way of amending such laws.

Mr. BLANTON. No; it is just one of the ways of the Judiciary Committee. In the days of Jim Mann, when we had efficiency in most of the committees because he demanded it here on the floor, this law could have been changed with a four-line bill instead of a five-page bill.

Mr. CHRISTOPHERSON and Mr. LAGUARDIA rose.

Mr. STEVENSON. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded.

Mr. DYER. Mr. Speaker, I trust my friend from South Carolina will withdraw his demand for the regular order.

Mr. BLANTON. I was about through and I was asking some pertinent questions. If the gentleman from South Carolina desires to cut off all inquiry I shall object.

Mr. STEVENSON. I do not object to any pertinent inquiries being made, but if we are going to debate this matter let us debate it in the regular way and not by way of private conversation.

Mr. BLANTON. If the gentleman will withdraw his request for the regular order I can be through in a minute.

Mr. STEVENSON. Well, Mr. Speaker, I will withdraw it for a minute, but we want to hear what is going on.

Mr. BLANTON. Mr. Speaker, my position is this, and I submit it to my colleagues and ask them whether or not it is common sense. The Judiciary Committee could have brought in a four-line bill granting this court these reports and it would have been just as effective as their five-page bill, which encumbers the RECORD and encumbers the law. That is all I have to say and I withdraw my reservation, Mr. Speaker.

Mr. DYER. If we did that it would be necessary to look through a number of statutes to find the law governing a very simple matter, whereas if you put it all together, it is very easy.

Mr. CHRISTOPHERSON. This is a procedure I think we should follow in all such legislation.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

REREFERENCE OF A BILL

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the rereference of the bill H. R. 2244, a private Spanish War pension bill, from the Committee on Invalid Pensions to the Committee on Pensions.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDMENT OF THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 9020) to amend an act entitled "An act to establish a Code of Law

for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may we have the bill read?

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act to establish a Code of Law for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, constituting the Code of Law for the District of Columbia, be, and the same are hereby, amended as follows:

Strike out section 1110 and insert in lieu thereof:

"SEC. 1110. Clerk's fees: For filing the following-named cases and for all services to be performed therein, except as otherwise provided herein, the clerk shall charge and collect the following fees:

"Actions at law, $10; suits in equity, $10; lunacy cases, $10; deportation cases, $10; requisition cases, $10; habeas corpus cases, $10; plea of title cases, $10; District court cases, $15; condemnation cases, $15; libel cases, $15; feeble-minded cases, $7.50; adoption cases, $5; change of name cases, $5; intervening petitions in any case, $5; cases substituting trustees, $4; docketing judgments of the municipal court, $2.50; and limited partnership cases, $3.

"Upon the perfecting of any appeal to the Court of Appeals of the District of Columbia there shall be charged and collected by the clerk from the party or parties prosecuting such appeal an additional fee in said suit or proceeding of $5.

"For each additional trial or final hearing, upon a reversal by the Court of Appeals of the District of Columbia, or following a disagreement by a jury or the granting of a new trial or rehearing by the court, there shall be charged and collected by the clerk from the party or parties securing such reversal, new trial, or rehearing the further sum of $5: *Provided, however,* That the clerk shall not be required to account for any such fee not collected by him in criminal cases: *Provided further,* That nothing herein contained shall prohibit the court from directing by rule or standing order the collection, at the time the services are rendered, of the fees herein enumerated from either party, but all such fees shall be taxed as costs in the respective cases.

"In any case where attachments, executions, scire facias proceedings, or rules are issued the following fees shall be charged and collected by the clerk in addition to the fees hereinbefore provided: For each writ of attachment, $1, and each copy, $1; for each writ of execution, $1.50; for each writ of scire facias, $1, and each copy, $1; for each rule, 50 cents, and each copy certified, 50 cents; for each writ of ne exeat, $1; for each bench warrant, $1; for each warrant of arrest, $1.

"That in addition to the fees for services rendered in cases hereinbefore enumerated the clerk shall charge and collect, for miscellaneous services performed by him and his assistants, except when on behalf of the United States, the following fees:

"For issuing any writ or subpœna for a witness not in a case instituted or pending in the court from which it is issued, 50 cents for each writ and copy or subpœna and copy.

"For filing and indexing any paper not in a case or proceeding, 25 cents.

"For administering an oath or affirmation, not in a case or proceeding pending in the court where the oath is administered, 50 cents.

"For an acknowledgment, certificate, affidavit, or countersignature, with seal, 50 cents.

"For taking and certifying depositions to file, 20 cents for each folio of 100 words, and if taken stenographically, 15 cents per folio additional for the stenographer.

"For copy of any record, entry, or other paper and the comparison thereof, 15 cents for each folio of 100 words.

"For searching the records of the court for judgments, decrees, or other instruments, or marriage records, 50 cents for each year covered by the search and for certifying the result, 50 cents.

"For receiving, keeping, and disbursing money in pursuance of any statute or order of court, including cash bail or bond or securities authorized by law or order of court to be deposited in lieu of other security, 1 per cent of the amount so received, kept, and disbursed, or of the face value of such bonds or securities.

"For making and comparing a transcript of record on appeal, 15 cents for each folio of 100 words.

"For comparing any transcript, copy of record, or other paper not made by the clerk with the original thereof, 5 cents for each folio of 100 words.

"For administering oath of admission of attorneys to practice, $2 each; for certificate of admission to be furnished upon request, $2 additional.

"For each marriage license, $2.

"For each certified copy of marriage license and return, $1.

"For each certified copy of application for marriage license, $1.

"For registering clergymen's authorizations to perform marriages and issuing certificate, $1.

"For each certificate of official character, including the seal, 50 cents.

"For filing and recording each notice of mechanic's lien, $1.

"For entering release of mechanic's lien, 50 cents for each order of lienor; 75 cents for each undertaking of lienee.

"For recording physicians', optometrists', and midwives' licenses, 50 cents each.

"For the clerk's attendance on the court while actually in session, $5 per day; and for all services rendered to the United States in cases in which the United States is a party of record, $5."

This act shall take effect on the 1st day of April, 1928, and shall apply to cases or proceedings filed subsequent thereto.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DEPOSIT OF FEES, ETC., PAID TO UNITED STATES MARSHALS

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 9052) to amend section 6 of the act of May 28, 1896.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That, effective July 1, 1928, so much of section 6 of the act of May 28, 1896, chapter 252, as requires United States marshals to pay to the clerks of United States courts having jurisdiction all fees and emoluments authorized by law to be paid to United States marshals be, and the same is hereby, repealed; and, effective July 1, 1928, all such fees and emoluments so paid to United States marshals shall be deposited by said marshals in accordance with the provisions of section 3621 of the Revised Statutes as amended by section 5 of the said act of May 28, 1896.

Mr. DYER. Mr. Speaker, I yield to the gentleman from Indiana [Mr. HICKEY] to make a statement about this bill.

Mr. HICKEY. Mr. Speaker, the purpose of this bill is to amend section 6 of the act of 1896 in order to authorize United States marshals to report direct to the United States Treasury all fees collected. Under present law the marshal reports to the clerk of the court, and the clerk then reports to the Treasury of the United States. This is to simplify the matter and is recommended by the Comptroller General. It is in the interest of uniformity. I will be very glad to answer any questions on the proposition that anyone may care to submit.

Mr. CRAMTON. Will the gentleman yield?

Mr. HICKEY. Yes.

Mr. CRAMTON. I only wish to take this opportunity to make the suggestion that when a bill is stated to have the approval of the Comptroller General it seems to me the statement of the comptroller ought to be included in the report, the same as the statement of the Attorney General.

Mr. HICKEY. The statement is included in the report, if the gentleman will read it.

Mr. CRAMTON. I mean the letter from the Comptroller General.

Mr. HICKEY. I call the gentleman's attention to the comptroller's language on the first page of the report. This is very clear and shows that he approves this bill.

Mr. CRAMTON. It simply says that the Comptroller General recommends that it be abolished.

Mr. HICKEY. No; it states that the Comptroller General says the procedure prescribed—the present procedure—is cumbersome. It is included in the report.

Mr. BLANTON. Will the gentleman from Missouri [Mr. DYER] yield me 10 minutes?

Mr. DYER. Mr. Speaker, I yield 10 minutes to the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, for the safeguarding of the taxpayers of this Nation, there has been for years in force and effect in the law certain double checks on officials who handle money for the people. These double checks are in the interest of honesty in public affairs and for the benefit of the Treasury, the replenishment of which comes from the people's pockets only through taxes.

Here is another effort on the part of Government officials to take away these double checks. For 31 years it has been the law that when a marshal receives money—and he does receive much money all the time—he shall report it to the clerk of the court. There is one check-up by an officer who knows all the facts surrounding the collection of that money and he is the only one, besides the marshal, who knows it.

After the clerk receives the money he reports to the Treasurer of the United States and the Comptroller General has a second check-up to see that it has been honestly reported. This is in the interest of the taxpayers of the United States Government.

This bill would take one of those checks away and would change the law which has been in force and effect for 31 years and make it unnecessary for the marshal to report his collections to the clerk, when, as I said a moment ago, the clerk is the only one who knows anything about the transaction; and the Republican administration in power will vote to take away this first check and depend on the Comptroller General 2,000 miles away, here in Washington, to uncover something that appears all right on the face of the paper.

By a small majority here a moment ago the Republican side of this House voted to take off the check of the trial judge's approval of the marshal's account, a law that has been in force and effect in this Nation for years. Why did they do it? There are influential Members of the House on the Republican side who have close friends who are United States marshals. These United States marshals did not want this check from the judge, and the only argument I heard here from the floor was that the United States judges did not do their duty, that the approval was a perfunctory matter; and, forsooth, because they did not do their duty they would amend the law, and you did vote to amend it.

Now, I am in favor of protecting the American people by proper check-ups.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. TILSON. Is the gentleman talking about the bill now before the House or the one that passed a little while ago?

Mr. BLANTON. I am talking about the bill which passed in the House a few minutes ago, and its companion sister bill now before us, which the gentleman hopes to pass and will pass.

Mr. TILSON. I think the gentleman has made no particular reference to this bill.

Mr. BLANTON. Oh, the gentleman from Connecticut has so many responsibilities and so much comes in his ears that he can not hear what takes place. I said this was a bill to relieve the marshals from reporting to the clerks of the court the money they collected.

Mr. TILSON. The gentleman from Texas can be heard above all the din that takes place.

Mr. BLANTON. I am speaking in behalf of the taxpayers, and I want to check up on these marshals who handle these public funds.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. Yes; I yield to the gentleman from Michigan, who generally by word of mouth is for the people, but when he comes to vote, votes with the machine. [Laughter.]

Mr. CRAMTON. The gentleman from Texas states an inaccuracy. I perhaps may have been mistaken, but I voted with the gentleman on the standing vote and on the roll call. [Laughter.]

Mr. BLANTON. But he was not able to carry the floor leader and the Republican machine with him.

Mr. CRAMTON. The purpose I had in rising was to call attention to the fact that, while I am not informed as to the vote on the roll call, on the standing vote, neither his side of the aisle nor mine supported the gentleman from Texas and myself.

Mr. BLANTON. About 150 Members voted to keep the check on the United States marshals' accounts.

Mr. DYER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DYER. I will say that the law provides that the report of the marshals must be made to the Attorney General, and he must in turn submit the report to the Comptroller General, and then they have examiners who go out at different times through the marshal's office and make investigations.

Mr. BLANTON. The gentleman knows that it has been the law for 31 years that the marshals must submit to the clerk of the court their reports of all money collected by them, and it is the clerk of a court only who knows whether the report is correct.

Mr. DYER. The clerk does not go over the account; he receives it and files it.

Mr. BLANTON. If the clerk knew the report was dishonest, he would report it to the judge.

These bureau chiefs in this bureaucratic Government, whenever they want to change a law and make it a little more liberal for them in the way they handle the public funds, they prepare bills and send them to the committee, and the committee reports them without looking into them and finding out their full import. The time has come when it ought to stop. The committees of Congress ought to inspect more carefully the bills when they come before the committee. When the Secretary of the Navy wants to give a limousine to every officer in the Navy and sends a bureau naval officer with that bill to the clerk of the committee, the clerk of that committee ought not to be allowed to put the name of the gentleman from Oklahoma [Mr. McCLINTIC] on it and drop it in the basket without his consent.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. TILSON. Let me say to the gentleman that some of the strongest men in the House on both sides of the aisle are members of the Judiciary Committee and, as I understand, the report in this case is a unanimous report. One of the best men, one of the strongest men in the House, the gentleman's own colleague from Texas [Mr. SUMNERS], who is the ranking member on the minority side, was one of the members who voted to report the bill. It seems to me the gentleman is making rather a strong statement in this inveighing against these very good men.

Mr. BLANTON. The trouble is this: There are only 24 hours in a day, and when you attend all the social functions that are given, get to bed somewhere during the middle of the night, sometimes sleep late the next morning, get your breakfast late, and by the time you have opened up the mail you do not take the time to look over bills carefully.

Mr. DENISON. Is the gentleman referring to his colleague, Mr. SUMNERS?

Mr. BLANTON. I am referring to most of the 435 Members of the House of Representatives whose time each day is limited to 24 hours. They do not take the time necessary to examine these bills carefully.

Mr. MICHENER. Did the gentleman have special reference to the gentleman from Texas, Mr. SUMNERS?

Mr. BLANTON. Mr. Speaker, the gentleman from Texas [Mr. SUMNERS], my colleague, is just as honorable and just as conscientious as any man in this House, but he does not take the time to read all of these bills that come even before his own committee and look into them carefully and give them proper study. These bills that change the law and take the check up off officials who handle the public funds ought to come from the committees of Congress and not from bureaus down here, and bureaucratic heads. That is all that I have to say about it. Oh, you will pass the bill with a machine vote; there is no stopping it now. But some day it will stop, because the people are waking up.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, the statement made by the gentleman from Texas [Mr. BLANTON] might leave the impression that this bill and the bill previously passed eliminates one of the checks on accounts for marshals, and that the committee is lowering the bars as to audit and supervision of marshals' accounts. As a matter of fact, the contrary is true. This bill simply provides for the deposit of marshals' funds.

We are bound to have a great many bills from various departments changing the system of accounting since the creation of the office of the Comptroller General. Prior to the time that the office of the Comptroller General was created, who acts as the agent of Congress, who is our auditor, each department had its own auditor. Of course, the system became complicated and cumbersome by reason of the various systems of audits within the various departments. The reason for having the clerk take over the accounts of the marshal is now no longer necessary. With our present system of audit and bonding of marshals there is no need for an additional account.

At the time when the law was enacted requiring the supervision of the clerk over the accounts of the marshal was necessary, we had no Comptroller General. Since the creation of the office of the Comptroller General we are trying to establish a uniform system of accounting in all of the departments of the Government. In the first place, to have the disbursing officer, or the officer handling the funds, directly accountable to the head of his department first, and under the supervision and the audit of the Comptroller General.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. In just a moment. In this instance the marshal's accounts are first submitted to the Attorney General under section 317 of Title V of the Code of Laws of the United States. There is the first audit. The clerk is under the jurisdiction of the Attorney General, so that the perfunctory audit of the court as in the previous bill repealed is no longer necessary because the account is first audited by the Attorney General and then under section 81 of title 31 of the United States Code of Laws the Attorney General must submit the accounts of United States marshals and other disbursing officers of the

department to the General Accounting Office, which is the Comptroller General. As to the funds themselves, it goes without saying that there is no need of a transfer of funds from marshal to clerk and from clerk to the Treasury. So that we are not in any degree letting down or lessening the audit we have had heretofore, but we are simply establishing in the Department of Justice a uniform system of audit and accounting. Moreover, besides the account being submitted to the Attorney General and then audited by the Comptroller General, under section 84 of title 31 of the Code of Laws of the United States the Attorney General has his own inspectors checking up the accounts of the various disbursing and financial officers in his department.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BLANTON. To show the gentleman how far these marshals and their accounts and the clerks are from the Comptroller General here in Washington, if you start now to go to Texas you will land in Texarkana day after to-morrow morning, and after you reach there you will have to go 900 miles west from Texarkana, Tex., to reach El Paso, Tex. Does the gentleman think that the Comptroller General knows as much about the collections that the marshal makes in El Paso, and as much about his report concerning the collections there, as the clerk in El Paso would know?

Mr. LAGUARDIA. The clerk does not follow the marshal; he does not gumshoe the marshal. He simply takes the same accounts that now come to the head of the department.

Mr. BLANTON. Every collection that the marshal makes is made on a process that the clerk himself issues, and the clerk is the only one who knows whether those collections are honestly reported or not. The Comptroller General here, several thousand miles away, is not in a position to go behind the face of the return.

Mr. LAGUARDIA. Mr. Speaker, in response to the gentleman from Texas, let me say that I do not speak for the organized Republican Party.

Mr. BLANTON. But the gentleman is going right along with the organization.

Mr. LAGUARDIA. Only when they are right, and then I stand by them.

Mr. BLANTON. Since he has gotten his committee assignments back.

Mr. LAGUARDIA. Let me assure the gentleman from Texas that he is not the only one who reads all of the bills and reports. There are other Members of the House who do that beside himself, and I submit it is hardly fair to take the floor and imply that he, the gentleman from Texas [Mr. BLANTON], is the only person in the House who has read a bill and who knows what it is all about. In this instance, as in many other instances, the gentleman reads all of the bills and talks about all of the bills.

Mr. BLANTON. Oh, I do not read all of the bills. I read only those bills that are reported from committees. There are thousands of bills that I do not read, that do not come out of a committee. They are not dangerous. But as soon as a bill is reported then it becomes dangerous and I study all such bills carefully.

The SPEAKER pro tempore (Mr. SNELL). The question is on the third reading of the bill.

The question was taken, and the bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. BLANTON. Mr. Speaker, I demand a division.

The House divided.

Mr. BLANTON (during the division). Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 318, nays 11, not voting 104, as follows:

[Roll No. 15]

YEAS—318

Abernethy	Arentz	Beck, Wis.	Bloom
Ackerman	Arnold	Beedy	Bohn
Adkins	Auf der Heide	Beers	Bowles
Aldrich	Ayres	Bell	Bowling
Allen	Bacharach	Berger	Box
Almon	Bachmann	Black, N. Y.	Boylan
Andresen	Bankhead	Black, Tex.	Brand, Ga.
Andrew	Barbour	Bland	Brand, Ohio
Briggs	Fletcher	Larsen	Rogers
Brigham	Fort	Leavitt	Romjue
Browne	Freeman	Leech	Rubey
Browning	French	Lehlbach	Rutherford
Buckbee	Frothingham	Letts	Sanders, Tex.
Bulwinkle	Fulbright	Lindsay	Sandlin
Burtness	Fulmer	Lozier	Schafer
Burton	Furlow	Luce	Sears, Fla.
Busby	Gambrill	Lyon	Sears, Nebr.
Bushong	Garber	McClintic	Seger
Byrns	Gardner, Ind.	McDuffie	Selvig
Campbell	Garner, Tex.	McKeown	Shallenberger
Cannon	Garrett, Tenn.	McLaughlin	Shreve
Carew	Garrett, Tex.	McLeod	Simmons
Carley	Gasque	McReynolds	Sinclair
Carss	Gibson	McSweeney	Sinnott
Casey	Gifford	Maas	Smith
Celler	Glynn	Madden	Snell
Chalmers	Goldsborough	Magrady	Somers, N. Y.
Chapman	Goodwin	Major, Ill.	Speaks
Christopherson	Gregory	Major, Mo.	Spearing
Clague	Green, Fla.	Manlove	Sproul, Ill.
Clancy	Greenwood	Mansfield	Sproul, Kans.
Clarke	Griest	Mapes	Steele
Cochran, Mo.	Griffin	Martin, La.	Stobbs
Cochran, Pa.	Guyer	Martin, Mass.	Strong, Pa.
Cohen	Hadley	Menges	Summers, Wash.
Cole, Iowa	Hale	Merritt	Sumners, Tex.
Collier	Hall, N. Dak.	Michaelson	Swank
Collins	Hammer	Michener	Swick
Colton	Hancock	Miller	Swing
Combs	Hardy	Milligan	Tarver
Connery	Hare	Monast	Tatgenhorst
Connolly, Pa.	Harrison	Montague	Taylor, Tenn.
Cooper, Wis.	Hastings	Moore, Ky.	Temple
Corning	Haugen	Moore, Ohio	Thurston
Crail	Hawley	Moore, Va.	Tillman
Cramton	Hersey	Moorman	Tilson
Crisp	Hickey	Morehead	Timberlake
Crosser	Hill, Ala.	Morgan	Treadway
Crowther	Hill, Wash.	Morrow	Underhill
Cullen	Hoch	Nelson, Me.	Underwood
Dallinger	Hoffman	Nelson, Mo.	Updike
Darrow	Hogg	Nelson, Wis.	Vestal
Davenport	Holaday	Newton	Vincent, Mich.
Davey	Hooper	Niedringhaus	Vinson, Ga.
Davis	Houston, Del.	Norton, Nebr.	Vinson, Ky.
Denison	Howard, Nebr.	Norton, N. J.	Wainwright
Dickinson, Iowa	Howard, Okla.	O'Brien	Ware
Doughton	Huddleston	O'Connell	Wason
Douglas, Ariz.	Hull, Morton D.	O'Conner, La.	Watres
Douglass, Mass.	Hull, Tenn.	Palmisano	Watson
Doutrich	Jacobstein	Parks	Weaver
Dowell	Jeffers	Peavey	Welch, Calif.
Drane	Jenkins	Peery	White, Colo.
Drewry	Johnson, Ill.	Perkins	Whitehead
Driver	Johnson, Ind.	Prall	Whittington
Dyer	Johnson, Okla.	Pratt	Williams, Ill.
Eaton	Johnson, Tex.	Purnell	Williams, Mo.
Edwards	Kading	Quin	Williams, Tex.
Elliott	Kahn	Ragon	Williamson
England	Kearns	Rainey	Wilson, Miss.
Englebright	Kelly	Ramseyer	Winter
Eslick	Kent	Rankin	Wolverton
Estep	Ketcham	Ransley	Woodruff
Evans, Mont.	Kincheloe	Rathbone	Wurzbach
Faust	Knutson	Reece	Wyant
Fenn	Kopp	Reed, Ark.	Yates
Fish	Kurtz	Reed, N. Y.	Yon
Fisher	Kvale	Reid, Ill.	Zihlman
Fitzgerald, W. T.	LaGuardia	Robinson, Iowa	
Fitzpatrick	Lankford	Robsion, Ky.	

NAYS—11

Allgood	Cartwright	Kemp	Rayburn
Blanton	Dominick	Lowrey	Steagall
Buchanan	Jones	McMillan	

NOT VOTING—104

Anthony	Foss	Kunz	Sanders, N. Y.
Aswell	Frear	Lampert	Schneider
Bacon	Free	Langley	Sirovich
Beck, Pa.	Gallivan	Lanham	Stalker
Begg	Gilbert	Lea	Stedman
Boies	Golder	Leatherwood	Stevenson
Bowman	Graham	Linthicum	Strong, Kans.
Britten	Green, Iowa	McFadden	Strother
Burdick	Hall, Ill.	McSwain	Sullivan
Butler	Hall, Ind.	MacGregor	Sweet
Canfield	Hope	Mead	Taber
Carter	Hudson	Mooney	Taylor, Colo.
Chase	Hudspeth	Moore, N. J.	Thatcher
Chindblom	Hughes	Morin	Thompson
Connally, Tex.	Hull, Wm. E.	Murphy	Tinkham
Cooper, Ohio	Igoe	O'Connor, N. Y.	Tucker
Cox	Irwin	Oldfield	Warren
Curry	James	Oliver, Ala.	Weller
Deal	Johnson, S. Dak.	Oliver, N. Y.	Welsh, Pa.
Dempsey	Johnson, Wash.	Palmer	White, Kans.
De Roeun	Kendall	Parker	White, Me.
Dickinson, Mo.	Kerr	Porter	Wilson, La.
Dickstein	Kiess	Pou	Wingo
Doyle	Kindred	Quayle	Wood
Evans, Calif.	King	Rowbottom	Woodrum
Fitzgerald, Roy G.	Korell	Sabath	Wright

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Graham with Mr. Canfield.

Mr. Palmer with Mr. Dickinson of Missouri.

Mr. Green of Iowa with Mr. Igoe.

Mr. Welsh of Pennsylvania with Mr. Wright.

Mr. Morin with Mr. Oldfield.
Mr. Butler with Mr. Pou.
Mr. Kiess with Mr. Oliver of Alabama.
Mr. Wood with Mr. Doyle.
Mr. Hudson with Mr. Stevenson.
Mr. Taber with Mr. Tucker.
Mr. Hall of Indiana with Mr. Sullivan.
Mr. Murphy with Mr. Woodrum.
Mr. Johnson of Washington with Mr. Cox.
Mr. Beck of Pennsylvania with Mr. Weller.
Mr. Anthony with Mr. Lanham.
Mr. Burdick with Mr. Gilbert.
Mr. Porter with Mr. Dickstein.
Mr. Bacon with Mr. McSwain.
Mr. White of Maine with Mr. Quayle.
Mrs. Langley with Mr. Taylor of Colorado.
Mr. Evans of California with Mr. Warren.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SNELL). A quorum is present.

AMENDMENT OF THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 5623) to amend the Judicial Code by adding a new section, to be numbered 274D.

The SPEAKER pro tempore. Is it on the Union Calendar?

Mr. DYER. It is on the House Calendar.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Judicial Code approved March 3, 1911, is hereby amended by adding after section 274C thereof a new section, to be No. 274D, as follows:

"SEC. 274D. (1) In cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction, the said courts upon petition shall have jurisdiction to declare rights and other legal relations on request of interested parties for such declarations whether or not further relief is or could be prayed, and such declarations shall have the force of final decree and be reviewable as such.

"(2) Further relief based on declaratory decree may be granted whenever necessary or proper. The application shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party, whose rights have been adjudicated by the declaration, to show cause why further relief should not be granted forthwith.

"(3) When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories, with proper instructions by the court, whether a general verdict be required or not.

"(4) The Supreme Court may adopt rules for the better enforcement and regulation of this provision."

Mr. DYER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. MONTAGUE] such time as he may desire.

The SPEAKER pro tempore. The gentleman from Virginia is recognized.

Mr. MONTAGUE. Mr. Speaker, I do not know that this bill is fresh in the minds of the Members of the House. The bill has been favorably reported by the Committee on the Judiciary on three several and successive occasions, and it passed the House last year by unanimous consent.

The purport of the bill is to simplify and expedite the administration of justice. It is not a new measure, except here. Twenty-some States of the Union already have a similar or somewhat similar law. It is in wholesome practice in England, and has been for 35 years; and more interesting still, it has been in operation in Scotland for over 400 years, and some of the ablest jurists of England commented long before the adoption of the measure into their system of laws on the neglect of England to adopt the practice of Scotland. Several of the nations on the Continent have adopted similar laws.

In the field of law as in the field of medicine there may be preventive remedies. We reach it now in equity and in law sometimes by demurrers. This bill is not radical at all. Personally I would like to see it more extensive in its application.

May I give an illustration? Suppose, for instance, there is a suit involving on one side a husband and wife against another party; one of the parties arises and says, "I desire to file a petition to determine the validity of this marriage, for my contention is that it is not a valid marriage." The other party consents, and then this vital intermediary question must be first determined. To go through the whole case, based upon a validity of the marriage, and then after the long trial to move an arrest of judgment or the setting aside of the verdict is a waste of time and money.

Again, a suit is brought upon a contract. One party takes one view of its construction and the other party takes an opposite view. It is manifest that one or the other construction of the contract would bring about an entirely different result. Therefore the parties request the court to pass upon the precise question as to what that contract means, what is its true construction. Thereby the case may be speedily terminated or it may go forward under more precise and defined lines.

This bill did not meet with opposition in the House the last time, and it is manifest we should do something to-day to make it an available method of simplifying and facilitating the administration of law. Not only do suitors desire this remedy, but it is in the interest of the administration of justice throughout the country.

Mr. DENISON. May I ask the gentleman a question?

Mr. MONTAGUE. With pleasure.

Mr. DENISON. I am interested in this matter and did not discover it was on the calendar until just a short time ago. For information, may I ask whether or not in these proceedings for a declaratory judgment the court enters into a consideration of the facts?

Mr. MONTAGUE. The court may consider the fact as well as the law, and the court may direct the trial of a fact by a jury. The court has that power. We provide in the bill that the Supreme Court may make rules and regulations for a more efficient administration of the procedure.

I may say further that the courts are not likely to take radical steps in administering this remedy. I think they will go step by step until the efficiency of the procedure is thoroughly demonstrated. That has been the history of its progress and success where employed.

Mr. DENISON. May I ask the gentleman a further question? Can one party take a controversy into court without the consent of the other?

Mr. MONTAGUE. No. It provides for the consent of the parties.

Mr. DENISON. Both parties?

Mr. MONTAGUE. Yes; both parties.

Mr. NEWTON. I want to ask the gentleman a question. This applies only to actual controversies?

Mr. MONTAGUE. Yes. The gentleman is a lawyer and I anticipate what is in his mind. He probably has in mind the Michigan case. Michigan had a statute covering this subject, and the courts declared it unconstitutional upon the ground that it did not apply to actual controversies. So this bill bridges that aspect of the procedure by applying the remedy to actual controversies.

Mr. NEWTON. In the Michigan case there was a dissenting opinion, which has met with the approval of some lawyers throughout the country. However, it seems to me the committee has done well to confine this initial effort to actual controversies. Let me ask the gentleman this further question: How is the court going to protect itself so as to be sure that the controversies are real and actual instead of mooted questions?

Mr. MONTAGUE. Well, I should think that when a controversy is actually pending, and a petition is presented to the court for a declaratory judgment, that petition must be consented to by the parties and that sufficient facts or law must be developed to assure the court that an actual controversy existed. The court must of necessity satisfy itself upon this point.

Mr. NEWTON. I can imagine a case where parties might be able to get up a moot question and put it in such form as to make it appear there was an actual controversy when, as a matter of fact, there was not. That might be done unless the court should be rather strict in handling such matters.

Mr. MONTAGUE. The gentleman will realize that we must rely on the courts to make the discovery and to take proper action.

The concluding paragraph of the bill provides:

The Supreme Court may adopt rules for the better enforcement and regulation of this provision.

This, I think, is a wholesome provision.

Mr. NEWTON. Now, as to the controversies submitted, upon their decision being rendered the question then is res adjudicata for all time to come?

Mr. MONTAGUE. It is final as to that matter, with the right of review by the appellate tribunal, just as a final decree or judgment of the court is now so reviewable.

Mr. NEWTON. So it would be the same as in any other law suit?

Mr. MONTAGUE. Yes; as to that particular fact or law, or aspect of the controversy submitted.

Mr. NEWTON. Whatever has been determined in the proceeding.

Mr. MONTAGUE. Yes.

Mr. NEWTON. The first section of the bill states:

In cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction, the said courts upon petition shall have jurisdiction to declare rights and other legal relations on request of interested parties.

Does the gentleman construe that to mean that the request must be made by both parties?

Mr. MONTAGUE. Yes; I so construe it.

Mr. NEWTON. There seems to be quite a difference of opinion among the members of the committee on that point, and I wanted to get the gentleman's idea.

Mr. DYER. Will the gentleman yield?

Mr. MONTAGUE. Certainly.

Mr. DYER. Would it not be clearer if we inserted in line 10, before the word "interested," the word "all," and make it read "on request of all interested parties"? Would not that cover it?

Mr. MONTAGUE. I have no objection to that. Personally, I would not confine it to the concurrence of the parties. I would leave it to the court, upon the application of either party, to decide the question.

Mr. TILSON. Will the gentleman from Virginia yield?

Mr. MONTAGUE. Yes.

Mr. TILSON. It seems to me we should introduce some further definition here, otherwise the language will be ambiguous. We either ought to say "all interested parties," "any interested party," "either interested party," or use some other definite description of the party or parties. The language as it stands leaves the meaning ambiguous.

Mr. MONTAGUE. The bill, I may state, was not drawn by me. As I recall, the bill was drawn by a special committee of the American Bar Association.

Mr. DENISON. If the gentleman from Virginia will permit, I find from reading the testimony of Mr. McChesney, who, I understand, represented the American Bar Association——

Mr. MONTAGUE. Yes.

Mr. DENISON (continuing). That he construed it to apply to both parties or to all parties, and I think it ought to be made plain in the language used.

Mr. STOBBS. Will the gentleman from Virginia yield?

Mr. MONTAGUE. Certainly.

Mr. STOBBS. May I call the gentleman's attention to a discussion in the committee on this particular aspect of the bill? Mr. Henry W. Taft, of New York, when he was asked the question as to whether or not both parties must agree, stated as follows:

I have supposed—now, I may be wrong in this, but I have supposed that it was coercive; that is to say, that either party might bring the other party into court. Perhaps this bill is not definite in making that clear; since you speak of it, I am inclined to think it is not particularly clear. But my impression of the use of this judgment in other jurisdictions has been that it is compulsory.

We were discussing this question in the committee and this was the opinion of Mr. Taft in his statement given to the committee.

Mr. MONTAGUE. I have no hesitancy in saying I wish it were coercive, but when you use the word "parties," it would embrace all parties to the controversy.

Mr. STOBBS. Does not the gentleman think it ought to be called into effect at the request of any one interested party?

Mr. MONTAGUE. I do. That is my personal conviction.

Mr. STOBBS. Rather than all.

Mr. MONTAGUE. Yes; then you leave it for the court to determine. We must trust to the courts, and they are not likely to do this unless they believe it should be done, and that the fact and law and nature of the controversy amply justify it.

Mr. CELLER. Will the gentleman yield?

Mr. MONTAGUE. I yield to the gentleman.

Mr. CELLER. I understand the word "declaration" is used in the bill and I presume this bill will be called the declarative judgment bill. Does this bill take in all that is generally known as declarative judgments in this sense, that where two parties to a contract have difficulties in determining what their rights are, they then have the right under this bill to go into court and have their rights determined?

Mr. MONTAGUE. That is not clear under this bill. In many States they can, but this bill confines jurisdiction to actual controversies and not potential controversies. We may reach that in the development of the practice, but it does not apply now.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. MONTAGUE. Certainly.

Mr. JOHNSON of Texas. Is not the object of the bill to discourage and prevent as far as possible a large volume of litigation?

Mr. MONTAGUE. Yes; and also to expedite and simplify the procedure in litigation.

Mr. JOHNSON of Texas. Upon that theory will this not be conducive to increasing litigation? If either party during a preliminary stage of a controversy can bring the matter into court, and thereafter there may be further litigation before the rights of the parties are determined, would you not have double the volume of litigation, because there would be a lawsuit declaring the rights under a contract, and then after the rights are determined there would be further litigation? Would it not be better, as suggested by some of the gentlemen here, that this right could only be exercised when both parties were willing to submit themselves to the jurisdiction of the court? Otherwise it seems to me you will have an increased volume of litigation, which would be what we might call litigation of a premature character.

Mr. MONTAGUE. It would not be any more premature than a demurrer or an injunction.

Mr. SUMNERS of Texas. Will the gentleman from Virginia yield?

Mr. MONTAGUE. Certainly.

Mr. SUMNERS of Texas. I want to direct my colleague's attention to certain language in section 274D. My colleague will recall that when the bill was under consideration there was one proposition to limit this remedy to those situations where suits were pending; and another was to permit, for instance, a matter being submitted to the court when there was a difference of opinion between the parties to a contract, for instance, as to what was the proper construction of that contract.

It seems to me probably true that the committee undertook to effectuate the latter, because the bill reads:

In cases of actual controversy, in which if suits were brought, the courts of the United States would have jurisdiction—

And so forth. Is it not true that it would be possible for interested parties, in a difference of opinion with reference to the proper construction of a contract, to submit that question to the court, no suit having been brought involving the general matter in controversy.

Mr. MONTAGUE. The gentleman means, does the bill contemplate an interpretation of a contract in the absence of a suit?

Mr. SUMNERS of Texas. Yes.

Mr. MONTAGUE. The bill is intended to apply to "actual controversies," in suits pending, for the reason that the courts of Michigan had held that in the absence of an "actual controversy" the procedure was not constitutional, and we did not wish to run any risk.

Mr. SUMNERS of Texas. Does not the gentleman think that some change of language in the section should be made because of the words "if suit were brought"?

Mr. MONTAGUE. The language is "in cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction"—that seems to refer to cases in which the courts of the United States have jurisdiction.

Mr. CELLER. Will the gentleman yield? I am in doubt as to what this bill is. In New York State in the surrogate's court, having jurisdiction over wills, an executor or administrator under the law, if he has any doubt as to the meaning of a clause in a will, has a right to go to the surrogate and ask the surrogate how he will interpret a certain passage of the will so that he can be certain that his operations under the will are proper. Now, by analogy, suppose A has a contract with B, and he does not know what he might do under that contract, and B differs with him. Now, may he go to the court under this bill and say here is my contract with B; B disagrees with me, and I want the court to determine the controversy?

Mr. MONTAGUE. If the proceedings or pleadings present the question he could. In the case of the will the gentleman speaks of I do not know the practice in New York, but in my State for a long time, where the construction of a will is involved, a court of equity will take jurisdiction and determine the precise question. Perhaps the law courts in some jurisdictions may do likewise.

Mr. CELLER. I am only arguing by analogy when I offer the New York practice as to wills—just trying to make my position clear. The gentleman says if there is such a controversy between A and B upon a contract they can go to a Federal court and have their rights determined.

Mr. MONTAGUE. If the court has jurisdiction and the question is properly presented.

Mr. CELLER. But I mean before actual default can either go to the court for the interpretation of the contract? Can

either party go into court and say we want this controversy determined?

Mr. MONTAGUE. I would not like to answer categorically.

Mr. CELLER. I think a definite conclusion should be reached by the committee.

Mr. MONTAGUE. My own idea is that what the gentleman desires is one of the great objects of declaratory judgments; whether this bill will give all the relief in that direction or not there is some doubt, but it leads in the proper direction.

Mr. CELLER. The gentleman's statement is going to create a doubt in the minds of the judges because the gentleman knows that when statutes are interpreted the congressional debates are looked up and judges in a way are aided in construing statutes by what we say here.

Mr. MONTAGUE. I can only say that the bill means actual controversies in court. It does not mean a controversy not in court.

Mr. O'BRIEN. Will the gentleman yield for a question?

Mr. MONTAGUE. I will yield.

Mr. O'BRIEN. What is the status of a case under actual controversy upon which a petition may be filed?

Mr. MONTAGUE. I could not tell the gentleman. One case might not conform to the petition or procedure and another might. All that is to be determined by the judge in the individual controversy.

Mr. O'BRIEN. What I desire to bring out is: Can a petition be filed on the filing of a bill, or must it be filed when the issue is joined?

Mr. MONTAGUE. The petition must be filed after the case or controversy is in court.

Mr. O'BRIEN. That does not go far enough. It would be docketed and in court on the filing of the bill or declaration. Can a declaration be filed before issue is joined by the filing of some pleading by the defendant?

Mr. MONTAGUE. I should think the controversy must be ready for hearing in some form, or at whatever stage it may have progressed with, this intermediary procedure may be presented and determined. That is, the court may take it up for consideration. It should be repeated that the Supreme Court is enabled under this bill to adopt a procedure for this particular remedy.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. GILBERT. Kentucky has a declaratory judgment law, and it has been very beneficial. It is employed at the instance of one party alone.

Mr. MONTAGUE. Yes.

Mr. GILBERT. And in addition to that, going further than the gentleman from New York [Mr. CELLER] suggested, one party may want to know in the case of a will what his interest in the property is, and it may be a remainder interest. There may be no actual controversy for years, yet he is interested to know what his interest is, because he may want to sell. He is permitted to go into court and find out. If the gentleman will pardon the presumption, I think the bill would be better if it would specify at least at the instance of any one party.

Mr. MONTAGUE. I agree with the gentleman in that, and so far as I am individually concerned I will vote for such an amendment.

Mr. STOBBS. I am going to offer such an amendment.

Mr. GILBERT. In Kentucky it has occurred where one party is very much interested in knowing, while the other is not interested and will not come into court.

Mr. MONTAGUE. But the gentleman from Kentucky states a case not in court at the time.

Mr. GILBERT. Yes.

Mr. MONTAGUE. This bill may not go so far as that.

Mr. GILBERT. He may have an opportunity to sell his interest in the property.

Mr. MONTAGUE. That is a potential case. There was much opposition to that. Michigan declared the suggestion of the gentleman, which I think is most beneficial, to be invalid, and we want to avoid any constitutional negations of the law.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. STEVENSON. Let me state a practical case. Suppose John Smith is a life tenant in possession of a tract of land, and that property is to go to Bill Jones at his death, provided Bill Jones is then alive, and if not, then to some one else; and Bill Jones and John Smith go into court on one of these declaratory propositions, on the question of the rights of the parties in that land, and a decision is had. That decision may be detrimental to the interests of the ultimate remaindermen, who are not there. How will they be affected by it? That is a practical question that the bar has to look into before starting this matter.

Mr. MONTAGUE. That is a question for a judicial action, and a similar question may arise upon any final judgment or decree. The gentleman knows as much about that as I do.

Mr. STEVENSON. In other words, is it not possible that the ultimate remainder man may be prejudiced, bound, and barred by a judgment in a case to which he was never a party?

Mr. MONTAGUE. Yes; it is possible, and also he may be mightily benefited.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. LAGUARDIA. Under the case the gentleman just stated, he could not come into court because no right of action would have occurred.

Mr. STEVENSON. Suppose there was a dispute as to the possession of property between the life tenant and this potential first remainder man. There would be a right there, and they could go into court mighty quick.

Mr. LAGUARDIA. They could not do it.

Mr. STEVENSON. But suppose the life tenant's right was disputed by the remainder man?

Mr. LAGUARDIA. They would decide the right of the life tenant and nobody else.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Speaker and gentlemen of the House, it seems to me this legislation is very, very desirable, and, as the gentleman from Virginia has pointed out, it is in the nature of preventive medicine. There was an honest difference of opinion in the committee, and there may be an honest difference of opinion among the Members of this House as to whether or not this declaratory judgment feature ought to be invoked at the request of all the interested parties or by any one individual. That is just a matter of a difference of opinion. In the hearings before the committee Mr. McChesney, as has already been pointed out, said he understood from the way this bill was drawn, that it would require the consent of all the interested parties, but Henry W. Taft, of New York, at a previous hearing on this same bill, said he thought it ought to be invoked at the request of any one individual party; in other words, it ought to be coercive, and as the gentleman from Kentucky has pointed out, that is the way it has worked out in his particular State. Personally, I favor this provision being invoked at the request of any one individual party who is involved in the controversy. To answer the objection made by the gentleman from South Carolina [Mr. STEVENSON], I would say that if a party presents a petition to the court, the court under that petition, if any one party has that right, takes that matter under consideration. Of course, the court is going to have notices issued to all the interested parties, so that they may be heard. When a man files a petition the court will order all of the interested parties into court so that their rights may be adjudicated and they may be heard at that time.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. STOBBS. Yes.

Mr. MOORE of Virginia. As I understand, it is contemplated that the question to be presented is always a pertinent and relative question.

Mr. STOBBS. Surely.

Mr. MOORE of Virginia. If that is true, what objection can there be to the court taking cognizance of the proposition at the instance of one party, even though the other party may be opposed to it?

Mr. STOBBS. I see none. I propose to offer an amendment to insert the words "any of the interested parties." Now, just a word as to why I believe any one party should have the right to request an adjudication or consideration of this matter. There are always two elements involved in any business agreement controversy. There is the element of liability and the element of damage. Lots of times there is an honest difference between two people as to what a business agreement, which they have entered into between themselves, actually means. If one of those parties—who may, as a matter of fact, be the one who is least well off financially—wants to have determined, before he goes ahead and performs his part of the contract, just exactly what the contract means, if you leave it that both parties must agree he could not get a determination or construction of the contract as a matter of right, whereas if you leave it that any one of those parties may request the court to take jurisdiction, then the man who may be the least well off financially can go to the court and simply say, "I want this court to determine the question as to what this contract means before I go ahead and perform my part of it or incur any liability under it." Now, that is a plain, simple, business proposition. So he goes to court and says, "I want the court to interpret this contract at the very outset," and the other side, then, has got to come in. There is no reason why they should

not be compelled to come in. Then they both have their rights heard in court and have a decision as to what that contract actually means.

After the court has said what that contract means, then each party can go ahead and perform their respective obligations or duties under the contract. Perhaps the best illustration as to why you ought to allow one party to come in is the question of the construction of wills. Suppose I am the executor of an estate and I am supposed to carry out the terms of a will. The provisions of that instrument are far from being clear, and some of the beneficiaries come to me and say, "This will means so-and-so." Other beneficiaries will say, "This will means so-and-so." I simply look at it and say, "I believe it means so-and-so." If I say, "Let us have the court construe this," some of these people, who are playing the litigation game, say, "We will not agree to come in on a construction of this proposition," and if that should happen, where am I left?

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. DYER. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. STOBBS. If it is left that any one party can go before the court, then I, as the executor, will go before the court and say, "I do not agree with you beneficiaries on this, so you will have to go into court on it."

Mr. DYER. How can you go into a Federal court in a will case?

Mr. STOBBS. I suppose a will case is not the best illustration, but it illustrates the declaratory judgment feature in a State court.

Mr. DOWELL. Will the gentleman yield?

Mr. STOBBS. Yes.

Mr. DOWELL. The gentleman was discussing the question I wanted to ask. In a will case the parties are all in court?

Mr. STOBBS. Yes.

Mr. DOWELL. And that is a State court proposition?

Mr. STOBBS. But it illustrates the declaratory judgment provision.

Mr. DOWELL. But in the case of a contract, suppose there is no real controversy as to the meaning of the contract, and then suppose one of the parties who desire to construe it favorably to himself says to the others, "Unless you agree to my version of this contract I shall bring this before the court and have a suit to determine the proper construction of this contract," would he not have a lever upon those who did not want to go into court for a construction, by the threat that unless they conceded his construction of it they would be brought into court for a determination by the court. In other words, could he in any way influence the construction of the contract to his own advantage?

Mr. STOBBS. My answer to the gentleman from Iowa is that the procedure on these declaratory judgments is only invoked where there is an actual controversy, and that means no moot question; and if any one party sought to invoke the use of the court and the court afterwards determined there was no real controversy, but it was done purely for purposes of delay and provoking litigation, the court would deal accordingly; in fact, the court would not have any jurisdiction, if there were no controversy involved, under the phraseology of the bill. This is the way it has been considered and construed in all the States. In other words, it must not be a moot question, but must be a real, actual controversy before you have any right to come into court.

Mr. ABERNETHY and Mr. HOCH rose.

Mr. STOBBS. I yield first to the gentleman from Kansas.

Mr. ABERNETHY. I have been on my feet for 15 minutes and I think I shall have to make the point of no quorum.

Mr. STOBBS. I will yield to the gentleman from North Carolina. I am sorry.

Mr. ABERNETHY. No; the gentleman yielded to the gentleman from Kansas. I withdraw any point of no quorum.

Mr. STOBBS. All right. I yield to the gentleman from Kansas and then will yield to the gentleman.

Mr. HOCH. If I understand the gentleman correctly with reference to the case of a contract, his view of this language is that if there were a substantial controversy as to the meaning of a contract, this procedure might be availed of even though there were no allegations of a breach of the contract; that is to say, there is no existing cause of action upon which a hearing could be had at the time; but there is a substantial controversy as to the meaning of the contract.

Mr. STOBBS. Yes.

Mr. HOCH. In that case they could still come in and invoke this procedure.

Mr. STOBBS. Absolutely.

Mr. CELLER. Will the gentleman yield?

Mr. STOBBS. I yield to the gentleman from New York.

Mr. CELLER. There might be a controversy between the parties as to what certain words of a contract meant, and in anticipation of a breach of the contract, they could come into court and have that controversy determined.

Mr. STOBBS. That is exactly it. They determine the question of liability before they incur any damage on one side or the other.

Mr. CELLER. I take it the gentleman's view is that this should be as in equity cases, either party or any party interested can come in and invoke the aid of the court, and then the court can draw in everybody who is interested.

Mr. STOBBS. That is exactly my opinion.

Mr. ABERNETHY. Will the gentleman yield?

Mr. STOBBS. I certainly will, with pleasure.

Mr. ABERNETHY. Does not the gentleman think if we leave this procedure to any one party to the controversy we will have to increase the number of our courts very largely on account of the amount of litigation that will be brought about by these controversies? In view of the congested dockets we have now, does not the gentleman think that leaving this to either one of the parties will make it necessary for us to increase the number of judges very largely?

Mr. STOBBS. I think it will work exactly the other way, because you are going to shut off litigation. You can determine the rights of the parties beforehand and thereby you are going to save a lot of expensive suits.

There is one other thought in connection with will cases. Of course, will cases ordinarily are settled and determined in the State courts, but there are cases where will cases come into the Federal courts, I believe, where there is a question of diverse citizenship, and this question would then be involved; and if there is any one class of cases where any one individual ought to have the right to go before the court, without the consent of all the rest of the parties, and ask to have a construction of an instrument before there is anything done by the parties on one side or the other, and to save litigation and expense to the parties, it is in will cases, and that is exactly what this legislation would allow you to do in respect of such a case in the Federal court.

Mr. DENISON. Will the gentleman yield?

Mr. STOBBS. Yes.

Mr. DENISON. You can do that in every case in the country now. The courts now recognize the right of either party to bring suits to construe wills without any legislation of this kind.

Mr. STOBBS. There is not any question but that this bill allows it, and it would be possible under this legislation to do that in the Federal courts.

Mr. DENISON. Yes; but I say the courts, wherever they have jurisdiction to construe wills, now do that very thing.

Mr. STOBBS. In the Federal courts to-day?

Mr. DENISON. If they have jurisdiction to try will cases at all.

Mr. STOBBS. Then this legislation is not going to do any harm.

Mr. DENISON. I mean it is not necessary in order to permit the courts to construe a will where there is a dispute about it, because that can be done now.

Mr. SCHAFER. Will the gentleman yield?

Mr. STOBBS. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. It appears to me we would have to have a great increase in the number of our judges because of the increased legislation, because before a judge could determine the question upon which the petition is based he would practically have to require the same evidence he would require in a court trial.

Mr. STOBBS. Does not the gentleman from Wisconsin appreciate the fact that all the judge is going to construe is a written instrument, say a contract, and he is not going to hear any witnesses. Therefore if he construes that written instrument and decides it to be such and such a thing, then you have avoided all the trouble and expense of bringing your witnesses before the court to try out that same question later on. You are saving trouble rather than making trouble in the courts.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. It seems to me there is a confusion as to the meaning of the word "party" in this bill.

A party to an action or suit is one who is directly interested in the subject-matter in issue; who has a right to make a defense, control the proceedings, or appeal from the judgment. (United States v. Henderlong (U. S.) 102 Fed. 2, 4; In re Duchess of Kingston, 20 Howell, St. Tr. 538; Hunt v. Haven, 52 N. H. 162, 169; Robbins v. City of Chicago, 71 U. S. (4 Wall.) 657, 672, 18 L. Ed. 427; Green v. Bogue, 15 Sup. Ct. 975, 985, 158 U. S. 478, 39 L. Ed. 1061; Theller v.

Hershey (U. S.) 89 Fed. 575, 576; Cullen v. Woolverton, 47 Atl. 626, 627, 65 N. J. Law 279; Hodde v. Susan, 58 Tex. 389, 393; Haney v. Brown (Tex.) 46 S. W. 55, 57; Bealor v. Hahn, 19 Atl. 74, 76, 132 Pa. 242; Walker v. City of Philadelphia, 45 Atl. 657, 195 Pa. 168, 78 Am. St. Rep. 801; State ex rel. Kane v. Johnson (Mo.) 25 S. W. 855, 857 (citing Greenl. Ev. 535); City of Springfield v. Plummer, 89 Mo. App. 515, 531; Boles v. Smith, 37 Tenn. (5 Sneed) 105, 107; Wheeler v. Towns, 43 N. H. 56, 57.)

A party is ordinarily one who has or claims an interest in the subject of an action or proceeding instituted to afford some relief to the one who sets the law in motion against another person or persons. Interest or the claim of interest is the test as to the right to be a party to legal proceedings almost without exception. Hughes v. Jones (22 N. E. 446, 448; 116 N. Y. 67; 5 L. R. A. 637; 15 Am. St. Rep. 386).

Interest means concern, advantage, good; share, portion, part, or participation. Fitch v. Bates (N. Y.), 11 Barb, 471, 473 (citing Webster).

So that the bill as now framed permits the one party to commence proceedings for a declaratory judgment. A plaintiff in an action need not consult the defendant; he serves papers and that brings the defendant into court. When a party wants a declaratory judgment, if there is an actual issue he serves the other party with papers and brings him into court.

The illustration presented by the gentleman from New York [Mr. CELLER] shows what the bill will do. I do not agree with the gentleman from Virginia that it is necessary to have an action pending in court. You can have a declaratory judgment before you get into court. That is the essence of this bill. In fact, the purpose of obtaining a declaratory judgment, as I understand it, is to avoid suit, avoid litigation.

The gentleman from New York [Mr. CELLER] asked the gentleman from Texas [Mr. SUMNERS] concerning a hypothetical case, a controversy over the purchase of cloth, whether it is worsted or wool. Now, to bring this under the provisions of the bill you would have to state the facts and the actual controversy, and the court determines first whether it is an actual controversy and the meaning of the contract. If you fail to show an actual controversy you are thrown out of court on demurrer or a motion to dismiss. You first state the facts. Assume the facts as presented by the gentleman from New York. A sells to B a thousand yards of blue serge worsted cloth and the contract provides that B shall have the right to check up on the color and shape, and while he checks up he finds the cloth is not made in accordance with the provisions, or what he believes are the provisions, of the contract. B may call A into court and ask the court to declare whether it shall be worsted or wool, or what.

The purpose is not to put A to the expense of manufacturing all the cloth and taking the chances whether it is in accordance with the contract or not. It is not the purpose to put B to the risk of waiting until delivery of the cloth is made and then finding himself with a consignment of goods he did not order and can not use.

So that if you have a contract, if you have a controversy and the court has jurisdiction you can bring in the interested party. As I understand the purpose of declaratory judgment it should not be necessary to obtain the consent of the other party.

Mr. NEWTON. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. NEWTON. Was the language in the bill taken from any State statute?

Mr. LAGUARDIA. I think it is very much like some of the State statutes.

Mr. NEWTON. What I am getting at is this, if the language in lines 9 and 10, on request of the interested parties for such declaration—if that is in an existing statute and has been construed by some of the courts, of course, we may know whether it means any party or all parties, but if there is no such decision construing that language certainly this House ought to be sure of its position and either say all or any.

Mr. LAGUARDIA. I construe it to mean any interested party may bring in the other party.

Mr. STOBBS. Let me say to the gentleman that I am going to offer an amendment to that effect.

Mr. CELLER. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. CELLER. The way the bill reads it is not necessary to have all the interested parties initiate the proceedings.

Mr. LAGUARDIA. That is the intent of it as I understand it.

Mr. DYER. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. STOBBS] to offer an amendment.

Mr. STOBBS. Mr. Speaker, I am going to offer an amendment, but before it is read let me say in reference to the testimony of Mr. McChesney that has been quoted, he says:

It seems to me the language might well be modified to read "on the request of any interested party."

That is the gentleman who introduced a bill before the committee.

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. As I understand it, the gentleman from Missouri yielded the floor for amendment. Under the rule he must yield the floor if he yields it for an amendment. He has the right under the rule to yield time, but not for the purpose of offering an amendment. When the amendment is offered the floor goes to the one who offers the amendment, and so the gentleman from Missouri has no right to the floor.

The SPEAKER. Does the gentleman from Massachusetts offer his amendment to be read for information at this time?

Mr. STOBBS. Yes.

The SPEAKER. The Chair understood that that was the procedure. The Clerk will read the amendment for information.

The Clerk read as follows:

Amendment by Mr. STOBBS: Page 1, line 10, after the word "of," insert the words "any of the," so that the line will read: "on request of any of the interested parties."

Mr. DYER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three minutes remaining.

Mr. DYER. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, of course it is impossible for anyone to discuss a bill of this kind in two minutes. Therefore I shall yield back the time.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DENISON] may have five minutes, regardless of the hour.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Illinois may proceed for five minutes, regardless of the hour. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, of course, I have not had the same opportunity to consider this bill that the members of the committee have had, and still there seems to be a very marked difference of opinion among the members of the committee. Any legislation that changes the regular procedure in our courts, I think, is of such importance that it ought not to be passed without very careful consideration. This legislation is more or less revolutionary in its character. We have never had such procedure as this before in the United States courts. We are authorizing a departure from the ordinary procedure. I do not know how this has worked in those States where they have laws of this kind. I know that in the State that I have the honor to represent in part there is no such procedure. I rise merely to express my misgivings in regard to it. The power to bring a person into court in a legal proceeding is a very great power. Whenever one person has a right to bring another into court over a controversy, and he exercises that right, he puts that other person then and there to an expense, and nowadays it is getting to be a very heavy expense. We are here by this bill conferring additional powers upon people to bring others into court. When you authorize one party to bring another into court, merely because there is a difference of opinion between them with reference to the construction of a contract, or a controversy between them in respect to property rights, that means that the other party has to employ counsel, and has to give his time, and in other ways incur heavy expenses, merely at the wish of the one who brings him into court, when there may be no litigation, but merely a difference of opinion. If we are going to approve this new procedure, I think we ought not to go so far as has been suggested. If it is going to be permitted at all, it ought to be permitted only upon the consent and agreement of all of the parties. I think you will be going a long way when you do that. I know that Members may not agree with me here, but I do not want this bill to pass without taking this opportunity in these few words of expressing my misgiving in respect to it, and to suggest that I think you are going too far when you authorize one party to bring in perhaps 50 others and compel them to employ counsel, when they may not want to go into court at all, when they might rather compromise the case than go into court and incur that expense.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. JOHNSON of Texas. If we do not amend the bill so as to require the matter to be brought by the consent of all of the parties, would it not amount to piecemeal litigation? I am like the gentleman, and think there should be an agreement

of all of the parties before this preliminary determination of any question can arise. Otherwise would it not mean we would increase the opportunity for litigation and have only piecemeal litigation?

Mr. DENISON. I think so. I think we ought not to authorize one party to bring others into court, merely because that one party wants to, or because there is a controversy or difference of opinion among them on questions of law or fact.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. GILBERT. But can not I sue anybody in the United States that I want to?

Mr. DENISON. You can, if the other party has violated your rights, if there is a cause of action; but now you are authorizing that to be done before there is a cause of action, and we ought not to do that except upon the agreement of all of the parties.

Mr. LAGUARDIA. I can go into a court of equity and prevent anybody from violating my rights in anticipation of the breach.

Mr. DENISON. That is a recognized procedure in equity jurisprudence, where irreparable injury is threatened, but the gentleman is lawyer enough to know that that is not pertinent to this question.

Mr. LAGUARDIA. It is one step toward it.

Mr. GILBERT. Let us say that it is desirable for me to borrow a lot of money on a piece of property. There is no irreparable injury threatened because the man does not have to loan me the money, but he is willing to do it, if my title is all right. I ought to be permitted to go into court and have that determined.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. NEWTON. Mr. Speaker, I ask unanimous consent that his time be extended for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GILBERT. Here is an actual controversy that occurred in my State. A party heavily indebted with numerous creditors found a company that was willing to loan the money.

The company was in doubt as to the title. It had none of the ordinary remedies provided by law because it had not even gone into the transaction, but it was willing to go into the transaction, and it was highly desirable to a great number of creditors that an arrangement be made. The company merely came into court and filed its petition under a declaratory judgment to find out what her interest in that title was, and the court having determined that the title was good, the company then loaned her the money; and in that way a lot of people were saved and it protected everybody.

Now, if you are going to make it dependent on the agreement of everybody, you have practically destroyed the effect of your legislation, because, as suggested by the gentleman from Virginia [Mr. MONTAGUE], if they are all of them agreeable, they could probably agree without going into court.

Mr. DENISON. Yes. That is what they ought to do. Would it not be better than to have to employ counsel and go into court? Would it be right for one party to have the right to compel the others to go to that expense when no cause of action had yet arisen?

Mr. GILBERT. Yes. But courthouses are not made for people who can agree, but for people who can not agree.

Mr. DENISON. I understand that.

Mr. O'BRIEN. Would it not be possible for one litigant to secure long delays in the settlement of controversies by requesting an interpretation of the contract?

Mr. DENISON. I am sorry I did not understand the gentleman.

Mr. O'BRIEN. I am a new Member and have not got the acoustics of this building yet. I am asking whether or not, if this is permitted and one of the parties can request the remedy herein offered, it might be used as a vehicle for long delays of litigation; that is, putting off the evil day for settling the matters in controversy until certain matters should arise upon the petition?

Mr. DENISON. I confess I have not had the experience in this kind of procedure necessary to enable me to answer that question intelligently.

Mr. O'BRIEN. I think it is a matter that should be considered. I am very favorable to the declaratory judgments if they are not used as a vehicle for delay.

Mr. DYER. I do not think it can be so used. It will be adjudicated by the court, and it will only be by appeal.

Mr. O'BRIEN. It is declaratory of that question. I raise the question—not a moot question, but I raise that question. Perhaps there is nothing in it. Questions of that kind are often raised. While that is undetermined the merits of the case are not determined.

Mr. WELLER. Is it not a fact that it merely provides permission to go to court before judgment is made declaratory upon any interested party to state a cause of action and get an interpretation of law as it may be applied?

The SPEAKER. The time of the gentleman has expired.

Mr. WELLER. May the gentleman have one-half minute more?

The SPEAKER. Is there objection?

There was no objection.

Mr. WELLER. And then without any stay or any power compelling either party to make an adjudication the rights of appeal are preserved, without intermediate delay or infringement on the rights of the parties.

Mr. HOCH. The gentleman from Texas [Mr. SUMNERS] said a moment ago that under his interpretation the right arises under this bill before any cause of action existed at all, and the gentleman contends that this is only pertinent where a cause of action does exist.

The SPEAKER. The time of the gentleman has again expired.

Mr. DYER. Mr. Speaker, this bill was prepared by the American Bar Association, and it has been before the Committee on the Judiciary a number of times, and we have had hearings on it. The bill as it is presented to this House is in itself a new departure in practice in Federal courts, and I doubt the wisdom of going any further than the bill provides. If it is found to be advantageous in the settlement of controversies where matters have been brought into the courts of the United States, it can be enlarged so that any party can take advantage of it. But now it provides that all interested parties must be in accord and in agreement before advantage can be taken of this provision of the law.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. JOHNSON of Texas. Does the gentleman contend that the bill as now written requires all interested parties to participate in the request?

Mr. DYER. Yes; it so says on line 10 of page 1.

Mr. JOHNSON of Texas. It says "on request of interested parties."

Mr. DYER. It says "the said court upon petition shall have jurisdiction to declare rights and other legal relations on request of interested parties."

Mr. JOHNSON of Texas. Does the gentleman think that would be sufficient to apply to all the parties?

Mr. RAMSEYER. All interested parties must agree. Then what is meant by the language on page 2, line 6, where it says:

> If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party, whose rights have been adjudicated by the declaration, to show cause why further relief should not be granted forthwith.

Mr. DYER. That is in case, Mr. Speaker, where the petition indicates whether a relief is necessary. But to get into court all interested parties must come in. This is for a subsequent proceeding.

Mr. RAMSEYER. Then, in subsequent proceedings, you do not need the consent of all the parties?

Mr. DYER. No. I think the bill should be passed as it is presented, because I do not believe we should go wider afield than the bill provides.

Mr. NEWTON. Might not a substitute be offered for the amendment of the gentleman from Massachusetts [Mr. STOBBS]?

Mr. STOBBS. I will offer an amendment.

Mr. NEWTON. The gentleman's motion would preclude the offering of any amendment whatever.

Mr. DYER. Mr. Speaker, I will withdraw the motion if the gentleman wishes to offer an amendment.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Minnesota for the purpose of offering an amendment?

Mr. DYER. I do.

Mr. STOBBS. Mr. Speaker, I offer my amendment at this time before the moving of the previous question.

Mr. NEWTON. Mr. Speaker, I have sent to the Clerk's desk a substitute for the amendment offered by the gentleman from Massachusetts.

The SPEAKER. The Clerk will report the substitute offered by the gentleman from Minnesota.

Mr. DOWELL. Mr. Speaker, a point of order. The bill has not been read for amendment.

The SPEAKER. This bill is on the House Calendar, and the gentleman in charge on the floor yields for the purpose of permitting the gentleman from Minnesota to offer a substitute.

Mr. RAMSEYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAMSEYER. Are not two hours of debate provided for under the rules?

The SPEAKER. Not in the case of a bill on the House Calendar. That is in the case of a bill on the Union Calendar.

Mr. RAMSEYER. What time has been consumed?

The SPEAKER. The gentleman from Missouri was entitled to one hour, and at any time during that hour he could move the previous question. He has yielded to two gentlemen for the purpose of offering amendments.

Mr. RAMSEYER. Has the hour expired?

The SPEAKER. The hour is about to expire. The gentleman has moved the previous question, but has withheld it temporarily.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the time may be extended 15 minutes.

Mr. CELLER. Mr. Speaker, reserving the right to object, I would like to have 1 minute, and I move that the time be extended 16 minutes.

Mr. DOWELL. Mr. Speaker, I make the point of order that the gentleman from Missouri can not hold his previous question.

Mr. DYER. I have withdrawn that.

Mr. DOWELL. The previous question certainly can not be held by the gentleman from Missouri.

The SPEAKER. The gentleman from Missouri, as the Chair understood, withheld his motion for the previous question and now asks unanimous consent that his time be extended 15 minutes.

Mr. CELLER. Mr. Speaker, reserving the right to object, I ask that it be extended 16 minutes and that I be given 1 minute.

Mr. DYER. I will give the gentleman 1 minute out of the 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, in order that we may know the question to be talked about, I ask unanimous consent that the amendment offered by the gentleman from Massachusetts and the substitute offered by the gentleman from Minnesota be reported.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Massachusetts and the substitute offered thereto by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. STOBBS: Page 1, line 10, after the word "of," insert the words "any of the."

Amendment to the amendment offered by Mr. NEWTON: Page 1, line 10, insert in lieu of the Stobbs amendment the words "all of the."

The SPEAKER. The gentleman from Missouri is recognized for 15 minutes.

Mr. DYER. Mr. Speaker, I yield two minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker and gentlemen of the House, I have listened carefully to everything that has been said on this bill. I am interested in improving our judicial procedure, simplifying it, making it more easy to dispose of litigation and bringing about justice between parties that have controversies.

Undoubtedly the members of the committee of the American Bar Association who wrote this bill knew what they were driving at when they presented this bill to the Judiciary Committee. After listening carefully to every speech here—and most of them were made by members of the Judiciary Committee—I think I state a fact when I state that no two members of the Judiciary Committee agree on the meaning of the bill.

I think this bill should have further study and consideration by the Judiciary Committee, so that when it comes back the members of the Judiciary Committee can get up here, at least two of them together, and say that the bill means so and so. [Laughter and applause.] I can not support a measure when not even two members of the committee can agree on its meaning. Unless somebody else does so, when the proper time comes I intend to make a motion to recommit this bill to the Committee on the Judiciary. A motion to strike out the enacting clause would be in order, but I do not want to kill this proposal. However, I think it should have further study from the Committee on the Judiciary, and for that reason I shall move to recommit the bill at the proper time.

Mr. DYER. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Speaker, I agree substantially with the gentleman from Iowa. If there is anything that can be done to simplify the proceedings in our courts and make the rendering of justice more certain and speedy, I want to see it enacted. However, in our efforts to do so we ought to be very careful that we are doing that and not the reverse.

It seems to me to be perfectly clear, after glancing over the hearings, that the witnesses disagreed on the language of the bill. Mr. Henry W. Taft, a very eminent lawyer of New York, was of the opinion that the language made it coercive and that one party could bring all of the other parties into court. Now, the opinion of Mr. McChesney, another witness, as was brought out by the gentleman from Illinois, was just the contrary.

Mr. DENISON. Yes. Will the gentleman yield?

Mr. NEWTON. Yes; I yield to the gentleman.

Mr. DENISON. The testimony of Mr. Taft was given during a former Congress, and I do not know whether he was testifying about this bill or a bill that may have been different.

Mr. NEWTON. That is not clear from the hearings.

Mr. MONTAGUE. It is the same bill.

Mr. NEWTON. Then that clears that point up.

It seems to me we ought to at least make certain what is now uncertain. So the gentleman from Massachusetts [Mr. STOBBS] has offered his amendment carrying out the idea that any party can bring in the interested parties, and the amendment I have offered strikes out "any of the parties" and inserts in lieu thereof "all of the parties."

It seems to me as long as this is new and rather novel—at least it is that way to me—because we have no provision of the kind in my State—it seems to be in starting this in the Federal courts we could very well restrict it so that all the parties must come in before they can invoke the power of the courts to declare a judgment.

Mr. DOWELL. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. DOWELL. In other words, the gentleman's amendment will give the court the right to arbitrate the matter when they come before it prior to any litigation that may be brought.

Mr. NEWTON. That is approximately correct; and it seems to me that is as far as we should go.

Mr. DOWELL. I think the gentleman's amendment would be perfectly safe, but I think the amendment offered by the gentleman from Massachusetts [Mr. STOBBS] might be a very dangerous one.

Mr. NEWTON. Furthermore, in line 9 of the bill they have jurisdiction to declare "rights" and "other legal relations." This is a phrase that may mean a whole lot or it may mean very little. Some of us are rather fearful as to just what may be contained within that phrase, as it will be construed by the courts. It again illustrates the necessity of restricting rather than increasing the jurisdiction.

Mr. DYER. Mr. Speaker, I yield to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, so that the House might more clearly understand this bill, I restate it:

Be it enacted, etc., That the Judicial Code approved March 3, 1911, is hereby amended by adding after section 274C thereof a new section to be numbered 274D, as follows:

"SEC. 274D. (1) In cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction, the said courts upon petition shall have jurisdiction to declare rights and other legal relations on request of interested parties for such declarations whether or not further relief is or could be prayed, and such declarations shall have the force of final decree and be reviewable as such.

"(2) Further relief based on declaratory decree may be granted whenever necessary or proper. The application shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaration to show cause why further relief should not be granted forthwith.

"(3) When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories, with proper instructions by the court, whether a general verdict be required or not.

"(4) The Supreme Court may adopt rules for the better enforcement and regulation of this provision."

A enters into a contract with B for the manufacture of a thousand tables at a certain price. Before A buys the material a controversy ensues as to whether or not the wood to be used is to be oak or cedar. A says it is oak. B says it is cedar. The contract itself is not clear. Under our present system, A would make up the tables of oak and take his chances upon a recovery for the price of same in a lawsuit after B had rejected them. The judgment of the court might be adverse to A in that the court construed the contract to mean cedar

tables. A thus stands a great loss. He has a thousand unsold tables on his hands. If they are unusual or unique tables, he may never sell them.

How much better it would have been if A could come into court at the threshold of the dispute, before he bought all of the wood, and asked the court to declare a judgment that the contract meant either cedar or oak. That decision would be a declaratory judgment.

A and B, as owners, enter into an agreement to make a mineral lease with C as tenant. Subsequently it is claimed that A has only a life interest in the property and is not able to make or become a party to the lease. C wants the lease. If he takes it, he does so at his peril, because A might die during the term of the lease and his heirs at law might raise objection. If C could go into court and procure a declarative judgment he would be taking no chances. The court would first determine the respective rights of the parties and would declare a life tenant or owner in fee.

The above-stated facts are the exact facts in the Kariher case in the supreme court of Pennsylvania, September 23, 1925. In holding the Pennsylvania declaratory judgment statute constitutional (131 Atlantic Rep. 268) the court in the Kariher case said:

The distinctive characteristic of the declaratory judgment is that the declaration stands by itself; that is to say, no executory process follows as of course. Again, in order to obtain a declaration, it is not required that an actual wrong should have been done, such as would give rise to an action for damages, and no wrong need be immediately threatened, such as would be the proper basis for an injunction. In other words, a "cause of action," in the sense in which that term is ordinarily used, is not essential to the assumption of jurisdiction in this form of procedure. It is upon these characteristics of the declaratory judgment that the chief constitutional attacks have been based; its rights and obligations contemplated by the act represents the exercise of a nonjudicial duty, which the legislature can not place on the courts, and that, since such declarations do not necessarily include the right to execution, they are not judgments at all, but represent the mere giving of advice, rather than the adjudication of controversies, etc.

And then it goes on to say:

In considering these contentions, it may first be noted that there are many judgments under present forms which do not include the right to execution, except possibly for costs; and the present declaratory judgment practice involves an award as to costs (see sec. 10 of the act); moreover, under the act before us (sec. 8), execution, or "further relief," based on a declaratory judgment, may be had where appropriate and allowed by the court. Next, it may be noted that, since the numerous jurisdictions enjoying this practice all hold that a real controversy must exist, that moot cases will not be considered, and that declaratory judgments are res judicata of the points involved, such judgments can not properly be held merely advisory.

For many years the New York practice permitted executors or trustees under wills to go before surrogates to have wills or trusts interpreted. An executor doubtful of his rights or duties under a dubious clause or clauses of a will can ask the surrogate to "declare" the exact meaning of the clause or clauses in questions so that those rights or duties might be made clear. Otherwise he would take his chances and proceed in the dark and risk an attack upon his accounting. In other words, after the damage has been done an action would lie by the heirs or beneficiaries against him by taking exceptions to his acts upon the accounting. That is avoided by the declaratory judgment which the executor may invoke to avoid subsequent mistakes and difficulties.

Declaratory judgment enables persons in advance of subjecting themselves to a suit for damages to determine what they ought to do. The same protection afforded the trustee under a will should be accorded the manufacturer or business man.

Prof. Edwin Borchard, Yale University School of Law, has given concrete definition of declaratory judgment:

The declaratory judgment, it will be recalled, enables parties who are uncertain of their legal rights, and are pecuniarily or otherwise prejudiced by actual or potential adverse claims by others, to invoke the aid of the courts for the determination of their rights before an injury has been done.

It is as a measure of preventive justice that the declaratory judgment has its greatest efficacy. It is designed to give the parties opportunity to ascertain and determine their legal relations and to act accordingly, and thus avoid future trouble and litigation. Security thus takes the place of uncertainty. Of course, the court must be convinced that its judgment will serve a useful and practical purpose in quieting or making certain disputed jural relations either as to present or future obligations. The instant bill provides that there must be real issues. There must be actual controversy. The question must not be moot or hypothetical. The bill provides that the Supreme Court may adopt rules and regulations. Such rules would probably include the requirement of affidavits and proof that the parties are acting in good faith and that there is an actual dispute.

The practice of declaratory judgment has been a common one in Europe for many years. It is a heritage of the Roman law and prevails in most South American countries. The canny Scots have used it for more than four centuries. It has been universally used in England for 40 years and has been adopted in some 20 of our States. The State of New York recently revised its code of civil procedure and inaugurated many reforms. Among others it provided for the reform of declaratory judgment. It ought to be made part of the Federal system of justice.

Industrial and social relations in this country are becoming more intricate, complex, and diversified. Our judicial system must expand with these changes. These various relationships in industry, commerce, and social endeavor give rise to many wrongs. There should be a corresponding increase of judicial remedy. The remedy of declaratory judgment should be added to existing remedies. It will be universally acclaimed by the bar. American Bar Association as well as the National Conference of Commissions on Uniform State Laws have approved.

In our Federal system the procedure of declaratory judgment would be widely used. In countries where it obtains it is frequently made use of.

Thus claimants to a right of way, to subterranean support of surface lands, to the use of the foreshore, and to the unimpeded flow of water have brought declaratory actions to confirm their claims. On the other hand, the owners of land have sought declarations of privilege and right to the effect that defendants had no right of way, no right and no privilege to run their rain water on plaintiff's land, or to send their sewage through plaintiff's sewer, no easement of light, or no servitude over plaintiff's land.

Questions of title to personal property may likewise be tried by declaratory action, either in the affirmative or in the negative form. Thus, during the present war the British Admiralty has frequently requisitioned ships under charter, and the question as to the respective right of owner and charterer to the compensation due has been settled by declaratory action between the two claimants. Conflicting questions of title to certain funds as between private individuals, or between private individuals and the Government, or of title to specific chattels, may be determined by declaratory judgment. Questions of priority of different classes of creditors, e. g., mortgages and material men of a ship, and adverse questions of title to choses in action, have also been determined by this procedure. Declaratory actions have been brought to try the title to such authorized monopolies as patent, copyright or trade-mark privileges, and other franchises.

The bill was presented by the Judiciary Committee, but only in consideration that the bill be amended so that any one of the interested parties shall have the right to invoke the court's aid. As it now reads, all the interested parties must first agree to have the court declare the judgment. The provision should not be merely voluntary upon consent of all parties. It should be coercive. If one party wants a declaratory judgment, he shall have it. He summons the other party or parties as in the ordinary cause of action at law or in equity. As, particularly in equity cases, any interested party may be plaintiff and then the court has the right to bring all parties in, so in the declaratory judgment procedure anyone may sue and ask the court to bring all other interested parties in. Unless there is this coercion the declaratory judgment will lose most of its effectiveness and its use would be very limited.

Mr. DYER. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

The SPEAKER. The question is on the substitute offered by the gentleman from Minnesota.

The substitute amendment was agreed to.

The SPEAKER. The question is on the amendment of the gentleman from Massachusetts as modified by the substitute.

The amendment, as modified by the substitute, was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RAMSEYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Iowa [Mr. RAMSEYER] offers a motion to recommit. The Chair assumes the gentleman is opposed to the bill?

Mr. RAMSEYER. I am.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. RAMSEYER moves to recommit the bill to the Committee on the Judiciary.

The SPEAKER. The question is on the motion to recommit of the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. DYER) there were—ayes 51, noes 32.

So the motion to recommit the bill was agreed to.

ADDITIONAL CIRCUIT JUDGE FOR SIXTH JUDICIAL CIRCUIT

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 8229) for the appointment of an additional circuit judge for the sixth judicial circuit.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter there shall be in the sixth circuit four circuit judges, to be appointed and to have the powers, salary, and duties prescribed in section 118 of the Judicial Code, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SALARY OF MARSHAL OF THE SUPREME COURT

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 8725) to amend section 224 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 224 of the Judicial Code be, and it is hereby, amended to read as follows:

"SEC. 224. The pay of the marshal and that of the assistants and other employees appointed by him, with the approval of the Chief Justice, shall be fixed by the court. He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the Chief Justice or an Associate Justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend court."

Mr. DYER. Mr. Speaker, I offer a committee amendment.

The SPEAKER. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 224 of the Judicial Code be, and it is hereby, amended to read as follows:

"'SEC. 224. The marshal is entitled to receive a salary of not to exceed $6,000 per annum, payable monthly, the same to be fixed by the court. He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the Chief Justice or an Associate Justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court, with the compensation allowed to officers of the House of Representatives of similar grade.'"

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRAMTON. Will the gentleman from Missouri yield me five minutes?

Mr. DYER. I yield five minutes to the gentleman from Michigan.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, we have just prior to this bill passed a very important and very desirable bill adding an additional judge to the sixth judicial circuit, which includes the State of Michigan.

Within a few months we have passed legislation adding an additional judge to the eastern circuit of Michigan, including the city of Detroit. The Attorney General, in charge of law-enforcement activities of the country, is represented in that eastern district by the United States district attorney. It may be appreciated, therefore, that the business of the United States district attorney for the eastern district of Michigan is of very great importance, as it requires three Federal judges.

Notwithstanding that, when Delos S. Smith resigned as United States district attorney a year ago—as I recall, he resigned in December, his resignation to be effective February 1, 1927—from the time his resignation became effective until now no regular appointment of a United States district attorney has been made to take his place. For a long time the office was without any actual head, and the business of the United States Government centering in that office was necessarily neglected.

A few weeks ago, about the 1st of December, as I recall, the Federal judges in that district were so disturbed by the conditions that had come into being, by the failure to make an appointment, that the court acting under the law made a temporary appointment of a United States district attorney. They selected Mr. O. L. Smith, very well fitted for the position, and if he were acting under a regular appointment with some assurance as to the continuity of his authority it would be an excellent appointment. But acting under an appointment that necessarily must be temporary, made by the judges, without confirmation by the Senate as is necessary in a regular appointment, the situation is anomalous and undesirable.

So there is no one regularly appointed to administer that office. There is a great amount of business which is suffering by reason of the failure to make the appointment. Factional controversies should not be permitted to hamper expeditious and effective performance of the public business in that highly important office.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CRAMTON. I will yield.

Mr. MOORE of Virginia. Can the gentleman tell us if he knows the reason of the failure to make an appointment?

Mr. CRAMTON. I can only give my opinion as to that. There is factional politics more or less prevalent in Michigan as in Virginia and certain other States. I sometimes congratulate myself that I am in Congress but not in politics. Certainly I am not a party to any of the factionalism that is in my judgment responsible for the breaking down of the administration of Federal justice in Michigan.

The State of Michigan has one United States Senator who is a Republican, and with him I have not affiliated politically in such degree as to inspire my making this statement on his account. But under the practice that is followed as to Federal appointments in Michigan his recommendation, if a good recommendation, ought to be followed by the Department of Justice, and if his recommendation is not good some statement by the department ought to be made and some definite position ought to be taken by the Department of Justice.

I have expressed to the Department of Justice twice within the last six weeks the views I am now expressing and perhaps more frankly than would be proper to do here.

The Senator from Michigan [Mr. COUZENS] in my judgment is quite to be relied upon to make a proper recommendation, and I believe he has done so. I believe that he will recommend only a man whom he feels is competent to administer the office and whose attitude toward enforcement of the law is such as to insure proper administration of the office. I have never discussed this matter with him. I speak only from general knowledge that comes from a variety of sources when I say that as I understand it he long ago made a recommendation which has neither been accepted nor refused. There is some talk to the effect that the gentleman who now occupies the office under the extraordinary appointment, which is at best of a temporary nature, might be prevailed upon to accept the regular appointment, but that the conditions are not right to bring that about. I do not know personally the man who has been recommended by the Senator. I have no candidate in whom I am interested, but as a citizen of the State of Michigan I am interested in the enforcement of the laws of the United States in the Federal courts of Michigan, and that can not be had while the office of the United States district attorney is without a responsible and permanent head. I hope that factionalism will not longer be permitted to interfere with such an appointment.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLACK of Texas. It is the duty of the President of the United States to make this appointment, is it not?

Mr. CRAMTON. The President of the United States is the Commander in Chief of the Army and the Navy, and has a great many other things to do. I assume that he can not give his personal attention to all of these things. There is no occasion for the gentleman from Texas to try to make political capital out of this.

Mr. BLACK of Texas. But the gentleman himself said that politics had to do with this matter.

Mr. CRAMTON. And the gentleman from Texas can not affect party results in Michigan or can not in any way affect the next presidential election. There is an attempt to play factional politics within the party in Michigan at present, and I speak simply in the interest of good administration, and frankly call attention to the situation in the hope that publicity may help to relieve it.

Mr. BLACK of Texas. We may as well lay the responsibility where it belongs, and that is at the door of the President of the United States.

Mr. CRAMTON. Which, of course, is not true.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Michigan suggested, I think, that one duty of the President of the United States which might interfere with his consideration of this appointment is that he is Commander in Chief of the Army and Navy, and I am wondering if the President is so interested in Nicaraguan affairs that he can not take time to appoint a district attorney in Michigan.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

STENOGRAPHERS IN UNITED STATES COURTS

Mr. DYER. Mr. Speaker, I call up the bill H. R. 9024, to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensations.

The SPEAKER. The gentleman from Missouri calls up the bill H. R. 9024. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan [Mr. CRAMTON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9024, with the gentleman from Michigan [Mr. CRAMTON] in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the district court of the United States in each district shall for the purpose of perpetuating the testimony and proceedings therein, appoint one or more competent stenographic reporters, as the business to be done may require, who shall be known as the official reporters of said courts and who shall hold office during the pleasure of the judges appointing them, or of the successors of said judges. Such reporters as may be appointed from time to time shall attend all sessions of or hearings before the said district courts, and shall upon the direction of the court or the request of either party in any civil or criminal action or proceeding take in shorthand the testimony and all proceedings had upon the trial or hearing, except the arguments of counsel, and shall, when directed by the court or a party to the proceedings, transcribe the same within such time as the court may designate and preserve the original stenographic notes for a period of not less than five years.

SEC. 2. Such reporters before entering upon the duties of the office shall be sworn to the faithful performance thereof.

SEC. 3. The transcript of the testimony and proceedings in any case when duly certified by such reporters shall be deemed prima facie a correct statement of such testimony and proceedings.

SEC. 4. The compensation of such stenographers for services and transcripts and their duties, and the rules and regulations relating thereto, shall be prescribed by rules to be adopted by the district court in each district. The compensation shall not exceed such as is now or may be hereafter provided by law in the State courts in the State in which such district court is held, if such law there be. Such compensation for services shall be paid to the stenographers herein authorized in the same manner as the salaries of the judicial office are paid. The fees to be paid to such stenographers by the parties to actions or proceedings in said courts shall be prescribed by rules to be adopted by said court in each district. They shall not exceed such as are now or may be hereafter required to be paid to the State stenographers in the respective States in which said district courts are held, if any such there be.

Mr. DYER. Mr. Chairman, may I inquire of the gentleman from Texas [Mr. SUMNERS] if he desires to control some time?

Mr. SUMNERS of Texas. Mr. Chairman, some requests for time on this side have been made.

Mr. DYER. Then, I take it, Mr. Chairman, that the gentleman from Texas will control one hour and I will control one hour.

The CHAIRMAN. Under the rule, the time is to be divided between those in favor of the bill and those opposed it it.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman from Texas control one hour and that I control one hour; and I give notice now that I intend to yield to those in favor of the bill as well as to those who are opposed to it, on this side of the aisle, and I take it that the gentleman from Texas will do the same on his side.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time for general debate upon the bill be divided equally between himself and the gentleman from Texas. Is there objection?

Mr. EDWARDS. Mr. Chairman, reserving the right to object, are we going to have two hours' debate on this little bill?

Mr. DYER. The request does not necessarily mean that. Debate can not go beyond two hours.

The CHAIRMAN. The rule limits the debate to two hours, and the request of the gentleman is that debate on the bill shall be controlled one-half by the gentleman from Texas and one-half by himself. Is there objection?

Mr. EDWARDS. I understand the request, and I have no objection to it.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DYER. Mr. Chairman, this bill is for the purpose of providing stenographers for the courts of the United States, which they have not heretofore had and of which there is very great need. The bill is very simple and conforms to the practice in the various States in respect to salaries and fees.

I yield 15 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, I shall limit my remarks to just one feature of this bill. I do not believe there is any opposition to the appointment of stenographers in Federal courts. In some instances hardship has resulted from the lack of such stenographers. I know of a case not very long ago where a resident of New York was concerned in a case tried in Rhode Island; and the witnesses were brought there, and it was a rather important case to this man; and the case had to go over because there was no stenographer available.

What I am interested in is the method of appointment of these stenographers. I have a very strong letter here from the Civil Service Commission, and I shall put the whole of it in the RECORD. Mr. Chairman, I make that request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. The amendment which I shall offer will simply provide that the appointments shall be in accordance with the civil-service rules and regulations.

Now, it has been argued that these stenographers should hold office during the pleasure of the judges. I want to point out the fact that my amendment does not disturb that in the slightest degree. The commission suggests this amendment in preference to the requirement that appointments be made from eligible registers established by the commission or through examination, for the reason that such requirements may be too restrictive, in that it may interpret it to mean that a position could not be filled by the transfer of a classified employee from another branch of the service or the reinstatement of a classified employee.

Mr. WELLER. Are not these stenographers who are now taking testimony in the courts appointed by the judges? Do they not take an examination under the civil service?

Mr. LAGUARDIA. They will be appointed under the rules that the Civil Service Commission may establish in this case. They have to qualify before the Civil Service Commission.

Mr. WELLER. Would it not take away from the judges the appointments already made of these men and put them into the hands of the Civil Service Commission? Some of them have been doing faithful work for many years.

Mr. LAGUARDIA. In that case they would have no trouble in qualifying under my amendment at all. When this matter was before the committee in the Sixty-first Congress the present Chief Justice was President of the United States; and Mr. Taft said:

> I am decidedly in favor of the merit system and the classified civil service for shorthand reporters in all courts. I do not know of any branch or any profession to which civil service is so admirably applicable as it is to the profession of court reporter, and you can use my name in support of such a proposition. You can not put my views too strongly on this subject.

Former President Wilson said:

> I entirely favor civil service appointment for stenographic reporters. I do not see how the principle can fail to be recognized as the best in this field as in others.

Hon. George W. Wickersham, ex-Attorney General of the United States:

I am strongly of the opinion that the official system of reporting should prevail in the Federal courts. I think a higher standard of work can be procured from men who have passed the civil service examinations and who have been appointed by the merit system, and not through personal or political influence. My own experience with the civil service system while in public office satisfies me that, properly administered, it constitutes a great improvement in the efficiency of all branches of the Government.

Hon. Charles J. Bonaparte, ex-Attorney General of the United States:

I think all court stenographers should be selected by competitive examination and included in the classified service. Their duties are very important and responsible, and it is a matter of great consequence that they should be persons of great skill and experience, as well as of probity and good standing. I am always in favor of every judicious change in the law which reduces the number of positions bestowed through influence of favoritism and increases the number filled by reason of merit and fitness, ascertained by fair competition.

Hon. Frederick W. Lehmann, former Solicitor General of the United States and more recently one of the Mexican peace commissioners appointed by President Wilson:

I think reporting in the Federal courts should be done by official stenographers. I see no reason why they should not be appointed and be subject to removal by the courts in which they officiate. Appointments should be made for meritorious reasons and removals only for good cause.

Judge John Rollstab, of the United States district court at Trenton, N. J.:

I hope the day is not far off when we will have official stenographers in the Federal courts. I am strongly in favor of putting them under the civil service.

Judge Charles E. Wolverton, of the United States district court at Portland, Oreg.:

I am heartily in favor of placing stenographers in the Federal courts under the civil service. I think it would give better stenographic service, would be just to the stenographer, and give him something of permanency on the position.

Judge A. S. Sanborn, of the United States district court at Madison, Wis.:

I favor the plan to put Federal court stenographers under the civil service, chiefly for the reason that it will prevent the stenographers from losing their places on a change of the judge. While the position is a confidential one which many judges would prefer to fill on their own choice alone, I think the benefits of the civil service and of security of employment, not only to the employee but to the employer, far outweigh other considerations.

Hon. Alton B. Parker, formerly chief justice of the Court of Appeals of New York State:

There can be no doubt whatever of the wisdom and of the necessity of requiring all stenographers in the courts to pass civil-service tests. I am in favor of the proposed plan.

Hon. H. Snowden Marshall, former United States district attorney for the southern district of New York:

The present happy-go-lucky system in respect of reporting in the Federal courts can not last much longer, and if a law could be passed placing stenographers in these courts under the civil service, I think it would be a decided improvement. This highly important work should be put upon a more substantial and permanent basis. I think the civil service would be a solution of the problem.

Judge Edward T. Sanford, of the United States district court at Knoxville, Tenn.:

I think it would be an excellent plan to place stenographers in the Federal courts under the civil service. It would secure well-trained, efficient, and disinterested men to report the proceedings.

Judge Thomas I. Chatfield, of the United States district court at Brooklyn, N. Y.:

The appointment of official stenographers in the Federal courts upon a salary basis will, I think, prove a great relief to litigants who can ill afford the expense of taking testimony, where an appeal is not desired, and is seemingly one of the proper and necessary means of maintaining satisfactory procedure in court. I think the advantages will more than justify the increased expenditure.

Judge Julius M. Mayer, of the United States district court at New York, and formerly attorney general of the State of New York:

If appointments of official stenographers in the Federal courts are to be made, they should be made by the judges from eligible lists prepared by the United States Civil Service Commission.

Judge James E. Boyd, of the United States district court at Greensboro, N. C.:

I am of the firm conviction that Congress should enact legislation providing for official stenographers in the Federal courts in all cases, and that appointments to the positions thus created should be made after a thorough examination shows the appointees to possess the requisite qualifications. I hope the National Shorthand Reporters' Association will use its influence to bring about the legislation I suggest.

Hon. Francis Lynde Stetson, a distinguished lawyer of New York, who has had wide practice in the Federal courts:

I am heartily in favor of the extension of the civil service to cover the position of the stenographer in the Federal courts.

Judge John B. McPherson, of the United States court of appeals at Philadelphia:

I am in favor of having official stenographers in the Federal courts.

Hon. Samuel H. Ordway, a well-known lawyer of New York and president of the National Civil Service Reform League:

The establishment of the official system of reporting in the Federal courts would be a desirable and useful reform. The convenience of judges, lawyers, and litigants and the administration of justice generally would be promoted by the adoption of a system which will result in securing the most efficient and capable stenographers, unaffected by personal or political considerations.

It is generally admitted that the supreme court in the State of New York has most efficient stenographers, all of whom were appointed as the result of a very severe competitive examination. This scheme has worked well and is approved by everyone. It ought to be extended to the Federal courts.

I think it may fairly be asserted that the stenographic work done in our State courts is of a higher quality than in the Federal courts. Many persons feel that the abolition of the fee system in public offices results in a higher type of public service, and while such a change would undoubtedly add to the expense of maintaining and administering the Federal courts, I think it is conceded generally that the additional expense would be more than justified by the results.

Hon. Kenesaw M. Landis, the distinguished judge of the United States district court at Chicago:

Although I have not given much thought to the subject, I can see no objection to the plan of placing stenographers in the Federal courts under the civil service.

Judge James L. Martin, of the United States district court at Brattleboro, Vt.:

Federal court reporters should by all means be put under the civil service.

Judge George W. Ray, of the United States district court at Norwich, N. Y.:

If the Congress makes a law providing for official stenographers in the Federal courts, they should be placed under the civil service.

Judge John C. Rose, of the United States district court at Baltimore, Md.:

I think it would be the part of wisdom to put Federal court stenographers under the civil service. The less judges have to do with matters of patronage the better for all concerned.

Judge Frank S. Dietrich, of the United States district court at Boise, Idaho:

I think the plan to place stenographers in the Federal courts under the civil service would be entirely practicable and desirable in cases where the stenographer acts exclusively as a court official.

Judge Benjamin F. Keller, of the United States district court at Charleston, W. Va.:

I am most heartily and emphatically in favor of the civil service as applied to stenographers in the Federal courts. I am a firm believer in the practical utility of the civil service and should be most happy to have the aid of the United States Civil Service Commission in the selection of a stenographer for my court.

Of course, I am most immediately concerned in the still unsettled question as to whether we shall have an official stenographer at all (a consummation devoutly to be wished), but assuming that the bill becomes a law, I should hail as an added blessing the certification of fitness by the Civil Service Commission.

Mr. WELLER. Does President Wilson there refer to stenographers or to court reporters?

Mr. LAGUARDIA. To stenographic reporters.

Mr. WELLER. They might be court reporters or stenographers in an office.

Mr. LAGUARDIA. These extracts that I have received from the Civil Service Commission refer to stenographers.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. BURTNESS. Does the gentleman think the Civil Service Commission will be as successful in selecting good court reporters as they were in furnishing candidates for prohibition enforcement officers?

Mr. LAGUARDIA. Has the gentleman any doubt about that?

Mr. BURTNESS. I think the courts and district judges are familiar with the ability of stenographers and reporters in their territory, and they can exercise bettter judgment than can the commission by holding some sort of technical examination which includes a lot of foolish questions.

Mr. LAGUARDIA. Let me answer the gentleman's question. It does not at all follow that the Civil Service Commission will require an examination. They may require merely the submission of certain evidence respecting past experience and ability, and then the choosing of stenographers for the courts is entirely with the judges. The commission will submit three names. If the judges do not like the three names, they will submit three more; and if the judges do not like those three, additional names will be submitted; and the selection is left entirely with the judges, and it gives everyone an equal chance.

Now, in reply to the gentleman's second statement, I went down to the Civil Service Commission and I looked at these papers which were used in the civil-service examination for prohibition officers, and if anyone is so dull that he could not answer those simple questions, I do not believe he has any kick coming if he was not declared qualified. I will say to the gentleman that 50 per cent of the papers had the answers there. They have five answers, one correct and four incorrect, and all the candidate had to do was to write down the number of the correct answer; and I can not imagine any intelligence test that would be better adapted to testing the intelligence of a human being than those questions which the gentleman referred to.

I went there believing that, perhaps, it was a very difficult and tricky examination, but it was not. It was not tricky; it was not difficult; it was simply the test of a mediocre, ordinary intelligence of a grammar-school boy and nothing else.

Mr. BURTNESS. The gentleman referred to the fact that an eligible register was to be furnished. Can the gentleman tell us whether, if his amendment should be adopted, that eligible register would consist of the names of those from the State or general community in which the vacancy exists, or would it be a register giving eligibles that might have qualified anywhere in the country?

Mr. LAGUARDIA. Of course, if you did that I can readily understand, upon an intelligence test, where New York would have an edge. I can very well understand that, but I do not think that will be the case.

Mr. BURTNESS. If that should be true in New York with respect to court reporters, would it be true in New York with respect to prohibition agents?

Mr. LAGUARDIA. I give way to North Dakota on that, but I believe the Civil Service Commission would classify these men according to judicial districts.

Mr. BURTNESS. Does the gentleman's amendment contain that sort of a suggestion?

Mr. LAGUARDIA. No; my amendment simply provides that these appointments shall be made in accordance with civil-service regulations. I want to point out, in anticipation of an objection that may be raised, that my amendment does not require that a stenographer not satisfactory to a judge should be put on trial. I do not interfere with the privilege of removal by the judges.

Mr. STEVENSON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STEVENSON. I want to ask the gentleman a question with reference to that very point. When a man acquires a civil-service status and is appointed to a position under the civil service, there would have to be certain procedure to get clear of him. Now, a stenographer may be absolutely competent so far as taking testimony is concerned, but temperamentally he may be such that he might become objectionable both to the bar and the judge, not because of any infirmity you can lay your hand on, but because of his general demeanor. Does not the gentleman think the judge ought to have the right to remove him at any time?

Mr. LAGUARDIA. He has. Let me read what the Civil Service Commission says about that.

Mr. STEVENSON. I want to know that before I vote for the gentleman's amendment.

Mr. LAGUARDIA. I can answer that. This is a communication from the Civil Service Commission:

> The commission, however, desires to call your attention to requirements of the removal rule. An appointing officer is permitted to remove any classified employee for such cause as will promote the efficiency of the service, but reasons in writing must be given the employee, and he is given sufficient time to make a reply in writing. No trial or hearing is necessary unless the removing officer desires it. Contrary to general opinion, the commission has no authority to investigate a case of removal unless it is alleged with offer of proof that the removal is made for political or religious reasons or the employee was not furnished in writing the reasons for his removal.

Mr. STEVENSON. Then, if a man were contentious he could file a claim with the Civil Service Commission to the effect that he had been improperly removed and ask for a hearing?

Mr. LAGUARDIA. No. The communication goes on to answer that.

Mr. STEVENSON. That is what they say; but I want to know the law of the case, and what the gentleman has already read suggests to me that there could be a trial.

Mr. LAGUARDIA. They are bound by what they say.

> It will be seen that there is no rule which requires the retention of an inefficient employee. This is called to your attention not with a view to having the cause relating to removal inserted unless you believe such action advisable, but for your information.

I do not believe there is any doubt about that. I will say to the gentleman from South Carolina that no one has been a stauncher supporter of proper appointments under civil-service rules than has the gentleman, because he has had some pretty sad experiences in his State.

Mr. STEVENSON. I have tried to regulate some of them; but as to this proposition, the other question I want to ask the gentleman is this: There is a provision in the bill to the effect that the salaries shall not exceed the salaries paid to State stenographers. Does not the gentleman think it would be better for us to fix the salaries so that the salaries may be uniform all over the United States? What is the sense of having a polyglot system like that, where one State may pay $2,000, another $3,000, and another $2,500? If we fix the salaries in the bill then the men who are appointed will get the same salaries, whether they are from South Carolina, New York, or Massachusetts.

Mr. LAGUARDIA. I think the chairman of the committee will answer that fully; but the answer is this: You can not pay a court stenographer who sits every day of the year from morning until night, because the court is in session every day, the same salary that you would pay a man in a jurisdiction where the court sits at stated times. That is the difference. If the gentleman wants to make a uniform scale of salaries for this work, of course he can do so, but there is no comparison in the various jurisdictions. You take the southern and eastern districts of New York. There we have five or six parts going every day, and the stenographers are working every day, while in another part the court holds terms at stated times, and during the rest of the time the stenographer is not engaged at all.

Mr. McSWAIN. In order that we may understand exactly what we are providing for, is it the gentleman's understanding of the provision that is written at the bottom of page 2 and the top of page 3 that if this should become a law the stenographers would receive the flat salary or per diem that is provided by the various States, to be paid out of the Treasury of the United States, and that, in addition thereto, these stenographers might charge the parties to the action fees for the services rendered in the particular cases? Is that the contemplation of the committee as expressed by the language employed here?

Mr. LAGUARDIA. It is the practice in courts when the parties to litigation want the minutes to pay so much a folio for them. Even in our State courts, where the stenographers are paid very handsomely, when we order the minutes written up we have to pay for them.

Mr. McSWAIN. But this does not say fees for transcribing testimony. This says "fees," and there would be no limitation upon the fees. The judge could very easily say, "Now, gentlemen, if you wish this stenographer to operate in this case you must put up $25 as a cash deposit on each side."

Mr. LAGUARDIA. I do not think that is intended at all. The following letter came to me from the United States Civil Service Commission:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 16, 1928.

Hon. FIORELLO H. LAGUARDIA, M. C.,
House of Representatives.

MY DEAR MR. LAGUARDIA: Your interest in the proposed legislation relating to the employment of stenographers in the courts of the United States is very much appreciated by the commission. It is pleased to give you additional information that may be of use to you and assures you that further information will be gladly furnished upon request.

In the event it is felt there would be objection to requiring removals made in accordance with the civil-service rules and regulations, the bill may be amended to require that appointments be made in accordance with the civil-service rules and regulations and no reference made to the manner of making removals.

The commission has been furnished with a copy of H. R. 9024, introduced by Mr. GRAHAM, which is similar to H. R. 5559, and the commission makes the suggestion that H. R. 9024 be amended to read as follows: Add after the word "appoint," line 5, the first page, "in accordance with the civil-service rules and regulations." The commission suggests this wording in preference to the requirement that appointment be made from eligible registers established by the commission or through examination for the reason that such requirement may be too restrictive in that it may be interpreted that the position could not be filled by the transfer of a classified employee from another branch of the service or through reinstatement of a classified employee. This does not require removals in accordance with the civil-service rules and regulations. This is covered by line 8 of the first page, which states that the official reporters shall hold office during the pleasure of the judges appointing them or the successors of the said judges.

The commission, however, desires to call your attention to requirements of the removal rule. An appointing officer is permitted to remove any classified employee for such cause as will promote the efficiency of the service, but reasons in writing must be given the employee and he is given sufficient time to make a reply in writing. No trial or hearing is necessary unless the removing officer desires it. Contrary to general opinion, the commission has no authority to investigate a case of removal unless it is alleged with offer of proof that the removal is made for political or religious reasons or the employee was not furnished in writing the reasons for his removal. It will be seen that there is no rule which requires the retention of an inefficient employee. This is called to your attention not with a view to having the cause relating to removal inserted unless you believe such action advisable but for your information. It is advisable, however, to separate only for a good reason as it is not always possible for one reporter to read the notes of another reporter though the same system of shorthand reporting is followed. The reference to old notes sometimes causes trouble if the reporter at that time has left the vicinity.

The appointment of court reporters through civil-service examinations is neither new nor experimental. Reporters for testimony of proceedings in the State of New York have been successfully and satisfactorily selected as the result of competitive examination since 1896. The commission has been informed that in every instance a fully competent court reporter has been obtained as a result of the examination established by the State civil service commission. Qualified eligibles have also been secured by this commission in connection with similar work of the Federal Government. Employees appointed under civil-service rules and regulations have been assigned to such work as hearings of claim boards, investigations, etc.

In many instances a judge is not in a position to determine which stenographer of a number of applicants would be the best qualified. In some instances selections are made of a person readily available or for political or personal reasons. The importance of this work should make the selection of the best qualified eligible necessary. The commission has examined stenographers for a period of years and it is believed you will find that the results have been satisfactory. The employing of reporters who are not qualified to satisfactorily perform the duties of the position may result in considerable expense and inconvenience. Reference is made to such a condition in a statement made by Mr. Fred Ireland, an official reporter of debates, House of Representatives, on May 6, 1912, before a subcommittee of the Committee on the Judiciary. It appears that a subcommittee of the Judiciary Committee went to a Southern State in connection with an investigation. The man who was assigned to the duty of taking the testimony was not a qualified reporter, and as a result there was so much of the testimony omitted the committee agreed that it was impossible to proceed on the record. There was considerable delay in order that the testimony of the respondent could again be secured. This, of course, resulted in the holding up of important legislation. This is an unusual case, but there should be no objection to reducing the possibility of a similar condition to a minimum.

The examination to be held for this position would be on the identical work the reporter is to perform—rapid, accurate writing of court matter, accurate and rapid transcription of the notes, and possibly oral reading of portions of the stenographic notes, the same as to a court or jury.

Perhaps the strongest reasons for favoring the requirement that appointments of court stenographers be made in accordance with civil-service rules and regulations will be found in the inclosed memorandum. The statements made by the Chief Justice of the United States Supreme Court, by former President Wilson, former ex-Attorney Generals, and a number of judges and lawyers are convincing. It is only fair to the presiding judge, to the jury, and to all parties concerned to have only the best court stenographers available to make an accurate report of a case.

After considering the matter from the various angles, the commission feels that better qualified court stenographers can not be secured through any other system or method, and is willing to assume the responsibility of securing qualified court stenographers.

By direction of the commission.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry. This bill will be read under the five-minute rule?

The CHAIRMAN. The bill will be read under the five-minute rule.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GILBERT. Mr. Chairman, the Courier-Journal of Louisville, Ky., is one of the old, honored, conservative papers of the United States. It has very able editorial writers now and has in the past had such geniuses of journalism as Watterson and Prentiss.

I want to read as a part of my remarks an editorial of the Courier-Journal of yesterday, entitled "Mr. Coolidge at Habana":

MR. COOLIDGE AT HABANA

President Coolidge's address at the opening of the Pan American Conference in Habana yesterday, as an expression of generalities, was lofty, catholic, and patriotic. It is unfortunate that much of it, in concrete application, will strike the world as ill-timed and maladroit.

Here are some examples:

"The people" of the Western Hemisphere, he is happy to say, "have taken charge of their own affairs."

Let everyone forget, for this special occasion, that "the people" does not include the people of Nicaragua.

"The spirit of liberty is universal."

But it must be shot out and bombed out in Nicaragua.

"The sovereignty of small nations is respected."

Though not necessarily if the nation is as small as Nicaragua.

"It is better for the people to make their own mistakes than to have someone else make their mistakes for them."

Except, of course, when the United States does not choose to let the people of Nicaragua make mistakes.

"We are thoroughly committed to the principle that they are better fitted to govern themselves than anyone else is to govern them."

That is to say, anyone else outside the State Department at Washington.

"We must join together in assuring conditions under which our republics will have the freedom and the responsibility of working out their own destiny in their own way."

Provided, as in the case of Nicaragua, that their destiny is the destiny dictated by us and their own way is our way.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WELLER].

Mr. WELLER. Mr. Chairman and gentlemen of the committee, a very good bill, I think, has been suggested in H. R. 9024, but the purpose of the amendment of my colleague from New York would seem to destroy, to my mind, the intention of the bill and all good that the bill could really do in the administration of justice in the city of New York and in other large metropolitan centers where court business is extremely large. I do not pretend to speak for the districts where they only hold a court session once or twice a year and then the Federal judge goes to some other part of the district.

I have in mind my personal experience in trying cases in the Federal courts, for instance, in the State of New Jersey at Trenton, where counsel on each side pays a certain amount of money as a per diem. In Trenton we paid $7.50 apiece for the taking of the stenographer's minutes. In the court at the city of Buffalo I paid $10 and counsel on the other side paid $10 to the stenographer for the purpose of having the minutes taken each day, and the trial of the case lasted some 12 or 14 days. No salaries are paid.

The amendment of my colleague the gentleman from New York [Mr. LAGUARDIA] goes further than this and attempts to write into this bill something which, I believe, is not only not germane to the bill but absolutely destructive of the bill, and that is to put the appointment of all these stenographers and the amount of their compensation and their hiring and their "firing" within the jurisdiction of the Civil Service Commission.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WELLER. Yes.

Mr. LAGUARDIA. My amendment does not go as far as that. It applies only to the qualifying of them, and nothing else.

Mr. WELLER. They would qualify them, and then they can not be removed except upon charges, which is practically similar to the provisions with respect to any appointive officer in the State of New York. In other words, the stenographer could not be discharged except for good cause shown, and he must receive a copy of the charges and have an opportunity to be heard and to be represented by counsel.

Mr. LEHLBACH. If the gentleman will yield for a moment, there is nothing like that in the Federal civil service.

Mr. WELLER. That is the way it will work out under the proposed amendment. You watch it and see if that is not the way it will work out. I have been through it. I have tried to have Federal employees reinstated and I know what a job it is, and unless you do have counsel and unless you go down there and put up a fight, which is equivalent to a fight in court, you can not get your man put back, and I say this with all due deference to the Civil Service Commission.

Mr. LEHLBACH. If the gentleman will permit, there is no provision in the law which entitles a clerk to reinstatement if his dismissal is not on account of either religion or politics.

Mr. WELLER. I do not know whether the gentleman was present when the gentleman from New York [Mr. LAGUARDIA] read his proposed amendment, which provides that the appointment and the classification of the stenographer and the question of whether or not the stenographer has proper attainments and ability, should all be determined after investigation and examination by the Civil Service Commission.

Mr. LEHLBACH. If the gentleman will yield further——

Mr. WELLER. Yes.

Mr. LEHLBACH. I am not in sympathy with the amendment, and I am not defending the amendment. I am merely trying to dispel any belief that may exist among the membership of the House that there is any real, adequate protection in the civil service law for reinstatement of an employee who is wrongfully dismissed, provided the dismissal was not based on religion or politics. He can be dismissed for any reason, and there is no way of getting him back, and there is no hearing allowed, either.

Mr. WELLER. Yes. I am very glad to know that, and I do not think the gentleman and I are differing very seriously about the situation, except I am talking the practical end of it and the gentleman is talking the statute.

What I have in mind is that if you are going to take away from the judge of the court the appointment of these stenographers, which power, from almost time immemorial, the judge has had, and take the hiring and, so to speak, the "firing" of the stenographers away from the judge of the court, then you are making a radical change. The judges themselves should have the absolute power to appoint competent men.

We have now throughout the United States in the various courts very competent men who are taking stenographic records, and have been doing so for years. They also often assist a judge when he is writing his opinion and the relation is highly confidential, so that the judge should always be permitted to exercise his choice.

If this proposed amendment goes into effect the result would be that these men would have to be relegated to the Civil Service Commission, or something tantamount to it. Why should those who have been doing satisfactory work for judges, taking records for years, be compelled to go to any kind of a Civil Service Commission?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS of Texas. I yield the gentleman five minutes more.

Mr. WELLER. Why should we, under the circumstances, change the fundamental organization of our courts by placing the appointive power practically in the hands of the Civil Service Commission, because unless the Civil Service Commission O. K's the judge's stenographer who is sometimes the judge's secretary, that man can not be appointed no matter how well qualified he is.

Mr. SCHAFER. Is the gentleman opposed to civil service?

Mr. WELLER. No; I am not.

Mr. SCHAFER. The gentleman a few moments ago related what a lot of red tape would be required to have employees under civil service reinstated—you would have to have a hundred times as much under political pressure to get a man reinstated.

Mr. WELLER. That may be true, but with reference to the reinstatement of a stenographer against whom charges have been preferred, for all practical purposes he could not be reinstated. Supposing a disappointed litigant made charges that the stenographic notes had not been taken properly, that they had not been fairly taken, and that matter was to go before a public hearing. It would practically destroy the usefulness of that stenographer forever, even though he was cleared of the charges made against him. It would practically destroy his usefulness, and in case the judge who appointed him dies or resigned, he would not be reappointed by any other judge because the record of the proceeding would be in the Civil Service Commission and no judge would want a stenographer who had the slightest trace of suspicion or accusation against him. I hope the amendment offered by the gentleman from New York will be voted down. I indorsed the bill, and I think there should be a salary for the districts where there would be an amount of work done comportable with the district itself. The bill was drawn to that effect. Where the work in the district is particularly heavy there is an added compensation given to him in that he may charge for his services in furnishing minutes to counsel on either side.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. HICKEY. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Chairman and gentlemen of the House, I do not want to take any unnecessary time in the discussion of this except to point out two salient features that make it absolutely advisable legislation. Anybody who has had any experience in the Federal courts knows that it is necessary under present conditions to pay the stenographer's fees out of your own pocket. If you are unfortunate enough to represent a litigant who has no money and your litigation takes several days you are placed in the unenviable position of being obliged to pay a large expense out of your own pocket.

In almost every State the court stenographers are paid by the State itself. Not only is the present Federal practice unfair but it is discriminatory against the poor litigant.

Now, the most potent feature of this is that in making up the charge the judge is dependent on the manuscript and testimony written out by the stenographer, with whom he had nothing to do as far as selection is concerned. In other words, the judge in making up the data for his charge must go to the counsel in the case and ask permission to use their stenographer to furnish the transcript. So this bill, if it does not accomplish anything else, accomplishes this fact, that it gives the court the right to appoint its own stenographer, to be paid by the Government of the United States. Then if counsel want to use that evidence they go to that stenographer and pay out of their own pockets for such transcript of the evidence as they may desire; but the court selects its own stenographer and has the privilege of having the testimony taken by some one that it can select itself, and that makes it very valuable legislation.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. BURTNESS. I agree thoroughly with what the gentleman says as to the need for, and the general purposes of, the legislation, but I confess that I do not think the bill is very clear as to what the reporters to be appointed are obliged to do, or whether litigants will still be compelled to pay fees for merely taking the testimony if the court thinks the litigants should pay such fees. If I understand the gentleman correctly, the object of the bill is that an official reporter be appointed who is to take down all the testimony and proceedings at the trial.

Mr. STOBBS. Yes.

Mr. BURTNESS. And then if either litigant desires to obtain a transcript of the testimony, the litigant shall pay for it?

Mr. STOBBS. Yes.

Mr. BURTNESS. And pay such fees therefor as the courts prescribe?

Mr. STOBBS. Yes.

Mr. BURTNESS. But the gentleman will note that the bill in section 1 provides that such reporters as may be appointed shall attend all sessions of or hearings before the said district

courts, and shall, upon the direction of the court or the request of either party in any civil or criminal action or proceeding, take in shorthand the testimony and all proceedings had upon the trial or hearing, and so forth. First, does not that contemplate that even with the appointment of reporters the testimony would not always be taken down and would not be taken down unless requested either by the court or by one of the parties to the action?

Mr. STOBBS. That is perfectly true, but that is the practice in practically all of the courts at the present time. The court may turn to the reporter and say to him that he need not take down this case, or he may say to counsel, "Do you want this case taken down?" In a lot of criminal cases they do not even bother to take the testimony, and the stenographer sits there and does not take it down until the court directs him to do so. That is simply a saving of time and expense. The counsel do not expect to go up to the Supreme Court, and it may involve a fine of only $50. They do not bother to take the evidence, but the court may say to the counsel, "Do you want the testimony taken down?" and if the counsel says "Yes," the court will then direct the reporter to take the testimony.

Mr. BURTNESS. But the bill also goes on to say:

and shall, when directed by the court, or a party to the proceedings, transcribe the same within such time as the court may designate and preserve the original stenographic notes for a period of not less than five years.

Mr. STOBBS. That means simply this: That after the testimony has been taken the court may say to that stenographer, "I want you to write out such and such pages of testimony," and the stenographer will do it, and counsel may come along also and say, "I want such and such pages of testimony," so that either by direction of the court or by the request of counsel it will be transcribed, but counsel will pay for what he orders.

Mr. BURTNESS. But the bill does not say that.

Mr. STOBBS. I think if the gentleman will read it carefully he will see that that is exactly what it does say.

Mr. BURTNESS. I call attention to page 3 to the following language:

The fees to be paid to such stenographers by the parties to actions or proceedings in said courts shall be prescribed by rules to be adopted by said court in each district.

Is there an attempt in this bill to distinguish between "fees" and "compensation" as such?

Mr. STOBBS. Oh, no; but in certain parts of the country stenographers write out testimony at, say, 10 cents a folio, while in other places they get 25 cents for a folio of 100 words. It is up to the court to state whether they will get 10 cents or 25 cents.

Mr. BURTNESS. Would not this bill as it is written authorize the court to say to a litigant, "If you want the stenographer to take down the testimony you will have to pay such-and-such fees for the purpose."

Mr. STOBBS. Oh, no. This bill does not say that at all.

Mr. BURTNESS. I think that is what the bill says, but I do not think it is what the committee intends to say. It seems to me it ought to be easy to provide in the bill that the salary or compensation of the reporter shall be along the line suggested here—that is, the compensation provided in State courts—for the work to be done by the stenographer as an official, and I take it that the gentleman feels, as I do, that the principal part of this work would be to take down the testimony and proceedings in the trial of the case, and then if a litigant on either side orders a transcript, that then those fees shall be determined by the court and paid for by the litigant.

Mr. STOBBS. I call the gentleman's attention to page 2, commencing at line 5—

and shall, when directed by the court or the party to the proceedings, transcribe the same.

That makes it obligatory on the stenographer to do what the court tells him to do.

Mr. BURTNESS. And also it makes it obligatory on the stenographer to do what some litigant tells him to do; and if the bill means that the litigant may demand it at any time without paying for it, that would be unfair, because the litigant might demand a transcript of all of the testimony, and the trial may have lasted for several days.

Mr. STOBBS. The bill says further:

The compensation of said stenographers for services and transcripts and their duties, and the rules and regulations relating thereto, shall be prescribed by rules to be adopted by the district court in each district.

In other words, the court makes the rules and regulations under which any individual litigant may have the transcript. That controls the whole situation.

Mr. BURTNESS. There seems to be some distinction between "compensation" and "fees." Possibly that tends to clarify the intent.

Mr. STOBBS. The two things are quite distinct. "Compensation" is what the Government pays as a salary, and "fees" are what the individual pays for writing out the testimony.

Mr. HAMMER. Will the gentleman yield a moment?

Mr. STOBBS. Surely.

Mr. HAMMER. As I understand, the gentleman is discussing the reporting of civil cases in United States courts in the large cities. Take the State of Maryland outside of Baltimore, and the State of Tennessee except the cities of Nashville, Knoxville, and Memphis, and the State of North Carolina, except the cities of Raleigh, Asheville, Winston-Salem, Charlotte, and Wilmington, and the State of Georgia, with the exception of Savannah and Atlanta, and all the States of Mississippi, Arkansas, and Oklahoma—in all those States there is as much as a whole year in which in some of the courts no civil cases are tried whatever. For instance, there are half a dozen places where Federal courts are held and only one case, either civil or criminal, requiring a stenographer.

Mr. STOBBS. You are talking about Federal courts?

Mr. HAMMER. Yes; I am talking about Federal courts. In the State of North Carolina, where I live, there are three districts. With the exception of two or three in each one of the courts there are no civil cases tried except at special terms or adjourned terms, at which, of course, a stenographer is necessary.

I want to ask this question: Have not the courts the power now to employ stenographers? In criminal cases I know they have ample means under the provisions of the law to secure stenographic reports whenever necessary.

Mr. STOBBS. My information is that there is no provision at the present time authorizing the courts to employ official stenographers.

Mr. HAMMER. There are provisions in which that is done in criminal cases.

Mr. STOBBS. By looking at the bill the gentleman will notice that "the district court in each district shall, for the purpose of perpetuating the testimony and proceedings therein, appoint one or more competent stenographic reporters, as the business to be done may require." Of course, if there is no business to be done requiring the appointment of stenographers, the court will not appoint.

Mr. HAMMER. Does not the gentleman think there would be a tendency to make appointments?

Mr. STOBBS. Oh, no. You must rely on the integrity of the judges.

Mr. HAMMER. I do not mean to reflect upon them, but the disposition in human nature is to create offices when the power is given. The gentleman knows that, or at least should know the tendency of human impulses to prevail on the bench as well as elsewhere.

Mr. STOBBS. I think the judges of the United States courts should be trusted to that extent.

Mr. BLACK of Texas. Mr. Chairman, I have looked in vain as to any estimate of how many stenographers will be appointed and how much they will cost the Government. There seems to be no information whatever as to the cost of this measure to the Federal Government.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CAREW. The gentleman should know that the Committee on the Judiciary never bothers itself with matters of expense to the Government. [Laughter.]

Mr. BLACK of Texas. That may be the reason why the report does not give us any information on that point.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. EDWARDS].

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes.

Mr. EDWARDS. Mr. Chairman and gentlemen of the committee, I think this is good legislation unless we ruin it with the amendment offered by the gentleman from New York. I think it would be a very serious mistake to put these stenographers under the civil service.

However, I want to speak chiefly concerning another feature of the bill, which you will find on page 2, where it is provided that—

Such reporters as may be appointed shall attend all sessions of the district courts and shall, upon the direction of the court or the request of either party in any civil or criminal action or proceeding, take in shorthand the testimony and all proceedings had upon the trial or hearing, except the arguments of counsel.

I think there ought to be some provision whereby the arguments of counsel in certain cases and under certain circum-

stances shall, at the direction of the presiding judge, be taken down by the stenographer. We have all seen cases arise in the courts where it was well to take down the arguments of counsel. Such an occasion might arise, I will say, where questions of contempt are involved, and also such an occasion might arise where a lawyer, properly looking after the interests of his client, makes remarks that are excluded by the court as improper and he wishes the ruling to become a part of the record. In that event the part of the argument in question should also become a part of the record. It might arise in the case of motions for mistrial. It might arise in many ways where it is in the interest of fair play and justice that the arguments of counsel should be reported.

I propose, on page 2, line 5, after the word "hearing," to strike out the word "except" and substitute the words "including the arguments of counsel when the presiding judge may direct."

Mr. NEWTON. I get the gentleman's idea. It is merely to have the presence of a stenographer, so that in the event something occurs the judge may, in his discretion, order the words to be taken then, and then the work will be done.

Mr. EDWARDS. It will not be taken down unless, in the opinion of the presiding judge, it is proper and necessary. The bill provides that the stenographer shall be present. I think the gentleman will agree with me that cases may arise when in the interests of justice it is proper and necessary to have the arguments of counsel taken down.

Mr. NEWTON. The gentleman is unquestionably correct.

Mr. DYER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BULWINKLE, for five days, on account of public business;

To Mr. HUDSPETH, for one day, on account of illness;

To Mr. STEVENSON, for three days, on account of important business; and

To Mr. LINTHICUM (at the request of Mr. GAMBRILL), for yesterday and to-day.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 38. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect, if it is adopted; to the Committee on the Public Lands.

S. J. Res. 66. Joint resolution authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924; to the Committee on the Library.

ADJOURNMENT

Mr. DYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Thursday, January 19, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 19, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

War Department appropriation bill.

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To authorize an appropriation to provide additional hospitals and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 5604).

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Interior to execute an agreement with the middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and other purposes (H. R. 70).

Relating to the tribal and individual affairs of the Osage Indians of Oklahoma (H. R. 9294).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON POLICE AND FIREMEN

(10 a. m.)

To increase the pay of the officers and members of the fire department and of the Metropolitan police department of the District of Columbia, and for other purposes (H. R. 364).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To promote the unification of carriers engaged in interestate commerce (H. R. 5641).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

An act entitled "An act to promote export trade," approved April 10, 1918 (H. R. 8927).

COMMITTEE ON FLOOD CONTROL

(10 a. m.—caucus room)

A meeting to hear Congressman DENISON, of Illinois, and C. J. Jarvis, Bureau of Public Roads, discuss projects to control the flood waters of the Mississippi River.

(2 p. m.—caucus room)

A meeting to hear Dr. H. C. Frankenfield, chief of the river and flood division, Weather Bureau, and Millard F. Bowen discuss projects to control the flood waters of the Mississippi River.

(8 p. m.—caucus room)

A meeting for the discussion of projects to control the flood waters of the Mississippi River.

Mr. REID of Illinois has asked that a notice be posted here stating that the Flood Control Committee would conclude its hearings within a few days, and if there are any Senators or Members of Congress who wish to appear before the committee, Mr. REID would like to have them get in touch with him immediately.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WHITE of Kansas: Committee on Election of President, Vice President, and Representatives in Congress. H. Con. Res. 18. A concurrent resolution proposing an amendment to the Constitution; without amendment (Rept. No. 309). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. H. R. 5772. A bill to regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, levee, dam, excavation, dredging, drainage, or other construction project, and for other purposes; without amendment (Rept. No. 310). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. J. Res. 59. A joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906; without amendment (Rept. No. 311). Referred to the Committee of the Whole House on the state of the Union.

Mr. BROWNE: Committee on Foreign Affairs. H. J. Res. 156. A joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be held in Great Britain during June–July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates; with amendment (Rept. No. 312). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 1406. A bill granting six months' pay to Lucy B. Knox; with amendment (Rept. No. 302). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H. R. 2494. A bill granting six months' pay to Vincentia V. Irwin; with amendment (Rept. No. 303). Referred to the Committee of the Whole House.

Mr. EVANS of California: Committee on Naval Affairs. H. R. 4014. A bill for the relief of Kenneth M. Orr; with amendment (Rept. No. 304). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 3442. A bill for the relief of Clifford J. Sanghove; with amendment (Rept. No. 305). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 9149. A bill for the relief of Maj. Chauncey S. McNeil; with amendment (Rept. No. 306). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 7107. A bill for the relief of James Golden; with amendment (Rept. No. 307). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Naval Affairs. H. R. 4766. A bill for the relief of Charles James Anderson, former commander, United States Naval Reserve Force; with amendment (Rept. No. 308). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3165) for the relief of Carl Holm; Committee on Claims discharged, and referred to the Committee on World War Veterans' Legislation.

A bill (H. R. 4450) granting a pension to Mary Osmond Rousseau; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 9565) granting the consent of Congress to the cities of Atchison and Leavenworth, Kans., the city of St. Joseph, Mo., and the counties of Buchanan and Platte, Mo., their successors or assigns, to construct a bridge across the Missouri River, or to acquire existing bridges; to the Committee on Interstate and Foreign Commerce.

By Mrs. ROGERS: A bill (H. R. 9566) to provide one year's pay to the dependents of personnel of the military service, naval service, or Coast Guard service whose death results from accidents in such services; to the Committee on Military Affairs.

By Mr. ANTHONY: A bill (H. R. 9567) to authorize appropriations for the construction at Fort Leavenworth, Kans., and for other purposes; to the Committee on Military Affairs.

By Mr. MARTIN of Louisiana: A bill (H. R. 9568) to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes; to the Committee on the Public Lands.

By Mr. PORTER: A bill (H. R. 9569) authorizing the payment of an indemnity to the British Government on account of the death of Reginald Ethelbert Myrie, alleged to have been killed in the Panama Canal Zone on February 5, 1921, by a United States Army motor truck; to the Committee on Foreign Affairs.

By Mr. WILLIAMSON: A bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. ZIHLMAN: A bill (H. R. 9571) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes; to the Committee on the District of Columbia.

By Mr. CRAIL: A bill (H. R. 9572) providing for the purchase of a suitable site and the erection of a public building at Hollywood, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 9573) to provide for the further development of agriculture, home economics, and industry; to the Committee on Education.

By Mr. GARRETT of Tennessee: A bill (H. R. 9574) to amend an act entitled "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto; and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for no other purpose," which act was approved June 10, 1920, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Oklahoma: A bill (H. R. 9575) to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Government Printing Office; to the Committee on Printing.

Also, a bill (H. R. 9576) defining the policy of Congress with respect to flood control, the protection and improvement of navigation and conservation upon and along the Ohio River, the Missouri River, the Arkansas River, the Red River, their tributaries, inlets, and outlets, creating "the Ohio, Missouri, Arkansas, and Red River commission," and for other purposes; to the Committee on Flood Control.

By Mr. GASQUE: A bill (H. R. 9577) to provide for the construction of a bridge across the Estherville-Minim Creek Canal, S. C.; to the Committee on Rivers and Harbors.

By Mr. OLDFIELD: A bill (H. R. 9578) for flood control on the White River; to the Committee on Flood Control.

Also, a bill (H. R. 9579) for flood control on the Black River; to the Committee on Flood Control.

By Mr. RATHBONE: A bill (H. R. 9580) authorizing the Secretary of War to award a congressional medal of honor to John E. Andrew; to the Committee on Military Affairs.

Also, a bill (H. R. 9581) to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925; to the Committee on Printing.

By Mr. SELVIG: A bill (H. R. 9582) to amend an act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; to the Committee on Foreign Affairs.

By Mr. WILLIAMSON: A bill (H. R. 9583) authorizing the reporting to the Congress of certain claims and demands asserted against the United States; to the Committee on Expenditures in the Executive Departments.

By Mr. HOUSTON of Hawaii: A bill (H. R. 9584) to amend the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. MEAD: A bill (H. R. 9585) to fix the hours of duty and time credits for the service of railway postal clerks assigned to duty in the railway post-office cars, terminal railway post offices, and transfer officers, and to provide for payment for overtime for service in excess of the standards herein provided; to the Committee on the Post Office and Post Roads.

By Mr. VESTAL: A bill (H. R. 9586) to amend the copyright law in order to permit the United States to enter the International Copyright Union; to the Committee on Patents.

By Mr. EDWARDS: A bill (H. R. 9587) providing for an examination and survey of Savannah (Ga.) Harbor from the bar at the mouth of the Savannah River to the western limits of said harbor to a point opposite the creosoting plant; to the Committee on Rivers and Harbors.

By Mr. STALKER: A bill (H. R. 9588) to amend the national prohibition act, as amended and supplemented; to the Committee on the Judiciary.

By Mr. WATSON: A bill (H. R. 9589) to amend the act of March 3, 1915, by extending to the widows or dependents of officers and enlisted men of the Navy, Marine Corps, or Coast Guard who are killed or disabled as a result of submarine accidents the same pensions as are allowed in aviation accidents; to the Committee on Naval Affairs.

By Mr. ANTHONY: Joint resolution (H. J. Res. 168) for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Homes for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. BLAND: Joint resolution (H. J. Res. 169) establishing a commission to formulate and submit plans for the observance of the one hundred and fiftieth anniversary of the surrender of Cornwallis at Yorktown, Va.; to the Committee on the Library.

By Mr. WELCH of California: Joint resolution (H. J. Res. 170) authorizing establishment of bulk and pier head lines in San Francisco Bay from a point near Point Avisadero (Hunters Point), San Francisco County, to Ravenswood Point, San Mateo County; to the Committee on Rivers and Harbors.

By Mr. BURTON: Joint resolution (H. J. Res. 171) to prohibit the exportation of arms, munitions, or implements of war to certain foreign countries; to the Committee on Foreign Affairs.

By Mr. FISH: Joint resolution (H. J. Res. 172) declaring it the policy of the United States to prohibit the exportation of any arms, ammunition, and implements of war exclusively designed and intended for land, sea, or aerial warfare to any belligerent country without the consent of Congress and providing penalties therefor, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WOOD: Concurrent resolution (H. Con. Res. 19) providing that Congress encourage the use of American materials in American-made goods; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 9590) granting a pension to Mary E. Michael; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 9591) granting a pension to Nancy Mann; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: A bill (H. R. 9592) granting a pension to C. W. Howrey; to the Committee on Pensions.

By Mr. COMBS: A bill (H. R. 9593) granting an increase of pension to Waldo A. Chapman; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 9594) for the relief of Dent, Allcroft & Co., A. J. Baker Co. (Inc.), Horwitz & Arbib (Inc.), and Richard Evans & Sons Co.; to the Committee on Ways and Means.

By Mr. DEAL: A bill (H. R. 9595) granting a pension to Clara M. Craig; to the Committee on Pensions.

Also, a bill (H. R. 9596) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 9597) for the relief of Fred Elias Horton; to the Committee on Naval Affairs.

By Mr. DICKSTEIN: A bill (H. R. 9598) for the relief of Henry A. Richmond; to the Committee on Claims.

By Mr. DAVILA (by request): A bill (H. R. 9599) for the relief of Jose M. Alcover; to the Committee on the Post Office and Post Roads.

By Mr. EATON: A bill (H. R. 9600) granting an increase of pension to Anna M. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9601) granting an increase of pension to Elizabeth E. Matthews; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 9602) granting a pension to Christina Yeager; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 9603) granting an increase of pension to Alice V. Bellney; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 9604) providing for a preliminary examination and survey of the Eastchester Creek to determine such improvements as may be necessary to meet with increasing transportation; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9605) granting a pension to Harriet M. Lester; to the Committee on Invalid Pensions.

By Mr. GASQUE: A bill (H. R. 9606) for the relief of W. A. Frink; to the Committee on Claims.

By Mr. GAMBRILL: A bill (H. R. 9607) for the relief of Jeanie G. Lyles; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 9608) granting an increase of pension to Elizabeth B. Holmes; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 9609) for the relief of George C. King; to the Committee on Claims.

Also, a bill (H. R. 9610) for the relief of Louis J. Ramos; to the Committee on Claims.

Also, a bill (H. R. 9611) granting an increase of pension to Alice S. Holbrook; to the Committee on Invalid Pensions.

By Mr. GREEN of Florida: A bill (H. R. 9612) authorizing and directing the Secretary of the Interior to allow Norman P. Ives, jr., credit on other lands for compliances made in homestead entry Gainesville 021032; to the Committee on the Public Lands.

By Mr. HALL of Indiana: A bill (H. R. 9613) granting an increase of pension to Elizabeth Havens; to the Committee on Invalid Pensions.

By Mr. HALL of North Dakota: A bill (H. R. 9614) granting an increase of pension to Mrs. John P. Dunn; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 9615) for the relief of William A. McMahan; to the Committee on Claims.

By Mr. JACOBSTEIN: A bill (H. R. 9616) granting an increase of pension to Margaret Ovenburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9617) granting an increase of pension to Lucy M. Couse; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 9618) granting an increase of pension to George W. Marrow; to the Committee on Pensions.

By Mr. MacGREGOR: A bill (H. R. 9619) granting an increase of pension to Frank A. Klein; to the Committee on Pensions.

By Mr. McMILLAN: A bill (H. R. 9620) for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.; to the Committee on the Post Office and Post Roads.

By Mr. McCLINTIC: A bill (H. R. 9621) authorizing the acceptance from the Kingdom of the Serbs, Croats, and Slovenes of the order of the White Eagle, fifth class, conferred on Capt. Walter M. Mann, United States Army; to the Committee on Foreign Affairs.

By Mr. MADDEN: A bill (H. R. 9622) for the relief of First Lieut. Walter T. Wilsey; to the Committee on Claims.

By Mr. MAJOR of Illinois: A bill (H. R. 9623) granting an increase of pension to Effie Charney; to the Committee on Invalid Pensions.

By Mr. MAJOR of Missouri: A bill (H. R. 9624) granting an increase of pension to Bell Norris; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 9625) granting an increase of pension to Amanda C. Long: to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 9626) granting a pension to Minnie E. Peck; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9627) granting an increase of pension to Amanda S. Fano; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 9628) granting a pension to James Steele; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 9629) for the relief of the owners of the British steamship *Larchgrove;* to the Committee on Foreign Affairs.

Also, a bill (H. R. 9630) for the relief of Richard L. Sprague; to the Committee on Foreign Affairs.

By Mr. PRATT: A bill (H. R. 9631) granting an increase of pension to Hannah Cornelius; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9632) granting an increase of pension to Julia Breiner; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 9633) granting an increase of pension to Phillip B. Keefer; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 9634) granting an increase of pension to John Lovell; to the Committee on Pensions.

Also, a bill (H. R. 9635) granting an increase of pension to Elmer H. Weddle; to the Committee on Pensions.

Also, a bill (H. R. 9636) granting a pension to Susie Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9637) granting a pension to John York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9638) granting an increase of pension to Benjamin F. Scott; to the Committee on Pensions.

Also, a bill (H. R. 9639) granting an increase of pension to Nancy Collett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9640) granting a pension to Polly Petty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9641) granting a pension to Dill Sizemore; to the Committee on Pensions.

Also, a bill (H. R. 9642) granting an increase of pension to Charles S. Cooper; to the Committee on Pensions.

Also, a bill (H. R. 9643) granting an increase of pension to Eliza Hounshell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9644) granting an increase of pension to Lewis Owens; to the Committee on Pensions.

Also, a bill (H. R. 9645) granting an increase of pension to Rachael Gamblin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9646) granting a pension to Rachel Davidson; to the Committee on Pensions.

Also, a bill (H. R. 9647) granting a pension to Leah E. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9648) granting a pension to William Hampton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9649) granting a pension to Sarah Lawson; to the Committee on Invalid Pensions.

By Mr. STROTHER: A bill (H. R. 9650) granting a pension to Mary Dyer; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 9651) granting an increase of pension to Margaret Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9652) granting an increase of pension to Emma C. Cotton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9653) granting an increase of pension to Mary E. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9654) granting an increase of pension to Sarah J. Stickle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9655) granting an increase of pension to Sarah E. Browning; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 9656) granting a pension to Frank Lawler; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 9657) granting an increase of pension to Tillie P. Turner; to the Committee on Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 9658) for the relief of Joseph Richard Kearney; to the Committee on Naval Affairs.

By Mr. WILLIAMSON: A bill (H. R. 9659) for the relief of F. R. Barthold; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1931. By Mr. BARBOUR: Petitions of residents of the seventh congressional district of California, protesting against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1932. By Mr. BECK of Wisconsin: Petitions from certain residents of Baraboo, Reedsburg, Hillsboro, Ironton, La Valle, and Osseo, also Viroqua and La Farge, against House bill 78; to the Committee on the District of Columbia.

1933. By Mr. CHALMERS: Petition to increase the pensions of Civil War veterans and their widows, signed by residents of Toledo, Ohio; to the Committee on Invalid Pensions.

1934. By Mr. CLARKE: Petition from citizens of Oxford, N. Y., and vicinity, against compulsory Sunday observance; also from citizens of Johnson City, Binghamton, and vicinity, against compulsory Sunday observance; also from citizens of Morris and vicinity, against compulsory Sunday observance; also from citizens of Nineveh and vicinity, against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

1935. By Mr. COHEN: Petition submitted by Miss A. Larson, 32 East Fifty-first Street, New York City, containing 79 signatures, protesting against House bill 78; to the Committee on the District of Columbia.

1936. Also, petition submitted by Miss Hortense Gilbert, Hotel Ansonia, New York City, containing 48 signatures, protesting against House bill 78; to the Committee on the District of Columbia.

1937. By Mr. COMBS: Petition advocating a Civil War pension bill carrying the following provisions for increase of pensions: $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, $50 per month for every Civil War widow; to the Committee on Invalid Pensions.

1938. By Mr. COOPER of Wisconsin: Petition of citizens of Beloit, Wis., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1939. By Mr. CRAIL: Petition of approximately 600 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1940. Also, petition of approximately 1,400 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1941. Also, petition of approximately 700 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1942. Also, petition of approximately 750 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1943. Also, petition of approximately 600 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other legislation for compulsory religious observance or in any way giving preference to one religion over another; to the Committee on the District of Columbia.

1944. By Mr. CRAMTON: Petition signed by Mrs. Hester Goward and 92 other residents of Imlay City, Mich., urging passage of legislation giving higher rates of pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

1945. By Mr. DAVENPORT: Petition of Mrs. L. J. Predmore and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1946. Also, petition of Mr. J. W. O'Brien and others, protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

1947. By Mr. DENISON: Petition of various citizens of Union County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

1948. By Mr. DOUGHTON: Petition of citizens of Iredell County, N. C., protesting against House bill 78; to the Committee on the District of Columbia.

1949. By Mr. DRANE: Petition of Tampa Chapter, No. 4, Disabled American Veterans of the World War, concerning legislation for disabled veterans; to the Committee on the Civil Service.

1950. Also, petition of citizens of Tampa, Fla., opposing the passage of compulsory Sunday observance laws; to the Committee on the District of Columbia.

1951. By Mr. DRIVER: Petition signed by citizens of Manila, Ark., urging enactment of legislation increasing the pensions of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

1952. By Mr. EATON: Petition of W. R. Wikoff, of Bound Brook, N. J., and 52 other residents of New Jersey, against enactment of the so-called Sunday observance bills; to the Committee on the District of Columbia.

1953. By Mr. ENGLEBRIGHT: Petition of citizens of Jamestown, Sonora, Columbia, and Murphys, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1954. Also, petition of T. L. Sory and other citizens, of Sonora, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1955. Also, petition of F. B. Armitage and other citizens, of Yreka and Dunsmuir, Calif., protesting against the Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

1956. By Mr. EVANS of Montana: Petition of Earl D. White and other residents, of Missoula, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

1957. By Mr. FAUST: Petition signed by citizens of Atchison County, Mo., urging immediate consideration of measure to increase pension benefits to Civil War veterans and their widows; to the Committee on Invalid Pensions.

1958. By Mr. FURLOW: Petition of sundry citizens of the first congressional district of the State of Minnesota, opposing compulsory Sunday observance law; to the Committee on the District of Columbia.

1959. By Mr. GARBER: Resolution of Patriotic Order Sons of America of Pennsylvania, Altoona, Pa., asking for enactment and rigid enforcement of stricter deportation and restriction

laws with regard to immigrants to this country; to the Committee on Immigration and Naturalization.

1960. Also, letter of Women's Committee for Repeal of the Eighteenth Amendment, by M. Louise Gross, chairman, in support of Senate Joint Resolution 2; to the Committee on the Judiciary.

1961. Also, letter of Walker's Chapel Citizens' Association, of Arlington County, Va., by John K. White, president, in regard to the construction of a new Chain Bridge over the Potomac River; to the Committee on Interstate and Foreign Commerce.

1962. Also, letter of L. F. Gates, of Lamson Bros. & Co., Chicago, Ill., in support of House Resolution 22 and House bill 378, to protect the American farmer from foreign competition; to the Committee on Ways and Means.

1963. Also, letter of C. W. Briles, State director of vocational education, Oklahoma City, Okla., in support of bill providing for additional funds for agricultural education and for home economics education; to the Committee on Education.

1964. Also, report of the resolution committee to the Sixth Annual Asphalt Paving Conference, in regard to public highways; to the Committee on Roads.

1965. Also, letter of W. P. Luse, in regard to section 611 of the revenue act of 1928; to the Committee on Ways and Means.

1966. By Mr. GRIEST: Petition of Drumore Preparative Meeting of Friends, protesting against the expenditure of large sums of money for increasing the efficiency of the Navy; to the Committee on Naval Affairs.

1967. By Mr. HAWLEY: Petition of residents of Corvallis, Oreg., to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1968. By Mr. HOPE: Petition of the residents of the seventh congressional district of Kansas, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1969. Also, petition of the residents of the seventh congressional district of Kansas, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

1970. Also, petition of citizens of the seventh congressional district of Kansas, urging the enactment of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1971. By Mr. HUDSPETH: Petition of veterans of the World War, of Vanderpool, Tex., requesting legislation providing for payment by the Government of portions of amount due on adjusted compensation certificates; to the Committee on Ways and Means.

1972. By Mr. KINDRED: Resolution of the Flushing Unit of the League of Nations Nonpartisan Association, indorsing the Capper and Burton resolutions and the Briand peace proposal, formally renouncing war as an instrument of public policy; to the Committee on Foreign Affairs.

1973. By Mr. KORELL: Petition of numerous citizens of Portland, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance; to the Committee on the District of Columbia.

1974. By Mr. KVALE: Petition of several residents of Alexandria, Minn., protesting against Sunday laws; to the Committee on the District of Columbia.

1975. Also, petition signed by Mr. Carl F. Bolin on behalf of the Swedish Evangelical Mission, protesting against the new quota in the immigration law; to the Committee on Immigration and Naturalization.

1976. Also, petition of 11 residents of Alexandria, Minn., protesting against Sunday laws; to the Committee on the District of Columbia.

1977. Also, petition of Mrs. Jos. Clarno, Mrs. Mary Olbekson, T. W. Crichette, E. Fiksdal, E. E. Wagoner, and Franklin J. Stevens, Civil War veterans and widows of veterans, of Alexandria, Minn., pleading for increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

1978. By Mr. LETTS: Petition of Robert R. Neal and other citizens of Clinton, Iowa, protesting against the passage of House bill 78, or any other bill providing for the compulsory observance of the Sabbath; to the Committee on the District of Columbia.

1979. By Mr. LYON: Petition of certain citizens of Cumberland County, N. C., protesting against passage of House bill 78, providing a Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

1980. By Mr. MEAD: Petition of several physicians of Buffalo, N. Y., favoring the passage of House bill 500, for the relief of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

1981. By Mr. NELSON of Missouri: Petition signed by citizens of Jefferson City, against compulsory Sunday observance; to the Committee on the District of Columbia.

1982. By Mr. NIEDRINGHAUS: Petition of Loren E. Massey and eight other citizens of St. Louis County, Mo., protesting against passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1983. Also, petition of W. H. Massey and 10 other citizens of St. Louis County, Mo., protesting against passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1984. By Mr. PRATT: Petition of citizens of Saugerties, Ulster County, N. Y., urging legislation increasing the pensions of Civil War veterans and their widows; also of citizens of Coxsackie, Greene County, N. Y., urging legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

1985. By Mr. SCHNEIDER: Petition of numerous citizens of Lena, Wis., protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1986. Also, petition of numerous citizens of Oconto, Wis., protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1987. Also, petition of numerous citizens of Kewaunee County, Wis., protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1988. Also, petition of numerous citizens of Suring, Wis., protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1989. By Mr. SELVIG: Petition of A. Toutant and 72 other adult residents of Crookston, Polk County, Minn., protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1990. By Mr. SWICK: Petition of Jacob Ginsberg and 18 other residents of New Castle, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1991. Also, petition of E. E. Stockman and 15 other residents of New Castle, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1992. Also, petition of Robert M. King and 19 other residents of New Castle, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1993. Also, petition of Mrs. Selena Dugan and 23 other residents of New Castle, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1994. Also, petition of J. B. Rice and 17 other residents of Lawrence County, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1995. Also, petition of J. C. Glass and 22 other residents of New Castle, Pa., protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1996. Also, petition of George C. McKnight and other residents of New Castle and New Brighton, Pa., protesting against the passage of House bill 78, compulsory Sunday observance; to the Committee on the District of Columbia.

1997. Also, petition of Joseph David and 32 other residents of New Castle, Pa., protesting the passage of House bill 78, for the compulsory observance of the Sabbath; to the Committee on the District of Columbia.

1998. Also, petition of Charles Brickner and 22 other residents of New Castle, Pa., protesting the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

1999. By Mr. THOMPSON: Petition of Leasure & Eastman, attorneys at law, Ottawa, Ohio, protesting against legislation attacking the surcharge on Pullman tickets, and urging that such regulation be left to the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

2000. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against compulsory Sabbath observance legislation; to the Committee on the District of Columbia.

2001. Also, petition of numerous citizens of Louisville, Ky., protesting against compulsory Sabbath observance legislation; to the Committee on the District of Columbia.

2002. Also, petition of numerous citizens of Louisville, Ky., protesting against compulsory Sabbath observance legislation; to the Committee on the District of Columbia.

2003. By Mr. WARE: Petition of citizens of Campbell County, Ky., protesting against House bill 78; to the Committee on the District of Columbia.

2004. Also, petition of citizens of Campbell County, Ky., protesting against House bill 78; to the Committee on the District of Columbia.

2005. By Mr. WILLIAMSON: Petition of certain citizens of Orton, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2006. Also, petition of numerous citizens of Gregory and Tripp Counties, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2007. By Mr. WINGO: Petition of certain citizens of Delaware, Ark., protesting against passage of Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

2008. By Mr. WURZBACH: Petition of Elizabeth Hines, A. B. Hines, Mrs. Roy Henderson, and other citizens of San Antonio, Bexar County, Tex., protesting against House bill 78; to the Committee on the District of Columbia.

2009. By Mr. YON: Petition of W. D. Ramsey, Sol Austin, B. M. Wells, and other citizens of Noma, Fla., for a bill to increase pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2010. Also, petition of E. K. Whidden, William H. Smith, and 92 other citizens of Pensacola, Fla., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2011. Also, petition of N. F. Nelson, Walter Williams, and 127 other citizens of Bay Harbor, Fla., protesting against the passage of the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2012. Also, petition of Charles O. Franz, H. L. Edwards, C. C. Mitchel, and 14 other citizens of Laurel Hill, Fla., protesting against the passage of the Lankford Sunday closing bill of the District of Columbia; to the Committee on the District of Columbia.

SENATE

THURSDAY, *January 19, 1928*

(Legislative day of Tuesday, January 17, 1928)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

BOARD OF VISITORS TO THE NAVAL ACADEMY

The VICE PRESIDENT. In accordance with law the Chair appoints as members on behalf of the Senate to the Board of Visitors to the United States Naval Academy for the year 1928 the Senator from Massachusetts, Mr. WALSH, the Senator from Oregon, Mr. STEIWER, the Senator from Maryland, Mr. TYDINGS, and the Senator from Colorado, Mr. WATERMAN.

SENATOR FROM ILLINOIS

The Senate resumed the consideration of the resolution (S. Res. 112) opposing the seating of FRANK L. SMITH as a Senator from the State of Illinois, reported from the special committee investigating senatorial campaign expenditures.

Mr. SHORTRIDGE. Mr. President——

Mr. CURTIS. Mr. President, will the Senator from California yield to me that I may make the point of no quorum?

Mr. SHORTRIDGE. I yield for that purpose.

Mr. CURTIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and, after a delay of a few minutes, the following Senators answered to their names:

Ashurst	Cutting	Harrison	Moses
Barkley	Dale	Hawes	Neely
Bayard	Deneen	Hayden	Norbeck
Bingham	Dill	Heflin	Norris
Black	Ferris	Howell	Nye
Blaine	Fess	Johnson	Oddie
Blease	Fletcher	Jones	Overman
Borah	Frazier	Kendrick	Phipps
Bratton	George	Keyes	Pine
Brookhart	Gerry	King	Pittman
Broussard	Gillett	La Follette	Reed, Mo.
Bruce	Glass	McKellar	Reed, Pa.
Capper	Gooding	McLean	Robinson, Ark.
Caraway	Gould	McMaster	Robinson, Ind.
Copeland	Greene	McNary	Sheppard
Couzens	Hale	Mayfield	Shipstead
Curtis	Harris	Metcalf	Shortridge
Simmons	Stephens	Tyson	Waterman
Smith	Swanson	Wagner	Watson
Smoot	Thomas	Walsh, Mass.	Wheeler
Steck	Trammell	Walsh, Mont.	Willis
Steiwer	Tydings	Warren	

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present. The Senator from California will proceed.

PERSONAL EXPLANATION—ALLEGED MEXICAN PROPAGANDA

Mr. HEFLIN. Mr. President, the Washington News this morning has the following about me:

> The Democratic Senators have TOM HEFLIN on their hands and don't know what to do with him. They are holding a conference this morning to try to decide.

Mr. President, on last Tuesday the minority leader, Mr. ROBINSON of Arkansas, came over to my seat and asked me if I was willing to have the Senate adjourn over until Thursday, and make my speech on Thursday instead of Wednesday, that he wanted to have a conference of the Democrats to consider the merchant marine measure. I told him that I preferred to go on with my speech on Wednesday and have the conference Thursday—to-day. I did not know that the conference which met this morning was to consider any part of the controversy raised on yesterday between the Senator from Arkansas and myself. Some have stated that the Senator said he would bring it up at the conference to-day. I did not hear him say that. I thought it was the usual conference, and that we would consider the merchant marine matter.

I had suggested on yesterday that in view of the Senator's very strange conduct in assailing me and my speech, he being for the present the minority leader, he ought to be relieved of that service. I made that suggestion. I did not consult a single Senator on this side about removing him as our leader. I would not expect them to remove him for what he said yesterday. I was merely expressing my own opinion in the matter. I thought his conduct was exceedingly strange, unwarranted, inexcusable, and indefensible. But I would not expect the Senators to meet in a conference and remove him because I felt that way about a matter arising between us.

When he had taken the position that he did take, so unlooked for by Democrats generally on this side—I do not know how many knew that he was going to make that speech; I do not think very many. I think I could name some of them, and I may do it before this debate is over, because this is one forum, thank God, that the people still have where the truth can be uttered, where the forces of concentrated wealth and the power of the Roman hierarchy can not suppress free speech. This is one place we can come to, those who are sent here, and represent their people and speak for the good of their country without consulting any particular Senator as to what course we will pursue.

Everybody who has commented to me on this thing on the outside has said that Senator ROBINSON's attack upon me was the most uncalled-for and outrageous thing they ever heard of; and I agree with them. But I am able to take care of the Senator from Arkansas without asking my party to remove him as leader. I can understand how they would not want to vote to remove him as leader for what he did yesterday. I would not expect them to do that.

This morning I was having a good rest after performing my duty yesterday. I had slept nine hours. A little before 10 o'clock my secretary phoned me that they were having a conference and that I had notice to appear. He did not tell me what was in it. I always get a notice to attend a conference, and I thought it was the usual conference. I did not go, and the Senator from Arkansas in my absence took up the matter as to removing himself as leader and taking him off the committee to investigate the Hearst scandal. I did not know the matter was being considered; knew nothing about it until the conference had adjourned.

Some rather interesting talks were made in the conference. They finally passed a resolution, which I would have expected them to pass, expressing confidence in his leadership. I indorse his leadership myself, in the main. I differ from him on some things. I could not expect them to remove him and I had not asked them to do it. It was only a kind of whitewash arrangement regarding his leadership; they expressed confidence in him and were willing for him to remain on the committee. I would expect them to take that course and I have no quarrel with them for taking that course.

My enemies in the press gallery, who do not represent the best interests of the people—and I do not mean all of them; there are some as fine men up there as you find anywhere, honest, courageous, fine Americans, and I am not talking about them. There are two classes of them; one class is good and

the other is exceedingly bad. [Laughter.] That exceedingly bad group of newspaper reporters are going to give out the notice to-day that Senator HEFLIN was rebuked by the Democratic Senators. It is not true. The best Democrats in this body, in my absence—I was not even there when the matter was considered—took the position that this resolution was in no way to reflect on Senator HEFLIN, was in no way to be considered as a rebuke of him for his speech of yesterday or for his position. That was distinctly understood. Yet I am looking now to see from some of the press reports that Senator HEFLIN was rebuked by the Democratic side. Most all the Senators voted for the resolution. As I said in the outset, I would have expected them to do it in the matter of removing the Senator from Arkansas from leadership, or taking him off the committee, because he and I had a controversy.

I was angered at the Senator from Arkansas on yesterday. It would not be expected that I would be otherwise. Strange, indeed, was his position, acting on this committee to investigate a terrible scandal with which my name was connected, I consenting for him to be on it as an investigator, and for him to turn and assail my position, and assail and insult me, and then eulogizing to the sky the Roman Catholic machine of the United States. Almost with tears welling up in his eyes he praised the Roman Catholics, but said not a word in praise of the fine Protestant men and women who served their country and their day and generation well. He never even mentioned George Washington, Master Mason, great American, who led in the establishment of our liberty and laid the corner stone of this Capitol. But he did not forget to eulogize the Roman Catholics.

I do not object to him eulogizing Catholics. Some of them are worthy of eulogy, and I have not assailed one of them who served his country faithfully. I am not talking about the Catholics generally of other days. I am talking about the deadly machine of Roman Catholicism, the Roman Catholic political machine of my day. It is moving menacingly upon the vitals of this Government. It is getting a strong hold in every department of Government here at Washington; and I, as a Senator, sent here by the people of Alabama to mark the approach of evil from any quarter, am giving facts—not fiction—to the Senate and the country. I have cited instances, and I told on yesterday about the Knights of Columbus of the United States, Roman Catholics, trying to get us into war with Mexico, and about a Roman Catholic Congressman from New York City introducing a resolution to declare the severance of diplomatic relations with Mexico.

The Senator from Arkansas could not dispute any of the facts I laid down, and I quoted the great French patriot, Lafayette, who gave to our forefathers the service of his sword, when he said in leaving this country, "If the liberties of America are ever lost, it will be through priests and nuns."

I have a right to quote these authors and statesmen and warriors of the past. That is my business as a Senator. It is none of the business of the Senator from Arkansas, and I resented his meddling with me and his undertaking to tell me what I should speak about. Nobody who has talked to me about the question has approved his position. The Senators in that conference this morning had it understood that this resolution and their support of it were in no way to rebuke me or my position, or to have any reference to our controversy. They were just expressing confidence in him as leader, and expressing their willingness for him to stay on the committee.

That is the truth about it in a nutshell; but they are going to have it flaming over the country in big headlines to-morrow that I was rebuked. I will tell you about it if they do. They are going to furnish me a lot of material now. They are going to give me a chance to put more facts in here before the Senate and the country, and I want to say to the Senator from Arkansas and to any other group who grow weary of my discussing the efforts of the Roman Catholic hierarchy to involve us in war that their position on the question does not affect me in the least. I am willing for them to feel as they please about it, but I have a duty to perform to my State and to the people of this country in keeping with the oath that I took when I stood at the altar place of this body, when I swore with my hand uplifted that I would defend my country against all enemies, both foreign and domestic. I will continue to pursue that course.

I will speak just as frequently on this question as I desire to speak. I am not surprised that the Democrats in the conference refused to do anything that could be construed into an attempt to handicap or hinder me in doing my duty in this matter. I am not surprised that they let it be known in that conference to-day that they could not pass any resolution seeking to censure my speech or criticize my position. I thank them. They are manly men, courageous men, but the very few who took advantage of my absence to speak harshly of me are cowardly Senators. They have not the courage to stand up before my face, not one of them, and say a thing disrespectful of me or against my honor.

They did not pass the resolution that some four or five wanted to pass. They had some "whereases" very nicely drawn that they wanted to lug in that would have the effect of convincing the public that I was rebuked, but the conference, thank God, spurned them, and they were not accepted.

Mr. President, I am not going to detain the Senate longer at this time. It will be a sad day for the Democratic Party whenever its leadership undertakes to tie up with Tammany and Al Smith, a wet, a nullifier, and a Roman Catholic. You were told in that conference this morning by an able Senator that if Al Smith were nominated, his State would go Republican.

Mr. MOSES. Mr. President, will the Senator yield for a question?

Mr. HEFLIN. Yes.

Mr. MOSES. Was the Senator present in the conference?

Mr. HEFLIN. No, sir.

Mr. MOSES. From whom did he get this information?

Mr. HEFLIN. Why, the gall of the Senator from New Hampshire in asking me about our party secrets! [Laughter.]

Mr. MOSES. The Senator is evidently not in possession of them.

Mr. HEFLIN. How is that? I did not catch that last statement. The Senator from New Hampshire wants to know what we Democrats do in private conference. You think you will get me to tell something we did in there, do you not?

Mr. MOSES. No; the Senator was not there; he does not know.

Mr. HEFLIN. No; of course; but I have been told.

Mr. MOSES. So have I. [Laughter.]

Mr. HEFLIN. Well, I am not surprised. I would be surprised if the Senator does not know something about it. He is pretty shrewd and he has an inquiring mind and he finds out a heap that is going on around here, but we will take care of our own affairs over here.

I just want to say before I sit down that the Democratic conference this morning had a right to do what it did. I say again that I would not expect it to remove Senator ROBINSON as leader because of the suggestion I made and what he did on yesterday. They are not that much interested in this particular phase of the matter. They do not know all the circumstances in the matter. I repeat that in the main I have indorsed his leadership, but I appreciate the fact that in my absence it was generally understood by the Senators that no censure of me, no rebuke, was intended; that the resolution must not be construed into meaning that they were taking issue with me or my position in any shape, form, or fashion.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. HEFLIN. I yield.

Mr. MOSES. Yesterday the Senator took occasion to have an informal declaration on his side of the Chamber regarding the attitude of that party concerning its leadership. At the conclusion of the episode the Senator from Alabama announced that its party leader had been disapproved. Now, will the Senator be good enough to inform the Senate, the galleries, and the country as to exactly what took place in the conference this morning which the Senator did not attend?

Mr. HEFLIN. I have told the Senator and the Senate, and I am going to tell him again, because the Senator does not catch these things as quickly as some other Senators, but that is not my fault; it is the Almighty's fault. He did not treat the Senator right.

Mr. SIMMONS. Mr. President——

Mr. HEFLIN. I yield to my friend from North Carolina.

Mr. SIMMONS. It may be that the caucuses or the conferences held by Senators on the other side of the Chamber are secret, but I have not understood and do not now understand that Democratic caucuses are secret organization meetings.

Mr. HEFLIN. That is true, Mr. President. I do not know what sort of monkey-wrench conventions they have over there, but I was not present this morning, as I said before, and I said I did not know that such a move would be made by Senator ROBINSON. I find since that Senator ROBINSON had written a note to me. My secretary phoned me and said I had a notice to come to a committee, and did not tell me what was in it. I found, after getting it, since I came to this Chamber, that he suggested and said, "In all good will and feeling I am going to bring this matter up," but I never got that note until the conference had adjourned.

But I will tell the Senator another thing that occurred. It seems that yesterday afternoon the Senators were under the impression that I was the mover, and if anything was brought before the conference that I would bring it there. In walking over to the Senate Office Building I came across the able Senator from North Carolina [Mr. OVERMAN] and the able Senator from Tennessee [Mr. TYSON]. We talked a moment about this matter, and they suggested to me that if they were in my place, inasmuch as we had had our say and word battle on the floor, that they would not bring it before the conference. I said, "All right, I will not." Then I added as I went away, "I do not believe I will attend the conference." I thought the merchant marine matter was coming up.

I was not at the conference and I did not bring it up. It was brought up in my absence and several talks were made. My position was criticized by two or three Senators who are known to be antagonistic to me, especially on this Roman Catholic question, but the outcome of the conference was simply the acquiescence in the leadership of Senator ROBINSON and a willingness for him to remain on the committee. That was the action, as I said before, that I would expect them to take.

I am not aggrieved at that at all. The effort to rebuke me failed. The effort to censure me in any way failed utterly. The conference refused to pass a line that smacks of censure of me or my position. That is the truth of it. More than a dozen Senators have told me that.

I claim the right, Mr. President, to do what I feel it my duty to do regarding all public questions. I will continue to claim that right, and I am going to speak—I want to give notice now—from time to time upon what I regard as a great evil and overshadowing issue before the American people. I am not asleep. There is not enough power amongst them to silence me unless they poison me or murder me. I am going to continue to make my fight. I have a duty to perform, and I am going to perform it at all hazards. No rebuke, I do not care how it is brought about, how much Roman Catholic influence is brought to bear, how many peculiar circumstances point to a movement among them to have a Protestant Senator attack another Protestant Senator on this floor—none of those things will feaze me. I am going to discharge my duty as I see it, and as God gives me the light to see it and the strength to carry it out.

Mr. MOSES. Mr. President, I regret that the Senator from Alabama had no sufficient notice of the conference of his party called for this morning, although the Senator was present on the floor yesterday. On page 1661 of the RECORD for yesterday I find a formal notice from the Senator from Arkansas [Mr. ROBINSON], the leader of the Democratic Party in this Chamber, in which he said:

> I am going to call a conference to-morrow, and I challenge the Senator from Alabama to come before the conference and move the election of another leader for the Democratic Party of the Senate.

The Senator from Alabama, Mr. President, evidently disregarded that challenge. He admits that he was not present, charging it, I suppose, upon the dereliction of the Senate post office for not having brought to him the courteous note which the Senator from Arkansas addressed to him.

Mr. HEFLIN. Mr. President, will the Senator——

Mr. MOSES. Just a moment, please. The Senator from Alabama, however, not having been present at the conference, undertakes to state what took place there. It will be readily understood by Senators on both sides of the Chamber that I was not present in the Democratic conference, but I have some knowledge of what took place there. I understand that the vote which was taken to express the confidence of the Democratic side of the Chamber in its leader resulted in a vote of 34 to 1, the one vote in the negative being explained by the Senator who cast it in saying that he fully approved of the course of his leader, but he did not wish to do it in voting to approve a resolution. In other words, Mr. President, the only ally of the Senator from Alabama wished to keep it a dark secret.

Mr. HEFLIN. Mr. President, I appreciate the efforts of one of the leaders on the Republican side to come to the rescue of Senator ROBINSON of Arkansas. I stated that when Senator OVERMAN and Senator TYSON suggested to me not to bring this thing up, that I agreed to it. Senator ROBINSON suggested that I bring it up. I had already told two Senators that I would not bring it up and that I would not be there, and I have already stated the facts about the matter. The Senator said the vote was 34 to 1. I repeatedly stated here that I would expect them to vote that way; that one said he would not vote for it because somebody might construe it to mean that it was a reflection on me, and all the others, or most of them—all but about five or six—said "No; nothing like that is involved in it; not at all"; but they voted for it with the understanding that I was not to be rebuked in any way and that they were not saying that they did not like my position or my speech. Those are the facts about it, and I do not care to talk about it more at this time, but I repeat that I will discuss various phases of a great evil in this country and a great danger from time to time. I will discuss Alfred Smith. I do not have to go to the Senator from Arkansas to get permission from him as to whether I can talk about Al Smith or not. He is a public man. He is the governor of a State. He is a candidate for President.

Mr. MOSES. And bound to be your nominee.

Mr. HEFLIN. No; he is not bound to be our nominee. The Senator from New York [Mr. COPELAND] a few days ago told the Senate that Al Smith was going to be nominated and was going to be elected.

Mr. MOSES. With one of those positions I agree.

Mr. HEFLIN. The Senator from Arkansas, the Democratic leader, never called him down for speaking about Al Smith favorably, but when I say he will not be nominated——

Mr. MOSES. In which the Senator from Alabama is wrong.

Mr. HEFLIN. And he will not be elected, I am lectured by the Senator from Arkansas.

The first man who brought the name of Al Smith into this body was one of his boosters, the able Senator from New York [Mr. COPELAND]. He was predicting his nomination and triumphant election, and when I come along and give some reasons why he will not be nominated and will not be elected, the Senator from Arkansas criticized me and endeavored to lecture me. I have gone all over that and I want to repeat in the hearing of the Senator from Arkansas that I would not expect the conference to take any other action than it did, to express confidence in his leadership, and that I indorse his leadership, in the main. I would not expect them to remove him for the terrible mistake and blunder and outrageous performance that he committed here on yesterday. I would not expect them to remove him from leadership or for them to take him off of the committee. So, with the understanding before this body and before the galleries—thank God the people who come here can not be silenced exactly yet, because they have conscience and courage, too, and they are interested in their country.

I would not expect the Senator from Arkansas to be taken off of the committee on account of what transpired here yesterday.

I repeat that those two Senators suggested, in response to the challenge of the Senator from Arkansas to me to bring it up in the conference, that I should not do it, that I ought not to bring it up, and I told them all right, I would not bring it up. I did not go even to the conference, thinking that if I did not bring it up it would not be brought up, but the outcome of it is perfectly agreeable to me. The leadership of the Senator from Arkansas, I repeat, in the main is satisfactory to me and, so far as his removal from this committee is concerned, my part in the scandalous charges is over. The committee has exonerated me. No committee of honorable Senators could have done otherwise. Some Senators said, "Oh, well, you have been exonerated by the committee and we did not feel like making an issue with him and taking him off the committee or removing him from his leadership because of that," and that is all right with me, so far as the conference is concerned. That is all right; it is all right with me, but I will say that if I had been on the committee and the Senator from Arkansas had been one of the accused and he had expressed his objection to my being on it, I would have risen in my place in the Senate and tendered my resignation.

Mr. DALE. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont.

Mr. MOSES. Mr. President, I thought I had the floor.

Mr. DALE. If the Senator from New Hampshire has the floor, I am willing to yield to him.

Mr. NORRIS. Mr. President——

Mr. MOSES. I yield to the Senator from Nebraska.

Mr. NORRIS. I do not want the Senator to yield to me, except to suggest that it does not make any difference what Senator first addresses the Chair, the Chair may recognize any Senator he pleases.

Mr. MOSES. I understand that. I occupy the chair often enough to know that. [Laughter.]

Mr. NORRIS. The Senator ought not to object to getting some of his own medicine.

Mr. MOSES. Oh, no; I do not.

The PRESIDING OFFICER. The Chair will hold that the Senator from New Hampshire is entitled to the floor.

Mr. MOSES. Mr. President, I have been much interested in the reference which the Senator from Alabama [Mr. HEFLIN]

made to the full galleries. I understand perfectly that the population of Washington know that the Senate at times is much more interesting and much cheaper than are the "movies" and consequently they come here.

I have been interested also in the references which the Senator from Alabama has made to the Senator from New York [Mr. COPELAND], who is not here at the moment. I will not try to speak in defense of the Senator from New York whatever his position at the moment may be, because I recall that once in a public speech he described the present Governor of the great Commonwealth of New York as "the political armless Venus de Milo." I am not sure whether or not that characterization will go forward into the approaching campaign.

I am much more interested in the prophecy of the Senator from Alabama, a prophecy one portion of which he can make with great exactitude; that is, that he will return to this subject. We know that he will, Mr. President. We know that he will make the same speech over and over again, and between now and whatever time in June we may adjourn we shall get most of it by heart.

I am, however, surprised to confront the complete and abject surrender which the Senator from Alabama has made since yesterday afternoon. Then he breathed out fire and slaughter here, defied the leader of his party, bared his breast to the barbs of any ecclesiastical combination which might be brought together, admitted his willingness to submit himself to the dagger or the poison cup, and now this morning recants everything. [Laughter.]

Mr. HEFLIN. Mr. President, I have recanted nothing. When the Senator from New Hampshire says I have recanted he states that which he knows is not true.

TENNESSEE RIVER BRIDGE ON LINDEN-LEXINGTON ROAD, TENNESSEE

Mr. DALE. Mr. President, if the Senate can take the time to transact a little business this afternoon, I should like to ask unanimous consent for the consideration of the very important matter of a bill respecting the construction of a bridge across the Tennessee River. [Laughter.]

Mr. ROBINSON of Arkansas. I suggest that the Senator be given leave to do so.

The PRESIDING OFFICER. Is there objection?

Mr. NORRIS. What is the request, Mr. President?

Mr. McKELLAR. Mr. President, the request of the Senator from Vermont is merely that he may report and that there may be passed a bridge bill for the construction of a bridge over the Tennessee River. I hope the Senator from Nebraska will not object, for this is the last day on which the legislation can be passed in order that the work may be continued.

Mr. MOSES. Oh, no; do not object. Tennessee being a Democratic State, let them have the bridge.

Mr. NORRIS. I have not any objection to the passage of the bill, but it seems to me that as some Senators desire to leave this evening and others desire to speak on the subject that is pending, we ought not to take up the time of the Senate in the consideration of other matters.

Mr. McKELLAR. I repeat that this is the last day on which the bill may be passed if it is to have any effect, and its passage will take but a moment.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Vermont.

Mr. DALE. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 6053) to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Linden-Lexington road, in Perry and Decatur Counties, Tenn., and I submit a report (No. 101) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM ILLINOIS

The Senate resumed the consideration of the resolution (S. Res. 112) opposing the seating of FRANK L. SMITH as a Senator from the State of Illinois, reported from the special committee investigating senatorial campaign expenditures.

Mr. NORRIS. Mr. President, if no other Senator desires recognition, I presume I am entitled to get it.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. NORRIS. Mr. President, now that I have the floor I hope that no Senator will claim the floor away from me.

At the beginning of the eloquent address of the Senator from California [Mr. SHORTRIDGE], I propounded to him a question. He said he would try to answer it during the course of his remarks, but, although he occupied nearly two hours and a half, he made no answer.

The first sentence of the Senator's address was to the effect in substance that he had no doubt the Senate had the power to exclude Mr. SMITH, but that the Senate did not derive such power from the Constitution of the United States. Will the Senator tell us where the Senate did get it? That is the question that is yet unanswered.

Mr. President, I agree with the Senator from California and other Senators who preceded him on yesterday, that the question the Senate will pass upon is one of great importance. I agree also that it is not a question of personalities; I agree with him when he says that the personality of the man who is knocking at the door of the Senate should have nothing to do with our votes on the proposition involved; but he goes on to tell us, as other Senators have told us, giving illustrations which I think were not apt, that in refusing to permit Mr. SMITH to take the oath of office pending the decision of his case we were violating a constitutional provision and denying to the State of Illinois proper representation in this body. The Senator from California went so far as to say that if in the various constitutional conventions which had been held to ratify the Constitution of the United States any one had there suggested that we would keep a Senator from taking the oath of office while we considered his case the Constitution never could have been ratified. Then, either the Senator from California or some other Senator, to illustrate how we were violating the Constitution, called attention to what took place in the Brookhart case, where, he said, the man with a certificate of election was sworn in and the investigation and the action of the Senate took place afterwards.

When he cited the Brookhart case as a reason why we should administer the oath to Mr. SMITH, I was refused—I think it was by the Senator from Conecticut [Mr. MCLEAN]—an opportunity to ask him a question. He knew very well that the illustration which he had given would not apply; he knew very well that the pending case was no more like the Brookhart case and had no more to do with the Brookhart case than the flowers that bloom in the springtime. A certificate of election is nothing but prima facie evidence of what it purports to state; everybody admits that; I have not heard in the discussion either here or elsewhere a denial of the proposition that the certificate of election is nothing but prima facie evidence. In the Brookhart case and in the Newberry case certificates were presented, and the Senate had no other official evidence of any kind or character except the certificate of election.

The Senator from California, great lawyer that he is, said that in the Newberry case, while there was nothing before the Senate but the certificate of election presented, yet everybody knew what the facts were. If that statement had come from a lawyer in some police court or before a country justice of the peace we might forgive it or overlook it, but hardly so in the case of the great Senator from California. He knows that we had no official knowledge of any kind in the Newberry case except the certificate of election. He knows that in the Brookhart case we had no official notice of any kind except the certificate of election, and he knows also that in the pending case, before Mr. SMITH ever presented his certificate of election, before we ever had any official notice that there was a certificate of election, the Senate had already taken action; that it had already appointed its committee; that its committee had gone forth and taken evidence; that Mr. SMITH himself appeared as a witness before that committee, and that committee reported its findings to the Senate, which were on file before the certificate of election was ever presented. So the truth of this prima facie evidence, the certificate of election, was denied and contradicted before it was ever officially presented to the Senate of the United States. That is the difference between these cases. That places this case by itself. If we had not made that investigation, if there had been no official notice before the Senate except the certificate of election, there would not have been a Senator here who would have objected to the taking of the oath of office.

There is not any use in trying to bandy words; there is not any use in trying to get a false impression before the Senate and through the Senate before the country; there is not any doubt about what actually has occurred; there is not any dispute that the prima facie evidence afforded by the certificate of election was denied and that the evidence that was taken in denial stands undisputed by Mr. SMITH himself. That evidence is that more than $400,000 was spent to secure his nomination; that $125,000 of that amount, and a little more than that, were contributed by one man, Mr. Insull, who is the owner of electric-light companies, street railways, and public utilities of various kinds; that Mr. SMITH accepted that money while he

was chairman of the Public Service Commission of the State of Illinois, and that it was the duty of that commission to supervise and control not only the rates but the rules and the regulations governing the operation of the public-utility properties in Illinois which were owned by Mr. Insull and his partners. All that stands undisputed.

So in the Newberry case, if we are going to use that as a precedent—and I think we can, for it is the latest one—it was decided by the Senate in the third paragraph of the resolution which dismissed the Newberry contest and seated Mr. Newberry, as follows:

> That whether the amount expended in this primary was $195,000, as was fully reported or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended.
>
> The expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and the dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severally condemned and disapproved.

The Senator from California was in the Senate, and voted for that proposition. He stands of record as favoring that proposition; but now he is making an argument—as, indeed, have the other Senators who have spoken in behalf of Mr. SMITH—that the Senate is helpless; that no matter what may be the condition or what may be the facts as to the fraud, the debauchery, the crime, if you want to put it that way, that may have been committed in order to get this nomination and this election, no matter how the hands of the candidate may be tainted, we are bound to administer the oath of office and accept him as a Member of the Senate.

Mr. President, the Senator from California has made reference to the Constitutional Convention and to the conventions of the various States that approved the Constitution. Let me add to what he said that at the time of those conventions it was not known that this country, in the space of a comparatively short length of time, was going to have trusts, combinations, and multimillionaires who would have money enough to buy primaries and buy conventions and buy elections and win their way, through fraud and the expenditure of money, into the Senate of the United States. Had they ever known it they would have added something; they would have put in something that would have been a direct prohibition; but in their wisdom they did put in a provision, and that is the provision in Article I, section 5:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members.

That means that the Senate is supreme; it is the supreme court; it has jurisdiction of this question. It has been given jurisdiction by the direct words of the Constitution itself. There is no appeal. It is the supreme court, and its judgment is final; and its authority comes from the Constitution in those direct words. Are we going to say now—in fact, it is said by those who favor the admission of Mr. SMITH—"Why, if we establish this precedent the Senate may some time exclude a man because he is a Catholic, or because he is a Protestant, or because he has red hair"; in other words, they might some time abuse this power that is given them.

In answer to that, I want to say that it is true. They might; they may; but it must follow, as night follows day, that there is not a power conferred upon any official, upon any tribunal, upon any legislature or any commission in our Constitution but that can be abused in the same way; and if that power is final, like the jurisdiction given to the Supreme Court, then there is no appeal.

If the Senators who are thus arguing now had been in the Constitutional Convention they would have opposed the establishment of the Supreme Court of the United States, because it could have been said, "Why, suppose this Supreme Court goes wrong; there is no help. They might decide a case contrary to the law, contrary to the evidence." They might. Everybody must admit that they might. They would have opposed the establishment of the House of Representatives or of the Senate, because it could be said, "Why, this House of Representatives, to which is given the primary power, the original jurisdiction to originate certain bills, may never originate them. It may become corrupt, and therefore we must not have any House of Representatives. The Senate might refuse to appropriate money to carry on the Government of the United States." We might become so corrupt that we would decline to appropriate for the judges and the marshals and the Army and the Navy and the President, and thus cripple and ultimately overthrow our country.

That is all true. That is all within the bounds of possibility; but is that any reason why we should not have a Senate? In fact, if you are going to be that critical you will fail to establish any power, any government anywhere. Anarchy will be bound to reign supreme.

It is true, Mr. President, that sometimes these powers have been abused. This particular power has been given to the Senate. It might have been placed somewhere else by our forefathers. They might have given it to a commission, or to the courts; but they did not. They gave it to us and it is beyond our power to escape from that responsibility. Try as we will, we are shouldered with the responsibility of meeting this question. We can not, we dare not evade it. It is up to us. We must decide it, because the Constitution has placed that jurisdiction and that power in our hands, and in our hands exclusively.

Powers have been abused. We have an illustration of that in the Capital City of the Nation now, where the power that has been given to the courts has been abused. A spectacle is going on down here in the Supreme Court of the District of Columbia, and has been going on for 6 or 10 weeks, that must bring the blush of shame to every citizen of the United States who believes in the proper administration of the laws and the proper trial of cases before courts. We saw a millionaire—that was the case of a millionaire, like the one that is involved here—defying the laws of the United States. We saw Mr. Sinclair go on trial, and it developed that he had hired a whole lot of detectives from New York and Baltimore and Philadelphia and Washington, and that they were following the members of the jury. That fact was brought to the attention of the court and the court discharged the jury. It declared a mistrial after enormous amounts of money had been expended, after the Government had gone on for weeks with its case. The court practically held there, when it discharged that jury, that somebody—whoever was to blame for following up the jury—was guilty of contempt of court. Then, after waiting a week or two, the same judge appointed a committee to prosecute these people, when as a matter of fact all that it would have been necessary for him to do, and what he ought to have done, assuming that his decision in discharging the jury was right, was to say, "These defendants will be given until to-morrow morning, or the next day," or whatever time he had a mind to fix—two hours would have been enough; the evidence was all in—"to show why they should not be held in contempt of court."

Instead of that, however, after waiting for a week or 10 days he finally appointed a committee to prosecute them; and then, when in good faith they started out to follow the directions to prosecute these fellows who had been guilty of following the jury—this millionaire who had money enough to hold up even the Government of the United States—when they got fairly started with it the judge turned around, instead of trying the defendants, and tried the prosecuting attorney; and, from what I can see as it goes along, I think he is about to find him guilty, and find the defendants not guilty.

That is an instance of the abuse of power. It is a striking illustration of it. I know no escape from it. We can not have a Government unless we confide the power to somebody. The Senate at some time may make a mistake; but somebody must pass on this question, and I think, Senators, that we have presented to us here a fundamental proposition—one that goes to the very roots not only of our Government but of every democratic form of government on earth.

It is not a question of Illinois being deprived of her two votes in the Senate; it is a question of Mr. Insull being deprived of his votes in the Senate. The senatorial toga has been put upon the auction block. He has bought it; he has paid for it, and he is here at the doors demanding his property; and these Senators who are arguing so eloquently and forcefully are asking the Senate to give it to him. If he has a right to buy it, if he has a right to do what it is admitted he has done, then we are wrong and you are right. Then we ought to admit SMITH; and, if we do, we ought to put a sign on the door saying, "Seats for sale in this body to the Electric Light Trust or other combinations of wealth for $450,000 each." That is what you would have us do. That is the effect of admitting SMITH.

We are about to investigate, I hope, or the committee provided for in the resolution is about to investigate, the so-called Water Power Trust. Insull is a part of it. He is being deprived here of his legitimate rights in this body that he has bought and paid for, and he does not like it. Perhaps we are doing wrong by taking them away from him; but Illinois is not the only State where he mixes up. It is not the only place where the great Water Power Trust is making contributions to campaigns. I do not know how many he is in; but I have before

me here a copy of The Nation of December 21, 1927, and on page 710 of that magazine is an article entitled "Maine's water-power fight," by Earl Sparling. I am going to read you some extracts from it.

It says, in the first place—

For two years Samuel Insull—

That is the same fellow who is knocking at the door here for his man to take a seat—

Samuel Insull, the Chicago power and political magnate, has been battling in Maine for what is called the greatest water-power prize in New England. Mr. Insull did not start the quarrel. He only inherited it. But the voters of Maine, of whom there are still a few, are beginning to realize just what that means.

The voters were asked with some ceremony on October 18 last to vote their voting privilege into limbo. The irony of the request did not go unnoticed. About 30 per cent of the voting population reported to the polls, and the proposed abolition of the State's direct-primary system was defeated by a vote of something like two to one.

Insull, the story shows—it probably is not new to any of us—Insull, in order to get the power he wanted, in order to get the right to use the water power of Maine, found that it was necessary to get rid of the direct primary in the State of Maine, and he started out to do it; and that is the fight that this article is talking about.

Mr. CARAWAY. He found primaries rather expensive, did he not?

Mr. NORRIS. He found them expensive, and he found them expensive in Illinois.

Mr. CARAWAY. That is what I was talking about.

Mr. NORRIS. If it had been a convention, he could have bought them for much less. Let me pause right here, while I think of it, to answer another argument that has been made that I am reminded of now—that after the primary, when all these facts were known, the people of Illinois voted for SMITH and gave him a majority of the votes at the general election.

They say, therefore, that it does not make any difference what his sin was, the people of Illinois knew it, and they elected him in the face of it. What are the facts about it? Everybody knows that in the State of Illinois the Republican nomination is almost the same as an election. In this case, however, the Democratic nominee for Senator was also a man to whose campaign Insull had likewise contributed. He took no chances. It was a proposition of heads he won and tails the other fellow lost.

Mr. BORAH. It ought to be said, however, that he contributed only $15,000 to the Democratic nominee.

Mr. NORRIS. That is a difference in the doctrine of chances. He assumed, as any shrewd man would, that the chances were that SMITH was going to be elected; but if SMITH were not elected, then a Democrat would be. Or he might have found out that it did not take as much money to buy the Democrat as to buy the Republican; I do not know. Anyway, he gave the Democrat $15,000 and he gave the Republican $125,000.

Mr. CARAWAY. Incidentally, he invested on both sides of the World Court.

Mr. NORRIS. Yes.

Mr. CARAWAY. He took no chances on anything. Wherever there were two sides to a question, he bought both.

Mr. NORRIS. He bought them both. What was a man to do in Illinois, Mr. President? It is said they elected SMITH, anyway, in the face of it. They only had a choice between two evils, and although an independent man was running the fear was that if a man did not vote for SMITH, if he voted, let us say, for the independent, the Democrat might be elected, a man who was considered by many of the Republicans, probably a majority of them, as much worse than SMITH.

So it came back to the proposition that the voters of Illinois were helpless. When this man had bought both sides of the election he could go on fishing, as far as the election was concerned. He had it then. He owned everything in sight. He bought it and paid for it, and it was his; it did not make any difference to him what happened in the election.

Now, let me read some more of what happened in Maine.

Mr. CARAWAY. Just one minute. To show how the utilities work in the primaries, Mr. Studebaker, who lives in Indiana and votes in Indiana, and never did vote in Illinois, also invested in Mr. SMITH'S campaign in Illinois.

Mr. NORRIS. Yes; he did.

Mr. CARAWAY. Because he had utilities.

Mr. NORRIS. Yes.

Mr. CARAWAY. And violated the law of Illinois, which required the removal from office of a man occupying the office that Mr. SMITH occupied who accepted a contribution, did it not?

Mr. NORRIS. Yes.

Mr. CARAWAY. That is what we are doing here in the Senate; we are just enforcing the law of Illinois.

Mr. NORRIS. That is all. This article says further on—I am not reading all of it:

The Maine power fight actually started in 1909, but it gathered momentum after Mr. Insull began to buy up Maine power properties two years ago. Mr. Insull to-day controls companies reputed to own two-thirds of the State's total developed water power. And to-day the Republican Party in Maine is divided into two opposing camps. The fight for and against the primary has been one of the chief results of this split.

I call attention to that only to show that if we are going so far as to say that Mr. Insull, when he buys a State, is thereby entitled to two votes in the Senate of the United States, we ought to remember that he is doing business in a lot of States, and he has the same right to ask that he control the senatorial votes in Maine, probably, that he does in Illinois.

How about Kentucky? How about Ohio? Will he want to claim the right to cast two votes of Ohio's Senators in the Senate? If he buys them, if we forgive this offense, if we let this go, if we establish a precedent here that we are going to give to him the thing he has bought, then why has he not a right to go into any other State, into my State, into your State, Mr. President, and buy the senatorial toga and come here and demand that his servants, his hirelings, be sworn into office to carry out his will and his wish?

Mr. CARAWAY. He will soon be able to break a quorum, will he not?

Mr. NORRIS. Yes; he could break a quorum whenever he wanted to.

Mr. President, I feel as the Senator from California does, very deeply on this subject. We are going to establish a precedent one way or the other. Either we shall approve the resolution that was adopted in the Newberry case, and say to these powers, these trusts, these combinations, these multimillionaires, "You can get the courts, perhaps, in some instances, you can get the executive department, you can stay the hand of justice in a criminal trial, but you can not buy the Senate of the United States. It, at least, stands in the road, in the way, of this kind of combination controlling the Government of our country."

If we are to establish this precedent, if we are to permit the sale of seats to take place here, what will be the next that will happen? Everybody knows that if elections are bought with money, or secured by deception, the result is just the same as though you took it at the hands of an army, at the point of the bayonet—you have disfranchised the honest voters of the country; you have taken away the fundamental corner stone of this democracy; you have said that, although we are supposed to give to the citizens of this country the right to vote and the right to have their votes counted, the right of a free government, yet, nevertheless, that is only true in name, we are selling you out, we are going to turn you over to those who have money enough to buy seats in the United States Senate.

Are you going to make it as cheap to buy a seat here as they supposed it was to buy a member of the Cabinet and to get millions of dollars' worth of Government oil? Do you suppose that if we had had a Senate composed of men who owed their elections here to men like Insull, you would ever have had an investigation of Teapot Dome? Do you suppose you would ever have ferreted out any of the evidence that finally resulted in the trial of Daugherty and in the conviction of Miller in the Federal courts of the United States? It was in the Senate, the last place left that was free and untarnished, in which those things were commenced. While most of them have not been successful as yet, not successful because of the power of multimillionaires, as I have described one that is taking place in this District, yet, if the Senate had been composed of men such as this precedent would put into seats here, then nothing would have been developed, and from the White House down to the janitor, through it all, we would have been subject to the control of gold.

Mr. BRATTON. Mr. President, I am unwilling for the vote to be taken on this resolution without giving in brief the reasons upon which I base my conclusion and consequently shall cast my vote.

I concede at the outset that two views may well be taken, either one of which may be founded upon precedent in this body. It is a question, therefore, of which is the better view; that is,

which view should govern the Senate in this case. I shall not undertake to go into an extended argument nor an analysis of the several cases constituting precedents. That has been done by others, and perhaps all that can be said on that subject has been said already.

As I view the question, it immediately resolves itself into two factors. The first is the power of the Senate; that is, whether the Senate possesses the naked power to reject a Senator elect for any reason and on any account beyond the disqualifications named in the third section of Article I of the Constitution of the United States.

I am not a stranger to the doctrine that all parts of a statute or constitution should be construed together in order to give harmonious effect to all of its provisions. I am also aware of the rule of construction that one part of a statute or constitution should not be restricted or abridged by another part of it unless it is necessary to do so in order to harmonize and render effective the entire document.

Mr. President, with that in view, it is my opinion that section 5, reading as follows—

> Each House shall be the judge of the elections, returns, and qualifications of its own Members—

should not be restricted or abridged by the language found in section 3 unless it is necessary to do so in order to harmonize the two provisions and give effect to both of them.

I find no difficulty in harmonizing the two provisions without restricting section 5 of the constitutional provision, because section 3 is a restriction or a limitation of power upon the States. I care not where that restriction emanated or from what source it comes. It has been said that the States restricted themselves in this regard by their ratification of the Constitution. It has been said that the Constitution itself restricts the States in that regard. I care not which argument is adopted, the States are restricted by section 3.

It is a restriction voluntarily assumed and imposed upon the States. It is a restriction negative in character, involving three elements—that is, that no State shall elect a Member to this body unless he shall have attained the age of 30 years, unless he has been nine years a citizen of the United States and unless at the time of his election he was an inhabitant of the State from which he comes. These are limitations placed upon the States in order to produce uniformity in the membership of this body. I repeat, for emphasis, that these limitations are negative in character. It is significant, as has been said repeatedly during the course of this debate, that the language as originally drafted was positive in character, and gave every man who had reached the age of 30 years and who had been nine years a citizen of the country, and who was at the time of his election an inhabitant of the State, the right to be elected as a Member of this body. But for some reason the constitutional convention reversed the order and stated the language negatively in form.

It has been repeated time and time again in decisions from the courts throughout this country that when there is a radical change in the language of statutory or constitutional provisions the body enacting those provisions intended to inaugurate some positive change, some new policy, and a new course to be followed. So that I call upon those who find themselves on the opposite side of this question to explain to the Senate why the constitutional convention, when first vesting the absolute power in any citizen who met those three qualifications to be elected to this body, afterwards reversed the order and merely imposed a restriction upon the States by saying that no State should elect a man to this body unless he had reached the age of 30 years, was 9 years a citizen of this country, and an inhabitant of the State.

Mr. BAYARD. Mr. President, will the Senator yield?

Mr. BRATTON. Certainly.

Mr. BAYARD. I would like to ask the Senator if it is not a fact that after the deliberations of the Constitutional Convention in 1787 the then States ratified that Constitution, and that thereafter, when Illinois became a State, she became a party to that ratification and thereby subscribed to the doctrine as set down in the original Constitution?

Mr. BRATTON. Precisely so. Section 3 prescribes disqualifications and not qualifications. It is directed to the States of the Union. It imposes limitations upon them by forbidding that they elect a man to this body who has not met those three requirements. But section 5 is directed to the Senate of the United States and is a grant of power instead of a restriction of power. There the power is vested in the Senate to judge of the election and qualifications of its Members. Unless it is necessary to attach section 3 to section 5 and regard it as a limitation upon section 5 in order to give effect to both provisions of the Constitution, under all the rules of construction, it ought not to be construed in that way. In other words, if section 3 were omitted from the Constitution, no Member would contend on the floor of the Senate that there was any limitation upon the power of the Senate to reject a Senator elect for any reason which in its judgment renders him ineligible to a seat in this body. And so, unless section 3 is necessarily a limitation and proscription upon the power of the Senate by confining it to the three things named in section 3, this body is without limitation in that regard.

What I have said with reference to the rule of interpretation that should apply in this case is strengthened by the historical fact to which I have already adverted, namely, that the constitutional convention for some reason reversed the language from positive in character to negative in type, merely placing restrictions upon the States by saying that they shall not send one to this body unless he has met those three requirements.

So, Mr. President, I have reached the conclusion that so far as the naked power is concerned the Senate has the right to reject one for other grounds than the disqualifications named in section 3. It may be that the Senate should be confined to those three considerations, but after deliberating upon the question at length I have reached the conclusion that if that should be the law of the land, it will require a constitutional amendment to bring it about.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arkansas?

Mr. BRATTON. I yield.

Mr. CARAWAY. The statement has been repeatedly made in discussing this case that all the Senate can do and all the makers of the Constitution ever contemplated it should do, in determining the qualifications of one who sought admission, was to ascertain whether he had reached the required age and whether he had resided for the required number of years in the United States and whether he was a citizen of the State from which he came. It was said that if the makers of the Constitution and the States in ratifying it had thought that any other powers were given to the Senate, there would have been no Constitution. The Senator recalls that statement?

Mr. BRATTON. Very distinctly.

Mr. CARAWAY. If that was in their minds, why did they put in the Constitution the provision that there should be no religious test? It shows that they did realize there was a very large power vested and they sought to limit it. That is the only positive test, that we can not proscribe a man for religious reasons, so it shows clearly that they did have in their minds that there was a power that could be exercised, and they left it open to be exercised, except they said, "You shall not do it for these reasons."

Mr. BRATTON. Undoubtedly the observations made by the Senator from Arkansas are sound.

I return to complete what I intended to say with reference to the first part of the subject involved; that is, that the Senate has the power to go beyond an inquiry as to whether a Senator designate or a Senator elect is more than 30 years of age; it has the power to go beyond the inquiry as to whether he has been nine years a citizen of the United States; it has the power to go beyond an inquiry as to whether he is an inhabitant of the State from which he comes. It has the power, under section 5 of the Constitution, to go beyond those three subjects, and may investigate other things which enter into his qualifications and to judge of those qualifications.

An inquiry was propounded yesterday by the able Senator from California [Mr. SHORTRIDGE], whom I admire very much, to the Senator from Montana [Mr. WALSH] as to what significance he gave to the word "judge." If the Senate is impaled by the limitations contained in section 3, as contended by the Senator from California, it would not be the judge of scarcely anything. The governor of the State who issues the certificate would for all practical purposes be the judge of the qualifications of the Senator elect.

Mr. SHORTRIDGE. Mr. President——

Mr. BRATTON. I yield to the Senator from California.

Mr. SHORTRIDGE. If the Senator will permit me, the Senate of course is the judge of those elements of eligibility. The Senate has in many cases judged whether a man was a citizen for the requisite period. They might judge of the question of citizenship as they could have judged of Henry Clay when he came here and was not 30 years of age, or they might judge of the question of inhabitancy or, under the other section, they could inquire whether he was an officer of the Government.

Mr. BRATTON. Let me inquire of my friend from California as to why he thinks the framers of the Constitution

reversed the language from positive in nature to negative in type?

Mr. SHORTRIDGE. I attach no great importance to that. Any one going over the debates as reported will observe that when the committee on style was appointed and that committee set about to put the document in its final form many changes were made that put the thought merely in different words. In this case they put it in its negative instead of in its affirmative form. I do not want to interrupt the Senator further, but I do wish to say that that is the form which we find in practically every State constitution. In the Newberry case the Supreme Court put the direct question, "Who is eligible to vote for Representatives in the conference," and their answer was in the very language of the Constitution. Then they put the question, "Who is eligible for the election?" and they proceed to answer it in the very language of the Constitution.

Mr. BRATTON. I thank my friend from California for his observation.

Mr. President, even at the risk of repetition I say that if section 5 stood alone, providing that each House shall be the judge of the election, returns, and qualifications of its own Members, no one in this body would contend that the power of the Senate is restricted in any sense, but the Senate would be free to reject for any reason which, in the judgment of the Members of this body, was sufficient. I continue to say that section 3 should not be construed as a restriction upon section 5, as limiting or restricting the power of the Senate in a matter of this kind, unless it is necessary to do so in order to harmonize both provisions of the Constitution and to give effect to each of them.

I believe that is a rule of construction which will not be questioned by any Member of this body. With that well in mind, when we consider that section 3 is directed to the States and is a limitation upon the States, prescribing that no State shall elect one to membership in this body unless he shall have arrived at the age of 30 years, unless he shall have been nine years a citizen of the country, unless he shall be an inhabitant of his State—when we keep steadily in mind that that provision is a limitation of power upon the States, I am unable to subscribe to the doctrine that it can be extended to become a limitation upon the grant of power directed to the Senate and found in section 5. No other interpretation will serve as a foundation for the argument that the Senate is limited to an inquiry into the three questions—of age, citizenship, and inhabitancy.

So, Mr. President, keeping in mind the rules of interpretation which I have endeavored to mention briefly, and I am doing so briefly on account of the lateness of the hour and the circumstances under which we proceed, I think the one provision is a grant of power to the Senate and the other is a limitation of power upon the States, and that the limitation of power upon the States does not operate as a restriction of the grant of power to the Senate.

Now, Mr. President, if I am correct in my view that the Senate possesses the power, the next question is the time and manner of its exercise. It has been argued repeatedly that the power should not be exercised until after the oath has been administered, when the proceeding would become one to expel. With that I find myself not in accord.

I have been unable to find any language in the Constitution that even states indirectly or by a fair inference that a Senator designate or a Senator elect must be admitted into this body before the Senate has jurisdiction or power to reject. I grant that in the ordinary case, where a Senator elect appears with his credentials fair upon their face constituting a prima facie title to the office, he ought to be entitled to receive the oath and sit in the body until it has been determined that he is not entitled to membership here. In any ordinary case I would vote to seat the Senator elect subject to the inquiry afterwards.

But, Mr. President, this is an unusual case. It is not an ordinary one. This is an exceptional case. Long before the certificate of election issued, long before the prima facie title made by the certificate ever came into existence an arm of the Senate itself reached out, clothed with authority to take sworn testimony and to bring it into this body. The committee of the Senate took testimony. The charges were well defined and well known. The now Senator elect appeared before the committee, he sat by, watched the proceedings, understood the charges, and did not avail himself then or thereafter, or at any time up until now, of even registering a substantial denial of those grave charges. I am unable to say that the testimony taken by the committee does not overthrow the mere prima facie title contained in the certificate of election. I think it does so.

That is all the certificate is; it is merely prima facie evidence of his right to the office. Is the Senate to look to the certificate alone and close its eyes to the testimony taken; close its eyes to the fact that, although the Senator elect sat in the presence of the committee and knew for months the grave nature of the charges, he has even until now failed to enter a general denial of them. It seems to me, Mr. President, it is going too far to say that the Senate must close its eyes to those facts and administer the oath, and that thereafter we become possessed of the power to inquire into the facts and to dismiss the Member from this body. I am unable to permit technicalities of procedure on questions of that kind to close my eyes to the merits of the case.

I have said all that I care to say on the subject. I do not desire to enter into it from a controversial standpoint. I merely wanted to give the reasons upon which I have reached the conclusion that the Senate has the power to reject a Senator elect at the rail of the Senate under the facts as we have them before us to-day, and to do that upon other grounds than those named in negative form as limitations upon the States with respect to the election of persons to that office.

So far as I am concerned, I am unwilling to close my eyes to the fact that an extremely large contribution was made in violation of a positive statute of the State of Illinois subjecting the Senator elect to removal from the office that he then occupied. I am unwilling to say that that is beyond the pale of consideration here until we shall have administered the oath, and that then, and not until then, does the Senate of the United States possess the power to investigate such a situation, when there is not a word or a syllable in the Constitution which by express language or fair intendment can be said to restrict the Senate and cause it to stand by inert and helpless to protect itself and the country.

Mr. CUTTING. Mr. President, I only desire to say a few words. I should not do that were it not for the importance which I attach to the particular question on which the Senate is about to vote.

I agree in general with everything that my colleague from New Mexico [Mr. BRATTON] has said and with everything that has been said by the distinguished Senator from Nebraska, than whom I believe no man deserves better of the Republic.

I am going to speak for a few moments in order to explain why I can not agree with the conclusions which the Senator from Nebraska and other Senators who support the pending resolution have apparently reached.

So far as the constitutional and legal aspects of this matter are concerned, I believe the Senate has complete power to act. I am not certain whether the framers of the Constitution intended to convey that power to us, but we have the power, because, so far as practical matters go, there is no appeal from our decision on questions affecting membership. I concede that this honorable body, if it chooses, may by a majority vote declare every seat in this Chamber vacant and that there is no other body in the United States or anywhere else which could reverse our decision. For that reason I am not going to speak of power; I am going to speak of rights, and when I say rights, I am referring to moral rights and not to legal or constitutional rights.

The greater our power the more incumbent it is on us to use that power in accordance with principles, and precedent, and orderly procedure. In a case like this where a moral issue has been raised—and I submit that even a young Senator may be allowed to speak about morals—we have got to get down to bedrock. We are not here as the masters of the people, Mr. President; we are here as their servants, their employees. The people have a right, so long as they abide by the laws laid down by Congress and by the Constitution, to elect any representatives they may choose. I think it is up to us, on the other hand, to decide what laws we shall impose on the States in order to see that the men whom they do choose shall live up to our conception of the dignity and responsibility of the senatorial office.

I admit that Senators are national officers; yet they are national officers chosen in a particular way under the National Constitution and the laws of the United States. They are national officers chosen by the States directly as their representatives. The Members of the House of Representatives may in a more direct way represent the people, but I submit that the Senate represents primarily the individual States and that, outside of certain particular emergencies, we, in determining the membership of this body, should follow the Constitution and follow the decisions of those individual States.

Mr. President, on that basis I think there are only two reasons why the Senate should ever override a decision of a State which has selected a man to represent it here. One is that he did not have the qualifications provided by the Constitution; and the second is the election was so corrupted, that the individual voters were so worked on by money or other improper means, that the man who comes here purporting to be

their representative is not the representative of the State which sent him.

There is a third reason which may not be valid, but which is at least plausible, and that is that the voters of a State were so deceived in one way or another that they did not know the character of the man for whom they were voting, and so elected him under a misapprehension.

Mr. President, I am going to assume the accuracy of all the facts which are reported by the special committee. I think they are pretty serious facts for us to consider. The main one, of course, is that Mr. SMITH, being chairman of the Illinois Public Service Commission, which was empowered to regulate the rates, the charges, and the business of public utility corporations in that State, accepted from Samuel Insull and other power, traction, and public-utility magnates, a large sum of money as a contribution to his primary campaign expenses. I do not think that it is necessary to characterize an action like that. It is about as bad as anything that I can conceive being perpetrated in this Republic. I think it is equivalent to a judge taking a bribe from a man who appears before his court. I think it would disqualify a man from sitting in any society of gentlemen. If I valued my own opinion as to such an action more than I do the opinion of the people of Illinois, I should unhesitatingly say that this man was unfit to sit in the Senate of the United States.

On the other hand, there is no allegation that any United States law has been violated. There has been, as I see it, no fraud. I am not using "fraud" in a legal sense, because I am not a lawyer, but fraud in ordinary speech means deception; it means trickery; it means an imposture. It seems to me that the people who went to the polls last November in the State of Illinois were not under any misconception whatever about the facts or the character of the man whom they were asked to elect and whom they actually did elect. I do not think there was any corruption in so far as the electorate of the State of Illinois was concerned; at least, there is no allegation to that effect in the report of the committee. So far as we as Senators of the United States know, every vote that was cast at that election was cast in good faith and without any ulterior motive except the belief of the voters that Mr. SMITH should be elected as a Senator of the United States. The people knew the facts about Mr. SMITH. They went to the polls knowing them. The campaign had been waged on that particular issue and, after knowing all those facts, the people of Illinois deliberately went ahead and elected this man to represent the State of Illinois in this body.

Mr. President, there is another ground which is not specifically mentioned in the resolution, but which has been mentioned by nearly every Senator who has spoken against the seating of Mr. SMITH and which will come up in the sister case from Pennsylvania, which will be considered shortly. I am going to mention it briefly now. I refer to the excessive use of money in the primary campaign for Mr. SMITH. I wish to say that I agree with every word so eloquently uttered by the Senator from Nebraska a while ago as to the danger to the Republic from the excessive use of money in campaigns whether primary or general. I do not believe that such use of money necessarily means corruption, for I think large sums of money can be expended for what might be considered legitimate purposes. I do believe that in a republic it is an unfortunate thing to have a condition obtain where a poor man is under such an extreme handicap as against a wealthy opponent as can exist under the laws as they obtain to-day and as they did obtain in the State of Illinois.

I am against such a system; but I believe that the Senate of the United States, with its coequal branch at the other end of the Capitol, can regulate that matter. I believe that the Congress of the United States is a legislative body and not a debating society. It seems to me that it is up to the Senate, if they really believe what was stated by the Senator from Nebraska and what was so eloquently stated by the Senator from Missouri the other day, either to devise a Federal act which will control primaries in the different States, or else, if such an act should be decided to be unconstitutional, to pass and submit to the various States a constitutional amendment giving to the Congress of the United States the power to pass such an act. If we can not do that, we can at least adopt an amendment to the Senate rules stating exactly what we think are the qualifications for a man who comes to the door of this body. If we should adopt such a rule, we should then be in a position to speak about the candidate who comes here from the State of Illinois.

When I say that, Mr. President, I am aware that the Senator from Wisconsin [Mr. LA FOLLETTE] submitted an amendment to the Senate rules providing for just this sort of thing. He submitted it in June, 1926, and it was referred to the special committee of which the distinguished Senator from Missouri [Mr. REED] is the chairman. It was referred to that committee on July 3, 1926. From that day to this no action whatever has been taken on the resolution submitted by the Senator from Wisconsin.

Mr. President, I think the Senate should act according to due procedure. We have been referred to the resolution passed in the Newberry case, moved by my distinguished friend, the Senator from Ohio [Mr. WILLIS]. What did that resolution state? It stated—I have not got it here, but I think I quote the language correctly—that such expenditures as had been made in the Michigan primaries were contrary to sound public policy——

Mr. REED of Missouri. Mr. President, the Senator will find the exact language repeated in the pending resolution.

Mr. CUTTING. I have that resolution before me:

> Contrary to sound public policy, harmful to the dignity and honor of the Senate, and dangerous to the perpetuity of free government.

I agree with every statement made in that resolution, Mr. President; and I do think that the Senate might have followed it up in the course of seven years and tried to establish some Federal regulation for a condition which they considered of so much importance as is established in those words. As long as they did not, I think it is rather difficult for a man who aspires to the Senate in a State like Illinois or Pennsylvania to know exactly what he is bound to by the passage of the Willis resolution.

Mr. REED of Missouri. Mr. President, may I suggest to the Senator that he at least has the Ten Commandments to guide him, and the common principles of honor and decency, without having his whole course through life charted by the Senate in advance.

Mr. CUTTING. Mr. President, all I can say with regard to the remarks of the Senator from Missouri is that if he really feels that way about it he should submit the Ten Commandments as an amendment to the Constitution of the United States.

Mr. REED of Missouri. No, Mr. President; I do not want to interrupt the Senator and I ought not to have said what I did; but some of us have an idea that the Ten Commandments and the Constitution can both stand at the same time.

Mr. CUTTING. I quite agree with the Senator, but the point I am trying to make is that if the Senate exacts certain qualifications of its Members it should also make those known to the people of the country. There have been seven years in which to clarify this matter, and all we have is the Willis resolution that $195,000 spent in the primaries of Michigan was too much money and affronted the dignity and honor of the Senate, and the rest of it, as I quoted a while ago.

What does that mean? What standard does it hold out to other States? What standard does it hold out to the State of Delaware, or the State of Rhode Island, or the State of Nevada, or the State of New York, or any of the other States? Are they all bound by this $195,000 rule? Is that too much for every State? Is it too much for any State? Is it ten times too much for any State, or is it just $5,000 too much for some particular State?

That is what I think the Senate of the United States and the House of Representatives should have established before barring the door on some Senator who could not know what the Senate was going to do.

Mr. President, I am really anxious to know what Senators think. Mr. SMITH went into the primaries of Illinois knowing that his opponent was going to spend something like a million dollars in those primaries. Do you think the Willis resolution established a criterion which could guide him in his course? I will not ask Senators what they think Mr. SMITH should have done, because I think so little of Mr. SMITH that I would not ask any Senator on this side or the other side of the body to try to fathom his psychology; but I should like to find out what Senators think an honorable, decent, worthy aspirant for the office of Senator of the United States from the State of Illinois should have done under the conditions which existed after the passage of the Willis resolution, knowing that his opponent was going to spend about a million dollars.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. CUTTING. Yes, sir.

Mr. CARAWAY. By that question does the Senator mean to imply that SMITH was notified that the office was to be sold, and it was a question of how much he was willing to pay for it?

Mr. CUTTING. I did not imply anything of the sort.

Mr. CARAWAY. Then what does the Senator mean to say when he asks what SMITH should have done when he was aware of the fact, or suspected the fact, that his opponent was

going to spend a million dollars? Did not that imply that the Senator meant to say that SMITH, knowing that a million dollars was going to be bid for this office, was at liberty to get out his pocketbook and go to his friend Insull and his friend Studebaker, who had the utilities, and ask them to put up the money to let him outbid the other candidate? Would not that necessarily follow?

Mr. CUTTING. No, Mr. President; that has nothing to do with the question that I raised. I am raising the question of a man of the highest principles, not a man sold to Insull, not a man sold to any traction magnate or anyone else in the country. I am raising the question of what a decent, respectable citizen of Illinois who aspired to the Senate of the United States should have done.

Mr. CARAWAY. Mr. President, what does the Senator say he should have done?

Mr. CUTTING. I am going to vote against the pending resolution because I think the Willis resolution did not offer any criterion as to what should be done.

Mr. CARAWAY. But the Senator was talking about a decent citizen.

Mr. CUTTING. Yes.

Mr. CARAWAY. What should a decent man have done in Illinois at that time? The Senator asked the question. Now let him answer it.

Mr. CUTTING. No; I did not ask any question. I said, I am wondering what the Senators who are going to vote for this resolution think he should have done.

Mr. CARAWAY. What does the Senator from New Mexico think he should have done?

Mr. CUTTING. I think he might conscientiously have done exactly what Governor Pinchot, of Pennsylvania, did in his primary in the State of Pennsylvania.

Mr. CARAWAY. Spend $187,000?

Mr. CUTTING. I think Governor Pinchot is a man whom no Senator in this body could accuse of corruption or impropriety or of acting against the dictates of his own conscience.

Mr. CARAWAY. He should spend at least $187,000? Is that it?

Mr. CUTTING. No; I am not saying what I think should have been done.

Mr. CARAWAY. I thought the Senator said he thought he ought to have done what the Governor of Pennsylvania did.

Mr. CUTTING. I think that under the Willis resolution it was a very difficult question for any candidate for the Senate to decide what he ought to do.

Mr. CARAWAY. The Senator says that under the Willis resolution it was difficult for a man who wanted to be a Senator to determine what he should do. The Willis resolution says that the expenditure of this amount of money, with or without the knowledge of the candidate, endangered free institutions and threatened the perpetuity of our Government. Now, what ought a good man to have done under those circumstances? He ought to have stopped short of that; ought he not?

Mr. BORAH. Mr. President, may I say a word?

Mr. CUTTING. I yield to the Senator from Idaho.

Mr. BORAH. I do not think anybody here regards the Willis resolution as a criterion by which to be guided. We know the circumstances under which it was attached to that resolution, the purposes for which it was put in.

Mr. CARAWAY. Oh, I know the purpose for which it was put in. It was for the purpose of letting somebody vote for Newberry who had to have some excuse.

Mr. BORAH. Exactly. Now, that being true, of course, we do not regard it as a rule of conduct at all.

Mr. CARAWAY. At least, I believe the Senator from Idaho will say that if a man believed that, he ought to stop this side of it if he wanted to be a Senator of the United States; ought he not? He ought not to do a thing which he thinks endangers the free institutions of his Government; ought he?

Mr. BORAH. Certainly not; but $195,000 would be the grossest corruption in the State of Idaho. It would be the grossest corruption in the State of Nevada.

Mr. CARAWAY. That is not what I was talking about. The question was, where ought a man to stop if he believed that resolution?

Mr. BORAH. Mr. President, if I could imagine a man who believed that resolution under the circumstances——

Mr. CARAWAY. No; not under the circumstances.

Mr. CUTTING. Mr. President, I object to this debate in my time.

The VICE PRESIDENT The Senator from New Mexico has the floor.

Mr. CARAWAY. I hope the Senator from New Mexico——

The VICE PRESIDENT. Does the Senator from New Mexico further yield to the Senator from Arkansas?

Mr. CUTTING. No; not on this point. I am nearly through discussing that.

I want to say that a man in the State of Illinois or any other State under the Willis resolution is in a very difficult position. It seems to me, to close that particular discussion, that a worthy, honorable, conscientious man who wanted to represent the State of Illinois in the Senate of the United States might easily have said, "My opponent is putting up this money. I can legitimately raise a similar sum of money, or half the sum of money, or some other sum of money, which I think will enable me to defeat my opponent. I have the Willis resolution to consider; and the Willis resolution, according to my conception of it, says that if a man spends these large sums of money and comes to the United States Senate he will be given a severe reprimand—and a seat in the Senate."

That is the only criterion that I can see from the Willis resolution unless it had been followed up, unless legislation had been passed by the Congress of the United States limiting expenditures in primaries and stating exactly what they believe, or, in the absence of that, passing an amendment to the Senate rules substantially equivalent to what was suggested by the Senator from Wisconsin.

That is my idea of the Willis resolution.

I agree with every word that was said by the Senator from Nebraska about the danger of the excessive expenditure of money in the United States in State elections and in national elections; and I feel that it is up to this body and the other branch of Congress to pass a resolution which will effectively curb such expenditures of money. Until such a resolution is passed, however, I submit that it is not fair to any individual to be brought up here before the bar of the Senate and told that that was too much money for him to spend.

I am not making a speech; I am making a statement of my belief, and if no other Senator with more experience or more ability in this body is willing to introduce a bill of that sort, I propose to do it myself; and if such a bill should be held unconstitutional, I propose that the Senate pass and send to the House a constitutional amendment to submit to the States which will effectively give Congress the power to control primary elections in the United States.

The public conscience has been awakened to such a point that I believe such a measure could be passed. I believe it ought to be passed, and if all the Senators who intend to vote for the unseating of Mr. SMITH will vote for such a constitutional amendment there will be no difficulty in putting it across, so far as this body is concerned.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. CUTTING. Certainly.

Mr. NORRIS. When the Senator speaks of a constitutional amendment, I would like to call his attention to the fact that the Senate has passed one such amendment four different times in a little over six years. It has never been acted on by the House, although it is an amendment everybody favors. If it takes that long to get half way through an amendment everybody wants, how long will it take to get adopted an amendment to the Constitution to which a very large proportion of Senators here and Members of the House are opposed? It seems to me the Senator will find when he studies the matter a little further that he is undertaking practically an impossibility, because there are many people, even in this body, as the debate shows, who are opposed to limiting expenditures in any way, and the same is true of the House.

Mr. CUTTING. The Senate has at least seven years start of me. I think in that time a constitutional amendment could have been passed. I am not sure that the decision of the Supreme Court in the Newberry case is conclusive as to this matter. I know they decided that the laws concerning primaries passed previous to that time were unconstitutional. I am not sure that they have decided that any Federal law governing the primary is necessarily unconstitutional. I think that thing should be tried out, and if it is tried out and found unsuccessful, then I believe in a constitutional amendment. I further believe that whether we pass a law or a constitutional amendment, the Senate might meanwhile adopt an amendment to its rules substantially equivalent to the one introduced by the Senator from Wisconsin a year and a half ago.

Mr. WALSH of Montana. Mr. President, I want to say to the Senator, because he is a new Member, that when he goes to prepare his bill on corrupt practices and to prescribe the amount of money any one Senator may spend he will be aided if he goes back to the records of the Senate in the year 1916, when there was introduced a comprehensive measure upon that

subject, prepared by a subcommittee consisting of the Senator from Missouri [Mr. REED], the then Senator from the State of Iowa, Mr. Kenyon, and myself, the three of us having labored upon the matter for three weeks continuously. It was introduced, was referred to the Committee on Privileges and Elections, and has slept there ever since.

Mr. CUTTING. Mr. President, I think that sustains the point I am trying to make. I am not trying to criticize the Senate for having allowed a measure to sleep in committee all this time—Senators have had other things to do—but I do believe that we ought to use every effort to put through in legal form some measure governing the expenditure of money in primary elections; and there is no one whose advice on this subject I shall value more than that of the Senator from Montana.

Mr. President, I have spoken a great deal longer than I intended, but I have been interrupted by a number of Senators, and I would like to get through with this as quickly as possible.

There has been a lot of talk about State rights, and I know that State rights are sometimes a stalking-horse for reaction; but I do believe that if there is one right that a State holds more sacred than any other, it is the right to select its own representatives in the House of Representatives and the Senate of the United States. That is not an absolute right, or a final right. It is subject to the laws which the United States Congress passes. But I do submit that we have no right to say to any State, "Elect anyone you want, send him here, and then we will decide whether he is good enough to sit or not."

That is the theory which I am arguing against. The distinguished Senator from Missouri, who has done as much to awaken the public conscience as any man in this country, made the distinction the other day between the capacity to be elected and the propriety of being seated. Probably I am not able to grasp the subtlety of mind which prompted that distinction, but I do feel that if we are going to establish our right to veto the decision of the individual States of the Union we are not adopting a progressive policy but a thoroughly reactionary policy. It is a policy which was rejected by all the more progressive Greek states in the fifth and sixth centuries B. C. It is a theory that held its own in the Middle Ages, through the great Council of Venice, and other similar oligarchies. It has as its main exponents to-day the Fascist Party in Italy and the Communist Party in Russia. It is not an American doctrine.

I can understand some extreme nationalist urging such a theory, but I confess, Mr. President, I am surprised that Senators on the other side of the aisle, who have established their claim as the chief champions of State rights for the last 150 years, should adopt a doctrine of that sort.

Perhaps I should not be surprised, because I think the gentlemen who are opposing the seating of Mr. SMITH have something else in their minds. I believe they have in their minds that Mr. SMITH is an unworthy man to sit as a Senator of the United States. With that opinion I thoroughly agree. If I were a citizen of Illinois, I should spend every moment of my leisure in opposing the election of Mr. SMITH. But, Mr. President, I am not a citizen of Illinois. Eight hundred thousand of the voters of Illinois voted for Mr. SMITH. They knew all the facts about him, and I am very reluctant to vote to establish any doctrine which will impose on the Senate of the United States the duty of overriding the citizens of that State.

If we can establish the fact that we can judge of the moral fitness of a Senator designate, then we can judge of his physical or intellectual fitness. We can come here and hold an examination of a man in the lobbies of the Senate and say that he has to have vocal power sufficient to carry his words across the Senate Chamber, or aural powers sufficient to overcome the acoustic handicaps of this Chamber. We can say that he is not qualified to discuss details of a taxation or revenue bill, that he has not had the training, that he is not a university graduate, or any other test you may imagine. I do not say those things will follow. I do think, however, that the precedent we are establishing of throwing out a man because he is unfit, purely because he is unfit, is going to be a dangerous thing, and I think that is the main idea in the minds of men who are going to vote to unseat Mr. SMITH, that he is unfit to be a Member of the Senate. If it had not been so, I do not know how they could have voted to refuse him a seat when he was sent here by the Governor of the State of Illinois, without question of an election of any kind.

I believe it is a dangerous theory. I believe it is a theory which eventually, if this country ever comes to a condition where partisan or sectional feeling is as rampant as it was before the Civil War, will be repented not only by the Senate but by the people of the United States.

Mr. President, I am very reluctant to speak for the first time in this body in favor of seating a man whom I believe to be utterly unworthy in every respect to be a Member of the United States Senate. I do it because I value the deliberate decision of the voters of Illinois more than I do my individual opinion.

I want to suggest this thought; the fact that the voters of Illinois selected Mr. SMITH as their representative indicates a far more serious situation in this Republic than is indicated by the resolution submitted by the committee. If I believed, as has been stated on this floor, that a few men went into Illinois—Mr. Insull and a few other traction magnates—and bought up the electorate and bought the election, I would think it far less serious than what I believe took place, which was that the voters of Illinois deliberately went out and elected a man who had been corrupted by Mr. Insull and the traction magnates. But that is a symptom of a general condition in this country. It is a condition which we can not rectify by throwing out Mr. SMITH or Mr. VARE or any other individual. It means that the Government as left to us by the fathers has broken down, that it has to be cured by radical measures. It seems to me that the report of this committee, if I may say so with all due submission and due humility to the distinguished Senators who submitted it, and whose sincerity no man can question, is using a corn knife to perform what needs a major operation.

I think in the meantime we ought to abide by the orderly procedure, and by the principles and precedents which have been established in this body, which do not allow us to throw a man out simply on the question of his unfitness to hold the office. I admit our power. I do not admit our right.

I believe that by taking the action which there is no question the Senate is going to take to-day, we are going to make martyrs of two of the most unworthy candidates for martyrdom that ever existed in the United States. We are going to make martyrs of them individually, and we are going to make martyrs of the great States which they represent, I submit, with all due regard to the opinions of the very sincere and able and honorable Senators who have presented this report, that in turning down Mr. SMITH, elected by the voters of Illinois, we are committing a greater crime than Mr. SMITH did in accepting money from Mr. Insull, great though that crime was, because against one action there is no redress. I submit that there is no action in the world which could be more damaging to public policy, more harmful to the dignity and honor of the Senate, or more dangerous to the perpetuity of free government.

Mr. BRUCE. Mr. President, I wish to put myself finally on record in this case, and that is the only reason why I shall now solicit for a few moments the attention of the Senate.

The junior Senator from New Mexico [Mr. CUTTING] began his remarks by saying that he thought that a newcomer in this body might be allowed in his first speech to express an opinion upon a question of morals at least. But he has in some respects taken such an indulgent view of the offenses, criminal or otherwise, of FRANK L. SMITH that I am beginning to think that that should not be a rule of unvarying application in the Senate. However, it is only fair to the Senator to say that he did redeem himself to no small extent, in the eyes of those of us who differ from him, by frankly admitting that FRANK L. SMITH on the whole is unworthy of a seat in this body.

I shall not stop to ask whether this is so because of the great sum that was expended in his candidacy for nomination. So long as there is no Federal primary election law, what is or is not a proper sum to be spent in a contest for nomination to a seat in this body is a matter which will permit very considerable latitude of opinion. But I submit that no two upright or reasonable men can differ as to the gravity of the misconduct of SMITH in receiving, when he was the chairman of the Illinois Commerce Commission, large contributions toward his candidacy for nomination from the officers and directors of public-service corporations and from public-service corporations themselves. That would be true if there were no statutory provisions in the laws of the State of Illinois covering such a situation.

A man who is chairman of a public-service commission ought to have moral intuition, moral consciousness enough, entirely independent of any statute whatsoever, to tell him that it is a heinous thing for an individual charged with the duty of regulating the rates and administrative practices of public-service corporations to receive campaign contributions from such corporations or from their officers or directors.

Surely one who is capable of receiving such pecuniary aid when a candidate can not have even the bare rudiments of a

public conscience. Nay, more, he can not have even a feeble sense of moral decency or propriety.

His own heart, the untutored promptings of his own moral nature, ought to tell him that there is something essentially, something indisputably wrong in a person to whom the supervision of the operations of great public-utility corporations is committed, accepting from their treasuries or from the purses of their officers or directors pecuniary aid for his campaign purposes. No man of honor could do such a thing. No man with any innate sense of right and wrong could do such a thing. It needs no constitution, it needs no statute, it needs no warning of the law in any form to tell him that he should not do that. The suggestions of his own breast should be the sole monitor required for his guidance.

But how much graver is the case when the statutory law of his State declares that it is a crime for him to do such a thing. The laws of the State of Illinois make it a criminal offense for anyone who is a director or officer of a public-service corporation to contribute to the expenses of a candidate for nomination, or for the candidate to receive such a contribution, and in addition to that they subject any candidate who receives such a contribution to the penalty of removal from the office which he has dishonored. So SMITH is not merely an individual indictable for a grave offense in the forum of conscience, or of sound morals, or of pure ethics. He is a violator of the criminal law of his State. He has transgressed a statute solemnly and deliberately framed for the purpose of safeguarding the public life of the State of Illinois from demoralization and corruption.

Pray, why has this man not been indicted? That is the real question which we should be asking here to-day. Is it because the people of the State of Illinois doubt their ability to bring him to justice, after having indicted and attempted to bring to justice the governor of that State upon a charge of embezzlement? It is true this governor escaped the meshes of the law to the extent of not being confined in the penitentiary of the State of Illinois, but we all remember that he was compelled to disgorge and restore to the treasury of the State of Illinois a sum of some $1,000,000. So, instead of coming here and asking for a seat in this body, SMITH, I say, should be defending himself in a court of justice upon charges set out against him in a formal criminal indictment.

Bear in mind, too, that SMITH is applying for a seat in this body at a time when a searching investigation into the Power Trust of this land is proposed. His pockets only recently stuffed with contributions made to his candidacy by the public-service corporations of the State of Illinois, including electric light and power companies, try to imagine with what measure of grace and energy he could apply himself to the task of helping to investigate the electric light and power companies of our country. The very idea arouses derision and disgust in the bosom of any scrupulous man. If he were seated, like the two Senators in the days of the Sugar Trust who were known as the "Senators from Havemyer," he might well be termed the "Senator from Insull."

No question is before us except the bare legal question as to whether we have the right when a Senator elect is morally unworthy to hold a seat in this body to shut him out from it. That is all.

Perhaps the ablest statement that has been made in behalf of SMITH by anyone is that made by that able lawyer and accomplished writer and speaker, JAMES M. BECK. He has perhaps given as close study to the issues of law involved in the pending controversy as anyone in the country. To what conclusion does he come?

The Senate, he contends, has no power even to expel SMITH for his misconduct, because the provisions in the Federal Constitution which empower two-thirds of the Senate to expel a Senator do not relate to any offenses except such as are committed after the Senator has taken his seat, and, moreover, not even to such offenses as those except so far as they have been committed by the Senator in the course of his senatorial duties. Nor, Mr. BECK contends, has the Senate any power to repel any Senator elect from its door because by the Federal Constitution it is given no power to do anything, in addition to expelling a Senator, except to pass upon the qualifications of a Senator, and by "qualifications" the Constitution means the senatorial qualifications alone specified in the Constitution; that is to say, those bearing upon age, citizenship, and inhabitancy.

The latter qualifications, Mr. BECK truly says, are not at issue in this case, and for the lack of any other qualifications the Senate he affirms has no power to exclude a Senator elect from this Chamber.

Rarely, I reply, have such purely artificial, such utterly unnatural trains of reasoning ever been pursued to establish any conclusion, because Mr. BECK's arguments lead to nothing less than the general conclusion that when such a man as SMITH applies for a seat in this body there is no political authority in the land endowed with vigor enough to deny him the seat—not the State from which he comes, because there is no pretense that any State official has the right to recall the certificate that is given to a Senator elect by the governor of his State. Nor yet the Senate itself, for the reasons that I have already mentioned, as assigned by Mr. BECK. So, I say, what Mr. BECK urges resolves itself finally into the claim that nowhere in the land—not in the States, not in the Federal Government, except to the extent of the limited qualifications as to age, citizenship, and residence specified in the Constitution, is there any power to withhold the senatorial oath of office, even from an embezzler, a thief, an incendiary, a rapist, or a murderer, or even from some poor wretch who has gone stark mad. Between the time that the Senator is elected and the time that he applies for his seat he may turn out a flagitious criminal or become non compos, but nowhere is there any power to deny him the seat. The whole argument is a reductio ad absurdum. Surely such a power of exclusion must reside somewhere. It is not to be believed for a moment that those great men who framed the Federal Constitution could have left such a case as the present one a mere casus omissus, a case for which no legal provision is made at all. Such a flagrant oversight is certainly not to be lightly assumed.

Think of it! FRANK L. SMITH or some other unconceivable fellow might come here and apply for a seat and might by chance be given a seat next to the Senator from Pennsylvania [Mr. REED], we will say, or the Senator from Idaho [Mr. BORAH], or me, and notwithstanding the fact that his very breath was pollution to any one of the three, there would be no power in the States, there would be no power in the Senate to expel him, to say nothing about its lack of power in the first instance to withhold the oath of office from him. There are some arguments that destroy themselves, that have the seeds of their own dissolution in them; that ex necessitate rei—from the very necessity of the case—must be fallacious and false through and through, and such an argument, I say with great respect, is that of Mr. BECK, who is about the best foot that SMITH has put foremost.

This body, I claim, has the power to exclude SMITH from its membership. That power is found in the provisions of the Constitution that—

> Each House shall be the judge of the elections, returns, and qualifications of its Members.

The only reason why that is doubted is because for a long time, of course, the political thought of this country was almost slavishly shaped by the extreme dogmas of State rights. If there had not been that long struggle in this country between State sovereignty and Federal sovereignty, I venture to say that no lawyer would hesitate to declare that the word "qualifications" in the Constitution is broad enough to give the Senate the power either to exclude or to expel a Senator for any form of moral turpitude.

I am the last person in the world to say a word derogatory to real State rights; nobody in this body is in the habit of drawing the line between the rights of the States and the rights of the Federal Government more jealously than I; but just as I do not believe in the Federal Government encroaching upon the rights and powers of the States, so do I religiously believe in the States not encroaching upon the rights and powers of the Federal Government. It was the intent of the framers of the Constitution that each government should move, without jar or friction, in its own sphere. Considering the question entirely independent of traditional and fixed habits of thought in relation to State rights in the past, I fail to find in the Federal Constitution any provision indicating a jealous regard for State rights in relation to questions as to the qualifications of Members of this body.

The tenderness of the Federal Constitution in connection with the elections, returns, and qualifications of Senators is not for the States. Where can there be found in it a word supporting such an idea? The tenderness of all the provisions of the Federal Constitution which relate to those subjects is for Federal sovereignty and power.

It is true that the Constitution prescribes that the times, manner, and places of election shall be prescribed by the State legislatures, but the Constitution is careful to add subject to such regulations as Congress may prescribe except as to the places of selecting Senators. Then it says:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members.

It is true that the tenth amendment to the Constitution declares:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

But my point is that the right to judge of the elections, returns, and qualifications of Members of either House is a right delegated by the Federal Constitution in express terms to the two Houses of the Federal Legislature. There is not a word in the Federal Constitution which sanctions the idea that the States when the Constitution was framed reserved the right to pass upon the elections, returns, and qualifications of Members of either House. If there is any such reservation, will not some Member of the Senate be so kind as to point it out to me?

There is not one. The Constitution does not say either expressly or by implication that when a Senator elect arrives here the State from which he comes is to have a voice with reference to his election, or the returns of his election, or his qualifications. It does not say either expressly or by implication that the State shall have the right to revoke his credentials. In other words, not one solitary word of reservation by which the State can claim to retain any power over a Senator elect is to be found in the language of the Federal Constitution. So it must follow by irresistible inference, it seems to me, that the power to pass upon the qualifications of Senators is one lodged by the Federal Constitution in the Federal Government alone as represented by the two Houses of Congress, and lodged there by the provision that each House of Congress shall be the judge of the qualifications of its own Members.

The question, of course, has never been passed on by the Supreme Court of the United States. We would not be arguing here if it had been; but I venture to say that whenever the import of the word "qualification" comes up in the Supreme Court of the United States that court will hold that the word is broad enough to confer on this body the power to shut out any Senator elect whatsoever who is believed by it, for good and sufficient reasons, to be morally unfit for the office of Senator.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. BRUCE. Certainly.

Mr. REED of Pennsylvania. Can the Senator suggest any way by which that question could be brought to the Supreme Court? I confess I myself have difficulty in thinking of any.

Mr. BRUCE. I have given no thought to that aspect of the case. I am not prepared to say now just how as a matter of procedure the question could be brought before the court. I read a few days ago in the press that an effort was going to be made to take the question to the Supreme Court.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Maryland yield to the Senator from New Mexico?

Mr. BRUCE. I do.

Mr. BRATTON. Mr. President, I am very much interested in the inquiry made by the Senator from Pennsylvania, and have been for some time past. I do not know whether the view is tenable, but it has occurred to me that it might be dealt with in this manner:

If Mr. SMITH should be rejected and the Governor of Illinois should regard the situation as creating a vacancy and should take steps to fill it either by a temporary appointment or by calling a special election for that purpose and Mr. SMITH should apply to the Supreme Court of Illinois for a writ of prohibition to restrain the governor from taking that step it has occurred to me that, perhaps, a writ of certiorari could be secured from the Supreme Court of the United States on the ground that a Federal question was involved in that the Senate had no power to reject him and that the action of the Senate did involve a Federal question which might give the Supreme Court jurisdiction to grant a writ of certiorari.

As I have said, the question which the Senator from Pennsylvania has raised has interested me for a long time, and I should like to have his views as well as those of the Senator from Maryland on the suggestion I have just made.

Mr. BRUCE. I think that that suggestion is hardly germane to the line of discussion that I was pursuing, and I must say that I do not relish those words "writ of prohibition." [Laughter.]

Mr. BRATTON. Mr. President, having regard for the well-known views of the Senator from Maryland, I will change the expression and say "writ of inhibition." I inquire of the Senator from Maryland if that term suits him better?

Mr. BRUCE. The word still contains three bad syllables.

Mr. BRATTON. Mr. President, if the Senator from Maryland will pardon me further, I really wanted to get the views of the Senator from Pennsylvania as to whether he thinks that procedure is tenable.

Mr. REED of Pennsylvania. Mr. President, if the Senator from Maryland will forgive us for interjecting this into the middle of his argument——

Mr. BRUCE. Yes; of course, I will.

Mr. REED of Pennsylvania. It was suggested by something he said about the Supreme Court passing ultimately, or some day, on the interpretation of this word "qualifications."

Mr. BRUCE. That was entirely contingent, of course.

Mr. REED of Pennsylvania. I have thought of the possibility of getting the question into the Supreme Court by Mr. SMITH asserting in his State courts that there was no vacancy, and trying to prevent, by writ of some sort, the holding of an election to fill that vacancy or the making of an appointment; but I am afraid that the trouble will be not that the question can not be taken to the Supreme Court, but that when it gets there the Supreme Court will say that it is a question of the internal government of the Senate, and that it will not undertake to review the determination which the Senate itself makes regarding the membership of one of its individuals. In other words, it would present the same legal question as if by some method we took to the Supreme Court a decision that we made on an election contest for a seat in this Chamber. The Supreme Court undoubtedly would decline to review the action of the Senate in such a contest.

Mr. BRUCE. Or in relation to any question political in its nature.

Mr. BRATTON. Undoubtedly that would be true, Mr. President; and, of course, if the Supreme Court of the United States should take the view just outlined by the Senator from Pennsylvania—that our determination here is conclusive and is binding upon a coordinate branch of the Government—that would foreclose any possibility of ever having the constitutional provision in question construed.

The point I have in mind, however, is one of procedure. Could the procedure that I have outlined be pursued in bringing the matter before the Supreme Court and ascertaining whether it will review the case and interpret the constitutional provision?

Mr. REED of Pennsylvania. I think the procedure will bring the question to the court, but I do not believe the court will go behind the decision of the Senate.

Mr. BRATTON. If not, then we are powerless to get what I should like very much to have, and that is an interpretation by the Supreme Court of the power of the Senate.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. BRUCE. I do.

Mr. BORAH. Why should this body want an interpretation of the Supreme Court as to the discharge of a function which is peculiarly delegated to this body? I think it is highly important that the Senate retain for itself at all times the power to determine the qualification of the Members who sit here; and if I thought the Supreme Court could ever pass upon it I would be in favor of amending the Constitution so that they could not.

Mr. BRATTON. I feel rather to the contrary. We are not in accord as to whether we have the power; and, so far as I am concerned, I should like very much to have an expression from the Supreme Court of the United States, and I should be strongly persuaded by an opinion from that court. It might not be controlling; it might not be compelling, but in my judgment it would be persuasive.

Mr. NORRIS. Mr. President, if the Senator from Maryland will permit me——

Mr. BRUCE. I will; yes.

Mr. NORRIS. I should like to make a suggestion on this proposition. It seems to me, I will say to the Senator, that there is not any doubt in this body. Even the Senator from Pennsylvania [Mr. REED], who suggests a way by which this matter might possibly be brought to the Supreme Court, says that in his judgment when it got to the Supreme Court the Supreme Court would promptly say that they had nothing to do with it. That would really be passing on it by the Supreme Court, would it not?

I only wanted to call attention to the fact that probably there is no serious doubt in the mind of any Senator but that the Supreme Court would not touch it, but would say, "The Senate's judgment can not be reviewed; and they are supreme."

Mr. BRATTON. Of course, Mr. President, what I should like to have is a decision from the Supreme Court of the United States as to what the phraseology, "judge of the qualifications of its own Members" means; whether we are confined to age,

residence, and being an inhabitant of the State, or whether we can go beyond that and consider other facts.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Missouri?

Mr. BRUCE. I do.

Mr. REED of Missouri. I simply want to interject this remark at this time, because I should not like the RECORD to stand that two or three Senators had expressed a desire for a Supreme Court decision, but only one Senator expressed a feeling in opposition.

I agree absolutely with the Senator from Idaho [Mr. BORAH]. I do not think this is a question that ever ought to go to any court. This is a question for this body to decide. I never would consent to turn over to the Supreme Court of the United States, however highly I regard that body, the right to determine the jurisdiction of the Senate over a question vital to its existence.

Mr. BRUCE. Of course, there is nothing anomalous about a question of a political or quasi-political nature not being appealable to the Supreme Court of the United States.

The point I was making is that apart from what might be called nowadays the outworn or obsolete side of State rights, there would not be any real difficulty in determining what the meaning of this word "qualifications" is.

Surely if it had been the intent of the framers to limit the word "qualifications" to the qualifications as to age, citizenship, and inhabitancy prescribed by the Constitution, the provision of the Constitution relating to the elections, returns, and qualifications of Members would read—

Elections, returns, and qualifications *as hereinbefore prescribed.*

So far as I know, that point does not happen to have been made by anybody else in this debate; but, of course, it is suggested by a course of reasoning that is very frequently pursued by a court under similar circumstances. Would the framers of the Constitution have contented themselves simply with the abstract term "qualifications" if they had intended to give to that word any such restricted scope as is contended for? Would they not have added, as I have suggested, after the word "qualifications," the words "as hereinbefore prescribed"?

Another thing we must recollect—that at the time this word "qualifications" was employed by the framers of the Constitution they had before them the history of the British Parliament and the well-settled boundaries of the powers of Parliament; and it was perfectly natural, therefore, that they should have intended to give to each House of Congress in dealing with the elections, returns, and qualifications of its own Members powers at least as great as those with which the British Parliament was clothed?

Of course, the construction for which I contend might lead to abuse. The Senate might undertake, on some more or less frivolous pretext or other, to shut out from this body a Senator elect; but if the Senate did it, it would be subject to its just responsibility to the people.

The people have enough good judgment, enough sense, and enough discrimination to know in what case it would be reasonable for the Senate to exclude a Member elect and in what case it would not be reasonable. But, of course, I hardly need point out the fact that there are many powers of one sort or another vested in the Federal Government or the State governments that are readily susceptible of abuse.

Did it ever occur to the Members of the Senate—I believe the fact was pointed out by Justice Cooley a great many years ago—that the States at any moment might bring the entire Federal Government to an end by doing what they are not forbidden to do anywhere in the Federal Constitution; that is to say, by declining to send Representatives to the House of Representatives and Senators to the Senate of the United States? Every power that is lodged in a government presupposes a certain amount of sanity and sense of duty on the part of that government.

Now, just one or two random thoughts in conclusion, and I am done.

I attach very little importance to the precedents that have been brought forward here—precedents derived from the decisions of this body and of the House of Representatives. We know that those precedents are very largely the mere offspring of moments of partisan excitement, or of selfish intrigue. You can without any difficulty, in connection with the question which is now under consideration, find conclusions diametrically opposed to each other which have been reached by the two Houses. I ascribe no conclusive importance either to the idea that when the voters have chosen to elect somebody under fire, that man is always completely purged of all his offenses of every sort, no matter how deep their dye.

When I was opposing an old political ring a great many years ago, that idea used to be constantly made to do service. Some scamp would be nominated for office, or would be elected to office, and then the cry would be raised, "He has been vindicated!" No matter how grave had been the indictment against him, no matter how completely his unfitness for high office had been demonstrated, just as soon as a majority of the voters, acting often under mere boss or machine influence, had nominated or elected him, the cry would go up that though his sins had been as scarlet, they had been made as white as wool.

There is nothing final about the fact that SMITH was elected by the people. Even the people are not infrequently misled from one cause or another. As the old English poet says, "The worst of tyrants is the usurping crowd"; and the statement is not altogether destitute of truth. The old proverb says, "It is much easier to drive a flock of sheep than a single member of the flock"; and everybody who knows the astonishing subserviency that voters at times in hours of fierce partisanship exhibit in their relations to political leadership know that SMITH is not necessarily rendered anything different from what he truly is by the fact that a majority of the voters in the State of Illinois elected him to a seat in this body.

It is a lamentable thing that our institutions should work that way at times; but they do work that way at times, and we all know it; though in the long reckoning I fully subscribe to the true Democratic or Republican idea that the people are the best judges of what appertains to their own honor and safety.

That, I believe, concludes everything I have to say with regard to this subject. I am sorry to have trespassed on the patience of the Senate so long. I have spoken in a much more extended way than I expected, and I am glad now to yield the floor to other Senators.

Mr. BROUSSARD. Mr. President, on December 7 the Senate voted on the Norris resolution, the second paragraph of which read as follows:

Be it further resolved, That the claim of the said FRANK L. SMITH to a seat in the United States Senate is hereby referred to the said special committee of the Senate, with instructions to grant such further hearing to the said FRANK L. SMITH, and to take such further evidence on its own motion, as shall be proper in the premises, and to report to the Senate at the earliest possible day; that until the coming in of the report of said committee, and until the final action of the Senate thereon, the said FRANK L. SMITH be, and he is hereby, denied a seat in the United States Senate.

Mr. President, I voted against that resolution for this reason: In Article V of the Constitution it is specifically stated:

No State, without its consent, shall be deprived of its equal suffrage in the Senate.

That is not one of the rights of the States which the States may claim by virtue of having reserved all those rights not delegated to the Federal Government, but it is one in which the States themselves have specifically not only reserved the right to refuse to be deprived of equal representation, but that special clause seems to me to be one different from any provided in the Constitution. For instance, it is not necessary for all of the States to agree to amend the Constitution in order to make an amendment valid, but this special provision and this special reservation made by the States themselves makes it impossible to amend that particular section or clause of the Constitution. In other words, if all but one of the States of the Union agree to increase the representation of each State to three, or to four, or to reduce it to one, any one State might object to it, and that objection, under the pact between the States, would be, I think, a valid one, and one recognized to be within the strict rights reserved by the States.

When I voted against that resolution it was known as the Norris resolution. I voted for the Deneen substitute, which provided:

Resolved, That without expressing any opinion as to the right or propriety of his retaining his seat in advance of any proper investigation thereof the said FRANK L. SMITH is entitled to be sworn in as a Member of this Senate upon his prima facie case.

That to me, Mr. President, was the only course which I believed I could follow, in view of my construction of the Constitution that we may not deprive a State of equal representation. To have voted for the Norris resolution, and to have made Mr. SMITH stand aside while important measures were being discussed here, was not a matter which affected me, so far as Mr. SMITH personally was concerned, but I believed that the State of Illinois should have an equal voice on this floor.

Now comes the report of the committee, which we are called upon to vote on, and I find this language in the second paragraph of the resolution:

That the said FRANK L. SMITH is not entitled to take the oath of office and is not entitled to membership in the Senate of the United States, and that a vacancy exists in the representation of the State of Illinois in the United States Senate.

It appears to me that that portion of the resolution offered by the committee now pending—"is not entitled to take the oath of office and"—and about to be voted on, is superfluous, in that if Mr. SMITH is not entitled to his seat—and we have already determined that he was not entitled to be sworn in, with which I disagreed, but the Senate voted that way—that point has been settled. So that if his seat is to be declared vacant there is no reason to say he is not entitled to be sworn. If the seat is vacant no one is entitled to claim it.

At the time I voted Mr. SMITH was present and ready to take the oath. I voted to permit him to take the oath and then to expedite the consideration of his case in order to permit Illinois to have representation here and then to dispose of the case on its merits.

Now, we are presented with two phases of the matter. The one which we have already acted upon is reiterated in this resolution, and then the merits of the case are brought up. I feel this way about that, and I know that several who voted the way I did previously on this matter feel the same way, that there is no reason to ask anyone who is willing on the merits to vote for this resolution to stultify himself on the principle which caused himself to disagree from a majority of the Chamber previously and which is not necessary in this instance.

If we declare the seat vacant, neither Mr. SMITH nor anyone else is entitled to claim it, and he is not here now claiming the right to be sworn in. So that I would ask the chairman of the committee if he will not agree to amend the resolution so that those who wish to vote with him on the merits of the case may do so without reference to a previous vote on another question, which, to my mind, should not be brought to the Senate at this time.

I will ask the Senator from Missouri if he will not modify the resolution.

Mr. REED of Missouri. Has the Senator concluded his remarks?

Mr. BROUSSARD. Yes.

Mr. REED of Missouri. Mr. President, I am perfectly willing, so far as I am concerned, to modify the resolution.

Mr. BINGHAM. Mr. President, will the Senator yield to me to call a quorum?

Mr. REED of Missouri. I will if the Senator thinks a quorum is necessary for this particular matter.

Mr. BINGHAM. I thought the Senator was about to suggest a change in the resolution, and I thought a quorum ought to be called.

Mr. REED of Missouri. Very well; the Senator has that right, of course.

Mr. BINGHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Shortridge
Barkley	Fletcher	McLean	Simmons
Bayard	Frazier	McMaster	Smith
Bingham	George	McNary	Smoot
Black	Gerry	Mayfield	Steck
Blaine	Gillett	Metcalf	Steiwer
Blease	Glass	Moses	Stephens
Borah	Gooding	Neely	Swanson
Bratton	Gould	Norbeck	Thomas
Brookhart	Greene	Norris	Trammell
Broussard	Hale	Nye	Tydings
Bruce	Harris	Oddie	Tyson
Capper	Harrison	Overman	Wagner
Caraway	Hawes	Phipps	Walsh, Mass.
Copeland	Hayden	Pine	Walsh, Mont.
Couzens	Heflin	Pittman	Warren
Curtis	Howell	Reed, Mo.	Waterman
Cutting	Johnson	Reed, Pa.	Watson
Dale	Jones	Robinson, Ark.	Wheeler
Deneen	Kendrick	Robinson, Ind.	Willis
Dill	Keyes	Sheppard	
Ferris	La Follette	Shipstead	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, there is a quorum present.

Mr. REED of Missouri. Mr. President, I have heard the suggestion of the Senator from Louisiana [Mr. BROUSSARD] that he would like to have stricken from the second resolve the words "is not entitled to take the oath of office and," so that the resolution would read:

That the said FRANK L. SMITH is not entitled to membership in the Senate of the United States, and that a vacancy exists in the representation of the State of Illinois in the United States Senate.

The fact is that those words are surplusage; the Senate has already refused to administer the oath, and we are now about to vote on the question as to whether Mr. SMITH is entitled to membership. I think I pretty well know that we are going to vote that he is not entitled to membership; at least, I have an impression of that kind.

There are a number of Senators who feel that with these particular words to which I have called attention in the resolution, if they voted for it they would be voting opposite to the vote they cast heretofore. I do not think so, but they do, and I am willing to amend the resolution by taking out the words "is not entitled to take the oath of office and," but in doing so I want it distinctly understood that, so far as I am concerned, and I think so far as the vast majority of the Senate are concerned, we do not regard the withdrawal of these words as in any manner withdrawing the position heretofore taken, that the Senate was right in refusing to administer the oath under the circumstances existing in this case.

I think my colleague, the Senator from Wisconsin [Mr. LA FOLLETTE], who has been rendering very valuable service on the committee, perhaps will desire to say in his own behalf what his views are about taking out these words. I yield to him for that purpose.

The VICE PRESIDENT. The Senator from Missouri can modify the resolution, if he so desires, without proposing it as an amendment.

Mr. REED of Missouri. I am proposing, as one of the sponsors for the resolution, to withdraw those words.

Mr. LA FOLLETTE. Mr. President, the Senator from Missouri is in charge of the resolution and I shall interpose no objection to his amendment.

The VICE PRESIDENT. Without objection, the resolution will be considered as modified.

Mr. REED of Missouri. Mr. President, if there is any other Member of the Senate who desires to say anything, I request that he take the floor at this time; otherwise I would like to have the privilege of closing the argument, and I think I shall be very brief.

Mr. DENEEN. Mr. President, I send to the desk a resolution which I offer as a substitute for the pending resolution. I wish to have it read.

The VICE PRESIDENT. The clerk will read the proposed substitute.

The Chief Clerk read as follows:

Whereas FRANK L. SMITH, claiming to be a Senator from the State of Illinois, has presented his credentials, which are regular and in due form, and there being no contestant for the seat; and

Whereas on January 7, 1928, said FRANK L. SMITH appeared before the special committee of the Senate, appointed on May 17, 1926, and stated that before he would enter into any defense upon any charges or objections which have or may be presented against his right to a seat in the United States Senate he would insist upon his constitutional right to membership in this body by taking the oath of office, and that after having taken the oath of office he would be pleased to appear before any committee of the Senate and "freely, gladly, and unafraid meet any and all charges respecting my moral or other fitness to become a Member of this distinguished body": Therefore be it

Resolved, That the oath of office be administered to said FRANK L. SMITH; be it further

Resolved, That his credentials and all charges which may be filed, or have been filed against him, and all objections that may be raised or have been raised as to his right to a seat in the Senate, be, and the same are hereby, referred to the Committee on Privileges and Elections, and that committee is hereby directed to hear and determine all such charges and objections which may be submitted, and to report to the Senate after due inquiry and as early as convenient.

Mr. DENEEN. Mr. President, I do not wish to occupy much additional time, having already spoken on three different occasions and expressed my views in the case.

FRANK L. SMITH contends that he has had no opportunity to defend himself. I wish to read from the speech made by the able Senator from Idaho [Mr. BORAH] two brief paragraphs in support of my views. The speech was delivered in this Chamber on December 7 last, and on this point the senior Senator from Idaho said:

It has been said that Mr. SMITH has been before the committee. He went before the committee as a witness. He went before the committee at a time when he did not hold the certificate of his State. He was there a citizen. But there is no place in the committee room or elsewhere where he as a witness is placed upon an equality with those who challenge his right to a seat, which equality he has when he comes here and takes his oath and speaks by authority of the State of Illinois. Does anybody who holds a seat in this Chamber contend that the rights and privileges and influence of a witness are to be com-

pared with the privileges and powers of a Senator speaking as a matter of right for a sovereign State?

It is a high and honorable ambition to seek a seat in this body and to see that ambition thwarted upon the threshold of its realization, whatever may be the reason, stirs the deeper feelings of the human heart. If his discussion of his view of the matter modifies our view, he is entitled to that benefit and his State is entitled to it. If he fails to modify our view, we have recognized and tolerated to the fullest extent the right of a State to be heard, and there will be no regrets upon our part when we shall have acted. All will have had the fullest opportunity to be heard, one of the best assurances that full justice will be done.

Senator-elect SMITH has had no opportunity to defend himself, as one charged with an offense should have. He has appeared as a witness in a matter comparable to a grand jury inquest. He is entitled to be heard.

Mr. HEFLIN. Mr. President, my recollection is that the Senator from Missouri modified his resolution before the Senate passed it, giving Mr. SMITH the right to come in here and defend his title.

Mr. REED of Missouri. Of course, the resolution which has just been offered is out of order, because the Senate has at this session voted on exactly that question.

Mr. DENEEN. It is a different resolution. Certain paragraphs are similar to a former resolution, but the question itself relates to SMITH's right of self-defense, which was not embodied in the previous resolution.

Mr. REED of Missouri. I do not care anything about making the point of order.

The VICE PRESIDENT. The resolution submitted by the Senator from Illinois is in order as an amendment to the pending resolution.

Mr. REED of Missouri. Mr. President, the question has been voted on at this session of the Senate. What I have to say can as well be said now as at any other time, and I shall proceed unless some other Senator indicates a desire to speak. I am going to try to be very brief.

Mr. President, nothing has brought more shame on the administration of justice than the employment of technical quibbles to defeat the plain intendment of the law. There has been presented here on behalf of Mr. SMITH no argument based upon the justice and merits of his case.

No Senator has dared assert that his conduct in seeking the election is free from grave reproach.

No Senator has dared defend the payment, in the form of a campaign contribution, of nearly a quarter of a million dollars by the proprietor of great public-service corporations to the chief officer of a semijudicial board which held the power of life and death over the interests represented by the contributor.

No Senator has dared defend the acts of the president of that great public board in accepting nearly a quarter of a million dollars from litigants constantly before his court and depending for their very existence upon the decisions by him rendered.

No Senator has dared claim that the amount of money expended on behalf of FRANK L. SMITH was not so excessive as to be clearly unjustifiable.

No Senator asserts—none dare assert—that FRANK L. SMITH comes here with clean hands.

No Senator asserts that FRANK L. SMITH did not arrive here over a crooked and dishonorable path.

Neither did SMITH himself, when given the fullest opportunity to make his defense and present his card, offer a single word of evidence or argument to explain, palliate, or excuse his course of conduct. On the contrary, Mr. SMITH and his defenders throw up a smoke screen of legal technicalities, sophistries, and refinements which, if entertained, will sanctify the fraud of the present and open wide the door to every trickster, bribe giver, ballot-box stuffer, and corruptionist who may in the future come here with a certificate, howsoever obtained.

According to their theory, if the corrupt governor of a State were to publicly announce that he proposed to sell at auction the right to a seat in the Senate to fill a vacancy, and if the sale were publicly held and the office knocked down to the highest bidder, and the purchaser should come here with his corrupt certificate thus corruptly obtained, and although the facts were officially made known to the Senate and although the applicant admitted them openly and blatantly upon the floor of the Senate, still the Senate would be obliged to seat the applying criminal, and, according to the theory of SMITH and his advocates, the Senate would be powerless to remove him from the position he dishonored. There he could sit and continue to vote away the money and, perchance, the honor and life of the United States of America.

There is, in fact, no difference in law between the right of the Senate to refuse to admit or remove a man coming with the credentials of a governor to fill a vacancy and the right to remove a man coming with credentials of a governor certifying to an election.

But the argument is made that if a candidate has been guilty of illegal, immoral, or villainous conduct, and that conduct has been discussed and yet he nevertheless receives a majority of the votes, even though his corrupt practices may have been the very thing that enabled him to obtain that majority, the Senate is thereby barred from action; the fraud has become consummate and sanctified, and all relief is impossible.

Obviously if the Senate has the right to inquire into the corrupt practices by which the certificate of a governor is obtained in the case of an appointment, it has equally the right to inquire into the corrupt practices by which a majority vote is obtained. A majority, sirs, can not sanctify fraud; it can not make black white; it can not transform evil into good; it can not change dishonesty into honesty. The cloak of a majority vote no more purges villainy of its iniquity than a coat of whitewash can transmute a sepulchre filled with the bones of dead men into a palace of pleasure. The law and the principles of equity disregard every sham. The hand of justice tears aside the cloak of pretense, and her sword, cutting through artifice, fraud, chicanery, and sophistry, cleaves to the very marrow of the case

Yet we have listened here to arguments—most of them legal arguments—as baseless as the vagaries of an opium dream; arguments that start nowhere in the law or Constitution and that end nowhere except in vaporings that are without sense or reason.

Senators stand here and tell me that the Senate has no jurisdiction to pass upon the qualifications of a man or the character of his election when it is written into the Constitution itself that the Congress may take complete charge of every election to the Senate. Congress is limited in only one respect; it can not fix the place of the election of a Senator; and that is now obsolete since the election takes place in the State at large by the people.

Not only has Congress the right to judge of the qualifications but within the limits of the Constitution we find the right to lay down the entire method of election. In the same section we find this:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

In the next section we find this language:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members.

In those two clauses is the complete, final, and absolute control. No language that man could pen and no decision that courts could render would make that language plainer, even if we should use all the words of our vocabulary.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question? Does that include primary elections?

Mr. REED of Missouri. Certainly; it would include primary elections.

Mr. SHORTRIDGE. Then, the Senator proposes to overrule the Supreme Court.

Mr. REED of Missouri. Of course the Senator wants to reargue the case.

Mr. SHORTRIDGE. I do not.

Mr. REED of Missouri. The majority of the Supreme Court did hold in the Newberry case that our then existing law did not affect that case, but I have not the slightest doubt that the Senate has the power to prescribe every step by which an election shall be held, if it sees fit to do so.

Mr. CARAWAY. Mr. President, does the Senator from Missouri recall a case that has been handed down since the Newberry case?

Mr. REED of Missouri. I do not.

Mr. CARAWAY. The court in that case held that the primary was a substantial part of the election and that the denial to a negro of the right to vote in the primary was in violation of the Constitution.

Mr. REED of Missouri. Mr. President, we have listened to a most singular logic here and have listened to it for days; a logic that reverses every principle of argument. Certain Senators begin by assuming the very question to be proven, and from that position are, of course, able to reach a conclusion which is quite satisfactory to themselves. Here is their formula, I have written it down: "SMITH is the duly elected Sen-

ator from Illinois; therefore, the Senate may not inquire into his election or qualifications."

Again: "Illinois duly elected SMITH to represent that State in the Senate; therefore, the Senate has no right to oust him, for it thereby deprives Illinois of equal representation in the Senate."

These Senators may proudly imagine that they originated that kind of logic, but it was long ago discovered by some other person. The question being why did the cow cross the road, a logician of that period answered: "Our old cow, she crossed the road because she crossed the road, and the reason why she crossed the road was because she crossed the road."

So the question being, Was SMITH duly elected? these Senators say, "SMITH was duly elected because he was duly elected, and the reason why he was duly elected is because he was duly elected, and you have not any right to touch him."

Mr. President, let me see if I am going too far astray in thus characterizing these arguments. Each assumes the whole question in dispute, for, of course, if SMITH was duly elected he is entitled to his seat. Of course, again, to be duly elected means that one was chosen according to law, and one chosen according to law must possess the legal qualification, and must in securing his election have conformed with the mandates of the law. As the law condemns bribery, fraud, and other iniquitous practices, when it is said that one has been duly elected it is in fact asserted that he has every qualification and that his election is without taint of wrong. None save an imbecile would assert that the Senate could justly reject a man so chosen. But the question is, not whether one duly chosen within the meaning of the law shall be denied a seat; the question is, Was SMITH duly chosen? If so, then he must be seated. If not, then he is a mere interloper and seating him is a crime against the Federal Government and a crime against the State of Illinois.

Again, if SMITH was, within the meaning of the law, duly chosen by Illinois, it is entitled to have him seated because he justly and properly represents the State.

Contrariwise, if SMITH was not within the meaning of the law duly chosen, then the seating of him is a gross wrong done to the State of Illinois. It is in fact a double wrong, for we not only seat an interloper to misrepresent the State, but we bar the State from obtaining proper representation. We place a burglar in possession of the house and give him the key that he may lock the door against the return of the absent owner. Clearly, therefore, it is our high duty not only to the United States but as well to the State of Illinois to determine whether SMITH was in fact duly chosen within the meaning of the law as I have defined it.

At this point we are met with the assertion that the certificate of the governor is binding and conclusive and can not be inquired into by the Senate or by any other earthly tribunal. If that be the correct doctrine, then the governor of a State, by a false certificate, can nullify two distinct provisions of the Constitution of the United States. Indeed, in conceivable cases, one or two State governors could by false certificate change the political balance in the Senate and alter the policy of the Nation. Such a governor might appoint a subject of a foreign power, a nonresident of the State, or one under age, or, as I have stated, sell the appointment for cash in hand, and the Nation would be powerless to prevent the wrong.

Although some have broadly asserted this monstrous doctrine, including, I think I am fair in saying, Mr. SMITH himself when he appeared before the committee, with most it sticks in the throat, and they therefore try to bite the thing in two and swallow it piecemeal. Accordingly they say that the Senate may inquire into citizenship, age, and residence. But that admits the right to go behind the certificate and destroys the doctrine that the recitations of the certificate are final and binding. It necessarily concedes the power of the Senate, as to certain questions, to inquire into the facts non obstante the return.

Where do these logicians find the authority of the Senate so to inquire?

If they assert it to be an inherent power, then that inherent power springs from the right of a body to exclude all who are not entitled to sit; and that power must include all disqualifications, whether arising from age or fraud, from citizenship or corruption, from residence or bribery.

If, however, they search the Constitution for authority so to inquire, they find the language gives exactly the same right to inquire into fraud in elections as to inquire into constitutional disqualifications.

Congress is the sole judge of the elections, returns, and qualifications of its Members.

Here, then, is the right to determine whether there was an election—that is to say, whether there was an election holden according to law; that is to say, whether the election was honestly conducted. Any other kind of an election is no election at all. It is a sham, a pretense, an unseemly fraud. It is a crime against society and the Nation; and no certificate of a governor can transmute a crime into a good title to office.

Mr. President, a clamor was raised that this man was entitled to defend himself upon the floor of the Senate. A claim was put forward that he had not stated his case or been permitted to state his case. Accordingly the Senate rereferred the matter to the committee; and this man who had clamored that he had not been heard, and that there might be other evidence to adduce, came before the committee, and what was his position?

First, he asked for delay that he might prepare himself to be heard. When he came there he said that he could not defend his moral fitness for the Senate, because by defending his moral fitness for the Senate he would be waiving the sovereign right of Illinois to have him seated, no matter whether he was morally fit or unfit.

How would he have waived it? If the State of Illinois had the right, sir, to have him seated in this body, no act of the man could waive the right of the State of Illinois. His right would have been as unimpaired after he had presented evidence as to his moral fitness as it would have been before he presented it. The fact is that after many days of careful thought as to some means by which he could escape the ordeal of attempting a justification, somebody said, "File a plea to the jurisdiction of the committee and the Senate, and stand on your constitutional rights," and that is what Mr. SMITH did.

So that we have here a case that stands out all by itself, distinguishable from every other case that has ever been before this body of the House. Ordinarily the man comes presenting his certificate; it is accepted for its face value; he is sworn in, because there is nothing there to dispute or destroy the certificate. That action, however, is not compulsory. The House and the Senate in every instance have the right to inquire on their own motion, regardless of any certificate. However, in practice they have accepted the certificate; and I have insisted upon that course when there was nothing to dispute the truth of the certificate.

In this case, however—it has been told many times; I am simply putting it in as part of my remarks so that they will be more or less complete—the Senate made its investigation and had the facts before it at the time the certificate was filed, and those facts are the facts that you to-day have before you—not an additional fact—and the Senators who say they are willing to exclude a man upon those facts, but they want him sworn in first, simply say that his certificate is worthless and his title is void even after he has been sworn in.

How a Senator can take that position, and say that he wants a man seated with all the evidence before him that he is ever going to have, and then he is going to unseat him as soon as he has seated him, is just a little beyond my power of understanding.

I do not desire to take the time of the Senate much further. One strange argument that I heard here to-day came from the junior Senator from New Mexico. It seemed to be this: SMITH's conduct was awful; and the "awfuller" it was the "awfuller" it is not to seat him. That seemed to be the substance of that argument.

This I have to say, and I say it with apology for taking your time even to make the comment:

We are not called upon to act in a doubtful case. We are not called upon to weigh disputed facts. We have the cold proposition that the proprietor of great public-service corporations contributed nearly a quarter of a million dollars, and I think the evidence warrants me in saying not of his own money but the money of the corporations, for it was taken out of the tills of the corporations and it was never put back until the storm broke in the Senate. That money is given to the judge of the court—for that is what the board really is—to the judge of the court who has been passing upon the business and the controversies of the companies. Why was it given? No reason has been assigned, except that this gentleman wanted to give it. Why did he want to give it? He did not tell us there was some particular reason, that there was love and friendship for SMITH, that he was interested in certain great principles, or anything of that kind. He gave it to SMITH; and I am warranted in saying he gave it to SMITH because SMITH held this important position.

So the question is this: Can great institutions contribute enormous sums of money to the judges of courts, or to the members of tribunals possessing quasi-judicial power and a discretionary power greater than any court possesses; can they with their money aid these their judges into higher positions, and

elect them to this body, where they will still continue to represent those who have put up the money to send them here?

We need go into no refinements. It is a plain, bald, naked question we are going to settle; that is, whether seats can be bought in the United States Senate in the interest of those who have had the right to decide as to the life and death of the interests contributing the money.

We do not need to pass any rule of conduct. There are certain things so plain that you need the guideboard of no law to tell you they are evil. If this man is to be seated, let us hang over the door of the Senate: "Seats for sale." If he is not to be seated, let us by our acts put over the door of the Senate this thought: "Here, at least, is one place where money can not buy an office of power."

Mr. President, I am ready to vote upon this question.

Mr. BORAH. Mr. President, I was absent for a moment. I should like to have read the original resolution—not the whereases; just the resolving part.

The VICE PRESIDENT. The Secretary will read the original resolution as amended.

The Chief Clerk read as follows:

Resolved, That the acceptance and expenditure of the various sums of money aforesaid in behalf of the candidacy of the said FRANK L. SMITH is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of free government, and taints with fraud and corruption the credentials for a seat in the Senate presented by the said FRANK L. SMITH; and be it further

Resolved, That the said FRANK L. SMITH is not entitled to membership in the Senate of the United States, and that a vacancy exists in the representation of the State of Illinois in the United States Senate.

The VICE PRESIDENT. The question is on the substitute resolution of the Senator from Illinois [Mr. DENEEN].

Mr. HEFLIN. I call for the yeas and nays.

Mr. DENEEN. Mr. President, may the substitute resolution be read?

The VICE PRESIDENT. The Secretary will read the substitute resolution.

The Chief Clerk read as follows:

Whereas FRANK L. SMITH, claiming to be a Senator from the State of Illinois, has presented his credentials, which are regular and in due form, and there being no contestant for the seat; and

Whereas on January 7, 1928, said FRANK L. SMITH appeared before the special committee of the Senate appointed on May 17, 1926, and stated that before he would enter into any defense upon any charges or objections which have or may be presented against his right to a seat in the United States Senate, he would insist upon his constitutional right to membership in this body by taking the oath of office, and that after having taken the oath of office he would be pleased to appear before any committee of the Senate and "freely, gladly, and unafraid meet any and all charges respecting my moral or other fitness to become a Member of this distinguished body": Therefore be it

Resolved, That the oath of office be administered to said FRANK L. SMITH; be it further

Resolved, That his credentials and all charges which may be filed or have been filed against him, and all objections that may be raised or have been raised as to his right to a seat in the Senate be, and the same are hereby, referred to the Committee on Privileges and Elections, and that committee is hereby directed to hear and determine all such charges and objections which may be submitted, and to report to the Senate after due inquiry and as early as convenient.

Mr. BAYARD. Mr. President, when we come to vote upon the substitute of the Senator from Illinois, are we to vote upon the whole set of resolutions or one by one? There are several of them.

The VICE PRESIDENT. They can be separated if that is desired.

Mr. REED of Missouri. Let us vote on them as a whole.

Mr. BLEASE. Mr. President, the hour is late, and I do not care to detain the Senate; but two remarks have been made upon this floor which I can not let go without having something to say about them. One was by the Senator from Montana [Mr. WALSH], that Senators who came here from the South after the Civil War were guilty of treason. The other was by the Senator from Pennsylvania [Mr. REED] in reference to the negro vote of the South.

I shall not take the time of the Senate now to answer those two remarks. It was the first time that I knew that Chief Justice White of the Supreme Court was a traitor, and it was the first time that I have ever been told that Matthew Calbraith Butler, of South Carolina, one of the most dashing and gallant Confederate officers, and one of the greatest Senators this body has ever had in it, was a traitor. Both of those men were Catholics. I propose to show that they were not traitors, and I propose to show by the records which are now lying at my feet that that was not the question in the Butler case. I also expect to show that while people are resenting some things, it is time to resent some others.

I have no leader in this body. I do not attend caucuses. I did not do that in South Carolina, and I do not propose to do it in Washington. I am my own leader. I do not speak for the Democratic Party when I speak, or for any other party, except the men and women of South Carolina who sent me to this body. I make no apologies to anybody for what I say or do except to the people of South Carolina. I came here this morning to get the floor, but I gave way pleasantly and gladly to other Senators who wished to discuss the SMITH case, and I shall at another time answer my friend from Pennsylvania in reference to the negro question in South Carolina, and the Senator from Montana, who has been so kind as to say that my father and his three brothers, and that my mother's four brothers, who fought in the Confederate Army, were guilty of treason. I shall answer that in a way that will be thoroughly and distinctly understood, and what I say I will be responsible for in the Senate, to the Senate, outside of the Senate, at any time, in any way, and at any place that it suits any man who does not like it.

The VICE PRESIDENT. The question is on agreeing to the substitute resolution offered by the Senator from Illinois [Mr. DENEEN].

Mr. DENEEN and Mr. MOSES called for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT], who is absent on account of illness. In his absence, I withhold my vote. If present, the Senator from Delaware would vote "yea," and if I were permitted to vote I would vote "nay."

Mr. NEELY (when his name was called). On this vote I am paired with the senior Senator from Kentucky [Mr. SACKETT]. In his absence, I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. BORAH. I am authorized to state that if the Senator from Kentucky [Mr. SACKETT] were present he would vote "yea."

Mr. TYSON (when his name was called). On this question I am paired with the junior Senator from Minnesota [Mr. SCHALL]. In his absence, I withhold my vote. I understand that if the Senator from Minnesota were present he would vote "yea"; and if I were permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. COPELAND. If the junior Senator from New Jersey [Mr. EDWARDS] were present and permitted to vote, he would vote "nay."

Mr. BROUSSARD. I rise to announce that my colleague [Mr. RANSDELL] is detained in his State. He is paired with the senior Senator from New Jersey [Mr. EDGE].

Mr. GERRY. I desire to announce the necessary absence of the junior Senator from Utah [Mr. KING] and the junior Senator from New Jersey [Mr. EDWARDS]. These Senators are paired. If the Senator from Utah were present, he would vote "yea." If the Senator from New Jersey were present, he would vote "nay."

The result was announced—yeas 27, nays 56, not voting 11, as follows:

YEAS—27

Bingham	Gould	Oddie	Smoot
Blease	Greene	Overman	Steck
Borah	Hale	Phipps	Steiwer
Cutting	Keyes	Pine	Warren
Deneen	McLean	Reed, Pa.	Waterman
Fess	Metcalf	Shortridge	Watson
Gillett	Moses	Smith	

NAYS—56

Ashurst	Dale	Johnson	Robinson, Ind.
Barkley	Dill	Jones	Sheppard
Bayard	Ferris	Kendrick	Shipstead
Black	Frazier	La Follette	Simmons
Blaine	George	McKellar	Stephens
Bratton	Gerry	McMaster	Swanson
Brookhart	Glass	McNary	Thomas
Broussard	Gooding	Mayfield	Trammell
Bruce	Harris	Norbeck	Tydings
Capper	Harrison	Norris	Wagner
Caraway	Hawes	Nye	Walsh, Mass.
Copeland	Hayden	Pittman	Walsh, Mont.
Couzens	Heflin	Reed, Mo.	Wheeler
Curtis	Howell	Robinson, Ark.	Willis

NOT VOTING—11

du Pont	Fletcher	Neely	Schall
Edge	Goff	Ransdell	Tyson
Edwards	King	Sackett	

So Mr. DENEEN's substitute was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution reported by the Senator from Missouri [Mr. REED] as amended.

Mr. REED of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I again announce my general pair with the Senator from Delaware [Mr. DU PONT], who is absent on account of illness. If I were permitted to vote, I should vote "yea."

Mr. NEELY (when his name was called). I repeat the announcement made on the last vote. I am paired on this vote with the junior Senator from Kentucky [Mr. SACKETT]. I am told by some of his friends on the other side of the Chamber that if he were present he would vote as I intend to vote. I therefore vote. I vote "yea."

Mr. BORAH (when Mr. SACKETT's name was called). If the Senator from Kentucky [Mr. SACKETT] were present, he would vote "yea."

Mr. TYSON (when his name was called). On this matter I have a pair with the junior Senator from Minnesota [Mr. SCHALL]. I am informed that if he were present he would vote "nay." If I were permitted to vote I would vote "yea."

The roll call was concluded.

Mr. BROUSSARD. I wish to make the same announcement with reference to my colleague's pair. If my colleague the senior Senator from Louisiana [Mr. RANSDELL] were present, he would vote "yea."

Mr. GERRY. I wish to announce again the pair of the Senator from Utah [Mr. KING] with the Senator from New Jersey [Mr. EDWARDS]. If the Senator from New Jersey [Mr. EDWARDS] were present, he would vote "yea." If the Senator from Utah [Mr. KING] were present, he would vote "nay."

The result was announced—yeas 61, nays 23, as follows:

YEAS—61

Ashurst	Dill	La Follette	Simmons
Barkley	Ferris	McKellar	Smith
Bayard	Frazier	McMaster	Steiwer
Black	George	McNary	Stephens
Blaine	Gerry	Mayfield	Swanson
Borah	Glass	Neely	Thomas
Bratton	Gooding	Norbeck	Trammell
Brookhart	Harris	Norris	Tydings
Broussard	Harrison	Nye	Wagner
Bruce	Hawes	Overman	Walsh, Mass.
Capper	Hayden	Pittman	Walsh, Mont.
Caraway	Heflin	Reed, Mo.	Wheeler
Copeland	Howell	Robinson, Ark.	Willis
Couzens	Johnson	Robinson, Ind.	
Curtis	Jones	Sheppard	
Dale	Kendrick	Shipstead	

NAYS—23

Bingham	Gould	Moses	Smoot
Blease	Greene	Oddie	Steck
Cutting	Hale	Phipps	Warren
Deneen	Keyes	Pine	Waterman
Fess	McLean	Reed, Pa.	Watson
Gillett	Metcalf	Shortridge	

NOT VOTING—10

du Pont	Fletcher	Ransdell	Tyson
Edge	Goff	Sackett	
Edwards	King	Schall	

So the resolution as modified was agreed to.

Whereas on the 17th day of May, 1926, the Senate passed a resolution creating a special committee to investigate and determine the improper use of money to promote the nomination or election of persons to the United States Senate, and the employment of certain other corrupt and unlawful means to secure such nomination or election.

Whereas said committee in the discharge of its duties notified FRANK L. SMITH, of Illinois, then a candidate for the United States Senate from that State, of its proceeding, and the said FRANK L. SMITH appeared in person and was permitted to counsel with and be represented by his attorneys and agents.

Whereas the said committee has reported—

That the evidence without substantial dispute shows that there was expended directly or indirectly for and on behalf of the candidacy of the said FRANK L. SMITH for the United States Senate the sum of $458,782; that all of the above sum except $171,500 was contributed directly to and received by the personal agent and representative of the said FRANK L. SMITH with his full knowledge and consent; and that of the total sum aforesaid there was contributed by officers of large public-service institutions doing business in the State of Illinois or by said institutions the sum of $203,000, a substantial part of which sum was contributed by men who were nonresidents of Illinois, but who were officers of Illinois public-service corporations.

That at all of the times aforesaid the said FRANK L. SMITH was chairman of the Illinois Commerce Commission, and that said public-service corporations commonly and generally had business before said commission, and said commission was, among other things, empowered to regulate the rates, charges, and business of said corporations.

That by the statutes of Illinois it is made a misdemeanor for any officer or agent of such public-service corporations to contribute any money to any member of said commission, or for any member of said commission to accept such moneys upon penalty of removal from office.

That said SMITH has in no manner controverted the truth of the foregoing facts, although full and complete opportunity was given to him, not only to present evidence but arguments in his behalf; and

Whereas the said official report of said committee and the sworn evidence is now and for many months has been on file with the Senate, and all of the said facts appear without substantial dispute: Now therefore be it

Resolved, That the acceptance and expenditure of the various sums of money aforesaid in behalf of the candidacy of the said FRANK L. SMITH is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of free government, and taints with fraud and corruption the credentials for a seat in the Senate presented by the said FRANK L. SMITH; and be it further

Resolved, That the said FRANK L. SMITH is not entitled to membership in the Senate of the United States, and that a vacancy exists in the representation of the State of Illinois in the United States Senate.

The VICE PRESIDENT. The question is on agreeing to the preamble.

The preamble was agreed to.

Mr. MOSES. Mr. President, I would like to have my negative vote recorded.

The VICE PRESIDENT. The negative vote of the Senator from New Hampshire will be recorded.

ADJOURNMENT FROM FRIDAY TO MONDAY

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-morrow it shall adjourn until Monday next?

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State;

H. R. 8229. An act for the appointment of an additional judge for the sixth judicial circuit;

H. R. 8725. An act to amend section 224 of the Judicial Code;

H. R. 9020. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

H. R. 9022. An act to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va.;

H. R. 9049. An act to amend section 227 of the Judicial Code;

H. R. 9051. An act to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes"; and

H. R. 9052. An act to amend section 6 of the act of May 28, 1896.

PETITION

Mr. REED of Pennsylvania presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (H. R. 9195) to amend section 2804 and 3402 of the Revised Statutes so as to permit the importation of cigars and cigarettes in smaller quantities by parcel post than is provided under existing law, which was referred to the Committee on Finance.

APPROPRIATIONS FOR STATE AND JUSTICE DEPARTMENTS, ETC.

Mr. JONES. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, and I submit a report (No. 102) thereon. I wish to announce that I hope to be able to dispose of the bill to-morrow on the conclusion of the consideration of the joint resolution of the Senator from Maine [Mr. HALE].

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 2672) granting a pension to William L. Curry; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 2673) for the relief of James E. Trussell (with accompanying papers); to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 2674) for the relief of Russell H. Lindsay; to the Committee on Naval Affairs.

A bill (S. 2675) to adjust the salaries of criers and bailiffs of the United States District Courts; to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana:

A bill (S. 2676) granting an increase of pension to Sarah E. Kiplinger; and

A bill (S. 2677) granting a pension to Jacob Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2678) granting an increase of pension to Elizabeth Green (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired; to the Committee on the Judiciary.

By Mr. DILL:

A bill (S. 2680) granting a pension to Fred E. Burbank; to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 2681) to enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries; to the Committee on Military Affairs.

By Mr. HAWES:

A bill (S. 2682) providing for the advancement on the retired list of the Army of Marlborough Churchill; to the Committee on Military Affairs.

A bill (S. 2683) providing for the rank and pay of retired officers of the Navy who served as chiefs of bureaus during the World War; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 2684) to regulate the commitment to and discharge from St. Elizabeths Hospital of persons certified by heads of departments and establishments; and

A bill (S. 2685) to amend section 115a of an act entitled "An act to establish a Code of Law for the District of Columbia," as amended; to the Committee on the District of Columbia.

By Mr. SHIPSTEAD:

A bill (S. 2686) granting an increase of pension to Mary J. Casseday (with accompanying papers); and

A bill (S. 2687) granting an increase of pension to Lucy A. Nelson (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Missouri:

A bill (S. 2688) granting a pension to Sarah V. Burke; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 2689) granting a pension to Squire Pauley; and

A bill (S. 2690) granting an increase of pension to Lucy A. Rowles; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 2691) making appropriation for an emergency fund to be used in the case of imminent danger to the public health; to the Committee on Appropriations.

By Mr. JONES:

A bill (S. 2692) granting compensation to Molly Stark Williams; to the Committee on Claims.

By Mr. NORRIS:

A joint resolution (S. J Res. 80) authorizing an appropriation for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara in the State of Nebraska; to the Committee on Commerce.

By Mr. COPELAND:

A joint resolution (S. J. Res. 81) to permit children under 21 years of age of gold-star mothers to enter the United States as nonquota immigrants; to the Committee on Immigration.

CHANGES OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the joint resolution (H. J. Res. 135) for the relief of special disbursing agents of the Alaska Railroad, and it was referred to the Committee on Claims.

On motion of Mr. ROBINSON of Indiana, the Committee on Pensions was discharged from the further consideration of the bill (S. 969) for the relief of Ellen Oglesby, and it was referred to the Committee on Military Affairs.

On motion of Mr. McKELLAR, the Committee on Privileges and Elections was discharged from the further consideration of the bill (S. 842) to amend the corrupt practices act, and it was referred to the Committee on the Judiciary.

GOODS PRODUCED BY CONVICTS IN INTERSTATE COMMERCE

Mr. McNARY submitted an amendment intended to be proposed by him to the bill (S. 1792) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, which was referred to the Committee on Interstate Commerce and ordered to be printed.

INVESTIGATION OF TELEPHONE, TELEGRAPH, AND CABLE RATES

Mr. BLEASE submitted the following resolution (S. Res. 114), which was referred to the Committee on Interstate Commerce:

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, be requested to investigate all the rates, tolls, and tariffs of each and every telephone, telegraph, and cable company engaged in interstate business in the United States of America.

SEC. 2. That for the purposes of this resolution such committee or subcommittee is authorized to hold public hearings, to sit and act at such times and places; to employ such experts and clerical, stenographic, and other assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and to make such expenditures as it deems advisable.

SEC. 3. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words, and the expenses of such committee or subcommittee shall not exceed $25,000 and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of such committee or subcommittee.

SEC. 4. That such committee or subcommittee shall make a final report to the Senate as to its findings at the beginning of the second regular session of the Seventieth Congress.

ADDRESS BY HON. CORDELL HULL, OF TENNESSEE

Mr. BRATTON. Mr. President, on April 13, 1927, Hon. CORDELL HULL delivered an address before the State League of Young Democrats, at Woodward, Okla., on the subject "Foundations of Democratic Success in 1928." I ask leave to have it inserted in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FOUNDATIONS OF DEMOCRATIC SUCCESS IN 1928

It is apparent that confusion and misunderstanding exist relative to the significance and danger of the manifest political, moral, and economic evils that have appeared in our public affairs during recent years. Believing that these evils constitute a grave menace to the future of the Nation, and with no purpose to minimize or magnify other questions in which the people are interested, I desire to point out and clarify these vital and pressing issues in addition—issues which can not longer be neglected without irreparable injury to the spirit and integrity of our institutions.

History teaches that a democracy, when once corrupted, has never been reformed. It has invariably perished. The present outstanding abuses, violative of all the ideas which lie at the base of popular government, are driving the Nation on this downward course. It would be an untruth to deny that a great crisis confronts the country to-day.

Six years ago America was the greatest moral force of any nation in the world or in history. No free government has ever experienced a more corrupt and disgraceful period than has ours since that time. Commencing with Fall and Daugherty in 1921, and culminating with VARE and SMITH in 1926, our national character has been lowered and the American people humiliated by a chronic succession of huge and startling scandals, including a species of fraud and immorality in many appointments and in much of the public service. The result has been extreme political and moral debasement and a hopeless decline of official standards. The plea of accident will not lie against these connected and continuous abuses already extending over a six-year period. The Government evidently is in the deadly clutches of a commercialized political system, the success, if not the existence, of which involves bribery extending from administrative officials at Washington back to the wholesale corruption of State electorates. There is no blinking the fact that bribery, fraud, and immorality have become so deeply embedded in the practices of those in control of the party in

power as to indicate their belief that corruption is essential to the government of the Nation. These festering growths, most dangerous to free institutions, are rapidly becoming a permanent part of our national life.

The most tragic and distressing commentary on the course of the highest officials of the administrations during this six-year period of national degeneracy is that no censure or righteous condemnation escaped them, although the bald facts were within reach of their observation, and no noticeable disposition to speed the prosecutions of the notorious offenders was shown. These leading officials and party spokesmen seemed instead to assume the complacent attitude of silent spectators, or consenting witnesses, uttering an occasional moral preachment for others. Many of them have not only stood for corruption but denounced those seeking to expose it. How many of those who sat through the Teapot Dome Cabinet meetings have uttered a word of condemnation? How long can the American people, in safety to their most cherished institutions, remain indifferent to the challenge of these widespread conditions of bribery, dishonesty, and immorality? If they are not of sufficient magnitude to make the party in power responsible, it would be impossible to state a case that would. Morals undoubtedly have not lost their power with the people. No greater or more pressing moral issue has been thrust upon the country within two generations.

The deadly blight of these domestic ills infected and paralyzed our foreign policies. Six years ago the attitude of other nations toward the United States was never better; to-day it was never worse. The lack of vision, practical knowledge, and morality in our foreign policies has been disastrous in the extreme. We have reaped a world harvest of economic and trade losses and of suspicion, contempt, and ill will. The party in power is justly chargeable with responsibility for these deplorable conditions. There is no hope of any real improvement in our relations with other nations except through the substitution of new and different political forces at Washington. The statement has become universal that for six years our Government has had no definite or adequate foreign policy. Under our slipshod and piecemeal policies we have drifted and muddled along until our moral influence has vanished utterly. Unless our interests are still more to suffer, this Nation must speedily adopt a constructive foreign policy embracing intelligent, practical, and systematic cooperation. There are many ways of sane cooperation to promote better understanding, friendship, good will, peace, and justice consistent with our Constitution and traditions. An unbiased and educated public opinion can be confidently relied upon in the future to deal wisely and adequately with all new foreign problems involving our rights, duties, and responsibilities arising under New World conditions.

During the past six years the dominant leaders of the political party in charge of the Federal Government have viewed with careless indifference the gradual collapse of agriculture, the greatest industry in America, measurably on account of neglect and mistreatment, without any serious effort or constructive plan or purpose to arrest and remedy the conditions of destruction and decay. The facts constituting this indictment are within the knowledge of every American farmer. Opposition to excessive tariffs, lower production costs, wider and better foreign markets, farm cooperation, and equality before the law, have comprised some of the economic policies of Democrats which have been consistently ignored by the party in power since 1920. A continued redistribution of property as between industry and agriculture is inevitable under existing inequitable economic policies.

Can the most indifferent citizen longer blind himself to the enormous vices and defects in the policies and practices of those in charge of the Federal Government? The people, in my solemn opinion, can not proceed too diligently to take stock of the forces in control of the Government since 1920 and of the political philosophy pursued. There is no truer axiom than that the perpetuity of a Republic depends upon a frequent recurrence to fundamental principles. The American people will readily discover what has often been stated, that the directing forces of our Government are confined to a relatively few persons of large pecuniary interests, who are primarily interested in building up their fortunes and families; whose thoughts and opinions are chiefly confined to those interests; who are naturally shaping legislation and government so as most to favor those interests; and who as a consequence rarely visualize the broad and fundamental principles of democratic government, the operation of which are so indispensable to equal justice. This narrow, vicious, and dangerous philosophy teaches that the first purpose of government is to extend discriminating favors to the few persons in control; that they may have privileges for themselves which are denied to others; that the most exclusive governmental favors to them are equally beneficial to the entire people; that a President who does their will may hold office indefinitely; and that they naturally and always should constitute the governing class. This is the coarse and sordid doctrine of materialism, which is rooted in selfishness and repugnant to the original ideals on which the Government was founded. Human rights, human welfare, national character, high ideals, morals, and Christian vitality, on which freedom and civilization must continue to rest if they are to endure, are matters of secondary consideration under our present purely materialistic Government since 1920. This cold, mercenary appeal, alien to the teachings of a Lincoln or a Roosevelt, is held out as the governing consideration for the American voter.

Every unbiased economist will testify that policies of equality, justice, and fairness alike to all afford a far broader and sounder base for permanent prosperity than the narrow and artificial base offered by ultra high tariffs and other handouts by the Government to a small cross section of business. In the face of this great economic truth, the few persons in control of the party in power, always scheming for supremacy and taking advantage of the wonderful economic position in which the World War left America, have widely circulated deliberately false propaganda modestly taking credit to themselves for any satisfactory business conditions existing and at the same time heaping upon the Democratic Party the absurd charge that it is not as "safe" for business. These dominant leaders dare not deny that the Democratic Party is "safe" in its championship and protection of human rights and human liberty; that, as the party in power, it had the ability and patriotism to lead America gloriously through the greatest war in history; and that it had the fairness and statesmanship to give business the Federal reserve system. But, according to the reckless insinuations of these Republican spokesmen, a party that has been just and fair and has rendered the greatest single service to business, that has served labor and agriculture as they were never served, and that can be trusted jealously to guard human rights, is not safe for "business." A slander so base could only emanate from corrupt, dishonest, or crooked business. The wreck of agriculture already has exposed its sham and miserable pretense.

The small number of persons who, seeing the psychological opportunity, seized the reins of power in the name of the Republican Party in 1920, have since ridden the country hard. There was never such a glaring instance of rule by minority in the history of free government. Agriculture, labor, and three-fourths of American business have had no real voice except by sufferance of the few in control. Urging their superior right to govern, they insist that in order to do so they are justified in resorting to fair means or foul. To this end the people are boldly taught the infamous philosophy that vast funds with which to corrupt the electorate of an entire State, as in the case of Pennsylvania, are contributed upon the same principle as money to the church. Those who preach and practice this doctrine are a greater menace to our free institutions than all the forces of Bolshevism and anarchy. Shall these sinister forces continue to eat away at the vitals of our political system? Here we have a brazen challenge to popular government. Shall the powers of government be corruptly controlled by the illicit use of money? Are not the people ready and willing to fight to remove these patent causes of popular decadence? How long will they be diverted by the hypocritical cry of "prosperity" and the vanishing myth of "Coolidge economy," both of which are intended to obscure moral idealism, official purity, justice, and popular rights?

In striking contrast is government, according to the political philosophy of Thomas Jefferson and the historic party he founded. It is an indestructible part of our national life. Three-fourths of the American people at heart favor the Jefferson philosophy. Its central truths are: Rule by the people, equality before the law, and the fullest measure of liberty to the individual. Freedom of speech, of the press, and of religion, the rights of the States, local self-government, determined opposition to paternalism and bureaucracy, the careful preservation of human rights and human welfare, social and economic justice, property rights, equitable taxation and economy, vision, morals, honesty, and high ideals are among the most-cherished teachings of Jefferson, as they are an inseparable part of the traditions and principles of the political party he organized.

The existence of questions of a nonpolitical nature has always been recognized by the Democratic Party, and their prompt consideration and solution in accordance with deliberate public opinion facilitated. This wise policy of the past is in strict accord with the doctrine of rule by the people as it is with the requirements of our two-party system of government. The Democratic Party offers the only available agency again to carry into effect the great doctrines of Jeffersonian liberalism. The names of Jefferson, Madison, Jackson, Cleveland, and Wilson are witnesses of what the Democratic Party is and for what it stands. The most recent record of service from 1913 to 1921 will forever stand out in history, while that of the opposing party since 1920 will only be remembered for its decayed morals and its colossal scandals and corruption.

The present dangerous trend makes extremely urgent a rededication, a rebirth, and a revival in the minds of the people of morals, honesty, high ideals, and of the whole theory, spirit, and fundamental principles underlying free government. The public conscience must again be awakened and the sense of the people quickened to the true value and meaning of government. The administration record of recent years presents a larger number of policies and practices to challenge the forces of liberalism than have been offered by any party in power: The wreck of agriculture, the collapse of foreign policy, corruption in politics and in government, the destruction of our once supreme moral influence and leadership in world affairs and the loss of all international good will, severe restrictions on foreign-debt repayments and on our export trade,

which to-day should aggregate eight instead of five billion dollars, the decline of our merchant marine, excessive tariffs, the unchecked growth of paternalism and bureaucracy, the suppression of crime, indefinite presidential tenure, administration reform, restoration of rule by the people, the loss of all vision and high ideals, the lack of basic policies, and the bold attempt to conduct popular government on the single doctrine of sordid materialism.

The Democratic and independent opposition can only dislodge the insolent forces in power by unity, harmony, and teamwork at every stage. They can rally wholeheartedly in support of many great and inspiring issues, such as those just recited. Strife and dissention will be fatal. They must proceed instead with the knowledge that the great body of Jeffersonian Democratic doctrines of liberalism in importance is greater than any of its parts; that the combined forces supporting them are greater than any element or group or individual. With the subordination of single, minor, and personal considerations, and with unselfish, united effort to fight for general reform can and will succeed.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 7011. An act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State;

H. R. 8229. An act for the appointment of an additional circuit judge for the sixth judicial circuit;

H. R. 8725. An act to amend section 224 of the Judicial Code;

H. R. 9020. An act to amend an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

H. R. 9022. An act to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va.;

H. R. 9049. An act to amend section 227 of the Judicial Code;

H. R. 9051. An act to amend section 1 of the act of February 22, 1875, entitled "An act regulating fees and costs, and for other purposes"; and

H. R. 9052. An act to amend section 6 of the act of May 28, 1896.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 6 o'clock and 5 minutes p. m.) took a recess until to-morrow, Friday, January 20, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 19, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, we praise Thee that Thou art love. Thou hast taught us that the sublimest and greatest obligation of the soul is love. In the radiance of this virtue the humblest, the greatest, and the best men of earth have walked. So enrich our souls that out of them this gift shall flow until no shadow falls between us and our fellow men. O Spirit Divine, descend upon us and make us willing to help the right win and the best prevail. Take our gifts and make them Thine. Take our reason that it may ever seek the truth; take our will and make it free; take our heart and rest it on the bosom of the Father; take our imagination and merge it with the ideal of Thy beauty. The anchor of a good man is love! When at our desks, when in the forum, in the street, in business, or in the rest and quiet of home, may it hold. Amen.

The Journal of the proceedings of yesterday was read and approved.

MODIFICATION OF THE PROHIBITION LAW

Mr. MAAS. Mr. Speaker, I ask unanimous consent to address the House and to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to address the House and to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MAAS. Mr. Speaker and Members of the House, I have to-day introduced two bills for the modification and liberalization of the prohibition laws of the United States within the limitations of the eighteenth amendment to the Constitution. I have done so not with the conviction that these measures, if enacted into law, will solve the liquor question in this country, but as a first step in a program leading to that end. The problem, one of America's greatest, will never be solved until the eighteenth amendment has been repealed and legislation substituted that will aid in the movement for a correction of the evils of liquor and not, as the present laws do, aggravate those very evils.

There can be no doubt that the increasing social enlightenment in this great country, and, in fact, throughout the whole civilized world, demands an elimination of the abuse of alcohol. I am firmly convinced that further advancement will make of liquor a social outcast. This is proper and should be the ultimate aim.

This great object, however, can not be accomplished by legislation. Some kinds of legislation will assist, but it is primarily a social and moral problem. Social advancement comes and must come from an awakened consciousness within the people and not imposed from without, as by a law adopted, at best, at a doubtful time and by doubtful means.

The most pronounced effect of the adoption of the eighteenth amendment and the methods resorted to in attempting to enforce the Volstead law has been to discredit the whole Federal Government and create a rising resentment against any participation by the Federal Government in the internal affairs of the country. This reaction, growing rapidly, is seriously handicapping the enactment of legitimate and needed legislation by Congress to regulate for new problems the very nature of which must be under Federal supervision because of their interstate character. But so far has advanced this rising fear of an increasingly powerful centralized government, largely due to direct and indirect results of prohibition, that public opinion, striking out in self-protection, is refusing to sanction even needed new legislation by the Federal Government.

Even the majority of those who to-day support prohibition under the misapprehension that it means temperance are rising against the tide of increasing Federal encroachment of the rights of the people in local and State affairs. The very principle of the sovereignty of the individual States, a most necessary thing in a country so large and diverse in its local interests as the United States, is threatened by this tendency of the central Government of usurpation of the functions of local self-government.

This movement of substituting the Federal for State government if carried on, and it will be unless checked by vigorous public opinion, will surely mean the dissolution of this great Republic, for it can not continue half republic and half autocratic. It must be one or the other. In the hope of starting the movement back to the basic principles of a republican form of government and put a stop to this trend toward autocracy I offer two bills, both designed to restore the original principle of the proper relationship between the Federal Government and the State governments.

One bill, under the provision of the eighteenth amendment to the Constitution of the United States that Congress and the several States shall have concurrent power to enforce the amendment by appropriate legislation, provides that the definition of intoxicating malt and cereal beverages shall be left to each individual State.

The bill further provides that each of the several States shall have the right by its own enactments to determine who may prescribe liquors for medicinal purposes and the nature and quantities that may be prescribed.

It is an insult to the medical profession of the country, an unwarranted interference in medical practice, and a tragedy of conceit for the Government to regulate by law the discretion of the individual doctor in prescribing medicine. Why not prescribe the number of medical books in his library, the number of medical instruments he may have, the amount of disinfectants he may use in a given month? There is as much reason to regulate the limits of all medicines a doctor may prescribe as to single out one medicine—liquor—and regulate that. The amount of medicine that would be necessary for one doctor, with a small country practice in a sparsely settled community, might be grossly inadequate for a doctor in a city with a large practice. The amount necessary for a young doctor just starting his practice bears no relationship to that necessary for an older doctor with a large practice. The Government recognizes the value of liquor at times, for in a Washington newspaper of December 21, 1927, there appeared a picture of four sailors of the American Navy carrying four cases of alcoholic liquor aboard a naval ship to be taken out to the rescue ship *Falcon*, from which diving operations were conducted for the attempted rescue of those aboard the ill-fated *S-4*. Are there any such ardent prohibitionists that they would object to this means of combating exposure of those courageous divers? But if alcoholic stimulant was needed then, there are many other occasions when it is needed. Who

can devise legislation that can exactly anticipate each such emergency and prescribe by law for it? Now, either we recognize liquors as a medicine and then proceed to set ourselves above the medical profession in medical knowledge and prescribe for a doctor's patients by law without ever seeing his patients or we say liquor is not a medicine, but that we will permit the medical profession to be licensed bootleggers, only we prescribe the extent of their bootlegging operations. Either interpretation is a disgrace to the country and an unwarranted blight on the medical profession.

The other bill stipulates, also under the provisions of the eighteenth amendment, for concurrent enforcement by Congress and the several States that the Prohibition Unit of the Federal Government and its agent shall confine their activities to interstate violations, and that enforcement within the States shall be the responsibility of the people of each State. This is a proper distribution of the functions of both divisions of government.

The proper function of the Federal Government is to regulate matters between States, but within the sovereign limits of the individual State the people of that State should enforce the laws. This also makes for an equitable distribution of the costs of enforcement. There is no reason why the people of one State where the prohibition law is widely obeyed and where, therefore, there is little need of great expenditure for enforcement, are forced to bear a disproportionate share of the cost of enforcement in some other State, where public opinion is such that a great expenditure of money is necessary in an attempt at enforcement.

This is all wrong and entirely unfair. The burden of the cost of enforcement should rest upon those who cause the burden. If my bill becomes a law, the people in dry States will not be paying the costs of enforcement in wet States.

Furthermore, to-day when a great effort is being made to reduce the burden of Federal taxes, the cut in the cost of enforcement to the Federal Government, both direct and indirect, would be a very substantial contribution to the cause of tax reduction. It is estimated that the direct saving in the reduction of the appropriation for Federal enforcement of prohibition, if the operations were limited to interstate violations would be from one-half to four-fifths. This would amount to from six to ten million dollars and the indirect saving would be many times that amount, as well as releasing the Federal courts to a large extent from the roll—and stigma—of cluttered police courts to the important business of expediting Federal litigation. The position to which we have reduced our Federal courts is no credit to the people of the United States. The sooner we return them to their proper dignity, the better it will be for the stability of the whole Government.

You can not belittle and discredit the courts of a nation and at the same time maintain proper and necessary respect for its government.

There will be no enforcement until the responsibility for enforcement is brought closely home to the people locally. The Federal Government in local matters is something apart and detached from the people. There can not be dual responsibility in the matter of enforcing the laws within the States.

There will be neither respect nor "obedience to two masters." Either the States must enforce the law within the States or the Federal Government must assume the whole burden. The present divided system means divided responsibility and results in chaos and no enforcement. Let us stop playing. Either return to the States themselves the right and sole responsibility of enforcing the prohibition law within the States or turn the whole job over to the Federal Government and go about it seriously. Appropriate the half billion dollars a year that is necessary and really try to enforce prohibition.

Let us be honest about this thing. There is no prohibition in this country, nor can there be under present conditions. Not questioning the sincerity of the Prohibition Unit of the Federal Government, it is a physical impossibility to enforce it with the present limited equipment and number of men available from present appropriations.

I would rather, under my oath of office to enforce the laws of the country, vote for an appropriation of $500,000,000 than for the present sum asked of twelve or thirteen million, which will simply be wasted in a Lilliputian effort to slay the giant.

I shall vote for appropriations, and for liberal appropriations to enforce prohibition while it remains on the statute books, but only so long as constitutional, legal, and decent methods are employed.

My oath of office and my conscience will compel me to refuse to vote a dollar if proof is shown that illegal, dishonest, and indecent methods are employed. I shall not support attempted enforcement if methods are used that are contrary to fundamental Americanism and the very Constitution itself.

Such methods as wire tapping, meter reading, inducing men to violate the law so that these men can be arrested for the sake of making a "record," merely show the desperation to which the prohibition forces have been driven in a futile effort to enforce an unenforcible law that is in opposition to public opinion. The recent election in Detroit, always one of the great law-abiding cities of the Nation, should be a warning to the people of the whole country. The fact that 48 per cent of the people of Detroit have come to the point where they voted for a candidate whose platform was that he would not even attempt to enforce the law is most significant. It should be the sounding of the tocsin! Why the people of this country are in virtual rebellion. It is not the fate of the cause of temperance that hangs in the balance, but the very continuance of this Government.

The United States is a hundred times more in danger of destruction through internal collapse as a result of the growing trait of national hypocrisy, largely as a result of prohibition, than from outside aggression.

Our wealth and enormous resources act as a protection from outsiders, but only accentuate our internal dangers. Never is there such need for individual and national intellectual honesty as in the face of great wealth and prosperity.

More civilizations have been destroyed in wealth than poverty; because the resultant easy life from prosperity breeds moral hypocrisy. On top of this growing condition in the United States we add gasoline to the fire by virtually legalizing and socially approving this hypocrisy in regard to prohibition. This spreads to every phase of our national life. The remedy is personal and national honesty.

Let us honestly face this prohibition question. A large portion of the people are in revolt. Let us either enforce the law or change it to meet the needs of the present social stage of the people.

While the law remains, put the enforcement up to the people by putting the responsibility up to them, or if the Federal Government is to meet the situation do it honestly. Admit the state of revolt, use the Army and the Navy, call out the National Guard, appropriate a half billion, or a whole billion if necessary, and either enforce the law or admit it can not be enforced. Anything short of this is hypocrisy, and hypocrisy of the worst kind, for it is undermining the whole fabric and structure of our social and political organization.

Why is this not done? Because the political proponents of prohibition are afraid of the test. They are afraid to tell the country just what it will really take to enforce prohibition. They are afraid to admit that they put over, under the stress and hysterical emotion of a great war, a law intended to be a moral reform before the people themselves were ready for it. The fact that such drastic and desperate methods are necessary to really enforce prohibition proves that the people were not ready and that public opinion does not support national prohibition.

But even if prohibition should be enforced by such methods—an army of Federal spies in our homes, offices, and clubs, supported by the armed forces of the Nation—granting that it did not cause the overthrow of our Government—it would not be desirable. Such prohibition would not represent any moral or social advancement.

If people are to make any strides forward in morality it must be by more than legal restraint, for if that restraint be suddenly removed then the morality goes a glimmering, and society is worse off than in the beginning.

True social advancement must be by moral education. Such progress as is thus made is independent of laws and can not be destroyed by a sudden change in the law. Some day the world will see total abstinence, but it will be voluntary abstinence not legal prohibition, and the great intermediate step toward that goal is temperance. Temperance is the moderate use, the elimination of the abuse, and not prohibition.

The proper regulation of liquor, such laws as are supported by public opinion and therefore can be enforced, coupled with unceasing educational work on the evils of the abuse of liquor, offer the only hope for accomplishing a real victory against liquor.

The only hope of the success of prohibition was that the next generation would know nothing of liquor. Who, foreseeing the actual tragic results, though, would have ever voted for prohibition?

The boys and girls who were from 7 to 10 years old when prohibition was passed and knew little, if anything, about liquors, to-day know more than the generation of their parents ever knew about it. To-day they not only know about it, but they know how to make it. They see it in their homes; they help make it; they are taught to circumvent and disrespect the law right in the very citadel of the sanctity of law and order—

the home. Assistant Secretary of the Treasury Seymour Lowman, in charge of prohibition enforcement, an able administrator, recently said publicly: "The young men and women of the country form one of the most serious bars to enforcement." The children are not to blame. It is the generation that produced that condition and that refuses to correct it.

We should admit our mistake and be courageous enough to humble our vanity that refuses to admit infallibility in law making and turn about and start over in the right direction. The American people are not going to accept this stupid blunder that our penchant for making the world good by law has led us into. Perhaps it is as well. We would, indeed, be a spineless people to submit to such an intolerable law. The only way, however, is to enforce the law the best possible in the meantime and change it just as soon as it is humanly possible to do so. Otherwise the danger is that the people, tiring of the political Gordian knot, tied by hypocrisy and political expediency, will take the short cut and slash the knot by nullification. That is the real danger of nullification. To try to change the law is not nullification; and these alleged drys who set up the hue and cry of "nullificationists" against those who wish by orderly process to change the law display the most cowardly type of insincerity and hypocrisy. They know that the Congress that makes a law can change that law any time it sees fit. Is it any more nullification to ask for the repeal of the eighteenth amendment now than it was to ask for its original adoption? Not a bit.

The American Bar Association is asked by its committee on criminal law and criminology to investigate the prohibition law and its administration because, it reports, "the criminal class which has been developed to evade the prohibition law is engaging in all manner of other crimes" and that the "official protectors" of the criminals have to protect them in their other crimes as well. This brings on, the report said, "a general lawlessness with killings, robberies, and the rest, and with few arrests, few convictions, and a rising distrust of the courts and officials generally among the people." This hardly sounds like praise of the prohibition law and its results. Is the American Bar Association a nullificationist? Yet, we are told that any one who criticizes prohibition is a nullificationist.

The real purpose of crying nullification is to raise a smoke screen to hide the tragic failure of prohibition.

The thing has gone so far now that there must be a clean sweep, and a start over again. It is tragic that we have to surrender the results of a hundred years' work for temperance in which great strides were made, because of this assinine attempt at prohibition. Assistant Secretary Seymour Lowman, a few weeks ago, also told a gathering at the Luther Place Memorial Church in Washington that "temperance and sobriety, rather than complete prohibition, should be the keynotes of the dry organizations' campaign to uphold the amendment."

This is an honest confession. Prohibition is a failure and the amendment is slipping. We must talk, not prohibition but temperance, to save the amendment. But why save it? If it does not accomplish the purpose, why not repeal it, and openly work for temperance. Those who scoff at the idea of bringing back legalized liquor to fight the evils of liquor should pause and consider the great principle of fighting fire with fire. That is the method of fighting forest fires. The rampant fire is controlled by a regulated fire. It is the principle employed by the medical profession—vaccination. Liquor must again be licensed so that it can again be brought under control to fight the growing colossal menace of the illegal liquor traffic and the dominance of the bootlegger. The saloon is gone and gone forever. Even the repeal of the eighteenth amendment would not mean the return of the saloon. It is not the saloon we are fighting, it is its insidious successor, multiplied many times, the blind pig or speak easy. If we took one-tenth of what prohibition cost us and used it for the purpose of educating the youth of the country away from liquor, we would do a hundred times more effective work for social advancement than we can ever do with any amount for so-called enforcement.

This matter should be put to the test—a vote. If the sentiment of the country is so overwhelmingly dry, as prohibition proponents allege, then they should welcome a show-down, and by the voice of the people put an end to the question.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 672) entitled "An act for the purpose of rehabilitating farm lands in the flood areas."

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 19. An act for the relief of Frank Topping and others; to the Committee on Claims.

S. 341. An act for the refund of estate tax erroneously collected; to the Committee on Ways and Means.

S. 457. An act to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy; to the Committee on Claims.

S. 472. An act for the relief of Tampico Marine Iron Works; to the Committee on Claims.

S. 496. An act for the relief of M. Zingarell and wife, Mary Alice Zingarell; to the Committee on War Claims.

S. 516. An act for the relief of Minta Goike; to the Committee on Claims.

S. 593. An act for the relief of W. H. Presleigh; to the Committee on Claims.

S. 601. An act for the relief of James E. Van Horne; to the Committee on Claims.

S. 904. An act for the relief of Rosa E. Plummer; to the Committee on Claims.

S. 1113. An act for the relief of O. H. Chrisp; to the Committee on Claims.

S. 1114. An act for the relief of James B. Fitzgerald; to the Committee on Claims.

S. 1120. An act for the relief of Ella H. Smith; to the Committee on Claims.

S. 1121. An act for the relief of Grover Ashley; to the Committee on War Claims.

S. 1133. An act for the relief of John F. White and Mary L. White; to the Committee on Claims.

S. 1193. An act granting certain rocks or islands to the State of Oregon for park purposes; to the Committee on Public Lands.

S. 1279. An act to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street; to the Committee on the District of Columbia.

S. 1284. An act amending the act approved April 30, 1926, entitled "An act amending the act entitled 'An act providing for a comprehensive development of the park and playground system of the National Capital,' approved June 6, 1924"; to the Committee on the District of Columbia.

S. 1288. An act to carry into effect the findings of the Court of Claims in the case of William W. Danenhower; to the Committee on Claims.

S. 1312. An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593) to the "Bryce Canyon National Park," and for other purposes; to the Committee on the Public Lands.

S. 1336. An act for the relief of Benjamin F. Spates;

S. 1358. An act for the relief of the heirs of George E. Taylor, deceased;

S. 1362. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Harry Simpson;

S. 1442. An act for the relief of Brewster Agee;

S. 1542. An act for the relief of Josephene M. Scott;

S. 1543. An act for the relief of Kate Canniff;

S. 1622. An act for the relief of the estate of John Stewart, deceased; and

S. 1766. An act for the relief of R. H. King; to the Committee on Claims.

S. 1795. An act for the relief of Fannie M. Hollingsworth; to the Committee on the Public Lands.

S. 1798. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; and

S. 1801. An act in reference to writs of error; to the Committee on the Judiciary.

S. 1856. An act for the relief of Gunnison-Mayfield Land & Grazing Co.; and

S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves; to the Committee on the Public Lands.

S. 1981. An act for the relief of the owner of Dry Dock No. 6; and

S. 2005. An act for the relief of W. P. Dalton; to the Committee on Claims.

S. 2032. An act for the relief of certain officers and former officers of the Army of the United States, and for other purposes; to the Committee on War Claims.

S. 2363. An act for the relief of Richard Riggles; and

S. 2365. An act for the relief of G. W. Rogers; to the Committee on Claims.

LEAVE OF ABSENCE

Mr. McDUFFIE. Mr. Speaker, my colleague, Mr. OLIVER of Alabama, is leaving to-day with the subcommittee and will be away until Sunday to inspect the Hampton Roads naval base and the S. S. *Saratoga*. I ask that leave of absence be granted to him until Sunday.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

NOTICE OF AN ADDRESS ON FLOOD CONTROL AND CONSERVATION

Mr. SEARS of Nebraska. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. SEARS of Nebraska. Mr. Speaker, I rise simply for the purpose of making an announcement, that Prof. Clark Mickey, of the engineering department of the State University of Nebraska, will speak in the caucus room of the House Office Building, on the third floor, Friday evening at 8 o'clock p. m. on the subject of flood control and water conservation.

The subject is the great one that will attract our attention during this session of Congress. Professor Mickey has given much engineering thought and consideration to it. I am glad to extend an invitation to all Members of the House, and others who may be interested, to attend.

ESCORT FOR NAVY DEAD

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentlewoman from Massachusetts asks unanmious consent to address the House for two minutes. Is there objection?

There was no objection.

Mrs. ROGERS. Mr. Speaker, there is a matter which I think the House ought to consider. I introduced a bill (H. R. 9503) on Tuesday, January 17, authorizing the Secretary of the Navy to send a suitable escort with the Navy dead.

A bill authorizing the Secretary of the Navy to provide an escort for the bodies of deceased officers and enlisted men

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to furnish a suitable naval escort to the place of burial for the bodies of officers or enlisted men who have lost their lives in the naval service. Such expenses as are incurred for this purpose shall be made out of appropirations provided therefor by Congress: *Provided*, That section 1587 of the Revised Statutes of the United States is hereby repealed.

At the present time the Army sends an escort with men who die in the military service. There is no provision of law authorizing the transportation at Government expense of the naval service to accompany the remains of officers or enlisted men who die while in the service.

Section 1587, United States Revised Statutes, provides:

SEC. 1587. (Funeral expenses.) No funeral expense of a naval officer who dies in the United States, nor expenses for travel to attend the funeral of the officer who dies there, shall be allowed. But when an officer on duty dies in a foreign country the expenses of his funeral, not exceeding his sea pay for one month, shall be defrayed by the Government, and paid by the paymaster upon whose books the name of such officer was borne for pay.

The above-quoted law is applicable to officers only. The Comptroller of the Treasury (11 Comp. Dec. 181), as indicated on page 905 of Laws Relating to Navy, Annotated, has held that this section—

was clearly intended to prohibit the payment of any and all expense of travel to attend the funeral of a naval officer who dies in this country. There is no exception or reservation in the statute; it can make no difference in what capacity the officer attends the funeral, whether in connection with a battalion of cadets or as an individual, the prohibition is equally effective and the expense can not be allowed.

There is no law prohibiting the assignment of an enlisted man to accompany the remains of an enlisted man who dies in the naval service. However, I am informed by Medicine and Surgery—chief clerk—that enlisted men are not designated for that purpose because of the fact that there is no appropriation from which payment of their traveling and subsistence expenses could be made while so engaged.

Article 1841, Navy Regulations, 1920, subparagraph 4, provides:

(4) The remains of naval dead shall be prepared for interment or for shipment to their homes under the supervision of an officer, who shall determine by final inspection in each instance that the work of embalming, cleansing, shaving, and dressing have been competently performed, and that the encasement, clothing, etc., meet all the requirements of the occasion and comply with the terms of the contract.

The naval appropriation act for the current fiscal year, approved March 2, 1927 (44 Stat. 1289), provides, under the heading "Care of the dead"—

for funeral expenses and interment or transportation to their homes or to designated cemeteries of the remains of officers (including officers who die within the United States) and enlisted men of the Navy and Marine Corps, of members of the Nurse Corps, reservists on active or training duty, and accepted applicants for enlistment, civilian employees of the Navy Department and Naval Establishment who die outside of the continental limits of the United States, and former enlisted men who are discharged while in naval hospitals and are inmates of said hospitals on the date of their death; for funeral expenses and interment of the remains of pensioners and destitute patients who die in naval hospitals; for purchase and care of cemetery lots; for removal of remains from abandoned cemeteries to naval or national cemeteries or to their homes, including remains interred in isolated graves at home and abroad, and remains temporarily interred, $75,000: *Provided*, That the above provision shall apply in the case of officers and enlisted men of the Navy and Marine Corps on the retired list who die while on active duty.

From an examination of the foregoing laws and regulations it will be observed that there is no existing provision of law authorizing the escort of the remains of persons who die in the naval service by persons thereof, nor is there any appropriation made by Congress out of which such transportation expenses could be defrayed.

The Surgeon General has stated that there has been a great deal of criticism of his service because they send no escort with the Navy dead.

The body of John Fennell, of Lowell, Mass., who died in the *S–4* disaster, was sent by express from Boston to Lowell, Mass., with no escort. I know the Navy had no fund for that purpose, and I am sure it would be the wish of the House to provide such fund and that authorization be given to the Secretary of the Navy to send an escort with the Navy dead.

We have heard some of the Navy Department criticized by the families of the men who died in the *S–4* disaster, but I want to say that Mr. and Mrs. William Fennell, the father and mother of John Fennell, and my constituents, in spite of their terrible grief have never uttered a complaint against the Navy and have never made a criticism of the care that their boy was given. The boy gave his life in the service, he worked for the service, he died in the service, and I believe his family has taken the attitude about his tragic death that every man who died in the *S–4* disaster would wish his family to take. We all have reason to be very proud of John Fennell and his family. John Fennell gave his services for his country willingly and ungrudgingly. He gave his life for our flag, and he and his family have done nothing to dim the glory of his sacrifice. [Applause.]

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9481, with Mr. DOWELL in the chair.

The Clerk read the title of the bill.

Mr. WOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. WILLIAM E. HULL]. [Applause.]

Mr. WILLIAM E. HULL. Mr. Chairman, in August and September of this year I visited the Hawaiian Islands and at the request of the Secretary of the Navy I was furnished with the destroyer *Burnes*, which gave me an opportunity of visiting every harbor and every island of the Hawaiian group. Therefore I intend at this time to impart to you my conclusions and tell you what I saw there and what I think is beneficial to the Government.

The United States of America was exceedingly fortunate in acquiring the Hawaiian Islands. The strategic location, the fertility of the soil, and the character of the people living on them make this group of islands most valuable to our country.

AMERICANISM PREVAILS THROUGHOUT THE ISLANDS

If there is any doubt in the minds of those who live in the States as to the loyalty of those who live on the Hawaiian Islands, it should be dispelled. True Americanism exists in

every part of each island, and only from the fact that the older generation of the Japanese require their children to attend a Japanese school after the hours of the public school, there would be no interference with true Americanism from even this source. But the Japanese boy and girl will soon rebel from attending Japanese schools and will become thoroughly Americanized and will discontinue the use of the Japanese language. The next generation, which will be the third, will undoubtedly populate these islands with a mixed people that will speak only one language and honor one flag.

DECLINE OF THE HAWAIIAN RACE A TRAGEDY

The greatest tragedy of the islands is the eventual extinction of the pure Hawaiian race—a happy, courageous, and lovable people, who gave the islands their essential character, who made them the land of song and poetry—but the intermarrying with other races is gradually decreasing the full-blooded Hawaiians. The passing of a race of people with such culture, charm, and lovable nature should be the regret of the Nation. Their place is being taken by part Hawaiians who in many cases have the high qualities of both races.

The Hawaiian Islands, composed of Hawaii, Maui, Oahu, and Kauai, which are the principal islands, together with Molokai, Lanai, and Niihau only sparsely settled, and Kahoolawe, which is uninhabited, secondary islands not under government of their own, make the entire group.

GOVERNMENT OF ISLANDS SATISFACTORY

The four principal islands are divided into county and city governments and all well organized. They have good roads, good sanitary conditions, and excellent water supply.

The capital of the entire group is Honolulu on the island of Oahu.

The entire group have the privilege of electing a senate with 15 members and a house of representatives with 30 members, who function similar to our State legislatures.

The governor and secretary are appointed by the President of the United States by and with the advice and consent of the Senate of the United States.

While other officers and commissions are appointed by the governor with the advice and consent of the Territorial senate, the judges of the supreme and circuit courts are appointed by the President.

The district magistrates are appointed by the chief justice of the Territorial supreme court.

In addition to these Territorial courts, there is also a United States district court with two judges, appointed by the President of the United States.

The voters elect a Delegate to the United States who is a Member of the United States House of Representatives and has all the rights and privileges of a Representative except the right to vote.

The people of the islands are happy and contented with this form of government.

SCHOOLS PROGRESSIVE AND PATRIOTIC

The schoolhouses are excellent buildings and well equipped. The teachers are of high character, and the students are alert and busy as bees.

While speaking to them in the high school at Hilo, the personnel being at least 80 per cent Japanese, when I said, "I am not French, although my ancestors were, and you are not Japanese or Hawaiians, although your ancestors are; you and I alike are Americans and should follow the Stars and Stripes," I received strong applause, and I am sure that Americanism will progress in the islands and be supported by all racial groups. [Applause.]

SUGAR AND PINEAPPLES TWO BASIC INDUSTRIES

The two basic industries are sugar and pineapples. The sugar grows in the valleys or level land and requires vast quantities of water and fertilization, while the pineapple grows on the high land, or mountain side, needs no irrigation, and very limited fertilization.

In raising pineapples, after the land is prepared and planted, mulch paper to a large extent is placed over the entire field. The pineapples are planted through the paper. The paper serves to hold the moisture in the ground and keeps the weeds from growing, and after the crop is harvested it acts as a fertilizer. The first crop of pineapples matures in from 20 to 22 months; the two succeeding crops will follow and mature in 12 months without replanting. Plantations usually produce but one staple crop.

The sugar industry has grown by leaps and bounds during the past 32 years. In 1895 the production of sugar was 150,000 tons, while in 1926 it was 787,246 tons, and is estimated to exceed 800,000 tons in 1927. The valuation of this crop is $67,872,940.

During all this period the sugar industry has had the benefit of a protective tariff.

The planters have formed a cooperative working agreement with labor, which has been very beneficial. They have organized experiment stations, which have played an important part in its growth.

FERTILE SOIL AND IRRIGATION NECESSARY FOR SUGAR RAISING

The fertility of the soil has also made sugar very productive.

The price of sugar affects the prosperity of the islands. When the commercial value reaches 4¾ cents per pound everybody becomes prosperous, because the planter divides the profits with the employee, and each of them participates in the prosperity.

On one sugar plantation, and not one of the best, I saw the records. The cost charged against the plantation for producing sugar was $397 per acre. The gross receipts were $603 per acre, showing a net profit of $206 per acre in 18 months.

Mr. COLE of Iowa. Will the gentleman yield for a question?

Mr. WILLIAM E. HULL. I yield.

Mr. COLE of Iowa. Is all of it cane sugar or is some of it beet sugar?

Mr. WILLIAM E. HULL. All cane sugar.

I quote these figures to indicate the true value of the land. However, this large production has not come about without a great outlay of money for irrigation, without which much of the land would not produce sugar at all.

It takes large quantities of water, which is obtained from two sources—mountain streams by means of ditches and underground basins by means of wells and pumps.

I had the opportunity of going down in one of the wells of the Hawaiian Commercial & Sugar Co. This well is situated 120 feet above sea level. The pumping units are installed in underground chambers at the bottom of a vertical shaft which is 115 feet deep. The size of the shaft is 8 by 14 feet; the underground chambers are 22 by 35 feet, with an 11-foot ceiling, all lined with reinforced concrete 8 inches thick.

One hundred and forty feet of tunnel underground brings the water to a central basin and by pumps 40,000,000 gallons of water every 24 hours is raised to the surface and used for irrigation purposes.

While at the bottom of this well, having descended in an Otis elevator, I found myself 115 feet underground with living conditions as good as on top and a much more delightful temperature.

This well alone cost $150,000, and there are more than 300 irrigation wells of similar type on the islands.

PINEAPPLE INDUSTRY OF RECENT GROWTH

While this history of sugar runs back for a hundred years, the Hawaiian pineapple is of recent growth. During the last 25 years it has grown from nothing to $35,000,000 per year.

Hawaii leads the world both in quality and production of canned pineapple. Oahu Island has always been the center of pineapple production, but to-day pineapple companies are operating on each island.

ISLANDS ARE PROFITABLE TO UNITED STATES

Besides these two industries, coffee, rice, and bananas thrive. Livestock is also one of the principal industries. In fact, all available land is being utilized for agriculture, which is making the islands extremely rich and an important asset to the United States Government not only from a tax-paying standpoint but from a trading standpoint. They buy extensively from the States. The income tax from the islands in 1926 amounted to $6,797,074, and customs receipts for that year amounted to $1,748,241.

This summary is given for the purpose of showing the necessity for the development of the harbors of these islands. The future prosperity of the Territory of Hawaii depends upon two things: First, a protective tariff; and second, transportation by sea and by individual railroads and highways on each island.

Mr. WOODRUFF. Will the gentleman yield?

Mr. WILLIAM E. HULL. I yield.

Mr. WOODRUFF. I think it would be interesting to state at this point in the gentleman's speech that, since the United States has taken over the islands of Hawaii, the Government has expended there for public works something more than $16,000,000, exclusive of expenditures for the Army and for the Navy. During the same period there has been paid into the United States Treasury from the customs receipt and as income taxes from the Hawaiian Islands more than $126,000,000. So, financially, the people of the United States are something more than $110,000,000 to the good in the taking over of the Hawaiian Islands.

Mr. ELLIOTT. Will the gentleman from Illinois yield?

Mr. WILLIAM E. HULL. Yes.

Mr. ELLIOTT. The gentleman spoke about the stock-raising industry in the Territory of Hawaii. I simply want to call the gentleman's attention to the fact that the largest herd of registered cattle anywhere is on the Parker ranch in Hawaii.

Mr. WILLIAM E. HULL. Yes; the Parker ranch.

EACH ISLAND SHOULD HAVE A GOOD HARBOR

I have visted every harbor of any consequence on the islands, and after a careful survey of the respective islands I have come to the conclusion that each of the principal islands should have at least one well-developed harbor, with a full depth of 35 feet, safeguarded with a breakwater, and equipped with sufficient terminals to accommodate all boats, regardless of size, that may desire to enter the harbor. The Government should do its part on these harbors and at once, because the Territorial government is already doing its share. They are building terminals in anticipation of the deepening of the harbors. I shall, for your information, take up each of these harbors and give you a vision of the possibility of each one: Hilo Harbor, at the city of Hilo, on the east coast of the island of Hawaii, is a large and excellent harbor, but it needs the completion of the breakwater, which, when completed, will be 10,300 feet in length. Seven thousand nine hundred and sixty feet of this breakwater has been built, leaving a balance of 2,340 feet to complete the project. The dredging to make this channel 35 feet in depth is proceeding slowly. The development of this, the largest island, depends upon the building of Hilo Harbor and two additional small harbors, one on the south and one on the west coast. The city and Territorial governments have done more than their share in building terminals and advancing money for other purposes.

Kahului Harbor, serving the island of Maui at Wailuku, is a small harbor, but when completed will be adequate to take care of the commerce of the central part of the islands, which is growing rapidly, consisting of sugar, pineapples, and livestock.

At the present time there is one large terminal, with sunken freight tracks, conveyors, and well-equipped wharfage for loading and unloading, but it is not sufficient to accommodate the commerce. So the Territorial government is adding to the present wharf and is building another terminal on the opposite side of the harbor in anticipation of the Government making the appropriation of $1,250,000 to complete the breakwater so as to leave a clear opening of 600 feet at the entrance and dredge the harbor to a uniform depth of 35 feet. Early completion of this harbor will be of great assistance to the future prosperity and industry of the island.

Mr. WOODRUFF. Will the gentleman yield again just there?

Mr. WILLIAM E. HULL. Yes.

Mr. WOODRUFF. Does not the gentleman agree that if these harbors he speaks of were developed it would so materially add to the health and income of the people of Hawaii, and consequently increase the receipts of the Treasury of the United States as to soon pay for the developments?

Mr. WILLIAM E. HULL. Four times over.

KAUAI ISLAND GARDEN SPOT OF GROUP

Kauai Island is the farthest from mainland and is in fact the garden spot of the Hawaiian group. It has 547 square miles of mountains, canyons, and plateaus, wonderful seashore, and a number of beautiful beaches. It has three distinct harbors, but none of sufficient size or with facilities to accommodate commerce.

So it has been decided to complete the Nawiliwiti Harbor, which requires the extension of its breakwater and deepening the channel.

The Territorial government is now building wharves and terminals, using the dredging material to make land for commercial purposes. When this harbor is completed it will be one of the best, will take care of all of the commerce of the island, and will attract large vessels that do not stop at the island at the present time.

HONOLULA HARBOR USED BY ARMY AND NAVY

Honolulu Harbor is the main shipping harbor of the entire group of islands, and of course it takes care of most of the incoming and outgoing freight; besides it accommodates all of the Pacific passenger boats and is used by the Navy and Army to a large extent. It is already crowded, and with the growth of Honolulu its capacity will be inadequate. Private interests have already dredged a channel 100 feet in width and 2,800 feet in length, connecting Honolulu Harbor with Kapalama Basin.

This channel should be 400 feet in width and 3,000 feet in length. It will cost approximately $775,000 to complete this work, but I regard it as a necessity and a project that should receive the attention of the Rivers and Harbors Committee and the Congress of the United States.

By making this connection it will give opportunity for immediate needed wharfage and a future building plan. The Territorial government is prepared to build the wharves and terminals and do additional dredging whenever and wherever it is necessary.

No city the size of Honolulu has been so progressive in building terminals of the latest design.

The Aloha Pier, which is just being completed, is a gem and would be a credit to any city in the United States. We should encourage such wonderful enterprise.

PEARL HARBOR

Pearl Harbor is a Navy base, yet it is not a Navy base.

Three harbors exist within a radius of 10 miles in length. Honolulu Harbor is quite restricted as to area, but the Territorial government has built a number of splendid wharves and piers, which accommodate the very considerable in-and-out traffic and are particularly useful for liners which are in port but a short time and discharge their cargo hurriedly in order that they may be on their way.

Recently private interests have cut a channel 100 feet wide from Honolulu Harbor proper to Kapalama Basin, another area of water equally as large as Honolulu Harbor. The channel itself, leading from the sea to this area, is called Kalihi Channel.

This for immediate use, as I have stated previously, should be cut 300 feet in width exclusive of the 100 feet already completed. The time will come when it should be 1,000 feet in width and should be extended in a general westerly direction into Kalihi Harbor as necessity requires, with the possibility that it may even at some future date reach Pearl Harbor on which the naval base is located.

By promoting a project of this kind the cost would be comparatively small because the material dredged could be placed on flat land and it would almost pay for the labor. The land that could be made by this construction of the extended Kalihi Harbor and channel outlet into the ocean would accommodate in and out shipping and such industry as requires water front in connection with ocean shipment.

Pearl Lochs, which make up the naval harbor known as Pearl Harbor, form a beautiful sheet of water; which, however, is somewhat deceptive from the deep ship point of view in that a great part of the lochs is still in shallow water.

The entrance to the lochs was originally quite shallow and the channel crooked.

Mr. ARNOLD. Will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. ARNOLD. I fully agree with the gentleman as to the development of Pearl Harbor. Has there been any estimate of cost made as to the development of the other harbors which the gentleman has mentioned?

Mr. WILLIAM E. HULL. They are all projects that have already been passed upon. The only thing remaining is to get the necessary appropriation.

Mr. ARNOLD. An estimate of cost has been made?

Mr. WILLIAM E. HULL. Yes.

Contracts have been recently let for deepening and straightening this channel in order that it may accommodate capital ships, which have not heretofore been able to come to the navy yard.

This channel will be 600 feet wide and 45 feet deep from the entrance bar to a point opposite Fort Kamehameha where the swell no longer exists and from which point it will be 40 feet deep to the navy yard and a turning basin just west of the navy yard between the navy yard and Ford Island, which is the Navy aviation center.

Mr. WOODRUFF. Will the gentleman yield further?

Mr. WILLIAM E. HULL. Yes.

Mr. WOODRUFF. The gentleman perhaps is also aware that at the present time it is not possible to take into the harbor, under its own steam, a major naval vessel.

Mr. WILLIAM E. HULL. That is correct.

From the navy yard and turning basin the channel loops entirely around Ford Island with a depth of 35 feet, so that deep-draft ships will be enabled to come not only to the navy yard but to navigate entirely around Ford Island, as there is some additional deep water available to anchor in all of the upper part of the East Loch.

This channel will be very helpful but will not give a sufficient expanse of water for the whole fleet. And additional dredging should be prosecuted even after this channel is completed in order that there may be area for fleet assembly in time of stress.

The Fort Kamehameha Reservation borders the ocean on the Honolulu side at Pearl Harbor and extends for 3 miles along

the beach. Most of this area is swamp land which the dredging operation will reclaim. When this land is reclaimed it will make a wonderful aviation field for the Army. An appropriation to purchase this site for Army aviation should be made.

The principal reason why long-distance overseas efforts have not proceeded beyond the Hawaiian Islands lies in the fact that there is no sufficient long take-off for planes heavily loaded with fuel as they must be for a flight of several thousand miles. So, by perfecting this field with dredging this will be accomplished.

NAVAL BASE OF FIRST IMPORTANCE

Our naval base is an outstanding reason for our acquisition of the islands, advancing the defense of the Pacific coast as it does more than 2,000 miles into the Pacific Ocean. The work that is being done is converting a site for a naval base, putting it actually into a naval base, but much remains to be done and appropriations should be generous and continuous until an adequate base is established. Otherwise, the country is unjustified in maintaining as it does a very considerable portion of the Army on the island of Oahu.

The naval base is, at the present time, sorely in need of berths for ships along the navy yard water front. There is now but one considerable wharf in front of the shops for ship-repair purposes, and ships must be brought close to the shops for materials and for labor for economical repair and upkeep. There should be forthcoming in the next appropriation bill funds for a ship-repair basin. The shops are fairly adequate for the time being, but they must in time be extended to meet the conditions.

There are two things that must be settled and at once: First, the improvement of the water front, and second, the settlement of the question as to Ford Island for aviation purposes.

THE NAVY SHOULD HAVE EXCLUSIVE USE OF FORD ISLAND

At the present time the War and Navy Departments are using Ford Island for a flying field. The growth of aviation has been so rapid and it is now so well recognized as an arm of defense that arrangements must be made to use it for the protection of the islands. The number of projects for both the Army and Navy are such as to cover for each more space than is available on Ford Island. So, it is my belief that the Army, which is well supplied with land, should be moved off Ford Island entirely and it should be given up to the Navy for their exclusive use. Ford Island will furnish none too great facilities for an assembly, repair, and training base for the Navy. Besides, it is in the midst of the Navy activities, and true economy requires that the naval air base be adjacent to the navy yard in order that facilities there may be available without duplication.

I would suggest that the Navy should have full jurisdiction within the limits of Pearl Loch.

In Pearl Harbor, at the present time, there is one dry dock of sufficient size to dock the largest warships, and one small marine railway suitable only for such craft as submarines.

So there should be additional dry-dock equipment to accommodate all of the ships that go to Pearl Harbor. It is true that there are many shallow areas in Pearl Harbor which must eventually be used by dredging them to the depth necessary.

In the development of Pearl Harbor ship berths will be made by exactly the reverse process to that used in ordinary commercial harbors, where piers are in general carried out from the fast land, thus encroaching upon the water area.

At Peafl Harbor such cuts will be made by dredging into the shoal areas or even into the fast land in some cases, and the dredging spoil must either be carried to sea or deposited in low areas lying well back of the present water front.

COMPLETION OF NAVY BASE MEANS SAFETY OF PACIFIC COAST

It is the belief of those who are well posted on Pearl Harbor that every available area will be needed for the fleet. It is my belief that the United States Government should not delay in completing the depth of the channels leading to the harbor and deepening the harbor to its full area, increasing the capacity of the wharves, building the necessary slips for berthing of vessels, increasing the shops to the strength necessary to take care of up-to-date naval base, moving the Army from Ford Island, and giving the entire island to the Navy, completing the necessary buildings out of cement, and conclude by making this the greatest Navy base of the world. And I can assure the Congress of the United States, if this is done, this Nation will be safe from any attack in the Pacific. [Applause.]

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield to me now, please?

Mr. WILLIAM E. HULL. I yield.

Mr. WOODRUFF. Mr. Chairman, I have been much interested and much pleased with the speech of the gentleman from Illinois. As a member of the Naval Affairs Committee of the House and as the chairman of its subcommittee on yards and docks, and after having carefully inspected Pearl Harbor on two different occasions and studied the needs thereof, I commend the speech of the gentleman from the State of Illinois to the careful consideration of every Member of this House. The gentleman has the facts, he has presented them in a fine and splendid way, and in such a way as to reflect credit upon a Member of this House. [Applause.]

Mr. BLANTON. Will the distinguished gentleman from Illinois yield to me?

Mr. WILLIAM E. HULL. I yield to the gentleman.

Mr. BLANTON. The gentleman prefaced his remarks—and they were full of information for the House—with a statement that the Secretary of the Navy had kindly furnished him——

Mr. WILLIAM E. HULL. I did not say that. Do not put that in the RECORD.

Mr. BLANTON. Or that the Navy——

Mr. WILLIAM E. HULL. I did not say that. I said at the instigation of the Secretary of the Navy I was furnished with it. Do not misquote me, please.

Mr. BLANTON. At the instigation of Secretary Wilbur?

Mr. WILLIAM E. HULL. I did not say that.

Mr. BLANTON. At the instigation of the Secretary of the Navy.

Mr. WILLIAM E. HULL. I did not say that.

Mr. BLANTON. What did the gentleman say?

Mr. WILLIAM E. HULL. Just repeat my words and not anything else. Do not put anything in the RECORD that I did not say.

Mr. BLANTON. Whatever the gentleman said, he said he was furnished with the destroyer *Burnes*.

Mr. WILLIAM E. HULL. I will cease to yield if you try to put something in the RECORD I did not say.

Mr. BLANTON. I want to ask the gentleman——

Mr. WILLIAM E. HULL. I decline to yield further.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. WILLIAM E. HULL. Not on that basis.

Mr. BLANTON. I will get my own time directly to discuss the matter.

Mr. WILLIAM E. HULL. All right.

Mr. WOOD. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. NEWTON] six minutes.

Mr. NEWTON. Mr. Chairman, I want to say a word in reference to the appropriations for the Interstate Commerce Commission. We all realize that rate making is a legislative function. We can not do that ourselves, and so we have created the Interstate Commerce Commission as our agent for that purpose. The commission being our agent, we ought to be extremely solicitious about the way the commission is furnished in the way of funds to carry out our work. During the past five or six years there has been considerable trouble with the Director of the Budget in not allowing to the commission the funds the commission requested. There has been considerable progress made from time to time in raising the Budget figures. That has been largely due to the work of the subcommittee and the support the House has given it in overriding the Budget. The Budget has gradually become more liberal, but there is still room for improvement. This year the commission requested $81,000 more than what was in the Budget estimate for 25 more attorney-examiners, so that they could keep up more currently with their own work. The figures show, as will be seen on page 428 and on of the hearings, that if the commission was to do nothing else, if there were to be no other cases filed for the next 23 months, it would take them all that time to dispose of cases now pending before the commission.

These are very important matters; in some cases they mean the life of the industry affected. I have in mind a particular matter brought to my attention last fall where until the commission could render a decision in a particular case the factory could not open up, because they did not know anything about whether they could reach the market.

There is no work more important, more vital to the interests of the country than the work of the Interstate Commerce Commission——

Mr. COLE of Iowa. Will the gentleman yield?

Mr. NEWTON. Certainly.

Mr. COLE of Iowa. Has the gentleman any idea of how many cases are pending before the commission?

Mr. NEWTON. I will give that to the gentleman in a moment. In 1923 the formal cases of suspension and investigation were 1,455. In 1927 that figure had risen to 2,017, an increase of 562. In formal cases disposed of in the period of 1922 there were 1,201 during that year. In 1927 there were 1,465, making an increase of 264. In 1922 the formal cases pending were 1,953, and in 1927 that figure had risen to 2,721, an increase of 768.

The informal cases filed in 1922 were 5,641, and in 1927 that figure had increased to 8,628, an increase of 2,987.

Under these circumstances it is apparent that they can not get up with their work unless they are given more and competent help. They can only absorb a certain number of additional help every year. If they take on men above a certain number they can not train them properly.

Now, when they ask for 25 more attorney-examiners it seems to me that Congress ought to grant the request.

I appreciate the position of the subcommittee. They do not like to continually override the Budget, but I am in hopes that either in the House or at the other end of the Capitol there will be granted $81,000 additional that the commission requested. It is only in that way that they can keep up this work.

Mr. GOLDER. What is the status of the matter as far as the House is concerned?

Mr. NEWTON. The subcommittee granted everything within the estimate of the Budget. They made some slight addition in the item of printing, so that they can keep the reports more up to date. This is a matter that can be passed upon either by the House or the other side of the Capitol. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield one hour to the gentleman from Mississippi [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman and gentlemen of the committee, I rise to talk about a matter that is of much importance not only to the people of the Mississippi Valley but to the entire country.

The flood of 1927 was the greatest recorded in the history of the Mississippi River. This flood was preceded by months of unusual rain, but it is doubtful whether such rainfall a decade ago would have caused such high flood levels in the Mississippi River.

Primarily these flood levels are the immediate consequence of raising the height of the levees on the banks of that stream.

But the amount of flood water coming down that great river has actually increased in volume in the last 10 years, for during that time those States which are drained by the Mississippi River have been extensively engaged in establishing and completing various drainage projects. As this drainage work progressed, swamps, sloughs, and other depressions which for centuries had been natural reservoirs were drained and the water which formerly accumulated in those reservoirs was, by drainage ditches and canals, rapidly carried to the rivers of the Mississippi Valley.

The rainfall during the latter part of 1926 and the early part of 1927 may have been unusual, but it was nothing more than one of nature's readjustments. For nearly two years a drouth prevailed both in the United States and in Canada. On two occasions this House passed bills temporarily removing the tariff on cattle so they could be driven to Mexico for water. During the same time the level of the Great Lakes fell so far below normal that much damage was done to the ports of those inland seas.

Nature can not escape the law of averages. And so in obedience to this inexorable law, an unusual drouth was broken by an equally unusual rainfall.

Rare, indeed, is the fall of the year when there is not a low water stage of the Mississippi River. But in November and December, 1926, a full river was waiting for the spring rise, which always comes in the early part of the year.

The story of the flood of 1927 has been often told. Vicksburg, where I live, situated on the Yazoo River where it flows into the Mississippi, was in 1927 perhaps more nearly the flood center than any other city in the lower valley. It was the nearest place of refuge for thousands of unfortunate flood sufferers. It was the headquarters of the Red Cross not only for Mississippi but for parts of Louisiana and Arkansas, and that great humane organization registered at Vicksburg over 32,000 refugees.

In that place at 3 o'clock in the morning I have seen one boat unload over sixteen hundred refugees. I vividly recall one afternoon, when the last rays of the setting sun had turned to burnished gold the rippling waters of that vast inland sea at the foot of the hills of Vicksburg, a large barge loaded with human freight came slowly into port. Upon that barge were hundreds of half-famished negroes, many of whom had been taken from the roofs of their submerged homes. Just before the city of refuge was reached that great throng of homeless, hungry unfortunates fell upon their knees, and over the waters there came to us from the melodious throats of hundreds of negroes the familiar words, "Praise God, from Whom all Blessings Flow."

Several times on crowded barges, crazed by suffering, exposure, and hunger, some poor unfortunate refugee would go insane and in his raving frenzy either indiscriminately attack those nearest him or else attempt to throw himself overboard.

In less than 24 hours after the levee broke, Greenville, Miss., a city of approximately 17,000 inhabitants, was under water. Thirty days afterwards, riding in a motor boat over one of the streets of that city, I was unable to touch bottom with a 6-foot oar.

Over a month after the land was overflowed I rode in a motor boat all day and saw nothing to vary the monotony of that waste of water save an occasional half-demolished house with a hole cut in the roof, showing where the unfortunate dwellers had rushed to safety. Under those destructive waters were some of the finest and most improved plantations in America. On every 20 acres or less before the flood there stood substantial dwellings and outhouses, but now all were washed away and had disappeared.

In that one county alone over twenty-five hundred houses were torn from their foundations, while the loss in cattle and livestock was so great that it can only be estimated.

But these material losses, distressing though they were, sink into insignificance before the appalling tragedy of 1927—the heavy toll of human life exacted by that flood. Mr. Chairman, earthly possessions may be swept away and disappear forever, but through industry, ingenuity, and skill vanished fortunes may return again.

But all the strength and power of this mighty Government and all the industry, ingenuity, and skill of its brave and resourceful people can never bring back and restore to their families and friends even one of the hundreds of unfortunate human victims whose untimely deaths made the flood of 1927 "the greatest peace-time calamity in the Nation's history."

After years of toil and sacrifice the people of the Mississippi Valley believed that the problem of flood control of the great river at last had been solved. With gratitude toward the Federal Government for all it had done, and with pride in the realization that by their own achievements, which had resulted in an expenditure of over $290,000,000, they themselves had helped to bring about this happy consummation, they felt that their anxiety was over and that they could now reap the reward which years of labor and toil and sacrifice had placed within their grasp.

But the flood of 1927 came. It did what no other flood did. It interrupted over 3,000 miles of railroad transportation, flooded over 12,000,000 acres of land in 174 counties in seven States, and carried on the tawny bosom of its rushing waters far more than the homes and the worldly possessions of the people of the Mississippi Valley. As flood levels never before even dreamed of were reached, there vanished the hope and the confidence which for generations had sustained them.

It was not the material loss caused by that great flood which accomplished that which no other flood could ever do. It was not the sufferings and hardships of those who were forced to climb to the roofs of their submerged homes and indefinitely wait for rescue. It was not the financial loss of those who saw their cattle and livestock drown before their eyes and the accumulated savings of a lifetime swept away. The flood of 1927 did far more than this. It destroyed the hopes of over half a century, and, breaking down their morale and fortitude, took the very heart out of the people of the Mississippi Valley.

Gazing upon that vast inland sea whose raging waters had rendered over 700,000 people homeless, and knowing that they were unable to further help themselves, they realized that after years of endeavor and exertion, after hundreds of millions of expense, of taxation up to constitutional limitation for flood protection, all their strivings of the past had been vain and useless.

Realizing this, there came the awful fear that they would be forced to abandon the homes they had wrested from the wilderness, homes in which their children were born and around whose firesides clustered the recollections of years of sacrifice and toil.

They feared that they would have to abandon those homes and turn back to the trackless jungle that great section of our country, more fertile than the far-famed Valley of the Nile, unless the strong arm of the Federal Government could be extended; for after the flood levels of 1927 had been reached they realized that the Federal Government alone was the only earthly power that could control the rushing waters from the Alleghenies to the Rockies, which, draining over 30 States, poured into the cornucopia of the lower Mississippi Valley.

President Coolidge tells us in his message to Congress that the owners of lands behind the levees should pay a proportionate part of the expense of building these levees. He further said—

that an extraordinary concession from the plan adopted in relation to irrigation, where the general rule has been that the lands benefited should bear the entire expense, has already been made to the owners of lands behind these levees.

He also said:

It is the land of this region that is to be benefited. To say that it is unable to bear any expense of reclamation is the same thing as saying that it is not worth reclaiming.

I am sure that the President of the United States is sincerely anxious to do all he can to prevent another great national disaster like that of 1927. He expressed his sympathy to us in many ways. In less than 24 hours after the levee broke we had assurances from him that he would do all in his power. He sent one of his great secretaries down to help us, Mr. Hoover, who did splendid work, but I regret that the President believes the building of levees to keep within its bounds a mighty river, whose drainage area is equal to over 40 per cent of the entire United States, a river whose watershed embraces 31 of these States and two Provinces in Canada, a river upon whose ample bosom in 1926 there floated over 17,000,000 tons of commerce, valued at over $700,000,000. I regret that he believes that the building of levees to hold back the waters of such a river is a reclamation project.

With all deference to the opinion of the President of the United States, there is, to my mind, a great difference and distinction between reclamation and levees. Reclamation creates, while levees retain and protect.

Reclamation begins after levees are built. Reclamation adds value to that which is valueless. Levees protect that which has value. Reclamation gives something to the man that he never had. Levees keep the river from taking away from the man something he already had.

Reclamation takes a sandy desert and converts it into fields of wondrous beauty and marvelous fertility. Levees protect farms, cities, railroad tracks, stations, terminals, factories, telephone, telegraph, and electric power lines from being destroyed.

Does a road built up through a swamp reclaim that swamp? Do the levees take one gallon of water off of the lands behind them? Do they reduce by one dollar the cost of preparing these lands for cultivation?

When the sturdy pioneers drove the aboriginal Indians from the plains of the West, did they by so doing reclaim those lands, or did they make it possible for settlers to come in and make those great plains one of the garden spots of the world?

Building a levee on the bank of a stream does not clear the land behind it of standing timber nor drain from it its surface waters nor prepare it for cultivation.

Levees do not reclaim lands. All that they do is to make possible the development of the lands behind them. Levees made it possible for over 6,000 miles of railroad tracks and over 50,000 miles of electric power, telephone, and telegraph lines to be built.

They made it possible for the development of farm lands which, in 1926, produced over $250,000,000 of farm products. They made it possible for populous cities and thriving towns and busy factories to be found all over the Mississippi Valley.

Levees made all this possible, and they justified the issuance of bonds for concrete highways, drainage districts, and other land improvements, but they did not reclaim one acre of that vast territory drained by the Mississippi River.

President Coolidge tells us that it is the land of this region that is to be benefited, and that the land so benefited must pay for part of this reclamation.

The Presidency of the United States is the greatest political office in the world. Though many channels of information and many avenues of investigation, denied to any other citizen of the United States, are open to the holder of that high position, yet, owing to the manifold and complex interests continually arising in the greatest country in all the world, it is impossible for one man, no matter how well informed he may be, to have an actual personal knowledge of every subject.

It is therefore a source of much regret that the varied and many duties of the Chief Executive of the Nation were such that the President was unable to spare the time and visit the scene of the great disaster of 1927.

Had he been able to do this, I am sure that the first-hand information he would have secured would have convinced him that the owners of lands behind those levees had reached the end of their resources and were utterly unable to meet the demand he has imposed upon them.

The land behind the levees is only a small part of the property that is to be benefited. Cities, towns, factories, railroad tracks, terminals, stations, telegraph, telephone, and electric-power lines are also benefited, for it is impossible to protect the lands without protecting them, and it is impossible to protect them without protecting the lands upon which they are situated.

Hundred of millions of dollars from citizens all over the United States are invested in mortgages on land, in bonds, and in factories and public utilities of the Mississippi Valley.

In mortgages on lands and in bonds other than levee bonds, there is an outstanding indebtedness of over $770,000,000. The assessed valuation of the property so mortgaged and bonded is less than $815,000,000.

Mr. O'CONNELL. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. O'CONNELL. As a matter of fact, would not the benefit accrue to the whole country?

Mr. COLLIER. The gentleman's question is very apt. There is $770,000,000 invested in mortgages on land and in bonds and $45,000,000 is still outstanding of levee bonds. Now, the assessed valuation of the lands so bonded and so mortgaged aggregates $815,000,000.

In addition to this, millions of dollars are invested in the securities of the various railroad, telephone, telegraph, and electric-power companies by citizens who live in every part of the United States, for the local ownership of these securities is negligible.

The man from New York, the man from California, and the men from 40 other States in this Union are just as much interested in seeing their property in the Mississippi Valley protected from ruin and overflow as the man from Mississippi or Louisiana or Arkansas who owns the land immediately behind these levees.

The Manufacturers Record asks this pertinent question:

Is it then just or reasonable to require the farmers who live on the land in the seven affected States to pay a special assessment on their particular form of property, while exempting the owners of the other forms of property who live in the other 41 States?

Mr. GOLDER. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. GOLDER. Assuming that the suggestion made by the President is a fair one, are the people along that territory in a position at this time to finance the building of the necessary protection?

Mr. COLLIER. They are not. They have reached the end of their resources. If the plan suggested by the President is a fair one, that the local interests should contribute a part of the cost, even though what is done is for the purpose of maintaining navigation in the greatest artery of trade and commerce in the world—and in 1926, which are the last figures I have, there passed down that river over 17,000,000 tons of commerce, valued at over $700,000,000—if that view should be taken of it, the people living behind those levees have already expended $290,000,000, and the Federal Government has expended for that same purpose less than $70,000,000. I ask you, gentlemen, after they have already contributed $290,000,000, or over four times as much as the Federal Government has contributed, in the name of high heaven how much more do you want those people to contribute whose homes have been washed away, whose cattle and livestock have been destroyed, who are now prone and helpless and have reached the end of their resources. How much more do you want those people to contribute?

In the early days of the Republic the entire country was in the scope of a President's vision. George Washington sent three messages to Congress, all relating to the commerce and navigability of the Mississippi River. He did not let the matter rest with these messages, for later he sent Thomas Pinckney to the Spanish Court for the sole and express purpose of entering into negotiations with Spain for the enjoyment of these rights.

"Dipping into the future as far as human eye could see," Thomas Jefferson made the Louisiana Purchase, and by the mere stroke of a pen added more millions of leagues of permanent territory to his country than any conqueror had ever done by the sword. One of the compelling factors which actuated the purchase of that great domain was the important part the Mississippi River would play in the commerce and national defense of the country.

The infant Republic was destined to soon become one of the great powers of the world. With the vast development of our almost unlimited resources, it was impossible for any President to have a personal understanding of every problem, no matter how important it may have been. The opinions, therefore, of those who had personal knowledge are of special value.

Clay, Lincoln, and Garfield lived in the Ohio Valley and had first-hand information. Henry Clay in an impassioned burst of oratory in the United States Senate once said:

The Mississippi River with all its tributaries constitute a great system, and if the system be not national, I should like to know one that is national.

Abraham Lincoln tells us that—

The most general object I can think of would be the improvement of the Mississippi River and its tributaries.

He then gave one of those illustrations for which he was famed, when he stated there was no difference in principle between driving a pirate from the tracks of commerce on the ocean and the removal of a snag on the Mississippi.

For—

Said he—

each is done to save life and property, and to use the waterways for the purpose of developing commerce.

President Garfield said that—

The statesmanship of America must grapple with the problem of this mighty stream; it is too vast for any State to handle; too much for any authority other than that of the Nation itself to manage.

President Roosevelt knew the Mississippi River and the Mississippi Valley. He had frequently visited the cities and towns in that valley, and he had on more than one occasion hunted bears in the swamps of that river.

His constant thirst for knowledge useful to him in his high place, together with his familiarity with that section, entitled him to speak with authority. He said after one of his visits to the Mississippi Valley, "We"—the Nation—"must build the levees and build them stronger and more scientifically than ever before."

Mr. Chairman, I repeat that those living behind the levees on the Mississippi River have already expended for flood protection over $290,000,000, or more than four times as much as the Federal Government has for this purpose. Yet it is manifest that if the owners of those lands had never spent one dollar toward levee building it would still be the duty of the Federal Government, in the interest of navigation and commerce as well as in the interest of justice and humanity, to take charge of a situation which by reason of the magnitude of the undertaking and the complexity of its interests is far beyond the control of any local authority.

Each of the great political parties has repeatedly affirmed this principle.

Speaking through their various platforms the Republican Party declared:

The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States and the Dominion of Canada, constitute an overpowering force which breaks the levees and pours its torrents over many million acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property. These floods are national in scope and the disasters they produce seriously affect the general welfare.

The Democratic Party declared:

We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel, and the prevention of overflow of land and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property imposes an obligation which alone can be discharged by the Federal Government.

Surely no one will deny that upon the Federal Government alone rests the responsibility of maintaining navigation upon the Mississippi River. If levees are essential to proper navigation, then it is the duty of the Federal Government, whether the land behind those levees is suitable for agricultural purposes or not, to build those levees.

I shall ask permission, Mr. Chairman, to insert in the RECORD extracts from what the engineers have stated along that line, as I do not care to take up the time of the House with reading all these different extracts.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. COLLIER. Bernard and Totten in their report of the Mississippi River in 1822 advised the construction of levees solely in aid of navigation.

Lieutenant Colonel Suter, of the United States Engineers, stated in 1880 before a committee of Congress that the permanent improvement of the Mississippi River for navigable purposes without levees was impossible.

The Mississippi River Commission states in their report of 1882—

that levees would produce a maximum effect in channel improvement at a minimum of cost.

Colonel Leach, of the United States Corps of Engineers, gave before a congressional committee an illustration of how the erection of a levee at Plum Point Reach, above Memphis, improved the navigable depth of the river.

General Kingman, a former Chief of Engineers of the United States Army, said at one of the hearings before Congress:

I should consider that the levee is a very important means of improving navigation.

Colonel Townsend, one of the ablest engineers of his time and president of the Mississippi River Commission, stated:

My own view of the effect of levees on stream flow is that they tend to remove irregularities and make the slope more uniform.

Mr. Chairman, if the building of levees are essential to good navigation, why should they be singled out for local contributions? Engineers have repeatedly declared that building levees, revetting banks, dredging channels, and removing snags are all essential to good and proper navigation.

Has anyone ever advocated the payment of local contributions from riparian landowners for revetment work? Revetment is not only essential to navigation, but incidentally the landowners are benefited, for revetment prevents the banks from caving and the lands from being washed away.

Who has ever insisted that the landowners shall be assessed to pay part of the cost of dredging the channel of the Mississippi River? Yet the landowner receives an incidental benefit, for the deeper the channel the more water the river will hold, and to that extent will be less likely to overflow adjacent lands.

Removing snags from the channel prevents accident and permits boats to navigate the Mississippi River without the fear of destruction. If these snags were permitted to remain, a boat would be afraid to venture from the shore. The landowners would therefore in many instances have no way of getting their products to market and consequently land values would decline. Therefore removing snags from the bed of the river incidentally benefits riparian landowners, but where is the man who will insist that the landowners pay to the Federal Government a proportionate part of the cost of the removal of snags?

When the Federal Government dredges a harbor and makes it possible for that harbor to be open to the commerce of the world, railroads will immediately establish terminals which will inevitably result in an incidental benefit to lands situated on the water front which will be enhanced in value.

Is there a Member of this Congress who will say that because lands in the vicinity of that harbor will be enhanced in value that the Federal Government should discontinue keeping that channel open to the commerce of the world until the owners of those lands which have been incidentally benefited shall pay part of the cost of dredging and keeping open that harbor?

If a mob were to assemble in one of our largest States and invade a weaker State in such force that the invaded State was unable to drive it back, would that be only a local matter, or would it not be the duty of the Federal Government to intervene and protect one of its States from the unlawful aggressions of the citizens of another State?

When a great devastating enemy, the cruel waters from nearly half of this Union invade a section of our country, destroying not only lands and property but the lives of American citizens, is that a matter of local concern? Shall this great Government of ours, the richest and most prosperous in the world, and which at the same time is the hope and the envy of all Christendom, protect its own citizens? During the greatest war of all the ages our Government not only financed itself but its allies. When Europe was threatened with financial disaster, it extended across the water a helping hand, and reestablished European credit, balanced European budgets, and stayed the further depreciation of European currency.

Shall the strong arm of that Government be extended to ward off those cruel waters, or shall that great Government stand idly by until the families of those who have lost their lives together with others whose accumulated savings of a lifetime have been swept away, shall again dig into their now empty pockets and pay to that Government a sum of money which conflicting authorities might determine would be their cost of repelling the attack of the rushing waters from nearly half of the United States and from part of the Dominion of Canada?

Has any city, town, or State in America jurisdiction over any part of the Mississippi River? No boat can sail upon its bosom, nor can a pilot direct its course without each first securing the consent of the Federal Government. Not one single place from Lake Itaska to the Gulf can this mighty river be bridged without the approval of the Federal Government.

When the city of New Orleans wished to cut the Poydras Levee on the other side of the river to prevent a catastrophe which might have resulted in loss of life and destruction of property fearful to contemplate, the great State of Louisiana and the metropolitan city of New Orleans were both helpless in the face of that awful danger and could make no move until sanctioned by Federal authority.

If it be the policy of the Federal Government, the wisdom of which I have yet to hear denied, to exercise control over every part of the Mississippi River, does not this exclusive right to absolute control carry with it a corresponding duty to keep that river within its bounds?

From the remotest antiquity rivers have played an important part in military activities. The Mississippi River is a part of our system of national defense. In the event of war, or in a great national emergency when it might be necessary to expeditiously transport men and supplies to and from the West to the East, for a situation to recur like that of 1927, when from Cairo to below the plains of Chalmette practically all railway and highway traffic was indefinitely interrupted might result in injury incalculable and irreparable.

Divided effort and divided responsibility can no longer control the Mississippi River.

Even if the citizens of the lower Mississippi Valley were able to pay a proportionate part of the expenses of flood control, would it be wise policy on the part of the Federal Government to force them to do this? Contributions from local communities would make them partners of the Government and would entitle the contributors to a voice in the way these moneys jointly contributed might be spent.

We would again be confronted with a score or more of different levee districts each striving to outbuild the other. Rich communities will build stronger than their weaker neighbors. Some communities may not be able to contribute at all, or else may fall behind with their contributions. What, then, will be the attitude of the Federal Government? A chain is no stronger than its weakest link. Would the Federal Government stop work on that levee until those living behind it made their contributions? If that were done, a gap might be left through which the water might rush 500 miles, and overflow those whose levees had been built to standard grade.

One of the greatest problems of the levee system is the proper location of levees. This problem has not only been one of the utmost concern to those whose lands are taken for that purpose, but it has also been the subject of great divergence of engineering opinion. No local authority will ever locate a levee behind a town to be destroyed by the flood. Yet the importance of the proper location of a levee may make this imperative.

President Garfield was right when he said that the control of the Mississippi River is too vast for any State to handle, and too much for any authority other than that of the Nation itself to manage. If this control is too vast for any State to handle, how much more vast will be the difficulty if this control, even in part, were delegated to a score of different levee districts, some rich, some poor, each looking out for its own interests and each dominated more or less by local politics.

Whether the Federal Government insists or does not insist upon the local interests contributing 20 per cent of the cost of building levees on the Mississippi River, it is certain that these overflowed communities are now impoverished and are utterly unable to meet these demands. They have reached the end of their resources. Of the $290,000,000 expended by local interests there is still outstanding a bonded indebtedness of $45,000,000. In addition to this these overflowed lands are heavily bonded for drainage systems, concrete highways, schoolhouses, and other purposes.

Mr. Chairman, commerce decrees, humanity urges, duty impels, common sense dictates, and justice demands that absolute, complete, and entire control of the floods of the Mississippi River and its tributaries be vested solely and alone in the Government of the United States.

As one who was present in the affected territory during the entire period of the flood, I wish in behalf of the people whom I in part represent to express our sincere appreciation of the work accomplished by that great humane organization, the Red Cross, and the kind sympathy of the people from all over the United States which was so freely and so substantially extended during that great disaster.

The Red Cross needs no enconium from me or from anyone else. Its noble work speaks for itself. Its kindly ministrations and its charitable deeds are engraved upon the hearts of millions of its beneficiaries. To the people of the Mississippi Valley in the darkest hour of their history, the Red Cross indeed and in truth was the great mother. God alone knows what would have happened to those hundreds of thousands of poor unfortunates, who utterly destitute were driven from their homes had it not been for the work of the Red Cross and the generous contributions of food and clothing which from all over the United States came into the flood-stricken area.

As long as the memories of the greatest flood disaster in our Nation's history survive, just so long will the people of the Mississippi Valley hold in grateful and affectionate remembrance the magnificent work of the Red Cross, and the unselfish, bountiful generosity of the American people. [Applause.]

Mr. Chairman, the people of the Mississippi Valley do not come before this Congress as suppliants. By their toil and sacrifice they built levees long before the Federal Government contributed one dollar for that purpose. Never recognizing the right to force them to pay for the incidental protection, they might receive from the building of a levee essential to the proper navigation of the greatest artery of trade and commerce in the world, yet they cheerfully and willingly contributed of their means until their resources were exhausted.

I challenge the pages of American history to show where a braver battle was ever waged than the fight made by the citizens of the Mississippi Valley. Interrupted by frequent and repeated inundations, they carried on. Raising their levees higher and higher, building cities and towns, erecting school houses and churches, completing roads and highways, establishing factories, and preparing for cultivation millions of acres of land, they made their part of the country one of the greatest wealth-producing, taxpaying sections of America.

By persistent effort, by tireless perseverance, and by working and striving, and by striving and working, they met and conquered the mighty forces of nature, and it was only when these tremendous forces were aided and supplemented by the hand of man did they at last give up the unequal struggle.

They ask for no subsidies. They make no demand for reparations. They do not ask the Federal Government to restore to them one penny of the $400,000,000 of property destroyed forever by that flood. They do not ask the Federal Government to pay one dollar on the $45,000,000 of levee bonds outstanding. They do not ask the Federal Government for aid to rebuild their demolished homes, nor to restock their depleted farms.

They know that divided effort and divided responsibility can no longer control the flood waters of the mighty Mississippi, but that this great task can be accomplished only by unified effort and unified responsibility. Such effort and such responsibility can be vested only in the Federal Government.

If this is done, if the Federal Government takes charge, if that restless river is controlled, a brave and resolute people, by industry and toil, will rebuild their wrecked and ruined homes, pay off the mortgages on their devastated lands, redeem the bonds for which those lands are pledged, and convert a valley of desolation and ruin into a garden of happiness, prosperity, and contentment. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, the President made a great speech in Havana—great in its expression of friendship and good will toward our sister republics, great in its idealism, great in its praise of the principles of self-government and of human liberty. And then, even as he spoke, the newsboys cried on the streets, "Forty Nicaraguans killed by American marines."

The President spoke of friendship and respect for weaker nations and at the same time a bloody war which he has been carrying on for 12 long months, without the consent of the people of the United States, was being waged in Nicaragua. He spoke of chivalry and of kindness and of brotherly love. What a pity that his action does not square with his words. The words were brave, the action is not brave. The words were fine and noble, the action is of tyranny and of oppression.

The newspapers say that he closed his great speech with a scriptural quotation:

> The letter killeth, while the spirit giveth life.

I like to have our Presidents use scriptural texts when it shows their faith in religion. I like for them to show familiarity with the Bible. But I would rather that Presidents and other public men in quoting Holy Writ should stick to something having a relation to their performances, and which finds its expression in deeds, not in empty words. As having a real appositeness and significance I would have commended a text to the President, which he will find in II Samuel, chapter 20, verse 9:

> And Joab said to Amasa, art thou in health, my brother? And Joab took Amasa by the beard with the right hand to kiss him.
>
> But Amasa took no heed to the sword that was in Joab's hand: so he smote him therewith in the fifth rib, and shed out his bowels to the ground, and struck him not again; and he died.

I would have our rulers not to quote pious texts when they are resolved upon oppressive courses of conduct. I would at least have them to be frank and honest enough to state their

real purposes to the world. It is just such exhibitions as that of the President at Habana that are gaining for us the name of being the arch hypocrites of the age.

THE WORLD CALLS US "HYPOCRITE"

To-day the newspapers of the whole world are sneering at the President's speech. Even the British press sneers at his hypocrisy, and, oh, when perfidious Albion may have warrant to sneer at the hypocrisy of another nation surely there is none left so poor to do us "reverence."

I find an editorial in one of my home papers, the Birmingham Age-Herald, which expresses the thought which seems to have come to disinterested observers everywhere. The editorial discusses Mr. Coolidge's Habana speech, and then says:

It is perhaps too much to have anticipated from such a source dynamic counsel or forthright leadership, but Mr. Coolidge might at least have sought to give the impression that he was not talking in a vacuum.

And the editorial writer goes on with what is a real literary gem:

How little the United States has resorted to force, how much we have respected the sovereignty of small nations, how deeply we are attached to the principle of self-government of others, how free we are of delusions and military grandeur, how slow to anger and how merciful we have been, how completely we have clung to the spirit of the law, and how utterly we have sought to promote consideration and good will in our international policy, let Nicaragua prove to the world.

And, I might add, "and let Haiti, let Santo Domingo, let Colombia, and let the Philippines," and so on and on, "prove to the world." It is wicked enough to oppress a smaller nation. The wickedness of doing so is infinitely magnified by the pretense that we are doing no wrong.

WHY WE ARE IN NICARAGUA

What are we doing in Nicaragua, anyway? Why are we there? The people do not know. They ask me, they ask everybody here, why we are in Nicaragua. Unfortunately from no official source does Congress know. Congress has been told little more about the real reasons for being in Nicaragua than have the people of the country.

Our Committee on Foreign Affairs has refused to investigate the subject. They have refused to ask the administration for the true facts. They prefer to servilely submit to the purposes of the State Department.

The President has addressed the subject in his two last messages to Congress, but to the candid mind the conclusion is irresistible that little of the true story has been told. In his message to Congress of January 10, 1927, the President assumed to tell us why he had sent the marines to Nicaragua. I have the message here and have searched carefully through it. I will read the extracts by which in his involved style he related what he desired Congress and the country to believe were his reasons for sending them.

After at some length reciting a situation alleged to have existed in Nicaragua he told us that the Secretary of State had called upon the Secretary of the Navy in these words:

I have the honor to suggest that war vessels of the special service squadron proceed as soon as possible to the Nicaraguan ports of Corinto and Bluefield for the protection of American and foreign lives and property in case that threatened emergencies materialize.

And that naval vessels and marines had been sent accordingly. He also stated that—

During the last two months the Government of the United States has received repeated requests from various American citizens, both directly and through our consuls and legation, for the protection of their lives and property. The Government of the United States has also received requests from the British chargé at Managua and from the Italian ambassador at Washington for the protection of their respective nationals.

He next proceeded to discuss the bonded debt of the Nicaraguan Government, and stated that some millions of dollars of the bonds were held by "American citizens." Who the American bondholders were he did not state, but it is generally believed that they are a certain group of New York bankers.

He also said:

There is no question that if the revolution continues American investments and business interests in Nicaragua will be very seriously affected, if not destroyed. The currency, which is now at par, will be inflated. American as well as foreign bondholders will undoubtedly look to the United States for the protection of their interests.

And later, summing up:

Manifestly the relation of this Government to the Nicaraguan situation, and its policy in the existing emergency, are determined by the facts which I have described. The proprietary rights of the United States in the Nicaraguan canal route, with the necessary implications growing out of it affecting the Panama Canal, together with the obligations flowing from the investments of all classes of our citizens in Nicaragua, place us in a position of peculiar responsibility.

And, finally, the President closed his message with—

The United States can not, therefore, fail to view with deep concern any serious threat to stability and constitutional government in Nicaragua tending toward anarchy and jeopardizing American interests, especially if such state of affairs is contributed to or brought about by outside influences or by any foreign power. It has always been and remains the policy of the United States in such circumstances to take the steps that may be necessary for the preservation and protection of the lives, the property, and the interests of its citizens and of this Government itself. In this respect I propose to follow the path of my predecessors.

Consequently, I have deemed it my duty to use the powers committed to me to insure the adequate protection of all American interests in Nicaragua, whether they be endangered by internal strife or by outside interference in the affairs of that Republic.

Analyzing the President's statement we find that he excuses the sending of our forces into Nicaragua on four grounds: First, the protection of the lives and property of American citizens; second, the protection of British and Italian nationals; third, for the protection of the canal concession; and fourth, to pacify Nicaragua in the interest of American and foreign bondholders.

Now, as to the first of these reasons let it be said that not a single instance of danger to the life of an American citizen has been cited. Not an American civilian has been killed or injured. Not an instance of damage to any physical property owned by Americans has been related. It has been charged recently that there was no danger to American lives or physical property. The administration has been challenged in vain to disclose any such instance. No one now claims that any American civilian has actually been injured nor his property destroyed. We are impelled, therefore, to believe that "life and property," as used by the President, is a euphemism for bonds and evidences of debt.

Also, the facts are quite persuasive that the British and Italian requests for protection were merely perfunctory courtesies, and that none of their nationals were actually in danger.

As to the canal concession, let me say that neither of the Nicaraguan factions disputed it. Neither sought to take it away. We were not in physical possession of any actual ground for the construction of the canal. Its final location has not been considered, and no particular territory set apart. The concession needed no protection. The matter was not involved in the revolution. The President's reference to it was obviously made merely to strengthen a weak case.

INTERVENTION IN THE INTEREST OF BONDHOLDERS

Of all the reasons stated by the President, only one was real, the fourth. Without doubt, the interests of the bondholders were seriously jeopardized. A country torn by revolution is in no shape to meet its interest payments. The pacification of Nicaragua was clearly to the interest of its creditors. There we have the key to the situation. It may be clearly deduced from the President's message, and from such facts as have leaked out through the press, that the real purpose of our marines in Nicaragua is to pacify the country, restore order, and make the bondholders secure in their debts. Our intervention in Nicaragua, and the protectorate which we have established, was to enable American bondholders, and foreign bondholders, if any there be, to receive their interest payments.

Subsequent events have tended to confirm the belief that our Nicaraguan mission is merely that of a bill collector. As soon as Congress adjourned, the international bankers began to reap the fruits of the President's sowing. I read from an Associated Press dispatch of a few weeks ago:

Nicaragua obtained a loan of $1,000,000 in New York last March, for the purpose of retiring certain outstanding obligations. It was equally divided between J. & W. Seligman and the Guaranty Trust Co., and was in the form of a banker's credit. The loan was for one year, at 6 per cent, and the State Department's information is that repayment will be completed by June 1.

The dispatch further states:

The State Department survey of economic and financial conditions in Nicaragua, on which a future policy may be formulated, is being conducted by Dr. William W. Cumberland. Such a survey was proposed by President Diaz with the approval of both Nicaraguan political parties as the starting point for adoption in Nicaragua of a comprehensive financial program. This program would cover not only emergency needs due to the civil war, but also the execution of much-needed public works, such as the railway from the capital to the Atlantic coast.

Negotiation of another loan to Nicaragua by American bankers probably will not await the outcome of a Nicaraguan economic survey now being made for the State Department, although that survey probably will furnish the basis for a department policy toward later borrowings.

Although department officials do not know the exact status of conversations understood to be already in progress in New York, and will make no official comment regarding them, it is known here that Nicaragua may regard it as necessary to arrange without much delay for an emergency advance of $1,000,000 or $1,500,000 to help organization of the national guard and restoration of order.

That dispatch is quite illuminating. Never has been given the name of a single American citizen whose life was in danger in Nicaragua. Repeated efforts have been made to ascertain who they were, and where they were, and what the danger was. The challenge has been issued that there has been none such. The administration, which is possessed of all the facts, though challenged to name them, has not permitted to escape the censorship the statement of a single life or a single dollar's worth of property that has been jeopardized by the Nicaragua revolution.

All that has come out is that conditions down there were unstable and American bondholders were in danger of losing some of their investments unless we stabilized and pacified the country. And the bankers have continued their loans and now they plan new loans all under the guardian eye of our imperialistic Department of State.

In the President's message to Congress of December 6, 1927, we have his latest pronouncement on the Nicaraguan situation. Referring to conditions in China he said:

We have been compelled to send naval and marine forces to China to protect the lives and property of our citizens.

And in the next paragraph he said as to Nicaragua:

We are confronted by similar conditions on a small scale in Nicaragua. Our marine and naval forces protected our citizens and their property and prevented a heavy sacrifice of life and the destruction of that country by a reversion to a state of revolution. Henry L. Stimson, former Secretary of War, was sent there to cooperate with our diplomatic and military officers in effecting a settlement between the contending parties. This was done on the assurance that we would cooperate in restoring a state of peace where our rights would be protected by giving our assistance in the conduct of the next presidential election, which occurs in a few months. With this assurance the population returned to their peace-time pursuits, with the exception of some small roving bands of outlaws.

STIMSON IN NICARAGUA

Which is to say that the President sent Mr. Stimson to Nicaragua. Stimson called in Moncada, and possibly others active in the revolution on the Liberal side, and read the riot act to them; told them that they must surrender their arms and equipment and disband, promising them in return that our forces should supervise an election to be held next August, at which the majority should be permitted to choose a President for Nicaragua.

It is rumored that Moncada was also promised that he should be elected as the next president, but it would seem unnecessary to have bribed him with such a promise, as the threat was that if the Liberals did not submit our troops would take the field against them. So that, of course, Moncada had to submit. There was no alternative for him and his associates.

Yes; there was an alternative—the alternative of desperation, the alternative which Sandino chose—to fight on and to die fighting, and in the meantime to be called an "outlaw."

The President claims that by the Stimson strong-arm methods he "prevented a heavy sacrifice of life." American lives? No; Nicaraguan lives, so that they might be able to pay taxes to satisfy the claims of American bondholders. Nicaraguan lives! Yet our marines have been forced to take 1,000 Nicaraguan lives and to wound 2,000 more in pacifying the country and carrying out the Stimson agreement.

The President admits in his last message that the marines are not now required in Nicaragua for the protection of the lives and property of American citizens. He admits that their sole function now is to pacify the country, to keep it quiet and supervise the election. That is why our marines are there. That is what they are doing. The country must be pacified so that the bonds will be paid and so that American bankers may continue to make loans to Nicaragua and be able to collect them with interest.

LETTER FROM FATHER OF SERGEANT HEMPHILL

The reaction of the people of the United States to the situation is fairly expressed in the letter which the father of Sergeant Hemphill, who lost his life in the recent fighting, wrote to the President a few days ago, in which he said:

Mr. CALVIN COOLIDGE,
Washington, D. C.

DEAR MR. PRESIDENT: According to dispatches of to-day (January 3) from Managua, my son, Sergt. John F. Hemphill, was killed in action against General Sandino's loyal troops.

For the death of my son I hold no malice or ill will toward General Sandino or any of his men, for I think (and I believe 90 per cent of our people agree with me) that they are to-day fighting for their liberty as our forefathers fought for our liberty in 1776, and that we as a Nation have no legal or moral right to be murdering those liberty-loving people in a war of aggression. What we are doing is nothing less than murder for the sole purpose of keeping in power a puppet President and acting as a collector for Wall Street, which is certainly against the spirit and letter of our Constitution.

My son was 29 years old, served three years of his third enlistment, survived honorable service through the World War against Germany, only to be officially murdered in a disgraceful war against this little nation.

My father served through the Civil War, my two grandfathers died in action in the same war, and I am proud of their records, so this is not from the pen of a red radical but from one who loves justice and fair play.

I have four sons, and if necessity arose I would be willing to sacrifice not only all four sons but my own life as well in a war of defense, but I am not willing to shed one drop of blood in a war of aggression, such as this one is.

You have lost a son and know the sorrow, and we as a Nation mourned with you in your hour of grief. Suppose that son had fallen, as my son has, a victim to the greed of Wall Street, would you feel that the financial gain was worth the cost?

JOHN S. HEMPHILL.

Mr. BLACK of Texas. I have read this agreement entered into between the factions in Nicaragua as negotiated by Mr. Stimson. It provides that the United States shall supervise an election in Nicaragua. It seems to me to be a treaty. I am at a loss to know how the Chief Executive thinks he has a right to put into effect a treaty without its approval by the Senate.

Mr. HUDDLESTON. Section 2 of Article II of the Constitution of the United States forbids any agreement binding upon the United States to be made without the consent of the Senate. It requires all treaties and other international agreements to be submitted to the Senate for its advice and consent. Under that clause of the Constitution any officer of the United States who assumes to bind the United States by any agreement with a foreign country without the consent of Congress is guilty of usurpation and of a violation of both the spirit and the letter of the Constitution. [Applause.]

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. WAINWRIGHT. Is it not a fact that President Wilson sent a gentleman from Minnesota, by the name of John Lind, to Mexico under somewhat similar circumstances without any confirmation by the Senate?

Mr. HUDDLESTON. What does it matter? No doubt there are precedents. Is it possible that usurpation is any less hateful because there have been other usurpations? Does the gentleman take the position that violations of the Constitution may be legalized as a matter of habit and that a usurpation upon the part of one President excuses the usurpation of power upon the part of another? [Applause.]

Mr. BLACK of Texas. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. BLACK of Texas. I just wanted to call attention to the fact that Mr. Lind did not execute an agreement with a sovereign nation to supervise an election in that country.

Mr. HUDDLESTON. Of course, the cases are not parallel. But what does it matter whether they are or not? I have no patience with those partisans who seek to excuse the misconduct of their party associates by charging that a member of the other party has also done wrong. I condemn usurpation whether it be by the President of my party or any other party. I did not fail to condemn the President of my party for exceeding his constitutional powers. I was one of the first to condemn him, and I am sure I will not withhold my condemnation of the immeasurably smaller and weaker man who now happens to occupy the presidential chair. [Laughter and applause.]

The Constitution, as expressed in section 2 of Article II, also requires that the approval of the Senate must be secured by the President to validate all appointments of those who represent us in foreign countries. The President did not have the consent of the Senate to Mr. Stimson's appointment. His nomination was never submitted to the Senate, was never considered, and was never confirmed. By appointing Stimson as his repre-

sentative to bind the people of the United States the President again violated the spirit if not the letter of the Constitution.

Also, the Constitution as found in section 8 of Article I clothes Congress with the exclusive function of declaring war. In carrying on the war in Nicaragua without the consent of Congress the President is violating the spirit of the Constitution. [Applause.]

Mr. WASON. Mr. Chairman, I yield 20 minutes to the gentleman from Maine [Mr. BEEDY].

Mr. BEEDY. Mr. Chairman and gentlemen of the committee, there is in the bill under consideration an item making appropriations for the Shipping Board and with reference to that item, and the Shipping Board more particularly, I desire to make some comment.

In order that we may refresh our recollection as to the aim and purpose of the merchant marine act of 1920, I want to read an excerpt from the preamble:

Be it enacted, etc., That it is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce—and it is hereby declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine—and the United States Shipping Board shall in the administration of the shipping laws keep always in view this purpose and object as the primary end to be attained.

I think that nobody more than myself appreciates the almost insurmountable obstacles which have confronted the Shipping Board in its attempt to follow out the purpose and the spirit of this act. And I desire at the outset to express my appreciation and to convey my congratulations to the board that for the year beginning September 1, 1926, and ending October 31, 1927, under their administration of the American Shipping Board Merchant Fleet Corporation, the number of voyages of our American ships have been increased 23 per cent and the tonnage handled 22 per cent, while the actual operating losses have been reduced 20 per cent.

At this point I should like to read to the House a brief excerpt from the last message of the President:

The Shipping Board is constantly under pressure, to which it often yields, to protect private interests rather than serve the public welfare. Our exporters and importers are both indifferent about using American ships.

I thought it might be well for us to have a concrete instance of what the President was referring to, and the matter is of such significance and perhaps of such importance that I will not trust myself to speak of it in detail except as I quote from the public records of the United States Shipping Board.

On January 6, last, a telephone message came from the Hill requesting some of the commissioners of the Shipping Board to come to the office of the chairman of this subcommittee—the gentleman from Indiana, Mr. WOOD—now in charge of this bill, there to meet certain gentlemen. The commissioners invited to this meeting, or present, at least, were Chairman O'Connor, Commissioner Smith, and Commissioner Plummer. Arriving at the office of Mr. WOOD, the record states, they found awaiting them the following:

Ex-Governor Miller, of New York, general counsel for the United States Steel Corporation; Mr. Thomas, president of the Steel Corporation's Isthmian Line—

A line of ships operated by the United States Steel Corporation in the Indian trade—

Vice President Phillips, of the Bemis Bag Co., and resident Calcutta agent of that company, an American company; Mr. Lilly, of Norton & Lilly Co., shipping agents of Sir John Ellerman's British line of ships; a representative of the American Manufacturing Co.; and one other.

Congressman WOOD stated, so says the record, that he had called this meeting to see if there was any way by which to iron out the difficulties now existing between the Shipping Board, foreign steamship lines, and these other gentlemen in the Calcutta jute-burlap case, and to prevent a rate war, which would be so disastrous to all involved and so expensive to the United States.

Let me say that the Ellerman Lines have been running to Calcutta for some years. The United States Steel Corporation operates a line of ships which make four sailings each year to that port. There is a cargo of some 600,000 tons of jute burlap bags purchased in India by American dealers or importers and shipped out of the port of Calcutta, and the United States Steel Corporation never having increased its sailings above four a year and having made no inroads upon this foreign transportation of American commerce, the Shipping Board, having in mind the spirit of the merchant marine act, which enjoined it upon them to operate fleets of vessels sufficient in number to carry the greater part of American commerce, approached the Ellerman Lines, or the English agent, Lilly, of Norton & Lilly—who, by the way, is also the agent of the United States Steel line, the Isthmian line. They said, in substance:

Now, we have a line of ships coming up through Australia, going on through the Suez into the Mediterranean, and as we come past India we have trouble in getting return cargo. Will you give us one-fourth—not the greater part of the American commerce as the act enjoined it upon them—but they said, "Will you give us the privilege of carrying one-fourth of this American-bought jute burlap bagging and avoid a rate war?" The reply to their overtures was made by Sir John Ellerman, president of the English lines. "This business does not belong to you Americans; we built it up. You keep out of it." In other words, the American Shipping Board was given to understand that they must face a rate war or keep out of the Calcutta trade.

All through these negotiations the Isthmian Line made no attempts to increase its sailings until it was discovered that the United States Shipping Board actually intended to put a line of ships into Calcutta and had asked for 16 out of the 69 sailings from that port each year.

Then these British lines said, "If you will keep out of this Calcutta sea trade we will increase the sailings of the United States Steel ships by 15 sailings (thus giving them a total of 19 sailings a year), and there will then be no rate war." The United States Shipping Board in substance said, "Why permit the Isthmian line to have these sailings and promise no rate war, but threaten us with rate war if the American Shipping Board ships come in with 16 sailings? The Isthmian ships are as much American as are our own ships. Why the discrimination? Again, we ask you to give us the chance to carry one-fourth only of the American commerce from Calcutta to North Atlantic ports. Their answer was, "No; hands off." The English agency of Lilly & Norton still continues to act for the United States Steel Corporation Isthmian Line and the Ellerman English Line.

But the Shipping Board has since established an agency of its own in Calcutta to solicit commerce and shipping. They have started American ships across the seas in pursuance of the spirit of this act and are now competing for American commerce from Calcutta.

They now offer to carry this jute bagging for $4 a ton. But on the morning of January 13, 1928, there appeared the following news item:

[From the New York Herald-Tribune, January 13, 1928]

CUNARD CLOSES JUTE CONTRACT AT $4.50 TON RATE—AGREEMENT CONTAINS SCALE 50 CENTS ABOVE ROOSEVELT'S; BUYERS HOLD BACK IN ANTICIPATION OF FURTHER CUTS

The Cunard Line and members of the Jute and Gunnies Importers' Association recently closed contracts for the first quarter of 1928 on a basis of approximately $4.50 a ton on jute and gunnies moving from Calcutta to Boston and New York.

This rate is 50 cents above that quoted by the Roosevelt Line, Shipping Board operators of the American India Line, which, shortly before the first of the year, slashed the rates from $7.90 to $4 a ton upon failure to reach an amicable agreement with the foreign lines controlling most of the 650,000 tons of bagging material being imported yearly for American firms.

Although the Jute and Gunnies' Association is made up of practically all the American importers of these commodities, it is understood that they voluntarily pay a 50 per cent premium per ton to the Cunard Line over the low rate of $4 quoted by the Shipping Board.

Why this cooperation of American business with foreign shippers to defeat the establishment of an American merchant marine?

Now, the United States Steel Co. has formerly made tentative overture to buy the ships which the Shipping Board contemplated putting into the Indian trade. But the board voted unanimously not to entertain any offers for bids for this line until it was an established line. The reasoning of the board was that if so powerful a corporation as the United States Steel Corporation could not make it profitable to sail more than four times a year into Calcutta, surely no private concerns would make a reasonable bid for ships to compete in that field until a carrying trade in American bottoms had been built up. So they said, "We will continue our sailings." They were right. I commend them for the faithful performance of their duty under the merchant marine act of 1920.

And now on the noon of the day when this Shipping Board was appearing before our subcommittee and asking for the appropriations that meant life or death to it, certain Members are summoned to this private conference to find present this

distinguished array of United States Steel representatives, English shipping agents, and American shippers, to whom I have referred, and another proposal that they sell out is made.

Little wonder that the President in his last message referred to pressure brought upon our Shipping Board.

Ex-Governor Miller having stated—

Says the record—

that he was the counsel for the United States Steel Corporation, said in substance, that as a result of the "big stick swinging" by the board, the foreign shipping lines had now become more yielding in their attitude and finally had agreed that they would permit the Isthmian Line—

The United States Steel Line—

which heretofore had only been able to maintain four voyages per annum from Calcutta to North Atlantic ports, to have 15 additional sailings, or one less than 16 sailings which the Shipping Board had asked; but that the foreign shipping lines would not permit in this service any sailings by Shipping Board vessels.

The question immediately arose in my mind, what is the relationship between this Isthmian Line owned by the United States Steel Corporation and these British lines, that the British lines will permit them to go into this business, but will not let the Shipping Board, enjoined by the Congress to go forward and establish a merchant marine upon the high seas, have anything to do with this commerce?

Let us follow the report. It reads:

Why foreign shipping men preferred the Isthmian ships to the United States Shipping Board ships was not explained, although commented upon. Ex-Governor Miller said that this rate war would compel the Steel Corporation to take its ships out of this trade because they could not stand the loss that would be involved, and that the effect of a rate war in this trade would extend to their other services, particularly to their Gulf service, and be detrimental as well to their fleet generally.

One of the first suggestions Governor Miller made was that if this rate war continued, instead of allowing their ships to be driven out of the trade the Steel Corporation might find it necessary to bring an injunction restraining the Government from operating ships in that trade. He was thereupon reminded of what the Supreme Court had just decided in the Western Union case, and the chairman remarked that he would be glad to take the matter before the court, the Congress, or the public.

The proposal of Governor Miller that his company should apply for an injunction was undoubtedly based on the philosophy that the Government ought not to be in competition with private interests in trade. We are all agreed that when the Shipping Board shall have established business sufficient to justify sailings enough to carry the major part of our commerce then the ships operated by the Government shall be disposed of and they shall be operated by private interests.

But we should continually bear in mind the preamble of the merchant marine act. We must first establish sufficient lines, establish sufficient business, before we can be assured of a merchant marine sufficient to carry "the greater portion" of our own commerce. Private firms are not going to make attractive bids for our ships until these lines are established, and we do not propose to give ships away as we should have to when only one bidder is interested.

Mr. McDUFFIE. Will the gentleman yield?

Mr. BEEDY. I will. I always yield to my friend, for I know he is interested in the merchant marine.

Mr. McDUFFIE. The gentleman has made an interesting statement that the House and the country ought to have. Does the gentleman believe in the action of the subcommittee in cutting the Budget figures more than $1,400,000 below the amount approved by the Budget?

Mr. BEEDY. I am glad the gentleman has asked that question. I wanted to lead up to that at the close of the remarks that I am making. I want first to cite this instance of pressure on our Shipping Board, to which the President referred in his message, and the indifference of the American shippers to the use of American ships.

Let me continue with this record:

Meeting the declaration that the Shipping Board started the rate war, Chairman O'Connor emphatically advised these gentlemen that the Shipping Board never had started a single rate war, and attention was called to the unyielding attitude of the foreign shippers set forth by the declaration of Sir John Ellorman that the American had no right in this business whatever—that it belonged to the British ships.

Governor Miller insisted that the rate war was started by the Shipping Board, and Mr. Plummer reminded him of the old legal principle that "He who makes it necessary for me to draw my gun is the aggressor."

When he attempted to impress Congressman WOOD with the great losses which this rate war would bring upon Shipping Board vessels Governor Miller was reminded that on the contrary the rate war would be an advantage to the Shipping Board fleet because at present these Shipping Board vessels are coming from the East only partly loaded and that any cargo secured from Calcutta at a rate which more than paid the stevedore and port charges would be a financial benefit.

Mr. LaGUARDIA. By whom were they denied?

Mr. BEEDY. By the English lines.

Mr. LaGUARDIA. At this conference?

Mr. BEEDY. No; this was through correspondence.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. WASON. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. BEEDY. The report continues:

Asked by Mr. Wood if this line was not losing money at the present time, he was informed that it was.

It was distinctly pointed out that to offer these vessels for sale before we had made our position in that trade secure and while the foreign shippers and shipping men would permit no American ships excepting those of the Isthmian Line to share in this business through a foreign agent, without a rate war, meant that the only possible purchaser of the line under present conditions would be the Steel Corporation; but if these Americans, who obviously have the power, would let a share of their cargoes be brought to the United States in American flag vessels, the trade could be stabilized and the service be put in a condition to sell within one year; for the rate war would end at once.

As I understand the present situation, when American purchasers of foreign goods attempt to say anything about the method of transporting those goods, it is claimed that the foreign vendors insist that the purchasers have no right to determine the means of transportation, but that they may select the shipping lines. The Shipping Board says, in substance, if that is true, why is it not right that American vendors here do not have the right to say how their goods shall be transported to Europe? What we are asking American importers and purchasers of Indian products to say, says the Shipping Board, is that they want these products or a part of them, one quarter of them, from Calcutta, to be brought in American ships. The report continues:

Two or three times references were made to the fact that these importers who are having the great bulk of their raw material brought into this country in foreign ships are the beneficiaries of our protective tariff; and when at last Mr. Thomas declared there was no connection between the methods of transportation employed by these manufacturers and the protective tariff, Mr. Plummer remarked that there certainly was; that he has been an advocate, on the stump and in the press, of a protective tariff for many years, but if these American manufacturers persisted in having their raw materials delivered to them from foreign vessels, he would demand that he have his linoleums and other similar products delivered from foreign mills; and asked what the answer would be when that proposition went before Congress and the public.

I do not know what your answer would be, but I think that if great industries in this country, which have grown up under the benevolent laws passed by my own party, with a keen desire to develop American industry and to afford employment to American labor, are now unwilling to cooperate with the American Congress to establish a merchant marine on the high seas, I, myself shall look with less sympathy upon their demands for protection from this Congress. [Applause.]

I realize, however, that one must not be carried away by his emotions. I realize that there are millions of laborers to be affected by a denial of tariff protection to industry to-day. If I were sure of the proper course to pursue I would punish every great industry that has benefited by the tariff and that now, because of a selfish desire to sail just enough of its own ships to take care of its own products and thus deny the independent steel producers of this country American ships to take their products into foreign markets—I say I would punish them severely. I now invite the cooperation of the great United States Steel Corporation and other American industries which have profited by the American tariff, even at a temporary sacrifice perchance, to cooperate with the United States Shipping Board, the creature of the American Congress, that we may yet establish on the high seas an American Merchant Marine adequate to the needs of "the major portion" of American commerce. [Applause.]

The report then goes on to say that Chairman WOOD remarked that there seemed to be some feeling between the parties and that they were not accomplishing anything, and that the meeting had better adjourn. And thus ended this

meeting which, in my judgment, would have been more properly held in the offices maintained by the Government for the transaction of business with the United States Shipping Board.

Mr. Chairman, in the afternoon succeeding this interview in the office of the chairman of the subcommittee, the Shipping Board again went on with its pleas for funds to carry on. I think the motives of the chairman of the subcommittee that held this conference in his office were of the very highest, but I am going to say to him that I think the officials of the United States Steel Corporation were keen enough to understand that, to say the least, it would be very embarrassing to these commissioners to be dragged into such an interview and be forced to confess that they were entering a line of business that was unprofitable, at 1 o'clock, and then have to come back before this committee at 3 o'clock and ask for money to continue the business.

I think the officials of the United States Steel Corporation were keen enough to understand that it would be a pretty severe test of the stamina and character of the members of the United States Shipping Board to go into that conference and resist their overtures and refuse to sell out for nothing, as it were, to one bidder, and get out of this line of trade in Calcutta, rather than come back and ask for more money to carry on.

The Shipping Board, under the advice of its experts, had asked for $14,500,000 for next year, but the Budget, as it always does, pared them to the bone, and allowed them only $13,688,000. But this subcommittee cut them another million and gave them only $12,000,000. Now, I ought to be explicit about this. The board has an income of $400,000 a year, so that they have $12,400,000 as a shipping fund to operate the fleet.

What is the psychology of a reduction at this time, when the great industries of the Nation, in cooperation with foreign shipping lines, are exercising the pressure that the President refers to, to keep our ships off the seas? What is the psychology of another cut below the Budget recommendation? The foreign shippers are going out to their consumers and saying, "Your Congress evidently intends to put your Shipping Board out of business as fast as it can. There is no other conclusion we can come to about it. It must mean that this American line of ships, now competing with us temporarily, will die after this year. You had better stay with us and give us your shipping."

These American shippers do not want to get in wrong with the foreign shipowners, and that we can demonstrate by our appropriations in this House, unless we intend to stand behind the Shipping Board and maintain our fleets to carry the greater portion of our commerce to foreign ports, we merely give aid and comfort to the enemies of an American merchant marine. [Applause.]

FURTHER MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the following title:

H. R. 6053. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Linden-Lexington road, in Perry and Decatur Counties, Tenn.

The committee resumed its session.

INDEPENDENT OFFICES APPROPRIATION BILL, 1929

Mr. CULLEN. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. LARSEN].

The CHAIRMAN. The gentleman from Georgia is recognized for 15 minutes.

Mr. LARSEN. Mr. Chairman and gentlemen of the committee, I have introduced to-day two resolutions, both being introduced at the solicitation of constituents in my district, regarding the sale of fertilizer at this time. The information which I have is such that I think at least it very strongly tends to show that the fertilizer corporations of this country are not only unfair to the farmers, but they are actually violating the law with reference to the antitrust provisions now in force. Not only this, but they have, in my judgment, and I believe in the judgment of many others who are perhaps in a better position to pass upon the question than I am, been unduly advancing the prices of the commodities they are offering to sell and which they are selling to farmers at this time.

As an illustration, last year the fertilizer concerns in my locality were selling, delivered in my home city, a 9-2-3 grade of fertilizer at $17 per ton f. o. b. that city. This year the companies are selling the same fertilizer at $23.99, an increase in round figures of $7 per ton over the price of last year. They sold last year a 12-4-4 grade of fertilizer at $24 a ton at this point, and they are now selling, and offering to sell at this same point, the same grade of fertilizer at $32.12. It is strange indeed that they sell at the same price and at these unusual figures.

You will observe that this is an increase in price ranging from $7 to more than $8 per ton, and if you will figure the percentage of increase you will see that it is extremely large.

So far as I am aware, or advised, there is no increase in the cost of the commodities composing these fertilizers which would warrant such an increase.

Certainly the condition of the farmers who are using these fertilizers, and who propose to use them, are not such that they are able to pay for the commodities at these advanced prices; and, mind you, these are cash prices. There is no element of risk involved. It is a cash proposition. As a rule our farmers are forced to pay for their fertilizers when they get them or else pay an additional price of something like $8 to $10 a ton for the commodity if they obtain credit.

The press of my State recently carried the statement that the cotton acreage would be increased this year, that the recent cold in that locality and other sections had killed all of our winter grain crops. It is now too late to plant those lands in any similar grain as a crop to be grown in the early spring and summer months. It is too late to plant rye and wheat and oats. Most of the lands were seeded with oats. Realizing that many planters having these lands broken and in many instances already fertilized, some one put out the report that they proposed to put such lands in cotton. Immediately the price of cotton declined, as the press story goes, and the price of fertilizer was increased, the fertilizer companies taking advantage of a misfortune which had overtaken these already oppressed and almost bankrupt farmers in my section. They immediately increased the price of the commodities which they must use in their farm operations.

Not only that, but the prices at which they are selling and the prices given out by the various companies dealing in that section are such, I think, as to convince almost any impartial mind that there is a common understanding among the companies as to what prices they will receive for their commodities. Instead of putting the commodities on the market at the lowest price at which they can furnish them, evidently they are putting them on at the highest price they think the farmers will stand and for which they will be able to raise the cash.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. LARSEN. Yes.

Mr. HOWARD of Oklahoma. The gentleman stated at the outset of his remarks that he thought these fertilizer people were violating our antitrust laws. Can the gentleman call to mind any evidence of a sincere attempt on the part of the present administration to enforce our antitrust laws?

Mr. LARSEN. I regret very much that I am not in possession of information that would benefit the gentleman materially along these lines. I did, however, hear one of the gentlemen over in the other end of the Capitol make a speech a few months ago in which he stated that owing to an investigation which he had procured within the last few years the fertilizer companies had been brought to task and that large fines, in many instances, had been imposed upon them. I do not know just what the amount of the fines were, nor of my own knowledge do I know that fines were imposed. I understand some penalties were imposed either by agreement with the Department of Justice or through the courts in Baltimore. One of the resolutions which I introduced to-day requests information from the Attorney General regarding the matter to which the gentleman from Oklahoma now calls my attention.

I do not know under what administration these offenders were punished or whether or not the administration was at all responsible for their punishment, but I do understand punishment was inflicted. I hope to have that information brought to the attention of the Congress, and to the attention of the people of the United States through the Department of Justice, showing us just what has been done, and not only what the penalties were but so far as possible what offenses, if any, were committed by the fertilizer concerns.

I was about to address my remarks, when I yielded to the gentleman from Oklahoma, to the similarity of prices at which these fertilizer concerns are selling and offer to sell their commodities. For instance, I have here the prices that are quoted by some of the companies doing business in my State. The Virginia-Carolina Chemical Corporation is offering phosphate at $17 a ton. The F. S. Royster Guano Co. offers the same commodity for $16.99, just a differency of 1 penny on a ton. I do not know how they could figure that difference, nor why they so figured it, but they have probably concluded that the best way to manipulate the matter was to make a little immaterial difference and thus avoid the charge of being in a com-

bine. Three other companies offer to sell 16 per cent phosphates at identically the same prices and delivered at the same point, $17.82, the Empire State Chemical Co., at Athens, Ga., $17.82, Ethredge Guano Co., of Atlanta, Ga., and $17.82, the Southern States Phosphate & Fertilizer Co., delivered at the same point.

Now, gentlemen, it is very queer to me that all these companies would have identically the same prices on the same articles delivered at the same point. The circumstances are such as to at least raise the presumption that there is a common understanding between them, that they will sell for the highest price they can possibly get. Not only do they sell for the highest price they can get, but they sell at identically the same price. The quotations of the various companies are so nearly the same there must be a common understanding among them. That common understanding is not for the welfare of the public, and especially farmers who are forced to use fertilizers in the cultivation and growth of their crops.

The farmers in my section, in many instances, mix their own fertilizers. Where they mix fertilizers they usually use phosphate and mix it with potash or some other such commodity. The Empire State Chemical Co., operating at Athens, offers to sell at a given point in Georgia nitrate at $53, while a competitor offers to sell the same commodity at $52.95. But there is a little differential in the haul and in the transportation company over which these articles would be delivered at this same point. So you will see, gentlemen, that when it comes to these commodities that go into the mixtures, where farmers prefer to mix their own fertilizers, the commodities cost them substantially the same amount. When they mix them with cottonseed meal or whatever they propose to use, they find the cost the same. When it comes to the various grades I have mentioned, the prices are identically the same, and the figures I have given are taken from the prices of a half dozen different concerns.

Now, gentlemen, as before stated, I have introduced to-day two resolutions. I am not asking that we appoint any committee in this House to investigate the matter.

I do not want to burden the Senate or the membership of this House with a congressional investigation, nor do I desire to burden the public with such an investigation except through our regular constituted channels. All I want is a department of this Government which has been created for the express purpose to make the investigation and to report its findings—I refer to the Federal Trade Commission. The Federal Trade Commission has the right under the Federal Trade Commission act, section 6, subsection (d), to make this investigation upon direction of the President or either House of Congress and report the facts relating to any alleged violations of the antitrust acts by any corporation. I am simply asking that these resolutions be voted out by the House and that the Federal Trade Commission conduct the investigation and make its report, and that the Department of Justice, which I am referring to in another resolution, advise the House what has been done within the past five years along the lines of the information sought by the gentleman from Oklahoma a few moments ago, and I hope, gentlemen, you will use your influence in seeing that these resolutions are passed. I thank you. [Applause.]

Mr. WASON. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman and gentlemen, I want to take these few minutes to discuss the subject of bridge legislation and to advise the House of the policies that have been adopted by the Committee on Interstate and Foreign Commerce of the House and the Committee on Commerce of the Senate in reference to bridge legislation.

Mr. BLANTON. At this juncture, if the gentleman will permit, the gentleman is about the best-informed man we have in the House on bridge legislation, and has had charge of such legislation here for several years. Practically all of the Members are interested in the matter and might want to hear him. Does not the gentleman want us to get a quorum here? We now have about 30 Members on the floor. I will make a point of order that will get the gentleman a quorum, if he does not mind it. I would like for more of the Members to hear the gentleman.

Mr. DENISON. I appreciate the attitude of my friend from Texas, but I would rather go ahead.

Mr. BLANTON. Let me make the point and call them in from the cloakrooms and then I will withdraw it. I make the point of no quorum, Mr. Chairman.

Mr. DENISON. I do not want to take up the time of the committee for that purpose.

The CHAIRMAN. The gentleman from Texas makes a point of order that a quorum is not present. The Chair will count.

Mr. BLANTON. Now that the Chair has counted and the Members have come in, I withdraw the point, Mr. Chairman.

Mr. DENISON. At one time or another almost every Member of the House and of the Senate is called upon to introduce bills for the consent of the Congress for the construction of a bridge over some navigable waterway. It is a matter that has become of very great importance not only to the House but to the country.

At the last Congress I discussed at some length the question of bridge legislation and the jurisdiction of the Federal Government over our navigable waterways. My remarks can be found in the CONGRESSIONAL RECORD of April 30, 1926. I do not want to go into the details of that subject again at this time. I simply will make the following general statement:

Jurisdiction over the waterways of the country in England was in the Crown for the purposes of commerce. All navigable waterways were considered as belonging to the Crown. When the Colonies in this country were settled jurisdiction over the navigable waterways of this country was also in the Crown of England. At that time it was held that such jurisdiction extended up the rivers as far as the tidewaters reached; but in the course of time, by analogy the jurisdiction of the Crown was held by the courts to extend up the waters of the various rivers and the arms of the sea as far as they were navigable.

When the Colonies won their independence from Great Britain this jurisdiction passed to the various Colonies; and when the Colonies got together in the Constitutional Convention and the Constitution was adopted the commerce clause was inserted in it by which the Federal Government was given the right to regulate commerce between the States and with foreign nations. In other words, by the commerce clause of the Constitution the States surrendered their jurisdiction over all navigable waterways to the Federal Government, and since then the Federal Government has had absolute and exclusive jurisdiction over all the navigable waterways of this country.

Until the Federal Government chose to exercise such jurisdiction in a regulatory way it was considered that the different States had concurrent jurisdiction over those waterways within their respective boundaries, subject to be changed at any time whenever the Federal Government chose to act.

Mr. MORROW rose.

Mr. DENISON. I will yield to my friend from New Mexico.

Mr. MORROW. Have not the Federal courts held that such jurisdiction upon navigable waters and streams also extends to the tributaries with respect to the question of commerce and also for impounding waters that can be used for other purposes?

Mr. DENISON. That is true.

Mr. BLANTON. Will the gentleman from Illinois state right there what is the latest, acceptable definition of a navigable stream?

Mr. DENISON. The question of what constitutes a navigable waterway is one of law and of fact; but wherever the history of the stream shows that it at one time or another has been used for commerce, for the transportation of persons or property, it is a navigable waterway. For instance, if it was used in the early days by the pioneers as a highway for moving property, logs, or other property, or for transporting persons, it is classed as a navigable waterway, although, as a matter of fact, it may not now be navigable at all.

But we all know that in the early days before there were highways and before there were railroads the rivers of the country were the only substantial method of transportation in the inland country; and so the courts hold now that all those streams that were at some time used for transportation of persons or property may be classed as navigable waterways and the Federal Government has exclusive jurisdiction over them.

Mr. BLANTON. And what about potential navigability?

Mr. DENISON. They are not classed as navigable waterways unless at some time in their history they were used for that purpose. It does not matter that they are not now used for navigation or that they are not in their present state capable of being used for navigation; but if they have at some time been used as a highway for transportation they are classed now as navigable waterways.

In 1890 the Congress chose to assert its jurisdiction and to exclude the right of the States to construct or permit to be constructed buildings or bridges or other obstructions in the navigable waterways of the country; and then later in the act of March 3, 1899, the Congress, in section 9 thereof, enacted this provision:

> That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbor, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structure shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War.

Now, by that act the Federal Government through Congress asserted its jurisdiction and declared its exclusive jurisdiction over all navigable waterways of the country.

On March 23, 1906, Congress passed what is known as the general bridge law governing the construction of bridges over navigable waterways. This, in brief, is the principle and generally accepted source of the jurisdiction of the Federal Government over navigable waterways, and it is a very great and far-reaching power that was surrendered by the States to the Federal Government.

Let me here digress just a moment to call to the attention of the House another source of jurisdiction by which the Federal Government is now recognized as having the right to regulate the construction of bridges and the collection of tolls that are charged for the use of bridges. Having jurisdiction over the navigable waterways of the country, the Federal Government, in granting franchises for the construction of bridges over them, may grant or withhold the privilege as it pleases; and in granting the privilege it may impose such reasonable conditions as it chooses. In the exercise of this power, the Federal Government can impose such conditions with reference to the construction of the bridges and their management and the collection of tolls for their use as it chooses.

But on July 11, 1916, Congress passed the first Federal aid road act, and since then has passed several other Federal aid road acts, under which the Federal Government has contributed several hundred million dollars to the States to aid in the construction of improved roads for the transportation of interstate commerce and for facilitating the movement of the mails, and for military purposes. With the improvement of roads and the development of motor transportation on the highways, most of the highways of the country have come to be used as channels for the transportation of interstate commerce, and to this extent the States have lost their exclusive right to regulate them and the Federal Government has acquired certain rights in connection with the highways whenever it chooses to exercise its powers.

In Indiana a drainage district organized under the laws of that State undertook to cut a drainage ditch across the Lincoln Highway, which it had the right to do under a State law, without making provision for repairing the highway with a permanent bridge. The Federal Government went into a United States court and asked for an injunction to prevent the drainage district from tearing up the highway. The injunction was granted, and the case was appealed to the United States Circuit Court of Appeals, where the decision of the lower court was affirmed. In the course of its opinion the court said (U. S. *v.* Babcock, 6 Fed. Rep. 161):

> The Government of the United States is one having jurisdiction over every foot of soil within its territory, and acting directly upon each citizen, * * * to which is committed power over interstate commerce and the transmission of the mail. The powers thus conferred upon the National Government are not dormant, but have been assumed and put into practical exercise by the legislation of Congress. In the exercise of those powers it is competent for the Nation to remove all obstructions upon highways, natural or artificial, to the passage of interstate commerce or the carrying of the mail. It is said that the jurisdiction heretofore exercised by the National Government over highways has been in respect to waterways, the natural highways of the country, and not over artificial highways, such as railroads; * * * but the basis upon which rests its jurisdiction over artificial highways is the same as that which supports it over the natural highways. Both spring from the power to regulate commerce.
>
> If this principle is true as to artificial highways such as railroads, why is it not likewise true as to artificial highways such as the national highway known as Lincoln Highway, which is recognized as a primary interstate highway and upon which the Government has expended many thousands of dollars?

In the case of Duke *v.* The Michigan Commission (266 U. S. 570) the court held that a statute of the State of Michigan which authorized its public-utilities commission to require persons using its highways for the transportation of interstate commerce to obtain a certificate as a common carrier was unconstitutional, the court saying:

> But it is well settled that a State has no power to fetter the right to carry on interstate commerce within its borders by the imposition of conditions or regulations which are unnecessary and pass beyond the bounds of what is reasonable and suitable for the proper exercise of its power in the field that belongs to it.

In Buck *v.* Kuykendall (267 U. S. 307) the court held that a statute of the State of Washington which required persons using the highways of that State for the transportation of interstate commerce to obtain a certificate of convenience and necessity before doing so was unconstitutional and void when applied to persons engaged in the transportation of interstate commerce. In the decision the court held that such a statute defeats the purpose of Congress expressed in the legislation giving Federal aid for the construction of interstate highways. In Bush Co. *v.* Malloy (267 U. S. 317) the court held that a Maryland statute requiring persons engaged in interstate commerce to obtain a certificate of convenience and necessity before using the highways of the State was unconstitutional and void.

These decisions show the trend of the courts in recognizing the jurisdiction of the Federal Government over the highways of the different States that are now used for the transportation of interstate commerce and United States mails. And as a result of this additional source of jurisdiction the Federal Government can, when it chooses, regulate the construction of bridges over navigable waterways that are constructed as connecting links on Federal-aid highways or other highways of the States that are used for the transportation of interstate commerce and the United States mails.

The Committee on Interstate and Foreign Commerce of the House and Committee on Commerce of the Senate are the committees that, under the rules, have jurisdiction of this subject. It may not always be a pleasant duty to perform, but it is the duty of these committees to consider all bridge legislation. If bills are filed for the consent of Congress to construct a bridge over a navigable waterway, it is the duty of this committee to consider it and report it, or refuse to report it, to the House. Until the time comes when the question shall be sufficiently settled in the public mind that Congress can know what provisions ought to be enacted into a general law, so that we can wisely pass new general legislation covering all questions connected with the construction of bridges, we will have to continue the policy of considering and passing individual bridge bills as they are presented by the Members.

Mr. COLTON. Will the gentleman yield?

Mr. DENISON. I will.

Mr. COLTON. Referring back to the navigability of streams, has the gentleman found any rule determining the exact meaning of navigability?

Mr. DENISON. There is no standard—it depends on the facts and circumstances disclosed in each case. The Supreme Court has held that the question as to whether or not this river or that river shall be considered a navigable waterway depends on the history of the river and the use that has been made of it for travel and transportation.

Now, this question of bridge legislation was a very few years ago considered of little importance. In fact, four or five years ago we only had one form for all bridge bills—just a short consent statute permitting the bridge to be built. In fact, no bridges were built except railroad bridges and now and then a municipal bridge in some city or a town.

But with the great change in methods of transportation, with the development of improved highways and motor transportation, this question of the construction of bridges has, within the last few years, grown to be of very great importance to the country. Therefore, your committee has had to give a great deal of study to the provisions that should be included in the franchises that Congress grants for the construction of bridges.

Now, I want to discuss for the information of the House and the country the policies that govern your committee in the preparation of the forms that these franchises should take.

In the first place, let me say that the committee wishes to encourage the construction of free bridges wherever they can be built. Of course, we all understand that there are what are known as free bridges, where no charge is made for their use, and there are toll bridges, where a toll is charged.

The Committee on Interstate and Foreign Commerce is favoring and encouraging the construction of free bridges wherever they can be built. That is the first policy of the committee.

In the next place we do not grant any exclusive right to private individuals or private companies to construct toll bridges. I could go into that question in detail and discuss it at great length if I had time. I think it ought to be apparent to every one of us why it would not be wise for Congress to grant to private individuals or to private corporations exclusive rights or monopolies for constructing bridges over navigable waters at particular places. If we should do that, if we should undertake to decide between various parties asking for the right to build a bridge over a river at a particular place, and if we should grant the right to one and refuse to grant it to another—as soon as it was granted it might immediately become maybe of great value and might become an object of traffic and speculation among unscrupulous promoters.

We want the country to understand that no one need pay any promoter a single dollar for a bridge franchise, because he can always come to Congress and get one for nothing.

We do not want to follow any policy which will place a commercial value on bridge franchises, that will result in trading them after they are granted, and which would encourage attempts to use improper methods to obtain them.

The only way you can avoid that is to let the public know that Congress will not grant any monopoly, any exclusive right to construct bridges over any of the rivers or other navigable waters of the country. When we grant such a franchise to an individual he knows and the public knows that if any other responsible party comes to Congress and asks for a franchise to build a bridge near the same place, Congress will freely grant him the right to do so.

There is one exception to this rule: If the public asks for the privilege of building a bridge at a certain location and if some private individual also asks for the right to do so, we give preference to the public as a matter of course.

In other words, if a State wants to build a bridge, or if a city or a county is asking for a franchise to build a bridge, we give preference to public authorities; and when we grant authority to the public to build a bridge at a particular place, we will not grant a similar right to any private individual or corporation. With that exception, we grant no exclusive right and I am sure the Members of the House, when they reflect upon this, will understand and approve the wisdom of that policy.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes; I yield to the gentleman from Kentucky.

Mr. VINSON of Kentucky. What has been and what is now the policy of the committee when there are two bills seeking to secure a permit between two points?

Mr. DENISON. If one of the bills is filed asking for the consent of Congress to a public authority like a city or a State or a highway commission, and the other is to a private company or individual, we give preference to the public authority.

If the permits are asked for by two private individuals, and Members of the House or of the Senate come before us and upon their responsibility recommend the granting of the permits, it is the policy of our committees to grant them both and then let the business judgment and the business ability of the two individuals or two groups of individuals and public sentiment determine who shall build the bridge. So far as the Federal Government is concerned, it is entirely satisfactory if they build two bridges. It is a matter of business that must determine how many bridges shall be built and who shall build them. We could not safely follow any other policy.

We can not and will not give an exclusive privilege or monopoly to private individuals to construct toll bridges, and if two or more people obtain permits to build bridges at or near the same place, the one who has the business ability and the money and public sentiment back of him is going to build it, and he is not going to let anybody else scare him out of it. It is the same principle that governs in other business matters. Congress does not attempt to limit the right to some one or another group to build a hotel or an apartment building on one of the streets of our city. That is a business matter, and anyone who wants to can build such a structure. In the construction of bridges we do not want to say that any particular individual shall be given an exclusive right to construct a toll bridge at an important river crossing.

We will grant him the permit to do it, and then if he has the money and the ability and if public sentiment is back of him, he will build it, and he will not let anyone else scare him out of it by a mere threat to build another bridge.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes, I yield to the gentleman from Alabama.

Mr. BANKHEAD. Has the gentleman's committee ever given consideration to the question of conferring upon the War Department, without investigation by the Congress of all of these particular bills, a general blanket authority to issue permits to individuals or other associations or highway commissioners the right to construct bridges across navigable streams?

Mr. DENISON. Of course, our committee has given very careful consideration to that subject.

Mr. BANKHEAD. The reason I ask that is that the passage of these bridge bills is largely a matter of legislative mechanics. It takes up a good deal of time of the committee and on the calendar. I would like to hear the gentleman's observations on that phase of the matter if he has given it any consideration.

Mr. DENISON. As I just stated, Congress has exclusive jurisdiction of this important subject. Of course, we can delegate that authority to some bureau or some official of the Government, if we are willing to surrender our control over the subject. That is a question for the wisdom of Congress. Bills are now pending for that purpose. I myself during the last Congress filed a bill to get rid of this whole subject. My committee at one time thought we would like to get rid of it, that the Congress ought to get rid of it and delegate the whole subject to some bureau or some official of the Government. We have already delegated to the War Department the right to pass upon the plans and specifications of bridges, and before any bridge can be built, the plans and specifications must be approved by the Chief of Engineers and the Secretary of War; but the more I have studied the subject, the more doubt I have as to the wisdom of delegating our jurisdiction to control the subject to any bureau or any official of the executive departments of the Government. There might be danger of abuse; there might be danger that the agency to whom we delegate the authority would give exclusive or monopolistic privileges, and there are other dangers it is not necessary to go into.

I have not yet come to the conclusion that it would be wise for the Congress to surrender this important jurisdiction and delegate it to some one individual or some bureau of the Government. We may have to do it sooner or later. There is legislation now pending for that purpose. My colleague on the committee, Mr. BURTNESS, has a very good bill which provides for that policy, now pending before the committee. But before we can do that it is the duty of Congress to lay down the principles which shall govern the bureau or other official in the exercise of such a duty and to provide by general legislation the principles which shall govern in the exercise of that duty.

We are now in a transitory period in the construction of bridges, where we have not been able yet to reach an entire agreement on the question of policy. As soon as we have done that, have reached a general agreement about policies, we can then perhaps pass general legislation covering the whole subject and delegate the authority to some agency of the Government to grant all bridge franchises.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. I yield to the gentleman from Texas.

Mr. BLANTON. There is no greater or more important committee, in my opinion, than the committee to which the distinguished gentleman from Illinois belongs, and I hope it will never bring in legislation delegating the power of Congress to any bureau in that way.

Now, leading out from Wichita Falls, between Texas and Oklahoma there are two highways leading to toll bridges, and elsewhere between Oklahoma and Texas you find highways leading to toll bridges and toll ferries. There is one leading out of Dallas, and when you pass Denison and get to the Oklahoma line you have a toll bridge to cross or else you would have to cross on a toll ferry, and I could mention others between Texas and Oklahoma where you have a lot of toll bridges to cross. When you go out of Texarkana on the main highway northeast you soon strike the same proposition. I hope the gentleman's committee will act cooperatively with the Committee on Agriculture, which handles the good roads proposition, and see to it that on all these main highways that connect States steps shall be taken to provide free bridges. They are just as much needed segments of the highways as any other portion of the highways.

Mr. DENISON. Well, I will say to the gentleman from Texas that it is the policy of our committee to favor free bridges wherever possible. But, gentlemen, there are places where free bridges can not be constructed and where they will not be constructed. Let us take as an illustration bridges over the Mississippi River between Illinois and Iowa and between Kentucky and Missouri, and so forth. Those are not State bridges. They are interstate bridges. The Federal Government is not going to build those interstate bridges. It costs from $2,000,000 to $5,000,000 to build one of them. We are aiding the States in constructing good roads in a limited way now, but it will bankrupt this Government if we ever enter upon the policy of building interstate bridges.

Mr. BLANTON. Yet the finest free interstate bridge in the country is that between St. Louis and East St. Louis, across the Mississippi River.

Mr. DENISON. Yes. The city of St. Louis is taxing its people to pay for a free municipal bridge as a municipal investment. It has been a good investment to the city of St. Louis. But there are not many cities that can do what the city of St. Louis did.

Mr. BLANTON. Take, for instance, the section of highways in both Texas and Oklahoma, where the Government matches dollar for dollar with the States. If the Government put up dollar for dollar with Texas and with Oklahoma in that way for bridges, many of the States would be in favor of free bridges and would vote money to match dollars with the Federal Government.

Mr. DENISON. No; I think it would be just the opposite. The people of Cairo, in my district, wanted to get a bridge across the Ohio and Mississippi Rivers. I was asked to come to Congress and ask for a Government appropriation for that purpose. I filed such a bill in two Congresses and urged it as strongly as I could, but I did not get even a smile from anyone representing the Federal Government to approve such a policy. Why? The moment the Federal Government enters upon the policy of constructing interstate bridges it will be sure to cost the Government billions of dollars. There are many great waterways in this country, and Congress has not yet reached the point where we are ready and willing to enter upon that kind of a policy. Since the Federal Government is not willing to enter upon the policy of building these expensive free bridges, and so long as there is no prospect of the States doing it, we may properly, I think, permit private capital to build toll bridges.

Mr. BLANTON. As one of the economists of the House, I am ready to vote for a measure that will have the Federal Government match dollar for dollar with the States of Texas and Oklahoma and with all other States similarly situated, to build free bridges as needed segments of interstate highways. If those bills are ever brought on the floor of the House I think the House will favor them.

Mr. DENISON. I have tried that; at the same time that I filed a bill here asking for aid of the Federal Government to construct bridges across the Ohio and Mississippi Rivers at Cairo I made inquiries from time to time of the Highway Departments of the State of Illinois, the State of Kentucky, and the State of Missouri to see if they would join with the Federal Government and appropriate funds to construct free highway bridges over those rivers at Cairo. I received no encouragement. Those States had no funds to use for that purpose. They were all using all they could raise for the construction of improved roads within their respective borders. They were unwilling to levy taxes upon their people to raise funds to construct expensive free bridges to cross the Ohio and Mississippi Rivers. So it is the judgment of your committee that the time has not yet come when States will, by general taxation, raise funds to construct free bridges over the interstate rivers along their borders. When all of the improved highways that are needed are constructed, and when the people of the States are willing to be taxed to build bridges over the great rivers of the country, we may then expect free State-owned bridges. But until that time comes, we will have to depend upon private capital to build such improvements whenever public sentiment demands them.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. LAGUARDIA. Is there not now a tendency for the States and subdivisions of States to finance the construction of bridges by issuing bonds? Is not that the modern method?

Mr. DENISON. There has been an attempt to do that in a few cases. There are some of them now trying to do it, by asking Congress to confer authority upon them to borrow money, when they have no such authority under their State law. The committee has given very careful attention to this subject, and we feel that there are places in this country where the people need the bridges and where the public authorities can not or will not raise the funds necessary to construct them. Until that can be done by the public authorities we feel that franchises should be granted to private individuals to build the bridges with private capital. And let me say this: There is some sound argument in favor of such a policy.

If we are to build a bridge across the Mississippi River at Cairo, for instance, the farmers and business men who live in the upper part of the State will probably never see that bridge and never use it; and there are those who believe that it would not be right to tax all the people of the State several million dollars to enable tourists and others to cross the river at Cairo on a bridge instead of a ferry.

There are a great many people who believe that the people who use bridges should pay for them instead of taxing the people generally for that purpose. Why should the farmers of the State of Illinois be taxed to build a free bridge across the Mississippi River? And why should the people of south Texas and all over the State of Texas and the people of the State of Oklahoma be taxed to build a free bridge, or several free bridges, between the two States? Why not let the tourists and the people who use those bridges pay for them, amortize their cost, and then make them free?

Mr. BLANTON. If my friend will yield, there are thousands of Texans who every year cross that free bridge over the Mississippi into East St. Louis. There are thousands of them every year.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WASON. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. DENISON. Mr. Chairman, I do not want to leave that subject before I complete it. The policy of our committee is that when we grant the right to an individual or to a corporation to build a bridge with private capital, we protect the interests of the public in various ways. How do we do it? I want to go over that subject briefly.

In the first place, you understand that the Federal Government can regulate the tolls that may be charged. There is never one of these bridges built except at a place where there is a ferry and there is nobody who can regulate the ferry charges. A ferry is an old, antiquated, and unsafe method of crossing rivers, and there is no authority to regulate the tolls that are charged on an interstate stream. On the contrary, when a bridge is built, the tolls can be regulated by the Federal Government; and if the company or individual that builds the bridge charges tolls that are unfair, that are too high or unreasonable, anyone can make complaint to the proper Federal authority, an investigation will be made, and the Federal Government has the right to reduce the tolls. So the tolls charged on such bridges are subject to Federal regulation.

Mr. RAMSEYER. By whom and how?

Mr. DENISON. I will show the gentleman.

Mr. RAMSEYER. That is, by whom? What officials or what group of officials?

Mr. DENISON. The act of March 23, 1906, contains this provision, and every bridge in the United States over a navigable waterway that has been built by the consent of Congress since March 23, 1906, is subject to this provision of law.

Mr. GARDNER of Indiana. Are not the bridges built prior to that time under the regulation of the Federal Government?

Mr. DENISON. Not if they were built before March 23, 1906. Here is the provision in the act of March 23, 1906, under which the Secretary of War may regulate the tolls that are charged on any toll bridge constructed under that act:

> If tolls shall be charged for the transit over any bridge constructed under the provisions of this act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

So nobody should be afraid of the charges that will be made on a toll bridge, because at any time the tolls become unreasonable or the public feels that the tolls are too high complaint can be made to the Secretary of War, and he will have an investigation made immediately. He has informed us time and again that that is his policy, and it is the policy he carries out. He will have an investigation made as to the expense of operating the bridge and its cost. After doing that he will fix the tolls at what will be reasonable and just, and they can not thereafter charge any larger tolls than he fixes.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. ROBSION of Kentucky. In my State of Kentucky, on the eastern Dixie Highway and on the southern Dixie Highway—two transcontinental highways that extend entirely across the country—there are two bridges. One of them, I understand, cost $16,000, and last year the returns from tolls amounted to $126,000. Now, the Federal Government has spent millions of dollars in bringing business to that bridge, and I want to know how you can reach fellows of that kind.

Mr. DENISON. I will tell the gentleman. That is a typical case and a great many of the Members do not understand situations like that. Let me tell you how to handle that situation. If that bridge has been built by the consent of Congress since March 23, 1906, and it is over a navigable waterway of the United States, I suggest to the gentleman from Kentucky to file a complaint with the Secretary of War, or have anyone else do it, and call his attention to the fact that they are charging unreasonable tolls to cross that bridge, and I will guarantee you will get a reduction in the tolls if they are found to be unjust or unreasonable.

Mr. ROBSION of Kentucky. But suppose that bridge was built before March 23, 1906. The Federal Government has built roads to each of these bridges which bring business to them, and I want to know how we are going to reach them?

Mr. DENISON. I will tell the gentleman how to do that. If the bridge was built way back yonder before there was any regulation of these matters, there may be certain vested rights

which we have to accept; but I advise the State of Kentucky to take $16,000 more and build a free bridge right by the side of that one, and that will stop it. Congress will grant the State or county a franchise for that purpose any day.

Mr. BLANTON. May I correct one statement which the gentleman inadvertently made?

Mr. DENISON. Yes; if I made one.

Mr. BLANTON. If the gentleman will investigate, he will find that in the case of every ferry that is on an interstate highway connecting two States the War Department does assume control over it. It controls its rates, it controls the number of trips it makes per day, it controls the time it must begin these trips, and the time it must stop.

Mr. DENISON. My friend from Texas is usually pretty accurate——

Mr. BLANTON. I checked that up this past summer and I had the owners of such ferries to tell me that the War Department does control them and does cause them to give certain service; for instance, I recall a ferry down in Missouri, particularly, that was caused to make more trips and to reduce its charges.

Mr. DENISON. I can not yield any further. I will state that if the gentleman will point out the law under which the War Department regulates the tolls on ferries, I will be pleased to have him do so. I do not think there is such a law.

Mr. BLANTON. Well, the department does it, under the law that gives the Government control over navigable streams.

Mr. DENISON. I want the gentleman to point out the law to me by which they do it. The Department of Commerce regulates the navigation of all rivers and requires certain things as to service, but they do not control the tolls that are charged, as I understand it.

Mr. BLANTON. The War Department assumes control under the general law.

Mr. ROBSION of Kentucky. Is that the only remedy the gentlemen of the committee have thought of that is within the law—to build a new bridge right by the side of the old one which is charging excessive tolls?

Mr. DENISON. Would not that be an effective remedy?

Mr. ROBSION of Kentucky. That would be an effective remedy, perhaps.

Mr. DENISON. Of course, the gentleman understands if that bridge was lawfully built with private capital, we can not confiscate it; and if it was built before there was any such law as the present one, we can not regulate its tolls.

Mr. ROBSION of Kentucky. It seems to me when the Federal Government has spent $10,000,000 to $20,000,000 to bring the business to that bridge, when it did not have any business practically at all until the Government spent that money, we ought to be able to take hold of it. [Applause.]

Mr. DENISON. If the gentleman from Kentucky can figure out any legal remedy under the Constitution I will be glad to have him do so and insert it in the RECORD. I am trying to state what I think is the law; and I will say if that bridge was built by the consent of Congress, Congress has no doubt reserved the right to repeal, alter, or amend the law granting it; and if that bridge was built by the consent of Congress, my friend the gentleman from Kentucky can file a bill to repeal it and, if the bill can be passed, the Secretary of War will make them tear down the bridge; and he can make them do that at their own expense under the law.

Mr. BLANTON. And what is to prevent us from condemning it under the power of eminent domain as a needed national-highway proposition?

Mr. DENISON. There is nothing to prevent us from condemning it if there is any sufficient Federal reason for doing so.

Mr. BLANTON. That is what we ought to do. We ought to exercise the right of eminent domain.

Mr. DENISON. I suggest to the gentleman that he start proceedings for that purpose if he wants to.

I want now to go ahead and continue my discussion briefly of the policies of our committee in granting these franchises to protect the interests of the public.

First. I said we can regulate the tolls and fix them, if necessary, to make them reasonable and just.

Second. We put in every bill that we pass a provision giving the right of recapture to the public. In other words, we give to the Federal Government or to the State government or any political subdivision with which the bridge is connected the right to go into court and condemn the bridge and take it over for the purpose of making it free.

Then we limit the amount that has to be paid, after a certain time, in order to do this; we provide that if the State government wants to take over the bridge after a certain time it can do so without having to pay for any going value, or any prospective profits, or any earning power, but it can take it over by paying the actual value of the physical structure, less deterioration.

This fully protects the public, so that if at any time the States or the municipalities get into a condition where they can financially do so, they can go into court by proper condemnation proceedings and take over the bridge if they want to make it a free bridge.

The CHAIRMAN (Mr. ELLIOTT). The time of the gentleman from Illinois has again expired.

Mr. WASON. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. DENISON. Now, in addition to this right of recapture which fully protects the public, we think, we require the person who builds a toll bridge or the company that builds a toll bridge to file a sworn, itemized statement of every element of cost that enters into it. They have to file this statement with the Secretary of War as soon as they complete the bridge, and we are now requiring them to file the statement of costs with the highway department of the State in which the bridge is located; and if it connects two States, they have to file the statement of costs with the highway departments of the two States.

Then we provide that at any time within three years after the completion of the bridge the Secretary of War may make an investigation of this statement of costs; we further provide that upon the request of the highway department of either of the States, the Secretary of War shall make a full inquiry and investigation of the statement of costs, and then it is his duty to find what is the reasonable cost of the bridge—not only the actual cost but the reasonable cost—and whatever he determines to be the reasonable cost is the cost that shall govern in case the public decides to take the bridge over by condemnation. We fix the measure of damages as based upon the cost of the bridge, so that we protect the public against padding of costs, against exaggeration of costs, and against any fraudulent statement of costs.

Mr. ARENTZ. Will the gentleman yield?

Mr. DENISON. I will yield to the gentleman.

Mr. ARENTZ. Has the gentleman ever had brought to his attention by the Panamanians the question of building a bridge over the Panama Canal?

Mr. DENISON. Yes; I have.

Mr. ARENTZ. What does the gentleman think about it?

Mr. DENISON. A bridge over the Panama Canal is a very serious question. It involves questions of national defense that are very important.

Mr. ARENTZ. The gentleman knows that there is a place called Bouquet?

Mr. DENISON. Yes.

Mr. ARENTZ. When Lindbergh wanted to go there the only way he could go was to either fly or go by boat. It seems to me that it would only be fair play to meet the demands of transportation to give them a bridge so that they might cross from the northern part to the southern part of their country.

Mr. DENISON. We have a splendid ferry service there now that answers all present needs of the people. We may some time find a safe way to build a bridge over the canal.

Now, let me go a little further as to the protection of the public against what some think may be an imposition by private toll-bridge owners.

If an individual or company has been given the consent of Congress to build a toll bridge, we have the right to regulate the tolls to be charged the public at any time; and if the public does not want to go ahead and buy the bridge in order to make it free, Congress stands ready at any time to give the public a franchise to build another bridge by the side of it.

We are not only putting all these provisions to protect the public in every franchise we grant to build toll bridges, but in every bridge bill Congress reserves the right to repeal, alter, or amend it at any time. The Government can compel the owners of any bridge to change it, or remove it if it interferes with or obstructs navigation.

So, the Federal Government reserves full control over the subject, and under the policy which the committee has adopted in granting these franchises we have taken every possible precaution to protect the public; and we only grant franchises to private individuals when there does not seem to be any probability of a bridge being built by the public authorities.

Mr. LAGUARDIA. Does the gentleman believe that the provision reserving the right to alter, amend, or repeal is sufficiently broad to justify granting another permit alongside of the one already built?

Mr. DENISON. I do. Congress has absolute control over it.

Mr. LAGUARDIA. Has it ever been tested?

Mr. DENISON. The right to do it has never been questioned.

Now, let me state in conclusion. There are many cases where the States themselves can not build free bridges; they can not or will not tax their people to build expensive bridges over the rivers, especially those on their borders. They are using all the money they can get to improve their roads. It may be long years before many of the States can raise funds to pay for the free highway bridges over interstate waterways. There is ample capital in this country that is now ready to be invested in improved bridges. Your committee sees no reason why, under such circumstances, private capital should not be allowed to be invested in order to give the people better and more modern methods of crossing the rivers of the country.

I have seen statements in the newspapers within the last few days to the effect that American citizens invested last year $2,000,193,000 in foreign countries. In other words, that vast amount of American capital has sought investment abroad for a lack of opportunities for investment in this country. Much of it, no doubt, was invested for the purpose of providing public utilities and for other progressive developments in those countries. Some of us think that it would not be at all unwise to permit some of this capital to be invested in improved methods of crossing the rivers of this country, provided that in permitting it to be done, we prevent the public from being exploited and we preserve to the public the right to regulate the charges for the use of such bridges and save to the public the right to recapture them for the purpose of making them free.

Mr. MANLOVE. Will the gentleman yield?

Mr. DENISON. I will yield to the gentleman.

Mr. MANLOVE. I want to state that I have had four cases before the Committee on Interstate and Foreign Commerce in presenting municipal bills for different counties in my district, and that I am personally much obliged to the chairman and the committee for the active and expeditious manner in which the business has been transacted.

Mr. DENISON. That is very kind of the gentleman. I now yield to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. The suggestion I had in mind was the fact that the American investment of $2,000,000,000 and more in Europe annually is probably responsible for all of the sentiment we hear expressed about canceling the debts of foreign nations to the United States.

Mr. DENISON. And it would not be a bad policy to encourage the investment of that American capital at home.

Mr. BLANTON. Certainly.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. O'CONNOR of Louisiana. The gentleman has expressed the conviction that the Federal Government is invested with exclusive jurisdiction over the navigable waters of the United States, that power coming under the interstate and foreign commerce clause of the Constitution. As a corollary of that conviction, does the gentleman hold that there is an exclusive obligation upon the part of the Federal Government to control the waters of navigable waterways so as to prevent floods?

Mr. DENISON. I just spoke for an hour and a half before the Flood Control Committee to-day, and I expressed my views that it is the duty of the Federal Government to protect the people of the Mississippi Valley from floods, and that the Federal Government ought to do so from the Federal Treasury.

Mr. O'CONNOR of Louisiana. If there be exclusive obligation upon the part of the Federal Government, has the Congress the legal right to impose upon the States and compel them to accept a division of that jurisdiction?

Mr. DENISON. That is going into another question which I am sorry I will not have time to discuss now. I will say I do not think the Government can compel the States to pay any part of the expense required for flood control.

In conclusion, the committee has prepared a series of standard forms for bridge bills. They are, we believe, improvements over the forms used heretofore. There is an agreement between the committees of the Senate and the House upon these forms. All of these provisions to protect the public interests are inserted in these forms. I shall insert them, with the consent of the committee, in the RECORD as a part of my remarks, and they will, no doubt, be made a public document, so that each Member of the House and the Senate can have them; and if in preparing bills for bridge franchises over rivers in their respective districts, the Members will consult the CONGRESSIONAL RECORD and follow the form that fits the facts in the particular case, the bill will meet the approval of the House and the Senate committees, and so far as those two committees can control the matter, will receive the approval of the House and the Senate.

Those forms proposed for bridge bills are as follows:

FORMS FOR BRIDGE BILLS

1

(Form for publicly owned free highway bridge, intrastate)

A bill granting the consent of Congress to the _____
(Insert the name of the State, county, city, or highway department)
_____, to construct, maintain, and operate a free highway bridge across the _____ River at or near _____.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the _____
(Insert the name of the State, county, city, or highway department)
_____ to construct, maintain, and operate a free highway bridge and approaches thereto across the _____ River, at a point suitable to the interests of navigation, at or near _____, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

2

(Form for publicly owned free highway bridge, interstate)

A bill authorizing the _____
(Insert the name of the State, county, city, or highway department)
_____ to construct, maintain, and operate a free highway bridge across the _____ River, at or near _____.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the _____
(Insert the name of the State, county, city, or highway department)
_____ be, and is hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the _____ River, at a point suitable to the interests of navigation, at or near _____, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the _____
(Insert the name of the State, county, city, or highway department)
_____ all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

3

(Form for publicly owned toll bridge, intrastate)

A bill granting the consent of Congress to the _____
(Insert the name of the State, county, city, or highway department)
_____ to construct, maintain, and operate a toll bridge across the _____ River, at or near _____.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the _____
(Insert the name of the State, county, city, or highway department)
_____ to construct, maintain, and operate a bridge and approaches thereto across the _____ River, at a point suitable to the interests of navigation, at or near _____, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed ____ years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be

so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

4

(Form for publicly owned toll bridge, interstate)

A bill authorizing the _____
(Insert the name of the State, county, city, or _____ to construct, maintain, and operate a toll highway department)
bridge across the _____ River, at or near _____.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the _____
(Insert the name of the State, _____ be, and is hereby, authorized to county, city, or highway department)
construct, maintain, and operate a bridge and approaches thereto across the _____ River at a point suitable to the interests of navigation, at or near _____, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon _____
(Insert the name of the State, _____ all such rights and powers to county, city, or highway department)
enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said _____
(Insert the name of the State, county, city, or _____ is hereby authorized to fix and charge tolls for highway department)
transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed _____ years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

5

(Form for privately owned toll bridge, intrastate)

A bill authorizing _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the _____ River at or near _____.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the _____ River at a point suitable to the interests of navigation at or near _____, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of _____, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of _____ years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of _____, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed _____ years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of _____ a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of _____ shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

6

(Form for privately owned toll bridge, interstate)

A bill authorizing _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the _____ River, at or near _____.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the _____ River, at a point suitable to the interests of navigation, at or near _____, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of _____, the State of _____, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of ____ years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed ____ years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway departments of the States of _____ and _____, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

7

(Form for privately owned toll bridge, international)

A bill authorizing _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the _____ River, at or near _____.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate international commerce, improve the Postal Service, and provide for military and other purposes, _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the ____ River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near _____, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in _____.

SEC. 2. There is hereby conferred upon _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of _____ needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of _____, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of ____ applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to _____, its successors and assigns (or his or their heirs, legal representatives, and assigns), and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

8

(Form for railroad bridge)

A bill granting the consent of Congress to the _____ Company to construct, maintain, and operate a railroad bridge across the _____ River at or near _____.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the _____ Company, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the ____ River, at a point suitable to the interests of navigation, at or near _____, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to _____ Company, its successors and assigns, and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

9

(Form for railroad bridge, international)

A bill granting the consent of Congress to the _____ Company, to construct, maintain, and operate a railroad bridge across the _____ River at or near _____.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the _____ Company, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the _____ River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near _____, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the approval of the proper authority in _____.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to _____ Company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

10

(Form to extend the times for constructing a bridge)

A bill to extend the times for commencing and completing the construction of a bridge across the _____ River, at or near _____.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of the bridge across the ____ River, at or near _____, authorized to be built by _____, by the act of Congress approved ____ are hereby extended one and three years respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. COLLIER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLEN. Mr. Chairman, I yield one hour to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VINSON of Kentucky. Mr. Chairman and gentlemen of the committee, I think that the gentleman from Illinois [Mr. DENISON] should not only receive the congratulations of the House upon his splendid work with reference to bridge legislation but that he should receive the commendation of the country. I feel certain that when the recapture clause which he initiated in bridge legislation comes to be known and understood by the people of the country and benefits of its provision secured by the public he will receive the plaudits of the country for that pioneer work.

The independent offices appropriation bill for 1929 (H. R. 9481) has been laid before the Congress for its consideration. This bill, carrying appropriations for 26 independent agencies of this Government, would appropriate $526,193,111 toward their maintenance for the fiscal year of 1929. The agencies of government involved are as follows:

Executive.	Federal Power Commission.
Alaskan Relief.	Federal Radio Commission.
Alien Property Custodian.	Federal Reserve Board.
American Battle Monuments Commission.	Federal Trade Commission.
	General Accounting Office.
Arlington Memorial Bridge Commission.	Housing Corporation.
	Interstate Commerce Commission.
Board of Mediation.	National Advisory Committee for Aeronautics.
Board of Tax Appeals.	
Bureau of Efficiency.	Public Buildings and Public Parks.
Civil Service Commission.	Smithsonian Institution.
Commission of Fine Arts.	Tariff Commission.
Employees' Compensation Commission.	United States Geographic Board.
	United States Shipping Board.
Federal Board for Vocational Education.	United States Veterans' Bureau.

The subcommittee which prepared this measure was composed of Mr. WILLIAM R. WOOD, of Indiana, chairman; Mr. EDWARD H. WASON, of New Hampshire; Mr. JOHN W. SUMMERS of Washington; Mr. THOMAS H. CULLEN, of New York; and myself.

The work in its preparation was most pleasant and interesting, but it is a work of responsibility; because of which, I feel it obligatory upon me to present a report to the Congress of certain facts and conditions which developed in the preparation of the bill. Owing to the subject matter involved, of course, it is impossible to develop the entire work or any considerable portion thereof. I will call to your attention certain matters which I think of interest to the Congress not only in connection with the bill under discussion for the next few days but in respect of other legislation.

EXECUTIVE OFFICE

In regard to the appropriation dealing with the maintenance of the Executive offices, it would appear that there is carried in this bill $91,280 less than the appropriation for the current fiscal year. That comes about because there was struck from this bill the sum of $90,000 carried for this year to defray expenses of the litigation involved in the cancellation of the oil leases. As a matter of fact, for the maintenance of the Executive Mansion and grounds, the bill carries a slight increase. There is an increase in the salaries for personnel amounting to $1,220. There is a decrease of $2,000 in the heating item. That heat item is carried in another bill. The heat for the Executive Mansion has been obtained from the State, War, and Navy Building. Of course, that means no saving to the Treasury of the United States. It is a mere matter of bookkeeping. An appropriation of $437,180 is carried for this activity.

ALIEN PROPERTY CUSTODIAN

This agency requests appropriation for one person, namely, the Alien Property Custodian. The Budget submitted its estimate in the sum of $7,500 per annum. The committee increases this amount to the sum of $10,000. I think that it is a reasonable charge for the responsibility and the proper discharge of official conduct.

It is an easy matter to attack this increase on the ground of economy. It can be said that the service of the present custodian, former Senator Howard Sutherland, has been secured for the lesser sum; and an argument might be presented that there are lessened duties involved. On October 31, 1927, there has been property aggregating the sum of $615,000,000, which had been in the possession of the Alien Property Custodian. To that date, $350,000,000+ had been paid out to claimants; of this amount, more than $16,000,000 was represented in interest and income derived from this property. Of this aggregate amount, some $58,000,000— was paid out under the Winslow bill wherein the amount of the claim was limited to $10,000.

On October 31, 1927, there was property aggregating $265,000,000— on hand. Of this amount, there was cash invested, used for working capital, in the sum of $300,000. No interest was being collected upon this item. This amount is smaller than any similar fund at the close of any year since the passage of the law. Likewise, the amount of cash with depositaries in the small sum of $25,000+ as compared with the high mark, at the close of the year, of $2,600,000+, in 1923. According to the record presented to us, this office, beginning with November 1, was made self-sustaining, which is explanatory of the decrease in the appropriation requested from that which was carried for the current fiscal year. That amount was $98,000. This is made possible by a change in the charges against the property and income in possession of this office. Heretofore the charge has been 1 per cent on income and one-fourth of 1 per cent on principal cash. Under the new plan the charge would be 2 per cent on income; nothing on receipts of principal, but 2 per cent on principal paid out. With this charge written off, Senator Sutherland states that the property will net an interest earning of 3½ per cent or more at the time of its return.

There has been a reduction in the number of employees between June 30, 1926, and October 31, 1927, of 55 in number; and an annual reduction in salaries of $63,000+.

The total cost of the office, including the charges preferred and collected from the property in income in their hands, to wit: $1,500,000+, is the sum of $5,500,000+.

AMERICAN BATTLE MONUMENTS COMMISSION

This commission has been empowered by Congress to construct fitting memorials in Europe in honor of our soldier dead now sleeping on foreign soil and to commemorate their unsullied sacrifice for country. The project is now well under way and consists of eight chapels erected in the cemeteries abroad, three large memorials and five smaller memorials commemorating the combat activities in the Army, two large memorials and three smaller memorials commemorating the work of the Navy, one memorial for the Service of Supply at Tours, France; one joint Army and Navy memorial to be erected in Rome; and two bronze tablets, which will mark the general headquarters of the American Expeditionary Forces at Chaumont, France, and the headquarters of the First Army at Souilly, France.

The chapels will be located in the following cemeteries:

Meuse-Argonne American Cemetery, near Romagne-sous-Montfaucon, France.

St. Mihiel American Cemetery, near Thiaucourt, France.

Ois-Aisne American Cemetery, near Fere-en-Tardenois, France.

Aisne-Marne American Cemetery, near Belleau, France.

Somme American Cemetery, near Bony, France.

Flanders Field American Cemetery, near Waereghem, Belgium.

Suresnes American Cemetery, at Suresnes (near Paris), France.

Brookwood American Cemetery, at Brookwood, England.

With reference to memorials outside of the cemeteries, the three largest ones will be erected at Montfaucon, on Montsec, and near Chateau-Thierry, France.

The five smaller battle-field monuments will be located as follows:

On Blanc Mont Ridge, in the Champagne region, France.
Near Bellicourt, France.
At Cantigny, France.
At Audenarde, near Ypres, Belgium.

In the city of Tours, France, a monument will be erected to the Services of Supply.

One of the large naval memorials will be erected at Brest, France, and the other in England. The three smaller naval memorials will be located at Gibraltar, at Corfu, Greece, and at Ponta Delgada, in the Azores.

In the chapels nearest the field of activity, where a most distinguished class of American soldier—the missing in action and the unknown—lost their lives, these soldier dead will have their names inscribed.

There are 3,177 in this class. The epitaph now carried on the crosses to the known soldier dead will be preserved in the chapel. The epitaph of the Unknown Soldier will be there. It is:

Here lies in honored glory an American soldier known but to God.

The authorization for this work is $3,000,000, and it is stated that the plans of the commission will be within this limitation. Incidentally, I inquired if the commission was satisfied with the chapels and memorials so designed, and we were told that they were considered suitable and appropriate and in keeping with the dignity of our Nation.

This item carries an appropriation of $700,000. It is the hope of the commission that this work will be completed in the fiscal year 1930.

Mr. O'CONNOR of Louisiana. Mr. Chairman, may I interrupt the gentleman there?

Mr. VINSON of Kentucky. Certainly.

Mr. O'CONNOR of Louisiana. May I ask the gentleman what is the estimated cost of this memorial work we are doing in France?

Mr. VINSON of Kentucky. I can give the gentleman the estimated and the authorized cost. The entire project is to be carried through at an expense of $3,000,000 according to the program of the American Battle Monuments Commission, under the congressional authority.

Mr. O'CONNOR of Louisiana. I ask the question for the reason that I have a bill, as the gentleman knows, proposing the construction of a memorial shrine on the battle field at Chalmette, La., and I put the cost as an estimate at $250,000. I just wanted to see if the figures relatively would correspond.

Mr. VINSON of Kentucky. It occurs to me that the project in regard to that battle field is a splendid one, and I can assure the gentleman that it has my hearty cooperation.

ARLINGTON MEMORIAL BRIDGE COMMISSION

The foundation and substructure of the Arlington Memorial Bridge is practically finished; a contract for the superstructure has been made and the stone therefor, in large part, is on hand, cut, and ready for use. We are told that they are keeping pace with the schedule originally planned and that the bridge will be completed in 1930 or 1931. The authorization for the bridge is $7,500,000. This bill carries for this item $2,300,000. Upon pages 30 to 33, inclusive, of the hearings there is a detailed and itemized statement of the expenditures of this commission, closing with November 30, 1927. This amount is $2,656,809.05.

This bill would carry the same number of employees at the same salary appropriated for 1928.

UNITED STATES BOARD OF MEDIATION

This is the first year of the life of this activity. Work in the field was begun October 1, 1926.

During the fiscal year ending June 30, 1927, there were 265 cases submitted to it. Eighty-one of these cases were settled without the necessity of setting up a board of arbitration; 57 were settled through mediation; 15 were withdrawn through mediation, and 9 were withdrawn voluntarily. One hundred and sixteen cases were adjusted so far as the responsibilities of the Board of Mediation are concerned. Of this last class, 32 cases were submitted to arbitration, of which number 15 had been concluded by awards and, since the beginning of the fiscal year, several other arbitrations have been concluded. There were 3 cases of which the board did not take jurisdiction.

At the end of the year 149 of the total of 265 cases received remained unsettled. Of this number, 92 had been assigned for mediation.

There are two general classes—those involving wages, rules, and working conditions falling in one group, and the so-called grievance cases which fall in the second group. There have been 85 of these so-called grievance cases submitted for adjustment, but there does not seem to have been disposition of any considerable number of them. The explanation for the delay in the complete adjudication of such cases is the failure of the individual or group alleging the grievance and the employer in agreeing upon the matter in which the adjustment board will be set up. The law provides that such board will be set up by the employer and the party aggrieved.

Under the statute, when mediation fails it is the duty of this board to induce the parties to the mediation to enter upon an arbitration agreement. If the dispute goes to arbitration and an award is made, it may be entered in the Federal court as a judgment of court. There has been only one appeal from an arbitration award. It was made by the carrier. There are five less employees to be paid under this bill, with a consequent reduction of $20,910 in salaries, than were appropriated for in 1928.

The appropriation seems to be $42,098 less than that carried in the bill for the present fiscal year, which is made up of the decreases in salaries and in the appropriations for the arbitration board.

The record discloses that arbitrations are ascending in numbers. Their costs have run between a minimum of $228.25 and a maximum of $14,606.80. With only $33,000 to run them past July 1, it is very evident that the amount carried in this bill will be considerably insufficient. So it is very probable that the total cost for 1929 will exceed that of 1928.

There is a rent item in connection with this activity to which I would call attention. The quarters of this board are located in the Earle Building. They use 7,057 square feet of space, for which they pay the sum of $13,800—a rate of $1.94 per square foot.

Mr. COLLIER. Mr. Chairman, will the gentleman yield there?

Mr. VINSON of Kentucky. Yes.

Mr. COLLIER. I asked the question the other day, but could not get an answer as to approximately how much the Government pays for rentals in the District of Columbia.

Mr. VINSON of Kentucky. I have not been able as yet to reach the sum total, but it is my purpose to procure that and to convey the information to the House.

BOARD OF TAX APPEALS

The amount carried in this bill is $720,740, which is $7,960 in excess of the appropriation for the present fiscal year. This increase is added amount for printing and binding the opinions of the board.

The work of this board has sped up considerably in comparison with the work of previous years, yet there remains much more to be done to make their work current. In 1925, they disposed of 995 cases in written findings of facts and opinions; in 1926, 990; in 1927, about the 2,000 mark in formal opinions. In November of this year, 496 new cases were filed and 516 were actually closed.

It might be well to show that up to December 1 of this year there had been filed with this board 32,598 cases; 13,776 actually closed. At the time of the hearing there were 16,310 cases awaiting trial with an added number of 1,615 pending the outcome of the negotiations between the commissioner and the taxpayer. This made a total of 17,925 cases on the docket awaiting trial. Of this number, there are some 1,800 involving one question affecting the Osage Indians. The chairman of the board estimated that 25 per cent of the cases on the docket would be settled without trial. He informed us that they were hearing cases now that were from eight months to a year old. In the present tax bill a provision is carried which, if enacted into law, would authorize the board to write memorandum opinions in cases of no special importance, or purely fact cases, without the necessity of separate findings of fact. This would speed up their work to some degree.

It is interesting to note that cases of any amount are considered by the board, $0.83 being the smallest amount involved. The average case involves $20,000 and the docketed cases involve approximately $750,000,000.

There was some discussion at the hearings in respect of the disposition of old records. It seems that they are kept current for six months. Some suggested that after the specified time, some said three years and some five, that these records might be destroyed. It occurs to me that the value of these records for future use, both in civil and criminal proceedings, has been underestimated by those who would acquiesce in their destruction. It is a court record involving in many instances millions of dollars, and might well be useful either on the part of the

Government or on behalf of the taxpayer. It occurs to me that the same practice should be followed here that is followed in the Supreme Court, namely, the preservation of the entire record upon which the case in that court is adjudicated.

The rent item for this activity is $57,000. It represents an increase of $5,750 for added space over 1928. Quarters for this activity are in the Earle Building and, while the record is rather indistinct, the lowest average per square foot is $1.89.

There is no reduction in personnel contemplated, with an increase in salaries of $11,940.

BUREAU OF EFFICIENCY

This item carries $210,350, which is same amount as present year. There is a decrease of four employees which, with the increase of salaries, makes a net reduction on salaries of $3,000.

I realize that there is considerable opposition developed to the work of this bureau and particularly as it affects the District of Columbia. It is an easy matter to realize the attitude of the departments, especially those in the District, toward their work. I am frank in the statement that while I have not had the opportunity to make an exhaustive study of the work of this bureau, from what I have seen of it I am inclined to think that its function is a much-needed work.

In the Bureau of Engraving and Printing they made recommendations for a new method of handling bank note currency orders in the wetting division, which resulted in the saving of one clerk. A new method of examining currency backs reduced the spoilage to a very marked degree. There was saved in 1927 more than 9,000,000 sheets of distinctive paper plus the cost of the previous printing operation. Including the cost of the paper, the labor, and ink required to print backs aggregate $13.04 per thousand. Deducting the total amount charged against the printers for spoilage in 1927 of $558.40, there is a saving of $135,000. According to the testimony of Mr. Brown, there has been a saving of more than $100,000 in the numbering division, due to recommendations of this bureau.

At the present time the matter of using paper wipers on the presses in lieu of rag wipers is being tested out with apparent success. Not only is finer work done, but there is a saving of approximately 50 per cent of the ink. Incidentally, they are experimenting now with a defibering machine that not only will recover all the old bills but will be able to take care of the paper toweling.

The plates are now being made for the making of the smaller-size currency, which will probably be put into circulation next year. It is estimated that this innovation will make a saving of about $2,000,000 a year.

A movement was instituted to permit purchase, in bulk, of food supply for Federal Government organization in the District which effected an annual saving estimated at $25,000. In connection with the purchase of supplies for the Government, though it developed there was some effort at coordination in the purchase of supplies in the District, there is an opportunity to effect a saving of much money by some attention to this work by the Congress as it affects other purchases.

Investigations into the various departments of the District government, which were made at the requests of various committees of Congress, the commissions of the District, and the Budget Bureau, there were several investigations into the activities of the District. From the noise which has gone up it is evident that the estimated annual saving in this work of some $160,000 has not been pleasing to certain persons in the District. In the hearings is a specific statement of the investigation made with the consequent savings.

Relative to automobile tags, it is shown that whereas they cost approximately 15 cents per pair last year, a tag this year manufactured by a plant which cost $17,250, for which the appropriation was made by Congress, will cost 11 cents this year, inclusive of depreciation and amortization of the cost of the plant.

CIVIL SERVICE COMMISSION

This bill carries an appropriation of $1,098,752, a decrease of $100,000+ over the appropriation for the preceding year. There seems to be an increase of about 31 additional employees. There is an increase of traveling expenses of $12,000.

The increase in the salaries is due, in the main, to additional examinations with the accompanying typists, clerks, and so forth, necessitated by the increase in the commission's work, due to legislation in the Sixty-ninth Congress. This additional employment will cost $45,060. The promotions pay $15,000.

During the last fiscal year 5,974 other eligibles were summoned for finger printing in New York City, 893 of whom for apparently obvious reasons failed to appear. Of those who appeared 122 were identified as having arrest record, who had made false statements in their applications concerning such arrests, and approximately 300 more were similarly identified, but who had not made false statements. The value of this work is obvious. This item will extend the fingerprint work to other cities with an increased appropriation of $6,000.

There is an item of $8,000 for research and examination tests; and $4,000 for one person to have charge of the New York City office. This does not entail a full increase of $4,000, as heretofore the secretary at New York has been detailed from the customs service. He did part-time service.

The rent item for the Civil Service Commission is $22,992. The rate per square foot is $0.51½.

COMMISSION OF FINE ARTS

The item for this activity is the same which was appropriated for 1928, namely, $7,300. According to their report to us by way of the hearings, the quantity of work which they were called upon to do was very considerable. The manner in which it was done is strictly a personal conclusion.

EMPLOYEES' COMPENSATION COMMISSION

The total amount carried in this bill for this item is $3,675,000, as compared to $3,648,240 for the present fiscal year. There is an increase of 80 employees; an increase in salaries, supplies, travel, and so forth, of $75,460 as compared with this year; $1,300 in printing; $50,000 less in the employees' compensation fund than in 1928.

The longshoremen's compensation act in the main is responsible for the increased personnel and increased allowance for personal service.

Under the Federal act of 1916 there have been about 20,000 claims a year filed. The number of injuries under the longshoremen's act was estimated at 40,000 a year. Rent of buildings is for quarters of the district offices. In 12 cities the average per square foot is $1.07.

FEDERAL POWER COMMISSION

Apparently there is an increase in personnel of 29 and a consequent increase in salaries of $80,340. As a matter of fact, there is no increase in personnel working under this commission nor in salary allowances. Heretofore personnel has been detailed to this commission from various departments and their salary paid from the department from which they were detailed. Now it is proposed to put them under the commission itself without increase in pay. It should inure to the benefit of the commission in morale. There is no increase in the total amount appropriated.

Under the act the commission is authorized to collect reasonable annual charges for the purpose of reimbursing the Government for the administration of the act. There is an administrative charge against licenses on a basis of the primary horsepower of the projected license. The charge is 10 cents a horsepower for the first year, 15 cents for the second year, and for the third and every year thereafter 25 cents per horsepower.

FEDERAL RADIO COMMISSION

This item carries an amount of $80,560, with an increase in personnel of some 10 persons. The increased appropriation is $28,374. However, it is a new institution.

A very interesting discussion of the general subject was presented to the committee. It was shown that there were only 89 wave lengths for broadcasting which could be used in the United States; that there were approximately 680 broadcasting stations in this country. Twelve of the wave lengths allocated to this country are being shared between Canada and the United States. Canada has six wave lengths, which they may use exclusively, while we have 77.

The commission pointed out that radio was only a small part of the radio picture. We insert an excerpt from the testimony of Mr. Caldwell, acting chairman of the commission, setting forth the activities who are desiring to go upon the air.

The paper referred to is as follows:

Wide interest has been aroused in the public hearings on the radio short-wave situation announced by the Federal Radio Commission to be held at Washington, beginning at 10 a. m. January 17, 1928.

Many different groups have requested opportunity to present their claims to be assigned channels in this part of the radio spectrum. Among those applying to be heard are:

Newspaper services.
Communication companies, domestic and transoceanic.
Airplane operating companies.
Navigation companies.
Railroads.
Department store chains.
Electric railways.
Interurban bus systems.
Electric power transmission systems.
Mining and oil companies.

Lumber companies.
Farm cooperative organizations.
Motion-picture producers.
Police and fire alarm systems.
Forest and watershed patrols.
Ranch owners.
Remote resorts and hotels.
Operators of facsimile transmission services.
Radio manufacturers.
Television inventors.
Radio broadcasters.
Packers and shippers.
Geologists.

In addition, representatives of the Army and Navy and of other Government services which operate or supervise short-wave communication systems, ship compasses, ship beacons, fog signals, airplane services, airplane beacons, and miscellaneous short-wave systems are also expected to attend and to tell of the developments which they are making and which might be affected by assignment of near-by short-wave channels to commercial services.

In view of the many and diversified applicants of short-wave channels already in sight, and since the present hearings are arranged to aid the commission in formulating future policies for the assignment of short-wave channels, all persons appearing at the hearings will be asked to discuss, initially, only the general claims of their respective classes of service to recognition in the short-wave bands, reserving their own specific applications for presentation at the close of the general discussion.

Representatives of each class of service applied for will be particularly invited to discuss:

(1) The dependence of such service upon short-wave radio rather than wire or other means.

(2) The humane, social, and economic importance of their proposals.

(3) The number and position of channels believed available for such service.

(4) Power required and interference likely to be caused to other services and other countries.

(5) The probable total number of applications which will be made for such service within the next five years by all applicants in their class.

All persons who feel that they can contribute information for the benefit of the commission are invited to be present and to take part in the discussion.

O. H. CALDWELL, *Acting Chairman.*

GENERAL ACCOUNTING OFFICE

Appropriation for this activity is $3,820,000, which is $23,400 less than the appropriation for the present fiscal year. There is a reduction of five employees and total salary reduction of $15,000. There is a reduction of $22,400 for contingent expenses and a reduction of $1,000 on the printing.

HOUSING CORPORATION

The appropriation for this item is $475,750 or $88,486 less than for the past fiscal year. This is due to a decrease in office force in the District of Columbia of one person, an auditor, at a salary of $3,000 per year; $7,000 due to the closing of certain field offices. These offices so discontinued are New London, Waterbury, and Bridgeport, Conn.; Niagara Falls and Watervliet, N. Y.; Alliance and Niles, Ohio; and Craddockville, Va.

Some of these offices were consolidated with others. The main item in the reduction being ($76,886) a lesser amount appropriated for the maintenance, operation, and management of the hotels which seems to be very faithfully taken care of under the direction of Mrs. Sumner.

In the hearings it developed that there are four buildings in the District of Columbia under their jurisdiction which are occupied by other than Government hotels. The juvenile court of the District of Columbia occupies one building—four floors—19,564 square feet of floor space. Two buildings with floor space of 56,592 square feet are occupied by the National Guard, District of Columbia.

The Housing Corporation informs us that this space is furnished these District activities free of rent, the District paying a service charge. They pay what is supposed to be their proportion of the coal cost and their proportion of the ice cost. It seems that the Public Buildings Commission was the source of authority for the use of these buildings by the District activities.

The operation of the laundry has been handled skillfully. The departments not having their own laundry are using it. All departments sending more than 50,000 towels per month during the last year were given a reduced rate of $0.40 per 100, and yet the laundry operated at a profit of about a thousand dollars. A further reduction has been made, and this year the same rate was given to departments having 25,000 or more towels per month. There were laundered 2,500,000 towels and 59,000 miscellaneous pieces.

Before this laundry got into this game the average cost per 100 for the laundry of towels was $1.17. The lowest cost was $0.68 and the highest cost about $2. It is figured that there was a saving of $5,000 last year in its operation.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The appropriation carried for this item is $600,000, an increase of $50,000 over appropriation for the last fiscal year.

There is a new item of $30,000 for monoplane to be used in connection with flight reach. Heretofore biplanes alone have been used in this connection. There is a slight increase in personnel and salary charge in the District and likewise in the field.

I would like to inquire of the gentleman from New Hampshire [Mr. WASON] if he can give me information as to what was done in respect of the $75,000 to construct an additional wind tunnel. Does the gentleman know whether that is carried in the bill?

Mr. WASON. I do not think it is.

Mr. VINSON of Kentucky. As I recall it, when it left the subcommittee the bill was to carry $75,000 for this new wind tunnel, which we thought would be of real benefit to this research work. I might say in regard to the wind-tunnel work that this country seems to occupy a position of preeminence. England has sought from us information in regard to this work and is building a similar wind tunnel.

PUBLIC BUILDINGS AND PUBLIC PARKS

A total of $2,584,980 is carried in the bill. This is an increase of $130,510 over the bill for 1928. An item of $30,000 under the item of "services" shows an increase of 21 persons, with increased salary of some $13,970.

Under the item of "general expense" we find an increase of $116,540. This commission has taken over several buildings, namely:

Emory	$22,000
Canal Street garage	12,000
Kalorama Road garage	13,000

There is an item of $10,000 for new elevator in the Winder Building that seems to be needed; an item of $7,000 for uniform for the guard, which is defended upon the ground that their salary is $85 per month.

It is very interesting to review the cost of rents under this activity. I will insert a table showing the rental cost, floor space, date received for operation, and cost per square foot:

Name of building	Rental	Floor area (square feet)	Date received for operation	Cost per square foot
Civil Service	$21,875.00	37,566	July 1, 1923	$0.51½
Commerce	21,875.00	149,689	do	.35½
Emory	20,000.00	72,000	July 1, 1927	.22½
462 Louisiana Avenue	12,000.00	45,760	July 1, 1924	.21
Hurley-Wright	75,000.00	70,048	July 1, 1927	.85⅝
Interstate Commerce	72,058.00	136,142	July 1, 1923	.36¼
Justice	75,000.00	88,056	do	.90½
Labor	24,000.00	67,984	do	.27½
Walker-Johnson	40,000.00	67,250	Mar. 27, 1914	.37½
Earle Building	68,964.70	35,454		1.94
Canal Street garage		12,000		
Kalorama Road garage		13,000		

The upper floor of the Canal Street garage is to be used as files for the General Accounting Office, which moved out of a building in the Mall when it was torn down. The lower floor is being used for garage purposes. It houses 44 Department of Agriculture cars, and 7 machines of the General Accounting Office.

The Kalorama Road garage is being used for some 89 machines of the departments, 5 State, 12 Veterans' Bureau, 1 Trade Commission, and 4 Alien Property Custodian cars.

TARIFF COMMISSION

This bill carries appropriation of $754,000 for this activity, an increase of $68,000 over present year. There is an increase in personnel of six persons and total increase in salaries is $10,690. The major portion of the increase is in travel transportation which includes per diem in lieu of subsistence. I thought it might be of interest to the membership to insert a summary table of reports by the Tariff Commission to the President for purposes of section 315 of the tariff act of 1922, showing the action of the President thereon:

Summary table of reports to the President by the United States Tariff Commission for purposes of section 315 of the tariff act of 1922, showing the action of the President thereon

[Prepared as of January 1, 1928]

Investigation No.	Commodity	Date instituted	Nature of request	Date of hearing	Date of report to President	Action by the President: Nature of action	Action by the President: Date of proclamation or statement
1	Oxalic acid	Mar. 27, 1923	Increase and decrease.	Nov. 5, 1923	Dec. 19, 1924	Increase 4 cents to 6 cents per pound	Dec. 29, 1924
2	Diethylbarbituric acid and derivatives (Barbital or Veronal).	do	Increase	Nov. 7, 1923	Nov. 6, 1924	Basis of assessment changed to American selling price; no change in duty.	Nov. 14, 1924
3	Barium dioxide	do	Increase and decrease.	Nov. 9, 1923	May 14, 1924	Increase 4 cents to 6 cents per pound	May 19, 1924
4	Casein	do	Decrease	Aug. 13, 14, 1923; Sept. 25, 1923; June 23, 1924.	Mar. 15, 1926	(1)	
6	Potassium chlorate	do	Increase and decrease.	Nov. 14, 1923	Apr. 2, 1925	Increase 1½ cents to 2¼ cents per pound	Apr. 11, 1925
7	Sodium nitrate	do	Increase	Sept. 10, 26, 1923; Oct. 6, 1923.	Apr. 26, 1924	Increase 3 cents to 4½ cents per pound	May 6, 1924
9	Iron in pigs	do	do	Apr. 20, 1926	Feb. 2, 1927	Increase 75 cents to $1.125 per ton	Feb. 23, 1927
11	Paintbrush handles	do	Decrease	July 17, 1923; Sept. 6, 1923.	Oct. 2, 1926	Decrease 33⅓ per cent to 16⅔ per cent	Oct. 14, 1926
12	Sugar	do	do	Jan. 15–18, 21–24, 1924; Mar. 27–28, 1924.	July 31, 1924 Aug. 1, 1924 Nov. 14, 1924 Nov. 17, 1924	Action postponed	June 15, 1925
13	Cotton warp-knit fabrics	do	Increase	Nov. 16, 1923	June 12, 1925	No change	Oct. 3, 1925
14	Cotton warp-knit fabric gloves (knit on a warp-knitting machine).	do	do	do	do	do	Do.
15	Cotton hosiery	do	do	Nov. 20, 1923; Jan. 10, 11, 30, 1924.	Dec. 22, 1926	(1)	
16	Wall pockets	do	do	July 24, 1923	Oct. 1, 1925	No change	Do
18	Linseed oil	May 4, 1923	Increase and decrease.	Mar. 5–7, 1924	Mar. 3, 1925	Report returned to commission, additional information requested.	Feb. 6, 1926
21	Phenol	do	Decrease	Jan. 24, 25, 1924	Oct. 7, 1927	Decrease from 40 per cent on American selling price and 7 cents per pound to 20 per cent on American selling price and 3½ cents per pound.	Oct. 31, 1927
22	Cresylic acid	do	do	Jan. 24, 25, 1924; Feb. 14, 1924.	June 15, 1927	do	July 20, 1927
24	Print rollers	do	Increase	Jan. 29, 1924; Feb. 4, 5, 1924.	Oct. 7, 1925 Oct. 24, 1925 Nov. 16, 1925 Apr. 17, 1926	Increased 60 to 72 per cent	June 21, 1926
25	Taximeters	do	do	Feb. 12, 26, 1924; Mar. 12, 1924.	Oct. 1, 1925 Oct. 15, 1925 Nov. 16, 1925	Basis of assessment changed to American selling price; rate changed from $3 per meter and 45 per cent ad valorem to $3 per meter and 27.1 per cent ad valorem.	Dec. 12, 1925
29	Magnesite and magnesite brick.	Aug. 11, 1923	Increase and decrease.	Oct. 1, Dec. 5, 1923; June 21, 22, 1926.	July 6, 1927	Crude magnesite, increased 1/16 cent per pound to 1/16 cent per pound. Caustic calcined: Increased 1/16 cent per pound to 1/16 cent per pound.	Nov. 10, 1927
33	Wheat and wheat products	Nov. 14, 1923	Increase	Nov. 26, 27, 1923; Feb. 18, 19, 25, 26, 1924.	Mar. 4, 1924	Wheat increased from 30 cents to 42 cents per bushel. Flour increased from 78 cents to $1.04 per 100 pounds. Mill feeds decreased 15 per cent to 7½ per cent.	Mar. 7, 1924
36	Gold leaf	Apr. 5, 1924	do	May 18, 28, 1925	July 22, 1925	Increased, 55 cents to 82.5 cents per 100 leaves	Feb. 23, 1927
37	Man's sewed straw hats	May 29, 1924	do	June 12, 1924; May 4, 1925; May 14–16, 1925.	July 17, 1925 Feb. 4, 1926	Increase from 60 per cent to 88 per cent ad valorem on straw hats valued at $9.50 or less per dozen.	Feb. 12, 1926
38	Butter	July 14, 1924	do	Apr. 21, 22, 1925	Feb. 25, 1926 Mar. 2, 1926	Increase from 8 cents to 12 cents per pound	Mar. 6, 1926
39	Swiss cheese	Aug. 9, 1924	do	Dec. 11, 1925	Aug. 16, 1927	Increase from 5 cents per pound but not less than 25 per cent ad valorem to 7½ cents per pound, but not less than 37½ per cent ad valorem.	June 8, 1927
40	Halibut	Aug. 11, 1924		Aug. 10, 11, 1925	Nov. 2, 1925		
43	Rag rugs	Apr. 24, 1925	Increase	July 20, 1926	July 15, 1927		
44	Bobwhite quail	May 19, 1925	Decrease	Sept. 10, 1925	Sept. 28, 1925	Decrease from 50 cents to 25 cents per bird	Oct. 3, 1925
48	Methanol	July 24, 1925	Increase	June 17, 1926	Oct. 25, 1926	Increase from 12 cents to 18 cents per gallon	Nov. 27, 1926
63	Cherries	Mar. 22, 1927	do	June 28, 29, 1927	Nov. 25, 1927	Increase from 2 cents to 3 cents per pound	Dec. 3, 1927

[1] Report now under consideration by the President.

Mr. VINSON of Kentucky. It is interesting to note that of these commodities, paint-brush handles, phenol, and bobwhite quail are the only commodities upon which the tariff has been reduced by action of the Chief Executive.

For the information of the House, I will insert three tables which embrace the commodities upon which application for purposes of section 313 have been filed with the commission:

TABLE I.—*Commodities upon which applications have been received but concerning which no final action has been taken by the commission*

UNDER SECTION 315

Paragraph No.	Commodity	Nature of request
	SCHEDULE 1.—*Chemicals, oils, and paints*	
5	Hydrogen peroxide	Increase.
27	Ethyl benzol	Decrease.
28	Indigo, natural	Do.
28	Certain coal-tar dyes	Do.
36	Licorice root	Adjustment of duty.
42	Casein glue	Decrease.
44	Inks, printing lithograph	Increase.
48	Licorice extract	Adjustment of duty.

TABLE I—Continued

Paragraph No.	Commodity	Nature of request
	SCHEDULE 1.—*Chemicals, oils, and paints*—Continued	
50	Chloride of magnesium	Increase.
71	Decolorizing carbons	Do.
75	Oxide of iron	Do.
77	Varnish	Decrease.
80	Nitrate of potash	Increase.
83	Glauber's salts	Do.
83	Formate of soda	Do.
91	Titanium potassium oxalate	Do.
	SCHEDULE 2.—*Earths, earthenware, and glassware*	
202	Tiles	Increase.
206	Pumice stone	Decrease.
207	China clay	Increase.
208	Mica	Do.
212	Chemical stoneware	Decrease.
213	Graphite	Increase and decrease.
214	Diamond dyes	Decrease.
214	Feldspar	Do.
218	Clinical thermometers	Increase.

TABLE I—Continued

Paragraph No.	Commodity	Nature of request
	SCHEDULE 2.—*Earths, earthenware, and glassware*—Continued	
218	Clinical thermometer blanks	Increase.
218, 230	Glassware	Do.
229	Electric-light bulbs	Do.
229	Tungsten electric lights	Do.
230	Stained-glass windows	Do.
231	Vitrolite	Do.
232, 233	Finished marble	Do.
233	Agate rings for fishing lines, unmounted	Adjustment of duty.
235	Travertine stone	Increase.
	SCHEDULE 3.—*Metals and manufactures of*	
302, 305	Tungsten	Increase.
303, 304	Bars of iron and steel	Do.
304	Beams	Do.
304	Billets	Do.
304	Ingots	Do.
308	Steel sheets	Do.
309	Steel plates	Investigation under ——.
312	Angles	Increase.
312	Channels	Do.
312	Girders	Do.
312	Joists	Do.
312	Light shapes	Do.
313, 314	Bands	Do.
315	Wire rods	Do.
316	Wire	Do.
318	Wire cloth	Do.
325	Anvils	Do.
328	Corrugated furnaces	Decrease.
331	Upholstery nails	Investigation under section 315.
331	Wire nails	Increase.
339	Utensils	Investigation under section 315.
342	Umbrella frames	Increase.
343	Crochet needles	Do.
343	Latch needles	Do.
344	Agate rings for fishing lines, mounted	Adjustment of duties.
344	Fishing tackle	Increase.
348	Snap fasteners	Do.
354	Pen and pocket knives	Decrease.
359	Surgical instruments	Do.
366	Parts of automatic pistols	Do.
368	Escapements	Do.
372	Machine-made tools	Increase.
372	Hosiery machines	Decrease.
372	Woolen cards	Increase.
382	Aluminum foil	Do.
399	Christmas tree light reflectors	Do.
399	Wire netting	Do.
	SCHEDULE 4.—*Wood and manufactures of*	
403	Cabinet logs	Decrease.
403	Cabinet lumber	Increase.
403	Logs, lignum-vitæ	Decrease.
403	Veneers of wood	Do.
403	——do	Increase.
407	Reed and willow products	Do.
407	Willow furniture	Do.
410	Spring clothespins	Do.
410	Wooden cigar molds	Do.
	SCHEDULE 7.—*Agricultural products and provisions*	
701	Beef	Increase.
701	Cattle and livestock	Decrease and increase.
701, 705, 706	Beef and beef products	Increase.
701	Live and dressed cattle	Do.
706	Canned meat	Do.
706	Canned and other prepared meats	Do.
707–710	Dairy products	Do.
710	Cheese and substitutes therefor	Do.
710	Cheddar cheese	Do.
710	Swiss cheese without eye fermation	Do.
711	Ornamental birds	Decrease.
711	Game birds	Do.
711, 712	Live or dressed turkeys	Increase.
717–718	Fish	Decrease and increase.
717	Salmon	Decrease.
718	Dried fish	Increase.
718	Stockfish	Do.
718	Kippered herring	Decrease.
719	Finnan haddie	Do.
720	Sardines	Increase.
720–721	Fish, canned	Decrease.
721	Caviar	Increase.
723	Buckwheat	Do.
725	Alimentary pastes	Do.
736	Raspberries, wild	Decrease.
736	Blueberries	Do.
737	Cherries, glacé	Increase.
739	Citron, candied	Do.
742	Currants	Adjustment of rates.
744	Olives	Increase.
746	Pineapples	Decrease and increase.

TABLE I—Continued

Paragraph No.	Commodity	Nature of request
	SCHEDULE 7.—*Agricultural products and provisions*—Continued	
751	Cut flowers	Decrease.
751	Cut narcissus flowers	Increase.
751	Iris	Do.
756	Desiccated coconuts	Do.
759	Imitation sliced almonds	Do.
761	Navy beans	Do.
761	Alfalfa seed	Do.
761	Clover seed	Do.
767	Split peas	Do.
767	Dried peas	Do.
771	Turnips	Do.
772	Celery	Do.
772	Sweet peppers	Do.
773	Pickled onions	Do.
775	Cocoa butter	Do.
777	Hay	Do.
778	Hops	Decrease.
779	Cloves and stems	Do.
	SCHEDULE 9.—*Cotton manufactures*	
903	Nankin ticking	Increase.
903, 906	Cotton shirtings	Decrease.
903, 904, 906, 921	Cotton cloth	Investigation under sec. 315.
912	Cotton manufactures	Do.
913	Cotton, woven labels	Duty on American selling price.
915	Cotton gloves	Investigation under sec. 315.
918, 1016, 1430	Handkerchiefs, ornamented or unornamented.	Duty on American selling price.
918, 1016, 1430	——do	Decrease.
921	Heavy coat lining	Increase.
	SCHEDULE 10.—*Flax, hemp, jute, and manufactures of*	
1001	Crin Vegetal	Decrease.
1001	Hemp	Increase.
1022	Rice-straw rugs	Do.
1023	Cocoa mats	Do.
	SCHEDULE 11.—*Wool and manufactures of*	
1101	Camel hair	Decrease.
1101	Wool, Class III	Do.
1107	Worsted yarn	Increase.
1108, 1109	Worsted cloth	Do.
1108, 1109	Woven fabrics	Investigation under sec. 315.
1111	Blankets	Do.
1114	Gloves and mittens	Do.
1115	Wearing apparel for male attire	Increase.
1119	Wool crêpe	Do.
	SCHEDULE 12.—*Silk and silk goods*	
1206	Hatter's plush	Decrease.
	SCHEDULE 13.—*Papers and books*	
1304	Cellucotton	Increase.
1305	Decalcomanias	Do.
1305	Paper with coated surfaces	Decrease.
1307, 1308	Tapestries	Duty on American selling price.
1310	Maps	Decrease.
1310	Rag books	Do.
1313	Paper tubes for textile purposes	Increase.
1313	Fly ribbon	Do.
	SCHEDULE 14.—*Sundries*	
1402	Lacrosse sticks	Decrease.
1403, 1428	Beads, necklaces, pendants, etc., of synthetic phenolic resin.	Increase.
1403, 1430	Beaded bags	Decrease.
1406	Straw braids	Increase.
1411	Agate buttons	Do.
1412	Cork insulation in slabs, boards, etc	Do.
1412	Cork tile	Do.
1414	Toy novelties	Do.
1420	Silver-fox skins	Decrease.
1420	Sheepskin baby-carriage robes	Adjustment of duties.
1420, 1421	Hatters' fur and rabbit skin	Decrease.
1428	Swivels and rings for watch chains	Increase.
1430	Real lace (drawn work)	Decrease.
1432	Leather leggins	Increase.
1434	Raw gut	Decrease and increase.
1435	Gas mantles	Decrease and duty on American selling price.
1443	Pipe organs	Increase.
1443	Wood wind musical instruments	Do.
1451	Crayons or fusains	Decrease.
1453	Motion-picture films	Increase.
1456	Umbrella handles and canes	Do.

TABLE II.—*Subjects not listed for investigations*
UNDER SECTION 315

Schedule	Paragraph No.	Commodity	Status
Schedule 1.—Chemicals, oils, and paints.	1	Formic acid	Withdrawn.
	2	Aldehyde derivatives	Commission voted no investigation warranted at present time.
	5	Ichthyol	Do.
	7	Ammonium chloride	Do.
	24	Chloral hydrate	Withdrawn.
	25	Calcium arsenate	Possible production in this country small.
	27	Novadelox or benzol peroxide.	Commission voted no investigation warranted at present time.
	28	Biological stains	Informally suspended.
	39	Quebracho extract	Do.
	42	Agar-agar	No domestic production; informally suspended.
	42	Fish glue	Commission voted no investigation warranted at present time.
	59	Cajeput oil	Informally suspended.
	61	Mustard oil	Do.
	71	Boneblack	Commission voted no investigation warranted at present time.
	73	Lampblack	Do.
	83	Salt	Do.
	87	Strontium nitrate	Do.
Schedule 3.—Metals and manufactures of.	302	Manganese Ferromanganese	Withdrawn.
	340	Jeweler's saws	Commission voted no investigation warranted at present time.
	343	Needle cases	Informally suspended.
	355	Cutlery of stainless steel.	Withdrawn.
	358	Razor blades	Referred to Treasury Department.
	372	Spindles and flyers	Informally suspended.
	399	Aluminum pigeon bands.	Do.

TABLE II—Continued
UNDER SECTION 315—continued

Schedule	Paragraph No.	Commodity	Status
Schedule 4.—Wood and manufactures of.	410	Furniture	Commission voted no investigation warranted at present time.
Schedule 7.—Agricultural products and provisions.	711	Wild or game birds	Informally suspended (see bobwhite quail, Table II, par. 711).
	749	Plantains	Informally suspended.
	761	Sorghum seed	Do.
	766	Mushrooms	Commission voted no investigation warranted at present time.
Schedule 9.—Cotton manufactures.	912	Spreads and quilts	Withdrawn.
	903	Fine cotton cloth	Do.
Schedule 11.—Wool and manufactures of.	1108	Bedford cord	Informally suspended.
Schedule 14.—Sundries.	1401	Asbestos shingles	Do.
	1406	Harvest hats	Referred to Treasury Department.
	1410	Horn buttons	Informally suspended.
	1411	Agate button molds	Commission voted no investigation warranted at present time.
	1420	Furs and fur skins	Withdrawn.
	1428	Mesh bags	Commission voted no investigation warranted at present time.
	1430	Ladies' trimmed hats	Do.
	1431	Pigskin	Referred to Treasury Department.
	1431	Buckskin	Informally suspended.
	1432	Moccasins	Do.
	1443	Titz-Kunst-harmonium.	Commission voted no investigation warranted at present time.
Schedule 15.—Free list.	1504	Cream separators	On free list.
	1589	Hides	Do.
	1607	Shoes	Do.
	1662	Dried shrimp	Do.
		Yachts	Informally suspended.

TABLE III.—*Investigations instituted and present status thereof,*
UNDER SECTION 315

Schedule	Paragraph No.	Commodity	Date ordered	Present status
Schedule 1.—Chemicals, oils, and paints	1	Oxalic acid	Mar. 27, 1923	Report submitted to the President Dec. 19, 1924. The President proclaimed increase in duty from 4 cents per pound to 6 cents per pound Dec. 29, 1924.
	1	Tartaric acid	Mar. 4, 1927	Field work completed.
	4	Methanol	July 24, 1923	Report submitted to President Oct. 5, 1926. The President proclaimed increase of duty from 12 cents per gallon to 18 cents per gallon Nov. 27, 1926.
	1, 5	Amino acids and salts	Aug. 11, 1923	Investigation temporarily suspended.
	5	Diethyl barbituric acid and derivatives thereof (barbital).	Mar. 27, 1923	Report submitted to the President Nov. 6, 1924. President proclaimed that the rate of 25 per cent ad valorem be based and assessed upon the American selling price. Nov. 14, 1924.
	5	Sodium silicofluoride	July 24, 1925	Final report in preparation.
	9	Cream of tartar	Mar. 4, 1926	Field work completed.
	12	Barium carbonate	Jan. 8, 1926	Final report in preparation.
	12	Barium dioxide	Mar. 27, 1923	Report submitted to the President May 14, 1924. President proclaimed increase in duty from 4 cents to 6 cents per pound May 9, 1924.
	19	Casein	do	Final report sent to President.
	20	Whiting	May 26, 1927	Field work completed.
	27	Phenol	May 4, 1923	Report submitted to President Oct. 7, 1927. President proclaimed decrease in rate of duty from 40 per cent based on American selling price and 7 cents per pound to 20 per cent based on American selling price and 3½ cents per pound, Oct. 31, 1927.
	27	Cresylic acid	do	Report submitted to President June 15, 1927. President proclaimed decrease in rate of duty from 40 per cent based on American selling price and 7 cents per pound to 20 per cent based on American selling price and 3½ cents per pound, July 20, 1927.
	28	Synthetic phenolic resin	do	Investigation temporarily suspended.
	39	Logwood extract	Mar. 27, 1923	Final report before commission.
	42	Edible gelatin	July 24, 1925	Final report in preparation.
	42	Glue	do	Field work completed.
	53, 54, 55, 701	Animal and vegetable oils and fats [1]	Feb. 8, 1924	Hearing held.
	54	Linseed or flaxseed oil	May 4, 1923	Report submitted to the President.[2]
	80	Potassium chlorate	Mar. 27, 1923	Report submitted to the President Apr. 3, 1925. The President proclaimed increase in duty from 1½ cents per pound to 2¼ cents per pound Apr. 11, 1925.
	80	Potassium permanganate	May 26, 1927	Field work completed.
	83	Sodium nitrite	do	Report submitted to President Apr. 26, 1923. President proclaimed increase in duty from 3 cents to 4½ cents per pound May 6, 1924.
	83	Sodium phosphate	do	Field work completed.

[1] Includes 10 oils upon which specific application has been made.
[2] Report returned by the President with request for additional information.

TABLE III.—*Investigations instituted and present status thereof*—Continued

Schedule	Paragraph No.	Commodity	Date ordered	Present status
Schedule 2.—Earths, earthenware, and glassware.	204 201	Magnesite and magnesite brick	Aug. 11, 1923	Investigation of caustic magnesite and magnesite brick temporarily suspended. Investigation of crude and caustic calcined magnesite completed. Report submitted to President July 6, 1927. The President proclaimed increase in duty on crude magnesite from $\frac{1}{16}$ of 1 cent per pound to $\frac{1}{8}$ of 1 cent per pound; and an increase in the duty on caustic calcined magnesite from $\frac{5}{16}$ of 1 cent per pound to $\frac{1}{4}$ of 1 cent per pound, Nov. 10, 1927.
	207	Fluorspar	Jan. 8, 1926	Final report in preparation.
	211 212	Table and kitchen china and earthenware.	Mar. 19, 1925	Field work completed.
	218(217)	Perfume and toilet bottles	May 26, 1927	Do.
	219	Window glass	do	Domestic field work completed.
	222	Cast polished plate glass (extension of mirror plate investigation).	May 5, 1923	Hearing held. Additional data obtained. Second hearing held.
	223	Mirror plates	Mar. 27, 1923	Do.
	235	Granite	July 24, 1925	Final report in preparation.
Schedule 3.—Metals and manufactures of	301	Pig iron	Mar. 27, 1923	Report submitted to President Feb. 2, 1927. President proclaimed increase in rate of duty from 75 cents per ton to $1.12½ per ton, Feb. 23, 1927.
	362	Swiss pattern files		Investigation temporarily suspended.
	368	Taximeters	May 4, 1923	Report submitted to President Oct. 1, 1925. President proclaimed increase in duty from $3 per meter and 45 per cent ad valorem to $3 per meter and 27.1 per cent based on American selling price Dec. 12, 1925.
	375	Metallic magnesium	July 27, 1923	Investigation temporarily suspended.
	383	Gold leaf	Apr. 5, 1924	Report submitted to President July 22, 1925. President proclaimed an increase in duty from 55 cents to 82½ cents per 100 leaves (not exceeding equivalent of $3\frac{3}{8}$ by $3\frac{3}{8}$ inches). Additional duty on leaves exceeding this size in same proportion, Feb. 23, 1927.
	396	Print rollers	May 4, 1923	Report submitted to President Oct. 7, 1925. The President proclaimed increase in duty from 60 per cent ad valorem to 72 per cent ad valorem June 21, 1926.
Schedule 4.—Wood and manufactures of	401	Logs of fir, spruce, cedar, and western hemlock.	July 2, 1923 Apr. 1, 1924	Preliminary hearing held Aug. 6, 1923, in re authority of commission to investigate this paragraph Oct. 12, 1923, reported to President and investigation discontinued; Apr. 1, 1924, investigation ordered at request of President. Final report in preparation. (See Seventh annual report, pp. 13, 14, 72–85.)
	410	Paintbrush handles	Mar. 27, 1923	Report submitted to President Oct. 2, 1926. The President proclaimed decrease in duty from 33⅓ per cent to 10⅔ per cent Oct. 14, 1926.
	410	Bentwood chairs	Apr. 23, 1925	Hearing held.
Schedule 5.—Sugar, molasses, and manufactures of.	501	Sugar	Mar. 27, 1923	Reports submitted to President July 31 and Aug. 1, 1924. Statement issued by President on June 15, 1925.
	503	Maple sirup and sugar	Feb. 25, 1927	Hearing held.
	504	Rare sugars	Aug. 11, 1923	Investigation temporarily suspended.
Schedule 7.—Agricultural products and provisions.	707	Milk and cream	Mar. 4, 1926	Field work completed.
	709	Butter	July 14, 1924	Report submitted to President Feb. 25, 1926. The President proclaimed increase in duty from 8 cents per pound to 12 cents per pound Mar. 6, 1926.
	710	Swiss cheese	Aug. 9, 1924	Report submitted to President Apr. 16, 1927. President proclaimed increase in duty from 5 cents per pound but not less than 25 per cent ad valorem, to 7½ cents per pound but not less than 37½ per cent ad valorem, June 8, 1927.
	711	Bobwhite quail	May 19, 1925	Report submitted to the President Sept. 28, 1925. On Oct. 3, 1925, the President proclaimed a decrease in duty from 50 cents each to 25 cents each.
	713	Eggs and egg products	Aug. 4, 1926	Field work completed.
	717	Halibut	Aug. 11, 1924	Investigation completed.
	724	Corn	June 24, 1927	Field work in progress.
	729 730	Wheat and wheat products	Nov. 4, 1923	Report submitted to President Mar. 4, 1924. President proclaimed change of rate of duty on wheat from 30 cents to 42 cents per bushel; wheat flour, semolina, etc., from 78 cents to $1.04 per 100 pounds; bran, shorts, and by-product feeds, from 15 per cent ad valorem to 7½ per cent ad valorem, Mar. 7, 1924.
	737	Cherries	Mar. 22, 1927	Report sent to President, Nov. 25, 1927. President proclaimed increase in duty from 2 cents per pound to 3 cents per pound Dec. 3, 1927.
	757	Peanuts	May 26, 1926	Domestic field work completed.
	760	Cottonseed	do	Do.
	760	Flaxseed	Aug. 4, 1926	Do.
	760	Soy beans	May 26, 1926	Do.
	768	Onions	July 23, 1926	Do.
	770	Fresh tomatoes	June 10, 1927	Field work completed.
	770	Canned tomatoes	do	Domestic field work completed.
	770	Tomato paste	Oct. 14, 1927	Do.
Schedule 9.—Cotton manufactures	915	Cotton gloves of warp-knit fabrics	Mar. 27, 1923	Reports submitted to President June 12, 1925. Statement issued by President Oct. 3, 1925.
Schedule 14.—Sundries	1430			
Schedule 9.—Cotton manufactures	915	Cotton warp-knit fabric		
	916	Cotton hosiery	do	Investigation completed.
Schedule 14.—Sundries	920 1430	Lace [1]	Oct. 25, 1923	Hearing held.
Schedule 10.—Flax, hemp, and jute	1022	Rag rugs	Apr. 24, 1925	Investigation completed.
Schedule 11.—Wool and manufactures of	1116	Oriental rugs	Oct. 28, 1926	In progress.
Schedule 13.—Papers and books	1313	Wall pockets	Mar. 27, 1923	Report submitted to President Oct. 1, 1925. Statement issued by President Oct. 3, 1925.
Schedule 14.—Sundries	1402 1429	Imitation pearls	May 26, 1927	Field work completed.
	1406	Men's sewed straw hats	May 29, 1924	Report submitted to President Feb. 4, 1926. The President issued proclamation increasing rate of duty on straw hats valued at $9.50 or less per dozen from 60 per cent to 88 per cent. Duty on other straw hats remained unchanged Feb. 12, 1926.
	1419	Artificial flowers, fruits, etc.[2]	Mar. 27, 1923	Investigation temporarily suspended.
	1454	Smokers' articles of synthetic phenolic resin.	May 4, 1923	Do.
	1454	Brierwood pipes	do	Field work completed.

[1] Includes applications on lace curtains and mosquito bars.

[2] Includes applications upon 2 specific commodities.

In connection with rent item for the headquarters of the commission in Brussels, I ascertained that there was floor space aggregating 1,157 square feet so used at a cost of $0.62 per square foot.

FEDERAL TRADE COMMISSION

I would like to call your attention to the Federal Trade Commission. Before I get down to a discussion of the bill as it affects this activity, I feel impelled to refer to certain language that is on page 9 of the report. This language reads as follows:

A limitation has been carried upon the appropriation for salaries and general expenses of the commission, and attention is called to the fact that under this limitation no investigation that does not relate to alleged violations of the antitrust acts may be undertaken upon the request of either House of Congress unless directed by concurrent resolution.

I am compelled to take issue with that statement in view of the opinion of the Comptroller General and the Attorney General of the United States. I am perfectly free to grant that Mr. WOOD, chairman of the subcommittee, takes the opposite view.

I quote from the report:

Testimony given before the committee indicated that many of the investigations directed by the Federal Trade Commission had no relation to matters involved in interstate commerce, merely being economic investigations, and the attention of the Congress is called to this misdirected energy of the commission.

Now, I can not agree with that language. I do not think it meets with the approbation of a majority of the members composing the subcommittee.

I do not think there should be an effort made to put pressure upon the Comptroller General or the Attorney General (if another opinion might be requested), and have it represented to them that this was the unanimous thought of the committee. So far as I am concerned, I disavow any agreement with the language involved.

The appropriation for this activity is in the sum of $963,000, which is a decrease of $21,350 over the appropriation for the current fiscal year. There is a decrease in personnel of two persons, with a consequent lessening of the appropriation of $2,930, and a decrease in travel expenses in the sum of $10,000.

The commission for its convenience has four major divisions, namely, legal, export trade, administrative, and economic. It is the latter division which drew the fire of the distinguished gentleman from Indiana [Mr. WOOD, chairman of this subcommittee]. It seems that during the summer the commission initiated certain inquiries which the distinguished chairman felt were beyond their jurisdiction in virtue of a certain limitation which he had placed upon an appropriation bill, but from the record, it appears that Attorney General Sargent did not interpret the limitation as Mr. WOOD interprets it.

The four inquiries concerning which much discussion was had are designated as follows:

Resale price-maintenance inquiry;
The blue-sky inquiry;
The du Pont inquiry; and the
Price-bases inquiry.

BLUE-SKY SECURITIES INVESTIGATION

Several years ago a report was prepared and submitted to the commission correlating the law of the various States upon this subject. It seems to have been relegated to the background and had not been kept current. This inquiry merely brought the former report down to date. It involved a very inconsiderable sum, and because of the many complaints which come before the commission growing out of the issuance of fraudulent securities, it seems to me that it was necessary work and within the power of the commission.

DU PONT INQUIRY

This resolution resulted from the fact that E. I. du Pont de Nemours Co., from published financial reports, had a large investment in General Motors, and that this same du Pont company had acquired a large holding in the United States Steel Corporation. This inquiry was to ascertain the relationships, direct or indirect, among these corporations tending to bring them under common ownership, control, or management, with information as to the proper economic consequences of such community of interests.

There was a very considerable difference of opinion between the chairman [Mr. WOOD] and Commissioner Myers as to whether this information stirred up a muss or abated one, or whether it caused depreciation in the value of the stocks on the market or enhanced it. Being interested to know just what effect it had on the market value, I caused to have inserted in the RECORD a statement showing the market value a couple weeks prior to the announcement that the inquiry would be had, and some two weeks subsequent thereto. It seems that the market value of all these stocks were gradually rising prior to the announcement and continued the upward trend. In each instance stocks reached a higher price after the announcement than they had on the day of the announcement or several days prior thereto, and have continued the upward trend up to the date of the hearing. I do not feel that the inquiry had any detrimental effect upon the value of the stock in question. It is the function of the commission under the law to ascertain if there has been any violation in any of the antitrust statutes. Subsection a of section 6 of the Federal Trade Commission act is additional authority for the inquiry.

Mr. McDUFFIE. May I ask the gentleman, Was that investigation initiated by the commission itself or in answer to a resolution of one of the Houses of Congress?

Mr. VINSON of Kentucky. It was initiated by the commission itself. In this connection I might say that the Federal Trade Commission replaced what was designated as the Bureau of Corporations in the Commerce and Labor Department. The Bureau of Corporations came into being in 1902, and its sole function was investigating questions of this character. Why, it was the Bureau of Corporations that was the main weapon in the hands of the "trust-busting" Theodore Roosevelt. Their economic investigations were his right arm—his big stick in his endeavor to prevent monopolistic control.

PRICE-BASES INQUIRY

Referring to the price-bases inquiry, the reference of Mr. Humphrey to it is rather unusual. Originally he questioned the power of the commission to initiate the inquiry. Upon his attention being called to the fact that it might have jurisdiction, he agreed that it had the power under proper resolution, but that the particular resolution involved was not sufficient upon which to base the inquiry, but it developed near the conclusion of his second appearance before the committee that his real objection to the inquiry was he was fundamentally opposed to the policy.

The Pittsburgh-plus case was decided by the Federal Trade Commission some time in 1924, and Mr. Van Fleet, who was formerly a member of the commission—I do not know whether he was a member when he testified before the committee last year or not—but Mr. Van Fleet stated that the Pittsburgh-plus case saved to the consumers of the West $30,000,000. Some one in that connection said that if the Federal reserve bank building——

Mr. SUMMERS of Washington. Over what period of time was that saving of $30,000,000? I think that would be the annual saving.

Mr. VINSON of Kentucky. I took it to be an annual saving, but I wanted to be exact, and I found the language of the testimony simply said $30,000,000. It was either an annual saving or the saving from the time of the decision up to the time he testified before the committee.

One gentleman at that hearing—I do not know whether it was Mr. Van Fleet or not—said it was estimated that if the Federal reserve bank in Chicago had been constructed at a time subsequent to the deciding of the Pittsburgh-plus case there would have been a saving of $60,000 in that building alone.

Prior to the decision of the Federal Trade Commission it was the policy of the steel corporations to sell steel in this way: A firm in Chicago would give a consumer a price. It was the Pittsburgh price plus the freight between Pittsburgh and the destination of the steel.

Undoubtedly the Pittsburgh-plus case saved much money to the consuming public, particularly in the Middle West and the West. Of course, it can not be determined as to what benefit will be derived from this study, but it seems to me to be authorized both by law and the purpose for which the commission was created.

In other words, if the steel were coming out of Chicago, you can see that not only were the Pittsburgh interests protected but the steel selling company would receive as an added profit the difference between the freight from Pittsburgh to the point of consignment and the freight from his shipping plant to the point of consignment.

There seems to be several methods of arriving at sale prices. There is the Pittsburgh-plus method; there is the factory base method, making the factory price f. o. b. plus the freight to the consignee. The automobile companies give you the price f. o. b. Detroit, and they charge for freight on the machine from that point to the place of consignment.

Then there is the delivered-price method—that is, if a firm in Washington is selling merchandise consigned to San Francisco it sells at a delivered price—that is, the same price as if it were selling to some one in Baltimore. Of course, the purchaser in Baltimore is going to pay a part of the freight on the purchase shipped to San Francisco.

I submit that the price-bases inquiry is not only a legitimate inquiry but a proper inquiry to be made by the Federal Trade Commission.

There is one other inquiry. It is the resale maintenance-price inquiry. I am frank to say that I was not much impressed with the resale maintenance-price inquiry, but irrespective of my personal opinion I am confident that it was within the power of the commission to institute it.

SMITHSONIAN INSTITUTION

For this activity the appropriation is $944,162, which is $15,549 less than appropriated for the current fiscal year. The cost of general administration, to wit, $32,500, is carried in this bill, whereas heretofore it had been paid by Smithsonian private income. This item is made up of salary for 16 employees and other administrative expenses. The endowment which may be designated "Smithsonian funds," is $1,385,279.75; the invested funds of the Freer bequest, $4,171,880.61.

INTERSTATE COMMERCE COMMISSION

Now, as to the Interstate Commerce Commission the amount is $326,569 more than was carried in the appropriation for the current fiscal year.

Mr. BRIGGS. Will the gentleman yield?

Mr. VINSON of Kentucky. I will.

Mr. BRIGGS. How much less does the gentleman say the appropriation is for the Interstate Commerce Commission?

Mr. VINSON of Kentucky. $326,569.

Mr. BRIGGS. To what item does that apply?

Mr. VINSON of Kentucky. The main item is in the valuation work of the Interstate Commerce Commission.

Mr. BRIGGS. That is because the valuation has made such progress?

Mr. VINSON of Kentucky. I would not say that. The work of valuation has not been finished, but I think that will carry it along in conformity with the policy of the commission.

Mr. BRIGGS. The other activities of the commission have been adequately provided for—they are provided sufficient funds to carry on so that the commission will not be hampered in conducting their necessary inquiries?

Mr. VINSON of Kentucky. They tell us that in the formal complaint department they are much in need of more attorney examiners; that there is quite a congestion in that quarter, but the appropriation for this activity has been going up and up, and it was the judgment of the subcommittee that this appropriation would be adequate.

Mr. BRIGGS. The part I am interested in is that the inquiries will not be unnecessarily delayed; that the action of the commission will not be unnecessarily hampered by having insufficient staff so that the question of freight rates can be promptly disposed of.

Mr. VINSON of Kentucky. I think the gentleman expresses his views very well, and they are my views. I have no desire to hamper the work of the commission. But we thought after careful study that they might get along as well under this amount as they would if we had increased the appropriation. The increase of $263,000 would not go to that work; it would go to the valuation work.

Mr. BRIGGS. In other words, the committee has endeavored to provide enough money so that on the rate question the commission can discharge its duties promptly and satisfactorily?

Mr. VINSON of Kentucky. The commission feels that they should have additional attorney examiners, and these examiners work in the cases to which the gentleman refers. As I recall it, Commissioner Lewis stated that the work of valuation was going along very well.

Mr. BRIGGS. Of course, I feel that these rate problems presented to them for decision ought to be provided for so that the commission can reach a decision within a reasonable period. These questions have got to be so very important to the various interests throughout the country that the commission ought to be adequately staffed.

Mr. VINSON of Kentucky. There is an increase in the general expense item of $103,900, which is made up of increased personnel and other miscellaneous expenses. Twelve thousand seven hundred and forty-five dollars is added in the travel expense of the employees in the field. There is $80,000 less appropriated for printing and binding.

VETERANS' BUREAU

The amount carried in this bill for this activity, $526,193,111; $7,715,303 less than appropriated for the current fiscal year. There is a decrease in salaries and expense of two and a half million dollars. There is a total decrease in the personnel of some 12 persons, but there is an increase in salaries for the personnel of the departmental service, and the field service, of $470,846. There is an increase in military and naval compensation of $7,100,000; a decrease in military and naval insurance of $7,250,000.

There is a decrease in the appropriation for medicine and hospital service of $3,600,000 and decrease in hospital facilities and service of $1,000,000.

There is one point to which I desire to call the attention of the committee, and that is in regard to the hospitalization of veterans. As I understand it, the tubercular load has reached its peak, but the neuropsychiatric load has not reached its peak. I made the statement a few days ago that the peak would not be reached until 1935, but I was informed by a gentleman, whom I consider an authority, that the neuropsychiatric peak will not be reached until 1940. The World War Veterans' Committee, which has charge of this legislation, reported to this House at the last session a blanket authorization, which would have provided a number of hospitals that would take care of these neuropsychiatric cases. They are having hearings and will soon report to the House another hospital bill. It seems to me that some plan ought to be worked out whereby these hospitals can actually be constructed within the lifetime of the soldiers.

I am not prone to find fault, but time is going on. I was told one time by a commission in Kentucky that a certain thing had to be governed by the fiscal year, but I told them that in my country we live by the calendar year and did not live by the fiscal year. But the point I want to call to your attention is this: Kentucky is the center of a very large area that has no neuropsychiatric hospital facilities. The southern part of Indiana, Illinois, part of Ohio, West Virginia, Tennessee, and Kentucky comprise the area to which I refer. Twice the World War Veterans' Committee has reported to this House a hospital bill which would relieve this area; once a separate bill for Kentucky; and in the last session, in this blanket bill, they had a million-dollar, 250-bed neuropsychiatric hospital for Kentucky. My position is if the neuropsychiatric veteran has a service-connected case, he has been entitled to hospitalization all these years, and is entitled to hospitalization now. He ought not to have to wait an additional two years to get facilities. In that area you can not get facilities for cases of that kind. The general hospital does not take them, and the tuberculosis hospital does not take them, and the Chillicothe hospital (neuropsychiatric) is overflowing. The load in Ohio alone is more than sufficient to take care of it. In fact, there is an increase provided in the hospital bill for Chillicothe for neuropsychiatric cases. I hope that some time in the near future we will see a realization of this need.

UNITED STATES SHIPPING BOARD

The amount carried in this bill is $12,888,750, which is $1,250 less than appropriated for the present fiscal year. It is $1,400,000 less than the estimate of the Budget for 1929. From the testimony before us it would appear that the fiscal year of 1927 was the most successful year in its history. It would seem that in the five months of the present fiscal year ending November 30, 1927, there has been a considerable improvement in its operation. We quote from the statement of Mr. O'Connor, chairman of the Shipping Board:

OPERATING RESULTS OF MERCHANT FLEET CORPORATION

The operating results of the Merchant Fleet Corporation during the past year have been the most successful in its history, notwithstanding there has been a slight decrease in the amount of salaries.

The most recent statement which we have prepared on operating results covers the five months ending November 30, 1927, compared with the corresponding five months of the previous year, and indicates a reduction of over $1,800,000 between these two periods. This is an improvement of about 26.5 per cent and results principally from the smaller voyage losses reported for freighters and combined passenger and cargo vessels, and from increased profits for voyages of the vessels of the United States lines. Revenues for these services for the period from July to November, 1927, are better than they were in the same period last year, and reductions in operating expenses have been made which also contribute to the improvement in results. The laid-up fleet expenses have also been reduced during the past six months at the rate of about $500,000 per annum.

During the year ending June 30, 1926, the board operated an average of 262 vessels, carrying 9,596,614 tons of freight at an operating deficit of $19,606,608. During the year ending June 30, 1927, it operated 301 vessels, carrying 11,245,963 tons of freight, at an operating deficit of $15,926,411; thus while increasing the number of vessels in operation, it carried 1,600,000 more tons of American commerce at a reduction in cost of $3,680,000.

We quote further from his statement:

REDUCTION IN OPERATING DEFICIT

The reduction in cost to the United States for the establishment of equitable ocean freight rates, regular and dependable sailings of American-flag ships, is graphically shown by the table depicting the steady decline in operating deficit of the Government-owned fleet from nearly $43,000,000 during the fiscal year 1923 to nearly $16,000,000 during the fiscal year 1927.

PERCENTAGE OF DRY CARGOES CARRIED

As an indication of the trend of foreign commerce of the United States in respect to the flag under which this commerce is transported, I submit herewith a statement showing the percentage of overseas dry cargo carried in American and foreign flag vessels and the percentage of all cargo carried. This shows the calendar years 1921 to 1926, and from January to June, 1927. The table indicates that on the overseas dry cargoes, which excludes tanker cargoes and cargo termed "nearby" foreign (which is to and from the West Indies, Central America, and Canadian ports) during the calendar year 1921, American-flag vessels carried 31 per cent. During the calendar year 1926 they carried 21 per cent, and for the first six months of the calendar year 1927 they carried 33 per cent. The overseas dry cargo is that part of our foreign commerce which is subject to the most competition from foreign ships, and it is to the carrying of this cargo that the Shipping Board is bending its greatest efforts.

SALE OF VESSELS

During 1927 the board sold 50 individual vessels and 2 for restricted operation. Recently the board authorized the advertising for sale of the three large Pacific coast services, namely, the American Oriental Line, the Oregon Oriental Line, and the American-Australia Orient Line.

LAID-UP FLEETS

During the past few months our laid-up fleets have been reorganized, with the results that our request for funds for liquidation expenses for 1929 was reduced to $2,250,000 or $750,000 less than was granted for the present fiscal year. These expenses for 1926 were $3,432,000, and it is estimated they will be less than $3,000,000 for the current fiscal year. Liquidation expense includes cost of laid-up fleet, sales, and a certain percentage of administrative expense not strictly chargeable to operation.

On December 1 the board held a total of 803 vessels, of which 312 were assigned to operators, 5 on bareboat charter or loaned to other Government departments, and 491 were inactive or laid up.

SHIPPING BOARD

The total sales value of these 52 ships sold by the Shipping Board during the fiscal year 1926–27 is $6,990,936.50. The dead-weight tonnage of these vessels is 346,550, approximately $20 per ton.

Originally there were some 2,400 vessels under their control, and disposition has been made of all of them except 803. Fifty-two were disposed of during the past fiscal year. The 803 vessels are made up of the following:

Cargo vessels	751
Passenger vessels	13
Refrigerator vessels	14
Tankers	11
Tugs	12

The United States Line at present, consisting of five vessels and four tankers, is under the direct operation of the Merchant Fleet Corporation. The other vessels are operated by operating companies. In connection with United States Line, there is a limitation concerning this bill looking toward the addition of reconditioned boats for this line, namely, the *Mount Vernon* and the *Monticello*. The cost of reconditioning is not to exceed $12,000,000, of which $10,000,000 is to be loaned from the construction loan fund. Passing over the question of their loaning money to themselves, about which I express no opinion, I will discuss the proposed reconditioning of these vessels.

It is stated to us in the hearings that the addition of these two vessels, after reconditioning, to the United States Line will round out the line permitting of weekly sailings from New York. It is proposed that the vessels will have a speed of not less than 20 knots. The vessels in question are 20 years old, but the report from the chief surveyor of the American Bureau of Shipping places the life of the *Mount Vernon* after reconditioning at a minimum of 10 years' service. The *Monticello* does not seem to be in quite such excellent shape as that of the *Mount Vernon*, but this same authority opinionates that she can operate as a passenger vessel for 10 years.

With the speed proposed, General Dalton stated that the mail revenue alone would amount to $1,380,000 for the two vessels. He further stated that the two ships could not be built to-day for less than $25,000,000. It seems that they were designed and built as naval auxiliaries by the German Government, and that the hulls alone are worth $4,500,000 as they stand, to reproduce.

I have been laboring under the opinion that the net profit which these two vessels would earn after reconditioning is a much larger sum than that which is carried in the report. The report states that the sum of $400,000 would be earned per annum by each vessel. I asked the chairman of the subcommittee to inform me if those figures are correct, or if the testimony of General Dalton on that point is correct. I am frank to say that if the language of the report, which says that each vessel would earn $400,000 per annum after reconditioning, is correct, then I am not in favor of reconditioning them, because they are only going to last 10 years, and you would have a return of only $8,000,000 from the two vessels.

In page 716 of the hearings, General Daiton stated before the subcommittee that these two boats would return $2,550,000 per year more than the expenses. Would the gentleman from Indiana kindly inform us in respect to that?

Mr. WOOD. Mr. Chairman, I call attention to what he stated:

I should like to go just a little bit further in explaining this situation to the committee respecting the reconditioning of these two vessels. The overhead administrative expense of the United States Lines, in the first place, would not be appreciably increased. It is just as easy to run eight ships as it is to run six ships so far as the general overhead administrative expense is concerned. There might be a slight amount extra necessary in connection with advertising probably, which we have taken care of.

In order to be perfectly fair in determining the profit in operation of $1,278,809, for each vessel, if reconditioned, we have set up as an administrative charge against the United States Lines $227,629 per year for each of the two ships. That is entirely out of proportion to what the actual cost would be, but in setting up any statement of this kind we have tried to be very conservative.

Mr. VINSON of Kentucky. If the gentleman will continue on he will find my source of authority relative to the statement regarding $2,550,000 for the operation of these two boats.

Mr. WOOD. The gentleman will remember that there could be checked against them what their expense might be, but we should take into consideration the operation of the entire fleet.

Mr. VINSON of Kentucky. But the $227,639 administration charge is against the profit. I think a goodly portion of that should be taken out. That would make profit of even a larger sum.

Mr. WOOD. If the gentleman will recall, if we had these two ships, which would give us two weekly sailings instead of one, we could get more profit on the other ships.

Mr. VINSON of Kentucky. Yes. But General Dalton said that the earnings from the operation of these vessels would exceed the expense by $2,550,000 a year. I was rather stunned when I saw the statement that a "very careful estimate indicated that each vessel would approximate $400,000 per annum after reconditioning," because General Dalton said they would earn a profit of $2,550,000; and that took into consideration the administration charge of $227,629 for each vessel. Later on in his testimony he said if they could accomplish only three-quarters of their estimate they would have a profit of $1,900,000 a year for the two vessels.

Mr. CULLEN. The gentleman should remember that notwithstanding the spending of that money as a general proposition, it would round out the lines of the fleet, and the lines themselves would show a profit; and that would be the best thing to do.

Mr. VINSON of Kentucky. I am in hearty accord with the gentleman, but it was on the basis that that return was going to be approximately $2,550,000. In another part of the testimony General Dalton said these boats would earn $1,248,000 each. I recall those figures.

Mr. WOOD. But General Dalton added this to what the gentleman has already said:

That is based on a very conservative estimate, and included, of course, a very large mail business which we are sure we could get. We have a 24-hour differential in our favor, so that we could compete with the six and one-half day foreign ships, our greatest competitor. But if we could only accomplish three-fourths of our estimate we would then have coming into the line as a profit over the cost of operation about $1,900,000 per year for the two vessels. Out of that profit on operations there could be replaced the amount drawn from the loan and construction fund.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CULLEN. I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Kentucky is recognized for 10 minutes more.

Mr. VINSON of Kentucky. That grew out of the misunderstanding of a question I asked General Dalton in an earlier part of the testimony, when I asked him what the increased profit would be. He misunderstood me. If you follow that through on the next succeeding page, page 718, you will see he goes back to this other proposition. He says:

I referred only to the profit on the reconditioned vessels in the amount of $1,278,000 for each vessel, which is independent of the other vessels of the United States Lines.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. HARE. Who is responsible for the discrepancy in that statement regarding the income of $400,000?

Mr. VINSON of Kentucky. In my opinion, that is an error.

Mr. SUMMERS of Washington. In the record it was stated by those in authority that after 10 years of use in first-class activity these vessels would also be good for another 10 years.

Mr. VINSON of Kentucky. That was particularly true with respect to the *Mount Vernon*.

Mr. SUMMERS of Washington. It was especially true that one and the other was not expected to go out of service at the end of 10 years, so that some allowance should be made in the value of the vessels at the end of the period, and some consideration should be given to the fact that some of the other vessels are tied up now and are not earning anything.

Mr. VINSON of Kentucky. I favored the reconditioning of these vessels as a business proposition. There was an endeavor to make a picture that these vessels would be valuable in time of national distress. I am not particularly impressed with that phase of it.

In checking up the personnel end of this bill, I find that there is an increase in the average number of employees for the activities in the bill of some 659 persons; and a reduction of 273 persons. The increased personnel, therefore, would be 385 persons.

In summing up this bill is $7,715,303 less than the appropriations for 1928 and under the Budget estimate with $1,360,691 to spare. [Applause.]

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9481 and had come to no resolution thereon.

ADDRESS OF HON. LEONIDAS C. DYER

Mr. MANLOVE. Mr. Speaker, at a meeting of the Missouri Society of Washington, D. C., held in the hall of nations at the Washington Hotel on Saturday evening January 14, 1928, an address was delivered by Hon. LEONIDAS C. DYER, Representative in Congress from Missouri, on the subject of China, on which occasion were present several hundred Missourians, including Gen. John J. Pershing, and also Dr. Sao-Ke Alfred Sze, Minister from China, and Madame Sze.

Realizing the value of the information gained by Mr. DYER during his personal visits and extensive travels in China, as outlined in this splendid address, I ask unanimous consent to have the same printed in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print in the RECORD a speech made by his colleague, Mr. DYER. Is there objection.

There was no objection.

Mr. MANLOVE. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

CHINA

Mr. DYER. China, on the opposite side of the earth to us, is much like the United States in its area and size, China being slightly larger than the United States. The Chinese are principally engaged in agriculture and have been so for a long time. However, there are now many of them living in the larger cities and engaging in other pursuits. The Chinese are a quiet people and not apt to become excited.

Their religion, if such it may be called, is Confucianism. Confucianism may be better said to be a system of morals. The real name of Confucius was from his family name, Kung. He was called Kung the Master, Kung Fu Tze. That combination of syllables was too difficult for European tongues, and so it was latinized into the form with which we are familiar. The great teacher was born in Shantung in 551 B. C. and died there in 478, and his grave is one of the sacred shrines of China. Some of his teachings were: "The father who does not teach his son his duties is equally guilty with the son who neglects them." "Let the government be good and the people will be good." "The great God has conferred even on inferior people a moral sense, compliance with which would show their nature invariably right." He taught the brotherhood of mankind when he said, "Within the four seas all men are brothers." He taught the "silver rule," which is negative as contrasted with the golden rule of Jesus, saying, "What you would not have another do to you, do not do to him," but is a noble precept none the less. It would have amazed him to be told that millions would one day render him worship. Yet for at least twelve hundred years in the Temple of Confucius in Peking the Emperor twice a year offered sacrifice. Twice a year also in 1,560 temples similar observances have been carried on for more than a millennium.

In Asia, which includes China, Japan, and India, live practically two-thirds of the world's population—1,816,000,000. All of the religions of the world have come from Asia. This includes our religion. More people belong to the Christian religion than any other, numbering 700,000,000. The Confucians number 300,000,000; Mohammedan, 235,000,000; Buddhist, 200,000,000; Hindu sects, 217,000,000; and Shintoist, 25,000,000.

The civilization of China is the oldest in the world, and was a contemporary of Greece, Egypt, and Rome. From 2000 B. C. to 1842 A. D. the Chinese were a happy and a prosperous people. During this time they made great accomplishments. They invented lenses from crystals, mariner's compass, gunpowder, printing, and paper making. They made great contributions to literature and art, to religion and philosophy, to morals and ethics, to trade and commerce, to business and banking, to the domestication of useful plants and animals, and other conquests over nature, including human nature. Other great accomplishments by the Chinese of that period was the building of the great wall, the Ming tombs, the Temple of Heaven, the Hall of Classics, the Forbidden City, the gorges of the Yangtze, and the works in paper, porcelain, silk, jade, cloisonné, carpets, etc.

The Chinese have never been a warlike people. China has always taken the position that people were good, and that they could be governed and reasoned with by moral persuasion. Europe took for granted that people were evil and that they could only be controlled by force. The Chinese have relied upon reason rather than force. The Chinese went along under their splendid system of morals and government during this whole period. They were prosperous and happy. Marco Polo, who visited the Imperial Government at Peking in the thirteenth century, reported that he had never seen such refinement, hospitality, and evidences of peace in government and prosperity. Marco Polo came to China from the most refined part of Europe at that time, and hence his opinion is worth much.

Things went along in this fashion in China until about the beginning of the eighteenth century, at which time India was being gradually absorbed by European powers. Sea adventurers, including pirates, at this time began to reach China. They mistreated the peaceable Chinese and forced trade with them to the disadvantage of the Chinese. Among the things that these Europeans forced upon the Chinese at this period was opium. This evil became so great that the Emperor tried to stop it. In trying to do this he endeavored to limit foreigners to the port of Canton. He also endeavored to put through restrictive measures concerning missionaries. This caused trouble between Europe and the Chinese and brought on China's first real trouble, the war with England, 1840–1842. This war is known as the opium war, due to China's desire to prevent the smuggling of opium into China. China was defeated by England in this war, with the attendant loss of Hong Kong and the forcible opening to trade with Canton, Amoy, Fuchau, Ningpo, and Shanghai, and the payment of a $21,000,000 indemnity.

Following this came demands from other European countries, as well as Japan, for slices of the Chinese territory and special privileges. Among these was the setting aside of Chinese territory in various cities and ports to foreign governments for the establishment of national settlements, the foreigners to have their own courts and laws. These continued demands upon China by foreign powers, and China's inability to withstand them, due to military weakness, brought about serious trouble among the Chinese themselves and an antiforeign feeling. Although China has had a population during thousands of years, estimated at 400,000,000, never had she up to this time had a larger army than 100,000. China had never needed a large army, because the chief characteristics of the Chinese were peace and good will among its own people and its neighbors in Asia. This antiforeign feeling and desire to overthrow the ruling force in China because they had lost "face" in yielding to the foreigners brought on what is known as the Boxer uprising. For this the powers demanded an indemnity of $300,000,000. The Chinese are still paying this to many of the powers. I am proud to say that my own country has declined to accept any of this money. The continued demand of the foreigners and the granting of concessions to them by the weak Imperial Government of China finally resulted in the revolution of 1911 and the establishment of the Republic of China. The Chinese people had not had sufficient experience and knowledge to establish a real republic. The result has been that so-called

war lords, or militarists, have largely taken over China, and, in most instances for their own gain, have kept China in a turmoil, exhausting the resources of the country in maintaining armies. However, at this time there is a real national spirit in China, and we can look for unity of the people who wish to save China for the Chinese and to have a government of its own people that will work for the happiness and prosperity of the nation.

We of this country are anxious to see China put its house in order and make for itself great prosperity and happiness. The United States has never demanded of China any concessions or "spheres of influence." We are anxious to help the Chinese in every way possible. Our interest in China is, in part, for trade and commerce. The United States is a country of great wealth, it now being estimated to be about $400,000,000,000. This Nation is now producing on our farms and in our factories more than we can consume at home. We need markets for this overproduction. Asia, the Pacific, and China contain our best opportunity. The United States exported last year products to the value of $4,007,000. We imported products, many of which were raw materials for use in our factories and mills, to the value of $3,891,000,000. Three billion dollars of these imports came in free of duty. With China our trade is substantial and is increasing.

Our first effort to engage in trade and commerce with China was in 1784. On February 22 of that year a ship that measured 360 tons, called the *Empress of China*, sailed from New York with a cargo of ginseng, a root grown in North America, and which is of great value in China for medicinal purposes. This ship reached Canton on August 23, taking six months to make the trip from New York to China. This ship disposed of its cargo of ginseng and purchased silks and tea from the Chinese, which it disposed of on its return. On this ship, the *Empress of China*, when sailing from New York on August 23, 1784, was Major Shaw, who carried with him a commission from President George Washington as consul and commercial agent of the United States Government at Canton. Our trade with China, in these early days, was good and so continued until our Civil War. After the close of that war we again entered the trade with China and have continued it more or less ever since.

Modern China may be said to have begun in the year of 1890, the Chinese not showing any special signs of a desire for western commodities until that date. China's total foreign trade—imports and exports—increased from about $91,000,000 in 1865 to $115,000,000 in 1895. By 1915 it had increased to $550,000,000, and in 1926 had reached a grand total of $1,832,726,000.

The change in the character of the trade is even more noteworthy than the growth in volume. In 1880, for example, the imports of China consisted of opium, 40 per cent; cotton piece goods, 30 per cent; metals, 5 per cent; whereas in 1925 the imports, amounting to about $800,000,000 gold, consisted of cotton goods and cotton yarn, 9 per cent; raw cotton, 7 per cent; kerosene oil, 7 per cent; metals, 4 per cent; tobacco and cigarettes, 4 per cent. Opium had dropped out of China's legitimate imports completely. Kerosene imports, which had amounted to 3,500,000 gallons in 1880, reached in 1925 a total of 258,000,000 gallons. By 1925 a total of the main commodities was only 37 per cent of the whole—less than the opium alone in 1880—the remaining 63 per cent being made up of a great number of the articles that contribute to the necessities of modern economic life.

The exports of China show a somewhat similar change, with a total of $650,000,000 gold for 1925, consisting of raw silk, 20 per cent; beans and bean products, 18 per cent; raw cotton, 4 per cent; skins, hides, and furs, 4 per cent; peanut and peanut products, 3 per cent; the remaining 51 per cent was made up of such varied exports as egg products, tungsten, antimony, vegetable oils; with tea no longer an export factor of first importance.

In the earlier years Great Britain had an overwhelmingly predominant place in China's trade, but in recent years the United States and Japan have been rapidly crawling up. The United States is especially predominant in two or three particular lines; in petroleum, for example, and soft-wood lumber, cotton-piece goods, and automobiles. It is also a fact that American canned goods are rapidly increasing in use in China, as well as fresh fruits and vegetables from the United States in spite of the fact that China has a remarkable selection of vegetables and fruits. In 1925 almost 30,000,000 boxes of American oranges were imported into Shanghai alone. American flour has also become one of the important imports. It is evident from these facts that the trade with China is rapidly increasing. A much greater increase in trade with that country and the Orient at large is to be anticipated, coming from an increasing population, added wants and desires of the people, and especially perhaps from added purchasing power.

According to an article appearing in the November Bulletin of the American Chamber of Commerce in Shanghai, the United States led all countries in the foreign trade of China with the exception of Japan for the year, 1926, the customs figures for which are now available. The following statistical table which was specially prepared for the bulletin tells the story of what happened in China's foreign trade last year:

	Imports from China	Exports to China	Total of imports and exports
Japan	$336,909,441	$211,740,889	$548,650,330
America	187,647,086	150,113,103	337,760,189
Hong Kong	124,472,673	93,802,031	218,274,704
Great Britain	116,269,419	55,835,783	172,105,202
British India	79,191,013	15,922,101	95,113,114

The article which accompanied the foregoing table stated that if the three totals for goods of British origin—Hong Kong, Great Britain, and British India—are added together the total would exceed that for the United States; but, on the other hand, a considerable percentage of the commodities handled by Japan are exported to or imported from the United States, and although not mentioned in the Bulletin, it is also a fact that a considerable portion of the trade of Hong Kong with China which is all listed as "British" is either of American origin or destined for American consumption. The writer of the foregoing calls attention to certain interesting phases of American trade with the Orient with which the public is not generally familiar. For example, the average layman believes that the United States buys more from Europe than from any other continent, whereas, as a matter of fact, America buys more from Asia than from Europe. During 1926 Asia furnished 31.6 per cent of America's, which was a larger percentage than in any previous year and over twice as great as during the average of the pre-war years 1910–1914. We are also told that America's trade with China is greater than with Australia, Belgium, Denmark, Norway, Sweden, the Netherlands, Colombia, and many other smaller countries, and that the volume of America's trade to and from China exceeds that of any country in South America.

The United States has been the one great power that has shown real friendship for China. This country has called a halt on the other powers in their desire to carve China into "spheres of influence." This fact was evidenced at the Washington conference during the administration of President Harding. The United States Government has two specially great foreign policies. One of these is the Monroe doctrine, which applies to North and South America, and the other the open-door policy, which applies to China. Our open-door policy, specifically declared by Secretary of State John Hay, means that the United States will insist on the preservation of the territorial integrity of China and safeguard to the world the principle of equal and impartial trade with all parts of China.

The China trade acts, of which I am the author and which were recently enacted into law, was to further cement the good will existing among Americans and Chinese. It enables them to do business together for their mutual benefit. Americans possess in China a marvelous asset in the good will of the people. Chinese throughout the country look upon Americans as their best friends, because America has always respected China's territorial integrity, prohibited its nationals engaging in the opium traffic, returned $11,000,000 of its Boxer indemnity, and has 4,000 of its nationals, spending about $15,000,000 each year, in missionary work in China, including modern educational institutions, medical school and hospital facilities, and general constructive activities.

JOHN W. DWIGHT

Mr. PARKER. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. PARKER. Mr. Speaker, it is my painful duty to announce the sudden death of a former Member of this House, the Hon. John W. Dwight, of New York. Mr. Dwight was for many years an influential and valuable Member of this House. He had the confidence and friendship of the membership on both sides of the aisle. With the death of Mr. Dwight another of the strong, virile men of the old régime passes on to join Speaker Cannon, Speaker Clark, James R. Mann, Sereno Payne, and many others that we older men so well remember, and whose memory we all revere and respect.

In making this sad announcement I am announcing the death of a very warm personal friend, and my feelings will be shared by many of the older Members of this House.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, as one of the older Members of the House I wish to bring a word of tribute, love, and affection for my long-time friend, John W. Dwight. He was the Republican whip of this House when I entered it and was kind enough to make me one of his regional assistants early in my career

here, so that I had the privilege of working with him and under him. The office of party whip was then an important and powerful one, and he was ideally fitted and equipped for the place. He was the right-hand man of the then all-powerful Speaker, and as such exerted an important influence over the work of the House. By reason of my close connection with him I soon came to have a very deep and genuine affection for Mr. Dwight, which was beautifully reciprocated and which endured to the end. His death brings real sorrow to my heart.

STABILIZING THE BUYING POWER OF MONEY

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech I delivered before the Stable Money Association on the question of stabilizing the buying power of money.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BURTNESS. Mr. Speaker, under leave granted me I herewith insert a speech which I delivered before the Stable Money Association at one of its sessions on December 30, 1927, in Washington, D. C., on the important question of stabilizing the buying power of money.

This subject received a great deal of attention not only in the sessions of the Stable Money Association but also from several of the so-called "learned societies," which held their annual meetings during the week between Christmas and New Year. The evils of fluctuating price levels and the instability of the buying power of the dollar have attracted the attention of economists generally, as well as other people interested in public questions. Many believe that the problem can be solved. The legislative proposal which I am sponsoring for the solving thereof is embodied in the bill H. R. 124. My speech is a brief explanation of that measure.

The speech is as follows:

A LEGISLATIVE PROPOSAL FOR STABILIZATION

I note from the program that my colleagues, Mr. STRONG and Mr. GOLDSBOROUGH, as well as myself, have been assigned the subject Legislative proposals for stabilization, so I assume that each of us are expected to discuss briefly the legislative proposals we have sponsored for the past two or three years and with which our names have become identified.

First let me say that I believe that one of the great needs of our country and the world is the general stabilization of the buying power of money. I therefore favor any move that will tend to bring it about. It is needless to discuss before an audience of this kind the many evils incident to a fluctuating price level, for they are known to all of you. Relief therefrom would stabilize business conditions, would protect the rights of creditors as well as debtors, would largely assure capital and labor a square deal, and avoid many of our serious industrial and social conflicts. Entertaining these views, I naturally approve all efforts made by my friend Mr. STRONG, who follows me on this program, whose purpose it is to instruct the Federal Reserve Board to so conduct its functions as to assist in maintaining a stable price level. I am, however, also interested in going further and procuring legislation which would absolutely insure a stable price level. Whether that can best be accomplished by enacting the bill I am sponsoring or some other is for Congress and the public to decide.

The plan embodied in the Burtness bill rests on the simple theory that the buying power of money varies directly with the magnitude of its units and inversely with their number. This you will note is but an expansion of the classic quantity theory of money, which, variously stated, asserts in effect that "other things remaining unchanged, the buying power of money varies inversely as its quantity." With this old quantity theory our weight-adjustment plan does not, therefore, conflict, for obviously other things do not remain unchanged if the dollar's gold weight is altered.

In other words, H. R. 124 is based on the theory of effecting stabilization by means of changing the weight of the gold-bullion dollar to counteract accordingly the changes from time to time in the actual value of gold itself as measured by its true value—its buying power in other commodities. It recognizes the simple fact that gold, like any other commodity, may vary in value, hence in valure, from time to time, depending upon its supply, the cheapness with which it may be obtained, and other economic causes.

We do not claim that this is a new thought or idea. It is one that has been discussed by leading economists for decades. Let me quote a few sentences from an article from the pen of Simon Newcomb which appeared in the North American Review in 1879:

"The main point is that there is no reason why a standard dollar containing a fixed weight of the precious metal should remain of invariable value, but that, on the contrary, we have every reason to suppose that its value does fluctuate. * * * That a standard of value with the use of which no such thing as general fluctuations in price should be possible is one of the greatest social desiderata of our day no one will deny. * * * All we want is a dollar of uniform value as measured by the average of commodities. * * * The most obvious method of attaining the object is to issue a paper currency which shall be redeemable not in gold dollars of fixed weight but in such quantities of gold and silver bullion as shall suffice to make the required purchases."

No person in the world has done as effective work in familiarizing the public with this general theory as has Dr. Irving Fisher, and I am greatly pleased that we will to-night have the opportunity of hearing him discuss these important problems from his wealth of study and experience.

The specific plan I am sponsoring was formulated in a general way by a western student of the problem, Mr. Dana J. Tinnes, now a resident of Grand Forks, N. Dak., as early as 1896. Its broad general purposes are the same as the Fisher plan embodied in the Goldsborough bill. Both plans contemplate effecting stabilization by varying the weight of gold in the dollar. In many essentials, however, they are at variance. The proponents of the Burtness bill hold to the view that retail prices are based on wholesale prices, so that tendencies toward change in the retail prices can be measured each day by comparing the day's wholesale prices of all commodities with those of the preceding day and averaging their deviations. The bill accordingly proposes replacement of our one-commodity standard by an all-commodity standard, based on all the commodities on the wholesale market. It employs, therefore, not an index based on certain commodities, but an all-commodity market gauge. We also believe that it is not sufficient to correct maladjustments by occasional changes, annually, bimonthly, or at stated intervals. We desire not small, jerky changes in the price level, but a stable one, hence propose to block the tendency toward change by daily adjustments of the weight of the bullion dollar. Requiring daily adjustments and using a market gauge including all commodities properly weighted are provisions not found, to my knowledge, in any other legislation.

The bill creates a monetary standard division in the Treasury Department to handle construction of the all-commodity unit which is to be the standard of value, and to measure daily the tendency toward change in the price level and block such changes by adjustments of the mint rate. The market gauge is a simple index or gauge of the wholesale market level which shows inversely the daily changes in the buying power of the dollar. Agents are to be employed by the division to ascertain at the close of each business day the ruling wholesale prices in the various markets of the country, which information will be wired to the division. With this information the deviation of the current dollar will be shown. The task of establishing the new mint rate then becomes merely a matter of simple multiplicatiaon. We feel that the whole process when established will involve little or no more work and expense than do the daily weather reports.

Provision is made for revising the weightings quarterly. This is to be done on information or trade data furnished direct by the wholesaler on simple forms provided for the purpose. The entire market gauge schedule is to be checked up and necessary revision made annually.

Coinage of gold coins and silver dollars is stopped, and gold and silver minted into bars. Most of the gold in the Treasury is already in that form. A new issue of Treasury notes replaces all Government issues, but not the Federal reserve currency. These new Treasury notes will be stable in value, and should therefore be even more desirable in bank reserves than the metal.

Redemption funds are consolidated and interest-bearing bonds deposited to bring the total reserve, gold, silver, and bonds, up to 100 per cent of the Government money outstanding against it. Par stage for the metallic part of the reserve is gold 40 per cent and silver 10 per cent of the notes outstanding, the silver being valued at its current market price. The Bank of England has not taken advantage of its option to carry a fifth of its reserve in silver, probably because the silver would have to be valued at an obsolete ratio to gold.

The provision for issue of additional notes under certain conditions is so framed that it can not cause inflation but can and will prevent the contraction of which the falling mint rate is a warning. Their issue at certain times thus assists the stabilization process.

There are also provisions for protection of the gold reserve which, I may remark, will be no more needed with the dollar stabilized than at present. I perhaps need not emphasize, therefore, that the proposal does not in any way savor of "greenbackism" or any other scheme of fiat money.

Aside from recognition of the fundamental theory that the buying power of money varies directly with the magnitude of its units, and putting that theory into practical effect to stabilize prices, the purpose constantly borne in mind in the bill is stabilization through prevention of change. It naturally follows that the price stage existing at the time stabilization takes effect should be the mark to which the wholesale price level is thereafter to be held. Stabilizing on any other than the current price level would cause a change at the start more or less

disturbing to business. If our purpose were accomplished, stabilization would appear in its true light as not change but prevention of change, just like the hourly electrical adjustment of clocks by the Western Union to Naval Observatory time.

To make this truly a prevention of change we deem it necessary to include all commodities of commerce properly weighted and to make the adjustments daily. We concede that selecting a relatively few articles are straws in the wind showing the tendency of the price level, but they are only straws in the wind and not a scientific determination. We hold that no index of a part can correctly register the movements of the whole.

The experience of the Bureau of Labor Statistics would seem to bear this out. Its index number was started in 1900 with 250 unweighted commodities. In 1914 the great advance in weighting the commodities was made and the number was increased to 297. By 1921 it was considered necessary to increase the number to 404, and in August, 1927, a further increase to 550 was deemed advisable. Until recently, at least, there has also been a lack of up-to-date weightings. The data of sales for 1909 was used from 1914 to 1921. From then until August, 1927, the weights were based on data for 1919. Last August weights were calculated from sales for the years 1923 to 1925. This is a most remarkable advance in a short time toward securing an accurate index so that the purchasing power of money may be correctly measured. Perfection thereof, however, can only come with the inclusion of all commodities and with weightings that are strictly current.

We do not want spasmodic or occasional adjustments of the price level which we think would be the result if adjustments were made only every few months or at stated intervals. In other words, the alternate pushing of prices up and the pulling of them down to a certain level, while preferable to present conditions, is not the object ultimately desired. Daily tendencies toward change can be scientifically measured and blocked by corresponding change in the weight of the dollar. Let me repeat, the plan is intended to prevent change and therefore daily adjustments are deemed necessary.

We do not deny that much can be done toward stabilization by regulating the volume of money and credits in use. We concede that within certain limits the powers of the Federal Reserve Board are such that acute fluctuations can be mitigated when those powers are exercised intelligently and wisely, although at times a degree of intelligence and foresight not possessed by humans would probably be required. As already indicated, we are in sympathy with the Strong bill, but we note that representatives of the Federal Reserve Board state that for several years now the board has attempted to avoid serious disturbances of the price level. We have, however, not had stability. From January, 1926, to January, 1927, as shown by the index number of the Bureau of Labor Statistics, the price level declined from 156 to 146.9, or about 6 per cent. The index for June, 1927, was 143.7, while October, 1927, shows it at 150.1, or an increase in the price level in a four-month period of 6.4 points, or about 4½ per cent. It may well be doubted whether a better showing than this will be shown in the future by this method alone.

Change in the magnitude of the units of money affects their buying power much more promptly than does change in their number. If this statement is accepted as sound and if it is practical to obtain information each day showing any tendency toward change in the price level, then it follows that the plan proposed in the Burtness bill would operate almost automatically; in fact, the administration thereof would be so simple as to be "foolproof." We hope that in submitting it for public consideration we have contributed something worth while toward the promotion of stabilization. Kindly permit me to bespeak for it your earnest and sympathetic study.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 672. An act for the purpose of rehabilitating farm lands in the flood areas.

JOHN W. DWIGHT

Mr. WOOD. Mr. Speaker, I wish to add my word of tribute to the memory of John W. Dwight. It was my pleasure to know him since I first entered this House, and intimately know him. I traveled through Europe with him. He was one of the most lovable men I ever knew, and in his death the country has lost a most valuable citizen. As a tribute of respect to his memory and the services he has rendered to his country, I move that this House do now adjourn.

ADJOURNMENT

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Friday, January 20, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, January 20, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

District of Columbia appropriation bill.
Agriculture Department appropriation bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(7 p. m.—minority conference room, Senate Office Building)

To consider the various bills concerning the farmers' market site (subcommittee on parks and park grounds).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory (H. R. 8128).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To discuss legislation of various reclamation projects.

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.—committee room of the Senate Committee on Territories and Insular Possessions)

Providing for the appointment of a joint committee of Congress to investigate conditions in American Samoa (S. Con. Res. 2).

Providing for the appointment of a board of visitors to inspect and report on the conditions and government in Samoa (H. R. 184).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1338 B Street SW., Washington, D. C. (S. 1968).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 1

(10.30 a. m.)

To provide for the care of certain insane citizens of Alaska (H. R. 170).

Relating to the appointment of certain Cabinet Officers (H. J. Res. 37).

To relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested (H. R. 328).

To limit the period for which an officer appointed, with the advice and consent of the Senate, may hold over after his term shall have expired (H. R. 8112).

COMMITTEE ON FLOOD CONTROL

(10 a. m.—caucus room)

A meeting to hear a delegation from the State of Wisconsin; Millard F. Bowen; H. N. Pharr, chief engineer S. Francis levee district, Arkansas; and Alva L. Reynolds, of Long Branch, Calif., discuss projects proposed to control the flood waters of the Mississippi River.

(2 p. m.—caucus room)

A meeting to hear N. C. Grover, chief hydraulic engineer, Geological Survey; C. H. Birdseye, chief topographic engineer, Geological Survey, discuss projects proposed to control the flood waters of the Mississippi River.

(8 p. m.—caucus room)

A meeting to hear members of the Mississippi River Commission discuss projects proposed to control the flood waters of the Mississippi River.

Mr. REID of Illinois has asked that a notice be posted here stating that the Flood Control Committee would conclude its hearings within a few days, and if there are any Senators or Members of Congress who wish to appear before the committee, Mr. REID would like to have them get in touch with him immediately.

COMMITTEE ON PATENTS

(10 a. m.—room 277)

To amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909 (H. R. 6104).

To prevent fraud, deception, or improper practice in connection with business before the United States Patent Office (H. R. 5527).

EXECUTIVE COMMUNICATIONS, ETC.

304. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Navy, transmitting draft of a proposed bill "To amend section 300 of the World War veterans' act, 1924, as amended," was taken from the Speaker's table and referred to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 6466. A bill granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes; without amendment (Rept. No. 313). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 9200. A bill to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York; without amendment (Rept. No. 314). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 5774. A bill to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York; without amendment (Rept. No. 319). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 445. A bill authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes; without amendment (Rept. No. 320). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JAMES: Committee on Military Affairs. H. R. 8444. A bill for the relief of Charles F. Getchell; with amendment (Rept. No. 315). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 8789. A bill for the relief of Louis Martin; without amendment (Rept. No. 316). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 8790. A bill for the relief of Frederick Sparks; without amendment (Rept. No. 317). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 9161. A bill authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army; without amendment (Rept. No. 318). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6394) granting a pension to Joann Thornton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7766) granting an increase of pension to Mary P. Dudrow; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9260) granting an increase of pension to Effie M. Livingston; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THATCHER: A bill (H. R. 9660) authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city; to the Committee on Interstate and Foreign Commerce.

By Mr. MAAS: A bill (H. R. 9661) to modify and liberalize the prohibition laws of the United States within the limitations of the eighteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 9662) to limit the enforcement operations of the Prohibition Unit to interstate offenses; to the Committee on the Judiciary.

By Mr. DRANE: A bill (H. R. 9663) authorizing Herman Simmonds, jr., his successors and assigns (or his or their heirs, legal representatives, and assigns) to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.; to the Committee on Interstate and Foreign Commerce.

By Mrs. LANGLEY: A bill (H. R. 9664) to provide for the purchase of a site and the erection of a public building thereon at Hazard, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9665) to provide for the erection of a public building at Pikeville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9666) for the erection of a Federal building at Paintsville, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9667) for the erection of a Federal building at Prestonsburg, Ky.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9668) to provide for the purchase of a site and the erection of a public building thereon at Whitesburg, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. BUTLER: A bill (H. R. 9669) to amend section 300 of the World War veterans act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. DOUTRICH: A bill (H. R. 9670) to establish a fish-cultural station in the State of Pennsylvania as an auxiliary to the Cape Vincent (N. Y.) fisheries station; to the Committee on the Merchant Marine and Fisheries.

By Mr. EVANS of Montana: A bill (H. R. 9671) to amend the tariff act of 1922; to the Committee on Ways and Means.

Br. Mr. FISH: A bill (H. R. 9672) authorizing the erection of a monument in France to commemorate the valiant services of the Ninety-third Division of the American Expeditionary Forces; to the Committee on Foreign Affairs.

By Mr. HAMMER: A bill (H. R. 9673) granting increased pensions to the widows or beneficiaries of officers and enlisted men of any branch of Army, Navy, or Marine Corps of the United States who are killed in time of peace or war in an aircraft or submarine accident, or who die as a result of such an accident; to the Committee on Pensions.

By Mr. HARE: A bill (H. R. 9674) to amend the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton," approved March 3, 1927; to the Committee on Agriculture.

By Mr. HOWARD of Oklahoma: A bill (H. R. 9675) to provide aid and encouragement to Indians of the Five Civilized Tribes and to Pawnee Indians in the agricultural and horticultural development of their restricted or trust allotted and inherited Indian lands in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. JAMES: A bill (H. R. 9676) to authorize appropriations for construction at the Walter Reed General Hospital, and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 9677) to fix salaries of certain judges of the Territory of Hawaii and Porto Rico; to the Committee on the Judiciary.

By Mr. KELLY: A bill (H. R. 9678) to provide for steel cars in the railway post-office service; to the Committee on the Post Office and Post Roads.

By Mrs. LANGLEY: A bill (H. R. 9679) to provide further aid to disabled veterans of the World War; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 9680) providing for a mine rescue station and equipment at Hazard, Ky.; to the Committee on Mines and Mining.

Also, a bill (H. R. 9681) providing for a mine rescue station and equipment at Jenkins, Ky.; to the Committee on Mines and Mining.

Also, a bill (H. R. 9682) to prohibit the United States from prosecuting or convicting any person in any of United States courts of America who has been convicted or acquitted in any of the State courts of the United States of America for the same offense, whether it be for a crime or misdemeanor, of which both the United States and the State courts have jurisdiction; to the Committee on the Judiciary.

Also, a bill (H. R. 9683) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, the China relief expedition, or the Coast Guard artillery service of the United States, their widows and orphans; to the Committee on Pensions.

Also, a bill (H. R. 9684) to amend the act of July 3, 1926, granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9685) to amend an act entitled "An act to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, and children of such soldiers, sailors, and marines and granting pensions and increase of pensions in certain cases," approved May 1, 1920, and for other purposes; to the Committee on Invalid Pensions.

By Mr. NEWTON: A bill (H. R. 9686) to promote the safety of the people by installing automatic train controls on railroads; for determining and installing the most practical control of automobiles at grade crossings; for determining and installing other appliances for the protection of the people; to safeguard the interests of the inventors and the people supporting them in the development of devices and appliances in connection therewith; and to impose penalties and other conditions relative thereto; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 9687) to establish a free guide service for the Capitol Building; to the Committee on Accounts.

By Mr. TREADWAY: A bill (H. R. 9688) to provide security for the payment of compensation for personal injuries and death caused by the operation of motor vehicles in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ZIHLMAN: A bill (H. R. 9689) to amend section 115a of an act entitled "An act to establish a Code of Law for the District of Columbia," as amended; to the Committee on the District of Columbia.

By Mr. EVANS of Montana: Joint resolution (H. J. Res. 173) exempting from tariff duty all articles imported from foreign countries which are exchanged for American farm products for exportation; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 9690) for the relief of Leonard Goodwin; to the Committee on Naval Affairs.

Also, a bill (H. R. 9691) for the relief of Hattie Webb Rayner; to the Committee on Claims.

Also, a bill (H. R. 9692) for the relief of Kelly E. Willis; to the Committee on Claims.

By Mr. ALLEN: A bill (H. R. 9693) for the relief of Ben D. Showalter; to the Committee on Claims.

By Mr. AYRES: A bill (H. R. 9694) granting an increase of pension to Rosa Vinton; to the Committee on Invalid Pensions.

By Mr. BOHN: A bill (H. R. 9695) for the relief of Anna King; to the Committee on Claims.

By Mr. BUSHONG: A bill (H. R. 9696) granting an increase of pension to Livy Moser; to the Committee on Invalid Pensions.

By Mr. CHASE: A bill (H. R. 9697) granting an increase of pension to Julia A. Kresge; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 9698) for the relief of N. H. Thibodeaux and Josephine Thibodeaux; to the Committee on Claims.

By Mr. CULLEN: A bill (H. R. 9699) for the relief of Benjamin Hagerty; to the Committee on Military Affairs.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 9700) to extend the benefits of the employers' liability act of September 7, 1916, to James H. Lomasney; to the Committee on Claims.

Also, a bill (H. R. 9701) to extend the benefits of the employers' liability act of September 7, 1916, to William L. Sullivan or guardian; to the Committee on Claims.

By Mr. DOUTRICH: A bill (H. R. 9702) granting an increase of pension to John Anna Wunderlich; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 9703) granting a pension to Louisa Siples; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 9704) granting an increase of pension to Clara McCory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9705) for the relief of Hugh Gibson, an officer of the foreign service of the United States, who, while serving abroad, suffered by theft losses of official funds; to the Committee on Appropriations.

By Mr. FISH: A bill (H. R. 9706) granting a pension to Mary C. Adams; to the Committee on Invalid Pensions.

By Mr. FULBRIGHT: A bill (H. R. 9707) granting an increase of pension to Gertrude Ohmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9708) granting an increase of pension to Elizabeth Grigory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9709) granting a pension to James I. Piland; to the Committee on Pensions.

By Mr. FULMER: A bill (H. R. 9710) for the relief of the State of South Carolina; to the Committee on Claims.

By Mr. GARDNER of Indiana: A bill (H. R. 9711) granting a pension to Laura Hallem; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 9712) to amend the military record of Curtis V. Milliman; to the Committee on Military Affairs.

By Mr. GARRETT of Texas: A bill (H. R. 9713) granting an increase of pension to John T. Brannon; to the Committee on Pensions.

By Mr. GREENWOOD: A bill (H. R. 9714) granting a pension to Lewis Kimmel; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 9715) for the relief of Owen McCuen; to the Committee on Military Affairs.

By Mr. HARE: A bill (H. R. 9716) to pay Charles H. Salley, of Salley, S. C., for costs, disbursements, and commission as administrator of the estate of Jim Woodward, deceased; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 9717) granting an increase of pension to Sarah A. Fleak; to the Committee on Invalid Pensions.

By Mr. HOCH: A bill (H. R. 9718) granting an increase of pension to Ella Howard; to the Committee on Invalid Pensions.

By Mr. HOPE: A bill (H. R. 9719) for the relief of George A. Day; to the Committee on Military Affairs.

By Mr. HUGHES: A bill (H. R. 9720) granting an increase of pension to Margaret A. Yockey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9721) for the relief of Willie G. Chapman; to the Committee on Military Affairs.

Also, a bill (H. R. 9722) for the relief of Allen Nichols; to the Committee on Military Affairs.

By Mr. MORTON D. HULL: A bill (H. R. 9723) for the relief of John M. Hammond; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 9724) granting an increase of pension to Mary C. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9725) granting a pension to Elizabeth Hawkins; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 9726) granting a pension to Anna M. Shoop; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 9727) granting an increase of pension to Sarah J. Jones; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 9728) granting an increase of pension to Lizzie Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9729) for the relief of W. D. Blair; to the Committee on War Claims.

Also, a bill (H. R. 9730) granting a pension to Samuel Pack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9731) granting an increase of pension to Mourning Sisemore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9732) granting a pension to Marge Brandenburgh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9733) granting an increase of pension to Stella C. Cole; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 9734) granting a pension to Dimmis E. Hale; to the Committee on Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 9735) granting a pension to Eloise P. Stevens; to the Committee on Pensions.

By Mr. MOORMAN: A bill (H. R. 9736) granting a pension to Kate Farmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9737) for the relief of Herman C. Davis; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 9738) granting a pension to Ellen B. Lasure; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 9739) granting an increase of pension to Charilla Horbour; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 9740) granting an increase of pension to Edward J. Burgin; to the Committee on Pensions.

By Mrs. ROGERS: A bill (H. R. 9741) granting an increase of pension to Martha M. Searles; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 9742) granting an increase of pension to Fannie Gordon; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 9743) granting a pension to Albert D. Day; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 9744) granting an increase of pension to Elizabeth B. Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9745) granting an increase of pension to Lydia M. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9746) granting an increase of pension to Mary Worley Armentrout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9747) granting a pension to Sarah E. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9748) granting a pension to Laura Viney; to the Committee on Invalid Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 9749) for the relief of William A. Lyons; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 9750) for the relief of Borroum & Bishop, a firm composed of James L. Borroum and Francis P. Bishop, residents of the State of Kansas; to the Committee on Claims.

By Mr. STEELE: A bill (H. R. 9751) for the relief of Robert Y. Garrison; to the Committee on Military Affairs.

By Mr. SWICK: A bill (H. R. 9752) granting an increase of pension to Sarah Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9753) granting an increase of pension to Mary O'Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9754) granting an increase of pension to Catherine A. Hennon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9755) granting an increase of pension to Anna E. McFarland; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 9756) granting a pension to Margaret Johnson; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 9757) for the relief of the Cherrington Hospital, Logan, Ohio; to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 9758) for the relief of William J. Rosselot; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 9759) granting an increase of pension to Mary E. Boseley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2013. By Mr. ALDRICH: Petition of John Mancini, jr., and 66 other residents of Providence, R. I., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2014. By Mr. ANDREW: Petition signed by E. H. Anderberg and other residents of Beverly, Haverhill, Danvers, and Merrimac, Mass., protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2015. By Mr. ARENTZ: Petition of citizens of Bunkerville, Nev., requesting that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune, in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

2016. By Mr. ARNOLD: Petition from citizens of Centralia, Ill., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2017. By Mr. AYRES: Petition of citizens of Wichita, Kans., re Civil War pension bill; to the Committee on Invalid Pensions.

2018. Also, resolution of the Swedish Evangelical Mission Church, McPherson, Kans., with reference to amending immigration act of 1924; to the Committee on Immigration and Naturalization.

2019. By Mr. BOIES: Petition signed by citizens of Milford, Spirit Lake, Terril, Dickens, and Sioux Rapids, Dickinson County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2020. By Mr. BRIGGS (by request): Petition of S. B. Hazel and others, of Montgomery County, Tex., with reference to House bill 78; to the Committee on the District of Columbia.

2021. By Mr. BROWNING: Petition of numerous citizens of Right, Tenn., asking that the pensions of Civil War soldiers and their widows be increased; to the Committee on Invalid Pensions.

2022. By Mr. BURTON: Petition of supervisors and teachers of the William J. Morrison School, of Brooklyn, N. Y., approving the resolution to prohibit the exportation of arms, munitions, or implements of war to any country which engages in aggressive warfare; to the Committee on Foreign Affairs.

2023. By Mr. CARSS: Petition of Mrs. R. M. Woodard and 16 other residents of Mineral Center, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2024. Also, petition of Mrs. O. Aune and 25 other residents of Duluth, Minn., protesting against enactment into law of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2025. Also, petition of Mrs. Earl Patterson and seven other residents of Duluth, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2026. By Mr. COOPER of Wisconsin: Petition of citizens of Whitewater, Walworth County, and vicinity, protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2027. By Mr. CRAIL: Petition of approximately 750 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any similar legislation; to the Committee on the District of Columbia.

2028. By Mr. CROWTHER: Petition of residents of Schenectady, N. Y., against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2029. Also, petition against compulsory Sunday observance bill (H. R. 78), made by residents of Schenectady, N. Y.; to the Committee on the District of Columbia.

2030. By Mr. CURRY: Petition of citizens of California, against the enactment of Sunday legislation, and particularly against the enactment of House bill 78; to the Committee on the District of Columbia.

2031. Also, petition of citizens of the third congressional district of California for higher rates for Civil War survivors and also a $50 rate for Civil War widows; to the Committee on Invalid Pensions.

2032. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, urging early and favorable action on the bill (H. R. 9195) proposing an amendment of sections 2804 and 3402 of the Revised Statutes, permitting the importation of cigars and cigarettes in smaller quantities by parcel post; to the Committee on Ways and Means.

2033. By Mr. DEMPSEY: Petition of citizens of Niagara Falls, N. Y., against Sunday observance bill (H. R 78); to the Committee on the District of Columbia.

2034. By Mr. DOWELL: Petition of residents of Des Moines, Iowa, relative to Civil War pension legislation; to the Committee on Invalid Pensions.

2035. Also, petition of residents of Stony County, Iowa, relative to compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2036. By Mr. ENGLEBRIGHT: Petition of citizens of Paxton, Englemine, Greenville, and Taylorsville, Calif., protesting against Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2037. By Mr. W. T. FITZGERALD: Memorial of Camp Washington Council No. 43, Junion Order of United American Mechanics, of Cincinnati, Ohio, petitioning for passage of legislation known as the Holaday bill, for the deportation and registration of aliens within the borders of the United States; to the Committee on Immigration and Naturalization.

2038. Also, petition of Cincinnati Chapter L, Disabled American Veterans of the World War, protesting against repeal of the statutory award granted to veterans with a rating of arrested tuberculosis; to the Committee on World War Veterans' Legislation.

2039. Also, petition of Mrs. Phoebe Potts and other adult citizens of Allen County, Ohio, protesting against consideration of House bill 78, providing for Sunday observance in the District of Columbia and elsewhere; to the Committee on the District of Columbia.

2040. By Mr. FOSS: Petition of 69 members of the American Legion, Post No. 102, Athol, Mass., urging increased pen-

sions for Civil War survivors and widows of Civil War veterans; to the Committee on Invalid Pensions.

2041. Also, petition of Mary E. Shaw and various other citizens of East Brookfield, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2042. By Mr. FRENCH: Petition of 100 citizens of Idaho, protesting against the enactment of House bill 78, or any compulsory Sunday observance; to the Committee on the District of Columbia.

2043. By Mr. GALLIVAN: Petition of Frank W. Whitcher Co., Boston, Mass., recommending early and favorable consideration of the Columbia Basin irrigation project; to the Committee on Irrigation and Reclamation.

2044. By Mr. HOPE: Petition of residents of Greely County, Kans., protesting against House bill 78, or any measure restricting Sunday observance; to the Committee on the District of Columbia.

2045. By Mr. WILLIAM E. HULL: Petition of C. E. McCullough and other citizens of Peoria, Ill., protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2046. Also, petition of Mrs. R. C. Shannon and other citizens of Peoria, Ill., protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2047. By Mr. KEMP: Petition of citizens of Baton Rouge and Clinton, La., favoring increased pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

2048. Also, petition of citizens of Louisiana, protesting against the passage of House bill 78, compulsory Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

2049. By Mrs. LANGLEY: Petition of Oliver Hackney and various other residents of Pike County, Ky., protesting against the enactment of the Lankford bill for the compulsory observance; to the Committee on the District of Columbia.

2050. By Mr. LOZIER: Petition of 132 citizens of Grundy County, Mo., urging more liberal pension allowances to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

2051. By Mr. MAAS: Petition of Charles Zeelan and 103 citizens of St. Paul, Minn., against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

2052. Also, petition of C. S. Stewart and 579 citizens of St. Paul, Minn., against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

2053. Also, petition of Christin Warner and 166 citizens of St. Paul, Minn., against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

2054. Also, petition of C. H. Miller and 87 citizens of St. Paul, Minn., against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

2055. By Mr. MAPES: Petition of 49 residents of Grand Rapids, Mich., advocating the enactment by Congress of additional legislation for the benefit of veterans of the Civil War and their dependent widows; to the Committee on Invalid Pensions.

2056. By Mr. MILLER: Petition of citizens of Burley, Kitsap County, Wash., for increase in pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2057. Also, petition of citizens of Seattle, Wash., opposing House bill 78, the Sunday closing law for the District of Columbia; to the Committee on the District of Columbia.

2058. By Mr. MORIN: Petition of the council of the city of Pittsburgh, Pa., urging passage of Dale-Lehlbach bill so as to permit optional retirement of Federal employees after 30 years of service with an annuity of $1,200 per annum; to the Committee on the Civil Service.

2059. By Mr. NEWTON: Petition of Miss Mary Suckerman, of Minneapolis, and others, against Sunday compulsory observance; to the Committee on the District of Columbia.

2060. By Mr. O'CONNELL: Petition of the Illinois Chamber of Commerce, Chicago, Ill., favoring the elimination of section 611 from the proposed revenue act (H. R. 1); to the Committee on Ways and Means.

2061. By Mr. RAINEY: Petitions of 106 citizens of Illinois, protesting against any compulsory Sunday observance bill; to the Committee on the District of Columbia.

2062. By Mr. SCHNEIDER: Petition of numerous citizens of Brown County, Wis., protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2063. Also, petition of numerous citizens of Brown County, State of Wisconsin, protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2064. By Mr. SEGER: Petition of Hon. John McCutcheon, Hon. Roy T. Yates, Hon. Isabelle M. Summers, and 130 citizens of Paterson, N. J., and vicinity, favoring increased pensions for Civil War veterans and dependents; to the Committee on Invalid Pensions.

2065. By Mr. SELVIG: Petition of Katie Kah-O-Lid and 46 other residents of White Earth, Minn., protesting against the passage of House bill 78 or any other national religious legislation; to the Committee on the District of Columbia.

2066. Also, petition of A. T. Nelson and 28 other adult residents of Polk County, Minn., protesting against the passage of House bill 78 or of any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

2067. By Mr. SHREVE: Petition from numerous citizens of Erie and North East, Pa., protesting against the passage of House bill 78 or any other Sunday observance bill; to the Committee on the District of Columbia.

2068. By Mr. SINCLAIR: Petition of 50 residents of Alexander, N. Dak., and vicinity, protesting against the passage of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

2069. By Mr. SINNOTT: Petition of numerous citizens of Halfway, Oreg., urging action on legislation affording further relief of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2070. Also, petition of numerous citizens of Milton and Freewater, Oreg., protesting against enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2071. Also, petition of 202 citizens of Hood River and Bend, Oreg., protesting against the enactment of House bill 78, the Lankford bill, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2072. By Mr. STRONG of Kansas: Petition of voters of Salina, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2073. Also, petition of voters of Washington County, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2074. Also, petition of voters of Clay Center, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2075. Also, petition of voters of Miltonvale, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2076. By Mr. SWING: Petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2077. Also, petition of citizens of Riverside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2078. Also, petition of citizens of Anaheim, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2079. Also, petition of citizens of Santee, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2080. Also, petition of citizens of El Cajon, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2081. Also, petition of citizens of Escondido, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2082. Also, petition of citizens of Buena Park, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2083. Also, petition of citizens of Arlington, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2084. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2085. Also, petition of citizens of Bostonia, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2086. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory

Sabbath observance, and particularly House bill 78; to the Committee on the District of Columbia.

2087. By Mr. TILLMAN: Petition of sundry citizens of Arkansas, asking for legislation increasing pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

2088. Also, petition of various citizens of Arkansas, protesting against the passage of compulsory Sunday observance bills; to the Committee on the District of Columbia.

2089. By Mr. UNDERWOOD: Petition signed by E. C. Ridenour and other citizens of Glenford, Ohio, in favor of an increase in pension to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2090. By Mr. WOODRUFF: Petition of citizens of the tenth Michigan district, against House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

2091. Also, petition from citizens of Bay City, Mich., favoring legislation increasing pension of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *January 20, 1928*

(Legislative day of Tuesday, January 17, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 672) for the purpose of rehabilitating farm lands in the flood areas, and it was thereupon signed by the Vice President.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Shortridge
Barkley	Fletcher	McLean	Simmons
Bayard	Frazier	McMaster	Smith
Bingham	George	McNary	Smoot
Black	Gerry	Mayfield	Steck
Blease	Gillett	Metcalf	Steiwer
Borah	Glass	Neely	Stephens
Bratton	Gooding	Norbeck	Swanson
Brookhart	Gould	Norris	Thomas
Broussard	Greene	Nye	Trammell
Bruce	Hale	Overman	Tydings
Capper	Harris	Phipps	Tyson
Caraway	Harrison	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Reed, Mo.	Walsh, Mont.
Curtis	Howell	Reed, Pa.	Warren
Cutting	Johnson	Robinson, Ark.	Waterman
Dale	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Wheeler
Dill	Keyes	Sheppard	Willis
Ferris	King	Shipstead	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

THE FOURTEENTH AND FIFTEENTH AMENDMENTS

Mr. SWANSON. Mr. President, there has been much discussion in both Houses of Congress, in the press, and in other places regarding the fourteenth and fifteenth amendments to the Federal Constitution. I desire to give notice that I purpose on next Monday morning, as soon as the routine morning business is concluded, to deliver an address on the fourteenth and fifteenth amendments to the Federal Constitution.

PETITIONS AND MEMORIALS

Mr. SWANSON. Mr. President, I present a petition signed by citizens of Williamsburg, Va., regarding the storage of explosives at Yorktown. It is not a very long petition, and for the information of the Senate I ask that it be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the petition was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

To the honorable Senators and Members of the House of Representatives from Virginia in the Congress of the United States:

Your petitioners, the undersigned residents of the city of Williamsburg, Va., respectfully call your attention to the fact that the United States of America during the period of the war activities acquired a tract of land of about 10,000 acres lying between Williamsburg and Yorktown for the purpose, as stated at that time, of establishing a Navy mine depot.

Your petitioners understood the term "Navy mine depot" to mean a place for the storage and handling of explosives needed for the current use of the Navy; and the amount of high explosives necessary for said purpose, your petitioners are informed, is very small.

Since the establishment of said Navy mine depot the Government has found itself in the possession of large quantities of high explosives consisting of T. N. T. and other high explosives, and your petitioners are informed that they have now stored on this tract of land about 22,000,000 pounds of T. N. T., some of which is in the storehouses already built upon said property, some in the open; and that new buildings are contemplated for the purpose of making this a permanent storage.

Your petitioners realize the fact that it is necessary for the Government to have a certain amount of high explosives on hand, and that some place should be allotted for this purpose. And your petitioners would not object to this area being used as a Navy mine depot, as originally contemplated, but from information that they have the said tract of land is being changed and set aside as a place for the storage of large quantities of high explosives, and that some of the storage buildings now on said property, and others that are contemplated being erected, are within 2,800 feet of the outside property line and not a much greater distance from the only main highway that there is leading down this peninsula from Williamsburg to Newport News.

Your petitioners, also being informed that Congress is now undertaking to definitely decide about some permanent arrangement for the storage of high explosives, respectfully request that you will carefully investigate the tract of land in question. And that if upon an investigation it is found that it would be a detriment for this section of the country for the storage of such large quantities of high explosives that arrangements will be made for the removal of the excess amount of high explosives on said tract of land—if it should be shown that there is an excess—and that proper action be taken to guard the safety of the lives and the property of the people living in this community.

While your petitioners hardly think it necessary, still, they call your attention to the fact that this peninsula is the most historic portion of the United States; that large numbers of tourists are daily visiting this community; that this is not a sparsely settled country, but the historic town of Yorktown lies to the east of this Navy mine depot; that the city of Williamsburg lies to the west and is not more than 3½ miles from the western limits of the Navy mine depot; and that besides the residents of the city of Williamsburg there are two State institutions; namely, the Eastern State Hospital, containing in the neighborhood of 1,000 inmates, and the College of William and Mary, with about 1,200 students.

In consideration of the foregoing facts your petitioners urge that the Navy mine depot at Yorktown be not converted into a place for storage of high explosives in large quantities; that such storage constitutes a continuing menace and operates to retard the growth and prosperity of the community.

Respectfully submitted.

V. M. Teddy, H. M. Stryker, W. E. Topping, T. C. Hall, M. W. Foster, G. T. Brooks, R. S. Broocks, W. L. Thorpe, W. F. Low, R. W. Mahome, J. G. Warburton, B. I. Bell, C. C. Hall, T. T. Rogers, E. M. Gwathryn, Clarence T. Casey, Julian L. Casey, William Wallace, F. H. Geddy, R. W. Lane, jr., W. A. R. Goodwin, Frank Armstead, J. S. Timberlake, A. G. Harwood, sr., T. J. McCracken, W. S. Hitchens, G. W. Brown, J. A. C. Chandler, Mrs. Alice Pollard Stryker, J. M. Henderson, John Garland Pollard.

Mr. ROBINSON of Arkansas presented a letter from John R. Fordyce, of Hot Springs National Park, and a resolution adopted at the annual meeting of the Arkansas Real Estate Association, at Little Rock, Ark., favoring the prompt passage of legislation to create the Ouachita National Park in Polk and Montgomery Counties, Ark., which were referred to the Committee on Public Lands and Surveys.

Mr. KING presented a telegram from the Provo Conservation Association, signed by Mark Anderson, of Provo, Utah, remonstrating against the passage of the so-called Smoot grazing bill, which was referred to the Committee on Public Lands and Surveys.

He also presented a resolution adopted by the board of governors of the Salt Lake (Utah) Chamber of Commerce, protesting against further consideration of the so-called Swing-Johnson Boulder Dam bill until certain suggested actions have been taken, which was referred to the Committee on Irrigation and Reclamation.

Mr. FRAZIER presented the petition of R. E. Swendseid, of Stanley, and 65 other citizens, all in the State of North Dakota, praying for amendment of the existing immigration law with the 1890 census as the basis of computation, and protesting against a national-origin basis of computation, which was referred to the Committee on Immigration.

Mr. JONES presented a memorial of sundry citizens of Spokane, Wash., remonstrating against the operation of the parcel post law as to the rate on postal cards and circular mail as being unjust and discriminatory, and requesting amendment

thereof so as to conform to the 1924 rate, which was referred to the Committee on Post Offices and Post Roads.

Mr. DENEEN presented a petition of sundry citizens of Chicago, Ill., praying for the prompt passage of legislation granting increased pensions to veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented a resolution adopted by the standing committee of the Marine Society of New York, N. Y., remonstrating against the passage of the so-called Jones government-ownership merchant marine bill, which was ordered to lie on the table.

He also presented a resolution adopted by the Near East Democratic Organization, of New York, N. Y., remonstrating against the ratification of the Lausanne treaty between the United States and Turkey, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Parent-Teacher Association, of Rockville Center, Long Island, N. Y., favoring the continuance of the maternity and infancy work under the United States Children's Bureau, which was referred to the Committee on Education and Labor.

Mr. BINGHAM presented a resolution adopted by the board of officers of the State Council of Connecticut, Junior Order United American Mechanics, protesting against the repeal of the national origins provision of the existing immigration act, which was referred to the Committee on Immigration.

Mr. WHEELER. Mr. President, I present a brief submitted by the Anti-Monopoly League for investigation of American concessions abroad by the Senate Foreign Relations Committee as provided in Senate Resolution 47, offered by me on December 12, 1927, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the brief was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Brief for investigation of Americans' concessions abroad by the Senate Committee on Foreign Relations, as provided in Senate Resolution 47, by Mr. WHEELER, submitted by the Anti-Monopoly League, Bliss Building, Washington, D. C.

1. Location of natural resources does not give any prima facie right to hoard or monopolize them.

In an aide memoire of our State Department of January 6, 1909, inviting Mexico and Canada to send delegates to a conservation conference held here in February of that year the statement is made:

"The people of the whole world are interested in the natural resources of the whole world, benefited by their conservation, and injured by their destruction. The people of every country are interested in the supply of food and of material for manufacture in every other country, not only because these are interchangeable through processes of trade, but because a knowledge of the total supply is necessary to the intelligent treatment of each nation's share of the supply.

"Nor is this all. A knowledge of the continuance and stability of perennial and renewable resources is no less important to the world than a knowledge of the quantity or the term remaining for the enjoyment of those resources which when consumed are irreplaceable. As to all the great natural sources of national welfare, the peoples of to-day hold the earth in trust for the peoples to come after them. Reading the lessons of the past aright, it would be for such a conference to look beyond the present to the future."

Although first steps were taken toward calling an international conference on the allocation of natural resources, it was not held.

2. Americans have secured control of natural resources in many parts of the world and are constantly striving to secure additional resources.

Americans control or own valuable natural resources, or have concessions, in nearly all important Central and South American countries, including Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Venezuela, Nicaragua, Guatemala, and Mexico. They have interests in Mesopotamia, Turkey, Russia, many parts of Africa, and elsewhere. They are the great financial power in Cuba, Haiti, and Porto Rico.

Americans' private investments abroad total about $14,000,000,000 and are increasing very rapidly. Much of these investments are in concessions for developing oil fields and mineral resources, construction work, and plantation development.

3. Concessions secured through fraud, force, or misrepresentation are a source of international friction, endanger legitimate investments, and are an incentive to war.

Prof. Charles Hodges, director division oriental commerce, New York University, has stated the situation tersely:

"In its broadest sense a concession is nothing more or less than a contract entered into by two parties for the performance of a specified purpose on terms which have been freely entered into and designed to confer mutual advantages. Unlike undertakings to which both parties are private interests, the concession becomes an outstanding phase of modern international relations because of the inequality between the parties to such an agreement. Unless the concession is granted by one government to another government, there is an essential inequality between the parties. This is typical of the general run of rights, so that the relationship between the parties to the understanding is that of two wholly different interests—one the sovereign state, subject only to the dictates of international law as a member of the community of nations, and the other the subject of another such sovereign state which itself may be involved only indirectly through its own nationals in such an undertaking.

"Concession diplomacy may be set down as the root of the evil in Abyssinia, China, or Nicaragua. It may be described as the economic side of the political struggles of industrial nations; as a commercial undertaking in which a business proposition is made into a political deal; as a private enterprise transformed into a diplomatic stake. The foreign office, not the business man, becomes the custodian of the equities involved.

"In other words, it is not the fact of business development overseas which is sinister, but the political implications put behind this economic expansion."

Also:

"Until the peoples of nations deal with the larger aspects of foreign policy in truly democratic terms, it seems to me that the whole question of the control of concession diplomacy is elusory. It is part and parcel of so much more vast a problem that it can not be detached from the greater political setting. In a word, to take the danger out of concessions is to remove the menace which attaches in a far larger degree to the whole trend of present-day diplomacy."

4. Concessions are in the nature of franchises or charters, which in the United States are matters of public record.

Among the most important acts of legislation in America are those requiring that before public franchises and charters are granted there must be investigation and public records, and empowering the Interstate Commerce Commission to pass upon the issuance of securities by railroads. These acts are based upon the superior rights of the public to those of investors. Concessions granted by a government of a foreign country to an American citizen to exploit a natural resource are of an even more important public nature, because they involve greater difficulty in adjudication of differences of intent or interpretation than obtains at home because of the greater difficulty in bringing the matter in dispute before a competent court satisfactory to both parties.

A charter or franchise for operation of a natural resource, railroad, or public utility, moreover, is granted between more nearly equals—the governmental agency and the financial interests. A "concession" is granted by the Government to the citizen of a powerful nation in the case of the United States.

5. The United States, controlling two-fifths of the world's mineral resources, doing two-fifths of the world's work, and having about the same proportion of the world's wealth, is an object of hatred or envy in most countries of the world. It can not afford to permit unrestrained selfishness of a few citizens to involve it in warfare which can be localized only with great difficulty.

Dr. C. K. Leith, of Wisconsin University, in the October issue of Foreign Affairs, summarizes the relation of natural resources to production and wealth as follows:

"The United States originates and controls about 40 per cent of the world's mineral production, and the United States and Great Britain together control at least 75 per cent.

"By reason of their exploitation of power resources—coal, oil, gas, and water—the north Atlantic countries, counting both man power and mineral power, are doing annually five times the mechanical work of the combined total of Russia, China, and India, the three most populous countries of the world, though the population of the north Atlantic countries is only a third as great. With a fifth of the world's population, this group of countries is doing about two-thirds of the world's work. The United States alone is doing about 40 per cent of the world's work, and its next nearest competitor, Great Britain, about a quarter as much as the United States.

"This perspective reflects more or less the distribution of national wealth and the prevailing standards of living, as might be expected from the fact that wealth is essentially a product of work."

Doctor Leith further comments accurately:

"We are therefore witnessing the conflict of two powerful opposing forces—on the one hand, world demand for raw materials, which knows no national boundaries and which is forcing cooperation in order that demand may be efficiently satisfied; on the other, the nationalistic forces, directed toward partitioning resources for national gain or security. Many recent international episodes are an expression of this problem, and more are in store."

6. The development and growth of great manufacturing interests demands greater community of interest with respect to natural resources and raw materials.

In 1920 the International Miners' Congress adopted the following resolution: "That there be constituted within a brief period an international office for the distribution of fuel, ores, and other raw materials indispensable for the revival of normal economic life." The League of Nations, through its economic committee, and the economic conferences have given consideration to this problem, and the last

economic conference approved the principle of an international allocation of natural resources.

7. The necessity for an equitable allocation of the world's natural resources is recognized in one of the most practical of the famous "fourteen points":

"The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance."

It was also stressed by President Wilson in his reply to the Pope's peace note, in which he stated:

"The American people * * * believe that peace should rest upon the rights of peoples * * * great or small, weak or powerful—their equal rights to freedom and security and self-government, and to a participation upon fair terms in the economic opportunities of the world."

It is obvious that there can not be such "participation upon fair terms in the economic opportunities of the world," with the United States controlling 40 per cent and Great Britain 35 per cent—together three-quarters of the mineral resources of the world and using them to crush the rest of the world commercially. Nearly all wars have sprung, in the last analysis, from trade rivalries and desire to secure natural resources.

8. Secret concessions, secretly arrived at by Americans in conjunction with weak or corrupt Government officials, intimidated by the background of America's unlimited financial and military power, are a repudiation of every declared purpose of the United States in entering the World War, stamp us as hypocrites, and embitter the world against us.

The vigorous opposition to an investigation of America's concessions and making a public record thereof is the best and most conclusive proof that this should be done.

America's entrance into the League of Nations or her adherence to the World Court, or both, are relatively unimportant compared with America's policy even as an "isolationist" Nation upon basic economic and fiscal policies. Should she challenge the rest of the world to an equitable and just policy with respect to natural resources controlled by American nationals, by example, no power could withstand this. A public investigation of American concessions abroad and repudiation by the Government of sanction for any concessions obtained fraudulently, by threat of force, illegality, corruptly or unmorally, would be more effective in insuring peace than adoption of any resolution outlawing war, or starting a Navy program to cost up to $1,000,000,000.

The test of America's integrity and sincerity in entering the World War is her intelligence and actions in ending the economic causes of war—of which looting of natural resources in backward countries is first.

REPORTS OF COMMITTEES

Mr. TRAMMELL, from the Commitee on Naval Affairs, to which was referred the bill (S. 771) providing for the loan of the U. S. S. *Dispatch* to the State of Florida, reported it without amendment and submitted a report (No. 103) thereon.

Mr. BRATTON, from the Committee on Indian Affairs, to which was referred the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, reported it with amendments and submitted a report (No. 104) thereon.

Mr. NORBECK, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, reported it with amendments and submitted a report (No. 105) thereon.

INDIAN AFFAIRS—LAWS AND TREATIES

Mr. FRAZIER, from the Committee on Indian Affairs, reported a resolution (S. Res. 115), which was referred to the the Commiteee on Printing, as follows:

Resolved, That the manuscript of the laws, agreements, Executive orders, proclamations, etc., relating to Indian Affairs, prepared under Senate Resolution 57, Sixty-ninth Congress, first session, be printed as a Senate document, and that 50 additional copies be printed for the use of the Indian Office and Indian agencies.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON of Arkansas:

A bill (S. 2693) authorizing the Secretary of War to convey to the State of Arkansas certain lands forming a part of the Camp Pike area, in the State of Arkansas; to the Committee on Military Affairs.

By Mr. SIMMONS:

A bill (S. 2694) to establish a national military park to commemorate the Battle of Bentonville; to the Committee on Military Affairs.

A bill (S. 2695) for the relief of Gilliam Grissom (with an accompanying paper); to the Committee on Finance.

A bill (S. 2696) granting an increase of pension to Jacob J. King (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 2697) for the relief of Hattie M. McMahon; to the Committee on Claims.

A bill (S. 2698) granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across the Clyde River at or near Newport, Vt.; to the Committee on Commerce.

By Mr. BAYARD:

A bill (S. 2700) granting an increase of pension to Annie Richardson (with accompanying papers); and

A bill (S. 2701) granting an increase of pension to Rosalie Schmitt Grotz (with accompanying papers); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 2702) granting a pension to Alfred Barker;

A bill (S. 2703) granting an increase of pension to John S. Baxter; and

A bill (S. 2704) granting an increase of pension to Elizabeth Kille; to the Committee on Pensions.

A bill (S. 2705) for the relief of Harry Evans Nowland; and

A bill (S. 2706) for the relief of Arthur C. Lueder; to the Committee on Claims.

By Mr. FRAZIER (by request):

A bill (S 2707) to provide for the classification of all unallotted land of the Klamath Indian Reservation and to reserve for forest-production purposes all land primarily adapted to the production of crops of timber; to the Committee on Indian Affairs.

By Mr. HARRIS:

A bill (S. 2708) granting a pension to Moina Michael; to the Committee on Pensions.

By Mr. GOULD:

A bill (S. 2709) granting an increase of pension to Mary R. Pendleton (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 2710) granting a pension to David Fisher (with accompanying papers); to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 2711) for the relief of Walter W. Johnston; to the Committee on Claims.

A bill (S. 2712) authorizing the Secretary of the Navy to present former Coxswain Patrick J. Murphy with a distinguished-service medal; and

A bill (S. 2713) for the relief of Thomas N. Smith; to the Committee on Naval Affairs.

By Mr. JOHNSON:

A bill (S. 2714) granting compensation to James Ahern; to the Committee on Finance.

A bill (S. 2715) granting an annuity to Arthur E. Nathanson; to the Committee on Civil Service.

A bill (S. 2716) for the relief of Andrew M. Dunlop; and

A bill (S. 2717) granting compensation to Mary I. Latta; to the Committee on Claims.

A bill (S. 2718) authorizing the establishment of the California migratory-bird refuge; to the Committee on Agriculture and Forestry.

By Mr. WILLIS:

A bill (S. 2719) granting an increase of pension to Margaret E. Morris (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2720) for the relief of David McD. Shearer; to the Committee on Claims.

By Mr. TYDINGS:

A bill (S. 2721) authorizing acquisition of a site for the farmers' produce market, and for other purposes; to the Committee on the District of Columbia.

By Mr. METCALF:

A bill (S. 2722) granting an increase of pension to Isabella Fleming Potts (with accompanying papers); to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 2723) granting a pension to Wilbur B. Swofford; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 2724) granting an increase of pension to Mrs. Frank Browne McConnell; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 2725) to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma; to the Committee on Public Lands and Surveys.

A bill (S. 2726) to regulate the payment of money to adult members of the Osage Tribe of Indians;

(By request.) A bill (S. 2727) relating to the tribal and individual affairs of the Osage Indians of Oklahoma; and

A bill (S. 2728) to amend section 6 of the act of Congress approved February 27, 1925, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'"; to the Committee on Indian Affairs.

By Mr. FESS:

A joint resolution (S. J. Res. 82) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio; to the Committee on the Library.

FLOOD DISASTER IN VERMONT

Mr. GREENE introduced a bill (S. 2699) to authorize an appropriation for the relief of the State of Vermont on account of roads and bridges damaged or destroyed by the recent flood, which was read twice by its title.

Mr. DALE. Mr. President, as everyone knows, Vermont has suffered a great disaster from floods, and the Vermont delegation in Congress has agreed upon this flood relief bill. I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

CASPER-ALCOVA RECLAMATION PROJECT

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 1136) to provide for the storage for diversion of the waters of the North Platte and construction of the Casper-Alcova reclamation project, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

SETTLEMENT OF ALIEN PROPERTY CLAIMS

Mr. MAYFIELD submitted an amendment intended to be proposed by him to the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, which was referred to the Committee on Finance and ordered to be printed.

DIRECTION AS TO THREE CARGO SERVICES

Mr. JONES submitted a resolution (S. Res. 116), which was read and referred to the Committee on Commerce, as follows:

Whereas the United States Shipping Board has heretofore established under the direction of the merchant marine act three lines of cargo services from American Pacific ports to ports in the Orient, one operating out of California, one out of Oregon, and one out of Washington; and

Whereas these established lines have been built up during the past four years at an aggregate expense of over $4,000,000, exclusive of the cost of the vessels employed in such services, to where said lines are now practically self-sustaining; and

Whereas the Shipping Board has determined to sell said three lines contemporaneously for private operation, under specifications and conditions which will make it impossible for any person or group of persons primarily interested in any one line as an individual unit, to purchase and permanently maintain said line; and

Whereas under said specifications as prepared and advertised, the bidding will be confined to persons or groups of persons desiring to acquire and maintain all three lines as a composite unit, thereby destroying the integrity of the lines as heretofore established; and

Whereas no intending purchaser can safely bid for a line as an individual unit without having entered into a combination with intending purchasers of other lines; and

Whereas the specifications published by the Shipping Board will necessarily exclude from competitive bidding persons entitled to become purchasers and will confine the bidding to persons and groups who have arranged monopolistic control of cargo shipping on the Pacific, all of which will result in inadequate prices for said services and in depriving the separate communities primarily interested in each line from becoming the owner and operator of that line, thereby preventing such individual communities from building up their trade and manufactures dependent upon oriental shipping; and

Whereas the sale of the lines under specifications as now advertised will inevitably result in a monopoly of shipping between American ports and the Orient: Now, therefore, be it

Resolved, That the United States Shipping Board is requested and directed to proceed no further with the proposed sale of the three cargo services between American and oriental ports under the conditions and specifications now advertised for the reception of bids on February 10, 1928, and that such advertisement be withdrawn and canceled, and, further, that new specifications be prepared after full opportunity of interested persons to be heard, which will enable any community primarily interested in any of the three lines to submit bids with such guarantees of protection as will enable such purchaser to maintain the line, and that such specifications of sale shall conform in all respects to the provisions of the merchant marine act.

PRINTING OF PROCEEDINGS OF SOUTHERN RECLAMATION CONFERENCE

Mr. FLETCHER submitted the following resolution (S. Res. 117), which, with the accompanying papers, was referred to the Committee on Printing:

Resolved, That the proceedings of the Southern Reclamation Conference held in Washington, D. C., December 14 and 15, 1927, under the auspices of the Department of the Interior, Hubert Work, Secretary, and of the Bureau of Reclamation, Elwood Mead, Commissioner, be printed with illustrations as a Senate document.

LANDS IN HARRISON COUNTY, MISS.

Mr. STEPHENS. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 1425) to remove a cloud on title. The bill was reported favorably from the Committee on Public Lands and Surveys. It relates to certain lands in Harrison County, Miss. A similar bill passed both the Senate and the House at the last session, but did not reach the President in time to be signed by him.

The VICE PRESIDENT. The Senator from Mississippi asks immediate consideration of Senate bill 1425, which the clerk will read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the United States hereby relinquishes all the right, title, and interest of the United States acquired by virtue of a marshal's deed dated August 21, 1848, in the following-described property situated in Harrison County, Miss., to wit: The west half southwest quarter section 30, township 7 south, range 10 west, and east half southeast quarter section 25, township 7 south, range 11 west, lying south of Bernards Bayou and containing about 150 acres.

Mr. HALE. Mr. President, may I ask the Senator from Mississippi if the bill will lead to any debate?

Mr. STEPHENS. I think not. As I said, a similar bill passed both the Senate and the House at the last session, but it failed to reach the President in time for his signature.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WATER-POWER RESOURCES OF TENNESSEE

Mr. TYSON. Mr. President, I ask unanimous consent to have printed in the RECORD a very important letter addressed to me by the members of the Railroad and Public Utilities Commission of the State of Tennessee in regard to the methods of utilizing water power in that State.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RAILROAD AND PUBLIC UTILITIES COMMISSION
OF THE STATE OF TENNESSEE,
Nashville, January 11, 1928.

Hon. L. D. TYSON,
United States Senate, Washington, D. C.

DEAR SENATOR: Replying to your favor of December 27, 1927, addressed to the Railroad and Public Utilities Commission of Tennessee, we respectfully submit the following as the attitude of the commission with respect to the questions mentioned in your letter:

It is a matter of common knowledge that Tennessee is very rich in water-power resources. This commission has keenly felt the great necessity of preserving and protecting the rights of the State at the very beginning of the development of these resources. It is the opinion of the attorney general of the State of Tennessee, as well as of this commission and of its counsel, that the State of Tennessee has invested this commission with power and authority to act in the premises. Having sought the advice of the attorney general and having fully and thoroughly considered the matter, on October 10, 1927, the commission passed an order, which was duly entered upon its minutes, copy of which order is herewith transmitted for your information as to its

contents. This order states as clearly as the commission and the attorney general and its counsel can do the attitude, position, and contention of this commission with respect to the matters embraced in the order.

Thereafter, on November 1, 1927, the commission made a further order, after having cited various applicants for water-power rights to appear before it on that date, copy of which order is also transmitted to you herewith. This order also has the approval of the attorney general for the State and of the counsel for the commission.

Pursuant to the powers lodged in this commission by statute in Tennessee, as the commission has been advised by the attorney general and its counsel, the commission prepared a form of application to be used by applicants for water-power sites, which form indicates the views entertained by the commission with respect to its powers and duties. A copy of same is likewise transmitted to you herewith. This form of application was ready for distribution about the 1st of December last, and was mailed to the various prospective applicants for water-power sites. Up to the present time no formal application has been received by the commission.

Within the last few days a suit has been filed in the chancery court at Nashville by the Tennessee Eastern Electric Co., which challenges the power of the commission, under the statutes of the State, to take and exercise the powers and jurisdiction claimed by the commission and by the attorney general for the State, as shown in the various documents hereinbefore mentioned and herewith transmitted. This bill in chancery also challenges the right and jurisdiction of the State itself with respect to the control over the development of water-power sites in Tennessee. It may be that the recent suit will have the effect of delaying the development of water-power sites in this State until the courts shall have finally acted upon the legal and constitutional questions raised in this bill. Since this bill undertakes to raise questions with respect to the alleged violation of the fourteenth amendment of the Federal Constitution by the action already taken by this commission, it is possible that the case may ultimately be carried to the Supreme Court of the United States. Should this be done, we fear that the development of the water-power resources of the State will be materially retarded. It is the sincere desire of the commission that everything possible be done to promote and hasten the development of the water-power resources of this State, provided always that in so doing the rights of the State and of its people be fully protected against exploitation on the part of those who are now seeking to secure these very valuable rights. The commission is ready and anxious at any time hereafter to afford to every applicant a prompt hearing and speedy determination of all questions raised in applications for water-power sites in Tennessee, and it here and now desires to make it clear that any delay in the development of the water-power resources of the State shall not be laid at the door of this commission.

Replying to that part of your letter wherein you indicate some solicitude as to what effect the settlement of the question with respect to Muscle Shoals would have upon the granting of permits by the commission, it is respectfully suggested that the action of Congress upon the question of the disposition made of Muscle Shoals may have a far-reaching effect—perhaps a controlling effect—upon the entire water-power development on the Tennessee River above Muscle Shoals. We are trusting to you, and to Tennessee's other representatives in both Houses of the Congress, to protect and safeguard the rights of the State with respect to all these vast water-power resources above Muscle Shoals. Should such legislation be enacted by the Congress as to make all the other water-power sites on the Tennessee River above Muscle Shoals merely subordinate to or dependent upon the development at Muscle Shoals, in our opinion untold losses would result to the people of Tennessee and to the State in its sovereign capacity. The commission views with alarm the possibility of the passage of such legislation as is represented by the Madden bill, so far as it attempts to interfere with the rights of the State of Tennessee through this commission to control and make disposition to independent companies of power sites on the Tennessee River or elsewhere within the boundaries of this State. This commission regards any attempt on the part of Congress to dispose of water-power sites within the boundaries of the respective States, independent of the action of the State, as an unwarranted invasion of the sovereignty of the State and an unconstitutional usurpation of the rights of the States and the peoples thereof.

You inquire about how the commission is getting along with its proposition of making a charge for electricity generated by hydroelectric companies within the State of Tennessee, and express your approval of the underlying principle upon which the commission has based its action. The commission is gratified to know that you feel that it is "moving along the right line." For the reasons above set out, we may say that nothing has been done as yet, although the commission hopes that as soon as litigation is cleared away it may have an opportunity to put this principle into effect. At this point it should be stated that if the commission is allowed to go forward and require a reasonable charge per kilowatt-hour for electricity generated by the use of the State's valuable water-power resources, a substantial sum would be raised annually and turned into the treasury of the State to lighten the burdens of taxation and debt which in recent years have grown very heavy. Such a charge is in no sense a tax upon the utility which enjoys the privilege of using the water power of the State, which belongs to its people and to the State in its sovereign capacity, but, on the other hand, is only compensation to the State and its people for a valuable property right which the State as sovereign owns and which it fully protects by its laws in its capacity as trustee for the people. It is nothing more nor less than a lease charge, just such as the Federal Government proposes to exact for Muscle Shoals, or the State for any other State project. If the State should voluntarily and gratuitously confer upon the various corporations seeking to secure these valuable water-power sites the unqualified and unlimited power to develop them in their own way and without approval and supervision from any department of the State government, and if these companies should then be permitted to write into the rate base upon which is predicated the rate which they may charge for their products sold to the people of the State, the element of water-power value at an enormous sum, measured by the difference in the cost of generating electricity by the use of coal and steam on the one hand and by water power on the other, it would result in levying a tax, in effect, upon the people of Tennessee aggregating millions of dollars annually and this commission feels that it would be false to its trust and recreant to its duty if it did not stand steadfastly for the rights of the people in the face of such tremendous possibilities. This is one of the questions raised in the recent suit above referred to. It is one of the propositions upon which this commission has planted its feet and proposes to stand to the bitter end.

In your letter you have very kindly invited the commission to state its position with respect to the several bills that have been introduced in Congress, and in reply to this paragraph we desire to state that a bill has been prepared along the lines of the McKellar-Garrett bill introduced in the last Congress, copy of which is herewith transmitted for your information, since this bill states clearly and definitely the attitude of the commission upon the subjects embraced therein. This bill has the approval of the attorney general of the State of Tennessee, and was prepared under the direction of the commission and its counsel. Copies of this bill have been submitted to Senator McKELLAR, Hon. FINIS GARRETT, and Hon. CORDELL HULL. The commission would appreciate it if you would confer with the above-named gentlemen in regard to this bill.

Your inquiry as to what should be done in regard to the regulation of rates on power that comes into the State from other States, and power going out of this State into other States, is timely and important. It seems to the commission that one of the most important questions for the consideration of Congress is the enactment of legislation conferring upon some body, such as the Interstate Commerce Commission, power to regulate interstate rates for electric energy, just as has been done with respect to the regulation of passenger and freight rates on railroads, and rates on telephone and telegraph companies, etc. There would be no more danger of a conflict of authority in the regulation of interstate and intrastate rates on electricity than there is in the regulation of freight and passenger rates on railroads and other such subjects as have been covered by Federal and State legislation.

If Congress should fail to make any provision for the regulation of interstate rates on electricity, hydroelectric companies in one State might transmit their energy to other States and charge enormous rates and thus deprive the State where the energy was generated of all right and power to regulate it and also deprive it of the benefit of the energy developed within its own borders. Take the State of Tennessee as an illustration: It is rich in water-power resources. If the power sites are all taken up and developed electricity may be sent out of the State and sold at such prices as the generating companies may fix, and the State would thereby be deprived of the benefits which would flow from the industrial development of this State; that is, manufacturing towns might be built up in Kentucky and Alabama rather than in Tennessee, and thus the people of the State would lose the full benefit of these valuable resources, in which the State as a sovereign has a clear and undoubted property right. Will the representatives of the people of Tennessee, whether in Congress or within the State, sit idly by and see the people lose this priceless heritage?

Again, in the absence of statutory regulation of interstate rates on electric energy, should the hydroelectric companies for any reason desire to do so, they might sell their power to the consumers in another State for less than the cost of production and recoup the losses thus sustained by the imposition of higher rates on consumers in Tennessee. For instance, they might organize subsidiary companies, manufacturing and otherwise, located in other States to which they might desire to sell (in a technical sense) their output at a mere nominal rate and at a substantial loss and thus evade the State of Tennessee and ignore its rights. Should such generating company be thus allowed to sell power to nonresident consumers at a loss, which would be reflected in its net rate on its entire operation, and then appear before this commission and demand the right to fix rates within the State sufficient to recoup losses sustained on interstate business, the commission does not see any escape from the result which would thus inevitably follow, which is that the commission would have to either fix rates high enough to cover such

losses—because the commission would have no control over its interstate transactions—and rates would have to be imposed upon the people of Tennessee which would necessarily and intentionally be excessive or else the company would resort to the courts upon an allegation that the State rates were confiscatory and thus compel an increase in the rates to consumers within the State.

The entire subject is one of the most important, if not the most important, economic and legal problem now confronting the people of America. It involves the property rights of the people of the several States and likewise, which is perhaps even more important, involves the fundamental principles of State sovereignty and of the rights of the States to control and make disposition of their own resources. Legislation is needed by the Congress defining the limitations of the Federal power with the Constitution of the United States. Congressional legislation is also needed to authorize and require some rate-making body to fix and regulate rates upon electricity transmitted from one State to another. The various States of the Union will then find a clear field for the enactment of such legislation as will protect and safeguard the rights of their States and of their peoples.

The commission desires to thank you for the consideration shown it and to assure you that it will appreciate your cooperation and assistance, and that the people of Tennessee are alive and awake to this siutation and are watching with interest the efforts of their Representatives in Congress to secure legislation that will protect them and their posterity.

We beg to remain,

Sincerely yours,

HARVEY H. HANNAH.
PORTER DUNLAP.
L. D. HILL.

TAX REFUNDS

Mr. HALE obtained the floor.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Alabama?

Mr. HALE. I yield.

Mr. HEFLIN. I ask unanimous consent for the present consideration of Senate Resolution 110. I have been asked by the Senator from Utah [Mr. SMOOT] and by other Senators to let the resolution go over and I have done so three or four times. It is very necessary that the Treasury Department may get to work on the names in order that it may furnish the list called for by the resolution to the Senate and the House of Representatives before the measure to which it relates comes up.

Mr. HALE. The consideration of the resolution will require some debate, will it not?

Mr. HEFLIN. I think not.

Mr. MOOT. I wish to make a statement in regard to the resolution, I will say to the Senator.

Mr. HEFLIN. I do not think it will lead to any debate.

Mr. HALE. In view of the statement of the Senator from Utah [Mr. SMOOT] I hope the Senator from Alabama will not ask for the present consideration of the resolution.

Mr. HEFLIN. Then I shall call up the resolution later.

COMMISSION TO INVESTIGATE THE SINKING OF THE SUBMARINE "S–4"

Mr. HALE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4*, and upon methods and appliances for the protection of submarines.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. JONES. Mr. President, as I understand, the Senate took a recess on yesterday, and the request to have the unfinished business, Senate bill 744, temporarily laid aside continues without any further suggestion.

The VICE PRESIDENT. The Senator is correct.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the resolution (H. J. Res. 131) which had been reported from the Committee on Naval Affairs with amendments.

The first amendment was, in section 5, page 3, line 2, after the word "duties," to insert "in such amounts and for such items of expense incident to the official duties as the commission in its discretion may authorize, notwithstanding the provisions of any other law or accounting requirements"; in line 9, after the word "expended," to insert "for the purposes of this resolution"; and in line 13, after the word "commission," to strike out "which approval shall be conclusive upon the General Accounting Office in such amounts and for such purposes incident to its duties as the commission in its discretion may deem proper, notwithstanding any other provision of law," so as to make the section read:

SEC. 5. The members of the commission shall select a chairman from among their number; they shall serve without compensation as such, but shall be paid out of the amount appropriated their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties, in such amounts and for such items of expense incident to the official duties as the commission in its discretion may authorize, notwithstanding the provisions of any other law or accounting requirements. Nothing herein shall reduce the pay or allowances of the commissioners selected from the Navy. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $20,000, to be expended for the purposes of this resolution by such officer of the Supply Corps of the Navy as the Secretary of the Navy may designate, upon vouchers approved by the chairman of the commission. The President is authorized, upon request of the commission, to designate such personnel of any department or Government establishment, including the Army, Navy, Marine Corps, and Coast Guard, as may be necessary to assist in carrying out the purposes of this resolution.

The amendment was agreed to.

The next amendment was, in section 6, page 3, line 23, after the word "than," to strike out "May 15, 1928," and to insert "March 15, 1928"; in line 24, before the word "report," to insert the word "full"; in the same line, after the word "President," to strike out "who shall" and to insert "respecting that portion of the investigation referred to in section 3 hereof, and the President shall immediately," so as to make the section read:

SEC. 6. The commission shall, as soon as practicable, but not later than March 15, 1928, submit a full report to the President respecting that portion of the investigation referred to in section 3 hereof, and the President shall immediately transmit the same and all other reports of said commission to Congress, giving the results of its investigation and its recommendations. All records of the commission, upon the completion of its duties, shall be deposited with the Secretary of the Navy.

The amendment was agreed to.

Mr. SWANSON. Mr. President, I desire to offer an amendment to the joint resolution, in order to have it pending, which I ask to have read at this time.

Mr. HALE. Very well, but I should like to make a statement about the joint resolution.

Mr. SWANSON. Then, I shall withhold my amendment for the present.

Mr. HALE. Mr. President, on the afternoon of the 17th of December last while coming to the surface just off the trial course near Provincetown, Mass., the submarine *S–4* was run into by the United States Goast Guard destroyer *Paulding* and sunk in 105 feet of water, with a loss of 40 lives. We are familiar with the details of the disaster and with the tragic death of the six men who were shut up in the forward torpedo compartment of the submarine.

As I said when I introduced a similar joint resolution in the Senate, the country was stirred by this disaster as I have never known it to be disturbed by any other naval disaster since the sinking of the *Maine* in the harbor of Habana in 1898. The eyes of the country were on the Navy in its efforts to save those six men. They were not saved. A very natural feeling of indignation grew up in the country, a feeling that all could not be as it should be with our Navy.

Congress adjourned for the holidays before all hope had been abandoned. I returned to Washington just before Congress reconvened and called on the Secretary of the Navy. I found that he was just about to request the President to ask Congress for a sufficient appropriation to provide for a commission to make a thorough study of the question of safety appliances and methods used in the Navy in connection with submarines and to report its findings and recommendations for the future benefit of the Navy.

A naval court of inquiry had already been appointed, as the law provides. I told the Secretary of the Navy that it did not seem to me that this was sufficient; that the country would never be satisfied with a report made by the Navy itself. I suggested to him that to the functions of the commission which he was about to ask the President to appoint be added the function of making a full investigation into the facts concerning the sinking of the *S–4*. It seemed to me that combining the functions of the commission so that it would take into consideration and investigate not only devices for future security, but also the facts connected with the *S–4* disaster was an ideal solution of the whole matter.

What we want to find out and what the country wants to find out regarding the *S–4* disaster is whether the Navy was at fault or not at fault, and if it was at fault where does the blame lie. If the Navy was at fault it was because of one or more of several reasons:

First. Because the Navy did not supply adequate equipment and appliances to assure the safety of the men on board submarines! That is a matter purely for experts to decide.

Second. Because the *S–4* was lacking in some of the necessary equipment. That is a matter also involved with the first reason and therefore would need expert opinion.

Third. Because it did not use proper precautions in the trial tests of the *S–4*.

Fourth. Because it did not use every means in its power to rescue the men imprisoned on the submarine. That, involving as it does the questions of salvage, is a matter for experts and for experts only. In other words, the men who are qualified to pronounce upon the question of safety appliances and upon the question of security in the Navy are preeminently the men to pronounce also upon the *S–4* disaster.

The Secretary of the Navy told me that for the commission which he was about to ask the President to appoint he had already spoken to three civilian experts. The three men were:

John F. Stevens, civil engineer, New York City. I think the Senate is familiar with the record of Mr. Stevens. He was at one time engineer of the Panama Canal. He has occupied positions of trust and importance all over the country. He is president of the American Society of Civil Engineers. In 1925 he was awarded the Fritz medal for great achievement. He is one of the most prominent engineers in the country.

The second man named was W. R. Whitney, of Schenectady. Mr. Whitney is director of the research laboratory of the General Electric Co. He has been member of the United States Naval Consulting Board since 1915. That is the board of which Thomas A. Edison is president. He is a member of the National Research Council, a member of the National Academy of Sciences, fellow of the Academy of Arts and Sciences, and president of the American Chemical Society.

The third man was Mr. Thomas A. Scott. Mr. Scott has been in the salvage business all his life. At one time he was president of the Merritt, Scott & Chapman Co. He is still attached to that company as a consulting expert and is probably the leading authority on salvage operations in this country.

Those are the three experts to whom Secretary Wilbur had written to ascertain if they would act on the commission which he was about to ask the President to appoint, if so appointed by the President.

Of course, the President makes the appointments on the commission; but the Secretary had written to these men to ascertain whether they would serve if appointed, and they have agreed so to serve.

Mind you, Mr. President, these men were not asked to serve on a commission which was to act on the *S–4* disaster. It can not be said by anyone, however hostile to this joint resolution, that this proposed commission of experts was a commission picked out to whitewash the Navy. Nothing of the sort was contemplated. All that they were to do was to go into the question of safety appliances to be used by the Navy for the future, and they were picked out on account of their great knowledge and their capacity for just this kind of work.

Besides these three, the Secretary was to recommend two naval officers. He considered that he should have one naval officer from the line and one from the construction corps.

I have drawn an amendment, and I now send it to the desk, which I think is of considerable importance. It was not recommended by the committee. I did not have a chance to take it up with the committee. Some objection has been raised to the appointment of a committee of civilian and naval experts, on the ground that it would not be able to handle this investigation and to examine the witnesses. I ask the clerk to read the amendment which I offer.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 1, lines 5 and 6, strike out the words "three of whom shall be selected from civil life and two shall be retired officers of the Navy," and insert in lieu thereof the following:

four of whom shall be selected from civil life and one shall be a retired officer of the Navy. Of the four members selected from civil life, one shall be a United States circuit or district judge.

The VICE PRESIDENT. Without objection——

Mr. SWANSON. Mr. President, I object to all of these amendments.

The VICE PRESIDENT. The question is——

Mr. SWANSON. Is the Senator from Maine through?

Mr. HALE. No.

Mr. SWANSON. We can not vote on amendments until he surrenders the floor. Let the amendment be pending. The Senator can not hold the floor and have his amendments adopted without discussion.

Mr. HALE. I had no intention of doing so. I desire to have the amendment voted on later.

Mr. SWANSON. Let it be withheld.

The VICE PRESIDENT. If the Senator desires to have the question put, he will yield the floor.

Mr. HALE. Mr. President, if that amendment is agreed to and this commission is appointed, we shall have a commission with two engineers, men at the very head of their profession in the country, men in every way competent to deal with this question; one salvage expert, probably the leader in his line in the country; one Federal judge of the circuit or district court, whose whole training equips him to handle witnesses; and one naval officer—only one—whose naval knowledge will be an essential help, on the commission. I do not see how a fairer commission could possibly be appointed.

Mr. WALSH of Massachusetts. Mr. President——

Mr. HALE. Will the Senator let me finish my statement?

Mr. WALSH of Massachusetts. Certainly.

Mr. HALE. Then I shall be glad to answer any questions.

I do not see how a fairer commission could possibly be appointed. I do not believe that a commission could be appointed that would have to a greater extent the confidence of the country.

In appointing it we do not give up any rights. Under the provisions of the joint resolution the commission has to report to the President, and he has to transmit their report to us immediately. Then we have to act upon it and decide whether or not we will adopt it. If we do not want to adopt it, or if we want to change it in any way, we are at full liberty to act; and, if it is necessary to do so, I am sure that we will act.

The Secretary of the Navy approved my suggestion with regard to combining the functions of the commission, and he took up the matter with the President, who also approved it.

On January 4 I introduced in the Senate a joint resolution similar to this one; and Mr. BUTLER, chairman of the House Naval Affairs Committee, introduced the House joint resolution. The House, after making a few minor amendments, sent the joint resolution over to the Senate. The House passed the joint resolution without a dissenting vote. The Committee on Rules, to whom the joint resolution was referred, approved it unanimously. The chairman of the Committee on Rules announced that the Naval Affairs Committee of the House approved the joint resolution. I will say that there was no record vote on the joint resolution in the House, but people who were there have informed me that no one voted against it.

Mr. HARRIS. Mr. President, I desire to state that several members of the House committee are not in favor of the joint resolution.

Mr. HALE. I did not say that the House committee was unanimous. I said that it approved the joint resolution.

The joint resolution came over here to the Senate, and the committee took up the matter. By a very close vote the joint resolution was approved by the committee. The committee made several amendments, four of which are minor ones which clarify to some extent the language about the auditing of accounts. The fifth amendment advances the date of the filing of the report on the *S–4* disaster from May 15, as the House had it, to March 15. We did this because we thought that with the probability of Congress adjourning early in June, sufficient time would not be left to take up any matters in connection with the report or to go on with a Senate or congressional investigation if it was then deemed wise to do so.

Mr. SWANSON. Mr. President, I hope the Senate will give me an opportunity to submit in a fair, impartial, and judicial way the issues presented in this matter.

As the Senator from Maine has said, this country was shocked and stirred as it has not been stirred since the *Maine* was sunk by the sinking of the *S–4* and the efforts made to save the unfortunate people therein. Never have I seen people more stirred, more interested. The Navy Department ordered an investigation under the law, which the Secretary of the Navy or the President had a right to order, and which they have ordered, and the investigation is now being made. That investigation, however, is being made by a board appointed by the Secretary of the Navy to report as to the derelictions of naval officers, and, as far as the Navy is concerned, where the responsibility, if any, lies.

Now, we have what proposition? That the Navy Department itself shall appoint a second board or commission to investigate and pass upon its own activities. In other words, this proposition is to constitute two commissions, to be named by the Secretary of the Navy, to investigate himself and his department.

I thought possibly the President would have some hand in the matter, but judging from the remarks made by the senior Senator from Maine this work has already been done. The

Secretary of the Navy has already written letters requesting certain people named by him to investigate the action and conduct of his own department.

Mr. HALE. Mr. President, I think the Senator must have misunderstood what I said. I said that the Secretary of the Navy sounded out these men to see whether they would accept if they were appointed, with a view of recommending them to the President; and it must be borne in mind that he called them for another purpose than the investigation of the sinking of the *S–4*.

Mr. SWANSON. In other words, the Secretary of the Navy has already selected the court to pass upon the Navy Department in this matter.

Mr. HALE. But his department was not on trial before the commission he asked for.

Mr. SWANSON. I will get to that soon. I want to show the purpose in this scheme. I want to show how the Senate is insulted; I want to show how the House is insulted; how your power is taken from you and a scheme devised in order to prevent any fair, impartial, and just investigation of the Navy by Congress in connection with this frightful disaster.

What is the proposition? On the 4th of January the Secretary of the Navy wrote a letter to the President. On the 4th of January the President sent a message to Congress. On the 4th of January, the same day, the chairman of the two committees of the House and Senate introduced a joint resolution which is embodied in this proposition that the President, through the Secretary of the Navy, who had already performed the work for him, shall select men—two retired naval officers and civilians—to determine who was responsible for this unfortunate occurrence.

The Navy Department has appointed one court to inquire into it, the court of inquiry. That inquiry is being held now. Why should the Navy Department be authorized to appoint a second court of inquiry to investigate its own transactions and its own performance and its own responsibility in this matter? That is what this proposition does.

You never see a proposition like this that does not have around it something that makes it attractive. There are about 2,000 devices to improve submarines before the Navy Department. The Senate can not investigate them; so they offered a proposition originally intended to authorize the expenditure of $20,000 to have this investigation made by civilians, which was all right, and which I favor. The President himself, without any authorization of Congress, appointed a board known as the Aircraft Commission to investigate aircraft and report to Congress, and Congress afterwards paid the expenses. He had authority to do the same thing in this matter. There was no limitation on his authority; and if his contingent fund was not sufficient to pay it, Congress would have paid it. That was the original proposition, to which everybody agreed, and to which I agree; but in order to avert an impartial investigation of the *S–4* disaster by Congress they attach to the joint resolution section 3, which provides that this same commission shall investigate all the facts, responsibilities, and occurrences in connection with the sinking of the *S–4*.

Mr. HALE. Does the Senator say this would not be an impartial commission?

Mr. SWANSON. I say so; yes. I say that no jury is impartial when the man who is to be tried before it has the privilege of naming the jury.

Mr. HALE. Naming them for an entirely different purpose.

Mr. SWANSON. Let him name them for the purpose he has in mind, to ascertain what improvements are needed. What I condemn is that under section 3 the individual would appoint those who are to try his own responsibility.

Mr. HALE. As I said before, the Secretary of the Navy is not to name the men at all. He simply would suggest the names to the President.

Mr. SWANSON. The Senator just told me that he has already written them and asked them to serve.

Mr. HALE. Certainly; but he would have no authority to appoint them.

Mr. SWANSON. Does the Senator suppose the President would reject them unless he turned the Secretary of the Navy out? What is the scheme? On the 4th of January—all this was done in one day—the President rushed into it, rushed to send his message, rushed to Congress, and what was done in Congress when the matter was brought to the House of Representatives? It is improper to speak in one House with reference to what has been done in another; but since the Senator from Maine has stated what occurred in the House I will also. Here was something affecting the Navy. Here was a naval proposition, for the Naval Affairs Committee, but when it went to the House it was not referred to the Naval Affairs Committee. Oh, no! Differences might be precipitated there. It was referred to the Committee on Rules. The Naval Affairs Committee was deprived of its jurisdiction. The Committee on Rules is what is known as the partisan machine of the House. I have served there, and I know. This committee would take charge of it, and there they would have no discussion, and have no difference of opinion. The very fact that they would not let it go to the Naval Affairs Committee, the very fact that they would not let them consider it, the very fact that they turned it over to the partisan machine of the House shows the purpose in view.

What is my proposition? I ask that the clerk read it. I do not see how anybody can object to it. Let the joint resolution pass, but let us amend section 3. I hope the Senator will look at section 3.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The clerk will read.

The legislative clerk read as follows:

A joint committee composed of three Members of the Senate, appointed by the President of the Senate, and three Members of the House of Representatives, appointed by the Speaker of the House of Representatives, is hereby authorized and directed to investigate the full facts of the sinking of the submarine *S–4* in collision on December 17, 1927, with the United States Coast Guard destroyer *Paulding* off the Massachusetts coast, and the rescue and salvage operations carried on by the United States Navy subsequent thereto, to supplement the investigation now being made by a naval court of inquiry. And said joint committee shall submit a full report to each branch of the Congress, giving the result of this investigation and such recommendations as it may see proper to make.

On page 2, line 17, after the word "the," insert the words "joint committee and."

Mr. SWANSON. Mr. President, this would not interfere with the Navy Department at all in getting expert testimony and evidence and judgments in connection with improvements needed on submarines. I am not saying that the President is going to appoint the commission. He is going to name whomsoever the Secretary of the Navy recommends, and he has already made inquiry, and we have been told the names of people who will serve.

I say that when the derelictions of any man or his department are on trial and to be investigated, we ought to have fair, impartial investigators, not named by the man himself. I do not care how impartial these investigators are, I do not care how able they are, the whole Anglo-Saxon idea of jurisprudence is that a man shall not name the jury and judge who sit in his case.

The Navy Department has appointed one court of inquiry to investigate this disaster. Why should it appoint a second? There is no necessity for it. If it desires to have this information my amendment will enable them to get it.

We recall the aircraft investigation. In that case the President appointed one Senator and two Members of the House. This is the first time in my life I ever heard of Congress abdicating its privileges, abdicating its power of investigation, and consenting in a matter that shocked the country that the man and the department interested shall name the people to make the investigation.

I can recall that the suggestion was made in various papers, though it never was made in the shape of a resolution offered in Congress, when the naval oil reserves were involved in recent investigations, that the Navy Department should appoint some experts, civilians and Navy people, to look into the naval reserves and see what was wise to be done, and what had been done with them. Is there a Senator here who believes that if that course had been pursued, the fraud, the corruption, the rascality that were disclosed in connection with those naval reserves would ever have been run down and ascertained? If Congress had recreantly refused to discharge its responsibility and power and duty, and had turned the matter over to somebody else, Fall would have been saved, Daugherty would have been saved, and none of the fraud perpetrated in that connection in recent years would have been disclosed.

I protest against any procedure like this. It is but an entering wedge; to do what? To deprive Congress of its power of investigation, to deprive Congress of its power of initiating these investigations, simply giving Congress the power of approval or disapproval of what other people do.

I ask that three Members of the Senate be named by the Vice President, and three Members of the House be named by the Speaker, to investigate, not submarine appliances, not future needs, but to impartially place the responsibility in connection with this unfortunate accident, where it ought to be. Do you tell me there is politics in it? The Vice President is a Republican, and he would name a majority of that party. The Speaker is a Republican, and there could be no politics in it.

The only politics in it is an effort to have the Secretary of the Navy through the President, name a commission to investigate himself. I do not think that is right, I do not think it is proper, I do not think it would be the right kind of an investigation to start.

It is said that we can do this after the 15th of March. The proposal was to make the report returnable the 15th of May, but there was such a rebellion against that that it was changed to the 15th of March, and it was said that a report would come in by that time, and then Congress, if it was not satisfied, could make an investigation.

How is Congress ever going to be satisfied if it does not start the investigation now? The wreck is there, the evidence is being taken. To wait until April or May and then go back to the scene of this accident seems to me would be a fruitless and useless thing.

This committee ought to have been there at the beginning of the session of Congress. This committee ought to have been there and viewed this wreck. This committee ought to have been there to question the people concerned. This committee ought to have been there to place the responsibility where it ought to be, in a fair and just and honorable and fearless way, in connection with this unfortunate affair.

I have never criticized the Navy unjustly and unfairly. I have been criticized by people who said I was disposed to be too friendly to the Navy. But in this matter the Secretary of the Navy himself should have come and asked for an investigation, and should not have sent this letter to the President and then come to Congress in an effort to prevent somebody else than people directly or indirectly named by him making this investigation.

I have not criticized the Navy Department in this matter, and do not propose to until I get the facts. There has been too much unjust criticism of naval people and naval activities. I know that Japan has accidents almost equal in number to ours, and other nations do, too. We can not have this service without accidents. But when this country is shocked as it was when this accident occurred—as the Senator from Maine said, he never had seen the country so stirred—the country is entitled to an honest, fair, full, complete investigation, by people not named by the Secretary of the Navy, I do not care what their character is or what their reputation is. It is entitled to have somebody named by the Senate and named by the House to discharge their responsibility and their duty.

Mr. HALE. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. HALE. I was going to ask the Senator if he could tell me any other case where a Secretary of the Navy has come to Congress and asked for an investigation of a naval disaster?

Mr. SWANSON. Except this?

Mr. HALE. Any case where he has come before Congress and asked for an investigation.

Mr. SWANSON. I do not remember any.

Mr. HALE. The Senator said the Secretary ought to have come to Congress and asked for an investigation.

Mr. SWANSON. He ought to have told the Senator that he hoped the Congress would investigate it, and if anybody in the Navy Department has done wrong, he should have said he wanted to know who they were, and to place the responsibility.

Mr. HALE. Does the Senator recall any case where the Congress has investigated a naval disaster?

Mr. SWANSON. I do not. I remember that when I was chairman of the committee, whenever four or five Senators wanted an investigation of any kind, I gave it to them.

Mr. HALE. That is not my question.

Mr. SWANSON. And I generally found that the Navy was exonerated. The more it opposes an investigation the more I am for it.

Mr. HALE. My point is that this is an entirely new departure.

Mr. SWANSON. It is a new departure.

Mr. HALE. There never has been an investigation of an accident——

Mr. SWANSON. We investigated the sinking of the *Titanic*, and got good results.

Mr. HALE. That was not the Navy.

Mr. SWANSON. It was not the Navy, but the Committee on Commerce, when the *Titanic* sunk, investigated the accident. The committee investigated that in order to place the responsibility, and great improvements were made along the lines of safety of ships.

Mr. HALE. Mr. President, will the Senator let me finish my statement?

The PRESIDING OFFICER. Does the Senator from Virginia yield further to the Senator from Maine?

Mr. SWANSON. I yield.

Mr. HALE. I was going to say that there never has been an investigation by a committee of Congress of any naval disaster that I can find in the history of the Navy, with the exception of the investigation of the blowing up of the *Maine* in Habana Harbor. A resolution to investigate that disaster was introduced in Congress and was referred to the Naval Affairs Committee, but that committee did not take action on it. It referred the resolution to the Foreign Relations Committee. The Senator is objecting to this matter going to the Rules Committee of the House. The only similar case that has come up in naval history has been referred, not to the Naval Affairs Committee, but to the Foreign Relations Committee.

Mr. SWANSON. Of course they did not want to get the opinion of the Naval Affairs Committee on it. They wanted the partisan machine in the House to take charge of it and rush it through. The Senator says it never has been done. If it never has been done, it is time it ought to be done. We have heretofore been listening to the court of inquiry. If you are not going to investigate it, strike out section 3 and wait until the court of inquiry gets through. You knew the time had come when Congress was going to have an investigation of this in some way. We have had repeated accidents in the Navy that we have never investigated. I have not criticised any naval officer or any court of inquiry which has made any of these investigations, but this was so startling, so striking, that the Navy was satisfied a court of inquiry might not satisfy the country, so it fixed up a scheme to let the Secretary, through the President, name a second board to do the work when he already had the board named. All I ask is to strike out section 3 and let the resolution go through and let Congress determine the proper way to conduct this investigation.

I repeat, I do not care who the members of the commission are. I have respect for the Secretary of the Navy and a kind regard for him, but I do not think he ought to name the commission who are to pass on the responsibility, activities, or derelictions of his own department. Is is contrary to every principle of jurisprudence that the world has ever known.

Mr. HALE. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. HALE. The Senator seems to ignore the point that these men are not to be selected in any way to act on the *S–4* disaster.

Mr. SWANSON. But the Senator comes in and makes them do it to keep Congress from having an investigaiton. If they are not appointed for that purpose, let section 3 go out, and let the Senate and the House determine whether they will have an investigation or not. That is all I ask the Senator to do. Does the Senator consent to section 3 going out?

Mr. HALE. They were appointed because they were experts.

Mr. SWANSON. Will the Senator consent to section 3 going out and letting the Senate and the House have an investigation?

Mr. HALE. I did not hear the Senator.

Mr. SWANSON. Will the Senator consent that section 3 shall go out, and let the House and the Senate determine what they will do about an investigation?

Mr. HALE. Certainly not. The House has already decided what it will do.

Mr. SWANSON. Who? The Rules Committee, in the manner indicated by me, did it.

Mr. HALE. The Rules Committee could not adopt the resolution. The House itself acted.

Mr. SWANSON. Now let me discuss another phase of the matter. There were six destroyers wrecked about three or four years ago. There was no investigation of that matter by Congress. Three or four submarines have been destroyed and there has been no investigation. Now, everybody knew this matter was going to be investigated and not left entirely to the naval court of inquiry. Nobody has interfered with the investigation by the Secretary of the Navy through his court of inquiry. It is not reasonable, it is not right, it is not just to Congress or to the people involved, that we should name a second commission to investigate, which will be indirectly named by the Secretary of the Navy. All I ask is that the investigation shall be conducted by a joint committee of the House and Senate, in order to satisfy the House and Senate and to satisfy the country as to the responsibility for the affair. That is all my resolution proposes.

The Coast Guard ship *Paulding* is interested in this matter. The dereliction was due either to that ship under the Coast Guard or to the *S–4* under the Navy. In determining the responsibility between the Coast Guard Service and the Navy service, does anyone think the Secretary of the Navy ought indirectly to name the commission to distribute justice between the two services? In the final judgment as to who is responsible, the *Paulding* or the *S–4*, the Coast Guard Service is en-

titled to a committee selected by and composed of people not interested in one side or the other.

The Coast Guard or the naval service is responsible, and here is a proposition practically to let the Secretary of the Navy indirectly appoint a commission to determine the responsibility between the two services. I say it is not right, it is not just, it is not fair, and the Senate ought not to permit any such commission composed in that way to pass on the matter.

It is said that a circuit judge knows more about this proceeding than do the Members of the House and than do the Members of the Senate. It is apparently believed that a Federal judge in two months can equip himself with more knowledge and information regarding the matter than can Senators who have studied the proposition for 20 years. I say it is not a reasonable proposition to submit. I wish the Secretary of the Navy would telephone the senior Senator from Maine [Mr. HALE], who seems to father the proposition and not the Secretary, and tell him that he invites the fullest investigation by the House and Senate.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Arkansas?

Mr. SWANSON. I yield.

Mr. HALE. I should be delighted to have the fullest investigation, with the help we can get from this commission first.

Mr. SWANSON. Oh, yes; by a commission named by the Secretary of the Navy. Does the Senator from Maine think it is right for the department which is involved to write around the country and try to get people to sit on that commission to determine a case in which they are involved? I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Mr. President, the duties of United States circuit judges and district judges are defined by law. I do not know of any other instance in which it has been proposed to require the judge of a United States circuit court to perform duties of the nature involved in this investigating resolution.

I would like to be informed why the Senator from Maine proposes to modify his resolution by an amendment offered by himself. The original joint resolution contemplates that two members of the committee shall be retired officers of the Navy. His amendment as submitted contemplates that one member of the committee shall be a retired officer of the Navy. His amendment also proposes that one of the other members of the committee shall be a United States circuit or district judge. Manifestly the duties of the committee are not judicial. I doubt the wisdom of imposing on judicial officers the duty of making investigations of this character, namely, nonjudicial investigations. I think it is a bad precedent. I would like to be informed what prompted the Senator from Maine to change his attitude on the subject and to insist now that the resolution be modified so that only one retired officer of the Navy shall be a member of the committee, instead of two, as contemplated by the original resolution, and that one other member of the committee shall be a United States judicial officer.

It is perfectly apparent, Mr. President—at least it is to me—that the duties of the committee are not judicial. It is perfectly clear that it is an effort to impose duties on United States judges which are not contemplated by the statutes creating the offices which those judges fill and defining the duties which they are to perform. I have great confidence in the judiciary of the United States. At the same time I think it is a questionable, not to say a bad, precedent to require a judge, by a joint resolution of the Congress, to perform the duties of an investigator in a case like this.

Supplementing some of the remarks made by the Senator from Virginia, if the investigation is to be of value it should be conducted, in so far as is possible, by those who are not under the domination of the department, whose activities are the subject of inquiry. It is never a sound policy to make a man or a representative of a department under investigation the judge of his or its own acts or conduct.

I would like to have the Senator from Maine tell the Senate why it is proposed now to change the resolution in the manner his amendment provides, if the Senator from Virginia will permit.

Mr. HALE. Mr. President, if the Senator from Virginia will yield, I shall be glad to explain.

Mr. SWANSON. I yield for that purpose.

Mr. HALE. It was brought to my attention, after the committee had reported, that there was some question in the minds of some Senators whether the commission, as provided for in the resolution, could handle the investigation of the *S-4* and act properly in the matter of interrogating the witnesses.

Mr. ROBINSON of Arkansas. Was the Senator in sympathy with that suggestion?

Mr. HALE. I listened to the suggestion and I thought there might be something in it. The idea of providing for a judge was simply to have some one there whom no one could question, whose qualifications no one could question. In so far as dropping a naval officer is concerned, I could see no objection to that. The board was never made up as a naval board in that way.

Mr. SWANSON. Mr. President, this is the proposed scientific committee organized to give a deliverance in which the whole country will acquiesce; the chief figure, a circuit judge, shall give it six weeks' study and make the deliverance which the whole country will accept.

Mr. WALSH of Massachusetts. And a Member of Congress is considered unfit for that purpose.

Mr. SWANSON. The Senator from Maine himself holds that the view of a circuit judge is better.

Mr. HALE. The judge is put there for a special purpose.

Mr. SWANSON. What is he there for?

Mr. HALE. To question the witnesses.

Mr. SWANSON. A question mark, to ask as to things about which he knows nothing?

Mr. HALE. There is a precedent for this.

Mr. SWANSON. Oh, there is no such case in the history of the country.

Mr. HALE. On the Morrow Board Judge Dennison, of Michigan, acted, and he proved of great value to the board in making its investigation.

Mr. SWANSON. The Morrow Board was not a board to investigate any dereliction involved in any accident and to place responsibility. It was a board to devise schemes and methods for aircraft. The President appointed it without any authority of the Congress. He could appoint a commission in this case without any authority of Congress. The President named upon the Morrow Board one Senator and two Members of Congress, and they helped to make the report. It was a splendid report. But why did he do that? It was not appointed to investigate an accident, but to recommend and advise as to the future of aircraft.

The Senator from Maine now brings in a resolution, and says he is the father of it and makes his suggestions with reference to it, by which it is made impossible to appoint a Senator and impossible to appoint a Member of the House and impossible to appoint indeed any one but a civilian. In other words, it is said by the Senator that the Senate and the House ought to refrain from serving on this committee when the Morrow Board, about which he boasts so much, was comprised of one Senator and two Congressman, among others.

Mr. HALE. The Senator will recall that when we met in committee it was suggested to the committee that if they thought it advisable, we could put on the commission a Senator and a Congressman.

Mr. SWANSON. I did not think it was advisable. I am not the father of this resolution. I think it is a wrong procedure. I think it is nothing but an effort of the department to take away from the Congress all of its investigating power. I shall expect to see it followed, if it is adopted, by a resolution to let the President, through the Secretary of State, appoint an ambassador and some international lawyer and an officer from the Army and another from the Navy to investigate the transactions in Nicaragua and to report to Congress. That will be followed by the appointment of somebody to investigate everything to be named by the President on the suggestion of the particular Cabinet member involved.

I have no antagonism toward the Secretary of the Navy, who is courteous and polite. I have a kind regard for him and think he has frequently been unjustly criticized. But I am not going to stand by and see the Committee on Naval Affairs, of which I am a member, and of which the Senator from Maine is the chairman and who knows a great deal about the Navy and submarines, abdicate its powers and refuse to exercise its functions as a committee and allow a circuit judge to take our place because he may be a little more apt in asking questions than is the chairman of the Committee on Naval Affairs.

Mr. BROOKHART. Mr. President——

Mr. SWANSON. I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator from Virginia has raised an important issue, and I think it is important that we get a clear statement of the situation. I am not in favor of yielding any of the powers of the Senate or of the Congress to investigate the Navy. I will ask the Senator if the law does not now

authorize the President to make similar investigations to that which is proposed here?

Mr. SWANSON. The President can do it. He exercised the power in naming the Morrow Aircraft Committee.

Mr. BROOKHART. He wants to make such an investigation in this situation. Not being satisfied with the pending measure—and I think the Senator has reasons for not being satisfied—why does not the Senator offer his proposition as an amendment to the pending joint resolution and let us proceed with our independent investigation and thus in no way interfere with the President?

Mr. SWANSON. I am glad the Senator agrees with what I have done. I have moved to strike out section 3 of the pending joint resolution.

Mr. BROOKHART. Why is it necessary to strike out section 3? Why not let the President have his commission, with its own powers, and then provide for a congressional committee to investigate, too?

Mr. SWANSON. This joint resolution was brought in here by the chairman of the Committee on Naval Affairs, and it is said that there is no use for the Senate to proceed to do anything until after the 15th of March, when the report comes in which is provided for in that resolution. I offered an amendment in the committee to let us proceed at once to investigate the matter and was defeated by a vote of 9 to 8. If the Senator from Maine will consent now to let the Vice President name a committee of five and proceed with the investigation, I shall be glad. Will he do that?

Mr. HALE. I certainly will not. I think this resolution is all right.

Mr. SWANSON. Of course, the Senator was opposed to the Senate investigating even before the House submitted the proposition to us that we surrender our right, as they have done, to investigate. We tender a second proposal, namely, that a joint committee be appointed. That proposal does not interfere with any other investigation, but is confined to the liability for the disaster to the *S–4*. If my amendment shall be adopted and a joint committee shall be named, that committee may investigate the *S–4* disaster, and the commission appointed may also investigate to find out how to prevent such accidents and to remove the causes of them. The proposal does not prevent them from looking into the question, and its adoption would not make us wait until the wreck is taken away.

Mr. BROOKHART. Mr. President, as I understand the situation, I am with the Senator so far as the appointment of a congressional committee is concerned, but I do not quite understand the necessity of striking out section 3.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Arkansas?

Mr. SWANSON. Yes.

Mr. ROBINSON of Arkansas. Why should Congress create two committees to investigate the *S–4* disaster?

Mr. BROOKHART. Because the executive department has seen fit—and it is a coordinate department with Congress—to ask for an investigation on its part.

Mr. ROBINSON of Arkansas. Mr. President, as the Commander in Chief of the Army and Navy of the United States, the President of the United States already has plenary power to make any investigation of this subject that he chooses.

Mr. SWANSON. If we strike out section 3——

Mr. ROBINSON of Arkansas. Just a moment. The manifest object of this resolution is to prevent the adoption of a resolution providing for an investigation by a joint committee composed of Members of the House of Representatives and Members of the Senate.

Mr. HALE. Mr. President, I can not agree to that statement.

Mr. ROBINSON of Arkansas. I want to emphasize in this connection that the Executive as Commander in Chief of the Army and the Navy of the United States already is endowed with just as much power as can be conferred upon him by any resolution Congress may pass, and that there can be no other motive underlying the insistence upon the pending joint resolution than the thought that it would be absurd for the Congress to appoint two investigating committees.

When this committee is appointed, if it shall be appointed, it ought to be permitted to make a complete investigation; but if the Senate has in mind a reservation that there ought to be an investigation by a committee of the Senate and of the House of Representatives, then we ought to compose this committee in such a way that the investigation can be made by Members of Congress.

Mr. HALE. Mr. President, the Senator does not mean——

Mr. SWANSON. Just a moment.

Mr. HALE. I should like to ask the Senator from Arkansas a question.

Mr. ROBINSON of Arkansas. Certainly.

Mr. HALE. The Senator from Arkansas does not mean, does he, that the President can go ahead, appoint a commission, and spend money for the expenses of the commission without congressional authority?

Mr. ROBINSON of Arkansas. No; the President can not incur debts or obligations without authorization by Congress.

Mr. HALE. So, then, it is necessary for him to request that authority?

Mr. ROBINSON of Arkansas. A simple resolution authorizing the President to cause to be investigated this disaster and authorizing an appropriation adequate in amount would accomplish all the purposes the Senator has in mind.

The real issue here is who shall make the investigation? Shall it be made by the members of the respective committees in charge of the responsibility of preparing and reporting legislation to Congress, or shall it be made by a committee composed in part of members selected by the department whose activities are to be investigated?

Mr. SWANSON. Mr. President, I am going to conclude in a moment, but I want the Senator from Iowa to understand what my proposition is. My proposition is that the investigation of the *S–4* disaster, the facts in relation to it, and the responsibility for it should be investigated by a committee of three Senators and three Members of the House, appointed by the Presiding Officer of the Senate and the Speaker of the House, and not to give the authority to the President, because he already has authority to investigate. We can give him the money, and then if he wants to have an investigation he can order it as Commander in Chief of the Army and Navy. He has that authority. What I protest against is for us to confer this power upon him and withhold it from ourselves. I am unwilling to be a party to a scheme in which a department can name its own investigators. The Senator from Maine has said that the Secretary of the Navy had already written and asked certain gentlemen to serve on the investigating committee before he introduced a resolution on this subject.

Mr. ROBINSON of Arkansas. Who were the gentlemen asked?

Mr. SWANSON. The Senator from Maine named them earlier in the day.

Mr. HALE. Mr. President, I have said that the Secretary of the Navy wrote to certain gentlemen and asked them if they should be appointed whether they would be willing to serve on a commission as a patriotic duty for which they would receive no salary of any kind.

Mr. SWANSON. If I were to be tried by a jury and could name the jurymen, I would write and ask them, "Are you willing to make the sacrifice of sitting on the jury and see that I get justice"? That is the old scheme of packing juries.

Mr. HALE. The President may or may not select the gentlemen whose names have been suggested, though in all probability he will.

Mr. SWANSON. But why did the Secretary of the Navy become so active before the President asked him to do anything?

Mr. HALE. It was at the time when he was considering the advisability of having a commission appointed.

Mr. SWANSON. That is right. He knew the object of it was to prevent a senatorial or congressional investigation.

Mr. HALE. Oh, no. I have already explained to the Senator that that had nothing to do with the object of it. I have already explained they were to be appointed for an entirely different purpose. The Senator remembers——

Mr. SWANSON. I do not want them to take this question up. Proceed as it was originally intended and I will not complain.

Mr. HALE. The Senator remembers the purpose for which they were written to.

Mr. SWANSON. Yes; and I think it is a palpable scheme to let somebody named by the Secretary of the Navy apply a coat of whitewash, if that should be necessary, in this transaction if we do not confine the resolution to its original form and not extend it as now sought to include the *S–4* disaster.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Virginia yield to me for a moment?

Mr. SWANSON. I yield.

Mr. ROBINSON of Arkansas. I wish to say, Mr. President, that I should think it would be very bad policy for the Congress to authorize an investigation of this particular subject by two different committees, for the simple reason that in all probability the findings of the two committees would be different. Imagine what would be the situation of the country if

the President were authorized by Congress to appoint an investigating commission and the Congress proceeded to appoint another investigating commission, as suggested by the Senator from Iowa [Mr. BROOKHART], and the two commissions found the facts to be different and made different recommendations. The absurdity, to my mind, of such a suggestion appears on the face of it.

Mr. President, this disaster has created serious thought throughout the country. I have great respect for the Navy of the United States, great admiration for its personnel and for its record, but I do feel that it is of the utmost importance that whenever this subject shall be investigated the result of the inquiry shall have commanding force and effect not only with the departments themselves, with the Executive and the Congress, but with the people of this country who are profoundly interested in the subject matter of the investigation.

Mr. WALSH of Massachusetts. Mr. President, I should like to ask the Senator from Arkansas if there is any question involved in this disaster that is not involved in any jury trial of an accident case or in any coroner's jury sitting in the case of a disaster?

Mr. ROBINSON of Arkansas. I know of no such question.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Rhode Island?

Mr. ROBINSON of Arkansas. With pleasure, though I had concluded, and I yield the floor.

Mr. GERRY. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. GERRY. Mr. President, we have had, in the sinking of the submarine *S–4*, an appalling disaster, which has shocked the people of this country. What the people are interested in and what they are entitled to know is whether the Navy Department could have prevented the disaster in any way; whether the department has been negligent; whether any naval officer has been negligent; and whether we can do anything in the future to prevent the recurrence of a similar disaster. The people want that information and they are entitled to have it.

I for one believe that no greater service can be rendered to the Navy Department than by a thorough investigation of the *S–4* disaster and a finding that will be accepted by the people of the country as being fair and impartial and as having gone into every detail of that lamentable occurrence. I believe that the people will not be satisfied with an investigation such as is proposed by the Senator from Maine [Mr. HALE]; and I am more than ever convinced of that fact since listening to the debate this morning. If we follow the course the joint resolution has traveled we can not help but realize that every effort is being made to prevent a congressional investigation. Apparently there is a desire to put every obstacle in the way of such an investigation, to delay it in every possible manner; for what reason I know not.

I started out, having my belief in the efficiency of the Navy, that the *S–4* disaster was very likely one of those tragedies which are unavoidable; I hope that may prove to be the case; but when the head of the department is apparently attempting to name his own investigating committee and to conduct his own investigation, I can not help but feel that such an investigation will not be received with the same confidence by the public as would an investigation by a committee of the House of Representatives and of the Senate.

The Naval Affairs Committees of the House and the Senate are thoroughly familiar with the Navy; they are committees that make the recommendations for legislation for the Navy. They have studied the subject for years.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Maine?

Mr. GERRY. I shall yield in one moment. I wish merely to finish the trend of thought I am pursuing. Then I shall be glad to yield to the Senator.

Although members of the committee have been intimately acquainted with naval affairs and naval legislation for years, and properly have charge of such legislation, there seems to be an intent here to prevent the legislative branch of the Government conducting an investigation.

Now, let us take for a minute the history of the resolution. The joint resolution, as first introduced, provided that the report of the commission should be filed as soon as possible, but not later than May 15. In other words, this commission would have conducted an investigation and not reported to the President until May 15.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Massachusetts?

Mr. GERRY. I do.

Mr. WALSH of Massachusetts. The original joint resolution provided that no report should be made until next December. It was the House that modified it, making it May 15; but originally it was intended that this session of Congress should meet and adjourn without any report on this disaster.

Mr. HALE. No, Mr. President; I do not think that is so. It simply was not specified. I never heard that question brought up.

Mr. WALSH of Massachusetts. It is already in the resolution that in part they are not to report until next December.

Mr. HALE. Did it not say "not later than" that time?

Mr. GERRY. Mr. President, I am discussing the joint resolution that was presented to the Senate and was referred to the Committee on Naval Affairs. That joint resolution said "May 15." The matter was discussed in the committee, and there was opposition to the joint resolution. Many Senators felt that there should be a full investigation, and they quite frankly resented the inference that the Senate or the House was not qualified to conduct these investigations. The chairman, at a subsequent meeting of the committee—and he will correct me if I am in error—amended the joint resolution so that it was to be March 15.

Mr. HALE. It was not at my suggestion; it was at the suggestion of the Senator from Nebraska [Mr. HOWELL].

Mr. GERRY. Well, then, at the suggestion of the Senator from Nebraska it was amended to read "March 15."

The original joint resolution did not call upon the President to transmit the findings of the commission, if my recollection is correct, and left the discretion with him. Subsequently, as a result of the protests that arose by Members of this body, it was made to provide that the President shall transmit the report, and that it shall be sent to Congress not later than March 15.

Mr. HALE. Mr. President, I do not think I understand the Senator. The joint resolution which came over from the House said that he should "transmit the same."

Mr. GERRY. It did not state when.

Mr. HALE. Does the Senator mean that the word "immediately" was not in the joint resolution?

Mr. GERRY. The word "immediately" was not in it. You have amended the joint resolution so as to provide that it shall be done immediately.

The entire committee was in favor of appointing a commission to make further investigations, or any investigations the President saw fit, in regard to the appliances and other devices for rendering submarines safer. There is no objection to that, and I feel that there is no objection in either body; or rather, I feel that either body would not only be glad but would insist on voting every necessary appropriation to develop further devices that would make submarines safer and less probable these appalling disasters. What a great many members of the committee objected to, however, was section 3 of the joint resolution, which gave to a commission power to investigate the *S–4* disaster; and the Senator from Virginia [Mr. SWANSON] has introduced an amendment to strike out this section and insert in place of it a provision that the Vice President and the Speaker of the House shall appoint a committee to investigate the *S–4* disaster.

Mr. President, that it is the apparent intent of the department to take from Congress this investigation is to my mind very clear. Instead of having a direct congressional investigation it is developed that the Secretary of the Navy suggested to the President this method of procedure, that he conferred with the chairman of the Naval Affairs Committee, and the chairman has shown that he will suggest to the President, and the President will appoint five men of his choosing, including a district judge and a naval officer, and that this commission shall do work that to my mind should be done by the Congress. It is simply another example of the tendency of heads of the departments and of the executive branch of this Government to take over all power, and to prevent as much as possible the investigation of their departments by the Congress.

I do not feel that a commission such as this, whether we have a circuit judge on it or not, can be half as conversant with the Navy and the Navy situation as a committee composed of Members of Congress who have been studying and working for the Navy for years; and, frankly, I think the Congress has the right to resent the implied slight that anybody but a Senator or a Member of the House of Representatives should be on the commission. Apparently, the one desire is to prevent congressional investigation, or, at least, to delay it.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Maine?

Mr. GERRY. One minute, and I am through; I will yield the floor.

As I said in the opening of my remarks, I started out with the hope—and I still have that hope—that the department had done everything possible, that there was no negligence, and that this disaster was unavoidable; but I want that proved to the satisfaction of the House and Senate, and not only to the satisfaction of the House and Senate but to the satisfaction of the American people. I believe that can be proved in no better way than by welcoming a full investigation by their representatives in Congress.

Mr. HALE. Mr. President, does the Senator think he has to bother about the feeeling of the House in this matter? Surely the House expressed itself when it passed this joint resolution unanimously.

Mr. GERRY. Oh, I have heard the Senator from Maine reiterate that all morning. What did the House do?

Mr. HALE. They had three hours of debate, Mr. President, and after the three hours of debate there was not one man who voiced a protest against the passage of the joint resolution.

Mr. GERRY. Three hours of debate! I have been in the House. The Senator has not.

Mr. HALE. I was in the House when the joint resolution passed, just before it passed.

Mr. GERRY. I do not doubt that the Senator had a lot to do with its passage in the House. I am sure he did. I am sure he worked hard, and I am sure all the administration worked hard, and I am sure they did splendid work in the three hours. I congratulate him on what he has accomplished, if he is satisfied.

Mr. HALE. I do not think there was any need to do any work in the House. I think the House saw the merits of the joint resolution.

Mr. GERRY. I may say to the Senator that apparently it is a case of the splendid working of a machine.

Mr. McKELLAR. A whitewash machine.

Mr. BROOKHART. Mr. President, I still feel that the question is not cleared up as to the issue here.

The Senator from Rhode Island conceded that there is no exclusive right of investigation in the Congress. The Senator from Virginia said the President had the right to investigate this matter. The Senator from Arkansas said the President has that power now. Really, as I understand the joint resolution, about the only power granted the President that he does not have under the law is the appropriation of money to pay the expenses. I do not know of anything else that is added.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. BROOKHART. I do.

Mr. McKELLAR. It seems to me I have seen in the papers that the Navy Department is making an investigation now. Why should we formally give the department the right to make another investigation of the matter? It is making one now, as I understand.

Mr. GERRY. If the Senator will yield to me, there is already a court of inquiry.

Mr. BROOKHART. Wait; let me answer that question. I want one at a time, and I can not answer more than one at a time.

The Navy Department may be making a useless, senseless investigation. It may be that the one the President wants to make is of the same character; but those are questions for the department and for the President to decide. Either the Senate or the House has a right to investigate the matter if it is not satisfied with the other investigation. I will say that after the statements of the Senator from Virginia and the Senator from Rhode Island and the Senator from Arkansas I stand ready to vote for any resolution to investigate this matter, either by joint committee of the two Houses or by a Senate committee alone; but, to my mind, that would not——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BROOKHART. Yes; I yield.

Mr. ROBINSON of Arkansas. The Senator no doubt heard the remarks which I submitted during the course of the address of the Senator from Virginia. Does the Senator think that the Congress ought to authorize two investigations and two expenditures for that purpose touching this disaster?

Mr. BROOKHART. First let me ask the Senator, does not the President have the power now to make this investigation?

Mr. ROBINSON of Arkansas. Absolutely; and if the President says to the Congress that, in the performance of his duty as Chief Executive, or as Commander in Chief of the Army and Navy, he is in need of funds to obtain the information that he desires, that the expense can not be met out of his contingent fund, I would vote him any reasonable amount that might be necessary; and I want to point out again to the Senator from Iowa that it would be a very questionable thing for the Congress to create two investigating committees and to take the risk of different conclusions on the part of those two committees.

Whatever conclusion is arrived at ought to be authoritative, it ought to be commanding, and it ought to be made under such conditions that, if legislation is necessary, the recommendations of the committee or commission can be effectuated. It would be to my mind worse than no investigation at all if the President created a commission and they reached a conclusion that the disaster was due to one state of facts and that that state of facts was unavoidable, and another commission reached the conclusion that the disaster was due to a different state of facts, which were avoidable. The confidence of the country in the Congress would be shaken, if not destroyed.

There is no necessity for more than one investigation, provided it is a fair, complete investigation. Why should Congress hasten to authorize the expenditure of funds for two investigations and take the chance of different conclusions which would destroy the confidence of the country in the integrity of the investigation, and prevent such legislation as might be actually necessary to prevent the recurrence of such disasters?

Mr. KING. Mr. President——

Mr. BROOKHART. Mr. President, I will answer that proposition by a statement, then I will yield to anybody; but one at a time. I can see only one thing at a time.

I will concede that Congress should not authorize two investigations by Congress. That would be a foolish thing. I concede that the Senate should not authorize two Senate investigations, or that the House should not authorize two House investigations. But the investigation proposed by this resolution is to be by the Chief Executive himself. He did not have to submit to us the question of the appointment of the commission. The money is all that he had to ask for, but he submitted more than he was required to submit.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BROOKHART. Yes; for a moment.

Mr. ROBINSON of Arkansas. The Senator is bound to realize that there are many provisions in this resolution that are not related directly to the mere expenditure of funds by the Executive. The effect of this resolution is to clothe the President with power to create a commission under the authority of the Congress to make this investigation, and in good faith, if the Congress grants that authority, it ought to rely on it, and for my part I intend to do so. If the Congress decides that it ought to create the commission or the committee authorized under this resolution, unless it becomes manifest that the committee has failed to perform its duty, I do not intend to vote for an investigation by another committee, because notwithstanding the fact that the personnel of this committee is not to consist of Members of Congress, it is, nevertheless, in a measure a congressional investigation, because the authority for the investigation is in a resolution to be passed by the Congress, and the duty of the investigators is defined by the Congress. Therefore I say that if we pass this resolution of investigation—and that is the intention of the persons who espouse this resolution—it is to prevent or to avoid the necessity for another investigation.

Mr. BROOKHART. Will the Senator pause there? Let me answer that proposition.

Mr. ROBINSON of Arkansas. I did not mean to take so much of the Senator's time.

Mr. BROOKHART. The Senator from Virginia said, and I think the Senator from Arkansas said, that even though we held a congressional investigation, it was all right for this committee of experts to make their investigation from the expert standpoint, and to let us know the facts as they found them.

Mr. ROBINSON of Arkansas. Will the Senator pardon me? I said that it was proper for the Executive, who is Commander in Chief of the Army and Navy of the United States, to take any course he desired to take to acquaint himself with the true facts involved in this disaster.

Mr. BROOKHART. He can submit the matter to Congress or not, as he desires.

Mr. ROBINSON of Arkansas. Certainly.

Mr. BROOKHART. However, he can not spend the public money for an investigation without our consent.

Mr. HOWELL. Mr. President, will the Senator yield?

Mr. BROOKHART. In just a moment. As I see this, we are adding no authority in this resolution and providing for no investigation that the Executive does not have authority to make already. If I am mistaken in that, I shall certainly not consent to surrender any of the power of either the Senate or the House to investigate anything they want to investigate.

Now, I yield to the Senator from Nebraska.

Mr. HOWELL. Mr. President, do I understand that the Senator from Arkansas is favorable to the resolution as amended by the Senator from Virginia?

Mr. ROBINSON of Arkansas. Yes; I favor the amendment proposed by the Senator from Virginia.

Mr. HOWELL. Does the Senator from Arkansas know that it proposes two investigations?

Mr. ROBINSON of Arkansas. No; I do not understand that.

Mr. HOWELL. It does. It does not do away with this commission to be appointed by the President, but it provides that the disaster shall be investigated by a committee of Congress.

Mr. ROBINSON of Arkansas. Yes; I understand that. I think that is proper.

Mr. HOWELL. There would be two committees or commissions to report, under the provisions of the resolution as amended.

Mr. ROBINSON of Arkansas. Under the amendment of the Senator from Virginia?

Mr. HOWELL. Yes.

Mr. ROBINSON of Arkansas. I did not understand that.

Mr. SWANSON. Oh, no. If the Senator will permit me, I take from this general commission the power to investigate the *S–4*.

Mr. HOWELL. Yes; but the Senator provides for two investigations.

Mr. SWANSON. No. The House has presented to us a proposition to let the Secretary of the Navy appoint a commission which shall investigate the appliances needed to improve submarines, and, in addition, to investigate the cause of the *S–4* disaster. The position I take is that the commission should not investigate the *S–4* disaster. A joint commission of the two Houses ought to investigate that. It is different work, different authorizations, and different things to investigate.

Mr. HOWELL. How can this proposed commission properly report what appliances and methods should have been used and should be used in the future to avoid such casualties unless they know the circumstances under which this disaster took place?

Mr. SWANSON. So far as it pertains to their ascertaining facts which would be a foundation for future improvements, that is all right; but to ascertain and report as to whether the *Paulding* was in fault or whether the *S–4* was in fault is another matter. A scheme is presented to let the Secretary of the Navy alone, through his appointments, determine between the Coast Guard and the Navy.

Mr. HOWELL. Just a moment.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield; and if so, to whom?

Mr. ROBINSON of Arkansas. I merely want to make a brief statement. The Senator from Iowa has been very kind, and if it will disturb him in any way I will not insist on speaking.

Mr. BROOKHART. I am not quite through. Had the Senator from Nebraska replied to the suggestion of the Senator from Virginia?

Mr. HOWELL. I want to reply to the Senator from Virginia, if I might.

Mr. ROBINSON of Arkansas. Very well.

Mr. HOWELL. The Senator from Virginia suggests that there is no connection between these two investigations. There is a distinct connection between them. How can the commission provided for in this resolution properly determine what supplemental submarine appliances and regulations should be adopted by the Navy to avoid and minimize similar casualties in the future unless the proposed commission goes into the facts and circumstances of this disaster?

Mr. SWANSON. If the Senator will permit me, I said in my speech that, so far as they want to improve the Navy, so far as they want to make recommendations, so far as they want to see what deficiency there was in the material and appliances, they would have a right to do it, but when it came to determining as to whether the *Paulding* was at fault or whether the *S–4* was at fault in this accident, I thought that all honesty required that they should have an impartial committee, and I provided for that.

Mr. HOWELL. But, Mr. President, incidentally they would have to investigate the facts and circumstances in order to determine whether even additional naval regulations were necessary.

Mr. SWANSON. If the Senator will permit me, incidentally they would, and I am giving them the instrumentality that you want. This resolution gives them absolute control of it, not as an incident.

Mr. HOWELL. Mr. President, the Senate will have power to investigate notwithstanding the adoption of this resolution, if it sees fit to do so. Congress will have power to investigate irrespective of whether this resolution passes or not. I am for investigations upon all occasions, because I believe they are a tremendous safeguard in the conduct of government. If the President and the Secretary of the Navy want an investigation, I say let them have it. Then let us investigate, if we are ultimately dissatisfied in the premises. There will be plenty of time after the 15th of March, before Congress adjourns—about three months.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. PITTMAN. I have to go to a committee meeting, and I want to ask a question.

Mr. BROOKHART. Very well. The Senator from Utah has been asking for recognition for a long time, and I promised to yield.

Mr. PITTMAN. I agree with the Senator that the President has every power now included in this resolution. He can have any investigation he wants. I would be willing to vote for the resolution to authorize an appropriation of the $20,000 he asks for, or amend it to give him $100,000, if he asks for it. The only thing I do not want is to have this considered as a congressional committee instead of an executive commission. I do not want to be responsible for the kind of commission it is or for the acts of the commission. I do not want it said, when we start an investigation on our own hook, "By congressional act you have already authorized an investigation."

Having absolute confidence in the President of the United States, I do not favor telling him what kind of an investigating committee he shall have. I think this resolution is an insult to the President of the United States. With the full power to appoint any kind of an investigating committee he wants, with every power we give under this resolution, all that we do is to say, "We do not trust you to appoint your commission."

What I want to do is to strike out everything except the authorization of an appropriation for whatever amount he wants—he has asked for $20,000—to make any kind of an investigation by any committee that he may select, or in any manner that he may choose, and leave it in that shape, because the rest of it is an insult to the President of the United States.

Mr. BROOKHART. I think I am in full accord with the Senator from Nevada.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. BROOKHART. I yield.

Mr. ROBINSON of Arkansas. What I want to make clear is that under the procedure we seem about to take here we contemplate creating, under authority of Congress, two commissions to make this investigation. The President has power to make the investigation; and, as I said before, I am perfectly willing to give him any amount of money he finds necessary to perform the duty of ascertaining the facts in connection with the disaster.

If we are to create a commission under authority of Congress and tell the President who shall go on that commission and how the commission shall discharge its duties, as this resolution seems to do, then I shall certainly oppose creating another committee of investigation under the authority of Congress for the reason that I have already stated, that there is a danger that the two committees may make conflicting findings and recommendations, in which event the country will be worse off and the Navy will be no better off than before the investigations proceeded.

The President, as Commander in Chief, has a duty to perform. He is entitled to obtain this information. But he is not entitled to do it under the guise of a congressional committee. If he wants to proceed in that way, the Congress should constitute the committee in the way that it believes best.

I think Senators are overlooking the fact that we are about to create two committees of investigation, and that those committees may take an entirely different view of what are the facts and what are the remedies to prevent a recurrence of such disasters as that relating to the *S–4*, and it is that feature that I want to safeguard. If we pass the joint resolution in

the form in which it is presented by the Senator from Maine. I shall still favor the creation of an additional joint committee of Congress or a committee of the Senate to make the same investigation, and I will think that it is the underlying purpose of those who propose the resolution to estop the Congress in a way from making any investigation of the subject by expressly conferring on an executive tribunal the duty of making the investigation.

Mr. SWANSON. Mr. President, I offered in the committee——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. BROOKHART. Let me answer the suggestion of the Senator from Arkansas first. The only part to be stricken out of the joint resolution is section 3, as proposed by the amendment of the Senator from Virginia.

Mr. ROBINSON of Arkansas. Frankly, I think if the amendment of the Senator from Virginia shall be agreed to, the other features of the joint resolution should be so modified, as suggested by the Senator from Nevada [Mr. PITTMAN], as to give the President unlimited authority and adequate funds. We ought not to impose on the President the duty of selecting a committee from a limited number of individuals, and we ought to give him an entirely free hand to make his own investigation in any way that he desires. If we want a congressional investigation of the subject, we ought to provide for a personnel that will reflect itself in legislation here, and it ought to be composed of Members of the two Houses.

Mr. BROOKHART. I am absolutely in accord with what the Senator has said. I am entirely in accord with every word the Senator from Nevada has said. That is what I have been trying to say.

Mr. CURTIS. Mr. President, would the Senator from Arkansas favor the joint resolution if it were limited merely to the appropriation of the necessary funds for the President?

Mr. ROBINSON of Arkansas. I have said during the debate that I believe the duty is on the Executive, as Commander in Chief of the Navy, to inquire into the facts of the matter, and that I am perfectly willing to give him such funds as he finds necessary to enable him to make his investigation.

Mr. BROOKHART. It seems to me we have reached substantial agreement in the matter, and I can see no reason why the resolution should not be re-formed so as to give the President the full right to make the investigation he pleases and to have the personnel he pleases and to report to whom he pleases. We can provide the money, as we ought to do, for such an investigation. It will be the Executive's investigation and he alone will be responsible for it. We can then order another investigation and have one of our own for which we will be responsible, either as a committee of the Congress composed of Members of the two Houses jointly, or of the Senate alone. I feel that in the Daugherty investigation I contributed something to determine the power of the Senate to make investigations.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. BROOKHART. I yield.

Mr. KING. I am in accord with what the Senator from Nevada said and what was said by the Senator from Arkansas, and I endeavored to get the floor several moments ago to make that statement. I am opposed to anything in the resolution other than the creation of the committee named in the resolution or amendment offered by the Senator from Virginia. I do not think we should mention the President at all. I differ from my friend in that respect.

I have no doubt that the Commander in Chief has full authority to make such investigation as he sees fit, and when he makes such investigation, or if he desires in advance to get money with which to make it, let him send a message to the Congress stating that he contemplates making such investigation and asking for such appropriation as he desires. For instance, quite recently he conceived the importance of sending a commission to the Geneva conference, and later, when the funds were exhausted, he sent a message to the Congress asking for an appropriation to pay the commission. His first message asked for funds to pay the commission, submitted before it was created, and his second message, after the funds were exhausted, asked for funds for a continuation of the commission in subsequent negotiations at Geneva.

The President has full authority. If he desires to conduct an investigation, let him do so, appointing whom he pleases, when he pleases. I think that it is an infringement upon the power of the President to limit the personnel of those whom he wishes to appoint. After he has concluded to have an investigation, let him send his message to the Congress if he has not the funds, and Congress will give whatever is necessary. But instead of the procedure proposed in the present resolution let us appoint a commission, determine their limitations and their duties, and provide the necessary appropriation for their activities. That is all we need to do.

Mr. BROOKHART. I think the Senator from Utah is correct except in one particular. At the very beginning of the discussion the Senator from Maine [Mr. HALE] announced that the President desired the investigation, so that in that official way at least, though not by any formal message, the President has expressed his desire for such an investigation.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. BROOKHART. Certainly.

Mr. SWANSON. To show the Senator what the proposition is, I want to state what occurred in the Committee on Naval Affairs. I was willing for the President to have the money, as the Senator suggests. There is no objection to that. I offered a resolution in the Committee on Naval Affairs providing that that committee, through its chairman, should appoint a subcommittee to investigate the facts in connection with the sinking of the *S–4*, and it was voted down. I have always contended and I still say that if I can be given the assurance that either the Senate itself, through a special committee, or the Committee on Naval Affairs will investigate the sinking of the *S–4*, I am willing to give the President all the money he may need for his own investigation; but I am not willing to give the President money under an implied understanding that the Congress has surrendered its right and authority, as will surely be urged by some Senators, to investigate the sinking of the *S–4*. All of these propositions now contended for by those on the other side of the aisle will be used for the purpose of proving that surrender. If Senators favor my suggestion, let us have the chairman of the Committee on Naval Affairs accept my proposition as made before the Committee on Naval Affairs, that the President should be given the necessary money to proceed with such investigation as he wants to make in connection with the needs for reform and the needs for new appliances, and then let the Naval Affairs Committee of the Senate proceed to ascertain who is responsible as between the *Paulding*, operated by the Coast Guard Service, and the *S–4*, operated by the Navy.

There is no reason in the world why we should let the Secretary of the Navy make the recommendation to the President and the President appoint a commission and not allow the Coast Guard to have any representation on that commission, when the issue is between the Coast Guard and the Navy as to which is responsible. In other words, it is proposed to let the Navy constitute the jury to determine the matter. I am not in favor of that. I am not in favor of it if the proposition should come from the Democratic side. I am not in favor of it if the proposition should come from the Republican side. I shall ask for a roll call on the proposition and give an opportunity to those Senators who want to go on record as favoring the Navy Department, through the President, naming its own jury to try the case, to then express themselves.

Mr. BROOKHART. Mr. President, the Senator from Virginia evidently was not present when the Senator from Nevada submitted his proposition.

Mr. SWANSON. I heard the statement of the Senator from Nevada, and I am not willing for such a proposition to go through.

Mr. BROOKHART. His suggestion was not that we surrender anything to the Executive——

Mr. SWANSON. I am not going to make a surrender in this matter and then let it be claimed later that because we have given the President the authority to do it, therefore we ought not to make the investigation until he has completed his investigation. That is the scheme. I insist that we allow the chairman of the Naval Affairs Committee to appoint a subcommittee to investigate and report on the sinking of the *S–4*, and then I shall consent that the President shall have all the money he wants for his own investigation.

Mr. HALE. I was not in the Chamber when the Senator from Nevada [Mr. PITTMAN] made his suggestion. As I understand, he proposes to strike out all the wording of the joint resolution, and to provide:

> That the sum of $20,000 be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to pay the expenses of a commission to be appointed by him to investigate and report——

Mr. McKELLAR. No, no!

Mr. SWANSON. The Senator may be for that, but I am not for it.

Mr. McKELLAR. If the Senator will permit me, I will state exactly what I think the Senator from Nevada suggested:

That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, to be expended by the President for the purpose of making such investigation of the sinking of the submarine *S–4* as he may see fit.

Mr. ROBINSON of Arkansas. And to follow that with the incorporation of the amendment of the Senator from Virginia providing for an investigation by a joint committee composed of members of the Committees on Naval Affairs of the House and Senate.

Mr. HALE. That is authorizing the Senate to do it and authorizing the President to do the same thing, is it not?

Mr. ROBINSON of Arkansas. No; it is giving the President, as Commander in Chief of the Navy, the funds he desires to enable him to acquaint himself with the true facts in the case, and it is also providing for an investigation as contemplated by the amendment of the Senator from Virginia. That is a correct statement, as I understand it, of the suggestion of the Senator from Nevada, and that is my suggestion.

Mr. HALE. What would the President do? I do not understand the plan. What would the President's commission do?

Mr. McKELLAR. It would make any kind of an investigation the President would want to have made.

Mr. ROBINSON of Arkansas. The President can employ any agency whatever, as he can do now. He can take any course he chooses to pursue. The only reason why the appropriation is made is that it has been stated here that he has not the funds with which to ascertain the facts.

Mr. BROOKHART. Let me answer the Senator from Arkansas again. I think it would be contrary to the suggestion of the Senator from Nevada to couple such a proposition with the resolution just suggested by the Senator from Tennessee. The Senator from Nevada suggested, and with that suggestion I am in full accord, that our investigation should be ours, independent absolutely of the Executive's investigation, and his independent in relation to ours. Therefore, in the resolution it seems to me that we should only provide for those funds in a general way. I will say to the Senator from Arkansas that I stand ready to vote for his proposition.

Mr. ROBINSON of Arkansas. That is not the suggestion of the Senator from Nevada as I understand it, and it was not my suggestion. I must be deficient in my power of expression or I would not have to take the floor so many times to explain what I have been trying to say for an hour.

Mr. HALE. Mr. President——

Mr. ROBINSON of Arkansas. No; just a moment, please. The President has the right as Commander in Chief to make an inquiry into this subject. That is an Executive investigation. If he needs funds to accomplish that purpose I am willing to give them to him in this or any other resolution. But I do think that there should be an investigation by a congressional joint committee, as provided by the Senator from Virginia in his proposed amendment.

Mr. BROOKHART. Let me ask the Senator a question. I am in full accord with all that he has stated; but does the Senator insist that the congressional investigation should be made as a condition or trade in any way?

Mr. ROBINSON of Arkansas. No; certainly not; but I do think that while we are dealing with the subject we should dispose of the whole matter and provide for the congressional investigation.

Mr. BROOKHART. I am quite in agreement with that idea, and if an amendment should be offered providing for a congressional investigation in addition to what we authorize the President to do, I am ready to vote for it.

Mr. SWANSON. That is exactly what we are trying to do. The House has passed a joint resolution to give the President $20,000 to conduct any investigation he wants. They ask for an investigation of the *S–4* disaster and provide that the commission should be limited. My proposition is simply to say that the sinking of the *S–4* shall be investigated by a joint committee of the House and Senate. Then the measure will have to go back to the House, of course. I want the Senate to express itself on the proposition of whether it wants a joint congressional committee authorized by Congress, or merely wants to let the Secretary of the Navy name the jury to try his own case. That is the issue so far as I am concerned.

Let the President appoint whomsoever he pleases. I am going to offer an amendment, and let it go to the House, for the appointment of a joint committee to investigate this subject.

Mr. BROOKHART. I would not interfere with the presidential investigation; I would support it.

Mr. SWANSON. Arrange it so that the President's commission may proceed. My proposition does not interfere with that. It is stated that the crux of the joint resolution is section 3.

Mr. HALE. What has the President to do with this investigation?

Mr. SWANSON. I thought the President wanted to investigate everything in reference to the submarines, and that there were 2,000 devices which could be studied.

The Senator said in his speech that he had found that that was what they were going to investigate, and the Senator suggested that we should also turn over to them the right to investigate the disaster in connection with the submarine *S–4*.

Mr. HALE. Precisely.

Mr. SWANSON. The Senator from Maine was the man who recommended that Congress should surrender its authority and its right of investigation, and that it be done by the department.

Mr. HALE. I do not consider that Congress is surrendering its authority.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. BROOKHART. I yield to the Senator from Rhode Island.

Mr. GERRY. Mr. President, our contention is very simple. We want Congress to investigate the *S–4* disaster; for unless Congress shall investigate the results will not command the same confidence, nor will there be the kind of investigation which we think should be conducted. That is why the Senator from Virginia [Mr. SWANSON] proposes to strike out section 3 of the joint resolution. Section 3 simply refers to the *S–4* disaster. Besides that, as has been brought out here, there was a desire to appoint a commission, as the chairman of the committee said, to investigate safety appliances and inventions that might prevent future disasters. We were quite willing to give the President an appropriation to go ahead and investigate as to such inventions, but when it comes down to the question of the *S–4*, we think Congress is the proper body to investigate.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. BROOKHART. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, I wish to say just a word. I have never known the people of my section of the country to be so stirred as they have been by this disaster. There is a feeling—and I believe it is universal—that somebody is to blame. The Senate can not afford to evade its responsibility. There must be an investigation conducted by the Senate and the House of Representatives in order that the country may be satisfied that there is no such thing as a whitewashing of the situation. So I am in hearty accord with this proposal.

If the President has no funds with which to carry on his investigation, let us give him funds, but of more importance is to have Congress itself seek to place the responsibility where it belongs. We can not afford to evade or escape the responsibility which rests upon us.

Mr. KING. Mr. President, I am opposed to the joint resolution in the form in which is has been reported by the committee. First, it circumscribes the powers which belong to the President of the United States, the Commander in Chief of the Army and the Navy. It seeks to indicate to him the character of the machinery which shall be set up for the investigation. It states who the investigators shall be, one of whom shall be a judge—and that is very offensive to me—as was pointed out by the able minority leader.

It seems to me, Mr. President, that we need not concern ourselves in this resolution with any of the powers or functions or responsibilities of the Executive. Doubtless the President will make an investigation. He may select a judge; I do not know. He may select civilian experts; I do not know. That is for him to determine. When the President of the United States needs funds, if he does not already possess them, let him appeal to Congress and Congress will readily and speedily grant whatever the President requires in order to conduct a full and complete investigation; but it seems to me that the resolution which we should adopt—and it should be entirely disconnected, as I have indicated, from the duties of the President—should merely determine the manner of selecting the committee.

I am in accord with the view suggested by the Senator from Virginia [Mr. SWANSON] permitting the Vice President to appoint three Members of the Senate, the Speaker of the House to appoint three Members of the House of Representatives; that those six shall constitute a joint commission or committee for the purpose of making an investigation of this disaster; and provide for them the necessary funds. When that shall be done, that is as far as the resolution should go. I am opposed to mentioning the President; I am opposed to determining

whom he shall appoint or how he shall appoint them or to prescribing in any way the duties and responsibilities of a commission selected by the President of the United States, if he shall deem it wise to select one.

I would go further, however, Mr. President, than the resolution or the amendment offered by the Senator from Virginia goes. I think the proposed commission should proceed to make a comprehensive study of the Navy, its needs and its wants, and particularly of submarines and airplanes.

There have been a number of submarine disasters. Quite recently another submarine was sunk. A great many vessels were wrecked upon the Pacific coast. There have been, however, no adequate investigations made of these numerous disasters occurring during the past three or four years. I am advised that in a single instance only has the Navy Department even reprimanded any of those who are connected with these disasters. It may be that the disasters were entirely unavoidable but the public are not satisfied with the naval investigations which have been made in the case of these numerous disasters, and, therefore, I feel that a committee should be appointed by the House and the Senate, with full authority to investigate this disaster as well as former disasters, and to take into account the needs of the Navy and to make recommendations relative to these disasters and relative to the needs of the Navy.

Mr. McKELLAR. Mr. President——

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. KING. I promised first to yield to the Senator from Tennessee, and then I will yield to the Senator from Connecticut.

Mr. McKELLAR. Mr. President, I will ask the Senator, would it not be better for this resolution to appoint no commission at all, but merely to authorize the appropriation of $20,000 to enable the President to make any investigation that he may see fit, if he sees fit to make one? Then if the President saw fit to make an investigation, and wanted to use $20,000 for that purpose, all he would have to do would be to indicate that fact to the Appropriations Committees of the two Houses, and the appropriation would be forthcoming. He would have full authority to appoint anybody he pleased, and it would not be necessary to name the commission. Then, if the Congress desired to make an independent investigation, all well and good.

Mr. KING. Mr. President, I should prefer that that course should not be pursued. I want to dissociate, so far as possible, the executive from the legislative branch of the Government. If the President wants to make an investigation, let him indicate to the Senate or to Congress that he needs funds, and if he does not have adequate funds, Congress would very promptly grant the President whatever funds he desires; but this resolution which we are asked to pass, in my opinion, should deal only with the creation of a joint commission, determining their powers and prescribing their limitations and providing the necessary funds for them to carry on the investigation required. I now yield to the Senator from Connecticut.

Mr. BINGHAM. Mr. President, may I remind the Senator that the President has done just what the Senator from Utah thinks he ought to do? If I understood the Senator from Utah correctly, he said that if the President needed funds he ought to come here and say so. Is not that precisely what the President did in his message of January 4?

Mr. KING. If the Senator regards that as an application by the President of the United States for funds, I am willing to vote for a separate resolution right now providing that a certain sum shall be appropriated out of the Treasury for the purpose of enabling the Executive at his request to conduct an investigation into the *S–4* disaster. Then go on with our resolution; but do not couple them together. That is the view that I take.

Mr. BINGHAM. Mr. President, the President's message was very brief, and if I may be permitted to do so, I should like to read the two short paragraphs of the message which he submitted on the 4th of January last:

To the Congress of the United States:

I transmit herewith a letter from the Secretary of the Navy recommending that Congress be requested to authorize the appointment of a commission of experts for the purpose of considering the development of safety devices for our submarines, such commission to be empowered to call witnesses and to pay their expenses, and also to make such inquiry and investigation into the *S–4* disaster as may be desirable.

I desire to call the attention of the Senator from Utah to the next sentence:

I recommend to Congress the passage of a joint resolution authorizing the appointment of such a commission of experts, and that the sum of $20,000 be made available for the purposes stated.

In other words, the President has already stated his desire to appoint such a commission, and has in fact asked for the money to pay its expenses.

Mr. President, a little earlier in the debate the Senator from Virginia [Mr. SWANSON] referred to the fact that the aircraft board appointed by the President a little over two years ago had done good work; that it had congressional representation on it, and he referred to me in that connection. I should like to call the attention of Senators to one or two matters in connection with that investigation which they may have forgotten. Evidently the Senator from Virginia has forgotten the exact nature of that circumstance or he would not have referred to it in quite the way he did.

In the first place, there were some very serious accidents which had taken place. It was not merely a commission to recommend new types of aircraft; it was a commission to look into a very serious situation which has arisen. Mr. President, you may remember that the country was aroused at that time very deeply by the disaster to the *Shenandoah*, when the Navy lost a number of its able airship experts. The country was further aroused by the fact that Commander Rodgers in his attempt to make the flight from San Francisco to Honolulu had been lost for some nine days at sea and had been given up for lost. Nevertheless, finally, due to his skill as a navigator, he turned up on the shores of Kauai. By sundry statements which had been made with regard to accidents that had taken place in the service the country was further aroused to such a point that very great publicity was given to the claims made by a then member of the Army with regard to the bad condition of affairs in the Air Service. So, in response to a similar state of public opinion as we have seen in this instance, the President—Congress not being in session, for this happened, if my recollection serves me correctly, in the early part of September, in the year 1925—the President did exercise his right of appointing a commission, a commission of nine. Later he asked Congress for an appropriation to cover the expenses of the commission. Had the Congress been in session when the accidents occurred undoubtedly the President would have done just as he has done in this case.

The accident to the *S–4* took place in December, and my recollection is that it was just before Congress adjourned for the holiday recess. At any rate the Congress was in session. So, instead of attempting to appoint a commission, as the Senator from Virginia suggested, without reference to the Congress, he did the natural thing of reminding Congress that an investigation ought to be had, that a commission ought to be appointed, that he would like to be authorized to appoint it, and requested that an appropriation be authorized for that purpose.

The air board he selected in 1925 had congressional representation, one Senator and two Members of the House, as the Senator from Virginia has stated. I will confess that it seems to me desirable on all commissions of this kind that there should be a representative of each House of Congress, in order the better to follow the progress of the investigation and later be able to report on the floor of each House what the recommendations of the commission were, and to explain them, and more or less to act as the advocate of the commission. I should like to see this commission increased from five to seven, to include one Senator and one Member of the House, or to see it enlarged to eight and include one Senator and two Members of the House, so as to make it possible for such representation to be had. But the Senator from Virginia is not correct in stating that the suggestion of the Senator from Maine that a Federal judge be appointed is establishing a new precedent, for that is precisely what the President did in appointing the aircraft board.

The aircraft board of nine was composed, among others, of one ex-Army officer, General Harbord, who was there to give us liaison with the Army and to represent the Army's point of view in this investigation. And may I further remind the Senator at this point that the investigation was asked for by the Secretary of War and the Secretary of the Navy in the same spirit in which the Secretary of the Navy has asked for this investigation? They wrote a letter to the President asking him to appoint a committee of investigation. Congress was not in session, and so he appointed it. He put on the board also a retired naval officer, Admiral Fletcher, who had received the congressional medal of honor. He represented the Navy on that committee. Also, as has been stated, the President put on a Senator and two Members of the House to represent the Congress, and it was a very useful thing for us who were on it to be able to know exactly what the commission was doing.

Another member was an aeronautical engineer, corresponding in this case to one of the civilians suggested to be appointed on this commission. Another was a man who had been in charge of the aircraft board during the war, and who was entirely

familiar with the great growth of the air services and of what had been done in aircraft manufacturing during the period since the war; the eighth was Mr. Dwight Morrow and the ninth was a Federal judge, who knew nothing about aviation.

The Senator has objected to the amendment offered by the Senator from Maine in regard to putting on a Federal judge, because he said the Federal judge would not know anything about submarines. Mr. President, as a member of the President's aircraft board I want to testify to the very great service which was rendered on that board by the two members of it who admittedly knew nothing about the conditions in the Army and Navy and the conditions in the Air Service, namely, Dwight Morrow, who was the chairman of the board, and came to it with an entirely fresh mind, never having devoted himself at all to aviation, and Judge Denison, the Federal judge, who came smilingly saying that this was an entirely new subject to him and that he knew nothing about it. As a matter of fact, the commission depended in very great degree upon the judicial character of the minds of these two gentlemen who knew nothing about the subject, who came to it with fresh minds, absolutely impartial, and who gave to the investigation a judicial atmosphere and helped make it a great success.

I am surprised to hear certain Senators on the other side of the aisle say that there is nothing judicial about this commission, nothing judicial about the investigation. It seems to me almost as though they had it in mind that if there is nothing judicial about it there ought to be something political about it.

In fact, they have told us that the people of the country would not be satisfied with an investigation by experts and by a Federal judge, with one ex-naval officer to see to it that they had such expert advice as they needed. Personally, I think the Senators who have taken that position are mistaken. So far as I am able to follow public opinion in the State of Connecticut, they certainly are mistaken.

For instance, here is a brief editorial from one of the oldest country newspapers in the State of Connecticut, the Norwich Bulletin, a paper about 140 years old, an independent paper that ably represents public opinion throughout the eastern section of the State. Listen to what this old-fashioned newspaper says.

The editorial is headed:

MAKE IT IMPARTIAL

There are Democratic Senators who want a Senate investigation of the sinking of the *S–4* instead of the impartial plan proposed by the President. It is impossible to look upon such a move as anything but partisan. The purpose is plainly disclosed in the very attitude that is taken.

Everyone must be desirous of having all the facts brought out in connection with that deplorable affair, and there's no question but what they will be; but there should be an equally broad desire that such a matter should be kept as free from politics as possible. The clamor of Democratic Senators for their own inquiry, their chance to kick up a lot of claims and charges, like a raft of criticism that has been spread about through irresponsible statements and gossip only to have it shown to be without foundation, makes a poor impression.

From the political standpoint nothing would be better. But it isn't the political ends that should be served through such a misfortune. The inquiry already under way by the Navy is throwing valuable light upon the situation that existed and is indicating the conditions that prevailed at the time of the collision and the efforts that were made to raise the submarine.

That inquiry promises to be in every way thorough and there is no question but what the facts will be brought out, but for the purpose of having an inquiry by competent investigators, experts outside of the Navy, which is directly interested, the idea of an impartial board to conduct the same outside of politics and all other influences is what the situation requires. This it is believed the country prefers to a political inquiry regardless of the party sponsoring it.

I submit that that is also the opinion of a large part of the American public. They looked upon the action of the President in appointing an impartial air board consisting of experts, of ex-representatives of the Army and Navy, a Federal judge, and one or two private citizens, to investigate the Air Service, as very successful. They wish to see the same kind of thing done here. They believe that it will be done better by a commission of experts, as suggested in this joint resolution, than by a commission which is sponsored by a minority of the committee by a strict party vote. It looks to the public like playing politics with a very serious matter, and it seems to me that we ought to be careful before we, by our votes, condone the playing of politics in this matter.

The President has shown his desire to appoint an impartial commission. The Senator from Virginia [Mr. SWANSON] over and over again says the Secretary of the Navy is going to appoint the commission. That is begging the question, Mr. President. The joint resolution lays upon the President of the United States the responsibility of appointing the commission, not upon the Secretary of the Navy, although by constant repetition, in accordance with that well-known law of psychology which tells us that if you state a thing often enough people will come to believe it, the Senator from Virginia has almost convinced some Senators that the Secretary of the Navy is going to appoint this commission.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Virginia?

Mr. BINGHAM. I do.

Mr. SWANSON. I got my information mostly from the chairman of the committee, who said the Secretary of the Navy had already written and asked people to serve on the commission. I do not know what he meant by it. It seems to me he has been very busy in getting somebody to serve on this commission.

Mr. HALE. Mr. President, I wish the Senator would quote me correctly.

Mr. BINGHAM. The Senator from Virginia has been very adroit in misquoting the Senator from Maine over and over again, until nearly everybody in this Chamber believes he has been correctly quoted.

Mr. SWANSON. I will ask the Senator from Maine what he did say.

Mr. HALE. I said that the Secretary of the Navy, before going ahead with a commission that he wanted appointed to investigate submarine appliances and equipment and to make recommendations for the future, had sounded out three men to see if they would serve on such a commission if appointed by the President.

Mr. SWANSON. That is all I said—that the Secretary of the Navy had been active in getting somebody to serve on the commission, and had gotten the names, and that no doubt the President would recommend whomsoever he had found to serve to suit him. All I said is what the Senator from Maine said. I did not know, until this morning, that he had been so active in getting his own jury.

Mr. BINGHAM. The Senator from Virginia has repeated his opinion so often that he actually believes it himself.

Mr. SWANSON. Why, everybody believes it who knows anything about the natural course of things in Washington. Do you suppose that the Secretary of the Navy would write around and get people to serve on a commission to recommend to the President, and that the President would refuse to appoint them? Not much! The Senator is very innocent if he thinks that has ever occurred. His innocence is refreshing, but it is dangerous to anybody who trusts him.

Mr. HALE. If the Senator will consider the list that he did write to, I think he will see that there will be no occasion for the President to refuse.

Mr. SWANSON. I do not know much about the list.

Mr. BINGHAM. That is obvious.

Mr. SWANSON. I do not know the circuit judge, but I know I am willing to have three Senators named by the Vice President—there can not be any politics in it—and three Representatives named by the Speaker of the House to investigate this matter that involves two separate branches of the Government. You must remember that the Coast Guard is interested in this matter. It was a collision between the *Paulding* and the *S–4*. Do you not think, in all fairness and justice, that they ought to have an impartial committee, and not one named by the Secretary of the Navy, or named by the President on the recommendation of the Secretary of the Navy?

Mr. BINGHAM. Mr. President, the Senator must remember that in the aircraft investigation there were two separate departments concerned, the War Department and the Navy Department. Both asked for the investigation, and trusted the President to see to it that a proper personnel would be picked out; and the country was satisfied with the personnel which was picked out. It has never been called a partial committee just because the Secretary of the Navy and the Secretary of War asked for its appointment.

In order that I may not be accused of quoting one newspaper from one part of my State which might differ from others, I should like to read a very brief editorial from the Hartford Courant, the oldest daily newspaper published in America. This is a very brief editorial, written by an editor who is far from always having supported the President, but whose experience in writing editorials for the last 25 years in western Massachusetts and northern Connecticut has shown him to be keenly in touch with public opinion. I should like to call it to the attention of my good friend the distinguished Senator from Virginia.

The editorial is headed:

SENATE BLOCKS "S–4" INVESTIGATION

President Coolidge's recommendation that Congress authorize the appointment of a board of five experts to investigate the *S–4* disaster and suggest improvements in submarine safety devices has struck a snag in the Senate Naval Affairs Committee. It is the contention of Democratic committeemen, who like most politicians can discover a disguised motive behind every lamp-post, that the President's plan represents an endeavor to "whitewash" the tragedy and that the investigation should be held by the Naval Affairs Committee or by a special committee of the Senate. This is going pretty far afield to play politics.

A naval court of inquiry is now sitting in Boston, investigating the details of the *S–4* tragedy. Its work might be supplemented by an inquiry undertaken by a special committee of the Senate or by the Senate Naval Affairs Committee. But if the naval court may justly or unjustly be charged with prejudice, a senatorial committee might rather more justly than unjustly be charged with partisanship. To insure an unprejudiced, nonpartisan investigation of a disaster that has greatly stirred the country the President has sought the establishment of an obviously unprejudiced, nonpartisan board, composed of two naval and three civilian experts. The House of Representatives has given this plan its indorsement.

The Senate should hasten to do likewise. If Senators insist upon holding their own investigation thereafter, let them go ahead and hold it. But there is no doubting which investigation will have the confidence of the public. The public is fully aware of the fact that the business and professional men who make up the Senate are as incapable of suggesting improvements in submarine construction as they would be of suggesting improvements in Einstein's theory of relativity.

Mr. President, as that editor has said, "This is going pretty far afield to play politics." There is no effort on the part of the Republicans, so far as I can see, to have a Republican Senator put on this commission to "whitewash" the Navy. There is no effort to whitewash anybody in this. This is an effort to find out the facts, to secure a committee that the country will respect as being a committee of the highest grade of experts, with nothing to gain politically or in their careers one way or another by serving without pay on this commission; a committee whose findings will be respected by everybody in the country. The American people will know, when this commission finds either for or against the Navy, either for or against the Coast Guard, that they are finding what they honestly believe to be the facts, and that they are not attempting to play politics in this or any other matter.

It is too often the case that those of us who are in political life are accused, justly or unjustly, of attempting to play politics. Far be it from me to say that a committee such as the Senator from Virginia has suggested would attempt to play politics. Far be it from me to say that any member of that committee would endeavor to get himself on the front pages of the newspapers as the chief investigator, day after day asking stinging questions of witnesses, and securing such publicity as might aid him in securing his reelection to the Senate. Far be it from me to say that there is any politics in it at all. But if the Senator's idea is merely to have the representation of Congress on this committee, as was had on the air board, to which he referred, why, then, does he not limit it to one Senator—and I should be perfectly willing to have that Senator the Senator from Virginia himself—and one Representative, rather than to have the entire committee composed of Senators and Representatives?

Mr. SWANSON. Mr. President, if there is any politics in this, it is the politics of trying to prevent a development of the real facts by a disinterested, uncontrolled committee of Congress.

What is the politics in this? If the Navy Department has done nothing wrong—I am not saying whether it has or has not—why should it object to a full investigation? The politics comes in the effort to create a commission such as never has been created before with the consent of Congress, a new departure. The politics is that the Navy Department do not want an impartial investigation by a committee named by the Speaker and Vice President. I say there ought not to be any politics in this investigation, so in my resolution I provide that the two Houses, headed by vigorous Republicans, shall name the committee.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on January 19, 1928, the President approved and signed the act (S. 773) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Southern District of the State of Iowa.

CLAIM OF MARION LETCHER (S. DOC. NO. 42)

The PRESIDING OFFICER (Mr. HARRIS in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Claims and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State recommending an appropriation for the relief of Mr. Marion Letcher, American consul general at Copenhagen, Denmark. It appears that on February 18, 1927, while Mr. Letcher was the responsible officer in charge, the office of the consulate general at Copenhagen was burglarized and official moneys in a total equivalent to $252.93, for which Mr. Letcher is accountable, were stolen. Notwithstanding the efforts of Mr. Letcher, aided by the local police, no recovery has been made.

The conclusion reached by the Secretary of State has my approval and I recommend that the Congress authorize an appropriation of $252.93 to be paid to Mr. Letcher.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 20, 1928.*

PERSONAL EXPLANATION—ALLEGED MEXICAN PROPAGANDA

Mr. HEFLIN. Mr. President, I had intended having something to say this morning about the misrepresentations regarding myself relative to the controversy which took place on the floor of the Senate the other day after I had made a speech upon the Hearst-Catholic-Mexican scandal. The Washington Post of this morning contains a telegram from the mayor of Montgomery, Ala., to the Senator from Arkansas [Mr. ROBINSON], in which he criticizes me. I have sent two telegrams to Montgomery to get some information regarding that mayor. I do not now wish to interfere with the progress of the pending joint resolution; I myself am anxious that it should be passed; but on Monday, after the Senator from Virginia [Mr. SWANSON] shall have finished his speech, I shall address the Senate in reference to this matter and in reference to the mayor of Montgomery and two or three whisky newspapers in Alabama that have fought me always politically and which have attacked me since this incident occurred here the other day.

I shall also have some things to say about some other newspapers. I intend that the truth about this whole subject shall go into the CONGRESSIONAL RECORD, so that every man and woman in the country who is really an American, who appreciates to any extent the dangers of the Roman Catholic political machine in this country, can find the truth in this RECORD.

I am not fighting anybody's religion; I am willing for everyone to worship in any way he shall please; but no religious organization, be it Protestant, Jew, or Catholic, is going to form a mighty political machine that worms its way into business and into politics and into everything else under the cloak of religion; a machine which attacks the public-school system, that would reunite church and state, and would open the doors of this country to the unfit hordes of foreign lands, the criminal refuse of Europe; and it is my business as an American, intrusted with a position in this body, to stand and give warning, even if I battle by myself. I know I incur the displeasure of those who do not want to be interfered with. Those who compose that machine laugh in their sleeves at the complacency that they find among many Protestants who are sound asleep. I am fighting for religious freedom and to hold American institutions in their integrity and I am going to continue to make that fight. I owe it to the American people, who are looking to this body to do the thing which is necessary, to let them know of the dangers that threaten.

COMMISSION TO INVESTIGATE THE SINKING OF THE SUBMARINE "S–4"

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4*, and upon methods and appliances for the protection of submarines.

Mr. MCKELLAR. Mr. President, I offer a substitute for the entire resolution, and ask that the clerk may read it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maine.

Mr. MCKELLAR. I ask that my substitute be reported to the Senate.

The PRESIDING OFFICER. Without objection, the clerk will read.

The CHIEF CLERK. The senior Senator from Tennessee offers the following substitute:

Strike out all after the resolving clause and insert the following:

"That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $20,000, to be expended by the President for the purpose of making any investigation he may desire into the sinking of the submarine *S–4*."

Mr. WALSH of Massachusetts. Mr. President, in view of this long debate, I would refrain from speaking were it not that my silence might be misconstrued. The fact that this disaster occurred off the coast of Massachusetts and was extensively reported by the press of that State, has naturally created an unusual interest throughout the State of Massachusetts.

During the Christmas recess, while in Massachusetts, I wrote a letter to the chairman of the Senate Committee on Naval Affairs, in which I told him of the great public interest I had discovered, and, as a member of the Senate Committee on Naval Affairs, I asked that he call the committee together when the Senate reconvened and conduct an investigation.

I believed then, and I believe now, that it was the duty of the Senate committee, without any resolution, without any act of this Congress, to investigate into this dreadful disaster, a disaster which swept away the lives of 40 brave defenders of our country, a disaster which sent to the ocean bottom six human beings who lived for four days, and who constantly and steadily during those four days were sending a message by the code-tapping system to the rescue workers, asking only one question: "How long will you be? How long will you be?"

The chairman of the Senate Committee on Naval Affairs, instead of accepting my suggestion, according to his own statement—and I make no criticism except to tell the facts—called upon the Secretary of the Navy and suggested to him that a commission of experts be appointed by the President to investigate this disaster.

Immediately upon the convening of the Senate, before I or any other Senator could offer any resolution, or before any Representative could offer one, and while my letter was pending before the committee, the President's message was presented to the Congress. It was known during the entire recess that the public sentiment of this country was such that an investigation would be asked for, either by some Member of the Senate or by some Member of the House of Representatives. But for the chief purpose, it seems to me, of preventing above all things a senatorial inquiry a resolution urging a civilian commission was requested.

Mr. President, let us speak frankly; it is proposed that we delegate the power of this body and of the legislative branch of this Government to an investigation by experts into what? What expert question is involved in the disaster of the submarine *S–4*? What expert question is involved other than is embraced in any accident upon which a jury anywhere in this land hears evidence and renders judgment? This case involves merely the questions of due care and negligence which jurors daily settle. What issue is here involved that requires any different kind of investigation than the most ordinary coroner's jury in any part of this country conducts?

Mr. President, what are the questions at issue? Three major questions would be involved in any inquiry into the disaster of the *S–4* submarine off the coast of Provincetown, Mass., on that fatal December day, the seventeenth.

First. Whose negligence caused the collision? Was it the officers of the submarine or the Coast Guard destroyer?

Second. Was the method pursued by the Navy Department in the rescue work that followed the collision prompt and efficient?

Third. Did the Navy Department, in view of its experience with previous submarine disasters, perform its full duty in obtaining all information available and taking all precautions necessary to prevent a reoccurrence of submarine disasters, and did it equip itself with the proper facilities for saving human life in submerged submarines?

None of these questions, it seems to me, involve expert knowledge. If they do, then our jury system of trying accident cases and the coroner's jury system are failures.

The only technical question that I can see involved is possibly one, namely, What kind of apparatus, if any, is it possible for the Navy to possess which would promptly and expeditiously save human life in a submerged submarine?

If others want to consider themselves incompetent as Senators of the United States to determine who caused this accident, and whether or not proper methods were used to rescue immediately six human lives entombed in the *S–4*, then I decline to be classed in that group of Senators. I deny that these questions are so momentous that only experts can give an answer to the people of the country.

Mr. President, something more than an inquiry into a disaster is involved here. We are beginning the establishment of a precedent that threatens the destruction of the power and the influence of this body. You know and I know to what extent the country has been complaining about the establishment and the growth of bureaus. From all political groups we hear a good deal of criticism against the growth of bureaucratic government in Washington.

Our people are alarmed and disturbed at the extent to which bureaus have been created and expanded here in Washington. They look with alarm upon the wide and discretionary powers which we have delegated to these bureaus which are far removed from personal contact and responsibility to the people. I share the alarm which the people maintain, but we have reached a much more dangerous condition, a still graver danger than the establishment of bureaus and the delegation of our functions to them if we are now to refuse the obligation to hold them to strict accountability and fail to courageously perform our solemn duty to supervise and investigate their administrative conduct.

To whom are these departments responsible? Whom do these bureaus and departments fear? They fear only the legislative branch of this Government. The people properly ask you and me why we voted thus and so, and for an explanation of all our public policies and acts. Are these bureaus immune from accountability to us? Are they not accountable also to the people, and to the people through the people's chosen representatives? Are we to abandon the policy of preserving the remnants of democracy left to the people of America? The only institution remaining to break down and check the natural tendency to usurp autocratic authority on the part of these bureaus is this body, the Senate. Put plainly and briefly, here is the proposition: Are these bureaus and departments to have their alleged misdemeanors and their omissions and their commissions investigated by some other authority than the delegated authority which under our Constitution is vested in the Congress?

I refuse, for one, to be merely a Senator who sits in the Senate to dole out money from the people's pockets to the bureau heads and departments of this Government and seals his lips and denies himself the right to ask, "Have you efficiently managed your bureau or department, and has the people's money been prudently spent?"

If you want to declare that the only function of the Congress is to appropriate money, then I refuse to define my obligation and my conception of a Senator's duty as simply that of tapping the pocketbooks of the American people.

Consider the humiliating position of a member of the Naval Affairs Committee who next month will be called upon to appropriate upon the recommendation of the naval authorities of this Government hundreds of millions of dollars, yet such a member of that committee can not suggest to the Secretary of the Navy that he inform him how the submarine *S–4* disaster happened. Are we to be told that is none of our business; that it is not the function of a Senator; that we are here to give money, but we have no business to inquire into the efficiency of the Navy or the methods employed in the Navy to protect human life?

Mr. President, some one recently said—and I think it is one of the greatest tributes recently paid to the United States Senate—that this body is the only safeguard of democracy left in the American Government; that it is the one body that holds restraint and check upon the natural tendencies and excesses of bureaucratic government; and that it is the one body whose inquiries, investigations, and researches are feared by the executive departments of this Government.

Mr. President, I want to say now that this is the beginning of the end of real democracy if Congress abandons to other bureaus the accountability of its own creatures. When the roll is called each of you must declare your willingness to surrender your position in the watch towers, watching bureaucratic servants removed from direct responsibility to the people.

The issue here and now is, are we to abrogate our power, are we to surrender to a bureau of the Government the authority that is ours as representatives of the people to safeguard their rights? That is the real issue involved here. We are not dealing with mere property, but human lives—40 human lives, 6 of them entrapped for four long days pleading "How long will you be?" I say to you that the American people have a right to ask us "How long will you be"—how long must the American people wait for their representatives to have the courage to inquire into this disaster and to fix the responsibility and provide the means whereby it may never, never again occur?

Has it occurred to you that the investigation conducted by the proposed commission may be an investigation of ourselves, that this commission might properly find that the Congress of

the United States has failed to give the Navy sufficient money to provide itself with equipment and facilities for rescuing human lives, and that we ourselves are negligent parties to this terrible disaster involving great loss of human life? This, as well as the policy of excessive administrative economy, is possible within the scope of the resolution.

Mr. BINGHAM. Is that why the Senator is opposed to it?

Mr. WALSH of Massachusetts. No; but I am opposed to the President of the United States, for whom I have as high respect and esteem and regard as the Senator from Connecticut, appointing a commission to make an investigation that it is our duty to make. I am opposed to being charged by my constituents with neglect of a public duty as Senator of the United States by delegating my plain duty to an executive bureau. You slurringly cry out "Politics." I am amused at the charge that we alone are partisans, that the acts of the average Senator here are actuated by mere partisan motives. I venture to say, sir, that the average man in this body has no greater partisan motives in the performance of his public duty than any President of the United States, Democrat or Republican.

I resent the charge that you, sir, and you, sir, and I are mere partisans; that in the investigation into the cause of the loss of human lives we would seek to ascertain how advantageous it may be to the Democratic Party or injurious to the Republican Party. I resent it with all the power at my command, sir. I say that there is no more partisanship in this body among the majority of its Members than there is in the White House, and I say that with profound respect and esteem for its present occupant. I say it of his predecessors, Democrat or Republican. The men who occupy the high office of President are not suddenly immune from all consideration of party advantage or of party consideration any more than Senators.

Mr. President, I have talked longer than I intended. I simply want to say now what I thought at the outset in December and still think, that it was the duty of the Committee on Naval Affairs of this body to start an investigation on its own initiative, without even a resolution of the Senate. I do not know for what business the committees of the Senate exist if it is not to inquire into such charges of alleged negligent regard of human life; and because I believe that, I still hold that it is the duty of the Senate to appoint a committee to investigate this disaster; that there is not a single expert issue here except one and even that involves the possible negligence of the Navy, which is, Did the Navy exercise diligence to anticipate such accidents and provide itself with the necessary equipment, if it could be obtained, to save human life in the event of a submarine accident? If that issue does not involve the negligence of the Navy, I do not know what it does involve. That is the only issue, it seems to me, in the whole matter that can be called technical.

I shall vote for the proposal of the Senator from Virginia [Mr. SWANSON]; but I know what it means, and you, sir, know what it means. Since I have been here there has not been, with an exceedingly few exceptions, resolutions to investigate departments of the Government passed by the other branch of the Government. Even when we were seeking to investigate the notorious abuses of the Veterans' Bureau, where the moneys appropriated by the people to take care of disabled veterans were being squandered, we could not get the other branch of the Congress to join with us in the investigation. There is only one body left, there is only one safeguard, one safety valve, to protect the American people against the possible arrogance of executive bureaus and departments, and that is this body, with its unlimited debate and with its open forum. I hope that we shall appoint a committee to proceed to do our plain duty, which is to investigate this matter.

It is not playing politics, but it is political perfidy to neglect one's public duty, to fail to do that which one ought to do, to fail to live up to the obligations of one's office. I consider it one of the obligations of my office to inquire into the manner and the way in which public money is expended, into questions of omission and commission of public duty by those who spend the people's money, into allegations of neglect in the matter of the loss of human life. I have no opinion as to how the accident happened. I do know the public is aroused. I do know that all kinds of charges were made. I do know that 40 human lives have been lost.

Mr. President, I hope a resolution will be passed providing for a thorough and full investigation. I hope and pray that the result of that investigation may be to restore our Navy to its high place and prestige, to that place which the United States Navy has always enjoyed, one of honor, one of respect, one of pride by all Americans. I pray that it will be found that this was nothing but a pure accident that no human means could have prevented and no human agency could have stopped, and that every possible means was resorted to in order to save the lives of the men in that fatal *S-4*. Let us find the facts, do our plain duty, and proclaim the truth to our employers and masters, the American people.

Mr. President, to vote against a congressional investigation is to declare to the American people that mistakes, inefficiency, or even misappropriations, omissions, and commissions of executive officials is not the business of this body. I resent and resist the policy of alleged breaches of duty on the part of executive bureaus being investigated by other bureaus in the executive departments of our Government.

Mr. CARAWAY. Mr. President, it is not common to insist upon a seat on the jury to determine whether we ourselves have been remiss in our duties. The Navy has no right, as the Senator from Connecticut [Mr. BINGHAM] insisted, upon a representation upon the board which shall inquire into the conduct of the Navy. It is not in the interest of a fair and impartial investigation that the accused party shall sit as a judge in that investigation.

All of us know, Mr. President, how helpless an officer in the Army or Navy may be if he undertakes to criticize his department. We have seen Admiral Magruder demoted and attempted to be disgraced because he made some suggestions with reference to the organization of the Navy. We have seen him hounded and abused by two or three social climbers who happened to be in official position at the time when he appeared before a committee.

None of us want this investigation to be a partisan investigation. None of us want any advantage, because there should be no advantage. There ought to be no politics in the Army and the Navy of these United States. There ought to be no advantage, therefore, to either side to conduct an investigation. It ought not to be within the mind of anyone that they are willing to play politics with a shroud, and yet I know and every man in America will feel, if the investigating committee shall be named under a resolution which gives to one man the power to name that committee and put men on it who owe obedience to the person who names him, that there will always be a lingering suspicion that all of the facts were not developed. I should always feel that way about it, and I know that other people would feel that way about it.

I am thoroughly willing to acquit my friend the Senator from Maine [Mr. HALE], the chairman of the Committee on Naval Affairs, of any intention of playing politics in this matter. I entertain for him a very high regard. I am not unmindful of the embarrassing position in which he is placed if the Executive wants a resolution passed taking the investigation out of the hands of the Committee on Naval Affairs.

I am not unmindful of the embarrassment to the party in power which does not always support a suggestion of the President who happens at that time to be the President of the United States. But this is a matter that ought to rise above such a thing.

I do not know whether the men who died by inches, begging for help and asking over and over again, "Will you be long now?" when the Navy went away and even lost the submarine for hours and those men died without succor, could have been saved under any circumstances or not, but I feel that the investigation ought to be made, and made thoroughly, that each and every man ought to have the right to speak his honest convictions without fear of future consequences to his own welfare, and I think that such an investigation would be made by no other than a committee of this body.

I rather hope the resolution will be finally whipped into shape to provide for just that procedure. It is important. It is just as important as anything can be, because one life is just as sacred as a million, and the mothers and fathers of the men who died in that submarine ought to have the fullest assurance that they are going to know whether or not everything that could be done was done to save their boys. Nobody ought to want the investigation to be hedged about by possibilities that there will always linger in the minds of people a suspicion that a full investigation was not had.

I hope the resolution will be so amended that this body will make the investigation.

Mr. TRAMMELL. Mr. President, in view of the fact that I have a resolution pending before the Senate in the nature of a Senate resolution, I wish to say just a few words on the subject of the amendment now being considered.

I have felt ever since this terrible disaster that there should be a most thorough and searching investigation made by a congressional committee, and that the investigation should not be made through the executive departments, although I have every confidence both in the President and in the Secretary of the Navy, because I know that they are both most estimable gentlemen and most faithful and capable public servants.

But I think the circumstances to be such that the investigation should be made by a committee that has no connection whatever with the Navy Department. Entertaining these views, when the matter was pending before the Senate Committee on Naval Affairs of which I am a member, I proposed to that committee that section 3 be stricken from the joint resolution which was passed by the House of Representatives, and that we recommend to the Senate the adoption of an amendment providing for a committee composed of two Members on the part of the Senate and three on the part of the House of Representatives to carry on an investigation of the disaster to the *S–4*. The particular suggestion which I made, having submitted in a written proposal to the Naval Affairs Committee was in substance identical with the amendment which we are now considering, with the one exception, that the pending amendment provides for a committee composed of three on the part of the Senate and three on the part of the House of Representatives.

I am heartily in favor of the amendment as proposed by the Senator from Virginia [Mr. SWANSON], for, as I have stated, it is in line with the proposal which I had previously made in the Naval Affairs Committee when we had this subject before us for consideration. I introduced only as a matter of expediency the resolution providing for a Senate committee. This pending proposal is, I think, preferable to that embraced in my Senate resolution, and I therefore hope that it will be adopted.

Mr. DILL. Mr. President, I shall not take much time in the discussion of the pending joint resolution and the proposed amendment to it. I think, however, that the death of the men in the disaster to the submarine *S–4*, which aroused such deep interest amongst the people of this country, is so important a subject for investigation that Members of the Senate and House of Representatives should have charge of any investigation which may be made rather than a commission such as is proposed by the original resolution. I voted in the committee for the amendment of the Senator from Virginia, and I shall vote for it when it comes up for action in the Senate. The death of these men is one of the most pitiable and terrible events that we have had in peace times. It was accidental. Who is to blame should be decided, if determination of that fact can be made.

But, Mr. President, I want to talk for a few minutes about another group of men who are being killed and wounded and being placed in a position to be killed and wounded, as were the men who died on the submarine *S–4*, without any authority of Congress at all. I have sat here for weeks, now, awaiting action of the Foreign Relations Committee on the resolutions referred to it regarding the presence of American marines in Nicaragua, and for my part I do not intend to remain silent longer simply because the committee has failed to act.

Marines are being sent to Nicaragua by the hundred, and Nicaraguans are being murdered. They are called bandits because they would not sell their ammunition and their right to fight for what they believed to be self-government in their own country. In the current number of The Nation, the issue of January 25, 1928, appears an article on this subject which I believe is more informative as to the real reason why the marines are being kept in Nicaragua than is anything I have seen printed.

I would not be understood as taking the position that the armed forces of this country should not be used to protect American life anywhere in the world, but I want emphatically to declare that I am opposed to using the armed forces of this country to protect the investments of Americans in foreign lands where revolution is rife or where governments are not stable.

The real reason why the marines are being kept in Nicaragua—I will not at this time discuss the question why they went there—is to protect the property of Americans acquired as a result of speculative investments there, and, in addition to that, for the purpose of fastening new and more burdensome loans upon the people of Nicaragua.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. DILL. I yield.

Mr. BINGHAM. Is the Senator not familiar with the fact that the Liberal Party and the Conservative Party of Nicaragua united in requesting this Government to send marines there to help them organize a constabulary which would see to it that a fair election was held on the next occasion when they are to hold elections? Does not the Senator realize that that is the reason why they are there now?

Mr. DILL. I am familiar with the fact that the Liberals conceded the presence of the marines in Nicaragua after Mr. Stimson had told them that they would be paid in gold for the ammunition and guns which they possessed if they laid down their arms; I am aware of the fact that the marines have been kept there under the pretext that they were to supervise and safeguard an election, but in reality they are there to protect the property of Americans who have investments there.

Mr. BINGHAM. Is the Senator accusing the distinguished head of the Liberal Party in Nicaragua of selling out?

Mr. DILL. I say that the head of the Liberal Party in Nicaragua did not accept the proposal that the marines should stay there until he was offered gold for the ammunition and guns which he had and he was informed that if he did not accept it that more marines and still more armed forces would be brought and he would be killed or driven out of the country. Sandino, who is called a bandit, was one of the Liberal leaders who refused to do that.

Furthermore, when the Senator talks about an election being held in Nicaragua under the domination of American marines, I remind him that we are doing more than preparing to supervise an election; we are riveting upon the people of Nicaragua the control of American business men who by loans and contracts are getting control of the banks and the customs duties of that country. I say to the Senator that, in my judgment, this is one of the blackest and foulest crimes that has been committed against men who have enlisted in the armed forces of this country to protect its flag and to protect its people.

I now desire to read from the article in The Nation which I have mentioned. After explaining some of the details of the situation in Nicaragua, this article goes on to state:

> There is open talk of a new loan to Nicaragua, on terms which even the puppet Diaz resents. It will be recalled that the marines kept President Diaz in office when he had lost all control over his own country. We did not come to his aid free. We compelled him to buy peace.

And when we bought the peace, instead of paying for the ammunition of the Liberals out of the Treasury of the United States, which of course we had no right to do, we paid for it out of money borrowed from American bankers in New York; and the loan is based upon the Bank of Nicaragua and the customs duties of that country.

The terms of this loan are very interesting. Let me read further:

> For a one-year loan of $1,000,000, Diaz was forced to put a mortgage on the capital stock and dividends of the National Bank of Nicaragua—a corporation with a paid-in capital of $300,000 and worth twice that—and on the entire capital stock of the Pacific Railways of Nicaragua—worth more than the total amount of the loan; to pledge the export tax on coffee, the new customs duties on tobacco, wines, and liquors, and the increased tolls on other commodities; to give the bankers a five-year option on new Nicaraguan loans; and to transfer to New York, for the benefit of the credit givers, the bank's and railroad's deposits—said to be above $400,000. The contract also provided that the money would be used primarily to buy (American) munitions and, apparently, to bribe Moncada—and would be expended under the direction of a special committee of three, two of the three being Americans, one named by the State Department, the other by the bankers.
>
> That loan expires on March 31, although it includes a provision by which it may be extended for another six months. Negotiations are now under way for another loan to replace it and also to cover the enormous expenses incurred by Diaz in maintaining himself in power against the wishes of his countrymen. Diaz signed that loan contract willingly enough, but apparently the terms proposed for the new loan are worse still—they stump even Diaz, who is reported to be about to resign in disgust. A letter received by a certain large business house in New York from another business house in Nicaragua asserts that the difficulties of the business situation there are not due to war depression but to the fact that the Diaz government is negotiating a loan with certain New York bankers to obtain money to pay the war debts and damages, and the Government does not want to accept clauses of the contract which the bankers demand, and therefore to force the Government to come to terms the bank has stopped all operations with the exception of collecting. This, of course, as they control the customhouse revenues and the Banco Nacional de Nicaragua, establishes a short and vicious circle. Currency is getting scarcer every day, and in the end it will all go to the Banco Nacional, for the customs duties are the most exorbitant ever heard of.
>
> The business man adds his prediction that the legislature will have to accept the bankers' terms. Meanwhile the state department, supporting the bankers, is demanding that the legislature also revise the Nicaraguan constitution to permit United States marines to supervise the elections. A pretty business, indeed, for the United States of America to be supporting! A fine cause to die for!

Mr. President, I hope that the Foreign Relations Committee will take some action regarding the resolutions referred to it,

and I hope also that nobody will think that because there has been no discussion of this subject on this floor for the past few days we are stunned into silence here; that we are not mindful of the fact that American young men are being taken to Nicaragua and are being used there, sacrificing their lives if necessary, to protect the property of Americans, that they may keep it, and, what is more, fasten the more tightly the tentacles of another loan upon the people of that country.

Mr. BRUCE. Mr. President, I was going to ask the Senator from Washington a question, but he has taken his seat.

I do not claim to have given any exhaustive study to this question, but there are just one or two interrogatories that I should like to put to the Senator from Washington.

When a country like Nicaragua has invited an inflow of our capital, and our business men have established industries and acquired interests of one sort or another in it, and the time comes when Nicaragua is unable to protect the lives and property of our nationals within its limits, what does the Senator think that we should do?

Mr. DILL. I will say to the Senator that I think when the Government of Nicaragua or any other country is in such a condition that the lives of our nationals are not safe it is the duty of this Government to use whatever force is necessary to get those people out of that country; and to that extent I have no criticism of what has been done in Nicaragua. What I am criticizing here is not the use of our forces to get Americans out, but it is the keeping of these armed forces there and sending more of them there, not merely to protect the lives of people who can not get out, but to put more lives there to be destroyed, if necessary, merely for the purpose of protecting the investments of Americans there.

Mr. BRUCE. Then the Senator would have our nationals scurry out of the country like so many frightened rats, leaving perhaps every dollar in the world that they have within its limits to be the spoil of revolutionary forces?

Mr. DILL. Mr. President, I certainly am not in favor of using the Army and the Navy and the marines of the United States to keep our people in every country where revolution breaks out and enable them to profiteer on that country.

Mr. BRUCE. No; not in every country, because it is not necessary for us to maintain a military force in every country. Who ever heard of our sending marines to the Argentine? Who ever heard of our sending marines to Chile or to Brazil or to any other thoroughly stable and responsible country of South America that is competent to protect our nationals and their property?

Mr. WHEELER. Mr. President——

Mr. DILL. Just a minute; I want to answer the Senator. I want to say to the Senator that the doctrine presented here by the Senator would lead us to put our Army and our Navy in Argentina, Bolivia, or any other country if revolution were rife and were destroying the property of our people. I will say to the Senator that we would not do it in a great, big country, because it would mean war.

Mr. BRUCE. Yes; if Argentina were Nicaragua or some other revolution-torn, distracted Central American country, I would have our marines go to Argentina.

Mr. DILL. The policy in Nicaragua inevitably leads, if we follow it, to any country on the American side of the world where revolution breaks out and Americans have property.

Mr. BRUCE. That has not been our history. I have just intimated to the Senator that occupations of foreign territory by our marines have been of a purely exceptional character. They have only taken place where there was no other course for us to take unless we were to forfeit the character of a self-respecting government.

Mr. DILL. I want to remind the Senator that never in the history of this Republic has a President placed the armed forces of this country in another country and kept them there for months, almost a year now—not once—without the authority of Congress. There have been cases where a President has gone in to take out and save the lives of Americans; but whenever he has wanted to keep the armed forces of this country in a self-governing republic he has come to Congress for authority. This is the one case where the President has disregarded Congress.

Mr. BRUCE. The question in this case was not one for Congress, it was one for the State Department, a question of recognition.

Mr. DILL. I agree with the Senator so far as protecting the lives of these people were concerned, but not as to the continued occupation of the country.

Mr. BRUCE. There has not yet been any such continued occupation.

Mr. DILL. What does the Senator call the fact that we have kept our troops in Nicaragua, and when some of them encountered trouble we sent down a lot more marines and announced that we would send still more? What does he call that, if that is not occupation?

Mr. BRUCE. We were informed by the de facto if not the de jure ruler of Nicaragua that he or his government was unable to protect our nationals and their property in Nicaragua. That situation was not only brought to our attention by Diaz, the then President of Nicaragua, but also by Great Britain, by France, by Italy, by Germany; and Great Britain practically asked us to intervene, and informed us that she was about to send a warship to the coast of Nicaragua as a place of refuge for her nationals. What were we to do under those circumstances, pray, except to send marines to Nicaragua?

I am glad that they were sent, and I am glad that when they were attacked there was one American officer—Major Hatfield—true enough to the honorable military traditions of his country to say, "With or without water, the marines never surrender!"

Mr. DILL. Oh, well, the Senator can not get away from this argument by beginning to glorify the American marines. I never knew them to fail to follow orders or do their duty; but I want to know whether the Senator places the lives of Americans and the property of Americans in exactly the same class, and whether he puts on the same basis the protection of American life and the maintenance of troops there to enable Americans to make enormous profits out of their investments?

Mr. BRUCE. I deny that that was the motive of this Government. I deny that that was the motive of the President of this country. I deny that that was the motive of the Secretary of State of this country. I deny that that was the motive of any responsible official of this Government.

Mr. DILL. Well, let us not argue about the motive. Let us argue from the facts. The fact is that we went in on the theory of protecting American lives, and we have stayed not only for the purpose of protecting life, because we could have brought our nationals out of there, but we have stayed to protect investments already made, and to permit our American citizens, American bankers to make still greater investments.

Mr. BRUCE. We have remained there for the purpose of supervising an election in a country which has practically never known a free election, and of giving Nicaragua another opportunity, under more favorable auspices than have ever existed in her troublous past, to make of herself a real, self-governing republican community. Does the Senator doubt for one moment—I know he does not—that when we have performed our function our marines will be withdrawn, as they were some years ago withdrawn?

Mr. DILL. I know that if the Senator had his way they would be withdrawn by order of Congress.

Mr. BRUCE. If I had my way?

Mr. DILL. If the Senator from Washington had his way.

Mr. BRUCE. Oh! I do not doubt it for a moment. I do not doubt it for a moment, because I think I know very well, with great respect to the Senator, what his views about such a situation usually are.

Mr. DILL. I wish the Senator would explain that statement.

Mr. BRUCE. One thing is very remarkable to me. So far as I can see, about the only elements in this country that do not approve of the action of our Government in relation to Nicaragua are the extreme pacifists and the radicals. Every time we are compelled to take any international action of any sort the cry of bitter disapproval goes up from these sources, and especially from the radical sources. I sometimes think that the disapproval of our American radicals under such circumstances must be inspired by a certain degree of satisfaction that they find in the thought that our Government is facing a difficult and an embarrassing situation that affords them additional leverage for domestic agitation.

Mr. DILL. Mr. President——

Mr. BRUCE. In the town in which I live there is not one single, solitary conspicuous individual, man or woman, who is usually believed to be a radical, who is not raising an outcry about our intervention in Nicaragua.

Mr. DILL. Mr. President, the Senator is trying to get away on the subject of radicals and reactionaries. I am willing to debate that with him at some other time, but the question of whether we are to pay for the right of Americans to make profits out of Nicaraguan investments with the lives of American boys is not a question of radicals and conservatives. It may be a question of whether you place human life about metal dollars, but in my judgment it is not a question of radicals and conservatives, except they be radical as to humanity or as to property.

Mr. BRUCE. I say that the present Republican administration is only doing in Nicaragua what every true Democrat in this country would deride and scorn a Democratic administration for not doing under the same conditions.

Mr. DILL. I thank God no Democratic administration ever did do it.

Mr. BRUCE. One did do it. Did not President Wilson twice send an armed force down to Mexico?

Mr. DILL. Yes; and he withdrew them.

Mr. BRUCE. These marines of ours in Nicaragua will be withdrawn in due course. Does any man doubt that?

Mr. DILL. Yes; after they have been there for a year or two.

Mr. BRUCE. We have never gone into one of these turbulent countries south of us except to carry a blessing with us when we went.

Mr. DILL. The blessing of bullets.

Mr. BRUCE. Bullets!

Mr. DILL. The blessing of bullets is not the kind of blessing this country is in the habit of handing out to weaker people.

Mr. BRUCE. Sometimes a bullet in the bosom of a bandit may not be a blessing to the bandit, but it is a blessing to the people whose peace he is harrying.

Mr. DILL. I remember there were certain people in Great Britain, and some in America, who thought that a bullet would have been good for George Washington, too.

Mr. BRUCE. We went into San Domingo, into that distracted country, whose finances were utterly disordered, and with what result, pray? For the first time San Domingo soon found herself endowed with something that might be called a real civilization. We restored those disordered finances. We established law and order. In all sorts of ways we gave helpful and enlightened advice and aid to the Dominican people.

Mr. DILL. I do not want to enter into an argument about San Domingo. I want to keep to Nicaragua, and these investments on which we are trying to profiteer at the cost of the lives of American boys.

Mr. BRUCE. And then, pursuing our usual unselfish practice, we retired from San Domingo and from that day to this she has enjoyed such a degree of peace as she has never before known. We have gone down to Haiti, too, and, for the first time in its history, men and women can sleep tranquilly in their beds at night without any thought of violence.

Mr. DILL. Does the Senator think we ought to go to China with American troops in order to make it peaceful there for everybody?

Mr. BRUCE. One of the most glorious episodes in the history of the people of the United States was when we went to China during the Boxer insurrection, and our forces, with the forces of other civilized countries, put down that insurrection.

Mr. DILL. Does the Senator think——

Mr. BRUCE. And so grateful were the Chinese people to us for releasing them from our share of the Boxer indemnity, that ever since, year after year, they have been using the money thus refunded to them for the purpose of sending promising Chinese youths to this country to be educated in our institutions of learning.

Mr. DILL. Does the Senator think we ought to keep marines in China until they have an election?

Mr. BRUCE. No; keep them there only so long as it is necessary to promote the temporary objects that took us there.

Mr. DILL. But why should we be so kind to the people of Nicaragua, and guarantee them elections at the point of the bayonet, and not do as much for China? Is it because it would be such a big undertaking that the Senator forgets his principle of protecting life and property in China?

Mr. BRUCE. Did we not send a force of marines over to China a short time ago?

Mr. DILL. But did we keep them there for a year to hold an election in China?

Mr. BRUCE. No; not an election. As far as Chinese constitutions are concerned, I do not know that such a thing as an election in our sense is known to it.

Mr. DILL. Would the Senator think we ought to send them to Italy to guarantee an honest election there?

Mr. BRUCE. Of course not, because Italy is a thoroughly civilized and law-abiding country, and a country fully prepared to assume the responsibility in every respect of protecting the nationals of foreign countries.

Mr. DILL. But if they got into revolution over there, would the Senator favor sending American troops there to hold a free election?

Mr. BRUCE. Of course not. We could rest assured that a country like Italy would successfully deal in one way or another with a revolution in a comparatively short time.

Mr. DILL. But suppose she did not? Should we send them into Russia?

Mr. BRUCE. I have no disposition to answer wild hypotheses.

Mr. DILL. But the Senator was talking about principles. He called me a radical, and I want to know how conservative he is now on the principle of establishing order throughout the world with American lives.

Mr. BRUCE. I did not call the Senator a radical. He may assume that I did if he chooses.

Mr. DILL. To whom did the Senator refer when he talked about a radical?

Mr. BRUCE. I say that, as far as my personal knowledge goes, every radical in this country, man or woman, disapproves of our entry into Nicaragua.

Mr. DILL. I do not particularly object to being called a radical.

Mr. BRUCE. I just wish that the committee now investigating those Mexican documents, of which I am a member, could have its power so enlarged as to inquire into how far clandestine correspondence has gone on in this country recently between American radicals and communists, and radicals and communists in Mexico and Nicaragua. I should like to see, for instance, the letters of Madame Kollontai, the bolshevist emissary to Mexico, to citizens of this country during her sojourn in Mexico, which was, I believe, after she had united herself to her eighth or ninth husband. No, I repeat, we may do so at some time in the future—though God forbid—but we have never gone into one of these harassed countries in the Caribbean Sea, or in Central America, except to confer benefits of incalculable value upon them.

Think of our intervention in Cuba. That is absolutely one of the finest things in human history. There was the Pearl of the Antilles. All we had to do was to reach out and grasp it, had the law of brute force been our only law. In the sense of conquest, it was such a prize as had been rarely offered to any people since the dawn of civilization. We went in; we helped the Cubans to secure their independence; we drove the scourge of yellow fever out of their midst; we designed and helped them to construct a superb system of highways; in a hundred and one ways we brought to them the aid which only a highly enlightened and powerful people long accustomed to the workings of free institutions can bring to a recently liberated people.

Mr. DILL. The Senator does not compare——

Mr. BRUCE. Then, with the reservation that we should have the right to go back whenever the condition of Cuba required it, we left her shores. Twice we have gone back, and each time have we returned to our own land and so grateful are the Cuban people for what we have done for them that hardly had we breathed out note of defiance to Germany and her allies during the great war before Cuba, too, declared war upon Germany.

Mr. DILL. Does not the Senator think he has gone far afield in discussing the Spanish-American War?

Mr. BRUCE. I hope it will never become necessary for me to have to rely upon the Senator from Washington to determine how far I shall go, because he is headed much farther in some directions than I expect ever to go.

As an illustration of what our beneficent intervention meant to Cuba, only a few days ago the Cuban Assembly did a thing to which, so far as I am aware, there is no parallel in the annals of the human race. Recollecting what was achieved for their country by that distinguished American soldier and administrator, Gen. Leonard Wood, the Legislative Assembly of Cuba conferred an annual pension of $6,000 a year upon General Wood's widow. Surely the God of nations will not fail richly to recompense the people of Cuba for this nobly generous act. Indeed, our conduct to some of the countries south of us has marked nothing less than a new era in the history of mankind; and the people of Nicaragua will some day, I doubt not, be as grateful to us because of our intervention in Nicaragua and our friendly efforts to place her firmly upon her feet, as are the people of Cuba.

I am a Democrat, but I think that when the administration of my country is dealing with its foreign relations all feelings of partisanship, to which I usually respond, should cease at the water's edge. I would not uphold the conduct of the United States in Nicaragua if I thought it was unconscionable or wrong; certainly not if I thought it was of the rapacious character that the Senator from Washington assumes. But I do not think that any Secretary of State was ever more unjustly misrepresented than has been our present able and upright Secretary of State, Mr. Kellogg, in this matter of Nicaraguan intervention. Has he done anything that Grover Cleveland would not have done?

Simply because there was a dispute over a boundary line between Great Britain and Venezuela, Cleveland proceeded almost to the point of defying the power of Great Britain.

Mr. DILL. Will the Senator let me call his attention to what Mr. Cleveland did when there was trouble in Nicaragua? Will he yield for a moment that I may point it out to him?

Mr. BRUCE. It is unnecessary for the Senator to recall it. It is unnecessary for anybody to recall to me any salient feature of the administrations of that great, popular and party leader.

Mr. DILL. I think, with all due respect to the Senator's memory, that he has forgotten——

Mr. BRUCE. I will not be interrupted for that purpose.

Mr. DILL. The Senator rose to ask me a question and he never has allowed me to answer his question, because he is making a speech in my time.

Mr. BRUCE. There can not possibly be any dispute about the facts relating to the Venezuelan boundary. Cleveland, like his predecessors, was ever mindful of what was due to the rights and dignity and responsibilities of this country in its dealings with foreign laws. None of us has forgotten the famous letter of Secretary of State Olney, during Mr. Cleveland's time, written with reference to the boundary dispute to which I have just referred. The present administration, as I have said, is not seeking to do anything that Wilson did not twice endeavor to do in his relations with Mexico. Nor did either Cleveland or Wilson do anything in our foreign relations that all American Presidents of every party have not been prepared to do when the honor and the safety of our country called upon them to do it.

I had not intended to be drawn into this debate at all, but I could not sit and hear motives imputed to American intervention in Nicaragua without opposing with all the energy of my nature what was said in that respect.

Mr. DILL. Mr. President, the Senator rose, he said, to ask me some questions and then proceeded to take the floor and refused to be interrupted in the midst of the questions which he was asking. But, I think, with all due respect and regard for the Senator's great knowledge and ability and for his memory of Mr. Cleveland, on which he prides himself, that I will dare to read, for the information of the Senator as well as others, what Mr. Cleveland said about some revolutions in Nicaragua.

Instead of sending troops into Nicaragua, instead of keeping them there and having numbers of them killed and wounded, in his message of December 4, 1893, he said:

> Nicaragua has recently passed through two revolutions, the party at first successful having in turn been displaced by another. Our newly appointed minister by his timely good offices aided in a peaceful adjustment of the controversy involved in the first conflict. The large American interests established in that country in connection with the Nicaragua Canal were not molested.

I expected the Senator from Maryland to talk about the Nicaraguan Canal, but the Senator did not place himself even on that ground, which to my mind gives the only excuse that can be offered for keeping troops there at all and, of course, even that is no justification.

The Senator from Maryland adverted to President Wilson's sending troops to Mexico. I want to read what President Wilson said about sending troops to Mexico. He sent troops to Tampico to protect American lives temporarily, but in a special message of April 20, 1914, he requested authorization by Congress of his action in the following words:

> I therefore come to ask your approval that I used the armed forces of the United States in such ways and to such an extent as may be necessary to obtain from General Huerta and his adherents the fullest recognition of the rights and dignity of the United States, and end distressing conditions now unhappily obtaining in Mexico.

That is another Democratic President who had respect for the Constitution of the United States to the extent that he came to the Congress and asked for express authority to continue to use the armed forces of the country.

Congress met in December of this year, and up to this hour we have had no such request from the President of the United States. We have had an assumption of authority, and that assumption has continued down through the weeks and months we have been here. There is no indication now that this privately conducted war is to end, but rather that the President intends to continue it, and Congress sits supinely by and gives Senators, such as the Senator from Maryland, some justification for thinking that Congress consents to and approves of the President's course.

Mr. BRUCE. When President Wilson decided to intervene in Mexico he knew, of course, that that meant war.

Mr. DILL. What does this mean in Nicaragua?

Mr. BRUCE. Mexico is a country with millions of population, a country with very large resources in every respect for carrying on war, and therefore, when no invitation in any form had come to us to intervene in Mexico, it was perfectly natural that Mr. Wilson should have invoked the full war powers of the Government. But how different is the situation in Nicaragua. Both organized parties in that country welcome our intervention They are only too glad to have our supervision of the election which is to determine which of them is to hold the reins of lawful power in Nicaragua. When Mr. Stimson went there——

Mr. DILL. Mr. President, I have the floor.

Mr. BRUCE. I thought that the Senator would interrupt me, and I thought that he would interrupt me just at that point.

Mr. DILL. Yes; I do not propose that the Senator shall make another speech in my time. The Senator from Maryland rises and in my time proceeds to make a speech.

Mr. BRUCE. Another case where "discretion is the better part of valor."

Mr. DILL. The Senator will have all the opportunity he wants. I did not interrupt the Senator by making speeches in his time. I might have risen to ask a question. I do not want the Senator to get so far away from the issue as he did a while ago when he went to discussing the war with Spain and glorified the American troops and the American Republic back through its history. I did want to call the Senator's attention to the fact, he having told us that Democratic Presidents did these things, that when Grover Cleveland and Woodrow Wilson, the only two Democratic Presidents we have had in modern times, wanted to use the armed forces of this country continuously in a foreign land they came to Congress and asked for the authority.

I want to remind the Senator of what Mr. Harding also had to say on this subject. In his speech during the campaign which resulted in his election as President he said:

> Nor will I misuse the powers of the Executive to cover with a veil of secrecy repeated acts of unwarrantable interference in domestic affairs of the little Republics of the Western Hemisphere, such as in the past few years have not only made enemies of those who should be our friends, but have rightfully discredited our country as their trusted neighbor.

The Senator justifies at last the troops in Nicaragua because, he said, both parties invited it. The Senator, of course, is in a debate, and men in argument will always lean to their own side of the case; but I must call the Senator back to the history of the situation, which is that our troops went there to protect American lives and American property, and after getting in there they stayed.

Mr. Stimson was sent down there to buy off the Liberals by promising to buy their ammunition and their guns, and then they consented to it. Now, when Sandino and a little band of followers opposed to the intervention of this Government, oppose this policy, they are called bandits, and the Senator gets up here and glorifies the dying of American boys in the name of American investors who have properties there and who want to profiteer on them to the extent of getting stronger and greater loans than they already have.

Mr. BRUCE rose.

Mr. DILL. Does the Senator want to ask a question?

Mr. BRUCE. Is the Senator in mind now to tolerate an interruption?

Mr. DILL. I will gladly tolerate an interruption, but I will not permit the Senator to make speeches in my time about the Spanish-American War and the Civil War and the Revolution. If the Senator has a question he desires to ask I shall be very glad to yield.

Mr. BRUCE. If the Senator wants a complete monopoly of speech he may have it.

Mr. DILL. I do not want that; but I do not like to be driven off the floor.

Mr. BRUCE. Notwithstanding his often-professed hatred of monopolies of all sorts!

Mr. DILL. I think I was pretty liberal to the Senator in letting him question me and talk, too.

I do not care to continue the discussion, but I did want to raise my voice in protest against a continuation of the policy which has been carried on in connection with Nicaragua and to call again upon the Committee on Foreign Relations of the Senate to take some action regarding the resolutions which were presented here some weeks ago. I believe we have waited long enough. I believe it is the duty of that committee to take some action, one way or another, in order that we may have a chance in the Senate to express our views by our votes on this policy of war against a little people down in Nicaragua.

Mr. BRUCE rose.

Mr. DILL. Does the Senator want to interrupt me?

Mr. BRUCE. No; I thought that the Senator was going to interrupt himself this time.

Mr. DILL. No. I am only going to say a few more words and then I shall yield the floor.

I do not want to be misunderstood. I have the kindliest feelings for the Senator from Maryland. I have no objection to his personal characterizations of me, because when he adopts that course I know that he is at a loss for an argument with which to reply to the things that I have said, and he uses that means while he thinks of arguments which he may make. So I have no hard feelings about anything he may have said.

Mr. President, I believe there is an American policy which has been laid down by the Presidents of the country through its history. I believe that the keeping of the marines in Nicaragua to cover up the record we have used in Nicaragua is in violation of the precedents and historic policy of this Government. I believe that the Congress should act upon the question whether the President asks us to do so or not.

I shall not take further time to discuss the subject now, but shall probably have more to say at another time.

Mr. BINGHAM. Mr. President, in order not to take the time of the Senate I ask unanimous consent to have incorporated in the RECORD as part of my remarks in connection with the discussion of the Nicaraguan situation the matter which I send to the desk. It refers particularly to foreign debts.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

The loan made to Diaz soon after his recognition amounted to $300,000. This was repaid out of a subsequent loan for $1,000,000 on March 19, 1927. This million-dollar loan bears interest at 6 per cent per annum and the security consisted of a first lien on 50 per cent of the surplus revenues, plus a secondary lien on certain taxes, a first lien on all dividends declared by the railroad or the national bank (both the property of the Nicaraguan Government) and a first lien on the capital stock of the railroad and the bank. The proceeds of the loan were to be used for the purchase of supplies, maintenance, equipment, and salaries of the armed forces of the Republic. The loan was for a term of one year with a proviso that one-half of the loan might be extended for another six months.

The department is informed that this loan has been rapidly amortized, and the amount outstanding to-day is $538,379.88. A payment is expected from the surplus revenues as of January 1, which has not yet been received, which it is thought will be in the neighborhood of $200,000, which would reduce the loan to about $338,000. It is expected that this balance will be paid off by July 1 next. This is the only money owed by the Republic of Nicaragua to American bankers.

Mr. BRUCE. Mr. President, I wish to add merely a few remarks. The real point of the discussion is that in view of the condition of disorder and lawlessness, not to say anarchy in Nicaragua, the President of the United States sent down to Nicaragua an able, accomplished, and highly experienced public man, Mr. Stimson, to look over the situation and to do whatever could be done to bring the warring factions in Nicaragua to a peaceful understanding with each other. Mr. Stimson went. Diaz, the head of the Conservatives, was in control of the Government in Nicaragua or such government as there was. The army of the Liberals, the other party in Nicaragua, was in the field headed by General Moncada. Mr. Stimson got in touch with both of the Nicaraguan parties, the Conservatives and the Liberals. He experienced little difficulty in arriving at an understanding with the Conservatives, and by tact and address of a high order he succeeded in inducing General Moncada, the commander in chief of the Liberal military forces, to persuade all his generals, with a single exception, to lay down their arms and to accept the proposition of Mr. Stimson that there should be a free and fair popular election held in Nicaragua under safeguards prescribed by the United States.

Of all the Liberal generals only one refused to lay down his arms, and that was Sandino, a man who for part of his life had been a mere military adventurer, and who, therefore, of course, could only with difficulty be reconciled to the idea of bringing his calling as a soldier to an end. I say that, carried on as the operations of Sandino have been, they, when considered in the light of his general character and career, can be classed as nothing but the desultory guerrilla warfare of a bandit chief; that is all.

We must not forget that this man was for some years a lieutenant of the Mexican Pancho Villa, probably one of the most murderous, atrocious cutthroats that ever headed a band of marauders anywhere in Latin America. His headquarters, as I understand it, are appropriately enough, a fox hole in the woods. I say "appropriately enough" because he and his like are nothing but feræ naturæ, in my judgment, just as much so as a fox or a wolf or any other prowling animal of the wilderness. He is a mere robber chief, and he and his irregular following alone are now opposing our efforts—our honest, generous, disinterested, wise efforts, and the efforts of the two political parties of Nicaragua to bring peace to desolate Nicaragua.

With Sandino eliminated, there is no reason why our military operations in Nicaragua should not come to an end or why a peaceful election should not then be held there; and it be determined in an orderly and authentic way whether the people of Nicaragua desire that their ruler should be a Conservative or a Liberal.

Mr. WHEELER. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Yes.

Mr. WHEELER. Will the Senator tell me if he does not think the benefits of the eighteenth amendment ought to be applied in Nicaragua by the marines? [Laughter.]

Mr. BRUCE. No, sir; the eighteenth amendment could not be enforced there, and I will tell the Senator why. Only a few weeks ago Sandino issued a proclamation that he would execute any one of his soldiers who took a drink, but he soon found that he could not enforce his order. That is always the history of prohibition. So he modified his order by grandiloquently stating that he would regard any man who drank liquor as a traitor to his country. In other words, Sandino, like everybody else who has attempted to enforce prohibition, could not enforce it even with rifle or machine guns. So those soldiers of his who were to be summarily shot if they ever took a drink again were let out with the harmless stigma of "traitors to their country," no penalty, of course, of any kind being prescribed for that form of treason.

Mr. WHEELER. I was just wondering why the Senator was so bitter in his denunciation of Sandino; I did not know anything about him; but now I have learned the secret. It is probably because he is a prohibitionist. [Laughter.]

Mr. BRUCE. Perhaps he is a prohibitionist; he certainly is a characteristic one, so far as any ability to enforce prohibition is concerned.

Mr. President, that is the way that the situation in Nicaragua strikes me. I followed the speech on this subject which the Senator from Montana delivered. I usually read his speeches, though I have found when I read them that I never agree with his conclusions. Still I keep on reading them, I will admit, because they are always bright, vivid, and interesting. Then I read that most admirable speech delivered by the Senator from Connecticut [Mr. BINGHAM] on this subject, which, it seems to me, sums up the merits of the controversy about as well as anything that I have read for a long time.

Mr. WHEELER. Mr. President, I will inquire of the Senator if he has read the work of the Senator from Connecticut on the Monroe doctrine, entitled "An Ancient Shibboleth"? If he has not read that book, I would commend it to him. It was written when the Senator from Connecticut was a professor at Yale.

Mr. BRUCE. Mr. President, there is a great deal of difference of opinion about consistency. Some one, I believe, said that consistency is the bogey of little minds.

Mr. BORAH. The hobgoblin.

Mr. BRUCE. The hobgoblin of little minds; that is right. The mind of the Senator from Idaho always retains everything that it receives. Someone else has said, "Consistency, thou art a jewel," and then someone else has said that the only men who never change their minds are fools. So the Senator may take his choice.

Mr. WHEELER. I have never known the Senator to change his mind.

Mr. BRUCE. Oh, no; I do not want to put myself in the same class with the Senator.

Mr. WHEELER. And I am sure I do not want to be put myself in the class with the Senator.

Mr. BRUCE. I am sure the Senator does not; it is mutual. I believe that is all that I care to say, Mr. President.

Mr. DILL. Mr. President, I ask unanimous consent to insert in the RECORD, without further discussion on this subject at this time, a letter by John S. Hemphill to the President of the United States, relative to the killing of his son, who was one of the marines in Nicaragua.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Mr. CALVIN COOLIDGE, FERGUSON, MO.
Washington, D. C.

DEAR MR. PRESIDENT: According to dispatches of to-day—January 3—from Managua, my son, Sergt. John F. Hemphill, was killed in action against General Sandino's troops.

For the death of my son I hold no malice against General Sandino or any of his men, for I think, and I believe that 90 per cent of our people agree with me, that they are to-day fighting for their liberty as our forefathers fought for our liberty in 1776, and that we, as a Nation, have no legal or moral right to be murdering those liberty-loving people in a war of aggression.

What we are doing is nothing less than murder, for the sole purpose of keeping in power a puppet President, and acting as a collector for Wall Street, which is certainly against the spirit and letter of our Constitution.

My son was 29 years old, served 3 years of his third enlistment, survived honorable service through the World War against Germany, only to be officially murdered in a disgraceful war against this little nation.

My father served through the Civil War, both my grandfathers died in action in the same war, and I am proud of their records, so this is not from the pen of a red radical but from one who loves justice and fair play.

I have four sons, and if necessity arose I would be willing to sacrifice not only all four sons but my own life as well in a war of defense, but I am not willing to shed one drop of blood in a war of aggression such as this one is.

You have lost a son and know the sorrow, and we as a Nation mourned with you in your hour of grief. Suppose that son had fallen as my son has, a victim of the greed of Wall Street, would you feel that the financial gain was worth the cost?

JOHN S. HEMPHILL.

Mr. McKELLAR. Mr. President, I desire to ask the Senator from Maine does he expect a vote on the pending joint resolution this evening?

Mr. HALE. I will say to the Senator from Tennessee that I do not. There are several Senators on this side of the Chamber who wish to be heard on the joint resolution.

Mr. McKELLAR. I was going to say that I hope the Senator will let the joint resolution go over.

Mr. SWANSON. Mr. President, I hope the Senate will vote on the pending joint resolution this evening. I have been here for a week awaiting action on it. I stayed here all day Monday and all day Tuesday and all the other days the Senate has been in session this week. The Senator from Maine has been insisting on a vote on the joint resolution all the time, and said it would take but a few hours to dispose of it. Senators have all been here to vote on it, and I should like to have it disposed of.

Mr. HALE. I have tried my best, as has the Senator, to secure consideration of the joint resolution and to have action taken upon it during the week, but on account of the discussion on the resolution of the Senator from Missouri [Mr. REED] we were unable to do so.

Mr. SWANSON. We have had a whole day for it.

Mr. HALE. There are some Senators who desire to discuss the joint resolution, but when the debate took another course on a subject matter entirely different and the discussion on the joint resolution seemed to be dropped, some of them went home. I refer to Senators on this side of the Chamber. There are several who wish to be heard on the joint resolution, so I do not think it will be possible to finish it to-night at any rate.

Mr. SWANSON. I will say to the Senator now that I will not consent any further to taking up the joint resolution until it can come up in regular course by displacing some other measure. I have, as I have said, waited all this week. I serve notice on the Senator that the next time he desires to have the resolution taken up he will have to get unanimous consent, and I am not disposed to give my consent.

Mr. HALE. I think it is a reasonable suggestion that at this hour of the evening——

Mr. SWANSON. It is not yet half-past 4 o'clock.

Mr. HALE. I think it is a reasonable suggestion that the joint resolution may be laid aside now. There are other Senators who want to debate the matter, and they have requested that it go over.

Mr. SWANSON. I wish to say to the Senator that I will not give my consent to having this matter come up until it comes up in the regular way by displacing other business. I do not intend to give unanimous consent. The measure was brought up to-day and discussed, with the understanding that it would be acted on before we adjourned. That, at least, was substantially the understanding. Now that understanding is changed by allowing the joint resolution to go over.

Mr. HALE. I had hoped very much that the resolution would be passed to-day.

Mr. SWANSON. It was my understanding that the joint resolution would be taken up and would be discussed and disposed of.

Mr. HALE. I should be very glad to have the joint resolution disposed of now, but there are other Senators who wish to be heard.

Mr. SWANSON. If they want to be heard, let them be heard. I repeat, I will not again give my consent for the joint resolution to be taken up.

RELIGIOUS TOLERANCE—ADDRESS BY SENATOR WALSH OF MASSACHUSETTS

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the RECORD an address delivered by the Senator from Massachusetts [Mr. WALSH] on religious tolerance at All Souls Unitarian Church in this city on last evening. It is a splendid speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

From the earliest days of our history, religion has been closely associated with the principles which brought our Nation into being and has continued its growth and development until this day.

We are a God-fearing people. The first settlers upon the bleak shores, that skirted every harbor from New England to Virginia, were men and women dominated by firm religious principles. They came during the general period of the politico-religious struggle which devastated Europe, which we call the Thirty Years' War, and they settled during the following 100 years of political and religious enmity. Even our later great flow of immigration came from countries in which some degree of suppression of the two most powerful human aspirations had molded men's characters and embittered them.

What were they seeking? Merely the privilege of living their own lives in their own way, inspired by a fervent zeal to be free politically and religiously. Here they flourished and became numerous and strong. Each group established a system of government in the several colonies, always a representative system. They centered their community life around their places of worship. Though the separate Colonies differed in customs, widely in religion, and somewhat in the details of their theory of government, when they saw their self-government and their social system menaced, they united regardless of differences in religion or race, and struck out promptly for independence. After winning their independence through the sacrifice of their common blood they set about to establish permanently, upon the soil of America, those principles which had led them to dare the perils of an unknown ocean voyage, to take up an abode in an unknown wilderness.

Many of the Colonies had manifested prejudice against those who differed with them, but when they were thrown together by a common cause—liberty—they at once realized the folly and stupidity of religious intolerence. Their common ideal of self-government and the Union of the States, for the protection of their inalienable rights against the greed and jealousy of the Old World, brought the dawn of religious tolerance to America. Upon the battle fields of the Revolution men for the first time saturated the earth with their blood for a cause, other than that of merely satisfying the greed and selfishness of self-appointed rulers—a cause that made a subject the citizen and the ruler. Then and there they learned that there was no inconsistency, between strong adherence to particular religious convictions and a spirit of tolerance toward other religious beliefs. Upon this spirit the Union was built. Because we have cherished these ideals we have been blessed by the God of nations as no other people.

Are we to lose this priceless inheritance? Shall the enjoyment of free institutions and the benefits of the expansion and diffusion of religion and education make us forget the lessons of the past and permit the kindling on American soil of conflagrations of hate, prejudice, and bigotry? Never, while the spirit of '76 survives!

Must we throw aside the respective creeds that inspire each of us in our life of religious fervor and lofty purpose in order to live in peace and harmony? America must continue to show the world that her Government possesses the capacity that few other governments have enjoyed—the capacity to settle with peace and justice all the problems of race, creed, and nationality. Here in America it is not for one man to judge his brother in his religious opinions any more than in his social or political opinions. It is an American's inalienable right to use his own judgment in every personal problem of life, responsible neither to man nor government, but to his God. Here we have learned that though creeds may vary and tenets of faith may differ, the fundamental purpose of all religions has been to teach man how to live in harmony with his God and his fellow men, to the end that his soul may be worthy of eternal life; that the message of God to His human family is not restricted by national or racial laws; that the love of God and love of fellow men are one and the same thing. All this is strikingly portrayed in a beautiful inscription on one of our public buildings here in Washington, which reads, "God made us neighbors. Let justice make us friends."

Prejudice and bigotry are products of deficient information. They substitute passion for principle; they destroy patriotism—for patriotism embraces amity; they sow animosity and antagonism and destroy cooperation.

It is not enough for us to be tolerant. Tolerant is an unhappy expression. It suggests "to suffer," "to bear with." Let us cultivate a more positive virtue. Let us speak of good will, which is an indispensable foundation for the brotherhood of man. Every religion

rightly understood and practiced is a crusade of good will. America, that has attracted the heroic sons and daughters of all the races of the world, enjoys more than any other nation the unique mission of becoming a broadcasting station for world brotherhood. If America, where there has been the greatest mingling of the races and the greatest experiment of the ages, is to rise to the sublime heights for which we believe she is destined—indeed, which she has already achieved—it is because we have striven to substitute justice and understanding for rivalry, jealousy, and prejudice.

The creed of America is that there is no inferiority of religion and nationality.

Laws, leagues, and courts will never produce good will. They may help, but love, justice, and charity implanted in the human soul can alone make for lasting good will. Religion, all religions, should stimulate love, justice, and charity and abolish hate, prejudice, and intolerance. We are on the way to lasting good will when priest, minister, and rabbi can get together and deliberate not on the major things that divide them but on the major things that unite them. The next step is cooperation. If Catholic and Protestant can not respect each other's opinions, what will a pagan world think of Christianity? If Catholic, Protestant and Jew can not live together, there is an abandonment of that charity which all religions teach.

As in the World War and at the grave of the unknown soldier, we asked not what class or caste or creed, we let down all barriers, we leveled all partitions, so as we move among the living and enjoy the blessings of peace and prosperity, let all these barriers disappear.

We must not confuse what we call religious rights with religious toleration. In this country we need not ask toleration for religion and its free exercise, for it is an inalienable right. We live in a country which happily gives no sanction to bigotry or persecution, and toleration is not an indulgence bestowed upon us by the grace of government, but recognized as an inherent right. Our ideals of religious equality and justice are as fundamental as our love of personal liberty and free speech.

Let us not be satisfied with mere tolerance of our neighbor, but let us make of him our friend. Good will is an expansive spirit that takes in enemies, suppresses jealousy, and embraces rivals; good will seeks the good of all people across all the barriers that caste and class and race can erect. The possession or absence of it is an elemental test of character. I never could understand the religious processes of the man or woman, who would hasten to aid his fellow being, regardless of condition or creed, in suffering or poverty, yet would rob that same fellow being of the full enjoyment of that which was dearer and more priceless to him than anything in life; that for which he would willingly suffer pain and endure destitution, namely, communion with God in the manner his soul prompted. The one is surface or exterior charity, the other is spiritual perfidy.

Religious liberty is nothing more nor less than Christian charity. To be tolerant and charitable is to hate no man, to injure no man, to live in harmony with all men; to assist so far as we can those who need aid, regardless of religious opinion; to practice the duties of citizenship without favor to any religion or religious group, but with due regard to the rights and principles of justice, to which all religions are entitled in a free government.

The tolerant citizen does not limit his friendships and good will to those who only agree with him in faith. The champion of religious liberty is opposed to all political movements that tend to control spiritual conduct, and insists upon confining the jurisdiction of the Government to the protection of the health, happiness, and the inalienable rights to life and property of the citizen.

Religious tolerance, like political tolerance, prompts us to give every human being the utmost concession which trust, justice, and decency permit. No man can be classed as tolerant who entertains in his heart a hatred of all who differ with him on any religious doctrines, or who seeks to deny the American principles of political equality and religious freedom to all his neighbors.

The words "brethren" and "fellow citizen" are synonymous in the vocabulary of men seeking to promote good will and mutual understanding.

We should not take too seriously the movements of lawlessness, bigotry, and intolerance that from time to time appear in our fair land. The great heart of America is tolerant. The overwhelming sentiment of our people is to maintain unsullied our most priceless liberties—freedom of speech, freedom of the ballot, and freedom of the pulpit.

Underlying influences certain to appear occasionally not only against religious liberty but against our very form of government will never penetrate below the surface into the fair breast of the Nation.

We have numerous forces and forms of tyranny and oppression outside the domain of religion to battle against and destroy. Every form of social and industrial injustice is an enemy of liberty; racial hatred is a form of oppression; monopolistic combinations that enhance the cost of living, lessen the purchasing power of wages, and increase the already too great disparity of living conditions between the rich and poor lead to economic slavery; the possession of the country's resources by a limited few may eventually mean for America what it has meant to other peoples of the world, the establishment of a dynasty of wealth instead of a democracy.

If we are to preserve the soul and spirit of America, we must check the present tendency of directing our governmental energy toward restricting instead of enlarging individual liberty; toward bureaucratic instead of popular government. When governments carry this policy to any extreme they cease to adhere to true principles of liberty and to remain democracies. These, and in fact all our great political problems, involve no religious tenets.

The slave mind, which education and religion should eradicate, has no place in a democracy. The slave mind has no vision and can not grasp the necessity of action when inaction means retrogression and disintegration.

The slave mind is found everywhere—on the platform, in the press, and sometimes in the pulpit; aye, it is found in public service and in politics. It applauds the cant of the demagogue and secretly encourages the bigot. It votes for party labels and not principles. It follows blindly party leadership regardless of the purpose and selfish interests of that leadership. It votes for the party program in the halls of legislation and it votes the party ticket on election day, regardless of convictions.

The slave mind remains silent when one should speak, for fear lest the smile of favor of those in high places be lost; it follows the mob—for there are mobs of social snobbery and class privilege as well as mobs of ignorance and lawlessness.

All nations have been cursed from time to time with movements, temporary in nature, hindering the onward march of the spirit of tolerance. When Jefferson advocated the separation of the church and state he was denounced from platform and pulpit as an infidel, though he was at the same time spending his nights on the codification of The Morals of Jesus.

Less than 100 years ago a political party placed a presidential candidate upon a platform having no other ruling principle than an appeal to a supposed prejudice against Freemasonry. Later, masquerading as the American Party, a strong political organization made an appeal to the people in one or more presidential campaigns based upon religious intolerance and prejudice against those of foreign birth. These movements failed because the principles which were espoused were subversive of our institutions; because a people so persevering in its fight for civil liberty will never waver when put to the test in its opposition to religious intolerance.

The American Protestant, the American Catholic, and the American Jew, and the American of no religious creed must stand united in firm opposition to any intolerant movement which deprives any group of equal rights under the law or curtails personal liberty of conscience or religion.

Let us, therefore, live in the sunlight of American liberty, hating no man who, because of his belief, may not agree with us. Let us live in harmony with all men, assisting, so far as we can, those who need our help, regardless of their religious opinion; practicing the duties of citizenship without favor to any one class or religious group, but with due regard to the rights and principles of justice for all.

Let us live in unity with our neighbor and make of him our friend, and remember that what is true of nations is as true of the individual—"Give to the world the best that you have and the best will come back to you."

ADDRESS OF SENATOR JAMES E. WATSON

Mr. DILL. Mr. President, I ask unanimous consent to have inserted in the RECORD a speech delivered over the radio by the Senator from Indiana [Mr. WATSON], Saturday evening, November 5, 1927, at New York City, on the subject of the achievements of the Federal Radio Commission.

There being no objection, the speech was ordered printed in the RECORD, as follows:

ACHIEVEMENTS OF THE RADIO COMMISSION

It is my first duty, as well as my first pleasure, to make my grateful acknowledgments to Mr. Merlin H. Aylesworth, president of the National Broadcasting Co., for this opportunity to present as fully as possible within the brief time allotted to me the achievements of the Federal Radio Commission.

I am not a radio engineer and I shall not venture to discuss the complex problems involved in that phase of radio transmission. Nor shall I attempt to set forth the use and the importance of this great agency in our present daily affairs; its educational and cultural advantages; its utilization by business concerns of every character and by farmers and others interested in the dissemination of information regarding all the problems relating to our farm life; the pleasure and enjoyment it brings to seven millions of American homes that may listen to instruction every day and to entertainment every night by the best the Nation affords. This agency by its ship-to-ship, its ship-to-shore, and its shore-to-ship communications almost revolutionized ocean transportation, rescuing hundreds of lives and saving millions in money before broadcasting was dreamed of. Since that it has become the source of enjoyment to the youth, of entertainment and culture to those of middle life, and of comfort and consolation to the

aged of our land, and has woven itself inextricably into the very fiber of our civilization. Nor shall I attempt to portray the mysteries of this force which has been projected to 500 feet of firm rock and a dozen feet of solid lead, a force by means of which the voice of the orator and of the prima donna may be heard across the continent swifter than the coming light. Certainly it is renewed evidence of the sublime fact that "God moves in a mysterious way his wonders to perform."

NOT BROADCASTING ALONE

As a whole, the public knows more about broadcasting than any other phase of radio transmission, but it is by no means the sole subject with which the commission has been compelled to deal. The law of 1927 places all the uses of radio, except alone those of various governmental departments, under the jurisdiction of the commission. These uses include all point-to-point stations, which form of transmission is yet in its infancy, but which is destined to become of tremendous importance in the immediate future, 2,000 ship stations, 200 experimental stations, 16,000 amateur stations, 340 land communication stations, and more than 100 technical and trade-school stations, with a great host of people clamoring all the while for a more efficient service and with an ever-increasing number demanding an opportunity to "get on the air."

The radio act of 1927 became law on February 23 of this year. In substance, it provides that no apparatus shall be used within the United States or its possessions to transmit energy or communications by radio except under Federal license. Authority to issue, withhold, modify, or revoke radio licenses, and to make such regulations regarding radio transmission as are necessary in the public interest, is vested by the law in the commission for a period of one year from its first meeting, March 14, 1927.

The law gives great discretionary power to the licensing authority. It is directed to issue licenses to applicants "if public convenience, interest, or necessity will be served thereby," and thus it is their duty to determine whether the public convenience, necessity, or interest served by any given radio station is sufficient to offset the crowding which such a station inevitably causes in the limited number of available wave lengths.

Similarly, the licensing authority may make changes in the wave lengths, authorized power, or hours of operation of any radio station if, in its judgment, "such changes will promote public convenience or interest or will serve public necessity." The power to revoke licenses is given "for failure to operate substantially as set forth in the license" and for various other specified causes.

This, in brief, is the legal foundation upon which the Federal Radio Commission undertook its work. The exact nature of the task which faced it can best be understood if we look for a moment at what had happened to American radio broadcasting during the eight months immediately preceding the passage of the radio act of 1927.

CONDITIONS WHEN COMMISSION TOOK CHARGE

On June 30, 1926, there were under the jurisdiction of the Department of Commerce 535 licensed broadcasting stations. Even with that number radio reception was by no means satisfactory, and the department was disapproving practically all requests for new licenses, for changes of frequency or for power increases, on the unchallengeable ground that there was no more room.

Then, most unexpectedly, came the decision by a Federal court in the Zenith case, followed by an opinion of the Attorney General based on it, making it evident that the Department of Commerce had no recourse but to approve any and every application made to it. Secretary Hoover did everything possible for any individual to do to preserve order, as well as private and public rights, in this great field of activity, but his hands were securely tied and he was rendered practically helpless by this decision effectively to serve the public. The Government issued a warning and an appeal, pointing out that public interest absolutely required the maintenance of the radio situation approximately unchanged until a new law was enacted by Congress, and this appeal was seconded by practically all the responsible organizations connected with radio.

Despite these warnings there followed nearly eight months of wholesale "air piracy." Public opinion was most vehement against the "wave jumpers," but, as a matter of fact, they were not the ones responsible for the greatest trouble. Of the 535 broadcasting stations licensed as of June 30, 1926, there were only 86, or 16 per cent, who took advantage of the situation to change their frequencies.

Far more numerous, if not individually so troublesome, were the "power jumpers," 168 in number, or 31 per cent of the whole. Since 40 broadcasters changed both power and frequency, the total number of those who helped themselves during the eight months' period to privileges which had been denied them before the breakdown of regulation was 214, or 40 per cent of the entire list. Twenty-seven stations by some happy miracle, dropped out; the remainder, 294, or 55 per cent took no advantage of the situation.

RESULTING CHAOS

After the decision in the Zenith case, practically holding that nobody had any right to any wave length and that the Secretary of Commerce had no authority to bestow any such right, there was an indiscriminate scramble on the part of those who had been denied the privilege of erecting stations or broadcasting on desired wave lengths to take whatever they wanted, and this resulted in a chaos so complete that nation-wide interference and static and heterodyning almost destroyed the usefulness of this agency.

And so it was neither the "wave jumpers" nor the "power jumpers," however, that did the real mischief. Scarcely was the ink dry on the Attorney General's opinion before this wild scramble to "get on the air" began before Congress could act. Between July 1, 1926, and February 23, 1927, the Department of Commerce found itself compelled to license no fewer than 225 new stations. In eight months the total number increased 37 per cent, or up to 735 stations.

In vain were most vigorous protests heralded throughout the land that there were no available frequencies; in vain were announcements repeatedly made that public interest was being ruthlessly sacrificed by the men who were rushing into a field already overcrowded. And it was not until the radio act of 1927 was approved that this utterly disastrous scramble ceased.

PROBLEM TO BE SOLVED

What was the new Federal Radio Commission to do with such a situation? It was easy for irresponsible counselors to say, "Cut out half the stations," but the law made no provision for revoking a license except for some unlawful act or for failure to obey the orders of the commission under the new law itself.

And because congestion still exists and because reception in multiplied instances is now anything but satisfactory we still have multitudes of people who insist on the commission summarily cutting off one-half of all the broadcasting stations in order to give the remainder exclusive use of these channels of communication. But these impatient individuals must remember that there is something else besides the mere physical and engineering aspects of the case to be considered. It would indeed be easy for a competent engineer to sit down and work out a scheme that would solve the problem in accordance with this program, but it must be remembered that there are legal questions of personal and property rights that can not be overlooked if the law is to be sustained.

Moreover, there are questions of justice and fair dealing involved, for the past service of stations must be taken into consideration and it can not be forgotten that those granted the right to certain wave lengths and power and division of time by the commission, even under stress of circumstances, and who because of such grant invested money and established stations and acquired a clientele have rights that everybody is bound to respect. Nor must it be forgotten that the rights of religious bodies are brought into the situation and that the contentions of labor organizations, and other associations of like character who insist on the right of free speech, simply must be dealt with and can not be cast into the scrap heap.

Putting the "wave jumpers" and the "power jumpers" all back where they were on June 30—another favorite suggestion—would have accomplished nothing with regard to the 225 newcomers, who manifestly could not be put where they came from, as they had come from nowhere. They were all new. To make matters still more complex, a few of the "jumpers," and a very few, though not many, of the newcomers, were clearly rendering a real and valuable service, quite within the intent of the law.

OTHER DIFFICULTIES

In recounting the complex and vexatious problems that confronted the commission on its assembling, please remember that Congress, while it established the commission, failed to appropriate a dollar for its organization or its operation or its maintenance. So that when it met to begin its duties it was anything but a going concern. Its members were not even personally acquainted with one another, and the chairman had to call the first meeting by radio and wire from Peking.

There was no clerical staff to handle the enormous volume of mail that poured in. The entire organization, necessarily very limited because of lack of adequate funds, even to provide a sufficient corps of stenographers and clerks, to say nothing of technical aides, had to be built up by the commissioners while they were carrying on the work, for the public demand for immediate action was so strong and so entirely legitimate that delay was out of the question.

The commission's first step was to segregate broadcasting from all other forms of radio activity, in order to give it immediate and practically exclusive attention. It is by no means clear that broadcasting is the most important part of the field covered by the radio act, but certainly it was the part which, from the standpoint of public convenience, necessity, and interest, most urgently required action.

Then, in order to get the full benefit of the country's best-informed opinion on the subject, the commission arranged for a general public conference, to be held in Washington late in March, in the hope that suggestions might be there presented for the solution of the problem.

The conference was a magnificent success in showing the commission just how difficult its task was, for there was a confusion of tongues there almost equal to the worst static. We were most forcefully reminded by the varied interests represented that the commission must

on no account widen the broadcasting band, that it must maintain a separation of at least 10 kilocycles between adjacent channels, that it must keep stations in the same community fully 50 kilocycles apart, that it must not require too much division of time, that it must not prohibit the use of high power, that it must not put more than a very limited number of stations on the same frequency. Only one question, reiterated by the commissioners over and over again, remained unanswered: "How can all these admirable things be done?"

Meanwhile the 60 days which the radio act set aside as a period of grace were passing by; on April 24 every broadcaster in the country, unless relicensed, might contemplate the choice between a fine of $5,000 and five years in the penitentiary, the penalties provided by law for broadcasting without a license. Accordingly, as the applications for new licenses came in, the commission issued temporary permits, good only until revoked or superseded.

The commission had prepared and mailed to all broadcasters the forms for application for new licenses, and these forms, executed under oath, provided much of the information upon which any new general reallocation could be undertaken until all of the 733 licensed broadcasters and the 300 or 400 new applicants had filed these forms with the commission, and there was no way of compelling anyone to file them before the 60 days of grace were up on April 24. As a matter of fact, it was April 27 before the commission had in hand the material necessary as the basis for a general reallocation, and so, in order that broadcasting might go on for the next few weeks, the commission issued its temporary permits on the old basis, except in two respects.

TWO TROUBLESOME QUESTIONS

During the uncontrolled period a number of broadcasters had deliberately violated the agreement entered into with Canada whereby 6 of the 91 broadcasting channels were to be reserved exclusively for Canadian use. No temporary permits were issued for these channels, and their complete and immediate clearance was the commission's first definite achievement. Furthermore, about 120 stations had elected to operate on "split frequencies"—that is, on frequencies less than 10 kilocycles removed from the nearest authorized one—so that each one was causing interference on at least two wave lengths. All of these wandering souls, under the temporary permits were put where they would make a little less trouble.

All the broadcasting applications were received and the temporary permits issued by April 27. Then began the work of reallocation. In theory it would have been desirable for every station to have appeared before the commission and set forth its claims before it was reassigned, but such hearings, even at the rate of two or three a day, would have consumed more than a year, and meanwhile the public would have had no vestige of relief.

It was determined, therefore, to set up, as a basis for future developments, an immediate reallocation based on such evidence of ability to serve the public as was then available. That such an arrangement, involving more than 730 broadcasting stations, would be far from ideal was perfectly obvious.

The making of this reallocation was a stupendous task, for not only did the evidence regarding the public service rendered by each of the stations have to be weighed, but a place had to be found for each one consonant with its apparent merits, clear of local overlapping, and reasonably free from distant heterodyning.

THE REAL WORK BEGUN

The new allocations were announced on May 24, four weeks after the applications were all in hand, and went into effect on June 15. There was protest on the part of some of the broadcasters, but the authority of the commission remained essentially unchallenged, and the allocations of June 15, modified in individual instance, appear to have established themselves beyond question as the basis for the future development of American broadcasting service, though many changes and reallocations have since been rendered necessary by sheer force of circumstances.

On May 27 began the period of public hearings, a period which will continue throughout the life of the commission. Any broadcaster who is dissatisfied with his assignment of frequency, or of power, or of time division may apply for any change he wishes, provided only that his application specifies the exact frequency, power, or time he desires.

Since it is obvious that no such application can be granted without injury to some other station, every wave length being packed to capacity, each hearing becomes a definite contest among two or more parties, and in this way the relative claims of the stations, on the basis of public service, are brought out. The same thing applies to interference between stations; definite machinery has been set up for hearings to remedy such conflicts.

Between May 27 and October 15 the commission held some 70 of these public hearings, most of them in Washington, although a few hearings were held by individual commissioners at distant points, thus giving everybody an opportunity to be heard. As most hearings have involved at least two stations, and some of them as many as half a dozen, it follows that through this agency something like 150 broadcasting stations have already appeared before the commission and publicly placed on the records, under oath, their statements as to what they have done and are doing to serve public interest, convenience, or necessity. The fact that every hearing is open to the public has been of great value in bringing every application, and also every valid opposition to it, out into the open. The commission has not done its work behind closed doors.

The hearings have provided the commission with a vast amount of information, and in accordance with it many changes have been made in the original allocations of June 15. Furthermore, practical experience, which is the only sure guide in such matters, has shown many cases of serious interference, and in such cases, wherever possible, the commission has acted under the "public convenience, necessity, or interest" clause of the law; and by changes of wave lengths, reduction of power, or further division of time has taken steps to reduce interstation interference to a minimum. This process is constantly going on; every day or two the commission announces one or more changes, all designed for the single purpose of providing better radio service to the American listener.

RESULTS SUBSTANTIAL AND DEFINITE

It should be made clear that, in the present stage of radio engineering, no ideal condition for all the broadcast listeners is conceivable. It would require 10,000 broadcasting stations on the air to give all the listeners what they want when they want it, and then nobody could hear anything at all. The aim of the commission is to give every part of the United States a reasonable variety of broadcast service, dependable and free from abnormal interference, and at the same time to safeguard the rights of the broadcasters in so far as they do not conflict with the rights of the listeners.

In some ways the greatest achievement of the commission has been the extraordinary improvement in the work being done by the broadcasters themselves. Knowing that the commission will judge them solely on the standard of public service, they have made notable changes in the character of their programs, and the records of the commission are full of instances in which, as soon as the commission's policy was made known, broadcasters hastened to replace programs of trashy entertainment by ones of real public value. Furthermore, the insistence on a strict maintenance of the assigned frequency has resulted in a marked improvement in the character of radio transmission. Whereas last February only a very few stations were equipped with adequate devices for staying on their wave lengths, there were to-day very few stations of any importance which have not such equipment.

Such, in brief, has been the work of the Federal Radio Commission during its first months. Much could be said of the loyal work done by its far too small clerical staff, of the generous aid given to it by the leading scientists and engineers of the radio industry, of the splendid support of the press, of the fine cooperation of most of the broadcasters themselves, of the invaluable assistance given by other branches of the Federal Government.

Its most serious handicap—more disturbing by far even than its shortage of funds—was the prolonged illness and death of one of its five members, Col. John F. Dillon, whose long experience, shrewd judgment, and unswerving courage were an incalculable help to his colleagues throughout the first 12 weeks; and very recently the unexpected resignation of Henry H. Bellows, who because of previous knowledge and experience and an ardent love of the cause had become one of the most useful members of the commission and one of the best-informed men on the subject in the whole country.

The commission is by no means inclined to overestimate its achievement so far; it recognizes that there is much even in the broadcasting field yet to be done, and the other and potentially greater field of point-to-point communication is as yet practically untouched. It feels, however, that it has definitely established its own authority to serve the public and that it has provided a basis for a progressive and orderly clearing up of the radio situation. More than this, it hopes that in the performance of its difficult task it has won the confidence and good will of the broadcasters, of the radio industry, and, most of all, of the public. It is on the basis of public confidence that it has carried out the task intrusted to it by Congress in the administration of a very notable piece of national legislation, the radio act of 1927.

And it is my deliberate judgment, after a careful survey of the entire situation, that the Radio Commission has fully justified its creation and that, notwithstanding the many disappointments that its decisions have occasioned, it ought to and will receive the unstinted support of a grateful people.

APPROPRIATIONS FOR DEPARTMENTS OF STATE, JUSTICE, ETC.

Mr. JONES. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1929, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES. I ask unanimous consent that the formal reading of the bill may be dispensed with and that the bill may be read for amendment, the amendments of the committee to be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The first amendment of the Committee on Appropriations was, under the subhead "Diplomatic and consular establishments, Tokyo, Japan," on page 8, line 7, after the word "made," to strike out "a part of this appropriation" and insert "available for the purposes of this paragraph," so as to read:

For the acquisition in Tokyo, Japan, of additional land adjoining the site of the former American Embassy and such other land as may be necessary, and the construction thereon of suitable buildings for the use of the diplomatic and consular establishments of the United States, the said buildings to include residences for the diplomatic and consular representatives, and the furnishing of the same, as provided in the act entitled "An act to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan," approved February 21, 1925, $250,000: *Provided*, That the unexpended balances of the appropriations for the acquisition of diplomatic and consular establishments, Tokyo, Japan, available for the fiscal year 1928, are hereby made available for the purposes of this paragraph, all of which shall remain available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Allowance for clerk hire at United States consulates," on page 8, line 23, after the numerals "$1,645,000," to strike out "Clerks, whenever hereafter appointed, shall, so far as practicable, be appointed under civil-service rules and regulations," so as to read:

For allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $1,645,000.

The amendment was agreed to.

The next amendment was, under the subhead "Waterways treaty, United States and Great Britain: International Joint Commission, United States and Great Britain," on page 23, after line 9, to insert:

For an additional amount for the waterways treaty, United States and Great Britain; International Joint Commission, United States and Great Britain, including personal services, procurement of technical and scientific equipment, and the hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles, $75,000, to be immediately available, which amount may be transferred by the Secretary of State, with the approval of the Secretary of the Interior, to the United States Geological Survey for direct expenditure.

Mr. McKELLAR. I offer an amendment to the amendment. I understand it is acceptable to the Senator from Washington.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 23, line 19, after the word "expenditure," it is proposed to insert the following:

Provided, That no work authorized by this paragraph shall duplicate work done by any other bureau or department.

Mr. JONES. I have no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Tennessee to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous expenses, Supreme Court," on page 37, line 3, after the words "United States," to insert "including rent of office for the reporter in Washington," and in line 5 to strike out "$18,874" and insert "$20,374," so as to read:

For miscellaneous expenses of the Supreme Court of the United States, including rent of office for the reporter in Washington, to be expended as the Chief Justice may direct, $20,374.

The amendment was agreed to.

The next amendment was, on page 38, after line 15, to insert:

Salaries and expenses of commissioners, Court of Claims: For salaries of seven commissioners at $5,000 each, and for travel expenses, compensation of stenographers authorized by the court, and for stenographic and other fees and charges necessary in the taking of testimony and in the performance of the duties prescribed in the act entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," approved February 24, 1925, to be immediately available, $90,112.50.

The next amendment was, under the subhead "Penal and correctional institutions," on page 44, line 23, after the word "of," to strike out "$150,000" and insert "$250,000," so as to read:

United States penitentiary, Leavenworth, Kans.: For the United States penitentiary at Leavenworth, Kans., including not to exceed $270,000, for salaries and wages of all officers and employees, $880,000.

The appropriation of $250,000 for the fiscal year 1928 for a working capital fund is reappropriated and made available for the fiscal year 1929; and the said working capital fund and all receipts credited thereto may be used as a revolving fund during the fiscal year 1929.

The amendment was agreed to.

The next amendment was, on page 45, line 7, after the word "of," to strike out "$250,000" and insert "150,000," so as to read:

The appropriation of $150,000 for the fiscal year 1928 for a working-capital fund is reappropriated and made available for the fiscal year 1929; and the said working-capital fund and all receipts credited thereto may be used as a revolving fund during the fiscal year 1929.

The amendment was agreed to.

The next amendment was, on page 46, after line 16, to insert:

Not exceeding $20,000 of the unexpended balance of the appropriation for the erection of a family building, provided for in the act making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1928, and for other purposes, approved February 24, 1927, is hereby made available for the erection of a 9-foot wire fence on three sides of the school, approximately 12,000 lineal feet, to prevent trespassing upon the grounds of the schools and the escape of the inmates.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, Department of Commerce," on page 50, line 15, after the name "Patent Office," to strike out "$715,000" and insert "$735,000," so as to read:

For all printing and binding for the Department of Commerce, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Patent Office, $735,000.

The amendment was agreed to.

The next amendment was, under the subhead "Aircraft in commerce," on page 51, line 20, after the word "exceed," to strike out "$153,760" and insert "$193,760," so as to make the paragraph read:

Aircraft in commerce: To carry out the provisions of the act approved May 20, 1926, entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes," including personal services in the District of Columbia (not to exceed $193,760 for the fiscal year 1929) and elsewhere; rent in the District of Columbia and elsewhere; traveling expenses; contract stenographic reporting services; fees and mileage of witnesses; purchase of furniture and equipment; stationery and supplies, including medical supplies, typewriting, adding, and computing machines, accessories and repairs; maintenance, operation, and repair of motor-propelled passenger-carrying vehicles; purchase of not to exceed five airplanes, including accessories and spare parts, and maintenance, operation, and repair of airplanes, including accessories and spare parts; special clothing, wearing apparel, and similar equipment for aviation purposes; purchase of books of reference and periodicals; newspapers, reports, documents, plans, specifications, maps, manuscripts, and all other publications; and all other necessary expenses not included in the foregoing, $662,000.

The amendment was agreed to.

The next amendment was, on page 52, line 19, after the word "exceed," to strike out "$37,400" and insert "$50,000," and on page 53, line 2, after the word "grant," to strike out "$3,209,850" and insert "$3,684,850," so as to read:

Air-navigation facilities: For the establishment and maintenance of aids to air navigation, including the equipment of additional air-mail routes for day and night flying; the construction of necessary lighting, radio, and other signaling and communicating structures and apparatus; repairs, alterations, and all expenses of maintenance and operation; for personal services in the District of Columbia (not to exceed $50,000) and elsewhere; purchase, maintenance, operation, and repair of motor-propelled, passenger-carrying vehicles, including their exchange; purchase of not to exceed five airplanes, including accessories and spare parts, maintenance, operation, and repair of airplanes, including accessories and spare parts and special clothing, wearing apparel, and suitable equipment for aviation purposes; and for the acquisition of the necessary sites by lease or grant, $3,684,850.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Foreign and Domestic Commerce," on page 54, line 6, after the name "United States," to strike out "$844,143" and insert

"$904,143," and in line 7, before the word "may," to strike out "$63,625" and insert "$75,000," so as to read:

Promoting commerce in Europe and other areas: Investigations in Europe and other areas for the promotion and development of the foreign commerce of the United States, $904,143, of which amount not to exceed $75,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 54, line 11, after the name "United States," to strike out "$458,817" and insert "$468,817," so as to read:

Promoting commerce in Latin America: Investigations in Latin America for the promotion and development of the foreign commerce of the United States, $468,817, of which amount not to exceed $113,800 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 54, at the beginning of line 14, to insert "Promoting commerce in the Far East," so as to read:

Promoting commerce in the Far East: Investigations in the Far East for the promotion and development of the foreign commerce of the United States, $365,000, of which amount not to exceed $107,060 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 54, line 22, after the word "exceed," to strike out "$8,500" and insert "$17,000," so as to make the paragraph read:

Promoting commerce in Africa: Investigations in Africa for the promotion and development of the foreign commerce of the United States, $105,010, of which amount not to exceed $17,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 55, line 13, before the word "of," to strike out "$495,000" and insert "$540,000," so as to read:

District and Cooperative Office Service: For all expenses necessary to operate and maintain district and cooperative offices, including personal services in the District of Columbia and elsewhere, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, purchase of maps, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, not exceeding $800 for newspapers, both foreign and domestic, for which payment may be made in advance, and all other publications necessary for the promotion of the commercial interests of the United States, and all other incidental expenses not included in the foregoing, $540,000, of which amount not to exceed $21,500 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 57, line 18, before the word "of," to strike out "$275,000" and insert "$290,000," so as to make the paragraph read:

Domestic commerce and raw-materials investigations: For all expenses, including personal services in the District of Columbia and elsewhere, purchase of books of reference and periodicals, furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, medical supplies and first-aid outfits, reports, documents, plans, specifications, manuscripts, maps, and all other publications, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, and all other incidental expenses not included in the foregoing, to enable the Bureau of Foreign and Domestic Commerce to collect and compile information regarding the disposition and handling of raw materials and manufactures within the United States; and to investigate the conditions of production and marketing of foreign raw materials essential for American industries, $290,000, of which amount not to exceed $121,520 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Standards," on page 69, line 15, after the word "field," to strike out "$10,000" and insert "$15,000"; and in line 16, after the word "exceed," to strike out "$9,200" and insert "$14,000," so as to make the paragraph read:

Color standardization: To develop color standards and methods of manufacture and of color measurements, with special reference to their industrial use in standardization and specification of colorants such as dyestuffs, inks, and pigments, and other products, paint, paper, and textiles, in which color is a pertinent property, including personal services in the District of Columbia and in the field, $15,000, of which amount not to exceed $14,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 82, at the end of line 21, to strike out "$311,640" and insert "$315,640," so as to make the paragraph read:

Pacific coast: For surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States, including not to exceed $3,000 for construction of temporary shelter for the care of equipment and housing of personnel; $315,640.

The amendment was agreed to.

The next amendment was, on page 82, at the end of line 26, to strike out "$26,000" and insert "$26,775," so as to make the paragraph read:

Tides, currents, etc.: For continuing researches in physical hydrography, relating to harbors and bars, and for tidal and current observations on the coasts of the United States, or other coasts under the jurisdiction of the United States, $26,775.

The amendment was agreed to.

The next amendment was, on page 84, at the end of line 4, to strike out "$88,000" and insert "$88,735," so as to make the paragraph read:

Federal, boundary, and State surveys: For continuing the lines of exact levels between the Atlantic, Pacific, and Gulf coasts; determining geographic positions by triangulation and traverse for the control of Federal, State, boundary, county, city, and other surveys and engineering works in all parts of the United States; determining field astronomic positions and the variation of latitude, including the maintenance and operation of the latitude observatory at Ukiah, Calif., not exceeding $2,500; establishing lines of exact levels, determining geographic positions by triangulation and traverse, and making astronomic observations in Alaska; and continuing gravity observations in the United States and for making such observations in regions under the jurisdiction of the United States and also on islands and coasts adjacent thereto, $88,735.

The amendment was agreed to.

The next amendment was, on page 85, at the end of line 9, to strike out "$645,000" and insert "$650,000," so as to make the paragraph read:

For all necessary employees to man and equip the vessels, including professional seamen serving as mates on vessels of the survey, to execute the work of the survey herein provided for and authorized by law, $650,000.

The amendment was agreed to.

The next amendment was, on page 86, at the end of line 22, to strike out "$64,500" and insert "$65,000," so as to make the paragraph read:

Office expenses: For purchase of new instruments (except surveying instruments), including their exchange, materials, equipment, and supplies required in the instrument shop, carpenter shop, and drawing division; books, scientific and technical books, journals, books of reference, maps, charts and subscriptions; copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, rubber gloves, and electrotyping supplies; photolithographing charts and printing from stone and copper for immediate use; stationery for office and field parties; transportation of instruments and supplies when not charged to party expenses; office wagon and horses or automobile truck; heating, lighting, and power; telephones, including operation of switchboard; telegrams, ice, and washing; office furniture, repairs, traveling expenses of officers and others employed in the office sent on special duty in the service of the office; miscellaneous expenses, contingencies of all kinds, not exceeding $90 for street-car fares, $65,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 91, line 18, before the word "for," to strike out "$40,000" and insert "$47,000," and on page 92, at the end of line 6, to strike out "$360,000" and insert "$367,000," so as to make the paragraph read:

Alaska, general service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands, of Alaska; not exceeding $47,000 for construction, improvement, repair, and alteration of buildings and roads, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, purchase of sea otters, and for all expenses necessary to carry out the provisions of the act entitled "An act to protect the seal fisheries of Alaska,

and for other purposes," approved April 21, 1910, and for the protection of fisheries of Alaska, including contract stenographic reporting service, travel, subsistence (or per diem in lieu of subsistence) of employees while on duty in Alaska, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $367,000, of which $100,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Mines," on page 96, line 5, after the numerals "$342,630," to insert a colon and "*Provided*, That of this amount not to exceed $500 may be expended for the purchase and bestowal of trophies in connection with mine rescue and first-aid contests," so as to read:

Operating mine rescue cars and stations: For the investigation and improvement of mine rescue and first-aid methods and appliances and the teaching of mine safety, rescue, and first-aid methods, including the exchange in part payment for operation, maintenance, and repair of mine rescue trucks, the construction of temporary structures and the repair, maintenance, and operation of mine rescue cars and Government-owned mine rescue stations and appurtenances thereto, including the purchase and equipment of one mine rescue car not to exceed $45,000, and including personal services, traveling expenses and subsistence, equipment, and supplies, including the purchase and exchange in part payment therefor of cooks' uniforms, goggles, gloves, and such other articles or equipment as may be necessary in the operation of mine rescue cars and stations, including not to exceed $14,140 for personal services in the District of Columbia, $342,630: *Provided*, That of this amount not to exceed $500 may be expended for the purchase and bestowal of trophies in connection with mine rescue and first-aid contests.

The amendment was agreed to.

The next amendment was, on page 104, line 11, before the word "of," to strike out "$250,000" and insert "$275,000," so as to read:

Economics of mineral industries: For inquiries and investigations, and the dissemination of information concerning the economic problems of the mining, quarrying, metallurgical, and other mineral industries, with a view to assuring ample supplies and efficient distribution of the mineral products of the mines and quarries, including studies and reports relating to uses, reserves, production, distribution, stocks, consumption, prices, and marketing of mineral commodities and primary products thereof; preparation of the reports of the mineral resources of the United States, including special statistical inquiries; statistical studies and reports relating to mine accidents; and including personal services in the District of Columbia and elsewhere; purchase of furniture and equipment; stationery and supplies; typewriting, adding, and computing machines, accessories and repairs; newspapers; traveling expenses; purchase, not exceeding $1,200, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles; and for all other necessary expenses not included in the foregoing, $275,000, of which amount not to exceed $219,600 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

Mr. JONES. Mr. President, on page 105 I desire to correct a total. I offer an amendment in line 22.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 105, line 22, in the grand total, it is proposed to strike out "$2,532,080" and insert "$2,557,080."

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, Department of Labor," on page 107, at the end of line 2, to strike out "$39,000" and insert "$41,500," so as to read:

For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, laundry, street-car fares not exceeding $200; lighting and heating; purchase, exchange, maintenance, and repair of motor cycles and motor trucks; purchase, exchange, maintenance, and repair of a motor-propelled passenger-carrying vehicle, to be used only for official purposes; freight and express charges, newspapers not exceeding $400, for which payment may be made in advance: newspaper clippings not to exceed $1,800, postage to foreign countries, telegraph and telephone service, typewriters, adding machines, and other labor-saving devices; purchase of law books, books of reference, and periodicals not exceeding $3,250; in all, $41,500; and in addition thereto such sum as may be necessary, not in excess of $13,500, to facilitate the purchase, through the central purchasing office as provided in the act of June 17, 1910 (36 Stat. L. p. 531), of certain supplies for the Immigration Service, shall be deducted from the appropriation "Expenses of regulating immigration" made for the fiscal year 1929 and added to the appropriation "Contingent expenses, Department of Labor," for that year; and the total sum thereof shall be and constitute the appropriation for contingent expenses for the Department of Labor, to be expended through the central purchasing office (division of publications and supplies), Department of Labor.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Labor Statistics," on page 108, at the end of line 8, to strike out "$222,500" and insert "$220,000," so as to read:

Salaries: For the commissioner and other personal services in the District of Columbia in accordance with the classification act of 1923, $220,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CURTIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 42, line 26, it is proposed to strike out "$838,000" and to insert:

$957,000: *Provided*, That of this amount $119,000 shall be available only for the salaries and traveling expenses of law clerks for circuit judges.

Mr. JONES. That is estimated by the Budget, and I have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

Mr. JONES. On page 12, line 22, there was an omission. I offer an amendment to correct it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 12, line 22, it is proposed to strike out "$40,000" and to insert in lieu thereof "$46,900."

The amendment was agreed to.

Mr. JONES. Mr. President, on the authority of the committee I am offering some amendments that really would be subject to points of order. Every one of these amendments was approved by the House committee and in the bill as they reported it, but points of order were made on the floor and they went out. The Senate committee has considered every one of these amendments.

The first amendment is on page 39, line 26.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 39, line 26, after the numerals "$3,672,500," insert the following:

Provided, That there shall be paid hereunder any necessary cost of keeping vessels or other property attached or libeled in admiralty in such amount as the court, on petition setting forth the facts under oath, may allow.

The amendment was agreed to.

Mr. JONES. I offer another amendment on page 47, line 26.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 47, line 26, after the numerals "$2,350,000," insert the following:

Provided, That hereafter contracts for the subsistence and care of Federal prisoners, within the discretion of the Attorney General, may be made for a period not exceeding three years.

The amendment was agreed to.

Mr. JONES. I offer an amendment on page 62, line 3.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 62, line 3, after the word "Census," insert the following:

without regard to the provisions of the classification act, for the purpose of assisting in periodical inquiries: *Provided*, That temporary employees of the Bureau of the Census may be allowed leave of absence with pay at the rate of two and one-half days a month.

The amendment was agreed to.

Mr. JONES. On page 97, line 19, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 97, in line 19, after the word "industries," insert the following:

Provided, That section 192 of the Revised Statutes shall not apply to such purchase of newspapers from this appropriation.

The amendment was agreed to.

Mr. JONES. And I offer a further amendment, on page 100, line 14.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 100, line 14, after the word "fuel," insert the following:

Provided, That all moneys received from the sales of fuel shall be credited to this appropriation and be available for the purposes of this paragraph: *Provided further*, That the requirements of sections 3711 and 3713 of the Revised Statutes relative to the weighing of coal and

wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Government fuel yards at free-on-board destinations outside of the District of Columbia.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I was on the committee that considered this bill. A suggestion was made to me by one of my colleagues as to an amendment that ought to be put on the bill. I neglected to bring it up before the committee, but I do now, and offer this amendment:

On page 27, line 11, after the word "agent," insert "who shall be appointed by and with the advice and consent of the Senate."

This is the appointment of an agent who distributes $350,000 and appoints all kinds of clerks; and he ought to be appointed by and with the advice and consent of the Senate.

Mr. JONES. I am willing to take that amendment to conference.

Mr. McKELLAR. Ought it not to include the counsel, too?

Mr. OVERMAN. No; the agent employs the counsel.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, although I am a member of the committee, I was unable to be present in the committee when the appropriation for aircraft in commerce was considered. I made inquiry of one of the members as to whether the request of the Assistant Secretary of Commerce for Aeronautics of a sufficient sum to carry out the provisions of the air commerce act had been granted by the committee.

Mr. McKELLAR. To what page does the Senator refer?

Mr. BINGHAM. Page 52. I was informed that it had been granted. I regret very much that I was misinformed in the matter, because I should have liked to lay the matter before the committee. When I was informed that his request had been granted I said nothing about it, and had my attention called to it only a few moments ago by the Assistant Secretary of Commerce for Aeronautics.

The paragraph on page 51, under the heading, "Aircraft in commerce," is the paragraph which includes the very appropriation for making possible that inspection of aircraft which the framers of the air commerce act and Congress at the time it was passed believed would do more than anything else to increase safety in the air. I think all of us will agree——

Mr. JONES. I will accept the Senator's amendment.

Mr. McKELLAR. What is the amendment?

Mr. BINGHAM. I should like to have the amount increased to the amount the Budget recommended, namely, $702,000 instead of $662,000.

Mr. McKELLAR. The Senator means that he wishes to have the $662,000, in line 11, page 52, increased to how much?

Mr. BINGHAM. The Budget recommended $702,000; and I think we will all agree that the Budget officer is sufficiently "hard-boiled" not to recommend anything which he thinks is not absolutely necessary. I should like to increase the amount from the $662,000, which the House passed, to $702,000, which is what the Budget recommended; and the chairman of the committee says he will accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. JONES. I ask unanimous consent that the clerks be permitted to change the totals to correspond to the action of the Senate.

The PRESIDING OFFICER. Without objection, that order will be made.

The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

REIMBURSEMENT OF MONEY ADVANCED BY NEVADA

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States in response to Senate Resolution 106, agreed to January 11, 1928, reporting relative to reimbursement of money advanced and expended by the Territory or State of Nevada and assumed by said State in aid of the Government of the United States during the War between the States, which was ordered to lie on the table.

THE MERCHANT MARINE

Mr. JONES. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

ADJOURNMENT UNTIL MONDAY

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned, the adjournment being, in accordance with the previous order, until Monday, January 23, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 20 (legislative day of January 17), 1928

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Stephen Ogden Fuqua, Infantry, from January 14, 1928.

To be lieutenant colonel

Maj. Charles Russell Alley, Chemical Warfare Service, subject to examination required by law, from January 14, 1928.

To be major

Capt. William Francis Freehoff, Infantry, from January 14, 1928.

To be captains

First Lieut. Richard Brownley Gayle, Infantry, from January 13, 1928.

First Lieut. Jesse Benjamin Smith, Infantry, subject to examination required by law, from January 14, 1928.

To be first lieutenants

Second Lieut. George Francis Heaney, jr., Coast Artillery Corps, from January 13, 1928.

Second Lieut. John Humphrey Evans, Infantry, from January 14, 1928.

MEDICAL CORPS

To be captain

First Lieut. Stanley William Matthews, Medical Corps, from January 17, 1928.

MEDICAL ADMINISTRATIVE CORPS

To be captains

First Lieut. William Harvey Kernan, Medical Administrative Corps, from January 12, 1928.

First Lieut. Martin Douglas Mims, Medical Administrative Corps, from January 15, 1928.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

Capt. Harry Russell Evans, Infantry, with rank from July 1, 1920.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

Commander Jonathan S. Dowell, jr., to be a captain in the Navy from the 1st day of November, 1927.

Lieut. Edward B. Rogers to be a lieutenant commander in the Navy from the 1st day of July, 1927.

Lieut. George R. Fairlamb, jr., to be a lieutenant commander in the Navy from the 11th day of September, 1927.

Lieut. Walter C. Calhoun to be a lieutenant commander in the Navy from the 13th day of November, 1927.

Lieut. (Junior Grade) Walter S. K. Trapnell to be a lieutenant in the Navy from the 2d day of December, 1926.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of June, 1927:

Michael H. Kernodle.

Francis D. A. Ford.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1927:

Wilkie H. Brereton.

James B. Hogle.

Samuel G. Kelly.

Asst. Surg. George W. Cooper to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 2d day of June, 1927.

Boatswain William S. Burns to be a chief boatswain in the Navy, to rank with but after ensign, from the 5th day of August, 1926.

Boatswain Harold S. Bogan to be a chief boatswain in the Navy, to rank with but after ensign, from the 23d day of July, 1927.

Electrician Joshua V. B. Mecker to be a chief electrician in the Navy, to rank with but after ensign, from the 10th day of November, 1927.

Radioelectrician Anthony B. Pronier to be a chief radioelectrician in the Navy, to rank with but after ensign, from the 20th day of September, 1927.

MARINE CORPS

Capt. Egbert T. Lloyd to be a major in the Marine Corps from the 7th day of September, 1927.

First Lieut. Merritt A. Edson to be a captain in the Marine Corps from the 21st day of December, 1927.

First Lieut. John A. Tebbs to be a captain in the Marine Corps from the 11th day of January, 1928.

The following-named first lieutenants to be first lieutenants in the Marine Corps from the dates indicated, to correct the dates from which they take rank as previously nominated and confirmed:

James S. Monahan from the 25th day of July, 1925.
John A. Bemis from the 28th day of July, 1925.
Howard N. Kenyon from the 7th day of August, 1925.
William N. McKelvy, jr., from the 11th day of August, 1925.
Andre V. Cherbonnier from the 7th day of September, 1925.
William W. Davies from the 14th day of September, 1925.
Bayard L. Bell from the 15th day of September, 1925.
Vernon E. Megee from the 25th day of September, 1925.
Augustus W. Cockrell from the 27th day of September, 1925.
James M. Smith from the 1st day of October, 1925.
William H. Doyle from the 3d day of December, 1925.
Ernest E. Linsert from the 19th day of January, 1926.
Orin H. Wheeler from the 27th day of January, 1926.
Joseph DaC. Humphrey from the 11th day of February, 1926.
Everett H. Clark from the 24th day of February, 1926.
Lewis A. Hohn from the 3d day of March, 1926.
William O. Brice from the 26th day of May, 1926.
Francis M. Wulbern from the 3d day of June, 1926.
Edwin A. Pollock from the 6th day of June, 1926.
Randolph McC. Pate from the 11th day of June, 1926.
Cornelius J. Eldridge from the 16th day of June, 1926.
Lucian C. Whitaker from the 22d day of June, 1926.
John R. Streett from the 27th day of June, 1926.
Franklin C. Hall from the 11th day of July, 1926.
Beverley S. Roberts from the 15th day of July, 1926.
Dudley W. Davis from the 27th day of August, 1926.
John C. Donehoo, jr., from the 7th day of September, 1926.
Raymond P. Coffman from the 14th day of September, 1926.
Rolph B. DeWitt from the 1st day of October, 1926.
John B. Weaver from the 2d day of October, 1926.
James M. McHugh from the 5th day of October, 1926.
Rupert R. Deese from the 31st day of October, 1926.
Harry E. Dunkelberger from the 11th day of November, 1926.

Second Lieut. James P. Riseley to be a first lieutenant in the Marine Corps from the 9th day of November, 1926.

Second Lieut. Clayton C. Jerome to be a first lieutenant in the Marine Corps from the 15th day of November, 1926.

Second Lieut. Emery E. Larson to be a first lieutenant in the Marine Corps from the 20th day of November, 1926.

Second Lieut. Robert L. Skidmore to be a first lieutenant in the Marine Corps from the 30th day of November, 1926.

Second Lieut. George J. O'Shea to be a first lieutenant in the Marine Corps from the 8th day of December, 1926.

Second Lieut. Charles C. Brown to be a first lieutenant in the Marine Corps from the 31st day of December, 1926.

Second Lieut. Frederick W. Biehl to be a first lieutenant in the Marine Corps from the 3d day of January, 1927.

Second Lieut. Eugene H. Price to be a first lieutenant in the Marine Corps from the 6th day of February, 1927.

Second Lieut. Lyman G. Miller to be a first lieutenant in the Marine Corps from the 13th day of February, 1927.

Second Lieut. Ralph E. Forsyth to be a first lieutenant in the Marine Corps from the 7th day of March, 1927.

Second Lieut. William M. Mitchell to be a first lieutenant in the Marine Corps from the 31st day of March, 1927.

Second Lieut. James A. Stuart to be a first lieutenant in the Marine Corps from the 9th day of April, 1927.

Second Lieut. Pierson E. Conradt to be a first lieutenant in the Marine Corps from the 14th day of April, 1927.

Second Lieut. Howard R. Huff to be a first lieutenant in the Marine Corps from the 10th day of May, 1927.

Second Lieut. William W. Orr to be a first lieutenant in the Marine Corps from the 29th day of June, 1927.

Second Lieut. Oregon A. Williams to be a first lieutenant in the Marine Corps from the 7th day of July, 1927.

Second Lieut. Clifton L. Marshall to be a first lieutenant in the Marine Corps from the 25th day of July, 1927.

Second Lieut. Evans F. Carlson to be a first lieutenant in the Marine Corps from the 7th day of September, 1927.

Second Lieut. John W. Lakso to be a first lieutenant in the Marine Corps from the 21st day of October, 1927.

Second Lieut. Harold C. Roberts to be a first lieutenant in the Marine Corps from the 22d day of October, 1927.

Second Lieut. Monroe S. Swanson to be a first lieutenant in the Marine Corps from the 23d day of November, 1927.

Second Lieut. Franklin W. R. Brown to be a first lieutenant in the Marine Corps from the 21st day of December, 1927.

Second Lieut. Will H. Lee to be a first lieutenant in the Marine Corps from the 29th day of December, 1927.

Second Lieut. William E. Lee to be a first lieutenant in the Marine Corps from the 11th day of January, 1928.

The following-named noncommissioned officers of the Marine Corps to be second lieutenants in the Marine Corps for a probationary period of two years from the 20th day of January, 1928:

Corpl. Clinton E. Fox.	Corpl. Louis C. Plain.
Corpl. Harold R. Lee.	Corpl. Robert L. Peterson.
Corpl. Karl K. Louther.	Corpl. Paul Drake.
Corpl. Walker A. Reaves.	Corpl. George E. Williams.

CONFIRMATION

Executive nomination confirmed by the Senate January 20 (legislative day of January 17), 1928

STEAMBOAT INSPECTION SERVICE

Alexander O. Calcott to be supervising inspector, third district.

HOUSE OF REPRESENTATIVES

FRIDAY, *January 20, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God and our Father, we thank Thee that Thou art the accessible and holy authority for all who come unto Thee. We would be earnest seekers for the power of the spirit of service to fulfill the duties and the privileges of to-day. Lift us far above all blame and need of praise by inspiring us to make our lives noble, our love of country sacred, our loyalty beyond question, and our achievements a rebuke to ease. Blessed Lord God, help us to live among men as builders of all that tends for stability, order, and the very best productiveness in human life. Strengthen our ties of fraternity, broaden our scope of charity, and may our simple, holy faith have a fine fruition in all hearts. After a long while let us rest where all night is past and where the day has dawned forever. In the holy name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9481, with Mr. DOWELL in the chair.

The Clerk read the title of the bill.

Mr. WOOD. Mr. Chairman, I yield myself one hour.

Mr. Chairman and gentlemen of the committee, I will try as best I can, and as briefly as possible, to point out some of the salient features of the bill now before the committee for its consideration.

In presenting the independent offices appropiration bill for the fiscal year ending June 30, 1929, I desire to make the following statement:

The bill embraces regular annual appropriations for the office of the President and for the independent establishments of the Government, and its order and arrangement follow the general outline submitted by the President in the Budget for the fiscal year 1929.

A detailed tabulation will be found at the end of this report showing the amounts appropriated for the fiscal year 1928, the

Budget estimates for 1929, the amount recommended to be appropriated in the bill for 1929, together with the increase or decrease in appropriations and estimates as compared with the amounts recommended in the bill.

APPROPRIATIONS AND ESTIMATES

The Budget estimates upon which this bill is based were submitted by the President in the Budget for the fiscal year 1929 and will be found in detail in Chapter II of that document, pages 31 to 112, inclusive, aggregating $527,553,802.

The total appropriations for the independent offices provided for in this bill for the fiscal year 1928 amounted to $533,908,414.

The amount recommended to be appropriated in the accompanying bill for the fiscal year 1929 is $526,193,111, which sum, compared with the regular annual and deficiency appropriations for 1928 and the estimates for 1929, is as follows:

It is $7,715,303 less than the total of the 1928 appropriations, and it is $1,360,691 less than the estimates submitted for 1929.

In addition to the appropriations above mentioned permanent annual and indefinite appropriations made without annual action by Congress for the fiscal year 1929 are as follows:

Relief of indigent in Alaska	$15,000
Federal Board for Vocational Education	7,367,000
Federal Power Commission	8,250
Federal Reserve Board	2,700,000
Smithsonian Institution	60,000
Veterans' Bureau	74,500,000
Total	84,650,250

EXECUTIVE OFFICE

Under the Office of the Executive appropriations are made for the salaries of the President and Vice President and for personal services in the office of the President. In addition, there are appropriations for contingent and traveling expenses, printing and binding, the upkeep and care of the Executive Mansion and grounds, and the White House police.

ALIEN PROPERTY CUSTODIAN

For the office of the Alien Property Custodian the committee recommends a change in the language of the paragraph providing for the expenses of this activity. Under the terms of the Winslow Act the Alien Property Custodian is authorized and directed to make certain charges in the handling of trust funds and other properties, and as a consequence the cost of the work of this establishment has become self-sustaining. The language recommended by the committee is as follows:

All expenses of the office of the Alien Property Custodian authorized by the act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, including compensation of the Alien Property Custodian at not to exceed $10,000 per annum, shall be paid from interest and collections on trust funds and other properties under the control of such custodian.

The provisions of the above paragraph limit the maximum compensation of the Alien Property Custodian to $10,000 per annum, which heretofore has been at the rate of $7,500 per annum.

There is submitted herewith a statement showing all receipts and disbursements of the Alien Property Custodian from 1918 to October 31, 1927, inclusive:

Receipts and disbursements of the Alien Property Custodian, 1918 to October 31, 1927, inclusive

Fiscal year	Appropriation		Special account [1]		Special account No. 2 [2]	
	Appropriation	Disbursements	Receipts	Disbursements	Receipts	Disbursements
1918	$495,000.00	$494,609.42				
1919	1,015,000.00	998,195.27				
1920	800,000.00	735,852.30				
1921	455,000.00	450,195.41				
1922	375,000.00	369,078.68	$11,295.59	$20,494.19		
1923	370,000.00	322,091.54	62,501.56	66,060.86		
1924	281,200.00	281,019.49	85,349.36	51,804.24	$116,201.17	$94,248.46
1925	225,000.00	203,340.53	14,563.65	46,169.25	162,661.34	178,077.09
1926	189,220.00	148,711.86 [3] 20,000.00	78,899.98	57,969.77	382,890.34	335,499.93
1927	130,650.00	127,066.47	113,842.83	81,971.31	431,213.10	319,575.48
1928 (to Oct. 31, 1927)	[4] 08,000.00	31,306.75	22,693.77	13,280.18	99,760.26	103,757.78
Total	4,434,070.00	4,181,467.72	389,146.74	337,749.80	1,192,726.21	1,031,158.74

[1] Special account—Department of Justice deduction for administrative expense on claims allowed by the department.
[2] Special account No. 2—Deductions on receipts and disbursements of the Alien Property Custodian for the maintenance of this office.
[3] General Accounting Office.
[4] 1928 appropriation covers full fiscal year; appropriation disbursements covers period from July 1, 1927, to Oct. 31, 1927.

For general information the committee submits the following statements showing the trust property on hand and claims paid, the manner in which property has been returned to claimants, and the division of property still held by the Alien Property Custodian; all statements as of October 31, 1927:

Trust property on hand and claims paid, October 31, 1927

Cash deposited with the Secretary of the Treasury:	
Invested	$184,655,065.51
Uninvested	300,864.23
Total cash	184,955,929.74
Cash with depositaries	25,495.87
Stocks	42,951,506.96
Bonds, other than investments made by the Secretary of the Treasury	30,284,948.23
Mortgages	1,924,193.46
Notes receivable	245,483.45
Real estate	3,179,717.62
Accounts receivable	577,931.71
Miscellaneous incorporated business and estates in liquidation and remainderman accounts	464,655.73
Total	264,609,862.77
Claims paid to date	350,068,832.55
Total property accounted for	614,678,695.32

Property returned to claimants, Alien Property Custodian, as of October 31, 1927

Cash returned under sec. 9	$144,224,676.45
Income returned under sec. 23	16,369,034.24
Interest payments under Henkel's decision	1,972,859.72
Stocks returned under sec. 9	62,802,282.93
Bonds returned under sec. 9	58,077,848.56
Real estate returned under sec. 9	9,142,835.30
Mortgages returned under sec. 9	5,676,551.63
Notes receivable returned under sec. 9	3,366,693.93
Accounts receivable returned under sec. 9	6,660,950.98
Miscellaneous property returned under sec. 9	41,775,098.81
Total value of property returned	350,068,832.55

Division of property held by Alien Property Custodian, October 31, 1927

German	$245,213,702.70
Austria and Hungarian	12,337,563.38
Interned	13,230.49
Others	7,045,366.20
Total	264,609,862.77

I wish to say in passing that the present officer in charge of alien property has carried out to the letter the provisions of the Winslow Act in making the office of the Alien Property Custodian self-supporting. A reference to the hearings in this matter will show that the office of the Alien Property Custodian has been conducted at far less expense, in proportion to the amount of assets on hand and the responsibilities involved, than at any time heretofore.

I see by reading the RECORD that some one raised the point that the proposed increase in salary of the Alien Property Custodian, increasing the salary to $10,000, is subject to a point of order. I think if this point is raised when we come to a discussion of the bill in detail, it will be easily determined it is not subject to a point of order, for the reason that the office of the Alien Property Custodian is not under civil service, is not subject to reclassification, and in consequence the Alien Property Custodian could fix salaries ad libitum. For the purpose of making it perfectly within the rule, a limitation has been fixed upon the salary of the Alien Property Custodian at $10,000, and, in my opinion, if there is anybody whose work is worthy of the hire and worthy of the compensation that has been fixed, it is the work that has been done by the Alien Property Custodian.

To indicate the volume of work of the office of the Alien Property Custodian, the following statement is submitted showing the number and disposition of claims filed up to October 31, 1927:

Number and disposition of claims filed up to October 31, 1927

Disposition:	
Suits under sec. 9	528
Allowed by Attorney General	6,822
Disallowed by Attorney General	1,480
Allowed by Alien Property Custodian	23,302
Disallowed by Alien Property Custodian	1,366
Withdrawn	985
Canceled	2,113
Pending before the Alien Property Custodian, Attorney General, and courts	1,940
Total number filed	38,536
Total number filed since Mar. 1, 1923, to Oct. 31, 1927	26,831
Property and cash returned under the Winslow bill from Nov. 1, 1926, to Oct 31, 1927	$4,529,535.10
Property and cash returned under the Winslow bill from April, 1923, to Oct. 31, 1927	53,215,518.10
Property and cash returned under provision of sec. 9, exclusive of Winslow bill	280,484,280.21
Property and cash returned to date	333,699,798.31
Interest and income paid to date	16,369,034.24
Total amount property returned and income paid to date	350,068,832.55

AMERICAN BATTLE MONUMENTS COMMISSION

The $3,000,000 program of the American Battle Monuments Commission to provide for the erection of suitable memorials commemorating the services of the American soldier in Europe is well stabilized and the project consists of eight chapels to be erected in overseas cemeteries; three large memorials and five smaller memorials commemorating the combat activities of the Army; one memorial for the service of supply; two large memorials and three smaller memorials commemorating the work of the Navy; one joint Army and Navy memorial to be erected in Rome; and two bronze tablets. The names and locations of the cemeteries in which memorials will be erected are as follows:

Meuse-Argonne American Cemetery, near Romagne-sous-Montfaucon, France.

St. Mihiel American Cemetery, near Thiaucourt, France.

Oise-Aisne American Cemetery, near Fère-en-Tardenois, France.

Aisne-Marne American Cemetery, near Belleau, France.

Somme American Cemetery, near Bony, France.

Flanders Field American Cemetery, near Waereghem, Belgium.

Suresnes American Cemetery, at Suresnes (near Paris), France.

Brookwood American Cemetery, at Brookwood, England.

With reference to memorials outside of the cemeteries, the three largest ones will be erected at Montfaucon, on Montsec and near Chateau-Thierry, France. The five smaller battle-field monuments will be located as follows:

On Blanc Mont Ridge, in the Champagne region.

Near Bellicourt.

At Cantigny.

At Audenarde, near Ypres. The last two places mentioned are in Belgium and the others in France.

In the city of Tours, France, a monument will be erected to the services of supply.

One of the large naval memorials will be erected at Brest, France, and the other in England. The three smaller naval memorials will be located at Gibraltar, at Corfu, Greece, and at Ponta Delgada, in the Azores; and as stated before, a joint Army and Navy memorial will be placed in Rome, Italy.

The two bronze tablets referred to will mark, respectively, the general headquarters of the American Expeditionary Forces at Chaumont, France, and the headquarters of the First Army, at Souilly, France.

It is hoped that this program may be completed by the end of the fiscal year 1930.

For the current fiscal year authority was granted the commission to prepare and publish a guidebook detailing the operations of the American Expeditionary Forces in Europe. This book was completed in time for the American Legion Convention held in Paris last September, and to date approximately 17,000 copies have been sold.

It will be interesting to the committee for me to state that during the present summer a majority of the committee, of which I am the chairman, visited several of these sites. It is gratifying to an American in going to these cemeteries and over these battle fields to find that the places where our soldier boys are buried—those who participated in these battles and who belonged to the Army of the United States—are better cared for than those of any of our allies.

When we were there they were just supplanting the white crosses that were erected at the time of their burial with marble crosses, upon each one of which is inscribed the name of the soldier, his regimental or Army assignment, and the State whence he came.

There are 30,000 soldiers buried in these five principal cemeteries in France. They are still finding bodies over there. Those of you who have visited the battle fields, especially the fields that were wooded, know that the timber was entirely killed as a result of the battles, but that immediately thereafter an undergrowth grew up that is as dense as can be imagined. The bodies that are now being found—and five of them were found while we were over there—are found for the most part in this undergrowth; and it may be interesting for you to know that through the ingenuity and the sense of propriety and desire of those in charge of our cemeteries to find all that can possibly be found, they have trained dogs to locate these remains; and more than 90 per cent of these skeletons—and they are only skeletons that now may be found—can be identified.

Fortunately the American Army adopted many ways and means of identification. By the little tags or markers they had, or by their teeth, or by this or that deformity, they have been able, as I say, to identify more than 90 per cent of the remains that are now being found, and therefore there are but very few that are being placed in the graves for the unknown.

In one of these cemeteries five women are buried, three of them killed by bullets in battle and the other two dying of disease.

All are being splendidly cared for, and it is a great compliment to the United States to know that we are thus caring for our dead.

ARLINGTON MEMORIAL BRIDGE

The committee recommends an appropriation of $2,300,000 for continuing the construction of the Arlington Memorial Bridge across the Potomac River at Washington. The bridge as designed will be a low, level, segmental arch bridge with nine arches, the center span being 185 feet long. The work is progressing satisfactorily, the foundations and substructure being practically completed. A contract for the superstructure is being entered into, and the stone for the superstructure in large part has already been delivered, cut and ready for use. It is contemplated that the bridge will be completed and ready for use in the spring of 1931. The following statement indicates appropriations and expenditures and proposed obligations:

Cost of work and proposed obligations—Status of appropriations

Date of appropriation	Appropriated	Expended	Balance July 31, 1927
Mar. 4, 1925	$500,000.00	$500,000.00	
Apr. 22, 1926	2,500,000.00	1,495,329.55	$1,004,670.45
Feb. 11, 1927	2,500,000.00		2,500,000.00
Total	5,500,000.00	1,995,329.55	3,504,670.45
Estimated expenditures remainder fiscal year 1928			2,839,670.45
Anticipated needs for fiscal year 1929			3,165,000.00
Total needs			6,004,670.45
Balance available July 31, 1927			3,504,670.45
Appropriation asked for fiscal year 1929			2,500,000.00
Total funds			6,004,670.45

BOARD OF MEDIATION

Appropriations for the Board of Mediation are recommended by the committee in accordance with the estimates submitted in the Budget. During the fiscal year 1927 the board received 265 separate applications for its services in the adjustment of differences between carriers and employees organizations, which number involved 42 railroad labor organizations and 208 carriers. Of the 265 cases submitted, 116 had been adjusted by the end of the fiscal year. Of these, 57 cases were settled through mediation, 32 cases were submitted to arbitration, 15 cases were withdrawn through mediation, 9 cases were withdrawn voluntarily, and in 3 cases it was not shown that they were subject to consideration in mediation proceedings.

I think that is a splendid showing and well warrants the legislation. I am happy to state that this activity, like many others, depends for success on its management. I think they have one of the best men at the head of this concern that we could possibly, have for nature seems to have made him for mediation. I refer to our old colleague Samuel Winslow. [Applause.]

BOARD OF TAX APPEALS

Appropriations for the Board of Tax Appeals are recommended in accordance with the Budget estimates, aggregating $720,740, which sum represents an increase of $7,960 over the amount available for the current fiscal year. This increase is to provide for the printing and binding of decisions of the board.

As of November 30, 1927, there had been filed a total of 32,598 cases, of which 13,776 had been disposed of. Awaiting trial and at issue there are 16,310 cases, with 1,615 cases pending before the Commissioner of Internal Revenue, making a total of 17,925 cases on the docket awaiting trial by the board. For the current fiscal year a substantial increase was appropriated for additional personnel to enable the board to keep pace with the number of cases being filed. This situation is rapidly improving, and settlement of pending cases is being brought to date. This is best evidenced by the fact that for the calendar year 1925 but 995 cases were disposed of by formal findings of fact and written opinions, during the year 1926, 990 cases were disposed of, and for the calendar year 1927 a grand total of 2,000 formal cases were closed. The board is now operating about eight months in arrears.

BUREAU OF EFFICIENCY

To provide for the general expenses and printing and binding of the Bureau of Efficiency, the committee recommends an appropriation of $210,350 for the fiscal year 1929. During the

past year the bureau conducted a number of investigations resulting in large savings to the Government through the adoption of the recommended improvements in the method of conducting the business of the various offices, and at present is engaged in a large number of important investigations with requests pending for assistance from other offices.

CIVIL SERVICE COMMISSION

In accordance with the Budget estimates the committee recommends the sum of $1,098,752 be appropriated for the expenses of the Civil Service Commission for the fiscal year 1929. This sum is $100,190 less than the total appropriated for the current year.

The work of the commission is constantly increasing and may be accounted for by the natural growth of the country, reflected in the consequent increase in Federal activities and still further represented in the tendency of Congress to place new agencies in the classified service. A splendid example of this will be found in the placing of 2,500 persons engaged in prohibition work under the civil service. For this number of positions 19,000 applications have been received, and additional examiners and clerks were required by the commission. The following statement indicates the volume of work of the Civil Service Commission for the past several years:

Items of work, United States Civil Service Commission

Item	1924	1925	1926	1927
Persons examined	248,236	216,135	221,658	267,340
Persons appointed in classified service	67,349	50,164	38,916	42,063
Different kinds of examinations held, exclusive of trade positions	983	979	978	499
Original military preference claims	58,127	58,785	47,858	54,033
Communications received	1,091,185	1,130,202	1,050,662	1,176,259
Retirement cases	2,082	2,063	1,895	3,056
Continuance cases	1,565	2,085	2,045	2,682
Unclassified employees	139,393	141,180	138,405	136,140
Classified employees	415,593	423,538	422,300	422,998
Total employees in executive civil service	554,986	564,718	560,705	559,138
Commission's employees	498	467	460	452

For general information the following statements are submitted, showing the number of employees in each branch of the Federal executive civil service on June 30, 1927, with totals for November 11, 1918 (armistice date), and later dates, comprising classified and unclassified (which includes presidential) positions:

Department or office	June 30, 1927						
	In District of Columbia			Outside District of Columbia			Total
	Men	Women	Total	Men	Women	Total	
The White House	43	3	46				46
State	325	284	609	2,344	1,406	3,750	4,359
Treasury	6,210	7,880	14,090	30,702	6,740	37,442	51,532
War	2,357	1,744	4,101	34,481	3,710	38,191	42,292
Justice	492	232	724	2,358	589	2,947	3,671
Post Office	3,117	789	3,906	278,314	[2]26,520	304,834	[2]308,740
Navy	4,449	1,127	5,576	35,575	2,274	37,849	43,425
Interior	2,225	1,240	3,465	10,701	2,184	12,885	16,350
Agriculture	2,821	2,010	4,831	14,590	2,281	16,871	21,702
Commerce	2,734	1,609	4,343	9,834	787	10,621	14,964
Labor	278	341	619	2,749	619	3,386	3,987
Government Printing Office	3,232	848	4,080				4,080
Smithsonian Institution	391	137	528				528
Interstate Commerce Commission	1,044	328	1,372	532	13	545	1,917
Civil Service Commission	130	208	338	66	53	119	457
Bureau of Efficiency	49	22	71				71
Federal Trade Commission	205	88	293				293
Shipping Board	479	350	[4]829	613	190	803	1,632
Alien Property Custodian	107	101	208				208
Tariff Commission	123	73	196	9	1	10	206
Employees' Compensation Commission	21	50	71				71
Federal Board for Vocational Education	33	35	68				68

Does not include legislative or judicial services, nor the commissioned, warranted or enlisted personnel of the military, naval, Marine Corps, or Coast Guard services, nor the government of the District of Columbia.

[1] Approximated.

[2] Includes 13,200 clerks at third-class offices, 203 screen-wagon contractors, 274 carriers for offices having special supply, 5,528 clerks in charge of contract stations, 11,215 star-route contractors, and 271 steamboat contractors. Does not include 34,809 clerks at fourth-class offices who are employed and paid by the postmaster, and 22,131 mail messengers not included in previous computations.

[4] Includes administrative offices of the Emergency Fleet Corporation, but not workmen at shipyards or in warehouses or employees on vessels.

Department or office	June 30, 1927						
	In District of Columbia			Outside District of Columbia			Total
	Men	Women	Total	Men	Women	Total	
Panama Canal	61	14	75	9,391	460	9,851	9,926
Public Building and Parks, National Capital	1,722	542	2,264				2,264
General Accounting Office	1,215	753	1,968				1,968
Veterans' Bureau	1,446	3,211	4,657	11,922	7,117	19,039	23,696
Railroad Administration [3]	32	15	47	2	1	3	50
Commission of Fine Arts	2		2				2
War Finance Corporation [3]	26	15	41	28	17	45	86
National Advisory Committee for Aeronautics	11	12	23	139	7	146	169
Federal Reserve Board [3]	99	86	185	19		19	204
Board of Tax Appeals	62	75	137				137
Board of Mediation	26	11	37				37
Total	35,567	24,233	59,800	444,369	54,969	499,338	559,138

[3] Positions not subject to the civil service act.

War expansion and reduction since armistice

Date	In District of Columbia	Outside District of Columbia	Total
June 30, 1916	39,442	398,615	438,057
Nov. 11, 1918	117,760	[1]800,000	[1]917,760
July 31, 1920	90,559	[1]600,557	[1]691,116
July 31, 1921	78,865	518,617	597,482
June 30, 1922	69,980	490,883	560,863
June 30, 1923	66,290	482,241	548,531
Dec. 31, 1923	65,025	479,646	514,671
June 30, 1924	64,120	490,866	554,986
Dec. 31, 1924	66,079	489,540	555,619
June 30, 1925	63,756	500,962	564,718
Dec. 31, 1925	61,509	486,568	548,077
June 30, 1926	60,811	499,894	560,705
Dec. 31, 1926	59,569	486,772	546,341
June 30, 1927	59,800	499,338	559,138

Does not include legislative or judicial services, nor the commissioned, warranted, or enlisted personnel of the military, naval, Marine Corps, or Coast Guard Services, nor the government of the District of Columbia.

[1] Approximated.

In passing I wish to call attention, as the attention of every member of the committee has been called to it, to the examination that was held under the law for the classification of prohibition agents. Seventy-five per cent of those who applied out of the 19,000 failed by reason of the mental test. Whether that mental test was too high I do not know, but it occurs to me that there ought to be some simplified way so that they could get at an honest person with intelligence enough to perform the duties incident to the enforcement of the prohibition act. It does not make much difference whether a man knows what the capital of the Fiji Islands is in order for him to make a good prohibition agent.

EMPLOYEES' COMPENSATION COMMISSION

Appropriations for the Employees' Compensation Commission are recommended in accordance with the estimates submitted in the Budget and aggregate $3,675,000. The sum recommended to be appropriated for salaries is $75,460 in excess of the appropriation for similar purposes for the current fiscal year and may be accounted for by the additional personnel necessary to carry out the provisions of the longshoremen's act passed during the last session of Congress. This act covers the injuries of persons engaged in maritime employment upon the navigable waters of the United States, including dry docks. For the purposes of administration 14 compensation districts were organized, and the increase recommended in the accompanying bill is to provide the salaries of deputy commissioners and other personnel, including expenses of 14 field offices located in the following cities: Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, Galveston, Cleveland, Chicago, Louisville, St. Louis, Seattle, and San Francisco.

FEDERAL POWER COMMISSION

The sum of $112,640 is recommended to be appropriated for salaries and general expenses, including printing and binding for the Federal Power Commission for the ensuing fiscal year. An increase of $80,340 in the salary appropriation for 1929 as compared with the appropriation for 1928 is accounted for by the fact that up to the present time the work of the commission

has been performed by employees detailed from other departments of the Government. Seeking to remedy this situation and appropriate directly for the costs of this activity, the committee inserted in the appropriation act for the current year a provision directing the Federal Power Commission to estimate for the salaries of employees whose service with the commission had become permanent through such detail. As a result, 28 employees are being provided for in the accompanying bill, their salaries are directly charged to the expense of the commission, and it is now possible to ascertain correctly the amounts expended for the work of the commission. Reductions in the appropriations for other departments have been recommended in those instances where the salary of an employee engaged in the work of the Federal Power Commission was provided from appropriations for that department.

FEDERAL RADIO COMMISSION

For the current fiscal year an appropriation of $52,186 was carried in the first deficiency act for 1928. The sum recommended in the accompanying bill for the fiscal year 1929 is $80,560, an increase of $28,374. Since the organization and first meeting of this commission on March 15, 1927, 680 broadcasting stations have been licensed, and there are pending approximately 400 applications. The approximate number of broadcasting stations in the United States is 25,000, of which 16,000 are amateur stations, 200 experimental, 340 land and commercial stations, 40 technical and training school stations, and about 2,100 ships licensed by the United States.

The question occurred to the committee that some provision should be made for the future to make this activity self-supporting, and how best to apply the cost, or how best to apply the series of license fees, which is a very difficult problem.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. WOOD. I will.

Mr. WHITE of Maine. The gentleman has touched on a very interesting point, and for his information let me say that in the bill drafted four or five years ago there was carried a provision for graduated fees for transmitting stations—graduated and in sufficient amounts as we thought at the time to take care of the expense of administration.

I do not recollect whether that was in the bill which passed the House in 1923, but it was in one draft, and we dropped it out. I agree with the gentleman that it is well worthy of serious consideration.

Mr. WOOD. In order that we might have something tangible and definite it is the purpose of the Appropriations Committee to ask those in charge of the activity to give us some idea of how best to do that thing. It strikes me that this new arrangement is so impossible to the ordinary mind—this means of transmission which is destined to be one of the greatest factors of communication that the world has ever known should be under some economic financial control.

There are about 17,000,000 receivers in the United States. Of course, it would be impossible, I imagine, to have them contribute, but somebody sells these 17,000,000 receiving sets. They might be made to pay. We have more than 2,000 ships on the high seas. It would be a difficult proposition, impracticable, to include them, for in a large part the great service of the radio with reference to those ships is saving life.

So I say these are some of the few difficulties with which gentlemen solving the problem will have to contend. But it is one that we must eventually solve.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. WOOD. I will.

Mr. JOHNSON of Texas. There has been a good deal of criticism of the Radio Commission. I wonder if the committee had any evidence before it in the matter.

Mr. WOOD. No; except in a general way, and the hearings will disclose something about what the gentleman speaks of. The important thing to me seems to have a limit in the number of wave lengths. There are innumerable short wave lengths which for most purposes are quite satisfactory.

A great amount of complaint now coming in will perhaps be satisfied when they can control the wave lengths or else make them correlate one with the other. The subject is too deep for me. I do not know how they are going to do it.

FEDERAL TRADE COMMISSION

I desire next to call the attention of the committee to the Federal Trade Commission which we still have with us.

Appropriations aggregating $963,000 are recommended for the Federal Trade Commission for the fiscal year 1929. A limitation has been carried upon the appropriation for salaries and general expenses of the commission, and attention is called to the fact that under this limitation no investigation that does not relate to alleged violations of the antitrust acts may be undertaken upon the request of either House of Congress unless directed by concurrent resolution. This limitation has been amended to include economic investigations. It was developed during the hearings that the Federal Trade Commission has been engaged in economic investigations, not a few of which were undertaken upon the motion of the commission. The act creating the Federal Trade Commission specifically sets forth the powers and duties of the commission, and it may upon its own motion undertake investigations relating to the use of unfair methods of competition in commerce, and to gather and compile information and investigate any corporation engaged in commerce. The testimony given before the committee indicated that many of the investigations directed by the Federal Trade Commission had no relation to matters involved in interstate commerce, merely being economic investigations, and the attention of the Congress is called to this misdirected energy of the commission. The attention of the Comptroller General has also been called to these matters, and it is hoped that further expenditures of Federal funds for unlawful investigations may be prohibited..

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield at this point?

Mr. WOOD. Yes.

Mr. GARNER of Texas. Does that broaden the powers of the Federal Trade Commission in the gentleman's opinion?

Mr. WOOD. No.

Mr. GARNER of Texas. Does it contract in any way the powers of the commission under the present law?

Mr. WOOD. No; it just simply calls their attention to their duties under the organic act.

Mr. GARNER of Texas. In other words, you are trying in this appropriation bill, by putting a limitation upon it, to remind the commission of its duties as a body?

Mr. WOOD. Yes. I am free to confess that is what we are trying to do, and if the gentleman will just let me proceed for a few moments I think he will agree with me.

Mr. GARNER of Texas. I just wanted to be certain. The gentleman is on the Committee on Appropriations and is able to direct the attention of these bureaus to their duties. The rest of the membership of the House, who are not so fortunately situated as the gentleman, do not have that privilege. I just wondered about the propriety of the Committee on Appropriations undertaking to dictate to bureaus and independent offices, or to the administration itself, even, by expression of this character in an appropriation bill?

Mr. WOOD. I am very glad to answer the gentleman, and I say that I think and I believe that by reason of his long service and by reason of his keeping in touch and contact with the operations of the various bureaus of this Government, he knows, as well as anybody, how prone these bureaus are when once created to expand and extend their authority. One of the great misfortunes of our Government has been the creation of new commissions or bureaus, being given authority under the organic act whereby they may adopt regulations for the conduct of their business. Immediately they begin to legislate. In consequence most of them go far afield, each of them ever trying to extend its jurisdiction and power. The Federal Trade Commission has not been immune from this offense, and to my mind it has been one of the greatest offenders. The Federal Trade Commission, by reason of the act creating it, has a wonderful extent of power, authorizing it to make examinations and inquisition into every corporation and business engaged in interstate commerce.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. GARNER of Texas. I agree with that statement, and if the Federal Trade Commission personnel were composed of the type of men that were contemplated at the time the act was passed, and who occupied that position for quite a while, I do not think the abuse the gentleman speaks of could be complained of at the present time.

Mr. WOOD. Possibly that is true.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. VINSON of Kentucky. Referring to the limitation that has been carried in the appropriation bill, what effect has that had upon the work of the commission?

Mr. WOOD. It has had some effect. It has not had the effect that I think Congress intended it should have, by reason of an opinion that was handed down from the Attorney General's office, written by a present member of the Federal Trade Commission.

Mr. VINSON of Kentucky. By whom was that opinion signed?

Mr. WOOD. It was prepared by Mr. Myers, written by Mr. Myers.

Mr. VINSON of Kentucky. But it was signed by the Attorney General?

Mr. WOOD. Yes.

Mr. VINSON of Kentucky. It was addressed to the President of the United States.

Mr. WOOD. And I expect as perfunctorily as most of these opinions are signed. It would be absolutely impossible, as the gentleman from Kentucky will find out sooner or later, for the man who signs these various opinions to prepare them himself, and the gentleman will learn that nine-tenths of the opinions which come from the Attorney General's office, like nine-tenths of the reports that come from the Secretary of the Treasury or the Treasury Department, are laid down before the chief and signed by him by reason of the chief's dependence on those who made them.

Mr. VINSON of Kentucky. Of course, at the time the opinion was prepared Mr. Myers, now commissioner of the Federal Trade Commission, was in the Department of Justice?

Mr. WOOD. Yes.

Mr. VINSON of Kentucky. I call the attention of the distinguished gentleman from Indiana to the fact that the Comptroller General prior to the time the Attorney General signed that opinion specifically passed upon the limitation that the gentleman caused to be placed in the appropriation act of 1925, and said:

> This exception has the effect of leaving undisturbed section 6 of subsection (d) of the act of September 26, 1914, quoted above—

which section was the one that provided for inquiry being instituted at the request of the President or of either House of Congress. I ask the gentleman if it is not the opinion of the Attorney General and the Comptroller General that the only effect that this limitation has is upon concurrent resolutions of the Congress?

Mr. WOOD. Yes; I agree with the gentleman on that proposition. And that is just the purpose we had in mind in adding the word "economic." The lawyers who are present and who are familiar with the decision handed down in the child labor case held, and properly, as I think, that the production of an article is not a matter of interstate commerce; that an economic inquiry into the cost of production is a thing with which the Federal Government has nothing to do.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield there?

Mr. WOOD. Yes.

Mr. GARNER of Texas. If you had the type of men composing the Federal Trade Commission at the present time that the gentleman from Indiana would himself select, does the gentleman think it would be necessary to put the limitation in? Would it?

Mr. WOOD. Undoubtedly the gentleman is correct, but unfortunately we have not had that character of men.

Mr. GARNER of Texas. Who is responsible for it?

Mr. WOOD. I should say President Wilson, during his eight years. He had left an awful mess there to clean up.

Mr. GARNER of Texas. Why does not the present administration clean it up?

Mr. WOOD. When I came to Congress—and I think I may have stated this before—there was a gentleman by the name of Edward Hurley, a member of this Trade Commission, a high-minded, broad-minded, business man in the United States, who proved his worth many times over during the war, and——

Mr. GARNER of Texas. I wish the gentleman would tell us at this time whether there is a single member of the commission now serving on that commission who was appointed by President Wilson?

Mr. WOOD. I want to make this statement first.

Mr. GARNER of Texas. Yes; and I would like to have that information. The gentleman should not forget that.

Mr. WOOD. He told me that he hoped the job I had would prove satisfactory; he hoped that my job was entirely satisfactory. I had no experience at all in it at that time. I asked him what was the matter with his job. He said that when he accepted that position he understood that it was the part of the Federal commission to protect and encourage legitimate business against illegitimate business, and he added, "But I find in practice that I was entirely mistaken." He said it had been the practice of this commission to stick its nose into legitimate business at the behest of illegitimate business. Now, remember that Mr. Hurley was a Democrat, and I give him credit for being one of the best business men in the United States and with having contributed much to the general business welfare of the country. At that time Thompson and Victor Murdock and others were constantly putting into effect resolutions that were being passed by the other body, and occasionally by this body, for no other purpose than inquiring into and trying to break down the legitimate business interests of this country. There is a young man by the name of Myers, a contribution as a Republican to this body who filled the place of a socialistic member whose time had expired, and I confess they did not make any improvement in the appointment.

I think the only recommendation he had was from the Department of Justice, he then being in the Department of Justice, and the desire was to get him out of that body and put him into this one where he might be of still more trouble. That gentleman is now advocating the idea that all the business of this country, so far as corporate interests are concerned, should be under direct Federal control. That is to say, that there should not be a corporation in existence except by license from the United States Government.

Mr. BYRNS. Mr. Chairman, will my friend yield?

Mr. WOOD. In a moment. I will place this whole article in the RECORD.

Mr. BYRNS. I think my question is relevant right there to what the gentleman is stating, if the gentleman will permit.

Mr. WOOD. I yield to the gentleman.

Mr. BYRNS. I will ask the gentleman from Indiana if that policy was not recommended by the Secretary of Commerce, Mr. Charles Nagel, who served in the Taft administration, and was also recommended by President Taft and Attorney General Wickersham and approved by Judge Gary, who was of the United States Steel Co., with a number of large industrial plants located in the gentleman's district?

Mr. WOOD. I think that came very largely from the gentleman he got the information from.

Mr. BYRNS. I got it from the hearing.

Mr. WOOD. I think that is so.

Mr. BYRNS. It was not contradicted at the time the statement was made at the hearings.

Mr. WOOD. I did not know how to contradict it. It came with an air of truth. But I now know that it is a slander on one of the greatest business men that this country ever knew.

Mr. BYRNS. Then, so far as President Taft and Attorney General Wickersham and the Secretary of Commerce are concerned, they approved it?

Mr. WOOD. I think that is so, so far as Secretary Nagel was concerned, at least.

Mr. BYRNS. I referred to that because it seemed to be the policy of many distinguished Republicans.

Mr. WOOD. I will ask the gentleman from Tennessee, Are you willing to subscribe to the policy that every corporation organized in the United States must have the license of the United States Government?

Mr. BYRNS. No; I am not, I will say very frankly to the gentleman. But the gentleman was seeking to criticize the membership of the Federal Trade Commission, and Mr. Myers in particular for his advocacy of such a plan, and I was simply seeking to show that it was not a new thing coming from him, but that it had been advocated by men much higher up in the Republican Party than Mr. Myers.

Mr. WOOD. You have the statement of Mr. Myers to that effect. It may or may not be true. But we have had these miasmas from the beginning of time, and probably will have them to the end. It ought to be the desire of conservative business men of this country, founded on the bedrock of truth, that business should not be killed.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield again?

Mr. WOOD. Yes.

Mr. GARNER of Texas. I was asking the gentleman the question, Who is responsible for these unwholesome appointments? The gentleman said President Wilson was. I want to show, and I want the RECORD to show, that not a man on the commission at the present time was an appointee of President Wilson. The gentleman ought not to say so. President Wilson is not responsible for it.

Mr. WOOD. He is responsible for the dirty mess in which we found this situation.

Your man Houston Thompson was one of this same character of men. Your man Victor Murdock, who was appointed as a Republican, was not a Republican except as to the fact that he had the brand on him, for he was really everything else but a Republican.

I am criticizing the appointment of this man Myers, who is a Republican. This is not political with me. I am trying to see this commission either made the agency for good it was intended to be or else abolish it.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. GARNER of Texas. Let me remind the gentleman that I prefaced my question by saying that if the personnel of that commission were what it ought to be, you would not need to put this limitation in the bill, and I want to call the gentleman's attention to the fact that the personnel is that which has been selected by his administration within the last seven years. The gentleman tried to put me off by saying President Wilson was responsible because of the bad situation existing there.

Mr. WOOD. I tried to answer the gentleman from Texas by citing the experience of Mr. Hurley.

Mr. GARNER of Texas. Why did not your party appoint good men to these offices?

Mr. WOOD. Well, I suspect——

Mr. GARNER of Texas (interposing). Do you not have the material?

Mr. WOOD. Yes. We are pretty nearly perfect but some time or another we make a mistake. [Laughter.] I wish to say to the gentleman from Texas that the whole thing started wrong. Mr. Hurley was appointed in 1914 and this commission was originated in 1913. If the character of men that the gentleman from Texas might have appointed and desired to see appointed had then been appointed and had been succeeded by such men throughout these years there would not be any need for complaint. But here is the trouble to-day.

These gentlemen are passing resolutions and investigating businesses with which they have no concern, and about which there is no complaint, for no other reason than trying to carry out their ideas of what the policy of this Government should be. I want to read you what this man Myers said:

> I believe sooner or later we will have to pass a Federal licensing law for corporations. The Government should have supervision over corporations and the right to say how and where they should dispose of surplus earnings.

Think of such a document as that. I will here insert the article in full:

> MYERS PLAN TO PUT INDUSTRIES ON GUILD BASIS—TRADE COMMISSIONER'S SCHEME WOULD REMOVE FEDERAL INTERFERENCE FROM BUSINESS
>
> WASHINGTON, September 20.—Big business would be permitted to correct its own unfair practices and ills under a novel plan proposed by Abram F. Myers, Federal Trade Commissioner.
>
> Under Myers's proposal much of the present Government interference would be eliminated and industrial groups allowed to "clean their own doorsteps."
>
> BASED ON GUILD SYSTEM
>
> The commissioner plans to form each major industry into a self-correcting and governing body to draft its own rules of trade practices, supervised, if necessary, by the Federal commission.
>
> Myers is starting with the motion-picture industry. A trade conference of motion-picture producers, distributors, and exhibitors has been called in New York next month.
>
> "My idea is based on the old guild system," the commissioner explained. "It is good and wholesome."
>
> "There is no reason why industries can not rid themselves of the ills of unfair practices without arbitrary orders from the Government. I believe, when all major industries are organized, business men will be more content and confident and that the general public will be better satisfied.
>
> "Those who carry on unfair practices are in the minority and can be quickly brought to terms by pressure from the industrial group. If this fails, then the commission can step in."
>
> WANTS UNITED STATES CONTROL
>
> This is Myers's solution for the ills of unfair practices, but for "big business" monopolies, interlocking stock acquisitions, and violations of the antitrust laws he has other ideas.
>
> "I believe sooner or later we will have to pass a Federal licensing law for corporations," the commissioner stated. "The Government should have supervision over corporations and the right to say how and where they should dispose of surplus earnings."

There is only a dividing line between a corporation and a partnership, and if they were to apply that idea to corporations, in justice, if it were adopted, it should apply eventually and would to partnerships. There is only a dividing line between a partnership and an individual conducting a business, and logically it would soon apply to individuals. It would be paternalism, complete in the Government of the United States.

Mr. TREADWAY. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. TREADWAY. Is it not a fact that, no matter how good an official we may have in a position, whether appointed by a Democratic President or a Republican President, that if the basic law under which they operate is bad they can not serve well? In other words, is it not a fact that the whole Federal Trade Commission act was based on the idea of the Democratic Party, at the time the bill was originally passed, to get at some big corporation and that the framework of this law is so made that you can not have good results under it? I am for the gentleman's proposition to either reorganize the whole law or else drop the Federal Trade Commission absolutely, and one way to do it is to stop appropriating through the appropriating committee, as our Democratic friends stopped the Tariff Commission by not making an appropriation.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. VINSON of Kentucky. In that connection it seems to me that if the commission is to be put out of business or their powers limited, it should be by a direct attack rather than by hitting under cover, and I suggest to the gentleman that in the opinion of the Attorney General and in the opinion of the Comptroller General the limitation that has been carried in this appropriation bill for three years means nothing so far as stopping any inquiry under a resolution of either the House or the Senate.

Mr. WOOD. Well, it does mean this and it has had this effect. Of course, it can be evaded, according to the rule adopted down there by the majority but not by the minority, if a resolution is passed by the Senate or passed by the House in which it is alleged there is a violation of the antitrust law.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. GARNER of Texas. Let us get back to the original problem that I asked the gentleman about, which was that if the personnel of the commission were composed of men of the type the gentleman would appoint there would be no occasion for any additional limitation or change in the law. Now, if the President has the resignations of these gentlemen on his table, which he requires with reference to members of the Tariff Commission and other appointments, why can he not accept them and change the personnel? Can not the gentleman make such a suggestion to the President?

Mr. WOOD. It may be that after he reads this RECORD he will do something of that character.

Mr. GARNER of Texas. Can not the gentleman go to the White House and give the President that information?

Mr. WOOD. I have never been ordered away when I did go there. [Laughter.] I will say, in answer to the gentleman from Texas, that we have one man there that I am proud of, and I think the gentleman should be. He tries to construe the law as he feels Congress intended it should be construed, but he is in a hopeless minority.

In order that you may know what his idea is, I will incorporate in my remarks a brief he has submitted setting forth his position, and he sustains his position by the quotation of numerous authorities and decisions of the United States Supreme Court. If he is correct, and I think he is, these gentlemen have gone far afield in spending thousands and hundreds of thousands of dollars of the money of the taxpayers of the United States that has resulted in no good and has not been edifying to the Congress of the United States and has been anything but beneficial to the business interests of the United States.

Mr. BYRNS. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNS. The gentleman is referring to the chairman of the Federal Trade Commission?

Mr. WOOD. Yes; Mr. Humphrey.

Mr. BYRNS. I want to ask the gentleman if Mr. Humphrey in the hearing did not say or show by his statement that if he had his way he would limit the work of the Federal Trade Commission solely to antitrust investigation, and is not that also the view of the gentleman? Do not the gentleman and Mr. Humphrey agree upon that point?

Mr. WOOD. No; the gentleman is mistaken about that. He would limit it to violations of antitrust acts and to investigations for the benefit of Congress as called for by Congress.

Mr. BYRNS. Precisely.

Mr. WOOD. Yes.

Mr. BYRNS. But is it not the position of Mr. Humphrey that he would absolutely ignore subsection (a) of section 6, which gives the Federal Trade Commission the right to initiate investigations in the interest of fair trade and for the purpose of preventing unfair competition in this country?

Mr. WOOD. Upon the other hand, he says in his opinion that is the duty of the Trade Commission and that gives them their limit of power. He cited several examples of that. He would limit them to doing the things which it appears to the commission is a violation of the antitrust law, and the Supreme

Court has determined that there are half a dozen different statutes that are all part and parcel of the antitrust act and must be considered in connection with it.

Mr. BYRNS. Of course, I do not want to misquote Mr. Humphrey, and I think I can find it here in the hearings, but I thought probably the gentleman could save me that trouble.

Mr. WOOD. I can save the gentleman that trouble.

Mr. BYRNS. Does not Mr. Humphrey say in the hearing that of course after Attorney General Sargent rendered the opinion to which he referred, he has been following the opinion rendered by the Attorney General, but if that opinion had not been rendered, it was his idea the Federal Trade Commission should do no more than make antitrust investigations and also respond to any concurrent resolution upon the part of Congress, ignoring absolutely the primary purpose of the act, which was to give publicity to unfair methods of competition and to secure the safety of legitimate business in this country, whether large or small.

Mr. WOOD. Now that the gentleman has raised the question and in order that there may be no misunderstanding of the attitude of Mr. Humphrey, who was long an honored Member of this body, I will read this memorandum:

MEMORANDUM RE ECONOMIC INVESTIGATION RESOLUTIONS

The Federal Trade Commission, by four resolutions—one of which was passed by four of the commissioners, and three of which were passed by three of the commissioners—ordered certain economic investigations.

I am opposed to these resolutions for two reasons: First, I do not think we have the authority to make such investigations; and second, I am opposed to them as a matter of policy.

I find no authority, expressed or implied, authorizing the Federal Trade Commission to make investigations of this character. If we have any such authority, it must, of course, be found in the statute. The Federal Trade Commission act, the Clayton Act, and the Sherman Act, in legal contemplation, are all one law and should be construed as if they were all enacted at the same time. (Brooklyn, etc., *v.* Prendergast, 7 F (2d) 658; State *v.* Gerhart, 145 Ind. 439; 33 L. R. A. 313 (320); Lyon *v.* Manhattan, etc., 25 L. R. A. 402.)

I can find nothing in any of these acts that authorizes the commission "to employ the time and talent of economists" to "develop facts of interest to Congress and to the business world in consideration of important economic questions." I find no authority in the statute for the commission to make investigations except of corporations engaged in interstate commerce.

It seems to be conceded by those who favor these resolutions that the commission does not have the authority to compel the production of information necessary to carry out these investigations. Does not this amount to a statement that we have no legal right to make such investigations?

Section 9 provides, "That for the purposes of this act the commission * * * shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation."

To concede that any subject matter is beyond the compulsory power of the commission as above defined is to concede that it is outside the powers of investigation conferred upon the commission.

The logic of the statutory grant of compulsory power coextensive with the commission's power of investigation is unimpeachable. The commission's investigations and the reports based thereon are intended to be the basis of Federal action, administrative or legislative. To be of value they must disclose all material facts. An investigation based only on testimony and documentary evidence voluntarily produced, can disclose only such facts as the parties in interest are willing to have disclosed. Such disclosures will always be of but a portion of the facts—such facts as are deemed to be favorable to the parties making the disclosures. But a part of the facts may be thus established, and these are likely to come from persons who are prejudiced and something less than frank. The statute clearly does not contemplate that the commission shall make such investigations or such reports. Federal action, administrative or legislative, can not safely be based thereon.

What could more definitely define our authority to investigate than our power to compel the production of facts pertinent to such investigations? What would an investigation be worth where we could only procure the evidence of those who might favor the proposition? How could we secure evidence of facts that were most necessary, if they were possessed only by hostile witnesses? Does not the power to enforce obedience to our demands exactly measure our legal authority to make them? This seems axiomatic. So as in this instance when we pass resolutions that it is admitted direct inquiries that we can not compel evidence to carry out, we have no authority to direct such inquiries. To argue otherwise, is to argue that we have the right to spend the public money in what may be perhaps an enjoyable performance, but one perfectly idle and useless. If we can spend money for an investigation, where we have no legal right to secure facts pertinent thereto, can imagination suggest an investigation that we do not have the legal right to make? What is the measure of our authority?

As already stated, the Federal Trade Commission act and the Clayton Antitrust Act are all one in legal contemplation. These acts relate only to interstate commerce and to violation of the antitrust laws. It follows then that the investigations by the Federal Trade Commission can be made for only two purposes:

1. To investigate violations of law.

2. To investigate such matters as directly affect interstate commerce with a view to transmitting information and recommendations to Congress for consideration for purposes of legislation.

None of these resolutions is for either purpose. It is claimed that the authority for such resolutions is found in that portion of the Federal Trade Commission act, which reads as follows:

"SEC. 6. That the commission shall also have power—

"(a) To gather and compile information concerning, and to investigate from time to time, the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.

"(b) To require, by general or special orders, corporations engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

* * * * * * *

"(f) To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use."

"Commerce," as used in the above quotation, of course means interstate commerce, as is especially stated in the statute. It will be seen that the statute says in section (a) "any corporation engaged in commerce"; in section (b) "corporations engaged in commerce." None of these resolutions is so limited to commerce or to corporations engaged in such commerce. "The declared purpose" of each of these investigations, according to Commissioner Myers, the author, is "to develop facts or interest" relative to "important economic questions." Economic questions involve three different elements, "production, consumption, and distribution." (Webster's International Dictionary.)

Manufacture and production is not interstate commerce, and Congress has no power or authority to legislate in relation thereto. In the recent case of the Utah-Idaho, etc., *v.* F. T. C., C. C. A. (8th Cir. Oct. 21, 1927), it is stated: "It is well settled that production and manufacture is not commerce." Other authorities to the same effect are: U. S. *v.* E. C. Knight Co., 156 U. S. 1 (12); Hopkins *v.* U. S., 171 U. S. 578 (592); U. S. *v.* Joint, etc., 171 U. S. 505 (567–8); United Leather, etc., *v.* Herkert, 265 U. S. 457 (471); Hammer *v.* Dagenhart, 247 U. S. 251 (272–3); Industrial, etc., *v.* U. S., 268 U. S. 64 (80).

Consequently, the commission could not investigate economic questions for the purpose of furnishing information to Congress in so far as production and manufacture are concerned, because that is a question with which Congress is not concerned and about which it can not legislate. Such investigations could not be of any possible use to the commission, as its only power is to issue orders to cease and desist from violations of law.

So far as I can conceive, such investigations for the use of either Congress or the commission are equally purposeless and useless.

The argument was made for the first time before the Committee on Appropriations of the House of Representatives that these resolutions are limited by the provisions of the statute, even if such provisions are not written into the resolutions themselves. It would seem that this is rather a belated argument to sustain the action of the commission, in view of the fact that each resolution expressly declares that its purpose is to investigate economic questions, and in view of the further fact that the action of the economic division in conducting these investigations up to date shows that they construed such resolutions as directing them to investigate economic questions, and that is what has been done. In other words, the limitations of the statutes up to this time in these investigations has been entirely disregarded. It is hardly to be expected

that an employee will interpret a resolution different from its plainly declared purpose. It was not done in the present instance.

Does any Member of Congress believe that if these resolutions had contained the wording of the statute that the investigations would have been made? In view of the fact that investigators have already been sent to various parts of the country in pursuance of these resolutions, making economic investigations along the lines directed in the resolutions, does any Member of Congress believe that such interpretation was placed upon such resolutions by the proponents thereof prior to the time that the House Committee on Appropriations questioned the authority of the commission to make these investigations?

In any event what would an economic investigation be worth for any purpose that was limited solely to the direct effect that such economic practices had on interstate commerce?

I find nothing anywhere in the statute that even hints that the commission has power to make economic investigations, for such investigations must necessarily go beyond the question upon which Congress can legislate. Such investigations must necessarily go beyond the power of the commission to investigate on its own initiative, because they involve subjects over which the States alone have control. It is significant that the Federal Trade Commission act itself limits the power of the commission to investigate, when directed by the President or either House of Congress, "to any alleged violations of the antitrust acts by any corporation."

I can not believe that it is a reasonable construction of the statute to say that the commission has such wide power to investigate on its own motion and so limited a power when directed by the President or Congress. I can not reach the conclusion that the courts will ever place such broad construction upon our power.

On the question of our authority to make such investigations it might be worth while to note that in so far as I know there was no discussion by the commission of the legal questions involved before the passage of these resolutions. Neither have the legal questions involved been submitted to the chief counsel or to any other attorney representing the commission for an opinion thereon, either before or since the passage of the resolutions. This is a departure from the precedents and practices of the commission. Of the three members out of five of the commission that voted to pass three of these resolutions, only two were lawyers, and only one lawyer who voted for these three resolutions—Mr. Myers—is now a member of the commission.

POLICY

Assuming that we have the legal authority—which I do not believe—as a matter of policy I am opposed to these resolutions. The appropriation bill for 1928 contained the following provision:

"No part of this sum shall be expended for investigations requested by either House of Congress, except those requested by concurrent resolution of Congress; but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation."

I can not believe that Congress ever intended that we should have the authority to make an investigation on our own initiative that Congress would not permit us to make upon the request of either House of Congress. If Congress did not want us to spend the time and money of the commission for such investigations upon the request of either House, I can find no theory that would satisfy me in concluding that Congress wanted the commission to do this thing of its own motion. Even if it be admitted that said provision in the appropriation bill did not apply in letter to investigations initiated by the commission, I can not escape the conviction that it did in spirit. In my judgment, by that action Congress clearly expressed the intention that it did not favor investigations by the commission that were broader than the commission could make upon the direction of either House of Congress; that is, that Congress clearly showed that it did not favor any investigations except when limited to "alleged violations of antitrust acts by any corporation."

None of the resolutions referred to is so limited, nor is there any claim that it was intended to so limit them. Commissioner Myers, the author of these resolutions, in a memorandum submitted to the Committee on Appropriations of the House of Representatives, says:

"The declared purpose of these inquiries was to employ the time and talent of its corps of economists, industrial experts, and investigators as much as possible on constructive inquiries which would develop facts of interest and benefit to Congress and to the business world in the consideration of important economic questions."

In view of that declaration, I can not escape the feeling that each of these resolutions is a clear and direct evasion of the foregoing quoted provision in the appropriation bill. I can see no benefit that can come from any of these investigations. The fact is that the material information—if there is any—that can be secured under these resolutions, could be secured from an encyclopedia, the Census Bureau, and the Department of Commerce for a mere fraction of what it would cost the commission. It would be useless for us to furnish a report on these investigations to Congress for the purpose of legislation, for Congress can not legislate upon economic grounds, except upon the narrow proposition, as they may directly affect interstate commerce.

As the questions of production and manufacture and consumption are necessary and most important items that must be considered in any economic investigation, and as they do not involve interstate commerce, it follows that we would be doing a useless thing to make these investigations for the purpose of furnishing information to Congress to be used in legislation.

Another thing: I can not escape the conviction that if Congress wanted these investigations made they would have directed us to do so. Such investigations can not possibly furnish any basis for action by the commission and could be of no service to the commission, as we can not issue orders to cease and desist based upon economic grounds. Our orders must all be based on some alleged violation of law. There is no allegation of violation of law in any one of these resolutions. I am strongly inclined to believe that all investigations of the commission should be limited to alleged violations of the antitrust acts or to some interference with interstate commerce. I doubt if any investigations for the purpose of furnishing information to Congress should be made unless directed by Congress.

The report of the Senate committee on the Federal Trade Commission bill says, referring to the proposed commission: "The powers, of course, must be large, but the exercise of the powers will not be against law-abiding business, but against lawless business."

I am in harmony with that statement. I have a conviction that it is to the public interest that any concern that obeys the law should be free from the expense, the annoyance, and injury of any investigation by the Federal Trade Commission.

RESOLUTIONS

The first resolution, which is in regard to resale-price maintenance: This matter has been investigated many times by different committees of Congress. It seems to me that about all the wisdom extant on this proposition has already been secured by these committees. Congress has declared for the policy of competition in this country. I can not believe that Congress desires to legalize price fixing, and unless it does such an investigation to furnish information to Congress would be useless. I can not escape the conviction that if Congress wanted us to investigate for the purpose of furnishing information on this question, it would direct us so to do. The commission needs no information on this subject, as the law is sufficient, and the Supreme Court has said in a very recent case that the purposes of the law are clearly enough stated in the opinions that it has rendered on the subject. (F. T. C. v. American Tobacco Co., 274 U. S. 543.)

2. In regard to the blue sky resolution, I do not understand its purpose. Apparently it is to furnish information for State as well as Federal regulation. I do not conceive it to be any part of the duty of the commission to investigate in order to furnish information to State legislatures. In any event, the information sought by this resolution could be secured in the library from statutes and decisions instead of doing as the commission is now doing—sending men to various parts of the country to make inquiries in relation to the matter.

3. In regard to the questions involved in the resolutions in relation to the economical distribution of commodities, I think the laws that exist fully cover the questions involved.

4. In regard to the resolutions directing the investigation of the du Pont Co. and the General Motors Corporation, inasmuch as they allege no violation of the law, I can not see its purpose, unless it was—as the resolution apparently intends—to investigate these great concerns with a view to telling them whether or not they are properly running their business.

(During the reading of the above memorandum the following occurred:)

Mr. TREADWAY. Will the gentleman state from what page he is reading?

Mr. WOOD. I am reading from a memorandum or brief.

Mr. TREADWAY. That is not in the hearings of the subcommittee?

Mr. WOOD. No; it is a brief submitted by Mr. Humphrey to me, to be placed in the RECORD.

Mr. OLDFIELD. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. OLDFIELD. From listening to the statement of the gentleman, and also from seeing a great many statements in the press of Commissioner Humphrey, one would judge he does not want to make any investigations at all.

Mr. WOOD. Oh, no; Mr. Humphrey wants to make every investigation that is warranted by law.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. WOOD] has expired.

Mr. WOOD. Mr. Chairman, I ask for one hour more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for one additional hour. Is there objection?

There was no objection.

Mr. OLDFIELD. The gentleman from Indiana was speaking about Mr. Myers. I do not know anything at all about him. I do know Mr. Humphrey, because I served in the House with him for several years, and I also know that there is one splendid lawyer on the commission, Judge McCulloch, of my State, who for many years was chief justice of the supreme court of our State and one of the ablest members of the supreme court we ever had, and I would suggest that the gentleman in criticizing the commission should certainly leave Judge McCulloch out of such criticism.

Mr. WOOD. I did not mention Judge McCulloch, did I?

Mr. OLDFIELD. No; and the gentleman knows he is a real lawyer or would know that if the gentleman ever had any contact with him.

Mr. WOOD. No; I have never had any contact with him. I understand that is correct.

Mr. OLDFIELD. He was a great judge in our State.

Mr. WOOD. Yes; and I understand the judge does not subscribe to these highfalutin ideas of Mr. Myers.

Mr. OLDFIELD. I do not know anything about that, but I would resent very seriously any suggestion with respect to Judge McCulloch's ability.

Mr. TREADWAY. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. TREADWAY. I would like to ask a little broader question than the one that has been discussed here in the last few minutes. May I ask the gentleman to cite any one act during the life of the Federal Trade Commission or any one decision it has rendered that has been worth while for the American people or for the taxpayers of this country. Has the Federal Trade Commission, in the course of its life, benefited trade?

Mr. WOOD. Well, that is a pretty broad question, and I suspect that several instances might be cited. I can see where it could be a great agency for good if they would confine themselves to the purposes for which they were organized.

I expect that the commission had much to do with the cessation of the Pittsburgh-plus proposition.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. WOOD. Certainly.

Mr. VINSON of Kentucky. As I understand, the gentleman is objecting to the commission instituting inquiries on their own motion?

Mr. WOOD. No; I am not.

Mr. VINSON of Kentucky. I refer to economic inquiries.

Mr. WOOD. I am objecting to instituting anything on their own motion unless they have a prima facie case that it is a violation of the antitrust law.

Mr. VINSON of Kentucky. I want to call attention that since 1921 the commission has only initiated or put into motion nine inquiries of that kind—the anthracite-coal price in 1923; cooperation in foreign countries, 1924; terminal elevators, 1924; lumber associations, 1926; Pan Handle Petroleum, 1926; and four they have initiated this year—the resale-price question, the price-sale bases, the blue-sky, and the du Pont investigations.

Mr. WOOD. To show you how absolutely futile some of their actions are take this blue-sky investigation, to which the gentleman refers. Of course, we are all interested in blue-sky legislation. The only thing they expected to do was to find out the action of the several States on the blue-sky proposition. They have a man now on the Pacific coast investigating the law with reference to blue sky. If you go into the law library, you can get all that information, all that would be of any interest to this Congress for legislative purposes.

Yet we are spending thousands of dollars on that proposition. I think in one of these resolutions the gentleman expressed the purpose that the clerks not being otherwise employed we are going to do this thing.

Mr. BYRNS. Will the gentleman yield?

Mr. WOOD. I will yield to the gentleman.

Mr. BYRNS. The gentleman said a moment ago that he was not opposed to the Federal Trade Commission making inquiry and initiating investigations providing it was for violation of the antitrust law. The gentleman is falling into the same error that Mr. Humphrey has fallen into, because he repeatedly calls it an antitrust statute. The statute itself in the authority given to the Federal Trade Commission under subsection (a) of section 6 does not in any sense refer to any trust or unlawful combination, but gives the commission the right to initiate investigations concerning the practices and methods of corporations.

Mr. WOOD. If the gentleman will go further and read the decisions of the Supreme Court on that statute he will see that they have held that that means a violation of the trust act by those engaged in interstate commerce.

Mr. BYRNS. The only reference in this Trade Commission act to trusts or investigations of trusts is subsection (d), which provides that such investigations can be made on the request of the President or either House of Congress. The gentleman attempts to read back subsection (d) into subsection (a).

Another thing, section 5 of the act deals with unfair competition. Certainly the gentleman would not prevent the Trade Commission from making an investigation——

Mr. WOOD. The Supreme Court has held that any unfair practice is a violation of the trust act.

Mr. BYRNS. If the gentleman will pardon me, does not the gentleman think an investigation to see whether or not there has been unfair practice or some combination in violation of the antitrust law of the United States by some instrumentality of the Government should first be made, rather than a mere charge based possibly on suspicion and entering into court for dissolution. Ought not the facts to be developed first? The gentleman's statement would deny the commission the right to make any investigation unless there was proof in advance that there was a violation?

Mr. WOOD. The gentleman is misstating my position. I think what they ought to do is to exercise a little common sense in trying to carry out the purposes of the act.

Mr. KELLY. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. KELLY. I am interested to get the gentleman's position. I understand that the Attorney General and the Comptroller General have both ruled that these investigations on their own motion are legal.

Mr. WOOD. Yes.

Mr. KELLY. In the report of the gentleman's subcommittee I notice a statement here which strikes me, which states that the attention of the Comptroller General has also been called to these matters, and it is hoped that "further expenditures of Federal funds for unlawful investigations may be prohibited." There have been no unlawful investigations, have there?

Mr. WOOD. Yes; half of them have been unlawful.

Mr. KELLY. But the Comptroller General and the Attorney General say not.

Mr. WOOD. I shall modify the statement that I made. I do not think there have been any since we adopted this restriction, except this, that they did carry out those that were already in motion at that time, and the Comptroller General paid them because of the fact that they were authorized by the resolutions.

Mr. KELLY. But the Comptroller General does not usually pay anything that he is not fully convinced of himself.

Mr. WOOD. As I say, he was authorized. I would not say that they were unlawful in every respect, because they were authorized by resolution, and they were put in force by the fact of the resolution, but they were clearly outside of the field for which this commission was created.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SUMMERS of Washington. The gentleman from Pennsylvania speaks of this as the report of the committee. This does not purport to be the report of the committee. This is a report from Mr. Wood, "from the Committee on Appropriations." This is the report of the chairman of the subcommittee, and not the committee's report, because, of course, the committee never saw this until after it was submitted.

Mr. BYRNS. If it is the committee's report, then there are a great many on the committee, I will say, that do not agree with it.

Mr. KELLY. That clears up the statement, then, that this is not the committee's report?

Mr. SUMMERS of Washington. And if the gentleman would yield, I would say that this is not my view. This does not express my view in regard to the matter.

Mr. WOOD. The gentleman from Washington [Mr. SUMMERS] might have either concurred in it or not, if he had been there. I do not know whether he would or not, but he was not there.

Mr. WASON. And, if the gentleman will yield, I am a member of that committee, and this is the first time that I have ever heard any objections to the report.

Mr. WOOD. I expect the gentleman from Washington would have either concurred in it or expressed his opinion at the time it was adopted, if he had been there.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. SUMMERS of Washington. This matter was discussed in the whole committee when the subcommittee reported the bill to it—not the wording of the report, but the new wording that was inserted in the law, and attention was called to the fact that it was somewhat different from what had been agreed upon in the subcommittee.

Mr. WOOD. No; it is no different at all from what was agreed on in subcommittee, and I want to say in passing, and then I am done with this thing, so far as I am concerned, each individual of this Congress ought to be as much interested in protecting the Treasury of the United States as I am, and each individual member of this committee, and of the Congress can know, if he will, that we have been wasting thousands of dollars in this activity that has never amounted to anything.

Mr. SUMMERS of Washington. That is not what we are discussing now.

Mr. WOOD. I am not sure whether the gentleman knows what we are discussing or not.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. VINSON of Kentucky. In regard to the proviso and the limitation now in the bill, I do not think the gentleman from Indiana would say that the subcommittee agreed upon the language contained in that limitation.

Mr. WOOD. I do not know why they did not agree to it.

Mr. VINSON of Kentucky. I will tell the gentleman why. It was because the subcommittee agreed on an amendment by the inclusion of the word "economic" before the word "investigation," which appears here in line 21, of page 17 of the bill, and never agreed to the inclusion of the words "including economic investigations," and I feel certain that the gentleman from Indiana will not stand on the floor and say that that is not the amendment he proposed.

Mr. WOOD. Mr. Chairman, I feel that the gentleman is absolutely earnest and honest in the statement that he makes, but I feel also that I am at least entitled to the same respect when I say that the language is exactly as I supposed it was to be.

Mr. VINSON of Kentucky. Does the gentleman not recall using the word, saying that he wanted to insert one word?

Mr. WOOD. The word "economic." It is the difference between tweedledee and tweedledum, as to whether you put the word in before or after the comma. I don't care. You can take the comma out, if you want to.

Let us now proceed. Next I come to the Interstate Commerce Commission.

INTERSTATE COMMERCE COMMISSION

The committee recommends appropriations for the Interstate Commerce Commission, in accordance with the estimates submitted in the Budget, with but two exceptions. For the Bureau of Locomotive Inspection the committee recommends that the sum of $493,856 be appropirated for the year 1929. This sum equals the appropriations for the current year, but exceeds the Budget estimate by $2,408. For printing and binding the sum of $265,000 is recommended to be appropriated, which sum is $10,000 in excess of that estimated in the Budget. The work of the commission is increasing and the volumes of decisions are essential not only to the work of the commission but to those engaged upon pending matters, and the committee is of the opinion that sufficient funds should be appropriated to make these decisions available.

For the general expenses of the commission the sum of $2,564,500 is recommended to be appropriated. The sum is $103,900 more than the amount available for similar purposes for the current fiscal year and is made necessary by the increasing number of formal cases being filed before the commission. For the past several years the committee has increased this appropriation to provide for sufficient personnel to enable the commission to keep pace with the increased volume of work, but it has been found difficult to obtain competent employees, and the committee is of the opinion that the sum recommended is sufficient to meet the actual needs of the commission for the ensuing fiscal year.

For the Bureau of Valuation the committee recommends the sum of $2,200,000 for 1929. Under the three-year program adopted by the committee in making appropriations for the completion of the primary valuation work of the railroads, it is gratifying for the committee to be enabled to make the following statement:

Status of primary valuation of steam railroads December 31, 1927

	Percentage of completion
Field work	100
Underlying reports	100
Tentative valuation	100

	Cases	Mileage, used main track	Percentage of total mileage	Percentage of total number of cases
Hearings:				
(a) Completed	645	173,073	73.8	87.4
(b) Partly completed	86	51,191	21.8	11.5
(c) Not yet reached	9	10,430	4.4	1.1
(d) Total	740	234,694	100.0	100.0
Final reports:				
(a) Final by default	295	8,543	3.5	28.4
(b) Final by decision	347	52,243	21.5	33.5
(c) Total adopted	642	60,786	25.0	61.9
(d) Yet to be adopted	393	182,451	75.0	38.1
(e) Total	1,035	243,237	100.0	100.0

To bring the primary valuations of steam railroads to date, the committee has again adopted a program in making appropriations, which will enable the commission to complete this work within the next three years. The following statement shows the status of this work at the present time:

Status of valuation order No. 3, December 15, 1927

	Number of roads	Aggregate mileage	Average period (years)	Mile-years
Field examinations have been completed, as follows:				
Class 1	69	62,710	6.94	435,392
Others	145	5,153	6.16	31,781
Total completed	214	67,863	6.88	467,173
Field examinations are now in progress, as follows:				
Class 1	32	80,778	8.90	719,040
Others	15	826	8.29	6,846
Total in progress	47	81,604	8.90	725,886

VETERANS' BUREAU

For the Veterans' Bureau for the ensuing fiscal year the committee recommends appropriations in accordance with the Budget estimates. The total amount recommended to be appropriated is $485,560,000, a decrease of $7,240,000, as compared with the appropriations for the current fiscal year.

For military and naval compensation an appropriation of $195,000,000 is recommended. On October 31, 1927, there were 247,165 total-disability claims and 86,727 death claims, a grand total of 333,892. Disbursements for that month amounted to $15,792,333. For the fiscal year 1929 it is estimated there will be a total of $341,178 compensation claims, involving an expenditure of $195,000,000.

For adjusted compensation an appropriation of $112,000,000 is provided in the accompanying bill. The following statement briefly sets forth expenditures under the World War adjusted compensation act:

Summary

Adjusted service and dependent pay:	
Amount appropriated	$38,629,398.00
Net expenditures	24,135,022.85
Unexpended balance	14,494,375.15
Adjusted service certificate fund:	
Amount appropriated	448,000,000.00
Invested interest	10,900,000.06
Credited interest	1,215,627.38
	460,115,627.38
Net expenditures	55,180,393.84
Unexpended balance	404,935,233.54

In accordance with the estimate submitted in the Budget, the committee recommends an appropriation of $106,750,000 for military and naval insurance. The following statement indicates the forms of converted insurance in force on various dates, together with the amount involved:

Converted insurance	In force June 30, 1926		Insurance issued since June 30, 1926	
	Number	Amount	Number	Amount
Ordinary life	86,084	$460,827,951.72	56,771	$312,435,103.00
20-payment life	134,134	590,324,855.59	41,555	181,533,413.00
20-year endowment	111,232	323,897,304.15	28,150	92,980,507.00
30-year endowment	28,954	121,871,511.93	7,683	35,449,118.00
Endowment, age 62	25,509	125,879,272.45	10,585	50,543,583.00
30-payment life	21,347	110,290,152.13	8,272	42,459,056.00
5-year convertible term			104,916	724,269,413.00
Extended insurance	16,297	39,984,616.34		
Total converted insurance	423,557	1,773,075,664.31	257,932	1,439,670,193.00
Term insurance	130,103	1,008,511,344.00		
Total in force	553,660	2,781,587,008.31		

Converted insurance	Net terminations since June 30, 1926		In force Oct. 31, 1927	
	Number	Amount	Number	Amount
Ordinary life	4,309	$22,315,509.85	138,546	$750,947,544.87
20-payment life	3,629	14,579,245.65	172,060	757,279,022.94
20-year endowment	5,163	14,475,189.18	134,219	402,402,621.97
30-year endowment	787	3,199,248.20	35,850	154,121,381.73
Endowment, age 62	713	3,340,094.82	35,381	173,082,760.63
30-payment life	602	3,085,701.82	29,017	149,663,506.31
5-year convertible term	264	1,838,606.00	104,652	722,430,807.00
Extended insurance	1,442	2,343,947.85	14,855	37,640,668.49
Total converted insurance	16,909	65,177,543.37	664,580	3,147,568,313.94

Term insurance reinstatements since June 30, 1926, 125,364; $423,051,349.

TARIFF COMMISSION

The committee recommends that the sum of $754,000 be appropriated for the expenses of the Tariff Commission for the ensuing fiscal year. This sum is $68,000 in excess of the amounts available for the current year, and it is hoped that with this additional appropriation the investigations and reports of the commission may be made and completed within reasonable periods.

SHIPPING BOARD

Appropriations for the Shipping Board are recommended in accordance with the Budget estimates and aggregate $288,750. It was developed during the hearings that approximately 269 employees with salaries aggregating $733,980 were engaged upon work of the Shipping Board, but were carried upon the rolls of the Merchant Fleet Corporation, and paid from money available for the expenses of the corporation. To prevent such details in the future, the committee recommends the following provision be made a part of the paragraph making appropriations for the Shipping Board:

Provided, That the annual estimates of the Shipping Board for the fiscal year 1930 shall include the salaries of all employees whose service with the board has become permanent through detail from the Merchant Fleet Corporation.

The committee recommends that the salary of the secretary to the board be fixed at $7,500 so long as the position is retained by the present incumbent, and in the event of a change in incumbency, compensation for that position shall be in accordance with the classification act of 1923.

MERCHANT FLEET CORPORATION

The committee invites especial attention to pages 606–813, inclusive, of the hearings on this bill, which relate to the Shipping Board and the Merchant Fleet Corporation. The activities of the various bureaus of the board and the corporation, personnel, claims, and operating data and information are fully set forth, and perhaps better than ever before set out the status of our merchant marine.

In order to briefly place before the Congress the more pertinent features of the physical operation of the merchant marine, the following statement has been prepared, which sets forth the personnel employed, operating data and results, the status of the construction loan, Dieselization, insurance, and liquidation funds, vessels sold and the laid-up fleet, and the number and nature of all claims:

Comparison of number of employees and annual pay roll, June 30, 1924, June 30, 1925, June 30, 1926, June 30, 1927, and November 30, 1927

[Arranged to conform with outline of organization as of November 30, 1927]

	June 30, 1924		June 30, 1925		June 30, 1926		June 30, 1927		Nov. 30, 1927	
	Number of employees	Annual pay roll	Number of employees	Annual pay roll	Number of employees	Annual pay roll	Number of employees	Annual pay roll	Number of employees	Annual pay roll
U. S. SHIPPING BOARD										
U. S. Shipping Board pay roll	90	$277,120	89	$265,720	87	$260,560	76	$233,220	76	$234,360
U. S. Shipping Board employees paid by Merchant Fleet Corporation:										
Legal department	193	646,061	134	473,740	108	388,920	122	404,440	122	416,100
Other offices	103	199,920	120	265,760	119	260,980	140	304,600	147	317,880
Total	296	845,981	254	739,500	227	649,900	262	709,040	269	733,980
Employees assigned to other Government departments	0	0	6	10,620	9	25,192	8	24,360	8	24,600
Total, U. S. Shipping Board	386	1,123,101	349	1,015,810	323	935,652	346	966,620	353	992,940
MERCHANT FLEET CORPORATION										
Vice president and general manager	11	64,860	7	43,840	5	30,420	11	49,660	9	46,000
Vice president—administration:										
Vice president's office	2	14,000	2	13,000	2	14,160	7	31,620	4	23,660
Executive department—										
Personnel division (including central service)	15	25,030	9	17,520	7	13,680	21	32,100	28	45,760
Statistical division	40	83,280	33	68,640	30	62,460	29	64,560	29	64,320
Ship sales division	17	56,600	14	41,520	14	42,300	14	34,380	13	31,500
Investigation division	26	70,660	15	42,660	7	16,640				
Advertising division	38	77,840	9	27,700	5	11,880	7	19,140	11	32,100
Field offices—executive	214	372,483	173	323,487	141	271,097	158	301,625	166	310,927
Total executive department	350	685,893	253	521,527	204	418,057	229	451,805	247	484,607
Secretary's office	84	120,560	71	104,480	59	85,560	66	96,660	73	108,600
Finance department	156	410,780	112	295,120	109	269,205	107	267,040	105	267,400
General comptroller's department	526	1,108,996	403	856,910	323	701,710	301	656,880	290	633,640
Insurance department	34	76,020	32	72,300	26	65,820	28	74,520	28	77,300
Total, vice president—administration	1,152	2,416,249	873	1,863,337	723	1,554,512	738	1,578,525	747	1,595,207
Vice president—operations:										
Vice president's office	3	28,500	3	21,980			3	24,780	3	24,780
Operations department	1,075	1,950,582	606	1,105,265	266	537,326	308	609,629	310	621,509
Maintenance and repair department	146	429,340	97	296,620	128	465,240	132	410,060	134	418,360
Traffic department	140	365,780	138	371,760	86	223,440	105	275,490	113	287,250
Supply department	187	392,788	255	460,573	172	322,776	219	416,332	207	406,006
Reserve fleet division	1,838	1,733,922	1,904	1,726,679	1,948	1,795,172	1,267	1,258,676	1,230	1,218,808
Total vice president—operations	3,389	4,900,912	3,003	3,982,877	2,600	3,283,951	2,034	2,994,967	1,997	2,976,713
Total Merchant Fleet Corporation	4,552	7,382,021	3,883	5,890,054	3,328	4,868,883	2,783	4,623,152	2,753	4,617,920
UNITED STATES LINES										
United States Lines	670	1,079,321	694	1,133,667	645	1,139,113	612	1,046,579	640	1,070,496
Grand total	5,608	9,584,443	4,926	8,039,561	4,296	6,943,648	3,741	6,636,351	3,746	6,681,356

Comparison of number of employees and annual pay roll, June 30, 1924, June 30, 1925, June 30, 1926, June 30, 1927, and November 30, 1927—Continued

	Fiscal year 1923	Fiscal year 1924	Fiscal year 1925	Fiscal year 1926	Fiscal year 1927	Fiscal year 1928, Budget	Fiscal year 1929, estimate
OPERATING DATA							
Number of ships in operation (average during fiscal year):							
Cargo	347	338	299	238	282	266	266
Passenger and cargo	17	14	14	11	5	5	5
United States Lines	11	10	6	6	5	5	6
Tankers	17	21	14	7	9	9	9
Total	392	383	333	262	301	285	286
Total tonnage of ships in operation (based on average number shown above), dead-weight tons	3,378,342	3,359,583	2,970,948	2,345,630	2,688,833	2,536,088	2,548,648
Number of cargo and passenger and cargo services maintained at end of fiscal year	78	71	61	50	49	48	48
Total number of terminations per year (excluding tugs)	1,848	1,686	1,569	1,215	1,424	1,275	1,336
OPERATING RESULTS							
Total vessel revenue	$96,468,843.06	$103,625,416.83	$100,460,150.07	$81,038,731.58	$86,062,174.86	$79,172,249.00	$84,725,000.00
Other operating revenue (net)	780,026.57	692,374.66	503,601.49	899,151.25	1,286,198.08	795,000.00	800,000.00
Total revenue	97,248,869.63	104,317,791.49	100,963,751.56	81,937,882.83	87,348,372.94	79,967,249.00	85,525,000.00
Total vessel operating expenses	140,173,947.17	141,046,616.33	128,319,166.18	97,700,710.35	98,835,841.87	91,780,711.00	96,725,000.00
Other operating expenses	42,106.98	4,467,569.75	2,708,373.62	3,843,781.23	4,438,942.95	2,676,000.00	2,200,000.00
Total expenses	140,216,054.15	145,514,186.08	131,027,539.80	101,544,491.58	103,274,784.82	94,456,711.00	98,925,000.00
Reserve						2,510,538.00	
Deficit for year	42,967,184.52	41,196,394.59	30,063,788.24	19,606,608.75	15,926,411.88	17,000,000.00	13,400,000.00
Appropriation for year	50,000,000.00	50,000,000.00	30,000,000.00	24,000,000.00	13,900,000.00	17,000,000.00	13,400,000.00
Special fund to cover losses of lines taken back from purchasers:							
Amount of appropriation					10,000,000.00	[1] 10,000,000.00	[1] 5,000,000.00
Balance of appropriation at end of fiscal year					10,000,000.00	[2] 5,000,000.00	5,000,000.00

[1] Reappropriated.

[2] $5,000,000 authorized for operating losses, fiscal year 1928, by act of Feb. 11, 1927.

	Fiscal year 1923	Fiscal year 1924	Fiscal year 1925	Fiscal year 1926	Fiscal year 1927
OPERATING FUNDS (INCLUDING INSURANCE RESERVES)					
Operating balance carried forward at end of fiscal year	$40,996,657.01	$43,319,050.80	$40,656,393.72	$41,615,434.42	$38,114,851.01
Liabilities carried by balance carried forward	40,996,657.01	42,826,470.63	40,656,393.72	41,615,434.42	38,114,851.01
CONSTRUCTION LOAN FUND					
Balance available for use at end of fiscal year	50,000,000.00	60,881,931.62	57,424,003.52	60,925,269.97	75,203,465.77
Outstanding loans at end of year		400,000.00	5,140,000.00	6,910,000.33	9,550,801.66
Amounts in suspense at end of year (pending legislative approval)			18,564,447.86	19,367,504.65	[1]
Total construction loan fund	50,000,000.00	61,281,931.62	81,128,451.38	87,202,774.95	84,754,267.43
DIESELIZATION FUND					
Balance at end of year	[2]	[2]	8,217,160.20	5,231,417.57	1,824,722.15
INSURANCE RESERVES					
Marine insurance:					
Reserve at end of year	3,436,232.29	3,669,668.71	6,391,397.56	7,136,096.32	6,097,020.79
Charges to reserve during year	[3]	5,343,318.81	4,651,153.34	2,933,699.51	3,897,247.08
Protection and indemnity insurance:					
Reserve at end of year	5,414,217.61	5,312,541.38	4,971,157.80	4,670,257.72	4,396,596.35
Charges to reserve during year	[3]	2,993,410.55	4,472,836.49	1,746,233.37	1,792,277.12
LIQUIDATION FUNDS					
Total receipts from liquidation of assets	43,442,385.61	23,090,661.10	10,373,643.17	13,965,547.64	9,385,757.72
Distribution of receipts:					
Liquidation expenses (including administrative expenses, laid-up fleet, etc.)	[4]	[4]	3,996,800.55	3,432,308.23	3,000,000.00
Transfers to construction loan fund	43,442,385.61	11,281,931.62	6,376,842.62		16,918,997.13
Receipts from sales in fiscal year 1926 in excess of appropriation for liquidation expenses held in suspense until use approved by Congress, Mar. 4, 1927				[5] 5,013,160.12	
Receipts from sales, including interest on transactions prior to June 5, 1925, held in suspense until use approved by Congress, Mar. 4, 1927				[5] 5,520,079.29	
Transfers to miscellaneous receipts, U. S. Treasury		11,808,729.48			
SALE OF VESSELS					
Number of vessels sold:					
Individually	149	24	47	107	50
In groups for restricted operation as lines		10	5	42	2
For scrapping	[6] 237	18	[6] 3	199	
Total vessels sold	383	52	55	348	52
Number of lines sold		2	1	4	
Total sales price of vessels sold	$30,138,906.96	$7,045,684.58	$8,995,729.09	$19,666,059.70	$6,990,937.00
LAID-UP FLEET					
Number of vessels laid up at end of fiscal year	937	924	914	580	506
Tonnage of vessels laid up at end of fiscal year (dead-weight tons)	5,949,122	5,862,726	5,850,273	4,295,754	3,768,001
Laid-up expenses during year	$4,418,335.59	$2,915,814.23	$2,867,577.68	$2,474,355.29	$2,123,116.69
SPECIAL CLAIMS APPROPRIATION					
Balance at end of fiscal year	[7] $6,517,924.25	$5,034,687.40	$4,596,144.79	$3,570,237.96	$1,927,767.12
Settlements during year from appropriation		$1,483,236.85	$438,542.61	$1,025,906.83	$1,642,470.84

[1] Act of Mar. 4, 1927, authorized inclusion of part of suspense items in construction loan fund.
[2] Fund not authorized until fiscal year 1925.
[3] Reserve not set up until end of fiscal year 1923.
[4] Liquidation expenses paid from general funds. No specific authorization or appropriation for liquidation expenses before fiscal year 1925.
[5] Act of Mar. 4, 1927, authorized transfer of these amounts to construction loan fund. These amounts are included in the total of $16,918,997.13, shown as transfers to construction loan fund during fiscal year 1927.
[6] Wooden vessels.
[7] Balance set up at end of fiscal year 1923 to cover estimated settlement cost of outstanding claims payable from the special appropriation.

Comparison of number of employees and annual pay roll, June 30, 1924, June 30, 1925, June 30, 1926, June 30, 1927, and November 30, 1927—Continued

	Fiscal year 1923	Fiscal year 1924	Fiscal year 1925	Fiscal year 1926	Fiscal year 1927
CLAIMS AGAINST THE U. S. SHIPPING BOARD (EXCLUDING COURT OF CLAIMS CASES)					
Number of claims at end of year:					
Admiralty cases	1,664	1,038	560	393	328
Legal cases	290	266	243	270	162
Miscellaneous cases	111	94	74	48	48
Unpaid awards				13	10
Total number of claims	2,065	1,398	877	724	548
Gross amount claimed:					
Admiralty cases	$31,201,331.64	$18,988,078.71	$11,019,484.24	$6,787,478.34	$5,557,122.87
Legal cases	85,010,217.29	76,346,585.07	60,660,182.57	46,385,021.01	38,519,385.70
Miscellaneous cases	272,360.33	524,119.16	1,200,671.61	258,005.58	57,919.51
Unpaid awards				819,303.10	110,385.76
Total amount claimed	116,483,909.26	95,858,782.94	72,880,338.42	54,249,808.03	44,244,813.84

NOTE.—These totals include claims which are payable from the special claims appropriation, as well as claims which, when settled, will be paid from other available funds.

To provide for operating losses incurred by the Merchant Fleet Corporation the committee recommends the sum of $12,000,000 for the fiscal year 1929. This is $1,400,000 less than the estimate submitted in the Budget. It was adduced during the hearings that certain economies might be effected through reductions in fuel and supply costs and the sale of several lines of vessels. In addition the committee deducted the sum of $350,000, which approximates the annual earned interest on various funds under the control of the corporation. To compensate for this latter reduction, however, a new section has been added to the paragraph making appropriations for the Fleet Corporation, as follows:

(e) All interest earned on the funds of the United States Shipping Board Merchant Fleet Corporation is to accrue to these funds and is made available for the purposes hereinbefore set forth subject to the limitations herein established.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. McDUFFIE. I am sure the gentleman is interested in establishing a permanent merchant marine, just as much so as I am. Perhaps we differ as to policy and as to the treatment by Congress of this activity. I am wondering if the gentleman's committee has not made a mistake in cutting the Budget estimate a million dollars. I can not find in the hearings any place where a single member of the Shipping Board has suggested, or agreed on, or appeared to be satisfied, with the action of the committee in cutting the Budget estimate a million dollars. The estimate of the board was $14,300,000. The President's Budget cut that amount to $13,400,000 and the committee now cuts that a million dollars.

It is true that the hearings show something of a saving in fuel. It does appear that some of the witnesses evidently assumed that all conditions affecting shipping will be as good in the next year as they were in the past—of which we have no assurance—did not demur; but I call the gentleman's attention to the statement of Chairman O'Connor, at page 781 of your hearings, where he asked the committee not to cut the estimate of the Budget. Will the gentleman give us some idea as to how he expects to help the merchant marine by cutting this appropriation even below the estimate prepared and approved by the Budget?

Mr. WOOD. I will be glad to answer the question. I may say in passing that yesterday the gentleman from Maine [Mr. BEEDY] made a speech in which he called attention to the fact that some time during the hearings a committee of gentlemen, headed by ex-Governor Miller, of New York, came to this town and had an interview with me and afterwards with members of the Shipping Board on account of the differences arising between them with respect to certain sailings in which the Fleet Corporation had a line of vessels, and the inference was deduced from what was said that as the result of that interview the appropriations for the Shipping Board were reduced in this sum of $1,400,000. I felt at the time that it was very fair in him, and I felt also that there was not a member of the committee but who was in agreement with me as to what the appropriation should be, who entertained for a moment the idea that the reduction had anything to do with that. I wish to commend the gentleman from Maine [Mr. BEEDY] on his statement of what occurred, and the extracts he put in disclosed what occurred at that meeting.

It is only fair, however, to the gentlemen present on that occasion, headed by ex-Governor Miller, of New York, who is recognized as one of the foremost citizens of that State, and who is, I suppose, one of the best lawyers in that State, representing the line that he was attorney for, to say that they came to my office and told me of the possible desire of that committee to come before the committee and relate their troubles. After hearing in a summary way what they had on their minds, I said:

It strikes me that you gentlemen ought to get together and decide upon whether there should be 4 sailings to Calcutta instead of 16.

There seemed to be a difference of opinion among the gentlemen and the Shipping Board, and I thought there should be some conference between these conflicting interests in order that something might be agreed upon and for the purpose of getting a business connection between the American line as opposed to a connection between the British lines and the American line. The interest of Mr. Miller was an American line. They wanted an additional trip, making 15 or 16 in all. It occurred to me that possibly an arrangement might be made between them. It was with that idea in mind that I suggested that there should be a conference between them, and for that purpose I called upon Mr. O'Connor and General Dalton and arranged for a meeting at 1 o'clock in the afternoon, at which Mr. O'Connor and Mr. Plummer and Mr. Smith represented the Shipping Board. But the result of it was that nothing came of it, and nothing was ever said or referred to about a cut; and I am happy to say to the committee, that in order that there might not be any misunderstanding as to the attitude of these gentlemen and of this committee, I asked Chairman O'Connor and Vice Chairman Plummer to come to my office this morning. Mr. WASON, Mr. VINSON of Kentucky, Mr. CULLEN, and myself were present; and these gentlemen stated that it had never occurred to them that this reduction was in consequence of or because of that meeting.

Mr. McDUFFIE. I have not heard anybody charging that on the floor. I thought the gentleman from Maine made a splendid and courageous statement. I think he was very fair to the chairman and to the committee, and I think that perhaps the chairman is unduly exercised when he takes the position that he must defend himself and the committee even before a charge is made. The chairman ordered the Shipping Board members to come to his office.

Mr. WOOD. No; he did not order anything of the kind. He invited them.

Mr. McDUFFIE. Well, you requested them to come. You requested these gentlemen to appear in your office before they appeared before your committee to present their estimates of funds needed for carrying on the activities of the Shipping Board and Fleet Corporation.

The chairman knew, I assume, that this gentleman to whom you refer and this distinguished gentleman from New York, ex-Governor Miller, a great lawyer, who seems to think he can enjoin the Shipping Board from entering into the territory of our chief competitor under the British flag. These gentlemen came up here at the request of the chairman, and the chairman must have known that they——

Mr. WOOD. What chairman?

Mr. McDUFFIE. I mean the gentleman from Indiana, my friend [Mr. WOOD].

Mr. WOOD. You mean when Mr. O'Connor came up?

Mr. McDUFFIE. Yes; Mr. O'Connor, General Dalton, Mr. Plummer, and Mr. Smith, three members of the Shipping Board. Surely the chairman knew that these distinguished gentlemen had already been before the Shipping Board and had thrashed out their matters more than once before the Shipping Board.

I wish to be fair in any statement about the incident. I have stated no conclusion the gentleman might see fit to defend just now; but is not the Shipping Board the place for these parties to adjust their differences and not the office of the chairman of the Subcommittee on Appropriations who has so much to do with providing funds for the Shipping Board?

Mr. WOOD. I will say, in answer to the gentleman from Alabama, that these gentlemen came here ostensibly for the purpose of appearing before the committee. After having heard their statements it occurred to me that their differences were such that they ought to be composed without airing their troubles before the committee. I thought that would be infinitely better, and with that idea in view this conference was held. Let me say to the gentleman that I think it is better now than a lawsuit and I think it is better now than having a rate war, costing the United States more than $1,000,000 a year, that these gentlemen get together under one flag and not under a divided flag.

Mr. McDUFFIE. I agree with the gentleman entirely. What sort of a lawsuit has the gentleman reference to?

Mr. WOOD. I will say it was stated upon that occasion, and it was stated here yesterday by the gentleman from Maine [Mr. BEEDY], that they are proposing to bring a lawsuit under section 7 of the merchant marine act, which provides that one line carrying the American flag shall not enter into competition with another American line.

Mr. McDUFFIE. Does the gentleman think there is any ground for such a lawsuit?

Mr. WOOD. I am not deciding that law question at all, but there is a chance of having a lawsuit, and I want to avoid that if possible.

Mr. McDUFFIE. I do not want to burden the gentleman or take up too much time, but the gentleman knows that any money he appropriates for the Shipping Board will not be wasted, judging the future by the past, and the gentleman knows that any money that is not used will be covered into the Treasury, except that which is needed to pay outstanding obligations under the language of the law. That being so, what is the object in eliminating $1,400,000 from the estimate of the Budget?

Mr. WOOD. I will answer that. The hearings in this case disclose that with the disposition of the west coast lines there will be more than $1,000,000 saved in that operation, because the loss of operation covered by the last appropriation amounted to $1,100,000 in round figures. Now, then, with the sale of certain other lines it may amount to twice $1,000,000, and they will save more upon the purchase of oil than $1,400,000 in the next year. There is no trouble about this and the gentleman need not be exercised. I appreciate the interest he has in the merchant marine; I appreciate the interest he has ever manifested in upholding the Shipping Board, and he has rendered valuable support in that direction; but two or three years ago the gentleman will remember, when we made a cut upon this appropriation to cover these expenses, he and other gentlemen here thought we had made too much of a cut. At that time it was agreed tentatively, and it was so expressed and is so expressed now, that in the event the appropriation we made was not sufficient to cover these losses they would not be hurt because of the fact that the deficiency bill could cover anything that might be needed.

Mr. McDUFFIE. Let me interrupt the gentleman to make this observation, or to ask the gentleman if in his honest opinion the very fact that the Congress itself cuts the President's Budget will not have its effect upon the future operations of the Shipping Board and its opportunities to handle more of the world's commerce?

Is not the psychology of it bad? Will not our competitors say, "Over there in America, even the Congress does not agree with the President's estimate"? and the President certainly has not shown any great amount of enthusiasm over this proposition, and will not our competitors say to shippers everywhere on earth, that Congress itself is withholding from the United States merchant marine the funds asked for and which are deemed necessary for successful operation?

Mr. WOOD. I think just the converse of that is true. It was the contemplation of the merchant marine act as soon as possible and under the most advantageous circumstances to get the merchant marine out of Government control and into private control. I believe that the sooner we get all of these lines into the hands of private corporations or individuals that much sooner will we establish as a permanent fact to all the people of the earth that we are going to maintain a merchant marine. No merchant marine has ever been successfully established and maintained in this country except under private ownership. The governments of Europe to-day are only hoping that we will keep dilly-dallying along as we have been dilly-dallying along ever since the close of the war without any definite policy, and that after two or three years, when the boats we now have will be obsolete, and we will have faded away from the sea. To my mind the greatest encouragement and the greatest guarantee for a permanent merchant marine is to get these vessels, as soon as possible, into the hands of responsible operators who are bent upon the maintenance of a merchant marine under the supervision of the Government of the United States.

Mr. McDUFFIE. May I suggest to the gentleman that the more we pare these appropriations the more quickly will this be done. Is that the policy under which the committee is proceeding?

Mr. WOOD. There is a whole lot that might be said pro and con upon that question. I say here—and perhaps it is unfortunate we have to discuss this—that there is a divided opinion with reference to the future of our merchant marine. There are a few people, even having their representation upon the Shipping Board, who are in favor of Government ownership. But the great mass of the people of the United States are opposed to it and they subscribe to the doctrine that the less the Government has to do with business the better it is for the people and for the Government. Now, then, with that divided opinion represented upon the board, I do not know how long it may be until we will carry out the letter of the merchant marine act which you will agree with me is ultimately to place all of these vessels in the hands of private owners.

If these vessels or these lines are disposed of at the earliest possible moment, before the ships themselves have become decadent and decayed, I expect the gentleman will agree that if they were placed in the hands of private owners under such restrictions and such requirements as the Shipping Board has the right to make, it would be infinitely better than to permit them to rot away without replacement, because we would soon have nothing left.

It is gratifying to know that we have reduced the cost of operation from about $50,000,000 to $17,000,000, or perhaps $14,000,000.

Mr. McDUFFIE. About $16,000,000.

Mr. WOOD. And the cost has been reduced in some degree by retrenchment in operation, but the vast portion of the reduction has come from the sale and disposition of these lines.

We have not a single cargo line but what is operating to-day at an expense, and it is now proposed to sell the West Coast Line, where we lost $1,100,000 last year. The Roosevelt Line that the gentlemen from New York came to inquire about is losing us more than $1,100,000 a year; and one of the things that occurred to me was that if we could sell these lines to some responsible agency that was bound, under the requirements and specifications of the Shipping Board, to maintain them for a certain period of years, it would be infinitely better than to be paying out $1,000,000 each year as a consequence of their operation.

Mr. CULLEN. Will the gentleman from Indiana yield?

Mr. WOOD. I yield.

Mr. CULLEN. I would like to clear up the situation in so far as it relates to the appropriations of the Shipping Board. There was no disposition on the part of any of the members of the subcommittee having in charge the appropriations of the Shipping Board to take away from them one dollar that they asked for. They came before the committee and the committee gave them everything they wanted.

In regard to the reduction of $1,400,000, it developed at the hearings that this amount of money might be saved on fuel, and it was even suggested, I think through the purchasing agent of the Shipping Board—I think the chairman of the subcommittee and my colleague Mr. VINSON of Kentucky will bear me out in this—that they could possibly save that amount of money plus the sale of some vessels that were out on the coast.

I do not think it is fair to come in here and criticize the subcommittee. I am only a minority member, but I believe I speak for my colleague the gentleman from Kentucky [Mr. VINSON] when I say that the committee was honestly and sincerely giving to the Shipping Board every dollar that they needed for operating and other expenses.

Mr. McDUFFIE. Will the gentleman from New York permit——

Mr. CULLEN. Yes.

Mr. McDUFFIE. May I suggest to the gentleman there is no effort or intention or purpose to criticize in the spirit the gentleman thinks we are criticizing, or that I am criticizing. I am sure the committee wants to do what is right and has done its best, but the best of us make mistakes.

Mr. CULLEN. Right.

Mr. McDUFFIE. It is no reflection on the committee if a Member of the House seeks to get a little information or offers a suggestion to the committee. I hope the gentleman does not

feel I am being unfair to the committee in simply calling attention to the fact that the last words of the chairman of the Shipping Board when he left this committee were, in substance, "Please give us the amount we have in our Budget estimate." That statement is on page 781 of the hearings.

Mr. VINSON of Kentucky. Will my colleague yield?

Mr. CULLEN. Yes.

Mr. VINSON of Kentucky. While it may be true that the chairman of the Shipping Board made that statement as he passed out of the room, I will submit that a fair interpretation of the hearing, with all the pages of evidence, will disclose that 99⅞ per cent of the hearing indicated that what we have done was in consonance with their ideas.

Mr. CULLEN. And in addition to that, if the gentleman will yield me a moment——

Mr. WOOD. Yes.

Mr. CULLEN. As I said before, I stand ready to provide further funds to keep the Shipping Board provided with the money necessary to continue their operating expenses, but when the purchasing agent comes along and says that there might be a possible saving in so far as coal and oil are concerned, there was no other course left.

Mr. McDUFFIE. But were not the savings in oil conditioned upon the sale of the West Coast Line?

Mr. CULLEN. Yes; that is true.

Mr. McDUFFIE. Suppose we do not sell that line or suppose, if you please, we have a coal strike and we have no ships to move the cotton of the South and the grain of the West. Under this paring process the board will not have money enough to put spot ships in the Gulf and other ports to move this additional commerce by reason of the cutting down of the appropriations.

Mr. WOOD. May I ask the gentleman, has the Government of the United States ever failed to meet the emergency he refers to?

Mr. McDUFFIE. Because it has had money enough; and let me suggest to the gentleman, the gentleman said last year $12,000,000 would be enough to get along on, and I call the gentleman's attention to the fact that already they have expended more than that for this year's operation. If we can judge the future by the past, when the fiscal year is up they will have expended about $16,000,000, and yet the gentleman said last year that $12,000,000 was enough. Now, the gentleman might again be mistaken.

Mr. WOOD. Yes; but we have not been hurt, have we?

Mr. CULLEN. If the gentleman will yield, I want it to go in the RECORD that, so far as I am personally concerned, and I think my colleague, the gentleman from Kentucky [Mr. VINSON], will agree, there is no disposition on the part of the subcommittee, including its minority members, to take one dollar away from the Shipping Board, or to attempt in any way by reducing its appropriations to cripple it in any form, shape, or manner.

Mr. McDUFFIE. I am sure of that.

Mr. BEEDY. Will the gentleman yield to me a moment, please?

Mr. WOOD. Yes.

Mr. BEEDY. I want to express my appreciation of the sentiment to which he has given utterance. I am very much gratified as one interested in the work the Shipping Board is trying to do.

The gentleman a moment ago said, when it was stated that there might be saved in fuel a million dollars, that there was nothing else for the committee to do but to cut down the appropriation a million dollars. Does not the gentleman understand with me that the saving of fuel was gone over carefully by the Director of the Budget when he recommended that the Shipping Board ought to have $13,000,000 to carry on with?

Mr. WOOD. I will say to the gentleman from Maine that there are two items that are amply sustained by the evidence that warrants the committee in making a reduction. One is the selling of the West Coast Line, and the other the reduction of the cost of oil.

Mr. BEEDY. As long as the committee is in sympathy with the work that the Shipping Board is doing and stands ready to give them the money they need in order to comply with the spirit of the act and acquire a major portion of the commerce, I am myself content.

Mr. WOOD. The committee has always been disposed to do that, and we have stood by the Shipping Board sometimes when it was a pretty big job.

Mr. DAVIS. Will the gentleman yield?

Mr. WOOD. I will.

Mr. DAVIS. With respect to the observation of the gentleman from New York that Members of the House were criticizing the committee because they differed with them, I want to state that we are not criticizing the subcommittee. Some of us, however, have convictions and opinions on this subject, and we think we know something about this problem, and I respectfully submit that we are entitled to express our opinion without being charged with criticizing the committee. The committee is not infallible, and neither are we. The suggestion made by the gentleman from New York is wholly unjustified.

Another thing. It is admitted by the chairman of the subcommittee and others that this reduction of $1,400,000 from the Budget estimate submitted to the House by the President is predicated on a possible contingency. I want to ask the gentleman from Indiana in all fairness if it is not rather unusual for an appropriation to be cut down on the possibility of some occurrence which if it does occur will warrant a reduction?

Mr. WOOD. If this was to be the end of the Congress of the United States and the Shipping Board was to continue without hope of relief otherwise, I think the gentleman's contention would be a good one; but it is the purpose of Congress, or ought to be, to save as much as possible without curtailing any activity that is worthy.

Four years ago we had the same question here. It was then announced on the floor that in the event the appropriation should prove insufficient a deficiency appropriation would be made. We are making that now. There is no disposition on the part of the subcommittee or the general committee to cripple the Shipping Board or the American merchant marine. I wish to commend the gentlemen who have been operating this board for their prudence in the reduction of expenditure, and it is through them we are able to make the retrenchment we are now making. It was said by some member of the Shipping Board that "We are making such excellent showing that we are afraid you won't give us anything."

Mr. DAVIS. I want to indorse what the gentleman says about the showing they have made. They are making a splendid record of increased efficiency, increased earnings, and at the same time reducing expenses. I think that in itself is sufficient warrant that they will not spend any more money than is required. The gentleman from Indiana himself knows that this is a tremendous proposition. They have to arrange the program, they have to make contracts; they can not operate such a tremendous enterprise on a month-to-month basis on the possibility that they may be able to come back and get a deficiency appropriation, especially in the face of the statute that prohibits an executive department from exceeding its appropriation.

Mr. WOOD. They will have more than ample money to carry them past and beyond the next Congress before the fiscal year for which the appropriation is made. There is no question but they will have money enough, and if worst comes to worst there is another Congress that can make additional appropriations.

There are two items here which in my opinion would have warranted us in making a $2,000,000 reduction.

Mr. DAVIS. But both of them are predicated upon contingencies. Suppose neither of the contingencies occur, and suppose in addition to that, as the gentleman from Alabama suggested and as has occurred on two different occasions, there should be a vast accumulation of wheat or cotton or other commodities for which they must furnish transportation.

Mr. WOOD. They have funds enough to take care of that; they have a construction fund of $80,000,000.

Mr. DAVIS. But that fund is not available for operation.

Mr. WOOD. It is available for private operators to supply the emergency that the gentleman is talking about.

Mr. DAVIS. They are only authorized to use that fund for making loans for ship construction and for Dieselizing ships. They are not authorized to make any character of reconditioning under the construction loan fund, except to Dieselize the Shipping Board vessels. Is not that correct?

Mr. WOOD. They can Dieselize; yes.

Mr. DAVIS. I beg the gentleman's pardon. They are authorized to keep their ships in repair, but outside of Dieselization it can only be paid for out of the funds that we are annually appropriating for the operation of the ships.

Mr. WOOD. It is the opinion of the board that out of the funds they are deriving they can take a portion of it and even apply it to the reconditioning of the *Mount Vernon* and the *Monticello*.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. WHITE of Maine. Mr. Chairman, I understand very clearly from the testimony of the Shipping Board before the gentleman's committee, that they have just the contrary opinion, that they could not do it. I venture the opinion that no one who is familiar with the construction loan fund, with its origin and with the changes that have been made in that construc-

tion loan fund, through legislation coming out of the Merchant Marine Committee, can have any such idle notion of the law as that.

Mr. DAVIS. And another thing—I appreciate the interest of the gentleman and I appreciate his desire to economize. I do not want one cent more appropriated than will probably be needed, but I ask the gentleman if he does not think that it places an improper pressure upon the Shipping Board to put them in the attitude that, before they will have a sufficient amount of funds on hand to continue their operations as they are now doing, they must sell some of their lines?

Mr. WOOD. Oh, no; the action of the committee was predicated upon the fact that they are going to sell some of the lines, and they ought to sell some of the lines.

Mr. DAVIS. I am familiar with that proposed sale, and I want to say that they are far from a sale, and I doubt very much whether it will be consummated. It has certainly not reached any meeting of minds of the parties yet, and I doubt very much whether it will.

Mr. WOOD. Suppose it does not. We will know whether it is going to be a sale or not before this Congress adjourns, will we not?

Mr. DAVIS. Probably so.

Mr. WOOD. Of course we will. The advertisements are made, and the time limit is fixed. If the emergency which the gentleman is talking about and fearing possibly may happen, or does happen, we will be here.

Mr. DAVIS. I want to ask the gentleman a question or two further, if he will permit.

Mr. VINSON of Kentucky. Mr Chairman, before the gentleman leaves that will he permit a statement on that point?

Mr. DAVIS. As far as I am concerned, I will

Mr. VINSON of Kentucky. Referring to the decrease in the appropriation, I ask you if the Shipping Board did not evidence an earnest desire to secure the provision which would permit of the reconditioning of the *Mount Vernon* and the *Monticello*, and was not a very vivid picture painted to the committee that not only had the operating expense been cut down in the past, but that the operating expense is being cut down now, and that while they wanted provision made to secure $10,000,000 from this construction loan fund, they estimated it would require $2,000,000 additional to recondition these two vessels, and when we called their attention to that fact, they said they had the place where they thought they could get the additional $2,000,000. Is not that so?

Mr. WOOD. That is what they said.

Mr. DAVIS. That has no reference to the matter under discussion.

Mr. VINSON of Kentucky. If the gentleman will permit, it would show that they were saving money in operating expenses and had been doing it and were doing it, and were in such condition that they could reach out and get $2,000,000 to add to the $10,000,000 that we were to provide.

Mr. DAVIS. I want some member of the committee to tell us where they indicated they could get it.

Mr. VINSON of Kentucky. As far as I was concerned, I was satisfied that they were in good faith when they made that statement. I thought they were going to save it in the operating expense.

Mr. WOOD. I think if the gentleman will read the hearings——

Mr. DAVIS. I have read them, but I do not remember any reference to that feature of it.

Mr. VINSON of Kentucky. The gentleman does not mean to say that he does not see in the hearings where they said they could get the $2,000,000?

Mr. DAVIS. I am sure that I saw no reference to where they could save it, from operation or sale of vessels or elsewhere.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield for a question in this connection?

Mr. WOOD. Yes.

Mr. BRIGGS. In order that the RECORD may be straight about the assurance of the chairman, it is my understanding that the chairman gives the Congress the assurance that in the event that this amount provided for the operation of the ships should prove insufficient a deficiency appropriation would be brought in to cover that deficiency, so that the Shipping Board and the Merchant Fleet Corporation will not have their activities and necessary duties interfered with, so that they can not be performed.

Mr. WOOD. I individually subscribe to that, and I think every member of the committee will subscribe to it.

Mr. BRIGGS. I want that particularly in the RECORD, because very frequently during the seasonal movement of crops in the United States, in the summer season, when the Congress is not in session, it falls upon me to strive to get additional ships for the movement of grain from the West which happens to go through ports of the Southwest and for cotton of the South. I have had a tremendous amount of difficulty from time to time. For instance, as the chairman knows, last year the British coal strike occurred—I mean in 1926—and it required putting into service an additional number of American ships by the Shipping Board to the extent of nearly 100. Without those ships we could not have moved the commerce of the United States to its destination, and it is a matter of great concern that they should have enough money on hand to provide for the reconditioning of and operation of these vessels. Therefore it is a matter of gratification to me to receive the assurance of the chairman.

Mr. WOOD. I would like to extend and insert as a part of my remarks a statement showing the lines operated and operating results:

Statement of revenues, expenses, and losses, by lines, excluding United States Lines and tankers, fiscal year 1927

Name of operator	Line	Number of ships as of June 30, 1927	Number of voyages	Revenue	Expense	Losses or profits [1]
Admiral Oriental Line [2]	American Oriental Mail Line	7	28	$1,504,746.46	$1,779,281.24	$274,534.78
Columbia Pacific Shipping Co. [2]	Oregon Oriental Line	10	39	2,390,750.33	2,738,530.03	347,779.70
Swayne & Hoyt [2]	American Australia Orient Line	19	25	2,083,946.43	2,453,566.09	369,619.66
C. H. Sprague & Son (Inc.)	American Republics Line	13	36	2,989,652.12	3,713,134.90	723,482.78
Rogers & Webb	Yankee Line	7	35	1,560,791.10	1,893,336.67	332,545.57
South Atlantic Steamship Line	American Palmetto Line	10	59	2,409,823.00	3,025,853.81	616,030.81
Cosmopolitan Shipping Co	America France Line	9	65	2,597,678.39	2,932,657.15	334,978.76
Black Diamond Steamship Co	American Diamond Lines	17	91	4,308,380.33	4,924,532.25	616,151.92
Moore & McCormack	American Scantic Line	7	28	1,807,574.55	2,047,232.24	239,657.69
A. H. Bull & Co	American West African Line	10	21	2,703,493.27	2,765,676.62	62,183.35
Atlantic Gulf & Oriental Steamship Co	American Pioneer Line	22	37	4,664,857.69	5,573,875.56	909,017.87
J. H. Winchester & Co	American Merchant Lines	5	27	1,165,614.81	1,483,229.99	317,615.18
Roosevelt Steamship Co	American India Line	5	12	1,292,504.20	1,866,448.98	573,944.78
Do	Atlantic Australian Line	10	13	1,027,029.01	1,649,127.95	622,098.94
Consolidated Navigation Co.	Oriole Lines	18	109	3,719,398.61	5,222,716.17	1,503,317.56
Export Steamship Co	Export Steamship Co		2	108,426.58	117,628.71	9,202.13
United Gulf Steamship Co	American Dixie Line	21	128	6,009,034.88	7,143,416.42	1,134,381.54
Do	American Premier Line	10	39	1,657,155.23	1,981,454.26	324,299.03
Lykes Bros. Ripley Steamship Co	Southern States Line	27	141	5,930,329.94	7,455,659.41	1,525,329.47
Do	Texas Star Line	9	45	1,945,265.26	2,359,969.69	414,704.43
Mississippi Shipping Co. (Inc.)	Gulf Brazil River Plate Line	14	12	977,204.81	1,014,525.70	37,320.89
Do	Mississippi Valley European Line	6	31	1,567,329.32	1,645,797.33	78,468.01
Do	American Delta Line		18	1,280,199.15	1,464,541.47	184,342.32
Tampa Inter-Ocean Steamship Co	Gulf West Mediterranean Line	8	32	1,401,998.54	1,624,239.20	222,240.66
Waterman Steamship Co	Mobile Oceanic Line	12	68	2,922,217.00	3,636,718.27	714,501.27
Munson Steamship Co	American Dispatch Line		12	964,434.13	1,124,102.68	159,668.55
Struthers & Barry	American Far East Line		10	855,239.43	1,096,623.68	241,384.25
Swayne & Hoyt	Pacific Australia Line		8	789,615.90	845,247.37	55,631.47
Do	Pacific Argentine Brazil Line		3	318,540.58	375,098.56	56,557.98
Total freighters			1,174	62,953,231.05	75,954,221.40	13,000,990.35
J. H. Winchester & Co.	American Merchant Lines (passenger)	5	52	3,005,292.56	2,914,456.14	[1] 90,836.42

[1] Indicates profits.
[2] These lines have been advertised for sale.
No inactive vessel expense included.
There have been discussions relative to the possible sale of the American Merchant Lines, American West African Line, and the America-France Line.

Mr. DAVIS. Mr. Chairman, will the gentleman yield there?
Mr. WOOD. Yes.
Mr. DAVIS. Was any information given to the committee as to how much the interest will be under the new section (e)?
Mr. WOOD. It varies between $340,000 and $400,000.
Mr. DAVIS. In the next paragraph there is a reappropriation of any funds left over from the last time. Can the gentleman tell us what that amount was, if anything?
Mr. WOOD. Five million dollars.
Mr. DAVIS. And that will be available in addition to the $12,000,000?
Mr. WOOD. Yes.
Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield right there?
Mr. WOOD. Yes.
Mr. WHITE of Maine. This interest that you are proposing to transfer to these funds now goes into the miscellaneous receipts of the Treasury?
Mr. WOOD. Yes.
The CHAIRMAN. The time of the gentleman from Indiana has expired.
Mr. WASON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended one hour.
The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?
There was no objection.
Mr. WOOD. I want to call attention to a new paragraph recommended by the committee relating to the reconditioning of the steamships *Mount Vernon* and *Monticello* (formerly *Agamemnon*), which is as follows:

For the reconditioning of the steamships *Mount Vernon* and *Monticello* at a total cost not in excess of $12,000,000, not to exceed $10,000,000 is made available from the construction loan fund and shall be reimbursed to such fund with interest at such rate and within such period as the board may determine, but not exceeding 10 years after the date of commission of such reconditioned vessels.

These vessels have been very carefully surveyed, and the cost of complete reconditioning and installation of geared turbines and water-tube boilers, enabling them to maintain a speed of 20 knots is estimated at $12,000,000. The committee believes that if more than $10,000,000 is necessary, which sum is authorized by the paragraph just above set forth, it can be obtained from other funds at the disposition of the Fleet Corporation. Very careful estimates indicate that each vessel would earn approximately $400,000 per annum after reconditioning, and, in addition, would provide the United States Lines with a more balanced fleet, enabling the establishment of a weekly sailing service to European ports. A detailed statement relating to the costs of reconditioning, operating revenues, expenses, and characteristics of these vessels will be found on pages 699–710, inclusive, of the hearings.

Now, there is quite diversity of opinion as to whether or not these vessels should be reconditioned. When I came back from Europe I was firmly convinced that we ought to have two new vessels to round out our North Atlantic fleet. Apparently it is not possible to have two new vessels. Instead, it is suggested that we recondition these two vessels with the money indicated. Then they will be practically as good as new. You know they are German vessels, and everybody who has had to do with the examination of these vessels, that were taken from Germany, knows how superior they are. An objection is made to the reconditioning from the fact that if they are reconditioned they will be slow. But we have the statement of one of the best ship engineers in the United States that the speed will be practically from 22 to 23 knots per hour. These engineers are firmly of the opinion that if these two vessels are reconditioned we will have accomplished our purpose. Those who advocate the building of two new vessels base their statement upon the fact that two new vessels would last twice as long ordinarily as if these two older vessels were to be reconditioned. That may be true, or it may not. But assuming that it is true, it would cost twice as much to build these two new vessels as to recondition these two older ones. Then time is an important element in this matter. If we can recondition these two vessels, we can have them in operation within 15 months. To build new vessels would take at least 32 months, or nearly 3 years, and thus we would have lost operation for nearly two years, and that means a great deal in the maintenance and operation of our lines across the Atlantic.

Mr. DAVIS. Mr. Chairman, will the gentleman yield again?
Mr. WOOD. Yes.
Mr. DAVIS. Is it proposed to recondition these as first-class passenger ships, or as cabin ships?
Mr. WOOD. My understanding is that they are to be cabin ships. They are large vessels and serviceable vessels, and they will give us a sailing at least once a week from this side and from the other side as well. To my mind it will serve another purpose, too. Anybody going to Europe and going to these great capitals over there where all these competitive ocean lines have their offices will hear constant talking about the ships of the United States trading on the seas. Besides the investment, I think it is important to show our competitors on the other side that we are on the ocean to stay. I would like to have two new vessels; but feeling that we are not able to get them, the advisability of reconditioning the two ships named seems to be indicated, because they will fill in the breach, and in my opinion they will extend the possibilities of a sale of these North Atlantic lines to private ownership, because when these two vessels are completed we shall have rounded out a line of carrying vessels that will be complete. Without them it would be detrimental; and that would be taken into consideration by any one seeking to buy these lines.
Mr. DAVIS. Assuming that this authorization is to be made, does not the gentleman think there ought to be some safeguards thrown around them, as in what is known as the Dieselization act, to prevent these ships from being transferred to foreign registry or being sold at a ridiculously low price, such as has been true in other instances?
In other words, other ships have been reconditioned at large expense and then sold at a nominal percentage of the reconditioning cost. Does not the gentleman think that in view of the facts there ought to be some safeguards of that kind adopted?
Mr. WOOD. I believe the vessels should be reconditioned. But the understanding of the board is, and I think it ought to be, that in the event these vessels are reconditioned and a sale is made, the same rules should apply as those we made to apply with reference to the reconditioning of the *Leviathan*, namely, that the reconditioning cost should be met by the purchaser, less the wear and tear caused by the time of operation.
Mr. DAVIS. That might be the policy of the present board, but the present board may change, and some other board may come in and authorize the sale at a nominal price, or sell them to some one who will transfer them to a foreign register.
Mr. WOOD. I am in favor of adding such a provision as the gentleman states as a safeguard.
Mr. Chairman, during the general debate last evening when the gentleman from Kentucky [Mr. VINSON] had the floor we entered a discussion relating to the reconditioning of two steamships, the *Mount Vernon* and the *Monticello*, and the estimated results of operations. Apparently we discussed this matter from different angles, and I desire at this time to make a statement for the RECORD which will make this matter clear.
It has been estimated that if these vessels are reconditioned and placed in operation each vessel will obtain a gross revenue of $3,927,903. Against this sum must be charged an operating expense, which includes voyage expenses, maintenance and repairs, advertising, and a proportionate share of the administrative cost, aggregating $2,649,093. This sum deducted from the gross revenues leaves a gross income of $1,278,809 per year.
This is the figure to which the gentleman from Kentucky referred, and is correct as far as it goes. However, there must be taken into consideration the fact that these vessels are to be reconditioned at a cost of $6,000,000 each. To ascertain, therefore, the net revenue of each vessel per year it is necessary to set aside certain sums for the amortization of the loan made for reconditioning and interest at 4½ per cent per annum.
To repay the loan of $6,000,000 on each vessel the sum of $600,000 must be set aside for a period of 10 years. Interest at 4½ per cent per annum on the reconditioning cost amounts to $270,000 per year. These two sums, aggregating $870,000, must be deducted from the gross revenues of $1,278,809 per year, and leaves the sum of $408,809 per annum as the net revenues from each of these vessels. This is the figure referred to in the report accompanying the bill, and the figure to which I referred yesterday during the debate with the gentleman from Kentucky. I hope that this explanation will enable the membership of the House to better understand the situation relating to the reconditioning of these two vessels.
Mr. VINSON of Kentucky. Will the gentleman yield?
Mr. WOOD. I yield.
Mr. VINSON of Kentucky. During the hearings, General Dalton impressed upon us the fact that the question of profit was not the correct word in their operation. He would always refer to the total revenue, and the operating expenses, and the difference between those two items was the earnings. There has been no policy in this Shipping Board to amortize the value or cost of a vessel, or to consider any interest charge upon the money invested.

Mr. DAVIS. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. DAVIS. Is it not a fact that the Shipping Board does prorate all of the Shipping Board's expense among the different ships and make them bear their part of all the salaries, and other expenses of the Shipping Board and the Emergency Fleet Corporation?

Mr. VINSON of Kentucky. That is handled as administrative expense, but there is no interest charge and no amortization charge in such expense.

Mr. DAVIS. Of course, that is true.

Mr. VINSON of Kentucky. That is the reason I took the position that it was a $2,550,000 profit. I was handling the profit in the terms defined by General Dalton, as there is no interest charge and no amortization in the other calculation of earnings.

Mr. DAVIS. As a matter of fact, the actual voyage losses of the nearly 300 Shipping Board vessels are now nominal, the so-called losses simply being represented by the personnel office expenses, and so forth, of the Shipping Board and the Emergency Fleet Corporation.

Mr. VINSON of Kentucky. These items with the commissions and brokerage fees offset the losses.

Mr. WOOD. I wish to take this opportunity, rather than to take the time to do it otherwise, of giving the membership some ideas I have and convictions I entertain with reference to the future of the merchant marine of the United States. I feel a very deep interest in this proposition and I know a very great many other Members do. I am at a loss to understand why a bill was introduced in another body which means the practical undoing of the present merchant marine act and means the establishment of Government ownership of our vessels, which, to my mind, absolutely destroys all possibility of a merchant marine that will be commensurate with the United States. I can not understand why such a thing has been done.

I have before me an editorial in the Post under date of January 19, 1928, which expresses very tersely and in a more forceful way than I can the attitude I occupy with reference to this proposition. I want to read it:

THE JONES SHIP BILL

It is surmised that the supporters of the Jones shipping bill, in pressing it forward in the Senate, are merely trying to impress upon the country the seriousness of the merchant-marine situation and do not expect the bill to pass. The vote by which the bill was made the unfinished business is by no means an indication that it is favored by the majority.

The cost of replacing the freight ships owned by the Government would be at least $250,000,000. This would entail an annual interest and depreciation charge of about $22,500,000, together with an operating loss of about $12,000,000, making an annual charge of about $35,000,000 upon the taxpayers. The result, aside from this steady drain upon the Treasury, would be the disappearance of privately owned American shipping in the foreign trade.

The coastwise merchant marine is adequate, capably handled, and most valuable for emergency defense purposes. It does not cost the United States Government anything.

No estimate of a subsidy for foreign-service vessels would cost the Government one-half as much as it would lose annually in interest and depreciation under the Jones Government-operation plan, not counting the loss under Government operation. It is absurd, therefore, to suppose that Congress will enact the Jones bill or that the President will approve it. The Commerce Committee of the Senate has done well to press the subject forward, but it could have saved time by preparing a bill that would have some hope of enactment and approval.

What the country wants is a merchant marine privately owned and operated, which will not be a drain upon the Treasury, but nevertheless under the jurisdiction of the Government in case of war emergency. Surely Congress should be able to draft a bill that would meet these requirements.

I feel that is expressive of the great popular sentiment of the United States. To my mind it is unthinkable that this Government of ours, the greatest upon the face of the earth, should not have a merchant marine commensurate with her importance. [Applause.] Countries are only made known to other countries by reason of their transportation facilities. Civilization has never been extended except through commerce. We may not need this agency for the purpose of civilization, but we do need it for the purpose of expanding our trade. [Applause.] How can we hope to expand for the increasing production of the United States except through an adequate agency? If we are to expand, it must be across the sea into some foreign land. What country is going to represent us and the best interests of our people in expanding that trade? Certainly England is not going to do it; Germany is not going to do it; Italy is not going to do it; and all of these powers are now bending all of their energies to capture the trade of the world. Therefore I say the people of the United States—every man, woman, and child—have a vital interest in the determination of this question. One out of every six persons in the United States is dependent for a livelihood upon foreign transportation. So this will give you some index of the importance of this proposition.

The trouble is we are not ship thinking. I have said repeatedly that if we thought one-tenth as much about ships as we do about automobiles there would not be any trouble in solving this proposition. But we have permitted our merchant marine to be frittered away. We have become used to seeing our transportation carried on by foreign countries. We have sat idly by from a time when we were carrying 89.9 per cent of all of our commerce in American bottoms down to a time when we were carrying only 8.7 per cent. Fortunately, we saw that rise until we were again carrying, in 1920, 42.7 per cent.

We are seeing it decline again, until we are to-day carrying but 32.2 per cent. If this decreasing percentage continues it will not take long to wipe us off the sea, and we will again be at the mercy of the maritime powers of Europe and of Asia to carry the trade of the United States. To my mind it is a strange and unthinkable condition, and the Congress of the United States is the only power which can prevent this tragedy from occurring. We have now, as we have never had before, a nucleus around which we can build a merchant marine that will be equal to meet this emergency. We have had frequent examples which should demonstrate to everyone the necessity of this thing. Before the war, if we wanted to ship something from the United States to South America, nine times out of ten we shipped upon an English, French, Italian, or German vessel. The vessel did not sail directly from a port in the United States to the destined port in South America, but it would go to the home port first and then to South America. The American shipper paid the freight and was only permitted to ship when there was space in the bottoms of these vessels and it did not interfere with the citizens of the country that owned the vessels.

During the coal strike that has been adverted to here two or three times, if it had not been for the laid-up ships of the United States that were put into commission there would have been untold millions of dollars lost to the American farmer, the wheat grower, the corn grower, the cotton grower, and the fruit grower.

If we are to permit this to occur again, with this rivalry that is going on between the maritime powers of the Old World and combinations they may make over which we have no control, we will again be subjected to whatever price they may dictate to carry the goods of the United States; and in case of war we will again see the beautiful spectacle we saw when the last great war broke out, when we were furnishing our boys by the thousands and millions, carried not upon our vessels, because we had no vessels to carry them, but carried by foreign vessels to fight battles in foreign lands; these vessels, not supported by convoys of ours, but by convoys of foreign countries.

We also witnessed another beautiful spectacle. When Japan was threatening war against this country and Theodore Roosevelt sent the fleet around the world, we did not have a collier to furnish them coal, and had to depend upon foreign vessels to furnish such coal. Do we want this to occur again?

I think the last great demonstration, which ought to prove convincing to every person in the United States of the necessity of an adequate merchant marine, was furnished by the Geneva convention.

England has 100 merchant marine vessels to-day that can be converted overnight into cruisers, each one of them armed with guns of considerable caliber. Therefore she was rightfully interested in seeing that nothing might interfere with the carrying out of her plan. The United States was wise not to enter into the intrigue that was fostered there, and we should profit by the experience thus gained and establish a merchant marine, which is always the strong right arm of the Navy, to support us if the occasion ever requires it.

We are spending $250,000,000 or $300,000,000 a year upon a Navy and in building new ships, and not 1 out of 100 will ever fire a shot at an enemy, and nine-tenths of these vessels will become obsolete and of no use before they have ever been fired upon.

Mr. ROMJUE. May I ask the gentleman a question?

Mr. WOOD. Yes.

Mr. ROMJUE. I am very much interested in the discussion the gentleman is making, and I think one of the greatest benefactions that could come to this country would be a strong merchant marine. The newspaper article read just a moment ago seemed to make an appeal for a privately owned merchant marine, one that would not be a drain upon the Treasury. I am hoping the gentleman will explain how this may be pos-

sible. I hope it is possible, and I would be glad to see it brought about.

Mr. WOOD. I am going to explain as best I can the plan adopted which looks to that end in the future.

I want to say, in passing, I am encouraged through having been reliably informed that for the first time in more than 50 years a group of American citizens are prepared to invest a large amount of money in establishing a new ocean service across the Atlantic, provided some reasonable and long-term provisions are met. I understand that their plans do not depend on a subsidy and that the full details will be laid before the Shipping Board in a week or two.

Mr. LEHLBACH. Will the gentleman permit a question right there?

Mr. WOOD. Yes.

Mr. LEHLBACH. Does that refer to passenger or freight service?

Mr. WOOD. I understand it refers to passenger and freight service.

The reason new shipping legislation is necessary at this time is that the merchant marine act of 1920—Jones Act—was never given full effect. Several of the most important features of that act have been suspended or nullified and it has failed of its declared purpose to establish a successful merchant marine by the transfer of the war-built merchant fleet to private hands. To realize the present problem, it is necessary to go back to 1920.

At that time the Government had on its hands a vast fleet of ships built to meet the emergency of the war and the building of which helped to win the war because it demonstrated that the United States was providing itself with the means to transport to Europe whatever number of troops was necessary to bring the war to a victorious close.

But after the war there was a world-wide commercial depression which produced a depression in shipping and it quickly became apparent that neither the United States Shipping Board, operating the vessels itself, as it did in the beginning, nor private shipping concerns could find occupation for their tonnage.

Congress deliberated long and carefully, and the result was the merchant marine act of 1920. In an unusually specific and broad enacting clause this act laid down a national shipping policy. It declared that the United States—

> should have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater part of its commerce and to serve as a naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States.

The act declared:

> It is hereby declared to be the policy of the United States to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine.

And the Shipping Board was enjoined "to keep always in view this purpose and object as the primary end to be attained."

This was a big order and Congress sought not only to give the board wide discretion but it also recognized that a successful and going American merchant marine could not be created without some form or forms of practical assistance and advantage to offset the lower wage scales and lower operating costs of other shipping countries, many of which grant subsidies and most of which enjoy the advantages naturally arising from prior establishment and long experience in world trade. Congress looked around for means of employing our own American commerce in such a way that it would be aided by the American merchant marine and should, at the same time, contribute to the development of that merchant marine. It was recognized that if American exporters and importers could be drawn into a more general employment of American ships the development of an American merchant marine would be assured, but, first, it was necessary that as good service be provided under the American flag as under foreign flags. Without some encouragement American shipping interests would not buy the ships and the necessary capital for new lines would not be forthcoming.

The Jones Act, therefore, provided a number of expedients for indirect aid to American shipping. Section 21 provided for extension of coastwise trading laws to the Philippines. This was designed to restrict the carriage of merchandise between the Philippines and the United States to American vessels. Up to date this has not been done, and American vessels enjoy no advantage over foreign vessels in this trade between the United States and our most important insular possession. Section 28 provided that railroads might, under certain conditions, make a lower rate on freight destined for shipment in American vessels than that to be shipped through foreign vessels. This was intended to establish a preference for American vessels in the movement of American exports and imports. This section has never been given effect.

Thus we see that two of the major provisions for encouragement of American shipment are absolutely dead letters. There were, no doubt, some valid objections to both. That is not the point. The point is that this aid and encouragement deemed by Congress to be absolutely essential to the carrying out of the policy of transferring the ships to private hands for permanent operation in the interest of greater American commerce and national defense has been withheld. The problem now is to find other means of providing equivalent aid and encouragement. Valuable time, seven years of it, has been lost during which our competitors have been building new and better and more economical ships. They have been extending their routes, perfecting their connections for obtaining freight in competitive markets, and some of them have been doing it with capital borrowed in the United States.

Congress in 1920 not only realized that some aid and encouragement was necessary for the successful operation of the war-built vessels, which the board was directed to sell under suitable conditions, but it saw clearly that new, more modern, and more economical vessels must be built, and since the construction of such tonnage in American yards would cost far more than vessels built by our competitors in Europe and in the Orient, Congress sought to encourage new construction. A first-class merchant marine has never been built up without a healthy shipbuilding industry. In the golden age of American shipping, just before and just after the Civil War, it was Yankee shipbuilders as well as Yankee skippers who made it possible for 90 per cent of American commerce to be carried under the American flag.

Section 11 of the merchant marine act provides for the building up, out of money derived from sales and operations, of a construction loan fund to be used in loaning money at low rates of interest to American citizens desiring to construct new ships of the best and most efficient types. The purpose of this was to insure the new merchant marine being kept up to date. Unfortunately a subsequent enactment by Congress forbade loans to be made at less than 4¼ per cent, and this was so high that such a loan would represent very little saving to the prospective builder of a ship that it would not anywhere near offset the difference between construction costs abroad and here. So this provision has been practically a dead letter so far as bringing about the construction of new vessels for foreign trade by private shipowners.

It will be seen from the foregoing that while the merchant marine act had a powerful purpose, the mechanism whereby that purpose was to be translated into action has been largely paralyzed.

Another section of the merchant marine act of 1920 provided that the Shipping Board and the Postmaster General might make such contracts as seemed advisable for the carrying of the mails on American lines. Fortunately this provision has been carried out and a number of such contracts are in effect, but they are dependent on renewal from year to year, and upon the granting of the necessary funds by Congress from year to year. Shipowners never know when this encouragement may be withdrawn. They are unable to make their plans for the future with any assurance that the contract will be continued. In this respect we are even behind the conditions obtaining under the old ocean mail act of 1891, pursuant to which contracts for 10 years were entered into.

The United States long ago recognized the wisdom of encouraging construction of vessels of superior speed for the more rapid, regular, and frequent carriage of the mails. If this policy is to be effected it should be brought up to date and long-term contracts authorized.

Mr. DAVIS. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. DAVIS. I wish to remind the gentleman that the 1891 act is still in effect, just as it has been all the time; and the reason the contracts are restricted to one year is because of the action of the Committee on Appropriations.

Mr. WOOD. It is because of the controverted point as to whether or not they have the authority.

Mr. DAVIS. But the point is that the 1891 act which authorizes long contracts is the law now. It is not necessary to enact any new legislative provision.

Mr. BLAND. If the gentleman will permit, that was carried into effect by contract and then those contracts were annulled by action of the Committee on Appropriations in the Post Office bill of last year.

Mr. WHITE of Maine. And, if the gentleman will yield further, contracts were not only contemplated by the 1891 act but the merchant marine act of 1920 reaffirmed the intention of

the Congress that the Postmaster General might enter into contracts covering longer terms.

Mr. WOOD. The practice to-day is for one-year contracts.

Mr. WHITE of Maine. That came from the action of the Committee on Appropriations.

Mr. WOOD. There is urgent need for legislation that will permit new construction in American shipyards which are almost destitute of work. American-built ships will cost anywhere from 40 to 60 per cent more than ships built in foreign yards. Congress sought to help out on this situation by permitting the loaning of funds at low rates of interest. The legislation now proposed in the Wood bill for the Government to assume the difference between foreign and domestic costs might well be described as a bill to make good what Congress held forth but did not fulfill in the Jones Merchant Marine Act of 1920. It is doubtful if there is a parallel in American history of a great measure like the merchant marine act of 1920 being largely nullified in administration. Pending legislation for long-term mail contracts we could do no more than to render effective the purpose of the American marine act.

The problem of the American merchant marine is not merely a problem of getting the Government out of the shipping business. Privately owned American shipping companies, which built tonnage at enormous prices during the war period, deserve some encouragement. They are up against a powerful form of competition and this competition is biding its time, and if the United States Government does nothing to support its shipping a formidable attack will sooner or later be launched against every American line. The American companies which have bought ships and services from the Shipping Board are in dire need of assistance. Their vessels are wearing out and are getting out of date. Their competitors have built, and are building, new, modern, and more economical vessels, the competition of which is disastrous.

At the present time we have a merchant marine act which makes a noble declaration, but the means of turning that declaration into reality is lacking.

We could never have developed this great country by pious resolutions. If we had merely declared that the public domain of the United States should be settled by hard-working American farmers, it never would have been settled. We had to give the settlers the land outright under the homestead act. We never could have built transcontinental railroads by simply resolving that they should be built. We built them by giving land grants. So it is with the problem of building up the American merchant marine.

Mr. Chairman, it is my purpose to place before you a picture of our position in the maritime affairs of the world. I desire to call particular attention to our merchant marine activities and will dwell on the matter of naval tonnage only to the extent necessary to present to you the matter of our sea power.

Five years ago a naval disarmament conference was held in Washington, and since that time it is interesting to note the progress made by the participating nations, not only in the matter of naval construction but also merchant shipbuilding activities.

During the past five years there have been laid down or appropriated for and building a total of about 300 naval vessels, and of these Japan is credited with 101, France 96, Italy 46, the British Empire 37, and the United States with but 19.

Merchant vessels of 2,000 gross tons and over for transoceanic service contracted for, built or building, out of a total of about 1,000 ships the British Empire has 741, Italy 91, France 80, Japan 71, and the United States 18.

This is the picture of shipbuilding activities of the principal maritime nations since the United States agreed to the apparent desire for world naval disarmament.

During the past summer another disarmament conference was held in Geneva. Because the United States had nothing further to offer, no ships to dismantle, no construction work to cease, no further depletion of our national defense to appease the foreign nations participating, it resulted in a complete fiasco. And this in spite of the fact that England might have abandoned the further construction of additional cruisers, thus maintaining in greater degree the ratio agreed upon five years ago.

In determining any nation's sea power it is necessary to combine naval tonnage with that of the merchant navy to properly reflect naval strength; yet from the figures above quoted it is apparent that America is trailing far behind in the question of sea power. The United States is so far removed from the actual base of operations that even in a defensive war the protection of our island possessions and the Panama Canal would require an enormous fleet providing adequate transportation facilities.

During the World War the United States constructed a huge merchant fleet, not for the purpose of acquiring commercial supremacy but primarily to compensate for shipping losses incurred by submarine warfare and to assist in the ending of hostilities. This is evidenced by the noncompetitive types of ships that were authorized and constructed, and without fear of contradiction the United States embarked on that stupendous shipbuilding program for no other reason than that of meeting an existing emergency.

When we agreed to the terms of the Washington Arms Conference it was generally understood that our Navy would be of the equivalent strength of Great Britain. Now, after five years, we find ourselves considerably below the ratio agreed upon, and from the standpoint of sea power still further outranked. We have sacrificed world naval supremacy and world maritime commercial supremacy; and in addition, through private loans our former allies have obtained $12,000,000,000, no small portion of which is obviously being used in the upbuilding of European navies, as well as their merchant fleets, with which America must compete for world trade in time of peace and fight against in time of war.

That our private loans are being used for the construction of new ships is best evidenced by the circular which I have here, and which offers for sale to the American public 20-year gold bonds of the North German-Lloyd Co., of Bremen, in the sum of $20,000,000. These bonds were offered at 94 with accrued interest to date of delivery, to yield about 6.55 per cent to maturity. I should like to quote a portion of this proposal form, which reads in part as follows:

> Principal and interest payable in New York City at the option of the holder either at the office of Kuhn, Loeb & Co. or the principal office of the Guaranty Trust Co. of New York, in United States gold coin of or equal to the present standard of weight and fineness and without deduction for any German taxes, present or future, in time of war as well as in time of peace and whether the holder be a citizen or resident of a friendly or a hostile State.

The proposal further states that "the proceeds of these bonds will be used for new construction and to repay indebtedness incurred for construction; and for other corporate purposes."

Last August I visited Bremen and while there discussed mercantile marine problems with the general director of the North German-Lloyd Co. Also I made it my duty to visit the shipyards of the Bohn & Voss Corporation, in which yards incidentally the *Leviathan* was constructed. On the ways in this one yard 12 ships were under construction, several of them designed as passenger vessels to be placed in the North Atlantic trade.

During the World War no American shipyard bustled with greater activity than this one yard in Germany. The roar of great forges, the clank of steel plates, the grunch of punching machines, and the whir of air hammers driving rivet after rivet, caused a profound feeling of helplessness to come over me, and I was thankful that yet there was time to rehabilitate our own shipyards, retain skilled personnel, and regain our prestige as a maritime nation.

And then, gentlemen, a month later I read in the papers that the Cramp Shipbuilding Co. of Philadelphia was forced out of business because of the lack of work, and this after almost 100 years of shipbuilding. Why, gentlemen, it was this company which constructed the first metal man-of-war for the United States, the old battleship *Indiana*.

The failure of this firm caused me to ascertain conditions relating to our principal shipyards, and unless new construction is undertaken at once, the precarious existence of our shipbuilding industry will forever be stilled by that never-failing Nemesis—bankruptcy!

In Italy, where huge government loans at very low rates of interest have encouraged the construction of new ships, I found yards working night and day. The Cosulich Co. at Monfalcone, Italy, was placing the finishing touches on a new motor ship to be used in trade between Italy and South America, and I do not exaggerate when I say that it was one of the most beautiful and ornate passenger ships I have ever seen.

And Great Britain has not been negligent in the matter of ship construction. Our delegates to the recent arms conference at Geneva will testify to that. I wish to call attention also to a loan of $7,500,000 floated in the United States by the Cunard Steamship Co. (Ltd.). Gold notes were issued to yield 5 per cent, and the purpose of the issue was to be applied to the general purpose of the company, chiefly the purchase of new assets or the reduction of amounts due in respect of ships delivered to the company.

Always do we find that the purpose of these loans is either to construct or to purchase new ships. In the offer of the Cunard Co. it is of exceedingly great interest to note that "The relations between the British Government and the Cunard Steamship Co. have always been close as is evidenced by the

advance of 1905–1907 by the British Government, at 2¾ per cent, of £2,600,000 for the construction of the *Mauretania* and *Lusitania*. The British Government has a nominal interest in the stock of the company."

Who can say what the interest of the British Government is in this company, but, gentlemen, rest assured that it is sufficient to prevent the Cunard Co. from ever being driven off the seas.

I also have here a copy of an offer by the British Foreign & Colonial Corporation (Ltd.), placing upon the British market some $10,000,000 of cumulative preference shares to yield 6½ per cent per annum. This loan was floated by the White Star Line (Ltd.), and was largely oversubscribed.

Perhaps the lack of shipbuilding in the United States, or the intense activities of European countries, caused one of Great Britain's leading newspapers to refer to our merchant marine in the following manner:

> Our companies have long found it possible to do with the American merchant marine what the Admiralty are urged to do with the American Navy—dismiss it from their calculations!

Gentlemen, the time has come when we must embark upon a shipbuilding program. Our ships must not be driven from the seas! The merchant marine is not a political plaything, but is vital to the existence of every section of the country, and the welfare of every citizen!

I have introduced a bill to promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes. I do not claim it a panacea for all the ills affecting our merchant marine, but its enactment will do much to regain to the United States that maritime prestige we once so proudly claimed.

The first title of this bill relates to the Government-owned vessels we now have which were constructed or obtained during the war. Out of a total of 791 ships, aggregating 6,342,888 dead-weight tons, less than half, or but 306 vessels, aggregating 2,720,233 dead-weight tons, are actively engaged in the foreign trade. The remaining 485 inactive ships aggregate 3,622,655 dead-weight tons, and may be set out in three groups, as follows:

In the first reserve are 205 vessels of 1,662,253 dead-weight tons. These vessels are not immediately available for overseas service, but could be made so within a reasonable length of time at varying expenditures for repairs. In the second reserve are 151 vessels of 1,000,000 tons, which at a very considerable expense for repairs could be made available in an emergency. In the third reserve are 129 vessels of 960,402 dead-weight tons, which even to-day are considered surplus by the Shipping Board and fit only for the purpose of being scrapped.

As I have previously stated, the ships we now have were constructed during the war period, only too often without regard to economy of operation, speed, or possible subsequent use. And now, with newer and faster tonnage being thrown into this great mercantile-marine struggle by other nations, it will be but a few years when the ships now being operated will be unable to compete in world trade.

My bill provides that all vessels unnecessary for the maintenance of service on lines already established shall be removed from the registry of commercial tonnage. The very fact that these vessels were constructed as a war measure should preclude them from being classed as commercial ships to-day; and while they perhaps are capable of carrying cargo in time of a national emergency I do not think it advisable to place them upon the scrap heap. It is proposed in the bill that all vessels removed from the registry of commercial tonnage shall be maintained so long as practicable and economical to do so as vessels of the public service of a nonmerchant class. In this service they would be available for the transportation of commodities in time of need and yet would not reflect as a part of the competitive commercial vessels of the American merchant marine. It is provided, of course, that before any such vessel shall have its documentation canceled it shall be offered for sale, but in the event it remains unsold at the expiration of one year from the date of enactment it shall no longer be regarded as a vessel of the merchant marine of the United States.

This feature of the bill carried into effect on the 791 vessels now owned by the Government would present the following picture:

Under paragraph (a) of section 1 of the bill we would have 306 vessels of 2,720,233 dead-weight tons. Under paragraph (b) 205 vessels of 1,662,253 dead-weight tons. And under paragraph (c) a total of 280 vessels aggregating 1,960,402 dead-weight tons. In other words, there would be 306 ships which might be sold in connection with lines of service already established and whose tonnage would not be removed from the registry books because it is engaged in foreign competitive trade. There would be 205 vessels offered for sale which might be repaired for possible use and which, if unsold at the expiration of one year after enactment of the bill, would be classed as the 280 vessels, aggregating 1,960,402 dead-weight tons, as surplus vessels, whose documentation would be canceled. With the Government-owned fleet classed in this manner it is possible to obtain a better understanding of our status in the maritime affairs of the world, and it is with no feeling of pride that I announce to you that we are a poor sixth in the number of vessels engaged in foreign commerce to-day.

The second title and principal feature of the bill I have introduced relates to the construction of new vessels. Before entering into an explanation of this feature of the bill I wish to direct your attention to world shipbuilding activities as they exist at the present time. The number of ships of 2,000 gross tons or over built or now under construction for transoceanic service from and including the year 1921 shows that for every ship of this class built in the United States, Great Britain has built 41, Germany 12, Italy 5, and France and Japan each approximately 4. Entirely aside from the number of ships being built it should be noted that all of this large number of foreign-built ships are of the latest types, equipped with up-to-date propulsive machinery, and in general of higher speed than vessels built before and during the war period.

The report of Lloyd's Register of Shipping for the quarter ending September 30, 1927, shows that there were 663 merchant vessels of 100 gross tons and over with a total of 3,074,057 gross tons under construction in the world at the close of the quarter. Of this tonnage about one-half was under construction in Great Britain. Germany was second, with 516,245 tons; Italy third, with 208,420 tons; Holland fourth, with 163,824 tons; France fifth, with 130,914 tons; Denmark sixth, with 96,150 tons; and the United States a poor seventh, with a total of 20 ships of 91,070 gross tons. I might add that for the year ending December 31, 1927, the United States has been reduced to the eighth place, one of the Scandinavian countries having passed us during the last quarter of the year.

Not only are foreign nations building more ships than are being constructed in the United States but they are enabled to build them much cheaper, because labor and living conditions are not comparable to those in the United States. In order to place before you the difficulties besetting American shipowners in so far as the operation of ships in the foreign trade is concerned it is first necessary to consider the differences in the costs of construction.

Fixed charges against capital invested aggregate 18 per cent per annum, as follows: Interest, 6 per cent; depreciation, 5 per cent; repairs, 2 per cent; and insurance, 5 per cent. Inasmuch as American construction costs exceed the construction costs in foreign countries, the fixed annual operating expenses will exceed the operating expenses of foreign vessels. In addition the higher American wage and subsistence expenses must be considered to accurately present the annual operating differential. There is presented herewith a summary of capital and operating differentials of typical American vessels compared with similar British vessels, and the figures given represent the annual average difference on a 20-year basis:

Type of vessel, freighter (coal):	
American cost, 8,360 dead-weight tons, at $95 per dead-weight ton	$794,200
British cost, 8,360 dead-weight tons, at $57 per dead-weight ton	476,520
Capital differential	317,680
Average annual fixed charge on $317,680 higher cost of construction	48,446
Wage differential, $1,758.82 per month	21,107
Subsistence differential, $271.80 per month	3,262
Total per annum	72,815

The average annual differential of $72,815 represents 9.17 per cent of the amount American owner has invested in his vessel.

Type of vessel, freighter (oil):	
American cost, 10,000 dead-weight tons, at $125 per dead-weight ton	$1,250,000
British cost, 10,000 dead-weight tons, at $80 per dead-weight ton	800,000
Capital differential	450,000
Average annual fixed charge on $450,000 higher cost of construction	68,625
Wage differential, $1,937 per month	12,444
Subsistence differential, $198 per month	2,376
Total per annum	83,445

The average annual differential of $83,445 represents 6.67 per cent of the amount American owner has invested in his vessel.

Type—freight and passenger (oil burner):	
American cost, 11,900 gross tons	$3,375,000
British cost, 11,600 gross tons	2,250,000
Capital differential	1,125,000
Average annual fixed charge on $1,125,000 higher construction cost	171,562
Wage differential, $1,926.35 per month	23,116
Subsistence differential, $789.41 per month	9,473
Total per annum	204,151

The average annual differential of $204,151 represents 6.05 per cent of the amount American owner has invested in his vessel.

Type of vessel—tanker (Diesel):	
American cost, 10,144 dead-weight tons, at $130 per dead-weight ton	$1,318,720
British cost, 10,144 dead-weight tons, at $86 per dead-weight ton	862,384
Capital differential	456,336
Average annual fixed charge on $456,336 higher construction cost	69,591
Wage differential, $1,444.30 per month	17,332
Subsistence differential, $300.60 per month	3,607
Total per annum	90,350

The average annual differential of $90,350 represents 6.85 per cent of the amount American owner has invested in his vessel.

From the above statement it is readily seen that American owners are handicapped in the operation of vessels in the foreign trade primarily by higher construction costs and, in addition, the wage and subsistence expenses. This increased capital charge, together with its corresponding increased fixed operating expense, points the way to render a substantial remedy for the major problem affecting the American merchant marine, and that is to extend to American owners and operators some means by which they may obtain a vessel at a cost equal to that of their closest competitor, which in this instance happens to be Great Britain, and the only feasible way to extend that aid is at the time of construction.

Title II of my bill provides that when the Shipping Board is furnished with copies of contracts entered into by an operator and shipbuilder, indicating they are ready to proceed upon the construction of a new vessel, the board shall enter into contracts with each of the parties, receiving from the operator a guaranty that the newly constructed vessel will be maintained in a stipulated service for a term of not less than 10 years. It may be that this stipulation should provide that the newly constructed vessel shall be maintained in the foreign trade only, as distinguished from the use of the vessel in a specified line of service, but that is a matter for the proper committee to decide.

But whether this new vessel is to be operated on a given line or merely in the foreign service, this guaranty is the requirement of the Government for the interest it shall have in the vessel, which is to be provided in the contract with the shipbuilder, whereby the Government undertakes to pay for the costs of labor and material only, which may be in excess of the costs for like items entering into the construction cost of a similar ship in foreign countries. In other words, the Government is willing to undertake a portion of the costs of construction in return for a guaranteed service for a term of years. A recapture provision will enable the Government to resell or operate until a satisfactory resale can be made of any vessel in default.

Under this proposal the cost to the Government is ascertainable at once, and the total cost in any one year will be much less than is being expended at the present time under governmental operation of the merchant marine. To illustrate the manner in which the financing scheme contained in my bill would aid the private owner and operator, I wish to make the following comment: Let us take a vessel which costs $1,000,000 in the United States. This same vessel would cost but $600,000 in Great Britain. In order to provide the capital for the construction of such a ship, loans would have to be made in each instance, and when the entire cost is ascertained, taking into consideration that portion of the cost to be borne by the Government, the vessel would cost the American owner approximately $720,000. The exact amount would depend on the rate of interest the owner would have to pay, and if the money were borrowed from the Government at 2 per cent, as provided in my bill, the actual cost would be $717,000. The cost of a similar vessel to a British owner would be substantially the same, although his interest rates might be in excess of those charged under the terms of my bill.

The statement I prepared detailing capital and operating differentials clearly shows the need for constructive legislation in such form as will enable American owners to obtain vessels at a cost comparable with the cost of such vessels to foreign operators. My bill offers an indirect form of protection to those engaged in the world-wide competition for foreign commerce, and it is only just that this aid and protection be extended to our shipowners.

The major portion of our agriculture and industry is protected against the competition of commodities originating in foreign countries. The merchant vessels engaged in the coastwise trade are also protected against foreign competition, and yet at the present time our only means of transportation by which our products are placed in the markets of the world is compelled to compete in a ruthless commercial struggle for existence, handicapped primarily by higher construction costs, maintenance and operation expenses, and without any aid or protection from the Government. If we are to have a merchant marine, privately owned and operated, the time has come when we must afford to the American shipowner the protection now extended to our industries, enabling them to begin operations in a highly competitive field with equalized capital charges. The entire effect of my bill is to place vessels engaged in foreign trade in the same category with vessels operated in our protected coastwise service.

The third proposal contained in my bill relates to the establishment of a merchant-marine training school, providing for appointments from every section of the United States, a prescribed course of training with compensation, and the establishment of a retirement fund, thus assuring an annuity to any young man who desires to follow the sea. Graduates of this school would be qualified and induced to stay in the merchant marine, making it their career, not unlike the graduates of the Naval Academy. It is further provided that upon graduation and assignment to a vessel in the merchant service the training-school graduate shall become a member of the Naval Reserve, with a rating similar to that held in the merchant service. In this connection I may add very properly that through reliable sources information has reached me to the effect that the Navy Department is now engaged in the preparation of a plan the purpose of which is to augment the Naval Reserve, the men enlisted therein to serve in the merchant-marine service. It is admitted by everyone familiar with marine activities that trained personnel is a great and immediate essential, and regardless of the manner in which this personnel is trained, it is a primary asset in our national defense.

To-day we find our shipyards have fallen into decay, skilled personnel trained and experienced in shipbuilding has already undertaken new lines of endeavor. The time has come when we must embark upon a mercantile-marine program that will establish this country in the eyes of the world. We must have ships for our foreign trade, and they must be American ships, constructed with American products and American labor. The prompt enactment of a bill to this end is imperative. We would be derelict in our duty if we failed to provide for our merchant marine. The establishment and maintenance of a sea power adequate to provide for our national defense and an uninterrupted transportation service for our commerce is our greatest heritage to posterity. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The committee informally rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, a message in writing from the President of the United States was presented to the House of Representatives by Mr. Latta, one of his secretaries.

The committee resumed its session.

INDEPENDENT OFFICES APPROPRIATION BILL, 1929

Mr. CULLEN. Mr. Chairman, I yield 15 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, I hope that the members of the Committee of the Whole House will be patient with the Members who live in the Mississippi Valley and who will probably for many days to come sing songs of sorrow and lament about the catastrophe through which we have just passed. These calamities soften and subdue the people, and as one man said beautifully brings them nearer my God to Thee.

Probably there has been no parallel in modern history of the golgotha, the crucifixion, which the people of the Mississippi Valley during 1927 underwent. But the people of that section apparently have become used to trial and misfortune and calamity, at least the people in the lower reaches of the Mississippi River.

The people of the State in which I was born and reared have been bowed down by many griefs for almost three-quarters of a century. Of course, it is a matter of history that the city of New Orleans bowed to the conquerer's yoke and suffered the fate of every conquered city during the Civil War.

After that came these tremendous breaks in the banks of the Mississippi River above the city which cut us off from the balance of the country and the trade which sustains a great port like the city of New Orleans.

Then came the yellow fever and apparently all was lost but honor. It looked for a time as if the people of that section of the country might well sing the mournful refrain "Une autre patrie" of, I believe, L'Africaine, or is it La Juive which, substantially is "In another country we will seek fortunes brighter and better than under this sky where we have suffered so long."

But people like the people who live in the valley largely made up of Anglo-Saxon, Gallic, and Celtic races are not easily driven from home. They cling to it with affection that calls for the admiration of sages and poets. Year after year they have gone back, after having been driven from behind them, to the levees of the Mississippi, tilled the soil, and have endeavored to promote the welfare of their country. But there comes a time when misfortune bears so heavily on the people that they are compelled to admit that they are not only on their knees but prostrate.

Such a time has arrived in the history of the lower reaches of the Mississippi River. We in Louisiana have uncomplainingly borne the tremendous burden imposed on us by 31 States of the Mississippi Valley that sent down their torrents upon us annually. Not a drop of water that falls from the clouds in Louisiana runs into the Mississippi River. It seeks the Gulf in other directions. We are compelled to bear what some people are pleased to call in legalistic language a servitude. We are empoelled to take care of the water that flows upon us from 31 great Commonwealths of this Nation. We are compelled to go down into the pockets of our people who are none too well off agriculturally and otherwise and carry and bear and support the terrific burden of a levee system made necessary by the fact that you have developed your country to such an extent that the natural servitude has become a most burdensome one.

We do not complain bitterly because we feel that when the country recognizes the truth of it the country will relieve us. "Ye shall know of the truth and truth will make you free" is peculiarly applicable to the American people.

I have no doubt about the correctness of the legal proposition. If it be true that the interstate commerce clause was the main factor that brought the Union into existence—and I have heard the gentleman from Virginia [Mr. TUCKER] expatiate upon that not only eloquently but intellectually and convincingly—if it be true that the interstate commerce clause was the main determining factor that brought the Union into existence, then inevitably waterways fall exclusively under the jurisdiction of the Federal Government for this reason. The only instrumentalities of trade at the time of the adoption of the Constitution were the waterways and the water craft that floated over them and here and there a few stage coaches. Consequently, the makers of the Constitution must have intended that the arteries of commerce such as the rivers would fall, in order to carry out the purposes of the Union, exclusively under the control of the Federal Government, and as a corollary of that proposition it is inescapable that the control of these waters, so as to prevent inundation and overflowing and suffering to the people living contiguous to the banks of the rivers, constituted an obligation inseparably associated with the power that the Federal Government enjoys.

Mr. Chairman, if that power be exclusive, how can Congress divide that jurisdiction and impose it, in effect, upon the States by requiring from them a contribution to maintain the levee system, which the Federal Government under its exclusiveness should still control and operate exclusively?

I do not see how there is any escape from that legal proposition. You can not side-step it without admitting that exclusiveness from the interstate-commerce standpoint is merely a phrase which does not carry the significance that the words ought to carry.

Mr. Chairman, I have no doubt that the majority of the Members of this Congress will require a flood control bill that will be supported and fortified by some engineering commendation, and I would not expect them to do otherwise. Although I was born and reared behind the banks of the Mississippi River, and know as well as anybody who has ever lived along its banks its romance, and its story, and its song, I would not expect Congress to adopt a bill that I would bring in, which would, in its lack of engineering features and facts, make it an almost worthless document. I hope that the Committee on Flood Control will bring in a confection of its own, a committee bill that will meet with the support of those of the Mississippi Valley, and have the sympathy of those who live on the eastern slope of the Alleghenies and the western slope of the Rockies, and put through a bill that will give us that protection which will insure the investment of capital in the Mississippi Valley, and make it the great part of the United States that it ought to be.

I would not want New Orleans to be misunderstood in this matter. Cities, like individuals, are the victims of their environment. We can not escape that environment, it operates upon us from our birth. In order to obviate and to dissipate any thought that New Orleans is selfishly looking after its own interests, although it would have a right to ask protection for a people that number over 450,000, with a wealth of more than a billion dollars, and whose people have suffered so long that it is customary among other people to say that the day should be brighter the night has been so long and so dark, and that the night was so long the day following ought to be beautiful, hopeful, and inspirational. Let me make this statement:

New Orleans is not satisfied altogether with the bills that have been introduced and the engineering reports made thereon, not because she is asking for anything that might be much of an improvement on those reports but largely because the people above us are not satisfied. We are bone of their bone, blood of their blood, sinew of their sinew, and flesh of their flesh, and our cry has been always, "Whither thou goest we will go; your friends are our friends," altering to fit this occasion Ruth to Naomi; but heart to heart, heel to heel, and shoulder to shoulder we want to march with the people among whom we have lived and suffered, and among whom we hope we will triumph. We are one with them. Any bill that will satisfy the people above us will satisfy us; but I hold with a conviction that can not be changed and which can not be side-stepped that the Federal Government, in view of the history of the interstate-commerce clause of the Constitution, can not without subjecting itself to the thought of looking for pennies ask the States bordering on the Mississippi River to accept a jurisdiction that is not theirs merely to get from those States contributions in money to support a levee system that ought to be legally and financially supported by the Federal Government. I assert that with all the strength of a conviction. We did not raise that question while the goal was ours. We knew that we were on safe ground, that fundamentally we were correct in assuming that it was a national responsibility, but in order not to appear in a light that might not be understood by our countrymen we were willing to make contributions that we were not legally obligated to make. We "came across," to use an Americanism, but we can not do it any longer, and now in view of the past we hope that the people of this country will recognize the justice of our cause and will help that cause to triumph. I have not the slightest doubt if a bill comes out on which the committee will unite and that bill runs parallel to engineering recommendations in the main that this Congress will stand with the committee if the committee will stand for no contributions from the afflicted States of the Mississippi Valley.

Mr. Chairman, I do not know that I could add anything to what I have said more than to repeat myself if I continued to talk here until doomsday. What I wished to do was to get the inescapable logic, the inexorable legal position of the people of the valley to the Members of this House, because I have never doubted their sense of justice, and I do know the veneration of the men on both sides of the aisle for the Constitution and the laws of the country. [Applause.] But let me say a few words in regard to a subject which prompted me to ask for the floor. It is a glance into the near future.

Cagliostro performed this trick with his decanter of water which reflected under his magic touch and the power of his weird incantations the tragedies and the triumphs of the coming years. Under the spell and influence of the wand waved by a statistician and economist friend I can envision a new order, a development, a prosperity, that will be headlined:

A NEW KIND OF PEACE LEAGUE

A wise Uncle Sam will look far beyond the near horizon and he will see—

The southern Republics, the world's markets of greatest promise now, drawing surplus peoples from overcrowded Europe, clearing forest lands and cultivating them, opening mines, building roads and new towns, drawing in the finished articles of commerce and sending out raw materials and foodstuffs, requiring capital, developers, skilled men, and looking to the remainder of the world for the many things a new region rich in resources requires.

Turning his eyes homeward, he will see—

Surplus gold, abundant enterprise, business genius aplenty, but waning natural resources.

And if he be really wise he will sense a new and larger opportunity in Latin-American requirements and his own ability to serve, and set about placing his house in order to take advantage of the new era that has dawned.

First, he will turn his attention to the great central region, the Mississippi Valley, and put an end to the waste and ruin and delayed development by controlling the floods.

Next, he will set about making those waters serve his people well.

Finally, he will, through improved navigation, low-cost power, checked-soil erosion, irrigation, and safety from floods, encourage the development of industries for the use of Latin America's raw products. In this way, through an improved economic environment he will promote the development of an ever-growing buying power, both at home and in the world's new markets of greatest promise.

But Mexico, Central and South America are rather European in their tastes and reactions. What can Uncle Sam do to open the way for a clearer understanding between the peoples of all the New World countries and for the development of friendships based on confidence and good will?

One thing he can do is to open the door to the same kind of free-will intercourse that exists between his own States and cities.

In the interest of New World comity and good will he can build and present, as an evidence of his friendship, a hard-surfaced highway from Canada, through the United States, to Mexico, Central and South America, giving each and every country in the New World automobile access to every other country. Intercourse would then develop rapidly. American capital would soon build wonderful resort hotels in the mountains to the southward. Contacts would develop confidence. Within a generation the people of Argentina, of Costa Rica, of Mexico, and of the United States would understand each other just about as well as the people of Iowa and of Louisiana now understand each other.

Lindbergh has won the hearts of all Latin America, has wiped out a lot of misunderstanding, and has paved the way for Pan American comity and good will. When he returns he will have, at least in his mind's eye, a map of Pan American air-mail routes. A few millions annually voted by the United States Congress for such a service would help mightily.

Subsidized steamship lines between the United States and southern ports would in the end pay large dividends, directly and indirectly.

The gift of a thousand scholarships in United States colleges and universities to deserving young men and women in the several southern Republics would, in terms of New World comity, be worth many times the annual million dollars it would cost the Federal Treasury.

Uncle Sam could do no better with his surplus wealth than to use some of it to improve the economic position of his own people and to enable his natural friends and fellow Americans to the southward to develop their own economic opportunities.

By all means let us urge Uncle Sam to look beyond the near horizon and find there a new inspiration and a new goal.

Mr. WASON. Mr. Chairman, I yield 20 minutes to the gentleman from Kentucky [Mr. ROBSION].

The CHAIRMAN. The gentleman from Kentucky is recognized for 20 minutes.

Mr. ROBSION of Kentucky. Mr. Chairman and colleagues of the House, I wish to express my appreciation of the splendid and forward-looking program of Chairman WOOD for the building and maintenance of a merchant marine. I wish to congratulate the Democrats of the House on their selection of my colleague from Kentucky, Hon. FRED VINSON, as a Democratic member of this subcommittee. He is able, honest, and courteous, and will render most efficient service as a member of the committee.

Much has been said on the floor of the House and a number of measures voted looking to the relief of agriculture. The income on investments in agriculture and the wages paid to those who labor in agriculture are entirely too small and are not comparable to the income and wages received on investments and for those who labor in many other industries. I have never failed to speak and vote for those measures intended to promote the welfare of the American farmers. No great industry in this country can suffer without its ill effects being reflected in every other industry. If agriculture is prosperous, it brings prosperity to other industries; and on the other hand, if agriculture is depressed, this depression reflects itself in other trades and callings. But with all the distress of agriculture there is another great industry in this country that has been and is now in deeper distress than agriculture, and that is the soft-coal industry.

The soft-coal industry is suffering because of an oversupply or surplus. There are too many mines and too many miners, just as there are too many farms and too many farmers.

We have a large surplus of soft coal, as well as a large surplus of farm products. We are producing more farm products and more soft coal than our country can consume. We produce and consume annually in this country more than 500,000,000 tons of coal. About 60,000,000 tons of soft coal are produced in the State of Kentucky annually. We have been trying to take care of the surplus production in agriculture, but we have made no effort to take care of the surplus of the soft coal-mining industry.

We produce more than twice as much coal as Great Britain, yet Great Britain ships to other countries about 20 times as much as the United States ships to other countries.

We must increase our overseas markets. With proper shipping facilities, we should ship to the following countries as well as others the coal required by them:

	Tons
Azores	30,000
Madeira	50,000
Canaries	485,000
Italy	12,000,000
Serb-Croat-Slovene	160,000
Greece	650,000
Rumania	40,000
Turkey	150,000
Malta	225,000
Palestine, etc	50,000
Egypt	2,000,000
Tunis	200,000
Algeria	1,200,000
Morocco	100,000
French West Africa	100,000
Spanish and French Mediterranean ports	2,000,000
Brazil	2,000,000
Argentina	3,250,000
Uruguay	500,000
Total	25,190,000

Our average exports of coal overseas for the years of 1922–1925 were 3,278,788 tons. The average export of coal per year from Great Britain for the same period was 64,031,000 tons. On account of the coal strike in Great Britain in 1926–27, we shipped overseas 19,320,022 tons, and for that same year Great Britain shipped overseas 20,596,000 tons. But this large tonnage of American coal in 1926–27 was not carried in American vessels. During the fiscal year of 1922 we sent overseas in American vessels 228,670 gross tons of coal. This dropped to 30,352 tons in 1923 and jumped to 80,034 tons in 1924, and dropped to 16,440 tons in 1926, and in April, 1927, only 105 tons of coke and coal were sent overseas in American vessels. We can readily see that, so far as the shipping of coal overseas is concerned, the American Shipping Board vessels have been either driven or taken out of the business. In fact, there appears to be none of our American vessels engaged in carrying American coal to foreign ports.

AMERICAN COAL AND COKE DISCRIMINATED AGAINST

During the World War and just following the war the United States Government constructed a great fleet of vessels to aid in the prosecution of the war and to be used in our merchant-marine activities following the war. Since the war several hundreds of the vessels have been operated in the merchant-marine service by the Government or under contract with others. Nearly 500 of these ships are now idle and have been idle since their construction. These vessels, all told, cost the United States Government something like $3,000,000,000. These vessels in operation have been carrying cotton, lumber, petroleum, grain, flour, and many other American products, but very little coal.

The following is a list of products and the number of tons carried in United States Shipping Board vessels for the month of April, 1927, according to the United States Shipping Board reports:

	Tons
Coal and coke	105
Vehicles	10,116
Vegetables	24,112
Phosphates	30,715
Cotton, raw	55,001
Petroleum, etc	74,550
Lumber	93,198
Grain and flour	163,273
All other exports	69,930
Total	521,000

It will be seen that 521,000 tons were carried in United States Shipping Board vessels for the month of April, 1927, but only 105 tons of coal and coke. It is admitted that the United States Shipping Board loses money on every ton of American products shipped in these vessels, but there is no good reason why coal and coke should be discriminated against. The Department of

Commerce spends large sums every year in finding new markets and in making new friends for American products. They have found the new markets for American coal, and it has been demonstrated that American coal is preferred to the British coal. It is of higher quality.

$1,000,000 FOR COAL SHIPS

When this bill is read for amendments, I shall offer an amendment striking out $12,000,000 on page 34 and line 15, and insert $13,000,000. This $1,000,000 is to be used to recondition at least 10 of our idle ships and pay whatever loss may be sustained in the operation of these 10 ships during the next fiscal year in the transportation of American coal overseas. I am advised by Mr. O'Connor, chairman of the United States Shipping Board, it will cost about $200,000 to put these 10 ships in condition, and the balance of $800,000 will take care of the loss in operation. This will start a fleet of 10 ships carrying about 8,000 tons per ship, and they will be able to transport something like a half a million tons of coal the first year. We are satisfied that this venture will prove to be so successful and such a splendid and growing coal trade will be built up overseas that many more of our idle ships will be reconditioned and placed into this service. Many Central and South American countries, as well as many sections of Europe and countries of Asia and Africa bordering on the Mediterranean Sea, desire American coal. I want to see American merchant marine enlarged in handling corn, wheat, cotton, and other American products, but at the same time I desire to see the trade developed for American coal and coke.

REDUCE RAILROAD RATES AND SHIPS

American coal can successfully compete in the overseas trade with British coal. As a matter of miles, American ports are almost as near to these overseas markets as are the English ports. While American miners, on the average, receive nearly three times as much pay as British miners, yet because of other conditions it costs on the average $1.50 more on the ton to produce coal in Great Britain than it does in the United States. With American machinery a ship can be loaded with coal in one-fifth of the time it requires to load coal in the British ports.

America has the best coal and the cost of production is at least $1.50 per ton less than the cost per ton in Great Britain. Why is it that Great Britain, producing less than one-half as much coal as our own country, sells twenty times as much coal overseas as we do? She overcomes this additional cost of production in railroad rates and in overseas shipping facilities. The freight on British coal from British mines to British ports in Great Britain ranges from about 60 cents to 75 cents per ton. The railroad rate on coal from the mines nearest to our Atlantic coast shipping ports is about $2.50 per ton. We have special railroad rates on many commodities whereby we ship these commodities from eastern and central United States to the Pacific coast ports at such rates as enables us to compete in the markets with like commodities in the markets of the Orient (China and Japan, and so forth). Why should not American coal have a preferential rate to the Atlantic coast ports to enable American coal to compete with British coal in the overseas markets? I am sure that plans can be worked out that will be just and profitable both to the producers of American coal and the railroads. The next step in aiding American coal to compete with British coal would be to build up a fleet of American Shipping Board ships with such rates as would put us on an equal basis in the markets overseas with British coal. American coal must have an outlet. There is no other way to relieve this great industry. It has been discriminated against, and we are now asking for it the same consideration accorded to the products of forest, field, and factory.

AMERICA MUST HAVE MERCHANT MARINE

Our population now is about 120,000,000, and our national wealth is about $350,000,000,000. Until the nations of the earth reach an agreement for the substantial reduction of armaments—and I strongly favor this policy—our Navy should be second to none.

Nothing, however, could add more to our prosperity and at the same time strengthen our Navy, both in peace time and in war, than a merchant marine in keeping with the population and wealth of this country. We are producing a surplus of products from our mines, fields, forests, and factories. The world wants and actually needs all that we can produce. Our people must have a market. We can not expect Great Britain, France, Italy, Germany, or Japan to carry American products that they themselves are producing to these markets. Their first concern is to carry the products of their own country. We must either build up a great merchant marine of our own or suffer for our short-sighted policy. I am anxious to see American products carried on American ships, flying the American flag, on each and all of the seven seas, and to all the ports of the world. This will make us friends and bring prosperity to our people.

I realize that this will cost some money. We passed the American merchant marine act in 1920 and did lose considerable money in competing with the ships of other countries, while in 1924 it cost the Government $41,000,000, but in 1927 with a large number of additional ships put into service the loss is $16,000,000, and this bill for the year of 1929 contemplates a loss of only $12,000,000, but the Shipping Board has asked for $13,400,000, and this request has been approved by the Director of the Budget, and we would do well to allow the Shipping Board this sum. What American desires to see the American flag driven from the seas and to have American producers to depend upon the ships of other countries to carry our products to the markets? Unless we are willing to give proper support to our merchant marine, this will be our unhappy lot, Hon. T. V. O'Connor, chairman of the Shipping Board, in a statement to me indorsed the proposition of this additional million to recondition 10 of our idle ships and put them into the coal-carrying trade.

The Consolidation Coal Co. representative advises me that his company has orders for thousands of tons of coal for overseas shipment, but they have been unable to secure any ships. He and other representatives of the producers of coal advise that the Shipping Board has no ships to handle this coal, and they are unable to have it carried in English ships because the English do not desire to carry American coal in competition with the coal produced in their own country.

During the British coal strike last year there was a great demand for American coal, and while we shipped nearly 20,000,000 tons overseas, only a very few tons were carried in American vessels. The demand for the coal was so great that it greatly increased the shipping rates, and foreign ships were attracted to our shores to carry this coal overseas. This so limited the shipping space for corn, wheat, cotton, and so forth, it threatened a loss of hundreds of millions of dollars to American producers of these products. The United States Shipping Board promptly reconditioned about 100 of our idle ships to carry our cotton, corn, and other products overseas at a rate that netted a loss to the United States, while foreign ships carried our coal at rates ranging as high as $9 and $10 per ton. If we had our own coal ships, we could compete with English ships with a rate around $2.50 per ton. British ships receive on an average near about this rate. We are assured that American coal producers will provide the markets and coal for all ships that may be offered by the United States Government for that service.

We have been spending about $300,000,000 annually for the American Navy, and the Secretary of the Navy has submitted a naval program involving about three billions of dollars. I think it would be wise for us to limit our program for battleships and other war craft and increase our expenditures for ships to carry American products to the markets of the world. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, this bill is known as the independent offices' appropriation bill, 1929.

It makes appropriations for various boards and commissions, including the Interstate Commerce Commission, the Civil Service Commission, the Tariff Commission, and others, all expected to be filled by men of high character and great intellectual attainments so that their findings and decisions will command the confidence of the entire country.

All of these commissions are presumed to act in a quasi-judicial capacity with no partisan bias or prejudice to influence their findings and conclusions.

The flexible provision of the tariff act was enacted to remove the tariff from partisan consideration, but its adminstration has been disappointing and condemns it in public confidence.

The disclosures of Senator NORRIS, of Nebraska, as shown by reference to the CONGRESSIONAL RECORD of January 16 and 23, 1926, contains the strongest and most conclusive indictment, and, I may add, conviction of the prostitution of the Tariff Commission to serve selfish interests that I have ever read.

This speech should be reread and studied by every thoughtful citizen of the Nation. This speech is the most withering exposure of how the administration of governmental affairs is manipulated on behalf of the selfish interests of the country that I have ever read. (CONGRESSIONAL RECORD, vol. 67, pt. 2, p. 2187, and vol. 67, pt. 3, p. 2630.)

There were six members of the Tariff Commission. On January 15, 1924, the commission began hearings on the sugar schedule. The speech of Senator NORRIS details the efforts made, first, to influence the decision of the commission, and

failing in that to delay the finding until after the presidential election.

I commend the rereading of that speech to every Member of Congress and the people of the entire country.

David Lewis, a former Member of Congress, was a member of the Tariff Commission. His term was to expire in September, 1924. That was just before the presidential election. To give a semblance of fairness and liberality toward the tariff question he was, through another member of the commission, tendered reappointment by the President conditioned that he would sign in blank a resignation to be placed in the President's hands to be held over Lewis's head and to be accepted at the President's pleasure.

Lewis refused to sign such a resignation but was commissioned until after the November, 1924, election. Although conceded to be a man of great industry, high character, and splendid ability, his name was withheld and not sent to the Senate for confirmation.

Another member of the commission, Mr. Culbertson, who held views favorable to reducing the duty on sugar and against the sugar interests was given a diplomatic position to Rumania.

A third member of the commission, Mr. Glassie, insisted upon voting on the investigation of the sugar schedule, although it was conclusively shown and admitted that his family held $200,000 worth of stock in a sugar corporation, which would be directly affected by his vote. Finally, an outraged Congress, by an amendment, compelled him to disqualify. When the question of the propriety of his participating in the investigation of the sugar schedule was challenged, he insisted upon voting in favor of his own qualifications.

When every pressure failed to longer delay the report of the commission on sugar on July 31, 1924, it recommended a reduction from 2.20 to 1.54 per pound in the duty on sugar, with a differential of 20 per cent in favor of Cuban sugar, or a reduction from 1.76 per pound on Cuban sugar to 1.236 per pound, or approximately one-half cent per pound. Minority and supplemental reports were made August 1, November 14, and November 17, 1924.

No action was taken by the President, but it was held up by the sugar interests until after the election, and finally pronouncements came from a representative of the President on June 15, 1925, that no action would be taken, which permitted the old rate to stand. The sugar interests triumphed and as a result an additional duty of one-half cent per pound was placed upon the breakfast table of every consumer throughout the country.

Appreciating that the Tariff Commission has lost its usefulness and the confidence of the country, I think the appropriation of $754,000 for this commission should be eliminated.

When we are assured that men of high character, who are permitted to act and make judicial findings, will be appointed to the commission, as was the original intention when the commission was created, appropriations can be renewed.

To show the sentiment of my State and district on the Tariff Commission I quote from two editorials. The first is from the Muskogee Phoenix, an independent newspaper, which in a recent editorial makes the following comment:

A FIFTH WHEEL

Theoretically, there is scarcely a body that should be of more public utility than a tariff commission. The contention of the advocates of protection is that tariff duties should be just enough to equalize the cost of production here and in the country against which the tariff is levied. If they are greater than this they form a barrier behind which monopoly shelters and abuses grow up. If they are greatly less they can scarcely be called protective at all. To reach this reasonable middle ground has always been the professed desire of all but the extreme protectionists.

It seems strange that with all the equities in its favor the Tariff Commission was not born until comparatively recently. Although President Taft and other friends of the tariff had pointed out that justice must be its aim, it was only with exceeding difficulty that the commission was induced to make those studies which should tell just what ought to be the duty on a given commodity as between two countries. Years were spent in dreary and fruitless hearings. Endless reports were printed, which were full of admirable general principles. But in a practical sense the country got nowhere. The Tariff Commission has been nothing but a fifth wheel to the tariff-makers' coach. There has never been a moment when it might not have been abolished without anybody's knowing the difference. It is going to be under heavy fire this winter and we do not know where its defenders will come from.

This failure of what should be one of the most useful advisory bodies in the country is not due to the empty incompetence of its members, for among them have been many able and public-spirited men. It belongs with the worse than failure that attends all governmental activities which unite the political and the economic function. The Tariff Commission is such a noxious hybrid. Absolute independence of political influence is the only thing that could save it.—The Phoenix.

Attention is invited to the last two sentences in the closing paragraph:

The Tariff Commission is such a noxious hybrid. Absolute independence of political influence is the only thing that could save it.

The editor of this paper evidently had in mind the exposures of the Senator from Nebraska.

The second editorial is from the Okmulgee Daily Democrat, an independent Democratic newspaper, as follows:

PROSPERITY OF 1927 PURE G. O. P. BUNK

Slowly but surely the extravagant claims which have been made by Republican Party leaders that under the high-tariff policies of the Coolidge administration the country has been enjoying an era of unprecedented prosperity are being disproved. One of the most significant statements which have been made in this respect recently was that of Charles M. Schwab, who since the death of the late Judge Gary is known as the steel king. "Business," said Mr. Schwab, "has not been good."

Democratic leaders, replying to the lavish claims made for the Coolidge administration, have insisted that the boasted prosperity was "spotty," that it was enjoyed by great monopolistic interests, but that the farmers, the wage earners, and the mercantile and smaller banking interests were not sharing in the prosperity. This insistence has been borne out by the very high rate of failures among bank and mercantile establishments, which has been heavier this year than at any time in the country's history.

Finally, President Coolidge and Secretary Mellon admitted that there had been a period of depression, but claimed that it was passing, in most lines. Now, Mr. Schwab, chairman of the board of the Bethlehem Steel Corporation, predicts general prosperity for 1928, but admits that business during the last year or so has not been good, which is a confession that the claims which have been so loudly made for the Coolidge administration and its policies have not been justified.

"Everybody knows we have been having a slack season," said Mr. Schwab. "Business has not been good, in spite of what some may insist."

Supporting this admission by Mr. Schwab, one of the most conspicuous boosters for the Coolidge policies, are the latest employment figures from the Department of Labor, covering October and November. This report, from Republican sources, shows that employment in manufacturing industries in October was the lowest for any month since September, 1924, except July and August last, the low-water mark. The October average was 5.3 per cent below the average for the same month of 1926, 5 per cent below the October, 1925, level, slightly under the average for the same month in 1924, and 11.7 below the October, 1923, level. In other words, of every 100 wage earners employed in October, 1923, more than 11 were idle during October, this year.

Then, for November, this year, there was a further drop. The employment level was 1.9 below that of October, while the total pay rolls were 3.7 per cent less than in October, and that pay roll level was 7.5 per cent lower than in October, 1926, 5.1 per cent below the October, 1925, level, and 10.8 per cent below the October, 1923, level.

Turning to the agricultural industry, which everybody knows has suffered because of the tariff favoritism of the Coolidge administration, mention may be made of the publication recently by a Des Moines, Iowa, daily paper of 32 solid newspaper pages of tax sales, most of them of farm lands, in one county of that State. They covered more than 30,000 pieces of property on which taxes were in arrears, with foreclosure threatened, and involved upward of a million dollars in delinquent taxes. These staggering figures are for one county alone. They could be duplicated in hundreds of other counties in the farm belt.

We appropriate three-quarters of a million dollars annually to be expended by this commission. What has it done in the interest of the consuming masses? It has reduced the duty on mill feed, phenol, paint-brush handles, and bob-white quail. The tariff on pig iron was increased 50 per cent by the President on the recommendation of the commission, although the United States Steel Corporation declared a 40 per cent stock dividend in addition to its regular quarterly dividend and placed a comfortable sum to its surplus. With the same pen, on the same day or the day following, he vetoed the bill to equalize industrial conditions among the depressed farmers of the West.

We used to hear the threadbare argument that the foreigners paid the tariff tax. That was exploded long ago. Second, it was argued that the tariff was in the interest of the laboring man whose increase in wages is but a mere pittance of the millions of dollars finding their way into the manufacturers'

chests to their enrichment. Of course, the manufacturers of the East are prosperous because of the tribute which the great masses of the consuming public are compelled to pay because of this tariff legislation.

We next hear the theory advanced that the tariff does not increase the cost to the consumer. The complete answer to this argument, of course, is, Why do the manufacturers want tariff duties if they do not enable them to increase the price of their manufactured articles. The disclosures in the Pennsylvania election show that the president of the Manufacturers Association contributed $300,000 to the campaign fund which is only illustrative of how money, which in varying amounts, is collected from the masses of the people and used not only in Pennsylvania but in every State, and particularly in every close district throughout the country to secure legislation for the benefit of the selfish few. Their enrichment is the result of contributions exacted through favored legislation from the consuming masses of the country.

It is folly to attempt to successfully argue that a tariff on farm products, of which we produce an exportable surplus, is of any benefit to the farmers. Take cotton and wheat as examples: The price of each in this country is governed by the Liverpool market. We raise an exportable surplus of both. When we have a short crop of cotton or wheat the exportable surplus is less and the demand is, of course, greater in the foreign market and the price advances. Every cotton producer and buyer knows that the price of cotton at New Orleans and New York is governed by the market at Liverpool. The same is true of wheat. It may be that now and then, because of some local shortage, that the tariff on wheat may be of some benefit to the farmers living immediately south of the Canadian line. Generally speaking, it can not be of any benefit to the wheat producers of my State and the great Middle West. As above stated, the price is governed by the price at Liverpool, and wheat producers of my State ship no wheat to local points south of the Canadian border in competition with Canadian wheat. Let me illustrate it this way: Suppose there are two farmers, one who lives in the vicinity of Alexandria across the Potomac in the State of Virginia and the other over on the east side of the Potomac in the District of Columbia, who both raise wheat and the market is governed by the price of wheat at Baltimore, Md. Can anyone successfully argue that a tariff preventing wheat crossing the Potomac from Virginia into the District of Columbia would effect the price of wheat in the District of Columbia? Frequently, because of some local condition, there may be a shortage of wheat in some locality, but the general price of wheat is governed by the price fixed at Liverpool and the tariff against the importation of Canadian wheat, generally speaking, has no influence upon the price of wheat in Oklahoma or the great Middle West.

If the western Representatives are really honest about the tariff benefiting the farmers, why do not they place an additional duty on farm products? Everyone knows that the condition of the farmers is one verging on bankruptcy. Congress has concentrated its attention upon beneficial legislation for them. The Republican Congress tried the tariff remedy by the emergency tariff act of 1921 and the depression continued without relief. The truth is it is pure bunk. If Congress were to place a duty of 25 cents or 50 cents a pound on cotton, does anyone think it would advance the price? Of course not, and no one is foolish enough to suggest it. My opponent in 1924, because of an advanced price of cotton, due to ravages of the boll weevil and weather conditions, urged that it was due to a tariff on cotton when everyone knows that there was no duty on it. Several years ago there was a duty on long-staple cotton, but even this was repealed prior to 1924.

Finally, I can not follow the reasoning of anyone who advocates to the depressed farmers and small business men of the great Middle West that a tariff tax on the things they are compelled to purchase adds to their happiness and prosperity. If I am not permitted to question the sincerity of those who advance such an argument, I challenge both their intelligence and their conclusions. The tariff issue is threadbare. The people of the country, through rural mail service, are educating themselves upon public questions. You can not deceive them longer with the argument that the payment of more tariff taxes for the benefit of the multimillionaire manufacturers of the East is in their interest. I have frequently thought that if every article of merchandise exposed for sale upon which there is a tariff duty were marked so as to show the purchaser the additional amount paid because of the tariff duty, like stamp taxes are required to be placed upon many articles of commerce, it would have few, if any, advocates or defenders outside of the manufacturing districts of the East, and certainly none who represent the great consuming masses from the Middle West and South. [Applause.]

Mr. WASON. Mr. Chairman, I yield 12 minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman and gentlemen of the committee, it is a great pity there were not more Members in the Chamber to hear the interesting speech of the gentleman from Indiana [Mr. WOOD]. He certainly has furnished us with a constructive program for the future of the merchant marine. The merchant marine must be one of our most important concerns at this session of Congress. It is, indeed, a basic, a key industry and a key service which as vitally involves the prosperity of our country as any other basic industry. It sorely needs our attention at this session.

But I wish to call the attention of the committee to one feature of our merchant marine of very vital importance to the prestige and, I believe, to the prosperity of our country. I refer to the North Atlantic lane and the absolute necessity that there shall always be at least one first-class up-to-date passenger and cargo line to keep our flag upon that lane. We hear a great deal of keeping the Navy on a parity with that of any other country. Maybe some day we shall also have a merchant marine second to none, though, alas, at this time that day seems far distant. It may be too much for us to aspire to be mistress of the seas in commercial shipping, but at least we can aspire one day to be mistress of the seas as far as our own commerce is concerned. There was a time in the earlier, possibly better days of the Republic when the great bulk, almost 90 per cent, of our foreign commerce was carried in American ships, when the American flag was constantly seen on every sea. And then that carrying trade dropped and dropped until our flag had almost faded from the seas.

In recent years, under the policy declared in our merchant marine law and utilizing a portion of the vast fleet, we created during the war, we resumed our place in the sun in the carrying trade of the world so that as much as 40 per cent of our commerce was carried in American ships, but later, year by year, that proportion has been steadily dropping, till to-day it is 25 per cent, and unless something is done to halt that decline the history of the earlier day will be repeated, and but a small fraction of that great commerce carried in ships owned by and operated by our citizens. The question is to-day, not merely what we are to do to keep our merchant marine alive, but the far greater question, whether we shall have any merchant marine at all. That is the issue I believe we should meet in this Congress. The people of this country, my friends, whether they dwell on the seaboard or in the interior, demand and insist that we shall have a merchant marine adequate for the transportation of the greater part of our overseas commerce; that the American flag shall be kept flying on American ships on every important trade route. Also, I believe, that it is their wish that the policy declared in the merchant marine act that all our Government-owned vessels suitable for overseas traffic should be transferred to private ownership as soon as possible, and that we should get the Government out of this business. So our problem to-day is how our merchant marine shall be put on a permanent basis under private operation. There are still far too many of the ships of our great Government fleet directly operated by the Government or by operating-agents for the Government under guarantees against loss. Notwithstanding that great fleet of cargo and passenger ships of all sizes and tonnage, 13,000,000 tons in all, created at a cost of $6,000,000,000 to the American taxpayers, as I have said, a diminishing proportion is being carried in the American flag ships. That is not all, for to-day, in fact since the war, practically no ships for overseas service have been or are being constructed or laid down in our shipyards. They are idle and closed down, whereas abroad there has been the greatest activity in overseas construction. The foreigner is rapidly replacing his older ships with new and improved vessels, while we, faced with the fact that our ships must inevitably wear out, become obsolete or unsuitable for any trade, are standing still and making no provision in this regard. We all know, for the facts and experience have shown, that we can not have an overseas merchant marine unless the Government—that is to say, the people and the taxpayers—give it substantial assistance and support. Without such assistance we can not meet the foreign competition. Without such assistance the merchant marine can never be put on a permanent basis. Without such assistance we can not meet the foreign competition, and our merchant marine must languish and eventually expire.

The form that such assistance shall take seems fairly well agreed, namely, first to assist in the financing for construction,

with Government credits or loans at so low a rate of interest as to make up by a lesser interest charge in some degree for the difference in the cost of construction and of operation here and abroad, and next, by offering more liberal and more permanent contracts for the carriage of the mails than have yet been accorded. Now, in a bill I have introduced (H. R. 8914), I have attempted to apply this principle and to accomplish the desired result with the one line we have in the North Atlantic. Now a word. The North Atlantic lane leads from all our northern ports to the ports of northern Europe. Thousands of our people cross and recross that route each year. Thousands of immigrants reach our shores by that route. Is it not, to say the least, desirable that the thousands of our countrymen who will go abroad each year and spend their millions on the other side should be afforded the privilege of traveling under the flag of their own country? Is it not also, to say the least, desirable that a large, if not the greater, portion of the millions required for their transportation should be contributed to the prosperity of their own country, to the support of all the industries that go into ship construction and operation, rather than to replenish the coffers of foreign shipowners and foreign shipbuilders? We may certainly assume that the vast majority of these Americans are good Americans, who prefer to patronize and travel on ships under their own flag, provided, of course, they are furnished with a service equal in speed, safety, and comfort to the foreign ships. Oh! I know it is the fashion to assert that vast numbers of American travelers decline to patronize American-flag ships on account of their arid condition. But, in the aggregate, that class of foolish travelers is really insignificant and this contention is disproved by the fact that our line—the American-flag line—now runs at full capacity during the tourist season. That demonstrates that the demand for American ships will keep pace with the extent of the service furnished. In fact, that so small a proportion of the total of first-class passengers is carried in American ships and that that trade is almost monopolized by the foreign companies is due principally to lack of American-ship capacity. Now, this only first-class line on the North Atlantic is known as the United States Lines. It is operated by our Government through the Shipping Board. It is, as I understand, the only line still directly operated by the Shipping Board. Strictly, it is not a first-class line at all, in the sense that it equals the best service afforded by the great British, French, and German lines. Its six ships are all now fairly old, three of them seized German ships, built before the war, reconditioned, with the exception of the *Leviathan*—by no means up to the standard of the newer foreign ships. Only two of its ships—the *President Harding* and the *President Roosevelt*—are American-built. While we have made no additions to this passenger line, in fact have built no new first-class passenger ships for overseas trade, the foreign lines have put a large amount of new tonnage into this service since the war, with splendid, great, fast steamships—the last word in speed, safety, comfort, and convenience. By the end of this year 13 more will be finished or laid down.

The White Star is bringing out one boat of 25,000 tons, and is reported to have ordered another of 60,000 tons. The Cunard it is reported are about to build another vessel of like proportions. The North German Lloyd are building two 46,000 tons, with speed of 26 knots. The Hamburg-American, the Swedish-American, Norwegian-American, Holland-American, and Scandinavian all have building programs. They are proposing to scrap their old or middle-aged vessels, because the big, fast boats have been found to be more profitable and economical. The big White Star Line Cunard boats will have a speed of 26 knots, to make the voyage in less than five days, and will cost, it is said, about $15,000,000 apiece. And we have absolutely no present program for the United States Lines, except possibly the reconditioning of two other old German-built boats, to be brought up to a speed of only 20 knots. And our only fast ship, the German-built *Leviathan*, has a speed of but 24 knots. So you can see if we are to stay in this North Atlantic trade at all some provision should be made without further delay for replacement of the old boats we are now running so as to balance the fleet to afford at least one fast American ship per week.

I shall insert in my remarks a statement furnished me by the Bureau of Research of the Shipping Board—a statistical statement analyzing the first-class trans-Atlantic traffic and the vessel tonnage employed in that traffic in 1927; also the vessels in the trans-Atlantic passenger traffic built abroad since the war and the tonnage and speed of the United States Lines passenger vessels. It shows that but 12 per cent of the first-class passengers are carried by the United States Lines, which has but 9 per cent of the tonnage engaged in the traffic.

But let us consider for whom is all this trans-Atlantic transportation furnished? Practically for Americans, and Americans only, since more than 90 per cent of those who patronize the ships on the North Atlantic lane are our enterprising and knowledge and pleasure seeking countrymen and countrywomen. So there are two questions for us to consider. First, shall we permit foreigners to well-nigh monopolize this lucrative transportation? What are we to do with the United States Lines, to get it on a permanent basis under private operation?

The answer to the first is by improving and extending the service of the United States Lines and building on that basis till sufficient accommodation is created to take care of the bulk of the trade. The second is to offer such reasonable inducements as to insure the United States Lines being taken over and operated on a permanent basis. There can be no better time than right now, at this session, to solve these questions. The first step should be to provide for the construction of at least two absolutely first-class and up-to-date fast passenger steamships of at least 35,000 tons burden, to be built in our own shipyards. This I believe to be essential, whether the line is to be under private or under Government operation. Next, to provide for more liberal mail contracts. With these inducements and with the excellent showing this line has recently made a responsible purchaser should be found. It is doing well to-day. It did better last year than the year before. With all its present handicaps it now takes in more than it pays out. The results reflect great credit on the Shipping Board. But, nevertheless, the effort should be made to relieve the Government of the operation of this line.

It seems to be conceded on all sides that we can not have new ship construction unless there is some Government assistance. What form should this assistance take? Possibly a direct subsidy is not to be considered, but we can at least offer to provide them with a certain proportion of the cost of construction through the form of Government loans at a rate of interest low enough, in some way, to equalize the higher cost of operation and construction abroad. Furthermore, we can give them more reasonable and more lucrative mail contracts. It seems to be conceded by all hands that something should be done to afford American ship operators a more favorable form of foreign-mail contracts so that these contracts can be more permanent and the remuneration at a higher rate.

My bill directs the Shipping Board to offer this line for sale. The terms of sale must provide that the purchaser shall build two high-class passenger and cargo vessels of sufficient size and speed to augment the efficiency of the present fleet, such new ships to be operated in the North Atlantic service with the other vessels of the line. The board would be authorized to loan from the existing construction loan fund, now standing at about $70,000,000, a liberal proportion, not to exceed $30,000,000, of the construction cost of these two ships, to carry interest at the rate of not less than 2 per cent. The Postmaster General would be authorized to enter into contracts of not exceeding 10 years with the owners or operators at a rate not in excess of $12 a mile for the actual number of miles traveled on each outward voyage, which is undoubtedly a more liberal mail subvention than has as yet been accorded under our law for carriage of the foreign mail. The plans of the ships must be approved by the Navy as suitable for naval auxiliary. But the bill also provides that, in case no advantage is taken of such an offer by the Government, on reasonable terms, within six months, that the Shipping Board itself shall thereupon proceed to construct these two ships at a cost for each of not to exceed $15,000,000, to be operated in the North Atlantic service as part of the United States Lines. But I firmly believe that that alternative will prove unnecessary, and that if the Congress will authorize the sale of this line, with these advantageous features, the right purchaser will soon come forward to take over and relieve the Government from the operation of this line under the reasonable assurance that at least one first-class American line will be, from now on, permanently operated on this our most important trade and passenger route. At least, this bill, if passed, will give notice that we propose to always keep at least one line in this service. Moreover, it will put new heart and life into our shipbuilding industries, and furnish our shipbuilders the opportunity to demonstrate that we on this side can turn out as fine, as fast, as safe, and as commodious ocean liners as can be built on the Clyde or elsewhere in the world. And if this line so supplemented, shall prove to be successful and profitable, then either it may be further expanded or new lines flying the same flag created so that in the days that are to come all American tourists and shippers, all who are so patriotically minded as to prefer to travel and ship abroad under the American flag, will have that opportunity. And maybe we may so advance the day when we shall behold the flag flying from the taffrail of the great majority of ocean liners that enter and clear from our North Atlantic ports. And all I am asking is that we shall

speed that day by taking some effective action in this Congress on the subject. [Applause.]

United States Shipping Board, bureau of research, division of statistics

	Number	Per cent
First-class trans-Atlantic passenger traffic, fiscal year 1927:		
In United States Lines vessels	19,991	12.20
In foreign vessels	144,035	87.80
Total	164,026	100.00
Vessel tonnage employed in trans-Atlantic passenger traffic:		
United States Lines	129,392	9.25
Foreign lines	1,269,482	90.75
Total	1,398,874	100.00

Vessels in trans-Atlantic passenger trade built since World War

Name	Year built	Tonnage	Speed
French Line:			
Ile de France	1926	43,500	23
Paris	1921	34,569	22
Oceanic Steam Navigation Co. (White Star Line):			
Homeric	1922	34,351	20
Laurentic	1927	16,500	16
Cunard Line: Carinthia	1925	20,277	16
North German Lloyd: Columbus	1922	32,354	20
Hamburg-American Line:			
Albert Ballin	1923	20,815	16
Deutschland	1923	20,602	16
Hamburg	1925	21,133	16
New York	1926	21,000	16

United States Lines passenger vessels

Name	Year built	Tonnage	Speed
Leviathan	1914	59,956	24
Republic	1907	17,910	14
President Harding	1921	13,869	14
President Roosevelt	1922	13,869	14
George Washington	1918	23,788	18

Shipping Board vessels not in service

Name	Year built	Tonnage	Speed
Agamemnon (now Monticello)	1902	19,361	20
Mount Vernon	1906	18,372	22
America, reconditioning	1905	21,144	17½

Mr. CULLEN. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. LANKFORD].

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I have spent much time this week attending hearings on the McNary-Haugen bill before the Committee on Agriculture of the House. The merits of various agricultural relief bills are being urged and the contest will wax stronger as the days go by; but, Mr. Chairman, I am still for my own bill, and all the while I am growing stronger in the faith. Faith in a measure must be backed by merit or fail.

Let me tell you what I contend will be accomplished by my bill, then please read it, together with the arguments I have made in support of it, and listen to my repeated arguments in future in support of it, and I feel sure you will become convinced of the absolute soundness of the measure in every respect.

To my mind this bill will bring about the necessary control of production and marketing, thus insuring at all times a profitable price to the producers of basic agricultural commodities, such as cotton and tobacco. By consent of the farmers it will place their production and marketing in the hands of their friends, consisting of appointees by the governors of the commodity growing States, acting in the capacity of commodity councils.

After the bill has become a law it can not become operative as to any particular commodity unless three-fourths of the producers of the commodity so desire, and can not stay in effect longer than one year unless 85 per cent of the farmers producing the particular commodity approve the operation at the end of the year, and then must die during the next year unless at least 95 per cent of the producers of the commodity in question are friends of the plan by that time.

Mr. BLANTON. This is not the bill upon which I am getting communications every day.

Mr. LANKFORD. No; this is my farm bill; if the people knew fully about this bill you would be receiving many communications in favor of it.

Mr. BLANTON. I am getting so many communications from my district about a Lankford bill that I did not know but that this might be the one.

Mr. LANKFORD. No; that is about a supposed bill that they think I introduced. I have introduced no bill with such vicious conditions as are urged by the opponents of my Sunday rest bill.

Mr. BLANTON. It does not affect Texas.

Mr. LANKFORD. No; it does not, except in so far as the Nation's Capital is a model for good or bad.

Mr. BLANTON. Then, why are they so concerned about it?

Mr. LANKFORD. I do not fully know, but if they read the bill many who are now opposed to it will withdraw their objections and be in favor of it.

It was my intention to talk of farm legislation at this time and discuss Sunday legislation on another occasion; but since my friend from Texas has called attention to my bill to provide one day of rest out of every seven in the Nation's Capital, I will make a few observations concerning that measure.

Forty-six States in our country have some kind of Sunday laws. Two States and the Nation's Capital have absolutely none. Most people back in our districts believe we have some Sunday law here and are dumfounded when they find that their Capital—the seat of government of the greatest Christian Nation on earth—has no Sunday law whatever.

I feel that our people, whom we represent, want and expect the Nation's Capital to be fairly representative of the sentiment of the great majority of the people of the country in the matter of Sunday laws and other legislation. Congress makes the laws for the District of Columbia just as the mayor and board of aldermen make the laws for the various cities of the country. Then, if we are to represent our people, we should enact for the District of Columbia such fair and reasonable laws as are for the best interest of the people here and as will represent the wishes of the great majority of the people of the Nation.

But why are the people of the States so very much concerned about a bill to provide for a reasonable Sunday observance here? I will tell you. Congress must take sides either for or against Sunday desecration here. Our failure to pass a Sunday law is being construed as an indorsement by Congress of the Sunday movie, Sunday theater, Sunday dance hall, Sunday night club, and all other forms of Sunday desecration. The movie and theater interests, backed up by those who wish to tear down the Christian Sunday and the various atheistic organizations, are making campaigns in the various States to destroy all Sunday legislation in the States, and are pointing to Washington as a model of Sunday desecration. They are saying, "See what your Congress thinks of Sunday in Washington and elsewhere."

Washington is now used as a model of Sunday desecration by those who hate our Christianity and deny the existence of a God. Would it not be better for us to pass a reasonable Sunday law here and let it be used by those who are in the great majority in this country and who do not want to commercialize Sunday, but who recognize it as a day of rest and who believe that Christianity is the chief corner stone of our civilization and that faith in the Great Architect of the Universe is the foundation of all law, all law enforcement, and of all good government?

For my part, I much prefer for the Nation's Capital to be a model of righteousness rather than a Sodom of ungodliness.

Let me say this: Many people throughout the country are being misled into signing petitions against my bill on the idea that it will interfere with religious freedom, bring about a union of church and state, and deprive some one of some sacred right. I would not introduce any such a bill.

Some people have strange ideas of religious freedom. They seem to think that closing a Sunday dance hall, a Sunday night club, or gambling den interferes with their religious freedom. Neither do I see how the closing of these dens of iniquity would bring about the union of church and state.

For the very life of me I can not understand how the sacred right of religious freedom can be twisted and contorted into meaning the regular continuous Sunday infliction on the public of the obscenity of the modern movie and theater, the profanity of the night clubs, and the vulgarity of the modern dance hall.

No, Mr. Chairman, I would not introduce any bill to interfere with proper religious freedom or to deprive anyone of a constitutional right. If I should introduce any such a bill it would be set aside promptly by the Supreme Court. My bill is fair and is constitutional, and the opponents know it is constitutional. That is why they are fighting it so bitterly. They know

the Supreme Court will let it stand, and they want to commercialize Sunday in Washington and use the Sunday desecration here as an argument for the ultimate destruction of Sunday laws throughout the Nation.

But I did not intend to say so much about Sunday legislation at this time. I have made this speech on two subjects, which means that I shall in the very near future make several more on farm relief and at least one extended speech on Sunday legislation.

Just now let me say a few more words on my bill to create the farmers finance corporation.

The bill is drawn in behalf of the individual farmer, and for all farmers and in behalf of no one else, and yet it is fair to all. It is not at all compulsory and must stand or fall by its own strength.

The farmer, under the bill, can hold his product and while so doing can borrow on the commodity the average in full for which the commodity has sold during the last 10 years. The farmer will not have to put up any collateral in addition to the commodity and will not be liable for any part of the loan not paid by the sale of the commodity, and therefore will be guaranteed the average price for which the product has sold during the last 10 years. He can not lose, for the commodity under my plan will not drop below this loan value, and the Government's corporation, which makes the loan, can not lose, for the plan provides a control of both production and marketing so as to hold off the market at all times so much of the product as might depress the market, thus putting on the market only so much of the product as can be absorbed at a profitable price to the consumer. In this way every cent of the loan will be repaid with interest. All expenses will be paid and the farmer receive a reasonable and fair price for his product.

By this method an overproduction will not in the least depress the market. An overproduction can not depress the market if it is known definitely that it is not for sale. Under this plan the overproduction will not go on the market, but will be held by the producers until there is a demand for it at such a price as the farmers themselves decide is fair and reasonable. The farmers, of course, will act through their authorized agents, the commodity councils.

There will be no need for worry over crop reports, weather conditions, price predictions, or the probability of an overproduction. The farmer will be able to hold his commodity by borrowing the full average price of the commodity, thus holding it off the market until it can be sold at a price named by him and his friends. He can name his own price and get it, just like other folks are now doing. Of course, the price fixed by him could not be unreasonable. It could be and should be, though, for the real value of the commodity. No one could steal the commodity from him or get it for less than its real value.

There would be very little, if any, gambling in futures, for cotton could not go below the minimum fixed by the loan value. It might go up, but could not go down. In fact, there would be very little fluctuation of price. The farmer could look the world in the face and say, "How much cotton do you want at 25 cents per pound?" and could get it unless conditions beyond the United States controlled the price slightly one way or the other. Heretofore the production in this country has controlled the price. For many years in future the farmers of this country can control their own prices if they will control their production, and with that control put on the market only so much cotton or other commodity as the demands of the market call for and will absorb at a reasonable price.

This bill gives the farmers perfect control of their production and marketing and therefore gives them perfect control of prices within reasonable bounds. We need not worry about the price of farm products if we will only help the farmer solve his production and marketing problems.

So it is seen the bill solves all controversies with respect to cotton gambling, cotton reports, insurance of fair prices, and price fixing. The bill enables the farmers to fix their prices as other industries are doing to-day.

This bill is a wonderful improvement over the debenture plan, which would only help the exporter of cotton on the theory that some unknown, insignificant part of this help might some way finally find its way to the producer of cotton or other basic commodity. It is likewise far, far better than the other plans, which only set up agencies to speculate on the farmer and make money for themselves, and may or may not help the price level for the farmer throughout any given period. Let us help the farmer directly, not indirectly. There is very little, if any, merit in most of the proposals to help the farmer by helping the other fellow live off the farmer on the theory that they may help the farmer at least to exist.

Under this bill the rights and privileges of the farmer are definitely set out. So far as possible, the bill is definite in its terms. The rights of all parties concerned can be easily ascertained by a reading of the bill.

There is no equalization fee or tax of any kind provided in the bill. There is no need for any. The bill simply enables the farmers to control their production and marketing by mutual contract and thereby become independent in the matter of determining the price of the product of their own labor.

The farmers will gladly join in the control of their production and marketing, for it will mean an additional price for the commodity which they are holding as well as a good price for their new production.

The farmer will make the same money out of any particular commodity with much less effort and labor on less land. Therefore he can more easily diversify his crop and make more money out of other products.

The farmer will have the privilege of borrowing, if he wishes to exercise the right. He will be bound only to help in the control of marketing, production, and price adjustments, and will have the benefit of the loan privileges if he needs money in order to carry his commodity until a better price is assured.

Under the plan suggested by this bill the farmer will in no sense be a pensioner of the Government. I feel the Government owes them a debt that can never be paid, but be that as it may the Government will get back every penny advanced to the farmers' finance corporation under this bill. To my mind the bill is so sound economically that only the Government will not lose any money, but in a short time the farmers will become so thoroughly independent they can borrow from banks, trust companies, and other financial agencies any amount of money needed for the orderly marketing of their crops.

In conclusion, let me say, Come on, let us pass a real farm bill and let the farmers tell us what we have done for them rather than our telling them what great things we hope to do in their behalf. [Applause.]

Mr. WASON. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Chairman and my colleagues, notice was given by my distinguished colleague from Kentucky, Judge ROBSION, in the course of his eloquent address this afternoon that when the bill under consideration is taken up under the five-minute rule an amendment will be offered in the interest of agriculture and the coal industry of this country. In view of the fact that much has already been said on the subject of agricultural depression, I shall confine my remarks almost exclusively to the relief which it is hoped this amendment will bring to the great coal industry of America.

In my judgment, Mr. Chairman, this amendment possesses very great merit, because it is common knowledge that the coal business of this country to-day is in a very grave condition due, to some extent perhaps, to overproduction and to the development and use of hydroelectric energy and to the use of oil as a fuel, which is to-day coal's greatest competitor. With the further development of water power this competition will naturally and inevitably become more acute and more devastating to the coal industry. Mr. Chairman, I do not offer this suggestion, however, as an argument against the promotion of hydroelectric possibilities, but simply to call attention to the importance of providing a means to protect the great coal industry, which employs, feeds, and clothes millions of our fellow citizens. While the district that I have the honor to represent is not essentially a coal-mining district, yet coal mining is one of its major industries. Mr. Chairman, I do not think I have ever seen the coal business of my section in such a sorrowful plight as it is to-day, and as it has been during the past two or three years. Our mines are running on short shifts, and only three or four days per week, with the inevitable result that the miner and his wife and children are suffering great hardship.

This is undoubtedly due to some extent to unequal competition and to overproduction, but both of these evils can be cured and eliminated if we can only find a market for our normal output. Statistics show that we produce in the United States more than twice the tonnage of coal that is mined in Great Britain, yet Great Britain exports almost 20 times the tonnage we export. Our average annual production of coal is 513,772,000 tons, whereas the average of Great Britain is 229,965,000 tons. The average yearly export of the United States from 1922 to 1925, was 3,967,660 tons, while during the same period Great Britain's average yearly export was 76,706,000. During the coal strike in Great Britain of 1926, the United States exported 19,320,022 tons of coal, while Great Britain exported only 20,596,000 tons. This is a practical demonstration of what can be done under favorable conditions.

Mr. Chairman, the amendment which will be submitted will be designed to improve coal mining conditions and agricultural conditions in this country by providing an additional million dollars in the appropriation for the United States Shipping Board to be used to provide at least 10 vessels peculiarly equipped for coal transportation and to absorb whatever deficit may result from competition in foreign markets in the sale of the surplus production in this country of wheat, corn, lumber, cotton, and coal. Thus it will be observed that this amendment will not only benefit the coal industry, but will likewise and to a corresponding degree benefit the other commodities mentioned. Mr. Chairman, this amendment will not only benefit the coal operator and the coal miner, but it will be a blessing also to the farmer. We descant here daily, long and loud, about the plight of the farmer and the predicament of the coal operator and coal miner. Here is an opportunity to do something more than engage in idle talk. Let us adopt this amendment when it is presented and do something practicable and substantial to relieve these two great national industries. [Applause.]

Mr. Chairman, what our country needs as much as anything else to-day is a well-financed, well-equipped, well-organized, and formidable merchant marine, as has been emphasized many times during this debate. Such an agency would do more to solve our agricultural and industrial problems than anything else. The greatest asset of the British Empire to-day is her wonderful merchant fleet that carries her commerce to every nook and corner of the globe. I want to see American ships flying the American flag sailing the seven seas bearing American commerce, because this will contribute more to American prosperity than anything else just now. While this amendment does not necessarily commit us to a merchant-marine policy, nevertheless it is a gesture in that direction, and as such it should receive the cordial support of every true friend of the farmer, every real friend of labor, every genuine friend of industry, and every sincere friend of American prosperity in this Chamber. [Applause.]

Mr. HARE. Will the gentleman yield?

Mr. TAYLOR of Tennessee. I will.

Mr. HARE. I am very much interested in the gentleman's statement, and I am very much impressed with the statement where he shows that there has been such a material reduction in the export of coal from the United States, and an increase in Great Britain. Can the gentleman assign the reason for that reduction of export coal from the United States?

Mr. TAYLOR of Tennessee. I think the gentleman misunderstood me. I said that during the coal strike of 1926 in Great Britain our export of coal increased materially. Of course, after the strike was settled we came back to the normal exportation. The adoption of this amendment will mean a great revival for the coal industry in this country similar to that of 1926. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. NELSON].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. NELSON of Missouri. Mr. Chairman and gentlemen of the committee, back in the beautiful vine-clad city of Boonville, Mo., in the district that I have the honor to represent, lives a brave but broken-hearted mother, Mrs. Minnie G. Short, whose only son, Roger Leslie Short, lost his life in the sinking of the *S-4*. His body has not been recovered. He died in the line of duty.

Only yesterday I received a letter from this old mother. It is not a complaining letter. It is an instructive letter; and in the brief time allotted to me I wish to read it. It is filled with mother love, the strongest and most sacred love in all the world. I read:

BOONVILLE, MO., *January 16, 1928.*

Hon. W. L. NELSON,
Washington, D. C.

DEAR MR. NELSON: As the mother of Torpedoman Roger Leslie Short, I am, of course, intensely interested in any discussion concerning the *S-4* and the investigation growing out of the disaster, and feel that I must write you some of the things that are in my heart.

Nothing can bring back my precious boy to me, I know that; but I hope that out of all this discussion there will come something that will make it safer for the other brave boys who go to sea for Uncle Sam. I wish you could read some of the letters I have received from other mothers who have boys in the Navy, and whose hearts are always filled with dread. They know my sorrow, and I know their dread of what may happen to their boys. I know these dear mothers feel as I do; they are not thinking about blaming anyone; they are concerned with the increased safety of our American boys who are on their country's ships.

I hope, Mr. NELSON, that the investigation will be a thorough one and will result, in so far as possible, in preventing such another awful catastrophe which robbed me of a loving son.

You assured me that you would look after all details for me, but I especially urge that you insist that the personal belongings of Roger, and any records that he may have left, be carefully preserved. Especially, please see that I get his locker. This means much to me.

Roger was all I had. He had served in the Navy 14 years and loved the life, but he was never too far away from home but that he kept in close touch with me and saw that I was well provided for. He was a wonderful son.

Hoping to hear from you soon, I am gratefully yours,

MINNIE G. SHORT.

May I add, Mr. Chairman, that if anywhere there is anyone who, in the proposed investigations growing out of the sinking of the *S-4* is inclined to play politics, this letter from this old mother should put him to shame. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. MCDUFFIE].

The CHAIRMAN. The gentleman from Alabama is recognized for 10 minutes.

Mr. MCDUFFIE. Mr. Chairman and gentlemen of the committee, I shall not assume to speak as an expert on the merchant marine, and I will not detain the committee long. I do wish, however, to make one or two observations with reference to the Shipping Board. Its progress, as shown within the last year, in the way of curtailing expenses and at the same time carrying more tonnage, maintaining all the while the regularly established lines, has excited our admiration. They are just beginning to learn the business, which they had to do, because, as was shown by the chairman of the subcommittee to-day, our flag had practically vanished from the seas.

Along about 1900 to 1910 we were carrying less than 9 per cent of our foreign commerce. We were therefore in the position, after the late war, of the pioneer in a new field. We had to learn all over how to conduct a merchant marine. Now, within 10 years we are beginning to make a showing, and I congratulate the board and those who have had the management of the merchant marine upon the showing they have made.

Something was said in the course of debate about the committee's attitude toward the merchant marine. It was even suggested that the committee should not be criticized for what they had done because they were so thoroughly in harmony with everybody in their views upon the merchant marine; that is, those who wanted to have a real merchant marine. I repeat, I think every member of this committee wants to see a fully developed American merchant marine. The chairman of the subcommittee very graphically described the situation confronting us, and every man to-day has protested against anything that would hinder the merchant marine. Some have urged construction of additional ships, and much enthusiasm has been shown on this floor.

This subcommittee, regardless of its attitude, can make a mistake, and I claim it made a serious mistake when, in listening to the enthusiasm of those who had testified about the savings of the past year, they failed to ascertain that the board itself and those charged with the responsibility of running these ships wanted $13,400,000 at least, the amount approved by the Budget; and the thing that impressed me most with respect to this action of the committee in making that cut in the Budget estimate—the thing that I fear, or the result that I fear, is that its cut of more than a million dollars in the estimate will be used by our competitors, who will tell all the shippers everywhere in the world that the United States is no longer enthusiastic in building up the merchant marine. They, our foreign competitors, would say, "The American flag will finally fade from the seas. Here is proof of it: They have not the backing nor proper support of the people of America."

If I could have my way, I would add that million, and I would immediately write a law providing for the construction of additional up-to-date modern cargo ships. I would put such statutes on the books and appropriate enough money to show all the world that, instead of vanishing from the seas, we propose to sail the American flag upon all the high seas, and we are there to stay.

The President is right when he says that our American manufacturers and importers are not giving proper support to the American merchant marine. I was astounded to read in the hearings a statement by Commissioner Plummer, who quoted some representative of an American manufacturing company. They were discussing the Isthmian Line, referred to by the gentleman from Maine [Mr. BEEDY], who has rendered a distinct service to the merchant marine and the country, involving the extension of our service in a new field from which there

were 700,000 tons of burlap and bagging coming to this country. The Isthmian Line was making only 4 sailings out of a total of 69. When it was proposed that the Shipping Board go in that field for some of that immense tonnage in accordance with the terms of the law, to the effect that we should establish a merchant marine to carry at least a major portion of our foreign tonnage, this manufacturer said, according to Mr. Plummer:

You would not get a ton of our business if you would carry it for nothing.

That was the attitude of an American manufacturer.

Mr. BEEDY. Will the gentleman permit an interruption?

Mr. McDUFFIE. Certainly.

Mr. BEEDY. What is the name of the manufacturer who made that statement?

Mr. McDUFFIE. The record does not disclose his name, but Mr. Plummer stated he was the representative of an American manufacturing company. He told us in so many words. He said:

You would not get a ton of our business if you would carry it for nothing.

Mr. BEEDY. That is certainly an astounding statement for an American to make, and I hope the gentleman from Alabama will get his name and put it in the RECORD.

Mr. McDUFFIE. I would like to have his name go in the RECORD. Here is the reply Mr. Plummer made. He said:

You had better strike the "American" off your name and look up the tariff protection that you are getting at the same time.

Mr. BEEDY. I am in hearty accord with the statement made by Mr. Plummer.

Mr. McDUFFIE. Mr. WOOD then asked Mr. Plummer whether he had communicated with chambers of commerce throughout the country and tried to enlist their aid and support in arousing some interest on the part of manufacturers in behalf of our merchant flag. The commissioner said yes and he had many nice letters from these organizations. Somehow and in some way, gentlemen, we must arouse the interest of our own people in our merchant flag. Those who have control of the overseas tonnage, and especially those enjoying a beneficent high protective tariff, should rally to the support of the flag.

I agree with the statement that we would like to have these ships operated by private enterprise. That is not the primary purpose of the merchant marine laws, but in the final analysis I think the average American prefers not to have the Government in any sort of business. This is not the first instance, however, where the American Government has pioneered in business. It has to lead the way and blaze the trail, so to speak, and it has done that in many instances, and very properly so. It loaned its money and granted its land to build up the great transcontinental railroads, and I say very properly, because they have made of this Nation the wonderful Nation it is, by bringing the East to the West and the West to the East, and developing a great empire west of the Mississippi River. We are pioneering in inland waterway transportation at the expense of the Government.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CULLEN. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. McDUFFIE. Mr. Chairman, there are many instances which might be cited showing that the Government has had to pioneer in order to get results and to demonstrate to our people the feasibility of various enterprises and activities so necessary for the welfare of the country as a whole.

So my plea is not to cut these appropriations and thereby force the sale of these ships. This saving, of which we heard to-day, is predicated upon the fact that we will sell ships on the west coast. It is a conditional saving. In our effort to get the Government out of business do not let us destroy the most important activity in all the Federal Government and fail to get our commerce to all the nations of the world, but let us lend our support here in Congress with all our enthusiasm; let us so act our part in this Congress in providing funds for the merchant marine that the whole world may know that the American merchant flag will not leave the seas, but it is there to stay on and on. [Applause.]

Mr. CULLEN. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman and gentlemen, I listened with interest, as I always do, to the discussion of the very distinguished Member from Texas [Mr. BLANTON] concerning his colloquy with the gentleman from Illinois. I also had a slight colloquy with the gentleman from Texas when we were discussing the last appropriation bill. It was upon the question as to how an officer or soldier in the United States Army or Navy could be consigned to St. Elizabeths Hospital for the Insane. As I recall the statement of the gentleman—and he is usually very accurate and, I will say, one of the most industrious and efficient Members of this House, and will be much missed here when he goes over to take his new seat in the Senate—he stated that by the scratch of a pen the Secretary of War or the Navy could commit a man to the insane hospital at St. Elizabeths. I served as a member of the Military Affairs Committee for some years and during that time gave some study to Army regulations. I expressed the thought that the gentleman's statement was in error. I suggested that a board would have to pass upon a man's insanity before he could be consigned to an insane hospital such as St. Elizabeths. I secured from the War Department the regulation and rule of the Army upon this matter, and I want to read into the RECORD that part which applies to the consignment of an officer or a soldier to St. Elizabeths. It is as follows:

b. Board of medical officers to examine the insane: No person in the military service will be transferred to a hospital for the treatment of the insane, or discharged from the service because of insanity, except after a critical examination by a board consisting of at least two medical officers, of whom one shall, if practicable, be a specialist in nervous and mental diseases: *Provided*, That in cases of emergency and where no military hospital is available or suitable for the purpose, natives of Porto Rico or of the Philippine Islands may be placed temporarily for observation and treatment in an institution for the treatment of those suffering from mental disorders, upon the certificate of at least one medical officer, appointed by the commanding officer. Examination by the board will preferably be made in hospital, and report will not be submitted until after the person being examined shall have been observed for a reasonable period of time. The report will contain the diagnosis, a detailed account of the medical history of the case, the board's opinion as to whether the insanity existed prior to entry into the service, whether incurred in line of duty, whether due to his own willful misconduct, or to causes not incident to the service, or whether it is of service origin under section 300 of the war risk insurance act, as amended; a statement as to whether the patient, if discharged from the service, can be released from military control without danger to himself or others; and the board's recommendation for or against the patient's transfer for treatment to a designated institution. When the board recommends the discharge or transfer of an enlisted man, its report will be accompanied by a certificate of disability prepared on the proper form. The report and all papers connected therewith will be executed in duplicate

* * * * * * *

The insane who may be admitted to St. Elizabeths are defined in the following:

6. Classes of insane who may be admitted to St. Elizabeths Hospital: Insane of the following classes, who may not be entitled to compensation, care, and treatment under the provisions of the war risk insurance act, as amended, may be transferred to St. Elizabeths Hospital, Washington, D. C.:

a. Officers, members of the Army Nurse Corps, contract surgeons, warrant officers, warrant officers of the Army Mine Planter Service, Army field clerks, field clerks of the Quartermaster Corps and enlisted men who become insane while in the military service; civilian employees of the Quartermaster Corps or Finance Department who become insane during such employment; persons who, while in the service of the United States in the Army, have been admitted to St. Elizabeths Hospital, and have been thereafter discharged from it on the supposition that they have recovered their reason, and have, within three years after such discharge, become again insane from causes existing at the time of such discharge, and have no adequate means of support; the indigent insane persons who have been in the Army and have been discharged therefrom on account of disability arising from such insanity, or who have become insane within three years after their discharge from the Army, from causes which arose during and were produced by service in the Army.

The next paragraph which I want to read is that which defines exactly the terms and procedure necessary before a soldier in the Army can be confined in St. Elizabeths Hospital.

7. Procedure for transfer of the insane to St. Elizabeths Hospital.

a. Authority: Authority for the transfer of noncompensable insane to this hospital will be secured from the War Department as prescribed in paragraph 4*b*(1).

I now want to read the language which provides how the insane soldier can be assigned to St. Elizabeths Hospital.

b. Noncompensable insane: (1) When entitled to care and treatment at the expense of the United States.—Request for authority to transfer or discharge a noncompensable insane patient who is entitled to care and treatment at the expense of the United States (par. 2b(1), ac-

companied by the report of the Board of Medical Officers (par. 1b) and all papers therewith, including the medical certificate required by the Department of the Interior, will be forwarded through military channels to The Adjutant General. If the request is approved, the necessary orders will be issued by the War Department.

The procedure is that first the man comes before a board of competent medical examiners and they make a finding in the case. The matter then goes through military channels to The Adjutant General of the Army, who must approve it. It then goes, at last, to the Secretary of War for the order to which the gentleman from Texas referred. No arbitrary order by the Secretary of War consigning a soldier to St. Elizabeths without trial and finding by a medical board is possible.

Mr. BLANTON. Will the gentleman yield?

Mr. SHALLENBERGER. I now yield to the gentleman from Texas.

Mr. BLANTON. That order, after all, is a mere scratch of the pen of the Secretary of War.

Mr. SHALLENBERGER. Yes. The Secretary merely gives the written order to carry out the findings and order of the medical board.

Mr. BLANTON. And that order is what Doctor White receives as his authority for holding that man for life.

Mr. SHALLENBERGER. Yes.

Mr. BLANTON. And then he does hold him for life on that scratch of the pen. Now, if our distinguished friend, the former Governor of Nebraska, will look at the CONGRESSIONAL RECORD, the gentleman will find I cited the other day a case from the Navy—and the Navy has the same rules as the Army—where a Navy board was organized with two doctors on it. Without giving the man any hearing—Lieutenant Commander Sandlin—they found him in "a paranoid state" on a superficial examination and confined him to St. Elizabeths Hospital. When they had their so-called hearing these doctors refused to even let his wife be present when they examined him, and they allowed him no witness. When I forced the Navy to give this man a hearing I produced evidence there, and I want the distinguished gentleman from Nebraska [Mr. SHALLENBERGER] to read that evidence. It is of such a conclusive nature that it leads to but one conclusion—his sanity.

This evidence convinced four members of the board out of the five that the man was not insane; but the man who was chairman of the board, the fifth member, still held he was insane, notwithstanding the fact that the board, on a four-to-one vote, released the man, and he is released now and going about his own business. This is what I meant by a mere scratch of the pen.

Mr. SHALLENBERGER. Yes.

Mr. BLANTON. It is done, after all, by a scratch of the pen.

Mr. SHALLENBERGER. If the gentleman has finished his speech, I would like to say a word in the time I have left.

It is true, as the gentleman says, it takes the order of the Secretary of War to finally complete the consignment of a man to the insane asylum, but, as I have called to his attention, the procedure is the same as it is in civil life, and before a man is declared insane or before the Secretary of War can scratch that pen of his they have got to go through all this procedure I have referred to to protect the man who is under examination as to his mental condition. Therefore, I submit I was correct in what I said the other day.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. BLANTON. I hope the gentleman from New York will yield two minutes more, as I would like to ask the gentleman a further question.

Mr. CULLEN. I yield the gentleman two minutes more.

Mr. BLANTON. May I say to the distinguished gentleman from Nebraska that since I have raised this question, the departments are getting uneasy about their power. They have had Secretary Work prepare two special bills, and within the last two days they have been sent to Senator CAPPER, chairman of the Committee on the District of Columbia of the Senate, to be introduced in the Senate. Do you know what those bills do? One of them is to take away the writ of habeas corpus, so that they can not get a writ of habeas corpus granted by courts, which would be unconstitutional. The effect of the other bill is to provide that they shall not be entitled in any case to a trial before a jury. This takes away from these people the two most valuable rights they have under our bill of rights. And we must defeat both of them.

Mr. SHALLENBERGER. Gentlemen of the committee, the thing which I wanted particularly to call to your attention was that the Secretary of War or the Secretary of the Navy has no such authority as was claimed, nor the arbitrary power to commit a man to the insane asylum at St. Elizabeths without a proper hearing. There must be a finding by a board of qualified medical officers and go through the other military channels which protect a soldier in his rights if his mental condition is challenged. The scratch of the pen which the Secretary of War puts upon the order is a mere formality and does not have anything to do with the actual reasons for consigning the man to the hospital at St. Elizabeths. The finding of the medical board is absolutely essential.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read down to and including line 3 on page 2.

Mr. WASON. Mr. Chairman, I move that the committee do now rise.

Mr. CULLEN. Mr. Chairman, pending that motion and before we rise, may I submit an inquiry? Will this bill be the business to be taken up on Monday?

Mr. TILSON. Yes; it is expected this bill shall continue under consideration on Monday, until it is finished.

Mr. BLANTON. And we will not have a meeting to-morrow?

Mr. TILSON. We will see a little later. If we can get consent, perhaps not.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. TILSON] having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill H. R. 9481, the independent offices appropriation bill, had come to no resolution thereon.

ADJOURNMENT OVER

Mr. MAPES. Mr. Speaker, at the request of the gentleman from Connecticut, the Republican leader, I ask unanimous consent that when the House adjourn to-day it stand adjourned until Monday next.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that when the House adjourns to-day it shall stand adjourned to meet on Monday next. Is there objection?

Mr. GARNER of Texas. Reserving the right to object, I would like to ask the spokesman for the leader whether or not he has any business in which the country might be interested to consider to-morrow? In view of the fact that the Republican organization has no business in which the American people is interested, and that probably whatever business it might have would not be particularly interesting to the American people, I will not object.

Mr. MAPES. The gentleman from Michigan does not speak for the Republican organization.

Mr. GARNER of Texas. No; but he speaks for the Republican leader.

Mr. WOOD. I might add that the Republican administration has accomplished so much that we think it needs a rest. [Laughter.]

Mr. GARNER of Texas. I think it needs a rest from the Republican administration.

Mr. BLANTON. And I think they will get it. [Laughter.]

MARION LETCHER

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Foreign Affairs.

To the Congress of the United States:

I transmit herewith a report from the Secretary of State recommending an appropriation for the relief of Mr. Marion Letcher, American Consul General at Copenhagen, Denmark. It appears that on February 18, 1927, while Mr. Letcher was the responsible officer in charge, the office of the Consulate General at Copenhagen was burglarized and official moneys in a total equivalent to $252.93, for which Mr. Letcher is accountable, were stolen. Notwithstanding the efforts of Mr. Letcher, aided by the local police, no recovery has been made.

The conclusion reached by the Secretary of State has my approval and I recommend that the Congress authorize an appropriation of $252.93 to be paid to Mr. Letcher.

CALVIN COOLIDGE.

THE WHITE HOUSE,
January 20, 1928.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 6053. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Linden-Lexington road, in Perry and Decatur Counties, Tenn.

ADJOURNMENT

Mr. WASON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House, in accordance with its previous order, adjourned until Monday, January 23, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, January 21, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

District of Columbia appropriation bill.
Agriculture Department appropriation bill.
War Department appropriation bill.

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex. (H. R. 70).

COMMITTEE ON FLOOD CONTROL

(10 a. m.—caucus room)

A meeting to hear the Hon. Gifford Pinchot, Governor of the State of Pennsylvania; Col. W. T. Wooten, chairman of the spillways board; Alva L. Reynolds, Long Beach, Calif.; and Millard F. Bowen discuss projects for the control of the flood waters of the Mississippi River.

(2 p. m.—caucus room)

A meeting for the discussion of projects to control the flood waters of the Mississippi River.

Mr. REID of Illinois has asked that a notice be posted here stating that the Flood Control Committee would conclude its hearings within a few days, and if there are any Senators or Members of Congress who wish to appear before the committee, Mr. REID would like to have them get in touch with him immediately.

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.—committee room of the Senate Committee on Territories and Insular Possessions)

Providing for the appointment of a joint committee of Congress to investigate conditions in American Samoa (S. Con. Res. 2).

Providing for the appointment of a board of visitors to inspect and report on the conditions and government in Samoa (H. R. 184).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

305. A letter from the Secretary of the Treasury, transmitting report as to the rents received from properties located on sites of proposed public buildings purchased in the District of Columbia by the United States Government; to the Committee on Expenditures in the Government Departments.

306. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $50,000 for the Department of Agriculture for the fiscal year 1929 (H. Doc. No. 145); to the Committee on Appropriations and ordered to be printed.

307. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Hudson River, N. Y., with a view to removing rock in front of the town of Poughkeepsie; to the Committee on Rivers and Harbors.

308. A letter from the Secretary of War, transmitting copies of abstracts of proposals received during the fiscal year ending June 30, 1927, for materials and labor in connection with works under the Corps of Engineers; to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ROY G. FITZGERALD: Committee on World War Veterans' Legislation. H. R. 500. A bill making eligible for retirement under certain conditions officers and former officers of the World War, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War; without amendment (Rept. No. 326). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. 1968. An act to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes; without amendment (Rept. No. 327). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINTER: Committee on the Public Lands. H. R. 6684. A bill to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land; with amendment (Rept. No. 328). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 7472. A bill to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property; with amendment (Rept. No. 329). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Colorado: Committee on the Public Lands. H. R. 8744. A bill to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes; without amendment (Rept. No. 330). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 9031. A bill to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way; without amendment (Rept. No. 331). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. S. J. Res. 38. A joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted; without amendment (Rept. No. 332). Referred to the House Calendar.

Mr. WHITE of Kansas: Committee on Election of President, Vice President, and Representatives in Congress. S. J. Res. 47. A joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress; without amendment (Rept. No. 333). Referred to the House Calendar.

Mr. SINNOTT: Committee on the Public Lands. S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves; without amendment (Rept. No. 334). Referred to the House Calendar.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 9676. A bill to authorize appropriations for construction at the Walter Reed General Hospital, and for other purposes; without amendment (Rept. No. 338). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 7459. A bill to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes; without amendment (Rept. No. 339). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 548. A bill for the relief of Fayette L. Froemke; without amendment (Rept. No. 321). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 1405. A bill granting six months' pay to Maria J. McShane; without amendment (Rept. No. 322). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 4066. A bill to place John P. Holland on the retired list of the United States Navy; without amendment (Rept. No. 323). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 4931. A bill for the relief of Frederick D. W. Baldwin; without amendment (Rept. No. 324). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 5898. A bill to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered; without amendment (Rept. No. 325). Referred to the Committee of the Whole House.

Mr. YON: Committee on the Public Lands. S. 440. An act for the relief of Charles H. Send; without amendment (Rept. No. 335). Referred to the Committee of the Whole House.

Mr. HILL of Washington: Committee on the Public Lands. H. R. 6569. A bill for the relief of Frank Hartman; without amendment (Rept. No. 336). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. H. R. 4126. A bill authorizing the Secretary of the Interior to issue a patent to Katie Cassiday for a certain tract of land; without amendment (Rept. No. 337). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H. R. 2477. A bill for the relief of Joseph S. Carroll; without amendment (Rept. No. 340). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNE: A bill (H. R. 9760) authorizing the granting of pensions to dependents of the officers and men who lost their lives by the sinking of the United States submarines *S–51* and *S–4* in twice the the amount due under the existing law in each case; to the Committee on Naval Affairs.

By Mr. ESTEP: A bill (H. R. 9761) to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 9762) to regulate the commitment to and discharge from St. Elizabeths Hospital of persons certified by heads of departments and establishments; to the Committee on the District of Columbia.

By Mr. MEAD: A bill (H. R. 9763) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. WELLER: A bill (H. R. 9764) to establish a national conservatory of music for the education of pupils in music in all its branches, vocal and instrumental, and for other purposes; to the Committee on Education.

By Mr. DICKINSON of Iowa: A bill (H. R. 9765) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. ENGLAND: A bill (H. R. 9766) to classify certain positions in the Railway Mail Service; to the Committee on the Post Office and Post Roads.

By Mr. GIBSON: A bill (H. R. 9767) to authorize an appropriation for the relief of the State of Vermont on account of roads and bridges damaged or destroyed by the recent flood; to the Committee on Roads.

By Mr. GRAHAM: A bill (H. R. 9768) establishing a division of identification under the jurisdiction of the bureau of investigation of the Department of Justice; to the Committee on the Judiciary.

By Mr. HAWLEY: A bill (H. R. 9769) to authorize the construction of a statue to Theodore Roosevelt on Battle Rock, at Port Orford, Oreg.; to the Committee on the Library.

Also, a bill (H. R. 9770) authorizing the construction of a road in the Umpqua National Forest between Steamboat Bridge and Black Camas in Douglas County, Oreg.; to the Committee on the Public Lands.

Also, a bill (H. R. 9771) setting aside certain lands of the Willamette meridian in Oregon as a public park, and appropriating money therefor; to the Committee on the Public Lands.

By Mr. MEAD: A bill (H. R. 9772) amending the act of February 28, 1925, reclassifying the salaries of postmasters and employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. MILLIGAN: A bill (H. R. 9773) authorizing the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near the mouth of the Big Blue River in Jackson County, Mo., where the same empties into the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEIDER: A bill (H. R. 9774) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. WELCH of California: A bill (H. R. 9775) authorizing the establishment of the California migratory-bird refuge; to the Committee on Agriculture.

By Mr. SELVIG: A bill (H. R. 9776) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. TILLMAN: A bill (H. R. 9777) establishing a national board of magazine and book censorship and designating the duties and powers thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM (by request): A bill (H. R. 9778) to amend an act entitled "An act providing for the revision and printing of the index to the Federal Statutes," approved March 3, 1927; to the Committee on the Judiciary.

By Mr. LINTHICUM: A bill (H. R. 9779) authorizing the granting of pensions to dependents of the officers and men who lost their lives by the sinking of the United States submarines *S–51* and *S–4* in twice the amount due under existing law in each case; to the Committee on Naval Affairs.

By Mr. SINNOTT: A bill (H. R. 9780) granting certain lands to the State of Oregon for the benefit of the Oregon Agricultural College for the purpose of conducting educational, demonstrative, and experimental agricultural work by means of irrigation; to the Committee on the Public Lands.

By Mr. NORTON of Nebraska: A bill (H. R. 9781) to amend section 200 of the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. ZIHLMAN: A bill (H. R. 9782) to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia and his assistants to administer oaths; to the Committee on the District of Columbia.

By Mr. KELLY: A bill (H. R. 9783) to provide for recognition of heroism of members of the 1908–9 Peary Arctic Club North Polar Expedition, under command of Rear Admiral Robert E. Peary, United States Navy; to the Committee on the Library.

By Mr. GRAHAM (by request): A bill (H. R. 9784) for the issuance and execution of warrants in criminal cases and to authorize bail; to the Committee on the Judiciary.

Also (by request), a bill (H. R. 9785) to amend section 1025 of the Revised Statutes of the United States; to the Committee on the Judiciary.

Also (by request), a bill (H. R. 9786) to amend an act entitled "An act to make persons charged with crimes and offenses competent witnesses in United States and Territorial courts," approved March 16, 1878, with respect to the competency of husband and wife to testify for or against each other; to the Committee on the Judiciary.

By Mr. RATHBONE: Joint resolution (H. J. Res. 174) providing a wreath to be placed at the Lincoln Memorial commemorative of the anniversary of the birth of President Lincoln; to the Committee on the Library.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 175) to change the name of the Ancon Hospital in the Panama Canal Zone to the General Gorgas Hospital; to the Committee on Military Affairs.

By Mr. SCHNEIDER: Joint resolution (H. J. Res. 176) granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River; to the Committee on Interstate and Foregin Commerce.

By Mr. LARSEN: Resolution (H. Res. 95) authorizing and directing the Federal Trade Commission to investigate alleged violations of the antitrust laws by fertilizer corporations; to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 96) requesting the Attorney General to furnish information regarding violation of the antitrust laws by the fertilizer corporations and penalties if any imposed; to the Committee on the Judiciary.

Mr. ROY G. FITZGERALD: Resolution (H. Res. 97) providing for the consideration of House bill 500, for the retirement of disabled emergency Army officers of the World War; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. HARRISON: Memorial of the Legislature of the State of Virginia, in regard to the port of Hampton Roads; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 9787) for the relief of the heirs or assigns of Pardon Worsley; to the Committee on War Claims.

Also, a bill (H. R. 9788) granting an increase of pension to Louisa A. Parker; to the Committee on Invalid Pensions.

By Mr. BOWLING: A bill (H. R. 9789) for the relief of Sallie E. McQueen and Janie McQueen Parker; to the Committee on the Public Lands.

By Mr. BUSHONG: A bill (H. R. 9790) granting an increase of pension to Elizabeth Reed; to the Committee on Invalid Pensions.

By Mr. CARTWRIGHT: A bill (H. R. 9791) for the relief of Eliza Sturgess; to the Committee on War Claims.

By Mr. CRAIL: A bill (H. R. 9792) granting a pension to Clarinda Mason Smith; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 9793) to correct the military record of Frank S. Felts; to the Committee on Military Affairs.

By Mr. ENGLAND: A bill (H. R. 9794) granting an increase of pension to Rosa Matheny; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 9795) granting a pension to Charles H. P. Tugwood; to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 9796) granting an increase of pension to Sarah Jane Sherer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9797) granting an increase of pension to Susie Oneal; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 9798) granting an increase of pension to Amanda J. Gilliland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9799) granting an increase of pension to Manerva Hedges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9800) granting an increase of pension to Cynthia A. Culver; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 9801) granting an increase of pension to Sarah J. Ober; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 9802) granting an increase of pension to Lucy M. Sperry; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 9803) granting a pension to Edgar F. Toinby; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 9804) granting an increase of pension to Ida Chilson; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 9805) granting a pension to Catherine Donald; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 9806) for the relief of the I. B. Krinsky Estate (Inc.) and the Fidelity & Deposit Co. of Maryland; to the Committee on Ways and Means.

By Mr. McKEOWN: A bill (H. R. 9807) granting an increase of pension to Rebecca Ellen Fowler; to the Committee on Pensions.

By Mr. MICHAELSON: A bill (H. R. 9808) for the relief of Morris Skolnik; to the Committee on Claims.

By Mr. MOORE of New Jersey: A bill (H. R. 9809) granting a pension to Annie H. Kenny; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 9810) granting a pension to John S. Funk; to the Committee on Invalid Pensions.

By Mr. QUAYLE: A bill (H. R. 9811) for the relief of Frank Hanley; to the Committee on Naval Affairs.

Also, a bill (H. R. 9812) for the relief of Hattie Carnegie (Inc.); to the Committee on Claims.

By Mr. RATHBONE: A bill (H. R. 9813) for the relief of Catherine Simon; to the Committee on Claims.

By Mr. SCHAFER: A bill (H. R. 9814) granting a pension to Blaine Alexander; to the Committee on Pensions.

By Mr. STOBBS: A bill (H. R. 9815) granting a pension to Ellen M. Davenport; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 9816) for the relief of Alessandro Zauri; to the Committee on Claims.

Also, a bill (H. R. 9817) for the relief of Alessandro Zauri; to the Committee on Claims.

Also, a bill (H. R. 9818) granting an increase of pension to Emma J. Bull; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 9819) granting an increase of pension to Emma Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9820) granting an increase of pension to Felicia B. Frew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9821) granting an increase of pension to Margaret E. Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9822) granting an increase of pension to Caroline E. Trumbull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9823) granting an increase of pension to Emaline Sprinker; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 9824) granting an increase of pension to Henrietta Stevenson; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 9825) granting an increase of pension to Emma M. Paye; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 9826) for the relief of William Champney; to the Committee on Claims.

By Mr. WOODRUFF: A bill (H. R. 9827) for the relief of George Pettit; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2092. By Mr. ADKINS: Petitions of citizens of the State of Illinois, protesting against proposed legislation contained in House bill 78, or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

2093. By Mr. ALDRICH: Petition of William E. Lamphiere and 15 other residents of Washington County, R. I., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2094. By Mr. ANDREW: Petition signed by Charles Hartman and other residents of Danvers, Mass., protesting against the enactment of House bill 78, or other compulsory Sunday observance laws; to the Committee on the District of Columbia.

2095. Also, petition signed by Archie R. Titus and other residents of Danvers, Mass., protesting against the passage of legislation establishing compulsory Sunday observance, and particularly House bill 78; to the Committee on the District of Columbia.

2096. By Mr. ARNOLD: Petition from citizens of Allendale, Ill., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2097. By Mr. BARBOUR: Petition of residents of Bakersfield, Calif., protesting against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

2098. By Mr. BOIES: Petition signed by citizens of Battle Creek and Ida Grove, Ida County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2099. By Mr. BROWNE: Petition of citizens of Wood County, Wis., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2100. By Mr. BURTON: Memorial of Cincinnati Chapter No. 1, Disabled American Veterans of the World War, Cincinnati, Ohio, opposing any change in the statutory award for arrested tubercular World War patients; to the Committee on World War Veterans' Legislation.

2101. By Mr. BYRNS: Petitions of citizens of Woodlawn, Montgomery County, Tenn., for increase of Civil War pensions; to the Committee on Invalid Pensions.

2102. By Mr. CANFIELD: Petition of Frank Long and 35 other residents, of Ripley County, Ind., urging the passage of legislation granting increased pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2103. By Mr. CARLEY: Petition against compulsory Sunday observance (H. R. 78) signed by Mrs. Jennie Buch, of 654 Seventy-first Street, Brooklyn, N. Y., and 29 other citizens of Brooklyn, N. Y.; to the Committee on the District of Columbia.

2104. By Mr. CHALMERS: Petition urging an increase in Civil War veterans' and their widows' pensions, signed by residents of Toledo, Ohio; to the Committee on Invalid Pensions.

2105. By Mr. COLE of Iowa: Petition of Dora Lemmon and 40 other signers, residents of Marshalltown, Iowa, protesting against the passage of a compulsory Sunday observance bill for the District of Columbia, known as House bill 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2106. Also, petition of Roy Eastman and 40 other signers, residents of Marshalltown, Iowa, protesting against the passage of a compulsory Sunday observance bill for the District of Colum-

bia, known as House bill 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2107. By Mr. DICKINSON of Iowa: Petition of citizens of Iowa, protesting against the Sunday bill (H. R. 78); to the Committee on the District of Columbia.

2108. By Mr. DRIVER: Petition signed by the citizens of Harrisburg, Ark., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2109. By Mr. ENGLEBRIGHT: Petition of Mrs. William Lee Sales, chairman of literature, California Federation of Women's Clubs, pertaining to revision of postal (parcel post) rates; to the Committee on the Post Office and Post Roads.

2110. Also, petition of William G. Graham and other citizens of Nevada City, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2111. Also, petition of citizens of Yreka, Hornbrook, Fort Jones, and Ashland, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2112. By Mr. ESTEP: Petition of Council of Associated Building Trades, 1807 Spring Garden Street, Philadelphia, Pa. (Joseph W. Allison, sec.-treas.), setting forth the urgent need for increasing the strength and efficiency of the United States Navy; to the Committee on Naval Affairs.

2113. Also, petition of the council of the city of Pittsburgh, urging the passage of House bill 25 and Senate bill 1727, otherwise known as the Dale-Lehlback bill; to the Committee on the Civil Service.

2114. Also, petition of Board of Allegheny County Commissioners, Pittsburgh, Pa., urging support and vote for passage of the Dale-Lehlbach bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

2115. Also, petition of Clyde Kelly Branch, National Association of Letter Carriers, Pittsburgh, Pa., urging support and vote for the Dale-Lehlbach bill (H. R. 25 or S. 1727); to the Committee on the Civil Service.

2116. By Mr. FREEMAN: Petition of Margaret R. Young, and others, against House bill 78, Lankford Sunday observance bill; to the Committee on the District of Columbia.

2117. Also, petition of Florence E. Jones, and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2118. Also, petition of Marion J. Hatfield, and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2119. Also, petition of J. Lynde Porter, and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2120. Also, petition of M. E. Alford and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2121. Also, petition of Oscar N. Walker and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2122. Also, petition of Elsie G. Marsh and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2123. Also, petition of Donald E. Kenyon and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2124. Also, petition of B. Bergman and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2125. Also, petition of Paul C. Coates and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2126. Also, petition of J. W. Hekeley and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2127. Also, petition of S. M. Bullard and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2128. Also, petition of Mrs. James Abbott and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2129. Also, petition of Mrs. John Olsen and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2130. Also, petition of Abiel Metcalf and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2131. Also, petition of L. Broeler and others, against compulsory Sunday observance (H. R. 78), Lankford bill; to the Committee on the District of Columbia.

2132. By Mr. GARBER: Petition signed by certain residents of Manchester, Okla., urging the enactment of legislation to grant $72 per month to every Civil War survivor, $125 per month to every Civil War survivor requiring aid and attendance, and $50 per month to every Civil War widow; to the Committee on Invalid Pensions.

2133. By Mr. GARNER of Texas: Petition of citizens of Kingsville, Tex., favoring Sunday observance legislation; to the Committee on the District of Columbia.

2134. By Mr. GIBSON: Petition of residents of East Jamaica, Vt., protesting against proposed legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

2135. By Mr. HADLEY: Petition of residents of Bellingham, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2136. Also, petition of a number of residents of Everett, Wash., and vicinity, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2137. Also, petition of residents of Issaquah and Fall City, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2138. Also, petition of residents of Mount Vernon and vicinity, Washington, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2139. Also, petition of residents of Stanwood, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2140. By Mr. HALE: Petitions from over 300 citizens of Manchester, Auburn, South Deerfield, Candia, and Raymond, protesting against any legislation making Sunday observance compulsory; to the Committee on the District of Columbia.

2141. By Mr. HALL of North Dakota: Petition of numerous citizens of Sheridan County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2142. Also, petition of numerous citizens of Tuttle, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2143. Also, petition of numerous citizens of Sheridan County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2144. Also, petition of numerous citizens of Sheridan County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2145. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2146. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2147. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2148. Also, petition of numerous citizens of Bowdon, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2149. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2150. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2151. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2152. Also, petition of numerous citizens of Sykeston and Woodworth, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2153. Also, petition of numerous citizens of Sykeston and Woodworth, N. Dak., against the enactment of House bill 78, or

any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2154. Also, petition of numerous citizens of Foster County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2155. Also, petition of numerous citizens of Barnes County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2156. Also, petition of numerous citizens of Valley City, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2157. Also, petition of numerous citizens of Valley City, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2158. Also, petition of numerous citizens of Valley City, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2159. Also, petition of numerous citizens of Kidder County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2160. Also, petition of numerous citizens of Kidder County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2161. Also, petition of numerous citizens of Kidder County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2162. Also, petition of numerous citizens of Stutsman County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2163. Also, petition of numerous citizens of Pittibone, Jamestown, Woodworth, Heaton, and Sykeston, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2164. Also, petition of the Erling Skjalgson Lodge, No. 163, Sons of Norway, Rolette, N. Dak., in favor of the recommendation of the Commissioner General of Immigration; to the Committee on Immigration and Naturalization.

2165. Also, petition of numerous citizens of Woodworth, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2166. Also, petition of six citizens of Harvey, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2167. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2168. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2169. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2170. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2171. Also, petition of seven citizens of Harvey, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2172. Also, petition of eight citizens of Harvey and two citizens of Woodworth, N. Dak., against the enactment of House bill 78, or any other Sunday observance legislation; to the Committee on the District of Columbia.

2173. Also, petition of nine citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other Sunday observance legislation; to the Committee on the District of Columbia.

2174. Also, petition of 12 citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2175. Also, petition of 14 citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2176. Also, petition of nine citizens of Wells and Sheridan Counties, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2177. Also, petition of two citizens of Hastings and five citizens of Kathryn, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2178. Also, petition of six citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2179. Also, petition of 11 citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other Sunday observance legislation; to the Committee on the District of Columbia.

2180. Also, petition of eight citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2181. Also, petition of 10 citizens of Sheridan County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2182. Also, petition of 10 citizens of McClusky, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2183. Also, petition of 15 citizens of Martin, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2184. Also, petition of numerous citizens of Wells County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2185. By Mr. HAWLEY: Petition of residents of Toledo, Lane County, Bandon, Yamhill County, Canary, Corvallis, Lincoln County, Salem, Aurora, Donald, Gaston, Beaverton, Marion County, Silverton, Clackamas County, Brownsville, Siletz, Hillsboro, Tillamook, Washington County, Sheridan, Molalla, and Forest Grove, all in the State of Oregon, and 16 petitions of residents of first congressional district of Oregon, praying Congress to oppose the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2186. Also, petition of residents of Coos County, Oreg., to Congress, to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2187. By Mr. HILL of Washington: Petition of Willard Fay and 40 other persons of Colville, Wash., protesting against the passage of House bill 78, and all other compulsory Sunday observance bills; to the Committee on the District of Columbia.

2188. Also, petition of C. D. Robison and 23 others of Omak, Wash., protesting the passage of House bill 78, and all similar bills; to the Committee on the District of Columbia.

2189. Also, petition of Peter Larson and 58 others, of Spokane, Wash., protesting against the passage of House bill 78, and all similar proposed legislation; to the Committee on the District of Columbia.

2190. Also, petition of C. A. Price and 25 others, of Spokane, Wash., protesting against the passage of House bill 78, and all other compulsory Sunday observance bills; to the Committee on the District of Columbia.

2191. Also, petition of John G. Snyder and 84 others, of Spokane, Wash., protesting against House bill 78, and all other proposed legislation compelling Sunday observance; to the Committee on the District of Columbia.

2192. Also, petition of P. W. Heber and 14 others of Hunters and Fruitland, State of Washington, protesting against the passage of House bill 78, and all other proposed legislation to compel Sunday observance; to the Committee on the District of Columbia.

2193. Also, petition of Nellie Carpenter and 18 others of Fruitland, Wash., protesting against House bill 78, and all other proposed legislation to compel Sunday observance; to the Committee on the District of Columbia.

2194. Also, petition of G. B. Ruble and 31 others of Colville, Wash., protesting against House bill 78, and all other proposed legislation to compel Sunday observance; to the Committee on the District of Columbia.

2195. Also, petition of C. R. Peebles, of Okanogan, Wash., and 125 others of Okanogan County, said State, protesting against House bill 78, and all other proposed legislation to compel Sunday observance; to the Committee on the District of Columbia.

2196. Also, petition of B. A. Belknap and four others of Kettle Falls, Wash., protesting against House bill 78, and all other proposed legislation to compel Sunday observance; to the Committee on the District of Columbia.

2197. Also, petition of Mrs. Roy Leonard of Riverside, Wash., and 53 others of Okanogan, Wash., protesting against House bill 78, and all other proposed legislation to compel Sunday observance; to the Committee on the District of Columbia.

2198. Also, petition of J. E. Dolan, of Oroville, Wash., and 23 others of Okanogan County, Wash., protesting against House bill 78, and all other proposed legislation to compel Sunday observance; to the Committee on the District of Columbia.

2199. Also, petition of L. M. Farrens, of Tonasket, Wash., and 124 other persons of Okanogan County, Wash., protesting against House bill 78, and all other proposed legislation to compel Sunday observance; to the Committee on the District of Columbia.

2200. Also, petition of H. B. Shute and 61 other persons of Stevens County, State of Washington, protesting against the passage of House bill 78, and all other compulsory Sunday observance bills; to the Committee on the District of Columbia.

2201. By Mr. KADING: Petition signed by citizens of Sheboygan, Wis., advocating legislation increasing pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2202. By Mr. KNUTSON: Petition signed by Abraham Johnson and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2203. Also, petition of Euphemia Brady, of Verndale, Minn., and others, urging action on Civil War pension bill; to the Committee on Invalid Pensions.

2204. Also, petition signed by Mrs. Byron B Potter, and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2205. Also, petition presented by W. L. Dunston and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2206. Also, petition presented by Ina Maguire and others, pertaining to the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2207. Also, petition presented by Paul England and others, protesting against the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2208. Also, petition presented by Peter Cook and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2209. By Mr. KOPP: Petition of 202 citizens of Brighton, Iowa, protesting against the passage of the compulsory Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

2210. By Mr. LINTHICUM: Petition of Baltimore Trust Co., Baltimore, indorsing House bill 7092, irrigation of Columbia Basin; to the Committee on Irrigation and Reclamation.

2211. Also, petition of John S. Kelly, 1106 West Saratoga Street; Henry B. Wilcox, of Merchants National Bank; and James A. Latane, Calvert Building, Baltimore, Md., opposing House bill 8125; to the Committee on Interstate and Foreign Commerce.

2212. Also, resolution from Maryland Farm Bureau Federation, Baltimore, urging block 669 of Eckington area as best location for new market; to the Committee on the District of Columbia.

2213. Also, petition of National Society United States Daughters of 1812, of Narberth, Pa., urging favorable action on House bill 206; to make the Star-Spangled Banner the national anthem; to the Committee on the Judiciary.

2214. By Mr. MACGREGOR: Petition of citizens of Lancaster, urging the immediate passage of bills increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2215. By Mr. McKEOWN: Petition of C. A. Saxby, T. L. Holland, C. O. Stacy, W. B. Moore, and 60 other citizens of Wewoka, Okla., protesting compulsory Sunday observance; to the Committee on the District of Columbia.

2216. By Mr. McREYNOLDS: Petition protesting against the passage of the Sunday observance bill (H. R. 78) from Bledsoe County, Tenn.; to the Committee on the District of Columbia.

2217. By Mr. MICHENER: Petition from Irish-American Republican Relief, Gaelic League of Detroit, and Irish-American Progressive Club, of Detroit, asking for repeal of section 11 of immigration act of 1924, known as the national origin clause; to the Committee on Immigration and Naturalization.

2218. By Mr. MORROW: Petition of citizens of Hagerman, N. Mex., protesting against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

2219. By Mr. NELSON of Wisconsin: Petition signed by O. R. Henning and others, of Madison, Wis., protesting against the enactment of any Sunday observance legislation; to the Committee on the District of Columbia.

2220. Also, petition signed by Martin Gilbert and others, of Madison, Wis., protesting against the enactment of any Sunday observance legislation; to the Committee on the District of Columbia.

2221. By Mr. O'CONNELL: Petition of the Brown-Lipe-Chapin Co., Syracuse, N. Y., favoring the passage of House bill 8927; to the Committee on the Judiciary.

2222. Also, petition of the American Brown-Boveri Electric Corporation, protesting against the appropriation carried in House bill 9481, independent offices appropriation bill, for the reconstructing of the steamships known as *Mount Vernon* and *Monticello;* to the Committee on Appropriations.

2223. By Mr. REED of New York: Petition of residents of Olean, Wellsville, and Bolivar, N. Y., protesting against House bill 78; to the Committee on the District of Columbia.

2224. By Mr. ROMJUE: Petition of Earl Cox and other residents of Clark County, Mo., opposing the passage of House bill 78, relative to Sunday observance; to the Committee on the District of Columbia.

2225. Also, petition of J. L. Dooley and others, of Schuyler County, Mo., protesting against legislation as proposed in House bill 78; to the Committee on the District of Columbia.

2226. By Mr. ROWBOTTOM: Petition of Elizabeth Dowdell and others, of Boonville, Ind., that bill granting increase of pension to Civil War widows be enacted in a law at this session of Congress; to the Committee on Invalid Pensions.

2227. By Mr. SANDERS of New York: Petition of Myron C. Fish and 15 other citizens of Rochester, N. Y., protesting against the Lankford bill (H. R. 78), compulsory Sunday observance; to the Committee on the District of Columbia.

2228. Also, petition of Mrs. Clara Curry and 12 other citizens of Batavia, N. Y., protesting against the Lankford bill (H. R. 78), compulsory Sunday observance; to the Committee on the District of Columbia.

2229. Also, petition of John J. Baker and 92 citizens of Rochester, N. Y., protesting against the Lankford bill (H. R. 78), compulsory Sunday observance; to the Committee on the District of Columbia.

2230. By Mr. STEELE: Petition of 126 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance; to the Committee on the District of Columbia.

2231. Also, petition of 55 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance; to the Committee on the District of Columbia.

2232. Also, petition of 110 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance; to the Committee on the District of Columbia.

2233. By Mr. SELVIG: Petition of Mr. Roy T. Nelson and 10 other adult residents of Crookston, Polk County, Minn., protesting against the passage of House bill 78, or of any other bill providing for the compulsory observance of the Sabbath; to the Committee on the District of Columbia.

2234. By Mr. SINNOTT: Petition of 15 citizens of Bend, Deschutes County, Oreg. protesting against the enactment of House bill 78, the Lankford Sunday bill, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2235. Also, petition of numerous citizens of The Dalles, Oreg., protesting against enactment of House bill 78, the Lankford bill, or similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2236. By Mr. STRONG of Kansas: Petition of voters of Salina, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2237. By Mr. TARVER: Petition of Mr. R. A. Boynton and 99 other citizens of Cobb County, Ga., protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2238. By Mr. TIMBERLAKE: Resolution of the Longmont Lions Club, Longmont, Colo., opposing passage of the Box bill, or any other measure that tends to further restrict the immi-

gration of labor from Mexico; to the Committee on Immigration and Naturalization.

2239. By Mr. VINCENT of Michigan: Petition of 109 residents of the eighth congressional district of Michigan, protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2240. By Mr. WASON: Petition of Marion S. Flanders and 85 other residents of Boscawen, N. H., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

2241. Also, petition of 30 residents of Hillsborough and East Washington, N. H., protesting against the passage of House bill 78, known as the Sunday closing bill; to the Committee on the District of Columbia.

2242. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., urging the enactment of legislation for increase of pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2243. By Mr. WILSON of Mississippi: Petition of M. G. Norrell and others, of Hattiesburg, Miss., against House bill 78; to the Committee on the District of Columbia.

2244. Also, petition of E. W. Mathieu and others, of Hattiesburg, Miss., against House bill 78; to the Committee on the District of Columbia.

2245. Also, petition of H. O. Rogers and others, of Hattiesburg, Miss., against House bill 78; to the Committee on the District of Columbia.

2246. Also, petition of Mrs. H. O. Rogers and others, of Hattiesburg, Miss., against House bill 78; to the Committee on the District of Columbia.

2247. Also, petition of G. B. Rogers and others, of Laurel, Miss., against House bill 78; to the Committee on the District of Columbia.

2248. Also, petition of W. E. Cooper and others, of Hattiesburg, Miss., against House bill 78; to the Committee on the District of Columbia.

2249. Also, petition of Mrs. J. D. Batson and others, of Hattiesburg, Miss., against House bill 78; to the Committee on the District of Columbia.

2250. Also, petition of G. C. Beaumont and others, of Lumberton, Miss., against House bill 78; to the Committee on the District of Columbia.

2251. By Mr. WYANT: Resolution of Monessen Branch No. 1021, N. A. L. C., in favor of House bill 25; to the Committee on the Civil Service.

SENATE

MONDAY, *January 23, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, who art the author of peace and lover of concord, in knowledge of whom standeth our eternal life, whose service is perfect freedom, defend us this day with Thy mighty power, that all our doings being ordered by Thy governance may be righteous in Thy sight. Send Thy Holy Spirit and pour into our hearts that most excellent gift of love, the very bond of peace and of all virtues, without which whosoever liveth is counted dead before Thee. Grant this for Thine only Son, Jesus Christ's sake. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, January 17, 1928, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 6053) to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Linden-Lexington road, in Perry and Decatur Counties, Tenn., and it was thereupon signed by the Vice President.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION—SALARIES, BUREAU OF PENSIONS (S. DOC. NO. 44)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1929, for salaries, Bureau of Pensions, Department of the Interior, amounting to $15,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	King	Schall
Barkley	Fess	McKellar	Sheppard
Bayard	Fletcher	McLean	Shipstead
Bingham	Frazier	McMaster	Shortridge
Black	George	McNary	Simmons
Blease	Gerry	Mayfield	Smith
Borah	Gillett	Metcalf	Smoot
Bratton	Glass	Moses	Steck
Brookhart	Gooding	Neely	Steiwer
Broussard	Gould	Norbeck	Stephens
Bruce	Greene	Norris	Swanson
Capper	Hale	Nye	Thomas
Caraway	Harris	Oddie	Trammell
Copeland	Harrison	Overman	Tydings
Couzens	Hawes	Phipps	Tyson
Curtis	Hayden	Pine	Walsh, Mass.
Cutting	Heflin	Pittman	Walsh, Mont.
Dale	Howell	Ransdell	Warren
Deneen	Johnson	Reed, Pa.	Waterman
Dill	Jones	Robinson, Ark.	Watson
Edge	Kendrick	Robinson, Ind.	Wheeler
Edwards	Keyes	Sackett	Willis

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present. Petitions and memorials are in order.

PETITIONS AND MEMORIALS

Mr. KENDRICK. I present a short resolution adopted by the Saratoga Valley (Wyo.) Stock Growers Association, protesting against the lowering of tariff duties on beef and the removal of restriction on beef products imported from South America, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

SARATOGA VALLEY STOCK GROWERS ASSOCIATION,
Saratoga, Wyo.

Whereas the present price of beef appears high to the eastern consumer, as compared to the prices enjoyed by them in the year 1921, and in consequence of which numerous activities have sprung up to check the advance, and movements are being instituted by certain political and commercial bodies toward the lowering of tariff duties on beef, and the removal of restriction against South American cattle coming into the United States: Now be it

Resolved, That this association does strongly protest against any elimination of what little protection the cattle industry has been suffered to retain and calls upon the Wyoming delegates in the National Congress to exert themselves to the utmost to prevent the consummation of this injustice.

M. M. CUSHING, *Secretary.*

Mr. McMASTER. I present a resolution adopted by the executive committee of Codington County Post, No. 17, American Legion, of Watertown, S. Dak., which I ask may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Resolution

Whereas the Congress of the United States has in the past provided for the coinage of and distribution of special coins of the 50-cent denomination, commemorative of historical milestones in the progress and growth of the Nation; and

Whereas Col. Charles A. Lindbergh has by his flight to Paris promoted the aerial development of the Nation and brought about a better feeling between this country and France, as well as having accomplished an unparalleled feat in the world's history: Now, therefore, be it

Resolved by the executive committee of Codington County Post, No. 17, American Legion, of Watertown, S. Dak., That it hereby memorializes the Congress of the United States when it next convenes to provide for the coinage of special half dollars in honor of the extraordinary accomplishments of Colonel Lindbergh; that copies of this resolution be transmitted to Colonel Lindbergh and to our congressional delegation, with the request that they present copies of this resolution to both the House of Representatives and the Senate; and that they use their influence to bring about the enactment of such legislation as may be necessary to carry out the intentions of this resolution.

Official:

[SEAL.]

WRIGHT TARBELL,
Post Adjutant.

Mr. NORBECK. I present a resolution adopted by the South Dakota State Chamber of Agriculture, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas the Senate and the House of Representatives of the State of South Dakota at its regular session has repeatedly by joint resolution indorsed the principles embodied in the McNary-Haugen bills; and

Whereas at the special session convened June 22, 1927, a joint resolution was passed creating an agricultural equality commission and appropriations made in support of said commission: Be it

Resolved by the South Dakota Chamber of Agriculture in session regularly assembled at Aberdeen, S. Dak., this 13th day of January, 1928, That it is the sense of this body that the agricultural commission so created should regard the will of those legislative bodies creating said commission, as expressed by those bodies in joint resolutions first referred to; and be it further

Resolved, That it is the sense of this body that the McNary-Haugen bills now before Congress represent the strongest measures now offered for agricultural equality; that representing as they do the combined efforts of the strongest bodies representing agricultural interests throughout the Nation, having the support of those men who have been in closest touch with the agricultural problem for the past five years; that it is to the interest of every individual and organization within the State interested in the welfare of agriculture to give its unstinted and unqualified support to these measures.

We deeply regret the publicity coming from the Washington press purporting to indicate that our governor had expressed himself as not supporting the McNary-Haugen principles.

STATE CHAMBER OF AGRICULTURE,
By R. M. CROWDER, *President.*
A. L. BURG, *Secretary.*

Members: State Grange; Cooperative Wool Growers of South Dakota; South Dakota Wheat Growers' Association; South Dakota Farm Bureau Federation; Agricultural Finance Corporation of South Dakota; South Dakota Potato Growers; Sioux City Producers' Commission Co.; Equity Union Creamery; South Dakota Poultry Producers Association; South Dakota Crop Improvement Association; South Dakota Holstein-Friesian Association; Farmers' Elevator Association; South Dakota Brotherhood of Threshermen; Western South Dakota Alfalfa Seed Growers' Exchange; Dakota Farmer (associate member).

Mr. NORBECK also presented a telegram in the nature of a petition from R. A. Morgan and other citizens of Vermillion, Clay County, S. Dak., praying for the passage of legislation requiring the labeling of food packages as to kind of sugar content, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial signed by Rev. T. T. Carlson and 66 other citizens of Souris, N. Dak., protesting against the quota provision of the existing immigration law and also against the passage of legislation decreasing the immigration quotas of the Scandinavian countries, which was referred to the Committee on Immigration.

Mr. WARREN presented a resolution adopted by the Lions Club of Thermopolis, Wyo., favoring the making of adequate appropriations for reforestation work, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the Lions Club of Thermopolis, Wyo., favoring the passage of legislation to aid in insuring an adequate growth of timber, which was referred to the Committee on Appropriations.

Mr. JONES presented a petition of teachers of the Garfield High School, Seattle, Wash., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. WILLIS presented a petition of sundry citizens of Cincinnati, Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented a petition of sundry citizens of New York, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a resolution adopted by the New York State National Guard Association, praying for the passage of legislation granting the Twenty-ninth (Blue and Gray) Division of the National Guard adequate and appropriate armory facilities in the District of Columbia, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by Vincent B. Costello Post, No. 15, American Legion, Department of the District of Columbia, protesting against placing the office of register of wills under the jurisdiction of the clerk of the Supreme Court of the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. ODDIE presented memorials numerously signed by sundry citizens of the State of Nevada, protesting against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

INDUSTRIAL CONDITIONS IN THE SOUTH

Mr. McKELLAR. Mr. President, on yesterday there was published in the Washington Sunday Star an article by Dr. Julius Klein, Director of the Bureau of Foreign and Domestic Commerce, on the South's trade, which I ask unanimous consent may be published in the RECORD.

Mr. President, the facts and figures given by Doctor Klein concerning the recent development of industry in the South, the increase in her export trade, are interesting, indeed. They show the splendid strides that have been made by our portion of the country since the World War. Doctor Klein is one of the most valuable men connected with the Government. In my judgment, he is doing more to build up our foreign trade and commerce than anyone who has ever been connected with our Government. He is a man of splendid attainments, of good sense, of great activity, and of wonderful knowledge of our foreign and domestic commerce. He is a most pleasing and delightful speaker and he is frequently called to all parts of our country in carrying out the duties of his office. Though he is not a southerner, he has no sectional views and his treatment of this matter is certainly a most pleasing one to our people in the South, and, I believe, is most pleasing to the people of this country. I would like for every southern newspaper to publish in full the article prepared and published by Doctor Klein.

In this connection, Mr. President, I wish to say that since I first came to the Congress in 1911 I have urged in every way I could the increase of appropriations for the purpose of extending our foreign trade. In the last appropriation bill I was glad to increase the number of our representatives abroad and also our commercial representatives in this country for the purpose of extending our trade. One of the reasons that I am so vitally interested in the building up of our merchant marine is for this same purpose of extending our trade. We can not extend this trade as it ought to be unless we have a merchant marine of our own. We can not compete with other nations if we do not have a merchant marine of our own and have to use our competitors' ships. We must have our own ships. We must have our merchant marine. We must add to and build it up so that our country may trade where she pleases, when she pleases, and with whom she pleases, and I am one of those who believes that she ought to trade with all the world.

The VICE PRESIDENT. Without objection, leave is granted.

Mr. Klein's article is as follows:

[From the Washington Star, January 22, 1928]

SOUTH'S RETURN TO LEAD IN EXPORT TRADE IS SEEN—RECENT DEVELOPMENT OF INDUSTRIES IS CONSIDERED INDICATION THAT FORMER COMMERCIAL POSITION IS IN SIGHT

(By Julius Klein, Director Bureau of Foreign and Domestic Commerce)

The yellowed pages of our official statistical publications of a century or so ago reveal many interesting facts regarding the commercial awakening of the young Republic. One of the outstanding features was the astonishing predominance of the South in our foreign trade.

In fact, during the eighteen hundred and twenties not less than 45 or 50 per cent of our total export trade was in cotton and at least half of the remaining proportion was in other products of the southern plantations and forests, particularly tobacco and naval stores. To-day cotton still heads the list, but it represents only 18 per cent of our total overseas sales. Our economic historians have made much of the rapid development of the West and its repercussions upon the commercial and industrial life of the Nation, but so far as foreign trade was concerned the period before the Civil War had as its most conspicuous feature the predominance of the South.

COTTON RAISING INCREASE

Indeed, the rapid expansion of cotton raising into the relatively newer States of Tennessee and the lower Mississippi Valley during the first quarter of the century had much to do with this situation. These newer plantations were contributing nearly half of the total supply of exportable cotton by 1830, when the shipments were just under 300,000,000 pounds, as compared with only 87,000,000 pounds in 1819.

This accounted for the rapid rise in importance of the port of New Orleans in our foreign trade during this early period. By 1833

Louisiana had passed New York as our leading export State, and she retained this leadership down to the Civil War not simply because of the enormous expansion of cotton growing but also because of the development of the southbound river traffic from the newly opened lands of the West. In fact, by that time three of the four leading States in our export trade were in the South. New York was second to Louisiana, and South Carolina and Georgia followed closely thereafter.

All of this is simply by way of a foreword—a confirmation of the commonly accepted impression that the "old South" lived by its foreign trade in plantation products. The picture was, of course, entirely distorted by the Civil War, and particularly by the profound changes in industry and transportation which took place during the decades thereafter. But although wars are usually thought of primarily as destructive and are associated chiefly with the appalling losses of men and materials, there is also at least a moderately compensating factor in their stimulation of new constructive energies by way of carrying on the conflict, and especially of restoring the resultant damage. And so in the case of the holocaust of 1914–1918 there were a number of profound commercial and industrial transformations in this country and abroad which have reacted upon the economic life of the South in bringing it back to a position of prominence in our foreign trade.

The war completely remade the international commerce of the world. Factors and influences were set in motion which had never been contemplated previously. This has been particularly true of the realignment of trade routes and of the stimulation of new industries into activity. In no other part of the United States were these two elements more vigorously evident than in the South.

CANAL'S EFFECT ON TRADE

In the first place, the Panama Canal, by the most fortuitous circumstances, was opened at the very gateway of the South on the eve of the war. As a result, what had previously been one of the most retarded trade areas on the globe was suddenly made accessible, and our Southern States were on the threshold of this new scene of commercial possibilities. The significant factor in this connection was the tremendous demand stimulated by the war for every type of raw materials most immediately available along the western seaboard of South America. Nitrates were imperatively necessary for explosives and to stimulate the overburdened soils of the combatant nations. Then, too, the minerals of those countries, notably copper, tin, and such minor but none the less significant ones as tungsten, molydenum, etc., were immediately in great demand for ammunition purposes.

Our ports, especially from Baltimore southward, became the centers of much of this commerce. Trade routes immediately began to shift, and the South came to the fore in traffic along the new lines.

Associated with this development there came a series of new industries throughout the South, utilizing on the one hand the raw materials just mentioned and on the other hand drawing stimulus from the unprecedented demands from across the Atlantic. Among these was, of course, the great new iron and steel development of Tennessee and Alabama, which had opened before the war, but was given its greatest impetus during that crisis. Chemical plants also sprang up throughout this area, and the newly established textile industry shot upward with spectacular speed.

AGRICULTURE LOSES GROUND

Without too extensive a statistical detour, it may be noted that these new developments have crowded agriculture out of its once dominant position in the South, and as a result manufacturers are now in first place, with an annual value of well in excess of $9,000,000,000 as compared with a gross value of $5,000,000,000 for agriculture and livestock products, not deducting crops fed to livestock. If we are to include mineral products on the nonagricultural side of the scale, we add another $1,700,000,000.

In fact, Mississippi and Arkansas are the only Southern States showing a higher value of farm products than for manufacturers and minerals.

The interesting phase of this new development in its foreign-trade aspect is its truly astonishing diversity, which has enabled the South to spread its overseas market risks in a multitude of trade areas, whereas in the old days practically the whole of its commercial future was tied up with the buying power of one great customer—namely, the textile industry of England. To-day the exploitation of an astonishing array of raw materials, which had been practically untouched in pre-war days, except on a very small scale, has greatly minimized the risks of her industrial position and very substantially strengthened her general economic stability.

The value of manufactures of the United States increased from 1923 to 1925 about $2,500,000,000, with a bona fide volume increase of at lease equal proportions, since there were no drastic price fluctuations during that period. The South contributed nearly 40 per cent of this expansion, which was far more than its normal proportion on the basis either of population, area, or capital resources.

There are many significant features of this new industrial diversification. One of the most promising is the fact that it has been built up to no little extent through owner management—the executives in immediate charge of the plants are in large part the actual owners. In other words, the South is much less burdened with the dead hand of absentee ownership than is the case with many older industrial sections of the country. This has made for an alert adjustability of production and marketing policies, which has been particularly important during the world-wide changes in international commerce since 1914. The buying power of whole nations has been completely remade in those years. New demands have come into being and with them the means of gratifying them through the stimulation of new industries to meet war requirements and to cope with enforced war-time isolation during the period of shortage of shipping.

EXECUTIVES ARE YOUNG

The young executives of the southern factories—and no observer can make a tour of any considerable number of factories below the Mason and Dixon line without being impressed with the energetic youthfulness of their managers and directors—are constantly on the lookout for new openings and intimately in touch with changes in requirements and possibilities for their products.

The resourcefulness is invaluable in these days of spectacular and sudden changes in trade requirements. The enormous improvement in means of communication throughout the world, the introduction of trans-Atlantic telephony and of radio service everywhere, of much more rapid and efficient Diesel-motored shipping; of commercial aviation on an undreamed-of scale, of immensely improved automotive traffic for freight as well as passenger purposes, and of electrified rail service—all of these new contributions to transportation and communication have vastly complicated the problems of merchandizing. They transmit the impulses and reactions from world-wide events, so that the effects of the latter are promptly evident in business circles thousands of miles away.

This new situation gives an impressive advantage to the younger and more watchful industrial organization, and in that respect the South enjoys a decided advantage over the operations of the older, more settled parts of our industrial and commercial structure. Experience may be the best teacher in some respects, but too rigid a devotion to the traditions and precedents of the past is certainly a serious disadvantage in these days of kaleidoscopic trade changes.

By way of concrete illustration of this situation two instances may be cited. The postwar housing activities in the United Kingdom created an extraordinary demand for new types of woodwork. This was appreciated and promptly capitalized by certain southern producers considerably in advance of their older and presumably more experienced competitors in different parts of northern Europe and this country. The result has been the development of certain types of new flooring, processed wood, etc., by southern mills, in which a substantial trade has now been built up. Similarly the same industry has undertaken the exploitation of the trade in various lines of hardwood sporting gear to satisfy the new trade that has been stimulated by the astonishing increase in tourist traffic since the war. A large portion of the skis now used at the winter resorts in Switzerland originate in Memphis and other southern centers.

NEW TEXTILE INDUSTRY

The new textile industry of the South, which marshals 1,000 mills, with half the total spindles of the country and includes $30,000,000 worth of rayon plants, is another example of the newer industrial and commercial spirit which has made the South a conspicuous element in international commerce. Here, again, the aggressive leadership of the interested executives has had quite as much to do with the advancement of the industry as the accessibility of raw material or the more moderate wage scale and tax rates.

Instead of specializing on fabrics for wearing apparel during a period when style changes made such a policy highly precarious the bulk—at least 75 per cent—of the southern plants are producing textiles for industrial uses. Executives have been watchful of the successive new demands incident to the growth of industries in other parts of the world and are capitalizing these new markets to the full. Some of them have even succeeded to the extent of shipping certain types of duck fabrics—a specialty of some southern mills—to Manchester, England, in considerable quantities, which is certainly "carrying coals to Newcastle."

These facts explain the rapidly growing stake which the new South has in our foreign trade in fabricated wares, a group which accounted for some 60 per cent of the exports of the Nation as a whole in 1927 as compared with 30 per cent some 25 years ago. To-day our trade in wholly and partly manufactured goods is valued at about $2,000,000,000, in which the South has not only a substantial share but one that is increasing more rapidly than that of any other part of the Nation.

INCREASED OVERSEAS BUSINESS

This is a commerce which is entirely different from our old pre-war trade. In the "medieval" years before 1914 our commerce was made up either of self-selling staples requiring no particular sales effort abroad or a very few patented specialties produced by large companies.

In fact, it has been stated that 90 per cent of our manufactured exports in those days came from some 15 or 20 concerns. To-day our overseas traffic in manufactured lines is built up largely by contributions from thousands of small manufacturers who have learned that there is no deep secret in successful exporting which can not be shared by small firms.

These are the factors that explain the impressive increases in export tonnage moving out of southern ports, which handled nearly half of the total of the United States, even counting the international Great Lakes trade last year. The increase in the ports south of Baltimore was from 18,000,000 to 33,400,000 tons of export tonnage, or about 84 per cent, from 1923 to 1926. It is true that the abnormally high figure of the later year is accountable in part because of the heavy coal shipments from Baltimore and Hampton Roads during the British coal strike, but even if we exclude these ports the increase in that period of years was 24 per cent.

All of this means vastly improved port facilities, such as are evident in Charleston, Jacksonville, Miami, Mobile, New Orleans, and Galveston, to mention only a few of the renewed gateways of the South. Galveston alone showed a higher export value in 1926 than the combined shipments of all Pacific coast ports—$534,000,000 as compared with $519,000,000. New Orleans was almost on the same level, with $414,000,000. Raw materials, especially cotton and oil, naturally supplied the bulk of the tonnage, but there also was a rapidly mounting proportion of steel, lumber, finished woodwork, textiles, cement, machinery, and numerous other whole or partly fabricated lines. It must be borne in mind that heavy raw material movements have a significant function in rendering available the shipping and the sea lanes, which can then be most advantageously exploited by available manufactured exports.

For the further expansion of this trade the South has the substantial advantage of easy accessibility to the great markets in which the bulk of the demand for fabricated lines originates—namely, Latin America and the Far East. The markets immediately to the south of us around the Gulf of Mexico and the Caribbean absorbed about $225,000,000 worth of American goods each year during 1910–1914.

TRADE IN CARIBBEAN

This represented approximately 9 per cent of our total exports. To-day, however, they have nearly trebled their purchases from us, the total being $603,000,000 in 1926, or nearly 13 per cent of our total sales abroad. Even with substantial deductions for price increases this represents an impressive growth in demand from a market which is right at the doorstep of the new South.

The significant thing, however, for our new southern industries is the fact that this Caribbean and Gulf trade is evidently just in its infancy. According to the above figures, our per capita sales there are about $14 as compared with about $60 in Porto Rico. It is perhaps expecting too much to anticipate a comparable adjustment in purchasing power throughout the neighboring islands and adjoining mainland, but there is certainly room for a doubling of our trade in those regions as their resources are extensively exploited and corresponding stimulus is given to wages and general standards of living. Within a very few years the South should have immediately accessible beyond its southern horizon a market whose annual purchases should total at least $1,000,000,000 of American merchandise.

It is well to bear in mind that many of the industries in northern Latin America are closely comparable to those which have been developed in the new South—sugar refining, oil-well operations, subtropical fruit, and lumber undertakings, etc. Much of the equipment and expert personnel for these new developments should logically originate in the South, as is indeed already the case in many instances.

Incidentally it might be noted that this growing expansion of southward exports by no means involves a life-and-death struggle with European competitors. The real detriment of the potentialities for our trade there is the strengthening of per capita buying power as the result of improved standards of living, more stable political conditions, and new exploitations of raw materials. All of these factors will create openings for European as well as American merchandise. If the experience of the southern factories in recent years is any criterion, we may expect a good portion of this new trade to fall into their hands.

The west coast of South America has been made immediately accessible to southern ports by the opening of the Panama Canal, which lies almost directly south of the tip of Florida. If we include the markets of the whole western seaboard of Latin America, from lower California to Cape Horn, we discover that whereas the United States supplied about 32 per cent of their total imports in the pre-war days, our proportion at present is about 50 per cent and is steadily increasing. Here again the South is contributing substantially, and much of the stimulation of port improvement along the south Atlantic seaboard and the Gulf is in anticipation of a further increase in this traffic.

ON EVE OF EXPANSION

The same general situation holds true in the Far East, where wartime isolation brought into great activity a whole category of new industries—textile mills, iron works, plantations, oil wells, etc.—many of which draw heavily upon the South for supplies, either of raw materials, fabricated equipment, or of wares for the newly stimulated demands of wage earners.

There is every evidence that the South is on the eve of a vast expansion of her foreign trade, not so much along the old lines of passive raw-material distribution, but rather by the introduction of a healthy diversification through increased sales of fabricated wares. In the readiness and alert resourcefulness of her industrial leaders in meeting new problems, in the multitude of her supplies of necessary raw material, in the abundance of her water power and fuel, in the up-to-date equipment of her many ports, and in her proximity to nearby markets, and to well-traveled sea lanes leading to others of vast potentiality, she enjoys a combination of advantages that are unique and of compelling power.

REPORTS OF COMMITTEES

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1287) for the relief of the Near East Relief (Inc.) (Rept. No. 106); and

A bill (S. 2591) for the relief of Maria Maykovica (Rept. No. 107).

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1122) for the relief of S. Davidson & Sons (Rept. No. 108);

A bill (S. 2585) for the relief of the owners of cargo laden aboard the United States transport *Florence Luckenbach* on or about December 27, 1918 (Rept. No. 109); and

A bill (S. 2586) for the relief of the owner of the Coast Transit Division barge *No. 4* (Rept. No. 110).

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 2420) for the relief of Adriano Cruceta, a citizen of the Dominican Republic, reported it without amendment and submitted a report (No. 111) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 459) for the relief of the city of New York, reported it without amendment and submitted a report (No. 112) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 623) for the relief of Rose Thurin, submitted an adverse report (No. 113) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 278) to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926, reported it with amendments and submitted a report (No. 114) thereon.

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, reported it without amendment and submitted a report (No. 115) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HAWES:

A bill (S. 2729) to provide against destructive floods of the Mississippi River and its tributaries, for the protection of life and property along the Mississippi River and its tributaries, to provide against the interruption of interstate commerce and delay of United States mails, and for the protection and improvement of navigation, defining the policy of Congress with respect to flood control, and for other purposes; to the Committee on Commerce.

By Mr. SACKETT:

A bill (S. 2730) authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city; and

A bill (S. 2731) granting the consent of Congress to the Rogers Bros. Co. to construct, maintain, and operate a bridge across the Ohio River at Ashland, Ky.; to the Committee on Commerce.

By Mr. SACKETT (for Mr. GOFF):

A bill (S. 2732) granting an increase of pension to Sarah E. McGinnis (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:
A bill (S. 2733) to amend the military record of Joseph Cunningham; and
A bill (S. 2734) to provide for the advancement on the retired list of enlisted men who served in the Civil War; to the Committee on Military Affairs.
A bill (S. 2735) for the relief of John H. Hughes; to the Committee on Claims.
By Mr. FERRIS:
A bill (S. 2736) granting an increase of pension to Mary E. Bennett; to the Committee on Pensions.
A bill (S. 2737) for the relief of Morgan Miller; to the Committee on Claims.
By Mr. ASHURST:
A bill (S. 2738) for the relief of C. R. Olberg; to the Committee on Indian Affairs.
By Mr. TRAMMELL:
A bill (S. 2739) to establish an agricultural experiment station in Florida; to the Committee on Agriculture and Forestry.
A bill (S. 2740) to provide for the locating and establishing of a national park in the State of Florida, to be known as Ponce de Leon National Park, and providing for the securing of land therefor; to the Committee on Public Lands and Surveys.
By Mr. EDGE:
A bill (S. 2741) to authorize the Secretary of the Navy to modify agreements heretofore made for the settlement of a claim in behalf of the United States against Tioga Steel & Iron Co.; to the Committee on Claims.
By Mr. WALSH of Massachusetts:
A bill (S. 2742) granting a pension to James J. Freeman; and
A bill (S. 2743) granting an increase of pension to Bridget Meehan; to the Committee on Pensions.
A bill (S. 2744) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; to the Committee on Patents.
(Other bills introduced to-day by Mr. WALSH of Massachusetts appear under a separate heading.)
By Mr. SHEPPARD:
A bill (S. 2751) to amend section 213, act of March 4, 1909 (Criminal Code, title 18, sec. 336, United States Code), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia; to the Committee on Post Offices and Post Roads.
By Mr. ROBINSON of Indiana:
A bill (S. 2752) to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes; to the Committee on the Judiciary.
By Mr. SHIPSTEAD:
A bill (S. 2753) granting the consent of Congress to the board of county commissioners of Morrison County, Minn., to construct a bridge across the Mississippi River at Little Falls, Minn.; to the Committee on Commerce.
By Mr. NEELY:
A bill (S. 2754) to provide for the payment of war-risk insurance to Nancy J. Underwood, the beneficiary designated in the war-risk insurance policy of Shirley S. Underwood; to the Committee on Finance.
By Mr. McMASTER:
A bill (S. 2755) for the relief of Henry Grebe; and
A bill (S. 2756) to amend the military record of John C. Harker; to the Committee on Military Affairs.
By Mr. WATSON:
A bill (S. 2757) granting a pension to Margaret Hamilton; and
A bill (S. 2758) granting an increase of pension to Eliza A. Moore; to the Committee on Pensions.
By Mr. WILLIS:
A bill (S. 2759) granting an increase of pension to Alice Emerson (with accompanying papers); and
A bill (S. 2760) granting an increase of pension to Elizabeth M. Cleary (with accompanying papers); to the Committee on Pensions.
By Mr. REED of Pennsylvania:
A bill (S. 2761) to equalize the rank of officers in positions of great responsibility in the Army and Navy;
A bill (S. 2762) to give military status and discharges to the members of the Russian Railway Service Corps, organized by the War Department under authority of the President of the United States for service during the war with Germany; and
A bill (S. 2763) for the relief of W. S. Hosack; to the Committee on Military Affairs.
A bill (S. 2764) for the relief of Nelle McConnell; and
A bill (S. 2765) for the relief of the estate of Benjamin Braznell; to the Committee on Claims.
A bill (S. 2766) for the relief of William C. Gray; to the Committee on Naval Affairs.
By Mr. JOHNSON:
A bill (S. 2767) to amend the military record of Elson A. Buckley; to the Committee on Military Affairs.
A bill (S. 2768) granting an increase of pension to Rufus W. Atwood;
A bill (S. 2769) granting a pension to Zachary G. Jamison;
A bill (S. 2770) granting a pension to Minnie Louise Rolph;
A bill (S. 2771) granting a pension to Nellie Snapp;
A bill (S. 2772) granting a pension to Carrie Stillwell;
A bill (S. 2773) granting a pension to May C. Alvord;
A bill (S. 2774) granting a pension to Christina K. Earle;
A bill (S. 2775) granting a pension to Edward Byrne;
A bill (S. 2776) granting a pension to Catherine G. Shore; and
A bill (S. 2777) granting a pension to Salome A. Eshelman; to the Committee on Pensions.
By Mr. MOSES:
A bill (S. 2778) granting a pension to Oscar F. Kimball (with accompanying papers); and
A bill (S. 2779) granting an increase of pension to Mary A. Cantillion (with accompanying papers); to the Committee on Pensions.
By Mr. COPELAND:
A bill (S. 2780) for the relief of owners of cargo aboard the steamship *Boxley;* to the Committee on Claims.
By Mr. CAPPER:
A bill (S. 2781) to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia, and his assistants, to administer oaths; to the Committee on the District of Columbia.
A bill (S. 2782) granting an increase of pension to Kate A. Morse (with accompanying papers); to the Committee on Pensions.
By Mr. DILL:
A bill (S. 2783) to provide for the forfeiture of patent rights in case of conviction under laws prohibiting monopoly; to the Committee on Patents.
By Mr. ODDIE:
A bill (S. 2784) granting a pension to Hugh E. Maguire; to the Committee on Pensions.
By Mr. BRUCE:
A bill (S. 2785) for the relief of the New Amsterdam Casualty Co. (with accompanying papers); to the Committee on Claims.
By Mr. TRAMMELL:
A joint resolution (S. J. Res. 83) providing that the naval submarine base at Key West, Fla., shall be restored to an active operative status; to the Committee on Naval Affairs.
By Mr. FRAZIER:
A joint resolution (S. J. Res. 84) relating to ownership of stocks and bonds of industrial, railroad, mining, banking, shipping, oil, and other corporations, firms, and partnerships by Members of the Senate and House of Representatives of the United States of America, and by employees of the Federal Government, and their relation to such corporations and firms; to the Committee on Finance.

AMENDMENTS TO LAWS AFFECTING DISABLED VETERANS

Mr. WALSH of Massachusetts. Mr. President, I present several bills for reference to the Finance Committee, proposing amendments to the World War adjusted compensation act, as amended; amendments to the World War veterans' act, 1924; and an amendment to the law relating to medical examinations of applicants for pensions of veterans of the Civil War, Indian campaigns, and the war with Spain.

I ask that a brief statement explaining these amendments be printed in the CONGRESSIONAL RECORD in the ordinary RECORD type.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

First. S. 2745. An amendment to the World War adjusted compensation act, as amended, providing for the extension of the time when veterans or dependents of deceased veterans may apply for adjusted-service certificates.

Under the present law veterans or the dependents of deceased veterans were required to apply before January 1, 1928.

The amendment proposed permits the filing of these applications at any time, either by the veterans or the dependents of deceased veterans.

Unofficial figures indicate that at least 400,000 veterans or their estates have failed to apply for adjusted-service certificates, to which all World War veterans are entitled. It is said that approximately 50,000 Massachusetts veterans alone have failed to apply. The Government having recognized the right of all veterans or the dependents of deceased veterans to

receive this adjusted insurance, should permit persons entitled to same to make application at any time during life.

Second. S. 2746. An amendment to section 202 of the World War veterans' act, 1924, would provide the same money allowances for the dependents of veterans whose disability is rated as total and permanent as is now by law provided for the dependents of veterans whose disability is rated as total and temporary.

The law now provides compensation for dependents of veterans having a disability rating of temporary and total, but not for the dependents of veterans having a permanent and total rating. This makes an unfair distinction between temporarily disabled veterans and permanently disabled ones.

The United States is the only country in the world which does not recognize dependency on a total and permanent disability rating of its veterans.

Third. S. 2747. An amendment to section 202 of the World War veterans' act of 1924, would extend free out-patient treatment in Veterans' Bureau hospitals and dispensaries for any disease or injury, without regard to its nature or origin, to the veterans of all wars who are now receiving a pension or compensation from the Government.

Under the present law only veterans of the World War are entitled to out-patient treatment at the Veterans' Bureau hospitals.

The facilities at the disposal of the doctors in the Veterans' Bureau hospitals are so complete that no great expense will be entailed by granting this out-patient treatment to the pensioners, etc., of other wars.

There are many veterans of the Civil and Spanish Wars and the Indian campaigns living at home who require periodical medical attention and treatment and, under existing laws, are unable to get this treatment except at the hospitals maintained by the soldiers' homes or at their own expense.

Fourth. S. 2748. An amendment to section 200 of the World War veterans' act of 1924 would classify veterans suffering from chronic diseases of the heart or circulatory system, diabetes, or nephritis within the presumptive clause of this section.

At present veterans suffering from any of these diseases, in order to get a favorable decision on a claim for compensation, must show, by the presentation of medical evidence, that these diseases, or any one of them, existed within one year from the date of discharge from the service, and that the disability was actually a service-connected one.

This proposal would presume a service connection of these diseases if shown existent prior to January, 1921. And, further, would amend the present law, in so far as these four diseases are concerned, so that any veterans concerned may file their claims for compensation at any time within one year from the date of enactment of this amendment.

The law now requires these claims be filed within five years from the date of discharge from the service.

Fifth. S. 2749. An amendment providing for the medical examination of pensioners and claimants for pensions by the United States Veterans' Bureau.

Under present laws pensioners and claimants must be examined by the regular medical boards of the Pension Bureau convened from time to time as exigencies require, at central points throughout the Union.

With the extension of medical and clerical facilities of the Veterans' Bureau it is thought that the work and expense of conducting these examinations under this new plan will tend to simplify matters and conduce to a more efficient handling of this work.

Sixth. S. 2750. An amendment to existing law providing for the admission of sons of deceased veterans, or veterans injured in line of duty, under certain condition, to Military Academy at West Point and Naval Academy at Annapolis.

Under an act of Congress approved June 8, 1926, the President may appoint 40 cadets to the Military Academy and 40 midshipmen to the Naval Academy from among the sons of officers, sailors, soldiers, and marines who were killed in action or died prior to July 2, 1926, of wounds contracted in line of duty during the World War.

The amendment proposed would broaden the scope of this law and provide that the President include among his 80 appointments the sons of officers, soldiers, sailors, and marines who were disabled to a compensable degree during the World War.

Under operation of the present law, only 5 appointments to West Point and only 2 to Annapolis were made in the first year, leaving 73 vacancies. The proposed amendment would give equal opportunity to sons of disabled, as well as deceased, officers, soldiers, sailors, and marines to take advantage of this opportunity to enter these academies.

Mr. WALSH of Massachusetts introduced the following bills, which were severally read twice by their titles and referred to the Committee on Finance:

A bill (S. 2745) to extend indefinitely the time for filing application for the benefits of the World War adjusted compensation act;

A bill (S. 2746) to amend an act entitled "World War veterans' act, 1924," as amended, approved June 7, 1924;

A bill (S. 2747) to amend the World War veterans' act, 1924, as amended, in respect of out-patient treatment;

A bill (S. 2748) to amend section 200 of the World War veterans' act, 1924, as amended;

A bill (S. 2749) providing for the medical examination of pensioners and claimants for pensions by the United States Veterans' Bureau; and

A bill (S. 2750) authorizing the appointment of cadets at the United States Military Academy and midshipmen at the United States Naval Academy from among the sons of disabled veterans of the World War.

CHANGE OF REFERENCE

On motion of Mr. McKELLAR, the Committee on Agriculture and Forestry was discharged from the further consideration of the bill (S. 2015) to authorize the creation of organized rural communities to demonstrate methods of reclamation and benefits of planned rural development, and it was referred to the Committee on Irrigation and Reclamation.

SIGN-POSTING WORK ON HIGHWAYS

Mr. JONES submitted an amendment intended to be proposed by him to the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

THE MERCHANT MARINE

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to the War Department appropriation bill for the fiscal year 1929, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page —, line —, insert the following:

"*Provided further*, That not to exceed $15,000 of this appropriation shall be expended for continuing work incident to and of repairing the old building known as the "Castle" at Fort Niagara, N. Y., and in addition to this amount the Secretary of War is authorized to expend such sums as may be contributed from private sources for the rehabilitation of such old building."

COMMITTEE SERVICE

On motion of Mr. WATSON, and by unanimous consent, it was—

Ordered, That Mr. GOFF be excused from further service as a member of the Committee on Privileges and Elections, and that Mr. MOSES be assigned to service on the committee.

CHARLES EVANS HUGHES'S HABANA ADDRESS

Mr. EDGE. Mr. President, I ask unanimous consent to have printed in the RECORD a very notable speech made on last Saturday night by former Secretary of State Charles Evans Hughes, chairman of the American delegation at the Pan American Congress in Habana, Cuba.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. Hughes's speech is as follows:

We are charmed with Cuba. Our eyes rest with delight upon the beauty of Habana. Our hearts respond with gratitude and affection to the eloquent words of the President of Cuba and to the warm greetings of the Cuban people. We feel that we are identified with you in spirit and bound to you by the ties of sacred memories and invincible aspirations.

We cherish the thought that Cuba, in her liberty and independence, is the vindication of the idealism of the people of the United States. It is that idealism which at the very beginning, during the struggles of over 100 years ago, nurtured our policy in this hemisphere. It is that idealism which has ever been the guardian of our liberty at home.

DOMINATED BY IDEALS

You will find us keen in trade, zealous for the advantages of commercial intercourse, but no one knows us well who fails to recognize, despite all our shortcomings, the dominance among us of the ideals of independence and democracy. These brought us to the aid of Cuba in 1898, and again summoned us with imperative command to take our part in the titanic contest of the World War. You can not adequately explain the United States in statistics of population, of commerce, or of wealth. There is a power above all these which gives final direction to our public opinion and establishes the standards of our statesmanship, according to which we take measure of executives and legislators.

If you would find what we worship in our inmost thoughts, do not rest content with going to our marts, but visit our shrines. We like to be thought shrewd, but we erect no monuments to mere shrewdness. We reserve our highest veneration for the greatest exemplars of liberty and independence—Washington, Jefferson, and Lincoln. They are still, and I trust ever will be, the true spokesmen of the American spirit.

But this idealism is that of practical and industrious people. We rejoice with you in the material gains of progress. With vast and increasing populations there must be opportunities well used, to give talent its proper play and workers their full reward, or we should have the discontent that leads to anarchy rather than the cooperative efforts which give better standards of living and a widely diffused prosperity. The advancement of civilization is in the care of the factory, the plantation, the markets of commerce, as well as the halls of learning. Progress must have its economic basis, and the commercial movement between North America and Latin America is one which in the main is equally satisfactory to the statesmen and the economist. The steady development of our commercial exchanges reflects the contrasts of products and of industrial needs.

Latin-American products for the main part are typically those which either are not produced in North America or are produced there only to a degree insufficient to fill the national needs. Conversely, the typical products of the United States, so far as they enter foreign commerce, are those which in large measure are not produced in Latin America or are produced there in amounts insufficient to satisfy national demands. There can be no better basis for the development of international exchanges advantageous to all concerned. Along with this development has come a rising purchasing power, notable both in the United States and in many Latin-American States. This has been particularly the case in Cuba, which has developed per capital imports exceeded by few countries in the world and equaled by no other Latin-American country. The statistics showing the growth of economic relations between American countries in the last 25 years emphasizes the growing unity of economic interest.

In 1910–1914 exports from the United States to Latin America had already reached a value of over $302,000,000 a year. But the steadily increasing demands of the Latin-American countries have now pushed the total far above that level. The total exports from the United States to Latin America in 1926 were over $872,000,000, or more than two and one-half times the value a quarter of a century earlier, showing an absolute gain over the pre-war years of $570,000,000.

But the growth of purchases by the United States in Latin America has been even more remarkable. In 1910–1914 these purchases had a value of $435,000,000; but the purchases of the United States in Latin America rose in 1926 to $1,094,000,000, an increase of over 250 per cent, and a gain in total of $659,000,000.

REVIEWS TRADE FIGURES

It is especially gratifying for the people of Cuba and the United States to consider the growth in the commercial exchange between the two countries. Imports into the United States from Cuba have risen from $122,000,000 in 1910–1914 to an average of almost $300,000,000 for the period 1921–1925. Exports to Cuba from the United States in the same periods have grown from $63,000,000 to $181,000,000.

There are developments long planned and partially achieved in both countries which have been of the greatest importance. I refer to our national highway building programs. Land and other forms of wealth have but little value when they are inaccessible or difficult of access. Nothing is of greater importance to the development of an appropriately diffused prosperity than the establishment of efficient highways. The plans for the promotion of public health through advanced measures of sanitation, for increased facilities for public education, for the better utilization of natural resources; these are basic conditions of economic advance.

We could not be satisfied with the expansion of commercial relations if these contacts failed to develop a better understanding and a more comprehensive and sympathetic view of the lives and the problems of our peoples. We need the clear analysis of facts, the intellectual grasp, the open mind with its scientific method and its unbiased conclusions.

But we wish more than intellectual appreciation. Understanding is of the heart. There must be the sympathetic interest which ripens quickly into esteem and affection. There is no guaranty of friendship in disregard of differences.

The difference in individuals, groups, and nations save life from monotony and give to our contacts a never-failing fascination. But, however noteworthy the varieties of our particular environments, our resemblances are more fundamental than our differences. Even our problems, to the keen observer, have many elements in common. Underneath the superficial contrasts there is the bond of fellowship between democratic peoples in their age-long quest of solidarity, efficiency, and equal justice. It may be a long journey to our goal, but we are on the way. At the sixth Pan American Conference we are taking counsel together to help us onward.

In the eloquent address of the President of Cuba at the opening of the conference he said: "Pan Americanism is not merely the result of covenants, treaties, or noble institutions, it is also and primarily public spirit, will of the people, and collective ideal."

Pan America rests upon four pillars. The first is independence. It is the firm policy of the United States to respect the territorial integrity of the American republics. We have no policy of aggression. We wish for all of them, not simply those great in area and population and wealth but for every one, to the very smallest, strength and not weakness. What a fatuous idea it would be to think that the United States desired that any of these states should be weak or the prey of disorder! There is no promise for the United States in that. We do not wish their territory. We have troubles enough at home without seeking responsibilities abroad. The rights we assert for ourselves we accord to others. Nothing could be happier for the United States than that all the countries in the region of the Caribbean should be strong, self-sufficient, fulfilling their destiny, settling their problems, with peace at home and the fulfillment of their obligations abroad. It is in the strength of these powers, as equal and responsible states, and not in the weakness of any, that lies our confidence for future tranquillity and the mutual benefits of intercourse.

STABILITY VITAL FACTOR

The second pillar of Pan Americanism is stability. Independence is not enough. Independence gives opportunity, but stability is essential to take advantage of it. It is our desire to encourage stability in the interest of independence.

Let me recall to you an illustration. Several years ago, in circumstances which it is not necessary for me to reveal, the United States entered Santo Domingo. But what did we do? Did we endeavor to stay? On the contrary, we labored to get out. It would have been very easy to remain, but the Government of the United States was most solicitous to arrange for the termination of its occupation and the withdrawal of its forces, and endeavored earnestly and successfully to aid the Dominican people in establishing a sound basis for an independent government.

The leaders of all parties were brought together for consultation. A plan of evacuation was agreed upon; arrangements were made for a provisional government and for the establishment of a permanent government. These arrangements were carried out and the United States withdrew. It was my happy privilege to be associated with these endeavors which had this successful fruition. If we had cherished an imperialistic purpose, we would have remained in Santo Domingo, but we withdrew. We would leave Haiti at any time that we had reasonable expectations of stability and could be assured that the withdrawal would not be the occasion for a recurrence of bloodshed.

Meanwhile, we are endeavoring in every important direction to assist in the establishment of conditions for stability and prosperity, not that we may stay in Haiti but that we may get out at the earliest opportunity. We are at this moment in Nicaragua, but what we are doing there and the commitments we have made are at the request of both parties and in the interest of peace and order and a fair election. We have no desire to stay. We wish Nicaragua to be strong, prosperous, and independent. We entered to meet an imperative but temporary exigency, and we shall retire as soon as it is possible.

FOES OF GOOD WILL NOISY

The third pillar of Pan Americanism is mutual good will. Strong and stable governments that do not trust each other afford no assurance of peace and beneficent collaboration. Good will does not mean identity of views. It is not jeopardized by candid, but at all times, friendly expressions, albeit there are differences of opinion. The enemies of good will are on every hand. There are those who seek to find in every act a wrongful motive, who poison the air with suspicion, who will never be content. For, as the great English wit, Sidney Smith, once said: "You can never make those content whose game is not to be content." Fortunately, these enemies of happy relations between our countries are few. They are noisy; they are constantly active, but after all they can not affect the deep currents of our life.

There was once a catechism which I understand contained this question: "What is the difference between the Lord and the devil?" And the answer was: "The Lord excels the devil in original power, but the devil makes up for it in infernal activity."

Good will rests on mutual respect, upon a common appreciation that each harbors no mistrust of the other. In international relations justice is the impregnable foundation of good will, but confidence in the sincerity of each other is essential. We desire the wide dissemination of information, but unfortunately good works, the calm and quiet efforts of those who have the good will of nations at heart, rarely contain ele-

ments of sensation. The enemies of our peace and happiness often get the center of the stage and their declamations fill the air. But this need not discourage us. In the case of an honorable individual we know that it is his reputation with his intimates—with those who know his purposes and activities—that gradually extends in ever-widening circles until it becomes proof against any possible assault. So it is with nations. There are those who in the intimacies of international intercourse know the truth. Nations which conduct themselves justly and aim to establish relations of mutual advantage with other nations, which respect the rights of others and discharge their own international obligations, will acquire a reputation which can not successfully be assailed.

In the promotion of good will organizations like this chamber of commerce have an important rôle. The honorable transaction of business is as important as the honorable conduct of diplomacy. We all have in our care, to some extent, the reputation of our country, and if each of us lives up to his opportunity we need have no fear of the attacks of either ignorance or malice.

PEACE PATH TO PROSPERITY

The fourth pillar of Pan Americanism is cooperation. Peace and good will are not ends, but means. They give us the promise but not the fruit. It is in our working together that we reap the benefits which friendly relations should bestow. Cooperation among the Pan American States does not mean the organization of a superstate. It does not mean that any of the 21 American Republics or any group of these Republics will attempt to dominate others. It is the cooperation of equals for common advantage in those directions where there is prospect of success.

Cooperation does not mean that we should ignore differences in conditions and in the varied circumstances surrounding our lives. It means mutual helpfulness, where we can be of assistance by doing together what we can not so well do alone.

It is not for us to be wearied with futile anxieties about the future. It is for us, in our day and generation, to play our part. And if we do that with sincerity of purpose and an earnest desire to advance the cause of civilization so far as it is in our keeping, future generations will rejoice in the inheritance of our labors.

PROPOSED FEDERAL DEPARTMENT OF EDUCATION

Mr. OVERMAN. Mr. President, I hold in my hand an article which appeared in the New Orleans Christian Advocate, entitled "Dangerous to the Nation and especially to the South," written by one of the greatest men of the Nation, Bishop Warren A. Candler, a great author and a great statesman. I ask that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

Education next to religion affects most influentially and vitally the life of any people, and hence it should be most carefully fostered and safeguarded.

This is especially true of a nation organized as is our Federal Union.

In the matter of education the Federal Government has neither the right nor the duty to interfere with its authority.

Nevertheless, a bill to establish a Federal department of education, like that of the Department of the Interior and other executive departments, has been pressed for adoption by the Congress during the last several years.

This measure has been introduced in the present Congress. Lobbyists and agitators are urging its passage, and the President has recommended it in his last annual message.

To create a department of religion would not be more unreasonable or more dangerous than would be the erection of a department of education.

But while the pending bill has strong and organized support, both within and without the Congress, the great majority of the American people are not awake to the peril which would most certainly arise from the adoption of this mischievous measure.

Wise and patriotic men in both Houses of the Federal Congress have been able to defeat the measure heretofore, but they have not had from their constituents the support to which their wisdom and fidelity entitled them.

Members of Congress from the South have opposed it unanimously, and they have done well to oppose it, as will appear from an argument for the bill which was published in a number of church papers of the North some weeks ago.

The writer approaches the subject with a seductive and sinister appeal to sectionalism and partisanism, as a few paragraphs from it show most clearly. He begins with a reference to the discussion of the right of the two Senators elect from Illinois and Pennsylvania to take their seats in the Senate, and proceeds to say:

"The right of the negro citizens to cast their ballots for Federal officials promises to split the forthcoming Congress into sharply defined camps. Machine politics in Pennsylvania have become so notorious that sponsors for that State plan to counter by uncovering conditions in the South. Thus ghosts of the Civil War and reconstruction period threaten to parade up and down the aisles of Congress. Out of political wrongs occurring in the Keystone State great evils which have denied civic justice to thousands of colored citizens may be righted.

"Many a United States Senator is being kept on the anxious bench because with the first days of Congress the controversy will be resumed over seating Senators-elect Frank L. Smith, of Illinois, and WILLIAM S. VARE, of Pennsylvania. In the long-drawn-out and bitter debate over this question, a debate which lasted through a continuous session of days and nights, it was brought out that in certain of the election districts controlled by the Vare machine in Philadelphia not a vote was reported as cast for the opponent of Senator-elect VARE. This seemed to indicate that either the Democrats and anti-Vare citizens did not dare to vote or, if they did vote, their ballots were not counted.

"When the Southern Democrats, headed by Senator REED of Missouri, entered actively into an effort to block the admission of the Republican Senator elect from Pennsylvania into the Senate, Senator REED of Pennsylvania made some rather ominous threats. He declared that if districts in his State where no Democratic votes were cast were to be investigated then districts in the Southern States in which no Republican votes were counted would also be investigated. This threat made legislators from many of the Southern Commonwealths look uneasy.

"The Pennsylvania Senator, noting the consternation caused by his remarks, followed on with statistics in which he pointed out districts in the South having thousands of registered voters in which not a single Republican vote was counted. He had no trouble in proving that thousands of educated and respected citizens of the colored race were not permitted to cast their ballots for the President of the United States.

"Thus it is seen that the Smith and Vare contests are likely to open the way for a bitter political and racial debate which will cause a nation-wide stir."

Then, after giving what the writer calls the "history of negro suffrage," he closes his article with these significant paragraphs:

"When the debates in the Senate over the alleged corruption in the election of a Senator in Pennsylvania are reopened the question of the denial of the ballot to millions of negroes in the South will come to the front. It is to be hoped that while a political house cleaning is going on in Pennsylvania the whole Nation may be aroused to clean out political corruption wherever it exists.

"As far as the South is concerned, there are men and women prominent in public affairs and of both parties who believe a change should come respecting the franchise rights there. Such citizens of every section would unite in placing suffrage, irrespective of color, upon the basis of true and able citizenship. Every community should have the opportunity of protecting itself from a mass movement of ignorance, whether it be white or black, political or social. This does not mean that any disqualification should be based upon color. Let there be set up proper standards of education and conduct and make all people of whatever color who choose to exercise the full right of citizenship measure up to these.

"The forthcoming strife in Congress over this question will reveal the need there is for a Federal department of education, that all children living under the Stars and Stripes may have equal opportunity to prepare for their civic duties. It will further reveal the justice of basing representation in Congress upon the number of citizens voting in elections rather than on the numerical census of a State. It will also show the need there is for all the moral and Christian agencies of the Nation to fight on to overcome political evils and social injustice and to establish those principles of justice and fair dealing which are founded upon the Scriptural injunction: 'Whatsoever ye would that men should do to you, do ye even so to them.'"

The southern people have shown no opposition to the education of the negro. Southern legislatures have taxed southern white people—who pay most of the taxes—to provide schools and colleges for the negroes.

Southern churches have expended many thousands of dollars in the establishment and maintenance of educational institutions to prepare negro teachers and preachers for their work.

Indeed, the southern people have done more for the education of the southern negroes than all the northern boards of philanthropists combined have done; and their zeal for such work is right and praiseworthy. They will doubtless do more in the future.

But they will not, and ought not, to agree to Federal interference with the educational efforts and enterprises which they have so wisely and generously put forth for the welfare of the negroes among them.

Such interference by the Federal Government would lead inevitably to racial antagonisms and irritations. It would not help either race but would hurt both.

No Federal department of education is required for the promotion of the education of the negro.

The States on the Pacific coast need no such meddlesome department to solve for them the race issues which confront them.

No section of the country needs any such department as is proposed.

The national bureau of education is a Federal instrumentality which goes quite far enough in the direction of Federal supervision of education in the United States.

The American people are really and seriously threatened by a dangerous form of bureaucracy, centralized at Washington, and constantly calling for larger and larger appropriations with each successive year.

The measure proposed for the establishment of a department of education at Washington served by an expensive staff of secretaries, and sending its agents and supervisors into all the States, is a most dangerous form of centralization—perilous to the whole country, and especially dangerous to the South.

It is quite evident that there is no natural or logical connection between the seating of the Senators elect from Illinois and Pennsylvania and the establishment of a Federal department of education. The article moves along through a current of antisouthern criticism to its objective, which objective is the rallying of northern sentiment to the support of this thoroughly unwise and unconstitutional measure which is packed as full of evils as the Trojan horse was full of Greeks.

ADDRESS BY WILLIAM GREEN, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR

Mr. SHIPSTEAD. Mr. President, on January 13 of this year Mr. William Green, president of the American Federation of Labor, delivered a very thoughtful and able address before the Chicago Bar Association on the subject of "Economic Freedom and Industrial Peace." I ask unanimous consent that that address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows.

ECONOMIC FREEDOM AND INDUSTRIAL PEACE

The human race has ever sought the enjoyment of freedom. It has learned, however, that this can only be secured and maintained within certain prescribed legal limitations. Men can not be free like the wild beasts of the forest or the birds of the air. Society must be protected through the imposition of self-restraint and the adoption and enforcement of laws which will operate to protect and safeguard the rights of all. We can only enjoy liberty within the law and establish freedom when we maintain a proper regard for the rights of others.

All attempts to suppress human liberty and the exercise of individual and collective rights incite conflict and invite reprisal. This human characteristic has manifested itself at every stage of the world's history and has been the mainspring of the world's social and political progress. Invariably all attempts of one group of society to dominate and control another group are based upon some form of selfishness and greed. They usually grow out of a clashing of interests, either financial, economic, or political. Behind all the achievement of modern civilization lie centuries of intense struggle, great sacrifice, and determined effort.

This has been the bitter experience of the men and women of labor. From the days of barbarism and feudalism they have fought, with courage and determination, for the realization of economic and political freedom. Their heroic deeds as they broke the legal, social, and economic bonds which held them constitute a glorious page in the world's history. They lifted themselves through their own efforts from one social level to another, because they were inspired by an imperishable idealism and a consciousness and understanding of their individual and collective rights. Through all these changing periods in the social and economic status of labor the workers learned many valuable lessons. Organization and collective action grew out of these experiences. The value of concerted effort and cooperation became better understood.

The growth of trade unions paralleled the development and growth of corporations. This was a natural, logical consequence of our modern factory system and a rational development of our expanding industrial life.

The organization of working men and women represents the mobilization of their collective resources and economic strength. It stands as a protection against exploitation and serves as an instrumentality through which they may advance and promote their common interests. The gradual substitution of collectivity among working people for individualism in industry provoked hostility and opposition among many employers of labor. The exercise of the right of the working people to organize was not only challenged but also bitterly opposed. This has led to the extended and constantly broadening use by many employers of court injunctions in labor controversies.

It is this kind of opposition which has led labor to vigorously protest against the character of injunctions, with their broad and sweeping terms, issued against labor restraining it from doing things which it firmly believes it has a legal and moral right to do. This policy of fighting trade-unions through the use of injunctions is embittering labor. It reasons that in many instances the courts place themselves on the side of corporations and big business in their attempts to destroy labor organizations. The situation growing out of the use of court injunctions has become acute. Labor regards it as its most serious problem. It is a real grievance against which labor emphatically complains, smarting under a deep sense of wrong and injustice. Labor is determined to seek legislative redress from the destructive effects of court injunctions.

The question of economic freedom is involved in this court-injunction problem. Shall the right of labor to organize, to function, to solicit members, and to strike be abridged? Shall labor be free, economically free, and may it enjoy the rights and privileges which economic freedom guarantees? What shall be the answer to these questions?

In the Bedford Cut Stone Co. case an injunction was granted which restrained members of the Journeymen Stone Cutters' Association of North America from refusing to set stone manufactured by a company which refused to employ these union men in their quarries. By this action union men were compelled to work against their will and to serve a corporation indirectly, at least which would not employ them or any of their union members in the quarries where the stone was manufactured for use. The injunction in this case was based upon the allegation that the acts of the union stonecutters constituted an interference with interstate commerce. Upon this point Mr. Justice Brandeis and Mr. Justice Holmes, in a vigorous dissenting opinion, stated: "If on the undisputed facts of this case refusal to work can be enjoined, Congress created by the Sherman law and the Clayton Act an instrument for imposing restraints upon labor which reminds of involuntary servitude."

This solemn warning of these two distinguished jurists made a deep impression on the hearts and minds of labor. The very suggestion that labor, through judicial interpretation and the use of the injunction, might be reduced to a condition of involuntary servitude arouses and intensifies the determination of labor to be free. A choice must be made between the exercise of the right of workingmen to be the master of their own labor power, to give service or withhold service at will and as free men and a condition bordering on involuntary servitude.

Free men shrink from the contemplation of a condition where, through a court order, labor would be completely stripped of the use of its economic strength, the only power which working men and women can exercise as a means of protection against tyranny, injustice, and oppression. The right of labor to organize has been recognized and conceded by the courts and by a crystallized public opinion. If it may enjoy this right, then it should be permitted to function. If labor may organize but can not use its economic strength for its own protection, when organized, then the recognition of the right to organize is meaningless. If it is an illegal organization, why not say so! Why say unions may exist and then enjoin them from exercising their normal functions?

There are numerous other injunctions which have recently issued against labor which in force and effect reduce labor to a condition approximating economic bondage. In the Schoonmaker injunction, issued a short time ago, it was held that a refusal to mine coal and a resort to picketing at the mine, where a strike was declared constituted interference with interstate commerce and bonding companies were restrained from furnishing bonds in appeals taken in house-eviction cases. In the first Coronado case the United States Supreme Court held that "Coal mining is not interstate commerce and the power of Congress does not extend to its regulation as such." In view of these apparently contradictory decisions it is impossible for labor to know or understand what constitutes a conspiracy to interfere with the shipment of goods in interstate commerce.

The whole legal status of labor is uncertain and unknown. We find to our surprise, when a new injunction is issued—more sweeping and comprehensive than the one which preceded it—that labor is enjoined from doing many things it had been doing without question for many decades. In the midst of all the confusion which has been created through the issuance of injunctions affecting labor, working men and women hold that it is more essential to the preservation of the Republic that labor should remain free, economically and industrially free, than that some corporation's goods should, at the cost of the exploitation of unprotected workers, be shipped in interstate commerce. Human rights should take precedence over property rights.

It is this distinction which labor seeks to legally establish through the passage of legislation which it proposes as a remedy for court injunctions. We propose that the equity courts return to the original purpose and use of the equity power, which was the protection of physical, tangible, transferable property. This was the practice followed in England from which we inherited our system of jurisprudence. Injunctions are not used in labor disputes in England but they are on the increase here. The power of the equity courts is not invoked in controversies between employers and employees there. Houses, land, money, buildings, supplies, and materials are property. Let this and all other tangible, transferable property be protected through the use of the injunction, if threatened with irreparable injury, when there is no remedy at law.

It is the classification of business, barter, good will, and other intangible values as property and subject to equity jurisdiction which forms the basis of many applications for injunctions. Labor holds that legal proceedings dealing with these values should be instituted and dealt with in the law courts instead of the equity courts.

We believe that Congress intended through the passage of the Clayton Act that labor should be made free and that this legislation would accord labor relief from injunctions and the antitrust provisions of the Sherman Act. Labor was thrilled when it learned that Congress incorporated in the provisions of the Clayton law the declaration that "the labor of a human being is not a commodity or article of commerce."

President Wilson in a letter to Representative Underwood, dated October 17, 1914, stated:

"Incidentally justice has been done the laborer. His labor is no longer to be treated as if it were merely an inanimate object of commerce, disconnected from the fortunes and happiness of a living human being, to be dealt with as an object of sale and barter. But that, great as it is, is hardly more than the natural and inevitable corollary of a law whose object is individual freedom and initiative as against any kind of private domination."

Later, at the dedication of the American Federation of Labor Building, on July 4, 1916, President Wilson expressed himself as follows:

"Referring to the sixth section of the Clayton antitrust law, the section in which the obvious is stated, namely, that a man's labor is not a commodity but a part of his life, and that, therefore, the courts must not treat it as if it were a commodity, but must treat it as if it were a part of his life. I am sorry that there were any judges in the United States who had to be told that. It is so obvious that it seems to me that that section of the Clayton Act were a return to the primer of human liberty; but if the judges have to have a primer opened before them, I am willing to open it. If any part of the United States through habit, through ancient prejudice, through long addiction to technical ideas, insists upon living in an age which everyone else with his eyes open knows has gone by, why then we have got to sound some great note that will wake them up, but wake them up always to the same thing with which we would thrill as well as others; that it is take as well as give; that the other man has as much right as we have; that we are not to seek for an advantage but for an equality; that though we have been put upon, we do not desire to see any other man put upon, or any other class, but that we should all have as our highest ideal merely to bask in that only nourishing sun that has ever shown on the human heart—the sun of justice and of truth and of humanity."

The New York World in an editorial on October 18, 1914, stated:

"The Clayton antitrust bill, signed yesterday by the President, may not be the last word on the subject, but it ends for the time being an agitation that has been in progress for years and it is a fulfillment of another emphatic party promise. To the extent that it relieves labor unions, lawfully conducted, from the pains and penalties of the Sherman Act it is the most important legislative reversal of judicial decisions that has taken place in this country since the Dred Scott judgment was overturned by civil war. In other respects, as affecting the administration of the antitrust law, extending its scope and clarifying some of its meanings, it is quite as notable. No ceremony attended the approval of this measure, and yet it is likely to be regarded hereafter as the world-mark of justice and progress."

My predecessor, the late Samuel Gompers, expressed abiding faith in the remedial features of the Clayton Act. After the passage of the Clayton antitrust bill he stated:

"The Clayton antitrust bill that has been passed by the House of Representatives and the Senate declared as a legal principle of the law of our land the declaration: 'The labor power of a human being is not a commodity or an article of commerce.' That is the reason for declaring that labor organizations do not come under the provisions of trust legislation and that their legitimate activities can not be restrained or forbidden. This principle is the basis upon which all industrial liberty depends. It is the Magna Charta of America's workers. The labor provisions of this measure embody the highest full conception of industrial freedom ever enacted into law. The declaration contained in section 7 of the Clayton antitrust bill is of the greatest significance—it deals with the fundamentals of industrial freedom * * *."

The late Senator Albert B. Cummins stated when the Clayton Act became a law:

"The labor sections of the Clayton Act are not a license to do wrong but a grant of liberty to do right. The value of the legislation is found in the recognition of the everlasting difference between the conscious capacity of man to accomplish something and the inanimate commodity which his intelligent activity creates. It is a legislative declaration that contracts, combinations, or actions which concern only the labor of a human being do not and can not restrain trade in the sense in which the word is used in the law."

Notwithstanding these high hopes and expectations so fervently and eloquently expressed, we find that through judicial interpretation the Clayton Act has made the conditions of labor more onerous than before. The Clayton Act has not supplied the legal relief intended. We must try again. We will try again. We will urge that the original intention of Congress to accord relief to labor be carried out. Labor must be free. The shackles which prevent the full exercise of economic freedom must be removed. With an unconquerable courage labor will fight on until it is made free.

The Sherman antitrust law was originally passed in response to a public demand for protection from extortion and price control of commodities by monopolies and combinations. It was never intended to apply to labor. In the light of judicial interpretation it is my opinion that if farmers would organize and form practical and successful cooperative organizations, as suggested by certain statesmen and executives of our Government, so that they could increase the sale price of farm products, they, like labor, would be charged with conspiracy in restraint of trade and with a violation of the Sherman antitrust law.

The Sherman law has failed of its purpose. While it has borne heavily on labor and would, in my judgment, bear equally upon farmers if they were nationally organized, notwithstanding its original purpose, large corporations and large combinations of capital have been formed. The uncertainty caused to both business and labor through a full and complete understanding of its scope and meaning is an impediment to industrial progress and economic production. The Sherman antitrust law and the Clayton Act should, in the opinion of labor, be repealed or so amended as to cause this antitrust legislation to conform to the requirement of modern industrial life.

In urging the establishment of economic freedom for labor we are willing to accord to industry the enjoyment of the same right. Artificial barriers, legal or otherwise, which interfere with economic and scientific production ought to be removed. Both labor and industry should be made free so that both may work together in developing our industrial enterprises to the highest point of efficiency and productivity.

Economic freedom and industrial peace are not mere ideals about which we may speculate without hope of practical realization. The enjoyment of both are within the range of human possibilities.

Obviously industrial peace is predicated upon the establishment of economic freedom. When working men are free they do not think in terms of hate and enmity. A favorable psychological condition is thus created so that cooperation on the part of all human factors is practiced and individual and collective efficiency is promoted.

I am very happy to know that committees representing the American Bar Association and the American Federation of Labor are making progress in the efforts they are putting forth to find a legal basis of accommodation for both employers and employees which may serve to still further the cause of industrial peace. I hope these committees will succeed in their laudable efforts.

INVESTIGATION OF SINKING OF SUBMARINE "S–4"

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day.

The CHIEF CLERK. The resolution (S. Res. 109) submitted by Mr. TRAMMELL on the 12th instant to create a committee of the Senate to investigate the sinking of the submarine *S–4*.

Mr. TRAMMELL. Mr. President, in view of the fact that we have had before the Senate for consideration the House joint resolution reported from the Committee on Naval Affairs touching this matter, and also a proposed substitute, I ask that the resolution may go over.

The VICE PRESIDENT. The resolution will go over.

TAX REFUNDS

The VICE PRESIDENT. The Chair lays before the Senate another resolution coming over from a previous day.

The CHIEF CLERK. The resolution (S. Res. 110) submitted by Mr. HEFLIN on the 14th instant, requesting the names of certain persons receiving tax refunds.

Mr. HEFLIN. Mr. President, I would like to have the resolution read as modified.

The VICE PRESIDENT. The clerk will read the proposed modification.

The CHIEF CLERK. The Senator from Alabama modifies his resolution by inserting on page 1, line 4, after the word "refunded," the words "and the amount so refunded in each case," so as to make the resolution read:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the Senate a list, by States, of the names of people to whom taxes have been refunded, and the amount so refunded in each case, in the last refund of taxes made by the Secretary of the Treasury.

The VICE PRESIDENT. The question is on agreeing to the resolution as modified.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah wish to speak to this resolution?

Mr. SMOOT. I do.

Mr. HEFLIN. Mr. President, I have stated to the Senator from Virginia [Mr. SWANSON] that I would not press the resolution if it should lead to debate. Therefore I ask that the resolution may go over until to-morrow.

Mr. MOSES. What is the resolution?

The VICE PRESIDENT. It is a resolution presented by the Senator from Alabama calling for the names of those receiving tax refunds. If any Senator desires to speak it is in order to do so on this resolution, no matter what the subject on which he desires to speak may be.

Mr. HEFLIN. Mr. President, in view of my understanding with the Senator from Virginia [Mr. SWANSON], I ask that the resolution go over.

The VICE PRESIDENT. The resolution will go over.

FORCE AND EFFECT OF THE FOURTEENTH AND FIFTEENTH AMENDMENTS

Mr. SWANSON. Mr. President, whenever occasion arises that makes it desirable to influence the votes of southern Representatives in Congress, threats are made by certain parties and from certain sources to enforce the fifteenth amendment or to reduce southern representation in the House of Representatives under the second section of the fourteenth amendment, and thus curtail the political power of the South. This effort of intimidation is indulged in in order to influence southern Representatives in Congress to act contrary to their judgment and conviction. I can not too strongly express my resentment of such threatening utterances from whatsoever source they may emanate or whatever may be the motives that prompt the indulgence. The time has passed when such utterances can be effective in accomplishing results in the South. Threatening language is that used either by superiors or self-assumed superiors in addressing their supposed inferiors. I resent that any person or the representative of any constituency in this Union should arrogate to himself the authority to indulge in the menacing language which is so frequently applied to the South. The time is passed in the history of this country when the South is subject to hostile and repressive supervision or can be intimidated by partisan vituperation. The time has been auspiciously reached when this Republic is a Union of 48 States equal in rights, equal in privileges, and each State equal in every respect to every other. Those who now repeat the bitter animadversions of the sixties and seventies should realize that certain victorious States no longer hold 11 of their sister States under military domination and control. These 11 States as members of the Union are in no sense whatever inferior or subordinate, and purpose to assert and maintain their rights as defined in the Federal Constitution.

The South is no mendicant asking favors, and the activities of the small surviving horde of harpies which once preyed upon her vitals cause her only feelings of disgust and contempt; but they serve to remind her of the horrors of its former times and confirm her in the resolve that never again shall she be cursed with the conditions which brought confusion and disaster to one of the happiest and loveliest portions of the Nation. Conscious of unswerving loyalty to the Union, conscious of her rights under the Constitution, conscious of a patriotic desire for the development of the entire country along the pathway of prosperity and justice, willing to make in the future such unstinted contributions and sacrifices to national greatness and glory as she made in the olden days, the South proposes to exercise her rights under the Constitution as her own will and judgment may dictate, undeterred by those who are controlled by either hate or ignorance.

Mr. President, let us, divesting ourselves of all partisan predilections free from all political considerations, fairly and justly examine the fourteenth and fifteenth amendments and ascertain their full import as disclosed by the circumstances surrounding their enactment and the interpretation that has been given them by the decisions of the Supreme Court of the United States and determine whether their provisions have been violated, and conclude whether there is any necessity for further congressional action or legislation. I shall not enter into any discussion of the regularity and validity of the adoption of the amendments, a question which has been the subject of much debate and difference, since that question has been disposed of finally by the Supreme Court.

I shall not discuss the question of their wisdom or unwisdom, but in passing shall only state that many of the leaders who were most responsible for their enactment afterwards gravely doubted whether they furnished a proper solution of the problems existing in the South at the conclusion of the Civil War. Many of them in their declining years even apologized for the evils that were produced by enactments which the right-minded among their advocates designed to have the contrary effect. The disgraceful reconstruction conditions to which they led did find some apologists but no defenders.

Mr. President, it is proven by all the debates in Congress at the time, it is conceded by historians and law writers, and held by the Supreme Court that the thirteenth, fourteenth, and fifteenth amendments were adopted to meet conditions in the South created by the large number of negroes living in that section at the conclusion of the Civil War. The thirteenth amendment abolished slavery and gave the negroes absolute freedom. The thirteenth amendment did not go any further than the abolition of slavery. It did not make a citizen of the negro and did not confer upon him the right of suffrage. The fourteenth amendment was intended to make the negro a citizen of the United States, to give him the right to contract, to sue and be sued, the full right to acquire and hold property, and "all the privileges and immunities" that appertain to a citizen of the United States. The right of suffrage was not given, but that was left absolutely in the control of the States. The Supreme Court in repeated decisions has held that the right of suffrage is not "a privilege or immunity" conferred by the fourteenth amendment, and that it does not vest suffrage in the negro or anyone else, and that under the terms of the second section the right is recognized as belonging absolutely to the States.

The thirteenth and fourteenth amendments left unchanged the exclusive jurisdiction of the States respecting the exercise of the right to vote. It was the purpose of the second section of the fourteenth amendment to induce the South to confer suffrage upon the negroes who had been freed by the thirteenth amendment, by providing for representation in the House based on population of the respective States, and for reduced representation in the proportion that citizens of the United States might be denied or abridged in their right to vote in a State except for crime or treason. The South was presented with this proposition: Enfranchise the negro and you will have full representation on the basis of your entire population; disfranchise him and your representation in Congress will be reduced to the extent of the negro population. It was hoped by those who supported this proposition that the States of the South would enfranchise the negro and thus obtain unrestricted representation and not disfranchise him and suffer reduced representation. The second section of the fourteenth amendment was very offensive to some rabid Republicans, like Sumner, of Massachusetts, because it conferred on the States of the South the power to disfranchise the negro. Senator Henderson, of Missouri, a radical Republican, when it was being considered, offered the fifteenth amendment as a substitute, but it was defeated, as it was feared at the time that it would not be ratified by a sufficient number of States. Later I shall discuss this second section and hope to convince the Senate that it is not operative and was repealed by the fifteenth amendment. The Southern States refused to confer suffrage on the negro, declining to be bribed by the offer of complete representation in Congress, knowing full well the inevitable demoralization and disaster that would follow. Disappointed at the attitude of the South on the 27th of February, 1869, Congress submitted to the States for approval the fifteenth amendment. This was intended as a settlement of the question of negro suffrage in the South. That amendment is as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Mr. President, let us examine the suffrage situation at the time of the adoption of the fifteenth amendment, the debates in Congress disclosing the purposes sought to be accomplished by its adoption, and the decisions of the Supreme Court defining its import and meaning. Until the fifteenth amendment was adopted the States had absolute control of suffrage. Suffrage before the Revolutionary War was in the control of the Colonies, each colony fixing its own qualifications for its voters. The Articles of Confederation contained no provision affecting suffrage in the new States. The only provision in the Federal Constitution regarding suffrage is in section 2 of Article I, which is as follows:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

This provision did nothing more than prohibit the States from having a qualification for electors of Congress different from those of electors for the most popular branch of the State legislature. Subject to this limitation the Constitution left suffrage wholly within the control of the States. At that time the respective States of the Union had varying qualifications, the matter being left, as stated, absolutely within their discretion. The right to vote, or suffrage, is still left with the States under all decisions of the Supreme Court and also in the opinion of law writers, except so far as this right may be affected by the fifteenth and nineteenth amendments.

We will now examine the fifteenth amendment and ascertain what are the rights of the States under it regarding suffrage. We may look to the proceedings and debates in Congress for light upon this question. The Supreme Court has uniformly held that to be a proper guide for information in determining the meaning to be given legislation and to constitutional amendments. On January 11, 1869, Mr. Boutwell, as chairman of the Judiciary Committee of the House, reported a resolution intended as the fifteenth amendment to the Constitution, which provided:

The right of any citizen of the United States to vote shall not be denied or abridged by the United States or any State by reason of the race, color, or previous condition of slavery of any citizen or class of citizens of the United States.

The Congress shall have power to enforce by proper legislation the provisions of this article.

When this amendment was pending in the House—now, I call the attention of Senators to this—Mr. Shellabarger offered a substitute for the Boutwell resolution, as follows:

No State shall make or enforce any law which shall deny or abridge to any male citizen of the United States of the age of 21 years or over, and who is of sound mind, an equal vote at all elections in the State in which he shall have such actual residence as shall be prescribed by law, except to such as have engaged or may hereafter engage in insurrection or rebellion against the United States, and to such as shall be duly convicted of treason, felony, or other infamous crimes.

Now, this was offered in the House of Representatives as a substitute for the existing fifteenth amendment.

This would have conferred universal manhood suffrage on all the citizens of the United States except those who were convicted of crime and such as were disenfranchised on account of participation in the secession movement. The House defeated this proposal by a vote of 126 to 61. Thus, the House decisively refused to give the Federal Government power to require the States to confer suffrage upon all citizens of the United States 21 years of age and to give to the United States Government the right practically to institute universal manhood suffrage.

That was refused; and I can not too often iterate and reiterate that. That is the interpretation which some people now think should be given to the fifteenth amendment—a provision that was rejected in the House of Representatives by a vote of 126 to 61.

It was argued that if this should be done the Federal Government would absorb all the power of the States in connection with suffrage and elections, and the States would disappear in a consolidated Nation. It was argued that very few, if any, of the States were willing to surrender the power they then possessed in respect to suffrage and put themselves under the unlimited domination of the Federal authority. Thus, the House of Representatives by an overwhelming vote refused to approve the theory of universal suffrage which is now contended for by some as the proper interpretation of the fifteenth amendment. The proceedings in the Senate as well as in the House disclose beyond controversy that Congress intended to give this amendment no such interpretation as is now sought. The Boutwell resolution went to the Senate where it was long and elaborately debated. Mr. Stewart, chairman of the Judiciary Committee offered a substitute for the House resolution, as follows:

The right of citizens of the United States to vote and hold office shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The fifteenth amendment as it now reads does not include the words "hold office," but those words were included in that proposal.

Several amendments to this substitute were offered, some of them bestowing universal manhood suffrage as proposed in the House, but all of them were rejected. Finally, after being first defeated by a small vote, the Senate by a vote of 31 yeas to 27 nays adopted a substitute to the Stewart resolution offered by Senator Wilson, of Massachusetts, which was as follows. Now, I call attention to this substitute, which was first rejected, and then offered and adopted by a small majority.

That no discrimination shall be made in any State among the citizens of the United States in the exercise of the elective franchise or in the exercise of the right to hold office in any State, on account of race, color, nativity, property, education, or religious creed.

That amendment passed the Senate by a very small vote, and went to the House. The Senate also adopted a proposal by Senator Morton, of Indiana, making certain provisions for the election of electors for President. And so the Stewart resolution, as amended on the motion of Wilson and Morton, passed the Senate. It should be noted that this resolution provided that there should be no discrimination on account of race, color, or previous condition of servitude, and also on account of nativity, property, education, or religious creed. Had it been submitted to the States in that form and been ratified it would have prohibited the States from establishing any property qualification or any educational qualification. When the resolution went to the House that body, by a vote of 133 to 37, refused to concur in the Senate action. Thus by an overwhelming majority the House placed its negation upon the suggestion that discrimination on property, education, nativity, and religious creed should be forbidden, and by subsequent action and judgment refused to prohibit property or educational disqualifications upon the right to vote.

Mr. WATSON. Mr. President, will the Senator suffer an interruption?

Mr. SWANSON. I will.

Mr. WATSON. Do I understand the purport of the Senator's argument to be that it was not the purpose of the fifteenth amendment to confer the right of suffrage on the negro, and that it does not confer that right?

Mr. SWANSON. No; my contention is that the fifteenth amendment does not confer suffrage on anybody. It prohibits any State or the United States from discriminating in suffrage on account of race, color, or previous condition of servitude. If the Senator will read it, he will find that that is what it says.

Mr. WATSON. I have read it. I want to get the Senator's view.

Mr. SWANSON. My view is clear, if the Senator will listen.

Mr. WATSON. I am listening. I always listen with interest to the Senator from Virginia.

Mr. SWANSON. I say that suffrage remains in the States as it existed in colonial times, Revolutionary times, and up until the fifteenth amendment was passed, except that neither a State nor the United States can pass any law discriminating on account of race, color, or previous condition of servitude, or on account of sex. If the Senator has not that view, he differs from every decision of the Supreme Court.

Mr. WATSON. No; I am not making any contention on that. What I wanted to get at was this: The Senator's construction, then, is that under the operation of the fifteenth amendment a State may pass a property qualification or an educational qualification?

Mr. SWANSON. I shall show that the Supreme Court has said that repeatedly, if the Senator will just content himself and wait until I reach that phase of it.

Mr. WATSON. The second section of the fourteenth amendment provides, as the Senator knows, that if the States shall adopt any restriction of suffrage——

Mr. SWANSON. I will get to that. If the Senator will content himself, I will dispose of that. That is the fourteenth amendment. I am discussing the fifteenth amendment now.

Mr. WATSON. All right. I shall be glad to hear the Senator on the second section of the fourteenth amendment.

Mr. SWANSON. All right. The Senator will hear me fully, and when I reach it he can interrupt me all he pleases. Let us not get diverted from the fifteenth to the fourteenth. The Senate did not appoint a committee of conference but receded from the Wilson and Morton amendments and yet refused to concur in the Boutwell resolution. The House adhering to its decision and the Senate refusing to concur, the Boutwell resolution was defeated.

Mr. BORAH. Mr. President, will the Senator suffer an interruption?

Mr. SWANSON. I will.

Mr. BORAH. When the fifteenth amendment first came over to the Senate the Senate adopted an amendment——

Mr. SWANSON. Prohibiting an educational qualification.

Mr. BORAH. Well, including that with others—nativity, education, and property. The Senate adopted that, and it went to the House and the House defeated it.

Mr. SWANSON. That is right.

Mr. BORAH. Then, when the Senate took up the fifteenth amendment on a report from its Judiciary Committee and sent it over to the House the House put on an amendment, "nativity, property, or creed," and the Senate defeated it.

Mr. SWANSON. I will show that on final judgment and debate, and its final conclusion when it passed, both the House and Senate refused to attach to the fifteenth amendment any prohibition on account of property or educational qualifications.

It is perfectly clear that the House and the Senate each refused finally to submit an amendment to the Constitution prohibiting discrimination on account of nativity, education, or property. When the status was announced in the Senate, Senator Stewart at once moved that the Senate adopt the joint resolution which had been originally proposed by Senator Henderson, and after many substitutes had been offered, each in turn defeated, it passed the Senate by a vote of 35 to 11. This resolution went to the House and was there amended and passed, as follows:

The House tried to put on, as suggested by the Senator from Idaho, an amendment to the fifteenth amendment as it passed the Senate.

The House amendment was as follows:

The right of citizens of the United States to vote and hold office should not be abridged or denied by any State on account of race, color, nativity, property, creed, or previous condition of servitude.

The House adopted that amendment to the fifteenth amendment, though it rejected it when the Senate presented it.

The Senate disagreed to the House amendments and asked for a conference, the result of which was a compromise, the House substantially receding from its modifications. The resolution as agreed upon by the conference was passed by each body and was sent to the States for ratification and became the present fifteenth amendment.

It can not be too often stated that the proposition to prohibit discrimination for any other purpose except race, color, or previous condition of servitude was rejected in both the House and the Senate. It was distinctly understood in both Houses of Congress that the resolution as passed permitted suffrage qualifications to be imposed by the States on any ground except "on account of race, color, or previous condition of servitude." This was explicitly admitted and advanced by Senator Morton, from the State of the Senator from Indiana, who tried to enlarge the scope of the resolution, but failed, and finally voted for it as the best that could be obtained. Now I call the attention of the Senate to what this great Republican leader, Senator Morton—who, next to Senator Fessenden of Maine, was more responsible for this amendment in the Senate than all others combined—said about the fifteenth amendment.

This Republican leader spoke as follows:

The pending amendment is:

"The right of citizens of the United States to vote and hold office shall not be denied or abridged by the United States, or any State, on account of race, color, or previous condition of servitude."

It will be observed—

Said this Republican leader, who was leading the fight for these amendments—

That this language admits or recognizes that the whole power over the question of suffrage is vested in the several States except as it shall be limited by this amendment. It tacitly concedes that the States may disfranchise the colored people or any other class of people for other reasons save and except those mentioned in the amendment.

* * * * * * *

This amendment leaves the whole power in the States just as it exists now, except that colored men shall not be disfranchised for the three reasons of race, color, or previous condition of slavery. They may be disfranchised for want of education or for want of intelligence. The States of Louisiana and Georgia may establish regulations upon the subject of suffrage that will cut out 49 out of every 50 colored men in those States from voting, and what may be done in one of these States may, perhaps, be done in others. They may, perhaps, require property or educational tests, and that would cut off the great majority of the colored men from voting in those States, and thus this amendment would be practically defeated in all those States where the great body of the colored people live. Sir, if the power should pass into the hands of the rebel population of those States—perhaps I should beg pardon now, I should rather call it the conservative or Democratic population—if they could not debar the colored person of the right of suffrage in any other way, they would do it by an educational or a property qualification.

His view was undisputed, and it proves beyond dispute that Congress understood and it was conceded by all that if the amendment as submitted should be passed, any State could impose property or educational qualifications and that this might practically deprive nearly all the negroes of the right of suffrage. That this would be perfectly permissible, no one doubted.

Mr. SHORTRIDGE and Mr. BORAH addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Virginia yield; and if so, to whom?

Mr. SWANSON. The Senator from California rose first.

Mr. SHORTRIDGE. I have listened to the words of Oliver P. Morton, of Indiana, a great Senator, a great Republican Senator. Does Senator Morton advance the thought there, or did he ever elsewhere express the thought, that a law could be passed prescribing an educational or a property qualification and made applicable to the colored man which was not equally applicable to the white man?

Mr. SWANSON. He did not, and the Supreme Court has held that any law that attempts that is null and void. The qualifications must apply to everybody, irrespective of race, color, or previous condition of servitude. I will give the Senator the decisions of the Supreme Court if he will just content himself.

Mr. SHORTRIDGE. I happen to know what they are.

Mr. SWANSON. I will discuss them for my own pleasure, then, and not for the Senator's enlightenment.

Mr. SHORTRIDGE. The Senator from Virginia can not enlighten me on that subject.

Mr. SWANSON. No; I could not, and I am not trying to.

Mr. SHORTRIDGE. The Senator could not.

Mr. SWANSON. That would be a work of supererogation I should never attempt.

Mr. SHORTRIDGE. That would be a foolish attempt on the Senator's part.

Mr. SWANSON. I recognize that these men who stand on Mount Sinai do not need instruction. Very few people get to Mount Sinai, and I am not one of them.

Mr. SHORTRIDGE. No; but we observe the Ten Commandments.

Mr. SWANSON. Not everybody who speaks from Mount Sinai observes them. I have found that most of the people who, subsequent to Moses, have spoken from Mount Sinai violate them. That is my experience.

Mr. SIMMONS. Mr. President, does the Senator in his speech give the names of the States which have educational qualifications?

Mr. SWANSON. I do, later in my speech.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. BORAH. I think there is a background to the proposition, excluding education and property, that signifies a great deal. It does to me, at least. Six Northern States had just defeated negro suffrage in their respective States, and Indiana was one of them.

Mr. SWANSON. I will say to the Senator that there were but six States in the Union that conferred negro suffrage when the fifteenth amendment was adopted, and, as I understand, the State of Connecticut, which is ably represented in this body, rejected negro suffrage about the year before the fifteenth amendment was adopted.

Mr. SHORTRIDGE. Will my friend permit a kindly question?

Mr. SWANSON. I will.

Mr. SHORTRIDGE. Why, to-day, in the year of our Lord 1928, indulge in these ante-bellum arguments?

Mr. SWANSON. I am showing what the fifteenth amendment means. The people who are eternally attacking the South as violating it are mistaken.

Mr. SHORTRIDGE. Nobody is attacking the South.

Mr. SWANSON. The South was attacked the other day, as appears in the RECORD.

Mr. WATSON. I do not know of anyone who is taking a position opposite to that advanced by the Senator from Virginia as to the meaning of the fifteenth amendment. What I want is to have the Senator discuss the second section of the fourteenth amendment.

Mr. SWANSON. I will do that.

Mr. WATSON. Granting that a State may pass a property qualification or an educational qualification on the right of suffrage.

Mr. SWANSON. I will discuss that.

Mr. WATSON. If the Senator will discuss that——

Mr. SWANSON. I shall discuss it.

Mr. SHORTRIDGE. Mr. President, will the Senator, in the course of his discussion, explain why the people of a State can not elect their own Senator?

Mr. SWANSON. That has been discussed here by the Senate, and it is a work of supererogation to discuss it further. When a man appeals from the final judgment of a court of last resort he is engaged in folly, and I never engage in it.

Mr. SHORTRIDGE. A decision of the Senate is not res adjudicata.

Mr. SWANSON. It is in that matter, when it passes on it.

Mr. SHORTRIDGE. And the doctrine of stare decisis does not prevail.

Mr. SWANSON. Mr. President, Senator Morton prophesied that if the Conservative Party of the South should come into power, they would impose property and educational qualifications which would substantially eliminate the negro vote. When the Conservative Party of the South did obtain power they passed educational and property qualifications which accomplished the precise results foretold by Senator Morton and which it was not denied would represent an entire legitimate exercise of power. It was expected by some and hoped by others the amendment would serve to perpetuate conditions then existing in the South where there was negro suffrage and control. The reconstruction acts of Congress denied representation in Congress to each of the 11 Southern States until the State should by State constitution provide universal manhood suffrage.

These acts further provided that the military governors in these 11 States should prepare a list of all voters consisting of all negroes and other male citizens 21 years of age, except those who had participated in the secession. The military governors, in pursuance of these acts, prepared such lists of voters, which practically included all the negroes and disfranchised nearly all the whites. The voters on these lists were authorized to elect delegates to constitutional conventions to prepare constitutions to be ratified by these very voters. By this process in nearly all the States negroes and their unscrupulous white allies were put in control of local, municipal, and State governments. The constitutions prepared by the conventions thus called provided for universal suffrage with practical general disfranchisement of the white people who had participated in secession. Thus the fifteenth amendment was intended to continue the existing Republican control in the South. It was not believed that the Conservative or Democratic Party could ever come into power under the new State constitutions and hence with negro suffrage assured Republican control in the South would be prepetuated. The extreme radical wing of the Republican Party, to which Senator Morton and Senator Wilson belonged, was unable to secure a prohibition of education, property, and other qualifications because of the misgivings as to ratification. Many of the States outside of the South had at that time educational and property qualifications and it was believed enough States would reject the amendment to prevent its adoption and that for this reason the amendment must be confined to discrimination on account of race, color, or previous condition of servitude.

We will now examine the interpretation given the fifteenth amendment by the Supreme Court. In United States against Reece and others the Supreme Court says:

> The fifteenth amendment does not confer the right of suffrage upon anyone. It prevents the States or the United States, however, from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, etc., as it was on account of age, property, or education. Now it is not.

In United States against Cruickshank Chief Justice Waite said:

> From this it appears that the right of suffrage is not a necessary attribute of national citizenship; but that exemption from discrimination in the exercise of that right on account of race, etc., is. The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been.

The Supreme Court of Massachusetts in the case of Stone *v.* Smith (159 Mass. 413) held that the amendment to the constitution of the Commonwealth providing that—

> no person shall have the right to vote who shall not be able to read the constitution in the English language and write his name—

is valid and not contrary to the Federal Constitution. In the same case the court held as valid, and not in violation of the Federal Constitution, a statute of that State providing that registration of voters shall require certain applicants for registration—

> to read at least three lines other than the title from an official edition of the constitution in such manner as to show that he is neither prompted nor reciting from memory—

And also—

> to write his name in the register.

The Supreme Court of Massachusetts sustained that provision, holding that it is not invalid under the fifteenth amendment.

Mr. SHORTRIDGE. Does anybody question that proposition?

Mr. SWANSON. The Senator can content himself to hear this or go out, just as he prefers.

This case also held that suffrage was not one of "the privileges and immunities" conferred under the fourteenth amendment to the Constitution. It also declared the right of the States by a uniform and impartial rule of prohibition to deny the right to vote to such of its inhabitants as were not thought to possess the qualifications necessary for an intelligent and impartial exercise of the right.

Thus, Mr. President, the Supreme Court of Massachusetts has sustained the validity of the provisions in its constitution and also its statutes which are similar to those in the Southern States, which operates to disfranchise illiterates and those who will not pay taxes required as a prerequisite for voting. The decision concurs in the decisions of the Supreme Court of the United States that suffrage was not conferred on anyone by the fourteenth and fifteenth amendments, but that the determination of the right remains with the States, except the States are prohibited from passing any law affecting the voter which discriminates on account of race, color, or previous condition of servitude.

The Supreme Court of the United States in the case of Williams against Mississippi decided that section 244 of the constitution of Mississippi making ability to read any section of the constitution or understand it when read a necessary qualification to vote to be not in conflict with the Federal Constitution. The court further held that section 241 of the same constitution, prescribing as a necessary qualification to vote residence in the State for two years, one year in the precinct, and prepayment of all taxes legally due by him prior to the 1st day of February of the year he offers to vote, to be likewise valid.

This decision sustains the constitutionality of the provisions in the Mississippi constitution known as the "understanding clause." The decision is in accord with the decision just previously cited of the Supreme Court of Massachusetts. The "understanding clause," so-called in the Mississippi constitution which eliminates a large number of the negro voters of that State, has been sustained by the Supreme Court of the United States as valid under the Constitution of the United States, and there is no justification for anyone to criticize that constitution because it is effective in saving the State from being ruled and ruined by the ignorant and illiterate. Mississippi has been able to obtain for herself a government constructed and directed by her intelligent, patriotic, and capable citizenship in a perfectly legal and constitutional manner.

Mr. President, Chief Justice White at the October term, 1914, of the Supreme Court rendered in the case of Guinn *v.* U. S. (238 U. S. 347) a very important judgment on the fifteenth amendment, which I will now ask the Senate to consider. It refers to what was alluded to by the Senator from California. The decision in that case was upon the constitutionality of a section of the constitution of Oklahoma providing that no person shall be registered or vote unless he is able to read and write any section of the constitution of the State, and also provided that no person or lineal descendant of such person who was on January 1, 1866, or any time prior thereto, entitled to vote under any form of government or who resided in some foreign nation shall be denied the right to register on account of his inability to read or write any section of the constitution. The court held this provision null and void. It held that a literacy test was valid and not contrary to the fifteenth amendment when applied to all, and was no dicrimination on account of race, color, or previous condition of servitude, but when its clear purpose and practical effect was to so discriminate it was invalid and contrary to the fifteenth amendment. In discussing the fifteenth amendment the court said:

> (a) Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage, which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and national authority under the Constitution and the organization of both Governments rest would be without support, and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the possession of the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals.
>
> (b) But it is equally beyond the possibility of question that the amendment in express terms restricts the power of the United States or the States to abridge or deny the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude. The restriction is coincident with the power and prevents its exertion in disregard of the command of the amendment. But while this is true, it is true also that the amendment does not change, modify, or deprive the States of their full power as to suffrage except, of course, as to the subject with which the amendment deals and to the extent that obedience to its commands is necessary.
>
> With these principles before us, how can there be room for any serious dispute concerning the repugnancy of the standard based upon January 1, 1866 (a date which preceded the adoption of the fifteenth amendment), if the suffrage provision fixing that standard is susceptible of the significance which the Government attributes to it? Indeed, there seems no escape from the conclusion that to hold that there was even possibility for dispute on the subject would be to declare that the fifteenth amendment not only had not the self-executing power which it has been recognized to have from the beginning, but that its provisions were wholly inoperative because susceptible of being rendered inappli-

cable by mere forms of expression embodying no exercise of judgment and resting upon no discernible reason other than the purpose to disregard the prohibitions of the amendment by creating a standard of voting which on its face was in substance but a revitalization of conditions which when they prevailed in the past had been destroyed by the self-operative force of the amendment.

At the same term of the court, in Myers *v.* Anderson (238 U. S. 368), Chief Justice White delivered an opinion of the court nullifying the so-called grandfather or descendants clause contained in the statutes of Maryland fixing the qualification of voters for the city of Annapolis. Thus in both the Oklahoma case and the Maryland case the court declared the grandfather and descendants provisions invalid, and as they were interwoven inseparably with the other provisions of the law it declared the entire suffrage provision invalid and the previously existing election laws as continuing in operation. It was held the fifteenth amendment being self-executing nullified by its own force these enactments and restored the prior election laws.

At the October term, 1926, of the Supreme Court, Justice Holmes, speaking for the court, declared null and void that part in the Texas primary law which provided that "in no event shall a negro be eligible to participate in a Democratic Party primary election held in the State of Texas."

In this case, which was a suit to recover damages from the Democratic primary judges at El Paso for refusing to permit a negro to vote in the primary, the court said:

States may do a great deal of classifying that it is difficult to believe rational, but there are limits, and it is too clear for extended argument that color can not be made the basis of a statutory classification affecting the right set up in this case.

The Supreme Court at the October term, 1914, in the case of United States *v.* Mosley (238 U. S. 383), Justice Holmes delivering the opinion of the court, held that section 19 of the Criminal Code was constitutional and applies to acts of two or more election officers, who conspire to injure and oppress qualified voters of the district in the exercise of their rights to vote for Member of Congress by omitting the votes cast from the count and the return of the electoral board.

These four cases clearly establish that the right of suffrage is left to the States, and that they can impose qualifications and conditions requisite to its exercise, provided they do not discriminate on account of sex, race, color, or previous condition of servitude. These cases also establish the law to be that where a voter is illegally deprived of his right to vote he can recover damages from the election officers and that the officers guilty of thus depriving him of his right to vote are liable to prosecution under the existing statutes of the United States. Hence, there can be no complaint that all classes of voters have not ample protection afforded them by the courts and the Federal law. Under the decisions of the Supreme Court no necessity exists for further legislation. This conclusion is strengthened by the decision of the Supreme Court that the power of Congress to legislate under the fifteenth amendment is limited to preventing the States from denying or abridging the right to vote on account of race, color, or previous condition of servitude, and does not apply to individuals. And the courts extend to every voter the protection of all rights he has under the fifteenth amendment and all the rights and remedies that Congress has any authority to give him in carrying out the purposes of the amendment.

Mr. WATSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Indiana?

Mr. SWANSON. I yield.

Mr. WATSON. Speaking my own personal views, I do not think the fifteenth amendment is being violated. If there be any violation it is of the fourteenth amendment.

Mr. SWANSON. But let us continue to talk about the fifteenth amendment. However, I am glad the Senator has made that statement.

Mr. WATSON. I think the South has a perfect right to apply its educational qualifications and its property qualifications.

Mr. SWANSON. But the newspapers and public speakers are always referring to the fifteenth amendment as being violated.

Mr. WATSON. I do believe, if the Senator will allow me, that the second section should be enforced.

Mr. SWANSON. I am glad to get the Senator's concession that the South is completely exonerated from any violation of the fifteenth amendment.

Mr. WATSON. But I do not make the same concession as to the fourteenth amendment.

Mr. SWANSON. All right. I will get to that later; but I am glad there is one Senator who has nerve and courage enough to say that all this false clamor, all this abuse directed against the South's violation of the fifteenth amendment, is uncalled for, unreasonable, and that there is nothing in it.

Mr. President, in considering the fifteenth amendment and the power of Congress, it should be noted, as Watson, on the Constitution, says, quoting many authorities to sustain him:

The fifteenth amendment has reference only to acts of the United States and States and not to any action of private individuals.

Hence, it follows that no power is vested in Congress to legislate against individuals. The prohibition is confined to the United States and the States. States act through their officers, legislative, executive, and judicial.

Mr. President, let us summarize the conclusions that are inevitable from these decisions and the circumstances surrounding the adoption of the fifteenth amendment.

First. The States have unlimited power over suffrage and in fixing the qualifications of voters except so far as expressly prohibited by the fifteenth amendment.

Second. The fifteenth amendment confers no right of suffrage whatsoever on any voter but continues the former status, except that no State can pass a law denying or abridging the right to vote on account of race, color, or previous condition of servitude, this being the full extent of the change.

Third. Educational and property qualifications for voting, requirements of residence in State and locality for a limited time, and the prepayment of taxes prior to the time of the right to vote, if applied to all citizens irrespective of race, color, or previous condition of servitude, are not in contravention of the fifteenth amendment, but are valid even though their effect may be to eliminate a large percentage of a certain class of voters; and the power of States to fix such qualifications was understood by Congress and the States as valid when the amendment was adopted, and has been uniformly recognized as valid by the Federal and State courts.

Fourth. Provisions in State constitutions and election laws commonly known as grandfather or descendants clauses, creating the right to vote but fixing a time when the right accrues so that it is impossible that the negro could under any circumstances be made eligible for the right given others, are discriminatory on account of race and color, and are invalid; and such provisions, whether contained in State constitutions or statutes, as have not expired by limitation, are held by the Supreme Court to be null and void.

Fifth. The fifteenth amendment is self-executing and by its own force declares as null and void all acts of legislation that create discriminations in voting on account of race, color, or previous condition of servitude, and no protection is afforded officers who vouch such legislation as a defense. The courts will award damages to individuals thus deprived of their rights under the fifteenth amendment, and officers who seek to enforce the legislation that is null and void are liable in damages as well as subject to prosecution.

Sixth. There is no necessity whatsoever for any further legislation by Congress, since the courts already give all the protection and have all the authority to do so that is in any direction possible.

Mr. President, accordingly it seems to me that the complaints we so frequently hear that the South is violating the fifteenth amendment are without any foundation or justification whatever. If there is a single Southern State that has an election provision denying anyone of the right to vote on account of race, color, or previous condition of servitude, the provision is null and void, and hence any such discriminatory legislation has no effective existence. No act of Congress is necessary to make discriminatory provisions invalid, as things already invalid can not be made more invalid. Many negroes have been eliminated as voters, not by any violation of the fifteenth amendment but by the States imposing educational and property qualifications, the requirements of residence a certain length of time in State and locality, and the prepayment of capitation taxes as a prerequisite to voting, all of which have been sustained by the uniform decisions of State and Federal courts, have been recognized as legal and valid by all constitutional law writers, and which, I repeat, were considered permissible by the proponents of the fifteenth amendment and understood permissible by the States when it was ratified.

All of the clamor against the South about the nonenforcement of the fifteenth amendment is engendered either by ignorance or is inspired by the ulterior purpose to intimidate and threaten the South and embarrass her judgment and will upon other matters. The South has exercised her constitutional right to eliminate a class of ignorant, shiftless, and corrupt voters who for many years were in charge of her local, municipal, and State affairs, with the result of unspeakable impoverishment

and disgrace. And, Mr. President, I am sure I voice the sentiment and judgment of the patriotic men of the North, East, and West when I say that no right-minded person can desire a return of the wretched conditions which were incident to the days of reconstruction—the darkest period in all the history of America.

Exercising their clear legal and constitutional right, the Southern States have enacted suffrage laws which are necessary to obtain clean, economical, and capable governments. The South is resolved and determined that no part of that section shall ever become a Haiti or Santo Domingo and the dark, festering sores of reconstruction shall never reappear to afflict her. Suffrage laws, legal and constitutional, are and always will be invoked to save the happiest and fairest portion of this Nation from being again blighted by the rule of ignorance and corruption.

Mr. President, I have clearly proven, I think, that the fifteenth amendment can not be violated and that any attempt at its violation is constitutionally impossible.

Mr. BRUCE. Mr. President, does the Senator mean by "other matters" the prohibition law or the eighteenth amendment?

Mr. SWANSON. I do not know of anybody that objects——

Mr. BRUCE. Is it not a fact that the eighteenth amendment and the claim that it should be rigidly enforced is the inspiration of the speech which the Senator is making to-day?

Mr. SWANSON. Not at all; but to all people who say that we southern people are violating the fifteenth amendment I am making this speech. Many claim that we are violating the fifteenth amendment. I have heard enough of it. The Supreme Court has sustained every constitution we have there to-day that I know of, and I have not tried to inject any issue except the issue that the South is exercising its constitutional right under the fifteenth amendment of prescribing educational and property qualifications, which it has the right to do.

Mr. BRUCE. I trust the Senator before he completes his speech will nevertheless explain why it is that such a small percentage of the negroes of the South vote and why it is that so much larger percentage of the whites vote. I live in a State where there is no restriction of any kind imposed on negro suffrage, and the negroes vote quite as freely as the whites. I am curious to know why things should not work that way in those other Southern States where the Senator alleges that no discrimination whatever is operated by the law.

Mr. SWANSON. We can not have a discrimination under the fifteenth amendment on account of race, color, or previous condition of servitude. If there is any such discrimination it is null and void and invalid, and that has been frequently held by the Supreme Court. The Supreme Court has held that we have a right to impose qualifications for education, for property, and for length of residence. It is applied to whites and colored alike, and the State has exercised its right merely to do that, whether it prohibits negroes or whites or any others from voting.

Mr. BRUCE. Then the discrimination must be in the application of the constitutional and statutory provisions.

Mr. SWANSON. If the Senator knows of any violation under the fifteenth amendment, or of any officer making an improper application of our statutory provisions, I remind him that the Supreme Court has decided in repeated cases that such officer is liable for damages and liable to prosecution. If the Senator knows of any such case, and it ought to be corrected, why does he not have the party in interest make complaint, and have the party violating the law indicted and prosecuted?

Mr. BRUCE. The point I make is that if the Southern States have contrived by one means or another to escape the consequences of negro suffrage, it would seem to me that we who are opposed to the Volstead Act and the eighteenth amendment might be allowed to practice some degree of ingenuity, too, in escaping the trammels of the eighteenth amendment.

Mr. GLASS. Mr. President, may I ask the Senator from Maryland if he is among those who threaten the South with universal negro suffrage unless the South shall quietly sanction the violation of the eighteenth amendment to the Federal Constitution?

Mr. BRUCE. Why, of course, not. Looking at the matter in the light of historic charity, for that is what it comes to, I think the South was absolutely warranted in doing everything it did do to avert the first results of the fifteenth amendment.

Mr. GLASS. There is no historic charity about it. The South does what it does within the provisions of the Federal Constitution, and if the Senator from Maryland or anybody who coincides in his view of the matter can get his liquor within the limitations of the Federal Constitution, let him get it. [Laughter.]

Mr. BRUCE. That position is exactly opposed to the one that the Senator has heretofore taken, because only a short time ago——

Mr. GLASS. No; it is not at all. I am simply tired of Senators like the Senator from Maryland threatening the South with universal negro suffrage unless the South sanctions the violation and nullification of the eighteenth amendment to the Federal Constitution. I want to serve notice upon him that neither he nor any of his associates can constrain or restrain Virginia in her attitude upon that question by threatening Virginia with negro suffrage.

Mr. BRUCE. It is absolutely untrue that I have ever at any time made any such threat.

Mr. GLASS. The Senator upon the floor of the Senate time and time again has asserted that those people who are thirsty for their dram have as much right to nullify the eighteenth amendment to the Federal Constitution as the Southern States have to nullify the fifteenth amendment, and the RECORD will show that he has said that.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield further to the Senator from Maryland?

Mr. SWANSON. I yield.

Mr. BRUCE. I say that if the Southern States have the right, by the exercise of legal ingenuity, to nullify, practically speaking, the fifteenth and fourteenth amendments, we have the right by any lawful means in our power to extricate ourselves from the tyrannous oppression of the eighteenth amendment and the Volstead Act.

Mr. GLASS. Then why does not the Senator exercise the ingenuity to do it? [Laughter.]

Mr. BRUCE. We have sought to do that very thing. We have introduced bill after bill into Congress in an endeavor to amend the Volstead Act as well as to amend the eighteenth amendment, but so far without avail.

Mr. SWANSON. Mr. President, I must decline to yield further.

The PRESIDENT pro tempore. The Senator from Virginia declines to yield further.

Mr. HEFLIN. Mr. President, I suggest peace and harmony. [Laughter.]

Mr. BRUCE. The suggestion for peace comes from a very dubious source. [Laughter.]

Mr. BORAH. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Idaho?

Mr. SWANSON. I yield.

Mr. BORAH. I think an onlooker in Venice may have a word to say without being regarded as influenced by conditions which some people think obtain in the South. I think it is fair for those who say that the South has by legal ingenuity disfranchised the negro to point out where that legal ingenuity is. I have given a great deal of attention to this matter since those who are opposed to the eighteenth amendment have undertaken to suggest the nullification of the fifteenth amendment in the South to find out wherein the South by any dishonest practice or legal ingenuity which would not bear the stamp of morality does disfranchise the negro under the fifteenth amendment. I do not know wherein they have done so. I have gone through the laws of the Southern States, and I am unable to find that to be the case. I am now speaking of the fifteenth amendment.

Nobody objects to your getting liquor under the eighteenth amendment which can be obtained in accordance with the eighteenth amendment.

Mr. BRUCE. The Senator from Idaho does, because he has consistently opposed any modification of the Volstead Act limiting the use of intoxicating beverages.

Mr. SWANSON. Mr. President, I will not yield my time for a prohibition discussion. Such a discussion is not within the purview of my remarks.

Mr. BRUCE. Well, prohibition is the inspiration of the Senator's entire speech, and it seems to me it is very relevant.

Mr. BORAH. Mr. President, let me say just a word in conclusion. I should like to know wherein the South is violating the fifteenth amendment.

Mr. GLASS. The Senator will never find out, because it is not true.

Mr. BORAH. That is what I think.

Mr. SWANSON. I should like to know how the South could violate the fifteenth amendment. It could not violate it, because if it should pass a statute contrary to the fifteenth amendment, which is addressed to the States and to the United

States, the Supreme Court has decided that it would be null and void. The Supreme Court has decided that if anybody tried to execute a law which is null and void to the detriment of any individual, the individual affected may sue for damages and also have the officer attempting to execute it prosecuted. If the power existed to nullify, it is impossible to violate the fifteenth amendment, which is self-executing under the decisions of the Supreme Court.

Mr. BRUCE. The Senator, of course, is perfectly conscious of the facility with which a board of judges of election can pervert for racial or other purposes such a provision, as in force in the State of Mississippi, which withholds the suffrage from any person who can not read a constitutional provision and understand it.

Mr. SWANSON. If the Senator will permit me, a similar provision was in the Massachusetts law.

Mr. BRUCE. Yes.

Mr. SWANSON. Why do you strike at a provision of law in the Southern States and be silent as to a similar provision in a Northern State?

Mr. BRUCE. The whole background was different in Massachusetts. They had no such powerful compelling motive to pervert the application of the law. The white people of Mississippi believed that they were struggling for nothing less than civilization, for nothing less than self-preservation, and so that provision, of course, that no man should vote unless he could read a clause of the Constitution and understand it exquisitely served all the practical exigencies of the occasion.

Mr. SWANSON. But the Supreme Court has said that that law is valid.

Mr. GLASS. Mr. President, as a matter of fact, there is no such provision as the Senator from Maryland has cited in the constitution of the State of Mississippi.

Mr. BRUCE. Was there not a provision of the constitution in that State that a voter must be able to read? Was not such a provision in the Mississippi constitution, or was it in the constitution of some other Southern State?

Mr. GLASS. That is not what the Senator said. There is a provision in the Mississippi constitution which requires a voter to be able to read or write or in default of that literacy qualification to understand a clause of the constitution.

Mr. BRUCE. That is practically the same thing.

Mr. GLASS. Which is not a provision for disfranchisement but is a provision for enfranchisement.

Mr. BRUCE. How easy it would be to find that the white race had one measure of understanding and the black race another measure of understanding. Mind you, Mr. President, in spite of what the Senator from Virginia says, I will not be put in the position in any way of condemning what was done by the people of the South after the reconstruction period to protect their civilization, but I say that what is sauce for the goose is sauce for the gander.

Mr. GLASS. If the gander has not sense enough to take the sauce, whose fault is it? [Laughter.]

Mr. BRUCE. It is your fault and the fault of the other instrumentalities that have set up this system of prohibition tyranny.

Mr. SWANSON. Mr. President, I can not yield any further. My remarks were not intended to precipitate a wet and dry discussion.

The PRESIDENT pro tempore. The Senator from Virginia declines to yield further.

Mr. BORAH. Mr. President, will the Senator from Virginia permit me to make a brief statement?

Mr. SWANSON. Yes.

Mr. BORAH. I do not believe there is any law in Mississippi which violates the fifteenth amendment. If there is, I should like to ask the Senator to bring it to the Senate Chamber and read it.

Mr. BRUCE. Does the Senator believe that the law is never applied in such a way as to work practical disfranchisement of the negro? If he does, I say that he has a capacity for all-absorbing credulity that I had not been disposed to impute to him.

Mr. BORAH. Mr. President, the law as applied in Mississippi applies to the whites the same as it does to the blacks, and it will be found from the statistics that there are almost as many whites disfranchised as there are blacks. The fifteenth amendment does not preclude disfranchisement on an educational test, and the Supreme Court has held that it does not.

Mr. BRUCE. I am not talking about law in the abstract; I am talking about the administration of the law.

Mr. SWANSON. Mr. President, I can not yield further.

The PRESIDENT pro tempore. The Senator from Virginia declines to yield further and the Senator from Virginia will proceed.

Mr. SWANSON. Mr. President, I hope I have made it clear to the Senate that the fifteenth amendment is self-executing and does not apply to individuals, but applies to the States, and that any law of a State that violates the fifteenth amendment is null and void.

Mr. President, I purpose to discuss another phase of this question which is frequently presented and upon which threats are likewise based. There are those who insist that while there is and can be no violation of the fifteenth amendment in the South, nevertheless under the second section of the fourteenth amendment Congress should reduce the representation of the South in the House of Representatives and curtail the power of the South not only in the House but also in the Electoral College which elects a President. While there have been no serious efforts to do this, yet bills to accomplish it have been introduced in the House and the proposition has been included in the platforms of parties and made the subject of no little discussion.

Mr. President, I for one am tired of the universal attacks and threats made on the South. The South is living under the Constitution and proposes to live under it and to exercise its rights under it regardless of criticisms that may come from any source.

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment more? Has the Senator heard me make any threat against the South?

Mr. SWANSON. I have not alluded to the Senator.

Mr. BRUCE. I asked that question in view of what the Senator's colleague said. Has the Senator ever heard me make any threat against the South?

Mr. SWANSON. I have not.

Mr. BRUCE. Has the Senator ever heard me make an attack upon the South?

Mr. SWANSON. I have not. The Senator has made some speeches, but I do not know whether he ever talked about the South violating the fifteenth amendment or not. I can not say as to that.

Mr. BRUCE. No; I never have.

Mr. GLASS. Does the Senator from Maryland insist that he has never here in the Senate assailed the South for alleged violation of the fourteenth and fifteenth amendments?

Mr. BRUCE. I do not recall ever having done so. I have called attention to the fact, of course, that the fourteenth and fifteenth amendments are not fully in force in the South.

Mr. SWANSON. I deny that.

Mr. GLASS. So do I.

Mr. BRUCE. And in the existing state of public opinion they could not be fully enforced.

Mr. SWANSON. I deny that.

Mr. GLASS. I assert that the fifteenth amendment to the Constitution is enforced in the South and hangs about the South like a dead corpse and has done so for 60 years, and has compelled us in Virginia to disfranchise thousands upon thousands of white men along with the negroes.

Mr. BRUCE. Mr. President——

Mr. SWANSON. Mr. President, I can not yield further.

Mr. BRUCE. I ask the Senator to yield for just one more question, because the Senator knows that his colleague flies into such a state of demoniac fury whenever he enters into debate——

The PRESIDENT pro tempore. The Chair desires to be patient, but he must remind the Senator from Maryland that the Senator from Virginia has declined further to yield.

Mr. BRUCE. Will not the Senator permit one more question?

Mr. SWANSON. No.

The PRESIDENT pro tempore. The Senator from Virginia declines to yield.

Mr. SWANSON. Mr. President, I have yielded for interruptions that have already consumed at least a half an hour. I did not wish to have a prohibition debate injected into my speech, which was intended to have nothing to do with prohibition.

Mr. GLASS. Mr. President, I am not debating prohibition; I am resenting the assertion that Virginia violates the fifteenth amendment to the Constitution.

The PRESIDENT pro tempore. The Senator from Virginia declines to yield even to his colleague.

Mr. GLASS. I say that such an assertion is not true.

Mr. SWANSON. I say Virginia does not violate the fifteenth amendment, and I go further and say that it can not violate it.

Mr. GLASS. Of course, it can not.

Mr. SWANSON. Anybody who will read the fifteenth amendment and the decisions of the Supreme Court will realize that that court has decided the fifteenth amendment applies to the States and to the United States, and not to individuals, and that no State can pass a law discriminating on account of race, color, or previous condition of servitude. Any law which attempts to do that is null and void, and when a law is null

and void it can not be made any more null and void. That was decided in the Oklahoma case and other cases, and it has been held that any officer who tries to enforce an invalid law is liable to damages to the individual who has been deprived of his right to vote and liable to prosecution under the nineteenth section, as I recall of the election law. In view of that situation there can not be any violation of the fifteenth amendment in the South attempted or enforced, and all the talk that the southern people are violating the law, that we are a parcel of lawbreakers and violating our oath to the Constitution is not true, but is a travesty on the truth.

Now, Mr. President, I want to discuss the second section of the fourteenth amendment, with regard to depriving the South of representation.

Mr. BRUCE. Mr. President, will the Senator let me ask just one brief question?

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Maryland?

Mr. SWANSON. Yes.

Mr. BRUCE. I should really like to hear the Senator explain why it is that, notwithstanding what he says, such a very small percentage of negroes vote in the South. In the State in which I live they vote quite as freely as do the whites. Why is it that just as soon as you cross the Potomac River you find that they no longer vote so freely as the whites?

Mr. SWANSON. Does the Senator want them to vote?

Mr. BRUCE. That is beside the question. In the State of Maryland it is our policy to let them vote as freely as the whites.

Mr. SWANSON. There is no property qualification in the State of Maryland, is there?

Mr. BRUCE. No.

Mr. SWANSON. And no educational qualification?

Mr. BRUCE. No. We have universal suffrage.

Mr. SWANSON. Maryland has not exercised its right under the fifteenth amendment, but Virginia has.

Mr. BRUCE. We try to educate the negro up to the duties of citizenship and then let him vote.

Mr. SWANSON. Mr. President, I can not yield any further. They may have universal suffrage in Maryland, which they have a right to have, but in the Southern States we have educational and property qualifications on account of certain conditions there. However, they do not apply entirely to the colored people, for if that were the case the law would be null and void under the decisions of the Supreme Court. But to get rid of conditions of ignorance and illiteracy and not to go back to the horrible days of reconstruction, to prevent the South from being a Haiti or a San Domingo—and when we prevent such a thing as that happening we ought to receive encouragement and not criticism—we have merely imposed educational and property qualifications as the Constitution permits us to do, and which it was understood when the amendment was adopted that we would have a right to do. When an effort was made to amend it to prohibit us from doing what we have done, both the House and the Senate refused to enact such an amendment. That is the reason for the conditions which prevail. The Southern States have had a perfect right to do as they have done under the Constitution, and they have been sustained by the Supreme Court; and the State courts of Massachusetts, which State enacted a similar law, have sustained such right on the part of the State of Massachusetts.

Now, Mr. President, what is the next threat that is made against us? It is under the second section of the fourteenth amendment. Let us fairly examine the fourteenth amendment and the second section of it to see whether the people—let us fairly and without prejudice, with a free and open mind, examine the second section of the fourteenth amendment and see if it confers on Congress any such authority as is suggested. That section is:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature therein, is denied to any of the male inhabitants—

Note the words "male inhabitants"—

> of such State, being 21 years of age and citizens of the United States—

Note that—

> of such State, being 21 years of age and citizens of the United States, or in any way abridged except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

The section repeals that portion of section 2, Article I, of the Constitution which provided for the apportionment of Representatives in the House. The Constitutional Convention, when it met had much difficulty in fixing the basis of representation in the House of Representatives. Should it be based on the number of qualified voters or on the entire population? That was the question.

If based on population, what people should be included? That was another question. The States had great differences among themselves about the qualification of voters. The States were not willing to conform to a single uniform standard of qualification and were unwilling to surrender to the Federal Government the power to fix the qualification of voters. Such a surrender would have involved a centralization of power in the Federal Government destructive of the authority of States. Hardly a vestige of State rights would have been left. Therefore the Constitutional Convention rejected any proposal to establish representation in the House of Representatives on the basis of qualified voters and decided to accept population as the basis.

Article I of the Constitution provided for representation and direct taxes to be apportioned among the several States according to their respective numbers, to be determined by adding to the whole number of free persons, including those bound to service for a term of years, and, excluding Indians not taxed, three-fifths of all other persons. The expression "three-fifths of all other persons" was intended to include the slaves. By this compromise the North and South were each given full representation for their white population, and the South was given three-fifths representation for its negro slaves. The idea prevailed in the Constitutional Convention that representation and taxation should be in accord. Thus the negro slaves of the South were counted three-fifths for taxation and three-fifths for representation. It was contended by some that the slaves should not be taken into account in fixing representation in Congress. The South replied that if slaves were excluded for representation they should also be excluded for the purpose of taxation, as the Revolutionary War had been waged in support of the great principle that there should be no taxation without representation. Thus the compromise was effected, the negro slaves of the South being estimated at three-fifths both for taxation and representation.

The question of the qualification of voters was left absolutely and entirely to the respective States. In other words, representation in Congress was definitely fixed and the qualification of voters was left to the States. This continued until the Federal Congress enacted its reconstruction legislation providing the conditions upon which the 11 seceding States should be permitted again to have representation in Congress. To make effective the reconstruction policy the thirteenth, fourteenth, and fifteenth amendments to the Constitution were adopted. All the thirteenth amendment did was to free all negroes who were held in slavery and it went no further. Suffrage, when this amendment was adopted, had not been conferred on the negro. There were only six States in the Union where negro suffrage existed at that time. It would have been impossible to secure ratification of the amendment had it included negro suffrage. The judgment of the country was decidedly against any such plan.

Mr. Lincoln, in the address made a few days before his assassination, suggested that suffrage might be conferred upon those negroes who had served in the Federal Army and others who were sufficiently intelligent and educated. That was the limit of his suggestion in connection with the enfranchisement of the negro.

After the adoption of the thirteenth amendment Congress sought to settle the new status of the negro, who had been freed, by having the fourteenth amendment adopted. The first section conferred citizenship upon the negro; enabled him to contract, sue and be sued, hold and acquire property, and have all the rights and immunities of a citizen of the United States. The Supreme Court has repeatedly decided that the right of suffrage is not "one of the privileges or immunities of citizens of the United States conferred by the fourteenth amendment." It has repeatedly decided that the negro obtained no suffrage right by the fourteenth amendment, but that suffrage, under the fourteenth amendment, was to remain under the jurisdiction of the States.

I wish to confine my remarks to the second section of the fourteenth amendment, and especially that portion upon which is grounded the contention that Congress has authority to reduce southern representation in the House of Representatives. Mr. President, we should examine this amendment and ascertain what its purposes were, and what were the objects sought to be accomplished, this being in accordance with the general

rule of construction of constitutional or statutory provisions which are assumed to have had definite objects in mind and definite evils which should be remedied.

Justice Miller, in interpreting the fourteenth and fifteenth amendments in the Slaughterhouse cases, said:

> But what we do say, and what we wish to be understood, is that in any fair and just construction of any section or phrase of these amendments it is necessary to look to the purpose which we have said was the pervading spirit of them, the evil which they were designed to remedy, and the process of continued addition to the Constitution, until that purpose was supposed to be accomplished as far as constitutional law can accomplish it.

It is to be noted that this expression of the learned justice is contained in an opinion defining how the fourteenth and fifteenth amendments should be considered and construed. Enormous weight attaches to the view of a judge who could have had no disinclination to extend the provisions of the fourteenth and fifteenth amendments as far as possible in order to give full protection to the negro and carry out as far as he properly could do so the purpose and plan of a Government which was in the hands of the party to which he belonged.

First. What were the purposes sought to be accomplished by section 2 of the fourteenth amendment? Mr. Thaddeus Stevens, who was Republican leader in the House of Representatives when it was submitted, and who was more responsible than any one else for the fourteenth amendment, introduced a resolution proposing to amend Article I of the Constitution, providing for representation in the House of Representatives, so as to provide that representation should be apportioned among the several States according to the qualified voters in the respective States.

This proposition was favored by Senator Sherman, of Ohio, and nearly all the Senators of the West and Middle West. If representation among the States should be apportioned on the basis of qualified voters, the West would have had its representation greatly increased, and the East and New England would have their representation greatly decreased. There were 2,000,000 aliens in New England and the East who could not vote and yet were a part of the population, and were included under the then existing law in fixing the basis of representation. If Mr. Stevens's proposal for basing representation on qualified voters should prevail, these aliens would be excluded from the reckonings and the representation of New England and the East would be reduced. In addition a great many male persons had left New England and the East and gone West, thus making the proportion of qualified voters in the West much larger in proportion to population than in the East and New England. As New England and the East had an excess over the West of aliens, women and children representation based on voting and not on population would have been a great deprivation to them and a corresponding advantage to the West.

The opposition of the East and New England was led by Mr. Blaine, of Maine. In discussing the Stevens proposal Mr. Blaine said:

> Basing representation on voters—unless Congress should be empowered to define their qualifications—would tend to cheapen suffrage everywhere. There would be an unseemly scramble in all the States during each decade to increase by every means the number of voters, and all conservative restrictions, such as the requirement of reading and writing now enforced in some of the States, would be stricken down in a rash and reckless effort to procure an enlarged representation in the national councils. Foreigners would be invited to vote on a mere preliminary "declaration of intention," and the ballot, which can not be too sacredly guarded, and which is the great and inestimable privilege of the American citizen, would be demoralized and disgraced everywhere.
>
> And the worst feature of all is that there is no need whatever of precipitating the evils I have referred to. The great end of depriving the South of representation which is based on the colored population until that population is enfranchised can be very readily secured without accompanying it with these offensive inequalities of representation among the loyal States. The Constitution may be amended so as to prevent the one evil without involving others of greater magnitude, and I venture to express the belief that the proposition submitted by me this morning, and on my motion referred to the Committee on Reconstruction, will, if adopted, secure the desired result.

Mr. President, this speech of Mr. Blaine, the leader of the Republican Party, twice its nominee for President, declares what? First, that he considered it would be a greater evil for the Federal Government to create unlimited manhood suffrage and base representation upon it than it would be to deprive the negroes of the right to vote. Second, that he did not believe suffrage should be cheapened and the right of citizenship conferred upon people destitute of the qualifications to exercise this great privilege. Third, that he would propose an amendment which would not affect the qualification requirements of suffrage in other States but would compel the South to enfranchise the negro or submit to a reduced representation in Congress.

Mr. Blaine's resolution, offered as a substitute for the Stevens resolution, was as follows:

> Representatives shall be apportioned among the several States which may be included in this Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed: *Provided*, That whenever the elective franchise shall be denied or abridged in any State on account of race or color all persons therein of such race or color shall be excluded from the basis of representation.

Mr. Stevens accepted the substitution and it passed the House and went to the Senate, so it is perfectly apparent that the effort made in the House to base representation on the number of qualified voters in each State was overwhelmingly defeated, and the House decided it would adhere to the plan then existing of basing it upon population with the reduction provision contained in the Blaine substitute. The House unhesitatingly rejected the proposition now urged by some that representation should be based upon the number of votes cast in the elections or the number of qualified voters in each State. The sentiment which influenced its defeat was irresistible.

When the Blaine resolution reached the Senate it provoked much discussion and much difference of opinion among the Republicans. On the 9th of March, 1866, by a record vote of 25 to 22, it was brought to a vote and failed to receive the necessary two-thirds. Sumner and other extreme radicals opposed it because, as they argued, it in terms recognized the right of a State to discriminate against voters on account of race or color and limited the reduction to this discrimination, and that instead of enfranchising the negro voter in the Southern States it would result in his disfranchisement, although reducing representation.

The speeches of Blaine, Stevens, Sumner, Henderson, Conkling, and others clearly disclose the purpose it had in mind in the second section of the fourteenth amendment. The purpose was evident—either to force the South to enfranchise the negro or submit to a reduction of its representation or power in the House. Any course taken by the South, it was contended, would be beneficial to the Republican Party. Should it enfranchise the negro the Republican Party would control the 11 Southern States and thus enhance its chances of continuing in power. Should the negro not be enfranchised, southern representation would be reduced and Republican power in Congress and in the national elections would be greatly enhanced.

Senator Henderson, of Missouri, a stanch radical Republican, bitterly antagonized the Blaine resolution and offered instead a provision, which was practically the fifteenth amendment, abolishing all discrimination by the Federal Government or States on account of race, color, or previous condition of servitude. He insisted that the end sought for could be better and more effectively attained by striking out the provision for reduced representation and prohibiting discrimination on account of race, color, or previous condition of servitude.

That was the amendment that he thought would settle the suffrage question in the South.

Mr. Henderson, in the course of his remarks, said:

> It is the proper amendment. I am aware that the Senate will vote it down. Let them vote it down. It will not be five years before this body will vote for it. You can not get along without it.

Mr. President, in less than two years his prophecy was fulfilled and the fifteenth amendment was submitted and ratified by the States. Thus, the fifteenth amendment, which Senator Henderson offered as a settlement of the negro question when the fourteenth amendment was pending, became a settlement of the negro question, and through its adoption that portion of the second section of the fourteenth amendment permitting reduction of representation was repealed and is not now operative, because a new solution was made two years afterwards, when the fifteenth amendment was passed. The Congress and the country had decided by adopting the fifteenth amendment to make a different settlement. Mr. Henderson, in discussing his proposal relative to the elective franchise which afterwards became the fifteenth amendment, said:

> I do not ask that they shall grant it to every uneducated negro. I would not do it. I would as soon think of giving treasure to the idiot. But if the negro is educated, if he discharges his duties as a citizen, if he is qualified for the suffrage, why not give it to him upon an equality with others?

Thus, the author of the fifteenth amendment realized the right and necessity of fixing educational and other qualifications in order to prevent evils which would arise from universal negro suffrage. The author of the fifteenth amendment himself approved the educational qualifications contained in the constitutions and election laws of the Southern States. It comes with poor grace for others to complain of a violation of the fifteenth amendment when the author of this amendment pointed out at the time the necessity for educational qualifications in order to prevent the gravest evils which would arise from unlimited negro suffrage.

As previously stated, the radical Republicans, led by Senator Sumner, objected to the manner in which the fourteenth amendment was proposed as it came from the House with the Blaine substitute. Objections arose because it especially conferred upon the South the right to disfranchise voters on account of race and color with reduced representation. They urged that this would be very prejudicial to the Republican Party in some States, and that the provision would make ratification difficult, and for these reasons the House resolution for the amendment was defeated.

After this reverse and some delay a measure was agreed upon by the Republican leaders and introduced in the House by Mr. Stevens, which passed the House and came to the Senate. In the Senate debate developed further differences of opinion among the Republicans and favorable action appeared doubtful. Facing the prospect of final defeat, the Republicans in the Senate caucused during several days, and as a result of protracted effort approved a resolution, the fourteenth amendment, which passed the Senate by a party vote and upon receiving the concurrence of the House, the amendment was submitted and ratified. This is the history of the fourteenth amendment as it now stands in the Constitution.

Mr. President, it can not be overlooked that the amendment was adroitly framed in order to get rid of objections urged by certain radical Senators. It was designed to and did accomplish the same purpose as the proposal for which it was substituted. It discarded the language expressly permitting disfranchisement on account of race and color which had been opposed by enough Senators to prevent its acceptance, and used language which would still permit this discrimination with the penalty of reduced representation if the negro should be disfranchised.

This substitute was in effect the same as the other resolution, would accomplish the same results, but was stripped of the verbiage which had proved an insurmountable obstacle. The amendment, it can not be too frequently stated, was intended to deal with the conditions and in the same manner as the proposal which it displaced.

Under the amendment as it passed, if the negro should be enfranchised representation would be increased, and if disfranchised representation would be decreased. Under the amendment, inasmuch as the fifteenth amendment had not then been adopted, the Southern States possessed the right to discriminate on account of race and color. It only differed from the Blaine resolution in not expressly giving the right to discriminate on account of race and color, and did not confine the reduction in representation to such discrimination alone. It operated, and was deliberately meant to operate exactly as the Blaine measure, though there was an adroit change in language. Discussions in the State legislatures and in the press at the time serve to make incontestable the view that has just been stated—namely, that the South was afforded the alternative of enfranchising the negro or of disfranchising him and bearing the penalty which would attach.

The contention was that if the amendment should be ratified there would be no reduction in representation except in Southern States where there was a large number of negro voters. Mr. Conkling, one of the leaders of the Republican Party, replying to criticism, said:

> The amendment we are pressing is not for Greece or Rome, or anywhere where any besides Africans were held as slaves.

This great Republican leader was clear and frank in admitting that the amendment was to apply only where negro slaves and not other voters were disfranchised; that it was to be operative in the South alone; that it was designed to dispose of the problem of negro suffrage.

Mr. Thad Stevens, speaking in the House, was equally clear and frank. Referring to the South, he said:

> If they do not enfranchise the freedman, it will give to the rebel States but 37 Representatives. Thus shorn of their power they would soon become restive. Southern pride would not long brook a hopeless minority. True, it will take two, three, possibly five years before they conquer their prejudices sufficiently to allow their late slaves to become their equals at the polls. That short delay would not be injurious. In the meantime the freedmen would become more enlightened and more fit to discharge the high duties of their new condition. In that time the loyal Congress could mature their laws and so amend the Constitution as to secure the rights of every human being and render disunion impossible.

This Republican leader, more responsible than anyone for what was done, was unequivocal in declaring that the purpose was to force the South either to give the negro suffrage or have its representation severely cut, and that the solution was only temporary and would be followed by another amendment, which would finally dispose of the entire problem.

Of course, what he had in mind was the fifteenth amendment, which was submitted and ratified a few years later. Mr. President, let me say once more that the party responsible for the fourteenth amendment took the position when he projected it that the provision of the second section looking to reduction of representation was only intended to apply to the South in case it should refuse to enfranchise the negro, which under the amendment it had a right to do, and that it was only a temporary experiment to be followed by a more permanent device.

Mr. President, by the adoption of the fifteenth amendment the right to disfranchise voters given in the second section of the fourteenth amendment on account of race or color was prohibited to the States was repealed, and the South was deprived of the alternative furnished by the second section of the fourteenth amendment. Can there be any question that the solution of the problem effected by the second section of the fourteenth amendment was discarded and another solution found by the fifteenth amendment; and that accordingly, in substance and in effect, the provision relative to suffrage in the earlier amendment was repealed by the later amendment? The answer to this question, the answer which is in line with the view I am now presenting, is found in all of the contemporaneous proceedings that attended this matter, in the surrounding circumstances, and in the well-considered opinions of the most thoughtful students and writers who have given it definite attention.

In the Slaughterhouse cases, previously mentioned, Justice Miller in delivering the opinion of the court interpreting the two amendments stated that it is necessary to look to the purposes sought to be accomplished, the evils designed to be remedied, and the process of continued addition to the Constitution until the purposes could be accomplished and the evils remedied as far as possible.

Mr. President, the fifteenth amendment destroyed most valuable power possessed by the States, making impossible the solution of the problem as contemplated by that section. It absolutely changed the political conditions created by that section and made a new and entirely different settlement of the problem of negro suffrage. The irresistible conclusion is reached that the fifteenth amendment repealed the penalizing provision of the fourteenth amendment for reduced representation in the House. There is no principle more fully established than that where rights are withdrawn to the exercise of which penalties are attached that the penalties disappear with the withdrawal of the rights. When the fifteenth amendment destroyed vital rights theretofore enjoyed by the States the attaching penalty disappeared.

Mr. President, it is true that the question at issue can never be determined by the courts, as the authority to fix representation in the House is vested in Congress, and that Congress alone has authority to determine the question. I am satisfied, however, that Congress will never place upon section 2 of the fourteenth amendment the narrow and ridiculous interpretation for which some contend. The penalty clause of the fourteenth amendment is as follows:

> But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of male citizens shall bear to the whole number of male citizens 21 years of age in such State.

What would be the result if this provision should be enforced by Congress so as to reduce representation in the House? The basis of representation is fixed on the number of inhabitants in each State. The proportion of representation is not fixed on the basis of qualified voters. This idea was emphatically rejected in both the House and Senate. Representation is given to every person enumerated by the Federal census as living in the State. The penalizing clause provides that reduced repre-

sentation shall only accrue where the male inhabitant of a State, and who is a citizen of the United States, is denied his right to vote, or that right is abridged. Let it be observed that all aliens who live in large numbers in certain sections of our country are a part of the basis of representation, and not laid aside bceause they can not vote. Representation is given to all anarchists, communists, Chinese, and Japanese who live in any State, and the fact that they can not vote is not a factor for reduced representation. The curtailment of representation only comes when a citizen of the United States has his right to vote denied or abridged. Thus, we have the anomaly, if this section is to be literally interpreted and enforced, that the foreigner and alien will be preferred over American citizens. I repeat, the foreigner and alien is given full representation, although he does not vote, yet an American citizen can not be estimated in giving representation to his State unless he is a qualified voter.

It would be a gross injustice to permit States to have representation in the House on account of those who are not citizens of the United States and do not vote, and refuse representation to the citizens of the United States because they do not possess the educational and other qualifications required by the local laws. Is the alien anarchist to be rated above the native American? Are our immigration laws to be made a subject of ridicule and derision by allowing the foreigner to be a source of political power and the citizen rendered powerless? Are foreigners a better source from which political power can be derived than American citizens? Can such a situation be regarded as possible in such a Republic as this?

Is it not plain that American citizens can be maintained on an equality with aliens in obtaining representation in the House only by taking the position that the fifteenth amendment repeals section 2 of the fourteenth amendment? The conclusion to which we are compelled is that representation must be based on population only save and except that there can be no discrimination on account of race or color. Mr. President, if this conclusion is not accepted and the penalty section of the fourteenth amendment is held to be still operative, what will be the situation in the United States regarding representation in the House? Why, representation would be reduced in any State, in any section of the Union, in the proportion that the right of any male citizen to vote is denied or in any way abridged. Is an educational qualification an abridgment of the right to vote? At the time the fourteenth and fifteenth amendments were adopted Massachusetts and many other States had educational qualifications. Is it reasonable to suppose that if these states had understood that the word "abridged" would include educational qualifications they would have been persuaded to favor the amendment? I ask anyone who has the hardihood to so answer this inquiry in the affirmative.

Mr. President, not Massachusetts alone, but more than one-third of the States to-day have educational qualifications, and if an educational qualification such as exists in the Southern States is an abridgment of the right to vote under the second section of the fourteenth amendment, the representation in all these States would also have to be proportionately reduced. But is it conceivable that America will consent to reduce the representation in such States and adhere to the policy that in the proportion that a section is illiterate its representation shall be increased and its political power enhanced? It is fundamental that the success and endurance of a republic is founded on the extent of the intelligence and patriotism of its voters.

A republic can not survive where political power is based on ignorance and not intelligence. No policy can be successful that gives a premium for ignorance and incompetency and imposes a disability on education and intelligence. Never before in the history of America has there been greater necessity for intelligence and education in directing our public affairs. The vast extent of our country, the many perplexing and important problems, foreign and domestic, demand more now than ever before an intelligent electorate, and yet there are those who in the passion of partisanship and prejudice would abandon this conception.

Mr. President, if the second section of the fourteenth amendment is to be literally construed and enforced there will be brought about a most astonishing condition. Any State which denies the right to vote to any male inhabitant 21 years of age and a citizen of the United States, except for participating in a rebellion and other crimes, will be liable to the penalty prescribed. Such a construction would prevent a State from denying the right of suffrage to idiots or insane persons without being subject to reduced representation. If it is to be literally construed, it would condemn any regulation requiring registration or the prepayment of a poll tax as a prerequisite for voting. It would prohibit the requirements in nearly all the electoral laws of the States that a person should reside in a State so many years and in a local community so long before he could vote. If it is to be literally construed, a citizen of the United States is entitled to vote in a State the moment he arrives, and if this right is in any way restricted by registration or requirements of residence it is an abridgment and the penalty prescribed in this section would have to be enforced against the State.

The section reads the right to vote "in any way abridged," and these qualifications, if this section is to be literally construed, amount to an abridgment, and hence would invoke the penalizing provision. If the section is to be literally construed and enforced, the voting by the Australian ballot is an abridgment and would become a reason for reduced representation. If the section is to be literally construed and enforced, the only States that could have full representation for all the inhabitants living there would be a State without qualifications for voting except that the person should be 21 years of age and a citizen and free from participation in rebellion and other crimes. This would create such a chaos of corruption and irresponsible voting as to result in the practical destruction of the ballot. Compliance with a rigid interpretation of this section would make elections impossible without the existence of unrestrained frauds and corruption. The elections would be so tainted with fraud that all respect for them would be obliterated.

But it is contended by some that while the amendment is impossible of literal enforcement, it would not exclude reasonable regulations with regards to suffrage. But who is to determine what regulations and restrictions are reasonable and which are not? The amendment says "in any way abridged," which, if taken literally, means universal suffrage to all persons over 21 years of age unrestrained and unabridged in any respect. There is no State in the Union that could measure up to this standard, and it would be impossible to ascertain the extent, if this section is to be strictly construed, of the reductions that would be made. It is impossible of enforcement, and being impossible of enforcement, even if not repealed by the fifteenth amendment, it becomes inoperative and Congress finds itself powerless in the matter.

Mr. President, either the word "abridged" must have such interpretation or else it must mean it does not apply to qualifications and requirements which are within the power of the voter ultimately to meet. His right to vote is not denied or abridged, only delayed until he can acquire the qualifications considered wise and necessary for exercising the right of suffrage.

Mr. President, the passage of the nineteenth amendment furnished additional proof that Congress considered that the fifteenth amendment repealed the second section of the fourteenth amendment. The nineteenth amendment provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

The fourteenth amendment provides for the reduction of representation where voting is denied or abridged to "any of the male inhabitants of such State." Thus, if the penalizing section of the fourteenth amendment is still operative, the reduction of representation occurs only when a male citizen has his right to vote denied or abridged. It does not apply to female citizens who have their right to vote denied or abridged. So if the penalty section of the fourteenth amendment is still operative along with the nineteenth amendment, we have the further anomaly that all men and all women in a like condition shall vote, but when the penalizing section becomes operative the reduction shall only affect the male citizens whose right to vote is denied or abridged and not the female citizen. As we are considering a penalizing section and not a suffrage-conferring section it would seem that the word "male" would continue in the fourteenth amendment and would not be eliminated by the text of the nineteenth amendment. Is it to be believed that if Congress and the States had not considered that the penalizing section of the fourteenth amendment was repealed by the fifteenth amendment that they would have permitted this anomaly to exist, or the doubt regarding it, and would not have made the nineteenth amendment either correct this or clear the doubt?

Mr. President, it seems to me the only conclusion that can be reached, considering all the circumstances surrounding the enactment of the fourteenth amendment and the fifteenth amendment, is that the fifteenth amendment repealed the penalizing section and that the negro voters have been fully and amply protected by the fifteenth amendment. Representation is now based, as it has always been based since the foundation

of our country, upon the population and not the voting. The suffrage is still with the States unrestrained and uncontrolled by the Federal Government, except that the States can not make any discrimination on account of race, color, or previous condition of servitude, or sex. With these exceptions the State has full power of suffrage. When a State undertakes to violate any constitutional amendment the Supreme Court of the United States will interfere and declare these statutes null and void and give ample protection to those who are injured by efforts to enforce nugatory laws. The Southern States stand on equality in this respect with all other States and will not be intimidated by threats nor deterred by criticism from pursuing the course deemed by them best for the industrial development and the political salvation of their section.

We appreciate that the difficult problem confronting us must be settled justly and fairly, and for the higher good of all concerned. We realize we can not settle it in prejudice, malice, or ill will without the results being prejudicial alike to us and the others involved. We recognize the necessity for dealing fairly and justly with all classes and races in our section. We have enacted laws providing for qualifications and requirements for voting which we deem necessary to protect ourselves from a class of voters whose introduction into politics has been most ruinous, not only to ourselves but to themselves and the entire country. We have gone no further than was necessary to protect the South from having a repetition of the infamies, social and political, which cursed our section in the dark and dismal days of reconstruction. Our suffrage provisions are similar to those contained in many other States which are enforced and declared legal and constitutional. We believe these enactments are legal and constitutional, and if they are not, they will be invalidated by the Supreme Court of the United States, and there is no necessity for continued agitation of this question and the repeated efforts to discourage and humiliate the South.

Mr. President, the South is back in this Union on an equality with each of the 48 States. It is possessed of equal rights and equal responsibilities. It will fearlessly assert its rights and will patriotically discharge its responsibilities. The South rejoices that in every field of national endeavor her sons have toiled and sacrificed so successfully, so bravely, that many are numbered among America's immortals. No section of this country loves the Union better or is willing to make greater sacrifices for it than the people of the South. They are proud of their fathers, the work of whose masterful hands is seen in all parts of our magnificent national superstructure.

Mr. President, I believe the narrow, partisan talk indulged in by some to arouse prejudice against the South now falls on deaf and unsympathetic ears. The partition wall between the North and the South, which once existed, has been battered down by the patriotic heart throbs of more than 120,000,000 people who are now one, loving one flag and one country. The flag once rent now floats without a seam.

Mr. President, why seek unjustly and illegally to lessen southern power? The hour may come in time of storm and stress when one of the best defenders of our great national interest will be the conservative and patriotic forces of the South. Sirs, made brave by burdens borne and overcome; made patient by long suffering; chastened by great misfortune; made self-reliant by conquering difficulties and distress as great as ever afflicted a poeple; cherishing to a passion the high ideals inherited from her matchless Washington and her majestic Lee; thrilled by the possibilities of an industrial development and wealth almost unspeakable created by her own skill and effort, the South presents a combination of strength and of sentiment destined to make her once again a wise leader of national thought and national achievement.

During the delivery of Mr. SWANSON's speech,

The PRESIDING OFFICER (Mr. STEIWER in the chair). The Senator from Virginia will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

After the conclusion of Mr. SWANSON's speech,

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. The Senator from Maryland.

Mr. HEFLIN. Mr. President——

Mr. BRUCE. I understand the Presiding Officer has recognized me.

Mr. HEFLIN. Under previous notice on last Friday that I would address the Senate immediately following the Senator from Virginia [Mr. SWANSON]——

Mr. BRUCE. There was nothing obligatory about that.

Mr. HEFLIN. I just sent word up to the Chair a little while ago that that arrangement had been made, and that I wanted him to recognize me, and I understood the Chair stated that he would do so; so I rose——

The PRESIDING OFFICER. The Chair recognized the Senator from Maryland.

Mr. BRUCE. I will say to the Senator from Alabama that I intend to speak very briefly; otherwise I would not speak at all under the circumstances.

Mr. HEFLIN. About how long does the Senator from Maryland intend to speak?

Mr. BRUCE. Such a question is always a little drastic——

Mr. HEFLIN. Mr. President, I submit to the Senator from Maryland——

Mr. BRUCE. I believe I have the floor.

Mr. HEFLIN. That he ought to let me have the floor, because it has been arranged, and I hope that the Senator will not insist on getting in here now and preventing me from speaking. I have had no lunch; I have given notice that I would speak at this time; and I trust the Senator from Maryland will not insist on proceeding.

Mr. BRUCE. I am very sorry, but some remarks of a highly personal nature have been made with reference to me in connection with the colloquy that has just taken place. Under other circumstances, I should be glad to yield to the Senator from Alabama. I do not expect to speak except briefly, but under the circumstances I must insist upon my rights.

Mr. HEFLIN. Mr. President, I want to state that I do not think the Senator has any right to speak in view of the understanding that I had with the Senate and with the Chair.

Mr. BRUCE. That matter has been decided. I knew nothing of that understanding. There is nothing obligatory in the announcement of a Member of this body that he is going to speak. There is nothing obligatory in a statement upon the part of the Presiding Officer that he will recognize any particular Senator when he rises to his feet. I will say to the Senator from Alabama that but for the special nature of the circumstances I should not at this time rise.

Now, I wish to say a few words about my relations to the Senator from Virginia [Mr. GLASS]. In one of his poems the Latin poet Martial said that his relations to his sweetheart were such that there was no living with her or without her, and I begin to feel that way about the Senator. Nobody knows better than he does how greatly I respect his abilities and character, and what a sincere admiration I entertain for him in all respects. I have over and over again gone so far as to say that if our party was at a real loss for a proper candidate for the Presidency of the United States I did not know anyone, so far as capacity and other qualifications for the place are concerned, on whom its choice could better fall than on the Senator from Virginia; and yet I regret to say that it is impossible for me ever to mention the Volstead Act or the eighteenth amendment without having the senior Senator from Virginia rush at me as I have so often when I was a boy in Southside, Va., seen an infuriated bull rush through the sedge grass and old field pines of that region at some object that had excited his wrath.

Mr. SWANSON. Mr. President, does the Senator from Maryland allude to me as "the senior Senator from Virginia" or does he allude to the junior Senator from Virginia?

Mr. BRUCE. Oh, I thought for the moment that Senator GLASS was the senior Senator from Virginia.

Mr. SMITH. The Senator from Maryland had reference to age and not to service?

Mr. BRUCE. I must say, however, that so far as the real senior Senator from Virginia is concerned, I entertain for him, too, nothing but feelings of the strongest respect; but, of course, I was referring to Senator GLASS, who for the moment I thought was the senior Senator from Virginia.

However, simply because I mention the Volstead Act or the eighteenth amendment is no reason why the lips of the Senator from Virginia should foam like the lips of a pythoness. He seems to find a peculiar pride in the fact that he has never taken a drink. All I have got to say on that subject is that, in my humble opinion, he has denied himself a very rich measure of perfectly legitimate enjoyment. [Laughter.]

Mr. GLASS. Mr. President, may I remind my friend, the Senator from Maryland, that I never ventured upon that topic at all here in the Senate Chamber, until he was unkind enough to suggest that I had taken too many drinks. [Laughter.]

Mr. BRUCE. I do not recall any such statement as that. Perhaps that was provoked by the very vehement way in which the Senator from Virginia sometimes throws himself into debate. Of course, I was not familiar with him when I first became a Member of this body.

Mr. GLASS. Of course, the Senator from Maryland is so characteristically temperate that he can not appreciate the vehemence of anybody else. [Laughter.]

Mr. BRUCE. All I have got to say is that if everybody had the same ardent temperament that the Senator from Virginia has I myself would be strongly in favor of prohibition if it could possibly be made enforcible. Passionate as is the temperament of the Senator from Virginia anyhow, if he were to take to drink God only knows what murderous consequences would follow.

Mr. GLASS. It may be that that is the reason why I have got sense enough not to take a drink.

Mr. BRUCE. The Senator has got sense enough for anything except that he has not at times, it seems to me, just exactly the proper sense of the measure of patient consideration that is due from one brother Senator to another.

Of course, the admirable, able, and interesting speech delivered by the senior Senator from Virginia [Mr. SWANSON] was inspired merely by what has so often been said recently; that is, that if the South was justified in finding means for circumventing the fifteenth amendment to the Federal Constitution, and lawfully circumventing it, then we antiprohibitionists would also be justified in resorting to any legal means that we could for the purpose of circumventing the eighteenth amendment to the Federal Constitution.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

Mr. BRUCE. Certainly.

Mr. SWANSON. That is not the only source from which attacks have been made on the South in connection with the fourteenth and fifteenth amendments; they have come from political and many other sources. The South being subjected to criticism from so many sources because of the allegation that it was violating the fourteenth and fifteenth amendments, of defying the Constitution, and being violators of law, whether those accusations were made by the so-called drys or the so-called wets, whether made by politicians in statements or newspapers, I felt the time had arrived for the South to speak out and show that it was not violating the Federal Constitution or any law but was merely exercising its right. I did not have in mind the so-called wets a bit more than the so-called drys; but I wanted to make it plain that we in the South have violated no law; that we are living up to the Constitution; that we purpose to live under it; that we purpose to exercise our rights under it. So I thought the time had come for the South to repel the criticisms coming from many different sources that we were violating the Constitution. I hope the Senator does not think that we are violating it.

Mr. BRUCE. I hear no such other criticism emanating from any substantial source.

Mr. SWANSON. Very well; then, there is no difference between us?

Mr. BRUCE. The only line of criticism that has been brought to my attention was that to which I have just referred. I had supposed that we had passed out of the deep troubled waters in which we found ourselves in the South for quite a time after the Civil War into waters perfectly serene and tranquil. So far as I can see, the whole country at the present time, without reference to party, is accepting, and I might almost say, accepting unmurmuringly, the results which have been brought about by the political efforts of the South to keep in check the full consequences of the second section of the fourteenth amendment and the fifteenth amendment.

Mr. GLASS. Mr. President, may I interrupt the Senator?

Mr. BRUCE. Yes.

Mr. GLASS. Let me call the Senator's attention to this incident: Not long ago there was a suggestion that Federal marshals should be sent to the State of Kentucky to supervise a purely State election there. It was not merely a suggestion; it was an attempt on the part of certain public men in that State to induce the Department of Justice in Washington to proceed upon that course. A representative of one of the metropolitan newspapers of this country, foremost in its advocacy of the repeal of the Volstead Act, asked me what I thought of the proposition, and with my characteristic conservatism I said I thought it was idiotic. Thereupon this newspaper editorially challenged me to define the difference between having the Department of Justice in Washington send its agents to supervise a State election in Kentucky and having the department charged with the duty here in Washington sending its agents throughout the State to enforce the Volstead Act. Of course, the difference was so manifest that I did not trouble myself to respond to the editorial. It was the difference between having the Federal Government do something that it had no constitutional or statutory right to do and having it do something that it was obliged by the Constitution and the statute to do.

Mr. BRUCE. I think that the Senator laid down a perfectly clear and unanswerable distinction.

Mr. GLASS. Exactly. But thereupon that newspaper threatened the South with a revival of the issue of universal negro suffrage unless the South would abate its advocacy of prohibition. That editorial was forwarded to me with the request that I answer it if I could; it was dispatched to me by the head of the association organized to repeal the eighteenth amendment, with the statement that the Senator from Maryland himself would vouch for the character and good sense of this gentleman. It was not until that had been done that I presented myself in a public way upon this problem. So how the Senator from Maryland could proceed to identify me as a prohibition zealot or among the leaders of that cause I am unable to say, unless it be that I am not in the habit of drinking liquor.

Mr. BRUCE. I should be very glad to take the Senator out of that class of zealots even if he were within it.

Mr. GLASS. I wanted to point out to the Senator that that sort of an attack has been made against the South, and it has been made repeatedly.

Mr. BRUCE. That was not called to my attention. It must have been made in a very isolated way.

Mr. GLASS. It was made in a very concerted way until I made my response to the distinguished gentleman who referred me to the Senator from Maryland as sponsor for his character and good sense.

Mr. BRUCE. I have had very often in my life to refuse to act as a reference for people who were referred to me.

Now, I want to say just this: There is no Member of this body who believes more firmly than I do that the adoption of the fifteenth amendment was one of the most lamentable things that ever happened in the political history of any people—a thing not more regrettable for the whites of the South than for the colored people of the South.

Mr. GLASS. And vicious in itself.

Mr. BRUCE. It was, as Talleyrand said, one of those blunders that are worse than a crime. I will not stop to ask whether it was a crime; suffice it to say that it was one of those blunders that are worse than a crime.

Hardly had the thirteenth amendment been adopted before Gen. Wade Hampton, of South Carolina, who was a true statesman, as we all know, advocated in a speech at Columbia, S. C., the extension by the State of South Carolina itself of the franchise to the negro. His idea was that in the first stages of his enfranchisement the enfranchisement of the negro should be a discriminating one as respects the negro; and I am free to say that the fault I find with the fifteenth amendment is that it does not discriminate. The fifteenth amendment should have been so framed, as General Hampton contended, as to leave in the hands of the whites of the Southern States the power in the beginning of discriminating between the whites and the negroes; that is, of not at once admitting the negro in as full measures to the suffrage as the whites. In other words, the historic background of the whole subject should have been duly taken into consideration—the fact that the negro had been recently a slave and that for centuries his master had been a freeman, and the fact that the whites, of course, had enjoyed all kinds of privileges and advantages conducive to the intelligent exercise of the suffrage that the colored people of the South had not enjoyed.

If that had been done, if the wise counsels of General Hampton had been followed, in my judgment in process of time the southern whites would gradually have extended a larger and larger measure of civic capacity to the negro, just as the negro showed that he was fit for it; and all the turmoil and the sectional misunderstandings and the tragic consequences of every sort that flowed from the fifteenth amendment would have been avoided.

The fifteenth amendment was adopted; and, while I approve as unqualifiedly as either one of the Senators from Virginia of all the steps by which the southern people succeeded in anticipating the distressing results that would have followed the unqualified extension of suffrage to the negro before he was prepared for it. I think that the time has now come when the whites of the South should be a little more liberal to the negro, not simply as a matter of obligation to him but as a matter of obligation to the permanent interests, the lasting welfare, the long future of the southern whites themselves.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. BRUCE. Yes.

Mr. BORAH. When the Senator says that the South should be more liberal to the negro, does he mean from the political standpoint, or economically and industrially?

Mr. BRUCE. I mean, of course, economically, industrially, and educationally, too, to begin with. I think that the southern whites should be absolutely liberal to the negro in those respects.

Mr. BORAH. My opinion is that the South is much more liberal to the negro economically and industrially than the North.

Mr. BRUCE. I do not deny that proposition.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. ROBINSON of Arkansas. Does not the Senator from Maryland know that every Southern State levies taxes for the support of schools for the colored population?

Mr. BRUCE. I do. I most gladly confirm what the Senator says. I think that industrially and economically and educationally the negro of the South at the present time has every opportunity that he could reasonably expect.

Mr. ROBINSON of Arkansas. Will the Senator yield for another question?

Mr. BRUCE. I will.

Mr. ROBINSON of Arkansas. Does not the Senator also know that the principal portion of those taxes is voluntarily imposed upon the white people by legislation enacted by them?

Mr. BRUCE. Of course, that is the case; and it is a most creditable thing to the southern white people that they did not enter on that policy only a few years ago. They entered on it almost immediately after the conclusion of the Civil War.

I say, considering the resources of the South, the whites have done everything substantially that they could be justly expected to do to elevate the economical and educational condition of the negro. Of course, I, too, am opposed to anything like social amalgamation or intermixtures at the South. I do not hesitate to say, speaking for my own race, that I trust that the time will never come when any darker tint of any kind, African or Mongolian, will ever creep across the fair disk of the white Anglo-Saxon face at the South, but I trust that in time the negro will come to feel the same pride in his race that I do in mine.

Mr. GLASS. Mr. President, just in what particular does the Senator think that greater liberality should be shown?

Mr. BRUCE. I think that the general attitude of the South toward the negro as a citizen and a voter might at this day be a little more liberal than it is. That is to say, I think the occasion has passed for the attitude of the people of the South to be quite so intolerant in that regard as it has been in the past. In other words, I am giving countenance a little bit to the ideas—I know that the Senator will not relish what I say any more than that—that have been advanced recently by men like Mr. Fairfax Harrison, of Virginia, or Mr. Henry W. Anderson, of Virginia, and other Virginians that I might name, who think that a strong minority party in Virginia would not be a bad thing.

I think the South would be immensely benefited in every respect by cultivating just a little more liberal spirit than it has at the present time. I think it perfectly natural that it should be a little more intolerant than the rest of the United States in some regards; but, in my opinion, the most important lesson that it has to learn now is that of tolerance—tolerance for social usages and habits differing in some respects from its own, tolerance for the spirit of free inquiry in the theological field, tolerance especially for diversities of sectarian belief.

Mr. GLASS. Mr. President, may I urge this point——

Mr. BRUCE. Yes, sir.

Mr. GLASS. Without seeming in the slightest degree to suggest that the speech of my distinguished colleague [Mr. SWANSON] was not complete, may I, right at this point, answer a question propounded by the Senator from Maryland, who desired some explanation of why a large body of the negro race failed to exercise the right of suffrage? I will take as an example the Senator's own State of Virginia, where he was born and brought up.

Mr. BRUCE. Indeed I was; and I am proud of it.

Mr. GLASS. It so happens that I myself largely drew the suffrage article of the Virginia constitution, and in almost a word I can recite its provisions, and ask the Senator from Maryland to point out the inequity of any one of them, or the discrimination as between the white race and the colored race, and ask him to suggest how the suffrage laws of Virginia could be rendered more generous or more liberal to the Negro race with perfect safety to the Commonwealth itself.

We provide, in the first place, that a man shall be 21 years of age, whether he be white or black. We provide that he shall have had a certain length of residence in the State, whether he be white or black. We provide that he shall have resided for a certain length of time in the city or county in which he offers to vote, whether he be white or black. We require that before he shall have the privilege of a voter he shall register, whether he be white or black. We require that he shall make out his application for registration in his own handwriting, without memoranda or assistance of any sort, stating in the application his name, his place of residence, his business, and, on the day of his application, his age, which involves not only a literacy test but an ability to compute from the day of his birth to the day of his application for registration, and that whether he be white or black. After he shall have been put upon the registration books we require that he pay $1.50 poll tax, to be devoted to the public-school educational fund of the State, whether he be white or black. We require that he shall pay this poll tax six months in advance of the election.

The Senator knows that in the reconstruction period, and for a long time thereafter, it was the habit of this unhappy race to act en bloc, en masse, in groups, and under the leadership of mean white men. The Senator knows that it was their habit to sell their votes to the highest bidder en bloc. The design of the election laws of Virginia was to put a stop to that species of corruption. The poll-tax prerequisite of six months in advance of an election produced a certain situation. No candidate has been nominated for any office. There is no inducement to the negro to sell his vote six months in advance of the election, because there is nobody to buy; and those requirements—I have stated them exactly—apply with equal force to black and white.

The result is that instead of casting 157,000 votes at a presidential election, as was formerly the case in Virginia—votes either bought or mustered under the leadership of mean white men appealing to the racial prejudices and passions and ignorance of the race—I seriously doubt if there are as many as 20,000 negro votes cast in Virginia. Will the Senator suggest any desirable alteration in those requirements?

Mr. BRUCE. I am——.

Mr. HEFLIN. I want to remind my friend from Maryland of his promise to me. I hope he will not permit the whole constitution of Virginia to be discussed here.

Mr. BRUCE. It seems to me that the Senator from Alabama should convey his reminder to the Senator from Virginia.

Mr. HEFLIN. The Senator is yielding.

Mr. GLASS. The Senator wanted that inquiry answered, and I think I have answered it, and now I am asking the Senator what alteration he would suggest in the suffrage laws of my State in order that the negro may be treated with the greatest consideration.

Mr. BRUCE. I did not have Virginia, which is quite far north, so much in mind when I was making the statements that I did make with reference to electoral conditions in the South. I am very glad to hear that electoral conditions in the State of Virginia are in such a healthy state. Perhaps they are leading up, gradually, to the formation of a good, strong, minority party there, which I think would be one of the best things that the State of Virginia could have.

Mr. GLASS. We would have had a minority party in the whole South long ago if we had not had the fifteenth amendment.

Mr. BRUCE. I believe that as firmly as does the Senator from Virginia. When I first went to the State of Maryland there was not a more partisan State in the United States. You almost put yourself at personal risk when you entered into party disputation, and for a long time the people of the State thought that utter ruin would overtake them if the Democratic Party were to meet with any reverse. Of course, the fact that for some time we had only a single party in Maryland led to all the characteristic abuses, election abuses, administrative abuses, legislative abuses, and the rest that usually attend such a situation, north of the Potomac at any rate. Then, finally the people of the State of Maryland, without regard to party, rose up and elected a Republican governor, and since that time, as it has suited their pleasure, they have elected Democrats and Republicans indistinguishably to the office of governor.

I do not hesitate to say that unquestionable benefit has followed from the fact of our having, instead of one single, stagnant, arbitrary, tyrannical party organization, two vigorous parties in the State of Maryland. Our people have become thoroughly independent in the formation and exercise of their political sentiments, all sorts of administrative reforms have been adopted that would not have been adopted if the State had continued to be hopelessly a one-party State; and while

I do not think that some of the southern communities are by any means ripe at this time for such a change, I have a strong feeling that if the State of Virginia at least would only foster a minority party she would find, even if that party occasionally came into power, that it would be no bad thing for the State. Those views are the views of some eminent Virginians at the present time, if I am not mistaken.

Now, to get back to the eighteenth amendment—and by doing that, of course, I am simply getting back to the Senator from Virginia [Mr. SWANSON]—I say that we have the right, by any lawful means that we can command, to soften, as far as it is possible, the rigor of the eighteenth amendment.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. BORAH. I do not suppose anybody would question that proposition at all.

Mr. BRUCE. Still, whenever we bring in a measure looking to a mitigation of the rigor of the eighteenth amendment, we always receive, I am very sorry to say, the opposition of the Senator from Idaho.

Mr. BORAH. I have not seen any proposition of that kind. But suppose I were opposed to it. I might be opposed to a particular proposition, but the right of the Senator, or any other Senator, to move, within the eighteenth amendment, to modify the Constitution or to modify the law, nobody in his right mind would ever dispute.

Mr. BRUCE. I suppose not, and yet, at the same time, I have always understood the Senator to apply the sweeping word "nullification" to any and all efforts of every sort made to modify the Volstead Act or the eighteenth amendment.

Mr. BORAH. The Senator has not understood me correctly, then, in that regard. I have stated over and over again that you not only have the right to urge a repeal, you have a right to urge modification, but you have a right to urge the modification of any law, to bring it within the amendment, if you think it is not at present. There is no doubt about that. But there are those—and if the Senator is interested to know who they are I can advise him—who deliberately say, "We can not repeal the eighteenth amendment; we can not modify it; we will defy it." Those are the people I speak of.

Mr. BRUCE. I do not know who they are. I do not suppose that in the United States there is an individual who abominates the Volstead Act and the eighteenth amendment more than I do, and yet at the same time—and the Senator will bear me out in this—I have never at any time given the slightest approval here to the idea that the Volstead Act and the eighteenth amendment should not be enforced, and enforced like any other law or constitutional provision, so long as they are in operation. The Senator will doubtless recollect that when it was alleged that it was impossible for one judge to look after the great number of violations of the Volstead Act in Maryland, I came to this body and secured the creation of another Federal judgeship for that State, and practically the whole time of the additional judge is given up to hearings in Volstead Act cases. I have never at any time turned my face with approval to any suggestion that any judge should be criticized, or that any officer of the law should be reprehended, when engaged in the lawful enforcement of the Volstead Act.

The fight I and thousands of others in this country are making is, first of all, for the modification of the Volstead Act and then for the amendment of the eighteenth amendment. The Senator knows that General Andrews, one of the most intelligent men who has ever been connected with the Prohibition Unit in my time, and also Mr. Waddell, another most intelligent prohibition administrator, have certified that if Congress would only pass a law allowing a larger alcoholic content for beer, that would work a great change for the better in prohibition conditions throughout the United States. So far as the modification of the Volstead Act is concerned, that is all we are striving for. We think that if the use of a 2.75 or 3 per cent beer, which is certainly not intoxicating, were allowed, that would do a great deal to mitigate these deplorable conditions of lawlessness which now prevail.

In addition to that, as the Senator knows, I have brought forward a most conservative proposition looking not to the repeal of the eighteenth amendment, but to the amendment of the eighteenth amendment. That program proposes to amend the eighteenth amendment in such a manner as to enable Congress to adopt the Quebec system of liquor control, which has worked in the Province of Quebec as well as any legislation of the sort can ever be expected to work.

That is our program, a lawful program, a perfectly legitimate program, and, as I said before, if the South is to be allowed by lawful means to circumvent the effect of the fifteenth amendment—it has circumvented it——

Mr. GLASS. "Is to be allowed?" Who can prevent the South from doing that?

Mr. BORAH. Mr. President——

Mr. GLASS. I do not know of anybody in the Congress of the United States who wants to prevent it except the only white man that I know on earth, with a single exception, who seems to regret he was not born a negro.

Mr. BRUCE. Who is that?

Mr. GLASS. Oh——

Mr. BRUCE. The Senator surely does not intend to apply such language as that to me?

Mr. GLASS. I am utterly astonished that the Senator in his wildest imagination could think I intended to apply it to him.

Mr. BRUCE. I know the Senator could not; I never felt any real doubt on that subject. Yet the language was so equivocal that I did not know what its scope was.

Mr. BORAH. Mr. President, it seems to be conceded now that the fifteenth amendment is not being violated.

Mr. BRUCE. It is being circumvented.

Mr. BORAH. Let me ask the Senator, confining our remarks to the fifteenth amendment, how the fifteenth amendment is being violated or circumvented?

Mr. BRUCE. Mr. President, I am absolutely unwilling to go into that subject. I have already said I approve of all the lawful methods, even of the most extreme, by which the fifteenth amendment was nullified at the South, but I said at the same time that I think that an era has now come in the history of the South when the South can afford to deal with its racial problems in a very different manner from that in which it had to deal with them in the past. That is the point. I am not willing to be taken back over the field of discussion that the Senator from Idaho would open out.

Mr. BORAH. I am not asking the Senator to go back. I am asking the Senator at this time to point out wherein any Southern State is circumventing or nullifying the fifteenth amendment.

Mr. EDGE. The Senator will not say that the Southern States have not attempted to, will he?

Mr. BORAH. There have been laws passed which the Supreme Court has held were in contravention of the fifteenth amendment. That is not an unusual thing. Laws have been passed in the Northern States which have been held in contravention of the fourteenth amendment. What I say is that at the present time I should like to know what laws are on the statute books of the States in the South which are in violation of the fifteenth amendment.

Mr. BRUCE. I am not going into that subject.

Mr. BORAH. I believe if the Senator will investigate the matter he will find that, so far as the charge now being made is concerned that the fifteenth amendment is being circumvented or violated, it is a mistake.

Mr. BRUCE. The fact is, as we all know, that the negro does not vote. Is that from a lack of inclination to vote? We know that is not so. As soon as we cross the Potomac, we find him voting everywhere.

Mr. BORAH. Mr. President, the South has a perfect right, under the fifteenth amendment, to pass an educational test.

Mr. BRUCE. Yes.

Mr. BORAH. That is not violating the fifteenth amendment.

Mr. BRUCE. But laws can be applied in such a way as to answer all the purposes of discriminating statutes.

Mr. GLASS. I want to assert for Virginia that the laws there apply with perfect equality between the whites and the blacks.

Mr. BRUCE. I recollect a few years ago that I happened to be present at a conversation between the late Cardinal Gibbons, that eminent and beloved prelate who lived in Maryland, and Senator Tillman, of South Carolina, and myself. The cardinal, in the course of the conversation, said to Senator Tillman, in that unique voice of his, "How many negroes are there in South Carolina?" "Ah," said Tillman, "your eminence, we are so little in the habit of counting them at elections that I really can not tell you." That is but one of many illustrations which might be used of the methods by which the South—for its own preservation, mind you; I am not disputing that—brought about this condition of safety in which it finds itself to-day.

A Senator in this body said to me that when an election was taking place in a Southern State under one of those constitutional provisions requiring the voter to read and understand a portion of the Constitution, a negro was asked to read and explain the two words "quadrilateral parallelogram." So you see you do not have to have disfranchising constitutional provisions or statutes on the statute books in order to disfranchise a voting element in a community. The real thing that disfran-

chises, of course, is the absolute determination of the white race that, so long as the negro generally is unfit for suffrage, law or no law, Constitution or no Constitution, he shall not bring southern civilization to a state of shipwreck.

Mr. BORAH. As I understand the Senator's position, it is this: That in the administration of the election laws there are dishonest and crooked administrators.

Mr. BRUCE. Everywhere.

Mr. BORAH. And, as I understand the Senator, citing the acts of those crooked and dishonest administrators as a precedent, he wants the same right to do those things in the enforcement of the eighteenth amendment?

Mr. BRUCE. Indeed, I do not. I deny that. There are issues far more vital than the issue as to whether prohibition is or is not a sound policy. There is that issue as to whether anything is left to human society or whether the foundations of the orderly, upright, and fearless administration of justice in the courts are undermined.

Mr. BORAH. What I am trying to ascertain is why the fifteenth amendment is constantly cited as a justification for treatment of the eighteenth amendment?

Mr. BRUCE. Because the South has found lawful means in the past of nullifying, wherever it was necessary to nullify, the pernicious effects of negro suffrage. We are searching for lawful means by which the full force of the eighteenth amendment may be reconciled with liberal changes.

Mr. HEFLIN and Mr. EDGE addressed the Chair.

The VICE PRESIDENT. Does the Senator yield; and if so, to whom?

Mr. BRUCE. I will yield to the Senator from New Jersey in a moment; but before he interrupts me let me say this: This is what I mean by the long future of the South, and, mind you, I am a southerner, and there is not a drop of blood in my veins that is not southern blood. There is no one who is more devoted to the South than I; but I trust that my patriotism is broad enough to include the whole country. The negro is no longer a slave. He is no longer an ignorant, staggering freedman such as he was just after the Civil War. He is acquiring education, and intelligence along with it. He is acquiring property. He is becoming a better citizen; he certainly is in Maryland. Another thing is that there has been a vast efflux of negroes from the South to northern communities, where they are beginning to exert a very great measure of political influence.

I say in view of these facts that measures which once suited the requirements of the South, and justly and properly suited them in every respect, are not just the measures now on which the welfare of the South should be made to depend. I think that the whole attitude of the South toward the negro ought to be a little more liberal than it has been in the past. I think it can be without any sacrifice of sound principles or any peril to the social integrity of the white race. That is what we believe in Maryland. We give negroes there the same educational opportunities that the members of every other race has.

Mr. BORAH. But you are not circumventing the fifteenth amendment in Maryland?

Mr. BRUCE. There was an effort made to circumvent it 15 or 20 years ago by the adoption of some of those constitutional devices to which reference has been made to-day, but the people of Maryland refused to give their approval to them.

Mr. BORAH. If Maryland is not now practicing circumvention, why not follow Maryland as a precedent with regard to the eighteenth amendment?

Mr. BRUCE. I think Maryland could be taken as a good precedent on almost any subject. I think our people entertain about as sane and conservative and judicious views on public matters as any people in the United States. Some time ago I said incidentally to President Coolidge in a conversation with him, "You know, Mr. President, our people in Maryland are a very successful, sane, well-balanced people." In reply he spoke up with more animation than I had ever seen him exhibit at any time previously in his life, and said, "That, Senator BRUCE, is undoubtedly so." I took pains to convey that statement back to our people in Maryland.

Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him?

Mr. BRUCE. Certainly.

Mr. SWANSON. If I understand the gravamen of the Senator's complaint, it is that the South is not sufficiently liberal to the negro, but treats him with injustice and harshness, and ought to moderate its treatment of the negro. On behalf of Virginia, I resent that statement.

Mr. BRUCE. I did not say that. The negro is treated very justly, on the whole, in Virginia.

Mr. SWANSON. I resent it. When Virginia hardly had money enough to educate its own soldiers—the boys who fought in the Confederate Army—it took one-third of the funds which it received from the Federal Government for an agricultural college—when people could not go to college because we did not have colleges—and gave it to create a negro college at Hampton, a great institution for the colored people. When she did not have money enough to educate her own own children she created a great college for colored teachers—a normal school at Petersburg—to educate negro teachers to teach the negro people, to encourage higher education, at a time when we were almost depriving our own children of education.

I know in my own county we have had negro schools, which were never overcrowded. I resent the suggestion that anybody should say that Virginia is unfair to the negro in commerce, in education, or in any other way. They have a better chance in Richmond than they have in Baltimore.

Mr. BRUCE. I am in no position to institute a comparison.

Mr. SWANSON. But the Senator has done so.

Mr. BRUCE. I do know that in Maryland the negroes have political freedom, but I do not say that that would be a good thing for a community where the negroes are in the majority, or nearly in a majority. I am not saying that.

Mr. SWANSON. Any negro in Virginia can vote who will get $250 in money and stay there a certain length of time and have certain educational qualifications. I resent the imputation on Virginia.

Mr. BRUCE. There is no imputation about it. The Senator is simply setting up a straw man and knocking him down.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BRUCE. Just a moment, if the Senator pleases.

I have said repeatedly that I think that the South as a whole has done everything which anybody could reasonably expect it to do for years back to improve the educational status of the negro. I am not going to say that any more. I said it once, and I do not propose to say it again. I have not said a thing, it seems to me, to which any southern Senator could possibly object unless he is given over to a hopeless spirit of intolerance.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Alabama?

Mr. BRUCE. I say at the present time, and I say it as a southerner, that the Southern States should first of all cultivate a spirit of tolerance in more than one respect.

Mr. HEFLIN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. HEFLIN. Not in all the history of this body has a Senator intruded himself in and taken the place of another Senator who gave notice that he was going to speak. I rose as he rose, and I ought to have been recognized in accordance with an understanding that I would be recognized in compliance with the notice given; but a new Senator, inexperienced as Presiding Officer, who happened to be in the chair at the time, recognized the Senator from Maryland. I stated the situation, and the Senator from Maryland insisted that he would talk, but talk only a few moments. He has been on the floor 50 minutes. I insist that he has not the right to consume this time when I had given notice that I would speak. I am entitled to speak, and I now ask that the Senate pass upon this matter.

The VICE PRESIDENT. The chair at the time was occupied by the Senator from Oregon [Mr. STEIWER], and the present occupant of the chair was notified that he had recognized the Senator from Maryland. In that event the Senator from Maryland has the floor.

Mr. HEFLIN. But the Chair sent me word that he would recognize me according to the notice given.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. I do.

Mr. ROBINSON of Arkansas. I hope opportunity will be afforded the Senator from Alabama to make his address.

Mr. BRUCE. An opportunity will be afforded.

Mr. HEFLIN. And there will be ample opportunity for me to pay my respects to certain Senators.

Mr. BRUCE. I have only a few more words to say, and I want to say them.

While the South appears to be more intolerant in spirit at the present time than other sections of the country, it should in justice be recollected that with the exception of small portions of its territory it has a very small foreign element in its population. The South is inhabited mainly, of course, by descendents of the Anglo-Saxon stock which came to this country during the colonial period and after the Revolutionary period.

It should also be remembered that the Catholic population of the South, outside of the State of Louisiana, is very small. As I often say to my southern friends, if there were only more Catholics in the South they would not be so much misunderstood. I do not believe there is any general widespread feeling of intolerance in the South, but there would not be any worth speaking of if there were more Catholics for the other elements of the southern population to associate with and intermarry with and have a thorough understanding with, as is the case, for instance, in the State of Maryland. But the peculiar constitution of the southern population and other causes have brought it about, as I see it, that the South at the present time is marked by an intolerant spirit of which it should divest itself just as soon as possible. I think it is going to have a perfectly splendid opportunity, when the next Democratic National Convention meets, to show to the world that its sectarian and sumptuary prejudices are not so deeply ingrained as they appear to be. That is all that I desire to say.

Mr. GLASS. Mr. President, let me ask the Senator from Maryland how long it has been since the end of the Civil War? Let me ask the Senator if he believes that a southern man could be nominated for President of the United States? He is talking about prejudice.

Mr. BRUCE. If a southern man could be nominated?

Mr. GLASS. Yes.

Mr. BRUCE. Certainly I think so.

Mr. GLASS. Why has not one been nominated in the last 65 years?

Mr. BRUCE. That is a different proposition.

Mr. GLASS. That is not prejudice, is it?

Mr. BRUCE. I think we will have a southern man in the White House again in the future.

Mr. GLASS. Yes; but the Senator's great-great-grandchildren will not live to see it.

Mr. BRUCE. When we put Woodrow Wilson, a southern man, in the White House, we put him in through the back door, and I think that the time will come pretty soon when we will bring in a southern man, provided he has the same high qualifications for the office as anybody else in the country generally through the front door of the White House. I had hoped at one time that it might be the Senator from Virginia himself.

Mr. GLASS. Oh, no; it will never be.

Mr. BRUCE. There is no reason why it should not be.

Mr. GLASS. A good many southern men have superior qualifications to some other people who are conspicuously talked of for the Presidency.

Mr. BRUCE. I can not admit that unqualifiedly just at this time, because I think that superior qualifications for the Presidency are possessed by Gov. Alfred E. Smith, of New York, as well as Gov. Albert C. Ritchie, of Maryland.

PERSONAL EXPLANATION—ALLEGED MEXICAN PROPAGANDA

Mr. HEFLIN. Mr. President, the Senator from Maryland [Mr. BRUCE] has certainly punished the galleries to-day. He could not resist, when he saw this magnificent array of fine men and women, getting into the RECORD something about the eighteenth amendment. If the Senator keeps up the "lick" he is going, he is going to defeat himself. He butted in here on Friday on the Nicaraguan question and took the side that favored the murder of our boys in Nicaragua. That is what they are doing down there. They killed an Alabama boy down there. This morning he took issue with the two distinguished Senators from Virginia on the fourteenth and fifteenth amendments, and waded down into the pool, out again, and in again until he almost drowned.

Mr. President, his performance in taking the place that I was entitled to under the custom of the Senate was very improper and in very bad taste. If he had given notice, as I had, and had risen and notified me, though I had gotten recognition, I would have yielded to him. I do not believe there is another Senator in this body who would have insisted on holding the floor under the conditions that he did.

I know that there is no rule that entitles a Senator to give notice that he will speak, and then take the floor in spite of anything that may arise, but it has been a custom here that has never before been violated. This body is about 150 years old, and no Senator, so far as I know, has ever taken such a position in all the history of the Government, but the Senator from Maryland [Mr. BRUCE], standing here talking away on the eighteenth amendment and on the fourteenth and fifteenth amendments. Against the attacks on the South on those questions, the Senator from Idaho [Mr. BORAH], able, strong Republican comes to the defense of the South, backing up the able speech made by the Senator from Virginia [Mr. SWANSON], a princely and powerful Democrat, backed up by his colleague [Mr. GLASS], both of whom presented an unanswerable argument in support of their position. However, the Senator from Maryland wanted to get in; he could not resist the temptation to get in. He did not walk in; he fell in. [Laughter.]

Will not that read good in Maryland—God bless that State! The people of that State are not in sympathy with anybody that jumps on the South about the fourteenth and fifteenth amendments. How they will hang their heads when they see that the senior Senator from Maryland has done that thing here to-day! I have not the time to waste more on that phase of the question.

It was bad taste from many standpoints. I had been misrepresented by newspapers over the country, especially by the Roman Catholic press, and had given notice that I would reply to those villainous sheets that have lied about me and my position, and I would reply to some of the whisky sheets in my State, and the Senator from Maryland gets in here, intrudes himself in, and gets the floor from a new and inexperienced Senator who did not know the rules or the customs, and gets recognition.

Mr. STEIWER. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I will yield for just a moment, but not for a speech.

Mr. STEIWER. I assume the distinguished Senator from Alabama refers to the junior Senator from Oregon, who happened to be in the chair for the moment. I will say to the Senator from Alabama that I fully intended to recognize him, in accordance with his request, when the Senator from Virginia [Mr. SWANSON] yielded the floor. The Senator from Alabama, however, apparently was asleep in his chair and did not rise to his feet; he did not address the Chair; he did not seem to be conscious that the Senator from Virginia had discontinued; so the Chair recognized the Senator from Maryland [Mr. BRUCE], who addressed the Chair.

Mr. HEFLIN. Mr. President, the fact is—and that is all I want to say—that a Member of the House, a good friend of mine, Representative BELL, from Georgia, was talking to me. As he was just walking away I nodded my head and said, "Mr. President"; but the Senator from Maryland did address the Chair before I did; I concede that. If, however, the present occupant of the chair [the Vice President in the chair] had been in the chair after the notice had been given, and I had addressed the Chair nearly simultaneously with the Senator from Maryland, I would have been recognized by the Vice President of this body. But enough of that.

The VICE PRESIDENT. Does the Senator from Alabama intend that as a compliment or the reverse?

Mr. HEFLIN. I did not hear the statement of the Chair? What was it?

The VICE PRESIDENT. The Chair would like to state the rule. This is a good time to emphasize the rule. The rule requires Senators to address the Chair as well as to rise. The Chair thinks the Senator from Oregon pursued the proper course.

Mr. HEFLIN. The Chair has the discretion to recognize whom he pleases when four or five Senators arise.

The VICE PRESIDENT. When they address the Chair.

Mr. HEFLIN. I have frequently seen a Republican Presiding Officer recognize a Republican, and I have seen a Democratic Presiding Officer recognize a Democrat, when two or three Senators were trying to obtain recognition.

The VICE PRESIDENT. The Chair will ask the Senator to understand at this time that it is necessary, in order to get recognition under the rules, for the Senator to rise and address the Chair. The Senator from Alabama has stated that he was unable to do that; therefore the Senator from Oregon [Mr. STEIWER], who was then in the chair, was correct in his recognition of the Senator from Maryland.

Mr. HEFLIN. I did not say that I did not rise and address the Chair; but I did say that the Senator from Maryland addressed the Chair first.

The VICE PRESIDENT. The Senator from Maryland first addressed the Chair, and the duty of the Chair was to recognize the Senator from Maryland. The Chair does not want his position on this matter misunderstood. The Chair agrees thoroughly with the position of the Senator from Oregon, for the reason that the Senator from Maryland first addressed the Chair, on his feet.

Mr. HEFLIN. Then does the Chair hold that a notice given by a Senator does not carry any weight?

The VICE PRESIDENT. Not after a Senator has been recognized. A Senator who gives notice of an intention to speak should rise to his feet and address the Chair and then

obtain recognition and proceed. The precedents upon that subject are clear.

Mr. HEFLIN. The Chair takes that position against the custom that has obtained for 150 years.

The VICE PRESIDENT. That custom has not obtained for 150 years. In every case the Senator who was recognized rose and addressed the Chair. The ruling under Rule XXI has been to the effect that an announcement that a speech would be made does not exempt the Senator from the necessity of first addressing the Chair.

Mr. HEFLIN. The custom to which I refer has never been previously violated, so far as I know; Senators old in the service tell me it has never before been violated; I have a right to my views on the subject.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. So the Senator from Maryland had a right to insist upon recognition. Under the precedents and rule that has been the custom if insistence be made.

Mr. HEFLIN. That does not in any way alter my opinion about the conduct of the Senator from Maryland.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HEFLIN. I yield to the Senator.

Mr. SIMMONS. Mr. President, I simply wish to say that it has been a custom in this body ever since I have been here when a Senator gave notice that he would speak on a particular day at a particular time to permit him to have the floor at that time unless he voluntarily surrendered it to some one else. It is, of course, merely a matter of courtesy, however, Mr. President, but it is a courtesy that has always been observed in this body until to-day.

The VICE PRESIDENT. The Chair understands the Senator to be correct, that it is a matter of courtesy.

Mr. HEFLIN. That is what I have insisted on.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HEFLIN. I will yield for a moment, but I want to go on with my speech.

Mr. NORRIS. I can not let the statement which has been made pass by without calling the attention of the Senate to what I believe to be its incorrectness. I wish to say to the Senator from North Carolina that, while I think that has been the custom observed, yet it is not for the Chair to remind a Senator who has given notice. If some other Senator addresses the Chair first I do not see how the Chair can avoid following the rule of the Senate which says that it is his duty to recognize the first Senator who addresses the chair.

Mr. HEFLIN. I understand, Mr. President——

Mr. NORRIS. I wanted to call attention to the fact that there have been precedents to the contrary, which show that what the Senator says has never occurred has occurred; at least, it has happened to me, for when I have given notice I have been deprived of the right to deliver an address according to my notice.

Mr. SIMMONS. Of course, the Chair has to recognize the Senator who addresses him first under the rule, but when attention has been called to the fact that another Senator has given notice that he would proceed at that time I have never known the Senator gaining recognition by reason of his alertness to insist upon holding the floor.

Mr. HEFLIN. Mr. President, there seems to be some division of opinion on this question. So far as I am concerned, so long as I shall be a Member of this body, I shall observe that custom. If I should arise and secure recognition and any other Senator should then tell me that he had given notice that it was his time to speak and he was to follow another Senator, as I did in this instance—when I said that I was to follow the Senator from Virginia [Mr. SWANSON]—I would say, "Very well; I yield to the Senator"; but that was not done by the Senator from Maryland. I merely wish the RECORD to show and I want those who are here to know just what sort of efforts are being made in this body to keep me from getting the truth into this RECORD. That effort is not going to succeed; there is not enough power in the hands of the opposition to prevent me from getting the truth to the American people if I live. I try to be fair to all Senators, and I never offend a Senator unless he has done something to offend me. No Senator can cite an instance in my service in either branch of Congress where I have ever done that; but I know my rights and I know the rights of the people and I know what is vital to the welfare of this Government. I have my own opinions as to what is the highest and best interest of this country, and I am going to continue to do my duty as I see it. The Senator from Maryland can not keep me from addressing this body. He may offend me and annoy me by such a performance as he carried on here to-day.

What was his speech worth, after all, breaking into the able speech of the Senator from Virginia and drawing that Senator's colleague [Mr. GLASS] into a running debate? Then the Senator from Idaho had to rise up and rebuke him. All that while he was holding the floor when I had given notice that I was going to speak following the Senator from Virginia and had word from the Chair that he would recognize me when Senator SWANSON had finished his speech. I thought that when the Senator from Maryland rose the Chair would rap and look around and say, "The Senator from Alabama is recognized." He could have done that. Presiding officers do it frequently. But as quick as a lightning flash he recognized the Senator from Maryland. The Senator from Maryland said "Mr. President" just ahead of me, but the Chair could have said, "The Senator from Alabama." I think the present occupant of the chair would have recognized me under the exact circumstances that existed. [Laughter.] I got up when the Senator from Maryland arose, but he said "Mr. President" a little before I did. The present occupant of the chair was not in the chair at the time and he does not know what occurred. I am trying to say that he would be fair about it; I believe he would have recognized me. He is just passing on what they have told him. I think he is a fair man and a courageous man.

Mr. President, the subsidized press is becoming a serious problem in this country. It has misrepresented what occurred here the other day, lied deliberately about my speech and what occurred in the Senate. They took a few words out of a speech which lasted probably three hours, a running debate between the Senator from Arkansas [Mr. ROBINSON] and myself part of the time. At one point the Senator from Arkansas was interrupted by me, and I said: "Well, the Senator would not make that speech down in Arkansas." He said, "Yes; I will make it in Arkansas and in Alabama"; and I said, figuratively and in fun, "The Senator would be tarred and feathered if he did." I laughed; the Senator from Arkansas laughed; the whole Senate laughed; and the occupants of the galleries laughed; and yet these little subsidized bucks in the press galleries who shape their creed for their cravings and swallow their convictions and honor for coin, carried the statement all over the country that I had solemnly told the Senator from Arkansas that the people would seize him and spread tar over him and put feathers on him if he went down in Arkansas and in Alabama and made that speech.

I am satisfied that the Senator from Arkansas does not believe that I believed that they would do that; and I intended to strike that from the speech. A lot of things are said here in running debate that sound all right and amuse those who hear it, but Senators strike them out when it is over and they come to look over the notes of their speeches, because in cold print the meaning might be misinterpreted. The Senator from Arkansas would be as safe in my State, speaking on any subject, as I would be in his; but these little villains, hired to do dirty work, picked that out above everything else and said that Senator HEFLIN said that Senator ROBINSON would be tarred and feathered. Oh, what a terrible thing they tried to make out of that. They sent it down in a hurry to subsidized newspapers in my State, and the money to buy one and maybe two was furnished by the breweries; and I am going to have an investigation made of them. One was conducted by the Senator from North Carolina [Mr. OVERMAN] in 1918, when the war was on, and the German-American Alliance and the breweries were operating in the United States. They furnished money to buy the Montgomery Advertiser, of Montgomery, Ala., one of the villainous sheets that picked out this expression from a speech of three hours and seriously insisted that I really meant that the Senator from Arkansas would be tarred and feathered.

BREWERS BUY MONTGOMERY ADVERTISER

Mr. President, one of my ancient newspaper enemies in Alabama—the Montgomery Advertiser—is mad because I have assailed its candidate for President, Al Smith. It is seeking to make some people believe, in Alabama and elsewhere, that it has just now decided to support Al Smith, all because of my speech in the Senate against Smith and the Roman Catholic political machine. Miserable old hypocrite! It kept its candidate in the background while I was speaking in Alabama in October and November last, but I told the people that it would come out for Smith when a sufficient amount of Smith financial oil has been poured into the Advertiser machinery.

Homer tells us that the people could always tell when the goddess came to Thebes. So the announcement that the Mont-

gomery Advertiser has declared for Al Smith shows that the Roman Catholic whisky brewer interests have been to Montgomery.

Listen to this:

[Senate Document No. 61, Sixty-sixth Congress, first session]

BREWING AND LIQUOR INTERESTS AND GERMAN AND BOLSHEVIK PROPAGANDA

Hon. LEE S. OVERMAN,

Chairman Subcommittee, Judiciary Committee,

Acting under Resolution No. 307, United States Senate.

MY DEAR SENATOR: * * * The second "whereas" in the preamble to the resolution relates to an entirely distinct line of inquiry of even greater importance. It deals with charges that there is evidence in the Department of Justice and in the offices of United States district attorneys showing the political activities of the United States Brewers Association and individual brewers, and their connection with the German-American Alliance. * * *

That the United States Brewers' Association and individual brewers and liquor organizations have by indirect methods attempted to subsidize certain newspapers, magazines, periodicals, and publications, many of the articles being first censored in the office of the United States Brewers' Association before being printed. * * *

Senator WOLCOTT. That collateral note is not the same collateral note that you read in the first connection?

Major HUMES. No, sir; this is the collateral note that is attached to the note of Mr. Sheehan. The former collateral note I read was attached to the note of Mr. Allen.

Senator WOLCOTT. I gather from you that there were two notes totaling $100,000.

Major HUMES. Yes. * * *

Senator KING. The point I had in mind is whether there is any controversy as to the ownership of the newspaper at present, and the contention which I understand you make, namely, that it was acquired by brewers or the brewery interests.

Major HUMES. I know of no dispute. The records of the other departments of the Government show that the ownership is as indicated by these securities. * * *

Senator OVERMAN. I suppose there will be notice of it in the newspapers. The claim, as I understand it, Major, is that the brewers paid for the Montgomery Advertiser $100,000?

Major HUMES. That they financed the purchase. * * *

We have purchased from Mr. Frank P. Glass his entire interest in the Advertiser which is 50 per cent of the total capital stock. We will operate and control the paper with the aid and cooperation of the family of the late Maj. W. W. Screws which owns the other 50 per cent of the stock. * * *

F. P. GLASS SELLS HIS INTEREST IN THE ADVERTISER TO SHEEHAN AND ALLEN

* * * Frank P. Glass, who has been for 30 years owner of 50 per cent of the stock of the Advertiser has disposed of his entire holdings to W. T. Sheehan, editor of the paper, and Charles H. Allen, the paper's advertising manager. * * *

TESTIMONY OF MR. CHRISTIAN W. FEIGENSPAN

(The witness was sworn by the chairman.)

Senator OVERMAN. What is your name?

Mr. FEIGENSPAN. Christian W. Feigenspan.

Senator WOLCOTT. And your residence?

Mr. FEIGENSPAN. 53 Lincoln Park, Newark, N. J.

Major HUMES. Mr. Feigenspan, you were present while the collateral was being presented and the names read a few moments ago?

Mr. FEIGENSPAN. Yes, sir.

Major HUMES. Will you state in what business the individuals and concerns whose names were signed to that collateral are engaged?

Mr. FEIGENSPAN. I think they are all brewers.

Major HUMES. I believe you are one of the signers?

Mr. FEIGENSPAN. I am.

Major HUMES. Are you in the brewing business?

Mr. FEIGENSPAN. I am.

Major HUMES. Will you state whether or not all of those persons are members of the United States Brewers' Association?

Mr. FEIGENSPAN. I believe they are. * * *

My information is that Allen and Sheehan were nothing more than dummies in that transaction, and that as soon as Glass got the brewers' money he proceeded to turn most of it, if not all of it, over to Victor H. Hanson.

This is the paper that went out of its way to misrepresent and malign me for a remark made in fun in running debate. Of course, I did not mean it literally. The Senator from Arkansas did not, I am sure, regard it as such, or he would have said something about it at the time. All the Senators took it in the spirit in which it was meant. No Senator has told me that I ought not to have said it. They laughed and said, "Why, we knew it was said in fun, that you did not mean it." Of course, they knew that I did not mean for it to be taken seriously.

But, now, look what you have got up here in this press gallery! [Laughter.] You have got some very clever boys up there. I repeat, I reserve the right to talk about them when they need to be talked about. They write about me as they please. [Laughter.] There are two classes of them. One of them is a clever, clean, courageous, honest class; the other is an unclean, dishonest, and a cowardly class. There are two classes of them; and those who took this expression out of my speech and insisted on it as a serious statement are cowardly puppets, every one of them. They could not take what I said here about other matters that were serious. They lost sight entirely of letters that I read from many States in the Union, saying how I had been "framed" in this Mexican matter.

You know, I sometimes think they conspired together, some of them, to ignore the speech that I made about conduct that vitally affects the American people, and will in the near future, unless something is done to stop it, affect them more and more; so they decided to pick that up, and give publicity to that, and emphasis to that, and ignore the other things I said to keep the people from knowing the truth.

Why did they not tell the people that I was receiving telegrams and letters from all over the country saying that I was entirely right in the position I had taken, and that Knights of Columbus money was furnished to have this conspiracy carried out, and to drag my name into disrepute? That is a serious charge; and I made the statement, as I had a right to make it, that I believed that they were back of this attack on me. I have never ceased to believe it. Who else could be more interested in "framing" me and seeking to destroy me than the Knights of Columbus and the Roman Catholic political machine, which I exposed in the Senate when they were ready to get us into war with Mexico. I received thousands of letters saying that I did more to prevent war with Mexico than anybody else.

Who, in the whole country, was more offended at me than they? Who else could want to destroy me in this body, and destroy me politically in my State quite so much as they? Nobody that I know anything about. This Al Smith wet bunch and the Roman Catholic political machine are very anxious to injure me in every way possible.

Mr. President, the mayor of Montgomery, Ala., wired the Senator from Arkansas [Mr. ROBINSON] inviting him to come down there and speak. The Senator is receiving some messages and letters from my State, and I am receiving a great big bunch of them from his State [Arkansas]. He has his enemies in Arkansas, and I have mine in Alabama; but no friend of mine and no man who has ever sincerely been for me has gone off on this tar-and-feather makeshift that these little pen-pushing fellows framed up and sent over the wires as the leader of a story, out of a speech that lasted nearly three hours, in which I showed that the Premier of France in 1925, Mr. Herriot, said that the Pope congratulated the Catholics of France for organizing themselves into a Roman Catholic political party; and Mr. Herriot charged that the Roman Catholics were forming political parties in every country.

I had stated that on this floor, and I stated that Mr. Herriot said that "the Pope should keep his hands out of our business; we will not take orders from the Vatican."

That is a big proposition. It is a big question. Mr. Herriot said they are trying to form Roman Catholic parties in every country. That is what I contended on this floor; and not an important line of it was printed. That was my speech in part. When Senator ROBINSON said, "I will make that speech in Arkansas and Alabama," I said, "If you do, they will tar and feather you." He laughed; I laughed; all of us laughed; the crowds in the gallery laughed; and that is all there was to it—I said Arkansas and Alabama—and now they have left out Arkansas, these little squirrel heads in the press gallery. [Laughter.] I wonder why they left out Arkansas? They just put Alabama in it. You read the RECORD—I said Arkansas and Alabama. Well, of course, I know they are not going to tar and feather the Senator from Arkansas in either one of those places.

I intended, as I said before, to strike that out; but I was pretty tired when we adjourned. I had to go over a long speech made before I was drawn into a second speech by Senator ROBINSON, and the time soon came to send them in to get them in the RECORD, and I had to leave out of that day's RECORD part of my first speech, and I simply overlooked the "tar and feather" remark. That is all there is to that.

The mayor of Montgomery wired the Senator from Arkansas and invited him to come down there and speak. I should be glad to have him go. I probably will go with him, and we could both speak at Montgomery, Ala., and Little Rock, Ark.,

on the same occasion. We might arrange a joint debate where both of our constituents could hear the issues discussed, and I can assure him that he will not be "tarred and feathered," and I know I would not be in the least danger in Arkansas. But the mayor of Montgomery said:

I speak not only for the city of Montgomery but for the majority of the people of the State.

Well, he has covered entirely too much territory in that statement.

I got a letter from a member of the legislature of Senator ROBINSON'S State telling me that 2,000,000 people in Arkansas were with me; so it looks like they are covering a heap of territory in both of these States. The mayor of Montgomery claims a bare majority of my State, which would be about a million and a half, and according to this legislator's letter from Arkansas I have got Senator ROBINSON bested by a half a million people on that proposition; but the mayor of Montgomery, though he claims to speak for the people of the State, can not do that, and never will. He is mayor of Montgomery. His father is a very distinguished, fine old southern gentleman. This man is classed as a "wet," and of course the "wet" group down there combined with the Roman Catholic vote and elected him mayor.

Now he has allowed his imagination to run away with him and he has covered too much territory when he arrogantly asserts the right to speak for the people of the State—a mayor of one city saying that he speaks for the whole State is covering a lot of territory. There are over 3,000,000 people in my State, and I am satisfied that 2,800,000 of them never heard of him, and yet he is going to speak for the State! He covered, I repeat, entirely too much territory.

This little mayor down there reminds me of a story Bob Taylor used to tell about, a tall, Ichabod Crane looking fellow who went into a saloon with a long floor running back to the fireplace, sanded and the walls whitewashed all around. A bunch of mountaineers were standing back there by the fireplace warming their hands, and this fellow slapped his hand on the counter and frightened the bartender, who had his back to him, and said, "Stir me up a toddy, quick!" The bartender stirred it up and gave it to this fellow, and he gulped it down in a second, and turned and looked toward the men at the fireplace, and said "I can whip any man in Memphis." Nobody spoke. He said, "Gimme another one of them things," and the bartender gave him another one. He turned around again and said, "I can whip any man in the county of Shelby"; and nobody spoke. He said, "Gimme another one, and make it strong!" The bartender gave him the third one, and he took that, and then he turned and said louder than before, "I can whip any man in the State of Tennessee." A tall mountaineer with a fist like a yearling's head came out, struck this fellow under the jaw, and sent him sprawling on the sanded floor; and after he had raised himself from the floor he said, "Gentlemen, I am of the opinion that I covered a leetle too much territory in that last statement." [Laughter.]

Mr. President, that is the way it is with this mayor of Montgomery. He has covered a little too much territory when he boasts that he speaks for the State; and I am going to call on the people of Montgomery to pass on his uncalled-for and insulting telegram—the part that referred to me. I mean the one he sent to Senator ROBINSON. Now, let me give you his Catholic connections. As soon as I got a copy of the telegram he sent to Senator ROBINSON I said, "There is something strange about this man's conduct. I wonder if he has any Catholic connections." I commenced thinking about it, and I said, "I believe one of his sisters married a Semple—Darry Semple, a Roman Catholic"; and I wired to a distinguished citizen of Montgomery and asked him to give me the facts. Gunter's sister married Darry Semple, a Roman Catholic. Semple, Gunter's brother-in-law's sister was Mother Superior Semple, who was in Mexico for years. She came here in 1926 and testified in support of the Boylan resolution; and the Boylan resolution declared that we should sever diplomatic relations with Mexico immediately, and Mr. BOYLAN is a Roman Catholic. Severing diplomatic relations with Mexico meant war.

Mother Superior Semple testified. She is the woman I quoted on this floor last January and February, the woman who stated that Mr. Sheffield intimated to her that he could not say much, but for her to go back to the United States and talk long and loud about conditions over there. I am just giving the facts. These are good people in Alabama, and I am saying nothing against them. A brother of Mayor Gunter's brother-in-law is a Roman Catholic priest. So you get the environment of Mayor Gunter, who sends a telegram up here saying that I reflected on the State and maligned the State. So when anything like this happens I always look for the Roman Catholic connecting link.

I am going to show in a few minutes what I did to the daily papers there that have opposed, misrepresented, and slandered me for 25 years. I have whipped them in every battle I have fought with them, and I will whip them again.

I want to show what happened right at Montgomery, the capital of the State, where Mr. Gunter is mayor. The Montgomery Advertiser, the Birmingham News, and the Age-Herald are all tarred with the same stick—and that is not said in fun, that is said in earnest; they are all tarred with the same stick, and I believe the testimony that I intend to take will prove that the same infamous whisky and beer and Roman Catholic interests control them all. I am going to seek an investigation that, I believe, will straighten that matter all out.

There is a mortgage on the Birmingham News, recorded in the courthouse at Birmingham, Jefferson County; I think the amount is for $2,000,000. They have tied it up somehow, I am informed, with the First National Bank of Birmingham. I think they are undertaking to cover their tracks, just as they did in the brewery deal for the Advertiser investigation conducted by the able Senator from North Carolina [Mr. OVERMAN], when he was chairman of the Judiciary Committee.

These Al Smith inspired papers assailed me for my position here last winter when I helped to defeat the Roman Catholic program for war with Mexico. They denounced me over the State, and when I got home, on September 4, I received invitations to speak all over the State—to come and speak and answer those papers. I went to thirty-odd places, and at every place I spoke I denounced those papers and named them in resolutions, and the audiences stood up en masse like receiving the benediction at church, passing the resolutions condemning those papers. And they passed resolutions indorsing me. Does that look as though Mayor Gunter speaks for a majority of the State?

Now I am going to tell you what happened in Montgomery. About two months ago I spoke in the city auditorium. Old men there told me it was the largest crowd that had ever assembled in the auditorium since it was built—3,500 people. I suppose five or six hundred of them stood. During my speech I paid my respects to this Al Smith bunch. Of course, they had been doing things under cover and in a roundabout way supporting Smith, saying nice things, but coming out and saying every now and then, practically saying, "We have not declared ourselves." Now, the Advertiser—miserable old hypocrite—comes out and says that in answer to my speech here they "hereby declare for Smith." Since I came out with the speech I made they come out for Smith. Before I made the speech I delivered somebody had already come out and touched them with whisky coin. Somebody had poured financial oil on the machinery of that old paper before they ever came out.

Mr. President, I made a speech at Abbeville, Ala., on the 17th of August. I spoke to 6,000 people at a barbecue. The able Representative from the third district, Congressman STEAGALL, whom I see in the rear of this Chamber, was there and also spoke. Six thousand or more people were present. After that speech the Montgomery Advertiser contained a most villainous, cowardly, and lying editorial about me. I came on back to Washington, as I had some other speaking engagements and could not answer them at the time, but I went back down there and had them repudiated by resolution all over the State. Then I went to Montgomery and spoke to 3,500 people in the city auditorium, and I hold in my hand the two resolutions that were passed there, which I send to the clerk's desk; and I ask Mr. Crockett, the Chief Clerk, to read them.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

The following resolution was unanimously adopted:

"Whereas the Birmingham News, Age-Herald, and Montgomery Advertiser have been so pronounced, partial, and persistent in their publication of Roman Catholic political propaganda in Alabama; and

"Whereas the Birmingham News, Age-Herald, and Montgomery Advertiser, in their efforts to serve their Roman Catholic financial benefactors and to injure and bring into disrepute Senator HEFLIN for telling the truth about the efforts of the Roman Catholic hierarchy and the Knights of Columbus to get the United States into war with Mexico in behalf of the Catholic Church, have resorted to unfair, indecent, and dishonest methods; and

"Whereas the Birmingham News, Age-Herald, and Montgomery Advertiser in their efforts to hide the truth and to minimize and belittle the services of Senator HEFLIN to prevent war with Mexico, have not only been unfair and unjust to him, but unfair and unjust to the people of the State: Therefore be it

"*Resolved by the people of Montgomery County here assembled,* That we do most earnestly congratulate and commend Senator HEFLIN for the work he did in the Senate to prevent war with Mexico.

Mr. HEFLIN. Now read the next one.

The Chief Clerk read as follows:

The following resolution was unanimously adopted:

"Whereas on August 19, 1927, an editorial attacking Senator HEFLIN appeared in the Montgomery Advertiser; and

"Whereas said Montgomery Advertiser editorial was not only based upon false premises, but the unwarranted and insulting language used showed that it was inspired by a desire to misrepresent, injure, and slander Senator HEFLIN; and

"Whereas said Advertiser editorial was not only offensive and insulting to Senator HEFLIN, but shocking, offensive, and insulting to the fair-minded, patriotic people of Alabama: Therefore be it

"*Resolved by the people of Montgomery County assembled here in the capital of the State of Alabama,* That we do most earnestly and emphatically resent, condemn, and repudiate said Advertiser editorial and express our indignation at the employment of such unfair and dishonorable newspaper tactics against Senator HEFLIN, who has been twice honored by election to the United States Senate by the people of the State of Alabama: Be it further

"*Resolved,* That we feel that we owe it to ourselves, the people of the State, and to Senator HEFLIN to express our bitter condemnation of the methods employed in that editorial to insult, vilify, and slander the senior Senator from the State of Alabama."

Mr. HEFLIN. Mr. President, the people of my State have already answered the attacks of my enemies. Those who took advantage of this facetious remark I made to the Senator from Arkansas have been my political enemies. It is much ado about nothing. They have never been able to make a dent on my political shield, not one; and if Mr. Gunter wants to try his popularity, I challenge him to run for governor in 1930 in Alabama. If he should be elected to that office, he would have some right to speak for the people of that State, but he has no right to speak for the people of the State now, and in the telegram he sent to the Senator from Arkansas [Mr. ROBINSON] he does not speak for a majority of the people of Montgomery city, the capital of my State. He speaks for some of them. So far as the invitation to the Senator from Arkansas is concerned, I bid him welcome to speak in my State at any time that he feels like doing so on any question he wants to discuss. Those enemies of mine who have seized upon this statement that I made the other day in running debate, a retort to the Senator from Arkansas, do not speak for the intelligent, fair-minded, patriotic, honorable people of my State.

If any one of them wants to challenge that statement, when I go down there I will debate this matter with him in his own town, and at the conclusion of the debate I will move that Mayor Gunter went out of his way to insult me when he sent a part of that telegram to the Senator from Arkansas, and that he knew when he sent it that the remark was made in a facetious way, and I will ask the people to pass on the subject as to whether they repudiate me or Mayor Gunter. One of those speeches I am going to make at Montgomery.

What else? One other telegram, I understand, was sent to the Senator from the fine old city of Anniston. Montgomery is one of the finest cities in the country. Mayor Gunter does represent some people who live there, and some good people who do not agree with me, but he does not speak in his attack on me for a majority of the people of Montgomery, nothing like it. So a telegram has come from Anniston, another fine city in my State, to the Senator from Arkansas, I understand, signed by several citizens, probably a hundred. Among those in that list is Mr. Willett, the attorney for Priest O'Connor.

Priest O'Connor, a Roman Catholic, committed a felony in my State at Anniston. He is guilty of one of the most heinous crimes in the catalogue of crimes. He played the part of a physician, and he is not a physician, performing an operation upon a woman. He destroyed life that was his own offspring, and in doing so almost took the life of the woman. He fled the State and went into Canada. The State of Alabama sought to bring him back, as they would any other criminal, Jew, Protestant, or Catholic. What do you suppose happened? The grand jury at Anniston, Calhoun County, indicted him for that felony. The affidavits of the woman and of her husband were taken, both of those people being Catholics. You know it had to be a mighty heinous offense for them to go into court with it. They swore about this foul performance of which this priest was guilty. Priest O'Connor fled into Canada, on his way back to Ireland, where one of their friends at Birmingham, I have been told, said he could go back into the ministry if he got out of the country, with that all left behind him. He defied the sovereign power of my State. He defied the courts of the land. He fled the country, and the governor of my State wired me to ask for extradition papers.

Did I do wrong in asking for the return of a Roman Catholic priest? I would have asked for the return of a Protestant or a Jew just as quickly, but I did ask for the extradition papers, and we got them. They apprehended him up in Canada, and the courts commenced passing on his case. He fought return to the State, and two or three courts have passed on it and have held that we had a right to bring him back. I have been criticized for my efforts to help bring that man back, when I was here at the Capital, and the governor of my State wired me to take the matter up with the Department of Justice and bring this man back and let him be tried by the courts of my State. Did I do wrong in that? Have we jurisdiction over that?

Mr. BRUCE. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. No; I do not yield to the Senator from Maryland.

Mr. BRUCE. It is well that the Senator does not. I can contradict those statements in my own time.

Mr. HEFLIN. I do not yield to the Senator. He can not contradict anything in my time. He can contradict all he pleases when I am through; and then I will contradict him if his statements run counter to the facts that I have stated.

Did I do right to insist on bringing this man O'Connor back? "Equal rights to all and special privileges to none," was what Thomas Jefferson said. He has been quoted frequently about intolerance and other things. He said another thing: "Without a single exception, every priest-ridden country has lost its liberty." Now, here was a priest hiding in Canada, apprehended by officers there.

We seek to bring him back to answer for the murder of his own offspring, and he had almost taken the life of its mother. He fled and when the instrumentalities of my State were invoked, I, a Senator at the National Capital, was requested by the governor to do something, and I was criticized and taken to task by the priests of Mobile for having anything to say about it, when I had been requested by the governor of my State to do so.

Senators will be astounded to hear what they did, not two or three Catholics, but the whole Catholic Church in my State. They fought the return of this priest, and young Willett, of Anniston, Ala., whose name is on that telegram to the Senator from Arkansas and who is opposing me and expressing his opinion when I am trying to get this priest back whom he is defending and out of whom he is getting a fat fee. What do you suppose happened? The Roman Catholic Church! Priest Eaton stated in a three-column article, published in the Montgomery Advertiser and the Birmingham News and Age-Herald, that the Catholic Church of Alabama would fight the return of this man to be tried in the courts of Alabama, where he committed the crime.

Think of the Catholic Church doing that. My! Whither are we drifting in America? Suppose a Protestant Church had made such a statement. Suppose a Protestant minister had committed that crime and had gone out of the country and the Protestant Churches should announce that they would fight the return of the Protestant preacher; what sort of howl would have gone up over the country? But here is a Roman Catholic priest—Eaton, of Mobile, where another one of these telegrams attacking me comes from—making such a statement in the press of Alabama. This priest, named Eaton, said in his article that they would fight the return of Patrick O'Connor to answer these charges in the State of Alabama.

What else do you suppose he said? He said, "We have a Catholic Church court in which we investigate all crimes, and we can punish Catholics by sending them off into some place of confinement for many years." Have I not been telling you that they have a government separate from and above this Government? Do you need any more proof than this? I, a United States Senator in the American Government, am told that a Roman Catholic priest who fled the country ought not to be brought back to answer in an American court, and a Roman Catholic priest in my State tells the State that the Catholic Church of Alabama will not permit his return if they can help it, and will not turn him over to the civil courts of my State, but they insist in that article that they will try him in a Roman Catholic Church court.

Can you get some idea about the environment in that situation of those who are sending these statements or wiring insulting things here about me? Mr. Willett, one of them, is the attorney for O'Connor. They wanted to let O'Connor stay up there. They made another move recently to keep him there, and every court that has passed on the question says he must come back.

My colleague and I went to the State Department and had a long talk with one of the officers about it. We told him we understood they were trying to let the matter drop and O'Connor remain there and that we did not intend to let them do it; that it was right for this man to come and answer to the courts of the State, and, if guilty, to be punished like any

other criminal, and if not guilty, to be acquitted; but he must come back to Alabama and answer like any other citizen when charged with the commission of a felony.

A little infant lies dead in the soil of Calhoun County, a woman prostrate and almost dead at the time of the commission of the crime, and the doctor told her husband what the matter was. A Catholic priest committed that heinous crime and fled to Canada, and he is still there; and the Roman Catholic priest, Eaton, of Mobile, Ala., announces over his signature in the Montgomery Advertiser, the Birmingham News and Age Herald, that they will not permit him to return and be tried in the courts if it is within their power to keep him away. Mob spirit! What do you call that? Suppose it had been a Protestant Church? We never would have heard the last of it.

So much for a few gentlemen who reside in Mobile and Priest Eaton!

Do not ever be deceived when you see attacks made upon me by villainous sheets that seek to have you think that the people in Alabama are not with me in the fight I am making here. They are swamping me with letters and telegrams indorsing my position. They come, not only from my State, but from all over the country.

I have an invitation to speak to the Democratic Club of Harvard University, another one to speak in Philadelphia, one from over in Maryland, and another one at Syracuse, N. Y. They are coming in every day. Do not let anybody deceive you. The people of this Nation are waking up.

We have already reached the point in the United States where we can not get such truths as I have uttered here to-day in the newspapers. Do you know what happened in Alabama? The Age-Herald, the News, and the Advertiser scandalized my State with their lies about how the Ku-Klux Klan was mobbing people down there. They had people of other States believing that Alabama was composed of outlaws and mobs, and that they were whipping people and killing them right and left. I said at the time that that was a part of their program to distract the attention of the people from themselves and to get something started to fight on for an Al Smith delegation. Did not I hit the nail on the head? Here is the old Advertiser, hoary in wrongdoing and sin, coming out and saying that because I made my speech, "We declare for Al Smith."

That was not the cause. Oh, no. The cause is coin which clinks when dropped on the counter. My speech was not the cause. They have been preparing for this by slandering the State. The authorities in Alabama indicted 75 or 100 people at Luverne, Crenshaw County, and the jury met and tried some of them, and the facts came out in the open court, where both sides could be heard, and the jury acquitted them one after the other. The whole thing has proven so far to be a farce, but they have hurt the name of my State; they have given it a bad name by what they have done.

What did they say about Priest O'Connor? Not a word. I challenged them in my speeches over the State to condemn his crime, to treat all alike. Not one editorial hinted at condemning Priest O'Connor. Even the Age-Herald had a suggestion in one of its stories that "it was to be settled in a church court when Senator HEFLIN butted in." What do you think of that? Acquiescing in the doctrine of the priest, holding that we ought to yield and let them settle it in a church court if a Catholic man was involved.

Two governments were fighting for his possession, the American Government and the Roman Government. They said the Roman Government should have him and try him. I said the American Government should have him. Which flag—the American flag, the Stars and Stripes, or the flag of the Roman Government? Why is it they would not print anything about O'Connor? There was no dispute about the facts. Two Roman Catholic citizens swore that he had committed the crime. We could not get the daily papers there to say anything about him. They would talk about Protestant members of the Ku-Klux Klan or anything else, but not a word about a Roman Catholic. Why? I told you last Wednesday. If you attack them, they come up and say, "If you ever do that again, we will stop taking your paper; we will boycott you."

The result is that they have scared a lot of newspaper men half to death and have scared a lot of public men so that they shake like an aspen leaf and are afraid to open their mouths on the subject. Somebody ought to tell the church something. I do not know how long I will live to do it. I have received threatening letters and have been warned that they would get me, and they may; that they would put something in my food. I have had people, men and women, to warn me to watch about my food and where I eat, and to be very careful, that it would happen when I least suspected it. I do not know. I do not know how they will dispose of me if they do; but if they do, I want the Senate to hear me and the people here assembled to hear me: I have written a letter to 37 men in the United States, and I have told them in detail about these threats and what I think about them. I have named some people, and I have said in case I should be taken off in this fashion that I want them to make public my statement and I want them to carry out my suggestions and execute my will to the letter. I am not afraid of them. They are not going to frighten me.

I resent their infamous and brazen conduct in trying to intimidate me in this body; their cowardly, sneaking conduct in writing letters to me and warning me what they will do if I continue this fight.

Listen, Senators: They have mighty near shut the press to the Protestant people of America who love religious freedom. Go and try to put something in a paper that even touches on their activities, affecting religious liberty, civil liberty, political liberty, and see what happens. Go to one of these papers and ask them to put a piece in their paper which criticizes them in the least, and see what answer they will give you.

I told you that when I went around the country speaking in the spring and summer, every place I went I was told by men and women that the priests and the Knights of Columbus had done their best to keep them from having a hall in which to have me speak, when a Knight of Columbus had lectured on Mexico in the same hall just a night or two before. My friends, is that Americanism? No; that is Romanism. Talk about intolerance! That is it, the distilled essence of it.

At one place a young man told me, "They are going to come here and speak, and I think I will keep them from getting the school hall. I can do it." I said, "Do not do that. That is not the American spirit. Let them speak. Let them have their say. Let them publish their notices or statements in the papers. Do not do that. They are doing that kind of thing. That is not Americanism. That is Romanism." Yet they talk about me being intolerant when I undertake to tell the truth on them, and there is not one of them living that can dispute my statements. I am quoting from the written word. Let them dispute what Premier Herriot said.

He charged that the Pope was trying to build up a political party in every country; he charged that he was interfering with politics in France. Now, what is he doing in the United States? I told the Senate the other day that on September 10, 1924, the Pope said that it was not only his right but his duty to advise Catholics how to vote. If that were going on with Protestants there would be a howl that would go up in this country, but somehow they have got some people hypnotized and they will not come out and speak the truth against them. Their last effort is to suppress free speech in this body. Listen to the first amendment to the Constitution, which reads:

> Congress shall make no law respecting an establishment of religion.

I read the other day from the Church and State Book, written by a Roman Catholic, president of a university, in which it was set out that as soon as they are strong enough they would establish a Catholic state. Then they said, "We will cause the Protestants"—that is the substance of it—"to cease their propaganda, and we can use proscriptive measures upon them." Then it asked, "What can they—the Protestants—do against a Catholic state?" Yet the Constitution provides that Congress shall make no law respecting an establishment of religion. So they are violating that. The Constitution further forbids the making of any law prohibiting the free exercise thereof.

We are not trying to interfere with them; we want them to exercise their religion and to worship as they please; but I am fighting their political activities. Take Priest Eaton, of my State, writing this article showing that the Catholic Church is meddling in Government affairs in my State to "prevent this man's return." So they are violating that provision.

The Constitution forbids us to abridge free speech. They tried to do that in my tour of some of the States last spring and summer. Now they are setting up a howl here to prevent free speech in this body. It is also forbidden to abridge the right of people peaceably to assemble. They tried to do that at a few places; and at three or four places they told the people that if I spoke in a public hall in the city they would disturb the meeting and not permit me to speak. So they are violating that provision of the first amendment to the Constitution of the United States.

What else? The Washington News had a very nice article in some respects written about me by a very clever young man the other day, but he got his facts mixed up. He said, among other things, that I had been twice elected to the Senate on the Catholic issue. He is entirely mistaken and he misunderstood

the facts. I told him that in 1920 one of the candidates against me for the Senate attacked me. I said, "That was not the first time that gentleman and I have disagreed." I said, "They had a bill before the legislature requiring inspection of all schools in the State, and I had stated that the bill ought to pass; treat them all alike; inspect Catholic, Jewish, and Protestant schools," and I said, "What do you suppose happened? They made a fight that the Catholic schools be exempt and not subject to the law providing for State inspection." There is another instance of putting Rome above the civil government of this country. I said, "What excuse is there for exempting a Roman Catholic school? Treat them all alike. Is there anything unfair in that?" Well, what do you suppose happened to me? Every Roman Catholic in the State voted against me for taking that stand.

What were they punishing me for—some political offense? No; but because I dared to say we ought to inspect their schools just as we inspect Protestant schools and Jewish schools. They voted against me in 1920, but I carried 55 counties out of 67.

Then in 1924 I had no opposition at all; the question was never mentioned, and played but a very small part in the first campaign. So, Mr. President, the people of my State know that when I take a position in this body I am right on it; they at least know that I think I am right, and that I am willing to take the consequences whatever they may be for me in this body or back in the State. I do not ask any of my enemies to do differently. Those who oppose me here have got a right to take their stand, and I have got a right to take mine.

Here is what the Birmingham Age-Herald and News say. I knew if they found an opportunity to tell a falsehood they would tell it. Talking about the conference the Democrats held, those papers stated:

> The Alabamian gained the floor of the Senate Thursday afternoon and threw a charge of cowardice against those who he said had passed on the question during his absence.

I never did anything of the sort. I criticized the Senator from Arkansas [Mr. ROBINSON] for having the matter come up in my absence; but as to the other Senators, I said they could not do anything else when the question was put up to indorse his past leadership than to do it; that I indorsed it myself in the main. Now, that newspaper has twisted out of that the statement that I denounced my friends who voted to express confidence in the Senator from Arkansas and in his leadership in the past as cowards and scoundrels. Nothing of that kind ever happened.

Here is another extract from the Montgomery Advertiser:

> Finally, and not the least in importance, the Advertiser regards this as an especially happy moment to announce its choice of Governor Smith. Speaking for itself, the Advertiser is glad to present this declaration as its conception of an appropriate answer on the part of Alabama Democrats to Senator J. THOMAS HEFLIN'S fanatical outburst in the United States Senate two days ago.

Mr. President, I am willing for that miserable old hoary-headed hypocrite to state its position; but when it claims the right to speak for Democrats I draw the line. That old sheet sold out in 1896, bolted the Democratic Party, and supported Palmer and Buckner, two old graveyard candidates for President and Vice President. I know the record of these poltroons. It is my business to know it. They are on one side and I am on the other; and regarding them I follow the Scripture, which says:

> Come ye out from among them and be ye separate from them.

And when I am that way with them I know that I am on the Lord's side [laughter], because He has not got any use for that bunch, and whenever they shall come to final judgment I know what will be said to them: "Depart from me you workers of iniquity; I never knew you." [Laughter.] That is just what is going to happen.

Let me remind the Senate that Senator John Sharp Williams, of Mississippi, made one of the most insulting speeches ever made in this body. He insulted not only the Senate itself but the people of the States who selected the Senators when he stood in this body and said:

> I had rather be a dog and bay the moon than to be a Senator in this present day.

Do you think any of these squirrel heads in the press gallery made any reference to that? [Laughter.] Why, they thought it was the funniest thing in the world. He reflected on every Senator here when he said it—able strong men. He reflected on the States who sent them here when he said he would rather change his form from a human being to a dog and bark at the moon in the night time than to occupy a place in the greatest law-making body in the world. They never said anything about that; they just laughed and said it was funny, a very nice piece of wit and humor. But when I, figuratively speaking and in fun, said to the Senator from Arkansas that they would tar and feather him in Arkansas and Alabama one of them overjoyed at an opportunity to misrepresent and injure me exclaimed: "There it is; Jesus Christ! Let's dig him on that." And they jumped on it, and it floated down into my State, and there sat the owners and editors of these newspapers with their mouths open like a hungry dog ready to catch a bone. So they seized on it and put it across the front page; and Victor Hanson, the editor of the Birmingham News—poor knock-kneed, pudding-headed Victor—commenced to send telegrams over the State, I am told, to various people asking, "If Senator ROBINSON should speak in your town, would he be tarred and feathered?"

What do you think of that, Senators? That is the bunch that is for Al Smith in my State. I do not think Hanson has come out as yet; he has been trying to stay behind the screen for the present making out he is for Owen D. Young. They do not know yet exactly what to do, but when I get down there I will bring them into the open and the Democrats of the State will attend to them. I will expose them. I have done it before and the people have stood by me. We passed a resolution denouncing Victor Hanson's newspapers at Birmingham in the city auditorium. There were 7,000 people there, and everyone but 5 stood up in favor of the resolution denouncing it as dishonest, cowardly, and contemptible. That is the bunch, headed by a poor, miserable wretch, wiring to various persons in Alabama to know if Senator ROBINSON should come and speak would they tar and feather him, and many of the persons to whom the telegram had been sent perhaps had never seen the newspaper in which I was charged with that statement.

They are carrying on a deceptive and villainous campaign such as that about a remark of mine made figuratively and in fun. I am accumulating the facts, and when I get down there I will have some fun out of these gentlemen. I am looking up some things now about their record and connections that I think I will give you an opportunity to understand more clearly later on.

Mr. President, what I said was a mild-mannered utterance, a May morning zephyr compared to a colloquy between John J. Ingalls and Senator Voorhees, of Indiana. Let me read it to you:

> Mr. INGALLS. Will the Senator from Indiana allow me to ask him whether the soldiers of Indiana did not threaten to hang him with a bell rope on a train between Newcastle and Terre Haute after he made that Lincoln dog speech. [Laughter.]
>
> Mr. VOORHEES. Mr. President, the Senator is a great liar when he intimates such a thing—a great liar and a dirty dog.

The Presiding Officer said "Order! Order!" But that is all he did.

Then Voorhees continued:

> Such a thing never occurred in the world. That is all the answer I have to make.

Mr. President, there are some stirring incidents here in which Senator Morgan, of Alabama, had a part; and he used some pretty bitter language to Senator Edmunds, of Vermont, and other Senators. Senators have misunderstandings. One day the Senator from Virginia [Mr. GLASS] and I were having a debate here about the Federal reserve system, and the Senator did not understand one of my statements, and rose and said that I had made a false statement, and I said that the Senator himself had made the false statement—using an uglier word. We both violated the rules. The Senator from Georgia, Mr. Watson, suggested that we both be seated and asked to strike out of the RECORD what both of us said; and Senator GLASS said he did not know that I had said exactly what I had, and if he had he would not have said what he did; and then I said if he had not said what he did I would not have said what I did [laughter], and the thing was dropped.

Those things happen often here and in the House; but these miserable, contemptible curs who sent out statements like that, that I seriously said that the Senator from Arkansas would be tarred and feathered, knew they were falsifying the situation, and they were telling something that was not true.

I repeat what I said, that I laughed, the Senator from Arkansas laughed, Senators all around laughed, and the occupants of the galleries laughed. They showed that they took it as a facetious remark, made in retort, in running debate; and yet these people took that up to seize an opportunity to give the Montgomery Advertiser—hoary-headed old sinner—and other papers a chance to come out for Al Smith.

Well, I am glad I got them to break the ice thus early. It will give me a longer time to operate on them. They are not

going to carry Alabama. Alabama is not going for Al Smith; neither is any other Southern State, unless it be Louisiana. This country is not going to vote for a Tammanyite, a "wet" candidate from New York, who has nullified the Constitution of his country by approving an act which left New York aside and withdrew support of the eighteenth amendment.

Think about the great moral forces of this Nation getting behind that candidate with the record he has. No! I would be against him if he only came from Tammany and was a "wet" and a nullifier, without his being a Roman Catholic; but, speaking for myself, knowing the program they have for the present and their history of the past, with Mexico on the program for war and annexation, and Nicaragua Catholic-ruled by the force of American bayonets, I would vote against him because he is a Roman Catholic, on top of those other things.

I am speaking for myself. Tammany, denounced by Cleveland and Wilson; a wringing "wet," condemned by the moral forces of the Nation; a nullifier, condemned by patriotic people the country over; and a Roman Catholic, with war threatening in Mexico, war already in progress in Nicaragua, where we are fighting to hold a Roman Catholic in the office of president who never has been elected to it—I oppose him on all those grounds.

That is my position. There is no quibbling about that.

What else?

Let me tell you something of the political history of this man. I saw his group at the convention in New York in 1924, when my party had made a good fight in the months preceding it. I had done the best I could here. We were united, better than we have been in a long time. We presented almost a solid front. We marched over to that convention when it looked like Democratic victory was in sight. I spoke to the Senator from Idaho [Mr. BORAH] and the Senator from Indiana [Mr. WATSON] before I left, out yonder in front of the Senate Office Building, and the contest between the two parties seemed so close that both of them remarked, "It is going to be a horse race this time." They knew the situation. They knew, with the Harding administration reeking with scandal, with Cabinet officers dragged out of their places, three or four of them, exposed and lashed by the Democratic Party in the Senate, the country was ready to indorse and take advantage of our leadership and ready to put us in office to clean house at the Capital; and Alfred Smith and his group appeared on the scene, and they struck down that party hope and destroyed it on the floor of the convention—about what? About a religious question.

The Roman Catholics raised the issue that the Ku-Klux Klan, a secret Protestant organization, had to be denounced by the Democratic National Convention. Just think of it. Good men and women on every hand said, "It has no place in this convention." The Al Smith bunch wanted something to fight on. They hung on to it. McAdoo, a Protestant, was the choice of a majority of the convention. The Smith crowd hung on to his flanks until they finally dragged him down. They held that convention so long that McAdoo's friends advised him to get out of the way. They had done their dirty work. They had killed the political chances of my party; and when the convention refused to denounce the Klan, Al Smith's Roman Catholic political machine gathered about John W. Davis and got him to repudiate it, in spite of the action of the National Democratic Convention. Four States were lost by that act, without considering the losses already caused by their performance in the convention. Al Smith was the candidate they flung in there to kill off McAdoo. They succeeded, and killed the hope of the Democratic Party. Then talk to me about remaining silent, with this product of Tammany coming out to be the leader of the National Democracy, with this wringing-wet candidate to lead us as a candidate for President, with this nullifier, with the Roman Catholic machine defying the army of Democracy and saying, "You have got to nominate him because he is a Catholic"—it is without a parallel in history and ought to be rebuked.

The Methodist Church does not say that. The Baptist Church does not say it. The Presbyterian Church does not say that. The Christian Science Church does not say that. The Lutheran Church, none of the great Protestant branches, say that. The Roman Catholic Church is the only church that says it: "You have got to nominate him because he is a Catholic. If you do not nominate him, it will be because he is a Catholic."

Well, there are enough things to defeat his nomination without him being a Catholic; but, being a Catholic, when they are still seeking to involve us in war, and with war still threatening, it is enough to cause us to say, "Not at this time, Mr. Smith, if you please."

Now, let me show you what is going on.

I hold here an editorial from the Irish Catholic World. Here it is. Listen to it! An editorial:

Will the Democratic Party commit suicide?

And then they set out, in a column and a half, that we are about to reject Al Smith because he is a Catholic, and if we do they threaten to destroy the party. Listen:

What answer will be returned to the un-American and un-Democratic demand should the Democratic National Convention, unmindful of the Constitution of the United States or the teachings of Jefferson or the traditions of the Democratic Party, yield to the behest of the bigots? There will be such a thinning of the Democratic ranks that nothing will be left of the Democratic Party but a mere skeleton.

There is your threat. If we do not nominate him they are going to vote for some other ticket and beat whoever we nominate. Is there anything new in that? What did they do in 1916? One of the greatest men who ever graced the White House, Woodrow Wilson, was a candidate for reelection, living up there in New Jersey, with New York, his sister State, just across the river right alongside of him. What did this Tammany bunch do? What did this Al Smith group do? They sought to destroy him politically. They did not support him. They opposed him. They beat him in New York. They beat him in New Jersey, his own home State. That is the kind of Democrats they are; but they could not defeat him. He was elected by the people of the South and the West uniting. That is what we can do this time if this side will wake up to its opportunity and get out from that eastern bunch that betrayed the party in 1916.

And in 1924 they voted against John W. Davis after he had complied with every request they made of him. He went out by himself, all alone, after the convention had adjourned, and he had no authority under the sun to do it, and denounced the Ku-Klux Klan because that crowd wanted him to do it. They insisted on having it done in the convention. The convention refused. Therefore the action of the convention was binding on them if they were Democrats. They violated the action of the convention, and got the nominee to do it by himself, and then turned their backs on him, shoved him in the stream, and went back and voted for Coolidge.

Then some people wonder why so many Democrats all over the country are crying out against the nomination of Al Smith and saying they can not vote for him if he is nominated. I am getting letters from the best Democrats in the country, men and women, saying they will not vote for him if he is nominated. It would be the hardest political fight the South ever had to carry such a burden in the face of this man's record.

Now, I want to make another criticism of Al Smith. He is not a national figure. I heard him speak in that convention at New York. Before that time I had the impression that he was a big, strong man. He speaks like a ward heeler. He has not and, I think, can not visualize and grasp the broad national situation. He has a kind of aggressiveness; he knows how to pat people on the back and shake hands, but he is in no sense a big, broad-minded statesman. He does not measure up to the stature of a man that should be President of the United States; but certain whisky interests and brewery interests and the Roman Catholic political machine, who call themselves Democrats when it suits their purpose, with Tammany back of it all, have decided that they are going to come out now and say, "You are against him because he is a Roman Catholic; and if you do not nominate him we are going to bolt the party."

Well, some say if he is nominated half the Democrats will decline to support him. We ought not to permit anybody's candidacy to destroy the Democratic Party. You ask any southern Senator here how the people at home talked about this matter before they came on to Washington, and they will tell you that on the streets in groups, everywhere, they said: "If Smith is nominated we will vote the Republican ticket." And, Mr. President, when a southern Democrat says that, it means a heap. [Laughter.]

Now, Mr. President, I have in my hand a newspaper article that I want to read. It appears as an advertisement in the Washington Post. The crooks are paying to have their attacks reprinted here at the Capital. This one is signed by Paul Block, of Pittsburgh, the Pittsburgh Post-Gazette, the Newark Star-Eagle, and the Toledo Blade. He has an advertisement in the Post in which he said:

The action of the Democratic conference meant the utter repudiation of Heflin.

I will tell you who he is in a minute. You know, I know a good many of these crooks. I have to keep up with them in a way to keep them from stealing the Capitol. Here is what the New York Evening World said to-day:

Rebuke to HEFLIN regarded as spineless.

Here is what Robert Barry, the author of this article, a Roman Catholic, said:

Democratic Senators having the most bitter resentment against HEFLIN declared to-day they were obliged to admit he was correct in that contention, to wit, that the Democratic conference had acted cravenly and cowardly in side-stepping the real issue raised by the Robinson-Heflin controversy.

I did not say anything of the kind, I did not say they acted cowardly and cravenly. He is saying that himself. On the contrary, I did say they could not do otherwise on the resolution that was adopted. It made no reference to me. But I said then, and I assert now, that it was understood in that conference—and I was not present—when the resolution was passed that this resolution "in no way reflected on Senator HEFLIN, and in no way referred to the colloquy between the Senator from Arkansas" and myself; it just expressed confidence in his leadership in the past. They left our debate in the Senate out of it, set it aside, and it has in no way been acted on by the Democratic Senators. Democratic Senators present have assured me that it was distinctly understood before the resolution was adopted that the action of the conference was in no way to be construed as a criticism or reflection on me. At the conclusion of the conference Senator SIMMONS asked Senator ROBINSON about remaining on the committee investigating the Hearst scandal, if he and the committee intended to make a thorough investigation and go after the scoundrels who perpetrated this thing, and properly denounce them, and the Senator said he would. So the New York Evening World's statement is untrue in saying that I abused the Senate conference of Democrats.

Mr. President, I do not intend, if I can help it, to permit these papers to mislead and deceive the people. My enemies are undertaking to make it appear that my Democratic colleagues rebuked me for my speech, when I denounced the Hearst-Catholic-Mexican scandal, and defending myself against the most slanderous charges ever brought against a United States Senator in the history of this body. They took the position that I had a right to speak in my own way about the matter, and that the Senator from Arkansas had a right to speak about what he pleased, and there is no disagreement between us on that, so far as I know. I am willing for him to do that, and I will continue to do the same thing, regardless of what any Senator's opinion here may be. But I do not intend that these newspapers shall spread the impression over the country that the Democrats of this body have rebuked me and criticized me in their action for my position on this floor the other day. It is not so. I have a right, as a Senator from Alabama, to speak about what I please without asking any particular Senator in this body. I have not asked before, and I will not do it now or hereafter. I will continue to pursue the course which I think is right and proper.

Now, I will tell you about this man Block, who advertised his attack in the Washington Post. As soon as I saw it I said, "They have got him somehow." And I remembered that when I was in Pittsburgh speaking, some Protestant preachers told me that the Roman Catholics, bishops and priests, attacked the Protestant churches generally, in the newspapers they printed a page in the Pittsburgh papers excoriating the Protestants, and then the Protestant preachers got together, various Protestant denominations, and prepared an answer, and went down to get the newspapers in Pittsburgh to print it. They said, "No; we are not going to engage in a religious controversy." We said, "You have started it. You printed the attack on us. We had not said anything, and now we are answering their attack. We have a right to answer. We have been assailed. Print our answer and then drop it. Both sides will have been heard." What do you suppose they said? They answered, "No; we will not do it." Then the Protestant ministers said, "All right, we will put it in as an advertisement." And these Pittsburgh papers refused to print it when the Protestant preachers offered to pay for it. Block is one of the scoundrels that owns one of those Pittsburgh papers, that group that printed an indictment by the Catholics against the Protestants, and refused the Protestant people the opportunity to reply when they offered to pay for it. That is the bunch that is after me.

Now I want to refer again to the editor of the Birmingham News, Victor Hanson, the same little fellow that I told you was sending telegrams out over Alabama to the mayors saying, "If Senator ROBINSON should speak in your town, would he be tarred and feathered?" How ridiculous! Of course they would wire back, "No, he would not be tarred and feathered." I said here that he would not be; that I said what I did in a figurative way. I am going to show you what this paper, in its better and brighter days, said about me. Before reading that, however, I want to refer to the New York World, whose Roman Catholic editors take so much pleasure in digging me nowadays. The New York World of September 26, 1917:

Having in mind nothing but the honor of the House of Representatives, most Americans will wonder why Mr. HEFLIN of Alabama had no support when he was making a plain case against the Kaiser's apologists in that body.

Selah! Some of you Bible readers know what that means. This is from the Birmingham News of September 28, 1917:

That canard—

Papers were attacking me then as they are now—

whether published through studied design to misrepresent the President, or through carelessness of some reporter, is answered by the Chief Executive himself, Woodrow Wilson.

God bless his memory!

From the outset Mr. HEFLIN has earned the friendship and esteem of the President by reason of his intense Americanism and unfaltering support of every American measure.

I put that up against the attacks of the venal and corrupt newspapers that are attacking me to-day.

This statement from the President—

Listen! This is from the Birmingham News—

will be gratifying to the friends of Congressman HEFLIN—

I was in the House at that time—

whose worst fault, if it may be called a fault, is that he is candid to the point of fearlessness. All through those months antedating the war, and even after that declaration, there were congressional speeches attacking the methods of the administration, speeches with double meaning, delicate turning and twisting of sentences, that might have been attributed to Germanic influence. Through all that mêlée of strange tongues TOM HEFLIN, of Alabama, was at the forefront of the fighting in defense of clean, outspoken, thoroughgoing Americanism.

If that specter still lingers in the corridors of the Capitol, if there are any lurkers back of curtains trying to influence Members of Congress, if there is any secret propaganda not revealed to the clear light of day, let us not, like Hamlet, run the curtains through with a sword, but let the hideous thing be drawn out from its hiding, where the American people may see its visage.

And, Mr. President, I am doing some of that drawing out from behind the curtain here to-day. Continuing the Birmingham News said:

If all our Congressmen were as thoroughgoing and true blue as HEFLIN, there would be no suspicions, there would not have been any delay in perfecting the Army and Navy machine.

They abuse me now, but they complimented me then.

Mr. President, I appeal from Philip drunk to Philip sober. Yes; they criticize and condemn me now, under the influence of the Al Smith régime, but they complimented me when I was fighting an important battle by myself and had the approval of the Commander in Chief of the Army and Navy Woodrow Wilson.

When the House was drifting, just before the war program got well under way there were speeches being made that annoyed the President, when some Members seemed to be trying to delay the passage of the war measures. Our boys were speeding on to France, I got up and said the time had come to close ranks, and I said that anybody who attacked the program after we had become an ally with England and France and Belgium was giving aid and comfort to the enemy. I had a personal difficulty with one of the Members of the House. I was doing what I thought was right. The President of the United States approved my position, and this paper in Alabama approved it. I succeeded in silencing the opposition to the program to supply our boys with food and arms. Here is one from the Brooklyn Daily Eagle. They also have been digging me recently:

HEFLIN is always regular in his Democracy, and the same can be said of his Americanism.

Here is one from the Baltimore Sun. The editor of that paper was hired to write a mean article in some magazine attacking me last fall. He said that I was sick. That was a suggestion from his Jesuit friends. They will have letters written to you and about you saying you are sick. They want to plant the thought in your mind that you are a sick man. This is a part of their Jesuitical mental process program. So they fell upon an easy mark and got the editor of the Baltimore Sun to write an article in one of the magazines, and paid him well for it. It was a villainous thing. Such as you would expect from a

hired villain. But here is what the editorial page of the Baltimore Sun said about me in 1917:

Mr. HEFLIN is the only man in either branch of Congress who had the courage to say what the country in general has been thinking. Is he to be rebuked because he has had the manhood to indict the men who have been hindering and harassing their country, who have been practically aiding and abetting the insidious efforts of German spies, conspirators, to embarrass the administration and create a reactionary antiwar sentiment?

Such a verdict against Americanism and in favor of the lukewarm and the disaffected would add fresh fuel to the infamous sedition which we have been trying to stamp out in various parts of the United States. If anybody is to be censured it surely is not Mr. HEFLIN.

Senators, you must pardon me for reading these eulogistic things about myself, but it is the only way that you would ever know anything about them, because you would not get them in the newspapers. Many of the newspapers would not publish what I am saying here to-day. Little by little and bit by bit they are shutting out the things that give the truth to the people about the activities of the Roman Catholic political machine. Mark my prediction, if this thing continues and progresses as it has for the last five years, the time will come inside of 10 years when you can not even get a Protestant paper to print an advertisement that you would pay for which contains an attack on the dangerous activities of the Roman Catholic machine in the United States.

That political machine worms itself into business. That political machine is always on guard when a Catholic is put up for office. It is one of the principles of the Catholic Church that when a Catholic is a candidate, Catholics should vote for him regardless of what he stands for. I quoted that in my speeches here last winter in January or February. They have another provision that "no law denounced by the Pope has any binding effect upon Catholics." I am giving you the facts. Instead of these papers misrepresenting me and lying about me, let them tell the truth and answer my arguments. I am an American. If I know my own heart, I am trying to serve my country and I intend to do it.

I do not know what certain Senators had in mind the other day, but it did not work, and it will not work. I do not charge any conniving, but the day the Senator from Arkansas [Mr. ROBINSON] made his speech assailing me, the Senator from Montana [Mr. WALSH] had asked the Presiding Officer to recognize him immediately after Senator ROBINSON had finished.

I was being assailed by Senator ROBINSON and certainly under all the rules of fair play and justice I had the right to rise and reply. The Senator from Montana had gotten an agreement to be recognized and therefore I would have been shut off and would not have had a chance to reply.

This morning when the Senator from Maryland [Mr. BRUCE] got the floor under the conditions which he did, it looked shady and exceedingly bad. I had given notice and he was told about it that I would speak at that time. Let him say what he wants to say in his own way. I will not object to that. I want to say for myself that if a Senator makes the announcement that he is going to speak and I happen to get the floor ahead of him I will yield to him. No one will ever catch me violating that custom. I respect it. This is the first time I have ever seen the custom broken, and it was broken by the Senator from Maryland, who has no sympathy at all with the position I take against the dangerous activities of the Roman Catholic political machine. We had some sharp words in debate here last winter about it and will probable have some more.

His conduct looks strange to me, Senators. The truth about these things is going in the RECORD. They are going into Maryland, they are going into Alabama, they are going into all the States, and after a while somebody is going to write to their Senators, and ask them where they were when they were trying to keep Senator HEFLIN from speaking on this matter and telling truths that nobody could dispute. Somebody will be doing that somewhere along the way.

I wanted to read a statement from the Delaware Express. Listen to this. This paper is all right now. But they will attack it. I am going to make inquiry a year from now, if I am living, as to how it stands then. This is from the Delaware Express of January 6, 1928:

Premature. The American people may and they may not some time modify or repeal the eighteenth amendment to their Constitution, but whatever action they may or may not take in this regard will be of their own volition and wholly independent of the orders of the Vatican. Most Americans will resent the advice given them by the Osservatore Romano, the official organ and mouthpiece of the Roman heirarchy at the Vatican, which on New Year's Day had the impudence to say that the attempts to enforce prohibition in America "have become so useless, not to say dangerous, that it would be better to abolish it." The Express is not among those who quarrel with any religion, but it believes that such a statement as comes from Rome by its official organ deserves prompt and stern rebuke. Neither the President nor yet the Congress is yet subservient to the college of cardinals. We take our political inspiration in this country from within, not from without. There are but three American members of the Holy See. They may serve their country by advising the Italian majority that the White House and the Congress govern without the advice of the Church of Rome.

Yet Senators get up here and tell how I have injected the religious issue. When I assail the political activities of the Roman Catholic Church I am lectured! As Premier Herriot, of France, said, "They are forming a Catholic party in France, and the Pope has congratulated them." The Premier announced that France would not take orders from the Pope, that France is a free country independent of the Vatican. They are meddling with affairs over here, and the Pope claims that they have a right to advise Catholics how to vote, and here they are getting into American politics and saying that we ought to repeal the eighteenth amendment. That is a suggestion to the Roman Catholic crowd. Why can not this thing be talked about without them becoming so sensitive? Religious freedom is a dear thing in this country.

I believe in it with all my heart. I would not prevent the Catholic from worshiping as he pleases. I want every one to worship as he pleases, but I am going to continue to fight the Roman political activities of the Roman Catholic political machine hiding behind the screen of that church. Let them fight in politics like other people fight. When we say, "John Jones is a candidate; Billy Johnson is a candidate; Henry White is a candidate," they get up and say "So-and-so is a candidate and he is a Roman Catholic, so we are for him." Find one that is not. Now they stand up and tell us if we do not nominate Al Smith we are failing to do it because he is a Catholic and they, as Catholics, because of that, will bolt the Democratic Party. Then they will say that my speeches may drive them out of the Democratic Party. They are already out. They have a Roman Catholic party and there is also a Democratic Party and a Republican Party. Why not tell the truth about it? Were they Democrats when they were trying to beat Wilson in 1916 because he would not go to war with Mexico for the Catholic Church? Were they Democrats when they turned against John W. Davis and violated the express choice of the convention, and then turned and voted for Coolidge? Were they Democrats in that corrupt old Tammany machine when they helped to beat a Democrat? Then they come here and say "Here is our candidate. Take him or we will bolt the party and the party will commit suicide if it does not nominate the Roman Catholic candidate."

Mr. President, another word and I have finished—for to-day. [Laughter.]

I have probably three or four hundred telegrams over in my office commending my course. Here are a few that came in this morning, and my secretary has just brought them over to me. I am going to read just a few. Here is one from Dothan, Ala.:

Heartily indorse your movements. We as a party are back of you to a man. Enjoyed your speech you gave in our tent at Anniston—

I spoke up there last September.

We will stump the State for your reelection whenever it becomes necessary to do it. We are boosting for you. Having great meeting here.

EVANGELIST E. J. DAILY AND PARTY.

Mr. President, he is one of the greatest evangelists in the country. He is a close second to Billy Sunday.

Here is one from Lineville, Ala.:

Give them all you have. Our people are with you heart and soul.

J. W. JONES,
Mayor.
O. W. YATES,
President Chamber of Commerce.

That is one of the answers that Hanson got when he wanted to know if anybody would be tarred and feathered. They knew that what I said was in fun.

Here is one from Birmingham:

Hearty congratulations on brave stand taken against alcohol and company. Thank God the South has one 100 per cent Senator who has the backbone to tell alcohol and his Catholic bunch where to head in.

P. M. LADD.

Here is one from Foley, Ala.:

Regardless of the comments and threats of the Roman-controlled liquor-ruled press of Alabama or the Rome and rum soaked mayors or corkscrew politicians, rest assured that every clean, Christian American citizen in Alabama loves you for your brave stand for America and her institutions, and our hearts are beating in one grand harmonious union, in the words of that great hymn, "Onward, Christian Soldiers."

Here is another one from Ashland, Ky.:

We, the members of the Tri-State Civic Association of Ohio, Kentucky, and West Virginia, commend you for your stand in the year past on the American question and give to you and your associates much credit for maintaining a peaceful condition between the Government of the United States and the Government of Mexico. We most heartily indorse your stand as that of being against the candidacy of Al Smith for President of the United States on the Democratic or any other ticket, and hereby extend to you our most hearty support in prevention of the same.

W. G. BECK.

Here is another one from Houston, Tex.:

Congratulations on your great fight to keep out of office those men who would tear down some of our good laws. Be not disturbed by hostile press. Unflinchingly fight for what is right. You shall have our prayers and hearty support. Keep up this great, glorious, commendable fight. We are with you.

TABERNACLE BAPTIST CHURCH,
Houston, Tex.

Here is another one from Birmingham, Ala.:

I have in my possession a letter received from the home State of Senator ROBINSON expressing the hope that Senator HEFLIN, of Alabama, should be nominated for President of the United States—

Mr. President, I would accept the nomination! [Laughter.]

and we believe there are enough voters who feel the same way to-day to elect you.

Yours truly,

SALLIE O. COOPER.

She must be a very intelligent woman. [Laughter.]

Here is one from my home town, where I went to read law in 1892. Before I had been in that town a year the people elected me mayor. I appreciate that almost as much as any office I ever held. I was just a young lawyer starting into the practice, but they elected me twice mayor of that town. I have lived there ever since:

The Women's Missionary Society of the Lafayette Methodist Church stand behind you in your policy against a wet candidate for President and indorse your fight to preserve peace for our country. Our prayers are with you.

Mrs. LEE GRIFFIN,
President.
Miss BETTY MCNAMORE,
Corresponding Secretary.

Here is one from Pritchard, Ala.:

DEAR SIR: We, the First Baptist Church, at Pritchard, cordially indorse your stand on the floor of the Senate of recent date and want you to know that the sentiments of Mayor Gunter and Harry Hartwell are not the sentiments of the entire State.

S. B. HARRINGTON.
E. L. CLARK,
——— JONES,
Committee.

Here is one from Marion, Ala.:

Stand pat. We are with you.

J. HENDRICK.

And others.

Here is one from Tuscaloosa—the University of Alabama is there:

Go to it. We are with you regardless of the whisky-soaked subsidized press and Roman Catholic political machine. You are making votes by the thousands. A fine, courageous representative. God bless you.

Your friend,

J. S. YERBY.

And scores of others.

BIRMINGHAM, ALA.

SIR: We, ex-soldiers of the World War, are grateful to you for your great speech and position and your great debate. We herewith indorse your policy and extend you our favor and cooperation. Forward, march! Keep up the good work! Alabama is with you.

W. J. B. SMOTHERS.
H. Y. YERBY.

Here is one from a distinguished lady in New York:

GREAT NORTHERN HOTEL.

My heartfelt gratitude for your courageous, God-inspired defense of Americanism in the Senate to-day. Dare to be a Daniel. God is on the field when most invisible, keeping watch above His own.

KITTY C. CHEATHAM.

Mr. President, I have received probably 1,500 letters from various States in the Union, as well as many telegrams, commending my course. I have not had time to go through them all—not one-fifth of them, even. I shall want to use portions of them from time to time in showing how the people of the country stand upon this question. I am going to continue my fight in behalf of religious freedom, in behalf of freedom of speech, in behalf of a free press untrammeled, in behalf of the right of peaceful assembly all over the country, in behalf of political freedom, fair and just to all, in the United States. I am not going to permit any political group, if I can help it, under the cloak of religion, to hamstring my party, to "hog-tie" my party, and say that my party has got to nominate a man because he is a Roman Catholic. It is not going to be done.

We have got to face this issue. I thank Senators on this side for their support of free speech in this body. Their people back home will indorse them. There are but few Democrats here, not over six or seven, that would indorse the action of any Democratic Senator if he had tried to reprove or to rebuke me in a resolution in the conference for my stand on this floor and for making any sort of a speech that I wanted to make about questions that affected my honor, my reputation, and my integrity as a public man and the good of my country. I had a right to make the speech I made, and Democratic Senators said I had a right to make it. They separated the clash between the Senator from Arkansas [Mr. ROBINSON] and myself from the other matter—left it out entirely. That is the truth, and every newspaper hereafter that states that I was rebuked by a Democratic conference states that which it knows is absolutely false.

I know all sorts of pressure that is going to be brought on Senators.

The New York World had an editorial stating that the action of the Democratic conference did not amount to anything; that you Democrats ought to have condemned me. That is what they want done. I challenge them to have a Democratic conference rebuke me by resolution for asserting my rights as a Senator and defending free speech. I would demand a roll call of the Senators who voted on such a resolution, so that the position of every Senator would be known. The New York World and the Catholic editor who wrote that editorial can not run the Democratic Party. Whenever a Tammany man, a wet Roman Catholic Constitution nullifier gets control and dictates its policies I will be ready to quit the Democratic Party and millions of other Democrats will quit with me. They are not going to make a tail to the Roman Catholic kite of the Democratic Party. I am against anything that leads in that direction. They are intolerant; they are not satisfied. I am the one they are after. They wanted me rebuked because I helped to break up their war program with Mexico. If they had had their way they would have had our troops baptizing the soil of Mexico with the blood of brave American boys in an effort to restore the Catholic Church to power in Mexico and the Pope's $18,000,000 income formerly dragged out of Mexico every year would have been restored.

That income has departed; it has been cut off. American boys would have been sent there to get that back if the Roman Catholic war advocates had had their way. So, I am the man above all men that they despise. So much did they despise me that they framed me in order to try to destroy me and then to intimidate me and frighten me into silence whenever the Roman Catholic political machine made its program known. They have not intimidated me. I will continue to fight for my country, for the right, and for the truth. Mr. President, I am fighting for religious freedom in its broadest and profoundest sense. I am fighting for the continued existence of the public-school system of America—fighting for free speech and the right of peaceful assembly—fighting to hold this Government true to the purpose of its creation; I am fighting for the birthright of every true American, be he Gentile or Jew, Protestant or Catholic. I am against an influx of unfit foreigners—the criminal refuse of foreign countries coming into this country.

Let us stand by yonder flag and what it represents. As long as I am a member of this body, by the help of God that flag shall never be used in battle where American boys are to be killed fighting to restore the Roman Catholic Church to power in Mexico.

Mr. JONES obtained the floor.

Mr. BRUCE. Will the Senator yield to me for just about two minutes for the purpose of making a brief statement?

Mr. JONES. I will yield to the Senator when I have made the request which I am about to make.

Mr. BRUCE. I was not permitted to make the statement a while ago.

Mr. JONES. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until to-morrow at 12 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRUCE. Mr. President, all I wish to say is simply this: I happen to have some information in regard to the case of the Catholic priest in Alabama mentioned by the Senator from Alabama [Mr. HEFLIN] who was charged with a heinous offense and fled from the State of Alabama. The information that comes to me is that it is quite generally believed that that priest is innocent and that he fled from the State of Alabama because, dominated as that State is by the Ku-Klux Klan influence, he did not believe that he could get a fair trial there.

Mr. HEFLIN. The State is not dominated by any such influence.

Mr. BRUCE. The Senator from Alabama stated only a few days ago that he himself, except in some minor respects, was entirely in sympathy with the principles of the Klan.

Mr. HEFLIN. I indorse many of their principles.

Mr. BRUCE. The Governor of Alabama, of course, is a klansman, and even the attorney general was a klansman until he became so disgusted with the general state of lawlessness that existed in the State that he got out of the order. At any rate, it is my information that there is good reason to think—of course, I have no personal knowledge of the matter—that this priest is innocent, and that he fled from the State of Alabama because he believed that he could not possibly under existing conditions get a fair trial there. So much for that.

I am also informed that before application was made to the State court for the indictment of this priest and for extradition process with which to bring him back to the United States, an application was made to the United States district attorney for the State of Alabama, an application based on the same accusation, and that the United States district attorney, after considering the case, refused to give his support in any form whatsoever to an effort to get the Secretary of State of the United States to issue extradition process to Canada to bring the priest back.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. BRUCE. I yield, of course, but I had thought that the Senator could hardly have the face to ask me to yield after having refused positively only a few moments ago to permit an interruption by me. However, I yield to him.

Mr. HEFLIN. The Senator consumed a half a day of my time before that.

Mr. BRUCE. No; the Vice President said it was not the time of the Senator from Alabama, but mine.

Mr. HEFLIN. The district attorney to whom the Senator refers was a law partner of the national Republican committeeman from Alabama, and the national Republican committeeman was the lawyer in the case to keep O'Connor from coming back. He was in the case with Willett. He recommended the district attorney for his appointment and got the place for him as district attorney. The district attorney under his influence declined, after steps had been taken to bring this man back, to pursue it any further, but he now states that he is willing for the State courts to take him over and try him. The grand jury had indicted him.

Mr. BRUCE. I would not like to think that even a Ku-Klux Klan United States district attorney in the State of Alabama would be so absolutely lost to a proper sense of official duty as to be influenced by his brother-in-law.

Mr. HEFLIN. It was not his brother-in-law but his former law partner and the national committeeman who recommended him for his position and got it for him.

Mr. BRUCE. Even if that be so, no man would be fit, of course, to be United States district attorney or fit for any office who would allow himself to be influenced in the discharge of his duty in such a criminal case as this is supposed to be simply because some individual had given him active support for his appointment.

Those are the facts, Senators. Those are the facts, as brought to my attention.

Mr. BLACK. Mr. President, who gave the Senator those facts?

Mr. BRUCE. Those facts were given to me by two or three different individuals.

Mr. BLACK. Does the Senator mind stating them?

Mr. BRUCE. I do not; of course, I do not; among others, Father Eaton, who I have no reason to believe is any but a high-minded, honorable, upright servant of God.

Mr. BLACK. Does the Senator mind stating the others?

Mr. BRUCE. Bishop Toolen was another. Naturally enough, of course, this poor priest, whether he is guilty or not, had to look to his ecclesiastical superiors to see that he got some sort of fair treatment, and I would have had a poor opinion of them if they had not done everything in their power to secure him a fair trial.

The extradition process was issued on the application of the State authorities to Canada, and there, as I am informed, it has been in controversy for some time; and it still remains to be determined whether Canada, as I understand the matter, will under all the circumstances of the case, honor that extradition process and return the priest to this country. So you see the case, so far as my information goes—and, after all, it is of a comparatively limited character—is a very different one from that presented to you by the Senator from Alabama; and the idea of any such man as Father Eaton or Bishop Loolen being capable of deliberately attempting to shield a man guilty of a flagitious offense from the penalties of the law is one that my mind, at any rate, rejects instinctively, and rejects with disdain.

No! If that priest is truly guilty, so far as his ecclesiastical superiors are concerned he will not only be subjected to the penalties of the municipal law, but, in addition to those, he will be subjected to spiritual penalties almost, if not fully, as drastic. That is to say, there is, in addition to the penalties of municipal law, a process of excommunication to which a recreant or criminal priest is subjected by his own church.

Nothing, I say, could be absolutely more indefensible than the suggestion that even if this man's church had known him to be guilty of such an atrocious offense he would have continued in the discharge of his sacred functions as a priest.

Mr. JONES. Mr. President——

The VICE PRESIDENT. The Senator from Washington.

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

Mr. HEFLIN. Mr. President, just one minute.

Mr. JONES. I withhold the motion.

Mr. HEFLIN. I just want to say that I have in my possession two affidavits, one from the husband and one from the wife. They are both Catholics. They state under oath that they will swear, if given an opportunity, that this priest committed this crime. I do not know what they have told the Senator from Maryland, but these are the facts.

Mr. BRUCE. I am informed that after making those affidavits, when the matter came up before the United States district attorney, both husband and wife backed water.

Mr. HEFLIN. No.

Mr. BRUCE. Well, that is my information, that they both backwatered; in other words, they acted in such a manner as to throw distrust over the entire accusation.

Mr. HEFLIN. No; these affidavits were made after that Federal court transaction.

Mr. BRUCE. Oh, well, it may be; under Klan pressure doubtless they have changed their minds some two or three different times as to whether the man was or was not guilty.

Mr. JONES. Mr. President——

Mr. BRUCE. Now, I could answer all that the Senator from Alabama has said by having inserted in the RECORD—though I will not do it—two recent articles, one under date of January 7, and the other under date of January 14, published in Collier's Weekly, showing the fearful conditions, so far as social order and administration of the law are concerned, that prevail in the State of Alabama at the present time. Among other things, in the last three years there have been no less than 700 lawless floggings in that State, in some instances of old men, women, and children.

Mr. HEFLIN. I challenge the statement. It is not so.

Mr. BRUCE. The statement is made by a man who went down to the State of Alabama and accumulated his facts there.

Mr. HEFLIN. He accumulated some falsehoods. I say it is not so. The Senator does not know.

Mr. BRUCE. It may be. Recently one State's attorney under the influence of the klan has withdrawn no less than 100 indictments against some 34 men. I am not casting any aspersions on the good people of Alabama. There are noble men and women in that State, and they are fully alive to the significance of the bigoted crusade of the Klan as has been brought to our attention through the columns of the Alabama press within the last few days; but no voice has ever been lifted——

The VICE PRESIDENT. The Chair regrets to do so, but he will have to remind Senators that a motion to proceed to the consideration of executive business has been made.

Mr. BRUCE. I do not see why a speech should necessarily yield to the abuses of Republican patronage.

Mr. WATSON. It is pretty important, Mr. President.

Mr. BRUCE. No doubt; but still more important is the question as to whether an innocent man is to be railroaded into jail or to the gallows.

Mr. HEFLIN. Somebody has badly imposed on the Senator from Maryland about Alabama.

EXECUTIVE SESSION

Mr. JONES. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES. I move that the Senate, in accordance with the order heretofore made, take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Tuesday, January 24, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 23, 1928

UNITED STATES DISTRICT JUDGE

Charles A. Dewey, of Iowa, to be United States district judge, southern district of Iowa.

UNITED STATES ATTORNEY

Seth W. Richardson, of North Dakota, to be United States attorney, district of North Dakota. A reappointment, his term having expired.

POSTMASTERS

ALABAMA

John H. Nixon to be postmaster at Goshen, Ala., in place of J. H. Dixon, to correct name.

ARIZONA

Brigham Y. Peterson to be postmaster at St. Johns, Ariz., in place of J. W. Brown, deceased.

Beulah Maitland to be postmaster at Buckeye, Ariz. Office became presidential July 1, 1927.

James E. Kintner to be postmaster at Grand Canyon, Ariz., in place of J. E. Kintner. Incumbent's commission expired December 18, 1927.

CALIFORNIA

Frank E. Quirk to be postmaster at Rosemead, Calif. Office became presidential September 1, 1927.

Jerome B. Frisbee to be postmaster at Lindsay, Calif., in place of T. H. Faus, resigned.

John J. Blaney to be postmaster at Weaverville, Calif., in place of J. J. Blaney. Incumbent's commission expires January 24, 1928.

Edwin J. Thompson to be postmaster at La Jolla, Calif., in place of E. J. Thompson. Incumbent's commission expired January 9, 1928.

Charles Hofstetter to be postmaster at Harbor City, Calif., in place of Charles Hofstetter. Incumbent's commission expired January 9, 1928.

COLORADO

May I. Wood to be postmaster at Crawford, Colo., in place of W. J. Wood, deceased.

James C. Wilson to be postmaster at Yampa, Colo., in place of J. C. Wilson. Incumbent's commission expired August 23, 1926.

Edward F. Green to be postmaster at Tungsten, Colo., in place of E. F. Green. Incumbent's commission expired December 18, 1927.

Charles D. Hathaway to be postmaster at Hugo, Colo., in place of C. D. Hathaway. Incumbent's commission expired January 22, 1928.

Idamay Spurlock to be postmaster at Fairplay, Colo., in place of Idamay Spurlock. Incumbent's commission expired March 3, 1927.

Eben H. Bebee to be postmaster at Cripple Creek, Colo., in place of E. H. Bebee. Incumbent's commission expired January 9, 1928.

CONNECTICUT

Albert E. Wellman to be postmaster at Torrington, Conn., in place of A. E. Wellman. Incumbent's commission expired January 22, 1928.

James V. Golden to be postmaster at Noroton Heights, Conn., in place of J. V. Golden. Incumbent's commission expired January 22, 1928.

James J. Fitzpatrick to be postmaster at Meriden, Conn., in place of J. J. Fitzpatrick. Incumbent's commission expired December 19, 1927.

DELAWARE

John F. Phillips to be postmaster at Rehoboth Beach, Del., in place of J. F. Phillips. Incumbent's commission expired January 7, 1928.

Howard Schweitzer to be postmaster at Hartly, Del., in place of Howard Schweitzer. Incumbent's commission expired January 22, 1928.

William H. Morris to be postmaster at Greenwood, Del., in place of W. H. Morris. Incumbent's commission expired January 7, 1928.

FLORIDA

Carrie F. Davis to be postmaster at Watertown, Fla. Office became presidential July 1, 1927.

Frank W. Allaben to be postmaster at Fulford, Fla., in place of M. R. Keeley, removed.

Thomas R. Gamble to be postmaster at Wildwood, Fla., in place of T. R. Gamble. Incumbent's commission expired January 8, 1928.

Paul R. Whitaker to be postmaster at Monticello, Fla., in place of P. R. Whitaker. Incumbent's commission expired January 8, 1928.

GEORGIA

Clive A. Renfroe to be postmaster at Lumber City, Ga., in place of C. A. Renfree, to correct name.

IDAHO

Harold P. Gorton to be postmaster at Cascade, Idaho, in place of C. B. Mirgon, resigned.

ILLINOIS

Arthur M. Smith to be postmaster at Stockton, Ill., in place of G. W. Menzimer, removed.

Hugh A. H. McDonald to be postmaster at Rock Island, Ill., in place of H. A. H. McDonald. Incumbent's commission expired January 7, 1928.

Reuben D. Coffin to be postmaster at Pleasant Plains, Ill., in place of R. D. Coffin. Incumbent's commission expired January 7, 1928.

Robert R. Banta to be postmaster at Oquawka, Ill., in place of R. R. Banta. Incumbent's commission expired January 7, 1928.

George T. Schuler to be postmaster at Mounds, Ill., in place of G. T. Schuler. Incumbent's commission expired January 21, 1928.

Ulysses E. Smith to be postmaster at Metropolis, Ill., in place of U. E. Smith. Incumbent's commission expired January 7, 1928.

Charles N. Smith to be postmaster at Madison, Ill., in place of C. N. Smith. Incumbent's commission expired January 15, 1928.

Horace J. Boozell to be postmaster at Ipava, Ill., in place of H. J. Boozell. Incumbent's commission expired January 7, 1928.

Olive Whitworth to be postmaster at Harvel, Ill., in place of Olive Whitworth. Incumbent's commission expired January 7, 1928.

Charles H. Derry to be postmaster at Greenview, Ill., in place of C. H. Derry. Incumbent's commission expired January 7, 1928.

INDIANA

Jesse M. Cage to be postmaster at Sharpsville, Ind., in place of J. M. Cage. Incumbent's commission expires January 23, 1928.

Quimba O. Hollowell to be postmaster at Ridgeville, Ind., in place of Q. O. Hollowell. Incumbent's commission expires January 3, 1928.

Perry Leavell to be postmaster at Red Key, Ind., in place of Perry Leavell. Incumbent's commission expired January 3, 1928.

Roland B. Craw to be postmaster at Oxford, Ind., in place of R. B. Craw. Incumbent's commission expires January 23, 1928.

Leslie P. Nelson to be postmaster at Newport, Ind., in place of L. P. Nelson. Incumbent's commission expires January 23, 1928.

Ora Myers to be postmaster at Greenfield, Ind., in place of H. E. Johnson. Incumbent's commission expired January 3, 1928.

Herbert O. Stuteville to be postmaster at Grand View, Ind., in place of H. O. Stuteville. Incumbent's commission expires January 23, 1928.

Ira Craig to be postmaster at Farmland, Ind., in place of Ira Craig. Incumbent's commission expired January 3, 1928.

Lionel A. Pratt to be postmaster at Dunkirk, Ind., in place of L. A. Pratt. Incumbent's commission expired January 3, 1928.

IOWA

Arthur F. Ogren to be postmaster at Kingsley, Iowa, in place of A. G. Ogren, deceased.

Edwin S. Watts to be postmaster at Harvey, Iowa. Office became presidential July 1, 1927.

Chester M. Burnside to be postmaster at Waucoma, Iowa, in place of C. M. Burnside. Incumbent's commission expired December 19, 1927.

Arthur E. Granger to be postmaster at Marion, Iowa, in place of A. E. Granger. Incumbent's commission expires January 24, 1928.

James O. Vail to be postmaster at Garden Grove, Iowa, in place of J. O. Vail. Incumbent's commission expired December 19, 1927.

John F. Homer to be postmaster at Dewitt, Iowa, in place of J. F. Homer. Incumbent's commission expired December 19, 1927.

John C. Dow to be postmaster at College Springs, Iowa, in place of J. C. Dow. Incumbent's commission expired January 7, 1928.

KANSAS

John M. Erp to be postmaster at Grainfield, Kans., in place of F. M. Heinz, removed.

Russel R. Bechtelheimer to be postmaster at Ulysses, Kans., in place of R. R. Bechtelheimer. Incumbent's commission expired December 18, 1927.

Earl R. Given to be postmaster at Randall, Kans., in place of E. R. Given. Incumbent's commission expired January 22, 1928.

Cliff W. Weeks to be postmaster at Osborne, Kans., in place of C. W. Weeks. Incumbent's commission expired January 22, 1928.

Harvey P. McFadden to be postmaster at Natoma, Kans., in place of H. P. McFadden. Incumbent's commission expired January 22, 1928.

Elmer E. Hilton to be postmaster at Hunnewell, Kans., in place of E. E. Hilton. Incumbent's commission expires January 24, 1928.

Lewis S. Newell to be postmaster at Harveyville, Kans., in place of L. S. Newell. Incumbent's commission expired January 22, 1928.

George G. Griffin to be postmaster at Clearwater, Kans., in place of G. G. Griffin. Incumbent's commission expired January 22, 1928.

Harry B. Gailey to be postmaster at Cambridge, Kans., in place of H. B. Gailey. Incumbent's commission expired December 18, 1927.

Mattie L. Binkley to be postmaster at Brewster, Kans., in place of M. L. Binkley. Incumbent's commission expired January 22, 1928.

Vertie O. Booth to be postmaster at Bird City, Kans., in place of V. O. Booth. Incumbent's commission expires January 24, 1928.

KENTUCKY

Thomas J. Fitzpatrick to be postmaster at Martin, Ky., in place of M. V. Allen, resigned.

Henry W. Bishop to be postmaster at Falmouth, Ky., in place of F. W. Stith, resigned.

Dewey Daniel to be postmaster at Hazard, Ky., in place of Dewey Daniel. Incumbent's commission expired January 17, 1928.

LOUISIANA

John R. Parker to be postmaster at Ponchatoula, La., in place of L. A. Wood, deceased.

Ella A. McDowell to be postmaster at Hodge, La., in place of E. A. McDowell. Incumbent's commission expired January 7, 1928.

MAINE

Marjorie Gatcomb to be postmaster at Vanceboro, Me., in place of Maybelle Medeiros, resigned.

MARYLAND

Napoleon T. Nelson to be postmaster at Trappe, Md., in place of C. V. Collison, resigned.

Lafayette Ruark to be postmaster at Westover, Md., in place of Lafayette Ruark. Incumbent's commission expired January 22, 1928.

Hattie B. H. Moore to be postmaster at Marydel, Md., in place of H. B. H. Moore. Incumbent's commission expired January 22, 1928.

Charles H. Johnson to be postmaster at Edgewood, Md., in place of C. H. Johnson. Incumbent's commission expired January 7, 1928.

MICHIGAN

Hugh A. McLachlan to be postmaster at Evart, Mich., in place of W. B. Atkinson, removed.

Frank J. Adams to be postmaster at Rogers City, Mich., in place of F. J. Adams. Incumbent's commission expired January 3, 1928.

Edna B. Sargent to be postmaster at Levering, Mich., in place of E. B. Sargent. Incumbent's commission expired January 21, 1928.

MINNESOTA

Cline C. Barker to be postmaster at Kinney, Minn., in place of C. C. Parker, to correct name.

William Peterson to be postmaster at Atwater, Minn., in place of Z. V. Johnston, removed.

Ernest J. Grunst to be postmaster at Alpha, Minn., in place of Otto Rakness, removed.

Milton P. Mann to be postmaster at Worthington, Minn., in place of M. P. Mann. Incumbent's commission expires January 24, 1928.

MISSISSIPPI

William J. Stephens to be postmaster at Webb, Miss., in place of W. J. Stephens. Incumbent's commission expired February 28, 1926.

James T. Skelton to be postmaster at Goodman, Miss., in place of J. T. Skelton. Incumbent's commission expired January 17, 1928.

Susette E. McAlpin to be postmaster at Bolton, Miss., in place of S. E. McAlpin. Incumbent's commission expired January 17, 1928.

MISSOURI

Ione C. Ritter to be postmaster at Lees Summit, Mo., in place of H. T. Fowlkes, resigned.

Cornelius F. Strack to be postmaster at Wright City, Mo., in place of C. F. Strack. Incumbent's commission expired January 14, 1928.

Harry N. Lutman to be postmaster at Versailles, Mo., in place of H. N. Lutman. Incumbent's commission expired January 14, 1928.

Eldridge G. Hoff to be postmaster at Stockton, Mo., in place of E. G. Hoff. Incumbent's commission expired January 4, 1927.

Elliot Marshall to be postmaster at St. Joseph, Mo., in place of Elliot Marshall. Incumbent's commission expired January 14, 1928.

James W. Fleming to be postmaster at Parkville, Mo., in place of J. W. Fleming. Incumbent's commission expired January 14, 1928.

Charles E. Curtice to be postmaster at Neosho, Mo., in place of C. E. Curtice. Incumbent's commission expired January 14, 1928.

Leslie R. Millsap to be postmaster at Mount Vernon, Mo., in place of L. R. Millsap. Incumbent's commission expired January 14, 1928.

Ethel I. Kehr to be postmaster at Marthasville, Mo., in place of E. I. Kehr. Incumbent's commission expired January 14, 1928.

Benjamin H. Linhardt to be postmaster at Jefferson City, Mo., in place of B. H. Linhardt. Incumbent's commission expired January 14, 1928.

Myrtle V. Duncan to be postmaster at Iberia, Mo., in place of M. V. Duncan. Incumbent's commission expired January 21, 1928.

Amanda P. Renfrow to be postmaster at Humansville, Mo., in place of A. P. Renfrow. Incumbent's commission expired January 14, 1928.

William E. Duff to be postmaster at Houston, Mo., in place of W. E. Duff. Incumbent's commission expired January 14, 1928.

William W. Shoop to be postmaster at Green City, Mo., in place of W. W. Shoop. Incumbent's commission expired January 21, 1928.

Ralph E. Johnson to be postmaster at Elmer, Mo., in place of R. E. Johnson. Incumbent's commission expires January 23, 1928.

MONTANA

Glenwood H. Corrington to be postmaster at Ryegate, Mont., in place of C. C. Peterson, removed.

Ruth Allen to be postmaster at Poplar, Mont., in place of H. C. Walker, deceased.

NEW JERSEY

James Hamilton to be postmaster at Englishtown, N. J., in place of E. H. Kuebler, resigned.

Clifford G. Hanks to be postmaster at West Englewood, N. J., in place of C. G. Hanks. Incumbent's commission expired December 12, 1926.

Frank E. Gersie to be postmaster at Clifton, N. J. (To establish office in place of branch office.)

NEW YORK

Violet M. Hill to be postmaster at Loomis, N. Y., in place of V. M. Hill. Incumbent's commission expired January 8, 1928.

Earl J. Hotwes to be postmaster at Elma, N. Y. Office became presidential July 1, 1927.

George L. Helfter to be postmaster at Williamsville, N. Y., in place of G. L. Helfter. Incumbent's commission expired January 8, 1928.

Luther J. Shuttleworth to be postmaster at Springville, N. Y., in place of L. J. Shuttleworth. Incumbent's commission expired January 8, 1928.

Charles L. Carrier to be postmaster at Sherburne, N. Y., in place of C. L. Carrier. Incumbent's commission expired January 8, 1928.

Williard G. Bullion to be postmaster at Richfield Springs, N. Y., in place of W. G. Bullion. Incumbent's commission expired January 8, 1928.

Lida M. Schwetz to be postmaster at Port Byron, N. Y., in place of L. M. Schwetz. Incumbent's commission expired January 8, 1928.

William O. Cooper to be postmaster at Oxford, N. Y., in place of W. O. Cooper. Incumbent's commission expired January 8, 1928.

Edward Everett to be postmaster at Millerton, N. Y., in place of Edward Everett. Incumbent's commission expired January 8, 1928.

Frank H. Burmaster to be postmaster at Irving, N. Y., in place of F. H. Burmaster. Incumbent's commission expires January 24, 1928.

Oby J. Hoag to be postmaster at Greene, N. Y., in place of O. J. Hoag. Incumbent's commission expired February 10, 1927.

Hugh A. Prentice to be postmaster at Gainesville, N. Y., in place of H. A. Prentice. Incumbent's commission expired January 8, 1928.

George H. P. Hackett to be postmaster at Ferndale, N. Y., in place of Anna Keegan. Incumbent's commission expired September 1, 1926.

Herbert N. Rothenmeyer to be postmaster at Clarence, N. Y., in place of H. N. Rothenmeyer. Incumbent's commission expired January 8, 1928.

Lewis A. Brunnemer to be postmaster at Blue Point, N. Y., in place of L. A. Brunnemer. Incumbent's commission expired January 8, 1928.

Robert C. Downey to be postmaster at Akron, N. Y., in place of R. C. Downey. Incumbent's commission expired January 8, 1928.

NORTH CAROLINA

Charles E. Zedaker to be postmaster at Red Springs, N. C., in place of J. C. Snoddy, jr., removed.

Lat W. Purser to be postmaster at Vanceboro, N. C., in place of L. W. Purser. Incumbent's commission expires January 24, 1928.

Alexander B. Berry to be postmaster at Swanquarter, N. C., in place of A. B. Berry. Incumbent's commission expires January 24, 1928.

John H. Elliott to be postmaster at Stony Point, N. C., in place of J. H. Elliott. Incumbent's commission expires January 24, 1928.

Cyril L. Walker to be postmaster at Roper, N. C., in place of C. L. Walker. Incumbent's commission expires January 24, 1928.

Arthur B. Dickey to be postmaster at Murphy, N. C., in place of A. B. Dickey. Incumbent's commission expires January 24, 1928.

William F. Ballard to be postmaster at Mount Holly, N. C., in place of W. F. Ballard. Incumbent's commission expired December 19, 1927.

Charlie H. Murray to be postmaster at Middlesex, N. C., in place of C. H. Murray. Incumbent's commission expires January 24, 1928.

Theodore E. McCrary to be postmaster at Lexington, N. C., in place of T. E. McCrary. Incumbent's commission expires January 24, 1928.

NORTH DAKOTA

Forrest Daniel to be postmaster at Sykeston, N. Dak., in place of Forrest Daniel. Incumbent's commission expired January 22, 1928.

Otto Sougstad to be postmaster at Northwood, N. Dak., in place of Otto Sougstad. Incumbent's commission expires January 24, 1928.

Genevieve Gregor to be postmaster at Dawson, N. Dak., in place of Genevieve Gregor. Incumbent's commission expired January 22, 1928.

Matt Johnson to be postmaster at Bottineau, N. Dak., in place of L. F. Stewart. Incumbent's commission expired February 24, 1927.

OHIO

Joshua J. Rumbaugh to be postmaster at Alger, Ohio, in place of S. B. Moffett, removed.

M. Margaret Searl to be postmaster at South Webster, Ohio, in place of M. M. Searl. Incumbent's commission expires January 24, 1928.

Charles F. Faris to be postmaster at Hillsboro, Ohio, in place of C. F. Faris. Incumbent's commission expires January 24, 1928.

Elizabeth McNaught to be postmaster at Frazeysburg, Ohio, in place of Elizabeth McNaught. Incumbent's commission expires January 24, 1928.

John Roth to be postmaster at Excello, Ohio, in place of John Roth. Incumbent's commission expired January 7, 1928.

OKLAHOMA

Daniel G. Wood to be postmaster at Sasakwa Okla., in place of W. P. Harris, resigned.

Alvin S. Gibson to be postmaster at Roosevelt, Okla., in place of A. S. Gibson. Incumbent's commission expired January 22, 1928.

Mary E. L. Allen to be postmaster at Ramona, Okla., in place of M. E. L. Allen. Incumbent's commission expired January 14, 1928.

Harry B. Kelly to be postmaster at Hockerville, Okla., in place of H. B. Kelly. Incumbent's commission expired January 22, 1928.

Calvin C. Wilson to be postmaster at Henryetta, Okla., in place of C. C. Wilson. Incumbent's commission expired January 14, 1928.

James O. Dowdy to be postmaster at Haskell, Okla., in place of J. O. Dowdy. Incumbent's commission expired January 14, 1928.

Elace B. Lairmore to be postmaster at Dewar, Okla., in place of E. B. Lairmore. Incumbent's commission expired January 16, 1928.

OREGON

Elizabeth C. Lewis to be postmaster at Tigard, Oreg. Office became presidential July 1, 1927.

Leslie B. Frizzell to be postmaster at Houlton, Oreg. Office became presidential July 1, 1927.

Nels C. Nielsen to be postmaster at Wendling, Oreg., in place of N. C. Nielsen. Incumbent's commission expires January 24, 1928.

Henry H. McReynolds to be postmaster at Pilot Rock, Oreg., in place of H. H. McReynolds. Incumbent's commission expired January 30, 1927.

Diana Snyder to be postmaster at Aurora, Oreg., in place of Diana Snyder. Incumbent's commission expired December 19, 1927.

PENNSYLVANIA

Daniel K. Miller to be postmaster at Birdsboro, Pa., in place of H. E. Brinley, deceased.

J. Mateer Pollock to be postmaster at Wilmerding, Pa., in place of J. M. Pollock. Incumbent's commission expires January 23, 1928.

John G. McCune to be postmaster at West Newton, Pa., in place of J. G. McCune. Incumbent's commission expired January 22, 1928.

Helen L. Chaffee to be postmaster at Wesleyville, Pa., in place of H. L. Chaffee. Incumbent's commission expired January 22, 1928.

William E. Bowers to be postmaster at Waynesboro, Pa., in place of W. E. Bowers. Incumbent's commission expired January 8, 1928.

Gordon C. Kuhns to be postmaster at Trevorton, Pa., in place of G. C. Kuhns. Incumbent's commission expired January 8, 1928.

Robert E. Frech to be postmaster at Stowe, Pa., in place of R. E. Frech. Incumbent's commission expired January 8, 1928.

Frank G. Jones to be postmaster at Spartansburg, Pa., in place of F. G. Jones. Incumbent's commission expires January 23, 1928.

William A. Bailey to be postmaster at Southwest, Pa., in place of W. A. Bailey. Incumbent's commission expired January 22, 1928.

Harry L. Kelley to be postmaster at Slippery Rock, Pa., in place of H. L. Kelley. Incumbent's commission expired January 22, 1928.

Luther P. Ross to be postmaster at Saxton, Pa., in place of L. P. Ross. Incumbent's commission expires January 23, 1928.

Edward G. Carper to be postmaster at Roaring Spring, Pa., in place of E. G. Carper. Incumbent's commission expires January 23, 1928.

William M. Thomas to be postmaster at Ridgway, Pa., in place of W. M. Thomas. Incumbent's commission expired January 22, 1928.

Clinton B. White to be postmaster at New Wilmington, Pa., in place of C. B. White. Incumbent's commission expired January 22, 1928.

William S. Durham to be postmaster at Mont Clare, Pa., in place of W. S. Durham. Incumbent's commission expired January 8, 1928.

Mabel G. Wetzel to be postmaster at Middleburg, Pa., in place of M. G. Wetzel. Incumbent's commission expired January 8, 1928.

John L. Coldren to be postmaster at Manheim, Pa., in place of J. L. Coldren. Incumbent's commission expires January 24, 1928.

George J. Thumm to be postmaster at Lansdale, Pa., in place of G. J. Thumm. Incumbent's commission expired January 8, 1928.

Benjamin F. Jenkins to be postmaster at Jeannette, Pa., in place of B. F. Jenkins. Incumbent's commission expired January 22, 1928.

John B. Chase to be postmaster at Greenville, Pa., in place of J. B. Chase. Incumbent's commission expires January 23, 1928.

Roy R. Rhodes to be postmaster at Freedom, Pa., in place of R. R. Rhodes. Incumbent's commission expired January 16, 1928.

Kathryn L. Petrini to be postmaster at East Brady, Pa., in place of K. L. Petrini. Incumbent's commission expires January 23, 1928.

Charles R. Kschinka to be postmaster at Dushore, Pa., in place of C. R. Kschinka. Incumbent's commission expired January 8, 1928.

Hope B. Sterner to be postmaster at Dewart, Pa., in place of H. B. Sterner. Incumbent's commission expired January 8, 1928.

Samuel A. Morrison to be postmaster at Delmont, Pa., in place of S. A. Morrison. Incumbent's commission expired January 10, 1928.

William M. Heaps to be postmaster at Darby, Pa., in place of W. M. Heaps. Incumbent's commission expired January 8, 1928.

Frank U. Armstrong to be postmaster at Cheswick, Pa., in place of F. U. Armstrong. Incumbent's commission expired January 23, 1928.

William W. Latta to be postmaster at California, Pa., in place of W. W. Latta. Incumbent's commission expired January 23, 1928.

Mary A. Kerr to be postmaster at Boyers, Pa., in place of M. A. Kerr. Incumbent's commission expired January 22, 1928.

Will O. Depp to be postmaster at Big Run, Pa., in place of W. O. Depp. Incumbent's commission expired January 22, 1928.

John R. Baltz to be postmaster at Ardmore, Pa., in place of J. R. Baltz. Incumbent's commission expired January 8, 1928.

RHODE ISLAND

James H. Whatley to be postmaster at Bridgeton, R. I. Office became presidential July 1, 1927.

Thomas F. Lenihan to be postmaster at Westerly, R. I., in place of T. F. Lenihan. Incumbent's commission expires January 24, 1928.

SOUTH CAROLINA

George C. Cox to be postmaster at Myrtle Beach, S. C. Office became presidential July 1, 1927.

John W. Geraty to be postmaster at Yonges Island, S. C., in place of J. W. Geraty. Incumbent's commission expired January 8, 1928.

Murphy T. Sumerel to be postmaster at Ware Shoals, S. C., in place of M. T. Sumerel. Incumbent's commission expires January 24, 1928.

William J. Hughes to be postmaster at Loris, S. C., in place of W. J. Hughes. Incumbent's commission expires January 23, 1928.

Arthur P. Horton to be postmaster at Heath Springs, S. C., in place of A. P. Horton. Incumbent's commission expires January 23, 1928.

TENNESSEE

Billie Creson to be postmaster at Mulberry, Tenn. Office became presidential July 1, 1927.

John E. Davenport to be postmaster at Woodbury, Tenn., in place of J. E. Davenport. Incumbent's commission expired January 22, 1928.

Samuel C. Patton to be postmaster at Dayton, Tenn., in place of S. C. Patton. Incumbent's commission expired January 22, 1928.

John L. Harris to be postmaster at Bethel Springs, Tenn., in place of J. L. Harris. Incumbent's commission expired December 19, 1927.

TEXAS

Walter C. Sparks, jr., to be postmaster at Taft, Tex., in place of Raymond Mullen, resigned.

Isaac C. Plumlee to be postmaster at Pioneer, Tex., in place of E. E. Alexander, deceased.

Nora M. Kuhn to be postmaster at Paige, Tex., in place of N. M. Kuhn. Incumbent's commission expires January 24, 1928.

Francis M. Bell to be postmaster at North Zulch, Tex., in place of F. M. Bell. Incumbent's commission expires January 24, 1928.

Beulah W. Carles to be postmaster at Muleshoe, Tex., in place of B. W. Carles. Incumbent's commission expires January 24, 1928.

William R. Williams to be postmaster at Montague, Tex., in place of W. R. Williams. Incumbent's commission expires January 24, 1928.

Thomas E. Williams to be postmaster at Matador, Tex., in place of T. E. Williams. Incumbent's commission expires January 24, 1928.

John B. Vannoy to be postmaster at McLean, Tex., in place of J. B. Vannoy. Incumbent's commission expires January 24, 1928.

Cass B. Rowland to be postmaster at Hamlin, Tex., in place of C. B. Rowland. Incumbent's commission expires January 24, 1928.

Nora C. McNally to be postmaster at Godley, Tex., in place of N. C. McNally. Incumbent's commission expires January 24, 1928.

Daniel B. Bynum to be postmaster at Eustace, Tex., in place of D. B. Bynum. Incumbent's commission expires January 24, 1928.

Minnie Owens to be postmaster at Dickinson, Tex., in place of Minnie Owens. Incumbent's commission expires January 24, 1928.

UTAH

Joseph W. Johnson to be postmaster at Layton, Utah., in place of J. W. Johnson. Incumbent's commission expired January 23, 1928.

VIRGINIA

Claude T. DeBusk to be postmaster at Saltville, Va., in place of E. A. Hyde, removed.

WASHINGTON

John E. Meyers to be postmaster at Scenic, Wash. Office became presidential July 1, 1927.

Curtis B. Bay to be postmaster at Lynden, Wash., in place of C. B. Bay. Incumbent's commission expired January 7, 1928.

WEST VIRGINIA

Waitman T. Grose to be postmaster at Stirrat, W. Va., in place of W. A. Hatfield, resigned.

Pete A. Spurlock to be postmaster at Logan, W. Va., in place of C. M. Browning, resigned.

James A. Little to be postmaster at Waverly, W. Va., in place of J. A. Little. Incumbent's commission expires January 23, 1928.

Ernest T. Morrison to be postmaster at Sutton, W. Va., in place of Justus Stalnaker. Incumbent's commission expired December 18, 1927.

WISCONSIN

Norma E. McNutt to be postmaster at Oxford, Wis., in place of N. E. McNutt. Incumbent's commission expired January 17, 1928.

WYOMING

Robert A. Hoover to be postmaster at Green River, Wyo., in place of E. W. Ace, removed.

Calloway Gillespie to be postmaster at Rock River, Wyo., in place of E. W. Gillespie, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 23, 1928

DIPLOMATIC AND FOREIGN SERVICE

William W. Schott to be secretary, Diplomatic Service.
Addison E. Southard to be Foreign Service officer, class 2.
John K. Davis to be Foreign Service officer, class 3.

INTERSTATE COMMERCE COMMISSION

Claude R. Porter to be member of the Interstate Commerce Commission.

PROMOTIONS IN THE ARMY

To be colonel

Douglas Potts.

To be lieutenant colonel

Lesley James McNair.

To be majors

Frederick William Huntington.
Howard J. Houghland.
John James Bohn.
Roland Roy Long.
Charles Belding Oldfield.
Carl J. Smith.
Charles Joseph Allen.
John Lawrence Dunn.
James Gregory Monihan.
William Gaston Simmons.
Charles Andrew McGarrigle.
Alexander Putney Withers.

To be captains

Arthur Eugene Fox.
Carleton Smith.
Paul Conover Gripper.
LeCount Haynes Slocum.
Edwin Fry Barry.
Frederick Harry Black.
Josef Robert Sheetz.
Charles Paul Cullen.
Frederic Arthur Metcalf.
Harry Emerson Storms.
David Dean Barrett.
Lawrence James Meyns.
Thomas Harry Ramsey.
Leon Dessez.
Lawrence Iverson.
Archibald Luther Parmelee.
Walter Byron Fariss.
John Patrick Crehan.
Donald Sutter McConnaughy.
John Theodore Sunstone.

To be first lieutenants

Will Walter White.
William Jackson Morton, jr.
Wilbur Ray Pierce.
Donald Henry Galloway.
Howard William Serig.
Daniel DeBardeleben.
Patrick Weston Timberlake.
Clyde Kenneth Rich.
Paul Wakefield Wolf.
David Larr.
Laurence Carbee Craigie.
Philip Roy Dwyer.
Sylvester John Keane.
Allen Lloyd Keyes.
Damon Mott Gunn.
Charles Metz Seebach.
Harry McKenzie Roper.
James Henry Workman.
Charles Wesley Gettys.
Henry James Pitt Harding.
William Shepard Biddle, 3d.

MEDICAL CORPS

To be colonels

William Lawson Little.
Allie Walter Williams.

POSTMASTERS

ARKANSAS

Berry Ozbirn, Ash Flat.
Edward S. Miller, Bentonville.
Lena G. Bundren, Biggers.
Peter K. Wylie, Carthage.
Thelma Jones, Elkins.
Edgar G. Gunnels, Emerson.
Larkin A. McLin, Harrisburg.
James O. Crunk, Hughes.
Adolph O. Border, Knobel.
James L. Willson, Moro.
Leah W. Harkey, Plainview.
Pauline Prescott, Rosston.
Thomas W. Steel, jr., Scott.
Claude E. Spyres, Sheridan.
Carleton H. Denslow, Stuttgart.

GEORGIA

Clive A. Renfroe, Lumber City.

PENNSYLVANIA

Wayne M. Culley, Burgettstown.
Harry O. Campsey, Claysville.
Clarence E. Keffel, Donora.
John C. Chamberlain, Everett.
Lulu Buffle, Lock No. 4.
J. Herbert Evans, Mather.

WITHDRAWAL

Executive nomination withdrawn from the Senate January 23, 1928

POSTMASTER

NEBRASKA

Paul E. Watts, Unadilla.

HOUSE OF REPRESENTATIVES

MONDAY, *January 23, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Out of the bosom of our Heavenly Father has come this radiant day, and we praise Thee. We thank Thee for the noontide in the midst of life and labor; we thank Thee for the sunset glory; we thank Thee for the light in the depths of the stars as we wait for the morning dawn. Send out Thy light, O God, to those who sit in darkness; give courage and strength to those who falter and broaden the vision of all. With brave hearts and stout hands may we grip heroically the problems of our Republic. The ones who need us have a valid claim against us. Direct us always to discriminate between the good and the bad, the false and the true. Through Christ. Amen.

The Journal of the proceedings of Friday, January 20, 1928, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8269. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes.

The message also announced that the Senate had passed a bill (S. 1425), an act to remove a cloud on title, in which the concurrence of the House of Representatives was requested.

THE LATE MAJ. GEN. GEORGE W. GOETHALS

Mr. TILSON. Mr. Speaker, it is well for us to pause in the midst of our labors to pay a word of tribute to a great American who has fallen. On Saturday last, January 21, 1928, Maj. Gen. George W. Goethals passed from the scene of his earthly labors to his great reward. The word "Panama" alone, coupled as it must always be with his name, is sufficient to enroll it on the roster of the immortals. It was his brain and great executive ability that at last brought to pass the dream of the centuries of finding a passage to Asia. His work at Panama entitles him to a place high on the roll of the Nation's great builders.

General Goethals was honored in many ways by our country and by foreign countries. Congress thanked him for his work in connection with building the Panama Canal. He was made a major general. He received the distinguished-service medal for meritorious service in reorganization of the Quartermaster General's Department during the World War. France decorated him with the Legion of Honor, Order of Commander; the British Crown conferred upon him the Order of Knight Commander of St. Michael and St. George; and the Chinese Government made him a member of the Grand Cordon of the Order of Wen Hu (Striped Tiger).

Above all the honors that governments or earthly rulers could confer or offer stands the fact that General Goethals was in himself a great American, made great by an incomparable service rendered to mankind. The conditions under which he did his work at Panama gave him almost autocratic powers. How effective he used these great powers was shown by the results attained in the accomplishment of his task, but only those who worked under him or visited the Isthmus during his stay there will ever be able to fully realize how just and fair he was even to the humblest employee in his administration of affairs. In the midst of his great task, as a just judge, he sat as a court on the Sabbath day and heard patiently those who had just grievance; nor did anyone have reason to go away from his presence without having justice done him. Thus in a most practical way did he demonstrate that truth, justice, and fair-dealing are ever the distinguishing characteristics of true greatness.

As long as the commerce of the world continues to flow from ocean to ocean through the canal made possible by their combined genius, so long will the names of George W. Goethals and his great colaborer, William C. Gorgas, be remembered and repeated around the globe.

Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DENISON] may proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, last Saturday there passed away in New York City one of America's greatest men, Gen. George W. Goethals. The world has recognized the genius and the splendid achievement of General Goethals. Some day, I hope, our country will give him the recognition to which he is entitled. For the present I think we might well pause from our labors for a moment to note his passing and bear brief testimony to the loss which I am sure every American must feel in the death of General Goethals.

General Goethals was a typical product of the West Point Military Academy. He graduated from that institution as a second lieutenant in the Engineering Corps in 1880. He was not unlike many hundreds of other young American boys who go through the United States Military and Naval Academies. Modest, studious, devoted to his career, patriotic, a man of vision who looked ahead unselfishly to his country's future. He served creditably in the Engineer Corps during the war with Spain, and in the later years of his life, after he had retired from active duty, he was again called into active service and performed valuable services in connection with the Emergency Fleet Corporation and as Quartermaster General during the World War, for which he received the distinguished-service medal from Congress for especially meritorious and conspicuous service in reorganizing the quartermaster department.

But the fame of General Goethals will rest with his signal achievement in constructing the Panama Canal. The construction of a canal across the Isthmus of Panama had been the dream of students and of statesmen for more than 300 years. Spain, England, Germany, and France all contemplated undertaking the task. But all abandoned it save France who, after two disastrous attempts, failed to accomplish it.

The United States made this wonderful dream come true, and it was the splendid ability and unselfish services of General Goethals more than all else that enabled us to do so.

He had shown unusual ability as engineer in charge of the improvements of the Ohio River and the construction of the locks and dams on that river, and at Muscle Shoals and elsewhere; and when the difficulties encountered in the early days of our efforts on the Isthmus of Panama made it appear doubtful whether this country could successfully unite the two oceans, General Goethals was called into service and placed in charge of the work at Panama; and in 1914 the greatest project ever undertaken by any government in the world was completed under his guiding mind and hand.

His life will long be an inspiration to the youth of our country, and an illustration of the thought that the young men who graduate from our Military and Naval Academies can serve the country well and achieve fame by peaceful achievements as well as on the field of battle. The uninformed and the unthinking too often criticize the Army engineers who are charged with various activities of our Government. But the fact is, that there is not a finer or better qualified body of engineers in the world than the Army and Navy engineers of this country. And when crises have arisen, the Government has often turned to them for leadership. And it will do so again.

We are now confronted with a problem as great and perhaps as difficult as the construction of the Panama Canal. A million and a half people and billions of dollars worth of property are threatened every few years from the inundation of the Mississippi River and its tributaries. The country is looking for men of the genius and the ability and the leadership of General Goethals to find a solution in this great problem. I am sure the Members of this House share with me in the belief that another General Goethals can be found among the Army engineers who can add to the achievement of General Goethals on the Isthmus of Panama another splendid achievement in the Mississippi Valley by the execution and completion of some suitable plan to end the terror and the losses from the floods of that river and bring peace and prosperity to so many of our people who live along its fertile valleys.

It would be well if every Member of Congress, and as many American citizens as possible, could visit the Isthmus of Panama and see the great canal, completed and in successful operation, a monument for all time, not only to the genius and splendid achievement of General Goethals, under whose management the project was completed, but as well to the sacrifice and the splendid ability of General Gorgas, and of Colonels Seibert, Gaillard, and Hodges, and others whose assistance made the work of General Goethals possible. A commendable effort is now being made to erect a suitable memorial to General Gorgas near the scene of his labors on the Isthmus of Panama. Let us hope that our Government will not long delay the erection of a suitable memorial to commemorate the genius and the achievement of General Goethals, by whom more than all others that great project was made possible. [Applause.]

MUSCLE SHOALS

Mr. GARRETT of Tennessee. Mr. Speaker, I have here a letter addressed to me by the Railroad and Public Utilities Commission of the State of Tennessee, reciting certain objections which, on the behalf of the State, that commission is urging to the so-called Madden bill, designed to carry into effect the cyanamid offer on Muscle Shoals. Inasmuch as this communication deals with a very live matter of legislation, which must be passed upon by this House, and in view of the fact that this commission is officially asserting its objections on behalf of the State of Tennessee, I ask unanimous consent to insert it in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by inserting a letter from the Railroad and Public Utilities Commission of the State of Tennessee. Is there objection?

Mr. SNELL. Mr. Speaker, as I understand it, this letter deals entirely with that one question?

Mr. GARRETT of Tennessee. It deals entirely with certain phases of the so-called Madden bill.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman from Tennessee yield?

Mr. GARRETT of Tennessee. Yes.

Mr. GARNER of Texas. I notice that the gentleman said that this Congress must deal with this legislation. Does the gentleman have any hope that the Congress will deal with the Muscle Shoals proposition at this session?

Mr. GARRETT of Tennessee. I hope so.

Mr. GARNER of Texas. I am very glad to hear the leader of the minority say that. I remember the distinguished gentleman from New York [Mr. SNELL] at the last session giving notice to this House that unless some arrangement was made soon to settle the Muscle Shoals question, he was in favor of the Government taking it over and completing it and doing the work. And everybody applauded him.

Mr. SNELL. I will say that my position is just exactly what it was then.

Mr. GARNER of Texas. I would like to see the gentleman get busy.

Mr. MADDEN. Mr. Speaker, will the gentleman from Tennessee yield to me? I would like to get into this colloquy for just a minute.

Mr. GARRETT of Tennessee. Yes; I yield to the gentleman.

Mr. MADDEN. Mr. Speaker, I have reintroduced the bill which was pending last year for the adjustment of Muscle Shoals. I have sent to the Military Affairs Committee a complete, detailed statement of what the bill contains. I have urged in that letter immediate consideration on the part of the committee and have asked them for further hearings, if further hearings be necessary. As the author of the bill, earnestly interested in adjudicating a problem which ought to have been adjudicated long ago, in my judgment, I am anxious to see the legislation enacted. I want to see it enacted not only because it proposes to utilize the vast expenditure made by the Government for the manufacture of nitrates during war times by this utility, and fertilizers in time of peace, the purpose for which the original investment was made, but also because it proposes to prevent what I think is to-day a useless waste of money already invested. In fact, I want to see whether the water-power companies of the United States have more power to pass legislation in this House than the House itself has.

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to say that all who have knowledge of this Muscle Shoals question in and out of the House of Representatives I think fully appreciate the zeal which the gentleman from Illinois [Mr. MADDEN] has displayed in prior Congresses and in this, in an effort to have this question disposed of. There is a realization that his activity has been wholly unselfish and that all that he has done has been in a sincere effort to promote the public interests. His efforts have been appreciated, I am sure, throughout the country, and particularly in that section of the country in which this great project is located. It is desirable, I think, that certain legal questions having been raised by the constituted authorities of Tennessee, the matter should be placed in a posi-

tion where it can receive the attention of the committee and of the Congress, in the hope that there may be an adjustment so that we can legislate and dispose of this project.

Mr. BLANTON. I want to ask the gentleman a question, making a reservation for that purpose. Do I understand the gentleman to say that this document speaks the position of the State of Tennessee?

Mr. GARRETT of Tennessee. It speaks the position of the Railroad and Public Utilities Commission of Tennessee.

Mr. BLANTON. But have the people of Tennessee authorized this commission to speak for them on Muscle Shoals?

Mr. GARRETT of Tennessee. They have had no way to authorize them.

Mr. BLANTON. When I ask that question I mean no reflection on that commission of the State of Tennessee, but I am afraid that a certain board of water engineers in the State of Texas is under the influence of the great power companies of the country. Is this commission in Tennessee outside the influence of the great Power Trust of the United States, so far as the gentleman knows?

Mr. GARRETT of Tennessee. Mr. Speaker, I have no reason to believe that the commission is under the domination in any way of what the gentleman from Texas calls the Power Trust, either locally or generally. If the gentleman wants to know the purport of this communication he can learn of it by reading it, and I trust he will do so, for it is interesting and important. I think it was, perhaps, on or about the 7th of December or somewhere in the early part of December that the House gave its consent and I placed in the RECORD the order issued by the Public Utilities Commission of the State of Tennessee. No; it is in the RECORD of December 8, 1927, asserting the authority of the State over the control of hydroelectric power. It is a legal proposition. The questions that are raised in this communication which I ask to put into the RECORD now are purely legal.

Mr. BLANTON. The reason why I asked the question is that I was convinced this past summer that the Power Trust have their tentacles around a majority of our board of water engineers in the State of Texas, so that a stockman can not put in a dam across a draw on his own ranch to conserve the water that falls on his own property, because the Power Trust claims control of all the waterfall of the entire western half of the State of Texas.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. BLACK of Texas. Do I understand the gentleman from Texas to make the allegation that the railroad commission, which is presided over by as fine a man as——

Mr. BLANTON. No; I was not referring in any way to the railroad commission. I had reference only to the board of water engineers of our State, to which you have to go when you want to build a dam over any stream in Texas. I have the highest respect for the Railroad Commission in Texas, but I am afraid I have lost confidence in two members of our board of water engineers.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter received by me from the Railroad and Public Utilities Commission of Tennessee relating to the control of the water-power resources of the State and Muscle Shoals:

RAILROAD AND PUBLIC UTILITIES COMMISSION
OF THE STATE OF TENNESSEE,
Nashville, January 18, 1928.

Hon. FINIS J. GARRETT,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of the 10th instant, addressed to Mr. Dunlap, a member of the Railroad and Public Utilities Commission of Tennessee, requesting the commission to make a statement of its views in regard to such portions of the Madden bill (H. R. 8305) as may affect the State of Tennessee, has been received and carefully considered by the commission. Your suggestion that it is best to have a clear-cut understanding on this subject now, rather than later, seems timely and proper.

In response to your request the commission begs leave to state that it has given the most thoughtful consideration to the Madden bill, and has reached the conclusion that the passage of this bill in its present form would constitute a clear invasion and subversion of the rights of the State of Tennessee in and to its water-power resources on the Tennessee River and its tributaries above Muscle Shoals.

The commission is advised by thoroughly capable engineers that the water-power resources of that part of the Tennessee River and its tributaries above Muscle Shoals and within the State of Tennessee would probably exceed 20,000,000,000 kilowatt hours per annum. This constitutes a resource that is so vast and so valuable that it is difficult to visualize the possibilities of development along all industrial lines to which the State of Tennessee and its people are entitled. That the State has a very definite right and vital interest in the development of these resources can not be gainsaid.

The Madden bill contains a provision in the last paragraph of section 1 that the "United States covenants and agrees that it will not itself, or by permit or license, authorize or empower any third party to construct, operate, or maintain any dam or dams on the Tennessee River and/or its tributaries in such form or manner as will materially impair or detract from the full use and enjoyment by the lessee of the properties (at Muscle Shoals), or any of them, demised to the lessee by this lease."

As the commission understands the above provision, the lessee of Muscle Shoals, under the Madden bill, would be able to prevent the development of any of the water-power resources on the Tennessee River above Muscle Shoals merely by showing that such development would materially impair or detract from the full use and enjoyment of the property at Muscle Shoals by Air Nitrates Corporation and American Cyanamid Co.

The commission respectfully submits that the State of Tennessee is as much entitled as a matter of right to the maximum benefits which would result from the proper development and utilization of the water-power resources of the Tennessee River and its tributaries within the boundaries of this State as the Federal Government or any lessee is entitled to the maximum benefits from the operation of Muscle Shoals, and the Federal Government has no legal or equitable right to subordinate the water-power resources on the Tennessee River and its tributaries within the boundaries of this State to Muscle Shoals and thus impair the value of such resources to the State of Tennessee and its people.

The above general provision is followed by certain specific provisions contained in paragraphs T and U of the Madden bill. By paragraph T the United States "covenants and agrees to acquire and construct with reasonable promptness Cove Creek Dam, to be constructed upon the Cove Creek site on the Clinch River, located approximately 8 miles in a direct line north of Clinton, Tenn."

The manifest purpose of this provision of the Madden bill is to dispose of this great property, which is perhaps worth as much as Muscle Shoals, without the United States ever having expended 1 cent in its development at the time of the execution of the lease, and in total disregard of the sovereign and proprietary rights of the State of Tennessee.

Under section U of the Madden bill it is provided that the lessee—that is, the Air Nitrates Corporation and the American Cyanamid Co.—will, within 90 days after the date of the lease, cause to be organized a subsidiary corporation "empowered to engage in the business of developing, generating, transmitting, and distributing electric power, and will cause said subsidiary corporation to file, within 90 days after its organization, with the Federal Power Commission, an application for a preliminary permit to enable said subsidiary corporation to secure the data and perform the acts required by section 9 of the Federal water power act, with a view to acquiring and obtaining a license to construct, operate, and maintain, in accordance with the terms and provisions of said act, except as herein otherwise provided, the following dams, to wit:

(1) Senator dam, to be constructed upon the Senator site on the Clinch River above the mouth of the Emery River.

(2) Melton Hill dam, to be constructed upon the Melton Hill site on the Clinch River, in Anderson and Knox Counties.

(3) Clinton dam, to be constructed upon the Clinton site on the Clinch River, near Clinton, and thereupon the said commission shall issue such a preliminary permit forthwith.

It is then provided that the subsidiary corporation shall have three years thereafter within which to make examinations and surveys, etc. During the three-year period the subsidiary corporation shall have and enjoy priority in applying for a license under the terms of said act to acquire, construct, operate, and maintain any one or more of said dams. If within said period of three years the subsidiary corporation shall elect to acquire and construct any one or more of said dams, it shall promptly apply for a license to do so.

It is then provided that, "Thereupon, in accordance with plans and specifications approved by the Secretary of War, and which shall be well adapted to develop, conserve, and utilize in the public interest the navigation and the water-power development of such region, the said commission (Federal Water Power Commission) shall issue to the said subsidiary corporation a license to acquire, construct, operate, and maintain the dam or dams specified in said application, which shall confer upon said subsidiary corporation all the rights and privileges of said act."

It will be noted that this bill does not require the subsidiary corporation to construct any one or more of these dams at any time; neither does it limit the time within which any one or more of said dams shall be constructed. The practical result from the operation of these provisions of the Madden bill would simply be that the Cyanamid Co.

and the Air Nitrates Corporation would have three years and a half during which time they could determine whether or not they would make the proposed development of any one of the dam sites named, which would be nothing less than an exclusive option in favor of these companies for that period of time. At the expiration of the three and a half years they would then make application to the Federal Power Commission for a license, and would have such additional time to make the development as might be given them by the Federal Power Commission. The nature, character, and extent of the improvement at each dam would likewise be left to these companies, subject, of course, to the approval of the Federal Power Commission.

Another highly important consideration is that the lessee making these developments, when made, if made at all, would be under no obligation to the State of Tennessee in so far as the distribution of power might be concerned; that is, the citizens of this State could not have any preferential right; neither would the State have any assurance that the entirety of this power would not be carried beyond the limits of the State to supply cities and manufacturing plants located in other neighboring States. In this way it is not only possible, but highly probable, that neither the State of Tennessee nor its people would derive anything more than a mere negligible advantage from the development of these valuable power sites located in Tennessee. The State of Tennessee would probably get nothing more than a small property tax on the money invested in the plants.

Of course, in the case of Cove Creek, if that dam should be constructed by the United States Government and the title be held by it, it would not be subject to direct taxation in the State of Tennessee, and thus the State might lose every possible benefit from that source.

The State of Tennessee and its people have certain rights with respect to the Tennessee River within its borders which would be wholly lost to the State and its people should the Madden bill become a law. In the recent case decided by the Supreme Court of the United States, styled Fox River Paper Co. et al. *v.* Railroad Commission of Wisconsin, on May 31, 1927, the rights of the State of Wisconsin are clearly recognized.

The railroad commission had assumed the power and jurisdiction under the statutes of that State to determine whether or not a permit should be granted to the applicants to raise their dams which had been constructed years ago. The law of Wisconsin provides that every applicant for a permit is required to file with its application proposals in writing, consenting, among other things, to the granting of a permit subject to the condition that the State of Wisconsin, if it shall have the constitutional power, or any municipality, on not less than one year's notice, at any time after the expiration of 30 years after the permit becomes effective, may acquire all of the property of the grantee, used and useful, under the permit, by paying therefor the cost of reproduction in their then existing condition of all dams, locks, buildings or other structures or equipment, used and useful, under the permit, as determined by the commission, and by paying in addition thereto the value of the dam site and of flowage rights and other property as determined by the commission prior to the time the permit was granted, plus the amounts paid out for additional flowage rights, if any, acquired after the valuation made by the commission, and that the applicant waives all rights to any further compensation. The question was made and pressed upon the courts of Wisconsin and upon the Supreme Court of the United States that the compensation thus provided for by statute was wholly inadequate and that the State was without authority to make such exaction.

In the course of the opinion the following language appears:

"If the legislature may wholly refuse permission to erect a dam or other structure in the navigable waters of the State, it follows that it may grant such permission upon such terms as it shall determine will best protect the interests of the public. The legislature could impose the condition that the dam should be removed when it obstructed navigation, or that it should be removed at the end of a definite period of time; for example, 30 years."

Omitting the cases cited by the Supreme Court in support of the position, which are numerous, the court used the following language:

"Although presumptively title to the soil under navigable waters within the State is in the State, the nature and extent of the rights of the State and of riparian owners in navigable waters within the State and to the soil beneath are matters of State law to be determined by the statutes and judicial decisions of the State."

It is also said in the course of this opinion, omitting citations:

"The State's consent is necessary for the construction of a bridge or dam in a navigable river, subject to the superior power of the United States over navigation, and plaintiffs concede that the maintenance of such a dam without such permission constitutes a public nuisance."

Further on in the opinion the following language appears:

"We are not concerned with the correctness of the rule adopted by the State court, its conformity to authority, or its consistency with related legal doctrines. It is for the State court in cases such as this to define rights in land located within the State, and the fourteenth amendment, in the absence of an attempt to forestall our review of the constitutional question, affords no protection to supposed rights of property which the State courts determine to be nonexistent.

"We accept as conclusive the State court's view of the nature of the rights of riparian owners. We therefore find in the refusal of the commission to grant the permit no denial of the property rights of plaintiffs, and hence no violation of the fourteenth amendment. Compliance with section 31.09 is the price which plaintiffs must pay to secure the right to maintain their dam."

In other words, the Supreme Court said that the State of Wisconsin, acting through its railroad commission, had the power to impose a condition upon an applicant who sought a permit to build or raise its dam, that it should agree in writing that the State or any municipality at the end of 30 years might take over the property and pay for same upon a certain basis, and that its consent was the price it had to pay for the permit.

Turning now to the laws of Tennessee, permit us to call your attention to the case of Elder *v.* Burrus, opinion by Judge Turley, 6 Humphrey 357, in which it is distinctly stated that the waters of our navigable rivers belong to the public.

In the case of Stewart *v.* Clark (2 Swan 9) it is held that the soil covered by the waters of a navigable stream, as well as the use of the stream, belongs to the public. In that case the court had under consideration the question whether or not the Nolachcuky River is a navigable river in the legal sense of the term. It is said in the course of the opinion that—

"If the river be a public navigable stream, in the legal sense, the soil covered by the water, as well as the use of the stream, belongs to the public. But if it be not navigable in the legal meaning of the term—as is the case in England as to all streams above the flow of the tide—the ownership of the bed of the stream is in the riparian proprietors, but the public has an easement therein for the purposes of transportation and commercial intercourse."

The court defines the word "easement" in the same opinion by saying, "And this easement or servitude of public interest, in the phrase of the Roman law, is as absolute and unlimited in the public, in reference to this class of rivers, as to rivers navigable in the technical meaning of the term." The court was speaking of streams which were valuable for floatage as for rafts, etc., in the language last above quoted.

In the case of Miller *v.* State (16 Cates 293), in which Chief Justice Shields prepared an elaborate opinion for the Supreme Court of Tennessee, the court discussed the rights of the State and reviews the decisions of this State and of other States, and reaffirms the doctrine announced in the old cases, two of which are cited above.

In view of the declaration so recently made by the Supreme Court of the United States that the laws of the particular State must govern, we respectfully call your attention to the fact that in the State of Tennessee, by an unbroken line of decisions, it has been held, and is now the law, that the State of Tennessee owns not only the soil under all navigable streams within its borders, but it also owns, as a valuable property right, the use of the waters flowing therein. The State also holds an easement in all that class of nonnavigable streams which rise to the dignity of watercourses which would be considered as being of sufficient volume to generate electricity; that is, that class of streams which are used for the floatage of rafts, flat boats, or other small craft. These streams are highways in the same sense that public roads and navigable streams are highways.

There is another consideration to which we would respectfully direct your attention, and that is that, under the police power of the State, the impounding of large bodies of water by the erection of dams may be regulated by the State not only because they may constitute a menace to the safety of the people in the valley below the impounded water but also because the health of the people may be thereby affected.

Summarizing the objection to provisions hereinbefore outlined of the Madden bill, in so far as they affect the rights of the State of Tennessee and the welfare of its people, we submit the following:

First. The Madden bill in its present form utterly ignores the proprietary rights of the State of Tennessee and its people in and to the water-power resources within the boundaries of the State.

Second. It totally disregards the political or sovereign rights of the State of Tennessee and its jurisdiction and authority to supervise, regulate, and control the development and utilization of its water-power resources.

Third. It denies Tennessee the right to select the applicant or applicants who shall be permitted to develop these resources within the State and the use to be made of the electric energy thus generated—that is, whether same is to be consumed chiefly within the State of Tennessee or exported to other States, and whether the same shall be consumed at the point of generation or widely distributed over the State for the general service and benefit of all the people. It denies to this State the right to say whether capital and individuals in Tennessee, or in the South or in any particular section of the country, shall enjoy the right to make such development and the benefits accruing therefrom to those who may be permitted to make use of these resources.

Fourth. It subordinates the water-power resources of the Tennessee River and its tributaries above Muscle Shoals and within the boundaries of Tennessee to Muscle Shoals, and proposes to direct such development and make such use of these resources within Tennessee as

primarily benefit the operations at Muscle Shoals, regardless of the effect thereof on the value of the water resources within Tennessee.

Fifth. The Madden bill by one single act of Congress proposes to divest Tennessee of all of its right, title, and interest in and to water resources within the boundary of the State equivalent in potential hydroelectric energy to two-thirds of that being generated at present in the whole of the United States, and equivalent to one-half or more of the entire water-power sources within Tennessee.

Sixth. If the Federal Government can thus legally, through the Madden bill, make disposition of one-half of the water-power resources of this State without the consent or permission of the State, it can, by the same logic, assert and exercise the unqualified right to dispose of all the water-power resources in Tennessee.

It seems to us that the Madden bill, in the particulars above mentioned, undertakes to assert powers which the Federal Government does not possess under the navigation clause of the Federal Constitution, and which have never been recognized by the supreme court of this State or by the Supreme Court of the United States as belonging to the Federal Government.

The foregoing is intended as a criticism only of those provisions of the Madden bill which would assert the jurisdiction of the Federal Government over and its right to dispose of the water-power resources of the State of Tennessee without the consent of this State. The commission expresses no opinion as to the merits or demerits of the bill in question, so far as it proposes to dispose or provide for the operation of Muscle Shoals as a separate and distinct property. That is a matter which you and other Members of the Tennessee delegation and of the Congress will determine as national representatives of all the people.

Very respectfully,

HARRY H. HANNAH, *Chairman.*
PORTER DUNLAP, *Commissioner.*
E. D. HILL, *Commissioner.*

Mr. HUGHES. I want to say for the information of the House that if the Members of the House knew of the zeal with which the Committee on Military Affairs is working on the Muscle Shoals proposition they would feel satisfied with what is being done in the committee. That committee hopes to make a full report some time this week, and in a way that we hope will be satisfactory to all and for the best interests of all.

PERMISSION OF A COMMITTEE TO SIT DURING THE SESSION OF THE HOUSE

Mr. CHRISTOPHERSON. Mr. Speaker, by direction of the Committee on the Judiciary, I ask unanimous consent that that committee may hold meetings this afternoon during the sessions of the House.

The SPEAKER. By direction of the Committee on the Judiciary, the gentleman from South Dakota asks unanimous consent that that committee may sit this afternoon during the session of the House. Is there objection?

There was no objection.

GEN. NATHAN BEDFORD FORREST

Mr. CANNON. Mr. Speaker, under a special order made last week Major STEDMAN, of North Carolina, was given time on which to address the House on Saturday last on the life and character of General Forrest. The House adjourned over on that day. I ask unanimous consent that the gentleman from North Carolina be permitted to extend his remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. STEDMAN. Mr. Speaker, Saturday, January 21, was the birthday of Nathan Bedford Forrest, and my heart prompts me to express my admiration for his character, which I have had for many years.

One who reads the history of the unfortunate struggle between the States of our great Republic will find upon its pages the record of his life. His splendid qualities won for him the esteem and unchanging love of his countrymen and attracted the admiration of thousands whose homes were in foreign lands.

Nathan Bedford Forrest was born in Bedford County, Tenn., on the 21st of January, 1821. His father, William Forrest, was a man of influence with the people of the section of the country in which he lived. His mother, whose maiden name was Mariam Beck before her marriage, was a woman of rare ability.

He inherited from his ancestry those splendid qualities which distinguished his life.

He loved the truth and ever followed its dictates. He was the embodiment of physical and moral courage of the highest type. The emotion of fear found no resting place in his breast. He loved little children, and during his campaigns often stopped at houses where they were and would take one of them with him for several miles and return the child to its home by some trusted soldier. When the Civil War was over he went to Memphis, Tenn., and became a model and consistent member of the church. He died in the triumph of the Christian religion and left a name without blemish or stain. Fortunate is the nation which can furnish such a model for its young men.

The mighty river which winds its way through the territory which was the theater of his great achievements will ever sing his requiem.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9481, the independent offices appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Iowa [Mr. DOWELL] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9481, the independent offices appropriation bill, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9481, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

INDEPENDENT ESTABLISHMENTS

ALIEN PROPERTY CUSTODIAN

All expenses of the office of the Alien Property Custodian authorized by the act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, including compensation of the Alien Property Custodian at not to exceed $10,000 per annum; shall be paid from interest and collections on trust funds and other properties under the control of such custodian.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the chairman of the subcommittee about lines 8, 9, and 10, which provide that—

the expenses of the office, including the salary, shall be paid from interest and collections on trust funds and other properties under the control of such custodian.

As I understand it, these trust funds and other property aggregate $250,000,000. All this is under the control of the custodian, and he has deposited the funds, here, there, and everywhere in banks, at his discretion. The Comptroller General in his elaborate report in November, 1926, after he had investigated the custodian's office, said that there was very little accuracy about the accounts in the office; that it was difficult to tell what had been paid out here and what had been paid out there and when it had been paid out; that the accounts were not at all as they should be. Now, how much interest, how much of profit, does this custodian get out of the $250,000,000?

Mr. WOOD. I will say to the gentleman from Wisconsin that the present Alien Property Custodian is trying to carry out literally the provisions of the Winslow Act. That act, section 24, provides that—

The Alien Property Custodian is authorized to pay all taxes (including special assessments) heretofore or hereafter lawfully assessed by any body politic against any money or other property held by him or by the Treasurer of the United States under this act, and to pay the necessary expenses incurred by him or by any depository for him in securing the possession, collection, or control of any such money or other property, or in protecting or administering the same. Such taxes and expenses shall be paid out of the money or other property against which such taxes are assessed or in respect of which such expenses are incurred, or (if such money or other property is insufficient) out of any other money or property held for the same person, notwithstanding the fact that a claim may have been filed or suit instituted under this act.

Mr. Sutherland has more nearly carried out the law with reference to the administration of the Office of the Alien Property Custodian than anybody who has preceded him, and the hearings, on page 7, set forth the whole business, the investments, the amount of interest, and everything.

Mr. GARNER of Texas. The gentleman will remember that the alien property bill has been passed by this House and is now pending in the Senate. We had a hearing on that bill

about a year ago. I will say for myself—and I think I speak for a goodly portion of the Committee on Ways and Means—that the present custodian impressed us as trying to administer that office according to law and according to the ethics which the gentleman from Wisconsin thinks ought to control public business. That, I think, can be said about the present head of that office, but I doubt whether it could be said about some of the officials who are still in that office and were in the office at that time. I think that is where the trouble comes. Some of the subofficials he has about him seem to have more knowledge about the affairs of that office than he seems to have, and it was the idea of the committee that in the future he would familiarize himself with its affairs and run them as he should.

Mr. COOPER of Wisconsin. In December, 1926—a year ago last December—the alien property bill came up. A year before that time the President had directed Comptroller General McCarl to make an investigation of the Office of the Alien Property Custodian and submit a report. That report, a voluminous document, was made by the Comptroller General on November 15, 1926—a year ago last November—about three weeks before the House took up the bill, and yet the House knew nothing about the report until after it had passed the alien property bill and adjourned for the holiday recess.

Then the report was made public, though even yet comparatively few have ever seen it. That report, I will say to the gentleman from Indiana—perhaps he is familiar with it—showed a condition of affairs in the Office of the Alien Property Custodian more disgraceful than has ever been known in any other bureau of the United States Government within my experience. There had been fraud, falsehood, and a reckless disregard of the rights of everybody or everything excepting only the pocketbooks of the grafters who were doing the business.

The gentleman from Texas [Mr. GARNER] said he has an idea that there are some people still in that office who ought not to be there and have this property turned over to their control. This statement of the gentleman from Texas reminds me that the Comptroller General reported as a minor incident the fact that three or four men employed in that bureau had gone over to Europe ostensibly to make some sort of an investigation. They came back and it was found that they had expended more than $27,000. The Comptroller General asked them for something in the way of vouchers. They could not produce any that he could use. He asked them for something to show that their statement of expenditures was proper, but they could produce nothing.

They still had more than $3,000 left and the comptroller says the money was kept by two of the men and the whole thing fixed up by the obliging Alien Property Custodian, who simply increased the amount of the salaries of these men to $1,000 a month, so as to cover the amount they had not accounted for. And the Comptroller General says also in his report that some of these very men were then still in the office of the Alien Property Custodian. And it is a fact that they were there when the House passed that alien property bill to turn these millions over to their keeping. These facts justify the surmise of the gentleman from Texas.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. COLE of Iowa. Is it not true and has not the gentleman discovered that the operations of this bureau from the very beginning have been more or less dubious?

Mr. COOPER of Wisconsin. More, I should say.

Mr. COLE of Iowa. And, in fact, that much property was seized which never should have been seized?

Mr. COOPER of Wisconsin. That is true. I wish to summarize my judgment by saying—and from the statement just made by the distinguished gentleman from Iowa it is evidently his judgment—that there has been nothing more disgraceful in the records of this Government from its foundation than the shameless things that have characterized the administration of the affairs of the Alien Property Custodian's Office. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Clerk read as follows:

ARLINGTON MEMORIAL BRIDGE COMMISSION

For continuing the construction of the Arlington memorial bridge across the Potomac River at Washington, authorized in an act entitled "An act to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, and for other purposes," approved February 24, 1925, to be expended in accordance with the provisions and conditions of the said act, $2,300,000, including all necessary incidental and contingent expenses, the maintenance and repair of one motor-propelled passenger-carrying vehicle, printing and binding, and traveling expenses, to remain available until expended.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word.

I would like to ask the committee if the amount carried in this paragraph is all that the commission can economically expend on this project during the next fiscal year?

Mr. WOOD. Yes; that is all they feel they can expend, and in all probability they will not expend this much.

Mr. DALLINGER. May I ask the committee how soon this bridge will be finished?

Mr. WOOD. It is supposed to be completed in 1931, as far as the Government is concerned. Of course, the District of Columbia has a good deal yet to contribute toward this bridge.

Mr. DALLINGER. At the present rate, does the gentleman from Indiana think the bridge will be completed at the time of the two hundredth anniversary of the birth of George Washington?

Mr. WOOD. Yes; I think so. The work on this structure is going on fine. I do not believe in my experience I have ever seen any public construction going on as nicely or as rapidly as this work is going on.

Mr. DALLINGER. And the gentleman thinks that the construction work is going on as rapidly as it can?

Mr. WOOD. Yes; I think so.

The Clerk read as follows:

For all printing and binding for the Civil Service Commission, including all of its bureaus, offices, institutions, and services located in Washington, D. C., and elsewhere, $58,000.

Total, Civil Service Commission, $1,098,752.

Mr. HUGHES. Mr. Chairman, I move to strike out the last word. If I were as well informed on this bill as I should be, I would move to strike out, at line 19, page 10, $26,000 for the examination of presidential postmasters.

I feel there is a lot of money being expended for this purpose that is a useless expenditure of money.

Recently in my home town there was a vacancy in the office of postmaster at Huntington. There were three applicants for this position who were satisfactory to the patrons of the office.

Mr. WOOD. Mr. Chairman, I submit a point of order. The paragraph which the gentleman is evidently directing his attention to has been passed.

Mr. McKEOWN. Mr. Chairman, the gentleman has not offered to strike out the language but has simply moved to strike out the last word.

Mr. WOOD. The gentleman can not discuss that particular item, but I do not care to interfere with him.

The CHAIRMAN. If the gentleman from Indiana [Mr. WOOD] desires to question the right of the gentleman to speak upon anything except the paragraph just read, the point of order will be sustained.

Mr. WOOD. Evidently that is what the gentleman wants to do, but I shall not press the point of order.

Mr. HUGHES. I was speaking of the paragraph in the bill which I thought affected me in my district, namely, the paragraph dealing with expenditures for the examination of first-class postmasters.

As I started to say, in a recent vacancy at Huntington there were three applicants for this post office who were satisfactory to the patrons. The Civil Service Commission refused to consider any one of the three and sent a representative from the Civil Service Commission to Huntington, who stayed there several days and solicited the people to make application for postmaster at Huntington. By going over the whole city they succeeded in getting 42 people to make application for postmaster at Huntington. [Laughter.] After this was done they then sent three representatives from Washington and they stayed there for 10 days or 2 weeks, visiting practically every business house, every factory, every bank, every minister, to look into the qualifications of these 42 applicants who would make a satisfactory postmaster for Huntington. They went into the details and took up the character of every one of these applicants, and after a long time selected from this list three men from whom former Congressman Woodyard had an opportunity to select a postmaster.

They had on this list of the first three applicants men who were well fitted and well qualified, but I think this is an absolutely useless expenditure of money. I think it creates a whole lot of discord in a community, and I think they have used as poor judgment in this matter as they have in selecting the men who are to work in the prohibition service.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. HUGHES. Yes.

Mr. McKEOWN. Does the gentleman see any reason why an administrative office such as postmaster of a large city should have anything to do with the Civil Service Commission at all or why the Civil Service Commission should have anything to do with such appointments?

Mr. HUGHES. I do not. I fully agree with the gentleman.

Mr. McKEOWN. Would not the same results follow in the selection of postmasters as have happened since we turned over to the Civil Service Commission the selection of prohibition officers; that is, a man who could add a few figures and write a good sentence or two, but did not know anything about enforcing the law, is selected over a good officer of the law.

Mr. HUGHES. I just wish to say with reference to prohibition that there are men who have been in that service since prohibition began and who have given satisfactory service; but out of all such employees, I am reliably informed, there are only 5 per cent that were selected. In some States none. Now, I believe if this commission would use practical business methods, a much larger list of eligibles would be available and this department would not be embarrassed as they now are.

I think the Civil Service Commission should get some business qualifications into that bureau and see if they can not give the country something that is worth while instead of dealing with technicalities from which they now make up their examinations of applicants.

Mr. RANKIN. Will the gentleman yield?

Mr. HUGHES. I will.

Mr. RANKIN. Under the schedule provided under the present administration for examination of postmasters——

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Under the present schedule for the examination of applicants for postmasterships, under the present administration it is provided that their educational qualifications can not amount to more than 20 per cent.

Mr. HUGHES. Yes.

Mr. RANKIN. Whereas their alleged business qualifications, which phrase is very indefinite, may be rated as high as 80 per cent.

Now, does not the gentleman think if we are going to get anything like a reasonably decent administration of these post offices that come under the civil service that that schedule ought to be rearranged in order that a man's education and other qualifications, his ability, may amount to something in this examination?

Mr. HUGHES. No; I do not agree with the gentleman; I think the business qualifications should count wholly without any educational qualifications.

Mr. RANKIN. All right; then, as I understand the gentleman, it makes no difference whether they have any educational qualifications at all.

Mr. HUGHES. No; it does not make any difference, if they have acquired an ability to give a good business administration. I think that is all that is necessary.

Mr. RANKIN. All right, the gentleman has qualified as a postmaster under present administration. [Laughter.]

Mr. HUGHES. Mr. Chairman, I withdraw the pro forma amendment.

Mr. LaGUARDIA. Mr. Chairman, I move to strike out the last two words. I have heard the statements made by gentlemen on the floor of the House with reference to examinations that were held for prohibition officers by the Civil Service Commission. I went down to the Civil Service Commission and looked at the questions. I want to tell the House that an average eighth-grade school boy could read those questions and answer them correctly.

The examination consisted of three papers, two questions on each paper, six questions, and those questions gave the man in office an advantage, because they referred generally to the duties of an agent. The other paper consisted of 40 questions, I believe, and each question had 5 answers, 1 right and 4 wrong, each numbered just as you see questions in many of the daily papers to-day.

All the applicant had to do was to put the number to the right answer. Surely that could not be considered a difficult test or requiring great educational attainments.

For instance, here is one question, and it is typical of the set of questions on that paper.

The next question is based on the following statement:

23. Prohibition work is not easy; it often means enduring conditions that are anything but pleasant. Prohibition agents must be prepared to carry on their work at all times, regardless of weather, hours of work, surroundings, or necessity for traveling. They must often encounter and tactfully manage a public quite unsympathetic and uncooperative.

In connection with prohibition work, which of the following is emphasized in the statement? (1) Importance to the Nation, (2) hardships, (3) attitude of violators of law, (4) need of cooperation, (5) variety—

Surely it would require no college education to pick "No. 2"—hardships—as the correct answer.

Mr. McKEOWN. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. McKEOWN. Does the Civil Service Commission proceed upon the ground that they did many years ago when they propounded three questions, and if you answered two-thirds you were eligible for appointment? If an applicant answered one question wrong and two that he did not know, he was answering two-thirds and was eligible?

Mr. LaGUARDIA. These applicants were not required to answer the questions. All they were required to do was to pick the correct answer by number and so indicate it on the question blank.

Mr. ABERNETHY. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. ABERNETHY. Does the gentleman justify putting the prohibition officers under the civil service?

Mr. LaGUARDIA. I voted for it.

Mr. ABERNETHY. Does the gentleman know that under that examination nobody except a Republican can get office?

Mr. LaGUARDIA. I do not believe that anyone in the State or the United States, whether you take them from the pulpit or the bar or the bench, or from the Army or Navy, can enforce that law. It is not possible of enforcement.

Mr. ABERNETHY. Does the gentleman have any idea that under the present civil service anybody but a Republican can be appointed?

Mr. LaGUARDIA. I am not an authority on that.

Mr. ABERNETHY. Does not the gentleman know that nobody but a Republican can get in through the civil service?

Mr. LaGUARDIA. That is not true. The Internal Revenue Bureau is full of Democrats and so are many other departments of the Government.

Mr. ABERNETHY. They were there originally.

Mr. LaGUARDIA. Covered into the civil service? I think the gentleman from North Carolina is in error. Mr. Chairman, I yield back the balance of my time.

The Clerk read as follows:

For all other authorized expenditures of the Federal Trade Commission in performing the duties imposed by law or in pursuance of law, including secretary to the commission and other personal services, contract stenographic reporting services to be obtained on and after the approval of this act by the commission, in its discretion, through the civil service or by contract, or renewal of existing contract, or otherwise, supplies and equipment, law books, books of reference, periodicals, garage rental, traveling expenses, not to exceed $225 for newspapers, foreign postage, and witness fees and mileage in accordance with section 9 of the Federal Trade Commission act, $895,000, of which amount not to exceed $771,030 may be expended for personal services in the District of Columbia, including witness fees: *Provided*, That no part of this sum shall be expended for investigations, including economic investigations, requested by either House of Congress except those requested by concurrent resolution of Congress, but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation.

Mr. BYRNS. Mr. Chairman, I make a point of order to that portion of the paragraph beginning on line 21, page 17, reading as follows:

Provided: That no part of this sum shall be expended for investigations, including economic investigations, requested by either House of Congress except those requested by concurrent resolution of Congress, but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation.

I insist, Mr. Chairman, that that proviso is a change in existing law. It is new legislation. It undertakes to impose new duties upon the administrative officers, none of which can be done on an appropriation bill in the guise of a limitation.

Now, Mr. Chairman, with the exception of the power contained in section 5, which was placed in the Federal Trade Commission act by the Senate after it passed the House, the

only power and authority that the Federal Trade Commission has under the act is derived from section 6.

Those powers are set forth under various subsections or subheads. For instance, first, subsection (a) gives to this commission the right to gather and compile information, and to investigate from time to time the organization, business conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers, subject to the act to regulate commerce, and its relation to other corporations, and to individuals, associations, and partnerships.

That gives to the Federal Trade Commission the authority to initiate investigations and may, of course, include economic and all other kinds of investigation if necessary to carry out the requirements of the act.

Subsection (b) provides for general or special orders, and so forth, relating to the investigations initiated by the trade commission.

Subsection (c) relates to any final decree which is entered against any defendant corporation in any suit of the United States to prevent violation of the antitrust act.

I call the Chair's particular attention to subsection (d):

upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violation of the antitrust act by any corporation.

Then follows subsection (e)—

providing for the application of the Attorney General to investigate and make recommendations for the readjustment of business.

Subsection (f) applies to making public the findings.

Subsection (g) is the authority to classify corporations and make certain rules and regulations, and subsection (h) to investigate from time to time trade conditions in and with foreign countries.

I repeat, Mr. Chairman, that the power of this Federal Trade Commission and its authority is derived from those various subsections of section 6. There is no authority in that act giving either House of Congress nor the Congress as a whole the right to request the Federal Trade Commission to make any investigation save as to alleged violations of the antitrust act by any corporation. That is the only authority that Congress has under this act, and that authority is given to either House of Congress. What does this proviso seek to do? I read:

That no part of this sum shall be expended for investigations, including economic investigations, requested by either House of Congress except those requested by concurrent resolution of Congress—

Then there is the exception in the attempt to bring it within the express provisions of the act—

but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by a corporation.

In other words, under this limitation it is proposed to require the Federal Trade Commission when Congress passes a concurrent resolution to make other investigations, save those investigations that are specifically provided for in the act.

That is clearly changing the existing law. It is imposing an additional duty upon the members of the Federal Trade Commission, because as the law is written they are not required to observe a concurrent resolution on the part of Congress. Of course, we know, Mr. Chairman, that a concurrent resolution has not the force and effect of law. It is simply a resolution passed by the two Houses, and not signed by the President. If it were a joint resolution it would not be necessary to go into this bill, because this Congress has the right at any time, by actual law, either by act amendatory or by joint resolution signed by the President, to direct the Federal Trade Commission or any other commission of this Government to perform certain duties and services.

The Chair is an experienced parliamentarian and is very familiar with the rules and precedents. I shall not, therefore, take up the time of the Chair for the purpose of citing any number of precedents which could be cited to sustain the proposition I make, that a limitation on an appropriation bill can not impose new duties on administrative officers, or change existing law, resulting in new legislation. This matter was very fully discussed by Mr. Frederick C. Hicks on January 8, 1923, as appears on page 523 of the Manual and Digest. Mr. Hicks held that a limitation must not give affirmative directions, must not impose new duties, and must not be accompanied by language not properly limiting the appropriation; and he made a very exhaustive review of all of the precedents, covering several pages of the Manual and Digest, to sustain his holding.

There is another reason why this point of order is well taken. Under section 3984 of Hinds' Precedents it is held that where a proposition might be construed by the administrative officer as a modification of a statute, it may not be held as such a limitation on an appropriation as is permissible on a general appropriation bill.

I am going to cite the gentleman from Indiana [Mr. WOOD] himself to show that, according to his view, and which was indorsed by the chairman of the Federal Trade Commission, this limitation does restrict the Federal Trade Commission to an investigation solely of antitrust violations. The Chair very well knows that that was not the primary purpose of this act, because we have antitrust acts and have had them for a number of years. The primary purpose of this act was to enable the Federal Trade Commission to make investigations as to unfair practices and methods in competition for the protection of legitimate business, both large and small. This limitation plainly broadens the scope of the powers of the Federal Trade Commission, and I have no objection to that, because I am very earnestly in favor of this Federal Trade Commission and think that with the proper kind of a chairman at its head it could be made a very effective instrumentality in the protection of legitimate business. But I speak now of the purposes for which this limitation is placed in this bill and the object of the gentleman from Indiana [Mr. WOOD] in putting it into the bill, because he has not attempted to conceal his hostility to this Federal Trade Commission. In fact, he declared in the hearings that he felt it ought to be abolished. What does he say? Speaking of the limitation, he said, during the hearings on this pending bill:

Now, I do not think you have the right under that limitation to make any investigation unless it is one that involves a violation of the antitrust law.

That is the construction of the limitation by the gentleman from Indiana. It is true that Attorney General Sargent very properly held that it did not restrict the Federal Trade Commission. For the life of me I can not see how anybody except my distinguished and able friend from Indiana and possibly the Chairman of the Federal Trade Commission can arrive at any other conclusion. But that is the conclusion of the gentleman from Indiana. Further, on page 557, he says this:

I will say here, without desiring to interrupt your statement, that I drew this limitation; and that I drew it with the fixed idea that the commission itself has no right to make any investigation unless there is some question of the violation of the antitrust law.

Now, if the gentleman from Indiana is correct in his conclusion, then, of course, it is subject to a point of order, because it plainly changes the law. In addition to that he said:

I do not think that that act is susceptible to any other construction.

Now, here we have this proposition, Mr. Chairman: The act itself gives to either House of Congress the right to request the Federal Trade Commission to investigate. What? Simply antitrust violations. There is not a syllable in this act which gives either House of Congress or Congress by concurrent resolution the right to require or request the Federal Trade Commission to investigate or make any other sort of investigation saving investigations of violations of the antitrust act. But under this limitation the Federal Trade Commission is directed, where a concurrent resolution is passed, to make all investigations, including economic investigations.

I say, therefore, that it certainly imposes new duties on the Federal Trade Commission. It is a change of existing law. It is new legislation. Therefore plainly, it seems to me, it is subject to a point of order, and not in order on an appropriation bill in the guise of a limitation.

In addition to that is the other objection I again call the attention of the Chair to, and that is that a limitation which may result in a ministerial officer understanding or receiving the idea that there is a modification of the statute is subject to a point of order.

Mr. WOOD. Mr. Chairman, there is a change in this limitation from the limitation that has been upon this bill for a number of years by in the insertion of the words "including economic investigations," on line 22 of page 17. The gentleman from Tennessee [Mr. BYRNS] insists in his point of order that by the insertion of this word we are adding new duties to this commission. The very converse is true. Instead of adding new duties we are taking duties from this commission. They have been making economic investigations that are not warranted by the organic act and upon mere resolutions passed by the commission itself. In any event this is a limitation upon the expenditure of money. This is limiting the expenditure of this appropriation against economic investigations. We were endeavoring to show the other day during the general debate that this commission had gone far afield in making investigations that are not of violations of the antitrust law or of the laws of the United States. Those are the only things they can

do. We are providing against economic investigations, because economic investigations are not violations of the interstate commerce act. The Supreme Court of the United States has held in the child labor act that production, while economic, is not interstate commerce.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNS. Is there anything in this act or any reference in this act to economic investigations? Yet the gentleman in this limitation places upon the Federal Trade Commission the duty of making economic investigations.

Mr. WOOD. The gentleman is just as far wrong as he possibly can be. The hearings show that they have been making economic investigations, and we are prohibiting them from doing that again.

Mr. BYRNS. That may be true, but we are talking about the act, not what the Federal Trade Commission is doing.

Mr. WOOD. They have no power under the organic act to make economic investigations, but they have been doing it.

The CHAIRMAN. The Chair understands that the gentleman's position is that now the law does not admit of economic investigations.

Mr. WOOD. That is right, and they have been doing that thing. There have been four resolutions that were adopted by the commission last July, every one of which was economic, and without authority of law, in my opinion, either under the opinion of the United States Supreme Court or under the organic act, so that we are limiting the expenditure of public money by saying that they can no longer do this thing; that is, make economic investigations.

The CHAIRMAN. The Chair is ready to rule. On this question it appears that the committee contend that under the law as it now stands the commission has not the power to make economic investigations. As the Chair understands the position of the committee, if Congress passed a concurrent resolution then the commission would have that power. If that be correct, this paragraph would be legislation extending beyond the authority now granted in the law, and the Chair will sustain the point of order; that is, the point of order on the proviso.

Mr. BLACK of Texas. Mr. Chairman, line 13, I make a point of order to the following language:

Or renewal of existing contract, or otherwise.

I reserve a point of order on that particular language in order to ask a question of the gentleman from Indiana. I notice that in providing for contract stenographic service for the Federal Trade Commission, and also I believe for the Board of Tax Appeals, and also I believe the Interstate Commerce Commission, the paragraph provides not only for contracts for stenographic service, which, of course, the committee may do, and I understand that if contract service is provided for, it means competitive contract services, and that the contract would be let to the lowest bidder. Now, the committee has seen fit to go further than that and to permit a renewal of an existing contract or otherwise without competitive bidding. Now, it seems to me that authorizes the commission to renew the existing contract, even though the cost thereof would be more than to let it under competitive bids. I would like to have some information from the gentleman from Indiana as to that. Why should the committee recommend a provision of that kind?

Mr. WOOD. I will say, in answer to the gentleman from Texas, they have let these contracts on competitive bids, time and time again, and the contracts have been abandoned and not carried out. That has been especially true with reference to the Interstate Commerce Commission. The clause to which the gentleman has called my attention has been inserted with reference to very nearly all of these activities. The clause is inserted for the purpose of effecting a saving rather than to cause the expenditure of money for the reason that these competitive contracts have not turned out to be satisfactory in every instance. Very frequently, in the midst of one of these hearings, the man who has had the competitive contract has defaulted, which made it necessary for the commission to go out and hire somebody at so much a page, and that has proven to be more expensive than to let the commission have discretion in making these contracts.

Mr. BLACK of Texas. Mr. Chairman, in view of the explanation of the gentleman from Indiana [Mr. WOOD], I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 17, line 20, after the word "fees," insert: "*Provided*, That no part of this sum shall be expended for investigations requested by either House of Congress except those requested by concurrent resolution of Congress, but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation."

Mr. BYRNS. Mr. Chairman, I make the point of order that the proposed amendment is a change of existing law, is new legislation, and imposes additional duties upon executive officers. I make the further point of order that under the precedent I cited a while ago it may be calculated to make executive officers believe or feel that it is intended as a modification of the statute.

It is the same proposition that was presented a while ago, except that the gentleman from Indiana has left out the words "including economic investigations," and that is included in the word "investigations," because, of course, the word "investigations" includes all kinds of investigations, economic and otherwise.

Mr. WOOD. Mr. Chairman, I will say that the amendment I have offered is a verbatim copy of the law as it now is and has been for the last three or four sessions of this Congress. It has been held against a point of order to be in order.

Mr. BYRNS. I do not understand that a point of order was ever made against this particular language. Will the Chair hear me just for a moment?

The CHAIRMAN. Certainly.

Mr. BYRNS. In addition to what I have just said with reference to investigations, this amendment seeks to make it the duty of the Federal Trade Commission to make investigations, which includes all kinds of investigations, economic or otherwise, upon a concurrent resolution by Congress, which, of course, has not the effect of law. The act itself only gives to either House of Congress the right to request investigations by the Federal Trade Commission of antitrust violations. This would make it the duty of the commission to act on a concurrent resolution by Congress upon any sort of an investigation, something the act does not contemplate. Therefore, it imposes new duties on executive officers and is clearly a change of existing law.

Mr. NEWTON. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. NEWTON. I do not see how the gentleman comes to that conclusion at all. The proviso is:

That no part of this sum shall be expended for investigations.

That includes all investigations except those pertaining to antitrust laws. In the limitation that is placed upon the appropriation the committee has merely reported an exception to the limitation. It is not a direction to investigate upon a concurrent resolution of Congress, but it is a limitation upon the limitation, namely, that this proviso shall not apply to investigations requested by concurrent resolutions of Congress. There is no direction about it at all. It is merely a saving clause, so that this limitation would not apply to concurrent resolutions requesting investigations.

Mr. BYRNS. But if the gentleman will examine the statutes he will find there is no authority in the act giving to Congress the right to request or direct investigations by concurrent resolutions.

Mr. NEWTON. I do not dispute the gentleman in that fact at all.

Mr. BYRNS. Here is a proposition upon the part of the gentleman from Indiana by his amendment to make it the duty of the Federal Trade Commission to investigate whenever Congress by a concurrent resolution requests any sort of an investigation. That is clearly a change of law.

Mr. NEWTON. No; the gentleman is clearly wrong in that, as he will see if he will only read what is stated here:

That no part of this sum shall be expended for investigations requested by either House of Congress.

Mr. BYRNS. Read on. The gentleman is reading from the proviso which has been stricken out.

Mr. NEWTON. No; "the gentleman" is not. The "gentleman from Minnesota" is reading from the amendment which has just been submitted, and the purpose of the amendment is to except from the limitation any limitation upon the power of the commission to investigate when there has been a concurrent resolution of Congress requesting it. But it does not order the commission to do so; it does not authorize them to do so and it does not direct them to do so. It merely takes that out from the limitation upon the appropriation.

Mr. BYRNS. Mr. Chairman, this amendment, if I heard it correctly read, is exactly the same limitation that was proposed in the bill as presented with the words "including economic investigations" eliminated. Is not that correct?

Mr. WOOD. Yes.

Mr. BYRNS. That being so, the word "investigations," of course, includes economic investigations, and in accordance with the opinion of the Chair, just delivered, this is as much subject to a point of order as the original proviso.

The CHAIRMAN. The Chair is ready to rule.

The amendment submitted is in almost the identical language of the part that the Chair just held was out of order. The Chair sustains the point of order.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 17, line 20, after the word "fees," insert: "*Provided*, That no part of this sum shall be expended for investigations, including economic investigations, requested by either House of Congress; but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation."

Mr. BYRNS. Mr. Chairman, I make the same point of order. It is a change of existing law, and imposes new and additional duties upon executive or administrative officers.

The CHAIRMAN. The point of order is sustained.

Mr. WOOD. Mr. Chairman, suppose this does change existing law. Under the Holman rule a limitation upon an expenditure of public money may change existing law and that may be the only excuse for it. If we would deny any appropriation whatever to this commission it would be a change of existing law, but it would also be a curtailment of the expenditure of public money. If my premise is right with reference to that proposition, it is equally right with reference to the limitation that we are proposing in this amendment. We are limiting the amount of money that may be expended and describing the character of investigation that may be made. This is a clear demonstration of the exception provided by the Holman rule.

We have some gentlemen here who have simply gone wild in expending public moneys for making investigations that were never contemplated under the organic act. This may be aside from the point of order, but it shows the reason this limitation should be imposed. We have wild-eyed dreamers in this Government of ours, and two of them, members of this commission from the State of Iowa, are asking that all corporations be licensed or that no corporation shall be permitted to do business unless it has a license. We may subscribe to that doctrine sometime, but I hope it is a long way in the future.

This is a limitation based upon that character of activity that seeks to develop the idealism that these gentlemen are exponents of, and it is for that reason this limitation is asked. As I said a moment ago, we have the right to wipe out the entire appropriation for this purpose in the bill. If we have the right to do that, we have the right to cut it in two or we have the right to restrict the manner in which it shall be expended.

Mr. BYRNS. Mr. Chairman, I move to strike out the last word. Has the Chair ruled on the point of order?

The CHAIRMAN. The point of order has been ruled on.

Mr. BYRNS. I understood the Chair to sustain the point of order.

The CHAIRMAN. Yes.

Mr. BYRNS. Then, Mr. Chairman, I move to strike out the last word.

There can not be any question in the mind of any Member of the House that if Congress desires to do so it can refuse any appropriation whatsoever to the Federal Trade Commission.

The fact that there is a law providing for a commission or an activity of the Government does not impose any duty, or, rather, does not make it necessary for Congress to make an appropriation; and if the gentleman whose hostility to this Federal Trade Commission is so well recognized and was so well demonstrated in the hearings, and also in his speech of last week, and also here to-day by these repeated amendments, wishes to offer an amendment denying all appropriations to the Federal Trade Commission, of course, it would be entirely in order. It would then be up to a majority of the House to decide whether they want this great constructive statute to continue in existence, and have this commission carry out the purposes for which it was created, or whether they want to do away with it by indirection.

I do not know what the purpose of the gentleman from Indiana [Mr. WOOD] is in offering so many amendments, but clearly it is not, and has not been, with any idea of friendship toward the Federal Trade Commission.

My own idea is that if the President—and, by the way, the gentleman refers to a couple of Members down there whom he states favor Federal licensing of corporations. I do not know anything about that. So far as I am concerned, I do not believe that corporations of this country ought to be required to have a Federal license; but be that as it may, it has nothing to do with the conduct of these gentlemen upon the Federal Trade Commission; and, as I started to say a moment ago, after reading these hearings, if the President of the United States wants to see the Federal Trade Commission function as it was intended to function, and as it did function under a Democratic administration and in friendly hands, he ought to request the resignation of the chairman of the Federal Trade Commission, who did not hesitate to say in the hearings that he believed it ought to be limited and confined solely to antitrust investigations and of whom I think it can be fairly said that he either does not understand or is hostile to the purposes of the act, which was to protect legitimate business from unfair methods and unfair competition.

Mr. SUMMERS of Washington. Mr. Chairman, I move to strike out the last word.

As a member of the subcommittee that framed this bill I feel that after all the discussion that has been had here I would like to add my word in regard to it.

When this matter came up two or three years ago in the subcommittee, it was very well agreed that investigations requested of the Federal Trade Commission by one or the other branch of Congress were not advisable. It was thought that sometimes these resolutions were not well considered, yet they diverted the Federal Trade Commission from the work which it was doing under the authority of the organic act, taking them off on investigations requested by such resolution.

With this in mind, the amendment was agreed to, providing that investigations should only be conducted by the commission when requested by a concurrent resolution of Congress. The effectiveness of the limitation all hinged on the word "concurrent."

So the amendment was prepared for that purpose. This seems to be very well understood by the commission and by the Attorney General and by at least a part of the members of the subcommittee.

However, our honorable chairman entertains different views. I am sure we are all as anxious to save money for the Federal Treasury as he. But I believe the Federal Trade Commission was created as an instrumentality in behalf of the public and that is its real purpose. So I for one was surprised when I read the report on the bill as prepared by our chairman. Other members of the committee did not see the report until it was printed. This was regular procedure, but on a controversial matter as this was known to be, I was surprised to find this language:

The testimony given before the committee indicated that many of the investigations directed by the Federal Trade Commission had no relation to matters involved in interstate commerce, merely being economic investigations, and the attention of the Congress is called to this misdirected energy of the commission. The attention of the Comptroller General has also been called to these matters, and it is hoped that further expenditures of Federal funds for unlawful investigations may be prohibited.

It was not my understanding as one humble member of the committee that they were proceeding in violation of law and were unlawfully expending Federal funds.

I have not the honor to be an attorney, but it so happens that the majority of the commission, the Attorney General of the United States, and I believe the majority of the subcommittee agree with my position. We do not wish in any way to hamstring the Federal Trade Commission in any proper investigation under the organic act or under any concurrent resolution passed by Congress.

I presume that the Pittsburgh plus investigation would be justified because that case involved interstate commerce, but nevertheless the investigation of the case was an economic investigation, and if you shut out all economic investigations you would shut out such an investigation as the Pittsburgh plus, which Commissioner Van Fleet estimates is saving $30,000,000 annually to the users of iron and steel.

The Iron Trade Review of September 29, 1927, says:

CHEAPER STEEL IS ONE RESULT

Three years have now elapsed since the effective date of the Federal Trade Commission's order that sheets, wire, and pipe produced in the Chicago district were to be quoted on a Chicago and not a Pittsburgh plus basis. Inferentially, all steel products were to be similarly priced, but plates, shapes, and bars were already on a Chicago base.

Those who attacked the Pittsburgh-plus method have thus far been victorious. Their prime motive was cheaper steel, and they have obtained it. Sheets, wire, and pipe have uniformly been quoted at a $2 differential over Pittsburgh, where previously the spread was $6.80. From the strictly economic standpoint, no method of pricing can be put to the full test in so short a period as three years.

It is significant that the three products specifically mentioned in the Trade Commission's order have adhered more closely to the arbitrary $2 Chicago differential than plates, shapes, and bars. Within the past few weeks the influence of Pittsburgh has been sufficient to reduce these products $2 a ton; while $2, Chicago, was inherently strong, it could not withstand the competition of $1.80, Pittsburgh, and less.

As with the eight-hour day in the mills, what is roundly scored to-day as revolutionary is the accepted practice of to-morrow. The current method of quoting has become commonplace, and there is no agitation for revision from either producers or consumers.

Mr. NEWTON. Will the gentleman yield?

Mr. SUMMERS of Washington. I will.

Mr. NEWTON. The gentleman agrees that these investigations made at the instance of one branch of Congress, many of which have cost a great deal of money, ought to be curtailed?

Mr. SUMMERS of Washington. That was the purpose of the limitation. We are all agreed on that except as they pertain to violations of antitrust act, and it now seems possible that by making some reference to the antitrust act, a resolution passed by either branch of Congress could evade the limitation. So, after all, our limitation did not prove effective if resolutions were adroitly drawn.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words. For one, I can not allow the appropriations for the Federal Trade Commission to go by in a perfunctory way without expressing my position on the Federal Trade Commission. I have done it on the floor before, but I do not want to vote for the appropriation and have it appear that as far as I am concerned I approve of the Federal Trade Commission, because I do not.

The whole conception of the Federal Trade Commission was an attack on business. It was formed on the presumption that anybody who did business in the form of a corporation was a detriment to the welfare of the people. That is about the foundation of the Federal Trade Commission.

The original act was framed for that purpose alone. The activities of the commission have been attacked on the floor ever since the organization first started and they deserved to be, and I hope for one that the day is not far distant when some one will come forward with a proposition for its abandonment.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. SUMMERS of Washington. Is it not a fact that the Federal Trade Commission was the legitimate successor of a commission established as far back as 1890, and that was succeeded by another, and this did not begin in 1913, as far as the principle involved is concerned?

Mr. TREADWAY. I think the Federal Trade Commission began at the beginning of the Wilson administration and was one of the attacks by the Democratic Party on the methods of doing business in this country. It has not resulted in benefiting business, as on paper it was supposed to do, but it has taken the attitude from the start that anybody doing business in the form of a corporation was a breaker of the law to begin with. That may be exaggeration, and, of course, the gentleman from Tennessee [Mr. BYRNS] will deny its accuracy, because he is the defender of this particular favorite board of former President Wilson.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. VINSON of Kentucky. I call the gentleman's attention to the fact that the Federal Trade Commission bill as originally introduced in this House did not carry any administrative powers. It followed in the footsteps and was possessed of the power of the Bureau of Corporations, which was set up in the Department of Commerce and Labor under President Roosevelt in 1903.

The very inquiries that are the object of the ire of the gentleman from Indiana [Mr. WOOD] are similar inquiries to those prosecuted by the Bureau of Corporations. The Bureau of Corporations was the right arm of President Roosevelt in his fight against monopoly, and so when the gentleman says that the Federal Trade Commission as it is at present constituted is a Democratic child, while there is no need for us to deny or to disavow paternity, I call the gentleman's attention to the history of its predecessor.

Mr. TREADWAY. I have not the details at hand and, of course, it is useless to talk on this subject at all. This is an appropriation bill merely and the appropriation is going through, but if the Bureau of Corporations was of such great value to the administration of President Roosevelt and others why was it not left alone? If then it was good, why did we not keep it as it was, instead of spreading it out and giving these added powers to the Federal Trade Commission, now exercised, I repeat, to the detriment of the well-being of business in this country?

Mr. BYRNS. Mr. Chairman, I think I can answer the gentleman, if he will yield?

Mr. TREADWAY. I shall be very glad to have the gentleman answer the question and I shall yield the floor to the gentleman for that purpose, because he knows my ideas of the merits of the Federal Trade Commission. The gentleman is a friend of the commission, and all I have to say in conclusion is that I hope the day is not far distant when this House will follow the example set by the Democrats in stopping appropriations for the former Tariff Commission, which also was of great benefit to other administrations. I hope the time is not far distant when some one will have the nerve to stand on this floor and stop appropriations for the Federal Trade Commission and thereby save a million dollars to the taxpayers.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS. Mr. Chairman, I simply want to enlighten my good friend from Massachusetts [Mr. TREADWAY] with reference to the reasons which influenced the establishment of the Federal Trade Commission. The gentleman from Kentucky [Mr. VINSON] is clearly correct in his statement as to the history of the legislation. It carries those powers and duties which were vested in the Bureau of Corporations, but that bureau was a subordinate bureau. Congress established the Federal Trade Commission as an independent establishment of this Government, directly under the President of the United States.

Mr. TREADWAY. Mr. Chairman, may I ask the gentleman a question?

Mr. BYRNS. Yes.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. VINSON of Kentucky. Mr. Chairman, I move to strike out the last two words.

Mr. TREADWAY. If the gentleman will yield, I will ask the question of him.

Mr. VINSON of Kentucky. I yield.

Mr. TREADWAY. Has not the Federal Trade Commission been so independent that all of its life it has been attacked as overstepping and overriding its authority under the law? That is one question, and the other question is, has it not been a detriment to business from its very inception?

Mr. VINSON of Kentucky. I shall answer the question by citing the gentleman one specific case.

Mr. TREADWAY. Oh, one!

Mr. VINSON of Kentucky. I can cite a dozen, but I call his attention to the Pittsburgh-plus case. The testimony before the committee was that in one year it had saved $30,000,000 to consumers of the Middle West and the West. I grant there is a certain philosophy of government in this country that would say that they overstepped their bounds when they rendered that opinion in 1924, but there are some of us who think that the Pittsburgh market and the seller of the steel throughout the country should not have the arbitrary right to compel the consumer to pay the Pittsburgh price plus the freight from Pittsburgh when the commodity is shipped from the point of sale.

I took the floor, Mr. Chairman, for the purpose of presenting the history of the Federal Trade Commission, particularly in connection with the limitation which has been under discussion, and its power to initiate inquiries; and in that connection I ask that I may extend my remarks, including therein statements relative to each inquiry which it has instituted.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. VINSON of Kentucky. The amendment which has been stricken out on a point of order sought to limit the functions of the Federal Trade Commission. This proviso stricken from the bill reads as follows:

Provided, That no part of this sum shall be expended for investigations, including economic investigations, requested by either House of Congress except those requested by concurrent resolution of Congress, but this resolution shall not apply to investigations and reports of alleged violations of the antitrust acts by any corporation.

I respectfully submit to the House that this limitation upon the appropriation of this activity serves no purpose. It was

placed in the appropriation bill approved March 3, 1925, by the distinguished gentleman from Indiana [Mr. WOOD], chairman of our subcommittee, for the purpose of preventing any investigation that might have been requested of the commission by either body of Congress. This it fails to do, the gentleman from Indiana [Mr. WOOD] to the contrary notwithstanding. The limitation did not have the legal significance that represented his purpose. The limitation, on its face as originally drawn and as now presented, applies only to investigations requested by either House of Congress. Not only is this apparent in its context, but it has been so declared by the Comptroller General, passing upon the direct question involved, July 19, 1925, in which certain Senate resolutions were involved.

The opinion of the Comptroller General upon this subject specifically states that the language of the resolution—

but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation—

has the effect of leaving undisturbed section 6 (d) of the act creating the Federal Trade Commission.

There is further authority that the proviso does not have the power intended, and such authority is no less than the opinion of the Attorney General of the United States, the Hon. John G. Sargent, in a letter to the President, dated October 24, 1925—pages 541 to 546, hearings before our committee—in which there is a very elaborate dissertation relative to the powers and legislative purpose of this activity. And even though this splendid agency proceeds under the distinguished authority above quoted, we are permitted to see the ire of the distinguished gentleman from Indiana [Mr. WOOD], as evidenced in the hearings before the committee.

At this point, in order that the discussion may be considered logical, we will consider section 5 and section 6 of the Federal Trade Commission act. These sections read as follows:

(SEC. 5.) Power to prohibit: The commission is empowered and directed to prevent persons, partnerships, or corporations, except banks and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

We quote subsections a, b, c, d, and e, section 6, Federal Trade Commission act:

Additional powers of commission: The commission shall also have power—

Investigation of corporations: (a) To gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, and its relations to other corporations and partnerships.

Reports by corporations: (b) To require, by general or special orders, corporations engaged in commerce, excepting banks, and common carriers subject to the act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

Investigation of compliance with antitrust decrees: (c) Whenever a final decree has been entered against any defendent corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, to make investigation, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public in the discretion of the commission.

Investigations of violations of antitrust statutes: (d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violation of the antitrust acts by any corporation.

Readjustment of business of corporations violating antitrust statutes: (e) Upon the application of the Attorney General to investigate and make recommendations for the readjustment of the business of any corporation alleged to be violating the antitrust acts in order that the corporation may thereafter maintain its organization, management, and conduct of business in accordance with law.

We assert that under section 5 and subsection A of section 6 of the creative act unquestioned authority is found for the initiating of inquiries by the commission, but we have the history of the legislation to substantiate our conclusion that such power is contained in the statutes referred to. In the debates throughout the years I find that this commission is often referred to as a child of the Democratic Party. If it were so, there is no cause to deny its paternity. This statement, placing a Democratic brand upon it, can be made for no other purpose than to arouse a spirit of partisanship where this question is raised. The creative act was approved September 26, 1914, as a part of a program to protect people against monopolies.

However, it was not, as originally proposed, a novel machine. It had as its ancestor the Bureau of Corporations of the Department of Commerce and Labor. This bureau was established in 1903 under the administration of Theodore Roosevelt, and it had played a most prominent part in the work of that great man in his fight to throttle monopolistic combinations of his day.

The original House bill organizing the Federal Trade Commission was merely continuing this Bureau of Corporations in a somewhat broader aspect, but when it came up in the Senate the grant of administrative authority to the commission to prevent unfair methods of competition by an order to cease and desist, after due inquiry and hearings of the party. Without these inquiries the commission would be helpless.

Complaint is made of the commission investigating in the realm of industry, yet I find under Roosevelt the parent of this commission, the Bureau of Corporations, investigated the petroleum industry, which work contributed largely to the dissolution of the Standard Oil Trust. Inquiries were made into the Tobacco Trust, the Harvester Trust, and the Steel Corporation. I submit the inquiries pursued by the Bureau of Corporations and likewise the inquiries made pursuant to a congressional resolution, and yet our good friends on the other side of the aisle would endeavor to make it appear that these inquiries, contended by them to be of a disturbing nature, is of Democratic origin.

At this point I will insert the investigations pursued by the Bureau of Corporations under the act creating that bureau, out of which act grew section 6 of the Federal Trade Commission act:

INVESTIGATIONS BY THE BUREAU OF CORPORATIONS, THE PREDECESSOR OF THE FEDERAL TRADE COMMISSION, UNDER THE ACT CREATING THAT BUREAU, OUT OF WHICH ACT GREW SECTION 6 OF THE FEDERAL TRADE COMMISSION ACT

Inquiries by commissioner of corporations: Under said act of Congress the commissioner of corporations made a total of 21 economic investigations, 10 on his own initiative (or pursuant to the direction of the Secretary of Commerce) and 11 pursuant to congressional resolutions, as follows:

INQUIRIES MADE ON THE INITIATIVE OF THE EXECUTIVE DEPARTMENT (COMMISSIONER OF CORPORATIONS, SECRETARY OF COMMERCE AND LABOR, ETC.)

Tobacco industry (3 vols.): Trusts, prices, profits, etc.

Cotton tare (1 vol.): Trade practices.

Water power (1 vol.): Economic development and control.

Corporate taxation (7 vols.): Legislation, jurisprudence, effects.

Laws concerning foreign corporations (1 vol.): Legislation, jurisprudence.

Shingle industry (1 vol.): Economic conditions.

Trust laws and unfair competition (1 vol.): Legislation, jurisprudence, policy.

Resale price maintenance (not finished): Economic conditions and effects.

Efficiency and size (not finished): Economic conditions.

Corporation statistics (not finished): General financial data.

INQUIRIES MADE PURSUANT TO A CONGRESSIONAL RESOLUTION

Beef industry (1 vol.): House resolution, March 7, 1904, restraint of trade, prices.

Transportation by water (4 vols.): House Resolution 831, 1907, railroad control of carriers and general conditions.

Petroleum industry (3 vols.): House resolution, February 15, 1905, restraint of trade, prices.

Patents (1 vol.): Joint resolution, February 18, 1907, patents of United States employees.

Cotton exchanges (3 vols.): House resolution, February 4, 1907, prices, restraint of trade.

Steel industry (3 vols.): House Resolution 448, 1905, restraint of trade, etc., costs.

Lumber industry (4 vols.): House resolution, January 18, 1907, restraint of trade, etc., control of lumber supplies.

International Harvester Co. (2 vols.): Senate resolution, December 17, 1906, trust prices, etc.

Petroleum industry (report by Federal Trade Commission): Senate Resolution 487, Sixty-second Congress, third session, prices, restraint of trade.

Healdton oil field (1 vol.): Senate resolution, March 28, 1914, prices.

To show conclusively the fact that such inquiries were to be undertaken by the commission, we quote excerpts from committee and conference reports concerning the power of the committee under section 6, subsections a, b, and f:

[H. Rept. No. 533, 63d Cong., 2d sess., to accompany H. R. 15613]

Therefore the bill removes entirely from the control of the President and the Secretary of Commerce the investigations conducted and the information acquired by the commission under the authority heretofore exercised by the Bureau of Corporations or the Commissioner of Corporations. All such investigations may hereafter be made upon the initiative of the commission, and the information obtained may be made public entirely at the discretion of the commission. (P. 3.)

* * * * * * *

There has been no attempt to deal with the question of maintenance of fixed prices. The commission has been given no power to pass orders in any way regulating production. It has not been clothed with authority to make a declaration as to the innocuousness of any particular corporation or agreement, even if coupled with the right to revoke such order in the future. All those problems are interwoven with the industrial business of the country in such a way as to be effectively legislated upon, if at all, only after the most exhaustive investigation by trained experts.

* * * * * * *

It must be remembered that this commission enters a new field of governmental activity. The history of the Interstate Commerce Commission is conclusive evidence that the best legislation regarding many of the problems to come before the interstate-trade commission will be produced from time to time as the result of the reports of the commission after exhaustive inquiries and investigations. * * * It is largely the experience of the independent commission itself that will afford Congress the accurate information necessary to give to the country from time to time the additional legislation which may be needed.

* * * * * * *

Those facts which ought to be the common property and the common knowledge of American business men are for the first time to be gathered and controlled as to their publicity by an independent commission. Powers of investigation, safeguarded by proper constitutional limitations, are taken from a now subordinate department under the control of the Executive and given to this nonpartisan body. (Pp. 7–8.)

[S. Rept. No. 597, 63d Cong., 2d sess., to accompany H. R. 15613 (pp. 11–12)]

The commission has power to investigate the organization, business, financial condition, conduct, practices, and management of any corporation subject to the act which it may designate and its relation to other corporations and to individuals, associations, and partnerships, and in aid thereof to require the production of information, statements, and records and the examination of books, documents, correspondence, contracts, etc., affecting the commerce in which such corporation is engaged, and to require annual or special reports from such corporations or classes of corporations as the commission may designate. The commission may make public any information obtained by it except as to trade processes, names of customers, and other matters not deemed to be of public importance, and may also make annual and special reports to Congress, including recommendations for additional legislation.

It will be seen that while large powers of investigation are given, they are not greatly in excess of those possessed and for years exercised by the Bureau of Corporations. * * * The powers, of course, must be large, but the exercise of the powers will not be against law-abiding business but against lawless business. It will be persuasive and corrective rather than punitive, so far as well-intentioned business is concerned. Although the commission is given a wide discretion, experience has proved that governmental administrative bodies seldom abuse such authority. To attempt to make precise limits between what they may and what they may not do would often seriously hamper their successful administration. To almost every inquiry it might be possible to make specious objections, which, while lacking any real merit, might effectively clog the conduct of the inquiry.

As indicative of the proper construction of power by the commission, since its creation it has initiated some 36 inquiries on its own motion, only 9 of which have occurred since the year 1921, including the 4 inquiries which were initiated in 1927.

In the debate on this item during the consideration of this bill January 20, 1928, the gentleman from Indiana [Mr. WOOD] stated his real position in this colloquy:

Mr. VINSON of Kentucky. As I understand, the gentleman is objecting to the commission instituting inquiries on their own motion?

Mr. WOOD. No; I am not.

Mr. VINSON of Kentucky. I mean economic inquiries?

Mr. WOOD. I am objecting to instituting anything on their own motion unless they have a prima facie case that it is a violation of the antitrust law.

That statement paints the true picture of the view of the gentleman from Indiana; but, according to other statements that he has made on the floor of the House, on another day I respectfully submit that his current view is not that which he held on April 1, 1924 (CONGRESSIONAL RECORD, vol. 65, p. 5341), when this statement was made by him in the discussion of the limitation that was endeavoring to restrict the work of the commission. Upon that occasion he said:

Under the act creating the Federal Trade Commission it has the duty of making investigations upon its own motion whenever it finds there are practices that are not warranted by legitimate trade. Now, that is the primary function of the Federal Trade Commission. In addition to that, it shall, upon the request of either House of Congress or the President of the United States or Attorney General of the United States, make investigations where it is patent or believed that the antitrust laws have been violated. And yet many of the resolutions that have put the Federal Trade Commission into action and have involved the expenditure of thousands of dollars had nothing to do with the violation of any antitrust law.

What stronger answer is needed than his own language? We quote again:

Under the act creating the Federal Trade Commission it has the duty of making investigations upon its own motion whenever it finds there are practices that are not warranted by legitimate trade. Now that is the primary function of the Federal Trade Commission.

No doubt, on that occasion, his mind was clear in respect of the language of section 5 and subsection a of section 6. He was closer to the day when the Bureau of Corporations performed the function which he designates to be—

the primary function of the Federal Trade Commission.

That was their primary function; that is their primary function, and whenever that power is restricted, then its powers of which monopoly is afraid will wither and die.

The learned gentleman from Indiana, upon another occasion, in debate on this floor, January 29, 1925 (CONGRESSIONAL RECORD, vol. 66, p. 2657), when the limitation carried in that bill, the subject matter of discussion in the Comptroller General's opinion and in the Attorney General's opinion, and substantially the same limitation which was included in the bill as reported to the House in the effort to secure support for this limitation after complaining of the abuse of power by one body of the Congress, said—

investigations of this character frequently require the expenditure of considerable sums granted for the regularly prescribed work of the commission—

The gentleman from Indiana further said:

There is nothing in this restriction that would prevent the Trade Commission from complying with all the original provisions of the act.

In every instance, until to-day, the gentleman from Indiana has recognized the statutory powers of the commission. Now, he shows his true purpose, and that is to cut off the power of the commission in an amendment carried in the proviso supplemented by language carried in the report.

Referring to the language, and I will include herein the paragraph of the report complete:

FEDERAL TRADE COMMISSION

Appropriations aggregating $963,000 are recommended for the Federal Trade Commission for the fiscal year 1929. A limitation has been carried upon the appropriation for salaries and general expenses of the commission, and attention is called to the fact that under this limitation no investigation that does not relate to alleged violations of the antitrust acts may be undertaken upon the request of either House of Congress unless directed by concurrent resolution. This limitation has been amended to include economic investigations. It was developed during the hearings that the Federal Trade Commission has been engaged in economic investigations, not a few of which were undertaken upon the motion of the commission. The act creating the Federal Trade Commission specifically sets forth the powers and duties of the commission, and it may upon its own motion undertake investigations relating to the use of unfair methods of competition in commerce, and to gather and compile information and investigate any corporation engaged in commerce. The testimony given before the committee indicated that many of the investigations directed by the

Federal Trade Commission had no relation to matters involved in interstate commerce, merely being economic investigations, and the attention of the Congress is called to this misdirected energy of the commission. The attention of the Comptroller General has also been called to these matters, and it is hoped that further expenditures of Federal funds for unlawful investigations may be prohibited.

The language of the present limitation, while including these words—"including economic investigations"—adds to and takes from the limitation which was construed by the Comptroller General and Attorney General not a whit, because undoubtedly the word "investigations" that is first observed in the proviso is inclusive of economic investigations.

We respectfully submit that the act creating the Federal control commission, a part of which we have set forth herein, is statutory authority for the inquiries complained of. This authority is not affected by the limitation on the appropriation bill. I do not subscribe to this language in the report:

The testimony given before the committee indicated that many of the investigations directed by the Federal Trade Commission had no relation to matters involved in interstate commerce, merely being economic investigations, and the attention of the Congress is called to this misdirected energy of the commission.

The following language is quoted from the report:

The attention of the Comptroller General has also been called to these matters, and it is hoped that further expenditures of Federal funds for unlawful investigations may be prohibited.

It may be that some one has performed the functions referred to in the quotation, but there was no affirmative action in the subcommittee or the whole committee with reference to this matter. Of course, no one would justify the expenditure of Federal funds for unlawful investigations. It should be stated that the investigations of the commission have been in accordance with law and, because some do not agree with the law as presented to the commission, it should not be stated, even inferentially, that their work had been in violation of law.

So I submit that under the organic law the commission has the power of initiating the inquiries; that under the authority of the Comptroller General and the Attorney General the limitation serves no real purpose.

The action of my friend from Indiana apparently is based upon the ire which certain inquiries, initiated in the summer of 1927, occasioned. These inquiries are four in number, to wit: First, resale-price-maintenance inquiry; second, price-bases inquiry; third, the du Pont inquiry; and fourth, the blue-sky-securities inquiry. I would discuss these inquiries, together with the authority for their making.

RESALE-PRICE-MAINTENANCE INQUIRY

The commission has many cases of this character coming before it. I do not agree with the attitude of at least one member of the commission relative to this inquiry as well as the results that might be obtained. This inquiry has to do with the conditions which obtain surrounding contracts for the resale price of commodities, and it is the purpose to determine its status in the various jurisdictions so that the commission may be better equipped to handle the case coming before it, and that Congress might have information upon which it could act if legislation was thought desirable.

So we are not inclined to agree with the desirability of legislation in this particular field. Under section 5 and under subsection a of section 6 of the creative act the commission had ample authority for its initiation.

PRICE-BASES INQUIRY

We are in hearty accord with this inquiry, both as to power to do it and its purpose. In 1924 the commission decided a case which is commonly called the Pittsburgh-plus case, which prevented a distributor from Chicago, for illustration, selling steel to the consumer at the mill price in Pittsburgh plus the freight from Pittsburgh.

In the hearings before the committee last year Mr. Van Fleet stated that more than $30,000,000 annually had been saved the consumers by this one case, and it was testified that if the Federal reserve bank in Chicago had been constructed subsequent to this ruling, there would have been a saving of $60,000 as a result thereof.

I am in hearty accord with the work of the commission in compelling the Bethlehem Steel Corporation to desist from observing the Pittsburgh-plus method in selling its steel; which was of material benefit to the consuming public. I think that the country will be well served by the inquiry into the freight-basing methods now in use. In my judgment, it will mean much to the consumers of the country.

The Pittsburgh-plus method may be designated as the basing-point method.

The factory-base method is the price f. o. b. factory, plus the freight from factory to locality of the purchaser.

The delivered-price method is one in which the seller delivers its products to customers in any part of the country without basing the price on the cost of transportation. This can only be done by making the customer close by pay a portion of the freight that it costs to deliver it to the distant customer. The adoption of this last-mentioned method by certain Eastern manufacturers has caused considerable apprehension in the West and South. It is regarded as a part of an effort to centralize all manufacturing in the so-called industrial States.

In May of last year a complaint was issued by the commission against certain manufacturers of range boilers, charging them with concurrently establishing and maintaining a delivered price policy with intent and purpose to destroy local producers and competitors in the Pacific-coast market. Upon this point, Mr. Myers, commissioner, says:

It is plain that the commission should not undertake to act with respect to the sales policy of any concern or industry without full knowledge of the prevalence and economic effect of the practice in question, having regard to the situation and necessities of all parties who might be affected by such action.

In our judgment, authority for this inquiry may be found in section 5 and subsection a of section 6 of the creative act, supra.

THE DU PONT INQUIRY

Published reports of the E. I. du Pont de Nemours Co. showed that in addition to its known holdings in the General Motors Co. it had acquired a large investment in the stock of the United States Steel Corporation.

This announcement gave rise to much agitation in the newspapers and elsewhere as to the purpose and effect of such acquisition, the suggestion being frequently made that it was in itself, or would result in, a violation of the antitrust laws.

We insert the resolution itself for your consideration:

Whereas it appears from published financial reports of the E. I. du Pont de Nemours Co. that it has a large investment in the stock of the General Motors Corporation; and

Whereas it is currently reported in the press that the said du Pont Co. has recently acquired a large holding in the capital stock of the United States Steel Corporation, that it expects to have a number of directors representing its interests elected to the board of the latter company and in other ways to develop close corporate connection among them; and

Whereas the establishment of a community of interest among these three corporations, which are reputed to be among the largest industrial corporations in this country, is a matter of public concern; and

Whereas the act creating this commission authorizes it to inquire into the organization, business, conduct, practices, and management of the said corporations: Now therefore be it

Resolved, That the chief economist of this commission be directed to cause an inquiry to be made into the relationships, direct or indirect, among the United States Steel Corporation, the General Motors Corporation, and the E. I. du Pont de Nemours Co., tending to bring them or any other important industrial corporations under a common ownership, control, or management, with information as to the probable economic consequences of such community of interest, and to report to this commission.

In the hearings the gentleman from Indiana [Mr. WOOD] was disturbed with reference to this inquiry, basing his objections, in part, to the detrimental effect it had upon the market value of the stock of these corporations. The chairman of the subcommittee and Commissioner Myers were at a variance as to the effect it had upon the market, and particularly the stocks involved, and in order to determine the matter to the satisfaction of ourselves and Members of the House I have caused to have inserted table showing these market values. There was an upward trend in the market and, seemingly, this inquiry had no effect upon it. The values continued to mount. We insist that section a of subsection 6 is ample authority for this investigation.

BLUE-SKY-SECURITIES INQUIRY

It seems that some years ago there was an attempt to bring down and correlate all of the legislation upon this particular subject, and it is in an unfinished state; and this merely brings the matter down to date. The violation of blue sky law oftimes involves interstate commerce, and I am of the opinion that they were within their statutory powers in doing this work.

Authority for this inquiry is contained in subsection a of section 6, as well as in the general power that it would have to facilitate and expedite proper decision in cases involving complaints in this sphere.

The gentleman from Indiana throughout the hearings and on the floor has been insistent that money has been wasted in these

inquiries prosecuted upon the motion of the commission. We insert herewith a list of such inquiries:

MOTION OF THE COMMISSION

This list comprises only inquiries initiated by the commission and does not include those inherited from the Bureau of Corporations, nor does it indicate any of the very numerous inquiries into cost, prices, and profits made during the war under general orders from the President; but does include those subjects of wartime inquiry which, under special order of the commission, after the war were made a subject of further study and on which printed reports were issued.

These inquiries, with the dates of initiation, were as follows:

Cooperation in American export trade, 1915.
Trade and tariffs in South America, 1915.
Uniform accounting, 1915.
Industry reports, 1915.
Trade association practices, 1915.
Lumber industry, 1916.
Interlocking directorates, 1916.
Premiums, coupons, and trading stamps, 1918.
Leather and shoe industry, 1918.
Copper costs, 1919.
Coal costs, 1919.
Steel costs and profits, 1919.
Lumber costs and profits, 1919.
Canned food costs, 1919.
Flour milling costs and profits, 1919.
Woolen rag trade, 1919.
Wyoming petroleum industry, 1919.
Paper industry, 1919.
Coal prices, 1919.
Steel prices, 1919.
Lumber prices, 1920.
Cotton textile prices, 1920.
Leather prices, 1920.
Flour prices, 1920.
Hoarding food products, 1920.
Open price associations, 1921.
Blue-sky securities, 1921.
Anthracite coal prices, 1923.
Cooperation in foreign countries, 1924.
Terminal elevators, 1924.
Lumber associations, 1926.
Panhandle petroleum, 1926.
Resale-price maintenance, 1927.
Price bases, 1927.
Blue-sky securities, 1927.
Du Pont investments, 1927.

Since its organization, under subsection d, of section 6, the House has exercised its power under the statute to have investigations made by the commission in eight instances which we set forth herein, together with a short explanatory statement thereof:

INVESTIGATIONS BY THE FEDERAL TRADE COMMISSION SINCE ITS ORGANIZATION IN 1915, AS CONDUCTED AT THE DIRECTION OF (A) HOUSE OF REPRESENTATIVES, (B) SENATE, (C) THE PRESIDENT, (D) THE ATTORNEY GENERAL, AND (E) MOTION OF THE COMMISSION

(A) HOUSE OF REPRESENTATIVES

(1) Bituminous coal: House Resolution No. 352, Sixty-fourth Congress, first session.

An investigation of the alleged depressed condition of the bituminous coal industry. The report suggested various measures for insuring a more adequate supply of bituminous coal at reasonable prices.

(2) Cotton yarn: House Resolution No. 451, Sixty-sixth Congress, second session.

An investigation of the very high prices of combed cotton yarn, and the inquiry disclosed that there had been an extraordinary advance in prices, and that the profits in the industry had been extraordinarily large for several years.

(3) Petroleum prices: House Resolution No. 501, Sixty-sixth Congress, second session.

An inquiry into high prices of petroleum products. The report pointed out that the standard companies practically made the prices in their several marketing territories and avoided competition among themselves. Various constructive proposals to conserve the oil supply were made by the commission.

(4) Sugar supply: House Resolution No. 150, Sixty-sixth Congress, first session.

The extraordinary advance in the price of sugar in 1919 led to this inquiry, and the price advance was found to be due chiefly to speculation and hoarding in sugar. Recommendations were made for legislative action to cure these abuses.

(5) Shoe costs and prices: House Resolution No. 217, Sixty-sixth Congress, first session.

The high prices of shoes after the war led to this inquiry, and the investigation attributed such high prices chiefly to supply and demand conditions. The economic waste, due to the excessive variety of styles and rapid changes therein, was emphasized.

(6) Tobacco prices: House Resolution No. 533, Sixty-sixth Congress, second session.

An inquiry into the prices of leaf tobacco and the selling prices of tobacco products. The unfavorable relationship between them was reported to be due in part to the purchasing methods of the large tobacco companies. As a result of this inquiry, the commission recommended that the decree dissolving the old Tobacco Trust should be amended and alleged violations of the existing decree prosecuted. Better systems of grading tobacco were also recommended by the commission.

(7) Radio industry: House Resolution No. 548, Sixty-seventh Congress, fourth session.

The patents in the radio industry which the commission was called upon to investigate by this resolution were found to be controlled by a combination of a few great companies, as also commercial communications by radio. The commission, since issuing the report, has instituted proceedings against these companies. The facts in the report were stated at the time to be of vital importance in considering what legislation should be provided for to regulate the radio industry.

(8) Cottonseed industry: House Resolution No. 439, Sixty-ninth Congress, second session.

This resolution directed the commission to make inquiry and report if there is a combination, agreement, or association to fix prices for cottonseed. This report is now in the course of preparation.

Since the creation of the commission the Senate has called upon this agency in 34 instances, list of which is insterted herein, together with a short statement relative thereto:

(B) SENATE

(1) Fertilizer: Senate Resolution No. 487, Sixty-second Congress, third session.

This industry disclosed the extensive use of bogus independent fertilizer companies used for purposes of competition, but through conferences with the principal manufacturers agreements were reached for the abolition of such unfair competition.

(2) Petroleum pipe lines: Senate Resolution No. 109, Sixty-third Congress, first session.

This report showed the dominating importance of the pipe lines in the great mid-continent oil fields and that the pipeline companies which were controlled by a few large oil companies not only charged excessive high rates for transporting petroleum but also evaded their duties as common carriers by insisting on unreasonably large shipments, to the detriment of the numerous small producers.

(3) Gasoline: Senate Resolution No. 457, Sixty-third Congress, second session.

This report was on the subject of gasoline prices in 1915, which disclosed the high prices of petroleum products and showed how the various Standard Oil companies had continued to maintain a division of marketing territory among themselves. The commission suggested various plans for restoring effective competition in the oil industry.

(4) Sisal hemp: Senate Resolution No. 170, Sixty-fourth Congress, first session.

In response to a resolution calling on the commission to assist the Senate Committee on Agriculture and Forestry by advising how certain quantities of hemp promised by the Mexican Sisal Trust might be fairly distributed among American manufacturers of binder twine, the commission made an inquiry and submitted a plan of distribution, which was followed.

(5) Anthracite coal: Senate Resolution No. 217, Sixty-fourth Congress, first session.

The rapid advance in the prices of anthracite at the mines, compared with costs, and the extortionate overcharging of anthracite jobbers and dealers were disclosed in this inquiry, and a system of current reports called for regarding selling prices, which substantially checked further exploitation of the consumer.

(6) Newsprint paper: Senate Resolution No. 177, Sixty-fourth Congress, first session.

This inquiry resulted from an unexpected advance in prices. The report showed that these prices were very profitable and that they had been partly the result of certain newsprint association activities which were in restraint of trade. The Department of Justice instituted proceedings, in consequence of which the association was abolished and certain newsprint manufacturers indicted.

(7) Book paper: Senate Resolution No. 269, Sixty-fourth Congress, first session.

This inquiry, following shortly after the newsprint inquiry, had a similar origin and disclosed similar restraints of trade, resulting in proceedings by the commission against the manufacturers involved to prevent the enhancement of prices. The commission also recommended legislative action to repress restraints of trade by such associations.

(8) Flags: Senate Resolution No. 35, Sixty-fifth Congress, first session.

A sudden increase in the price of American flags led to this inquiry, which disclosed that while a trade association had been active to fix prices shortly before, the price advance had been so great on account of the war demand that further price fixing had been superfluous.

(9) Meat packing profit limitations: Senate Resolution No. 177, Sixty-sixth Congress, first session.

This inquiry had as its object the study of the system of war-time control established by the Food Administration. Changes were recommended by the commission, including more complete control of the business and lower maximum profits.

(10) Farm implements: Senate Resolution No. 223, Sixty-fifth Congress, second session.

The high prices of farm implements led to this inquiry, which disclosed that there were numerous trade combinations to advance prices, and that the consent decree for the dissolution of the International Harvester Co. was absurdly inadequate. The commission recommended a revision of the decree and the Department of Justice proceeded against the company to that end.

(11) Milk industry: Senate Resolution No. 431, Sixty-fifth Congress, third session.

This inquiry was into the fairness of milk prices to producers and of canned milk to consumers, and whether they were affected by fraudulent or discriminatory practices. The report showed marked concentration of control and questionable practices in the buying and handling of cream by butter manufacturers, many of which have since been recognized as unfair by the trade itself.

(12) Pacific coast petroleum: Senate Resolution No. 138, Sixty-sixth Congress, first session.

On the Pacific coast the great increase in the prices of gasoline, fuel oil, and other petroleum products led to this inquiry, which disclosed that several of the companies were fixing prices.

(13) Commercial feeds. Senate Resolution No. 140, Sixty-sixth Congress, first session.

The inquiry into commercial feeds, which aimed to discover whether there were any combinations or restraints of trade in this business, was diligently pursued, and though it disclosed some association activities in restraint of trade it found no important violations of the antitrust laws. Certain minor abuses in the trade were eliminated.

(14) Southern livestock prices: Senate Resolution No. 133, Sixty-sixth Congress, first session.

The low prices of southern livestock, which gave rise to the belief that discrimination was being practiced, were investigated, but the alleged discrimination did not appear to exist.

(15) Tobacco prices: Senate Resolution No. 129, Sixty-seventh Congress, first session.

This inquiry was directed to the low prices of leaf tobacco and the high prices of tobacco products. It disclosed that in the sale of tobacco several of the largest companies were engaged in numerous conspiracies with their customers—the jobbers—to enhance the selling prices of tobacco. Proceedings against these unlawful acts were instituted by the commission.

(16) Export grain: Senate Resolution No. 133, Sixty-seventh Congress, second session.

The low prices of export wheat gave rise to this inquiry, which developed extensive and harmful speculative manipulation of prices on the grain exchanges and conspiracies among country grain buyers to agree on maximum prices for grain purchased. Legislation for a stricter supervision of grain exchanges was recommended, together with certain changes in their rules. The commission also recommended governmental action, looking to additional storage facilities for grain not controlled by grain dealers.

(17) House furnishings: Senate Resolution No. 127, Sixty-seventh Congress, second session.

The alleged failure of house-furnishing goods to decline in price since 1920 as much as most other commodities alleged to be due to restraint of trade was inquired into by the commission and two reports were issued. The first dealt with wooden household furniture and the second with household stoves. These reports showed that extensive conspiracy existed under the form of cost-accounting devices and meetings to inflate the prices of such goods.

(18) Flour milling: Senate Resolution No. 212, Sixty-seventh Congress, second session.

The report covered the cost of production of wheat flour and the profits of the flour-milling companies in recent years. It also discussed the disadvantages to the miller and consumer arising from an excessive and confusing variety in the sizes of flour packages.

(19) Cotton trade: Senate Resolution No. 262, Sixty-seventh Congress, second session.

Further discussion in the decline in cotton prices.

(20) Fertilizer industry: Senate Resolution No. 307, Sixty-seventh Congress, second session.

This inquiry developed that active competition generally prevailed in the industry in this country, though in foreign countries combinations controlled some of the most important raw materials. The commission recommended constructive legislation to improve agricultural credits and more extended cooperative action in the purchase of fertilizer by farmers.

(21) Foreign ownership in petroleum industry: Senate Resolution No. 311, Sixty-seventh Congress, second session.

The acquisition of extensive oil interests in this country by the Dutch-Shell concern, an international trust, and discrimination practiced against Americans in foreign countries provoked this inquiry, which developed the situation in a manner to promote greater reciprocity on the part of foreign governments.

(22) Cotton trade: Senate Resolution No. 429, Sixty-seventh Congress, fourth session.

This report recommended that Congress enact legislation providing for some form of southern warehouse delivery on New York contracts, and as a part of such a delivery system the adoption of a future contract which would require that not more than three adjacent or contiguous grades should be delivered on any single contract.

(23) National wealth, debt, and income: Senate Resolution No. 451, Sixty-seventh Congress, fourth session.

This inquiry was specially directed not only to national wealth, debt, and income, but for investigation of the problem of tax exemption and the increase in Federal and State taxes in recent years. Among other things, the report comprises an elaborate estimate of the amount and ownership of tax-exempt securities by different classes of corporations and persons.

(24) Calcium arsenate: Senate Resolution No. 417, Sixty-seventh Congress, fourth session.

The high prices of calcium arsenate, a poison used to destroy the cotton-boll weevil, led to this inquiry, from which it appeared that the cost was due to the sudden increase in demand rather than to any restraints of trade.

(25) Bread industry: Senate Resolution No. 163, Sixty-eighth Congress, first session.

This inquiry was into the production, distribution, transportation, and sale of flour and bread; to ascertain costs, profits, and prices at each stage of the process of production and distribution from the time the wheat leaves the farm until the broad is delivered to the consumer. Also to inquire into the development in the direction of monopoly and concentration of control in the milling and baking industries, together with evidence indicating violations of the antitrust laws.

(26) Cotton merchandising practices: Senate Resolution No. 252, Sixty-eighth Congress, first session.

Certain objectionable practices prevailed among cotton factors or shippers, a concrete illustration of which would be the delivery of consigned cotton by a factor or owner on his future contract where the consignees had not given permission to use it in that manner.

(27) Packers' consent decree: Senate Resolution No. 278, Sixty-eighth Congress, second session.

The commission was directed to submit all available information on the history and existing status of the consent decree entered February 27, 1920, in the Supreme Court of the District of Columbia against the five principal meat-packing companies which had been charged with forming a combination in violation of the antitrust laws. The commission was also directed to submit an opinion on the effects to be expected if the decree were enforced, or modified, or annulled, together with the recommendations of the public policies involved.

(28) Empire Cotton Growing Corporation: Senate Resolution No. 317, Sixty-eighth Congress, second session.

The commission was directed to report regarding the development, methods, and activities of the Empire Cotton Growing Corporation, and as to the probable effect upon American cotton growers of the action of the British Government, as outlined in article 6 of an ultimatum to Egypt with respect to the increase of the area to be irrigated in certain portions of Egypt

for the growing of cotton. The report concluded that if the Egyptian district in question were all put into cotton of American types, or types that compete with them, the resulting yield would not seriously impair the position of the American cotton grower.

(29) American and Imperial Tobacco Cos.: Senate Resolution No. 329, Sixty-eighth Congress, second session.

This resolution called for an investigation of the activities of the American Tobacco Co. and the Imperial Tobacco Co. (Ltd.). The inquiry covered (1) the present degree of concentration and relationship between the two companies involved and (2) the methods employed by these companies with respect to cooperative marketing associations.

(30) The electric power industry: Senate Resolution No. 329, Sixty-eighth Congress, second session.

This resolution alleged that the General Electric Co. has acquired a monopoly, or exercises a control in restraint of trade or commerce, in violation of law, of or over the production and distribution of electric energy and the manufacture, sale, and distribution of electrical equipment and apparatus. The commission was directed to report the means employed by the General Electric Co. in monopolizing electric energy or power, and also the means of the company to acquire or maintain such monopoly.

(31) Open price associations: Senate Resolution No. 28, Sixty-ninth Congress, special session.

This resolution called on the commission to report the number and nature of open price associations, their names, the number of their members, and importance of such associations in the industry; (2) to report to what extent, if any, the effect of such open price associations has been to maintain among members thereof uniform prices to wholesalers or retailers, or to secure uniform, or approximately uniform, increases in such prices; and (3) to report with respect to alleged violations of the antitrust laws, if any, engaged in by such open price associations.

(32) Petroleum prices: Senate Resolution No. 31, Sixty-ninth Congress, first session.

In this inquiry the commission was directed to report with respect to the very material advances recently made in the prices of crude oil, gasoline, kerosene, and many other petroleum products, and whether or not such price increases were arbitrarily made and unwarranted, whether or not there had been any understanding or agreement between various oil companies or manipulations thereby to raise or depress prices, or in conditions of ownership or control of oil properties, or of refining and marketing facilities in the industry, which would prevent effective competition, and also the profits of the principal companies engaged in these industries during the years 1922–1924, inclusive.

(33) Cooperative associations: Senate Resolution No. 34, Sixty-ninth Congress, special session.

The commission was directed to make inquiry and report (a) into the growth and importance of cooperative associations, including particularly the cost of marketing and distribution of such cooperatives, as compared with corresponding costs of other types of distributors, and also to report any alleged violations of the antitrust laws, and to submit recommendations for legislation, if necessary.

(34) Stock dividends: Senate Resolution No. 304, Sixty-ninth Congress, second session.

The commission was directed to ascertain and report the names and capitalization of corporations that have issued stock dividends, together with the amount of said stock dividends, since the decision of the Supreme Court holding that stock dividends were not taxable, and to ascertain and report the same information as to the same corporations for the same period of time prior to such decision. A report was recently sent to the Senate on this subject.

Since the creation of the commission the President of the United States upon seven different occasions has used the power of this commission in its investigation work. The inquiries and short statement relative thereto is inserted herewith:

(C) THE PRESIDENT

(1) Food inquiry: Direction of the President, February 7, 1917.

The President's food inquiry, undertaken with a special appropriation of Congress, resulted in a very important series of reports on the meat-packing industry, which had as their immediate result the enactment of the packers and stockyards act for the control of this industry and the prosecution of the big packers for a conspiracy in restraint of trade by the Department of Justice. Another branch of the food inquiry developed important facts regarding the grain trade which were of assistance to Congress in regulating the grain exchanges and to the courts in interpreting the law. Reports were also issued on the flour-milling and food-canning industries.

(2) War-time cost finding: Direction of the President, July 25, 1917.

The numerous cost investigations—some 600 in all—made by the Federal Trade Commission during the war into the coal, steel, lumber, petroleum, cotton textiles, locomotive, leather, canned foods, and copper industries, not to mention scores of other important industries, on the basis of which prices were fixed by the Food Administration, the War Industries Board, and the purchasing departments, like the Army, Navy, Shipping Board, and Railroad Administration, were all done under the President's special direction, and it is estimated that these cost-finding activities of the commission helped to save the country many billions of dollars by checking unfavorable price advances. Subsequent to the war a number of reports dealing with costs and profits were published based on these war-time inquiries. Among these may be mentioned reports on coal, copper, lumber, and canned goods.

(3) Wheat prices: Direction of the President, October 12, 1920.

The extraordinary decline of wheat prices in the summer and autumn of 1920 led to a direction of the President to inquire into the reasons for the decline. The chief reasons were found in abnormal market conditions, including certain arbitrary methods pursued by the grain-purchasing departments of foreign governments.

(4) Price deflation of agricultural products: President's direction, March 21, 1921.

The President asked the commission to inquire into the decided and progressive deflation in the prices of most of the staple agricultural products and to inquire into the reasons why, in the face of a very great shrinkage in prices of agricultural products, the consuming public has failed to get the benefit of a corresponding reduction in the cost of foodstuffs; to inquire as to whether the shrinkage in the value of basic commodities has been adequately reflected into the price of the products which the public buys. Based upon the commission's response to this direction, the President dealt with the subject matter of price deflation in his subsequent annual message to Congress.

(5) Gasoline inquiry: President's direction, February 7, 1924.

This report was entitled "Increase of Gasoline Prices in 1924," and upon its submission to the President the report was referred to the Department of Justice for consideration in connection with his inquiry into related phases of the petroleum industry which was undertaken by that department. The report embraces data on production, stocks, investment and profits of producers, refiners, and marketers, and a study of competitive conditions in the industry as a whole, with particular reference to the position and activities of the so-called Standard group.

(6) War-time profits and costs of the steel industry: Direction of the President.

This report dealt with both profits and costs in the steel industry and related to the period of the World War, and showed the effect, first, of the World War, and then the entry into it of the United States. Profits are analyzed in various ways, and particularly as to the differences between large and small companies.

(7) Anthracite-coal price pyramiding: Direction of the President, September 15, 1923.

At the direction of the President the commission examined certain alleged practices of price manipulation in the anthracite-coal trade.

Since the creation of the commission the Attorney General of the United States has twice called into activity this agency. We set forth the list, together with a short statement relative thereto:

(D) ATTORNEY GENERAL

(1) Lumber industry: Request of Attorney General, September 4, 1919.

The commission examined certain alleged trade combinations in the lumber industry. Violations of the antitrust acts were disclosed with respect to the Southern Pine Association, West Coast Lumbermen's Association, Western Pine Manufacturers' Association, Northern Hemlock & Hardwood Manufacturers' Association, Western Red Cedar Association, Lifetime Post Association, and Western Red Cedarmen's Information Bureau. The Department of Justice has instituted proceedings in consequence of the commission's recommendations with respect to the Southern Pine Association and the Western Pine Manufacturers' Association.

(2) Raisin combinations: Request of Attorney General, September 30, 1919.

A combination of raisin growers in California was referred to the commission for examination by the Attorney General pur-

suant to the Federal Trade Commission act (sec. 6), and the commission found that it was only organized in restraint of trade but was being conducted in a manner that was threatening financial disaster to the growers. The commission recommended a change of organization to conform to law, which was adopted by the raisin growers.

We respectfully submit that the work of the commission should not be hampered or restricted by the limitations carried in this bill. Upon these arguments we submit that the work of the commission will not suffer by the loss of this proviso.

The Clerk read as follows:

GENERAL ACCOUNTING OFFICE

Salaries: Comptroller General, $10,000; Assistant Comptroller General, $7,500; and for other personal services in the District of Columbia, in accordance with the classification act of 1923, $3,557,500; in all, $3,575,000.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word simply to say a word about the Comptroller General and his office. I am led to do this because of a personal experience which demonstrated to me the vast importance to the Government and to the people of that position and the vast importance of having the right man in that position.

A certain bureau of the Government advertised for a machine which it wished to buy.

It printed certain specifications. Those specifications were so drawn, and deliberately so drawn, as to prevent—the bureau thought—a very reputable and competent manufacturer in my district from submitting a bid with any hope of having it accepted. The manufacturer wrote to me and also wrote to another Member of the House, a personal friend of his, Mr. LAMPERT, of Wisconsin. Together we went to this bureau. The officials, with much of what might be denominated earnestness overdone, insisted that they were within their rights, and that my constituent's bid was not within the specifications. My colleague from Wisconsin and I informed the gentlemen that in our opinion they had drawn the specifications in that way for no other purpose than to exclude anybody except the company to whom they wished to give the contract.

Our labor did no good. My constituent's bid was ignored. They reported in favor of a higher bidder, and the secretary of their department approved the contract which they had awarded.

Then we went to Comptroller General McCarl and laid the indisputable facts before him. After two or three weeks had passed, the Comptroller General communicated with those bureau chiefs and with the department head and said, "Your specifications are improperly drawn. They are drawn to exclude certain competent manufacturers and to favor others, and the contract must not be carried out."

My constituent had bid a little more than $10,000. The next low bid was more than $11,000. There were four other bids, all higher; six in all. One man in the Government service wrote to the bureau people who had drawn these specifications, and they read to Mr. LAMPERT and myself his letter. In it he said that he would ignore the first bids and give the contract to No. 6, and it was the highest in the lot by several thousand dollars. The author of that letter thus exhibited a moral obtuseness altogether too common in the matter of Government contracts.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. The Comptroller General said, "You can not go on with that contract, although it has been awarded and some part of the machine may have been completed. Nevertheless you can not pay one dollar on that contract out of the funds in the United States Treasury."

Then what? My constituent, the lowest responsible bidder, secured the contract, made a fine machine, and it is doing most excellent service.

After we came back following the summer vacation a constituent called my attention to another Government bureau which had issued an advertisement asking for bids and containing specifications, and said, "Here is another job." Those were his words. And a manufacturer in Buffalo also wrote that it was a job, and that the specifications had been so drawn as to exclude everybody except the man or concern or corporation to whom they wished to award the contract. And McCarl got hold of that job and stopped it too.

I have heard Comptroller General McCarl criticized severely at times on this floor. No man is perfect. But there are three things which are absolutely necessary in a Comptroller General—knowledge of the law, integrity, and courage—and McCarl combines them all, and a government is indeed fortunate which has such a splendid man in its service. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HOUSING CORPORATION

Salaries: For officers, clerks, and other employees in the District of Columbia necessary to collect and account for the receipts from the sale of properties and the receipts from the operation of unsold properties of the United States Housing Corporation, the Bureau of Industrial Housing and Transportation, property commandeered by the United States through the Secretary of Labor, and to collect the amounts advanced to transportation facilities and others, $40,300: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $5,000 per annum, and only one person may be employed at that rate.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. DALLINGER. I would like to ask the chairman of the committee how long this unsold property is to be pending and what it consists of, and if there is a possibility, so many years after the close of the war, of having these matters closed up?

Mr. WOOD. It is one of the aftermaths of the war that will be a long time in conclusion. The Government purchased a great many things during its war activities. We have a lot of real estate, and street-car lines, and suburban roads, and undeveloped property in various sections of the country. But the hearings will disclose exactly what that property is and what will be done with reference to closing it out. I think they are making a pretty fair showing. Of course, the Government will lose in the disposition of this property because of the sacrifices it must make to get rid of it.

Mr. DALLINGER. Is this property located all over the country?

Mr. WOOD. Yes. It extends from San Francisco to Portland, Me., and from the Gulf to the Lakes.

Mr. DALLINGER. Has the committee any inventory of what the property is supposed to be worth?

Mr. WOOD. Yes. You will find in the hearings, beginning on page 259, a very complete résumé of that property and an estimate of its value. In a word, it is shown that they have 2,300 mortgages in force and they have 267 pieces of vacant property.

Mr. DALLINGER. These mortgages were taken as part payment?

Mr. WOOD. Yes. It is town lots and tenement houses and boarding houses and everything else that was built during the war to take care of these war activities.

Mr. DALLINGER. Is there included in that any camp sites?

Mr. WOOD. No; these were all industrial housing propositions.

The Clerk read as follows:

Washington, D. C., Government hotel for Government workers: For maintenance, operation, and management of the hotel and restaurants therein, including purchase and replacement of equipment and personal services and including not to exceed $300 for the repair and maintenance of an automobile for official use, $403,250, of which amount not to exceed $238,590 may be expended for personal services in the District of Columbia in addition to any meals and lodging allowed employees: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $5,000 per annum, in addition to any meals and lodging, and only one person may be employed at that rate.

Mr. DALLINGER. Mr. Chairman, I move to amend by striking out lines 6 to 18, inclusive, on page 20, the entire paragraph.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER: On page 20, beginning in line 6, strike out the entire paragraph ending in line 18.

Mr. DALLINGER. The land between the Capitol and the Union Station some years before the outbreak of the European war was taken under authorization of Congress for park purposes, so there could be a beautiful approach to the Capitol from the Union Station. That territory was covered by buildings and most of the buildings were demolished. Then when the war came on these Government hotels, so called, were erected on that location. I never could understand why it was done. When they were entirely occupied they only provided accommodations for about 1,800 of the 30,000 or 40,000 female employees of the Government. When they were constructed it

was said they were only temporary and that particular type of construction was supposed to be good for only three years. They have been there for 10 years. It is nine years since the armistice was signed, and every year we are told they are going to be torn down and the approach from the Union Station to the Capitol beautified. But every year in comes this appropriation. In my opinion, Mr. Chairman, they will never be torn down until Congress stops appropriating for them. I do not know how many people are being housed there at the present time, but I do know the number is very small, because some of the buildings are not occupied at all, while some have been given over to the use of the National Guard of the District of Columbia.

It seems to me Congress ought to take some action to have those buildings torn down and the approach between the Union Station and the Capitol beautified. It is a disgrace to the District of Columbia and a disgrace to the Nation for people to come out of the beautiful Union Station and come up to the Capitol with the situation as it is now. I am wondering how long Congress is going to stand for it, and I trust this amendment will prevail.

Mr. HAMMER. Will the gentleman yield?

Mr. DALLINGER. Certainly.

Mr. HAMMER. Why tear them down and deprive the ladies who are employees of the Government of a home until we are ready to beautify the premises?

Mr. DALLINGER. Why are we not ready to beautify the premises?

Mr. HAMMER. If they were torn down, would it cause us to get ready any quicker?

Mr. DALLINGER. Certainly it would.

Mr. HAMMER. There is another thing I would like to ask the gentleman. Probably the gentleman can not answer it, but I imagine the chairman of the subcommittee can. They increased the price from $47.50 a month to $50 in order to cover rent charges. Now, why is it they continue to charge these ladies that additional $2.50 or $5 since they quit paying rent and when they made, as I understand it, $50,000 clear last year?

Mr. DALLINGER. I will say to the gentleman that I can not answer his question; but why were they put there in the first place? They ought never to have been erected in that location.

Mr. HAMMER. But they are there, and they are good buildings in which to house these lady employees.

Mr. DALLINGER. They were to be torn down at the end of three years, but they are still there, and they will remain there until Congress stops appropriating money for them.

Mr. HAMMER. Would not their destruction operate to increase rent in the District?

Mr. DALLINGER. No. The effect of it would be infinitesimal.

Mr. HAMMER. I can not see why the suggestion is made to tear them down until we are ready to tear them down.

Mr. DALLINGER. We are ready.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WOOD. Mr. Chairman, I will say, in answer to the gentleman from Massachusetts, that there are some 918 young ladies still occupying these buildings. They were built in the first instance because the clerical force that was attracted to this city during the war was subjected to all sorts of profiteering. It is too long a story, but there are some here, perhaps, who remember what occurred then. Lessors were putting five or six of these girls in one room—a room that was only fit for the occupancy of one person—and they were charging each one of them the price they would have charged had they been occupying the room entirely alone. It was a matter of Government necessity at that time.

Now, with reference to beautifying that part of the city. There are pending in the courts of the District a half dozen cases condemning certain portions of this property. These cases have been pending for 20 years and are still undecided. The point was well made by the gentleman from North Carolina that until they are ready to beautify these grounds and make them a part of the improvement that has been contemplated there is no use of demolishing these Government hotels. They were built, perhaps, better than they knew. They are in splendid condition. There are some five or six of them that are not now occupied as Government hotels, but these are occupied by various other activities of the Government and some of the activities of the District of Columbia.

No one is compelled to live in these hotels. Most of the young ladies who are occupying these homes are doing it because they are getting better accommodations there for the amount of money they are paying than they could get elsewhere. To my mind, it would be a calamity to close them. If these 900 young women were thrown out upon the public to-morrow to find some other places to go and get accommodations the profiteer would again be getting in his work, as they have been doing in this town ever since the war.

Mr. DALLINGER. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. DALLINGER. This would not go into effect until the 1st of July, would it?

Mr. WOOD. No.

Mr. DALLINGER. So they would not be thrown out to-morrow?

Mr. WOOD. But there is no reason for it. These grounds could not be beautified, and the result the gentleman would like to see accomplished can not be accomplished until certain of these law suits are finally determined. To-day you can not walk from here to Union Station without seeing some of these places half built up, and the cases with respect to those properties are still pending in the courts.

Mr. DALLINGER. Can the gentleman from Indiana give us any idea when these buildings will be torn down——

Mr. WOOD. Yes.

Mr. DALLINGER (continuing). And when we will be able to begin to carry out the plan that was determined upon 20 years ago?

Mr. WOOD. I think when the Government has the title to the other property finally decided in the court, where these cases are now pending, we will get rid of the Government buildings.

Mr. DALLINGER. Can the gentleman give us any idea when that will be?

Mr. WOOD. No; I can not, because of the fact I can not tell when these cases are going to be decided in the courts of the District.

Mr. HUGHES. Will the gentleman yield for a question?

Mr. WOOD. Yes.

Mr. HUGHES. What is the necessity for this appropriation? If these buildings are being used, rented, and so on, why are they not self-sustaining?

Mr. WOOD. They are self-sustaining. The fact of the business is they are paying a little profit into the Treasury. It is perhaps not quite accurate to call it a profit, because there is nothing included for overhead or for interest on the investment; but these Government hotels are paying a surplus into the Treasury.

Mr. NEWTON. Then the gentleman thinks the buildings as now constructed look a whole lot better there than to have a lot of vacant, torn-up ground; and that is just about what will happen if we abandon these buildings before we are ready to go ahead with the improvement which we all want to see. For one I would rather have the place used at it is being used instead of having a lot of vacant ground there.

Mr. DALLINGER. Mr. Chairman, I would like to ask the gentleman from Minnesota if he can tell the House when we are going to be in a position to beautify these grounds?

Mr. HASTINGS. Mr. Chairman, I would like to ask the gentleman from Indiana to direct the attention of the committee to page 275 of the hearings where there is given the amount of receipts and also the amount of disbursements, the receipts being $445,738.68 and the disbursements $393,967.47, showing that the receipts are approximately $50,000 more than the disbursements.

Mr. WOOD. Yes; and, in addition to that, they have been saving the Government thousands of dollars a year in the laundry which they have down there to take care of all such work in the various departments. There is also a saving through the manufacture of ice. I think this institution is one of the most profitable institutions the Government has, and while it may be an eyesore and may continue for some years to come, yet it will not continue longer than the eyesores that many of us have seen since we have been here, where the grounds are filled to the second floor of various buildings, and the title to this property is still pending in the courts of the District of Columbia. The title to the ground upon which these hotel buildings are located has been settled, but as to some of that ground we are there by suffrance, ready to get off immediately when the other titles are adjudicated.

Mr. DALLINGER. Mr. Chairman, I am satisfied with the explanation of the gentleman from Indiana [Mr. WOOD] and I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read as follows:

For all other authorized expenditures necessary in the execution of laws to regulate commerce, including one chief counsel, one director

of finance, and one director of traffic at $10,000 each per annum, traveling expenses, and stenographic reporting services to be obtained on and after the approval of this act by the commission, in its discretion, through the civil service or by contract, or renewal of existing contract, or otherwise, $2,564,500, of which amount not to exceed $2,008,010 may be expended for personal services in the District of Columbia, exclusive of special counsel, for which the expenditure shall not exceed $50,000; not exceeding $3,000 for necessary books, reports, and periodicals; not exceeding $100 in the open market for the purchase of office furniture similar in class or kind to that listed in the general supply schedule; and not exceeding $139,000 for rent of buildings in the District of Columbia: *Provided*, That this appropriation shall not be available for rent of buildings in the District of Columbia if suitable space is provided by the Public Buildings Commission.

Mr. HOCH. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. HOCH. Mr. Chairman and members of the committee, the item before us has to do with the work of the Interstate Commerce Commission, and I want to make a few observations with reference to the progress of the work being done under the resolution passed by Congress in January, 1925, which provided for a general survey and readjustment of the freight rates of this country.

I am prompted particularly to speak at this time about this by reason of a decision in the Federal court in California, handed down upon Wednesday of last week, January 18. I have just received this morning from the Attorney General's office a copy of the bill in equity filed by 48 railroads attacking the so-called Hoch-Smith resolution, and the interpretation of the resolution by the Interstate Commerce Commission; and also a copy of the decision of the court in that case. It is a decision of very great importance. The case was one of the definite cases in which the Interstate Commerce Commission had granted substantial decreases in freights and had based its action specifically upon the Hoch-Smith resolution, and is commonly referred to as the California fruit case.

The case was brought by the California Growers and Shippers' Protective League to obtain reductions on transcontinental rates on citrus fruits. Some time prior to this the fruit people of southern California had brought a similar case, but their application had been denied by the commission. After the passage of the Hoch-Smith resolution they brought another case, and on July 20, 1927, the commission granted the application and granted very substantial freight reductions of 12 or 13 cents a hundred pounds, and based its action squarely upon the resolution. The decision was attacked, and 48 of the great railroads of the country were permitted to join in the suit, which indicates their view of its importance. They sought to enjoin the putting into effect of the reduced rates. The case was heard by a specially constituted Federal court in California, consisting of Circuit Judge Rudkin and District Judges Kerrigan and St. Sure. The attack was upon the constitutionality of the resolution itself, upon the constitutionality of the commission's construction of it, and upon the findings generally of the commission. The decision of the court sustains the action of the commission in every particular, denies the injunction, and the new reduced rates will be ordered in.

The resolution has been on the statute books for nearly three years. I never claimed, and no one else ever claimed, that it was a panacea for freight ills. I shall not take the time to rehearse the history of that legislation, but I do say that it has already been of very great advantage, and especially to agriculture.

The resolution has been viciously attacked from certain quarters, largely inspired by selfish interests. Its purposes and its terms have been grossly misrepresented, and the attitude of the commission toward it has been misrepresented and effort made to put the whole situation in an improper light before the country.

Action under the resolution has not been as speedy and as far-reaching as many of us would hope for. But I am sure that every fair man who knows anything about the work of the commission and the great burden and complexity of the task with which it labors want to be as patient as possible with the commission.

It is not my purpose to-day to attempt to outline the very broad work that has been instituted and is being carried on under the resolution. There are major investigations on certain basic commodities, such as grain and grain products, cotton, cottonseed and cottonseed products, vegetable oils, petroleum, iron, and steel, and so forth. Then there are broad surveys being made of class and commodity rates in various sections of the country. On some of the very large cases the hearings are completed or nearly so.

In a number of cases already decided the commission has construed and applied the Hoch-Smith resolution, and some of these cases have been of great importance. I wish I had time to read from some of these decisions, but I shall not impose upon the House to do so at this time.

Let me refer, for the information of those who may be further interested in the history of the resolution and the progress so far made under it, to a very splendid and comprehensive report made on the subject by the rate committee of the National Association of State Railroad and Public Utility Commissioners at the annual convention of the association in Dallas, Tex., last October. The report was presented by Hon. Hugh H. Williams, of New Mexico, chairman of the committee, and is a complete and convincing answer to the critics who have sought to discredit the legislation. The report, which covers 22 pages and which was unanimously adopted by the association, outlines the need for the legislation, the steps leading up to its enactment, tells of various trade and business bodies, farm organizations, traffic experts, and others who had long urged it, and sweeps away various misrepresentations concerning the circumstances under which Congress passed it. The report then takes up in detail many cases in which the commission has already taken action in compliance with it.

The report then sums up the results so far attained under the Hoch-Smith resolution, and as the summary is brief I will read it. But before doing so let me remind you that this association of State commissioners is an old association, composed of men who are in immediate and constant touch with rate matters and who in the main have shown a very high regard for the interests of the public in all these freight questions. Their testimony is entitled to very great weight. I quote now from the association's report:

It may, therefore, be said that these effects have been produced by the resolution:

1. It has already resulted in reductions of importance.
2. It has stayed important rate advances.
3. It has resulted in the institution of important rate investigations in which the substantial relief for agriculture may be confidently expected.
4. It has supplied to the Interstate Commerce Commission a more convenient and expeditious method of procedure for use in a constructive treatment of complicated rate situations than was possible under previously existing laws, which procedure has been used by the commission with such regard for the rights of all parties that no complaint has arisen against it.

Then, in the recommendation they say:

We recommend that this association by resolution declare its opposition to any repeal of the Hoch-Smith resolution or to any amendment of it which would affect the principles therein declared, that the products of agriculture, including livestock, shall be accorded the lowest possible level of rates.

That recommendation was adopted by the national association.

I say that results have not been as rapid as many of us hoped for, and while I do not want to indulge in any intemperate criticism of the railroads, I do say that the attitude of many of the railroads toward these efforts to get a better distribution of the freight burden has been an indefensible attitude. They have thrown every sort of obstacle in the way of the commission toward the carrying out of the plain mandate of Congress in this regard. I call attention to one case of tremendous importance in the whole western country, namely, the western grain case. In the western grain case all the great farm organizations of the whole Middle West had united in applications for moderate decreases in rates upon grain, which in my judgment were entirely justified under all of the circumstances.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HOCH. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOCH. Instead of submitting to reasonable decreases, which the facts, I believe, plainly called for in that case, the western railroads countered by demanding increases in grain rates of from 20 to 40 per cent. The commission has been holding hearings in that grain case at Wichita, Kansas City, Minneapolis, Chicago, and, perhaps, other places. I undertake to say that there is no man informed with reference to conditions out there who seriously believes that the railroads ever expected to get increases in freight rates upon grain. It is the common conversation of the street that this attitude and action

of the railroads was purely railroad tactics for the sole purpose of preventing decreases.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. HOCH. I yield.

Mr. GARNER of Texas. Is it not within the province of the Interstate Commerce Commission to take cognizance of that fact and to go along and consider the question of whether they will make reductions instead of increases?

Mr. HOCH. It certainly is.

Mr. GARNER of Texas. If that is true, why do they permit the railroads to pursue these tactics?

Mr. HOCH. Under the law the railroads have the legal right, of course, to make any sort of application they desire, but I am saying that, in my judgment—and I believe it is the judgment of all men informed with reference to the situation—the railroads had no idea of ever getting those increases. I think the commission ought to take those facts into consideration, and I hope that the commission will find some way to shorten up these hearings in order that we may have a decision on that matter of so great importance to the West.

These western railroads, with scarcely an exception, have been enjoying the most prosperous years they have ever had. We all rejoice in that. Take it through my own country. The Santa Fe, the Rock Island, the Union Pacific, and even the Missouri Pacific, which only a few years ago was considered improvident and comparatively unsuccessful, have been doing wonderfully well. And yet in spite of the fact that these railroads have been enjoying this great prosperity, and in spite of the fact that the country through which they run has been through a period of agricultural depression, these railroads come in, in the face of that situation, and brazenly ask for these increases from 20 to 40 per cent in grain freight rates. I say that it is indefensible, and it indicates on the part of some railroad officials an indifference to public sentiment and public welfare which in the long run will breed harm for even the railroads themselves. [Applause.]

It will be recalled that a great many years ago a railroad president, in a flare against public sentiment, said, "The public be damned." Happily we had gotten pretty much past that sort of an attitude. We have gotten to a place of good will between the railroads and the public and we all rejoice in that. We have come to a time when it is no longer the stock in trade of the demagogue to indulge in indiscriminate attacks on the railroads and when railroads generally have been seeking success through good will, cooperation, and service. We all want them to prosper. We know the necessity for adequate transportation service, but there is a suspicion growing that the attitude of some of the railroads in some of these great cases is dictated not so much by men in the actual transportation business, the real railroaders, who grew up with the business and who know that in the long run the railroads can not prosper unless the country through which they run prospers, but are dictated by some who are more interested in financial manipulation, and who are far removed from the country served by those railroads, and who are seemingly indifferent to public sentiment in that country. [Applause.] And I trust that the Interstate Commerce Commission will take a more vigorous attitude in bringing to a conclusion this readjustment of the freight structure to which, in my judgment, the great agricultural section of the country in particular is eminently entitled.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. HASTINGS. I wanted to know whether or not you would put into your remarks the results in such cases where reductions have been had. I think that is information which the Members of the House and the country would like to have.

Mr. HOCH. Yes. I will do that. In the great major cases, of course, decisions have not yet been rendered. The livestock case is still pending. Its decision should be expedited. This western grain case is another great primary case not yet completed. It is true that the commission has not yet taken action with reference to these great major cases, but there has been substantial benefit in a number of cases which are very important to the parties interested. And the resolution has undoubtedly been the bulwark which has prevented very large freight increases which many believe we would have had in the West if it had not been for the direction of this resolution.

It may be of interest to the Members, if they do not know it, that soon after Congress passed this resolution in 1925, Canada passed a similar provision, part of it almost word for word like ours, directing this survey of the freight structure, and it is of great interest to some of us in the grain-producing section of the country to know that the Canadian commission last summer, after a hearing involving grain rates, issued an order substantially reducing grain rates in Canada; and they did it, according to their statement, in carrying out a great national policy in the interests of agriculture in their country. To-day the producers of wheat in this country are at a disadvantage in comparison with the Canadian producer, and the Canadian commission refer specifically to the situation of the American grain producers and state that in their judgment American grain producers are bearing an unfair proportion of the freight burden.

I do not mean to criticize our commission. I appreciate the difficulties of their task, but I hope they will prosecute this thing a little more vigorously. There are those of us who have resisted any policy looking toward legislative rate making, but I utterly reject the criticism coming from some quarters that it is not the business of Congress to direct in any way the work of the Interstate Commerce Commission. The Interstate Commerce Commission has no power whatever, except as an agency of Congress, in the regulation of interstate commerce. While Congress should not, without the very greatest provocation, enter upon a policy of specific rate making, because we are not equipped for that, yet I say that it is not only the right but the duty of Congress to direct the Interstate Commerce Commission in matters of broad, fundamental transportation policy.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. COLE of Iowa. Can the gentleman give us any idea of the effect of these Canadian rates? Are they compensatory or are their losses made up by taxation?

Mr. HOCH. I have no way of telling. The Canadian commission, in the exercise of its power to put into effect just and reasonable rates, has ordered these rates put into effect, and I assume that the Canadian commission, in their judgment, are not penalizing the railroads.

It is held by decisions of the Supreme Court that there is plainly a zone of just and reasonable rates, and the courts are not rate-making bodies at all. The courts are only concerned as to whether there has been any denial of rights under the Constitution, and Congress has a right to direct that certain classes and kinds of commodities may have as low lawful rates as the commission can establish.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the gentleman from Kansas may proceed for 10 minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. HOCH. Unless somebody asks me some more questions, I shall need only a few minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. GARBER. My observation of rate cases, while limited, shows that the burden is usually on the public, which under the exigencies of the cases is a very doubtful result, and it refuses to yield the full information needed by an investigator. Does the Hoch-Smith resolution clothe the commission with the initiative, to initiate the survey at the expense of Government, or does that expense still fall upon the general public?

Mr. HOCH. It directs the commission to conduct these surveys, and under that direction the commission is conducting the surveys, and the appropriation item of which I am speaking includes the work carried on under this resolution as well as other work.

Mr. NEWTON. I notice that the hearings disclose that about $138,000 has been used under the Hoch-Smith resolution alone. That, in a way, answers the question of the gentleman from Oklahoma.

Mr. HOCH. Of course, even with reference to that amount we can not tell what the expenses would have been on other work if they had not been engaged on the work under the Hoch-Smith resolution.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HOCH. Yes.

Mr. COOPER of Wisconsin. The gentleman was discussing a ruling by the Supreme Court when I came in.

Mr. HOCH. I am not sure whether the gentleman from Wisconsin refers to the California case involving the Hoch-Smith resolution, or to the Supreme Court case I mentioned. The former is the case of the Ann Arbor Railroad and others against The United States of America and the Interstate Commerce Commission.

Mr. COOPER of Wisconsin. Can the gentleman summarize that decision or state just what that was?

Mr. HOCH. The California fruit growers had filed those applications for decreases in transcontinental rates, and they based their application largely on the mandate of the Hoch-Smith resolution, namely, to give to the producer of agricultural products the lowest possible lawful rates consistent with the maintenance of adequate service.

Mr. COOPER of Wisconsin. Is an adequate rate a lawful rate?

Mr. HOCH. A lawful rate is a just and reasonable rate. There is not simply one rigid line where you can say that a rate is a lawful rate. In other words, until they get down to the point of confiscation the court will not set it aside, holding that within that zone to which I refer the commission has discretion to establish reasonable rates.

The California fruit growers contended they were suffering depression and that the value of the service must be considered along with the cost of the service to the transportation company and that their situation brought them within the terms of the Hoch-Smith resolution. The Interstate Commerce Commission, in a very able and elaborate opinion upholding the mandate of Congress as contained in the Hoch-Smith resolution, said that the fruits were agricultural products, and held that the rate which they were asking was not a confiscatory rate but was a just and reasonable rate under all the circumstances, and granted the decreases of 12 and 13 cents a hundred. The railroads thereupon brought an injunction to prevent these rates from being put into effect, and it was upon that injunction that the hearing in the case which I have referred was held.

The railroads in a very elaborate attack attacked it, of course, from every possible angle. They attacked the authority of the commission and they attacked the authority of Congress to pass such a resolution as the Hoch-Smith resolution, claiming it was unconstitutional and all of that.

Since the time has been given me, and if the committee will bear with me a little longer, because I am not going to take any more time, I will just read what these three Federal judges said last Wednesday upon that proposition, as it is very brief. I am quoting now the memorandum opinion by the court:

The Interstate Commerce Commission reduced the rate on transcontinental shipments of deciduous fruits from California to certain eastern points from $1.73 to $1.60, and to certain other eastern points from $1.62 to $1.50 per 100 pounds. The present suit was instituted by the large number of railroads affected by the reduction to set aside the order of the commission and to suspend its operation during the pendency of the suit. The application for a temporary injunction is based largely on the testimony taken before the commission and on the report made by the commission. We have given careful consideration to the record and to the exhaustive arguments submitted on the application for the temporary injunction, and will content ourselves at this time with a mere statement of our conclusions. First, the contention that the reduced rate will compel the carriers to transport this class of freight at a loss, or without substantial reward, is without support in the record. Second, the contention that the carriers are entitled to receive what would be deemed a fair return on this class of freight, independently of their other business and independently of any other consideration, is unfounded in law.

Then they quote from the case of Northern Pacific Railway *v.* North Dakota (236 U. S. 585-598), as follows:

The legislature undoubtedly has a wide range of discretion in the exercise of the power to prescribe reasonable charges, and it is not bound to fix uniform rates for all commodities or to secure the same percentage of profit on every sort of business. There are many factors to be considered—differences in the articles transported, the care required, the risk assumed, the value of the service, and it is obviously important that there should be reasonable adjustments and classifications. Nor is its authority hampered by the necessity of establishing such minute distinctions that the effective exercise of the rate-making power becomes impossible. It is not bound to prescribe separate rates for every individual service performed, but it may group services by fixing rates for classes of traffic.

As repeatedly observed, we do not sit as a revisory board to substitute our judgment for that of the legislature, or its administrative agent, as to matters within its province. * * * The court, therefore, is not called upon to concern itself with mere details of a schedule; or to review a particular tariff or schedule which yields substantial compensation for the services it embraces, when the profitableness of the intrastate business as a whole is not involved.

I now read from the memorandum opinion:

Third, the commission was authorized to reduce rates on the products of agriculture before completing the thorough investigation of the rate structure of common carriers, subject to the interstate commerce act, as directed by the joint resolution of January 30, 1925 (43 Stat. 801), and did not otherwise misconstrue the terms of that resolution, which are in a large measure directory. The application for a temporary injunction is therefore denied.

Mr. Chairman, in compliance with the suggestion that I submit citation to various cases decided under the Hoch-Smith resolution, let me submit here for publication in the RECORD some quotations from a splendid address made by Hon. John E. Benton, general solicitor of the National Association of Railroad and Utilities Commissioners, before the annual meeting of the American Farm Bureau Federation at Chicago on December 6, 1927. I should like to insert the whole address, but will only insert the portions which give the information mentioned. I quote as follows:

* * * * * * *

Very shortly after the resolution was signed—on March 12, 1925—the Interstate Commerce Commission instituted its rate-structure investigation No. 17000, involving all the freight rates in the country, for the purpose of making the reductions and revisions ordered by the resolution. * * *

The impossibility of considering and determining at a single time solutions for all of the rate situations in the United States was recognized by Congress, and the resolution provides that the commission may make orders therein "from time to time and as expeditiously as possible." The commission has accordingly broken the proceeding into parts, which have been concurrently carried forward, under the direction of different commissioners and before different examiners. The parts which involve farm products are the following:

Grain rates in the western district, involving rates on grain and grain products in all of the States west of the Mississippi River and also in the State of Illinois and in the Southeast; western and southern livestock rates, involving rates on livestock in this same territory, and also in the States south of the Potomac and the Ohio; rates on cotton from substantially all producing areas; rates on cottonseed and its products between all points of origin and destination in the country; and hay rates in the western group.

* * * * * * *

While it is true that none of these proceedings mentioned, which are part of the general rate structure investigation, have been concluded it is not true that the Hoch-Smith resolution remains yet without concrete results.

In the early part of 1925 the carriers operating in all of the States west of the Mississippi River and the Great Lakes petitioned the Interstate Commerce Commission for an advance in all freight rates. This advance they claimed was necessary to give them the section 15a return. The proceeding was known as ex parte 87. Hearings were held throughout the West and extended over many months. The commission's decision was handed down on July 14, 1926 (113 I. C. C. 3). The commission found that the carriers were not making the section 15a returns but held that they had not shown sufficient justification for an advance in all rates, including those on the products of agriculture. Leaving the carriers to present another application covering increases which might be justified, the commission said:

"The record, however, warrants us in concluding that in proposing changes in existing rate structure, either for the purpose of improving earnings of carriers in western trunk-line territory, or for the purpose of rectifying inequalities in existing rate structures, carriers should propose no advances in the rates on products of agriculture, including livestock, except where particular rates on such products may need adjustment to remove inconsistencies, or where it can be shown that the product in question is not affected by depression."

* * * * * * *

The next case, after ex parte 87, decided by the Interstate Commerce Commission, which was affected by the Hoch-Smith resolution, was the Northwest Grain Rates Case, I. & S. 2469 (122 I. C. C. 235), decided February 8, 1927. In that case the carriers sought to make very substantial advances in grain rates in the Northwest. The decision turned on the Hoch-Smith resolution. The commission found that the increased rates, which the carriers wanted to put into effect, judged by comparison with rates from other producing sections to their primary markets, were not unduly high. Taking into account, however, the effect of the Hoch-Smith resolution the commission denied the increase. On this point it said:

"The intent of the resolution is that products of agriculture affected by depression shall move at the 'lowest possible lawful rates compatible with the maintenance of adequate transportation service.' It sets no new standard of lawfulness, but provides, in effect, that there are flexible limits to our discretion; we shall require the maintenance of the lowest rates falling within those flexible limits. * * * The substance of the provision of the resolution quoted above is that agricultural products affected by depression shall in this respect be included in the class of most-favored commodities, to such extent, at least, as may be 'compatible with the maintenance of adequate transportation service.'"

In the Livestock Association Cases (122 I. C. C. 609), decided March 14, 1927, while holding that upon the record which had been developed in those cases, which were not heard nor consolidated with No. 17,000, no reduction in all livestock rates could be made, the commission did reduce rates for distances not in excess of 600 miles, in the southwest, saying that it did so "for the purpose of removing discriminations and in the light of the Hoch-Smith resolution."

Another case, which was of importance to the farmers of New England, was Milk and Cream Between New England Points (126 I. C. C. 39, 68), decided April 11, 1927, the commission said:

"Under the joint resolution of the Congress approved January 30, 1925, commonly known as the Hoch-Smith resolution, the provisions of which are a part of the law which we administer, we must consider, in adjusting freight rates, 'the conditions which at any given time prevail in our several industries' to the end that commodities may freely move and especially the effect upon the products of agriculture which industry was specifically recognized by the Congress as being at the time in a depressed condition. This must be given particular weight in determining whether proposed increases in rates upon products of agriculture may be established. The respondents in the present case contended that milk and cream are not products of agriculture, but we are of the opinion that they are and that they come within the class of products with which the Hoch-Smith resolution specifically deals."

That was a case in which the carriers were seeking to advance their rates, and because such an advance was incompatible with the Hoch-Smith resolution it was denied.

Another case, outside the general rate-structure investigation, in which the Hoch-Smith resolution was given effect, involved the transcontinental rates on citrus fruits from California. This was brought by the California Growers' and Shippers' Protective League to obtain reductions in those rates. A similar case involving the same issues had been heard before the Hoch-Smith resolution was adopted, and reductions had been denied. On a second presentation, after the Hoch-Smith resolution became law, the commission, on July 20, 1927, in a decision reported (129 I. C. C. 25), ordered the rates reduced, saying:

"Complainant has established that the growing of deciduous fruits is one of the great basic industries of California, and that this industry for the past five years has undergone a period of deflation and depression. Its economic situation is such that it clearly comes within the terms of the Hoch-Smith resolution as entitled to the lowest possible lawful rates compatible with the maintenance of adequate transportation service."

* * * * * * *

There is also now pending before the commission a proposed report by Examiner Cheseldine, distributed November 15, 1927, in cases brought by the boards of railroad commissioners of Iowa and South Dakota (I. C. C. Nos. 18730 and 18787) to obtain reductions in rates on coarse grains from those States to various points. The examiner recommends certain reductions. In the report, which he proposes for adoption by the commission, the following is said:

"In the carriage of the great staples and necessities of life the rates should be such as will encourage and warrant their movement, and while they should not be so low as to impose a burden on other traffic, they should have reasonable relation to the cost of production and the value of the transportation service to the producer and shipper. At the time of the hearing there was a serious depression in the farming industry in this territory. The value of corn or other coarse grains in South Dakota was abnormally low, farm foreclosures were numerous, and while the condition has improved somewhat it is common knowledge that it is yet acute. At the same time the cost of production has greatly increased. The general financial condition of the farmers in this territory was partly responsible for the Hoch-Smith resolution, and the situation here is one that it was designed to assist."

* * * Some reductions of importance have been ordered. Furthermore, we have seen that the commission has instituted and is carrying on investigations affecting some of the principal farm products over widely extended areas of the country. These may be expected to be ripe for decision within a year or less. We have also seen that in the cases which it has decided the commission has placed an interpretation upon the Hoch-Smith resolution which would seem to insure substantial relief to agriculture.

* * * * * * *

Mr. BEEDY. Mr. Chairman, I rise in opposition to the pro forma amendment.

Under date of January 21 last there appears an editorial in the New York Journal of Commerce captioned "Hot air in Congress." This editorial deals with a speech which I delivered in the House on January 19, in the course of which I commented upon a meeting between three minority members of the United States Shipping Board and certain representatives of the United States Steel Corporation and associates. Among other things, the editorial states the following:

The public, unfortunately, has not been supplied with the full story of what happened in these negotiations.

Had the writer of this editorial been interested enough in learning the truth to read the CONGRESSIONAL RECORD of January 19, he would have found incorporated in my speech the complete official report of the negotiations at this very extraordinary meeting, which report was made to the Shipping Board by the commissioners who attended it. That report is a public record. The editor could have obtained it as I did. If he will now read the official records he will find that action on this Calcutta shipping business had been unanimously taken by the Shipping Board after full consultation with the representatives of the Steel Corporation's steamship lines and those of the largest importers of cargoes under discussion. Not only that but he will also find that this unanimous action of the Shipping Board was taken after considerable correspondence between the Steel Products Co. of New York and the Shipping Board at a date prior to the extraordinary meeting in question. He will then understand that after the unanimous action by the Shipping Board had been taken the representatives of the Steel Corporation referred to in my speech arranged for a minority of the Shipping Board commissioners to meet them in the private office of the chairman of the subcommittee, which was at that very time considering the request of the Shipping Board for its annual appropriations.

To repeat a portion of this editorial above referred to, I can say in the writer's own words, "The public, unfortunately, has not been supplied with the full story," as to the reason why the general counsel of the Steel Corporation, the president of the Steel Corporation's Isthmian line, and their associates arranged for this extraordinary meeting. Perhaps the editor can enlighten the public on this phase of the situation. I can not. I have access to the public records, but am not in close contact with the officials of the United States Steel Corporation.

Perhaps the editor in question can tell us whether this meeting was intended as a compliment to the three commissioners present or an implication that they, a minority, were influential enough to overcome the action of a majority of the board. What was the purpose of these representatives of the United States Steel Corporation in holding this meeting with a minority of the commissioners of the Shipping Board at that particular time and in that particular place?

Perhaps, also, the writer of this editorial can enlighten the public as to why those Americans, members of the Jute & Gunnies Importers' Association, deliberately entered into contracts with foreign shippers, voluntarily paying a half a dollar a ton more for the transportation of their goods by these foreign ships than was asked of them for the same transportation by American ships. Does this editor approve of American manufacturers paying foreign ships a half a dollar a ton more than is asked for the same service by American ships? Does he know that the Shipping Board had given the Steel Corporation every opportunity for six years to build up an American-flag service to Calcutta? Does he know that at the end of this six-year period the Steel Corporation was making only four sailing to Calcutta out of a total of 69 per year and leaving 65 sailings to foreign-flag ships? Such is the fact, and I ask him if he believes, in the face of these facts, that the Shipping Board should sit idly by and take no action?

I at least and possibly other Members of the Congress, together with the American public as well, will be interested in the answers to these question which I respectfully propound to that editor of the New York Journal of Commerce who wrote the courteous and enlightening editorial entitled "Hot air in Congress." [Applause.]

The Clerk read as follows:

To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads; the act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906, and the provision of the sundry civil act approved May 27, 1908, to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation, including the employment of a chief inspector at $6,000 per annum, and two assistant chief inspectors at $5,000 each per annum, and such other inspectors as may be necessary, and for traveling expenses, $515,824, of which amount not to exceed $80,000 may be expended for personal services in the District of Columbia.

Mr. BLACK of Texas. Mr. Chairman, I reserve a point of order on the language at lines 9, 10, and 11, on page 23—

including the employment of a chief inspector at $6,000 per annum, and two assistant chief inspectors at $5,000 each per annum.

I have reserved a point of order on this language for this reason: We have a classification act and I presume these men would come under that act, and I do not understand why they should be taken out of the provisions of the general law.

Mr. WOOD. They are not taken out of the provisions of the general law, but they have never had their classification fixed and they have never had their rate of compensation fixed. One of the great troubles in the administration of this office is to get men to do this work who are worth while, and when they get a person down there who is worth while somebody comes along and takes him away from them because they can pay more money. The work of these men correspond with the work in the locomotive-inspector service, which is in the same classification as these men. They are entirely comparable and for that reason the Interstate Commerce Commission has fixed these salaries.

Mr. BLACK of Texas. I confess I have not had the time to read all the hearings on this bill. What I surmise is that the Interstate Commerce Commission is undertaking by this language to substitute its judgment for the judgment of the Personnel Reclassification Board. They probably are dissatisfied with the salaries fixed by the Personnel Reclassification Board and they are undertaking to get the committee to take these particular men out of the authority of the board. I think to do that thing is very questionable wisdom.

Mr. WOOD. I think the gentleman is mistaken with reference to that. It is not the purpose of the commission to arbitrarily fix salaries, but they are trying to fix these salaries in the same grade of salaries of men who are performing comparable service.

Mr. BLACK of Texas. Mr. Chairman, I make the point of order. I feel compelled to make it, because there is nothing in the record to show any reason why we should undertake by congressional enactment to fix the salaries of these three particular employees outside of the usual machinery provided by law.

Mr. WOOD. I wish the gentleman would withhold his point of order, because I am sure the gentleman wants to be entirely fair.

Mr. BLACK of Texas. I certainly do.

Mr. WOOD. Congress has fixed a rate of salary for locomotive inspectors, but we have never fixed a salary for this class of employees. Their work is exactly comparable and there is no reason on earth, in justice, why they should not be the same.

Mr. BLACK of Texas. I understand, then, from the gentleman's statement that there is a statute that prescribes the specific salary that the locomotive inspectors shall receive.

Mr. WOOD. Yes.

Mr. BLACK of Texas. And it is the purpose to put these salaries in a grade comparable with the salaries of locomotive inspectors?

Mr. WOOD. Yes; that is absolutely it.

Mr. BLACK of Texas. Well, I would hesitate to set my judgment up against that of the committee on a detail of that kind, so I withdraw the point or order.

The Clerk read as follows:

For all printing and binding for the Office of Public Buildings and Public Parks of the National Capital, $3,450.

Total, Office of Public Buildings and Public Parks of the National Capital, $2,584,980.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: On page 28, after line 6, insert as a new paragraph the following:

"A plot of ground comprising not to exceed 42,000 square feet in the southwest corner of square No. 3530, being a portion of the site of the McKinley High School and the Langley Junior High School, is hereby made available for one of the bathing pools authorized by the act approved May 4, 1926."

Mr. MADDEN. Mr. Chairman, this item, under the rules, would be subject to a point of order. I would like an opportunity to explain just what it means and ask that no point of order be raised.

The last Congress passed an act authorizing an expenditure of $345,000 to build two bathing or swimming pools. The Fine Arts Commission, the Park and Planning Commission, the Commissioners of the District of Columbia, the Board of Education, and the Committee on Appropriations finally decided that one of these pools should be built on the playgrounds of the schools, and contracts were so let.

Later, notwithstanding the fact that everybody agreed upon the matter, the Comptroller General ruled, after about half the work was done on one of them, that the ground on which the pool was being built was not under the jurisdiction of the Office of Public Parks and could not be used for this pool.

This amendment is to correct the situation under which the contract was let so that it will conform to the ruling made by the Comptroller General and come within the scope of what was intended when the act was passed.

I hope there will not be any objection to the amendment. It is simply to correct this situation.

The amendment was agreed to.

The Clerk read as follows:

Astrophysical Observatory: For maintenance of the Astrophysical Observatory, under the direction of the Smithsonian Institution, including assistants, purchase of books, periodicals, and apparatus, making necessary observations in high altitudes, repairs and alterations of buildings, preparation of manuscripts, drawings and illustrations, traveling expenses, and miscellaneous expenses, $33,200.

Mr. HAMMER. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to speak for three minutes out of order. I want to speak on the bill, but on another paragraph than the one we are considering.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to speak out of order. Is there objection?

There was no objection.

Mr. HAMMER. Attention was called a while ago to the Government hotels and a statement was made as to the earnings last year. It was $52,763.21, as I understand. I want to call attention to the fact—I will not say it is a fraud, I will not say it is hypocrisy, I will not say it is deception, but I will say that it is misleading that the board or Housing Corporation in increasing the charge for board and housing on the employees of the Government $4.50 in March, 1923, upon the theory that it had to be done in order to pay the ground rent.

The facts are that the terms of the contract under which the United States Government purchased from the Baltimore & Ohio Railroad Co. that land upon which stands some of the buildings of the Government hotel stipulates, among other things, that:

First, the price paid is to be the same as the condemnation price alone in 1913, plus interest, plus taxes;

Second, that the Baltimore & Ohio Railroad Co. is to return to the United States Government all income received from the property during the period beginning with the year 1913 and ending with the date of purchase, including the ground rental paid for the period November 14, 1922, to December 16, 1925, out of the revenues of the Government hotels from March 16, 1923, to December 16, 1925.

One outstanding consequence of this method of purchase is that the $4.50 monthly increase in rate which was put into effect March 16, 1923, for the sole purpose, as was claimed, of paying ground rental for the hotel has been used actually for the purpose of purchasing a park for the United States Government.

This ground rental received by the Baltimore & Ohio Railroad Co. was at the rate of $74,315 per annum, 6 per cent on the 1913 condemnation price of the land occupied by the hotel, plus the taxes, covered the period November 4, 1922—one year after the signing of the peace treaty—to December 16, 1925, when the Baltimore & Ohio declined to renew the lease because of its desire to have the land either purchased by the Government or released under clear title, and amounted in round numbers to $229,000.

The official records of the Labor Department show clearly that the surplus being realized from the hotels during the 21 months immediately preceding the date of the $4.50 increase in rate at the hotels was more than sufficient to have paid the ground rental.

Now, what I want to know is why it is that when this price of board and housing of Government employees was increased $4.50 per month in 1923 that the management continued to charge the increase after the Government acquired the property. There should be an investigation of this matter, and I give notice that it is my purpose to ask for one if this additional charge is not discontinued. Here we are 10 years after the world conflict paying more to a Government-operated housing management than twice the cost of board and housing paid by Government employees prior to the World War.

The Clerk read as follows:

TARIFF COMMISSION

For salaries and expenses of the United States Tariff Commission, including purchase and exchange of labor-saving devices, the purchase

of professional and scientific books, law books, books of reference, gloves and other protective equipment for photostat and other machine operators, payment in advance for subscriptions to newspapers and periodicals, and contract stenographic reporting services, as may be necessary, as authorized under Title VII of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, and under sections 315, 316, 317, and 318 of the act entitled "An act to provide revenue to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922, $738,000, of which amount not to exceed $502,470 may be expended for personal services in the District of Columbia and not to exceed $2,000 for expenses, except membership fees, of attendance at meetings concerned with subjects under investigation by the commission: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Mr. COLE of Iowa. Mr. Chairman, I move to strike out the last word, and I do so for the purpose of asking the chairman of the committee whether the amount asked for the use of the Tariff Commission has been granted by the committee.

Mr. WOOD. I will state to the gentleman that the amount recommended by the committee is the amount recommended by the Budget and $68,000 or $70,000 more than they had last year.

Mr. COLE of Iowa. I am interested in several cases pending before the Tariff Commission, and they complain that their funds are so limited that they can not carry out the work for which the commission was created.

Mr. WOOD. I think with a little bit of cooperation between the members of the committee and less favoritism and less diversification in political ideas they can get all of the facts for the information of the President on the amount appropriated. [Laughter.]

Mr. COLE of Iowa. Under the law they are compelled to make all the investigations called for and they ought to have the means to do so.

Mr. WOOD. They are not compelled to make any investigations except those submitted to them on request. They can discriminate between those they think important and those that they think are not important. I think they will get along pretty well with the amount of money we give them.

Mr. COLE of Iowa. I know of cases in which I am interested that have dragged along for months, and every time I call attention to them they say that they are limited in the amount of money, and it seems to me that it is impossible for them to carry out the purposes for which the commission was created.

Mr. WOOD. There are several important matters before the Tariff Commission. Their findings of fact for the information of the President are very important to the people of the United States and those interested in the business that is involved in the investigation. Several of them are with reference to the agricultural products, and I think it is very important that this commission should make a report of the findings of fact as soon as possible. We went into the thing thoroughly, and we are convinced that if these gentlemen would apply themselves to things that are vital, they can get all the facts for the President, so that he can get his information without much delay.

Mr. COLE of Iowa. I will say that the commission has been in existence for a great many years, and I think they have not made more than two score recommendations in important cases. This commission was created for a specific purpose, and if this purpose can not be carried out, then the commission may as well be abolished. If they are limited on account of funds, those funds ought to be supplied to them. There is no sense in creating a commission and then not giving it means to carry on.

Mr. WOOD. Mr. Chairman, since this commission was organized there have been some 73 investigations made by it, and I think some 29 reports filed. Of those, there have been some 13 or 14 that have been acted upon by the President. I hold no brief for this commission. The whole thing is wrong. We ought to have a Tariff Commission that is in sympathy with the administration, and not a Tariff Commission that is divided against itself, each member contending for the principle in matters of political economy for which he stands. Our Democratic brothers had the right idea of it, because they abolished the Tariff Commission by striking out the appropriation. If I had a tariff commission of my own creation, I would have one that would be in sympathy with the Democrats in their cry of a tariff for revenue only or free trade—which would be the most damnable thing that could possibly happen to the country—in time of Democratic administration, and when the Republicans were in power I would have one that was for a protective tariff with a rising ascendency.

Mr. COLE of Iowa. The gentleman has expressed my idea in respect to it.

Mr. BURTNESS. Mr. Chairman, I am interested in the appropriation providing for the Tariff Commission not only in a general way but very much for the same reason that the gentleman from Iowa [Mr. COLE] has indicated his interest. I note that the proposed appropriation for the next year is an increase of $68,000 over what they have during the present fiscal year. I trust that the judgment of the chairman of the subcommittee is correct when he states that he believes that this increase will be a sufficient amount to take care of applications for increases and decreases under the flexible provisions of the act.

Yet this ought to be remembered: During the last fiscal year the appropriation provided was at least forty or fifty thousand dollars less than the Tariff Commission needed for these very purposes, and an item of about that amount was inserted for the commission in the so-called deficiency appropriation bill, which was passed by the House but which was not acted on in the other body, due to the filibuster which took place during the closing days of the Congress. Failure of that bill meant several months' delay in the prosecution of this work. Nothing was done on many applications pending until the beginning of this fiscal year; that is, after July 1.

A great many applications are pending before that commission. As the gentleman from Indiana [Mr. WOOD] has stated, there have been 29 reports made, but, gentlemen, there have been as many as 319 applications filed since the passage of the Fordney-McCumber Tariff Act, under the so-called flexible provisions of that act. At any rate, that many people, or, rather, industries or organizations or associations, have felt that there is need for either increases or decreases of tariff rates due to differences that exist one way or the other with reference to the cost of production in this country and in competing countries from the prescribed rate, and out of those 318 they have chosen only 73 so far in which to make any investigation and 29 reports have been made. Presumably those chosen are deemed of the greater importance.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. BANKHEAD. In view of what the gentleman has just stated of dissatisfaction on the part of so many industries with reference to present tariff schedules, does not the gentleman think that ought to be an inducement to his party here in the House to undertake to revise those schedules at this session of Congress?

Mr. BURTNESS. Of course, the gentleman realizes that that is a very controversial question and one that can not be discussed in 5 or 10 minutes. I am frank to say, however, that, in my judgment, the Fordney-McCumber Tariff Act was passed under conditions not entirely normal, and that it is only reasonable—in fact it was inevitable—that many rates have become out of line, and that a number of revisions should be made in the act either through the methods provided by the flexible provisions of the act or by a general revision. A year when a political campaign is held is usually not a year conducive to clear and impartial thinking for a general revision by legislation. A careful revision should, however, be undertaken at the earliest practical date. But let us come back to the question I arose to discuss. There is throughout the country a tremendous dissatisfaction because of the delay of the applications made before this commission. I have been much interested in some of these investigations and have almost constantly kept in touch with them. One of the first and one of the chief and most comprehensive investigations was made with reference to wheat a number of years ago, and the duty was increased thereon. The investigation conducted was thorough and it took considerable time. The agricultural sections of the country to-day are interested in many applications that are pending before that commission, and I want to read portions of a letter from the secretary of the commission, which indicates the length of time that it takes now to conduct an investigation and reach a conclusion after application is made. Some have charged that the duty on pig iron was increased all of a sudden, but that it takes a tremendous length of time to get the duty increased on butter, or flax, or corn, or onions, or beans, or farm products. I desired to learn the exact facts as to this charge and therefore made an inquiry of the commission to ascertain just the time when two different typical applications were made and the various steps taken thereon. I chose one agricultural crop and

one product of industry. My inquiry was made with respect to flax, in which we are tremendously interested in the Northwest, and with reference to pig iron. I read from the letter in reply, which I shall insert by way of extension, if I get permission later on.

Our records show that applications for an investigation with respect to flaxseed were filed on November 28 and December 4, 1923, and on March 11 and 24 and May 15, 1926.

The investigation was instituted by resolution of the commission adopted on August 4, 1926. Domestic field work was begun on November 29, 1926, and was finished on January 20, 1927.

Our producers of flaxseed believe they are entitled to an increase. Prices thereon at the local elevator are low. Many do not realize that an investigation into the costs of production in this and competing countries is required at all, so see no need of delay. But those who recognize the necessity of an investigation can not understand the interminable time required. In the case of flaxseed the first two applications made back in 1923 were disregarded, but there was such a pressure brought to bear by many of us for investigations in the spring of 1926 that they yielded to that pressure, and an investigation was ordered on August 4, 1926.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. NEWTON. Mr. Chairman, I ask unanimous consent that the gentleman proceed for 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURTNESS. What does that mean? That is almost 18 months ago. The letter from which I have quoted states the domestic field work was begun on November 29, 1926, and was finished on January 20, 1927. Why the delay from August 4 to November 29 before sending the investigators into the field?

The length of time required for the investigation in this country with regard to actual work in the field was not extraordinary—a couple of months.

I do not think anyone objects to that, but months had intervened between the application and the time at which they started on the prosecution of the required work. Now, a whole year and more has gone by since the investigators proceeded to ascertain the facts, and as yet we have no information, so far as general information given out to the public is concerned, up to this time. It is true the Argentinian authorities objected to this country sending down investigators to investigate the cost of flax production in Argentina. They tell us, however, they are now proceeding to ascertain the cost of flaxseed by invoices and other methods. But a year has gone by since the investigation into domestic costs was completed in this country, and therefore you can not blame the people who are interested in an industry of that sort if they do lose their patience.

I think it is rather unfair, however, for anyone to say that that is the way they are treating applications on agricultural products and that they are treating other products differently. I personally can find no evidence of favoritism. I find, for instance, that the application with reference to the duty on pig iron was filed way back on December 13, 1922; the order directing that the investigation should be made was entered on March 27, 1923, and the proclamation increasing the duty was issued on February 23, 1927, or four years after the investigation was instituted. You see, the delay is about equally bad in all cases. I do not know whether pig iron needed an increase or not. I am not certain whether, after costs of production are obtained here and in Argentina, flaxseed will be shown entitled to an increase above 40 cents per bushel or not. Some of us think that it will. But I do feel this way about it, that whether an application involves an agricultural product or a manufactured product, whether it involves a decrease or an increase in the rate of duty, we ought to have some sort of method so that three or four years will not be required before an investigation into costs of production is completed.

If there is not enough money provided in this bill for prompt investigations, then I sincerely hope that sufficient money will be forthcoming in a later appropriation, because, as I suggested, the patience of many people who are vitally interested in questions of this kind is almost exhausted. Some of us feel the investigations are also too extended and too meticulous and that more practical methods might be devised.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BURTNESS. Yes.

Mr. COLE of Iowa. Is it not correct that of the increases referred to by the gentleman which were granted, two-thirds of them were on products relating to agriculture?

Mr. BURTNESS. No; not exactly. I shall be very glad to answer that question exactly by inserting in the RECORD another statement I have here giving the subjects with respect to which the President has proclaimed changes. Some are important to agriculture. Outstanding among them, so far as agriculture is concerned, are wheat, butter, cheese, and cherries.

When I mention butter let me call your attention to this fact: The increase on butter went into effect March 6, 1926—the proclamation was made then but went into effect 30 days later, on April 5, 1926. Immediately after that went into effect it was shown that through the failure to carry a proper increase also into the duty on cream, the increase provided for by that proclamation was evaded considerably by shipments coming in from Canada. That is, they shipped in cream instead of butter, cream being still at the former rate. It is now two years since that situation arose, and nothing has been done with reference to it, so far as results are concerned. I presume that investigations are still going on upon an application to change the duty on cream. But it emphasizes the need of investigations which shall be more prompt than is the case at the present time.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. BURTNESS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD, particularly by inserting the letter and the statement to which I referred.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

UNITED STATES TARIFF COMMISSION,
Washington, January 19, 1928.

Hon. O. B. BURTNESS,
House of Representatives, Washington, D. C.

MY DEAR MR. BURTNESS: Receipt is acknowledged of your letter of December 31, 1927, inquiring as to the various steps taken in the pending investigation by the Tariff Commission of the costs of production of flaxseed and in the completed investigation with respect to the costs of production of pig iron.

Our records show that applications for an investigation with respect to flaxseed were filed on November 28 and December 4, 1923, and on March 11 and 24 and May 15, 1926.

The investigation was instituted by resolution of the commission adopted on August 4, 1926. Domestic field work was begun on November 29, 1926, and was finished on January 20, 1927. Under the plans for the investigation as developed agents of the commission were to depart for Argentina on September 24, 1927. Prior to that date, however, and because of objections raised by the Government of Argentina, this portion of the field work was abandoned and the efforts of the commission were turned to the procurement of invoice data and other available information from which to calculate the costs of production of flaxseed in Argentina. When the procurement of these data is completed the commission will analyze them as promptly as may be practicable and will summarize the results in a preliminary statement of information which will be issued for the use of interested parties. It is difficult to estimate when this work can be finished, in view of the number of agricultural investigations now in progress and the small force available to the commission.

In the case of pig iron the application was received on December 13, 1922. The investigation was instituted by order of the commission on March 27, 1923. The public hearing was held on April 20, 1926. Briefs were filed on May 5, 1926. The commission's report was transmitted to the President on February 2, 1927, and the President's proclamation increasing the rate of duty was issued on February 23, 1927.

In this investigation foreign costs of production were ascertained by reference to invoice and other available data. No agents of the commission were sent abroad for that purpose.

Very truly yours,

JOHN F. BETHUNE, *Secretary.*

Subjects with respect to which the President has proclaimed changes in duties under the provisions of section 315 of the tariff act of 1922

Article	Change in duty	Date of proclamation	Effective date of change
Wheat	Increased from 30 cents to 42 cents per bushel of 60 pounds.	Mar. 7, 1924	Apr. 6, 1924
Flour, semolina, etc.	Increased from 78 cents to $1.04 per 100 pounds.		
Millfeeds, bran, etc.	Decreased from 15 per cent to 7½ per cent ad valorem.		
Sodium nitrite	Increased from 3 cents to 4½ cents per pound.	May 6, 1924	June 5, 1924
Barium dioxide	Increased from 4 cents to 6 cents per pound.	May 19, 1924	June 18, 1924
Diethylbarbituric acid (Veronal).	Increased—duty (25 per cent ad valorem) transferred to American selling price.	Nov. 14, 1924	Nov. 29, 1924

Subjects with respect to which the President has proclaimed changes in duties under the provisions of section 315 of the tariff act of 1922—Con.

Article	Change in duty	Date of proclamation	Effective date of change
Oxalic acid	Increased from 4 cents to 6 cents per pound.	Dec. 29, 1924	Jan. 28, 1925
Potassium chlorate	Increased from 1½ cents to 2¼ cents per pound.	Apr. 11, 1925	May 11, 1925
Bob-white quail	Decreased from 50 cents to 25 cents each (valued at $5 or less each).	Oct. 3, 1925	Nov. 2, 1925
Taximeters	Increased from $3 each plus 45 per cent ad valorem on foreign value, to $3 each plus 27.1 per cent on American selling price.	Dec. 12, 1925	Dec. 27, 1925
Men's sewed straw hats.	Increased from 60 per cent ad valorem to 88 per cent ad valorem on hats valued at $6.50 or less per dozen.	Feb. 12, 1926	Mar. 14, 1926
Butter	Increased from 8 cents to 12 cents per pound.	Mar. 6, 1926	Apr. 5, 1926
Print rollers	Increased from 60 per cent ad valorem to 72 per cent ad valorem.	June 21, 1926	July 21, 1926
Paintbrush handles	Decreased from 33⅓ per cent ad valorem to 16⅔ per cent ad valorem.	Oct. 14, 1926	Nov. 13, 1926
Methanol (methyl or wood alcohol).	Increased from 12 cents to 18 cents a gallon.	Nov. 27, 1926	Dec. 27, 1926
Gold leaf	Increased from 55 cents to 82½ cents per 100 on leaves not exceeding in size 3⅜ by 3⅜ inches and on larger leaves in proportion.	Feb. 23, 1927	Mar. 25, 1927
Pig iron	Increased from 75 cents per ton to $1.12½ per ton.	——do——	Do.
Emmenthaler type Swiss cheese.	Increased from 5 cents per pound, but not less than 25 per cent ad valorem, to 7½ cents per pound, but not less than 37½ per cent ad valorem.	June 8, 1927	July 8, 1927
Cresylic acid	Decreased from 7 cents per pound plus 40 per cent ad valorem based on American selling price to 3½ cents per pound plus 20 per cent ad valorem based on American selling price.	July 20, 1927	Aug. 19, 1927
Phenol	Decreased from 40 per cent ad valorem and 7 cents per pound to 20 per cent ad valorem and 3½ cents per pound.	Oct. 31, 1927	Nov. 30, 1927
Crude magnesite	Increased from five-sixteenths of 1 cent per pound to fifteen thirty-seconds of 1 cent per pound.	Nov. 10, 1927	Dec. 10, 1927
Caustic calcined magnesite.	Increased from five-eighths of 1 cent per pound to fifteen-sixteenths of 1 cent per pound.		
Cherries, sulphured, or in brine, stemmed or pitted.	Increased from 2 cents per pound to 3 cents per pound.	Dec. 3, 1927	Jan. 2, 1928

Subjects with respect to which the Tariff Commission has submitted reports to the President but upon which changes in duties have not been made

Article	Status
Casein	Report to the President stated that commission was not able, with the data available, to make definite findings.
Wall pockets	Do.
Sugar	On June 15, 1925, the President stated that after full consideration of the facts shown in reports of the members of the Tariff Commission he did not find that differences in costs of production were sufficiently established under present conditions to warrant any change from the present duty.
Cotton warp-knit fabric	On Oct. 3, 1925, the President stated that under the circumstances applying to the industry he did not feel warranted at that time in increasing the duty.
Cotton warp-knit fabric gloves.	
Linseed oil	Report returned to the commission with request for additional information.
Cotton hosiery	Under consideration by the President.
Halibut	Do.
Rag rugs	Do.

Mr. NEWTON. Mr. Chairman, I do not know that I agree with the gentleman from Indiana [Mr. WOOD], the distinguished chairman of this subcommittee, with reference to the work of the Tariff Commission. I think they have done some very good work, and I think also that by reason of the work they have done various industries, including agriculture, have been benefited therefrom.

Now, it is possible that they might work a little better if they were organized along the lines the gentleman has suggested; but be that as it may, Congress has laid down these flexible provisions for the changing of the tariff schedule by schedule, and we ought to provide them with necessary funds, so that they can go out and do the work that Congress has ordered them to do.

The gentleman from North Dakota [Mr. BURTNESS] mentioned butter. It seems to me that at the time the commission was considering butter they should, through their own initiative, have considered cream, milk, cheese, and other products that are so closely related to butter. That is one of the primary principles of tariff legislation, that you ought not change the duty on one commodity without also changing the duties of other commodities closely connected with it. I received in the mail, I think this week, some notes of hearings on milk and cream, whereas that whole question should have been determined at the time the duty on butter was raised. Now, there have been delays, and I presume that practically every one of us knows of cases where the commission has been delayed acting upon urgent applications.

Mr. KNUTSON. Mr. Chairman, will my colleague yield?

Mr. NEWTON. Yes.

Mr. KNUTSON. Speaking of delays, I would like to remind the gentleman that the Tariff Commission ordered a hearing on the 15th of July, 1926, and the report is only now being mimeographed, a year and a half afterward. At the time the commission held the investigation they assured us the report would be issued by October 1; then the date was postponed until January 1. I am wondering whether the Committee on Ways and Means should not take some cognizance of the situation down there. They are just milling around and getting nowhere.

Mr. NEWTON. What the gentleman has related with reference to that particular commodity is only typical of the experience that others have had with respect to other commodities. It seems to me that Congress fixes a general policy as to adjusting tariff schedules through these flexible provisions that we ought not to leave the Director of the Budget the sole privilege of saying how much money they should have.

Mr. KNUTSON. The Tariff Commission takes two years to arrive at a decision, and in a case of that kind what do they base that decision on? Upon information which they gathered? That might have been two years before the time when they make their report.

Mr. NEWTON. There is merit in the gentleman's suggestion, and that by the time they do act the industry may be beyond redemption. If this is due to money then we ought to give them more money; and, of course, we can not dump it all in one year, because they can only train a certain number of technical and expert employees in a given year. I hope that as to these Government agencies that are really agents of Congress—and that is true of the Tariff Commission—we will give them the money they reasonably think they can expend during a given year so they can keep their work current.

Mr. HALE. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. HALE. What explanation, if any, does the Tariff Commission give for these delays? Do they charge it to the lack of funds?

Mr. NEWTON. That is one of the explanations they give, that they have not been given sufficient money. There may be others. One other explanation is that they have a great deal of difficulty in going into countries and finding out in those foreign countries just what it costs. It seems to me they ought to be able to arrive at a pretty good estimate of the cost through other methods.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent that the gentleman may have an additional five minutes.

The CHAIRMAN. The gentleman from Minnesota asks that the gentleman may proceed for five additional minutes. Is there objection?

There was no objection.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. WHITE of Maine. Is not an additional reason they urge the fact that they have been deluged with a very large number of applications for investigations?

Mr. NEWTON. They have been. I do not know that is the reason, but I can well see where it might be. No doubt they have been deluged with a large number of applications.

Mr. WHITE of Maine. I recall very distinctly going to the commission with the gentleman from Minnesota at the time this granite matter was up, and I recall even more clearly the fact that within a few months I have taken up the matter of the rug industry in an endeavor to work out some method of adequate protection for the hooked-rug industry, which is of serious consequence, I think, in many of the rural sections

of this Union, but I can not get any assurance or even encouragement that that inquiry can be reached short of years.

Mr. KNUTSON. May I say to the gentleman that they have the peanut schedule up now, and that is going to take some time.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. COLE of Iowa. In regard to the delays, the number of applications can not be urged as the reason for those delays because while the applications have been made they have not considered them. They have only considered 73 items, and it does not make any difference how many applications may have been made so long as they have not given them any consideration. As I say, they have considered only 73, and they told me this morning they did not take them up faster or dispose of them faster because of a lack of money with which to do the work.

Mr. KNUTSON. May I interrupt to say that more money is not going to cure the situation down there. They are wasting a lot of time in debating the whichness and what not, where and when. They are the most meticulous people down there we have here in Washington, and some of their minds seem to travel in circles.

Mr. NEWTON. I know that my colleague from Minnesota has been very industrious and insistent with reference to the commodity he referred to, and that is true of others. So there ought to be some remedy afforded in order that we may get some action.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. VINSON of Kentucky. I think it should be stated, in all fairness to the commission, that they occupy a very considerable time on important matters. For instance, I will refer to one instance. The investigation was instituted March 27, 1923, and hearings were held July 17, 1923, and September 6, 1923. After those hearings it required the commission more than three years to make its report to the President. The report was dated October 2, 1926. That was an item in which a decrease in the tariff was instituted by the President, and the article was paint-brush handles. So I think it is fair to state that the commission gives consideration to these important matters.

Mr. NEWTON. But the fact remains, gentlemen, that unless we are to have some general tariff revision and spend about two years at it, with all of the uncertainties that would bring, help and assistance to individual industries must lie, for awhile, at least, through the use of these flexible provisions of the tariff law. There are demands for tariff changes and, it seems to me, we ought to give them all of the money they feel they can reasonably use.

Mr. COLE of Iowa. Does the gentleman think they are really flexible?

Mr. KNUTSON. They have certainly stretched them out to a great length.

Mr. NEWTON. They are clearly flexible, although they have not "flexed" in certain directions as much as we would like to have them.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last three words. Gentlemen, I paid my respects to the Tariff Commission on Friday last. I could not find temperate enough language then to express myself with reference to this commission, and after thinking it over I do not think I can find a sufficient vocabulary to express myself now with reference to it. I would like to direct the attention of the Members of the House to the great speech of the Senator from Nebraska [Mr. NORRIS], on January 16–23, 1926, with reference to this Tariff Commission. If anybody can read that speech and not be convinced and convicted of the uselessness of this Tariff Commission, I can not follow his mental processes of reasoning.

Let us look at the proviso in this paragraph of the bill. Why is it there? The proviso is:

Provided, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

Read Senator NORRIS's speech and you will find why this proviso was inserted. They had a member of the Tariff Commission whose family had $200,000 of stock in a corporation interested in sugar. The sugar schedule was up for investigation by the Tariff Commission. The commission stood 3 and 3. They tried to get him to disqualify, but he refused. He voted on his own case. Finally Congress put in this proviso and Mr. Glassie was disqualified.

A former Member of Congress, David Lewis, a man of the highest integrity, great industry, and very great ability; a man who is an expert on tariff matters, was a member of the commission. His time expired in September of 1924, just before a presidential election. Another member of the commission was sent to him with a commission of reappointment with the suggestion that he would be reappointed conditioned that he would tender his resignation in blank, which could be accepted by the President at the President's will. High minded as Mr. Lewis is, of course he refused to do this. He was sent for by the President and the President asked him if he had this letter—meaning the letter of resignation. He declined, of course, to file any such resignation. He was reappointed, the election came on, but his name did not go to the Senate.

Mr. KNUTSON. Will the gentleman yield? Does not the gentleman think if the President had an undated letter of resignation from every member of the Tariff Commission we would be better off? [Laughter.]

Mr. HASTINGS. I would accept one from them all, so far as I am concerned; but I am just telling you how the appointments are manipulated. Another member of the commission who favored a reduction of the duty on sugar—Mr. Culbertson, a man of high character—was given a diplomatic post. Lewis's name was not sent to the Senate, and then Culbertson was given another position; but in the meantime the commission had recommended a reduction of one-half cent a pound on sugar. This pended until after the election, and then in June of 1925 this was refused by the President.

Now, let me show you how many decreases there have been by the commission. We have been appropriating $750,000, on the average, a year for the Tariff Commission. There has been a reduction on phenol, there has been a reduction on paintbrush handles, there has been a reduction on mill feed, and there has been a reduction on bobwhite quail—four articles. [Laughter.]

If any man in the House or in the country will read Senator NORRIS's speech he will know something about the proceedings of this commission, and if he then thinks it has justified itself, all right and good.

Mr. NEWTON. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. NEWTON. Does not the gentleman think the commission has done some good in reference to raising some of the agricultural schedules?

Mr. HASTINGS. If the gentleman will read my speech of last Friday, when I had enough time to pay my respects to that commission, the gentleman will understand I have no sympathy whatever with it. As long as the commission is as it is constituted, I would vote to eliminate the appropriation.

The Clerk read as follows:

For stationery and printing and binding, $640.

Mr. JONES. Mr. Chairman, it is sometimes a relief to turn from the stress and turmoil of issues to something entirely different. I want to talk to you just a little while about a personality.

One of the most interesting characters that I have met during my period of service in the Congress is Congressman EDGAR HOWARD, of Nebraska. He is sometimes referred to as the wit of the House. And, judging from his never-failing good humor and his incisive and sparkling manner of speech, we can not help thinking that he deserves the title.

Almost always, however, hidden away, even in his humor, is the point that he wants to drive home, and his wit thus becomes a means to an end. Frequently, when Members of the House are laughing at one of his sallies, they are made suddenly to realize in a few words more than is sometimes told in an entire speech. One can not help recalling the striking question which he asked, and which he attributed to one Will Rogers, when he demanded to know "Why are we in Nicaragua and what the h——l are we doing there?" In the one question, put seemingly in fun, he clearly stated the position which not only he but a good many others have taken as to our much-disputed activities in that far southern land.

But he also has a serious side to his nature. He writes occasional editorials for a paper in which he is interested and which he formerly edited in his home city of Columbus, Nebr. In these editorials are to be found a running-fire comment on the public questions of the day, especially in regard to affairs in Washington. Recently in one of these editorials he paid his respects to the tax reduction bill as it passed the House, and the reason for certain opposition thereto. This editorial speaks for itself. I have not checked the facts as given, but Mr. HOWARD usually knows what he is talking about. The strength and soberness of this article, coming as it does from

one whose remarks are sometimes regarded as facetious rather than otherwise, gives added force to this very earnest analysis of the reasons for the activities of some of those who are trying to delay the much-desired tax-reduction program. I think it deserves a place in the CONGRESSIONAL RECORD, and this is the purpose for which I arose. It is as follows:

A $3,000,000 REASON

Many persons have expressed surprise at the action of Andrew Mellon and his group of financiers in opposing the new revenue bill as passed by the House of Representatives.

No surprise about it.

That new revenue bill, if it shall pass the Senate and be approved by the President in its present form, will make the Mellon group of corporations pay $6,000,000 more income tax than is paid by that group under the present law.

How does this happen?

Well, under the existing law a few hundred gigantic corporations are permitted to assemble in their income-tax returns the earnings and losses of thousands of little corporations which they own or control, and by that kind of business they are enabled to gyp the Government out of $6,000,000 annually, according to estimates made by men who have made deep study of the income-tax problem. In the new revenue bill every corporation, no matter how large or small, is compelled to make its own income-tax report. This provision in the bill was put over in the House despite the frantic protests of all the administration leaders. The bill has now gone to the Senate, and there the spokesman for the administration and the Mellon group of bankers (both being one in voice and plan) boldly state that the bill will not be allowed to pass as long as it shall contain that provision which requires each corporation to file a separate income-tax report.

Let me give just one instance of how the big fellows have been able to cheat the Government out of income-tax money. One certain of the big "mother" corporations, which owns a large number of "children" corporations, had trouble with a competitor which refused to permit the big corporation to dictate the price at which it must sell its products. Then the big "mother" corporation decided to put that "unreasonable" competitor out of business. How did it go about it? Why, it ordered one of its own "children" corporations, located near the "unreasonable" competitor, to sell its product at a price far below cost. The unreasonable competitor made a brave effort to meet the stiff competition, but at last went broke, and then went out of business, leaving a clear field for the big "mother" corporation's child which operated in that territory. It cost a lot of money for the big "mother" corporation to put that competitor out of business, but the loss was soon made up after competition was destroyed, and after prices had gone back to their old high level, as they promptly went after the competition had been destroyed.

But what has all this to do with income-tax returns?

Well, under the existing law the "mother" corporation reported the loss which her own child corporation had suffered when selling products at less than cost, in order to crush competition—reported it as a loss suffered by the "mother" corporation, and that amount of loss was deducted from profits of the big "mother" corporation when making its income-tax return. If the "child" corporation had filed its own income-tax return, showing a big loss, of course, it would not have had any tax to pay. But the big "mother" corporation comes along and lists that loss by its own "child" corporation as its own, thus reducing the volume of its own net profits, and escaping the heavy tax the "mother" corporation would have been compelled to pay if the law had not allowed the "mother" to list as her own the loss sustained by her "child" corporation in driving that competitor out of business.

Not hard to understand, is it?

I do not claim to understand all about the doings of the big boys in the game of finance and the game of government, both being about the same thing here in Washington. But there are men in this great city who keep tab on the big fellows, and are able to solve their curves. I have been talking to the understanding ones, and they tell me that if the new revenue bill should go through the Senate and be approved by President Coolidge in the form in which it passed the House, requiring the "mother" corporations and the "children" corporations each to file a separate income-tax return, the result would be to increase the tax on the "mother" corporations to the extent of more than $6,000,000. I can not positively say that this is a correct estimate of the amount, but I believe it is close to correct. And the further estimate has been made that if the new revenue bill shall become the law of the land it will cost Andrew Mellon and the Mellon family interests an increase of $3,000,000 in the income tax they will be required to pay.

Quite naturally Mussolini Mellon shows his teeth and declares that the new revenue bill shall not pass.

And the worst of it is that Mellon appears to have the power to make good his boast.

EDGAR HOWARD.

The Clerk read as follows:

UNITED STATES SHIPPING BOARD

For seven commissioners at $12,000 each per annum, secretary $7,500, during the present incumbency; and in the event of a change in incumbency the salary of such position shall be in accordance with the provisions of the classification act of 1923 and section 2 of this act, in all, $91,500.

Mr. LEHLBACH. Mr. Chairman, I make a point of order against the language "Secretary, $7,500, during the present incumbency." The classification act of 1923 fixes this salary and this is new legislation.

Mr. WOOD. I wish the gentleman would reserve his point of order.

Mr. LEHLBACH. I will be pleased to reserve it.

Mr. WOOD. I call the attention of the gentleman and the committee to the fact that the secretary to the Shipping Board does the same character of work as do the secretary of the Interstate Commerce Commission and the secretary of several other concerns. Under the peculiar position in which he finds himself under the classification arrangement, unless some relief is brought to him the board will lose him. This man has been a very efficient officer, and, to my mind, he has earned a service that ought to be recognized—in the saving of thousands of dollars to the Government and his courteous manner of treatment for everybody. Of course, this is subject to a point of order if the gentleman from New Jersey insists upon it.

I will state to the gentleman from New Jersey that this man occupies the same relation in reference to the control that other gentlemen have who are getting $10,000 per annum. If the gentleman will refer to page 811 of the hearings he will find what this man's duties are. We went into that matter at great length.

Mr. LEHLBACH. If he can not get what others in the same grade are getting under the circumstances, that is not the fault of the act but on account of the provision you carry in section 2. If that is your policy and applicable to all employees of the various services of the Government, why do you make an exception in this particular case?

Mr. WOOD. We are not making an exception. Two years ago we did the same thing in reference to the secretary of the Civil Service Commission, and there was no objection made because of the fact that everybody was agreed that the service warranted it. If it was true then it is infinitely more true now, for the service this man is rendering is very great.

Mr. LEHLBACH. You are taking care of this particular case. If the gentleman will turn to the limitation he has put on these salaries under the classification, he says:

And in grades in which only one position is allocated, the salary of such position shall not exceed the average of the compensation rates for the grade.

That is what you rely on for this specific case. But you go on and say:

Except that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade.

Now, if this is a meritorious case, we have the law here.

Mr. WOOD. Yes; and that is what we are doing. This is a most meritorious case and we have made the exception.

Mr. LEHLBACH. Let the promotion be made by the board as contemplated by the act.

Mr. WOOD. The gentleman knows that the board will never do it.

The CHAIRMAN. The point of order is sustained. The Chair suggests that something should be done with the balance of this paragraph.

Mr. WOOD. An amendment will be offered later. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having taken the chair as Speaker pro tempore, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9481, the independent offices bill, and had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. KVALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein certain resolutions adopted by the Minnesota Farm Bureau Federation and the Minnesota Livestock Breeders' Association on the subject of agriculture.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, and I regret to object, I have been objecting to the insertion in the CONGRESSIONAL RECORD of miscellaneous resolutions and editorials and matters of that kind. We have a rule of the House which provides that resolutions and memorials and communications of that kind shall be dropped into the basket in the Speaker's table and referred by him to the appropriate committee.

Mr. KVALE. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes; I yield to the gentleman.

Mr. KVALE. This very morning resolutions regarding Muscle Shoals were inserted in the RECORD.

Mr. BLACK of Texas. Oh, those were not resolutions. The matter presented by the gentleman from Tennessee [Mr. GARRETT] was a communication from a public utilities commission of a sovereign State. If the gentleman wants to extend his remarks on any subject, including, of course, subjects of legislation covered by these resolutions, I shall not object, but I dare say there is not a Member of the House who does not daily receive from one to a dozen copies of different resolutions dealing with various subjects. If we inserted them all into the RECORD, it would make it unduly large. It was for this reason that the House adopted a rule which requires that such resolutions and memorials shall be dropped in the basket on the Speaker's table and referred by him to the appropriate committee. I hope the gentleman will withdraw his request.

Mr. KVALE. I have not taken up very much space in the RECORD, but if the gentleman objects I shall withdraw my request for the time being.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to—

Mr. HANCOCK, at the request of Mr. SWEET, on account of illness.

Mr. KINDRED, indefinitely, on account of serious illness in his family.

CHANGE OF REFERENCE

The SPEAKER pro tempore. The Chair announces the change of reference of H. J. Res. 176 from the Committee on Interstate and Foreign Commerce to the Committee on the Judiciary, the chairman of both committees having agreed to the change.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, may I venture to suggest that just the will of the chairman of the two committees under an agreement privately made ought not to be sufficient to change a reference. I submit it should be put before the House that without objection the change will be made.

The SPEAKER pro tempore. The Chair has the following information, if the gentleman from Tennessee will permit: A somewhat similar resolution was referred to the Committee on the Judiciary. That has been considered by that committee and was later reported to the House and the resolution agreed to. This is a resolution on a similar subject.

Mr. GARRETT of Tennessee. I am not interposing objection because I do not know what the subject matter is. What I was really directing attention to was the simple announcement of the Chair.

The SPEAKER pro tempore. Of course, it can be done only by unanimous consent.

Mr. GARRETT of Tennessee. After a bill or resolution has been introduced and has been referred it has then reached a stage where the House itself has a right in the matter, without any reference to the will or wish of the respective chairmen of committees. I interpose no objection to its being rereferred under the statement of the Chair, but I think we ought always to know what those things are about.

Mr. CHINDBLOM. Mr. Speaker, I suggest that the title of the resolution be read.

The SPEAKER pro tempore. The Clerk will report the title of the resolution.

The Clerk read as follows:

House Joint Resolution 176

Joint resolution granting the consent of Congress to an agreement or pact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River.

Mr. GARRETT of Tennessee. My recollection is that it is the custom to refer all such resolutions to the Committee on the Judiciary.

The SPEAKER pro tempore. That is the impression of the Chair. Is there objection to the change of reference?

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a bill of the following title:

H. R. 6053. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Linden-Lexington road, in Perry and Decatur Counties, Tenn.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 1425. An act to remove a cloud on title; to the Committee on the Public Lands.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 24, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 24, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

(10.30 a. m.)

Treasury and Post Office appropriation bill.
Agriculture Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON EDUCATION

(10.30 a. m.)

To amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867 (H. R. 279).

COMMITTEE OF ELECTIONS NO. 2

(10 a. m.)

Concerning the election of JAMES M. BECK as a Representative from Pennsylvania (H. Res. 9).

COMMITTEE ON FLOOD CONTROL

(10 a. m., 2 p. m., and 8 p. m.—caucus room)

A meeting to hear Maj. Gen. Edgar Jadwin, Chief of the Army Engineers, discuss proposals to control the flood waters of the Mississippi River.

Mr. REID of Illinois has asked that a notice be posted here stating that the Flood Control Committee would conclude its hearings within a few days, and if there are any Senators or Members of Congress who wish to appear before the committee, Mr. REID would like to have them get in touch with him immediately.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia (H. J. Res. 18).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to discuss the naval building program.

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 383, 358, 5518, 7343, and 8832). To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

309. A letter from the Secretary of the Navy, transmitting report of the disposition of useless papers in the files of the navy yards, naval stations, etc., during the calendar year 1927; to the Committee on Disposition of Useless Executive Papers.

310. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1928, for the War Department, amounting to $95,000, for the establishment of a national military park at the battle field at Stone River, Tenn. (H. Doc. No. 146); to the Committee on Appropriations and ordered to be printed.

311. A letter from the Secretary of the Treasury, transmitting draft of a proposed bill for the relief of A. F. Gallagher; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KETCHAM: Committee on Agriculture. H. R. 9495. A bill to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture; without amendment (Rept. No. 351). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. R. 5686. A bill granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes; with amendment (Rept. No. 352). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 6104. A bill to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; without amendment (Rept. No. 353). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 7224. A bill to extend the time for the refunding of certain legacy taxes erroneously collected; with amendment (Rept. No. 356). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GUYER: Committee on Claims. H. R. 8889. A bill for the relief of Adriano Cruceta, a citizen of the Dominican Republic; with amendment (Rept. No. 349). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 766. A bill for the relief of Ida F. Baum; with amendment (Rept. No. 341). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 926. A bill for the relief of Jennie Roll; with amendment (Rept. No. 342). Referred to the Committee of the Whole House.

Mrs. LANGLEY: Committee on Claims. H. R. 2138. A bill for the relief of the owner of the schooner *Sentinel;* without amendment (Rept. No. 343). Referred to the Committee of the Whole House.

Mr. BUSHONG: Committee on Claims. H. R. 3971. A bill for the relief of the owners of the schooner *William Melbourne;* without amendment (Rept. No. 344). Referred to the Committee of the Whole House.

Mr. BECK of Wisconsin: Committee on Claims. H. R. 4393. A bill for the relief of Howard V. Sloan; with amendment (Rept. No. 345). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8369. A bill for the relief of Josephine Thibodeaux; without amendment (Rept. No. 346). Referred to the Committee of the Whole House.

Mr. ROY G. FITZGERALD: Committee on Claims. H. R. 8527. A bill conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the charterer of the steamship *Trontolite* against the United States, and for other purposes; with amendment (Rept. No. 347). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8529. A bill authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation; without amendment (Rept. No. 348). Referred to the Committee of the Whole House.

Mr. ROWBOTTOM: Committee on Claims. H. R. 4995. A bill for the relief of Sabino Apodaca; with amendment (Rept. No. 350). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 1597. A bill for the relief of Gaston M. Janson; without amendment (Rept. No. 354). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 3144. A bill for the relief of Augustus C. Turner; with amendment (Rept. No. 355). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3459) for the relief of the Chico-Westwood-Susanville Auto Stage Co., Chico, Calif.; Committee on Claims discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9757) for the relief of the Cherrington Hospital, Logan, Ohio; Committee on Claims discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9540) for the relief of M. Seller & Co.; Committee on Claims discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 6393) granting a pension to Mrs. Cassius C. Lester; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9705) for the relief of Hugh Gibson, an officer of the Foreign Service of the United States, who, while serving abroad, suffered by theft losses of official funds; Committee on Appropriations discharged, and referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Georgia: A bill (H. R. 9828) to require the recording of certain information as to immigrants arriving in the United States; to the Committee on Immigration and Naturalization.

By Mr. MORROW: A bill (H. R. 9829) to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands"; to the Committee on the Public Lands.

By Mr. MOORE of Virginia: A bill (H. R. 9830) authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls; to the Committee on Interstate and Foreign Commerce.

By Mr. CRISP: A bill (H. R. 9831) authorizing J. E. Turner, his heirs, legal representatives, or assigns to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: A bill (H. R. 9832) to provide retirement for licensed officers of the United States Army Transport Service and the United States harbor boat service; to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 9833) to amend section 6 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9834) to provide for the purchase or condemnation of property in the Reno subdivision, and adjacent thereto, for the purpose of improvement of street plan, and for other purposes; to the Committee on the District of Columbia.

By Mr. KOPP: A bill (H. R. 9835) to amend section 4 of the interstate commerce act; to the Committee on Intersate and Foreign Commerce.

By Mr. CRAIL: A bill (H. R. 9836) providing for the purchase of a suitable site and the erection of a public building at Santa Monica, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. ANDRESEN: A bill (H. R. 9837) to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of American Hoist & Derrick Co., St. Paul, Minn.; and of Twin City Forge & Foundry Co., Stillwater, Minn.; to the Committee on Claims.

Also, a bill (H. R. 9838) to amend subdivision a of section 4 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended; to the Committee on the Judiciary.

By Mr. FULMER: A bill (H. R. 9839) to authorize an appropriation to enable the director of the United States Veterans' Bureau to provide hospital facilities at or near Columbia, S. C.; to the Committee on World War Veterans' Legislation.

By Mr. KELLY: A bill (H. R. 9840) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. McDUFFIE: A bill (H. R. 9841) to amend subsection 5 of section 1 of the interstate commerce act as amended June 29, 1906, April 13, 1908, June 18, 1910, February 17, 1917, March 2, 1917, May 29, 1917, August 10, 1917, and February 28, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. SINNOTT (by departmental request): A bill (H. R. 9842) to provide for the survey, appraisal, and sale of the undisposed lots in the townsite of St. Marks, Fla.; to the Committee on the Public Lands.

By Mr. HUGHES: A bill (H. R. 9843) to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near the town of Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. BACHMANN: A bill (H. R. 9844) granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: A bill (H. R. 9845) to condemn and acquire for Government ownership and operation the telegraph and telephone lines engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. CLANCY: A bill (H. R. 9846) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

By Mr. DAVILA: A bill (H. R. 9847) to enable the people of the island of Porto Rico to form a constitution and government; to the Committee on Insular Affairs.

By Mr. GAMBRILL: A bill (H. R. 9848) to authorize the Secretary of the Navy to proceed with the construction of a boathouse at the United States Naval Academy, Annapolis, Md.; to the Committee on Naval Affairs.

By Mr. KING: A bill (H. R. 9849) granting the consent of Congress for the extension of times for commencing and completing the construction of a bridge across the Mississippi River at Quincy, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLIGAN: A bill (H. R. 9850) to amend paragraph 12 of section 202 of the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 9851) to amend section 24 of the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. RAINEY: A bill (H. R. 9852) extending the jurisdiction of the Mississippi River Commission to the Illinois River, and for other purposes; to the Committee on Flood Control.

Also, a bill (H. R. 9853) to prevent destructive floods in the Illinois River; to the Committee on Flood Control.

By Mr. ROBSION of Kentucky: A bill (H. R. 9854) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

By Mr. ROWBOTTOM: A bill (H. R. 9855) for the improvement of the Ohio River in the vicinity of Evansville, Ind.; to the Committee on Rivers and Harbors.

By Mr. WURZBACH: A bill (H. R. 9856) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. MORGAN: A bill (H. R. 9857) to provide that four hours shall constitute a day's work on Saturdays throughout the year for all employees in the Bureau of Engraving and Printing; to the Committee on the Civil Service.

By Mr. CARTWRIGHT: A bill (H. R. 9858) providing for the purchase by the United States of the segregated coal and asphalt deposits in Oklahoma from the Choctaw and Chickasaw Tribes of Indians; to the Committee on Indian Affairs.

By Mr. COLTON: A bill (H. R. 9859) to amend the Federal highway act, as amended; to the Committee on Roads.

By Mr. WILLIAMSON: A bill (H. R. 9860) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.; to the Committee on the Public Lands.

By Mr. McMILLAN: Joint resolution (H. J. Res. 177) authorizing the erection of a flagstaff at Fort Sumter, Charleston, S. C., and for other purposes; to the Committee on Military Affairs.

By Mr. McDUFFIE: Joint resolution (H. J. Res. 178) providing that the United States Shipping Board be directed to make no sales of lines or services now being operated by it pending the enactment of further merchant marine legislation by the Congress, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. McFADDEN: Joint resolution (H. J. Res. 179) providing for the issuance of a special postage stamp in commemoration of the one hundredth anniversary of the first run of a locomotive in America; to the Committee on the Post Office and Post Roads.

By Mr. THOMPSON: Joint resolution (H. J. Res. 180) providing for the erection of a public historical museum on the site of Fort Defiance, Defiance, Ohio; to the Committee on the Library.

By Mr. MacGREGOR: Resolution (H. Res. 98) providing for a temporary assistant clerk to the Committee on Invalid Pensions; to the Committee on Accounts.

By Mr. PALMISANO: Resolution (H. Res. 99) authorizing and directing the Speaker of the House to appoint five Members of the House to investigate the methods employed by the prohibition administrator for the Maryland-District of Columbia area, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. COLLINS: Memorial of the legislature of the State of Mississippi memorializing Congress to take over and assume flood control of the Mississippi River; to the Committee on Flood Control.

By Mr. DOMINICK: Memorial of the Legislature of the State of South Carolina, relating to reclamation work in the South; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of South Carolina, regarding emergency officers of the late war; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 9861) providing for the examination and survey of the channel from Pamlico Sound, near the mouth of Neuse River, to Beaufort, N. C., by way of Swan Point, Cedar Island Bay, Thoroughfare Cut, Thoroughfare Bay, Core Sound, touching at Atlantic wharves, through the

Straits and Taylors Creek Cut; to the Committee on Rivers and Harbors.

By Mr. ANDRESEN: A bill (H. R. 9862) for the relief of M. T. Nilan; to the Committee on Claims.

By Mr. BACHMANN: A bill (H. R. 9863) granting an increase of pension to Imogene West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9864) granting an increase of pension to Margaret Nolan; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 9865) granting a pension to Gustav Mendel; to the Committee on Pensions.

By Mr. BLOOM: A bill (H. R. 9866) granting an increase of pension to Ellen R. Lockwood; to the Committee on Invalid Penions.

Also, a bill (H. R. 9867) for the relief of F. A. Brady (Inc.); to the Committee on War Claims.

By Mr. BUCKBEE: A bill (H. R. 9868) granting a pension to Jennie Countryman; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 9869) providing for the examination and survey of the entrance to Point Judith Pond, R. I.; to the Committee on Rivers and Harbors.

By Mr. CLARKE: A bill (H. R. 9870) for the relief of Joseph Scales; to the Committee on Military Affairs.

By Mr. CLANCY: A bill (H. R. 9871) granting an increase of pension to Ebbin A. Ervin; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 9872) granting a pension to Bertha Moore; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 9873) making James M. Bridges eligible to receive the benefits of the civil retirement act; to the Committee on the Civil Service.

By Mr. CHASE: A bill (H. R. 9874) granting an increase of pension to Blanche Fetterhoff; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 9875) granting an increase of pension to Ellen B. Wurtz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9876) granting an increase of pension to Mary Q. Sturgel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9877) granting an increase of pension to Emily J. McCollum; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 9878) granting a pension to Elizabeth Edwards; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 9879) granting an increase of pension to Richard B. Norris; to the Committee on Pensions.

Also, a bill (H. R. 9880) granting a pension to M. P. Cranston; to the Committee on Invalid Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 9881) granting an increase of pension to George L. Hollis; to the Committee on Pensions.

By Mr. EATON: A bill (H. R. 9882) granting an increase of pension to Ellen Bott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9883) granting an increase of pension to Mary H. Smith; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 9884) granting a pension to Elizabeth Cornelius; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 9885) granting an increase of pension to Emma J. Watts; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 9886) granting an increase of pension to Margaret A. Church; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9887) granting an increase of pension to Mary A. White; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 9888) granting an increase of pension to Mary E. Sharp; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 9889) granting a pension to Sirena Short; to the Committee on Invalid Pensions.

By Mr. KINDRED: A bill (H. R. 9890) granting an increase of pension to Maria Fluor; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 9891) granting an increase of pension to Mary H. Dailey; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 9892) granting an increase of pension to Sarah J. Stanbrough; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 9893) granting a pension to Ida L. Updegraff; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 9894) granting an increase of pension to Maggie Barr; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 9895) granting an increase of pension to Anceline D. Lazenby; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 9896) granting an increase of pension to Mary E. Taylor; to the Committee on Invalid Pensions.

By Mr. KVALE: A bill (H. R. 9897) granting a pension to Celia Shetais; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 9898) granting a pension to Gallico Thompson; to the Committee on Pensions.

Also, a bill (H. R. 9899) granting an increase of pension to Clark P. Hoskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9900) granting an increase of pension to Martha Murrell; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 9901) granting a pension to Angeline Shirley; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 9902) for the relief of James A. DeLoach; to the Committee on Claims.

By Mr. McFADDEN: A bill (H. R. 9903) for the relief of Francis B. McCloskey; to the Committee on Military Affairs.

By Mr. MAJOR of Illinois: A bill (H. R. 9904), granting an increase of pension to Elsie E. Tankersley; to the Committee on Invalid Pensions.

By Mr. MANSFIELD: A bill (H. R. 9905) granting a pension to Bettie Orrell; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 9906) granting an increase of pension to Ruby L. Knapp; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 9907) to authorize payment of compensation to Don F. Thogmartin; to the Committee on World War Veterans' Legislation.

By Mr. MOORE of Kentucky: A bill (H. R. 9908) granting a pension to Palmore Kirgan; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9909) granting a pension to Mary Cullison; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 9910) granting an increase of pension to Mary E. Haverfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9911) granting an increase of pension to Arminta M. Smith; to the Committee on Invalid Pensions.

By Mr. NEWTON: A bill (H. R. 9912) granting a pension to Welthy E. Bracy; to the Committee on Invalid Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 9913) granting an increase of pension to Katherine Walsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9914) granting a pension to Margaret Kane; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 9915) granting an increase of pension to Phoebe C. Austin; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H. R. 9916) to cancel the enrollment of Darius Connors as a member of the St. Croix Band of Chippewa Indians in the State of Wisconsin and to enroll him as a member of the Chippewa Indians of the State of Minnesota; to the Committee on Indian Affairs.

Also, a bill (H. R. 9917) granting an increase of pension to William P. Cowles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9918) for the relief of Fred S. Thompson; to the Committee on Claims.

By Mr. PRALL: A bill (H. R. 9919) for the relief of George Curran; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 9920) granting an increase of pension to Rebecca A. Bonesteel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9921) granting an increase of pension to Mary A. Bailey; to the Committee on Invalid Pensions.

By Mr. RANSLEY: A bill (H. R. 9922) for the relief of James B. Connor; to the Committee on Claims.

By Mr. SCHNEIDER: A bill (H. R. 9923) granting an increase of pension to Eulalie Charboneau; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 9924) granting an increase of pension to Samuel J. Heron; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 9925) granting an increase of pension to Margaret Newman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9926) granting an increase of pension to Jennie S. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9927) granting an increase of pension to Julia Floyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9928) granting an increase of pension to Isabelle T. Fessenden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9929) granting a pension to Eliza A. Doolittle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9930) granting an increase of pension to Sarah E. Blanchard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9931) granting an increase of pension to Sara Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9932) granting a pension to Anna L. Sweeney; to the Committee on Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 9933) for the relief of Wynona A. Dixon; to the Committee on Claims.

By Mr. SWICK: A bill (H. R. 9934) granting an increase of pension to Nancy E. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9935) granting an increase of pension to Margaret A. Bauder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9936) granting an increase of pension to Ibbie Shindel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9937) granting an increase of pension to Luscenia Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9938) granting an increase of pension to Lydia Pitzer Cox; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 9939) granting a pension to Joseph Bernard Walker; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 9940) granting a pension to Annie McIntyre; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 9941) granting a pension to Lydia Waggoner; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 9942) granting an increase of pension to Marietta L. McNair; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 9943) for the relief of Sawyer Motor Co.; to the Committee on Claims.

By Mr. WELCH of California: A bill (H. R. 9944) for the relief of Patrick J. Sullivan; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2252. Petition of the Minister's Association of the Swedish Methodist Episcopal Church of Greater New York, disapproves of the immigration act of 1924; to the Committee on Immigration and Naturalization.

2253. By Mr. AYRES: Petition of citizens of Canton, Kans., in behalf of Civil War veterans' and widows' pension legislation; to the Committee on Invalid Pensions.

2254. By Mr. BARBOUR: Petition of Seventh Day Adventist Church, of Taft, Calif., protesting against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

2255. Also, resolution of Armona (Calif.) Council No. 51, Junior Order of United American Mechanics, urging that Mexican immigration be placed upon a quota basis; to the Committee on Immigration and Naturalization.

2256. Also, petitions of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

2257. By Mr. BLOOM: Petition of Col. William F. Schohl and other members of the New York State National Guard Convention, favoring House bill 6857; to the Committee on Public Buildings and Grounds.

2258. By Mr. BOHN: Petition opposing Sunday observance bill; to the Committee on the District of Columbia.

2259. By Mr. BOIES: Petition signed by citizens of Ute, Monona County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2260. By Mr. BRIGGS: Telegram from L. C. Jackson, secretary Chamber of Commerce of Polk County, Tex., urging support of House bill 9201 and Senate bill 1731; to the Committee on Education.

2261. Also, telegram from Hon. W. M. McMurray, county judge of San Jacinto County, Tex., urging support of House bill 9201 and Senate bill 1731; to the Committee on Education.

2262. By Mr. BRIGHAM: Petition of C. L. Gladden and 50 other citizens of Richford, Vt., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2263. By Mr. CARSS: Petition of Zena Kinney and 42 other residents of Duluth, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2264. Also, petition of F. W. Vasenius, M. D., and 63 other residents of Chisholm, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2265. Also, petition of Arthur Murphy and 18 other residents of Duluth, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2266. Also, petition of Mrs. Beatrice Lowery and 10 other residents of Blackduck, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2267. Also, petition of L. F. Klatt and 144 other residents of Virginia, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2268. Also, petition of A. G. Goude and 16 other residents of Virginia, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2269. Also, petition of Rev. Milma S. Lappala and 128 other petitioners of Virginia, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2270. By Mr. CARTER: Petition of the California Federation of Women's Clubs, urging the passage of legislation reducing parcel-post rates on books; to the Committee on the Post Office and Post Roads.

2271. Also, petition of Mrs. Margaret Anderson and many others of Oakland, Calif., urging the passage of legislation at this session of Congress increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2272. Also, petition of San Joaquin Chapter, No. 15, Disabled American Veterans of the World War, of California, urging passage of legislation granting preference to veterans in employment in Government departments; to the Committee on World War Veterans' Legislation.

2273. Also, petition of Pacific Coast Transportation Advisory Board, American Railway Association, San Francisco, Calif., urging the passage of an appropriation of $15,000 to Department of Agriculture for investigation of transportation of fruit and vegetables from California; to the Committee on Agriculture.

2274. By Mr. CLAGUE: Petition of Mrs. Fred Scriver, Wells, Minn., and 22 others, opposing compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2275. Also, petition of L. J. Steele, of Sherburn, Minn., and 75 citizens of Martin and Jackson Counties, Minn., opposing compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2276. Also, petition of Mrs. R. E. Campbell, of Good Thunder, Minn., and 300 of Blue Earth and other counties, opposing compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2277. By Mr. CRAIL: Petition of Jac Brynilsen and others, relative to the purchase of Lower California from Mexico; to the Committee on Foreign Affairs.

2278. Also, petition of Woman's Christian Temperance Union of Southern California, protesting against competitive armament in the United States Navy; to the Committee on Naval Affairs.

2279. Also, petition of approximately 1,650 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2280. Also, petition of approximately 300 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2281. Also, petition of approximately 300 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2282. Also, petition of approximately 450 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2283. Also, petition of approximately 600 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2284. Also, petition of approximately 330 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2285. Also, petition of approximately 750 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2286. Also, petition of approximately 300 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2287. Also, petition of approximately 750 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2288. Also, petition of approximately 1,200 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2289. Also, petition of approximately 150 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2290. Also, petition of approximately 150 citizens of California, protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2291. Also, petition of approximately 300 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2292. Also, petition of approximately 150 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2293. Also, petition of approximately 750 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2294. Also, petition of approximately 150 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2295. Also, petition of approximately 300 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2296. Also, petition of approximately 750 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2297. By Mr. CURRY: Petition of several hundred citizens of the third California district, against House bill 78; to the Committee on the District of Columbia.

2298. Also, petition of 37 citizens of Antioch, Calif., urging that the present quota on European immigration be retained and that the national-origins clause in the immigration act be rejected; to the Committee on Immigration and Naturalization.

2299. By Mr. DEMPSEY: Petition of citizens of Niagara Falls, N. Y., protesting against the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2300. Also, petition by citizens of Niagara Falls, N. Y., against the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2301. By Mr. DOWELL: Petitions from residents of Des Moines, Iowa, in relation to House bill 78; to the Committee on the District of Columbia.

2302. Also, petitions from residents of Warren County, Iowa, in relation to House bill 78; to the Committee on the District of Columbia.

2303. Also, petition from residents of Stony County, Iowa, in relation to compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2304. Also, petitions of citizens of Winterset, Iowa, in relation to House bill 78; to the Committee on the District of Columbia.

2305. By Mr. EATON: Petition of congregation of the Prospect Street Presbyterian Church, of Trenton, N. J., urging enactment of Sunday rest legislation for the District of Columbia; to the Committee on the District of Columbia.

2306. By Mr. ENGLEBRIGHT: Petition of Mrs. Edith Epping and other citizens of Westwood, Calif., protesting against the Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2307. Also, petition of Alfred R. Thiele and other citizens of Placerville, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2308. Also, resolution of American War Mothers and allied veteran organizations of San Francisco, Calif., for the improvement of the national cemetery at the Presidio, Calif., and appropriation therefor; to the Committee on Appropriations.

2309. Also, petition of citizens of Copco, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2310. Also, petition of citizens of Red Bluff, Calif., protesting against Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2311. Also, petition of O. B. Stevens and other citizens of Newcastle, Ophir, and Penryn, Calif., protesting against the Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2312. By Mr. EVANS of Montana: Petition of Mrs. Gus Bischoff and other residents of Kalispell, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2313. By Mr. FRENCH: Petition of 20 citizens of Coeur d'Alene, Idaho, urging enactment of legislation increasing pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

2314. By Mr. FURLOW: Petition relative to Sunday observance bill; to the Committee on the District of Columbia.

2315. By Mr. GARBER: Letter of John H. Camlin, president Illinois Chamber of Commerce, Chicago, Ill., asking that section 611 be eliminated from the proposed revenue act (H. R. 1); to the Committee on Ways and Means.

2316. Also, letter of Charles F. Barrett, the adjutant general, Oklahoma City, Okla., in support of legislation in favor of holding national rifle matches at Camp Perry, Ohio, each year; to the Committee on Military Affairs.

2317. Also, letter of J. I. Meyerson, national advertising manager of the Daily Oklahoman and Oklahoma City Times, in protest of the passage of a bill entitled "The cosmetic act of 1928"; to the Committee on Interstate and Foreign Commerce.

2318. Also, letter of H. G. Stettmund, owner of the Odeon Theater, at Chandler, Okla., in support of the passage of Senate bill 1667, without amendments; to the Committee on Claims.

2319. By Mr. GARRETT of Tennessee: Petitions of residents of Trimble and Dyersburg, Tenn., against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2320. By Mr. GRIEST: Petition of Washington Camp, No. 700, Patriotic Order Sons of America, Lancaster, Pa.; to the Committee on Immigration and Naturalization.

2321. Also, petition from residents of Marietta, Pa., protesting against compulsory Sunday observance legislation as proposed by House bill 78; to the Committee on the District of Columbia.

2322. By Mr. HALL of North Dakota: Petition of 29 citizens living at Esmond and Hesper, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2323. Also, petition of 37 citizens living at Maddock, Benson County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2324. Also, petition of Fridtjof Lodge, No. 80, of the Sons of Norway, at Petersburg, N. Dak., for the recommendation of the Commissioner General of Immigration; to the Committee on Immigration and Naturalization.

2325. Also, petition of 46 citizens of North Dakota, for the recommendation of the Commissioner of Immigration; to the Committee on Immigration and Naturalization.

2326. Also, petition of 10 citizens living at Carrington, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2327. Also, petition of nine citizens living at Martin, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2328. Also, petition of 11 citizens living in Sheridan County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2329. By Mr. HAUGEN: Petition of 27 residents of Decorah, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2330. Also, petition of 52 residents of Lansing, Allamakee County, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2331. Also, petition of 57 residents of St. Ansgar, Mitchell County, Iowa, protesting against the enactment of House bill

78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2332. Also, petition of 26 residents of Riceville, Iowa, protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2333. Also, petition of 113 residents of Riceville, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2334. Also, petition of 104 residents of Worth County, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2335. Also, petition of 40 residents of Mitchell County, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2336. Also, petition of 40 residents of Mason City, Cerro Gordo County, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2337. Also, petition of 75 residents of Clear Lake and Mason City, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2338. Also, petition of 58 residents of Mason City and Clear Lake, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2339. Also, petition of 35 residents of Clear Lake, Cerro Gordo County, Iowa, protesting against enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2340. Also, petition of 107 residents of Decorah, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2341. By Mr. HUDSON: Petition of citizens of Howell, Mich., urging the enactment of legislation for the relief of the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2342. By Mr. WILLIAM E. HULL: Petition of H. Paul Jones and other citizens of Delavan, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

2343. By Mr. IRWIN: Petition of F. M. Sheppard et al., praying for the enactment of legislation in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2344. By Mr. JENKINS: Petition signed by 77 citizens of Ohio, protesting against the passage of the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2345. Also, petition signed by 120 citizens of Athens County, Ohio, protesting against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2346. Also, petition signed by 40 citizens of Athens, Ohio, favoring the passage of House bills 492 and 6518; to the Committee on the District of Columbia.

2347. Also, petition signed by 85 citizens of Jackson County, Ohio, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2348. Also, petition signed by 33 persons of Jackson, Ohio, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2349. Also, petition signed by 13 residents of Gallia County, Ohio, protesting against the passage of the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2350. Also, petition signed by 112 voters of Ironton, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of many needy veterans and widows of veterans; to the Committee on Invalid Pensions.

2351. By Mr. JOHNSON of Texas: Petition of James Blair Chapter, Daughters of the American Revolution, of Corsicana, Tex., indorsing Joint Resolution 11, with reference to flag code; to the Committee on the Judiciary.

2352. By Mr. KEARNS: Petition of citizens of Adams County, Ohio, urging the passage of a bill to increase the pensions of Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

2353. Also, petitions of citizens of Clermont County, Ohio, urging the passage of House bill 6518, a bill to amend the salary rates contained in the compensation schedule of the act of March 4, 1923; to the Committee on the Civil Service.

2354. By Mr. KINDRED: Petition of the National Guard Association of the State of New York, requesting the Senators and Representatives in Congress from the State of New York to use their influence toward the enactment and approval of Senate bill 1709 and House bill 6857, which will provide comrades of the Twenty-ninth (Blue and Gray) Division, National Guard, with adequate and appropriate armory facilities; to the Committee on Military Affairs.

2355. Also, resolution by the New York Chapter, Military Order of the World War, reiterating its belief in the justice of the Fitzgerald bill (H. R. 4548), for the retirement of disabled emergency officers, and urging the House of Representatives to bring about early and favorable vote on this bill; to the Committee on Invalid Pensions.

2356. By Mr. KING: Original poem submitted by Mr. Leroy Thomson, Galva, Ill., entitled "Wars"; to the Committee on Military Affairs.

2357. Also, petition against compulsory Sunday observance, signed by G. L. Clark and 50 other citizens of Galesburg, Ill.; to the Committee on the District of Columbia.

2358. Also, petition signed by J. L. Remy, of 2203 Oak Street, Quincy, Ill., and 25 other citizens of Quincy, Ill., against compulsory Sunday observance; to the Committee on the District of Columbia.

2359. By Mr. KNUTSON: Petition of Mr. R. I. Denton and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2360. Also, petition of Mrs. Elmer Krigbaum and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2361. Also, petition of William Adriance and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2362. By Mr. KOPP: Petition of 73 citizens of Des Moines County, Iowa, protesting against the passage of compulsory Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

2363. Also, petition of citizens from Denmark Township, Lee County, Iowa, protesting against the passage of compulsory Sunday observance legislation, and particularly House bill 78; to the Committee on the District of Columbia.

2364. By Mr. KORELL: Petition of citizens of Portland, Oreg., opposing the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2365. By Mr. KVALE: Petition of seven residents of Willmar, Minn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2366. Also, petition of several residents of Pope, Stearns, and Swift Counties, Minn., protesting against Sunday laws; to the Committee on the District of Columbia.

2367. Also, petition of members of Minnesota Livestock Breeders' Association in annual convention, urging enactment into law of the Capper-Ketcham bill providing for increased appropriations for extension work; to the Committee on Agriculture.

2368. Also, petition of Fedraheimen Lodge, No. 59, Sons of Norway, Willmar, Minn., urging that no further measures of reduction of the Scandinavian quotas should be passed by Congress; to the Committee on Immigration and Naturalization.

2369. By Mr. LAMPERT: Resolution of County Board of Manitowoc County, Wis., memorializing Congress to provide the necessary machinery for the holding of a nation-wide referendum on the question of modifying the Volstead Act to legalize the manufacture and sale of 2.75 per cent beer; to the Committee on the Judiciary.

2370. By Mr. LOZIER: Petition of 28 citizens of Grundy County, Mo., protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

2371. By Mr. MAPES: Petition of Reuel E. Root and 77 other residents of Coopersville, Mich., and vicinity, against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2372. By Mr. MEAD: Petition of residents of Erie County, N. Y., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2373. By Mr. MONAST: Petition by citizens of Westerly, R. I., against compulsory Sunday laws; to the Committee on the District of Columbia.

2374. By Mr. MORROW: Petition of chamber of commerce, Clovis, N. Mex., protesting against any legislation restricting common labor coming into the United States, special reference

being made to Mexican labor for the Southwest; to the Committee on Immigration and Naturalization.

2375. Also, petition of village council of Vaughn, N. Mex., protesting against enactment of House bill 6465, limiting Mexican immigration to the United States to approximately 1,500 per year; to the Committee on Immigration and Naturalization.

2376. By Mr. O'CONNELL: Petition of the National Guard Association of the State of New York, in convention assembled, favoring the passage of House bill 6857 and Senate bill 1709, to provide the Twenty-ninth (Blue and Gray) Division, National Guard, District of Columbia, with adequate and appropriate armory facilities; to the Committee on Military Affairs.

2377. Also, petition of the American Graphite Co., Ticonderoga, N. Y., favoring the passage of the Reid bill, for the control of the destructive floods; to the Committee on Flood Control.

2378. Also, petition of the Harrison Radiator Co., Lockport, N. Y., favoring the passage of Newton bill (H. R. 8927); to the Committee on the Judiciary.

2379. Also, petition of the National Grange, Washington, D. C., with reference to farm relief and other pending legislation; to the Committee on Agriculture.

2380. Also, petition of the Military Order of the World War, New York Chapter, favoring the passage of the Fitzgerald bill (H. R. 4548) for the retirement of disabled emergency officers; to the Committee on Invalid Pensions.

2381. Also, petition of the Brandt's Theater Enterprises, Brooklyn, N. Y., favoring the passage of the Brookhart-Cannon bill (S. 1667); to the Committee on Claims.

2382. Also, petition of the Pratt Food Co., of Philadelphia, opposing the passage of the Allgood bill (H. R. 6); to the Committee on Ways and Means.

2383. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

2384. By Mr. O'CONNOR of New York: Resolution of the New York Chapter, Military Order of the World War, in favor of the Fitzgerald bill for the retirement of disabled emergency Army officers; to the Committee on Military Affairs.

2385. By Mr. PEAVEY: Petition of numerous citizens of the eleventh congressional district of Wisconsin, urging Congress to increase the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2386. Also, petition of numerous citizens of Superior, Wis., protesting against the enactment of compulsory Sunday observance legislation and particularly against House bill 78; to the Committee on the District of Columbia.

2387. By Mr. PRATT: Petition of citizens of Kingston, Ulster County, N. Y., protesting favorable action upon House bill 78 to secure Sunday as a day of rest in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

2388. By Mr. PRALL: Petition from Peter S. Mauritzen, 245 Heberton Avenue, Port Richmond, Staten Island, N. Y., protesting against the enactment of House bill 78, with the signatures of 200 other citizens; to the Committee on the District of Columbia.

2389. By Mr. RAMSEYER: Petition of residents of Albia, Iowa, protesting against the Lankford bill (H. R. 78) or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2390. Also, petition of residents of Mahaska County, Iowa, protesting against the Lankford bill (H. R. 78) or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2391. By Mr. ROBINSON of Iowa: Petition from O. C. Huston and 56 other citizens of Hampton, Franklin County, Iowa, protesting against the Lankford compulsory Sunday observance law; to the Committee on the District of Columbia.

2392. Also, petition from Daniel Jenson and 29 other adult citizens of Cedar Falls, Black Hawk County, Iowa, protesting against the Lankford compulsory Sunday observance law; to the Committee on the District of Columbia.

2393. Also, petition from the Frank Amusement Co., of Waterloo, Black Hawk County, Iowa, with about 145 signatures of citizens of Black Hawk County, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2394. Also, petition from the Frank Amusement Co., of Waterloo, Black Hawk County, Iowa, with about 145 signatures of citizens of Black Hawk County, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2395. Also, petition from the Frank Amusement Co., of Waterloo, Black Hawk County, Iowa, with 26 signatures, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2396. By Mr. SINNOTT: Petition of 185 citizens of Weston, Athena, and Boardman, Oreg., protesting against the Lankford bill (H. R. 78), or any compulsory Sunday observance bill; to the Committee on the District of Columbia.

2397. By Mr. STRONG of Pennsylvania: Petition of the Northwestern Division of the Pennsylvania State Association of Letter Carriers, in favor of House bill 25 and Senate bill 1727; to the Committee on the Civil Service.

2398. By Mr. SUMMERS of Washington: Petition signed by P. W. Atkinson and 103 others of Yakima County, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2399. Also, petition signed by P. E. Hardwick and 146 others of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2400. By Mr. SWING: Petition of citizens of San Bernardino, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2401. Also, petition of citizens of Riverside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2402. Also, petition of citizens of Riverside County, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2403. Also, petition of citizens of Redlands, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2404. Also, petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2405. Also, petition of citizens of La Habra, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2406. Also, petition of citizens of Fullerton, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2407. By Mr. TEMPLE: Petition signed by a number of residents of West Alexander, Pa., in support of legislation increasing the rate of pension to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

2408. By Mr. THURSTON: Resolution adopted by the State Agricultural Convention, Des Moines, Iowa, petitioning the President to increase the tariff on corn 50 per cent, and urging the Congress to provide adequate funds to combat the spread of the European corn borer; to the Committee on Agriculture.

2409. Also, petition of 92 citizens of Leon, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2410. Also, petition of 119 citizens of Clarinda, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2411. Also, petition of 62 citizens of Dike, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2412. Also, petition of 80 citizens of New Market, Iowa, protesting against House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2413. By Mr. WEAVER: Petition of citizens of Buncombe County, N. C., protesting against House bill 78, Lankford Sunday observance bill; to the Committee on the District of Columbia.

2414. By Mr. WELCH of California: Petition of 4,400 citizens of the city and county of San Francisco, protesting against the enactment of House bill 78, or any other compulsory Sunday observance; to the Committee on the District of Columbia.

2415. By Mr. WINTER: Resolution adopted by Cody Lions Club, Wyoming, asking appropriations for about 2,000,000 acres of denuded lands within the national forests of the United States for the purpose of reforestation; also resolution adopted by the Thermopolis Lions Club, Wyoming, asking an adequate appropriation for reforestation; also resolution adopted by the Lusk Lions Club, Wyoming, asking an adequate appropriation for reforestation; to the Committee on Agriculture.

2416. By Mr. YATES: Petition of J. W. Garretson, of Evanston, Ill., and other constituents, praying for passage of section 165 of tax bill, relieving an employee of a company having a stock-acquisition plan from paying tax on profit; to the Committee on Ways and Means.

SENATE

TUESDAY, *January 24, 1928*

(Legislative day of Monday, January 23, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Shortridge
Barkley	Fletcher	McMaster	Simmons
Bayard	Frazier	McNary	Smith
Bingham	George	Mayfield	Smoot
Black	Gerry	Metcalf	Steck
Blaine	Gillett	Moses	Steiwer
Blease	Glass	Neely	Stephens
Borah	Gooding	Norbeck	Swanson
Bratton	Gould	Norris	Thomas
Brookhart	Greene	Nye	Trammell
Broussard	Hale	Oddie	Tydings
Bruce	Harris	Overman	Tyson
Capper	Harrison	Phipps	Wagner
Caraway	Hawes	Pine	Walsh, Mass.
Copeland	Hayden	Pittman	Walsh, Mont.
Couzens	Heflin	Ransdell	Warren
Curtis	Howell	Reed, Pa.	Waterman
Cutting	Johnson	Robinson, Ark.	Watson
Deneen	Jones	Robinson, Ind.	Wheeler
Dill	Kendrick	Sackett	Willis
Edge	Keyes	Schall	
Edwards	King	Sheppard	
Ferris	La Follette	Shipstead	

The VICE PRESIDENT. Eighty-nine Senators having answered to their names, a quorum is present.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior reporting, pursuant to law, relative to documents and files of papers in the department which are not needed or useful in the transaction of current business and have no permanent value or historical interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. NYE and Mr. PITTMAN members of the committee on the part of the Senate.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. JONES obtained the floor.

Mr. HALE. Mr. President, will the Senator yield to me?

Mr. JONES. I yield.

INVESTIGATION OF SINKING OF SUBMARINE "S–4"

Mr. HALE. Mr. President, I would like to ask unanimous consent to call up Calendar No. 78, the joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4*, and upon methods and appliances for the protection of submarines.

The VICE PRESIDENT. Is there objection?

Mr. SWANSON. Mr. President, I object; and I will state that I shall not consent to the consideration of the measure until the Senate itself shall have the disposal of it when it comes here. We spent almost one day in discussion of it and then it was withdrawn. The next time it comes before the Senate I think it proper that the Senate shall have the disposal of it, and not one Member of the Senate who can interpose and withdraw it from consideration whenever he pleases.

Mr. HALE. The joint resolution was withdrawn because certain Senators were not here who wished to address the Senate during its consideration. I would like to have it brought up at the earliest possible moment. It is an important measure that should be settled, and the commission, whatever it may be, should get to work on an investigation of the disaster.

Mr. SWANSON. The Senator can move to bring it up in the regular way. He had nearly a whole day devoted to the consideration of the joint resolution, and then he withdrew it because, as I thought, he could not get it passed.

Mr. HALE. It could not have been finished that afternoon under any circumstances.

Mr. SWANSON. I object.

Mr. HALE. I give notice that I shall move to take it up at the earliest possible moment; if not before, immediately following the final disposition of the pending unfinished business, the merchant marine bill.

Mr. SIMMONS. Mr. President, in this connection I ask unanimous consent to have printed in the RECORD an article entitled "What is the truth about the *S–4*?" written by Mr. Courtenay Terrett, a newspaper correspondent who was present all the while during the activities of the Government to recover the submarine and rescue its inmates. The article appears in the Outlook for January 11, 1928. I had intended to have it read to the Senate, but it is too long, so I am going to content myself by asking unanimous consent to have it printed in the RECORD. But I want to call the attention of Senators to the article, written by this newspaper man of repute, I understand, as being worthy of their reading and consideration.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

WHAT IS THE TRUTH ABOUT THE "S–4"?

By Courtenay Terrett

(Mr. Terrett was one of the correspondents who went to Provincetown to see the Navy rescue six living men trapped in the torpedo room of the sunken submarine *S–4*. The effort quickly degenerated into a plain job of salvage. The story Mr. Terrett tells of the actual consideration given to salvaging the ship as opposed to saving the lives of its survivors, is not pleasant reading. It may be, as he says, that suitable explanations can be made to naval boards of inquiry and congressional committees; but his facts are hard facts, and one or two are capable of a sinister interpretation.)

The sea wind riffled the water and broke up the white-gold patches of reflected light into shimmering streaks. The scattered fleet seemed to lie in a restless moonlit sky, the anchor chains barnacled with stars.

All but one vessel.

The *Falcon*, long and low, stood out as whitely against the liquid darkness as a medieval painting of the Holy Grail. Batteries of strong lights scoured the decks on which 200 men were working late and hard, and the illumination ran off to spread in a glowing film over the waters around the ship.

At the stern two hose lines trailed off into the burnished water, and a diver, whiter in his rubber suit than a naked man, stood clumsy and hideous on a platform slung out over the rail by a crane. He was going below, 17 fathoms under that bright surface, where lay the gashed and flooded carcass of the submarine *S–4*.

The two hose lines led down to her. One had been made fast two hours earlier, at 1 o'clock, and was now pumping sweet, living air into the fetid forward torpedo compartment. It was this diver's purpose to attach the second air hose.

One would have thought that men were being saved from death, that these measures were parts of a rescue operation.

Indeed, they might have been but for one fact:

The six men who had survived the submarine's quick plunge to sea bottom happened to be dead, and not all the air covering the earth nor all the divers in all the navies could bring them back to life.

This was midnight of Wednesday, December 21, and they had been dead for hours if not for days.

It had been the preceding Saturday afternoon that the rum-chasing Coast Guard destroyer *Paulding*, seeing nothing of the submarine tender *Wandank* or its flag warning that a submarine was running on the test course outside Provincetown Harbor, had slashed into the ascending *S–4*, cut her halfway through amidship and sent her to the bottom with tons of green sea water in her belly. Thirty-four men died then.

Explanations will be offered as to why air was not pumped in to the six living men on Sunday afternoon, when it was pumped in, three days later, to six dead men.

There will be technical explanations offered by men anxious to explain, and they may satisfy a naval board of inquiry or a congressional investigation.

But they will never satisfy those of us who for five maddening days watched a slowly assembling fleet of rescue ships, equipped with the best available apparatus and manned by a thousand experienced men, lying over the sunken submarine and accomplishing nothing toward saving those six known survivors.

In retrospect it seems that rescue was never in the Navy's plan, but only the salvage of a fighting machine which cost upward of $3,000,000 to build and might be reconditioned at an expense less than replacement.

This view is unfair, perhaps, for there were men and officers in that fleet who were feverishly anxious to do something, anything, that might save the six, and who were heart-sick and incautiously resentful when they knew that the chance had passed. Yet the facts are challenging.

The Coast Guards men located the *S–4's* resting place Saturday night after dragging the ocean floor for hours from small boats, and a buoy was put down to mark the spot.

Already the destroyer *Sturtevant* and the mine sweeper *Lark* were at the scene. The *Lark* had diving equipment aboard, but it was not used that night. Morning found the *Bushnell*, fitted for divers, the *Falcon*, bearing the fullest of diving equipment, and the mine sweeper *Mallard* at the scene, and displayed a sea far calmer than that of the night before. Yet it was well past noon on Sunday before the first diver went down; for, though ships were watching all through the night, the marking buoy had broken free and the *S–4's* position was lost.

Again the small boats swept and dragged the sea bed. Hours passed, and no man knew whether 40 men lived below. At length the Coast Guards men found the *S–4* again. Another buoy was put over to mark the spot. Divers on the *Falcon* climbed into their awkward dress and slowly descended through the 102 feet of sea.

They found, down in the darkness of 17 fathoms, the ship resting on an even keel. A deep wound half severed her, slashing through the control room below the conning tower, and her deck was a tangle of wires and rails and twisted plates.

The divers plodded around through the mud, exploring the wreck. Thomas Eadie, one of the best of them, tapped a bar against the plates of the forward torpedo compartment and got a muffled answer. He went aloft, slowly, and into the decompression chamber, and came out to announce that men still lived down below.

Other divers went down. They confirmed Eadie. Finally, late, an air line was run over the *Falcon's* stern and a diver attached it to the wreck.

It was not run to the compartment where men were known to be alive. It was attached to another part of the ship. Secretary Wilbur says that it was attached to the general air-distributing system. But the men at the scene that night announced that it had been attached to the forward ballast tanks, and explained that its purpose was to push some of the water out of the *S–4* and lighten her for raising.

Rear Admiral Frank Brumby, in command of the fleet, himself wirelessed to Washington:

"Divers now securing salvage air lines to tanks."

And a few hours later he reported, "Blowing air from *Falcon* to tanks."

There was no mention in those messages of sending air to the compartment where men were alive; the word "salvage" is notable, also, as being the admiral's choice over "rescue."

Simon Lake, the inventor of the even-keel submarine, says that the operation of putting an air line into the torpedo room is no more complex than boring a hole in the hull, even with an ordinary breast drill, and plugging the hose end into it as the drill was withdrawn.

Before the men died they opened the inside valve of the S-C tube, "the listening telescope" rising through the roof to project above the deck. The company which manufactures these tubes says it is "just a plumber's job" to fit a hose to them, requiring no more than five minutes and needing no special fittings. It was apparently not even considered at the time.

Instead air was pumped into the ballast tanks until after midnight.

Then, when "Whitey" Michaels, a well-known and daring diver, was brought to the surface with a bad attack of the "bends"—air bubbles in the blood system, resulting from too long exposure to great pressure—the *Falcon* cast off the air lines and steamed to Boston to place Michaels in a hospital.

The explanation was offered when it returned in the evening of the next day that it was the only vessel in the fleet possessing a decompression chamber and that it was necessary to keep Michaels in this chamber to save his life; further, that the increasing roughness of the sea made diving impossible, anyway.

The officers who bellowed a brief excuse over the ships' sides at reporters who hung about in wave-tossed open fishing boats angrily refused to speculate upon what the situation would be if the storm should suddenly subside with the *Falcon* still miles away.

Fortunately for the peace of conscience of the *Falcon's* officers and Admiral Brumby, the sea did stay rough all day Monday and all day Tuesday.

The rescue fleet lay about idly, impotently. The submarine *S–8* lay anchored above her stricken sister and listened for signals. A few came up, slowly hammered out, piteous and yet courageous calls for air and food and water, but always for air.

Long since the air in the torpedo room had been exhausted. The six were living now upon the precious oxygen contained in five steel bottles, and they asked, "Is there any hope?"

The men up above lied, perhaps knowingly, perhaps not.

"There is hope" they signaled back.

In midafternoon Tuesday the reporters in the fishing boats saw with amazement the *Bushnell* and the *Falcon* up anchor and hurry into the harbor.

They followed the Navy ships into the harbor and, while junior officers howled angry orders to keep off, the newspaper men called for the admiral. He came to the rail and identified himself by pointing to the gold braid and leaves on his uniform cap.

One newspaper man called to him, "Have you quit?"

The admiral's answer was an explosively negative.

"Then why did you come in?" he was asked.

There was another angry rumble, "Because I wanted to," he shouted and stalked into his cabin out of earshot of other annoying inquiries.

The attitude of hostility toward the press—an attitude that this was purely a Navy matter and that the public had no right to be interested in what was being done to save six men imprisoned at the sea bottom—was relaxed only once in the first three days of the "rescue."

The exception was Captain Struthers's courteous reception of a boatload of newspaper men Monday afternoon. He assisted them in boarding the *Bushnell* and offered coffee and sandwiches. But what they wanted was information.

They asked what was being done, what was going to be done, what could be done. He hesitated, evaded. They asked if further messages had been received from the doomed six. He said vaguely that there had been one "some time that morning about oxygen bottles." They asked for its literal reading. They asked if the names of the imprisoned six had not been communicated in any of the messages. They asked many questions and got few answers.

They went ashore and found that the information they sought, and which in some cases the *Bushnell's* commander had denied knowing, had been given out at Washington.

It was on Tuesday, the day marked by the admiral's unexplained retreat from the open sea to the harbor's comfort, that the possibility of introducing an air line by way of the S-C tube was first mentioned.

Until that time the discussion of getting air to the men in the *S–4* had centered about introducing oxygen bottles into the torpedo tubes, a process necessitating the fitting of water-tight collars about the bottles to make it fit the tubes.

Then, apparently, some one recollected that the S-C tube, or listening device projecting up through the deck from the torpedo room, might afford an inlet. Fitted with a pet-cock valve inside, it provided a 2-inch pipe through which air might be pumped.

Junior officers were asked—for those in authority did not care to be asked questions—why this had not been thought of while the divers were down Sunday afternoon. They said, defensively, that the process was also one requiring special fittings and would take time.

A sailor commented in a low voice, "Any dumb plumber could do it in five minutes."

The even easier method of merely boring a hole in the hull and quickly plugging it with the end of an air line was dismissed as totally unfeasible.

On these two days while the fleet lay idle it was supplemented by the arrival of tugs towing pontoons, by two great derrick lighters from Brooklyn. These devices, necessary to any operation with a view to raising the submarine, had been started long after the news of the *S–4's* sinking.

The pontoons had not been started until Sunday morning instead of Saturday evening, and one of them, springing a leak, held half of them back a full day in the slow tow from Brooklyn to Provincetown.

But all was in readiness when Wednesday dawned. The bright sun showed a sea that was smooth and clear. Within the harbor the water scarcely rippled, and outside Long Point the waves were as slight as on any fine summer day. Yet the press boats, hurrying out with the expectation of finding divers busy and rescue operations progressing with feverish haste, found nothing being done. At 11 o'clock no diver had gone over the side.

At 1 o'clock the newspaper men discovered that once more small boats were out trailing hawsers, dragging the sea bed.

One of them was hailed: "What are you looking for?"

"The sub," called back a sailor, and a petty officer slapped him on the back with an order: "Keep your damn mouth shut."

On the *Falcon* and on the *Bushnell* gold-sprigged gentlemen grew apoplectic at the inquiry as to whether the submarine had been lost a third time. Divers were already descending, they pointed out; they would not go down unless they knew where the submarine was. Nevertheless an hour later it was officially admitted at Charlestown Navy Yard in Boston that the rescue fleet had lost the *S–4*.

It was nearly sundown—5.27 to be exact—before the wreck was relocated.

Then the Coast Guards men rediscovered it for the third time. A buoy, the third, was again attached. Divers went down into the water, which the burning floodlights pierced for a few feet. Underwater lights were lowered with them, and with fair facility an air line was finally attached to the S-C tube.

The diver who made it fast—at 11 o'clock—reported that the inner valve of the tube had been opened by the men in the submarine.

There had been no message, no coherent, intelligible signal from below for more than 24 hours.

The six men were dead and everyone knew it, but the air began flowing down into the compartment where they lay. In four hours the air had been entirely replaced by fresh air, it was computed.

What was the use? they asked in the fishing boats and on shore. And they answered it themselves. The Navy had to make some gesture of self-justification.

All night the *Falcon's* pumps forced air down through the long hose lines into the six men's crypt. The next morning a handsome and smartly tailored young officer arrived from Boston. He was instructed, he explained winningly, to establish a cordial liaison between the fleet and the newspaper men. He would make four trips a day from shore to interview Admiral Brumby and bring the information back to the reporters.

He made this explanation to the 15 men still left at the village, for more than half of the reportorial crew had already departed, knowing that no rescue story would or could be written. Only a salvage job remained.

With this officer, in charge of a petty officer, came three pulmotors, for reviving asphyxiated men.

They might have been useful 36 or 48 hours earlier. They should have been on hand on Sunday.

But then, so should the pontoons and the derricks.

So, with the equipment finally complete down to a liaison officer and a pulmotor expert, and with two hose lines still pumping air into the *S–4's* torpedo room, Admiral Brumby announced on Thursday noon:

"I have no doubt that there is absolutely no life aboard the *S–4*."

No one else had, either.

His announcement brought down puzzled queries, biting denunciations, upon the Navy Department; and next day Curtis Wilbur, the author of Susie Bear and holder of the Naval Academy tambourine-kicking record, journeyed to Provincetown, comforted his officers, and denounced their critics. Every effort, he announced, would be made, and at once, to salvage the submarine.

If all goes well, sorrowing families will have the bodies of their sons before spring.

PUBLIC HIGHWAY AT ALDERSON, W. VA.

Mr. NORRIS. Mr. President, the Senate Committee on the Judiciary reported the bill (S. 2215) to authorize the construction of a public highway to connect the town of Alderson with the village of Glenray, W. Va. The House passed an identical bill which came to the Senate and was referred to the Committee on the Judiciary. I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the House bill and that it be taken up for immediate consideration.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Nebraska? Without objection, the committee will be discharged and the bill will be read.

Mr. NORRIS. I will explain the bill. There can not be any objection to it. I make this request because I do not want the Senate to take up, on a call of the calendar, and pass the Senate bill when the House has passed an identically similar bill. They are word for word the same. All the bill does is to grant permission, on the part of the Government, to the town of Alderson, W. Va., to construct a highway across the Government property there.

Mr. ROBINSON of Arkansas. The Senator merely contemplates placing the House bill in the position on the calendar which the Senate bill now occupies?

Mr. MOSES. Oh, no; more than that. He asks for the present consideration of the bill.

Mr. NORRIS. I ask to take up the House bill now for consideration.

The VICE PRESIDENT. Is there objection?

Mr. ROBINSON of Arkansas. May I suggest that the Senator should first substitute the House bill for the Senate bill?

Mr. NORRIS. Yes; that will be done.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9022) to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va., which was read, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized and empowered to grant to the town of Alderson, W. Va., subject to and under such conditions and regulations as the Attorney General shall from time to time prescribe, and subject to revocation at such time as in his judgment the interests of the United States require it, the right to construct and maintain upon and across the eastern end of the premises occupied and used by and for the Federal Industrial Institution for Women at Alderson, W. Va., a public highway to connect the town of Alderson with the village of Glenray.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NORRIS. I move that the bill (S. 2215) to authorize the construction of a public highway to connect the town of Alderson with the village of Glenray, W. Va., be indefinitely postponed.

The motion was agreed to.

PETITIONS AND MEMORIALS

Mr. STEPHENS presented the following concurrent resolution of the Legislature of the State of Mississippi, which was referred to the Committee on Commerce:

Concurrent Resolution 3, memorializing Congress to take over and assume flood control on the Mississippi River

Whereas flood control of the Mississippi River is obviously a matter of national interest and concern and falls within the legitimate scope of direct Federal action, the jurisdiction of the United States over the Mississippi River being paramount to that of the several States bordering thereon; and

Whereas the States bordering on the Mississippi River are wholly unable to cope with the flood situation and to prevent loss of human life and calamitous destruction of property caused by the overflowing of the river within their respective territories; and

Whereas in order to prevent further injury from floods emanating from the Mississippi River a governmental course or policy toward said situation should be adopted and immediate governmental action undertaken to restrain and control said floods: Now therefore be it

Resolved by the House of Representatives of the State of Mississippi (the Senate concurring), That the United States Government be, and it is hereby, urged to take over and assume at the earliest practicable moment the function of flood control on the Mississippi River as a matter of entire and exclusive Federal action; and that the Congress of the United States be, and it is hereby, memorialized to at once enact such statutes as may be necessary, proper, or incidental to said course, and to effectuate the said policy of exclusive Federal flood control in areas affected by the overflow of the Mississippi River: Be it further

Resolved, That officially certified copies of this resolution be mailed and presented to the President and Vice President of the United States and to the Members of the Congress.

Adopted by the house of representatives January 5, 1928.

Adopted by the senate January 9, 1928.

I, Walker Wood, secretary of state of the State of Mississippi, do hereby certify that the above and foregoing instrument entitled "Concurrent Resolution 3" is a true and correct copy of Concurrent Resolution 3 of the Legislature of the State of Mississippi at the 1928 session thereof as same appears on the enrolled act of said concurrent resolution now on file and a matter of record in the office of the secretary of state.

Given under my hand and the great seal of the State of Mississippi hereunto affixed this 20th day of January, 1928.

[SEAL.] WALKER WOOD,
Secretary of State.

Mr. WARREN presented resolutions adopted by the Lions Clubs of Cody and Lusk, Wyo., favoring the making of adequate appropriations for reforestation work, which were referred to the Committee on Appropriations.

He also presented resolutions adopted by the Lions Clubs of Lusk and Cody, Wyo., favoring the passage of legislation to aid in insuring an adequate growth of timber, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Saratoga Valley (Wyo.) Stock Growers Association, protesting against the lowering of tariff duties on beef and beef products imported into the United States, which was referred to the Committee on Finance.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

A bill (S. 2786) to authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co., and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate; to the Committee on Territories and Insular Possessions.

By Mr. BRATTON:

A bill (S. 2788) for the relief of Charlie McDonald; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 2789) for the relief of Erite Jones and Melissa Williams; to the Committee on Finance.

By Mr. GEORGE:

A bill (S. 2790) to authorize the reappointment of George F. Seyle as second lieutenant in the United States Army; to the Committee on Military Affairs.

A bill (S. 2791) to provide for the payment of an annuity to certain employees of the Postal Service; to the Committee on Post Offices and Post Roads.

By Mr. McMASTER:

A bill (S. 2792) reinvesting title to certain lands in the Yankton Sioux Tribe of Indians; to the Committee on Indian Affairs.

A bill (S. 2793) making an appropriation for the construction of a highway, known as the Spearfish Canyon Highway, in Lawrence County, State of South Dakota; to the Committee on Agriculture and Forestry.

By Mr. BROOKHART:

A bill (S. 2794) granting an increase of pension to Margaret Talbert (with accompanying papers); to the Committee on Pensions.

A bill (S. 2795) to amend subdivision c of section 47 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended; to the Committee on Banking and Currency.

By Mr. NYE (by request):

A bill (S. 2796) to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.; to the Committee on Public Lands and Surveys.

By Mr. DILL:

A bill (S. 2797) authorizing the Secretary of the Interior to grant a patent to certain lands to Minerva E. Troy; to the Committee on Public Lands and Surveys.

By Mr. MOSES:

A bill (S. 2798) granting an increase of pension to Sarah R. L. Church (with accompanying papers); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 2799) granting an increase of pension to Sarah Jane Selvy (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 2800) authorizing E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 2801) granting the consent of Congress to the new Martinsville & Ohio Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River; to the Committee on Commerce.

By Mr. ODDIE:

A bill (S. 2802) to provide for the appointment of five midshipmen each year at large by the Vice President of the United States; to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 2803) granting an increase of pension to Agnes Austin (with accompanying papers); to the Committee on Pensions.

A bill (S. 2804) to amend section 812 of an act entitled "An act to establish a Code of Law for the District of Columbia," as amended; to the Committee on the District of Columbia.

AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. HAYDEN submitted an amendment providing that the Secretary of the Interior be authorized and directed to change and relocate the boundaries of the old Fort Apache Military Reservation, Ariz., now occupied by the Theodore Roosevelt Indian School by transferring such areas to the Fort Apache Indian Reservation as he may deem advisable by reason of the use and/or occupancy of a part thereof by Apache Indians and to transfer an approximately equal area of lands of the Fort Apache Indian Reservation to the Theodore Roosevelt Indian School reservation, etc., intended to be proposed by him to House bill 9136, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

NORTH PLATTE AND SARATOGA RECLAMATION PROJECTS

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (S. 1135) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

INVESTIGATION OF SINKING OF SUBMARINE "S-4"

Mr. TYSON submitted an amendment in the nature of a substitute intended to be proposed by him to the joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S-4*, and upon methods and appliances for the protection of submarines, which was ordered to lie on the table and to be printed.

CONDITIONS IN CHINA

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the junior Senator from Montana [Mr. WHEELER] entitled "Privilege holds China in subjection," which appeared in La Follette's Magazine for December last.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

PRIVILEGE HOLDS CHINA IN SUBJECTION—MILITARISM, GRAFT, AND PROFIT BATTLE AGAINST NATIONAL SOVEREIGNTY AND DEMOCRACY FOR CELESTIALS; CRY OF BOLSHEVIK A BOGEY

By BURTON K. WHEELER, United States Senator from Montana

(Senator BURTON K. WHEELER, of Montana, author of the article that follows, as our readers well know, is one of the most progressive and fearless fighters for the public interest of his day and generation. He was the candidate for Vice President on the Independent-Progressive ticket with Robert M. La Follette in the 1924 presidential campaign, in which Senator WHEELER made a strong impression on the country by his aggressive championship of the people's cause.

It was Senator WHEELER's unflagging interest and zeal in prosecuting the investigation of the Department of Justice that forced Attorney General Harry Daugherty to resign, together with William J. Burns, head of the secret service. This led the Department of Justice to institute a vindictive suit, charging Senator WHEELER with having appeared before the Department of the Interior in violation of a Federal statute. Readers know how this charge was repudiated, first, by the Senate's indorsement of its investigating committee's declaration that Senator WHEELER had at all times observed not only the spirit but the letter of the law; second, by the Montana jury's immediate acquittal when the Government brought its case, relying on a surprise witness, whose testimony was manifestly perjured; third, by the decision in favor of Senator WHEELER by the court of the District of Columbia, where, in its determination to "get" him and if possible destroy his usefulness, the Government had brought another suit on practically the same charge refuted by the United States Senate and the Montana jury. The persecution of Senator WHEELER for the performance of his public duty is one of the serious offenses for which the Coolidge administration is plainly answerable.

Following the adjournment of Congress last March Senator WHEELER, accompanied by Mrs. Wheeler, two sons, and a daughter, made a trip to the Orient, of whose conditions he wanted to get first-hand information. Returning to Montana, Senator WHEELER spent the remainder of his vacation in speaking to audiences, including high schools, over the State, giving his constituents the benefit of the personal knowledge he had gained of the part of the world he had visited. We are indebted to the North American Newspaper Alliance for the privilege of printing the following account of Senator WHEELER's observations and conclusions as to conditions in China.—Editor's note.)

If you are one of those sentimental souls who wants to believe, and therefore does believe, that the Chinese people are like so many Americans, with the same ideals, whether high or low, and but for the interference of foreign governments they would to-day have a government patterned after our own, go there. Or if you are one of those fanatics who believes that there is a bolshevik behind every sage bush and that the Third Internationale at Moscow is responsible for every bit of unrest in the world, then you ought to go to China.

Of course, if you go there and only talk with the northern dictator, Chang Tso Lin, you would come away convinced that he with his many wives was trying to save not only China but the United States and the British Isles from bolshevism.

DELUSIONS ABOUT CHINA

I must admit that I went to the Orient last March with many delusions about China, and how the Chinese were being exploited by foreigners and that the foreigners had never helped but only hurt the Chinese people. I had read of their art, of their culture, and of their civilization before the days of Marco Polo. At Peking I saw the marvelous palaces, the works of art, and the great wall.

At Nanking I visited the tombs of the dynasty, saw the animals carved from stone, the great wall surrounding the city, and was brought to the inevitable conclusion that here at one time had dwelled a great people who had builded a great nation.

Now, I saw between 400,000,000 and 500,000,000 people—poverty stricken, diseased, dejected, and miserable, most of them living on less than 10 cents a day. How, I asked myself, is it possible for a nation that once boasted of the highest civilization to sink to the lowest depths of degradation? Was it the foreign imperialist who ingratiated himself into their confidence and then exploited them? It couldn't be that, because there were no foreigners in China then. Was it the Third In-

ternationale in Moscow with their preachings against imperialism, etc., that caused this catastrophe? No; because there was no Third Internationale then. Was it any other foreign intrigue? No.

Well, then, what was it? It was simply the selfishness and the greed of the leaders of the Chinese people who exploited their own people for their own benefit and who preached the doctrine so familiar to the ears of some of us in this country, that we should worship at the shrine of our ancient ancestors, believe the same things that they did.

The Chinese people did not progress in their religious, political, or economic ideas. They were satisfied and contented, and they retrogressed.

MISERY AND POVERTY ABOUT

It is most difficult for the average American to obtain a correct mental picture of the misery and poverty in China to-day unless he goes there. There is one vision that haunts my sight day and night. I see the gaunt and stunted forms of little children robbed of the joys of childhood; the joyless and hopeless faces of women stubbing along their way on bound feet; men stooped and staggering under loads too heavy for beasts of burden to bear, and in the features of all marks of sin, disease, suffering, despair; blind girls sold into a life of shame. I see the narrow streets and dark alleys with their filth; boys and girls, men and women, sleeping in the doorways and upon the docks without clothes. I know of the illiteracy, of the ignorance, and the superstition of the people. I realize how they have been victimized by selfish and unscrupulous war lords. Then I ask myself how it is possible to lift these people out of this human cesspool, build a nation which shall represent the people, raise their standards of living, and give them an education.

There can be no question in the minds of any sane person that the Chinese upper classes have in the past, and are to-day, exploiting their own people in the most vicious manner. There is no question but what the Chinese upper classes are more cruel and inhuman than Americans. There is no question but the foreign employers of labor treat their employees better than do the Chinese employers, furnish them with more sanitary places in which to work, pay them a little more wages, and in most instances work their employees shorter hours. But to those of you who think that the American business man in China is there for the purpose of helping the Chinese I wish to narrate a conversation which took place at a luncheon in Shanghai.

LOSE AMERICAN IDEALISM

There were present representatives of several American firms, and naturally the conversation drifted onto the Chinese situation. Some of them felt that the administration at Washington was not pursuing the proper course. They felt, I gathered, that the administration should take a firmer stand against the nationalist. Wishing to learn what these men thought of the character of the nationalist leaders, I inquired as to what kind of a man Chang Kai Shek was. One member of this group, not having permission to use his name, I shall refrain from doing so, spoke up and said: "Chang Kai Shek is a pimp, always has been, and always will be." He further said that "all of the nationalist leaders were no good," that "when they took Shanghai they immediately called upon him and insisted he pay his men more money, notwithstanding the fact that he was paying them more money than anyone else engaged in the same line of business." I was curious to learn what reason there could be for the nationalists to single him out and asked him how he explained it. He then said: "You see, I employ Chinamen to work for me, and they in turn buy boys to work for them. They furnish them with chow and a few clothes, and they [nationalists] included these boys among my employees."

I asked him if he was not receiving the benefit of the labor of these boys. He admitted he was, but added: "They would sell these boys to the Chinamen, but they would not sell them to me, although I would treat them better than the Chinamen." I do not believe that this would-be slave owner represents the spirit of many American business men. I cite it to you as an extreme case. But, nevertheless, I am firmly convinced that, unfortunately, many Americans who go to China lose their American idealism, if they ever had any to lose, and look upon the Chinese as an inferior race of people who are here upon this earth for the purpose of acting as serfs and slaves for those of us who are fortunate enough to be born white.

Throughout the Orient, and particularly in the Philippines, when you speak of educating the oriental it is not at all uncommon to hear Europeans and Americans say: "To educate them is to spoil them." I may be termed a sentimentalist, a pink, or a whatnot, but I am unable to bring myself to believe that in the long run any race of people can be spoiled by the right kind of an education. You will hear it said that all the Chinese student learns in America is how to jazz, or that the Filipinos all want to become lawyers or doctors. That, of course, is unfortunate, but it does not apply to the orientals alone. In my judgment, what they need more than anything else is education—not the kind of education that teaches them to all become doctors, lawyers, or philosophers—but skilled mechanics, craftsmen, scientific farmers, etc.

Every time you educate an oriental you raise his standard of living and increase his wants. There are over 400,000,000 Chinese. As fast as they become educated they want American articles of all kind. The Standard Oil Co. to-day is selling them gasoline at around 50 cents (American money) per gallon, and also kerosene, which is a drug upon the American market. American tobacco interests are selling cigarettes to the Chinese now. We in the United States are producing more manufactured articles than we can consume. This Nation is bound to develop greater industrial capacity, even surpass the fondest dream of any industrialist, providing we can find markets for our products. The Orient will furnish the market.

ENGLAND'S POLICY FAILS

England's strong-armed policy in the Orient has failed. If the United States follows the advice of some of her pro-British citizens in the Orient she will fail. The Chinese hate the British. They have effectively boycotted British merchandise. The Standard Oil Co. has benefited by this boycott, as have other Americans. The British do not like it and want us to join with them, thus forcing the Chinese to boycott us all! This Government should send its most trustworthy men to the Orient to make an intensive study of the political and economic conditions in the Orient. You business men should not send the office boy to China and hope to succeed. China is not the best place to live. You prohibitionists will find it hard to drink the water and harder still to drink the booze and keep going in that climate. Too many Americans are trying that now.

The question is, Do we really want to help the Chinese? Most of you have not cared anything about helping them from any altruistic reasons, even though by so doing you were helping to build up the moral fiber of the world. That statement is not quite fair to you—you do care—you give anywhere from 10 cents to $10 a year for the foreign missions, and then forget about it—so you know you care. But it is different now. The time is at hand. It is not a question of sentiment—it is a question of hard-headed business. We are not as actively interested in the Orient as is Great Britain, because there is India. If China wakes up, what about India, and all the rest of her oriental possessions? What about the opium trade, etc.? One Britisher said to me: "You can not give the Philippines their independence. If you do, Great Britain or Japan will take them. We can not afford to see the Philippines have their independence for the effect it will have upon India." But the United States has no India. We are not as yet as dependent upon the Orient as England, but it is coming. Now is the time to prepare, not by treating them rough and telling them nothing, but by treating them kindly and telling them everything.

BOGIE OF BOLSHEVIK

Chang Tso Lin believes the only way to help China is by helping him. He would have you believe that he is not fighting to save the Chinese alone, but is interested primarily in saving the United States and the rest of the world from the bolshevik! I met him by appointment at 11 o'clock p. m. at his palace in Peking. He had been playing mah-jongg all the night previously, and so was unable to receive me in the day time. As I sat there and conversed with him I wondered whom he resembled that I had known. Finally I realized he resembled no one person but a type—the old-time western frontier gambler—slick, suave, cunning, insincere. You see them now only in the movies.

Yes; he with his many wives is saving the world and the United States from bolshevism, and when I told him that the sensible people of the United States were not worrying much about the bolsheviks because our farmers had a good crop of wheat and our workers had automobiles, he didn't seem to like it particularly. And then when I told him that the nationalist leaders had told me that they, too, were seeking only to help the Chinese people and to save the world from the bolshevik, and asked him why, if it were true that all of them were fighting for the same things, he and they didn't stop fighting, disband their armies, get together around a table, iron out their petty difficulties, and use the money that it cost for their armies to build schools, build roads, and endeavor to raise the standard of living of his own people, he was still more perturbed. He informed me that the Russians were the ones who were financing Chang Kai Shek. I didn't tell him that I had quite positive evidence that the oil interests had helped to finance some of the nationalist leaders by paying their taxes considerably in advance, and that I hardly thought they would have done so if they felt that all the southern leaders were as red as he would have me believe. It might happen, but it isn't likely.

DOCTOR WU A CALM LEADER

The southern general, Chang Kai Shek, was more open, more frank, and I felt more honest, though I was impressed with the fact that he did not seem big enough for the stupendous task he had before him. When I interviewed Chang Kai Shek I felt that he was somewhat discouraged. There were dissensions in his own ranks. He had the opposition of the foreigners, and opposition of the communists at Hankow, and the opposition of Chang Tso Lin, besides dissensions and petty jealousies that creep into any liberal movement the moment it meets with success.

Doctor Wu, the nationalists' foreign minister, whom I also interviewed, was educated in the United States, was extremely friendly to our people,

and wanted our aid and cooperation. In my judgment he is one of the most sensible and conscientious Chinamen with whom I came in contact. He is not antiforeign in any sense, unless wanting to correct certain abuses perpetrated by foreigners could be so considered. He is not a red, unless wanting to serve the cause of the mass of his people could be so considered.

Since we left China, Chang Kai Shek left Nanking, deserted the army he was leading, and, according to the press dispatches, intends to marry a beautiful girl and start a real war. I can hear the propagandist in Shanghai say, "I told you so—all grafters—all alike." But make no mistake about this, every southern general may sell out and quit, the southern army may be forced back, but the struggle between the north and the south, between the old autocratic conservative régime and the new democratic movement, will go on, and while I am neither a prophet nor the son of a prophet I am willing to hazard the guess that the liberal forces in China will win.

DEMOCRACY WILL WIN

The issue is militarism, graft, and special privilege over against national sovereignty and democracy. On the one side are war lords with armies of hirelings, grown fat and powerful, impoverishing the people by oppression and cruelties which rival the tyrannies of the dark ages; on the other side, students, teachers in the schools and universities, the merchants, often intimidated into silence, and the Christian population of China in an overwhelming majority.

The slogan of the northern armies, taken apparently from one of our detective agencies, is "Destroy the reds," and the watchword for the southern forces is "For the cause of the people." The nationalist movement has been discredited in the minds of many foreigners by excesses and crimes which have been committed. But the whole movement can not be damned by calling it "red."

We in America should help the Chinese to help themselves. The southern forces are encouraging the masses to become educated and are seeking to raise their standards of living. Whom besides the Chinese is that going to help? I am not speaking now except in the materialistic sense—whom besides the Chinese, I repeat, is it going to help if they become educated and their standards of living are raised? It will help all of the American people individually and collectively to a greater prosperity. The Chinese, like every other nation, is seeking to imitate the American. They want our products and we want to sell to them.

DIFFERENCE OF IDEALS

Those deluded souls who are asking us to join with Great Britain and Japan in an armed intervention of China entirely overlook the fact that even though we conceded for sake of argument that these nations would exercise only a sort of benevolent dictatorship over China and that it might be beneficial to China, it would most likely lead to a conflict between the nations themselves. Our interest in China and our ideals are so far different from these countries that such a combination must of necessity prove disastrous to us if not to all concerned. The only other alternative is to help in every way possible a sane and liberal Chinese movement or sit idly by, see it fail, and later see that country pass absolutely under the domination of Russia. You can't stamp out the seeds of bolshevism by shouting "Red," nor can you stamp it out with armies. You can only stop it by making conditions so much better that the majority of the articulate people don't want it.

China, with its misery, its poverty, and its disease, is the most fertile field in the world for the spread of bolshevism. Unless some group like the nationalists can hold out some hope to these 400,000,000 or more people that their condition is going to be better and ultimately actually make it better, China is bound to come under the influence, if not the absolute domination, of the Russian Government. Some say it isn't possible because of the large class of people owning small farms. But the farmers are not making money enough to meet their increasing wants, and, even if they were, you have the cities. You forget that it wasn't the farmers of Russia that started the revolution. The communists took charge of Leningrad and of Moscow and the revolution spread to the other cities. The control of the cities meant the control of Russia.

A JUMP FROM STARVATION

The Chinese worker is scarcely one jump from starvation. The occidental speaks to him when he wants a favor and curses him otherwise. The Russian talks to him, works with him, and spreads the gospel that the proletariat can rule China and make a better job of it than the war lord or the foreigner. They tell him it can't get any worse, and the Chinaman may think there is a possibility that it might get better. If China becomes allied with or under the influence of Russia, watch India, watch Japan, yes, watch for another world catastrophe.

It isn't the preaching of Karl Marx, or Lenin, or Debs that makes radicals—it is the short-sightedness and ignorance of those who call themselves smart among the ruling classes that permit conditions to become so deplorable that in desperation a slumbering mass of people wake up temporarily, act like wild men, kill their fellowmen, and take the reins of government into their own desperate hands.

Take your choice—help a Chinese moderate government in China or be forced to take a bolshevik China.

POLICY IN CHINA

Mr. BINGHAM. Mr. President, I ask unanimous consent to have printed in the RECORD a very informative article entitled "Has the United States a China Policy?" by Stanley K. Hornbeck.

The VICE PRESIDENT. Without objection, leave is granted. The article is as follows:

[Reprinted from Foreign Affairs, vol. 5, pp. 617–632, July, 1927]

"HAS THE UNITED STATES A CHINA POLICY?"

From the nationalist headquarters at Hankow there comes a "Manifesto to the American People" in which it is declared that "the Chinese people believe the American people are not aware of the crimes their Government is committing" in pursuit of a "catastrophic change in America's policy toward China."

Misinformation, misrepresentation, ignorance, credulity, emotionalism, and impatience render the Chinese masses easy victims of the agitator and American classes enthusiastic creditors of much that is incredible. In soil fertilized by one or more of these ingredients grew the Boxer uprising. In such soil have been cultivated the antiforeign manifestations of the Chinese nationalist movement. In such soil there flourishes in the United States a luxuriant crop of erroneous impressions with regard to conditions in China and with regard to what the United States, its Government, and its citizens are doing in China.

Impressions, opinions, assertions. There are in regard to the situation in China, and in regard to the problem which that situation presents, certain indisputable facts. Chinese leaders, groups, and factions are at war with one another. Some of them are actively hostile to the foreign powers, foreign nationals, and foreign influences. Political authority has broken down. Chinese soldiers and Chinese civilians have driven and are driving foreigners from their homes and their places of business. Articulate political China has declared and is demanding that the "unequal" treaties be done away with and that the privileges enjoyed by the foreign powers and foreign nationals in China be terminated.

For months there have been demands that the American Government "do something" in regard to China. From China, in so far as it is articulate, and from many quarters in the United States have come suggestions, advice, and demands with regard to the negotiation of a new treaty. After the adjournment (July 23, 1926) of the special conference on the Chinese customs tariff (Peking) the demand began to be voiced that the American Government "negotiate with China" at once and independently of the other powers. In January, 1927, Secretary of State Kellogg made public a statement affirming the willingness of the American Government to go on with the negotiations begun at Peking or to enter upon new negotiations with representatives of China at the earliest possible moment. A flood of suggestions and demands has ensued. From some quarters it has been urged that the Department of State propose formally to the Chinese minister in Washington that delegations be forthwith appointed; from some that the American Government appoint its delegates without waiting for the Chinese; and from some that it "confirm its readiness to negotiate" by "naming a delegation satisfactory to the Chinese." A prominent Chinese spokesman has urged that "the powers themselves should declare in irrevocable terms and unconditionally the terminating of all unequal treaties."

In studying the treaty provisions and the whole system which has arisen under the treaties in regulation of the contact between the Chinese and foreigners two facts should be kept ever in mind: First, this system has developed not without cause and reason. Second, whatever its faults, it exists; it rests upon law and contract; it has been the legal basis upon which many foreigners and more Chinese have ordered their lives, made their investments, created and carried on their business during several generations; and it can not be abolished suddenly without working injustice and great hardship to a considerable number of honest, law-abiding, hard-working, and progressive persons, both foreigners and Chinese, more of the latter than of the former.

It was urged until a few weeks ago by some Chinese and some Americans that the Government stake everything on the prospects of one Chinese faction, and advocates of this course declared that if the United States did not do this the Chinese people would "lose faith in America," would regard America as an imperialistic power, would consider her an enemy and would treat her as such. It has since been suggested that the American Government send a commission to China to investigate, authorized perhaps to negotiate. It has been suggested recently that the American Government should negotiate with both "governments" or with each and all of the various contending and competing authorities in China.

Always the demand that the American Government "do something"; frequently the demand that it "take the lead" in China; in many forms a demand for action, immediate action, and positive action.

Then came action. There was a change in the situation in China. Attacks on foreigners began. Missionaries were driven from their posts; the British concession at Hankow was overrun by a mob; it was announced that Chinese armed forces intended to take the

international settlement at Shanghai. Action. The British Government sent armed forces to China; the American Government and other governments sent armed forces. Then came the affirmation, with grave concern on the part of those who advanced it, that there had been a deplorable "change" in the policy of the United States toward China. Next came dispatches to the effect that the other powers were swinging toward the policy of the American Government—much to the gratification of Washington.

All within a few weeks—assertions that the United States has not a China policy, assertions that it has, demands that it do something, complaints when it does something, complaints because it does not do more, demands that its policy be changed, the affirmation that it has been changed, assurances that it has not been changed, and expressions of gratification that the other powers are inclining toward the American policy.

To the question asked a few days ago by one of the keenest men in Washington, "Has the American Government, really, a China policy?" the reply was and is: "Yes; it has—a policy so obvious, so simple, and so straight-in-line with American traditions and opinions that many people fail to see it because they are looking for something different."

The American Government has a China policy, based on well-established principles. The China policy of the United States has been and is, fortunately, a consistent policy. To anyone who will take the trouble to look into the history of American activities in the Far East during a century and a half of contact between the United States and China and then read the published statements of the President and the Secretary of State during the past two years and then examine the record of the past five years, this will appear a truism.

Probably the most common error made by those who study foreign policy is that of failing to distinguish between policy and plan of action, then between plan of action and detail of action, and finally between action which is negative—but nevertheless deliberate and consciously determined—and action which is positive and expressed in movement.

In the field of foreign relations every government has a twofold duty: first, to safeguard the lives and interests of its own citizens; second, to respect the rights and susceptibilities of the people of other countries. In relations between the United States and China, successive American administrations have established in reference to this twofold duty a record of performance with which neither the American nor the Chinese public, as they look back over it, find much fault. And the present administration is not ignorant of or indifferent to that record.

American Far Eastern policy has been shaped by the belief of the American people that free states should remain free—in the Orient as elsewhere—and should be encouraged to develop peacefully along their own lines without political interference. In this respect the far eastern policy of the United States has sprung from the same root in American thought from which sprang the Monroe doctrine in relation to the Western Hemisphere. In relation to China, as earlier in relation to Japan, the American people and the American Government have looked with disapproval upon tendencies toward imperialistic adventure or partition or absorption by foreign states. This attitude and policy have run a clear course. (In the amended text of the preamble to the Porter resolution, as passed by the House of Representatives on February 21, 1927, it is stated: "* * * The United States, in its relations with China, has always endeavored to act in a spirit of mutual fairness and equity and with due regard for the conditions prevailing from time to time in the two countries." This is a fair statement.)

American interest in China has been chiefly commercial and cultural. To China from America there went first, merchants; second, missionaries; third, diplomats. No American soldiers went to China until 1900.

In the early days of the Canton trade, before the first treaties, "In every issue between the foreigner and the Chinese, the important question was whether the Americans would find it most to their profit to stand with the English or with the Chinese." This continued after the signing of the treaties. "Sometimes the Americans stood with the British for concerted action, but when the concerted action proposed by the British would have a tendency to weaken the Chinese merchants, or when the British adopted policies directly inimical to the American trade the Americans were disposed to support the Chinese." (Tyler Dennett, "Americans in Eastern Asia," p. 53.)

When diplomatic relations began, the principal positive objective of American policy in China was—as it had been and has been elsewhere—to insure for Americans equality of opportunity. In the treaty which Caleb Cushing concluded, equality of treatment was promised by China to the United States. (As in the preceding British treaties, the provisions with regard to the tariff and extraterritoriality were unilateral, but it needs to be taken into consideration—though it seldom seems to be—that all of the far eastern treaties of that period were concluded with a view to regulating contacts on oriental, not on occidental soil. The west went to the east; for a long time the east did not reciprocate; there was, therefore, in those early days no occasion for and probably little thought of "reciprocity.")

The "second plank in the platform of American policy" toward China was laid down in the period of the Taiping rebellion. Humphrey Marshall, American commissioner, took the position (1853) "* * * that the highest interests of the United States are involved in sustaining China—maintaining order here [at Shanghai] * * * rather than to see China become the theater of widespread anarchy and ultimately the prey of Eureopean ambition"; and later, "it is my purpose to perform, punctiliously, every obligation assumed by the United States under the treaty, and to refrain from embarrassing the public administration of Chinese affairs by throwing unnecessary obstacles in the way." The American Government became of the same mind; its policy became that of respecting China's sovereignty and helping the Chinese authorities to maintain the political and administrative integrity of the empire. (See Tyler Dennett, "Americans in Eastern Asia," pp. 215–220.)

Shortly thereafter, though Americans in China, including officials, merchants, and some missionaries, urged that the United States cooperate with European governments in the use of force, the American Government resolutely refused to be drawn into the armed conflict. ("The aggressiveness of the American missionaries in their disposition to force the opening of the Empire is notable. It is entirely in accord with what had been the prevailing spirit in missionary circles from the beginning." Tyler Dennett, "Americans in Eastern Asia," p. 563. "* * * From 1830 to about 1900 'American' missionaries carried on most of the actual intercourse between the Governments of China and the United States * * *" and, "* * * so far as I can discover the generality of the missionaries approved of both the necessity of the 'rights' and of their being made treaty provisions. * * *." Frank Rawlinson, "Chinese Recorder," November, 1925, p. 721.)

Fifteen years later, in the only treaty which Anson Burlingame succeeded in concluding, it was reiterated that the sovereign rights of China must be respected and the principle of equal opportunity for all nations to compete "in trade or navigation within the Chinese dominions" be respected—in accordance with, but not beyond, "the treaty stipulations of the parties." (In that treaty, too, were included several wholly reciprocal provisions; and there was laid down the principle (Article VIII) of nonintervention in China's domestic administration.)

It remained for John Hay to formulate in 1899 the doctrine that, in reference to their "spheres of interest" in China, the powers should follow, with regard to each other and to the world, the principle of equality of opportunity; and to suggest in 1900 that the powers pledge themselves to respect China's territorial and administrative entity. The Hay notes committed the United States, and those of the other powers whose replies were favorable, to the principle of cooperation in a course of self-denial and restraint. The principle of cooperation was followed by most of the powers in 1900; and during the negotiations of 1900–1901, in the post-Boxer settlement, the American Government did everything possible to make effective the feature of restraint.

In 1902 and 1903 the British, the American, and the Japanese Governments assented by treaty to an increase in China's tariff rates simultaneously with the abolition by China of likin duties, and agreed to relinquish extraterritorial rights when satisfied that the state of Chinese laws and arrangements for their administration and other considerations should warrant.

In 1915 the Wilson administration served notice that it would recognize no agreement which China might be forced to make which would impair "* * * the political or territorial integrity of the Republic of China, or the international policy relative to China commonly known as the open-door policy." In 1918 President Wilson approved of American participation in the new consortium in the belief that only by participation could the American Government exercise a restraining influence which would be in the long run to China's advantage. At the Paris conference President Wilson labored hard over China's case. He failed to break the arrangement which had been concluded two years earlier among four other powers. But the American Senate and the American people stood with China—the principle involved being that of preserving China's independence and territorial integrity—until at Washington agreements were arrived at between Japan and China whereby the "lost rights" in Shantung were restored to China.

At the Washington conference, with the American Government playing the leading part, the principal powers concerned (including China) committed themselves to a common understanding with regard to equality of opportunity in China, respect for China's sovereignty, and noninterference in China's domestic affairs, and in these agreements the underlying principle was that there should be cooperation in a course of forbearance, self-denial, and restraint.

Three years went by before the last of the powers signatory to the Washington treaties deposited its ratification of the treaty concerning the Chinese customs tariff and enabled the Chinese Government to ask for the assembling of that conference. On September 4, 1925, the powers sent identic notes to the Chinese Government. In its participation in this note the American Government said: "* * * The United States is now prepared to consider the Chinese Government's proposal for the modification of the existing treaties."

Two days earlier (September 2, 1925) Secretary Kellogg had stated in a speech at Detroit the principles of the Chinese policy of the American Government, as follows: "In brief that policy may be said

to be to respect the sovereignty and territorial integrity of China, to encourage the development of an effective stable government, to maintain the open door or equal opportunity for the trade of nationals of all countries, to carry out scrupulously the obligations and promises made to China at the Washington conference, and to require China to perform the obligations of a sovereign state in the protection of foreign citizens and their property."

The American Government forthwith sent its delegation to the tariff conference at Peking prepared to go the limit to which other powers might be moved to go toward creating in and for China an improved fiscal situation, and at the conference the American delegation did its utmost to carry out the spirit of its very liberal instructions and persisted in the hope that an agreement would be reached until, in July, 1926, the Nationalist Government (then at Canton) served notice that it would recognize no engagement which might be entered into by the Peking government.

The commission on extraterritoriality pursued for nine months its investigation of the laws and administration of justice in China. The American member of the commission took a leading part, as chairman, in drawing up suggestions and recommendations as to steps which should be taken both by China and by the powers toward producing conditions which would warrant the powers in giving up their rights in this connection. In their report the commissioners expressed unanimously the opinion that there should be a period of transition, by agreement and program, rather than abrupt destruction of such legal structure and arrangements as exist in China before another system has been made ready to take its place.

In a statement on January 27, 1927, Secretary Kellogg said with regard to the Chinese tariff and extraterritoriality: "The United States is * * * prepared to enter into negotiations with any government of China or delegations which can represent or speak for China * * * for * * * entirely releasing tariff control and restoring complete tariff autonomy to China. * * * The United States is prepared to put into force the recommendations of the extraterritoriality commission which can be put into force without a treaty at once (the American Government has since taken certain steps in this direction) and to negotiate the release of extraterritorial rights as soon as China is prepared to provide protection by law and through her courts to American citizens their rights and property. * * * The Government of the United States * * * is ready * * * to continue the negotiations on the entire subject of the tariff and extraterritoriality or to take up negotiations on behalf of the United States alone." But, "Existing treaties which were ratified by the Senate of the United States can not be abrogated by the President but must be superseded by new treaties negotiated with somebody representing China and subsequently ratified by the Senate of the United States."

During the past four months it has been demonstrated that there exists in China no governing authority which can guarantee to foreigners in certain areas either protection in situ or safe conduct to places of security in China or to points of departure from China. The American Government has dispatched to China naval and land forces, as have other governments, for the protection of its nationals. American naval vessels have been used to assist in the evacuation of foreigners from points in the interior. (The foreign governments have asked or ordered their citizens to come out from points in the interior. The American Government has no means of forcing American citizens to come out, but it has done everything possible to get them to come and has provided them with transportation facilities.) In several instances when fired upon by Chinese armed forces they have returned the fire. In one instance only have they fired without first having been fired upon—when, at Nanking, after foreigners in the city had been under Chinese fire all day and some had been killed, they threw a barrage around the Socony Compound to make possible the escape of a group of foreigners who were in imminent danger of their lives at the hands of Chinese soldiers. American marines have been landed at Shanghai and are participating there in maintaining order in the foreign-administered area (within which are resident some 40,000 foreigners, exclusive of refugees, and some 1,200,000 Chinese) and in preventing troops of any of the contending Chinese armies from invading that area.

This action of the American Government has drawn expostulations both from American and from Chinese sources. The cry has been raised that from the traditional American policy of goodwill and nonaggression toward China the United States has been drawn away into accepting a made-in-Europe policy. Until the Nanking incident, contenders of this school almost unanimously held the view that the United States should refrain from disposing in China any armed forces whatever.

Secretary Kellogg declares in a published statement: "American diplomatic and military representatives in China are cooperating fully with other foreign representatives when faced with a joint problem such as protection of the lives and property of their nationals." Senator BORAH declares in a public address: "We are not sending our armed forces to China to do battle with the armed forces of China." President Coolidge takes occasion to explain that our troops will cooperate with other foreign troops for the specifically limited purpose of protecting American lives when cooperation promotes this end; but that there will be no "unified command"; and he declares: "Our citizens are being concentrated in ports where we can protect them and remove them. It is solely for this purpose that our warships and marines are in that territory."

The United States is unquestionably committed by tradition, by precedent, and by declaration to certain definite principles of China policy. These principles are assurance of equality of opportunity; respect for China's sovereignty and territorial integrity; noninterference in China's domestic affairs; nonaggression; and insistence that China perform the obligations of a sovereign State in protection of foreign citizens. The United States is also committed, partly by tradition and precedent, but more particularly by the provisions and spirit of the Washington agreements, to the principle of cooperative action.

In the presence of conditions such as now exist in China, can a plan of action be devised which will be consistent at once with the principles of nonaggression, of insistence that China afford proper protection to foreigners, and of cooperation?

Efforts have been made to commit the American Government to going along with other powers if and when these powers decide upon measures of coercion. But in the 1830's and in the 1850's such efforts were made. The American Government was implored to participate in armed hostilities against China, and it refused. In 1900 the American Government sent troops to China, as did other governments, but not for purposes of aggression. American armed forces are now cooperating with those of other countries, as they did in 1900. Yet McKinley's and Hay's policy in 1900 was "to seek a solution which will safeguard the independence and integrity of the Chinese Empire"; and during the negotiations which ensued, W. W. Rockhill, at Peking, with John Hay behind him at Washington, stood between Chinese officialdom and the crushing proposals of certain other powers. What would the American Government have been able to do in those negotiations if it had not participated in the relief of the legations?

But what about "cooperation" now? Concerted action is one of the most desirable things and one of the things most difficult to achieve in the field of human endeavor. It is difficult enough as between two individuals. Where a dozen nations are involved the difficulty is multiplied many fold. Americans have cooperated with the nationals of other countries in China in many ways and over long periods of time. American officials and the American Government have cooperated with the officials and the governments of other countries frequently, effectively, and through periods of years in China. The American Government has from time to time definitely advocated, and at Washington actually brought about, an agreement that there should be cooperation. Where this principle is adopted, there must either be express commitment as to specified courses of action or provision that the will of the majority shall prevail, or an understanding that in the absence of specifications and of the majority rule each party shall be free to participate in or to abstain from action proposed. The Washington treaties committed the powers—and in reference to some matters, China—to cooperation in relation to certain specified matters; they committed them to the not doing of certain things, to self-denial. The separate treaties between China and the powers individually commit the parties to certain things. But is there anywhere a provision which prescribes a course of action to be taken in case of breach of treaty provision, a provision whereunder, for instance, in case China disregards or can not fulfill her treaty pledges to one or to all of the treaty powers, those powers are pledged jointly to employ force in an effort to penalize or to coerce her The United States never has participated in aggressive action against China and has never entered into any engagement so to do. It has no commitments which lay upon it the obligation to use its forces in 1927 for any other than a common protective end.

The question whether the United States should or should not cooperate in the use of force to compel one or another of the Chinese authorities to honor China's treaty obligations is one in the answering of which the American Government is no less free now than it was in 1900 and in 1840 and in 1856 to exercise its own judgment and to decide according to its reading of American public opinion and its estimate of the various rights and interests and other considerations involved.

At this point there comes a series of questions. What, in the presence of existing conditions and circumstances, would the American Government have a legal right to do in China? What would it be politically expedient for it to do? What is the extent of its lawful obligation to citizens of the United States in regard to (a) protection of life, (b) protection of property, (c) enforcement of rights accorded under treaty provisions in general? How many and where are the persons to be protected? How much, where, and of what value is the property which is threatened? Of what sort and of what value are the

general treaty rights for which enforcement is sought? What do the people of the United States States want the Government to do? What is it advisable for it to do?

There are present in the Far Eastern Division of the Department of State five officers, each of whom has had long experience in the Far East. Two of these men were born and brought up in China. Three have had more than 15 years each of official "career" service in China, read and speak Chinese, and have served both in consulates and at the legation in Peking. One has been consul general at large in the Far East. A fourth has had more than 30 years in the Consular Service, of which the past 13 have been in China and the past 8 as consul general at the most important port in China. The fifth has had 20 years of "career" service in Japan, in Manchuria, and in Siberia, and speaks and reads Japanese. The American minister to China is a recognized authority on China and has served in Siam, in Russia, and in Japan, as well as twice in China and for six years in the Department of State. These men know their Far East.

In the conduct of foreign relations the Department of State pays much attention to the question of legal rights and lawful obligations. It is well informed with regard to the number and location of American citizens, and the value and location of American property in China, and with regard to American investments, trade, and other interests involved. With regard to what the people of the United States want, it must form its own conclusions, but it is in much better position to judge than is the man in the street or in the business office or at missionary headquarters or in the study, for there pour in to it from a thousand quarters, from all over the United States, from all over China, from all over the world, reports, dispatches, petitions, resolutions, letters, telegrams, and memoranda expressive of opinions, hopes, desires, and demands.

There is no unanimity of opinion, it goes without saying, among Americans, either in the United States or in China or elsewhere, with regard to what the Government ought to do. Merely among Americans resident in China three sets of interests, three points of view, and three schools of thought are readily distinguishable. The merchant class is concerned about markets; the missionary class is concerned about propagation of ideas; the official class is concerned about persons and property in relation to laws and principles. But not all of the merchants hold the same views regarding policy, either commercial or political; not all of the missionaries are engaged in the same lines of endeavor, have the same outlook, or advocate the same policies, either for the societies under which they work or for the government to which they owe allegiance; and not all of the officials have the same views with regard to what is expedient or what is advisable. The interests, the views, and the objectives of the importer and the exporter differ considerably from those of the banker and the railway builder. The perspective and the views of the missionary, who sits in a comfortable office in the security of Shanghai, and those of the missionary who resides, by virtue of a special treaty provision and the grace of Providence, in a remote village in the interior, traveling year in and year out among vocational and avocational bandits, are quite different. Even among the diplomatic and consular officials there is by no means always identity of view, though within this class there is as a rule less diversity and less particularity of view than within the other classes.

And the views of a class, or of a majority within a class, as well as of individuals, are subject to change, sometimes radical and rapid change. Thus the views of the missionaries with regard to the nationalist government at Hankow and with regard to the presence of foreign armed forces in Chinese waters and at Shanghai appear to have undergone considerable modification since March 24 (the Nanking incident).

In considering what it may or may not do, what it will or will not do with regard to China, an administration must necessarily consider not alone relations with China but also relations with other powers. The American Government is responsible for considering and safeguarding the interests of all Americans, not only all Americans in China but all Americans everywhere; it has to consider the safety and interests of the whole American people.

In deciding what it may or may not do an administration must turn both to national law and to international law. It does not have an altogether free hand—or will—in relation to such a question as, for instance, that of affording protection. Treaties are made between governments, but they provide for rights of persons as well as of States. In the United States treaties are a part of the law of the land. Is it not, then, an obligation, a duty of the Government to protect its citizens in the enjoyment of their lawful rights? Ordinarily this obligation is met, this function performed, by diplomatic processes. But where a foreign government has become powerless, where there is no local authority able to afford protection, where American nationals are in danger of violence to their persons, is it not the duty of the American Government to substitute its own police force for the local police forces which should be but are not present? The only way to protect life is to prevent its being taken.

The American Government has commitments—to China and to other powers. And so has China commitments—to the United States and to the other powers. The American Government tries to live up to its commitments.

In dealing with China the powers have tried almost every line of policy imaginable. There have been periods of independent action (free competition), periods of partial cooperation, periods of complete cooperation, periods of informal cooperation, periods of cooperation by agreement. The theory of the Washington treaties is cooperation. The American Government cooperated with the others at the tariff conference, in the work of the extraterritoriality commission, in connection with representations to both of the contending Chinese factions in North China in 1926 with regard to what is called the "Taku incident." American forces are cooperating now with those of other foreign powers in China. As Secretary Kellogg has stated, "American diplomatic and military representatives in China are cooperating fully with other foreign representatives when faced with a joint problem such as the protection of the lives and property of their nationals."

That appears, however, to be the limit within which it intends to use force. It has cooperated in the presentation of demands to nationalist authorities in connection with the Nanking incident. But it apparently declines to participate in proposed measures of a coercive character conceived with a view to following up those demands. Whence, now, the charge that by holding back it is untrue to the principle of cooperative action.

This charge is not warranted. The theory of the cooperative policy does not require that in whatever direction one or more powers may wish to proceed the others must go; and the express commitments with regard to cooperation are commitments individually and collectively to refrain from aggression, not commitments collectively to proceed in measures of coercion. Any one of the States committed to the cooperative policy may without violation either of the letter or of the spirit of the policy object to a proposed positive program and decline to participate in its execution without violation of either the letter or the spirit of the cooperative policy. In fact, in case some States proceed with such a program in spite of objection and of refusal to participate on the part of others, is it not those who act rather than those who decline to act who forsake the cooperative principle?

As a matter of fact, while the cooperative principle has been in force several powers have not hesitated to act independently. While the powers were acting in common in negotiating at Peking concerning the Chinese customs tariff, Japan was, with the full knowledge of all the others, negotiating with the Peking Government for a new and separate commercial treaty between itself and China. Belgium has been negotiating wtih Peking during the past six months. Great Britain has been negotiating with both the Peking and the nationalist (Hankow) authorities. The principle of cooperative action applies properly where there has been or can be achieved a unanimity of opinion with regard to a proposed action wherein common rights and interests are involved.

The principle of independent action may be applied properly where such unanimity has not been or can not be achieved, or where the issue is one in which rights and interests peculiar to one or several powers only are involved. In view of difficulties experienced, Secretary Kellogg has declared in regard to such questions as, for instance, the tariff, that the American Government is prepared either to continue negotiations in common with the other powers or to enter upon negotiations between China and the United States alone.

In final analysis the Government has to make up its own mind with regard to what is lawful, what is possible, what is expedient, what is advisable, what is to be done. This the Government appears to have done and to be doing, without fuss and without confusion. It is well equipped adequately to consider the factors and to arrive at sound conclusions. It is not likely that it will depart far from the established lines of American policy. Even if it should wish to, it would find it difficult to do so. The Chinese policy of the Government always has been responsive to the attitude and wishes of the American people. Public opinion is becoming more and more an active and conclusive influence in determining of policy and of action. Public opinion does not change rapidly. The American people are possessed of a peculiarly sympathetic attitude toward the Chinese people, an attitude which is somewhat sentimental and somewhat patronizing, but genuinely benevolent. Warranted or not, Americans regard the Chinese as a nation of great potentialities, wish them well, believe that they will be better off and the world better off if they govern themselves, and believe them capable of self-government. The American people are opposed to any course of action which would constitute, in their opinion, "aggression" against the Chinese people.

In only one particular, so far as is discernible, has the present administration deviated from the course prescribed by the traditions, the precedents, and the practices to which in reference to China it has fallen heir from preceding administrations. For almost 150 years the American people and the American Government have proceeded on the assumption that in China there was a Government capable of performing the ordinarily accepted functions of a sovereign authority. Now, and for the time being, the American Government has apparently,

of necessity, given up that assumption, as have the other foreign governments.

The Government appears fully to understand what it is about. It has declared clearly the principles of its position. It has stated what it is prepared to do with regard to treaties and for what purpose it has sent armed forces. In the presence of an obscure and involved situation in China, where political chaos may continue for a long time, it has envisaged the fundamental facts and taken a "long-swing" view, profiting by the lessons of history. Its acts have been consistent with its statements. There is no evidence to warrant the assertion that it has departed from the traditions of American policy or the apprehension that it will do so. We may assume that it will continue along the line which it has followed during the past few months, which is simply a practical application of principles which have been developed during a century and a half of American contact with China.

There is every reason to expect that it will continue to pursue a course directed toward the protection of American lives and the conservation of American interests, a course considerate of Chinese rights and interests and aspirations, cooperative in so far as commitments and common responsibilities are concerned, independent where an issue is peculiar to the United States and China or to another power and China, independent where some objective is sought by another or other powers and not by the United States, independent where there arises a question of using force for purposes other than defense.

Where there is occasion for concurrent action, the United States may be expected to use its influence in the direction of restraint, in opposition to aggression. If aggression is decided upon, it may reasonably be expected that the United States will not participate.

COMMITTEE COMMISSIONS TO TAKE TESTIMONY

Mr. WALSH of Montana. Mr. President, I ask unanimous consent that I may submit a brief resolution, formal in character, which I desire may be read, and then I shall ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. ODDIE in the chair). In the absence of objection, the resolution will be read.

The resolution (S. Res. 118) was read, as follows:

Resolved, That the President of the Senate be, and he hereby is, authorized, on the request of the chairman of any of the committees of the Senate, to issue commissions to take testimony within the United States or elsewhere.

Mr. WALSH of Montana. I ask unanimous consent for the present consideration of the resolution.

Mr. WALSH of Massachusetts. I desire to ask the Senator from Montana, is there any objection, from any source of which the Senator knows, to the adoption of this resolution?

Mr. WALSH of Montana. No.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. MOSES. The Senator from Montana said the resolution was of merely formal character. What is the idea of the resolution?

Mr. JONES. I will say that I understood from the Senator from Kansas [Mr. CURTIS] that the resolution was entirely satisfactory to him.

Mr. MOSES. May I ask the Senator from Montana how will the resolution operate?

Mr. WALSH of Montana. If adopted, the resolution would authorize the President of the Senate to issue commissions to take testimony on the request of the chairman of any committee of the Senate.

Mr. MOSES. Is not that authority now possessed by committees under the general resolutions giving them authority to conduct hearings?

Mr. WALSH of Montana. The authority of committees under that general resolution does not seem to be ample.

Mr. MOSES. I wish the Senator from Montana to have a private conversation with me about it. I will object to the consideration of the resolution for the moment.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. MOSES. I object.

Mr. JONES. The Senator from New Hampshire [Mr. MOSES], I understand, temporarily objects to the consideration of the resolution.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. MOSES] objects to the present consideration of the resolution, and the resolution will go over.

Mr. WALSH of Montana subsequently said: Mr. President, I am advised that objection has been withdrawn to the resolution which I submitted a few moments ago, and I now ask unanimous consent for its present consideration.

Mr. SACKETT. Mr. President, will the Senator from Montana have the resolution once more read?

The PRESIDING OFFICER. The resolution will be read.

The resolution was again read.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. SACKETT. Would the Senator from Montana object to having the resolution so modified as to limit the power granted to take testimony to the request of the committee instead of the request of the chairman of the committee? That would require committee action.

Mr. WALSH of Montana. I should not at all object to such a modification.

Mr. MOSES. Is the resolution to be so modified?

Mr. SACKETT. I will ask that it be modified so that the taking of testimony shall be on the request of the committee instead of the request of the chairman of the committee. I understand the Senator from Montana accepts the modification.

Mr. HEFLIN. Mr. President, the resolution is rather indefinite as it is. It does not provide where the committee shall take the testimony, whether they shall take it in Washington or out over the country; nor does it make any provision for the expenses which may be involved in the taking of testimony.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. MOSES. How does the resolution read as now modified?

The PRESIDING OFFICER. The clerk will read the resolution as modified at the suggestion of the Senator from Kentucky [Mr. SACKETT].

Will the Senator from Montana again state the proposed modification?

Mr. WALSH of Montana. It is proposed that instead of reading "the chairman of any of the committees," it shall read "on the request of any of the committees of the Senate."

Mr. HEFLIN. I ask that the resolution may be read as now modified.

The PRESIDING OFFICER. The resolution as modified will be read.

The resolution as modified was read, as follows:

Resolved, That the President of the Senate be, and he hereby is, authorized, on the request of any of the committees of the Senate, to issue commissions to take testimony within the United States or elsewhere.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

THE MERCHANT MARINE

The VICE PRESIDENT. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. JONES. Mr. President, in my judgment there is no more important question before the American people than the matter of building up our merchant marine. I think an adequate merchant marine is vital to the development of our commerce and to our national security. The question involved in it is not a partisan one. It is a question that is bigger than partisanship. If there is one genuinely American question, in my judgment, before the people of this country it is the question of the building up of American shipping. I am glad to say this question has been dealt with by the Committee on Commerce in an entirely nonpartisan way. In the consideration of the shipping act of 1920 that act was developed and passed with an entire absence of partisanship. There was no partisanship in the committee and there was no partisanship on the floor of the Senate. So with the measure that is now before the Senate. It was considered in the committee in an entirely nonpartisan way.

Mr. President, I wish also to say that there is no man on this floor who has taken greater interest in or done more toward the proper and wise solution of this problem than has the Senator from Florida [Mr. FLETCHER], the ranking minority member upon the committee. I wish to commend the remarkably able and comprehensive speech that he made on this floor a few days ago. He has acted in a most patriotic, genuinely American way with reference to this important subject; the people of the country owe him a very great debt of gratitude for the earnest, faithful, patriotic work that he has done with reference to this question; and, as chairman of the Committee on Commerce, I am glad to say this with reference to his work.

Mr. President, this is a country of about 120,000,000 people; its wealth is estimated at $400,000,000,000; its annual imports and export trade is nearly $10,000,000,000; and it seems almost inconceivable that a country with such wealth as this, a country with an ocean on each side of it, a country the foreign commerce of which can not get to market except by shipping could be in such a deplorable condition so far as shipping is concerned.

I do not think that we need to argue the importance of a merchant marine for this country. It is not necessary to take the time of the Senate to show the importance of it so far as our commerce is concerned, nor ought it to be necessary to show its importance as an instrumentality of national security. However, I think I shall take this opportunity to call attention to the condition that confronted us when the World War came on and the result of it, which it seems to me ought to be enough to make everyone perfectly willing to do whatever may be necessary to insure our people a merchant marine.

We all know that when the World War came on American shipping was at the foot of the list. Ships under the American flag were carrying only about 7 or 9 per cent of our imports and our exports. My recollection is that when the World War broke out we had just about 16 ships of about 166,000 tons flying the American flag engaged in overseas commerce. I shall call attention a little later to conditions that existed locally in so far as our commerce was concerned; but what has it cost us in dollars and cents because we did not have an adequate merchant marine?

When we ourselves got into the World War the cry was for ships and ships and more ships; it was necessary to have ships to transfer our troops across the sea; and Congress appropriated, in round numbers, over $3,000,000,000 for the building of ships. That amount of money and more was expended for that purpose. So that, because we did not have an adequate merchant marine, the people were required to put up money to the amount of over $3,000,000,000. We got this money largely by the sale of Liberty bonds; in other words, we borrowed the money. We are paying in interest every year now on the amount of money borrowed, in round numbers, over $100,000,000. How long we shall continue to do so nobody can tell; but possibly, on the average, during the next 50 years the people of this country will pay in interest alone the sum of $50,000,000 a year because we did not have a merchant marine when we became involved in the World War. We have been paying out since the World War large sums of money to make up the deficit in the operation of our shipping. We have probably expended for that purpose alone two hundred or three hundred million dollars.

But that is not all. Before we got into the World War it cost this country hundreds of millions of dollars because we did not have a merchant marine. The ships that were going on ordinary runs, transporting our commerce, were taken by the needs of war to other services. We were dependent largely upon British shipping, and British shipping had to be taken off the commercial runs and used for the transporting of war supplies and of troops.

I remember that Secretary of the Treasury McAdoo made an investigation to ascertain the increased cost in the freight charges by reason of the fact that we had not a merchant marine and because of the increase in rates, and he estimated that in one year, because of our lack of shipping, the people of this country had paid in increased rates on carrying charges over $300,000,000. Rates soared, doubled, trebled, and in some cases they were increased over 2,000 per cent because of our lack of shipping.

It was found also that our products, and especially the products of the farm, were congested at the seaports and on the docks. They were waiting for shipping to take them to the markets which demanded them, but the ships were not available. Many of these products were perishable, and they perished. What the loss was from that source, of course, nobody can tell, but no doubt the losses to the farmer and to the manufacturer and to business of every kind amounted possibly to hundreds of millions of dollars.

It seems to me that these facts alone, which are within the memory of every American citizen, ought to make us willing to adopt any course that will give us reasonable assurance of an adequate merchant marine. These facts demonstrate the absolute necessity of a merchant marine.

I wish to call attention to a prophecy. I do not claim to be much of a prophet, but several years ago in discussing the importance of a merchant marine, when the Simmons-Underwood Tariff Act was under consideration and the provision in reference to discriminating duties was before the Senate, I made a speech in which, after calling attention to the value of the commerce carried by foreign ships and the value of our commerce, I said this:

> Not only is this condition of things humiliating and unprofitable, but it is actually dangerous. British ships transport the greater part of our foreign commerce. Suppose England should engage in a war with a great power. Thousands of her ships would be taken for transports and other thousands might be destroyed. Our foreign commerce would be destroyed, and the products we now send abroad would be left on our hands, glutting our markets and bringing upon us industrial ruin and widespread commercial disaster. Farmers and manufacturers would suffer alike, and the laborer and his family would face the wolf of hunger in his home. We are at the very point where Thomas Jefferson, whom I have heard referred to to-night as the patron saint of the Democratic Party, said protective and defensive measures become necessary.

He said:

> If particular nations grasp at undue shares of our commerce, and, more especially, if they seize on the means of the United States to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protective measures become necessary on the part of the nation whose marine resources are thus invaded; or it will be disarmed of its defense, its productions will be at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce.

The very thing mentioned there happened. In addition to what I have just read, I wish to read a brief extract from a book called "The Heritage of Tyre," by William Brown Meloney. The book was published in 1916, after the World War had begun. I desire to call attention to his vivid description of the situation at that time:

> In this year of 1916 the United States, without a merchant marine, bereft of ships, is more than half the slave that she was in 1861. What boots it that labor is free if the products of its industry and enterprise are denied their markets?
>
> Turn where one will and it is to behold the evidence of its vassalage. Leave any one of our glutted seaports, with piers and warehouses and freight terminals burdened beyond capacity by an immovable commerce, and follow the railroad lines into the interior, across the continent—go north, go south, go east, go west, and there is not a mile that has not a chapter to contribute to the tale. All of the conceivable products of 100,000,000 people lie along those steel arteries arrested by embargoes. What moves is what the warring nations choose to buy and will receive from the railroads at tidewater. All else must abide its time or rot, for as Europe controls the world's deep-water tonnage, so our market is limited to her will. It matters not that there are other markets in which we could sell and entrench ourselves to the advantage of future trade and expansion. We haven't the ships to reach them.
>
> Turn from field and plain and orchard and forest to the manufacturing centers, and it is to find the same paralysis of industry, for industry lives by import as well as by export. Here a factory stands silent because it can not get tin from England; there a silk loom lies manacled because it can not obtain the raw product from China. As Britain controls her shipping, so does Japan control hers. Japan has but to say to her merchant marine, "Our ships will carry Japanese exports from December to May and imports for Japanese consumption only from June to November," and that is sufficient. The rest of the world may whistle. What is true of those two nations is likewise true of all others.
>
> As this is being set down, comes news that Britain is promulgating an order in council prohibiting among other things the importation of automobiles for private use, fruit, musical instruments, cutlery of all kinds, hardware, yarns, chinaware, fancy goods, and even soaps; and it is explained that this is being done, not as a matter of policy but because of a shortage of ships; that Britain must have American wheat and corn and meat and that other things can not be permitted to take up the space of her vessels. Yet wheat and corn and meat and munitions of war are but a part of American commerce.
>
> At peace and neutral though we are, belligerency in the present situation could exact no more of us.

Mr. President, those are words written at a time when the need for our ships was evident to everybody. I fear, however, that we forget these things, and so I have called them to your attention.

With reference to national security, it seems to me the value of an American merchant marine was demonstrated most conclusively by the situation that confronted us when we entered the World War and the steps that we took when we entered it. It was most fortunate for civilization, it was most fortunate for the associated powers that when we entered the war there were ships of Germany interned in our ports, and in my judgment the German ships won the victory for the associated

powers in the World War. That is a strong statement to make, but what was the situation?

When we entered the World War we had no ships. We had none to transport our soldiers across the sea. They could not get to the battle front unless they were carried by shipping. Where did we get the shipping? We took these interned ships in the harbor of New York and in the other harbors of this country and we converted them into transports for our soldiers; and it is said that the *Leviathan*, the pride of our shipping fleet now, a German ship, carried to Europe 275,000 American soldiers. If we had not had those ships where we could get at them, it is very likely that our boys would not have been transported across the sea when they were. Very likely they would have been delayed six months in getting to the battle line in France.

I think military authorities concede that if they had not gotten there when they did, the outcome of the war very likely would have been different. If our soldiers had been delayed six months in getting to the battle line in France, the chances are that Germany would have cut in two the allied armies, gotten to the coast, and the result of the war would have been entirely different.

I hope we may never be found in that condition again. It was most fortunate that these ships were in our ports so that we could take them; but we can not depend upon that again. If we get into trouble again—which we hope we may never do—we can not rely upon having our enemy ships in our ports, that we may take them and transport our troops with them wherever they may be needed.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. I yield to the Senator.

Mr. NORRIS. I do not want the Senator to get the idea from the question I am about to ask that I am trying to belittle the argument he is making, because I am not. I am in sympathy with it. At the same time, it seems to me that it could be very well said that the argument the Senator is now making, and using the German ships as an illustration, if reversed and applied to Germany, would show that the thing to do would be not to have a merchant marine. If Germany had not had a merchant marine, we would not have had those ships, so that in her case a merchant marine was to her detriment; and the next war may find us in the position she was in, and the enemy using our merchant marine. In other words, it is a good deal like the early bird that catches the worm; it is the early worm that gets caught.

Mr. JONES. I think we had better take the chance of having shipping for our security. We might lose it in that way, but I do not think we are likely to.

Mr. FLETCHER. Mr. President, on the other hand, may I suggest to the Senator, if he will allow me, that it was the fact that Great Britain had some 18,000,000 tons of merchant shipping that enabled her to survive after the submarine campaign was instituted. If she had not had the enormous number of merchant ships that she did possess after that campaign was started—and she lost about 1 out of 6 that left her ports—altogether some 7,000,000 tons of merchant shipping was sunk by the submarines—if Great Britain had not had an enormous number of merchant ships, she could not have supplied her army or her people with food.

Mr. NORRIS. I admit that; but, at the same time, if we are going to take the argument of the Senator from Washington at 100 per cent, we will have to admit that if Germany had not had a merchant marine she probably would have won the war.

Mr. JONES. No; my judgment is that if Germany had not had a merchant marine she would not have gotten into the war; she would have hesitated about entering it.

Mr. NORRIS. It would have been a good thing for Germany if she had stayed out.

Mr. JONES. Yes; it would have been a good thing for the world, of course, if she had stayed out; but she did not. She got into the war.

Mr. NORRIS. And she had a merchant marine.

Mr. JONES. This was a condition that helped us.

Mr. NORRIS. If she had not had it and had stayed out of the war, it would have been a good thing.

Mr. FLETCHER. And very likely if the United States had had sufficient merchant marine, there would not have been any submarine warfare.

Mr. JONES. Yes; very likely that is true, too.

I want to insert in the RECORD right at this point an editorial from the Washington Post of January 12. It deals with the situation in, I think, a very splendid way from different standpoints; but I just want to read this clause:

> The greatest weakness of the national defense is the present merchant marine. It is the weak link that breaks the chain of national security. The Nation will not be capable of defending its commerce until it has suitable merchant ships and a stronger fleet. The national-defense feature of this problem commands the attention of Congress at this session.

I just want to call attention to this. We talk about the need of a navy for the defense of our commerce, and yet if our commerce is not carried in American ships it will very likely be carried in neutral ships, if carried at all; and we do not need a navy to defend the neutral shipping of the world.

Mr. President, I think everybody wants a merchant marine. I have never met anyone who did not say, when the matter was brought up, "Yes; we want a merchant marine"; but we divide over details. We divide over methods as to how we get it; and this is really what prevented us from having a merchant marine when the World War broke out.

How can we get an American merchant marine? To my notion, there are just two ways by which we can get it. One is through private energy, private capital; the other is through the Government. I frankly say that I should like to see our American merchant marine privately owned and developed with private capital. I think, taking it on the whole, that that is a more efficient way to do it, a more economical way to do it; and I had come to the point where I had concluded that I would vote for any measure that I believed had any chance of success that would lead private capital to go into the building of an American merchant marine; but I have come to the conclusion that it is impossible to pass through Congress any measure that will give the aid that is necessary to induce private capital to go into the shipbuilding and ship-operating business.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from Connecticut.

Mr. BINGHAM. Did the committee give full consideration to the possibility of securing capital for a privately owned merchant marine at a low rate of interest, to be loaned by the Government to private parties for this purpose, in order that they might have the benefit of the Government guaranty of their capital, and therefore secure money at 3 per cent instead of at 6 per cent?

Mr. JONES. Mr. President, the committee considered the whole problem as we thought it confronted us. I have been in Congress for 29 years. When I first entered the House I became a member of the Committee on the Merchant Marine and Fisheries. I knew what we had been attempting to do for 25 years preceding that time. We had been striving to adopt measures of some kind that would lead to the building up of an American merchant marine. We had not been able to do it. I think the first term I was here the Merchant Marine Committee considered the shipping problem. We tried to reach an agreement with reference to a bill that we thought would build up the American merchant marine. We could not do it; at any rate, we could not reach a conclusion upon any bill that seemed to meet the approval either of the House of Representatives or of the Senate. During the last 60 years the only measure looking to aid or the building up of a merchant marine through private enterprise and energy in the nature of a subsidy or whatever you may call it, Government aid, was the passage of the mail act of 1891, under which, my recollection is, we got just two ships.

I remember when what was known as the Hanna-Grosvenor bill was brought up. That was a subsidy proposition. I was on the Committee on the Merchant Marine and Fisheries when it was considered. I remember when it was brought up in the House of Representatives. An effort was made to get it through the Senate. It was not passed through either House. It could not command a majority vote in either House.

So much for that.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator, although I have particular points to cover.

Mr. COPELAND. Yes; I know that. I fear, however, that the answer of the Senator was not quite responsive to the question of the Senator from Connecticut.

Mr. JONES. I am going to answer it at the conclusion of what I am saying.

Mr. COPELAND. I thank the Senator.

Mr. JONES. It is within the memory of many here—I think about four or five years ago—when we had up what was known as the Harding subsidy bill. I remember the conditions surrounding that measure. It was a measure urged by the Presi-

dent. It was recognized as an administration bill, for the building up of the American merchant marine. The Republicans controlled both the House and the Senate and the Executive. In the House of Representatives—and I think it is not unparliamentary to refer to this—there were 298 Republicans and 130 Democrats. In other words, the administration party, the Republican Party, just four or five years ago had a majority in the House of Representatives of 168 over the strong minority party. They brought in this subsidy bill, they brought it up for consideration, it came to a vote, and what was the vote? The vote was yeas 208, nays 184, or a bare majority of 24, with a normal administration majority of 168.

That bill came over to the Senate, and in the Senate the administration was proportionately as strong as in the House. In the Senate there were 59 Republicans and 37 Democrats. In other words, the Republican Party had a majority of 22 in this body. It was my duty, as chairman of the Committee on Commerce, to take charge of that measure; and I remember how we had that bill before the Senate day after day and night after night. We could not get it to a vote. We did not get it to a vote. But I know this, that we made our poll; we tried to ascertain the strength of our bill, and at no time were we certain that we would have even a majority if that bill should come to a vote. We did figure that if we could get it to a vote we could pass it by one. That was as near as we could get, and we were not certain of that.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. EDGE. At least the opposition to the bill must have felt assured that it would pass should it ever be permitted to reach a vote.

Mr. JONES. Not necessarily. They were not sure that they could beat it if it came to a vote, but they knew that if they could prevent a vote until the 4th of March the bill could not pass; and that was what happened.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. JONES. Certainly.

Mr. NORRIS. I think the Senator ought to say, and I am satisfied he will be glad to do so, because he is always fair, that that bill came up in the Senate in a short session, after there had been an election, and that—and I do not mean to be at all offensive to anyone—we had in the Senate at that time a large number of so-called "lame ducks." Was it not conceded that the bill could not pass through either House with the new Congress that had been elected at that time, and that if it had not been that it was in a short session, with the power of the President behind the bill, and that there were a lot of Members of the Senate who had been defeated for reelection, most of whom were appointed to office by the President soon after the Congress adjourned, the bill would not have been able to command a majority? It was conceded that it could not have commanded a majority. Is not that true?

Mr. JONES. Yes; I think that is true; but, notwithstanding that, I am satisfied that even if the election had been different we could not have passed the bill through the Senate when we were trying to pass it. I think those who were opposed to the bill were not influenced by the outcome of the election, but they were expressing their views with reference to the measure on the merits of it.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Oregon?

Mr. JONES. I yield to the Senator.

Mr. McNARY. I am somewhat interested in the historical discussion in the Senate four or five years ago of the Lasker bill and so-called Harding bill. I get the implication from what the Senator said that he thinks there never was any test in this body on that bill. I recall distinctly that a motion was made to substitute the so-called filled milk bill, and to displace the Shipping Board bill, and that that motion to displace was carried, which brought about a distinct test in this body as to the opponents of and those favorable to the merchant marine measure which was known as a subsidy proposition.

Mr. JONES. I had really forgotten that and I am glad the Senator has called our attention to it. It simply intensifies my statement that there is a situation adverse to legislation of this kind.

The Senator from Connecticut asked if we considered this matter of reduced interest, and so on. That is a subsidy, pure and simple, and the committee, in view of the record made during the last 60 years, felt that it would be useless to present a measure in the nature of a subsidy. We believe that the conditions in the Senate and the House are much more unfavorable to a subsidy now than they were when this other bill was up, and I think the Senator himself will agree to that.

As I said a moment ago, we had 22 majority in the Senate of the United States. Everybody knows what we have now. Everybody knows whether any measure in the nature of a subsidy would come as near enactment as that measure did.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. JONES. I yield.

Mr. BINGHAM. The Senator, who has been here so very much longer than I have and who is so very much more familiar with these matters, perhaps can tell me, if it will not interfere with the progress of his speech, and if it will I shall be glad to have him answer at some other time——

Mr. JONES. That will be all right.

Mr. BINGHAM. As everyone knows, Government operation in business has always been more expensive and more extravagant and less efficient than private operation. I would like to have the Senator tell me why he thinks that a majority of the Members of Congress will be willing to pass a bill which will place a heavier burden on the taxpayers of the country than to pass a bill which would relieve them of a part of that burden, and merely lend a helping hand to those who are seeking to secure capital in order to build up the merchant marine on a sound basis and by private initiative? Furthermore, although the Senator has stated very emphatically that it is a subsidy, it does not seem to me to be a subsidy. It is not a direct payment of funds, but rather it is a kind of guaranty to these individuals who are willing to do something which the country needs and which will be of great benefit to the national defense and to the building up of the merchant marine. I hope the country is willing to help them secure their funds at a lower rate of interest than they otherwise could get. Why is it that the feeling is so keen in favor of Government operation that the Congress, he thinks, is willing to pass a bill which will put a larger burden on the taxpayer, instead of giving some kind of a helping hand to private interests at lesser cost?

Mr. JONES. Mr. President, it is not for me to say why Senators vote one way or why Senators vote another.

Mr. BINGHAM. Have they not given their opinions in public sufficiently often in the Senator's long experience in Congress so that he might be willing to give us a brief summary of these reasons? The situation seems to me almost incredible.

Mr. JOHNSON. Mr. President——

Mr. JONES. Just a moment. I give to the Senator the facts of 60 years of history of our country, when we have been trying to do this thing. It seems to me that those facts and that record are stronger than anything than I can say as to why a Senator votes this way or votes that way. We have refused to do what the Senator suggests ought to be done, and we have refused to do it over a period of 60 years. In my judgment, the importance of a merchant marine is so great, and the time is so pressing, that, as we can not, in my judgment, get a merchant marine one way, I think we should take it another.

Now I yield to the Senator from California.

Mr. JOHNSON. I simply wanted to recall historically to the Senator's attention that while it is probably incredible that the Government should enter into any enterprise or pursue any adventure, that applies to most adventures and most enterprises, not to Cape Cod, or the purchase of the Cape Cod Canal, because there a different rule obtains so far as the Government is concerned, and it might well be that the circumstances surrounding a merchant marine would be quite as important to the United States of America as for the United States of America to maintain the Cape Cod Canal, or to purchase it, so that the Government should maintain and should operate it.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. JONES. I yield to the Senator from Connecticut.

Mr. BINGHAM. My good friend from California, in bringing the Cape Cod Canal into the discussion, endeavors to capitalize that hostility to certain New England measures that has been vividly brought to our attention on the floor of the Senate within the past few weeks. May I call to his attention the fact——

Mr. JOHNSON. Will the Senator permit me to deny any hostility to any New England measure, or any other measure? I was simply recalling how, under some circumstances, Government ownership was a boon to the people, but how, under other circumstances, it was a terrible thing to the people. I do not assail the Cape Cod Canal, nor our New England brethren, in the slightest degree. That is far from me. I simply wanted to instance the particular occasion when our friends here who inveigh against the Government entering

any enterprise were very strongly in favor of the Government doing that very thing.

Mr. BINGHAM. Mr. President, will the Senator from Washington yield for a moment further?

Mr. JONES. I yield.

Mr. BINGHAM. It does not seem to me that the two matters are comparable at all, because from the very earliest days the Government has recognized the fact that part of its work was improving the navigable waters of the United States has dredged harbors and rivers, has built the Panama Canal and other canals. Therefore the ownership of the Cape Cod Canal comes under a line of precedents which have shown themselves to be useful and valuable, whereas the proposal to put the Government into the shipping business might be said to come under the wretched precedent which was followed in war time of putting the Government into the railroad business and into other forms of business, in which experience has shown that the Government is not successful.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I think the Senator's narration of the history of subsidy legislation in the Senate would not be complete if it were not asserted that since the failure of the Harding subsidy bill no President and no Member of the House or Senate has ever proposed a subsidy bill of the character of that bill at least. Am I correct?

Mr. JONES. My recollection is that the President has said in one or two messages that there should be Government aid, but in the last message of the President even that suggestion was not made.

Mr. WALSH of Massachusetts. No such bill has been presented to the House or the Senate upon which any vote was taken, at least, or has come out of a committee?

Mr. JONES. Not since the Harding bill.

Mr. COPELAND. The Senator from Washington, however, presented such a bill last year.

Mr. JONES. I presented such a bill last year and I presented such a bill this year. I did that under these circumstances: The Senator will remember that we passed a resolution through the Senate—I think a couple of years ago—asking the Shipping Board to investigate the situation and recommend to Congress concrete measures for the building up of an American merchant marine. The Shipping Board held hearings all over the country; they got the views of the people all over the country; and finally, while they did not submit it as a part of their report, I asked them to prepare such a subsidy bill as in their judgment would give us an adequate American merchant marine.

They prepared such a bill. In conjunction with them I prepared a bill, the alternative for the Government. I introduced both of those bills. We had the matter up in the Commerce Committee at the close of the last session of Congress. The committee came to the conclusion that we could not pass a subsidy bill, we could not enact such a bill into law, and as the only alternative they reported the bill providing for a Government merchant marine, which was substantially the same as provided in the pending bill. At the beginning of this session of Congress I reintroduced the two bills. I reintroduced the subsidy bill and I reintroduced the pending bill, and under the circumstances which I have just mentioned the committee reported this bill.

I have tried to make it clear that personally I would favor a subsidy bill and would vote for a subsidy bill if I thought there was any possibility of getting it through and getting one that would be adequate. I am going to refer to this phase of the situation a little bit later on, but I am going to say now that even if we could pass a subsidy bill nobody knows whether it would accomplish what we want done. Nobody knows whether it would be adequate and sufficient to induce private capital to build the ships that we want built, and if it failed to do that then we would be in a position where nothing could be done for 2 or 3 or 4 years.

I believe in putting something through that would be certain. If we can supplement it by and by with something which would induce private capital to take over the ships we built, and to build new ships and maintain the service, I would support it. But I want something that will insure a merchant marine, and in my judgment the only reasonable assurance that we can get is for the Government to get behind it, and that is exactly what is proposed to be done in this bill.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from New York.

Mr. COPELAND. A moment ago the Senator from Connecticut asked the Senator from Washington if any consideration had been given to loans at low rates of interest, and I think the reply made by the Senator from Washington was that consideration had not been given, because that would be in the nature of a subsidy.

Mr. JONES. No; we considered that matter in determining what we thought was the wise thing to do. We came to the conclusion that there was no possibility of passing a subsidy bill, and I think the committee felt that that was in the nature of a subsidy.

Mr. COPELAND. May I ask the Senator another question? We have this loan fund of about $80,000,000 or $90,000,000.

Mr. JONES. I think now it is about $90,000,000.

Mr. COPELAND. By the way, in that connection I want my memory refreshed. I helped the Senator, so far as I could in my weak way, to add to what he called the fighting fund. How much did we add that year?

Mr. JONES. I think it was $5,000,000. It was proposed to add $10,000,000, and we got $5,000,000.

Mr. COPELAND. Has that been exhausted yet?

Mr. JONES. That bill has not passed at this session. I rather think we had something of the kind in the other bill, too.

Mr. COPELAND. As a matter of fact, we have in the loan fund $80,000,000 or $90,000,000. Would the Senator consider that lending that money to private citizens of the United States at the current rate of interest—I mean by that the rate the Government would have to pay for any money that it borrowed—under the provisions of section 11 of the Jones Act, I think it is, would be in the nature of a subsidy?

Mr. JONES. I think so. It would not be a very big one. I do not believe that it would lead to the building of new ships for the overseas trade unless we had something else to supplement it.

Mr. COPELAND. Is the Senator familiar with the hearing held this morning before the Shipping Board?

Mr. JONES. No; I was present at the flood-control hearing this morning.

Mr. COPELAND. A definite proposal was made this morning for the building of six ships of 33 to 35 knots, finer ships than are now owned or being built by any other country. I am going to speak on this at some length at a later time. One of the conditions imposed upon proceeding with that plan is that there should be a revision of the loan provision to make possible the building of these ships with a loan of three-quarters of their value instead of two-thirds as it is at present, and that the rate charged should be the current rate.

Without considering the other elements involved in the proposal would the Senator consider that that would be an improper use of the loan fund if ample security were given for the return of the money and if the Government were reimbursed at the current rate of interest, and if repayment must be made complete in 20 years? Would the Senator consider that a subsidy or an improper use of the fund?

Mr. JONES. I would not consider it an improper use of the funds. The Senator knows my position. I will vote for a subsidy bill if it is one which I think will bring results, but I have come to the conclusion that we can not pass any such bill. The Senator does not need to argue those things with me.

Mr. COPELAND. No; I know that; and I know very well the honorable purpose of the Senator.

Mr. JONES. Yes; I know the Senator does.

Mr. COPELAND. But I want to ask him his individual opinion. Would he see any objection to a modification of that section of the Jones Act permitting the lending of 75 per cent instead of 66 per cent for 20 years instead of 15 years, the rate to be fixed at the current rate to the Government?

Mr. JONES. I would not so far as I am individually concerned, but I am satisfied that a measure like this is substantially the only measure that stands any chance of getting through the Congress, though I am standing by this bill and propose to stand by it even though there are other matters which I might like to see put into the law. I want to see above everything else a merchant marine, an adequate American merchant marine, of up-to-date ships.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. I yield.

Mr. McKELLAR. The Senator was asked about subsidies. As I recall, when a subsidy bill was proposed in 1921 or 1923 the Senator stood on this floor for nearly two and one-half months——

Mr. JONES. I sat most of the time! [Laughter.]

Mr. McKELLAR. And tried to get that subsidy bill passed. The Senator found it was impossible. The Senator still believes it is impossible to pass a subsidy bill, does he not?

Mr. JONES. I think it is more impossible now than it was then.

Mr. SHORTRIDGE and Mr. EDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. I think the Senator from California rose first. I will yield to him, and then will yield to the Senator from New Jersey.

Mr. SHORTRIDGE. May I inquire whether the Senator expects to bring this matter on for a vote to-day?

Mr. JONES. If I could do so I would, but I do not expect to be able to do so.

Mr. SHORTRIDGE. I and several other Senators interested in it must be before the Finance Committee at 2 o'clock.

Mr. JONES. I do not expect it to come to a vote to-day.

Mr. SHORTRIDGE. I want to make some remarks on the bill before it comes to a vote, if I have the opportunity.

Mr. JONES. I now yield to the Senator from New Jersey.

Mr. EDGE. The Senator has very clearly expressed his desire to get some bill passed that will at least seem to make possible a merchant marine, in which desire I heartily join; but why is it necessary in that connection to go to the extreme either way? The proposition of the Senator from New York as a business proposition provides apparently 75 per cent from the Government and 25 per cent from private capital. The bill before us, if we recondition or rebuild the ships, must necessarily call upon the Government to provide 100 per cent.

Mr. COPELAND. With no return of the money.

Mr. EDGE. Yes. Why is it interposed from time to time that the Senate will not consider a business proposition because at one time or another in the past 60 years it refused to pass an out-and-out subsidy bill. Possibly this is in the nature of a subsidy, but it is a clear business proposition which I believe the taxpayers of the country would approve, because it relieves them of 25 per cent of the burden. Why should it be assumed in advance that it would not pass? I am inclined to believe the chairman of the committee is probably incorrect, and I hope he is, in stating that the Senate would refuse to accept 25 per cent from private citizens when such a proposition would carry with it the very assurance which the Senator is looking for, and that is the building of ships. Why should not we save 25 per cent if it is assured that the ships will be built?

Mr. JONES. Suppose we pass a provision carrying just what is proposed here. What assurance have we that the people will go on and build the ships?

Mr. EDGE. As I understand the proposition that has been made to the Shipping Board only to-day, it is that if the Senate will provide that amendment they will enter into a contract, with bonds, to build the ships. I know nothing more about it than that.

Mr. SIMMONS. Mr. President, let me ask the Senator from New Jersey a question. Was this made as a condition to our not legislating as proposed in the bill presented by the Senator from Washington?

Mr. EDGE. I do not understand that it was.

Mr. COPELAND. I can answer no; that it is not.

Mr. EDGE. It is simply a suggested amendment to the bill.

Mr. SIMMONS. What conflict, therefore, is there in the bill and in the proposition? Why not embody them in two separate bills?

Mr. EDGE. Why not embody them in one bill?

Mr. SIMMONS. One provides for a loan of this fund the Government has, amounting to nearly $100,000,000, to people who will build ships and operate them, and one provides for the Government taking over and controlling the ships which the Government now owns. The two provisions do not seem to me to be coupled together in any way, and they may not work together. However, I wish to say that I have not understood that those who are engaged or desire to engage in the private operation of ships have had trouble about getting the money to build the ships or have had trouble about the rate of interest that they would have to pay for the money they would have to use to build the ships.

The trouble with them has been that they have contended that the cost of construction is such and the cost of operation is such that they can not operate them successfully in competition with foreign ships. If we could loan them the money and the ships should be built, does not the Senator think they would be here knocking at the doors of Congress and asking us for a subsidy of some sort by granting them fat mail contracts or otherwise for the purpose of putting them upon an equality with what they say is foreign competition?

Mr. COPELAND. Mr. President, if the Senator from Washington will permit me to answer the Senator from North Carolina, because apparently the Senator from North Carolina directed his question to me——

Mr. SIMMONS. Yes; I did.

Mr. JONES. I yield to the Senator from New York for that purpose.

Mr. COPELAND. Of course, in addition to a modification of the loan fund, they are asking that the ocean mail act shall be amended, not to give a subsidy——

Mr. SIMMONS. To give what? If not a subsidy, then what? Just ordinary pay, or do they want pay which is so far in excess of the actual cost of transportation that it becomes either a subsidy or a subvention, which is the same thing?

Mr. COPELAND. I discussed the matter with the Senator from North Carolina on Saturday, but I have fuller information now. There is no desire to ask anything in the way of a subsidy or subvention. It is asked that there shall be a stabilization of the rates, a readjustment of the rates, and that the Postmaster General shall be permitted to enter into contracts for a period of 5 to 10 years on the basis of the service rendered.

I hope to show to-morrow, by facts which I shall present, that the total amount spent for mail service under these conditions will not exceed the amount spent now. The Senator will probably ask, how then does it help the company? It is because we are now paying to British bottoms $1,500,000 for the carriage of our mails by reason of the fact that our own United States lines are inadequate to provide the ships and so, under this arrangement of the mail service, that money will go to American ships which will be built under the further conditions which were discussed this morning.

Mr. SIMMONS. I shall be very glad to hear the Senator, but I think when we do it will be merely the same old proposition of a subsidy.

Mr. BINGHAM. Mr. President, will the Senator from Washington yield to me for another question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I yield.

Mr. BINGHAM. Will the Senator from Washington be so good as to tell me whether there has ever been a vote in either House on the question of direct loans to be made so as to enable those who are anxious to build up a merchant marine to secure their money at a lower rate of interest than they could otherwise secure it upon the market?

Mr. JONES. There has been none, except on the provisions of the act of 1920 that in the case of ships built for the overseas trade loans could be advanced at, I think, 4 or 4½ per cent, and in the case of ships built for the coastwise trade at, I think, 5 per cent.

Mr. BINGHAM. Was there a vote on that provision?

Mr. JONES. That provision was adopted in the merchant marine act of 1920, but there has not been a solitary loan made for the building of a ship in the foreign trade, although there have been several loans made for the building of ships in the coastwise trade.

Mr. BINGHAM. Were there any votes in committee on the particular proposal which the Senator from New York mentioned a few moments ago?

Mr. JONES. No; there were no special votes except the committee voted down the subsidy proposition. The committee were practically unanimously in the view that we could not get anything in the nature of a subsidy through.

Mr. BINGHAM. Would the Senator be willing to listen to a definition of the word "subsidy" from the Century Dictionary? The Senator has denounced this proposal so emphatically——

Mr. JONES. I shall be very glad to listen to the definition, but I do not think it will affect the judgment of Senators in the least. The Senator from Connecticut, I think, understands my position. He does not need to read the definition of a subsidy to me to persuade me under proper conditions to vote for a subsidy, but if he desires to read the definition for the enlightenment of other Senators here, I will be very glad to yield to him for that purpose.

Mr. BINGHAM. The only reason I should like to read it is that I feel that while the Senator and I are in perfect accord and are willing to vote for a subsidy to help the merchant marine, the word "subsidy" has a very peculiar connotation in the minds of certain people. As the Century Dictionary says:

> Writers who oppose all uses of public funds [i. e., to aid private enterprise] commonly prefer to characterize them as "subsidies," while those who approve of them commonly prefer the term "subvention."

There is something peculiar about the word "subsidy." If the word "subsidy" is mentioned everybody immediately shuts up and withdraws into his shell and trembles in fear lest he

be accused of doing something frightful. That is why I was sorry to hear the Senator use the word "subsidy" in objecting to the proposal which was referred to by the distinguished Senator from New York [Mr. COPELAND], which would permit a new enterprise contemplating the construction of very large and very fast ships to secure a part of the money needed for those ships through a loan guaranteed by the Government or through money loaned them by the Government at the same rate of interest which the Government must pay therefor. Actually, according to the Century Dictionary, a subsidy is—

> Any direct pecuniary aid furnished by the State to private industrial undertakings, or to eleemosynary institutions. Such aid includes bounties on exports, those paid to the owners of ships for running them, and donations of land or money to railroad, manufacturing, theatrical, and other enterprises.

It does not seem to me that the proposal referred to by the Senator from New York may in fairness be called a "subsidy," unless all the laws that we pass here that are of any benefit whatsoever to private enterprises, by giving them governmental recognition or by giving them governmental approval, may be called subsidies.

Mr. JONES. Mr. President, the Senator from North Carolina [Mr. SIMMONS] suggests to me that the word "subsidy" had acquired a sort of a political meaning which is not covered by the dictionary. Furthermore, in my opinion, every Senator will be his own judge as to whether a proposition is a subsidy or whether it is Government aid such as he can support. That, I think, has always been the basis upon which different Senators and Representatives have acted on this question. I am not scared at the word "subsidy"; I do not care what Government aid may be called; as an independent proposition I would give any sort of Government aid that would insure us an American merchant marine, and I would stand for it. But, Mr. President, I am not going to be sidetracked with reference to this bill. In my judgment, this is the only possible bill which can be passed which will assure us an American merchant marine. So, while amendments may be proposed that independently I would vote for and would be glad to support, I will not support them as amendments to the pending bill because, in my opinion, it is the only measure that stands any possibility of passage; and, furthermore, it is the only measure which, if passed, affords any assurance that we will obtain any new ships.

Take the proposition suggested by the Senator from New York. I do not question the good faith of the gentlemen who advance that suggestion. I had a talk with them the other day. I do not believe that they would be satisfied with borrowing three-fourths of the value of the ships at current rates of interest. I think they would want mail contracts of special advantage; and, furthermore, I very seriously doubt even if we were to put into force a law under which they could get what they now suggest that they would eventually build these ships. They propose to build such ships as never were constructed heretofore, such ships as Great Britain herself has not constructed. They propose to build ships of 33 and 34 knots, of twenty-five or thirty or forty thousand tons, and run them between this country and Europe. I should like to see such ships constructed; I wish they could build them; but I very seriously doubt if they would be able to do it. However, that is not the question here. We do not know whether they will build them or not, and I am not going to support or permit, if I can prevent it, amendments to this bill at this time.

I will say to the Senator and to the gentlemen who are interested in the proposal referred to, let us pass this bill in the Senate just as quickly as possible; let us get it over to the other body; let the Members of that House suggest their proposals to it, and if they shall add some good provisions along this line that can be harmonized with the pending bill, without inconsistency between them, possibly in conference we can work out some legislation along those lines that both bodies will adopt. I hope we can, and I will do everything in my power to bring it about, but I do not want to have any such amendments put on this bill in the Senate.

I do not think it will be wise to do so from my standpoint of securing legislation under which we would obtain a merchant marine.

Mr. HOWELL. Mr. President——

Mr. JONES. I yield to the Senator from Nebraska.

Mr. HOWELL. Is it not the purpose of this bill to provide a fleet of cargo ships?

Mr. JONES. Oh, yes; cargo ships, combination passenger and cargo ships, and passenger ships.

Mr. HOWELL. But is not one of the chief purposes of this bill to provide a fleet of cargo vesels?

Mr. JONES. Yes; cargo vessels that are up to date and will compete with the fleets of other countries.

Mr. HOWELL. Is it not a fact that a subsidy would not be applicable to such vessels because they could not be expected to carry the mails?

Mr. JONES. A particular kind of subsidy might not be. I presume the Senator is talking about mail pay.

Mr. HOWELL. I am talking about cargo vessels.

Mr. JONES. Then the Senator is talking about mail pay rather than a subsidy in general terms. A subsidy in general terms would provide compensation to the slower-going boats.

Mr. HOWELL. But is it not a fact that it has been held unconstitutional, or the view has been generally held that it would be unconstitutional, for us to subsidize vessels that do not carry the mails; that the only theory upon which we can support a subsidy is upon the theory of aiding in the carrying of the mails?

Mr. JONES. I will say frankly to the Senator that such a suggestion has not been brought to my attention, and in all of our subsidy bills heretofore I do not remember that that question was ever raised at all. We have proposed a subsidy regardless of mail pay or anything of the kind. I do not think that I could go quite so far as the Senator goes.

Mr. WALSH of Massachusetts. Mr. President——

Mr. JONES. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. As I understand the Senator's position—and I am pleased to say I am in full accord with it—he considers the present policy of this country toward a merchant marine one of uncertainty; he considers that any subsidy legislation giving opportunity for private interests to develop the American merchant marine would be uncertain; that the bill which he now presents assures a definite, certain, unmistakable merchant marine for the American people, and that is why he is supporting this particular bill, because it is the only way we can end the uncertainty of years in establishing a definite, certain, progressive American merchant marine.

Mr. JONES. That is my judgment.

Mr. SIMMONS. Mr. President, I think the Senator is discussing one of the most important measures of legislation that we have had before us in many a day. There are but few Senators in this Chamber, and I am impelled to ask for a quorum.

Mr. JONES. I would prefer the Senator would not do that. I know Senators are busy in committees and on committee work, and they can not be both there and on the floor.

Mr. SIMMONS. Of course, if the Senator objects, I will not insist upon the point.

Mr. JONES. I am not objecting.

Mr. SIMMONS. The Senator knows that he is discussing a very important matter, and on the other side of the Chamber I see only two Senators. It does seem to me that we ought to have more here to listen to this discussion.

Mr. WALSH of Massachusetts. I hope the Senator from North Carolina will insist upon his point of order. This is a very able speech, and there ought to be a larger attendance of Senators.

Mr. SIMMONS. The Senator is explaining the matter very lucidly and very strongly.

Mr. WALSH of Massachusetts. The Senator insists upon his point of order?

Mr. SIMMONS. I insist upon the point of order.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Ferris	King	Sheppard
Bayard	Fess	La Follette	Shipstead
Bingham	Fletcher	McKellar	Simmons
Black	Frazier	McNary	Smith
Blaine	George	Mayfield	Steck
Blease	Gerry	Metcalf	Steiwer
Bratton	Gillett	Moses	Stephens
Brookhart	Glass	Neely	Swanson
Broussard	Hale	Norris	Thomas
Bruce	Harris	Oddie	Trammell
Capper	Harrison	Overman	Tyson
Caraway	Hawes	Phipps	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Waterman
Curtis	Howell	Reed, Mo.	Watson
Deneen	Johnson	Robinson, Ark.	Wheeler
Dill	Jones	Robinson, Ind.	Willis
Edge	Kendrick	Sackett	
Edwards	Keyes	Schall	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present.

Mr. JONES. Mr. President, I get many editorials from papers and a great many letters from individuals denouncing Government ownership of ships and urging that the Government get out of the shipping business, turn over the ships to

private parties, and let us have a merchant marine in private control and under private ownership. I have not seen a single editorial, I have not received a single letter pointing out how this can be accomplished or how it can be done.

I received a short time ago, from a gentleman in Cleveland, a letter taking me to task quite severely for urging Government shipping. He said, "We want private shipping." I wrote back and asked him to tell me how we could get private shipping, and I put this question to him: "There are only two ways to have a merchant marine: One is through private enterprise, and the other is through the Government. Private enterprise, apparently, will not go into it without Government aid. Congress will not provide the aid that is necessary; so the dilemma is, either Government ownership or no shipping." I said, "I should like to know how you stand on this proposition." I said to him, "I prefer Government shipping to no shipping, and I should like to have you tell me whether you prefer Government shipping to no shipping." I received no answer to this letter.

As I say, you read editorials in our papers denouncing a Government merchant marine. None of them points out how we are going to get privately owned shipping.

The Herald-Tribune of New York a few days ago had quite a sharp editorial referring to this as a foolish proposition, and suggesting that we were pressing a very foolish proposition, suggesting that the Government should get out of business and let private capital and private ownership give us a merchant marine; but they did not suggest how we could get it or how it could be done.

Mr. COPELAND. Mr. President, will the Senator permit an interruption?

Mr. JONES. I yield to the Senator.

Mr. COPELAND. I should like to say to the Senator that I was quite embarrassed because of the fact that the Herald-Tribune, to which the Senator refers, spoke kindly of me. It has never done that before, and I quite mistrust myself when the Herald-Tribune praises me for anything.

Mr. JONES. I am rather inclined to think, in view of that editorial, that the Senator is fully justified in mistrusting it.

I do not mind these criticisms. I am glad to have them. I feel that these papers are just as anxious to have a merchant marine as I am; but they ought to realize the situation that confronts us, and if they are opposed to Government shipping they should point out how we can get the aid that will give us private shipping. I should like for them to say, also, whether or not they prefer no merchant marine to a Government-owned merchant marine. Some of our people seem to take that position.

One of the Senators on this floor a few days ago gave me the impression that that at least was his attitude. He said, "Sell our ships; get the Government out of this; abolish the Shipping Board." In my judgment, that means no shipping. In my judgment, that expresses the attitude that rather than have Government ships they would prefer to have no shipping at all. It is all right for any Senator or any newspaper to take a position of that kind if he or it believes it. I would prefer almost any course that will give us a merchant marine rather than to have none at all.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. JONES. I yield to the Senator.

Mr. SIMMONS. A great many ships have been sold or given away, one or another—practically given away, in most instances—by the Shipping Board. In connection with the argument the Senator is now making, I should be very glad if he would tell the Senator and the country what has become of these vessels that the Shipping Board has disposed of and put into private hands after five years. What has become of them? Are they still under the American flag?

Mr. JONES. I do not think the five years has expired in any case in connection with a sale of that sort. I do not think the time is up; but when the time is up these ships can go into our coastwise trade if they are not satisfied with the business that they are doing on the routes upon which they are running. I have feared that with the sale of these ships on a five-year basis, at the end of that time they would go into the coastwise trade.

I am satisfied they will do it if they are not making money. I have heard of no company that purchased the ships under the five-year limitation that is creating a reserve fund out of which to build new ships to replace the ones they are running as they wear out.

Mr. SIMMONS. Permit me to ask the Senator another question. If the Shipping Board continues to dispose of these ships and they all go into private hands, what guaranty has the Government that they will become auxiliaries to the Navy for purposes of national defense?

Mr. JONES. We have none, and, as a matter of fact, we have only probably 18 or 19 ships that would really be suitable for auxiliaries for the Navy. They have all been sold under this five-year limitation. How long they will last, how long they will be suitable, nobody knows, or where they will go at the end of the five years nobody knows. The only limit is that they can not go under a foreign flag without the consent of the Shipping Board. There is nothing in the world to prevent them from going into the coastwise trade.

Mr. SIMMONS. If these ships are built and owned by the Government, as provided in the bill, they will be so constructed as to be auxiliaries to the Navy?

Mr. JONES. We provide that in the bill.

Mr. SIMMONS. That is provided in the bill. That will cost the Government something. Does the Senator think that cost will be any greater than the subsidy we would have to pay to private capital, without getting these auxiliaries, or a guaranty of auxiliaries?

Mr. JONES. I doubt that it would cost any more, and it will insure the ships.

Now, Mr. President, I want to note the attitude of some of the big men of the country. Here is a statement from John E. Edgerton, president of the National Association of Manufacturers, in a speech to his organization down in Chattanooga a short time ago, when he said this:

> Shall an aroused citizenship rise up in the majesty of a calmly conscious right and say to the Government: "Get out of our business for which you were not intended and for which you are not qualified, either by experience or natural ability, and go back to where you belong and stay there"?

No doubt Mr. Edgerton is a fine man, no doubt he is an able man, no doubt he is a good business man, and he gives expression to this sentiment because of his opposition to the Government in business. But apparently he does not consider the fact that we have no privately owned American merchant marine, that we have no private capital to which these ships will go, that will run them and replace them and keep the services going, and build new ships, and bring those now in existence up to date; and he does not seem to appreciate the fact that apparently it is impossible to get Congress to pass legislation that will induce private capital to go into the shipbuilding business and the ship-operating business under the American flag.

That phase of it is, in a way, the controlling phase of the case. It is because we can not induce private capital to go into this that we are urging this measure. We believe that we should have this measure to give us a merchant marine, rather than to have none at all.

Mr. SMITH. I want to ask the Senator whether the party who made the statement he has just read, inviting us to go back to where we belong and get out of business, is in favor of a subsidy or not?

Mr. JONES. I do not know whether he is or not. I would guess that he would probably be.

Mr. SMITH. Very well. For 60 years or more we have had no merchant marine, and the advocates of a privately owned merchant marine come to Congress and insist that we shall guarantee them against any loss out of the Treasury of the United States in order that they may compete with foreign countries. That is inviting us to go into the shipping business to that extent, at least, for the benefit of the private individuals who own these vessels, when the proposition of the Senator and those who are advocating his measure is that whenever loss is sustained the Government shall assume, and whatever profits there are the Government shall have them, so that the profits and losses shall be distributed for the account of all the American people, and not private individuals.

Mr. JONES. Mr. President, I have here a quotation from the address of Philip H. Gadsden to the United States Chamber of Commerce at its meeting on May 4, 1927. Mr. Gadsden is very highly spoken of here as a splendid citizen and a fine business man, and I have no doubt that these commendations are fully justified. Yet he does not seem to appreciate what the shipping situation is. This is what he said:

> No special familiarity with the problems of the shipping business is needed by business men of America to pass judgment upon the policy of the Government owning and operating a merchant marine.

Possibly it is true that he understands fully the problem of the shipping business and that he thinks that no special familiarity is needed with reference to it. But he evidently does not know, or at least does not think very much about,

what we might term the political situation, if you please, which exists in Congress. He said:

This is only a phase of a much larger question which at this time is giving the business men of the United States concern, and that is, How far shall Government invade the field of business?

Then he said:

As I understand the temper of the business men of this country, we are opposed to Government entering into any phase of business, and we are looking hopefully to the time in the near future when the Government will retire from the shipping business.

Note this statement as showing the apparent unfamiliarity of this great business man with the shipping history and business conditions of the country:

We are looking hopefully to the time in the near future when Government will retire from the shipping business and turn back this great field of American business into the hands of American business.

American business, if it ever had the shipping business, has not had it for at least 60 years. There is no American business that had charge of shipping business to which this could be turned back, as this gentleman seems to suggest, and American business is not ready, it is not willing, it will not take over the shipping business without some Government aid. Mr. Gadsden ought to realize that, and I would just like to know what Mr. Gadsden would say to the proposition, If we must have Government shipping in order to have a merchant marine, do you prefer to have none rather than to have Government shipping?

Then another gentleman who seemed to be quite influential in connection with the Chamber of Commerce of the United States was William H. Douglass, of New York. I know that Mr. Douglass is a very fine man and a very patriotic citizen. What does he say with reference to the resolution then pending before the chamber of commerce?—

As the resolution says, we have got to have something substantial in the way of a mail or a direct subsidy to enable those ships to be run to advantage by the people who take them up and put their money into those operations. Unless you do that, and Congress subscribes to that policy, you will never be able to build up an American merchant marine.

I assume that he means in private hands, and that, Mr. President, emphasizes the attitude and view of the committee. He said further:

We have got to do something for shipping other than talk. The Congress of the United States have got to make up their minds to pay a reasonable subvention to establish these lines and keep them going.

Mr. Douglass, I think, was a Member of the House a good many years ago. He appreciates the political phase of the situtation, and the really practical phase of it. He says that you can not have shipping in private hands without Government aid, and he ought to know well enough the history of this proposition to realize the difficulties and practically the absolute impossibility of getting Congress to extend such aid.

The Chamber of Commerce of the United States passed a resolution the logical result of which, as I construe it, as I understand their attitude, is that they would rather have no merchant marine than a Government merchant marine.

Mr. President, I do not favor that position. I think, as I said before, that a merchant marine is of such vital consequence not only to commerce but to our national security that if I can not get it other than by Government, I take it by Government.

I want to note just one objection made to the Government running these ships. They say that the Government should not compete with private enterprise and private shipping lines, and that is one objection that is urged to-day to the action of the Shipping Board. The Government ships are not now being run in competition with private shipping and private lines. The Shipping Board is striving to keep from doing that. It does not desire to put the Government resources up against private enterprise where private enterprise is doing things and actually carrying on the business.

Mr. GEORGE. Is not that the announced policy of the Shipping Board?

Mr. JONES. I think so. I want to call attention to what I might term the flimsiness of this objection. There is only one ship privately owned that was not purchased from the Shipping Board, flying the American flag, that is running across the Atlantic, and that is a ship under the International Mercantile Marine.

Mr. President, there are many objections urged to Government ownership and Government operation of ships. For the sake of the argument, I am going to concede every one of them.

Mr. McKELLAR. Mr. President, I do not know whether they still have the contract or not, but the International Mercantile Marine, as the Senator will recall, a few years ago had a contract with Great Britain that if war ever broke out all of the ships they had should be turned over to Great Britain.

Mr. JONES. Those things are in the record, and the contracts of those lines with the railroads of the country, by which they were to give a preference to foreign ships, and so on, are all in the record; but I am not going into those things now.

Mr. President, we can build a merchant marine. The Government can do it. We can operate it. We are operating it. In my judgment we can eventually operate it efficiently and economically. We are getting down to an economical basis even to-day with the uncertainties that exist and with the character of ships we have. Just a few years ago we appropriated $50,000,000 a year to make up the deficit in connection with the operation of our ships. For the current year, my recollection is, that we had an appropriation of only a little over $13,000,000 for that purpose. I understand that the estimates by the Shipping Board to operate the lines which it established and its shipping during the next year are only a little over $13,000,000. In a bill which is likely to pass the other body to-day there is an appropriation of a little over $12,000,000. It is very likely that that $12,000,000 will take care of the operation of those ships. Possibly they will get the cost reduced and bring it down to a lower sum. They have been gradually reducing it every year during the last five or six years.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. JONES. Certainly.

Mr. FLETCHER. My information is that the cost of operation this last November was something like 20 per cent less than it was for the corresponding month a year ago. The cost of operation is being cut down and the efficiency of service being built up, because they seem to be now seriously trying to make the operation a success.

Shortly after the war, during the high-rate period, our ships actually made money. There was a profit then of nearly $200,000,000, so that if that were set opposite all our losses it would be found that really the Government operation has cost the people of the country very little, if any, money at all.

Mr. NORRIS. Mr. President——

Mr. JONES. I yield to the Senator from Nebraska.

Mr. NORRIS. I would like to inquire of the Senator whether the American railroads are still operating under contracts by which they turn to foreign shipping all the overseas trade which they carry to the ocean? I understand that our railroads did not patronize American ships, but carried the freight and delivered it to foreign ships for transshipment across the ocean.

Mr. JONES. My understanding is that those contracts have all been canceled. I have not looked into this phase of the matter for two or three years. At that time there was just one transcontinental road that had an agreement of that kind, but my understanding is that they have all canceled those agreements.

Mr. CARAWAY. Mr. President, may I ask the Senator from Washington a question?

Mr. JONES. I yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator from Florida suggested and, as I understood, the Senator from Washington concurred in the statement that in the last year they have reduced operating expenses some 20 per cent.

Mr. JONES. That was in one month as compared with the corresponding month of the preceding year.

Mr. CARAWAY. Of what did those savings consist?

Mr. JONES. Probably the Senator may have looked into that matter.

Mr. CARAWAY. I beg the Senator's pardon. I thought the Senator had looked into it.

Mr. JONES. The Senator from Florida suggested that saving.

Mr. CARAWAY. There must have been a tremendous waste in the administration of the previous year that could have its overhead reduced 20 per cent in a month. I agree with the Senator from Washington that we have to have a merchant marine. There is an operating loss now of about $12,000,000.

Mr. JONES. That was during the last year. The current year is estimated at about $13,000,000.

Mr. CARAWAY. Does that take into consideration any replacement?

Mr. JONES. No; I think not.

Mr. CARAWAY. No recapitalization?

Mr. JONES. No; it is just the actual operating expenses.

Mr. CARAWAY. About what is the necessary replacement fund for the fleet? If we were going to keep it up to a standard, how much would we have to have for that purpose?

Mr. JONES. I am going to come to that just a little bit later. I have not touched on that yet.

Mr. CARAWAY. I do not want to go into the controverted question of a subsidy because that has been gone into. We will be paying and are paying a subsidy of several million dollars. We are going into the Treasury to get money to operate the ships.

Mr. JONES. Yes; that is true.

Mr. CARAWAY. I hope the Senator will tell us just how much, considering replacement and every other thing, we are paying for the privilege of running the ships.

Mr. JONES. I am going to note the replacement in just a little bit. In connection with this matter, while we are paying out of the Treasury, maybe, $13,000,000 or $15,000,000 or $16,000,000 to make up the difference between the receipts and the expense of shipping, that takes no account of the effect on the shipping and upon the rates that our people have to pay. In my judgment, if our shipping gets off the seas, as it will unless we provide some method of replacement, then our people are going to pay higher rates for the transportation of their products than they are paying now or have been paying in the last few years. In my judgment, the reduction that we can class as due to American ships operated by the Government is many, many times the amount we have had to take out of the Treasury.

Mr. CARAWAY. I did not expect to go into that matter. That is always subject to speculation, but I have no doubt it is true. What I was trying to get at is this: I want to find out just what it is actually costing us, and I am sure the Senator has that information.

Mr. JONES. It is about $13,000,000.

Mr. CARAWAY. But that does not take into consideration replacements?

Mr. JONES. We are not replacing anything.

Mr. CARAWAY. It does not take into consideration invested capital. About what would it be if the invested capital cost us interest and if replacement was charged against us? I want to get that information if I can.

Mr. JONES. If the Senator takes the original capital, which is over $3,000,000,000——

Mr. CARAWAY. Of course, a lot of that is gone. I am talking about the number of ships actually now in operation.

Mr. JONES. It is estimated that the ships we now have are worth about $150,000,000.

Mr. CARAWAY. That is our invested capital.

Mr. JONES. We may term that our invested capital. There is no interest and no depreciation of our vessels taken into account, and they are depreciating very fast.

Mr. CARAWAY. What would it cost us annually for replacement even to keep that number of ships on the sea?

Mr. JONES. To keep the number of ships we now have on the sea, the number that we have running now of good up-to-date ships, would cost about $25,000,000 a year for about 10 years. That is the estimate of the Shipping Board.

Mr. CARAWAY. Would it end with the expiration of the 10 years?

Mr. JONES. It would depend on what we provide for. That is what we ought to have to replace the ships we have now.

Mr. CARAWAY. Then there would be a sinking fund necessary to replace those vessels over a period of years. What is the average lifetime of a ship?

Mr. JONES. It is 20 to 25 years.

Mr. CARAWAY. I beg the Senator's pardon for taking so much of his time, but is it not the tendency more and more now to seek much swifter ships to carry freight?

Mr. JONES. Certainly.

Mr. CARAWAY. Combination ships which carry passengers and freight?

Mr. JONES. Those are the things in which we are deficient now and which we must have.

Mr. CARAWAY. We can hardly get freight for the slower boats.

Mr. JONES. Just certain kinds of freight.

Mr. CARAWAY. The higher rated freights seek the faster ships.

Mr. JONES. Oh, assuredly. That is one of the imperative things in the adoption of a definite plan now. I will touch on that a little later, but I will say now that our ships are getting out of date. They are not able to compete with the ships of other countries. Great Britain and Germany have now ships of 14, 15, and 16 knots in the place of ships which four or five years ago were running 10 or 12 knots. Most of our ships are 10 and 12 knot vessels. If we are going to compete with their ships, we will have to have ships of equal or greater speed. I would like to see our ships 1 knot ahead of theirs all the time.

Mr. CARAWAY. Then they would build ships 1 knot faster than ours.

Mr. JONES. They probably would.

Mr. CARAWAY. I understand. We have these ships. They are all obsolete or obsolescent. Would the bill make it absolutely impossible to dispose of them if we should adopt it without an amendment? Even though we have to build ships to replace them, would we not be unable to sell our present ships?

Mr. JONES. We have an amendment from the committee, which has been proposed by the committee, providing that these ships can not be sold except by unanimous vote of the Shipping Board.

Mr. CARAWAY. If we adopt that amendment, then, will we not be unable to sell the ships even though we have to build better ships and faster ships to take their place?

Mr. JONES. Suppose we discuss that when the amendment is up. It is an amendment to the bill and will be open to full discussion at that time. I thought I would not discuss the amendment until it comes up.

Mr. CARAWAY. I did not know what the arrangement was.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. I yield.

Mr. COPELAND. To make a little fuller reply to the Senator from Arkansas, in 1926 we carried in combination cargo and passenger ships between the United States and north and south Atlantic ports of Europe 1,969,000 tons and only 4 per cent of that was carried on American ships.

Mr. CARAWAY. Under some kind of an agreement that we enter into with the shipping of all other countries, have we not rather gotten the worst of the arrangement?

Mr. JONES. The Senator is talking about conferences, as they are called, and so on?

Mr. CARAWAY. Yes.

Mr. JONES. Really I do not know whether we have or not. It would not surprise me if we have.

Mr. CARAWAY. Does not the Senator think we are making a mistake by appointing our agents from among old shipping concerns which are not American and which are interested in their own ships, ships of their own nationality, and when they undertake to serve our lines and serve those lines we get rather the worst of it?

Mr. JONES. I think so.

Mr. CARAWAY. Is it proposed to abolish that?

Mr. JONES. I have that in my notes as the next thing that I shall discuss.

Mr. CARAWAY. I have had that experience myself of being sent to a shipping concern and finding out that it represented the shippers of its own nationals, and that everything we had was absolutely useless and worthless and not fit to travel on.

Mr. JONES. We can build an American merchant marine. We can operate it. It will cost us money, it is true, but the Government is able to do it. What will that likely lead to? The building up of an American merchant marine from the beginning was a tremendous task. We had no experience. We had practically been out of the business for half a century. We had no agents anywhere throughout the world to see to getting cargoes for our ships or to represent or handle American interests. We had no trade connections in the various countries in the world. The British Government, through its board of trade and through its shipping, has agents all over the world to look after especially English business and English ships. It has trade connections all over the world, and in my judgment no more, and no more effective, trade agents anywhere in the world than in the United States itself.

They have connections with our banks; they have connections, as suggested a moment ago, with our transportation facilities and transportation lines. They are in close touch with the business interests and business development everywhere throughout the country. They have men who are primarily interested in British lines and British business and British trade. We had nothing of that kind. We have not yet. That is what we ought to have and is what, in my judgment, we can build up only under a stable system. In my judgment, though it may take time, if the Government gets behind the merchant marine, we would develop agencies with skilled people in charge.

As the Senator from Arkansas [Mr. CARAWAY] suggested, much of our business in the ports of the world is looked after now by foreigners, and in many cases looked after by British agents.

I do not blame them. It is the natural thing for them to favor their own people. Whenever they have the opportunity they will do it. What we want to do is to develop American agencies, to place skilled American representatives at least in the principal ports of the world to look primarily after American shipping and American interests, and if we put our merchant marine upon a stable basis, we shall then get that class of men and that class of agencies.

Then we want to assure to our people and to our business interests continuous and regular service. We complain a good deal because American citizens sail in ships operating under foreign flags; there is much complaint about that. We hear also much complaint because American business men ship their freight and bring it in on ships flying foreign flags. I want to see the American people patronize American ships both as passengers and with their freight; but we can not complain, we have no right to criticize our people, unless we furnish them up-to-date and regular service to do those things. In my judgment, if we shall furnish equal accommodations, equal service, equal shipping facilities we shall find Americans patronizing that shipping both as passengers and for bringing in and sending out their freight.

As I understand, it is true that the English merchant insists upon his goods being shipped in English ships and upon his imports being brought in in English ships. That is a fine thing, that is a patriotic thing to do. I am glad to see the Englishmen do it. When we obtain suitable and ample service we shall have a right to criticize Americans if they do not take the same attitude with regard to American ships. When we get the proper shipping, we can insist that the goods we export to any place on the face of the earth shall be sent there in ships flying the American flag, and we can insist, when we have ample shipping, that goods brought into this country shall be carried in American ships.

Of course, we do not seek to drive our British friends off the seas; nobody proposes that we should take all the transportation and shipping business of the world. All we ask is that this great Nation shall have its due part in the world's shipping trade. By the shipping act of 1920 we declared that American ships should carry at least 50 per cent of our trade. That is all we ask; that is all we seek. If we shall have suitable ships to do that, then we shall have ships suitable and sufficient for all of our purposes.

Mr. ROBINSON of Arkansas. Mr. President, I will ask the Senator from Washington what percentage of our trade is now carried in American ships?

Mr. JONES. Outside of tankers, and of ships owned by companies which operate them primarily to carry their own products and their own manufactures, we are carrying in the overseas trade less than 30 per cent of American trade; I think it is down to about 22 per cent. Before the World War it was down to about 9 or 10 per cent, and since the war the percentage has gradually decreased every year until, as I have stated, in that particular class it is now down to about 25 per cent, a little less than 30 per cent.

Mr. BINGHAM. Mr. President, will the Senator from Washington yield to me?

Mr. JONES. I yield to the Senator from Connecticut.

Mr. BINGHAM. Is it not likely that if the Government goes into the shipping business, as the Senator proposes, it will force private enterprise out of the very business that it is now struggling to carry on?

Mr. JONES. To what private enterprise under the American flag does the Senator from Connecticut refer? We have crossing the Atlantic Ocean between this country and Europe only one ship under the American flag which is privately owned, and that is one of the ships of the International Mercantile Marine. There are no American ships in the overseas trade between this country and Europe primarily privately owned for us to drive out of business. Of course there is the North Atlantic Line, which is owned by the Government; there are some ships running to different quarters of the world that have been bought from the Shipping Board, if they may be classed as privately owned; but there are no privately owned ships flying the American flag running between this country and Great Britain and continental Europe for us to drive out of business.

Mr. President, what is the situation now with reference to our shipping? We have a large number of ships, aggregating a considerable tonnage, but that shipping was constructed hurriedly; it was constructed under the impetus and the needs of war. It was not constructed for any specific or special service. One great advantage of British shipping is that it was largely constructed for special services, constructed to meet certain special conditions.

Our shipping is not constructed with any such purpose in view as that; it was constructed, as I have said, hurriedly; the ships were practically thrown together and they are now practically out of date. We are falling behind our competitors.

I have here a statement showing the character of our ships and those of our competitors. I wish to call the attention of the Senate to the fact that other nations are replacing their ships. Since the war they have been building better ships than they ever have built before; they are building faster ships and ships with better appliances for handling freight, better suited to the trades in which they are engaged. Such ships have been built in large numbers by other nations.

In an article by Alfred H. Haag, director department of international shipping, Georgetown University School of Foreign Service, I find an interesting list of ships built by foreign nations. The article is in the Georgetown College Journal of January 28. I wish to read what the author says:

> Years have slipped by while the question has been argued whether our shipping shall be under Government or private control. In the meantime our competitors have been actively engaged in rehabilitating their shipping, even in the face of their severe economic handicaps.
>
> What is the result? We have been completely outbuilt by all of them. At the present time we are hopelessly outranked in modern types of ships to meet the keen competition in overseas trade routes. A striking example of a nation retrieving her shipping is that of Germany, which now has a modern fleet of merchant ships of over three and one-half million gross tons.
>
> Shipbuilding activities of the principal maritime nations from 1922—
>
> That was after the World War closed—
>
> to 1927 are disclosed in the following table:
>
> Great Britain—number of ships built, 882; gross tonnage, 4,905,853.
> Germany—192 ships; 1,118,635 gross tons.
> France—104 ships; 630,613 tons.
> Italy—87 ships; 711,499 tons.
> Japan—75 ships; 333,327 tons.
> United States—
>
> At the foot of the list—
>
> eighteen ships of 195,191 tons.
>
> The author then says:
>
> The above figures show that Great Britain outbuilt us 45 to 1; Germany, 10 to 1; France, 5 to 1; Italy, 5 to 1; and Japan, 4 to 1.

I have not looked into it carefully but, in my judgment, the ships that we have built, or at any rate a good many of them, probably were under contract at the close of the war.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from Kentucky.

Mr. SACKETT. The Senator has just read figures showing the number of ships built by foreign nations compared to the number built by the United States. The foreign vessels were all built and operated under the stimulus of subsidies from their respective governments, were they not?

Mr. JONES. I think most of the nations referred to pay subsidies and give government aid.

Mr. SACKETT. That has much to do with the fact that they have built up their merchant marines to the extent indicated compared with the small amount of tonnage built by the United States, has it not?

Mr. JONES. I am willing to concede that. I do not know just how far it is true, but I am willing to concede it.

Mr. HOWELL. Mr. President——

Mr. JONES. I yield to the Senator from Nebraska.

Mr. HOWELL. Is it not a fact that the subsidies paid by Great Britain are very small and would not at all be satisfactory to vessel owners in this country?

Mr. JONES. If we did not give American owners any more than the British now give their shipping interests, I doubt that it would be satisfactory to shipowners in the United States; but we must not overlook the fact in connection with that suggestion that Great Britain is established in the shipping business. What did she do to become established? If anyone will read the history of Great Britain and her shipping, he will find that she took the most drastic measures to develop British shipping. She gave subsidies of a substantial character; she prohibited the trade of her colonies and other dependencies from being carried on in foreign bottoms; she restricted such trade absolutely to British ships. Great Britain took the steps which were necessary originally to build up a merchant marine.

She has, as I said a while ago, her agencies all over the world looking out for her trade. Now she does not need to give so much to maintain that supremacy; but those are some of the handicaps that our people face, and those are some of the handicaps that it is necessary, if we are going to have private shipping, to overcome by Government aid in some way, and those are some of the reasons why, if we can not have Government aid, there is no hope of building up an American merchant marine in private ownership.

Mr. SACKETT. Mr. President——

Mr. COPELAND. Mr. President——

Mr. JONES. The Senator from Kentucky rose first, and I yield to him at this time.

Mr. SACKETT. Mr. President, can the Senator give us information as to what kind of subsidy Great Britain granted in connection with the building of the *Lusitania* and the *Mauretania* and that class of ships? There is quite a story about that.

Mr. JONES. My recollection is that the British Government made loans on very liberal terms.

Mr. SACKETT. Was there not practically a payment by the Government for the entire ship? Did it not amount to that in the long run?

Mr. JONES. I do not know just how far the payments went, but they went a long way.

Mr. SACKETT. They are very fine ships.

Mr. FLETCHER. They were all equipped as naval auxiliaries.

Mr. JONES. Oh, yes.

Mr. SACKETT. But the subsidy paid for the building of those ships amounted practically to their construction by the Government, provided the Government was given the right to call them into service as naval cruisers in time of war.

Mr. JONES. I will make all the concessions that anybody wants with reference to aid granted by foreign countries, so far as that is concerned. Other nations, Great Britain especially, have done whatever was necessary to build up and maintain a merchant marine. I admire Great Britain greatly for it. If we could do what she has done, I would be glad to support such a plan; but, in my judgment, we can not do it, and we will not do it, and if we will not do it, then our only recourse is to the action of the Government along other lines.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from New York.

Mr. COPELAND. A moment ago the Senator spoke about shipbuilding activities abroad at the present time. I should like to add to his argument at this point these facts: In Germany to-day two ships are being built, the *Bremen* and the *Europa*, each of which is 928 feet long, with a tonnage of 46,000 and a speed of 28½ knots. They are being built by money loaned in New York for that purpose.

The White Star Line in England is building a ship of 60,000 tons, which will be the largest ship afloat. The Cunard Line has placed a contract with shipbuilders on the Clyde for a $30,000,000 ship to replace the *Mauretania*. These will be the largest ships that up to this time have ever been built, and they are now actually under construction in shipyards in Europe.

Mr. BINGHAM. Mr. President, will the Senator yield at that point to permit me to ask a question before he sits down?

Mr. JONES. I yield.

Mr. BINGHAM. Does the Senator know how much Government aid is being given to the projects in Germany and Great Britain to which he refers?

Mr. COPELAND. I can say that in Great Britain they are getting three-quarters of a million dollars a year for subventions for the sake of having their ships at the disposal of the British Government in case of need. The German figures I expect to give in my own remarks to-morrow.

Mr. BINGHAM. Mr. President, may I say at that point that figures have been printed recently in the newspapers with regard to the merchant marine of Japan, which the Senator from Washington just said has built four times as many ships as we have in a given period, to show that within the next two or three months, if not already, there will be begun the construction of the largest ships on the Pacific Ocean, with the intent of cutting down the time between Asia and the Pacific coast, and that these ships are being built under grants of aid from the Japanese Government, guaranties of interest on the stock, and very large subsidies. That is the kind of thing with which we have to contend; and it is by means of these subsidies, which other countries that are more interested in their merchant marine than we seem to be are willing to give, that we are being driven off the ocean.

Mr. COPELAND. And I may say further that since the close of the war Great Britain has built 5,000,000 tons of vessels, and Japan, France, Germany, and Italy combined 3,000,000 more. Eight million tons of ships have been built by these foreign nations since the close of the war for transoceanic service, and we have not laid down a single keel for that purpose.

Mr. FLETCHER. The answer to all that, if the Senator will allow me, is to do just exactly what Canada has been obliged to do—let the Government build and operate these ships.

Mr. BINGHAM. Does the Canadian Government operate the ships across the North Pacific?

Mr. FLETCHER. Yes; her merchant marine is considered one of her greatest assets.

Mr. BINGHAM. My information is not like that of the Senator, because the information one gets on the Pacific is that those ships—that is, the Empress boats—are operated by the Canadian Pacific Railway.

Mr. FLETCHER. The railway administration also administers the shipping of Canada. It is all under one control, but it is the Government just the same.

Mr. BORAH. Does the Government own them?

Mr. FLETCHER. The Government owns them. The merchant marine is one of Canada's greatest assets.

Mr. BINGHAM. Does not the Canadian Pacific Railway own the ships instead of the Government?

Mr. FLETCHER. No; the Government owns them, but the administrative agency of the Government that administers the railroads also administers the ships.

Mr. BINGHAM. Does the Government run the railroads?

Mr. FLETCHER. Yes.

Mr. NORRIS. If the Senator will permit me, there are two railroad systems in Canada.

Mr. BINGHAM. Surely the Government does not operate the Canadian Pacific.

Mr. NORRIS. The Government owns and operates only one of them.

Mr. FLETCHER. I did not know that the Senator was drawing that distinction. I know that they have a railway system owned and operated by the Government.

Mr. BINGHAM. That is a different line, and it is not that line that operates the famous Empress steamers across the North Pacific. It is the Canadian Pacific Railway, a private concern, that operates those boats across the North Pacific so successfully with Government aid.

Mr. FLETCHER. The Canadian Pacific may have some ships. I do not know as to that.

Mr. MOSES. They have a very fine line running to the Orient and to Australia.

Mr. FLETCHER. The Government line does operate on the Atlantic.

Mr. SACKETT. The Canadian Pacific operates a line of ships from Quebec and Montreal in the summer to England that is owned by the Canadian Pacific Railway. I think it is only the Grand Trunk that is Government owned.

Mr. FLETCHER. It may be that that is the case.

Mr. NORRIS. The Canadian Pacific is a privately owned railroad.

Mr. SACKETT. Privately owned.

Mr. NORRIS. The Canadian National, I think, is the name of the Government-owned railroad. They may both operate ships, as far as I know.

Mr. SACKETT. I do not know whether the Canadian National operates ships or not. The Canadian Pacific does.

Mr. JONES. Now, Mr. President, just a brief reference to the condition of our shipping as compared with the shipping of our competitors so far as the character of the ships is concerned. I have here, from the same article from which I read a moment ago, the speed of the ships of the different countries.

Great Britain has 1,280 ships of 12 knots and over. The United States has 235. She has more than five times what we have.

Of ships of 14 knots and over, Great Britain has 435. We have 101. In other words, she has four times as many as we have.

Of ships of 16 knots and over, Great Britain has 145. We have 37.

Of ships of 18 knots and over, Great Britain has 38. We have 6.

Of ships of 20 knots and over, Great Britain has 12. We have 2.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. JONES. Yes.

Mr. BINGHAM. How many of those numerous ships of Great Britain that the Senator speaks about are owned and operated by the British Government? Any?

Mr. JONES. I suppose not. How does the Senator suppose that we will get that many under our flag? Can we get them through private enterprise?

Mr. MOSES. We certainly can if we will pay a subsidy.

Mr. JONES. But will we do it?

Mr. MOSES. I will.

Mr. JONES. Of course, the Senator will, but he is not a majority. That is the trouble. I would, too; I would join with the Senator; but we can not do it.

Mr. MOSES. The Senator and I can possibly make a majority.

Mr. SACKETT. I should like to agree to help out.

Mr. JONES. I wish we could; but I pointed out a while ago the fact that for 16 years we have not been able to do it, and I think we have had just about as great men in the Senate and in the House as we have here to-day.

Mr. BINGHAM. Is the Senator's argument this, then: That if we were as small as Japan or Great Britain, and were an insular country, so that more of our citizens could appreciate what was going on upon the ocean, we probably would be willing to do what they are doing, to pay for the privilege of having a merchant marine by granting a subsidy in various forms; but that since we are such a continental country, and such a large number of our people are far distant from salt water, it is useless?

Mr. JONES. No; I have not wearied my mind with trying to find out why men vote this way and men vote that way. I know they do it, and they have done it for 50 years; and I have not any indication that they have changed their minds or that they have changed their attitude, or that we may expect a different vote in the Senate or the House. The Senator was not here five years ago when we sat here day and night, with 22 majority in this body, trying to pass a subsidy bill, and we could not do it. If we could not do it then, is there any man in this body who believes that there is any chance to do it now?

Mr. FLETCHER. The Senator might refer to the experience that this country had once when we enjoyed a subsidy similar to that which is suggested now. We had a subsidy once in the United States. The worst scandal the country ever went through was experienced at that time, and it got us no shipping.

Mr. JONES. Mr. President, I have taken much more time than I intended to take, and I am going to finish in just a moment.

Some people say, "We do not need any new ships." They say, "We have lots of ships"; but I have just shown you the character of the ships that we have compared with the same kind of ships of Great Britain, our principal competitor. I have here a statement made by General Dalton, who is at the head of the Fleet Corporation, and knows the situation. He says:

> It is essential that America seriously consider at this time the building of a new American merchant marine of vessels unequaled in type and speed on the high seas, so that our merchant fleet can hold its place by sheer merit in the face of foreign competition on every essential trade route, and prove its value as a national asset through the character of the service it can render to our people.
>
> The formulation of a program for the building of this merchant-marine fleet that can be carried to an early and successful completion can no longer be delayed unless we are to lose all the advantages which we have gained during the past six years of the costly pioneering effort made by the Shipping Board to establish our merchant flag upon the trade routes that are vital to the prosperity of our Nation.

And, Mr. President, in the report made on a similar bill at the last session of Congress, I quoted from the report of the Shipping Board on that measure. This is over a year ago. Some people say, "Oh, we do not need to be in a hurry. We have plenty of ships. We do not need to start on this new program"; but note what General Dalton says.

Then I find this. The Shipping Board said:

> In the present state of world shipping it is practically impossible to sell our vessels for private operation in foreign trade and at the same time retain them in American ownership and under American registry.

And then, as to the declaration of section 4 of that bill, relative to the replacement of vessels, they say:

> The declaration * * * is most timely not only from the viewpoint of our foreign commerce but also from the viewpoint of our national defense. Any business enterprise which fails to make proper provision for replacement, whether it be of machinery or of vessels, not only as these wear out but as they may become obsolete, must ultimately go into liquidation. It is useless to make pronouncements concerning the intentions of the United States to maintain and develop an adequate merchant marine unless such declarations are supported by assurances that new vessels of the most modern type will be supplied as the old vessels depreciate and as our foreign trade develops.

Why, Mr. President, it seems to me that that is a matter of common sense. Everybody knows, every business man knows, that if his tools become inferior to those of his competitor he will be driven out of business; that in order to maintain himself he must get up-to-date tools and up-to-date instruments.

Suppose we do nothing at this Congress. Suppose no steps are taken looking toward a permanent policy. When can we do anything? You can not count on our being able to do anything short of at least two years. The next session of Congress is a short session. We can not pass any controverted legislation with reference to this matter in that session. Then, unless an extra session is called, Congress will not be in session until the next December, two years from now; and then how long would it take to pass legislation? Then, after it was passed, it would take a year or two to build the ships, so we can not count on anything substantial being done inside of three or four years.

Mr. President, in my judgment by that time the fleet that we have will be practically gone. Not only will it be obsolete but it will be absolutely impossible for it to compete with our competitors and maintain our trade and maintain our business.

In my judgment, this session is the critical session for the merchant marine of this country. I may be wrong about it; I hope I am; but if we do not do something at this session the chances are that we will be going right back to where we were when the World War broke out.

The Senator from Arkansas [Mr. CARAWAY] inquired a while ago, "What necessary replacements are required?" I want just briefly to refer to that, and give you the ideas of the Shipping Board, which has charge of this matter; and, whatever we may think about the Shipping Board, it is the instrumentality that is dealing directly with this problem and with our ships.

We hear a great deal of criticism of our Shipping Board. They may have made mistakes, but we must bear in mind that they had a tremendous problem to handle, and they had to handle it under very difficult conditions, and in a very difficult situation. I think, taking it on the whole, they have done a good work. They know what the condition of the fleet is; they know what it requires.

I remember that a few years ago—I think nearly three years ago—a committee was appointed, after very urgent request, to consider the condition of our fleet and devise a program of replacement, so as not only to maintain our fleet, but to put it right in the forefront. They prepared very carefully a program of what they felt was necessary. That was a couple of years ago. The necessity is more urgent to-day than it was then. Possibly the program will need to be enlarged, even. This is what they say. I am going to read it:

> The immediate needs of the Government's merchant fleet are as follows:
>
> Reconditioning of the steamships *Agamemnon* and *Mount Vernon*.

This was a couple of years ago. I understand that in the appropriation bill which will come over in a day or two provision is made for the reconditioning of those two ships. Some of our friends claim that these ships would not meet the situation on the North Atlantic at all. Possibly they will not, but the Shipping Board says that the hulls of those ships are good, that they are in splendid condition, and that the ships can be reconditioned at a cost of $6,000,000 each. That is a large sum of money, but I am not an expert; I do not pretend to say whether they are right or wrong.

I have to take their judgment. They say that if we will recondition these two ships we will have two high-class ships to go along with the *Leviathan*. They are not the best ships, and they would not be the best ships, but apparently they are the best they feel they can get now.

Mr. COPELAND. Those are German ships, are they not?

Mr. JONES. They are old German ships.

Mr. COPELAND. How old are they?

Mr. JONES. Their hulls, I guess, are probably 15 years old, maybe 20.

Mr. COPELAND. They are 21 years old. Would the Senator advocate taking an automobile of 1908 or 1907 and rebuilding it with a new body and a new outfit, and calling it a new car?

Mr. JONES. Probably, if I could not get anything better, I would.

Mr. COPELAND. The Senator wants to build up the American merchant marine?

Mr. JONES. I do.

Mr. COPELAND. So far as I am concerned, if we are going to add two ships to the United States Lines, let us build two

good new ships that can compete with foreign ships, and not rebuild these old ships.

Mr. JONES. I would stand with the Senator.

Mr. COPELAND. These were German ships, and the Germans had a sister ship, the *Hensa*, which they reconditioned under the same conditions we are now talking about taking care of the *Agamemnon* and the *Mount Vernon*, and they gave her up in two years and put her on the junk heap.

Mr. JONES. There is no controversy between the Senator and me with reference to a proposition like that, so far as that is concerned.

I now read further from the proposed construction program of the Shipping Board:

PROPOSED CONSTRUCTION PROGRAM

The immediate needs of the Government's merchant fleet are as follows:

Reconditioning of the steamships *Agamemnon* and *Mount Vernon*. These vessels were originally German, named, respectively, *Kaiser Wilhelm II* and *Kronprinzessin Cecilie*. They are of, respectively, 19,361 and 18,372 gross tons, and had a sea speed of 23 knots. They are in the Government's laid-up fleet. The cost of reconditioning, installing new machinery, and equipping for passenger service these vessels will be approximately $6,000,000 each. Their proposed use would be in connection with the *Leviathan* and give this country a weekly service between New York and the United Kingdom and continental Europe. A recent dry-dock examination shows that the hulls of these vessels are in good condition and that they will be useful for many years.

For the east coast of South American there is also immediate need of six freight vessels, each of 9,000 dead-weight tons, having a sustained sea speed of 15 knots. They should have refrigerated space for 1,000 tons. These vessels like all other freight vessels contemplated in this replacement program should be built on contracts containing alternative provisions for internal-combustion engines or steam plants. If steam is chosen, the plants contemplated will be high pressure and high superheat. The fuel for the steam plants will be either oil or pulverized coal. Present figures indicate that the installation of a steam plant would make a reduction in capital cost of some 15 per cent, as compared with the internal-combustion engine equipment.

There is also present need of five vessels of 10,000 dead-weight tons and 15 knots speed to ply between North Atlantic ports and the Philippines, China, and Japanese ports. These ships should have cargo tank space of approximately 1,500 tons, and be of the same general type as suggested for the east coast of South America.

Five vessels similar to the last mentioned in size and speed should also be built for the North Atlantic and India trade.

At present-day prices in American yards the foregoing 16 freight vessels, with internal-combustion engines, would cost approximately $1,540,000 each, or a total of $24,640,000.

Unless conditions shall develop so that private owners can assume the task of maintaining these services, which experience shows are necessary for the protection and development of the commerce of the United States, it will be necessary during the 15 years following the commencement of the construction above specifically provided for to replace the balance of our freight fleet, viz, some 275 vessels, as such vessels become obsolete by reason of improved tonnage put into those services by our competitors or wear out.

Should present commercial conditions continue, these proposed vessels will be practically of the same type as the freighters heretofore specifically described, with minor variations to fit the particular service to which a specific vessel is assigned.

The building program should be approximately 15 ships per year. The higher speed of these proposed new freight vessels will make it possible for a smaller number of such ships to do the work now being done by our present fleet. This program for progressive construction will permit of advantage being taken of such improvements and developments in naval construction and marine propulsion as from time to time may occur. The routes upon which these vessels will be placed as they progressively appear will be determined by the character of the competition encountered.

Mr. President, this program of replacement would cost about twenty or twenty-five million dollars a year during the next 15 years. It would furnish us not only an adequate, up-to-date American merchant marine, but it would furnish to us those vessels which would be suitable for naval auxiliaries in time of war. That should be taken into consideration in connection with the appropriation for these vessels. This program would cost about $250,000,000.

There seems to be seriously proposed and seriously urged, and it looks as if we are going to adopt, a naval program involving the expenditure of $750,000,000 for naval vessels during the next five years, and it is even proposed by high authority to spend from two billion and a half to three billion dollars in the building of a navy, they say for the protection of our commerce. Yet if we do not do something for the building up of an American merchant marine, we will not have any commerce to defend or protect.

Mr. President, is it possible that this great country of ours will spend $750,000,000 for vessels of destruction, and refuse $250,000,000 over a period of 15 years for vessels of construction, for vessels of peace, for vessels for the development of our commerce and our trade, and to be used if necessary in defense of our country and our flag?

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. SACKETT. In addition to the construction cost, has the Senator any figures as to what the operation losses of those same vessels, so constructed for $250,000,000, would be to the Government during that period? Is there any way to calculate that at all?

Mr. JONES. No, Mr. President; there is not. I do not know whether the Senator was in the Chamber a moment ago or not when I called attention to the decrease in the operation cost of the ships that we have. That is the only criterion that I have really to go by. It speaks well for the Shipping Board, it seems to me. They have reduced the deficit in the operation of the fleet from about $50,000,000, as it was a few years ago, down to $15,000,000 now. As we build up our personnel, as we get trained agents, and train our officials, give them permanent positions so that they will know that they will be employed in that work and can take pride in it, take pride in developing American trade and American shipping, and with these vessels that proportionately are more economical than the ones we have now, I am hoping that we will get our Government fleet practically down to a sustaining if not a profitable basis. Of course, that is only my opinion.

Mr. SACKETT. Of course, there will probably be some losses to be added to that cost each year.

Mr. JONES. Possibly so.

Mr. SACKETT. And if we take back ships that have been put out to private ownership, as the number of ships increases, the amount of money that will be lost by operation, if it is a loss, will also increase, so that we have to take into account the operating losses, as well as the construction cost, for that 10-year period.

Mr. JONES. Of course, that is true.

Mr. SACKETT. That may amount to a very considerable sum.

Mr. JONES. It may be a considerable sum. We have also to take this into account, that if we do not have a merchant marine, if we do not have ships to ply these routes in competition with our commercial competitors, we may expect, after we get out of the business, that the rates will go up.

Mr. SACKETT. Of course.

Mr. JONES. In other words, the great benefit of this fleet comes in holding rates down to a reasonable degree for the billions of dollars of our exports and imports.

Mr. SACKETT. It has a wonderful nuisance value.

Mr. JONES. Yes, indeed, and a value that can not be disregarded.

Mr. SIMMONS. Mr. President, I hope the Senator will stress, in that connection, the value of having these ships so constructed that they would be suitable as auxiliaries of our Navy in case of war.

Mr. JONES. That is provided in the bill.

Mr. SIMMONS. I know it is provided in the bill, and I want the Senator to stress it, because there is no possibility of our securing an auxiliary navy under the administration's present scheme—none at all. If the fleet goes into private hands, we have no assurance that we will ever secure an auxiliary navy through our merchant marine. But if it stays in the hands of the Government, it is certain that the ships will be so built or conditioned that they will be suitable for naval auxiliaries, and if we had a merchant marine, with all the vessels properly equipped as auxiliaries to our Navy, the enormous expenditures that are now proposed would not be necessary at all. This additional strength in our equipment for defense would take the place of much of these appropriations that are now being asked for the purpose of building new ships.

Mr. JONES. I think the Senator has emphasized that just as strongly as it could be emphasized.

Mr. President, when we have put up-to-date ships on the routes it is wise to maintain, when we have developed agencies and a personnel in charge of and composed of earnest, skilled, and capable Americans, when we have shown that we are in the shipping transportation to stay, then, if we are dissatisfied with Government ownership and operation, we will have the opportunity to pass such legislation as will lead private energy

and capital to take over our ships and services at their true value, and guarantee that these services will be maintained.

Mr. President, I have taken much more time than I had intended, and I am not going to trespass upon the time of the Senate further, except to ask leave to put in the RECORD a brief statement with reference to the magnitude of American foreign shipping, by Mr. Haag, to whom I referred a while ago, and a statement which really covers the important phases of the proposition in a very clear and definite way, by the Senator from Michigan [Mr. COUZENS]. I ask permission to have that also printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matters referred to are as follows:

THE MAGNITUDE OF AMERICAN FOREIGN SHIPPING

By Alfred H. Haag, director of shipping courses, Georgetown University, school of foreign service

The magnitude of our water-borne foreign commerce can best be realized when we stop to consider that 5,761 ships, of almost twenty-six and one-half million gross tons, participated in the carrying of approximately 113,000,000 cargo tons, valued at almost eight thousand millions of dollars, of which the freight bill amounted to about $728,000,000.

Including the United States, 33 countries participated in the carriage of our foreign trade.

Of the total number of ships there were 1,676 American vessels of seven and one-half million gross tons, which carried about 38,000,000 cargo tons.

We commonly refer to our foreign trade as being divided into three classes:

1. The Great Lakes foreign trade.

2. The near-by ocean-borne foreign trade (this includes Atlantic and Pacific Canada; the Caribbean region, which covers Mexico, Central America, the northern portion of South America to Guiana, and the West Indies).

3. The overseas trade—trans-Atlantic and trans-Pacific—east and west coast of South America.

In the Great Lakes foreign trade out of a total of about 13,000,000 cargo tons American ships carried about 50 per cent.

In the near-by ocean-borne foreign trade, out of a total of about 30,000,000 cargo tons, American ships carried 55 per cent.

In the overseas trade, out of a total of 70,000,000 cargo-tons, American ships transported 22 per cent.

American-flag ships are carrying at the present time approximately one-third of our foreign commerce. Our goal is to carry the greater portion of it in American bottoms.

It has frequently been stated that our exporters and importers are indifferent toward patronizing American ships. The answer to this is American exporters and importers will need no urging to patronize American ships when the service rendered is on an equality with that offered by our competitors. It is not fair to expect them to accept inferior commercial service under the guise of patriotism.

The plain facts are that we have been outbuilt by our competitors in the last six years to such an extent that we are at a decided disadvantage with but few exceptions, in the matter of competitive types of ships.

In its shipbuilding activities the United States has drifted back to seventh place, with Russia trailing us by the equivalent of only one 10,000-ton ship.

There are only three shipyards active in the United States at the present time that can build the larger types of merchant and naval vessels, and none of them are fully occupied.

This humiliating position in the shipbuilding industry is only comparable to the universally acknowledged humiliating position we occupied in the carrying trade prior to the World War, when we carried less than 9 per cent of our foreign trade in our own ships.

If American shipping in foreign trade is to survive, it is high time that definite and immediate action be taken to render the necessary assistance to the shipping industry to place it on an equality with our competitors.

The shipping and shipbuilding industry is in direct competition with maritime nations whose living standards are considerably lower than ours. We are handicapped in direct proportion to the living standards of the countries with whom we are competing. This handicap must be met if American shipping is to survive.

It is estimated the annual amount necessary to support an adequate American merchant marine would be approximately from one-eighth to one-fourth of 1 per cent of the annual value of our foreign trade.

[From the Detroiter, December 5, 1927]

OUR MERCHANT MARINE—SENATOR COUZENS TELLS ADVANTAGES OF GOVERNMENTAL OWNERSHIP AND OPERATION OF ADEQUATE FACILITIES—SAYS WIDESPREAD DISCUSSION MAKES HEALTHY SITUATION

By Senator JAMES COUZENS

Nearly every day and everywhere where business or Government is discussed the question of the American merchant marine is raised. You will observe that even as high an authority as the President of the United States discussed the matter in a recent public address and you will further observe that many business organizations, public officials, Congress, and others have discussed this very important matter. This is indeed a very healthy situation, because out of all this discussion we will undoubtedly reach a sane conclusion. This even so, much of the literature and many of the speeches and statements are merely propaganda for the benefit of some special interests. Fortunately the American people are able to see through most of this, but, of course, they are sometimes misled.

The slogan adopted by most persons who believe in an American merchant marine is "An adequate merchant marine is indispensable to the prosperity and security of our country." There may be some who do not agree with this, but let us start out with the assumption that this is correct. I believe in such a doctrine, and believe that the majority of our citizens do likewise.

Now, the problem is how best to secure an "adequate merchant marine" and to properly interpret what is adequate. In Philadelphia, on the 17th of November, our President said with a good deal of force that any business the Government engaged in must be a monopoly. He said further that the creation of such a monopoly was destructive of initiative of enterprise of American citizens. I do not think anyone will materially disagree with this statement, and so the question resolves itself largely whether or not the American Government will have to undertake the furnishing of an "adequate merchant marine."

We have had to take control of the post-office service nationally, because service was paramount to profits and even paramount, perhaps, to the highest degree of efficiency, which we will admit for argument's sake is obtained through private enterprise. Are we able to secure an "adequate merchant marine" through private initiative when we are in competition with all the world?

Can we, through private initiative, maintain the American standard of living for our sailors, either aboard ship or at home, and compete with the nations of the world, whose citizens do not, everyone admits, have the same high standard of living that we in America do? Are we to take one group of our citizens, namely, those who man the ships flying the American flag, and insist that they live on a lower standard than the rest of our citizens, so that we may, through private interests, maintain an "adequate merchant marine"?

The President, on November 17, in his speech pointed out that our high tariff was responsible for the development of our country and the high standard of living which we had attained. The tariff prevented us from having to compete with the nations of the world for American trade. No other way could we have competed and maintained the high standard of living without the tariff. What can we do to assure an "adequate merchant marine" unless we subsidize private American ship interests with funds from the Federal Treasury or maintain a governmentally owned "adequate merchant marine"?

Our people repeatedly have disapproved of a subsidy, perhaps all of us, however, not for the same reason. Admitting for argument sake that it is proper to subsidize private shipping, does it give us any assurance of an "adequate merchant marine"? I think not, for the reason that immediately Congress fixes a subsidy schedule for private American shipping the nations of the world are put on notice they only have to slightly increase the subsidies to the ships flying their flags to again almost immediately dislocate the scale that Congress granted to again put American shipping interests in a position to not adequately compete.

In any case it is obvious that whatever deficits accrue to American shipping are taken care of through the Government, either through subsidies or paying deficits in the operation of our ships by the United States Shipping Board.

The question may arise, and properly so, as to which is the most economical, whether we pay less out of the Federal Treasury in subsidies or less in paying up the deficits of the Shipping Board. I do not know and I doubt if anyone knows. I do know that when the United States Government is back of its shipping interests with the full strength of the Federal Treasury they are not going to invite unreasonable competition. They will be less likely to cut rates to a point that they carry the tonnage at less than cost.

It may be said that the United States Shipping Board, a Federal agency, will not operate the ships as efficiently as private interests will. That may be said of the Post Office Department, but really no one knows.

When you consider the profits that have to be taken out of privately operated shipping I think it is safe to say that those profits will be equal to the deficits created by the Shipping Board, so in the end the American public are paying the same, whether the ships are privately operated or governmentally owned and operated.

Of course, I could go into great length in discussing the decline of American shipping in foreign trade. I could point out in great detail how American shipping in foreign trade dropped from 89.9 per cent of the world trade in 1830 to 8.7 per cent in 1910. How, as a result of this terrific decline the Government was required to spend over $3,000,000,000 at the beginning of the war to protect the security of our country.

How, after we did this, the percentage of American shipping in foreign trade jumped to 42.7 per cent in 1920 and has been slipping ever since until now it is down to 32.2 per cent of the world shipping. It required 5,761 vessels aggregating a gross tonnage of 26,330,000 to take care of the American foreign trade in the calendar year 1926, and out of this large number of vessels and great tonnage American ships only numbered 1,678, with an aggregate tonnage of 7,336,000.

Are we proud of America? Are we anxious that it maintain its prestige not only in commerce but in its desire for world business? If so, why should we waste so much time and energy in bickering over the method to be adopted in securing the end which I believe is almost unanimously agreed upon?

It is not that we disagree as to the necessity of an "adequate merchant marine"; it is the eternal bickering as to how we are going to have it. Foreign interests are greatly represented in this country, and they are constantly endeavoring to deter America from maintaining its prestige and the acknowledged position it should hold in world shipping.

Are we to be misled and influenced by the desires of foreign nations and are we to be diverted in our desires, as well as needs, by the selfish interests of privately owned shipping, whether that privately owned shipping is flying the American flag or any other flag? That is the question to be solved.

If we admit that an "adequate merchant marine" is indispensable to the prosperity and security of our country, why is this indispensability to be measured by a few dollars? Do we measure the security of our country or even its prosperity by the saving of a few dollars? We spend hundreds of millions every year for the "security of our country" through our Army and Navy. Now, if we need an American merchant marine for the security of our country, why hesitate to spend a few million dollars to obtain that security, plus prosperity? When the security and prosperity of our country is at stake nothing will induce me to approve of any parsimonious policy that will increase the risk.

If you do not agree that an "adequate merchant marine" is indispensable to the prosperity and security of our country, then of course none of my arguments apply. We then give our shipping to the ships that will carry it at the lowest possible rates, without regard to what flag it flies.

If this is the correct policy, why not take down our tariff walls and say that we will buy where we can buy the cheapest? I am not one of those who believe in building up great bureaucracies in Washington or that the Federal Government should assume responsibilities for service that can be better performed in some other way, but I am one of those who is not afraid of the Federal Government doing the things that seem necessary and unavoidable to obtain prosperity and security for our country.

Mr. JONES subsequently said: Mr. President, it has been suggested that I ask to have printed in the RECORD at the end of my remarks the report made by the committee on the pending bill. I ask unanimous consent to do that. I have some other documents here which I also desire to print, and I ask permission to do that.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[S. Rept. No. 1696, 69th Cong., 2d sess.]

FURTHER DEVELOPMENT OF THE AMERICAN MERCHANT MARINE

Mr. JONES of Washington, from the Committee on Commerce, submitted the following report, to accompany S. 5792:

The Committee on Commerce, to whom was referred the bill (S. 5792) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, having considered the same, report favorably thereon, and recommend that the bill do pass without amendment.

This bill is reported with the approval of practically every member of the Committee on Commerce. This does not mean that all, or even a majority of the committee, prefer Government to private ownership, construction, and operation of merchant ships. It does mean that the members of that committee believe that, at least for a considerable time, the only way to secure an adequate merchant marine under our flag is through the Government, and that they are willing to sink their personal preferences to attain an object vital to the public good.

We lead the world in every line of civilized development. No people live so well, have so many comforts, or enjoy so many luxuries as we. We can live within ourselves if we have to do so. That, however, we do not desire to do. If we are to get and hold what we should from our wealth, needs, business, and power, we must be in a position to promote as well as to protect our commercial interests. With an ocean on each side and between us and the world's great markets, we can do neither without an up-to-date merchant marine.

No people ever had brought home to them so clearly and so dearly the need of a merchant marine as the people of the United States, and no people have ever appeared so heedless of the lesson as they. This may seem to be a harsh statement, but it is a mild one in the face of the circumstances. When our battleship fleet was taken around the world under the administration of Theodore Roosevelt, it had to be accompanied by foreign-built ships under a foreign flag in order to have the fuel and supplies necessary to keep it going. That situation was a most humiliating one. It should have aroused our people to our need, but it did not. We went on careless and indifferent. Few and fewer ships flew the American flag. More and more did our commerce depend upon foreign shipping.

The World War came. The evils that some had vainly pointed out and all should have foreseen came upon us. Can anyone conceive of a clearer proof of the need of a merchant marine to a country like this than the experience that we had and the danger and expense the lack of a merchant marine brought to us? If we have forgotten it, we have not ceased to pay for it.

We should ponder well the following facts:

The ships that had been carrying our commerce except German ships were taken off the lines of trade and put to carrying troops, ammunition, and war supplies. Our products of farm, factory, and mine were piled upon our wharves and docks with markets crying for them but no way to transport them. Farm products especially rotted on the dock or in the bin. This condition at our seaports brought stagnation and distress in the interior and this was reflected in lower prices in the face of the greatest demand that our people had ever faced. The ships that were available charged enormous rates. In some cases carrying charges increased 2,000 per cent, and this large increase was paid to a great extent by the products of the farmer; and, in my judgment, the lack of shipping at the breaking out of the World War is to no small degree responsible for the condition of agriculture even to-day. It was estimated by the Secretary of the Treasury that because of our lack of ships our people paid in one year in increased charges from $300,000,000 to $500,000,000. The loss to our farmers and merchants because they could not get their products to the markets that were crying out for them and willing to pay high prices is estimated to have been at least a billion dollars. The farmer was the greatest sufferer because of the perishable character of his product. These figures are estimates. They may be too high or too low, but no one can doubt the industrial condition. Here is what was written in 1916:

"In this year of 1916 the United States, without a merchant marine, bereft of ships, is more than half the slave that she was in 1861. What boots it that labor is free if the products of its industry and enterprise are denied their markets?

"Turn where one will and it is to behold the evidence of this vassalage. Leave any one of our glutted seaports, with piers and warehouses and freight terminals burdened to capacity by an immovable commerce, and follow the railroad lines into the interior, across the continent, go north, go south, go east, go west, and there is not a mile that has not a chapter to contribute to the tale. All of the conceivable products of a hundred millions of people lie along those steel arteries arrested by embargoes. What moves is what the warring nations choose to buy and will receive from the railroads at tidewater. All else must bide its time or rot; for as Europe controls the world's deep-water tonnage, so our market is limited to her will. It matters not that there are other markets in which we could sell and intrench ourselves to the advantage of future trade and expansion. We have not the ships to reach them.

"Turn from the railroads and go into the orchards of the West and Northwest and it is to find the fruit of last season mattressing the earth against the shaking down of the worthless crops of the coming one. Hearken for the sound of ax and saw in the lumber regions of Oregon and Washington and California and hearken in vain. An army of labor stands idle; its accumulated product lies shipless in gorged outports. Nor are there cars to move a cutting for domestic use. The Middle West and the South are utilizing the rolling stock of our rails as granaries and warehouses, and New England's depleted forests, the conservation of 25 years, are being slaughtered to supply the needs of the eastern seaboard.

"Turn from field and plain and orchard and forest to the manufacturing centers and it is to find the same paralysis of industry, for industry lives by import as well as by export. Here a factory stands silent because it can not get tin from England; there a silk loom lies manacled because it can not obtain the raw product from China. As Britain controls her shipping so does Japan control hers. Japan has but to say to her merchant marine, "Our ships will carry Japanese exports from December to May and imports for Japanese consumption only from June to November," and that is sufficient. The rest of the world may whistle. What is true of those two nations is likewise true of all others.

"As this is being set down comes news that Britain is promulgating an order in council prohibiting, among other things, the importation of automobiles for private use, fruit, musical instruments, cutlery of all kinds, hardware, yarns, chinaware, fancy goods, and even soaps. And it is explained that this is being done, not as a matter of policy but because of a shortage of ships; that Britain must have American wheat and corn and meat, and that other things can not be permitted to take

up the space of her vessels. Yet wheat and corn and meat and munitions of war are but a part of American commerce.

"At peace and neutral though we are, belligerency in the present situation could exact no more of us."

While the demands growing out of the war had greatly stimulated shipbuilding in this neutral country, when we entered the war the need of ships was so great that heroic measures were necessary. We were 3,000 miles away from the battle front. We could get there only by ships. We did not have them. Providence seems to have foreseen that we would get into the war and provided the means for meeting the emergency that we faced.

When the war began some of the finest ships of Germany's merchant fleet were in our ports. As a neutral we interned these ships, and when we entered the war we took them over, repaired them, put them in condition, raised our flag over them, and used them to carry our troops to France. It is said that the *Leviathan* carried 275,000 of our boys across the sea. Had they not gotten to the front when they did, Germany might have pierced the Allies' battle line, reached the coast, and imposed humiliating terms of peace on France and England and established the rule of autocracy in Europe and thus endangered our own security. These German merchant ships defeated Germany's war lords, won the war, and saved civilization.

These ships did not meet the whole need. The cry came from the Allies, "Ships, ships, and more ships." Our own officials realized the need and called upon Congress to authorize the building of ships for the Government. It responded generously. Shipbuilding plants sprang up overnight and everywhere. Enormous wages were paid and enormous profits amassed. Over $3,000,000,000 was appropriated and spent in building ships. That is more than the estimated value of all the merchant ships of the world in 1914. This was the equivalent of $30,000,000 a year for 100 years. Why was it necessary? Because we did not have a merchant marine to meet the need growing out of the war. I am not saying this as an argument for a subsidy, but if we had paid out $30,000,000 a year for 50 years before the war we would have had an adequate merchant marine of up-to-date ships when the war broke out. It would have saved them hundreds of millions, if not billions, that our people paid in increased carrying charges and would have saved Christendom from the calamity that threatened it from autocracy.

What have we to show for this $3,000,000,000? Hundreds of the ships we built are rotting away at their docks or at their moorings in streams and bayous. Some we have sold for a song, and among those sold are our best ships. Ships costing five or six million dollars have been sold for less than a million. The ships we have left are estimated to be worth no more than two or three hundred million dollars.

These ships were built with borrowed money. No matter how little they have brought upon sale, no matter how many of them waste away and become worthless, the American people will have to pay in taxes the full $3,000,000,000 that is now represented by Liberty bonds, which do not depreciate. It cost us over $3,000,000,000 in actual cash, because we did not have a merchant marine; and the ships we built are not only generally unsuited to meet the competition that faces them but they are actually fast wearing out. We owe $3,000,000,000 and have comparatively little to show for it.

This is not all. Upon the $3,000,000,000 we borrowed to build ships the American people are paying interest each year in the sum of about $120,000,000. I think it is conservative to assume that it will cost the American people in interest alone an average of over $40,000,000 a year for 50 years. What will they have to show for this interest money? Nothing! It will build no new ships; it will not even repair any ships. And in addition, we have paid out during the last eight years deficiencies for running the ships in an amount of over $233,400,000.

To sum it all up, our not having an adequate merchant marine when the World War came on will cost the American people five or six billions of dollars, and we will not only have no adequate merchant marine to show for it but there will be imposed upon us an annual tax of $40,000,000 or more for at least 50 years. With these facts within the knowledge of everyone, with the need of an adequate merchant marine for the expansion of our commerce and so vital to our security and defense in time of war, can any American patriot refuse to support any measure or policy that will give us and maintain an adequate merchant marine?

Our people are lacking in one thing that is not pressed enough. We are not ship minded. The people of our chief shipping competitor know the vital need of ships and are willing to make such personal sacrifice as may be necessary to have a merchant marine. They insist that the goods they import must be carried in the ships of their flag and they see to it that the goods they export are carried in their ships. When our people get to the point where they follow this course, the problem of our merchant marine will be largely solved. We import and export billions of products. Of our overseas exports and imports our ships carry only about 24.89 per cent, and this growing less year by year. If even 50 per cent of our imports and exports were carried in our ships, it would insure us a merchant marine reasonably adequate for our commerce and national security.

Our business interests have been almost wholly dependent on foreign shipping for many years. They very naturally hesitate to forsake those who have been serving them so long. They can not be blamed for not doing so until they can be sure of adequate shipping facilities. While American patronage of American shipping is essential to its success, assurance of sure, adequate, and permanent American shipping is also essential, and so we come to the question, How can we get and assure that service?

We are convinced that Congress will not provide the aid necessary to induce private capital and enterprise to go into the shipping business and give us the merchant marine we should have. Assuming that to be true, there is only one other way to get a merchant marine, and that is directly through the Government.

Whatever the defects of Government ownership and operation may be, if our Government declares that it proposes to build and own a merchant marine and that it will maintain adequate and essential services and authorize adequate appropriation therefor, we know it will be done. Uncertainty will end.

The sale of the ships we have for private operation is a minor matter. The important question is their replacement when worn out. They should not be sacrified in price unless there are satisfactory assurances of replacement.

We are falling rapidly behind, in the overseas commerce that is being carried in our own ships.

The character and service of ships is fast changing. The tramp ship is giving way to the liner; the tramp service is being greatly restricted by regular-route service. Steamships are being replaced by oil burners. Oil burners are giving way to motor ships. If we are to have a merchant marine, we must have ships the equal at least of those of our rivals. The last five years have brought about almost a revolution in shipping. We ought to take the lead, especially in cargo ships. Our cargo carriers should be at least a knot faster than those of our competitors and superior to them in cargo-handling facilities, and the services should be regular and certain.

We have a large ship tonnage. Our ships, however, were built hastily under the stress of war needs. They were not constructed with a view to special services. They are largely out of date and in general far inferior to the ships of our competitors. This is a disagreeable fact, but we must face it frankly.

Our competitors are improving their ships. They are keeping abreast of the needs of trade and the methods of their rivals. We can not hope to succeed unless we do likewise. Slow-going, out-of-date ships can no more compete with the fast, efficient, up-to-date ships than the horse can compete with the automobile.

Is there need of early action? Your committee thinks there is. Our ships are now 8 or more years old. We can not hope for legislation much short of a year. Suitable ships can not be authorized, plans be prepared, and the ships built short of two or three years more, and before this can be done every ship we have will be in age beyond one-half of the estimated life of a ship. Our best ships will be inferior in almost every respect to the best ships of our competitors. We can not maintain ourselves on the sea under such conditions. If we will provide up-to-date ships suitable for certain services the ships now on such services can be transferred to other services for which they are better suited, and thus make our merchant marine more efficient in every way.

The following are the routes with the character of the ships we are now operating. They are deemed the most essential to our commerce. They must be maintained and the service improved. As trade develops new routes should be established.

Number, dead-weight tonnage, and type of United States Shipping Board vessels in hands of operators as of midnight, January 31, 1927, listed according to lines

[Statistical division, Emergency Fleet Corporation, February 9, 1927]

Line	Operator	Number of vessels	Dead-weight tons	Type
Vessels operated by managing operators and charterers:				
America-France Line	Cosmopolitan Shipping Co. (Inc.)	9	78,141	Cargo.
American Australia Orient Line	Swayne & Hoyt (Inc.)	18	164,915	Do.
American Delta Line	Mississippi Shipping Co. (Inc.)	3	25,009	Do.
American Diamond Lines	Black Diamond Steamship Corporation	16	141,434	Do.
American Dispatch Line	Munson Steamship Line	3	25,423	Do.
American Dixie Line	United Gulf Steamship Co. (Inc.)	41	368,626	Do.
American India Line	Roosevelt Steamship Co. (Inc.)	6	57,400	Do.

Number, dead-weight tonnage, and type of United States Shipping Board vessels in hands of operators as of midnight, January 31, 1927, listed according to lines—Continued

Line	Operator	Number of vessels	Dead-weight tons	Type
Vessels operated by managing operators and charterers—Contd.				
American Merchant Lines	J. H. Winchester & Co. (Inc.)	5	39,170	Cargo.
Do	do	5	40,606	Passenger and cargo.
American Oriental Mail Line	Admiral Oriental Line	7	66,370	Cargo.
American Palmetto Line	South Atlantic Steamship Line	15	119,991	Do.
American Pioneer Line	Atlantic Gulf & Oriental Steamship Co. (Inc.)	22	243,234	Do.
American Premier Line	United Gulf Steamship Co. (Inc.)	10	85,198	Do.
American Republics Line	Moore & McGormick Co. (Inc.)	12	99,253	Do.
American Scantic Line	do	8	64,129	Do.
American West African Line	A. H. Bull & Co. (Inc.)	10	82,352	Do.
Atlantic Australian Line	Roosevelt Steamship Co. (Inc.)	7	62,333	Do.
Gulf Brazil River Plate Line	Mississippi Shipping Co. (Inc.)	10	82,609	Do.
Gulf West Mediterranean Line	Tampa Inter-Ocean Steamship Co	9	72,326	Do.
McAllister Bros	McAllister Bros	3	27,894	Tankers.
Mississippi Valley European Line	Mississippi Shipping Co. (Inc.)	9	82,754	Cargo.
Mobile Oceanic Line	Waterman Steamship Corporation	17	146,901	Do.
Oil Transport Co	Oil Transport Co	1	10,250	Tanker (B/B).
Oregon Oriental Line	Columbia Pacific Shipping Co	10	85,703	Cargo.
Oriole Lines	Consolidated Navigation Co	21	174,057	Do.
Southern States Line	Lykes Bros.-Ripley Steamship Co. (Inc.)	36	315,988	Do.
Struthers & Barry	Struthers & Barry	4	39,421	Tankers.
Texas Star Line	Lykes Bros.-Ripley Steamship Co. (Inc.)	11	96,475	Cargo.
Yankee Line	Rogers & Webb	8	70,329	Do.
Total		336	2,968,291	
Cargo		323	2,850,120	
Passenger		5	40,606	
Tankers		8	77,565	
		336	2,968,291	
Operated by Emergency Fleet Corporation, United States Lines		6	74,724	Passenger.
Vessels operated by other Government departments:				
War Department		1	7,840	Cargo.
Public Health Service		1	4,261	Do.
Total		2	12,101	
Total active (excluding tugs)		344	3,055,116	
Tugs:				
Operated under bare-boat charter, Merritt, Chapman & Scott Corporation.		3		
Operated by Emergency Fleet Corporation—				
Inactive fleet division		7		
Operations department		1		
Total tugs active		11		
		355	3,055,116	
Total active:				
Cargo		325	2,862,221	
Passenger		11	115,330	
Tankers		8	77,565	
Tugs		11		
Grand total		355	3,055,116	

With reference to the provisions of the bill the Shipping Board says:

"The clear declaration in section 1 that it is the intention of our Government to permanently maintain a merchant marine adequate for our commerce and national defense will dispel the doubts of shippers and importers as to the permanency of the service and will reveal to our foreign competitors the futility of their persistent efforts to block the growth of an adequate American merchant marine. Its declaration that Congress intends that adequate services shall be maintained on the principal trade routes of the world will do much to make our citizens 'ship minded' and encourage them to patronize American vessels. As long as uncertainty exists with respect to regularity and permanence of service by American vessels our merchants are inclined to retain friendly connections with foreign shipping companies.

"The declaration of section 2 will assist the board in properly determining the disposition to be made of ships and ship lines. Two interpretations have been given the provisions of the merchant marine act, 1920, relating to the sales of vessels and lines. There are those of the opinion that the act gives the board full discretionary power to continue the ownership and operation of particular vessels and particular lines indefinitely. Others believe the discretion of the board is not that broad, and that after a reasonable time it is its duty to sell the vessels and lines to private citizens. In the present state of world shipping it is practically impossible to sell our vessels for private operation in foreign trade and at the same time retain them in American ownership and under American registry. The bill is entirely consistent with an intention that the vessels and lines shall ultimately be transferred to private ownership and operation. Pending the time when such transfer becomes practicable the commercial development of our trade routes should be promoted and the physical condition of our fleet maintained and developed; to that end Government operation in the meantime is imperative, and the proposed act will thus contribute materially to the permanent establishment of our merchant marine.

"The declaration of section 4 of the bill, relative to the replacement of vessels, is most timely not only from the viewpoint of our foreign commerce but also from the viewpoint of our national defense. Any business enterprise which fails to make proper provision for replacement, whether it be of machinery or of vessels, not only as these wear out but as they may become obsolete, must ultimately go into liquidation. It is useless to make pronouncements concerning the intentions of the United States to maintain and develop an adequate merchant marine unless such declarations are supported by assurances that new vessels of the most modern type will be supplied as the old vessels depreciate and as our foreign trade develops.

"It was gratifying to observe, at hearings conducted recently throughout the country by the board, that the interest of our citizens, especially those residing in the interior States, in the permanent establishment of an American merchant marine has substantially increased in recent years. The demand was very general, if not, indeed, practically unanimous, that an adequate merchant marine be maintained in foreign trade under the American flag, and if this is not practicable at the present time by private capital, then the Government must maintain it.

"It is not difficult to understand why our farmers and merchants demand a merchant marine of our own; the withdrawal of British tonnage during the recent coal strike in the United Kingdom is an apt illustration. Had the Shipping Board not been in a position to supply vessels the effect of the withdrawal of British vessels from our foreign commerce would have been most serious. Our farmers have had a similar experience in respect to the transportation of their products to foreign markets. In several instances, had the Shipping Board not been in a position to supply required tonnage for the transportation of wheat, cotton, etc., the loss to our farmers would have amounted to hundreds of millions of dollars.

"The merchant marine act, 1920, was a comprehensive piece of legislation in the light of conditions then existing. However, the benefit of the expenditures made under the provisions of that act will be very largely lost unless a constructive and progressive spirit is shown by Congress in the maintenance of our merchant marine. Such a spirit was exhibited in the passage of the act of June 6, 1924, authorizing the

expenditure of a large sum of money in the development of motor ships, as fast motor ships are rapidly displacing ordinary freighters in the transportation of the commerce of the world.

"We believe that the pending bill if enacted into law will be a very desirable supplement to the merchant marine act, 1920."

Without at this time urging any further argument we will summarize the arguments for and the benefits to come from this legislation.

The enactment of this bill will be more than a declaration by the American people that they propose to establish themselves upon the seas, there to remain permanently—it will be a day-to-day demonstration of that purpose.

It will encourage American shippers to employ American ships.

It will insure employment of American shipyards for the construction of all Government-owned ships only in American shipyards.

It will stimulate more and more Americans to become ship minded.

It will stimulate a body of adventurous Americans again to become seafarers, assured of a career upon the seas.

It will give the United States an opportunity to build up bona fide steamship agencies in the great ports of the world under the direction of patriotic Americans.

It will tend to discourage Americans from continuing as agents of foreign shipping lines in the United States in competition with our ships.

It should tend to give our railroad men additional confidence in the permanency of American steamship services in foreign trade and so encourage our railroad men to increase their employment of American ships for export and import trade.

Gradually, under the stimulus of this act, the United States will seek to attain, and when attained maintain, maritime rank commensurate with its rank as a world power.

It should be a constant stimulus to the more rapid expansion of our foreign trade.

It would enable the Government to provide auxiliaries at all times ready to meet any emergency that may arise, with trained and experienced seafarers to draw on.

Our agriculturists then would be additionally assured of protection by the Government seeing to it that their products were carried to foreign destinations at reasonable freight rates.

It would make the Government itself a bulwark and shield for its agriculturalists by becoming dependable low-rate carriers of their surplus products to foreign countries.

It would distinctly commit our Government to the building up and prosperous maintenance of a great new American industry, useful in peace and indispensable in war.

It would tend to stifle propaganda against, and should stimulate a keen public interest in, the development of an American merchant marine.

The Government then could and undoubtedly would strengthen its maritime instruments of national defense through its ships and shipyards.

Its early enactment will save our shipyards from the fear of failure by assuring steady employment to them.

Its policy of ship replacement, wisely developed, should eventually make American ships covering each great trade route the type, size, and speed best adapted to the varying requirements of its particular trade.

It will mean the permanency of an adequate merchant marine in foreign trade.

It serves notice to all shippers of American exports that they may at all times absolutely depend upon an adequacy of American ships for the carriage of their exports.

It should and probably will put an end to the doubts constantly stimulated in the minds of American shippers through the persistent statements of agents of foreign ships that the United States is not in foreign carrying to stay.

The American people as a whole, through the direct agency of their Government, will become active competitors of foreign ships in our foreign carrying.

No longer will foreign lines in our trade combine to drive American ships out of business by maintaining ruinously low freight rates.

Operators of foreign lines engaged in our foreign carrying then would realize that they could not ruin the United States Government by any policy of reduced freight rates, however low they may make them or however long they may maintain them.

Competing foreign shipowners then will see that the "losses" suffered by Government-owned ships become a far greater gain to the American people through the low cost of marketing their exports and bringing in their imports.

Competing foreign shipowners will realize that they will contribute to the increase of our foreign trade through low freight rates.

Our foreign trade will be stabilized through the maintenance of overseas freight rates at or near the minimum cost of the service.

It will help to increase the number of Americans capable of handling our ships in foreign trade by giving them knowledge and experience of the ramifications of the business.

It will help make the United States strong upon the seas, where too long it has been weak.

The contributions of the ships and seamen created and maintained under the operations of this act will safeguard the Nation in times of emergency.

It should be a constant stimulus to private citizens to enter into the business of operating American ships in foreign trade.

It will continue to demonstrate, as Government ownership of vessels in foreign trade have for years demonstrated, that Government encouragement and support are essential to our success upon the seas.

It will keep at home the vast and growing earnings of our ships, stimulating the construction of new vessels, attracting young Americans to the business of the sea, and substitute strength for weakness for the Nation upon the seas.

Through this act will be restored the rank of the United States among the sea powers of the world that it once held and to which it is entitled.

[S. 5792, 69th Cong., 2d sess.]

A bill to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes

Be it enacted, etc., That the policy declared in section 1 of the merchant marine act, 1920, is hereby confirmed, and the purpose of the United States to maintain permanently a merchant marine adequate for the proper growth of the foreign and domestic commerce of the United States and for the national defense is hereby reaffirmed.

SEC. 2. The board shall not sell any vessel or any line of vessels when in its judgment the building up and maintenance of an adequate merchant marine can be best served by continued ownership of such vessel or such line by the United States.

SEC. 3. In addition to ordinary repairs to vessels incident to their regular operation, the board may recondition and improve vessels owned by the United States and in its possession or under its control, so as to equip them adequately for competition in the foreign trade of the United States.

SEC. 4. The necessity for the replacement of vessels owned by the United States and in the possession or under the control of the board and the construction of additional up-to-date cargo, combination cargo and passenger, and passenger ships, to give the United States an adequate merchant marine, is hereby recognized, and the board is authorized and directed to present to Congress, from time to time, recommendations setting forth what new vessels are required, and the estimated cost thereof, to the end that Congress may, from time to time, make provision for replacements and additions. All vessels built by the board shall be built in the United States, and they shall be planned with reference to their possible usefulness as auxiliaries to the naval and military services of the United States.

SEC. 5. No vessel constructed pursuant to this act shall be sold without the consent of Congress hereafter given.

SEC. 6. The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

EXHIBIT 11

REPORT ON THE AMERICAN MERCHANT MARINE WITH SPECIAL REFERENCE TO THE REPLACEMENT OF PRESENT MERCHANT SHIPS, TOGETHER WITH ANALYSIS OF THE WORLD'S SEA-TRADE CONDITIONS AND THE AMERICAN MERCHANT FLEET

In facing the shipping future of the United States there are but two points of view:

(a) That the United States shall encourage and develop American ships and shipping, already started, so that this country—a natural maritime nation with over 5,000 miles of coast—will possess an adequate merchant marine and take its due place in the economic development and possibilities of international trade; or

(b) That we abandon the mercantile seas as rapidly and economically as possible and let who will carry goods to us or from us at cheaply as may be done or as expensively as will be done in the absence of adequate competition.

In discarding the latter alternative we believe it is only necessary to point out the historic fact that there is a definite relationship between a nation's progress and prosperity and her substantial interest in the sea, and that those nations that simultaneously developed their industry on and across the seas, as well as at home, have been nations most important not only to themselves but in the progressing civilization of the world. But it may be further emphasized in the fact that the principle of the establishment and encouragement of an American merchant marine has been stated clearly by Congress in the preamble to the Jones law, and it is well known that succeeding administrations have approved this principle.

With the period of the Civil War our shipping was destroyed—some form of basic economic destruction is always one of the penalties of war. And then, too, the days of sail were over. The day of steel ships was arriving. In Europe they had the great iron industries; they were better equipped to fabricate iron and steel ships than we were. And wooden ships with sail could not compete with iron and

steam. So shipbuilding passed across the water away from us as our own yards decayed. But we did not trouble ourselves at that time, for in our West stretched an ocean of prairie, and we turned American energy to building a broad Nation and trading with its newly growing domain. To-day railroads network the country so completely that the railroad days of enterprise and development are past; it is for the future chiefly a problem of railroad upkeep and feeder development to trunk systems.

Apparently, in the development of civilization, economic progress marks itself in fairly distinct waves, sometimes overlapping but always each with a fairly definite outline of its own. We are still in the great age of invention—and at the same time there is a developing economic system that is bringing the world closer together and more interdependent. So as we realize the completion of the pioneer railroad era it is reasonable and highly important that we scrutinize the field for our next great and comprehensive economic development.

It would seem natural and inevitable, unless it meets with artificial hindrance, that this next comprehensive economic step will be on the sea, not only by reason of our traditions and the natural instincts of a nation with a huge coast line and great internal productiveness, but because there is on the sea a great field for transportation enterprise and the development of a commerce profitable for both the producers ashore and for the transporters of the sea. We are a great producing Nation with a vast interior and coast production centers; a wonderful system of access to our splendid ports, a geographical position on the globe that, given these advantages and our economic development as it is, means that we must sell more abroad and, as a consequence, buy more from abroad. This means a merchant marine with cargoes both ways—for ships can not steam empty one way and full the other with profit to themselves or their own nation.

Nor does the development of an American merchant marine—or, rather, its redevelopment—mean that the amount of wealth for sea transportation is a fixed quantity and that this Nation can not develop on the seas except at the expense of other nations. There is no fixed volume of wealth in the world upon which nations must prey or go without; the resources of the world are limitless, and trade grows and the wealth of peoples increase as they develop the production and diffusion, or transport, of wealth.

The globe and its contents is our antagonist; there is wealth there for all and the view is fallacious and demoralizing that nations can only achieve by preying upon each others' commerce. Wealth is the reward of productive development. The sea trade of the future, certainly as affecting our national policy, will be along the lines of the development of new wealth—sometimes raw wealth and sometimes wealth advanced in manufacture—and new expansions of trade with foreign peoples. The wealth-producing power of the world is increasing, and so is its potential for wealth consumption. And this wealth consumption is, to great extent, simply wealth that is not consumed in the sense of being destroyed, but simply wealth used in the production of more wealth. Trade grows with the development of uses and desires and, in a survey of the field of development of an American merchant marine, these are some of the factors to be considered.

It is true for the moment that international trade is suffering from the destruction caused in the Great War, together with the loss or disorganization of great areas of peoples whose consuming power has been severely injured. This condition is temporary; all over the world there is restlessness that may in its economic aspect be traced to the fact that many peoples are desirous of becoming greater consumers of the wealth and delights of higher and more comfortable civilizations. And this restlessness for new adjustments—quite as much economic as political—will organize itself with a rapidity greater than it is easy to realize at the moment, and there will be as a natural, inevitable, and normal result a sea trade calling for transportation for which the business enterprise of this country should be adequately prepared in merchant-marine development.

And not only is an American merchant marine necessary for the carriage of a fair proportion of our exports and imports but it forms a vitally important arm of our national defense. Until navies are abolished altogether it can not be gainsaid that an efficient merchant fleet is an auxiliary transport of the utmost, in fact, vital importance. And in time of peace it not only serves a useful economic purpose without waste but it also provides a continuous training for officers and men that gives the Nation a reserve personnel, expertly trained in the operation of ships, that can be called into being as a naval force of enormous potentiality in any time of national emergency. For a specific illustration one may cite the vital functions that airplane transport ships will perform in the future. Yet merchant ships can be, and have been, effectively designed for all the uses of peaceful trade in time of peace, yet readily and quickly convertible as airplane carriers when an emergency arises. There is no economic loss in this line of preparedness.

An analysis in detail will be found as part of this memorandum a little further on, and with tabulations and recommendations in the light of our present and actual situation in merchant-fleet operation.

In the development of an American merchant marine an economic survey of the trade of the world indicates three major fields of ocean-carrying trade in relation to this Nation, i. e., (a) the sea trade of the Atlantic between Europe and the United States; (b) the sea trade of the Pacific with the Orient and Australia; and (c) the sea trade with the continent of South America in both the Pacific and Atlantic Oceans.

THE EUROPEAN SEA TRADE

(1) The Atlantic-Europe sea trade is highly competitive and well developed with a large volume and ratio of highly profitable passenger traffic. All of this produces a situation that must be frankly analyzed and recognized in considering the development of European sea trade on this ocean. The already intrenched and large capital invested in this sea trade and controlled from Europe makes a formidable competitor that must be met with adequate resources and full competitive equality. This should be done and, so far from abandoning the substantial start already made, this initial step should be expanded to become the normal, customary balanced unit for a trans-Atlantic fleet.

There is an economic unit of fleet operation, as well as for any other operation of industry. The United States Lines fleet is away below this economic unit of a balanced fleet, as evidenced and proved by comparison with the existing successful, dividend-paying Atlantic trade. To be below this economic unit of a balanced fleet means that the heavy overhead of operation must be concentrated in a disproportionate overhead charge upon a single part of a unit.

Comparison with the best and shrewdest ship operators in the Atlantic-European trade shows that their balanced fleet unit consists of a basis of three high-power, high-speed, first-class passenger vessels and then a number of subordinate vessels. But the United States Lines have but one vessel in such a class, the *Leviathan*, and that ship has to carry an overhead that should be proportioned, simply as a matter of established business principles, to say nothing of any national factors of pride or sagacity, among two other vessels of high class.

Without going into too elaborate an analysis of the ocean trade, it may be added that, aside from the present unbusinesslike but unavoidable method of charging a disproportionate overhead to a single subnormal economic unit, there are enormous collateral advantages in the three-ship principle through advertising values, frequency of highest-class service, and national pride in a businesslike method of developing an ocean-carrying merchant marine trade in the Atlantic. It is, however, not necessary for this report to argue a case for the three-ship basis as a means of developing our Atlantic merchant marine, since this three-ship basis is a proven and developed principle regularly adopted by the most successful ship operators that are already established in this Atlantic trade. Moreover, whether this Government fleet is admittedly unsuitable and inefficient to meet the competition it meets in the Atlantic trade as it stands, but also, if it is to be sold to private enterprise, it is by reason of its present unbalanced inefficiency unsuitable for a sale of any advantage to the Government. We have established, in effect, a half-built, unbalanced fleet machine for ocean transport; to abandon it means reckless waste, to finish it and make an effective machine is economy in the end, whether the Government keeps it or sells it to private operators.

Therefore, since the fleet of the United States Lines in the Atlantic is already an accomplished and operating fact, we believe, simply as a matter of ordinary and prudent business principles, that it should be built up to the accepted standard of a three-ship basis and appropriate provision made for replacements to take care of deterioration and obsolescence, as well as to balance the fleet in a normal business way in view of the competition it meets and the trade conditions it serves. Two ships, modern motor ships of the general class of the *George Washington*, should be added at once, so that, together with the *Leviathan*, a regular high-class service may be maintained similar to the standards in accepted usage and to meet the needs of that service. These ships should be built with the view to their possible and ready conversion as airplane carriers in time of emergency. And all of this entirely distinct from any question or policy of Government ownership or operation, now or subsequently, for this fleet must be balanced and have provision made for replacement whether in Government hands or private hands.

THE SEA TRADE OF THE PACIFIC

(2) The sea trade and the development of an American merchant marine on the Pacific presents a somewhat different aspect than that of the highly competitive field of the Atlantic. In the Pacific we occupy naturally and by reason of our geographical position on the globe a situation of great advantage to the development of a merchant marine in those seas.

There are two great manufacturing areas or centers in the world—Europe and the United States. The manufacturing centers draw upon the whole world for raw materials, and as they draw and send forth so is sea trade borne and developed. Along the lines of least sea transport will sea trade most easily develop. In other words, where the reciprocal markets are closest, geographically, there will sea trade most easily develop.

It is obvious, from a glance at the map, that the Orient is closer to our Pacific coast than it is to Europe, and by a very great margin. This means less steaming in both directions with cargoes, and also a natural geographical differential in favor of American trade with the

Orient that is, or should be, a point of most earnest and thoughtful consideration for the future—both the near future and the general future—for it has a very definite potential for our Pacific and Western and midwestern States. From the Orient or Australia to the Atlantic seaboard of the United States is practically the same distance as from Europe to the Orient and Oceania. So that the Pacific coast has a very great natural advantage in the development of trade with the Orient and Oceania, and the Atlantic seaboard at least an equal opportunity, geographically speaking, with Europe.

Inevitably the Pacific coast and west of the Mississippi generally must feel the effect of intelligent development of oriental trade, since they are likely, in the normal economic progress along these lines and in the course of time, to develop manufacturing industries for themselves instead of allowing raw wealth to be shipped by rail across the country to the factories of the East and, in fact, to bid for this Orient trade against the sea trasport to the Atlantic seaboard or Europe.

Another highly important factor to be considered in this sector of the development of an American merchant marine is the consuming power of the area at the other end of the sea-borne trade. This consuming power is important, for in the last analysis goods must be paid for in goods, and return cargoes are quite as important as outbound cargoes. The outbound cargo is only one-half of the story.

This consuming power is dependent upon the quantity of population and its own wealth-producing powers and production to pay for the outward bound cargoes, and also upon its density. Thus it is important and easier to develop trade with a country whose peoples have in general, and spread throughout the mass desires for merchandise necessities and luxuries and have reached a sufficient advance in economic cvilization to enable them to produce wealth to pay for these desires. There is little here in trading on a large scale, such as the development of an American merchant marine means, with sullen, submerged, inactive, or sparse peoples. The poverty of the mass of the Orient is offset by density and vast quantities of its population; and, also, there is a reason for the general belief that it is shaking off what we have regarded as a supine, submissive fatalism in the mass; and that there is impending a vigorous economic as well as political awakening that the business and producing interest of this country can not ignore and should not ignore.

It is a market for trade and shipping that has a tremendous and active potential.

By reason of the natural location of this continent on the globe American business has before it in the Orient and Oceania an opportunity for a trade and shipping that stirs the imagination. But this opportunity, now in the stage of laying its foundations, can not be developed by imagination alone. It needs ships. And in this connection it might be mentioned already there is being built the largest high-powered ship ever built in this country and which will ply on the Pacific.

THE SEA TRADE WITH SOUTH AMERICA

(3) In the field of South American trade there are two natural divisions that should be considered separately as relating to the sea trade of this country, i. e., the east coast and the west coast of that continent. The east coast sea trade of South America is, generally speaking, substantially the same sea distance from Europe as it is from New York or New Orleans, and thus this country has no natural geographical advantage in relation to the South American trade on the east coast.

This country has, however, a natural geographical advantage on the west coast over European sea trade. This long coast is noted for its few harbors and the great wealth of mineral that lies in the vast Andean Range whose mountains come down almost to the line of the Pacific surf. This west coast of South America is a very appreciably shorter distance to the United States than to Europe.

So that our sea trade with the east coast of South America is substantially on the same natural basis as that of Europe, and only on the west coast is there a natural and shorter sea distance in favor of our sea trade. The sea distance to markets south of the Equator on the west coast of South America is fairly approximate to the distance of the ports of Asia from the United States Pacific coast. In place of the densely populated Orient, however, South America—on its west coast—offers a sparsely settled area and, in the great mass of its sullen, subjugated, Indian population that is, or has sunk, far below its predecessors from the economic viewpoint of either production or consumption, the question of the development of sea trade is then involved with the problem of stimulating or organizing a sparsely inhabited but large area as an economic factor. The great mineral wealth of that coast will furnish cargoes, but the sea trade problem must deal with the factor of adequate cargoes both ways if sea trade is to develop profitably. This trade will reopen naturally in the ordinary course of time, but it is hardly ready for any concentrated development.

On the east coast, with the sea distance substantially the same from this country as from Europe, the competition in selling will be keener and the sea trade dependent entirely upon commercial salesmanship to furnish the cargoes of exports to that coast. The situation in regard to the sea trade of this coast is not essentially different in principle—with the exception of the pressure of passenger carrying and general volume—with the position of our sea trade in the North Atlantic direct with Europe.

THE ESSENCE OF OUR SEA-TRADE PROBLEM

The very essence of the whole problem of the development of an American merchant marine lies in the building of American ships. And this question must be met frankly and boldly and a solution found. Americans can build splendid ships—our splendid American-built Navy proves that.

But American merchant ships can not be built as cheaply as can the ships against which these American ships must compete in the sea trade of the world. Nor is this a question of the cost of operating the finished ship, for as to this field the United States can well feel proud that it has taken a step forward in civilization when she passed laws that abolished abuses of the sea and abuses against the laborers of the sea on American ships; abuses against natural human rights that had existed so long that they had become crusted with sanctity. In no other field of economic endeavor in civilized countries had abuses—virtual peonage and chattel slavery in all but name—continued and sanctified under medieval legal principles as they had upon those who followed the sea as common seamen. Nor was it fair that Americans should ask American seamen to accept as fair competition in their trade competition with the lowest, most ignorant and backward elements or peoples—often still in their tribal stage—in the world. The sea is a splendid calling, dignified by its dangers, and a vital factor in any great nation; and the men who follow it are entitled to protection not only against its traditional abuses but against the effort to keep his wage or conditions in competition with the pittance of the tribal flotsam of the Pacific or the degraded standards of a submissive, unthinking, lower crust of lower or less developed peoples. An American merchant marine should not be, and must not be, built up at the expense of the American manhood which we ask to handle it.

In other words, in the development and building up of an American merchant marine we must frankly accept the conditions of cheaper costs for ships abroad so that a heavier capital expense is immediately charged against an American shipowner, or prospective owner. We must put no portion of this adverse differential upon the backs of American seamen nor drive them ashore so that their jobs may be given to the coolie classes of any people. But if we are to exist as a trading nation we must have our fleet upon the seas, together with such appropriate legislation as will keep it there for our national advantage as a great commonwealth in the world of to-day and the world of the future. For our trade future and the trading abroad of our surplus production depends in large measure upon our proper shipping facilities and the existence and availability of an American merchant marine.

ANALYSIS IN DETAIL

Under the foregoing general conditions and potential of sea trade it is necessary to consider in detail the present condition of American shipping with the necessary problems of development, upkeep, replacements, and the various factors that make up a modern merchant marine.

Before proceeding along this line it will be well to note the following tabulation of the tonnage of vessels by countries of vessels of 12 knots speed, or faster, and of over 6,000 tons:

Comparison of tonnage of vessels by countries

(Over 12 knots and over 6,000 tons)

Tonnage	Great Britain	United States	France	Japan	Germany	Others	Total
Over 25,000	8	1	1		1		11
20,000 to 25,000	13	2	1		3	2	21
15,000 to 20,000	42	6			1	8	57
10,000 to 15,000	117	28	17	12	10	24	208
8,000 to 10,000	165	17	25	10	15	49	281
6,000 to 8,000	318	44	30	51	18	112	573
Total	663	98	74	73	48	195	1,151

The above table indicates the present great inferiority of the United States.

At the present time the fleet carrying on our foreign trade is made up of a majority of Government-owned vessels operated by the Fleet Corporation. Within the last year, however, energetic attempts have been made to dispose of the Government fleet to private interests and some progress has been made, notably the sale of round-the-world and Pacific ships to Dollar and the sale of the fleet of steamers operated by the Export Steamship Corporation to the operator. It is apparent that if this policy is continued, the number of vessels operated by the Government will decrease and the number operated by private interests will increase; but in any case, the vessels being operated are the same and unless measures are taken for the replacement of the vessels as they become unfit for use through depreciation or obsolescence, the American ships in the foreign trade will once again become but a memory.

As stated in a preceding paragraph, it is well recognized that the shipping situation throughout the world has reached unprecedented

depths of depression. This has come about through the disorganization of trade, not only in Europe but trade in general, resulting from the war conditions, and it can not improve until governmental stability and restoration of the financial fabric takes place among the nations of the world so that trade may be resumed. We are inclined, after reading the reports of the losses incurred in the Government operation of the American ships in the foreign trade, to feel that the unfortunate result is due entirely to Government operation, but while it is admitted freely that Government operation is not and can not be as efficient or desirable as private operation, at the same time it should not be forgotten that the reports of the foreign steamship lines and the pronouncement of their operating officials indicate that the shipping industry of the whole world at the present time is unprofitable and, as a result, great fleets of vessels are tied up, no business being available to keep them employed.

The gradual increase in foreign trade—which is to be expected from the increasing stability and reorganization of Government finance now going on in Europe—as it increases will make the employment of vessels more profitable and require an increase in the present operating fleet to take care of the increase of trade.

It is fair to assume, therefore, that the American ships which are operated in the foreign trade at the present time in both passenger, passenger and cargo, and cargo services are approximately a minimum necessary to handle a reasonable proportion of our exports and imports and thus meet the announced principles of this country "that an American merchant marine in the foreign trade is necessary."

As noted in the preceding paragraph, we feel that it is safe to assume that the present fleet in the foreign trade being operated by the Government and private individuals is a minimum to meet the requirement that a reasonable proportion of our exports and imports should be carried in American vessels. It is true at the present time that a large proportion of this foreign trade is moving in Government-owned vessels. With the exception of the Government vessels recently purchased by the Dollar interests and the Export Steamship Corporation, privately owned American vessels are only being operated in relatively small numbers on the various foreign-trade routes, principally to South America and the Orient (for the purpose of this discussion, we will exclude the trade with the West Indies which will naturally flow to us by reason of our geographical position and which it is hardly fair to include in the term "foreign trade," in the sense that it is used herein, namely, "world-wide trade").

In order, however, to be amply conservative, we will assume that the combined fleet of Government-operated vessels and those operated by private firms, necessary to handle a reasonable proportion of our exports and imports, equals the Government-operated vessels and those purchased recently from the Government. This is true with one exception, namely, that the passenger and cargo fleet in the North Atlantic will have to be balanced by the construction of certain vessels as dealt with elsewhere in this report. In other words, let us assume that the minimum fleet comprises the vessels at present operated by the Government plus those purchased by Dollar and the Export Steamship Corporation. It would be well to examine the particulars of this fleet and the replacement required under the two categories, (1) passenger and cargo vessels and (2) cargo vessels.

At the present time the fleet of passenger and cargo vessels, including those owned by the Government and those sold by the Government to Dollar, are as per the following list:

Name	Year	Type	Gross	Line	Route
		Feet			
Leviathan	1914	------	59,956	United States	North Atlantic.
George Washington	1908	------	23,788	------do------	Do.
America	1905	------	21,144	------do------	Do.
Republic	1907	------	17,910	------do------	Do.
President Roosevelt	1922	535	14,187	------do------	Do.
President Harding	1921	535	14,187	------do------	Do.
President Grant	1921	535	14,119	American Oriental	Seattle-Orient.
President Madison	1921	535	14,187	------do------	Do.
President Jackson	1921	535	14,123	------do------	Do.
President McKinley	1921	535	14,127	------do------	Do.
President Jefferson	1921	535	14,174	------do------	Do.
Southern Cross	1921	535	13,788	Pan American	South America.
American Legion	1921	535	13,736	------do------	Do.
Pan America	1922	535	13,712	------do------	Do.
Western World	1922	535	13,712	------do------	Do.
President Lincoln	1921	535	14,187	Dollar	Trans-Pacific.
President Cleveland	1921	535	14,123	------do------	Do
President Pierce	1921	535	14,123	------do------	Do.
President Taft	1921	535	14,123	------do------	Do.
President Wilson	1921	535	14,127	------do------	Do.
President Adams	1921	502	10,558	------do------	Round the world.
President Garfield	1921	502	10,558	------do------	Do.
President Monroe	1920	502	10,533	------do------	Do.
President Harrison	1921	502	10,533	------do------	Do.
President Van Buren	1920	502	10,533	------do------	Do.
President Hayes	1920	502	10,533	------do------	Do.
President Polk	1921	502	10,513	------do------	Do.
Average	1919	------	421,294		

Total, 27 vessels.

It will be observed that the fleet comprises 27 vessels with a gross tonnage of 421,294 and an average age of 6 years.

There can be no doubt that the vessels referred to are a minimum to properly carry on our trade at present in cargo and passengers on the routes over which they are now operated. In the case of the passenger and cargo vessels on the North Atlantic, particularly, it is glaringly apparent, for this North Atlantic is a sea trade in which more American passengers are carried than all the other nationalities combined; an ocean carrying trade, in fact, in which the American passengers far outnumber the foreigners, yet it is in this very North Atlantic Ocean in which our American fleet is hopelessly inadequate.

The vessels operated by the United States lines comprise the most unbalanced fleet of passenger and cargo vessels in the world.

It is physically impossible to give with this fleet a passenger and cargo service which compares in frequency and regularity of sailings and type of accommodation to that provided by the great foreign lines.

If our American merchant fleet service in the North Atlantic is to be brought up to a reasonably competitive position, it is vitally important that two economical combined passenger and cargo vessels of at least 20 knots sea speed be constructed to operate in conjunction with the *Leviathan* to British Channel ports, thus providing a weekly service under the American flag for the transportation of mail, passengers, and cargo.

The construction of these two additional vessels, to enable us to operate on the customary trans-Atlantic three-ship basis, is not adding to our fleet any more than is an automobile maker "adding" to an automobile when he adds two more wheels to the two already on. Without such addition there is no complete unit of effective operation; with such addition a going, effective, competitive machine is completed.

If this three-ship basis were not sound and a proven principle of successful North Atlantic fleet operation, it would never have been developed and maintained by the shrewdest ship operators of European maritime affairs.

These two vessels should be of approximately 30,000 tons each, internal-combustion engines giving a speed of about 20 knots, designed so as to be convertible into airplane carriers, with accommodations for a large number of passengers, and a cargo capacity of about 6,000 tons. Two ships of this type, with the *Leviathan*, would complete the standard three-ship basis, and would make competition on an even basis—a basis in our favor, in fact—and would show substantial profits from operation. So that if the Government continued to operate it would be at a profit instead of a loss or, if it wished to sell, it would have a complete transport unit to sell.

It should be recalled, in considering this subject, that these are passenger vessels, and there is no reservoir of laid-up fleets from which can be drawn at will vessels to supply any deficiencies.

Moreover, as noted above, unless measures are taken looking to the replacement of these vessels—whether they be owned by the Government or private individuals—the time will come when they will be worn out and scrapped, and nothing will be available to take their place.

The average age of the vessels under consideration is six years. Assuming that the life of the vessels is 25 years and that another three years must elapse before any replacements can be constructed and put into operation, the replacement of the fleet will have to be accomplished within a period of 16 years, which will require the construction of about 26,000 gross tons of passenger vessels per year. This is in addition to the construction of the two combined passenger and cargo liners required for the North Atlantic service, which should be of at least 30,000 tons each. This addition, therefore, means the construction of an average of 30,000 gross tons of passenger vessels per year during the period from 1928 onward.

CARGO VESSELS AND REPLACEMENTS

As of July 31, 1925, the Government-operated cargo vessels were distributed among the various operators approximately as follows:

	Number	Deadweight tonnage
NORTHERN EUROPE, UNITED KINGDOM, AND IRELAND		
American-Dixie Line	15	141,171
American Merchant Lines	9	71,645
Mobile Oceanic Line	4	33,109
Oriole Lines	16	132,511
	44	378,536
BORDEAUX-HAMBURG RANGE		
America France Line	9	78,141
American Diamond Lines	12	104,311
American Palmetto Line	3	23,490
Mississippi Valley European Line	3	25,006
Mobile Oceanic Line	4	34,373
Southern States Lines	17	150,337
Texas Star Line	5	45,262
Yankee Line	4	35,597
	57	496,517

	Number	Dead-weight tonnage
SCANDINAVIAN AND BALTIC PORTS		
American Scantic Line	7	55,740
SOUTHERN EUROPE, SPANISH ATLANTIC, AND PORTUGUESE		
Gulf-West Mediterranean Line	2	15,650
SPANISH MEDITERRANEAN PORTS		
Gulf-West Mediterranean Line	3	24,204
FRENCH MEDITERRANEAN-WEST COAST OF ITALY AND ADRIATIC SEA PORTS		
American Export Lines	8	62,487
American Premier Line	2	17,309
	10	79,796
GREEK AND BLACK SEA PORTS		
American Exports Lines	11	86,680
American Premier Line	2	15,650
	13	102,330
BRITISH INDIA		
American India Line	5	47,444
AUSTRALIAN AND NEW ZEALAND		
Atlantic Australian Line	6	55,857
Pacific Australia Line	5	43,069
	11	98,926
ORIENT		
American Far East Line	8	75,727
American Oriental Mail Line (cargo)	6	56,720
American Pioneer Line	12	134,114
Oregon Oriental Line	10	86,527
	36	353,088
AFRICA, SOUTH AND EAST COASTS		
American South African Line	5	44,317
WEST COAST		
American West African Line	7	59,437
	12	103,754
EAST COAST SOUTH AMERICA		
American Delta Line	9	75,494
American Dispatch Line	5	39,935
American Republic Line	12	99,406
Pacific Argentine Brazil Line	5	43,000
	31	237,835
Grand total	231	1,993,820

It will be noted from the above list that there are 231 vessels of about 2,000,000 total dead-weight tons in operation.

It is safe to assume that the average useful life of a cargo steamer is approximately 20 years. It is also safe to assume that the average age of these vessels is at least 7 years, and that 3 years will elapse before any replacement vessels can be authorized and constructed; and it is apparent, therefore, that the 2,000,000 tons will have to be replaced during a period of 10 years, or at the rate of 200,000 tons per year.

It is true, of course, that a certain number of these vessels may be replaced with vessels of the Government now laid up, but at the same time it should also be remembered that the Government fleet as a whole was constructed during an emergency and, due to the inexperienced operation and the long periods of lay-up, it is safe to assume that the value of the vessels, whether withdrawn from lay-up for replacement to the operating fleet, or operated continuously, will not exceed a period of over 20 years.

However, in considering this subject it should never be lost sight of that we are in direct competition with skilled foreign operators. Thus it will be found that, in connection with vessels on the long voyage trades running to the Orient and in connection with vessels on the North Atlantic, we are forced to compete with the cream of the British, German, and Japanese merchant marines and that our competitors on the important liner routes are operating the highest type of cargo liners and are adding thereto.

It is the considered opinion of nearly all who have investigated the subject closely that the possibilities of successful American competition in connection with overseas shipping rests in the development of the cargo liner as opposed to the tramp type of steamer. Speedy transport of commodities as an inducement to shippers is essential and it is, therefore, apparent that, first, as an inducement to American shippers the speed of our cargo liners should be enhanced; and second, to enable them to successfully compete with the highest type of speedy ships of our competitors the speed of our vessels would have to be increased. In considering, therefore, the necessary replacements in connection with the cargo fleet now being operated it would seem sound to limit such replacements to cargo-liner types of vessels with a speed of at least 14 knots and a total dead weight of carrying capacity of not less than 11,000 tons. We can safely assume that at least one-half of the trades on which Government ships are now being operated will require the cargo-liner type of vessel. (See note on last page.)

In view of the fact that we have no vessels in the Government fleet which correspond to the true cargo liner as outlined above, it is apparent that we should concentrate on building a considerable number of these vessels to the exclusion of the smaller and slower ships which may be provided out of the reserve of vessels laid up for the time being, thus enabling us to concentrate on a higher and better type. To replace the cargo fleet of 2,000,000 tons in operation during a period of 10 years would involve the construction of 200,000 dead-weight tons per year. There is no doubt that during the first few years of any replacement program this figure of yearly replacement should be reached or exceeded in order that the cargo liners may as rapidly as possible supersede the less efficient and desirable vessels on the various foreign-trade routes.

As previously referred to, the Government vessels are being sold to private interests. Any plan, therefore, which contemplates the replacement of the present fleet should enable the vessels to be built by private interests as well as by the Government.

It is obvious that some method of equalizing the cost of building vessels in this country with the cost of constructing them abroad will have to be found to enable these vessels to be constructed in the United States. At the same time, it may be found that in the case of certain of the lines which will have to be retained for the time being by the Government, it will be necessary for the Government to order the replacement vessels itself.

In any case the important thing is "that the vessels must be replaced," and that this minimum fleet which we are operating be not allowed to vanish from the seas.

CONCLUSION

From a consideration of the preamble outlining the arguments for an American merchant marine, the announced policy of Congress and the announced policy of our people, it is assumed that we should have an American merchant marine in the foreign trade. It is the only way that we can properly protect our foreign trade during the intensively competitive period which will be inaugurated with the resumption of world trading on a large scale. An American merchant marine is necessary to form a vital reserve of ships and trained personnel against any time of national emergency. It is apparent that the minimum fleet required to accomplish this may be safely measured by the Government fleet and vessels purchased from the Government now in service, together with the construction of two 30,000-ton 20-knot cargo and passenger liners, readily adaptable for airplane carrier conversion to balance the fleet on the North Atlantic.

It is apparent that replacements will have to be made or our fleet will rapidly depreciate and finally vanish from the sea during the latter part of its life, being entirely unable to compete with the foreign lines, as these foreign lines as a customary and sound business policy replace their less efficient tonnage with the larger and faster cargo liners.

It is therefore recommended that the construction of at least 30,000 gross tons of passenger and cargo vessels be undertaken each year and the construction of at least 200,000 total dead-weight tons of cargo liners be undertaken during each year.

It is believed that before this replacement program is far under way, world conditions will improve so that the demand for an increased program will justify the construction of a considerably augmented program. Certainly the program as outlined above is a minimum and merely consistent with maintaining our present position in the shipping world.

W. S. BENSON,
Rear Admiral, United States Navy (Retired),
Commissioner, United States Shipping Board.

SEPTEMBER 14, 1925.

[NOTE.—Refer to page 25: "Due to the progress in the science and the art of shipbuilding, the cargo liner of to-day has a normal speed of 15 knots, and some of our competitors have placed in service 16-knot cargo liners."]

EXHIBIT 4

[From report of Subcommittee of Merchant Marine Planning Committee, 1926–27, services and construction program]

WORLD TRADE ROUTES AND OCEAN SERVICES—SUMMARY OF CONSTRUCTION REQUIRED

AREA I. UNITED KINGDOM AND IRELAND

Service 1. New York-Liverpool: Four vessels, 20,000 gross tons, 18 knots sea speed, 500 cabin passengers, 500 third-class passengers,

minimum 8,500 dead-weight cargo space including approximately 50,000 cubic feet refrigeration.

Service 6. North Atlantic-Plymouth-Southampton: Two vessels approximately 40,000 gross tons, 22 to 24 knots sea speed, accommodations for 700 first-class, 400 second-class, and 1,000 third-class passengers, limited cargo and refrigerator space.

AREA II. CONTINENTAL EUROPE

Service 14. New York-Havre: Four vessels similar to Hog Island "B" boat type now in New York-London run including passenger accommodations, 15 knots sea speed, 350,000 cubic feet cargo space.

Service 17. New York-Antwerp: Four vessels similar to Hog Island "B" boat type, including first-class passenger accommodations, dead-weight cargo capacity approximately 7,500 tons, including 30,000 cubic feet refrigerator space.

Service 19. New York-Rotterdam: Two vessels similar to Hog Island "B" boat type, including first-class passenger accommodations, dead-weight cargo capacity of approximately 7,500 tons. If *Harding* and *Roosevelt* are not allocated here increase to four.

Service 22. New York-Hamburg: Four vessels 25,000 gross tons, 18 knots sea speed, 650 cabin-class passengers and 1,000 third-class passengers, minimum of 9,000 dead-weight cargo capacity, including 40,000 cubic feet refrigerator space.

Services 25, 26, 27. North Atlantic-Denmark, Sweden, Finland: Six Diesel motor vessels, 13 to 14 knots sea speed, 7,500 to 8,000 dead-weight cargo capacity. Draft less than Hog Island vessels, if possible. Cognizance to be taken of Kiel Canal measurement rules. Two decks ('tween and shelter). Accommodations for about 25 passengers.

AREA III. MEDITERRANEAN

No construction required.

AREA IV.—ORIENT

Service 44. New York-Singapore-Manila-Hong Kong: Four motor vessels, 15 knots sea speed, 9,000 dead-weight tons, 500 tons refrigerated space, accommodations for 25 passengers.

Service 46. North Atlantic-Philippines-China-Japan: Five motor vessels, 15 knots sea speed, 9,000 dead-weight tons, 350 tons refrigerated space, tank space 1,500 tons bulk vegetable oils, accommodations for 25 passengers.

Service 47. North Atlantic-Japan-China: Five motor vessels, 15 knots sea speed, 9,000 dead-weight tons, 350 tons refrigerated space, tank space 1,500 tons bulk vegetable oils, accommodations for 25 passengers.

Service 60. Los Angeles-San Francisco-China-Japan-Philippines-Straits: Six motor vessels, 14 knots sea speed, 9,000 dead-weight tons, 500 tons refrigerated space and tank space 1,500 tons bulk oils.

AREA V.—EAST COAST SOUTH AMERICA

Service 62. New York-Direct Plate: Four motor vessels, 14 knots sea speed, 9,000 dead-weight tons, 1,000 tons refrigerated space.

Service 64. North Atlantic-North Brazil: Four vessels, 6,500 dead-weight tons, maximum draft 23 feet, 12–13½ knots sea speed, fitted for limited number of passengers (15 to 20 persons).

AREA VI.—WEST COAST SOUTH AMERICA

No requirements.

AREA VII.—AUSTRALASIA

Service 82. North Atlantic-New Zealand: Five motor vessels, 9,000 dead-weight tons, 14 knots sea speed, 25 passengers.

Service 83. North Atlantic-Sydney-Melbourne-Adelaide: Six motor vessels, 9,000 dead-weight tons, 14 knots sea speed, 25 passengers.

Service 89. Pacific Coast-New Zealand-Australia: Six motor vessels, 9,000 dead-weight tons, 14 knots sea speed, 500 tons refrigerated space and tank space 1,500 tons bulk oil.

AREA VIII. INDIA

Service 90. North Atlantic-India: Five motor vessels, 9,000 dead-weight tons, 14 knots sea speed, accommodations for 25 passengers.

AREA IX.—AFRICA

Service 91. New York-West Africa, via Atlantic Islands: Eight motor vessels, 9,000 dead-weight tons, 14 knots sea speed, tank space 1,500 tons bulk vegetable oil, accommodations for 25 passengers.

PERSONAL EXPLANATION—REPLYING TO MISREPRESENTATIONS OF WASHINGTON NEWS AND WASHINGTON HERALD

Mr. HEFLIN. Mr. President, I shall only consume a moment or two of the time of the Senate. I want to make reference to an article in the Washington News. This paper in referring to a speech that I made on yesterday, in which I challenged the New York World to have the Democrats of the Senate rebuke me for my defense of religious freedom and free speech, said that I asked the Democrats to pass on the question. I read from that paper:

He asked a vote of Senate Democrats on whether he is right or wrong.

I did not ask any such thing. I read an excerpt from the New York World, and I said that paper was not satisfied with the action the Democratic Senate conference had taken regarding the situation with reference to me, and that the Senate Democrats in conference declined to pass on the position that I took in the Senate or that the Senator from Arkansas [Mr. ROBINSON] took, and that the action of the conference of the Democrats had no reference whatever to it. I stated that the New York World said the action taken was not a rebuke of me and that it was a spineless performance. Now, the Washington News quotes me as saying:

He asked a vote of the Senate Democrats on whether he is right or wrong.

I am not asking any Senator to pass on the question of whether I am right or wrong. That is a question for me to decide as a Senator. I am a Senator from a sovereign State, sent here as one of two Senators to represent the people of that State, and I, as one of their chosen spokesmen, am to determine whether my position is right or wrong. I repudiate this statement as false, and the writer of it as one who knew he was writing a falsehood when he wrote it.

The News further had me saying in the Senate—and those in the gallery who were here yesterday, as well as Senators present, know that no such remark was made by me:

If you rebuke me—

Speaking to my Democratic colleagues—

I will quit the Democratic Party and millions will quit with me.

I did not say that. I challenged the New York World to have such action taken as it had suggested, and if the New York World could demonstrate a situation like that where the Democratic Party were following Tammany and the Roman Catholic political machine, a nullifier of the Constitution, and a wet, that I would quit the Democratic Party. I wonder why they undertake to misrepresent me in this fashion right here in the Capitol the day following my speech, when so many people present now heard what I had to say and the connection in which I used that expression?

Mr. President, I refer to that merely to let the people know who read the RECORD in the country and to let the people know who are present that there is an effort being made to deliberately misrepresent my speeches in the Senate. This is a part of the propaganda of the Roman Catholic political machine. If these misrepresentations continue I am going to ask the Senate to take some action on certain representatives of newspapers in the Senate press gallery. No liar has a right to sit in the press gallery and deliberately lie about a Senator on this floor, and if the Senate has any respect for itself it will not permit such a thing as that to continue.

Here is an article from the Washington Herald, written by Fraser Edwards, I believe. The headline is:

HEFLIN'S blasphemy shocks Senators.

I was astounded when I was told that such a statement was in the paper, and I could not remember shocking the Senate in that way. I found after coming to the Senate this morning that the official reporter who took down the statement where I was quoting a newspaper man with reference to what I had said in fun about the tarring and feathering in Arkansas and Alabama of the Senator from Arkansas [Mr. ROBINSON], when Mr. Fraser Edwards asked to see the stenographer's notes of the speech he read it to him and told him twice that a certain statement made by newspaper men was in quotations and that I had quoted it, and yet he went off and published it without quoting it. He suggested that Senators were offended and were going to take some action regarding it. I have been unable to find who the Senator was that told him that. Of course, no such thing is true. They are not only determined to misrepresent me, but they have commenced to lie outright about things that occur in connection with me on this floor.

I want to serve notice on Mr. Hearst, because this is one of his papers, that if this continues I will read some affidavits on this floor which will open his eyes and move some of these little hickory nuts in his employment out of the press gallery. [Laughter.] I had not wanted to do that because I do not care to go into a man's private life, but William Randolph Hearst can not keep his hired agents here in this gallery misrepresenting, insulting, and slandering me.

Now, I want to say for the benefit of this man Edwards that his father was my friend, a fine, manly man, Charley Edwards. He was afflicted in his declining years so that he could not work. He was hard pressed financially, and being afflicted could not earn his living. He did well when he was in health and able to work. He was my friend, and I was his friend. He

needed assistance, financial assistance, and I used to help him. He came to me frequently for help and he never came in vain. I would let him have $10 at a time. The last time I ever saw him I gave him $25. I regret to have to mention this, but feel justified in doing it now. This is his son who is joining in with my enemies to misrepresent, slander, and lie about me in the Senate.

THE WORLD COURT

Mr. COPELAND. Mr. President, I hold in my hand a statement made to the President regarding the World Court, together with a list of the signers, and by request of certain of these signers I ask permission to have the statement printed in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

(Issued by the presentation committee representing 432 citizens and signers in 47 States. Irving T. Bush (chairman), Frank H. Hiscock, Franklin D. Roosevelt, Charles H. Carey, Howard Coonley, Kenneth C. M. Sills, Mrs. Kellogg Fairbank, Ray Lyman Wilbur)

BELIEVE "WORLD COURT" NEGOTIATIONS SHOULD CONTINUE—DIFFERENCES NOT FUNDAMENTAL—CITIZENS OF 47 STATES CONVEY TO PRESIDENT DESIRE THAT UNITED STATES COMPLETE ADHERENCE TO COURT AS OBVIOUS STEP TOWARD PACIFIC SETTLEMENT

To-day an important communication bearing on the relation of the United States to the Permanent Court of International Justice reached the President over the signatures of 432 people from 47 States. The communication conveys to the President the belief of the signers that a vast number of people throughout the country are far from satisfied with the present status of the question of the adherence of the United States to the World Court. The letter reflects the view of the signers that the differences between the United States and the signatory States, however troublesome, are not sufficiently fundamental or important to prevent the adherence of the United States to the court. Without suggesting a particular procedure or a particular solution, the signers express the hope that the President will indicate the willingness of the United States to continue conversations in the matter of the court with a view to reaching early settlement.

THE COMMUNICATION TO THE PRESIDENT

The communication as presented to the President to-day is:

"We, the undersigned citizens of 47 States, believe that the differences between the United States and the states signatory to the protocol of the statute of the Permanent Court of International Justice are in large part due to misunderstandings which could certainly be resolved in the conversations that normally accompany the negotiation of treaties. May we convey to you our urgent hope—a hope which we believe to be entertained by a vast number of our fellow citizens—that you will indicate the willingness of the United States to continue negotiations with a view to removing the difficulties which stand in the way of consummating the adherence of the United States to the Permanent Court?

"Believe us, with great respect,

"Faithfully yours, etc."

The letter was conveyed to the President through a presentation committee of eight representing the signers. This committee consists of Irving T. Bush, president of the Bush Terminal Co., chairman; Judge Frank H. Hiscock, formerly chief justice of the Court of Appeals of New York State; Franklin D. Roosevelt, former Assistant Secretary of the Navy; Judge Charles H. Carey, of Portland, Oreg., former member of the Republican National Committee; Howard Coonley, president Walworth Co., of Boston, former president of the Boston Chamber of Commerce, director, Link Belt Co., of Chicago, and of the National Malleable Steel Castings Co., of Cleveland; Mrs. Kellogg Fairbank, member of the Democratic National Committee, Chicago; President Kenneth C. M. Sills, of Bowdoin College, Brunswick, Me.; and President Ray Lyman Wilbur, of Stanford University, California.

COURT EXPRESSES AMERICAN IDEAL, SAYS PRESENTATION COMMITTEE

In transmitting the letter to the President the presentation committee said:

"Representing 432 thoughtful citizens in 47 States, we beg to transmit on their behalf and our own the inclosed communication. The United States could, we believe, take no more necessary and no more effective step toward promoting the pacific settlement of international disputes than that of adhering to the Permanent Court of International Justice under proper reservations.

"At the time when the delegates to the first and second Hague conferences, acting under instructions, urged the establishment of a permanent tribunal, the United States announced a clear-cut attitude in favor of the establishment of international agencies for the settlement of international disputes. It is, we think, in pursuance of that tradition that the United States would join the 55 nations which by adhering to the protocol of signature of the Permanent Court of International Justice have formally indorsed the principle of applying the judicial procedure to questions susceptible of legal treatment.

"We are conscious of the many burdens resting upon you, but we feel so deeply the need of clearing the misunderstanding which surrounds this matter that we venture to urge upon you the taking of all reasonable steps to make entirely clear the position of this country, and thus resolve the doubts and, in all probability, the difficulties that have prevented completing the adherence of the United States to the court."

EDITORS, BANKERS, BUSINESS MEN, MANY OFFICIALS AMONG SIGNERS

The 432 signers of the memorial represent a wide variety of interests. They include leading members of both the major parties; the list includes the names of 11 governors and ex-governors (8 Republican, 3 Democratic); 93 editors of dailies throughout the country, among them William Simms, foreign editor, signing on behalf of the 26 Scripps-Howard papers; J. Lauriston Bullard, chief editorial writer for the Boston Herald; Melville Stone, counselor for the Associated Press; the editors of the Los Angeles Times Mirror, Brooklyn Daily Eagle, Toledo Blade, Richmond News Leader, Wisconsin State Journal, Cincinnati Commercial Tribune, Baltimore Post, Atlanta Constitution, Omaha Bee, Oklahoma City Times, Providence Tribune, Syracuse Post Standard, San Francisco Daily News, and many others.

Bankers and business men whose interests extend well over the country are among the signers. They include Richard Grant, former president United States Chamber of Commerce, now of the M. A. Hanna Co. of Cleveland; Howard Coonley, president of the Walworth Co. of Boston, director of the Link Belt Co. of Chicago and of the National Malleable Steel Castings Co. of Cleveland; W. Irving Bullard, banker, of Boston, treasurer of the National Association of Cotton Manufacturers; Henry Sharpe of Brown & Sharpe, Providence; A. L. Humphrey, president Westinghouse Air Brake Co., Pittsburgh; Samuel Rea, of the Pennsylvania Railroad; Cornelius Bliss, director Fifth Avenue Bank, New York; Daniel Willard, president of the Baltimore & Ohio Railroad; Sumner McKnight, president of the Produce State Bank, Minneapolis; E. J. Wallace, president Mid-West Retail Coal Dealers Association, St. Louis; E. Wilbur Rice, honorary chairman of the General Electric Co., Schenectady; William Mather, president Cleveland Cliffs Iron Co. of the Lake Superior & Ishpeming Railway Co., chairman of the board of the Otis Steel Co., etc.

COMPLETE LIST OF SIGNERS

The following complete list of the signers shows how generally all sections of the country are represented:

THE EAST AND THE SOUTH

William C. Sproul, former Republican Governor of Pennsylvania, president Union League Club of Philadelphia.

Howard Coonley, president Walworth Co. of Boston; director Second National Bank of Boston, National Malleable Steel Castings Co. of Cleveland, Link Belt Co. of Chicago; Boston.

Cornelius Bliss, director Fifth Avenue Bank, Bankers Trust Co.; treasurer of the Republican National Committee, campaign of 1916; New York City.

Huntley N. Spaulding, Republican Governor of New Hampshire, Concord.

W. Irving Bullard, banker; vice president Merchants National Bank; director Connecticut Mills Co., the Transcript Co.; treasurer National Association of Cotton Manufacturers; Boston.

Frank H. Hiscock, former chief judge of the Court of Appeals of New York, Syracuse.

James R. Angell, president of Yale University, New Haven.

Joseph R. Grundy, president William H. Grundy Co., Bristol; president Pennsylvania Manufacturers' Association.

Henry D. Sharpe, president and treasurer Brown & Sharpe Manufacturing Co. of Providence; first vice president Providence Journal.

B. F. Yoakum, president San Antonio & Arkansas Pass Railroad; director Seaboard Air Line; New York City.

A. L. Humphrey, president Westinghouse Air Brake Co., Pittsburgh.

John H. Fahey, banker and newspaper publisher; former president United States Chamber of Commerce; Boston.

Everett J. Lake, former Republican Governor of Connecticut; director Hartford-Aetna National Bank; president Hartford Lumber Co.

Melville E. Stone, counselor Associated Press, New York City.

Marcus H. Holcomb, former Republican Governor of Connecticut (for three terms); former attorney general of the State; president Southington Savings Bank.

G. W. K. Forrest, Republican mayor of Wilmington, Del.

Thomas M. Steele, president first National Bank, New Haven, Conn.

Leslie H. Thompson, treasurer Winchester Repeating Arms Co., New Haven.

Thomas H. Robinson, attorney general of Maryland.

George A. Wood, Republican speaker of the New Hampshire House of Representatives, 1925.

Jeremy R. Waldron, attorney general of New Hampshire.

Samuel D. Felker, former Democratic Governor of New Hampshire.

Irving T. Bush, president Bush Terminal Co., New York City.

Samuel Rea, former president Pennsylvania Railroad, Philadelphia.

Julius H. Barnes, president Barnes-Ames Co. (exporters of wheat); former president United States Chamber of Commerce; former president United States Grain Corporation, New York City.

Alba Johnson, former president Baldwin Locomotive Works; director, Federal Reserve Bank of Philadelphia; director, First Federal Foreign Banking Association of New York; president Railway Business Association, Philadelphia.

Edward W. Bok, Merion, Pa.

George W. Norris, governor Federal Reserve Bank of Philadelphia.

Henry F. Lippitt, former Republican Senator from Rhode Island; president Manville-Jenckes Textile Mills; vice president Peoples Savings Bank, Providence.

Oliver J. Sands, president American National Bank; former president Virginia Bankers Association; director, Richmond & Failfield Railway Co.

Daniel Willard, president Baltimore & Ohio Railroad Co., Baltimore.

E. Wilbur Rice, jr., honorary chairman of the General Electric Co., Schenectady, N. Y.

Mrs. Bessie D. Altemus, president Republican Women of Philadelphia County, Philadelphia.

John K. Beach, former associate justice Supreme Court of Errors of Connecticut.

Louis R. Cheney, of Cheney Bros., former Republican mayor of Hartford.

Herbert Knox Smith, former Republican member of the Connecticut House of Representatives; former commissioner of corporations under the Department of Labor and Commerce of the United States; Hartford.

John Nields, former United States attorney for the district of Delaware for two terms, Wilmington.

Walter Bell, president Park Bank of Baltimore.

H. O. Dunn, rear admiral, United States Navy, Baltimore.

Elmore B. Jeffery, president Equitable Trust Co. of Baltimore.

J. Weston Allen, former attorney general of Massachusetts, Boston.

Chandler Bullock, president State Mutual Life Insurance Co., Worcester, Mass.

Edward A. Filene, president William Filene's Sons Co., Boston.

George E. Farrand, State bank commissioner; vice chairman of State Democratic committee, Concord, N. H.

Mrs. Harriman N. Simmons, president New Jersey League of Women Voters.

Charles M. Muchnic, vice president American Locomotive Sales Corporation, New York City.

Gano Dunn, president J. G. White Engineering Co.; former chairman National Research Council; former president American Institute of Electrical Engineers, New York City.

W. G. Bramham, former chairman Republican State committee of North Carolina.

William C. Hammer, Member of Congress; owner and editor Asheville Courier; North Carolina.

John D. Bellamy, president North Carolina Bar Association.

Francis B. Biddle, Philadelphia.

Samuel S. Fels, president Fels Naphtha Soap Co., Philadelphia.

Charles P. Vaughan, president Dungan, Hood & Co.; president Philadelphia Chamber of Commerce.

Charles S. Calwell, president Corn Exchange National Bank of Philadelphia.

Mrs. Samuel A. Bower, president Women's Republican Club of Harrisburg.

W. H. P. Faunce, president Brown University, Providence.

Richard Crane, former ambassador to Czechoslovakia; Westover, Va.

Robert B. Tunstall, director, Norfolk National Bank; counsel for Southern Railway, Virginian Railway Co., Richmond.

Charles McCamic, former Republican member of the West Virginia House.

W. I. Evans, president Florida Bar Association; Miami.

Edgar Watkins, former attorney for the Interstate Commerce Commission; Atlanta, Ga.

E. Marvin Underwood, general counsel United States Railroad Administration, 1920; Atlanta.

R. B. Caldwell, president Commercial Bank of Chester; South Carolina.

Mrs. Harrison B. Freeman, former president Women's Republican Club of Hartford.

Mrs. Herbert Knox Smith, former president Connecticut League of Women Voters; Hartford.

Charles M. Andrews, Farnam professor of American History at Yale University; former president American Historical Association; New Haven.

H. F. Beebe, manager of the foreign department, Winchester Repeating Arms Co.; New Haven.

Mrs. A. D. Warner, president Delaware League of Women Voters.

Walter Hullihen, president University of Delaware.

James Garfield, lawyer, Boston.

Elizabeth Tilton, secretary of the National Congress of Parents and Teachers; Boston.

Robert Fechner, member executive board, International Association of Machinists; Boston.

James M. Yeakle, mayor of Bethlehem, Pa.

Harold J. Hinman, judge of the Supreme Court of New York; Albany.

Mrs. John D. McCabe, president Delaware State Federation of Women's Clubs.

Walter S. Hilles, president Delaware Bar Association.

Kenneth C. M. Sills, president Bowdoin College, Brunswick, Me.

Henry D. Harlan, former chief justice Supreme Court of Baltimore; general counsel Fidelity Trust Co.; Baltimore.

Frank C. Partridge, former Solicitor in the Department of State; former United States minister to Venezuela; president Vermont Marble Co., Clarendon & Pittsford Railroad Co.; Proctor, Vt.

Clifton D. Gray, president Bates College, Lewiston, Me.

Theodore Marburg, former ambassador to Belgium, Baltimore.

Mrs. John L. Alcock, president Maryland Federation of Women's Clubs, Baltimore.

George Arnold Frick, State senator, Baltimore.

Joseph N. Ulman, judge of the Supreme Court of Baltimore.

Howard W. Jackson, former mayor of Baltimore.

Moorfield Storey, former president American Bar Association, Boston.

Andrew J. Peters, former mayor of Boston.

John E. White, president Worcester Bank & Trust Co.; president Worcester Chamber of Commerce; Massachusetts.

George Grafton Wilson, board of editors, Journal of International law; delegate to international naval conference of 1919; Cambridge, Mass.

Mrs. Roland Hopkins, chairman Massachusetts Council of the Foreign Policy Association, Boston.

Ellen S. Ogden, president Massachusetts Association of University Women.

Willis H. Flint, former mayor of Concord, N. H.

William J. Ahern, Democratic floor leader in the New Hampshire House, 1925, Concord.

James P. Richardson, Parker professor of law and political science at Dartmouth; Republican member of the House of Representatives of New Hampshire, 1926; Hanover, N. H.

Borden D. Whiting, president New Jersey Railroad Commission, Orange, N. J.

William Mikell, dean of the law school, University of Pennsylvania.

Mary Macfarland, president New Jersey Association of University Women.

Mrs. Borden Whiting, president Essex County Women's Republican Club, New Jersey.

George W. Wickersham, former Attorney General of the United States in the Cabinet of President Taft, New York City.

Charles Fiske, Protestant Episcopal bishop of cental New York, Utica.

Livingston Ferrand, president Cornell University, Ithaca.

Alden Chester, vice president Albany Exchange Savings Bank.

Mrs. Franklin D. Roosevelt, vice chairman Women's Democratic Committee of New York State.

Ada Comstock, president Radcliffe College, Cambridge, Mass.

Peter Gaansvoort Ten Eyck, consulting engineer; director, Chicago, Rock Island & Pacific Railway Co.; director, National Commercial Bank & Trust Co., Commercial Insurance Co., and Albany Savings Bank; Albany.

G. R. Parker, of Parker, Peebles & Knox, exporters and importers, New York City.

Franklin D. Roosevelt, former Assistant Secretary of the Navy, New York City.

Arthur Kuhn, board of editors, American Journal of International Law, New York City.

Elmer Ellsworth Brown, chancellor New York University, New York City.

John Cousens, president Tufts College, Medford, Mass.

Lincoln Cromwell, of William Iselin & Co., textiles; member board of directors, Merchants Association of New York; New York City.

John G. Agar, lawyer; trustee, Mutual Life Insurance Co., Farmers Loan & Trust Co.; New York City.

Frederic Coudert, lawyer; director, Lincoln Safe Deposit Co., National Surety Co.; New York City.

Allen W. Johnston, executive vice president Schenectady Savings Bank, New York.

Philip Jessup, former Assistant Solicitor in the Department of State, now at the School of Law and Jurisprudence of Columbia University, New York City.

L. P. Alford, member of the executive board, American Society of Mechanical Engineers, New York City.

Frank Wickersham, judge of the twelfth judicial district of Pennsylvania, Harrisburg.

James E. Allen, president Davis and Elkins College, West Virginia.

J. Willis Martin, judge of the court of common pleas, Philadelphia.

Frank Aydelotte, president Swarthmore College, Pennsylvania.

Roland Morris, former chairman of the Pennsylvania State Democratic Committee, former ambassador to Japan, Philadelphia.

James B. Littlefield, lawyer, Providence.

Edwin Alderman, president University of Virginia.
Mrs. W. F. Morehead, president Virginia Federation of Women's Clubs.
Joseph Walker, former Republican speaker of the Massachusetts House, Boston.
Mary Woolley, president Mount Holyoke College, South Hadley.
Roscoe Pound, dean of the Harvard Law School, Cambridge.
Samuel B. Woodward, president Worcester County Institution for Savings, Worcester.
Harry A. Garfield, president Williams College, Williamstown, Mass.
Ellen Pendleton, president Wellesley College, Wellesley.
Everett Colby, lawyer, former member of the Republican National Committee, New York City.
Willis H. Flint, former mayor of Concord, N. H.
Ernest M. Hopkins, president Dartmouth College, Hanover, N. H.
Henry W. Taft, lawyer; delegate to Republican national convention, 1924; former president New York City Bar Association, New York City.
Col. Edward M. House, New York City.
Raymond Fosdick, trustee, Rockefeller Foundation, New York City.
Mrs. Frank Vanderlip, former chairman New York League of Women Voters; New York City.
F. F. Sharpless, consulting engineer; secretary American Institute of Mining and Metallurgical Engineers; New York City.
Stanley Rose, vice president American Safan Corporation; New York City.
Charles F. Abbott, professor of political science, Middlebury College, Vermont.
D. B. Carroll, professor of political science, University of Vermont; Burlington.
Mrs. Yorke Allen, Board of Directors New Jersey League of Women Voters.
Calvin Rice, secretary American Society of Mechanical Engineers; New York City.
Virginia C. Gildersleeve, dean Barnard College; New York City.
Henry Jessup, lawyer, New York City.
Frank H. Sommer, dean law school, New York University; New York City.
Frederick Gillmore, mayor of Utica, N. Y.
Willis K. Gillette, judge in the county court; Rochester, N. Y.
George Davis, president Hunter College; New York City.
Erskine C. Rogers, judge Washington County court; Hudson Falls, N. Y.
Mrs. Harvey W. Harmer, president West Virginia Association of University Women.
Mrs. Fannie Fern Andrews, former president Boston Association of University Women; executive secretary American School Citizenship League; Boston.
Julian Park, dean University of Buffalo.
Kerr D. Macmillan, president Wells College; Aurora, N. Y.
Mrs. William Pratt Graham, president New York State Division of American Association of University Women.
Thomas Raeburn White, attorney; president Philadelphia Forum; Philadelphia.
Robert P. Esty, attorney; member American Society of International Law; Philadelphia.
Mrs. Lucretia L. Blankenburg, former vice president, General Federation of Women's Clubs; Philadelphia.
Marion Edwards Park, president Bryn Mawr College; Pennsylvania.
R. T. Irvine, member of the Virginia State Democratic Committee; Big Stone Gap, Va.
George W. Lutz, director Security Trust Co.; former president Wheeling Board of Trade; Wheeling, W. Va.
Thelma J. Browne, president Virginia Association of University Women.
J. P. Frey, secretary-treasurer of the metal trades department of the American Federation of Labor; Washington, D. C.
C. D. Terrell, former city manager; Brunswick, Ga.
Helen Woodsmall Eldredge, president Tennessee Association of University Women; western Tennessee vice president National League of American Pen Women.
Augustus E. Willson, former Republican Governor of Kentucky; delegate to six national Republican conventions; Louisville.
Huston Quinn, vice president Louisville Trust Co.; former Republican mayor of Louisville.
Hogan Yancey, mayor, Lexington, Ky.
W. O. Hart, member of the State bar examining board for three terms; treasurer, Commercial Law League of America; New Orleans.
Hubert Fisher, former U. S. attorney for western district of Tennessee; now a Member of the United States House of Representatives; Memphis.
Bolton Smith, investment banker, Memphis.
Thomas H. Franklin, attorney, San Antonio, Tex.
R. T. Moore, chairman of board Commercial National Bank of Shreveport, La.
Spright Dowell, president Alabama Polytechnic Institute, Auburn; former State superintendent of education.
Mrs. A. Malone, president Alabama Federation of Women's Clubs.
Frank McVey, president University of Kentucky; Lexington.
Harry B. Mackoy, attorney, Covington, Ky.
Anna H. Settle, former president Louisville League of Women Voters.
Charles J. Turck, president Centre College; Danville, Ky.
John H. Overton, Alexandria, La.
J. H. Kirkland, chancellor Vanderbilt University, Nashville, Tenn.
D. A. Simmons, judge; Houston, Tex.
W. I. Baker, mayor of Nacagdoches, Tex.
J. W. Terry, lawyer, Galveston, Tex.
Mrs. H. C. Burke, president Texas Division American Association of University Women; Fort Worth.
Charles E. Selecman, president Southern Methodist University; Dallas, Tex.

THE PRESS IN THE EAST AND THE SOUTH

William P. Simms, foreign editor on behalf of 26 Scripps-Howard papers throughout the country; Washington, D. C.
F. Lauriston Bullard, chief editorial writer, The Boston Herald.
Melville E. Stone, counselor, Associated Press; New York City.
Arthur M. Howe, editor Brooklyn Daily Eagle.
Frank E. Gannett, editor and publisher the Gannett Newspapers, New York State. Rochester Times Union, Utica Observer Dispatch, Elmira Star-Gazette, Elmira Advertiser, Elmira Telegram, Ithaca Journal-News, Newburgh News.
Hewitt Howland, editor Century.
Willis S. Woods, editor Literary Digest.
George W. Potter, editor Providence Tribune, Rhode Island.
E. Robert Stevenson, editor in chief the Republican-American, Waterbury, Conn.
George F. Booth, editor Telegram-Gazette, Worcester.
Albert O. H. Grier, editor Every Evening, Wilmington, Del.
William Baker, editor Syracuse Post-Standard, New York.
Henry Goddard Leach, editor The Forum, New York City.
Robert W. Bingham, editor and publisher the Courier-Journal, Louisville.
Wade Harris, editor Observer, Charlotte, N. C.
Melville F. Ferguson, editor Philadelphia Record.
Edward J. Lynett, editor and publisher Scranton Times, Pennsylvania.
Douglas Freeman, editor Richmond News Leader, Virginia.
H. C. Ogden, editor Wheeling Intelligencer, West Virginia.
Camden S. Taney, editor Wheeling Register, West Virginia.
J. Wisner Thorne, editor Sunday Call, Newark, N. J.
Clark Howell, editor Atlanta Constitution, Georgia.
Erwin Craighead, editor and vice president Mobile Register, Alabama.
Paul B. Williams, editor Utica Daily Press, New York.
Harold D. Jacobs, editor Baltimore Post.
E. D. Lambright, editor Tampa Morning Tribune, Florida.
R. F. Wormwood, editor Biddeford Journal, Maine.
Christian Herter, editor the Independent, Boston.
Arthur J. Sinnott, editor Newark Evening News.
Thomas J. Hamilton, editor the Chronicle, Augusta, Ga.
J. Logan Clevenger, editor Perth Amboy Evening News, New Jersey.
Harold B. Johnson, president and editor Watertown Daily Times, New York.
George S. Crandall, editor Elmira Star-Gazette, New York.
Gorton V. Carruth, editor the Waterbury Republican, Connecticut.
W. C. Chilton, editor the Gazette, Charleston, W. Va.
Walter H. Main, editor Union Star, Schenectady, N. Y.
Walter Wood, editor the American, Waterbury, Conn.
Santford Martin, editor Journal, Winston-Salem, N. C.
R. Charleton Wright, editor Columbia Record, South Carolina.
William Geppert, editor Telegram, Clarksburg, W. Va.
C. B. Gillespie, editor Houston Chronicle, Texas.
R. O. Bardsdale, editor News Reporter, Washington, Ga.
Desha Breckinridge, publisher Lexington Herald, Kentucky.
Frederick Sullens, editor News, Jackson, Miss.
T. W. Wallace, chief of the editorial staff of the Louisville Times, Kentucky.
James H. Skewes, editor Meridian Star, Meridian, Miss.

THE MIDDLE WEST AND THE WEST

Theodore Christianson, Republican, Governor of Minnesota.
William G. Mather, president Cleveland Cliffs Iron Co., Lake Superior & Ishpeming Railway Co.; director, Union Trust Co., Guardian Trust Co.; chairman of the board of the Otis Steel Co.; Cleveland.
Royal A. Stone, associate justice of the supreme court of Minnesota.
Hugh R. Ennis, former president National Association of Real Estate Boards; delegate to last Republican National Convention; Kansas City, Mo.
Joseph H. Defrees, president Windermere Co.; former president Chamber of Commerce of the United States; member, President's conference on unemployment, 1921; Chicago.
Sumner T. McKnight, president Produce State Bank; treasurer Minnesota Republican campaign, 1924; Minneapolis.
John M. Cameron, former president Chicago Bar Association.
Clyde L. Herring, president Herring Motor Co., Des Moines.

Charles H. Carey, former vice president American Bar Association; former president State League of Republican Clubs; former delegate to Republican National Convention; former member of the Republican National Committee; Portland, Oreg.

Carl Gunderson, former Republican Governor of South Dakota, Pierre.

Newton Baker, former Secretary of War, Cleveland.

Samuel Mather, director United States Steel Corporation, Cleveland.

J. H. Puelicher, president Marshall and Ilsley Bank, Milwaukee.

Evans Woollen, president Fletcher Savings & Trust Co., Indianapolis.

E. L. Carpenter, president Shevlin, Carpenter & Clarke Co. (lumber manufacturers); director First National Bank, Northwestern National Life Insurance Co.; Minneapolis.

Clifford L. Hilton, attorney general of Minnesota.

Mrs. Margaret Hill McCarter, vice president Women's Republican Committee of Kansas, 1920; Topeka, Kans.

John W. Spencer, former chief justice of the supreme court of Indiana, Evansville.

Brig. Gen. Roy Hoffman, Oklahoma City.

Euclid B. Rogers, member of the Illinois House of Representatives, Springfield.

Joseph H. Shea, former ambassador to Chile; former judge, Indiana appellate court; Indianapolis.

John W. Boehne, former congressman; former mayor of Evansville; director Federal Reserve Bank of St. Louis; Evansville.

William A. Pickens, president Indiana Bar Association.

Dale A. Griswold, chairman Republican committee of Polk County, Iowa.

Frederick F. Faville, judge of the supreme court of Iowa, Des Moines.

William Allen White, Emporia, Kans.

Stephen H. Allen, former associate justice, supreme court of Kansas, Topeka.

William A. Johnston, former attorney general of Kansas; chief justice of the supreme court of Kansas; Topeka.

Walter Dill Scott, president Northwestern University, Evanston and Chicago.

Frank S. Dunshee, lawyer, Des Moines.

Willis J. Spaulding, commissioner of public works, Springfield, Ill.

Mrs. C. J. Evans, president Kansas State League of Women Voters.

Richard F. Grant, former president Chamber of Commerce of the United States; vice president M. A. Hanna Co.; president Susquehanna Collieries Co.; Lytle Coal Co.; Virginia Ore Mining Co.; director Cleveland Trust Co.; former Republican member of Minnesota House of Representatives; Cleveland.

Mrs. Kellogg Fairbank, member of executive committee of the Democratic National Committee; Chicago.

Alfred Lucking, former Congressman; president Detroit Vancouver Timber Co.; Detroit.

Jesse Siddall Reeves, delegate to First Pan American Conference at Rio de Janeiro; lecturer Academy of International Law at The Hague; member Pan American Commission of Jurists for the Codification of International Law; Ann Arbor, Mich.

Lemuel S. Hillman, vice president Old National Co.; Grand Rapids, Mich.

Willard P. Hall, judge, Kansas City, Mo.

J. Lionberger Davis, chairman of the board Security National Bank; St. Louis.

Robert Bulkley, president Morris Plan Bank of Cleveland; Bulkley Building Co.; Cleveland.

Silas E. Hurin, former judge Court of Appeals of Ohio; Toledo.

Mrs. Charles R. Faben, president Ohio Association of University Women; Toledo.

Elizabeth Andrews, retiring president Oklahoma Association of University Women.

A. Vinje, chief justice Supreme Court of Wisconsin; Madison.

John B. Sanborn, former member Wisconsin Board of Bar Examiners; Madison.

Mark E. Penney, president James Milliken University; Decatur, Ill.

G. F. Kay, dean of the College of Liberal Arts, University of Iowa; Iowa City.

W. J. Jameson, jr., secretary of the Montana Bar Association; Billings.

Julius Amberg, attorney, Grand Rapids, Mich.

Eugene Richards, vice president Old National Bank, Grand Rapids, Mich.

Henry M. Bates, dean of the law school, University of Michigan, Ann Arbor.

Karl DeLaittre, president Civic and Commerce Association, of Minneapolis.

Mrs. Thomas G. Winter, former president General Federation of Women's Clubs (national), Minneapolis.

Everett Fraser, dean of the law school, University of Minnesota.

Mrs. W. W. Remington, Women's Republican Club, of Minneapolis.

Mrs. Evarts Graham, former president St. Louis League of Women Voters.

Forrest C. Donnell, lawyer, St. Louis.

Mrs. Edward Hammett, president Wisconsin Federation of Women's Clubs.

E. J. Wallace, president Midwest Retail Coal Dealers' Association, St. Louis.

Donald J. Cowling, president Carleton College, Northfield, Minn.

Mrs. Willard Bayliss, president Minnesota Federation of Women's Clubs.

Edwin D. Dickinson, dean of the law school, University of Michigan, Ann Arbor.

Kenyon Butterfield, president Michigan State College of Agriculture; former president Association of American Agricultural Colleges, president New England Association of Federal-State colleges and universities; East Lansing, Mich.

Edward Dimnent, president Thompson Furniture Co.; vice president First State Bank; president Hope College; Holland, Mich.

Mrs. E. F. Hitchner, president Idaho Federation of Women's Clubs.

Burr W. Jones, judge of the Supreme Court of Wisconsin, Madison.

Barton L. Parker, member International Law Association, Green Bay, Wis.

James Wallace, president Macalester College, St. Paul.

J. A. James, dean of the graduate school, Northwestern University, Evanston, Ill.

Julien C. Monnet, dean of the law school, University of Oklahoma.

Gertrude S. Kingsland, president of the Wisconsin Association of University Women.

Henry Wriston, president Lawrence College, Appleton, Wis.

Mrs. W. C. Bleyer, chairman of the Women's Legislative Council of Wisconsin, Madison.

Charles F. Thwing, president emeritus Western Reserve University, Cleveland.

Edward S. Parsons, president Marietta College, Marietta, Ohio.

Carl W. Friebolin, judge, Cleveland.

A. E. Mallon, foreign manager Pillsbury Flour Mills Co., Minneapolis.

William H. Eustis, former mayor of Minneapolis.

Thomas C. McRae, former Governor of Arkansas, Prescott.

George B. Rose, former president Arkansas Bar Association, Little Rock.

William M. Nelson, mayor of Hastings, Nebr.

David Y. Thomas, head of the department of history and political science, University of Arkansas.

Mrs. W. E. Minier, director elect Nebraska Federation of Women's Clubs.

Fred S. Berry, president Nebraska Bar Association.

James N. Clarke, president Clarke-Buchanan Investment Co., Hastings, Nebr.

Henry Monsky, lawyer, Omaha, Nebr.

Mrs. Walter S. Brown, president of the Women's Republican Club of Des Moines.

Tracy W. McGregor, president, Provident Loan & Trust Co., Detroit Community Trust Co., Detroit.

Lawrence E. Armstrong, delegate to Republican National Convention, 1924, Rawlins, Wyo.

J. C. Ainsworth, president United States National Bank, Portland, Oreg.

Heber Harper, chancellor University of Denver, Colorado.

Edward E. Ruby, dean Whitman College, Walla Walla, Wash.

Andrew Kingkade, president Oklahoma Farm Loan Co., Oklahoma City.

C. C. Rogers, secretary grand lodge Free and Accepted Masons, State of Wisconsin, Milwaukee.

Mrs. Charles E. Maw, president Utah Federation of Women's Clubs.

Stephen B. L. Penrose, president Whitman College, Walla Walla, Wash.

William Mee, president Security National Bank, Oklahoma City.

Mrs. O. H. Mack, Nevada Federation of Women's Clubs, Reno.

Jackson Ralston, American agent and counsel in the Pious Fund Case, first case submitted by the United States to The Hague Court of Arbitration; umpire in Venezuelan arbitrations; Palo Alto, Calif.

Edward Dana Durand, engineer; appointed by Department of State as a member of the American Delegation to International Economic Conference at Geneva, 1927; member President's Aircraft Board, 1925; Stanford University, Calif.

Arthur Hodges; former Republican mayor of Boise, Idaho.

Joseph M. Dixon, former Republican Governor of Montana; former Republican Senator; Missoula, Mont.

H. L. Myers, former United States Democratic Senator, Billings, Mont.

J. J. Weeks, former State's attorney, Bottineau County, N. Dak.

Estes Snedecor, former president Rotary International; Portland, Oreg.

Oswald West, former Democratic Governor of Oregon; Portland.

Clarence Caldwell, former attorney general of South Dakota; Sioux Falls.

Lafayette Hanchett, president Utah Power & Light Co.; vice president National Copper Bank, Bakers Trust Co.; member of the Board

of Directors of the United States Chamber of Commerce; Salt Lake City, Utah.

George F. Christiansen, president Bank of Stevenson; member of the Democratic National Committee; Stevenson, Wash.

Mrs. G. N. Campbell, vice chairman Republican State Central Committee for the State of Washington; Kalama.

Mrs. Helen B. Bell, vice chairman Republican State Committee of Colorado; Denver.

Chester H. Rowell, former chairman Republican State convention; member Republican National Campaign Committee; Berkeley, Calif.

Franklin W. M. Cutcheon, director United States War Finance Corporation, 1920; attorney; Santa Barbara, Calif.

Mrs. George D. Meston, president Colorado branch of the American Association of University Women.

Evelyn Newman, dean Colorado State Teachers' College, Greeley.

Melvin A. Brannon, chancellor University of Montana.

John P. Meadows, mayor, Tularosa, N. Mex.

William F. Woodward, member of the State legislature for 18 years, Portland, Oreg.

Gen. E. C. Bellows, former consul general to Yokohama, Japan, Los Angeles.

David Starr Jordan, president emeritus Stanford University, California.

H. B. Mitchell, mayor of Great Falls, Mont.

Thomas F. Kane, president University of North Dakota.

M. O. Thompson, judge, Lisbon, N. Dak.

Mrs. A. B. Fairbank, president South Dakota Association of University Women.

Dr. G. G. Cottam, former member of the Republican National Committee, Sioux Falls, S. Dak.

Mrs. T. S. Taliaferro, past president Wyoming Federation of Women's Clubs.

William Thomas, president Harvard Law School Association, San Francisco.

Mrs. Parker S. Maddux, member of the California Republican State central committee; president Republican Women's Federation of California; San Francisco.

W. W. Campbell, president University of California.

Ernest J. Jaqua, president Scripps College, Claremont, Calif.

Ray Lyman Wilbur, president Stanford University; special delegate to Pan American conference this coming January.

D. W. Standrod, civilian aide to Secretary of War, 1922; former chairman Idaho Young Men's Republican League; Pocatello, Idaho.

Robert McNair Davis, dean College of Law, University of Idaho.

Charles H. Clapp, president State University, Missoula, Mont.

Mrs. Foster Wolfe, State president American Association of University Women, Montana.

Norris H. Nelson, Finley, N. Dak.

Levi T. Pennington, president Pacific College, Newberg, Oreg.

Charles E. Lane, member of the Wyoming House, Cheyenne.

Thomas Amory Lee, former commander of the American Legion, Topeka, Kans.

Mrs. Serena F. Mathews, president Washington Federation of Women's Clubs, Pullman.

THE PRESS IN THE MIDDLE WEST AND THE WEST

Ralph W. Trueblood, editor Times Mirror, Los Angeles.

H. W. Brown, president Commercial Tribune, Cincinnati, Ohio.

Grover Patterson, editor Toledo Blade, Ohio.

Charles E. Morris, publisher Canton Daily News, Ohio.

W. N. Burkhardt, editor Daily News, San Francisco.

Archie McCrea, editor Muskegon Chronicle, Michigan.

Walter M. Harrison, editor Oklahoma City Times and Daily Oklahoman.

A. M. Brayton, editor Wisconsin State Journal.

John Kline, president and editor Green Bay Gazette, Wisconsin.

Stephen Bolles, editor Janesville Daily Gazette, Wisconsin.

J. D. Dean, editor Glendora Gleaner, California.

D. K. Hoopes, editor Evening Republican, Mitchell, S. Dak.

W. Ward, editor Ohio Star, Lima.

Ballard Dunn, editor Omaha Bee, Nebraska.

Harvey Ingham, editor Des Moines Register Tribune, Iowa.

John H. Kelley, editor Sioux City Tribune, Iowa.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. JONES. Mr. President, I ask that we may adopt certain amendments reported by the committee as to which I think there is no opposition. It is merely desired to perfect the bill so far as we can. The first amendment to which I refer is on line 3, page 1, after the word "policy," to insert the words "and the primary purpose."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, after the word "policy," insert the words "and the primary purpose," so as to read:

That the policy and the primary purpose declared in section 1 of the merchant marine act, 1920, is hereby confirmed, etc.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. In line 4, page 1, after the word "confirmed," strike out the comma and insert a period, and strike out the balance of the section.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 4, after the word "confirmed," strike out the comma and insert a period, and strike out the remainder of the section in the following words:

And the purpose of the United States to maintain permanently a merchant marine adequate for the proper growth and the foreign and domestic commerce of the United States and for the national defense is hereby reaffirmed.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. On page 3, line 11, there is an amendment proposed by the committee which we think is really not necessary, but it is offered simply through an excess of caution. It is to insert after the word "repealed" the words "to the extent of any such inconsistency."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, line 11, after the word "repealed," insert the words "to the extent of any such inconsistency," so as to make the section read.

All acts and parts of acts inconsistent with this act are hereby repealed to the extent of any such inconsistency.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. I think those are all the amendments that are not controverted, and that is probably all we can do on the bill to-day.

Mr. COPELAND. Mr. President, what did the Senator do about new section 2? Did he bring that up to-day?

Mr. JONES. No; I did not. It is involved in the controversy.

Mr. COPELAND. As I understand it, the first section has been changed to read:

That the policy and the primary purpose declared in section 1 of the merchant marine act of 1920 is hereby confirmed.

Mr. JONES. Yes.

Mr. COPELAND. What other matters did the Senator have acted on?

Mr. JONES. On page 3, line 11. That was really not necessary, but the committee out of abundant caution put in those words.

Mr. COPELAND. Then, also, section 5 is stricken out by the committee.

Mr. JONES. We have not acted on that, because it is involved in the other amendment. That leaves yet to be considered all the amendments which are in controversy.

Mr. COPELAND. Is it the purpose of the Senator to leave the matter at this point to-day?

Mr. JONES. I understand there is no Senator who wants to speak now. This is the first day the bill has really been before the Senate, and I do not want to take advantage of anyone.

Mr. WILLIS. Mr. President, while the Senator from New York [Mr. COPELAND] is here, may I inquire if there is any understanding as to when the bill is likely to be taken up again? I understand it is the unfinished business.

Mr. JONES. I understand we are going to have an adjournment to-day, so that it will come up to-morrow at 2 o'clock. I hope that Senators will be prepared to go on with the bill. I would like to dispose of it just as soon as possible. I am going to press it as earnestly as I can, without, of course, unduly pressing Senators.

Mr. WILLIS. Will the Senator from New York be prepared to proceed with the discussion to-morrow?

Mr. COPELAND. Yes; I think I will.

Mr. WILLIS. Then we can probably reach a final vote before the end of the week.

Mr. JONES. I hope so.

Mr. COPELAND. Does the Senator from Ohio contemplate that the Senator from New York will speak on the bill the remainder of the week?

Mr. WILLIS. He has such a large appreciation of the ability and continuity and eloquence of the Senator from New York that he hopes he would speak that long, anyhow.

Mr. COPELAND. It is only presidential candidates who speak so long.

Mr. FLETCHER. Mr. President, may I suggest to the Senator from Washington that we have had now an opportunity to discuss the matter quite fully, and I think we ought to make progress with the bill and ought to have a vote on it some time this week.

Mr. JONES. Oh, I think so.

Mr. FLETCHER. I hope we shall not give unlimited time to consider other matters. Of course, I agree with the Senator that we do not wish to crowd other Senators; but we must keep in mind that it is important to deal with this subject this week, because after that we shall have other measures here which may cause delay and we may get no action on the pending bill.

Mr. JONES. I think we really ought to pass the bill in two or three days.

Mr. FLETCHER. We must get action on the pending measure at this session of Congress or it will be too late.

Mr. COPELAND. Mr. President, so far as I am concerned, I shall not delay matters at all. I also wish to have a vote, and so what I have to say will not be intended to be obstructive but constructive, I trust, and it can be said briefly.

Mr. SMITH. Mr. President, I should like to say to the Senator having the pending bill in charge that the question was asked here to-day if any of our transcontinental railroad lines have contracts with foreign steamship companies as to the interchange of freight. I recall that in 1921 a resolution went from this body asking for such contracts. I did not know whether or not there had been subsequent legislation looking toward modifying in any way the rights and privileges of the railroad companies. I called up the Interstate Commerce Commission this afternoon and was informed that nothing had been done since that time. That is as far as my information this evening goes. I wish to submit some of those contracts to the Senate during the discussion of the pending bill, showing the nature of the relations of certain of our transcontinental railroads with foreign steamship lines.

Mr. JONES. Mr. President, I wish the Senator from South Carolina would ask the Interstate Commerce Commission if they know if any of those contracts are still in force. There has been no legislation in regard to the matter, and I understand that all those contracts have been abrogated, though I am not sure about it.

Mr. SMITH. I asked that specific question, and requested the commission to send down to-morrow, if possible, information showing the extent of the contracts and the nature of those still existing, and whether or not any new contracts had been entered into.

Mr. JONES. Of course, the contract appears in the CONGRESSIONAL RECORD of a few years ago, and its character is there shown.

INVESTIGATION OF SINKING OF SUBMARINE "S–4"

Mr. HALE. Mr. President, as I can not obtain the unanimous consent of the Senate to consider House Joint Resolution 131, providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4*, I therefore give notice that I shall move to bring it up to-morrow morning immediately after the close of the routine morning business.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 25, 1928, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 24 (legislative day of January 23), 1928

ASSOCIATE JUSTICE SUPREME COURT OF PORTO RICO

Jacinto Texidor to be associate justice of the Supreme Court of Porto Rico.

POSTMASTERS

MISSISSIPPI

Alfred F. Cook, Leakesville.

NORTH CAROLINA

James A. Grogan, Spray.

PENNSYLVANIA

Harry C. Best, Enon Valley.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 24, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, come and lift up the toiler; come and clothe the ragged; come and heal the sick; and come and feed the starving multitudes wherever they are found. May we bring our offerings to the very doorway of that humanity for which the Saviour died. The richest, the wisest, and the greatest of men owe a debt to their fellows. O may we not leave duty to the tide of events or be reluctant in the discharge of our sacred obligations. Let the thought of a personal God, who watches over us, become the cheering passion of our grateful souls. May we welcome to the bosom of our country the President of that Free State across the seas. Lord God of Nations, bless that people and give great success and prosperity to that land of sunshine and lovers of freedom. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONVENTION OF THE AMERICAN NATIONAL LIVESTOCK ASSOCIATION

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HUDSPETH. Mr. Speaker and gentlemen of the House, I have an invitation here from one of the greatest organizations in the world to meet in the greatest city in the United States or, I might say, in the world; a communication from the American National Livestock Association through its able president, Mr. Brite, who lives in my district, in which he extends an invitation in behalf of the livestock men of the West—extends to you, that is, the Congress of the United States, a cordial invitation to attend the annual convention of the American Livestock Association, which convenes at El Paso on January 25 to 27. I read:

AMERICAN NATIONAL LIVESTOCK ASSOCIATION,
OFFICE OF THE PRESIDENT,
Marfa, Tex., January 15, 1928.

CONGRESS OF THE UNITED STATES,
House of Representatives, Washington, D. C.

GENTLEMEN: In behalf of the livestock men of the West I am extending to you a cordial invitation to attend the annual convention of the American National Livestock Association that convenes at El Paso, Tex., January 25 to 27, 1928.

Your presence would be most highly appreciated, not only by the cattlemen and the livestock interest at large but also by the splendid and hospitable citizenship of the city of El Paso, the gateway to our sister Republic, Old Mexico.

Very respectfully,

LUKE BRITE,
President American National Livestock Association.

Now, gentlemen of the House, I want to say to my Republican friends, this is a convention that covers a great deal of territory, and there will be delegates there from practically every State in the Union, including the Dominion of Canada and the Republic of Mexico. Many of you gentlemen will have friends down there, and I have assurance in advance—and I am talking just this minute particularly to my friends on the left-hand side—you will feel perfectly at home at this great convention which meets in my home city, probably much more at home than if you attended another convention which is to meet in a little suburb of El Paso on Buffalo Bayou in June to nominate a candidate who will be the next President of the United States. [Laughter.] Of course, if you can come to the American National Livestock Association meeting we will keep you over there and properly entertain you at our expense until the June convention, and then take you down to the little city on Buffalo Bayou, Houston, our next-door neighbor, and do our best to see that you are properly entertained there.

We will join in with my friends, Bishop DANIEL GARRETT and Brother EUGENE BLACK, whom I see over there from the "Piney Woods," and Senator BLANTON I see before me. Oh, he will be down there, and he will make you a little speech if you insist strong enough. [Laughter on both sides.]

And also the chaparral cock from the lower Rio Grande, JOHNNY GARNER, will be there and do his bit. You know he is our leader, and he leads you sometimes also; and there is

"HEZEKIAH" JONES, from the Panhandle, and SAMUEL RAYBURN, the Jeffersonian Democrat, from Bonham; and my friend HATTON SUMNERS, the philosopher and statesman, from the great city near the head of the Trinity; and affable FRITZ, from the great city where the panther formerly lay down; JOE MANSFIELD, from the rice belt of south Texas; Rev. "MEX" BUCHANAN, the horny-handed farmers' friend, from Brenham; Brother MORGAN SANDERS, from the Elberta section of east Texas; "Parson" LUTHER JOHNSON, from the city where that great statesman, the lion of the tribe of Judea, lived and died; the bold stalwart of the stalwarts, GUINN WILLIAMS, from Decatur, and the young new benedict, "HENRY CLAY" BRIGGS, from the city by the sad sea waves. The entire Texas delegation will all join with our friend DAN and help entertain you at Houston after you have visited the national livestock meet at El Paso, and remain as our guests, which you are sure to do if you go there, until the great Democratic convention convenes on Buffalo Bayou in June.

Mr. BLANTON. Mr. Speaker, will my colleague yield?

Mr. HUDSPETH. Yes; I yield to the gentleman from Texas.

Mr. BLANTON. I am afraid if our Republican brothers get to El Paso first, they will not be able to function at the latter convention.

Mr. HUDSPETH. Oh, let me reply to the gentleman from Texas—lose no sleep over this matter. If they visit my home city of El Paso, we will oil them up to such an extent and feed them those famous beefsteaks so delicious and juicy that will tickle the palate of even my Republican brethren to such an extent that they will function famously and efficiently, no matter where they go, no matter what political brand they wear.

Now, I understand that my colleague, Bishop DAN GARRETT, who, if I am reliably informed, owns a big hotel in Houston, will be watchful of your pleasures. I know he will be. You know what makes me feel sure he owns a hotel—I went into a hotel which runs under the name of the "Rice" last May to see DAN and I asked one of the negro bell boys if DAN was in and the "bell hop" promptly replied "No, sah, he is not at home right now; he is down town conducting a prayer meeting." [Laughter.]

Mr. TREADWAY. Would a fellow hotel keeper get a special privilege from him?

Mr. HUDSPETH. Yes. Bishop DAN will see that his fellow hotel proprietor, Brother TREADWAY from Massachusetts, gets the "bridal suite." [Laughter.] I have been reliably informed that Brother DAN has guaranteed to pay the expenses of every delegate to his convention out of his own pocket, and he would not have the convention go there without this ironclad agreement in advance. [Laughter.]

Mr. GARRETT of Tennessee. The gentleman, no doubt, means Mr. GARRETT of Texas?

Mr. HUDSPETH. Oh, yes; "the bishop"; I mean Congressman GARRETT, of Houston. [Laughter.] Now, gentlemen, the greatest city in Texas, the gateway to all the West and South, my city, out on the sunset, never allows any other city to surpass it in generosity and hospitality. I will even say to you Members on both sides, now, that I will pay your expenses to the National Live Stock Association. [Laughter.] While I do not own a hotel, like my friend GARRETT, still he, with his "rural community," can not surpass us El Pasoans in generosity. But, of course, you know they build hotels on a smaller scale in Houston than we do in El Paso, only covering one block, whereas we at El Paso build a brick wall around a whole section, roof it over, and cut it up into small pastures for the convenience of our guests. [Laughter.]

El Paso wishes you all well and entreats you to be our guest on this occasion. I expect the Speaker of this House has more friends in that part of the country than anywhere else except in his home State, and we wish him well and successful as Speaker of this House. My people have heard of him; many call him by his given name; and they know that he is a fair man as he presides over this House. A cattleman naturally likes what we call a "square shooter," whether he agrees with him politically. They wish him well every month this year as Speaker of this House and at Kansas City in June. They wish him well every day in this year except on one certain day in November. [Laughter.] I want to say that to the Speaker of this House, and on that day, of course, he will have their profound sympathy. [Laughter.] We want you to come down to the greatest city in the world and attend this convention. There are a few of the livestock people who still belong to your party—the Republican. But we will meet you with open arms, with a bounteous repast, and with all the "light" refreshments which you gentlemen might desire to partake of. That, of course, includes the Speaker of this House; and I now take pleasure in personally presenting to the Speaker the official badge of our great association. [Laughter and applause.]

MINORITY VIEWS

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent for the minority of the Committee on the Judiciary to have until midnight to-morrow night in which to file minority views on H. R. 5772.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the minority of the Committee on the Judiciary may have until midnight to-morrow night to file minority views on House bill 5772. Is there objection?

There was no objection.

ANNA KENYON

Mr. MACGREGOR. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 70

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Anna Kenyon, widow of Harold Kenyon, late Capitol policeman, a sum equal to six months' compensation at the rate he was receiving at the time of his death, and, in addition, $250 to defray funeral expenses.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

WILLIAM H. ESTEY

Mr. MACGREGOR. Mr. Speaker, I present another privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 71

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to pay, out of the contingent fund of the House, to the executor of the estate of William H. Estey, late disbursing clerk of the House of Representatives, an amount equal to six months' salary and $250 to defray the funeral expenses of the said William H. Estey, the same to be disbursed by the Clerk of the House.

With the following committee amendments:

In lines 4 and 6 strike out the word "William" and insert the word "Wilber."

The committee amendments were agreed to.

Mr. BLANTON. Mr. Speaker, I want to ask the gentleman from New York a question. Did the deceased have a wife or children?

Mr. MACGREGOR. He had some relatives.

Mr. SNELL. I think I can answer the gentleman. He had a daughter and a son, and the daughter is the executor of his estate.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

REGINA REIDESEL

Mr. MACGREGOR. Mr. Speaker, I present another privileged resolution.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 45

Resolved, That there shall be paid, out of the contingent fund of the House, to Regina Reidesel, widow of Frederick C. Reidesel, late clerk to the Committee on the Post Office and Post Roads, an amount equal to six months' compensation, and an additional sum, not exceeding $250, to defray the funeral expenses of said Frederick C. Reidesel.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EMANUEL M. LICHTY

Mr. MACGREGOR. Mr. Speaker, I present another privileged resolution.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 25

Resolved, That there shall be paid, out of the contingent fund of the House, an amount equal to six months' salary of Emanuel M. Lichty, late an employee of the House of Representatives, and $250 to defray the funeral expenses of the said Emanuel M. Lichty, the same to be disbursed by the Clerk of the House to his daughter.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

TEMPORARY MAJORITY ASSISTANT FLOOR MANAGER OF TELEPHONES

Mr. MACGREGOR. Mr. Speaker, I present another privileged resolution.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 79

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House compensation at the rate of $1,830 per annum, payable monthly, for the services of a temporary majority assistant floor manager of telephones to be appointed by the Doorkeeper of the House. The compensation and employment hereby authorized shall terminate upon the return to duty of the present majority floor manager of telephones and in any event shall terminate upon the adjournment of the first session of the Seventieth Congress.

With the following committee amendment:

After the word "shall," in line 7, insert the words "commence as of the date of appointment and shall."

Mr. BLANTON. What is the date of the appointment?

Mr. MACGREGOR. He was appointed about a week or so ago.

Mr. BLANTON. The appointment was made since this Congress began?

Mr. MACGREGOR. Oh, yes.

Mr. BLANTON. It does not date back to the preceding Congress?

Mr. MACGREGOR. Oh, no.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SYLVIA DEKELBAUM

Mr. MACGREGOR. Mr. Speaker, I present another privileged resolution.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 51

Resolved, That the sum of $175 be paid to Miss Sylvia Dekelbaum from the contingent fund of the House for services performed in the computation and distribution of mileage to the Members of the Seventieth Congress, first session.

With the following committee amendment:

Strike out the figures "$175" and insert the figures "$150."

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ANNIE L. GRAYSON

Mr. MACGREGOR. Mr. Speaker, I present another privileged resolution.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 32

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to pay, out of the contingent fund of the House, to Annie L. Grayson, widow of Joel Grayson, late special employee of the Document Room, House of Representatives, a sum equal to the yearly salary that her husband was receiving at the time of his death, and that the Clerk be further directed to pay, out of the contingent fund of the House, the funeral expenses of said deceased employee, such expenses not to exceed $250.

With the following committee amendment:

Line 5, strike out the words "the yearly" and insert the words "six months."

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9481, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9481, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. WOOD. Mr. Chairman, I ask unanimous consent that the totals of the bill may be corrected by the Clerk.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the totals of the bill may be corrected by the Clerk. Is there objection?

There was no objection.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: Page 32, beginning with the words "and in," on line 20, strike out the remainder of the paragraph and in lieu thereof, on line 19, after the word "annum," insert the following: "in all, $84,000."

Mr. WOOD. Mr. Chairman, I will explain to the committee that this amendment is necessary in order to make the bill conform to the action taken on the point of order made by the gentleman from New Jersey [Mr. LEHLBACH].

Mr. DAVIS. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. DAVIS. I notice that the gentleman from Indiana is deducting the entire $7,500. Do you not still want to carry the appropriation for the salary of the secretary, which is provided for under the classification law?

Mr. WOOD. No; that will be provided for in the next paragraph.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For all other expenditures authorized by the act approved September 7, 1916, as amended, and by the act approved June 5, 1920, including the compensation of attorneys, officers, naval architects, special experts, examiners, and clerks, including one admiralty counsel at $10,000 per annum, and other employees in the District of Columbia and elsewhere; and for all other expenses of the board, including the rental of quarters outside the District of Columbia, law books, books of reference, periodicals, and traveling expenses of members of the board, its special experts, and other employees, while upon official business away from their designated posts of duty, and for the employment by contract or otherwise of expert stenographic reporters for its official reporting work, and including the investigation of foreign discrimination against vessels and shippers of the United States and for the investigation of transportation of immigrants in vessels of the United States Shipping Board, $188,250, of which amount not to exceed $165,000 may be expended for personal services in the District of Columbia: *Provided*, That the annual estimates of the Shipping Board for the fiscal year 1930 shall include the salaries of all employees whose service with the board has become permanent through detail from the Merchant Fleet Corporation.

Mr. WOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD: On page 33, in line 3, after the word "compensation," insert the following: "of the secretary to the board."

The amendment was agreed to.

Mr. WOOD and Mr. WHITE of Maine rose.

The CHAIRMAN. The gentleman from Indiana offers another amendment, which the Clerk will report.

The Clerk read as follows:

On the same page, in line 4, strike out the word "of."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the balance of the amendment.

The Clerk read as follows:

And on the same page, in line 18, strike out the figures "$188,250" and insert in lieu thereof the figures "$195,750," and on the same page, in line 19, strike out the figures "$165,000" and insert in lieu thereof the figures "$172,500."

Mr. LEHLBACH. Mr. Chairman, I desire recognition on the amendment. That provides for a salary of $7,500 for the secretary.

That provides for a salary of $7,500 for the Secretary.

Mr. WOOD. It has been deducted from the preceding appropriation.

Mr. LEHLBACH. Yes; but the $7,500 is back in the bill.

Mr. WOOD. If the gentleman will figure this out, he will see we have deducted that amount from one paragraph and put it in the other.

Mr. LEHLBACH. Mr. Chairman, in view of the fact this is a lump sum, and while we know the purpose of the amendment, I do not think it is subject to a point of order, although it is a subterfuge and an evasion of the rule which prevents the committee from making appropriations without authority of law.

It is well known that positions in the civilian service in the District of Columbia are compensated in accordance with compensation schedules carried in the act of Congress known as the classification act of 1923.

This position has been allocated to a grade in which all other like positions in all departments and services of the District of Columbia have been allocated, and the average salary of that grade is $5,600, and I think the maximum salary in that grade is $6,000. Everybody else in the District of Columbia that is performing like service for the Government is limited to $6,000 annually as compensation.

The committee attempted in the first paragraph of the appropriations for this service, without authority of law, to raise this man's salary $1,500 a year above what the law says he is entitled to get. This went out on a point of order.

They are now seeking by this amendment, by raising the appropriation of $188,250 to $195,750, to put the $7,500 for the Secretary right back in the bill, and for that reason I think the amendment should be modified so that the increase in the appropriation should be limited to the salary of the grade to which this man is allocated.

Mr. WOOD. The gentleman is making a great fuss about nothing, and the very thing he is so fearful of hapepning has not happened at all. The change in the figures that has been made is necessary by reason of the point of order which the gentleman made yesterday. We have not raised the total, and we have not raised the salary of the Secretary.

Mr. LEHLBACH. I have gone to school, and I have learned to subtract, and I know that $188,250 subtracted from $195,750 leaves $7,500, which is intended for the Secretary.

Mr. WOOD. There is absolutely no increase in this appropriation at all, and as I have stated, the correction is necessary by reason of the point of order made by the gentleman on yesterday. This makes the amount exactly the same as the amount submitted by the Budget.

Mr. WHITE of Maine. Mr. Chairman, I move to strike out the last word of the paragraph.

I had intended, Mr. Chairman, to reserve a point of order on the language beginning with the proviso in line 20, but the chairman of the committee and the chairman of the subcommittee moved a little too fast for me. I was not going to insist on the point of order, although this is manifestly legislation.

I think it is desirable that the chairman of the subcommittee give us a brief explanation as to just what is sought to be accomplished by this proposed change in the law.

Mr. WOOD. I will say to the gentleman the purpose of making this change is in order that the Congress may have an exact picture of what these two activities are that are so closely blended at present. Under the present practice a great many of the employees in one of these boards are paid out of the funds of the other. It affects 269 employees and aggregates in money $733,980.

Mr. WHITE of Maine. As I understand the situation, estimates are carried for employees, either for the Merchant Fleet Corporation or for the Shipping Board, as the case may be, and the employees are not necessarily paid out of that particular fund; that is, Shipping Board employees are paid out of Merchant Fleet Corporation appropriations, or vice versa.

The gentleman is now undertaking by this language to make available funds to pay the employees as they are properly allocated.

Mr. WOOD. That is absolutely it.

Mr. WHITE of Maine. I think the gentleman's purpose is altogether desirable. I just wanted to call attention to the fact that the subcommittee is legislating.

Mr. WOOD. No; I do not think it is legislation. We are simply segregating and not legislating.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Indiana. In lieu of the figure "$195,750" to be put in line 18, I move to amend by striking out that figure and inserting in lieu thereof "$193,850"; and in lieu of the amount provided in the amendment of $172,500, I move to insert $170,600.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LEHLBACH to the amendment offered by Mr. WOOD: Line 18, strike out the figures "$195,750" and insert in lieu thereof "$193,850"; and in line 19, strike out the figures "$172,500" and insert in lieu thereof "$170,600."

Mr. LEHLBACH. Mr. Chairman, I will try to make clear to the committee the purpose of the amendment of the gentleman from Indiana and the purpose of my amendment to the amendment. As I said a few moments ago, the secretary of the Shipping Board comes under the provisions of the classification act of 1923, and his salary at the present time is in accordance with the grade to which he is allocated, which is the grade to which every other person working for the Government in the District of Columbia performing work of the same difficulty and value is allocated.

It was attempted by the provision that went out on a point of order yesterday to increase his compensation from $5,600 to $7,500 without authority of law and contrary to the provisions of the classification act of 1923.

Now, if you are going to have a classification act make it applicable to everybody who comes under its provisions. If you do not you are doing an injustice to those not peculiarly favored by special legislation.

After this went out there is now proposed an amendment increasing the total for salaries generally by the salary of the secretary which, before the point of order, was carried as a separate item. By what? By the salary he is getting now? No. They increase the total by $7,500 and give it to him, notwithstanding it is unlawful and that the point of order has been sustained. For that reason I ask the support of the amendment I have offered.

Mr. WOOD. The prejudice of the gentleman from New Jersey has blinded his vision.

Mr. LEHLBACH. I do not know this man and have never seen him in my life.

Mr. WOOD. By reason of the point of order made on yesterday the salary fixed by the committee was eliminated and was deducted. The estimate by the Budget was $195,750. The salary of this secretary is $5,600, which is exactly as it was before.

Mr. BLANTON. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BLANTON. Suppose the amendment offered by the gentleman from New Jersey is not passed, will not the present law prevail?

Mr. WOOD. Absolutely.

Mr. BLANTON. That is the way I look at it—the present law will prevail and they can not raise his salary.

Mr. WOOD. The gentleman from Texas is right; the gentleman from New Jersey is far afield. We have corrected the figures in accordance with the Budget estimate. I will say to the gentleman that I give my word of honor that this salary will not be increased unless it is done under the law.

Mr. LEHLBACH. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. LEHLBACH. The total for expenditures of the Shipping Board was $188,250.

Mr. WOOD. That is right.

Mr. LEHLBACH. The salary of the clerk of the Shipping Board was $5,600. Now, it having been taken out and inserted here, will the gentleman explain why he makes it $195,750 instead of $193,850?

Mr. WOOD. For the very reason that for the current year the salary of the secretary is carried under the United States Shipping Board in the paragraph of general expenses. That is where it was estimated for. We took it out of there and put it where we thought it ought to be. The gentleman raised the

point of order, which has been sustained. We have corrected the figures so the amount of the estimate made by the Budget will be carried out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

UNITED STATES SHIPPING BOARD SHIPPING FUND

For expenses of the United States Shipping Board Merchant Fleet Corporation during the fiscal year ending June 30, 1929, for administrative purposes, the examination of estimates of appropriations in the field, miscellaneous adjustments, losses due to the maintenance and operation of ships, for the repair of ships, and for carrying out the provisions of the merchant marine act, 1920, (a) the amount on hand July 1, 1928, but not in excess of the sums sufficient to cover all obligations incurred prior to July 1, 1928, and then unpaid; (b) $12,000,000; (c) the amount received during the fiscal year ending June 30, 1929, from the operation of ships: *Provided*, That no part of these sums shall be used for the payment of claims other than those resulting from current operation and maintenance; (d) so much of the total proceeds of all sales pertaining to liquidation received during the fiscal year 1929, but not exceeding $2,225,000, as is necessary to meet the expenses of liquidation, including also the cost of the tie-up and the salaries and expenses of the personnel directly engaged in liquidation: *Provided*, That no part of this sum shall be used for the payment of claims; (e) all interest earned on the funds of the United States Shipping Board Merchant Fleet Corporation is to accrue to these funds and is made available for the purposes hereinbefore set forth subject to the limitations herein established.

Mr. WHITE of Maine and Mr. ROBSION of Kentucky rose.

Mr. WHITE of Maine. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE of Maine. Mr. Chairman, I make the point of order against the language appearing in lines 8 and 9 on page 34:

the examination of estimates of appropriations in the field.

I reserve the point of order also against subparagraph (e) appearing on page 35.

Mr. WOOD. Mr. Chairman, I concede the first point of order, but I deny the second one.

Mr. WHITE of Maine. I have not made the second one; I just reserve it.

The CHAIRMAN. The point of order to the language in lines 8 and 9 referred to was ruled upon when the last appropriation bill for the purpose was under consideration, and was held to be out of order. The Chair feels the ruling was correct and sustains the point of order.

Mr. WOOD. Mr. Chairman, I concede that, but I deny the second point of order.

The CHAIRMAN. The second is a reservation of a point of order, and the gentleman from Maine is recognized.

Mr. WHITE of Maine. Mr. Chairman, I am reserving the point of order for the purpose of asking from the chairman of the subcommittee an explanation of just what he seeks to accomplish by this language, which is new language appearing, I think, for the first time in one of these bills.

Mr. WOOD. Mr. Chairman, in explanation and in answer to the gentleman, heretofore the interest earnings upon the deposits of the Shipping Board in some 80 or 90 banks all over the world have been turned into their operating fund, and the Comptroller General has held that under the law they should be turned into the Treasury as part of miscellaneous receipts. In order not to disturb the arrangement whereby the Government is saving in exchange very nearly half of this $350,000 that otherwise would be wasted, we are reappropriating this amount of money and adding it to their operating fund, but we have subtracted from their original estimate the amount which this approximates.

Mr. LEHLBACH. Mr. Chairman, I renew the reservation of the point of order if the gentleman from Maine [Mr. WHITE] is yielding, and I call the attention of the committee to the fact that the language of subdivision (e) is broader than is necessary simply to cover this operating fund and is as a matter of fact in contravention of law. Under the act approved March 4, 1927, reported by the Committee on the Merchant Marine and passed by both Houses of Congress and receiving the signature of the President, an act entitled "An act to amend section 11 of the merchant marine act of 1920," and so forth, we find the following language:

SEC. 2. The construction loan fund shall be a revolving fund. All repayments on loans from the fund shall be credited to the fund. Interest on such loans, however, shall be paid into the Treasury of the United States as miscellaneous receipts.

That provision of law was written only last year after careful consideration by the legislative committee, and I suggest that the gentleman so modify subsection (e) as to be in accord with section 2, which I just quoted; otherwise it is subject to the point of order which I shall feel compelled to make.

Mr. WOOD. This item has nothing whatever to do with the construction loan fund.

Mr. LEHLBACH. But it says:

all interest earned on the funds of the United States Shipping Board Merchant Marine Fleet Corporation—

the construction fund being one of such funds. Will the gentleman accept an amendment on line 2, page 35, after the word "funds," to insert a comma and the words "excepting the construction loan fund"?

Mr. WOOD. Yes; I have no objection to that.

Mr. LEHLBACH. Then I withdraw the point of order and offer that amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 35, line 2, after the word "funds," insert the words "excepting the construction loan fund."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBSION of Kentucky. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ROBSION of Kentucky: Page 34, line 15, after the word "unpaid," strike out the figures "$12,000,000" and insert in lieu thereof the figures "$13,000,000."

Mr. ROBSION of Kentucky. Mr. Chairman and colleagues, my amendment proposes to increase the appropriations carried in this bill by $1,000,000. I consider it a very, very important amendment. While agriculture, one of our great basic industries, has been in deep distress, and I have always supported measures intended to relieve that distress, yet the soft-coal industry of this country is in even greater distress than agriculture. We built up a great merchant marine fleet during the war at a cost of something like $3,000,000,000. Under the merchant marine act of 1920 hundreds of these ships have been reconditioned and put into the business of carrying passengers and cargoes of all kinds to all parts of the world. We still have about 490 of these ships lying in the bays and harbors of this country, and have been idle since the war. It requires considerable money to look after them and they are rusting and rapidly deteriorating in value. The purpose of this amendment is to recondition at least 10 of these idle ships and place them in the coal-carrying trade to the West Indies, Cuba, Central and South America, and to the ports bordering on the Mediterranean Sea. I am advised by Mr. O'Connor, chairman of the Shipping Board, that if this sum is appropriated that the Shipping Board will place at least 10 of these ships in condition and put them into the coal-carrying trade, provided, of course, if sufficient cargoes of coal are furnished to use that number of ships, and the remainder of this million dollars is to be used to take care of any loss that may be sustained in operating this line of ships.

Our chief competitor in the coal industry is Great Britain. We produce annually about 520,000,000 tons of coal. Great Britain produces annually about 220,000,000 tons of coal. These overseas markets to which I have referred are as near, and in many instances nearer, to our ports than they are to the British ports. We can successfully compete with Great Britain in these markets with our coal, because we have the better quality of coal, and on the average it costs about $1.50 per ton less to produce coal in the United States than it does in Great Britain. There is no good reason why we should not develop these markets in foreign countries and thereby relieve in a large measure the distress of the soft-coal industry of this country. These new markets will absorb our overproduction.

Mr. LAGUARDIA. How would the gentleman's amendment bring that about. I understand that it simply increases the total amount of the appropriation. Has the gentleman made any arrangement?

Mr. ROBSION of Kentucky. I have taken the matter up with Mr. O'Connor, chairman of the Shipping Board, and he advised that the entire membership of the board favors this additional appropriation of $1,000,000, and, if it is appropriated, that they will put into the coal-carrying trade a number of our idle ships.

We have 491 idle ships belonging to our Government tied up in the various ports and rivers that should be equipped and placed at the service of the foreign commerce of this country. This country of ours with 120,000,000 people, with a national wealth of $350,000,000,000, with American ability, American ingenuity, and American industry, will continue to produce a surplus on the farms, in the forests, in the factories, and in the mines; and we should build up a real merchant marine, and thereby create new friends and new markets for American products throughout the world. I desire to see American products carried on American ships, flying the American flag on the seven seas of the world. [Applause.]

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. HUGHES. Is it not true that the United States produces three times the number of tons of coal that Great Britain produces, and that there is 70,000,000 tons going into their export trade? During the last three years England has shipped 96,000,000 tons to foreign ports, while the United States has shipped only 3,000,000 from this country?

Mr. ROBSION of Kentucky. Yes. We produce about 520,000,000 tons of coal annually, and Great Britain about 220,000,000, and except as to the coal we shipped to foreign ports last year on account of the strike in Great Britain, our shipments of coal to foreign countries have been practically neglible. The coal and coke carried in the ships of the United States Shipping Board for the month of April, 1927, was only 105 tons. But last year when we sent over the seas more than 19,000,000 tons practically none of that coal was carried in American ships, but ships of other countries carried this American coal from our ports to foreign ports, and received from $8 to $10 a ton for carrying that coal.

When these foreign ships were taken out of the business of carrying American wheat and cotton and other products we were threatened with a loss of hundreds of millions of dollars on American products until the Shipping Board called into action about 100 of our idle ships and put them to carrying American products. Yet foreign ships were carrying our coal and reaping large profits at rates from $8 to $10 a ton.

Mr. HUGHES. Is it not true that when the coal strike was on in England our ships carried grain and cotton and everything else but coal? Is not that a fact?

Mr. ROBSION of Kentucky. That is what I am talking about. But we repaired and reconditioned nearly 100 American ships and put them to carrying American cotton, corn, and other products at low rates. But our ships were not carrying American coal.

Mr. HUGHES. Does the gentleman know why the Shipping Board, when it put into commission ships for carrying corn and cotton, did not also commission ships to carry coal?

Mr. ROBSION of Kentucky. I do not know why.

Mr. HUGHES. England was using all the possible facilities she could command, and she was carrying coal at $8 to $10 a ton.

Mr. LAGUARDIA. There was a shortage in the market at that time.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Certainly.

Mr. BYRNS. I am not unfriendly to the gentleman's amendment, but if the amendment is included in the bill, how much tonnage capacity will that carry?

Mr. ROBSION of Kentucky. The Shipping Board estimates that it will cost about $200,000 to recondition 10 ships, and these ships will carry 80,000 tons per ship. This million dollars will not only recondition these ships, but will take care of the loss incurred in the operation of the ships. Members of the House know that last year on every ton carried by American ships there was a loss on the average of $1.48 per ton, but there would not be more than about half that loss, the Shipping Board advises me, on the carriage of American coal.

Mr. BYRNS. The gentleman says that an expenditure of $200,000 will result in carrying 80,000 tons per trip?

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent that the gentleman may have 10 minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BYRNS. That would mean 80,000 tons with an expenditure of $200,000. An expenditure of a million dollars would mean the carriage of only 400,000 tons.

Mr. ROBSION of Kentucky. That is 80,000 tons for the ships for one trip.

Here is the Cuban market and the Central American market and the South American market and the Mediterranean countries clamoring for and demanding American coal. I can show you letters from big concerns that have demands for our coal. In the Argentine a single customer desires as much as 40,000 tons, and customers on the Mediterranean want American coal in large quantities. We desire to carry American coal in American ships, as well as American cotton, corn, wheat, and manufactured products. Why should we discriminate against American coal?

When this vote is taken I want to know whether this House is earnestly in favor of a real merchant marine. I want to know whether the East, which is in favor of a merchant marine for the purpose of carrying its manufactured products, and the West is in favor of carrying its agricultural products, are in favor of an American merchant marine which will carry American coal to these same ports?

Now, just this thought. If we are to have a real merchant marine this country must find friends and new markets throughout the world for America's surplus along every line. The way to do it is to build up a merchant marine and not play at it. Let Great Britain and every other country know that we are on the seas to stay, and will not depend upon foreign ships to carry American products, and when you do that you will get some concessions in rates. [Applause.] You will get some arrangement, then, for American rates on coal to these foreign ports. We can carry this coal to the Mediterranean, because it is about as near to our ports as it is to English ports. We can carry it to Cuba and Central America, because the ports of those countries are nearer to our ports than they are to English ports. Let America take this great step to relieve this great industry and help American miners, American railroad men, and American business men. [Applause.]

Mr. WOOD. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. WOOD. I would like to ask the gentleman from Kentucky whether he has made any investigation or has gotten any information from the Shipping Board as to whether or not they can carry this coal at a profit. One of our troubles has been that when we go out with a load of coal we come back without any cargo and have to come back with water ballast.

Mr. ROBSION of Kentucky. The reason for that is that we have not had a real merchant marine. When we do have a real merchant marine we shall go out with a cargo and come back with a cargo. Our other products have been carried at loss until we could build up trade. As far as coal is concerned, the thing that has kept us out of the markets of the world is the fact we have no coal ships and the railroad rates are very high. Although it costs Great Britain $1.50 a ton more to produce her coal than it costs us to produce our coal, she can get her coal to the various ports at from 60 to 75 cents a ton, whereas thus far the best rate the railroads will give on coal to American ports is $2.52 a ton. But I understand that some of the great railroads which will put this coal to the American ports are willing to enter into an arrangement which will so cut down the rate on coal that we can put it to our ports and compete with English coal either in the Atlantic or in the Mediterranean ports.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. LAGUARDIA. The gentleman stated there was a loss of $1.48 a ton?

Mr. ROBSION of Kentucky. I did not say that. I said that for the freight which was carried in American Shipping Board vessels last year we had to take out of the United States Treasury, on the average, $1.48 a ton. In other words, we lost $1.48 per ton on an average; but to start with American coal you would not have more than about half that loss, even though we had no return cargoes. If we are going to carry cotton, wool, and other products at a loss of $1.48 a ton, why should this House deny to American soft coal the right to use the American merchant marine when the loss would not be half as much, and when these arrangements are made with American railroads the loss will likely not be anything on American coal?

30,000,000 TONS

The markets that are available for American coal represent in the neighborhood of 30,000,000 tons. We know the condition that destroys the market in any commodity is the surplus. We

know this is true of agriculture, lumber, and manufactured products. It is equally true in coal.

On account of the British coal strike last year we shipped overseas about 20,000,000 tons. This absorbed the surplus to a very large extent and provided one of the best markets the soft-coal industry has had for some years.

Our Government owns more than enough ships that are lying idle and rapidly becoming worthless which if put into the coal-carrying business to foreign ports could develop a coal market representing from 15,000,000 to 30,000,000 tons annually. This would absorb our surplus soft coal and strengthen the coal market. It would mean the employment of tens of thousands of miners and railroad men and bring prosperity to the soft-coal industry.

MINERS IN DISTRESS

Some of my colleagues may feel that I am showing great zeal for the adoption of this amendment. Kentucky last year produced about 60,000,000 tons of soft coal. About one-half of this tonnage was shipped to the lake ports. In the latter part of 1927 the Interstate Commerce Commission ruled that the rate on coal from Pennsylvania and Ohio to lake ports was entitled to a reduction of 20 cents per ton. This action of the Interstate Commerce Commission paralyzed the coal industry in Kentucky, and especially in eastern Kentucky. My congressional district has been producing about 20,000,000 tons of coal annually. I spent some time in visiting various sections of my district during the months of November and December and the holidays and I found many splendidly equipped and carefully managed coal mines idle and thousands of miners out of employment. In order to relieve this situation the Louisville & Nashville, Chesapeake & Ohio, and other railroads proposed to the Interstate Commerce Commission that they would themselves reduce the rates on coal from Kentucky, West Virginia, and other points to the lake ports 20 cents per ton, but the Interstate Commerce Commission denied these railroads the right to reduce their rates.

These are among the richest railroads of this country. Each one of them has been making a greater sum than is provided by the transportation act. They say that they can afford to make these reductions. It would result in great benefit to the producers of coal, to the miners, and to the railroad men in those districts and on those railroads, and would result in the saving of about $6,000,000 annually to the consumers of coal served through the lake ports. Hundreds of millions of dollars have been expended in equipping mines and bringing railroads to serve the mines in Kentucky, West Virginia, Tennessee, and Virginia under the rates heretofore fixed by the Interstate Commerce Commission. Cities, towns, and villages have been built; churches, schools, business concerns, and other institutions have been established.

Unless there is some relief granted hundreds of millions of dollars of property will be destroyed; towns and cities will become desolate; churches and schools will be abandoned and will become the hiding places for owls and bats; and tens of thousands of honest, industrious men will be thrown out of employment and more thousands of men, women, and children become destitute. It is for the sake of these honest American toilers in mines and on railroads and for these needy women and children and to protect and save, if possible, the schools and churches, the cities, towns, and villages, and the investments in mines and railroads that I am urging you to-day to grant this appropriation of $1,000,000 to equip American ships that are lying idle and going to waste and place them in the coal-carrying business that they may carry American coal, flying the American flag, to the people across the seas who need and who want American coal.

I am here also appealing to the owners and managers of railroads that connect mines with American ports to get together and appeal to the Interstate Commerce Commission to grant them such rates so that they may cooperate with the United States Shipping Board and enable the producers of American coal to compete in foreign ports with British coal. Such action will not only promote the welfare of the railroads and the coal mines but will likewise bring prosperity and joy to a great army of American miners and American railroad men.

We grant preferential rates on our railroads from the interior to the Pacific coast in order to enable American producers to compete in the markets of the Orient—China, Japan, and so forth. Why should not the same policy be worked out to enable American coal to compete in foreign ports with British coal? British railroads grant a rate on coal from their mines to her ports of from 60 cents to 75 cents per ton. Why should the Interstate Commerce Commission or American railroads cling to a rate of $2.50 and higher per ton on American coal to American ports?

Prosperity for the coal industry will be reflected in all industries. Unemployment or poor wages of the hundreds of thousands of men employed in the coal industry will be reflected in the decrease of their purchasing power of the products of other industries.

Agriculture and the soft-coal industry are in distress, and this Congress can not set itself to any greater task than in bringing relief in every way possible to these great basic industries, and I am firmly convinced that the adoption of this amendment will mean the beginning of the revival of the soft-coal industry, and I urge its adoption with all the earnestness at my command. Your favorable action, in my judgment, will cause many thousands to rise up and call thee blessed.

Mrs. LANGLEY. Mr. Chairman——

The CHAIRMAN. The gentlewoman from Kentucky is recognized for five minutes. [Applause.]

Mrs. LANGLEY. Mr. Chairman and members of the committee, my section of eastern Kentucky is vitally interested in the amendment offered by my distinguished colleague [Mr. ROBSION]. I wish to thank my distinguished colleague from Kentucky [Mr. VINSON] for granting me the courtesy of speaking first on this amendment. I want to commend the constructive, farseeing, and far-reaching policy of the gentleman from Indiana [Mr. WOOD] in reconditioning the merchant marine fleet, and to express the thought that Mr. VINSON will serve most ably as a member of this subcommittee.

Representing, as I do, one of the two mountain coal-producing districts of my State, I want to bring you this message from the heart of the hills. Kentucky, as you know, ranks as one of the foremost coal-producing States of the Union and it is, therefore, vitally important to her interests that coal dug from her mountains by those stalwart and sturdy miners should have an outlet to the markets of the world. [Applause.] The difficulty with us in Kentucky is not so much the lack of a market for our coal as it is a means of transportation to that market. I feel justice and enlightened self-interest demands that every legitimate and promising endeavor be put forth toward finding proper means of transportation, and the rebuilding and use of the merchant marine will, in a measure, greatly aid and benefit the coal industry of Kentucky as well as all over this country of ours.

Coal is one of the most necessary products of this country, and, just like every other commodity, needs to be carried into other ports of the world. It gives to the people at large credit facilities throughout the world. Lumber, cotton, sugar, grain, and petroleum are all recognized as necessary elements to be exported, and I plead with the membership of this House to let coal be placed upon that same basis and not forgotten.

A SUBSTITUTE FOR COAL

I do not know whether there will ever be developed a fuel substitute for coal. That problem yet remains for American genius to solve. Certainly it will not occur in your lifetime or mine, and not until some remote period when the uncounted billions of tons of coal yet undeveloped approach exhaustion. Most assuredly in our lifetime coal will remain the king of energy, and by every right deserves protection.

In my section we have the very finest by-product coal in the world. I speak of the Big Sandy and Kentucky River fields containing the Elkhorn, Millers Creek, and Yellow Jacket seams, and its adaptability to commercial and domestic uses is unexcelled.

Last year, as has been stated, 20,000,000 tons of coal were exported, and out of that tonnage only a small proportion was carried on American ships flying the American flag. I believe that every Member of this House feels with me that each wants to live to see the day that every product produced on American soil shall be carried abroad in American ships carrying the Stars and Stripes. [Applause.]

America has organized with astonishing rapidity a system and campaign of distribution. A huge absorbing power for needed products has been created. The stupendous output of coal enables us to meet not only our own need but the requirements of Europe and the other continents. To fail in ability or willingness to meet this outside demand impedes our own prosperity, and prevents us from rendering those services which are our privilege, our duty, and our advantage to render. With the ever-widening diffusion of prosperity and the ever-advancing standard of living our need for expansion is imminent. It seems to me that it is our duty to do what we consistently can to facilitate our return to normal conditions in the coal industry.

The mines in Kentucky are being forced to run only three or four days a week.

The gentleman from Tennessee [Mr. TAYLOR] on Friday of last week gave you a vivid description of the distressed coal

conditions in Tennessee. I do not want to take the time of the membership of this body to go into that any further except to say that Kentucky finds herself in that same distressed condition, and the suffering that is to-day in thousands of homes in my section impels me to state to you the situation as it exists with us to-day.

If you have ever been in a coal-mining community or lived in one, you will realize the absolute necessity of every miner being constantly employed. Fellow Members, lack of employment brings an added distress in that when the earning capacity of the fathers of these homes is reduced the children must remain away from school. This brings about dissatisfaction, oftentimes unrest and disintegration, and I feel it is well for us to think of this side of the question as well as the commercial side.

Heroic efforts are being made to keep our coal industry going, but production is languishing until the operators can not meet their problems. We are possessed of vast domains, with their treasures of untold wealth and fertility, but this can only be developed where the individual is protected in his endeavors. Does it not follow that, endowed as our great country is with an abundance of natural wealth, we should take advantage of the merchant marine to get proper shipping facilities for the same, instead of forcing ourselves to depend upon the ships of foreigners to export our coal? We should build up a fleet of American ships, with such rates that would put us on an equal basis in the markets overseas with British coal. Our Navy should be as every other thing in our beloved America—second to none.

I would also like to mention that the miners, officials, and operators in my section cooperate with each other to the fullest extent, and by that means the efficiency of coal production will be maintained at its present ratio. Our companies have orders for thousands of tons of coal for overseas shipment but can not secure ships to carry them on. Is this a fair proposition to them, as well as to the country at large? Is it right that commerce be cut down for this reason and thus lessen the prosperity of us all, from the miners up to the higher officials?

I have personally seen hundreds of miners go out in the early morning hours with their dinner pails on their arms and brave the dampness and dangers of the coal mines and come out in the eventide to go home to their blessed wife and little ones in the cabin homes close by; and so, my fellow colleagues, to-day I earnestly plead that you favorably consider this amendment, and I want to say to you that I feel it is in behalf of that man whose grip is a little tighter, whose smile is a little brighter, whose faith is a little whiter. That is what we call a mountaineer down in old Kentucky. I thank you. [Applause.]

Mr. GIFFORD. Mr. Chairman, I rise in opposition to the amendment.

As a member of the Committee on the Merchant Marine and Fisheries, and one who has been most carefully considering the suggestion of the chairman of the Subcommittee on Appropriations, as well as the so-called Jones bill, I am very much in hope that something may this year come from one or the other of these proposals.

Now we are being asked to authorize an appropriation of an additional million dollars for new operations and additional losses.

Since 1920 the country has been waiting for the time when we can put an end to Government operation and arrive at some solution of the merchant-marine problem. We are all agreed, of course, that we want an efficient merchant marine, but it should, if possible, be under private operation.

I wonder how many other businesses might approach the Shipping Board and be told, "Go to Congress, secure an appropriation of a million and a half or two million dollars to cover our losses by operation, and we will recondition some more of our old ships and set them to work taking care of your particular industry." If this were to happen—and I think that it would—shall we ever terminate the United States Shipping Board?

Regarding the suggestion now under consideration, it seems to me that we might do well to wait a while and see if something better does not come out of the several plans now being considered, and then under a deficiency bill toward the close of the session we can provide funds to cover such proposals as may have been enacted into law.

As much as we dislike to seem to be against the upbuilding of a strong merchant marine or the relief of any particular industry, I feel that we should oppose this appropriation at the present time.

I know nothing about the soft-coal industry, but if that business is to receive such assurances as these how many others are there to be baited by the United States Shipping Board and when shall we ever get back to the plan which, in 1920, it was intended that we should follow? By all means let us have a merchant marine, but not one in competition with our private citizens. Let us have private ownership, perform the actual carrying on of business, with the aid of the Government and assisted by loans from the Government, if necessary, but not with the Government engaged in business. An advance along this line is what I believe the country is expecting of us, rather than such increases of expenditures as have just been advocated.

Mr. ROBSION of Kentucky and Mr. REECE rose.

Mr. GIFFORD. Mr. Chairman, I can not answer any questions relating to the soft-coal industry, as I am not familiar with it.

Mr. ROBSION of Kentucky. I was not going to ask the gentleman about the soft-coal industry. I have a report in my hands from the United States Shipping Board, dated in 1927, and it shows we handled 521,000 tons of manufactured articles, as well as cotton, phosphates, lumber, grain, and flour. Is the gentleman in favor of handling the products of New England and other sections and denying the facilities of the Shipping Board or the Emergency Fleet Corporation to the soft-coal industry of the country?

Mr. GIFFORD. Mr. Chairman, as I have stated, I do not know anything about that particular industry. What I do say is that we ought this year to establish a principle with some determination of a policy. Let us have a real merchant marine. Let us come to our senses and help our merchant marine as other nations help theirs, but let us not continually keep coming here for the purpose of increasing Government operation under the plea of aiding this industry or that.

Mr. ROBSION of Kentucky. One other question. How can the gentleman from Massachusetts, whose State depends upon the Navy and a merchant marine, expect to carry on a Navy and a merchant marine and deny this service to the industries of the interior of the country?

Mr. REECE. Will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. REECE. I am wondering if the gentleman, who has manifested a great interest in the Cape Cod Canal, would be willing to give us for this purpose the first $1,000,000 profit out of the operation of the Cape Cod Canal? [Laughter and applause.]

Mr. GIFFORD. Mr. Chairman, I do not see just how the parallel fits in this discussion, but that does not matter. I would repeatedly state that I am willing to indorse such a measure as the Wood bill and give the merchant marine all the aid it needs, lend it all the money it requires, and have as great a merchant marine as any one of you would care to picture; but do not let the Government get any further into competition with private industry. Government is not established for such a purpose and can not do it successfully.

Since 1920 it has been our intention rather to get out of business, and this is the basis of the objection which I have tried to present.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BLAND. Mr. Chairman, I ask unanimous consent that the gentleman may have one more minute, as I want to ask the gentleman a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLAND. I want to ask the gentleman if he does not think the best way to build up a merchant marine is to have the shipping interests of the country behind that merchant marine [applause]; and does not this amendment to this amendment do this very thing?

Mr. GIFFORD. I think that question answers itself. Everyone must agree that the country ought to get firmly behind the merchant marine, but the country wants to get out of the business of operating a merchant marine.

Mr. BLAND. I said the shipping interests of the country—the interests which have the commodities to ship. Is it not necessary that these people, who will furnish the cargo, shall be behind a merchant marine in order to build up a merchant marine properly?

Mr. GIFFORD. Yes. But, Mr. Chairman, I am not speaking of any one particular industry. What would the end be if the Shipping Board could say to the various industries, "We can look after your business if we are allowed to lose millions enough"? I say that the argument that we should increase the appropriations in order to help a particular industry is an appealing one, but how are we ever going to terminate the United States Shipping Board and its activities if that sort of thing be continued?

Mr. VINSON of Kentucky. Mr. Chairman, I was disappointed in my good friend from Massachusetts [Mr. GIFFORD], who ordinarily follows through. I regret to have the gentleman, representing a great industrial State which has been blessed with the merchant marine service since its birth, a period of almost 10 years, deny the coal sections of this country an opportunity to be benefited by the merchant marine. This distinguished gentleman made a gallant fight in the last Congress and has secured several million dollars from the Treasury to take over Cape Cod Canal, a private enterprise. It was then argued that this would be safeguarding life and property on seagoing vessels; that the shipper and the shipping industries would be benefited by this purchase. He has just stated on the floor that the merchant marine was a great benefit for his section; that it was a benefit to the entire country; and yet in his opposition to this amendment it seems to me that he wants to sectionalize it. I regret that this spirit has been evidenced upon the floor.

I submit to my colleagues that if the merchant marine has been a benefit to Massachusetts there is no logical reason why Kentucky's paralyzed coal industry should be overlooked. When I say that the coal industry is in a paralyzed condition I merely state a truth. I do not represent what might be termed a coal district. Of the 19 counties in the district which I represent only 3 produce coal, and that in not considerable quantity. But my district is the gateway for two large coal fields—the Big Sandy field and the Kentucky River field. I am thoroughly familiar with the conditions in the coal fields, and I know that the industry is prostrate. I grant you agriculture and other great industries are far from a prosperous condition, but their impoverished condition accentuates rather than diminishes the condition of the coal game.

The conditions which confront the coal industry is not confined in effect to the people who are actually engaged in coal operations, but it affects various other business in the coal country; it affects many other sections of the State in a widespread financial depression.

Mr. RAMSEYER. Will the gentleman yield?

Mr. VINSON of Kentucky. I will yield to the gentleman.

Mr. RAMSEYER. The amendment increases the appropriation from $12,000,000 to $13,000,000. There is no direction in the amendment to bring about the reconditioning of the ships. Just how will the increase of appropriation of $1,000,000 bring about the proposition which the gentleman is seeking?

Mr. VINSON of Kentucky. I took up the matter with Mr. O'Connor, chairman of the Shipping Board. Not all of the ships will have to be reconditioned. A few of them will. Some of them are now in condition to operate. During the past year the total loss per payable ton was $1.48. The chairman of the Shipping Board informs me that in the carrying of coal it will be something around a dollar. By way of comparison he puts it in the same category with grain.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. VINSON of Kentucky. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. RAMSEYER. Then the proponents of the bill had the assurance of the Shipping Board that if you increase the appropriation by a million dollars, that million dollars will be used for the purpose that the gentleman speaks of?

Mr. VINSON of Kentucky. That is correct. The carrying of the coal, so far as the profit or loss is concerned, if the information furnished by the Shipping Board is correct, is in the same category as the carrying of grain.

Mr. LOZIER. Will the gentleman yield?

Mr. VINSON of Kentucky. I yield to the gentleman from Missouri.

Mr. LOZIER. Not in the spirit of controversy because I favor every appropriation which will help the Shipping Board in carrying out the program for the maintenance of a national merchant marine, but I am wondering, in view of the attitudes of the railroads of the country, taking into consideration the fact that practically every transcontinental railroad has a working agreement or contract with English shipping firms by which tonnage originating far from the coast when it reaches the shipping port is transferred to and carried in English ships.

It seems to me that this opposition of the railroads is striking directly at the efficiency of the merchant marine, and unless we can devise some means which will prevent the railroads from entering into these contractual relations with foreign ships, we will make exceedingly slow progress in building up the American merchant marine. I am wondering if the gentleman has a remedy or has thought of some method by which this opposition of the American railroads could be curtailed.

Mr. ROBSION of Kentucky. I wish to say this, that a number of leading railroads have expressed their willingness to cooperate.

Mr. VINSON of Kentucky. There is a good reason why they will cooperate. When they lose money, and big money through loss of freight shipments, because of failure to sell the surplus coal, if American bottoms are furnished to carry their coal, there will be a real reason why they will get together and give lower rates for the transportation of coal to the port of shipment; and in that connection, I might say that in England the railroads enter into the spirit of the thing and give preferential rates to the shipment of coal to the various ports from which coal is carried in British bottoms.

Mr. LOZIER. I make the point not only with reference to the coal, but with reference to all commodities. These railroads have working agreements with foreign steamship companies by which their tonnage, instead of being transferred at tidewater to American bottoms, is transferred to British bottoms.

Mr. VINSON of Kentucky. It seems to me that the railroads of the country, particularly those built for coal-carrying purposes, would hasten to give a preferential rate on coal to the ports for foreign shipment, because thereby they would keep the wheels of their own business running. The Chesapeake & Ohio and the Louisville & Nashville run through my district. They tap these coal fields. The depression in the railroad centers is marked. They are cutting men off every day because the coal operators do not have a market for their coal, and because of that it seems likely that the preferential rates would be given.

According to Chairman O'Connor the cost of reconditioning will approximate $150,000 to $200,000. It is the purpose, as I understand it, to place at least 10 boats in the coal trade to the South American and Mediterranean countries. Mr. O'Connor informed me that the tonnage of coal that would be carried would be around 400,000 tons per year. While this amount is small as compared to the total of our Nation of more than 500,000,000 tons, it will be the initiation of a movement that may mean much to the entire coal-producing sections of our country. If the railroads serving the coal-producing sections will join in, this movement may develop into one of magnitude and benefit for a crippled industry. I trust that the amendment of my colleague from Kentucky will prevail. [Applause.]

Mr. McDUFFIE. Mr. Chairman, I offer the following amendment to the amendment of the gentleman from Kentucky, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE to the amendment offered by Mr. ROBSION of Kentucky: Strike out the figures "$13,000,000" and insert in lieu thereof the figures "$13,400,000."

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, this amendment seeks to put back into the bill the amount actually recommended by the Budget. The amendment of the gentleman from Kentucky [Mr. ROBSION] simply seeks to regain the million dollars of the amount that was taken off by the Committee on Appropriations. Oh, it is all right to be wise and judicious in the expenditure of public money and try not to waste it, but the Congress is making serious error and the committee is making a serious error in not providing this activity of the Government with at least the amount of money recommended by the President's Budget. The committee says that it gave the Shipping Board all that it appeared they needed. It is true that the Shipping Board was enthusiastic and the Merchant Fleet Corporation was enthusiastic in showing to this committee the actual savings that might be made; but I challenge any man on this floor to point out a single word in the hearings wherein it is shown that a single member of the Shipping Board has said that they could get along with less than the Budget actually estimated as necessary for them. There are some savings to be had, we hope; but why should we stint, why should we hunt for some place in which to cut down a few dollars here and a few dollars there in providing funds for what to-day is the most important activity of all Government activities? They said that they would save some on oil, but that is conditioned upon the sale of some ships on the west coast. I am ready to say now that this administration has shown a determined effort to get these ships out of the hands of the Government all too quickly. This saving is conditional. The board tells the committee where they might save some dollars here and there, but the last word that the chairman said was, "Please give us the money the Budget has estimated for us," which was $1,100,000 less than the board

estimated as necessary to carry on this work for another year. Here I quote Mr. O'Connor's exact language:

Mr. O'CONNOR. I want to say to the committee, before we leave, that we believe we have never asked the committee for an appropriation in the last four years that we were not absolutely justified in asking for. We have not wasted any of the money that has been granted to us. Not a penny of the Government's money has been wasted. We are well checked up; we know that.

Mr. WOOD. I think you are doing pretty well.

Mr. O'CONNOR. We are not asking for anything for this year except what we believe we are entitled to. If a million dollars is left over, that is going to go back to the Treasury. We are not going to waste it. This year is a peculiar one in a way, and we would like to get all that we are asking the Government Budget officer for.

Mr. CULLEN. I think that the chairman expressed our opinion a moment ago when he said that you have done very well this year.

I submit that in dealing with this problem we should be more liberal. This amendment is going to carry. This Congress is going to respond to the wishes of America and give sustenance and support to this merchant marine until legislation comes in here properly providing under the Wood bill or the Jones bill, or some other bill, some means by which we can permanently establish a merchant marine and have the Government get out of the field. The policy of the board, I am informed, is not to compete with private enterprise. The board and merchant fleet have made a wonderful showing last year, and why not carry all or a major portion of the tonnage of this country in our own bottoms? When we come to deal with this problem, let us not be penny-wise and pound-foolish.

Let us show the world that until we do have legislation the American Congress believes in properly supporting this great governmental enterprise, and we are not doing it now if we cut down the funds. What greater club can you give to our competitors? I want to know what you think of the psychology of a situation wherein it appears that Congress, representing the American people, who everywhere demand that this Government institution be supported properly, has cut the estimate approved by the President by $1,400,000. Here is where you get a part of the savings. Is it not the interest on money now owing the Shipping Board and that has just gone out on a point of order?

Mr. WOOD. Oh, no; it did not.

Mr. McDUFFIE. I understood that it did, with an amendment excepting the loan construction fund. That is the money they have loaned. It is about $9,000,000, and that is where the $300,000 plus comes in.

Mr. VINSON of Kentucky. It did not say anything about the loan fund. It is the interest on other funds.

Mr. McDUFFIE. But that has been eliminated.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McDUFFIE. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McDUFFIE. I ask the gentleman from Indiana if it is not a fact that the point of order just sustained means that you eliminate just that much money which might be available under the language of your bill for the general operation and functions of the Merchant Fleet?

Mr. WOOD. No; the gentleman is mistaken. There was no point of order sustained. There was an amendment offered by the gentleman from New Jersey, which did not make this apply to the construction fund. There is no part of this amount that is to be used as an operation fund. It is to go to the construction fund.

Mr. McDUFFIE. How much is the Shipping Board to get from this source involving interest on its funds? Is not that interest on money loaned with which to build ships as well as on other funds?

Mr. WOOD. No. It is interest accumulating on money on deposit in various banks throughout the world. It is not upon the construction fund. It is upon the moneys deposited for the purpose of operating expenses at these various places. It is just a time deposit. The interest is not upon the construction fund at all.

Mr. McDUFFIE. The subcommittee, judging from the hearings, was casting about to see how they could cut down this appropriation. This same thing has been done for the last eight years here in Congress. Every time a bill comes in every effort is made, it seems, by those charged with responsibility, to withhold funds from the Shipping Board for the operation of merchant ships. But when you refuse to give the amount absolutely necessary to carry on this business you are saying to the world, or you are having our competitors on the high seas, say to the world, "The American flag will fade from the seas; and why? Because Congress, the representatives of the people fail, year by year, to give it proper sustenance."

That is the situation presented here. You are not giving such support as is necessary to have the flag remain on the high seas. That, I say, is the serious proposition here. So far as the money lost on operation is concerned, you gentlemen know that hearings were held all over this land and the American people said, "Continue to operate under Government operation until we can have legislation otherwise."

The comparatively small sum of $16,000,000 or $18,000,000 lost annually in the cost of operation of these ships is paid back a thousandfold to American producers and American consumers by reason of the fact that we have something to say about the prices to be paid for placing our goods in all the markets of the world. If we are to compete for world business we must deliver the goods. I submit, gentlemen, that you could not do a finer thing for this country than to give the entire amount required, not a million dollars, but a million four hundred thousand dollars, to the Shipping Board to carry on this activity. I do not care whether it is coal or not that our ships carry. But let us try, until we have proper legislation, to furnish the board and Fleet Corporation with funds necessary to operate the fleet as it should be operated, and not make ourselves the laughingstock of the great shippers of the world. Let us notify the world that our merchant flag is on the high seas to stay. [Applause.]

Mr. WOOD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Alabama. In the general debate that we had here on this bill the question of the adequacy of this appropriation was entered into very fully. At that time it was stated that there would be a saving of $1,400,000 on the sale of the line that is now being advertised. There would possibly be a saving of a million dollars in the difference in the cost of oil. I then stated that I felt it would be entirely within reason had we reduced this appropriation $2,000,000 instead of $1,000,000.

What has occurred here this morning demonstrates the position taken by the committee as being a correct one in this: The amendment offered by the gentleman from Kentucky of $1,000,000 is for what purpose? An entirely new and independent purpose. There seems to have been some sort of understanding between those who are interested in the coal-mining regions of this country—and I am entirely in sympathy with them—and the Shipping Board, that if they were given $1,000,000 in addition to the appropriation provided for in this bill, that $1,000,000 will be expended in reconditioning ships for carrying coal, thus proving beyond peradventure that they would have, without that additional $1,000,000, plenty of money to conduct the other operations they then had in contemplation.

Unfortunately we have a diversity of opinion in the Shipping Board. Unfortunately all the members of the board are not in favor either of executing the spirit or the letter of the Jones Act. They are not in favor of a privately owned merchant marine. They have always indicated, when an opportunity offered itself, their intention to keep the Government in the business of operating the merchant marine. If the spirit of the present merchant marine law were carried out, these ships long ago would have been in the hands of private owners. Opportunity has offered time and time again for the sale of ships, but somebody threw a monkey wrench into the machinery at an opportune time to prevent the sale, and we see the spectacle repeated now.

A resolution introduced on the other side is for no other purpose than to prevent the sale of the three lines that are advertised for sale. Their proposition in regard to these interchangeable ports is for the purpose of blocking and making impossible the selling of these ships. Why? Because they want to continue the Government in the business of running the merchant marine.

It is not my purpose or intention here to criticize the motives of the gentleman who introduced that resolution, because that would be against the rules of this House, but I can not for the life of me understand what has come over the spirit and the dreams of the man who is supposed to be the author of the present merchant marine law, which provides that as soon as practicable the fleet shall be placed in the hands of private owners.

He is now trying by every move—and by two distinct ones made within the last three weeks—to block the carrying out of the letter and the spirit of his law. So I say that just as long as we keep this divided policy as to whether we are for or against a Government-owned merchant marine or a privately

owned merchant marine, just so long are we playing into the hands of our competitors across the sea, and just so long are we contributing to their desire, which is to see the ships we have decaying and decadent and fading off the sea, as happened after the Civil War. So I say that we who are honestly in favor of a privately owned merchant marine should agree upon some sort of a policy. If we are not to have a privately owned merchant marine, then let us have the courage to say we are going to have it run by the Government.

Mr. McDUFFIE. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. McDUFFIE. Is it the policy or the view of the gentleman that the way to bring about that very much desired result of the private operation of the ships is to withhold the funds necessary to properly operate the Shipping Board for the present? Does the gentleman think that withholding adequate funds is going to force them to sell the ships, and is that the gentleman's idea?

Mr. WOOD. It would not, and we have not done it. We stated upon the floor the other day and made the same promise that in the event it is necessary to appropriate more money to cover the losses resulting in the operation of these ships that a deficiency will be provided for that purpose, and that is entirely satisfactory to the board. It has been demonstrated here the committee is right, and that gentlemen who are trying to increase this appropriation are wrong, because if they have $1,000,000 more and use that $1,000,000 in the reconditioning of freight ships for the purpose of carrying coal they do not need it for the operation of the general business they are doing now.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. DENISON. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. DENISON. I am very much interested in this subject, and I would like to ask the gentleman from Indiana this question: Will there be any hope or any prospect of the Shipping Board reconditioning ships for the transportation of coal if this amendment is not agreed to?

Mr. WOOD. Well, I would say I do not think there will be, but I am speaking in opposition to the amendment offered by the gentleman from Alabama. The very amendment that is offered by the gentleman from Kentucky, with the understanding they have in the Shipping Board, demonstrates the fact that they do not need this $1,000,000 except for the purpose of reconditioning boats in which to carry coal.

Mr. McDUFFIE. May I suggest to the gentleman that if they need the amount, I am trying to add to the amount suggested by the committee for the actual operation of their business, then they will certainly need more than that if they are to use any money for the coal business. They will need $1,000,000 more if they need $1,000,000 for the coal business, and this House is hamstringing the Shipping Board if it fails to provide it with that amount of funds.

Mr. WOOD. The Shipping Board has not been hamstrung up to this time, and there is no intention on the part of this subcommittee to hamstring it.

Mr. ROBSION of Kentucky. This $1,000,000 is to be used in reconditioning where necessary and to take care of whatever losses may be sustained during the next year in carrying coal.

Mr. DENISON. Mr. Chairman, I do not believe in the Government subsidizing any industry, but if we can slightly increase this appropriation and contribute in any degree toward building up or improving the merchant marine and at the same time stimulate a very important and essential industry in this country, it seems to me it would be the wise course to take. The bituminous-coal industry is one of the most important industries in the country. It is a basic industry upon which many other industries must depend and with which the health and happiness and prosperity of millions of our people are closely connected. The Government could make no better investment at this time than one that would open up the bituminous-coal mines and put idle coal miners back to work.

I have been very much impressed with what has been said about the coal industry. It is very vital to the people I represent. I know a town in southern Illinois where there is a building and loan association that now has on hand more than 200 houses. It is engaged in the business of loaning money to workingmen and others to build homes. I know a number of other towns in southern Illinois where similar building and loan associations have as many, or practically as many, houses on their hands. Why has all this come about? Because the coal industry has become prostrate and thousands of men employed in that industry have been out of employment for a year or two years. They have been unable to earn any wages or make any money and could not meet the payments on their homes, so that the building and loan associations have had to take their homes away from them, and now they can not even collect rent on them, and hundreds of the former homes are standing idle. Those men have been driven out of the coal-mining industry and are either being supported by contributions or are attempting to get into other industries.

The soft-coal mining industry, especially in Illinois, Kentucky, Indiana, and, perhaps, in some parts of Ohio and western Pennsylvania, is prostrate because there is no market for the coal. They can not sell it in this country.

If we can recondition some of our idle ships and find a market for this surplus coal in foreign countries, it is going to be a wonderful thing for those sections of the country. It has not only affected the welfare of the men employed in the mines but it has seriously affected the merchants, professional men, and banks and other lines of business. Banks are even in some places embarrassed in those sections of the country; grocerymen and other merchants in many instances are going into bankruptcy, and the mining industry in the soft-coal sections are becoming more and more prostrate because they can not sell their product. Millions and millions of dollars are invested in that industry.

Many of the coal companies themselves are going bankrupt, and if we can make a slight increase in this appropriation and give the Shipping Board funds with which to recondition some ships to use for the transportation of coal to foreign ports and thereby give us some additional markets for this important industry, it is going to do a great deal of good to a great many people. There is no doubt about that, and I think this is a wise amendment.

It may not accomplish what it is intended to accomplish. But I know of no great industry in this country that is in as serious a condition as the bituminous coal industry. I know of no class of people in this country that has suffered and is suffering for the necessaries of life like the coal miners and their families in sections like southern Illinois. I want to do something for them if there is anything the Government can do. What we need and have to have is a market for our coal, so our mines can resume work and our miners earn a living. This additional appropriation to furnish ships to transport coal to foreign markets offers at least some hope, and it may bring us some relief.

Mr. HUGHES and Mr. ABERNETHY rose.

Mr. WOOD. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in seven minutes.

The motion was agreed to.

Mr. HUGHES. Mr. Chairman and members of the committee, it is apparent to me this committee will favor the amendment of the gentleman from Kentucky [Mr. ROBSION] and I feel that they should. There is no measure that has been put before this House at this session that I think is more important to the people of the country than this amendment.

I come from the State of West Virginia, the largest producer of coal of any State in the Union. Our people are now suffering for a market for this coal. We have the coal, we can produce it, and all we need is a market. This relief that the Shipping Board can give us, in my opinion, will afford a market for the coal, not only of West Virginia, but of the neighboring States that so badly need a market.

I feel this House is going to adopt the amendment and I am not going to take any further time of the committee, but will ask the privilege of extending my remarks in the RECORD.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I am going to vote for this amendment. We hear that during this Republican administration one great industry known as the coal industry is absolutely prostrate. We hear this from Republican authority, and our Republican friends should not want any industry during this so-called progressive and prosperous administration to be prostrate. I am going to support the amendment so they can claim that the coal industry is prosperous along with the balance of the industries of the country. [Laughter and applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to speak out of order.

Mr. FREE. Mr. Chairman, I object.

Mr. COOPER of Wisconsin. The motion of the gentleman from Indiana and the action of the gentleman from California, who believes in a 12-hour day, precludes my presenting——

Mr. FREE. I resent that.

Mr. COOPER of Wisconsin. You do? You have introduced a resolution to that effect.

Mr. FREE. The gentleman has no right to make the statement that I stand for a 12-hour day when that is not true.

Mr. COOPER of Wisconsin. Mr. Chairman, I intend to offer an amendment increasing this amount by $300,000 so as to make it $12,300,000, of which $300,000, or so much thereof as may be necessary, may be used to install three watches in the deck department of cargo vessels operated by the Shipping Board. They are now working them in only two watches a day, each of 12 hours, one man on watch and one man to steer the vessel. Formerly this was done in three watches of eight hours each. My amendment proposes to restore that eight-hour system.

I was glad to vote, some years ago, for what is now the law known as the Clayton Act and which contains the statement that the labor of a human being is not a commodity or an article of commerce. The amendment is in accord with this statement in the law.

Twelve hours a day was the rule until a short time ago for thousands of workers in this country, especially in the plants of the Steel Trust, and it took a letter of a President and constant and protracted agitation to do away with it. But a decision of the Supreme Court has construed the shipping law as mandatory, and as requiring the establishment of two watches of 12 hours each in the cargo vessels of the Shipping Board.

I introduce the amendment only to correct this hard, deplorable situation.

My time has almost expired, and I now ask permission to extend my remarks by printing in the RECORD two letters, one from Mr. T. V. O'Connor, chairman of the United States Shipping Board, and the other from Mr. Andrew Furuseth, president of the International Seamen's Union.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

DECEMBER 9, 1927.

Hon. JAMES J. DAVIS,

Secretary of Labor, Washington, D. C.

DEAR MR. SECRETARY: With further reference to your letter of November 7, 1927, I want to place the situation before you, so that you will understand the merits in the light of further consideration by our operating unit.

The law requires that the sailors shall be divided into at least two watches. Before the Supreme Court decision it was customary on our cargo ships to divide the sailors or deck crew of 12 men, including the boatswain, on the day-men system. This meant that 6 men were selected for wheel and lookout duty, who worked on 3 watches, 4 hours on and 8 off, making 8 hours' work in the 24. The balance of the deck crew, 1 boatswain and 5 men, were assigned to day work of 8 hours a day, excepting Sundays and holidays, and also giving them every night off. This gave the ship a deck working force during eight daylight hours of the day for the upkeep and maintenance of the vessel. The system was entirely satisfactory to the men and gave everyone an eight-hour day.

However, in a case which got to the Supreme Court (O'Hara *v.* Luckenbach), the court interpreted the law to mean that the sailors or deck crew must be divided into at least two watches, and that the watches must be equal in time as well as number of men. The decision had the effect of making the day-men system illegal, and the Fleet Corporation was obliged to instruct its district operating officials to comply with the law as interpreted by the Supreme Court, i. e., at least two equal watches in time and number of men.

The two-watch system is not as satisfactory from an operating point of view as the day-men system. The latter system, while dividing the wheel and lookout men into three watches, did not divide the balance of the deck crew, but worked them eight continuous hours, except for meal time, and they were through at the end of the day. But it gave the ship the service of six men, including the boatswain, for painting, scraping, repair, and general work in connection with the physical upkeep of the ship. The two-watch system divides the 12 men, including the boatswain, into 2 watches, and after selecting 2 men out of each watch for wheel and lookout duty, left 4 men for deck work, and during the night watch those particular men would be either idle or attempting to do what they could in darkness.

The alternative is the three-watch system. This implies, of course, a division of the deck crew into three groups, four men to each watch, and after the wheel and lookout watches are assigned the result is two men on deck at any one time, four hours on and eight off.

In order to give the three-watch system, one man would have to be added. The average cargo ship of the board carries in the unlicensed deck crew 8 able seamen, 1 ordinary seaman, 2 deck boys, and 1 boatswain.

Mr. Furuseth contends that the establishment of the three-watch system would require only one additional man. Based upon the number of our vessels now in active service this would mean an increase in the wages and subsistence of approximately $289,000 per annum. We are inclined to believe, however, that we eventually would have to make increases beyond the one man in order to provide for an equal division, one leading man in charge of each watch, and thus, of course, still further increase the handicap in operating costs which the American ships are laboring under in competition with foreign-flag ships. If we are to make this change advocated by Mr. Furuseth we would necessarily need at least $300,000 increase in our present estimate for ship operation, now in the hands of Congress.

One viewpoint is that regardless of cost the two-watch system is wrong and should be rectified. On the other hand, various steamship owners and associations have wired in urging no adoption by the board on its vessels of the three-watch system, in view of costs and further demands following this concession. The two-watch system is recognized by law as legal.

I assume that you are aware that this matter of sea watches has been before the last Congress in a bill which Mr. FREE introduced (H. R. 9399), on which no action was reached. It is understood that it will be brought up again at the present Congress.

I am attaching copies of telegrams received from private operators, which explain themselves.

We are urged to let the matter be decided by Congress. While it is contended that the eight-hour day in principle never was meant to apply to ships, and while I am in general an advocate of the eight-hour day, I feel that in this particular case it might be left until after action by the Congress.

Very truly yours,

T. V. O'CONNOR, *Chairman.*

WASHINGTON, D. C., *December 13, 1927.*

Hon. JAMES J. DAVIS,

Secretary of Labor, Department of Labor, Washington, D. C.

MY DEAR MR. SECRETARY: In the letter which Mr. T. V. O'Connor, chairman of the Shipping Board, has sent you in re hours of labor at sea there are sundry statements which need explanation and elucidation.

He first describes the hours of labor as they were prior to the efforts made by the Department of Commerce to have section 2 of the seamen's act enforced, as construed by the Supreme Court of the United States in the case of O'Hara *v.* Luckenback. He says a crew of 12 is divided by running three watches in the wheelhouse and on the lookout, 2 men on the watch and that the other 6 men of the crew of 12 work on deck during the daylight to keep the ship sanitary and to keep the ship and all her appliances and gear in a seaworthy condition.

When there are two men on the watch, one at the wheel and one at the lookout, there is a necessary violation of the international sailing rules, which provide that there must be one man on the lookout from sunset to sunrise. Unless some of the day men are called out this is impossible with two men. It means four hours at the wheel and four hours on the lookout, and since there is no one to relieve either of them it becomes an absolute necessity, unless some one of the day men is called out, that the man on the lookout must relieve the man at the wheel whenever such relief must be had; and since there is nobody to relieve the man on the lookout there are at least three occasions upon which there will be no lookout; first, if the man at the wheel must be relieved; secondly, when the man on the lookout must call the watch below; thirdly, when the man on the lookout must answer a call of nature. Beyond this the lookout is deserted, while the lookout man does anything that had to be done.

Thus we get into a condition in which there sometimes is a lookout and sometimes not. It was this condition that resulted in the sinking of submarine *51.* Wheel and lookout duty on sailing vessels was two hours. This work, both at the wheel and on the lookout, requires concentration to such an extent that any more than two hours was not considered safe. Steering and lookout are much more important in steamers than in sailing vessels, therefore concentration and extreme watchfulness are more needed.

In passing it may be said that if one of the Shipping Board vessels was to run down a privately owned vessel it would not make any difference where the real fault might be found; the fact that the Shipping Board vessel had no lookout would make her guilty, and therefore subject to pay all the damages.

The two-watch system operates as follows: Let us call the two watches A and B and begin at 8 p. m. and we will have the following:

	Possible sleep Hours
A. Resting:	
8 p. m. to 12 midnight	3½
4 a. m. to 8 a. m.	2½
12 midday to 4 p. m.	2½
6 p. m. to 8 p. m.	
B. Resting:	
12 midnight to 4 a. m.	3½
8 a. m. to 12 midday	3½
4 p. m. to 6 p. m.	

You will note that A has during the 24 hours 8½ hours sleep, divided into three sections, and that B has 7 hours sleep, divided into two sections. On the next day B takes the position of A and gets the 8½ hours sleep, and A takes the position of B and therefore gets 7 hours sleep, divided as above stated.

In an average sailing vessel, the men were on deck ready to obey orders, but some of them could get some sleep on deck during their watch on deck. This is not possible under the law, as it exists at present, if the men on watch are to be ready for immediate obedience to orders at any time. The speed with which steam vessels may meet, even during the greatest visibility of lights, is so much increased from the time of sailing vessels that in the interest of safety everybody must be ready. The greatest visibility of a mast-head light is 5 miles. Let us assume that one vessel is moving at 20 miles an hour and the other at 10; this gives 2 minutes to a mile, or 10 minutes for the 5 miles, but such visibility is rare. It is much more likely to be 6 minutes or 4 minutes.

It is stated in the letter that the men work 8 hours and they like it. No wonder. They get 6½ to 7 hours sleep after 4 hours duty, or they could sleep the whole night, and as long as God was merciful enough to prevent a collision or a disaster, such arrangement might be well enough, but it is contrary to international sailing rules and contrary to the Supreme Court decision, which holds the law to be a safety measure. From the shipowners' point of view it is also, in most instances, agreeable, because, first, they have the limitation of liability under which they are not responsible to the traveling public for loss of life, limb, or health caused by disaster. They have the so-called legitimate insurance from which they receive the full value of the vessel and the shipper receives the full value of the cargo. They also have the protection and indemnity insurance, through which they are insured against any losses and accidents arising from carelessness or inaptitude, whether it be a collision, a fire, or a delay. The premiums paid are, of course, added to the overhead expense and charged into the cost of operation, thus giving the public an opportunity to pay the damages, which, if they were really paid by the owner, would result in a larger, better trained, and generally more efficient officers and crew.

It is claimed that the letter suggests that they need the men on deck in the daytime in order to keep the vessel in order. Under a system such as was operated, they will get 48 hours' labor for the upkeep of the vessel from the six-day men. They will, however, get 56 hours in all, because there are no men on the lookout in the daytime, unless the visibility is so low through haze or fog that a lookout is needed on that account, so let it be conceded that they get 56 hours.

Under the three-watch system they get eight hours of work from each man of the deck crew. In the nighttime there is one man at the wheel, one man at the lookout, one man to relieve either of them, so that they may have two hours on the lookout or at the wheel instead of four; and there is one man to do such other work as he can, and there is plenty of work to be done on board of a vessel in the matter of splicing or overhauling blocks, making strops, etc., which can be made by lamplight in the boatswain's locker or some other place, which leaves the fourth man ready for any kind of order that may come. Between 8 o'clock in the evening and 4 o'clock in the morning the vessel gets eight hours of work for the upkeep of the vessel from him. Beginning at 5 o'clock in the morning for the washing of deck and cleaning of ship, there are 3 hours' work of three men, making 9 hours; from 8 to 12 there are three men to work at 4 hours each, making 12 hours; from 12 to 4, three men at 4 hours each, another 12 hours; and from 4 to 7, three men at 3 hours each, another 9 hours, making a total of 50 hours in 24 for the upkeep of the ship.

If the ship can not be kept sanitary and seaworthy in that time, it is either because the ship was unseaworthy to begin with or the men are incapable of doing their work or the crew is insufficient in number. The first contingency may be dismissed, because we must assume that the inspection department will do its duty, so that it is either a question of the crew being insufficient in number or inefficient in skill.

It is stated in the letter that two watches are unsatisfactory to the shipowners, but more so than three. This can be readily understood because under the system of two watches they will get less hours of labor for the upkeep of the ship, unless the old practice of the sea as to when men shall turn to work and quit work is to be disturbed while the two watches are being kept.

Now, as to the cost which is also mentioned. It is perfectly possible to divide a crew of 12 into three equal watches, 4 on each watch, and there is no addition at all to the cost, but it leaves no special man to organize and superintend the work. For that reason, I suggested that they may hire one more man, which would not cost any more than at most $300,000 for the whole fleet per year. To this, however, the Shipping Board demurs, because they say they will have no one to lead the other two watches, the boatswain being on one. In other words, they confess that the men employed have so little practical knowledge of their work that they need constant watching in everything they do. If this be so, it will to a large extent account for cost, because unskilled sailors very often waste wire, cordage, and other gear to a greater extent than their wages amount to. Marine firemen may, and often do, waste sufficient amount of coal or oil in one watch to pay their wages for a week, and both together through lack of skill may be and are responsible for delays and cost of repairs in harbor that amount to more than all their wages put together.

In stating that the men like it, it should have been added that they like it better than the two watches but not as good as three watches. The fact of the matter is that men who have sea experience will not sign on vessels with two watches unless they are for one reason or another compelled to. The result is a decrease in efficiency and an increase in cost. I will not say that the Shipping Board consciously is assisting the shipowners in driving the efficient men from the sea, but I will suggest that they are permitting themselves to be persuaded to use their authority and the United States Treasury to bring about a condition which the shipowners evidently desire, and which it would cost them a good deal to attain, if they could not throw the responsibility and cost upon the Shipping Board, and so upon the Government and the administration. That they are in some way conscious of this seems to be indicated by the fact that members of the crew who complain about the violation of the law are placed on the deferred list—black list—and officers of the union who report matters to the local inspectors are promptly deprived of their right to come on board.

The letter contains protests from shipowners, but it should be noted that there are amongst the shipowners quite a number who are obeying the law by dividing the crew into three watches; amongst them are practically all the oil vessels, beginning with the *Standard*, quite a number of the intercoastal vessels and the coastwise vessels on the Pacific coast, except the Matson Co. As to the number on the Atlantic I have no personal knowledge, except it may well be noted that in order to get away from the three watches they are undertaking to carry what they call maintenance men, the legality of which is now on appeal to the circuit court of appeals sitting at New Orleans from the decision by the district judge at Galveston, Tex., who held that it was nothing but an attempted violation of law.

Hoping that this will serve as an addendum of an explanatory nature to the letter which you received from Mr. T. V. O'Connor, I beg to remain,

Most respectfully yours,

ANDREW FURUSETH,
President International Seaman's Union of America.

Mr. COOPER of Wisconsin. Mr. Chairman, when there has been a vote taken on the Robsion amendment I shall offer the amendment to which I have referred.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama to the amendment of the gentleman from Kentucky.

Mr. RAMSEYER. Mr. Chairman, may we have both amendments reported?

The CHAIRMAN. Without objection, the Clerk will read the two amendments.

The Clerk read the amendments referred to.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I now offer my amendment.

The Clerk read as follows:

On page 24, line 15, after the letter "b," strike out "$12,000,000" and insert in lieu thereof "$12,300,000, of which sum $300,000, or so much thereof as may be necessary, may be used to install three watches in the deck department of the cargo vessels operated by the Shipping Board."

Mr. WOOD. To that I make a point of order.

Mr. COOPER of Wisconsin. Mr. Chairman, was the amount carried in the amendment of the gentleman from Kentucky which the committee adopted a $1,400,000 increase?

The CHAIRMAN. The amendment of the gentleman from Alabama and the amendment of the gentleman from Kentucky was agreed to, increasing the amount to $13,400,000.

Mr. COOPER of Wisconsin. Then, Mr. Chairman, I ask to modify my amendment by making it $13,700,000.

Mr. LEHLBACH. To that I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New Jersey.

Mr. LEHLBACH. Mr. Chairman, my point of order is simply that the text of the original bill which read "Paragraph (b), $12,000,000," has been amended, and the amendment itself was perfected, and the amended text now reads "$13,400,000." It is not subject to further amendment. Any change should have been made before the amendment was adopted.

The CHAIRMAN. The point of order by the gentleman from New Jersey is well taken, and the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

That portion of the special claims appropriation, contained in the independent offices appropriation act for the fiscal year 1923, committed prior to July 1, 1923, and remaining unexpended on June 30, 1928, shall continue available until June 30, 1929, for the same purposes and under the same conditions.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 35, line 11, after the word "conditions," insert a new paragraph, as follows:

"No part of the sum appropriated in this act shall be used to pay dues, fees, expenses, or disbursements for membership in any conference or committee controlled by foreign steamship companies."

Mr. WOOD. Mr. Chairman, I make a point of order, or I will reserve it.

Mr. LAGUARDIA. I do not think it is subject to a point of order; it is a limitation.

Mr. WOOD. I think the very reading of the proposition of the proposed amendment shows that it is legislation upon an appropriation bill.

Mr. LAGUARDIA. There are at least three such limitations right in this appropriation bill referring to the Shipping Board. One is the employment of counsel; the other is on the salary; and the other is on rents for buildings. All that this amendment does is to limit the appropriation from paying for disbursements, fees, or dues, or expenses in connection with any steamship conferences controlled by foreign companies.

Mr. WHITE of Maine. In effect that is a prohibition against any steamship conference.

The CHAIRMAN. The Chair is clearly of the opinion that this is a limitation only, and is within the rule and not subject to a point of order. The point of order is overruled.

Mr. LAGUARDIA. Now, Mr. Chairman, on the merits of the amendment. We heard the most startling statement made a few days ago by the gentleman from Maine [Mr. BEEDY], who recited conditions which the Shipping Board and American ships had to meet and told of what had happened right here when the Shipping Board were informed that they would not be permitted to schedule a certain number of sailings from India.

We have in New York what is known as the North Atlantic Association, made up of British, French, and Italian steamship companies engaged in the passenger trade. The Shipping Board has been cajoled into joining that conference. I will tell you gentleman what they do. They adopt certain terms and conditions at a conference, and no sooner is the conference over than they go to the telephone and tell their agents to disregard them.

They have adopted rules as to the commission to be paid to the steamship agents, and every foreign steamship company is disregarding those rules and paying excess commissions to the agents all over the country. Of course the United States Government can not put itself in that position, and officials of the Shipping Board can not go to a telephone and say to an agent, "Forget that rule, and we will give you an excess commission." The result is that all of the steamship agents will naturally plug for the lines from which they receive the excess commissions.

The matter of sailings and schedules are fixed by this conference. Membership in this conference is made up by the Cunard Line, the White Star Line, the Compagnia Navigazione Generale, the Compagnie General Transatlantique, the Lloyd Sabaudo, the Anchor Line, and one or two other lines, I believe, and the Shipping Board, the United States Lines.

What chance has the United States Lines when they go into that conference? I state now on my own responsibility, because agents have told me so, that they get larger commissions from foreign steamship companies than they do from the United States Lines, because they get an excess commission over and above that fixed by the conference. If we are going to run ships, we must compete with foreign steamship companies, and if they threaten to get into a rate war, and they will do that sooner or later, we might as well do it; we can meet that situation when we come to it. But we are at a very great disadvantage as long as we join their conference or any other committee and agree to be bound by their decisions when the United States Lines have not a chance. The purpose is to control the North Atlantic and the Mediterranean traffic. I do not know whether the Mediterranean and the North Atlantic traffic are all in one conference, but it is the same control, and this North Atlantic Conference is so controlled and conducted to be most disadvantageous to American shipping. We have no business forming a part of it. We might, if necessary, confer with one or any foreign steamship company, but we should not enter into a combination or become part of a conference that is going to give the United States Lines a raw deal. It is our interest to remain on the outside and confer with them on equal terms; our lines should not be bound by any condition or terms or rules that this conference wishes to lay down. I submit to the House that we have absolutely nothing to lose and everything to gain in obtaining the Atlantic and Mediterranean trade if we keep out of the conference, instead of going in and letting the conference constantly put things over on the United States Lines operating passenger ships.

Mr. WOOD. Mr. Chairman, I hope this amendment will not prevail. The gentleman is offering this limitation because of the fact that the conference entered into by the Shipping Board or its representatives with the other shipping lines may be violated. The same character of reasoning would apply to our entering into treaties with foreign countries. We might say that we will not enter into any commercial treaty because that treaty might be violated.

Mr. LAGUARDIA. We did not enter the League of Nations for that reason.

Mr. WOOD. Yes; we did not enter the League of Nations, and perhaps we have entered other things that we would better have kept out of, but the United States has always had the reputation, at least, of acting in good faith in any conference it ever has entered into or in making any treaty to which it has ever been a party.

There is a very great advantage if all of these conferences are honest in fixing a schedule of rates. They make them, as I understand, two or three times a year. Some of them are seasonal, and I expect most of them are seasonal. We are now engaged in a rate war with England, very much to the detriment of the Treasury of the United States, and possibly to the detriment of future disposition of some of our lines. My information is that they are going to cease that rate war; that a conference is to be had whereby a new schedule will be made, and they will endeavor to carry it out in good faith. I think it would be disastrous if we were not permitted to participate in this conference.

Mr. LAGUARDIA. My amendment would not refer to any conference between the companies. I am referring to such conferences as are an established institution, that the United States Lines pay dues to belong to.

Mr. WOOD. I do not know of any institution of that character to which we are paying any dues. Of course, there is some expense had in going to those conferences.

Mr. LAGUARDIA. I am referring to the North Atlantic Conference, and not conferring with these various companies.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. LEHLBACH. We have intrusted this great enterprise and these hundreds of ships to the Shipping Board to operate, and they have their experts, and they devote all of their time and they have the merchant fleet organization devoting all of its time to the study of these problems. Does not the gentleman think it would be better to allow the details of operation to be decided on by those boards and their experts rather than by the expert testimony of the gentleman from New York [Mr. LAGUARDIA] and by Congress, which has no adequate knowledge of it at all?

Mr. WOOD. Perhaps the gentleman's solution might be the correct one; but I do not want the Congress to commit itself to a policy which forbids the Shipping Board from entering in these conferences.

Mr. LAGUARDIA. Perhaps the gentleman from New Jersey can give us some expert testimony on what the English and other steamship companies are doing.

Mr. LEHLBACH. I know no more about it than the gentleman from New York.

Mr. LAGUARDIA. And the gentleman from New York knows enough to know that the gentleman from New Jersey does not know anything about it. The gentleman is correct in that statement.

Mr. WHITE of Maine. Mr. Chairman, much that the gentleman from New York [Mr. LAGUARDIA] has said commends itself to me. I think those of us who have been on the Merchant Marine Committee over a period of years, and have had occasion to look somewhat into the workings of these conferences, have not been altogether satisfied at all times. If I understand the effect of the gentleman's amendment, it is to preclude the United States as such from participation in any conference whatsoever, because, of course, these conferences are with those who constitute a majority. We are one, and these conferences are made up of several foreign nations, and in every conceivable instance the foreign nations constitute a majority.

So that the amendment as framed precludes us from participation in any of these conferences.

Now, so far as I go, I want the representatives of the Shipping Board, when they enter into these conferences, to proceed with exceeding caution. I want them to consider with the greatest care the provisions that are worked out with respect to all matters of transportation, including rates. But I for one am not willing that there shall be held anywhere conferences vitally affecting the maritime interests of the United States without a representative of the United States at least having the right to be there on the ground and to participate in the discussions and in the conclusions that are arrived at.

It may very well be that there are conference agreements now in existence or which may hereafter be held—conferences which it would be altogether to the interest of the United States not to be a party to—and I can conceive much more easily that there may be others that it would be altogether to our advantage to be a party to, but I can not reconcile myself to the thought that these international groups can get together and lay down rules regarding ocean transportation, as these conferences are seeking to do, and not have some one there to speak for and act for the United States. I hope for that reason that the amendment will not be agreed to.

Mr. LAGUARDIA. It is all right to have some one present there and participating, but when you get into it you are bound by it.

Mr. WHITE of Maine. You are not bound by participation in the discussions, but if you sign up at the conclusion of a conference you are bound. But I think that in all of these conferences there is a clause providing for denunciation and withdrawal, and if there is no such a provision for denunciation and withdrawal, there certainly ought to be one. I think the Shipping Board should attend these conferences and on proper occasions to be members of the conference agreements; and I submit that in these matters of detail we must defer to the judgment of the official representatives of the United States. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LAGUARDIA.]

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the reconditioning of the steamships *Mount Vernon* and *Monticello* at a total cost not in excess of $12,000,000, not to exceed $10,000,000 is made available from the construction loan fund and shall be reimbursed to such fund with interest at such rate and within such period as the board may determine, but not exceeding 10 years after the date of commission of such reconditioned vessels.

Mr. WHITE of Maine. Mr. Chairman, I make a point of order on the language appearing on lines 12 to 18, inclusive.

Mr. WOOD. I concede that it is subject to a point of order.

The CHAIRMAN. The point of order being conceded, the point of order is sustained.

Mr. DAVIS. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 35, line 11, after the word "conditions" insert: "For the reconditioning of the steamships *Mount Vernon* and *Monticello*, $10,000,000: *Provided*, That the total cost of reconditioning shall not exceed $12,000,000: *Provided further*, That neither of said steamships shall be sold for less than the cost of reconditioning, less a deduction of 5 per cent per annum for depreciation from the date of completion of such reconditioning to the date of sale: *And provided further*, That such vessels shall be operated only in the foreign service."

Mr. WHITE of Maine. Mr. Chairman, I make a point of order against the amendment.

Mr. DAVIS. I would like the gentleman to state his point of order.

Mr. WHITE of Maine. Mr. Chairman, I concede that there is authority in the Shipping Board for the reconditioning of vessels whenever funds are appropriated by Congress. But the authority with respect to the sale of vessels of the United States is by existing law vested in the Shipping Board under definite limitations set out in full in the merchant marine act of 1920. This amendment, as I understand it, in its latter part seeks to limit and circumscribe the authority of the Shipping Board with respect to the sale of these vessels. It seems to me that is clearly legislation changing existing law and modifying and limiting the existing authority of the Shipping Board and that that legislation vitiates the entire amendment.

Mr. DAVIS. Mr. Chairman, the merchant marine act of 1920 has a section authorizing the sale of Shipping Board vessels. Section 5 of the act provides—

That in order to accomplish the declared purposes of this act and to carry out the policy declared in section 1 hereof the board is authorized and directed to sell as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this act, at public or private competitive sale after appraisement and due advertisement, to persons who are citizens of the United States, except as provided in section 6 of this act, all of the vessels referred to in section 4 of this act or otherwise acquired by the board. Such sale shall be made at such prices and on such terms and conditions as the board may prescribe, but the completion of the payment of the purchase price and interest shall not be deferred more than 15 years after the making of the contract of sale. The board in fixing or accepting the sale price of such vessels shall take into consideration the prevailing domestic and foreign market price of, the available supply of, and the demand for vessels, existing freight rates and prospects of their maintenance, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold, and any other facts or conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is forced to sell.

The provision of my amendment, to which the criticism of the gentleman from Maine is directed, is simply a somewhat more specific statement of the original act itself and is certainly not in conflict with it. The committee of which the gentleman from Maine and I are both members and the Congress, at a previous session, amended the merchant marine act of 1920 so as to authorize the expenditure of $25,000,000 for reconditioning vessels owned by the Shipping Board through the installation of Diesel machinery in those vessels. In view of the fact that we were expending this amount of money or were to expend this amount of money in reconditioning, it was felt by our committee and by the Congress that it should not be done without some specific limitation being placed upon the Shipping Board in the resale of those vessels.

The act to which I refer—and which, I will state to the Chair, is Public Act No. 205, Sixty-eighth Congress—provides this:

Any such vessel hereafter so equipped by the board under the provisions of this section shall not be sold for a period of five years from the date the installation thereof is completed unless it is sold for a price not less than the cost of the installation thereof and of any other work of reconditioning done at the same time plus an amount not less than $10 for each dead-weight ton of the vessel as computed before such reconditioning therof is commenced.

This was an amendment to the merchant marine act of 1920 and is now the law. It not only refers to the Dieselization reconditioning but to any other work of reconditioning done upon the ships, and it provides that such ships can not be sold for less than the cost of reconditioning, plus $10 per dead-weight ton of the ships. It also provides, as I do in my amendment, that there may be deducted from that a depreciation of 5 per cent per annum.

I respectfully suggest that this is not only in keeping with the terms and spirit of the merchant marine act, as amended, but that it is certainly not in conflict with it. It is in keeping with the previous policy of the Congress and certainly is in keeping with the public interest, because I assume that no Member of this House wants to expend $10,000,000 or $12,000,000 upon these ships with the possibility that they will be sold for a song, as some of the ships have been sold, upon which millions have been expended. I further assume that no Member of the House would want to spend this much upon these ships and then take a chance of them being transferred to foreign registry.

So I respectfully submit that when we take all of the legislation upon the subject into consideration the point of order is not well taken.

And one thing further. This is a limitation upon the appropriation. In other words, it is a limitation in that it provides that it can only be spent upon certain conditions, and those conditions are of such a character as to protect the Public Treasury.

Mr. LEHLBACH. Mr. Chairman, I merely wish to say with respect to the point of order made by the gentleman from Maine [Mr. WHITE] that it should be borne in mind that this is an appropriation bill and that no legislation is in order upon an appropriation bill except in certain cases, the exceptions being well within the knowledge of the Chair. This does not purport even to be a limitation upon the appropriation because the legislative provision can not possibly take effect until the appropriation has been expended and its purpose accomplished.

The provisions under which the Shipping Board may sell these ships are set forth in section 5 of the merchant marine act of 1920, and the provisions under which they may sell these ships that have been Dieselized are set forth in the amendment

of the merchant marine act of 1924. Those are the only limitations on the power of the Shipping Board to sell ships. It is now proposed, through an amendment on an appropriation bill, to add a further limitation to the discretion of the Shipping Board with respect to the sale of ships, and it is clearly out of order.

The CHAIRMAN. The Chair is ready to rule. The Chair is of the opinion that the amendment submitted is not a limitation but is clearly legislation placing restrictions upon the Shipping Board not now provided by law. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

No part of the funds of the United States Shipping Board Merchant Fleet Corporation shall be available for the rent of buildings in the District of Columbia during the fiscal year 1929 if suitable space is provided for said corporation by the Public Buildings Commission.

Mr. DAVIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Page 36, line 20: After the word "commission" insert a new paragraph, as follows:

"No part of the funds of the United States Shipping Board or the United States Shipping Board Merchant Fleet Corporation shall be available for the maintenance of a sea service bureau."

Mr. DAVIS. Mr. Chairman and gentlemen, I think my record upon this floor is evidence of the fact I am strongly in favor of the maintenance of an American merchant marine and that I am heartily in favor of supporting the Shipping Board and Merchant Fleet Corporation and making all needed appropriations for that purpose.

I have just offered an amendment, which was ruled out on a point of order, which would have carried an additional appropriation, but which, I think, would have resulted in a most valuable addition to the American merchant marine as well as a most valuable benefit to the American people.

I have now offered an amendment which, if adopted, will effect a substantial saving, and without impairing the services or in any manner injuring the work of the Shipping Board and Merchant Fleet Corporation.

The sea service bureau was organized during the war when we were increasing our American tonnage by purchase and construction manyfold, and when American seamen or other seamen, for that matter, were not available to man these ships as they were launched. So this sea service bureau was established to train seamen and it rendered a necessary and valuable service; but the time for its usefulness has long since passed, and it is being maintained, as many other activities are maintained, because of the difficulty of applying the pruning knife.

I want to state that the select committee which investigated Shipping Board affairs sometime back entered into a full investigation of this subject and I know that I reached the conclusion, and I believe that other members of that committee reached the conclusion, that this sea service bureau should be eliminated.

If I had time to go into details and explain many of the things that were shown with respect to this bureau at those hearings, I believe the distinguished gentleman from Indiana and his colleagues upon the Appropriations Committee would reach the same conclusion which I have reached. I believe that in their effort to economize and to save every dollar they can—which I commend—they would see that undoubtedly here is one opportunity to effect a saving.

I do not know just exactly how much this sea service bureau cost during the last calendar year, but it has been ranging all the way from $100,000 per annum to as high as $400,000 some time back.

Chairman O'Connor, of the Shipping Board, appeared before the select committee and was questioned with regard to this sea service bureau, in part, as follows:

Mr. DAVIS. Mr. O'Connor, you are the member of the Shipping Board who has jurisdiction over the sea service bureau, are you not?

Commissioner O'CONNOR. Yes, sir.

Mr. DAVIS. As I understand, that was a bureau that was established during the war, primarily in order to train seamen to be placed upon the Shipping Board vessels that were being acquired and constructed?

Commissioner O'CONNOR. Yes, sir.

Mr. DAVIS. At the present time, and for some two or three years past, the sea service bureau has amounted to only a recruiting or seamen's employment service, has it not?

Commissioner O'CONNOR. That is practically all; yes.

Now, Mr. Joseph E. Sheedy was the vice president of the Emergency Fleet Corporation and the director of operations, and the one directly in charge of this sea service bureau, and I want to call your attention to what he had to say upon the same subject. After asking in a general way about it, this occurred at the same hearing:

Mr. DAVIS. Do you think that the bureau performs a successful function?

Mr. SHEEDY. Frankly, I have never been able to find out.

So he goes on, somewhat in detail, and states that if it serves any good purpose he supposes it is with a view to Americanizing the crews on our Shipping Board vessels.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAVIS. On this point there was a good deal of testimony taken to show that instead of this bureau having Americanized the seamen the opposite has been true. I shall not take time to go into details about this, but I want to read just one question and answer:

Mr. DAVIS. Well, it has been charged that you have employed a good many I. W. W. seamen; is that true or not?

Mr. SHEEDY. We have had a great many on our ships. There is no question about that; in fact, for several months we had representatives of the investigation bureau traveling on our passenger ships, particularly between here and Germany, but particularly on the North Atlantic routes, where we had a good deal of propaganda spread about. Whether it was coming west or going east I never did know.

Now, here is another feature to which I wish to direct the attention of the members of the committee, and particularly the members of the Committee on Appropriations. In peacetime this sea service bureau is nothing more or less than an attempt at duplication of the work of the shipping commissioners who serve under the Commissioner of Navigation in the Department of Commerce and for which appropriations are made annually.

Mr. WOOD. Will the gentleman yield?

Mr. DAVIS. I will.

Mr. WOOD. Suppose this appropriation was limited so as to take away the support of this bureau. I understand the bureau collects seamen in the event that seamen are asked for. Suppose you abolish the bureau, then what?

Mr. DAVIS. The same service would be performed by the shipping commissioners authorized by existing law to perform all the functions that this bureau is now performing, and there is a shipping commissioner in every port of entry and more shipping commissioners than there are port offices of the Sea Service Bureau.

Mr. WOOD. Who is the shipping commissioner responsible to?

Mr. DAVIS. To the Commissioner of Navigation under the Secretary of Commerce.

Mr. WOOD. Who are the seamen selected from, who decides in reference to them?

Mr. DAVIS. They are selected like they are selected for the owners of private ships. The private shipping companies do not avail themselves of this bureau, and the only reason that the Shipping Board operators avail themselves of the bureau is because they are required to do it. If it was worth while, why would not the private owners avail themselves of it when they are privileged to do so? They have discarded it.

Mr. WOOD. The question which the gentleman raises is quite new to me. There is an expenditure of $350,000 or $400,000 a year for this service. If the gentleman is correct, it looks like we have been derelict in providing for it so long. There must be some advantages from it else our attention would have been attracted to it long ago.

Mr. DAVIS. I am not surprised that the matter has not come under the observation of the gentleman, because the ramifications of the Shipping Board and the Emergency Fleet Corporation were so widespread and comprehensive that those of us who have been upon the committee dealing with that subject for many years have been learning something new all the time, and to which we have been devoting more time than the Appropriations Committee could devote to that problem.

I want to say further that some of the gentlemen that were on that select committee are here present—the gentleman from Alabama, the gentleman from Maine [Mr. WHITE], the gentleman from New Jersey, the gentleman from Wisconsin [Mr. COOPER]. I do not believe that they will take issue with me on this matter. Without presuming to speak for them, my opinion is that if they express themselves they would reach about the same conclusion that I have come to, and the same conclusion,

in substance, that Mr. Sheedy has stated in his testimony which I have read to you.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. WOOD. I ask unanimous consent that the gentleman may have two minutes more. I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD. The public that is traveling on these vessels is interested in knowing that the ships are manned by proper seamen. I take it that the function of this bureau is to select men properly qualified to occupy the important places on these ships. If this bureau is abolished, what I am interested in knowing and what the public would be interested in knowing is who is going to recommend the qualifications of the men who are to take the places on the vessels?

Mr. DAVIS. There is a surplus of seamen. The condition does not exist now that formerly existed. I am informed that there are plenty of seamen who follow the sea as a profession. One thing this bureau has done a good deal of—and it is all right in its way, and yet from the standpoint of obtaining a sea personnel it is all wrong—and that is they have recruited innumerable school boys who would go on a ship for one or two trips and go back home. They went on the trip as a lark. No man can learn to be a seaman in that way. These temporary fellows have kept off the sea those who were willing to ship as seamen and continue it as a profession. The best evidence of that is that for the past several years, ever since the creation of the bureau, there has been a 50 per cent annual turnover.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CULLEN. I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLEN. In regard to what the gentleman says about shipping college boys, that may have been done a few years ago, but the gentleman is aware that that has been suspended and that they are not making a practice of doing that thing now.

Mr. DAVIS. The gentleman from New York will agree with me that that was a practice that was followed to a large extent by the bureau we are talking about. They announced during the past year that they would discontinue the practice.

Mr. CULLEN. I find myself in the same position as the chairman of the subcommittee. This is the first time that I have known anything about what this service was other than to supply men to the Shipping Board in the different capacities to make up a crew.

Mr. DAVIS. Yes; and the Shipping Board operators and the ship captains were required to take the seamen sent to them by this sea service bureau. If this is abolished the operators and the captains of the ships will employ their seamen upon their own judgment, just as the officials of all of the private shipping concerns do now, and have always done.

Mr. CULLEN. Where are they going to get those men?

Mr. DAVIS. There is no difficulty about getting them at all, and besides you can not train seamen in an office or on land. They have got to start in as boys and work up by actual experience. That is the way the other nations of the world have built up their sea personnel, and it is the way that we will have to do it in the long run, and as I say it was never established to begin with upon any basis or excuse except as a war emergency, just like we had to create many other emergency organizations during the war.

Mr. LEHLBACH. Mr. Chairman, I rise in opposition to the amendment. The sea service bureau of the United States Shipping Board does not attempt to train seamen in the office or anywhere else. It is the agency of the Shipping Board through which the crews that operate the ships belonging to the United States Government, operated under the Shipping Board by managing operators, are manned. If each operator were to select his own crew, he would have knowledge only of those who have previously sailed on his ships, and it would be a hit-or-miss recruiting along West Street, and a signing up and getting of crews of which they knew nothing. The ship is responsible for its crew, and it is responsible for workmen's compensation if they are disabled.

Mr. FROTHINGHAM. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. FROTHINGHAM. Does this apply to officers as well as crew?

Mr. LEHLBACH. I think it is crew, because the officers are commissioned. The sea service bureau throughout the year is supplying crews to all the managing operators throughout the United States Shipping Board service, gradually acquiring a roster of thousands of names, and keeps tab on these men to a certain extent. They know the trouble makers; they know the chronic deserters; they know the pretenders of being A B's when they do not know anything about a ship, and they gradually eliminate from the crews of the Shipping Board those who do damage to property or incur expenditure to the board by reason of damage to themselves because of their inexperience and negligence. The sea service bureau maintains a medical examination and a person who is sure to be a liability by reason of the responsibility of the ship in case of disability is not accepted. Managing operators can not maintain any such medical supervision of their recruits. That service alone very largely compensates for the cost of maintaining the service. I think that the Shipping Board would have curtailed or restricted or abolished the service if it was not rendering good returns. The managing operators, as far as I know, are very well satisfied, and are getting better crews than they could recruit themselves. We have reduced very largely the cost by reason of injuries to sailors or disabilities incurred by reason of their physical unfitness at the time of their enlistment. I do not think it is wise here, with no knowledge of the subject, and with simply a few statements read at random out of the hearings held four years ago, when this service was comparatively new, and had not developed to the point at which it is carried on at the present time, to absolutely abolish it. I think it is unwise to do that. I think that if there is any question about the value of this service that the legislative committee ought to look into it, and if it is not paying its way in value of service rendered we can abolish it or at some future time the appropriations for its maintenance may be curtailed.

But I think, sight unseen, to abolish a valuable service which has been functioning as long as we have had the Shipping Board would be very unwise and an inadvisable thing to do.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. McDUFFIE. Is the legislative committee now looking into this problem?

Mr. LEHLBACH. We look into them as they are brought to our attention. This is the first time in my life that I have ever heard a word of criticism of the sea service bureau, and I have been a member of the Merchant Marine Committee for 10 years.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the following title:

H. R. 9022. An act to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va.

The committee resumed its session.

INDEPENDENT OFFICES APPROPRIATION BILL, 1929

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last two words. As the gentleman from Tennessee [Mr. DAVIS] suggested, I happened to be one of the select committee on the part of the House to give very extensive consideration to all these questions affecting our merchant marine, and, as has been indicated by the gentleman from Tennessee, when we were engaged in that service we had occasion to examine very carefully into the operation of this sea service bureau as run by the Shipping Board. From my observation and study of that question and from the information that I have received upon it since the discharge of that committee, I think we are agreed with the conclusion reached by Judge DAVIS that the amendment he offers ought to prevail. It ought to appeal to the committee primarily from the standpoint of an absolute saving to the Treasury of a large sum of money. From $200,000 to $300,000 a year is being paid out of the Shipping Board fund appropriation for this service bureau. It is being paid for a service that, under existing law, is absolute duplication. The United States shipping commissioners, who have representatives in all the ports, are now invested by law with authority to assist captains of vessels in getting competent men for their sea service. We ought to do one of two things—either approve that jurisdiction or else adopt this amendment and abolish the United States seamen's bureau now existing in the Shipping Board.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. DAVIS. In this connection I call attention to the fact that there is a specific legislative act establishing the shipping commissioners to perform this service, but there is not one word in any legislative law providing for the establishment or even mentioning the sea-service bureau.

Mr. BANKHEAD. In other words, as the gentleman from Tennessee [Mr. DAVIS] has said, under the emergencies of the war the Shipping Board was hard put to provide enlistments of seamen, and this bureau was established strictly as a war emergency proposition for the purpose of enlisting the proper personnel to man our ships. Now that function is exhausted. There is no necessity for it and it is an absolute duplication of expense. Why is it that operators of private vessels under the flag do not use the service of this bureau? No doubt it is because they have found that the old method of going to the United States shipping commissioners and taking their own judgment as to the selection of their own men is the best possible method of selection. There is opposition to this bureau from men who are engaged in promoting the welfare of the seamen of the United States. I do not know whether you care to enter into a discussion of that phase of the matter, but the American Federation of Labor, as a fact, in their last national convention passed a resolution on this particular problem, asking the Congress of the United States to abolish this bureau, because it was performing no good service to the American merchant marine and was, in fact, standing in the way of building up in America a desire for real sea service on the part of men desiring to engage in it. For these reasons, gentleman, after trespassing on your time, I hope the amendment of the gentleman from Tennessee will prevail. I hope you will vote for it.

Mr. LINTHICUM. Why has not this matter been brought before the legislative committee?

Mr. BANKHEAD. Because the legislative committee has never provided for this service. It is merely an institution developed by the Shipping Board, and not in response to any substantive law enacted by the Congress of the United States.

Mr. LINTHICUM. It can be discontinued without legislation, can it not?

Mr. BANKHEAD. It can be discontinued by the adoption of this amendment.

Mr. BLAND. Does not the gentleman believe it should be investigated by the legislative committee?

Mr. BANKHEAD. Well, I will say that rather extensive hearings were had upon it by the subcommittee.

Mr. WOOD. Mr. Chairman, this is a matter of too much importance to be determined without more consideration than we have had here. We are having all sorts of accidents on the sea, and I am not ready to take the responsibility. Perhaps there are other gentlemen here who would take the responsibility of doing something rashly that we might hereafter regret doing. There will be plenty of opportunity for the facts of this case to be developed. This measure, when it passes this House, will go to the Senate, and if there is no authority of law for it, as the gentleman seems to think, it can be developed there, and the fact as to whether this is or is not a good agency can be developed there, and the matter can be taken up in order. I move that the debate now close.

The CHAIRMAN. The gentleman from Indiana moves that the debate do now close.

Mr. BLANTON. I would like to have five minutes.

Mr. WOOD. The gentleman from Texas has been very good to-day, and I will withhold my motion.

Mr. BLANTON. Mr. Chairman, I never have believed in passing the buck or shifting my own responsibility. The responsibility of either keeping up or abolishing this instrumentality of the Government that costs $400,000 a year devolves first upon the House of Representatives. If it is an improper instrumentality, if it is useless, if it is nonserviceable, if it is not worth the money to the taxpayers it is our duty to stop it ourselves and not depend on the Senate to do it for us.

I have been here 11 years, and I have been watching the rapid increase of useless Government bureaus and commissions and independent establishments of the Government. When you once create them and put them on the pay roll there is no chance on earth of getting them off. They have always had enough personal friends in Congress to speak in their behalf and delay action.

When I first came here one of the most valuable men in this House was the distinguished gentleman from Indiana [Mr. WOOD]. There was not a man here then who watched the appropriations more closely than he did. He was watchful then of the people's interests. But now, since he has become chairman of a big subcommittee of the big Committee on Appropriations, he has become a little careless; he, too, has his personal friends to protect; he is looking out for their interests, and he is not so enthusiastic about the public Treasury and the taxes that are put upon the shoulders of the already overburdened people of the land.

I think that the Davis amendment is a good one to stop it, which we will do if we refuse to appropriate this money. I think the position of the gentleman from Tennessee [Mr. DAVIS] and the like position of the gentleman from Alabama [Mr. BANKHEAD] is unanswerable, and if we ought to stop it now, we ought not to send it over to the Senate and expect it to do something that we ought to do here ourselves. You are not going to have the Senate stop any extravagance. You are not going to have the Senate stop any waste. What does the Senate care about waste or extravagance? Why, they are adding to these appropriation bills instead of cutting from them, and if we want to stop it this is the time to stop it and the place to stop it and the opportunity to do it.

Mr. LINTHICUM. Will the gentleman yield?

Mr. WOOD. Will the gentleman yield there?

Mr. BLANTON. I will yield first to my distinguished friend from Maryland, the distinguished House leader of the wets. [Laughter.]

Mr. LINTHICUM. I congratulate the gentleman from Texas on his running for the Senate as the exponent of the drys. I think the gentleman will not have any trouble either from the drys or the wets.

Mr. BLANTON. The gentlemen who are behind the gentleman from Maryland are not backing him up in what he is doing here or he would have more success.

Mr. LINTHICUM. I want to ask the gentleman a real question.

Mr. BLANTON. I am now talking about saving $400,000 for the people of the United States who pay the taxes.

Mr. LINTHICUM. The gentleman from Indiana [Mr. WOOD] suggests that we leave it in the bill. I say if it is not necessary, cut it out. Why not cut it out here?

Mr. BLANTON. That is exactly what I say. For once we seem to be in accord. Will the leader of the wets vote to cut it out?

Mr. LINTHICUM. I will.

Mr. BLANTON. If the gentleman can get his wet friends to follow him it would be well to have them follow him on this occasion, although they do not usually follow any one leader.

Mr. LINTHICUM. If I vote for it, will the gentleman vote for light wines and beer? [Laughter.]

Mr. BLANTON. No; I will not; I will not vote to debauch the Constitution of the United States.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CHINDBLOM. Mr. Chairman, I have watched the work and career of the distinguished chairman of this subcommittee in the House of Representatives for nine years, two years less than the gentleman from Texas [Mr. BLANTON] who has just taken his seat. I want to say to him and to the country that there is no justification, in my opinion, for the charge, even though it was spoken somewhat in a jest, that the gentleman from Indiana [Mr. WOOD] has at all diminished his labors, his enthusiasm, and his influence in this House in the work of economizing the expenditures of this Government. The remarks which the gentleman from Texas [Mr. BLANTON] has just made, doubtless without much premeditation, would lead one to infer that the gentleman from Indiana [Mr. WOOD] has changed his attitude since he became chairman of this subcommittee. I say that is not so. There is not a man in the House who has shown greater solicitude for the economical management of this Government than has the gentleman from Indiana [Mr. WOOD]. I rose to say that first.

Secondly, I think the Members of this House ought to consider seriously whether, upon the consideration of an appropriation bill, we should adopt an amendment which will entirely revolutionize the method by which the Shipping Board has been conducting a very important part of its business. Let us not forget that the United States Shipping Board operates ships which travel throughout the world; that they are not in the ordinary sense a steamship line or a steamship organization, and that they do not have the opportunities for organization and management that have the private lines. We provide them with the methods, the means, and the facilities by which they must conduct the business that is intrusted to them. Here is a proposition which at one fell swoop, after a debate of 30 minutes, would take away from them an important service which has been developed in the Shipping Board during all these years and has been the means by which they have secured that very important part of the complement of their ships. The crews who operate the ships and who are responsible for the safety of the vessels, for the lives of the passengers, and for the protection of the property that is carried as cargo.

Here we propose, after a discussion of a few minutes, to deprive the Shipping Board of an important organization which has been established during long experience simply because a motion is made that no part of the appropriation shall be expended for that purpose.

Mr. BANKHEAD. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BANKHEAD. Is the gentleman aware of the fact that the subcommittee itself, as shown by the hearings, made a rather exhaustive examination into this subject?

Mr. CHINDBLOM. But the subcommittee makes no recommendation upon the subject.

Mr. WOOD. If the gentleman will permit, I will state that there was no recommendation made by the Shipping Board and no evidence at all adduced from the Shipping Board, but the gentleman who is in favor of abolishing this business testified at some considerable length just as we were closing the hearings.

Mr. CHINDBLOM. There is no recommendation from the Shipping Board, I will say to the gentleman from Alabama [Mr. BANKHEAD], and this subject has not been considered by the legislative committee. For four years I was myself a member of the Committee on the Merchant Marine and Fisheries and served with the distinguished gentleman from Alabama. That committee has a splendid membership and that committee is willing and anxious to consider legislation relating to the operations of the Shipping Board.

Mr. DAVIS. Will the gentleman yield?

Mr. CHINDBLOM. I will include the distinguished gentleman from Tennessee. It was my pleasure to serve with him on the Merchant Marine and Fisheries Committee, and does not the gentleman think it is a little precipitous to come here at this moment and ask for the abolishment of this service, which has been in operation all these years?

Mr. DAVIS. No; I certainly do not. If it did not involve some jobs there would not have been 10 minutes' discussion. We pass over a $10,000,000 proposition almost without discussion, but when it comes to saving $300,000 or $400,000 through the abolishment of some jobs, of course, gentlemen are aroused.

Mr. CHINDBLOM. That is no question. The gentleman has not asked me a question.

Mr. DAVIS. I want to ask the gentleman this question: The gentleman knows, when he refers to the Merchant Marine and Fisheries Committee, that that committee has never reported any legislation and Congress has never enacted any law authorizing the establishment of a sea service bureau, so that there is no occasion for the repeal of anything that has not been authorized.

Mr. CHINDBLOM. Of course, the law does not go into detail as to how the Shipping Board shall operate its business, but everyone will concede that there must be some method by which the crews and the men who are working on the ships must be secured.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to proceed for one additional minute.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. CHINDBLOM. I will say, in reply to the inquiry of the gentleman from Tennessee [Mr. DAVIS], that this does concern jobs; it concerns every single man who works on these ships, and it concerns every member of the crews that work upon these ships. This service has been established during all these years and has succeeded in an admirable manner, at least in the opinion of the Shipping Board, and at one fell swoop to throw the selection of those men elsewhere is wrong. You are not telling them where, nor are you telling them how these crews shall be selected. You are simply asking that this organization, which has operated effectively and efficiently during all these years, shall be abolished by refusing to appropriate for this work during the next year. You are not abolishing this service, but you are simply refusing to appropriate for one year; and you are leaving the Shipping Board in the air for the year beginning July 1, in the matter of selecting the crews for its ships.

Mr. WOOD. Mr. Chairman, I move that all debate on this amendment do now close.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. DAVIS) there were—ayes 44, noes 58.

So the amendment was rejected.

Mr. McDUFFIE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McDUFFIE: Page 36, line 20, after the word "commission," insert "For the reconditioning of the steamships *Mount Vernon* and *Monticello*, at a cost of $12,000,000."

Mr. McDUFFIE. Mr. Chairman and gentlemen of the committee, I regretted to see the chairman of the subcommittee fail to make any move to take care of this item in the bill when a point of order was sustained against it.

I think the chairman of the subcommittee, as well as the subcommittee and the entire Committee on Appropriations, would like to see these two great liners put into service. Why? Because it is said it would cost, in the first place, $25,000,000 to build ships to take their places in the trans-Atlantic trade. We can now get this work done for $12,000,000, and while the language of the bill proposes to take this money out of the construction and loan fund and use it, after all it is simply taking money out of one pocket and putting it into another. It is, after all, the funds of the Treasury.

I want to see what this Congress thinks about the proposition of putting these two ships in the trans-Atlantic trade.

The chairman will recall that the evidence before his committee proved conclusively that these two hulls were in splendid condition, one boat a little better than the other, and that we can use them for 10 or 20 years and that they would balance our trans-Atlantic fleet and would make the fleet more salable.

This is the testimony before the committee and the committee brought this item in with language attached to it which made it subject to a point of order, beyond question. Now, since it has gone out on a point of order I hope the chairman will see fit to have this House appropriate money enough to let the work begin now. If they want to tie on the strings that my friend from Tennessee [Mr. DAVIS] would like to have in such an appropriation, let the legislative committee get busy and enact such provision; but we can get this construction under way, and the evidence showed that if we will prepare these boats now, we can get some of the summer trade for the year 1929 and we will balance our fleet and will make more money on this service than we have made in the past, and it is the one service operated by the Shipping Board that is making money.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. McDUFFIE. I yield.

Mr. WAINWRIGHT. Does the gentleman think it worth while, really, to recondition these old, second-hand German ships unless we are prepared to go a step further and provide for new construction so that the American flag will fly on American ships on this North Atlantic lane?

Mr. McDUFFIE. I have not investigated these ships. I am not an expert on ship hulls, but I know a telegram came to every Member of this House urging against the reconditioning of these two ships; that telegram came from some concern, probably the International Mercantile Marine, I do not now recall the name, that is operating foreign boats and evidently does not want this Congress to put two more ships into the trans-Atlantic service. Has the gentleman ever thought of that?

Mr. WAINWRIGHT. I will say to the gentleman that is not my point at all. It may be a good thing to recondition these ships, but that is merely a temporary matter. We ought to go further and provide for the construction of new ships for this line.

Mr. McDUFFIE. It is time, if you please, to take advantage of this situation and do something, even if it is temporary, rather than say to the world, "We are abandoning the idea of keeping up this trans-Atlantic line."

Mr. WAINWRIGHT. I will say to the gentleman it is furthest from my idea that we should abandon this line. I think there should never be a day when we do not have a first-class passenger and freight liner in this lane under the American flag.

Mr. McDUFFIE. Then the gentleman agrees with me that we should have a first-class trans-Atlantic line.

I submit to the chairman the merits of this amendment; I submit them to the committee, and I do not know what you will do with this amendment, but I want this committee to go on record. I want to know whether you are going to respond to the wishes of the people of the country in an effort to build up this service across the Atlantic Ocean or are you going to let this matter lag along much to the delight of the chief competitors of the ships under the American flag?

Mr. CULLEN. Will the gentleman yield?

Mr. McDUFFIE. I yield to the gentleman from New York.

Mr. CULLEN. I think I can answer the question of the Member from New York [Mr. WAINWRIGHT]. The American Board of Engineers and Surveys inspected the hull of both of these vessels and reported back that they were in first-class condition, and that the life tenure, under ordinary circumstances, of both vessels would be 10 years.

Mr. WAINWRIGHT. I will say to the gentleman in my judgment this is only temporizing with this important proposition. The time has come when we should face the issue of whether we are going to have a first-class line in the North Atlantic lane and not stop with reconditioning two old German ships.

Mr. McDUFFIE. I agree with the gentleman, but we have no legislation to that effect before us now.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McDUFFIE. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McDUFFIE. I am sorry to detain the committee and I do not want to burden you, but the evidence shows that experts, not the gentleman from New York or myself, have visited these boats and say they are in good condition.

I want to call your attention to the fact it will cost $25,000,000 to build the same ships in this country now, whereas we can recondition these ships for $12,000,000.

Mr. VINSON of Kentucky and Mr. WAINRIGHT rose.

Mr. McDUFFIE. I yield to the gentleman from Kentucky first, sir.

Mr. VINSON of Kentucky. I would like to insert the statement that charging 4½ per cent interest on the total amount invested for reconditioning and fully amortizing this cost, you have a net profit of $400,000 per annum if these boats are put into this trade. There is $1,348,000 of Uncle Sam's money waiting to come to these boats for carrying the mail, and as a business proposition it is a good one.

Mr. McDUFFIE. Are we going to respond to a telegram from some great concern, doubtless a concern that would like to see our flag get off of the seas entirely, and fail to recondition the two ships, or are we going to say we will spend the $12,000,000 so as to balance the trans-Atlantic fleet, which will make the fleet more serviceable and salable than before? Will not the Congress respond to the wishes of those who are trying to build up the merchant marine? Let us spend the $12,000,000 for the trans-Atlantic fleet, so that it will continue to make more money and be more salable in the long run.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. McDUFFIE. Yes.

Mr. WAINWRIGHT. Does not the gentleman think it is humiliating that this one line we have got shall consist of six old German boats that came to us by conquest, that cost us nothing, rather than starting the shipyards and building the best vessels that can be built for that line?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. In expending appropriations or portions of appropriations contained in this act for the payment for personal services in the District of Columbia, in accordance with the classification act of 1923, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such act; (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit; or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923 and is specifically authorized by other law.

Mr. GREEN of Florida. Mr. Chairman, I would like to ask the gentleman from Indiana, chairman of the subcommittee, if there is any appropriation in the present bill for the Veterans' Bureau that will consolidate the veterans' hospitals in the South and East and abolish the hospital at Lake City, Fla.?

Mr. WOOD. There is nothing in the language of the bill that would affect that matter. That is a matter for the management of the Veterans' Bureau. They are going through a process of consolidation of hospitals now. I do not know what hospitals in the South or anywhere else that they propose to consolidate, but it is the purpose to consolidate them and reduce them when and where practicable.

Mr. GREEN of Florida. Mr. Chairman, I have an amendment. On page 82, line 21, add the words "nothing in this act shall authorize the discontinuance of veterans' hospitals."

Mr. WOOD. To that, Mr. Chairman, I make the point of order that it is legislation on an appropriation bill and clearly out of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FORT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 42, in line 21, strike out the period, insert a semicolon, and add the following words: "Nor in expending such appropriation shall any part thereof be available for purchasing bituminous coal for use within the District of Columbia unless the President shall first declare that an emergency exists which prevents the obtaining or use of other coal."

Mr. LEHLBACH. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard on the point of order?

Mr. FORT. It seems to me it is a limitation on the appropriation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk completed the reading of the bill.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the Chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. WOOD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WOOD. Mr. Speaker, I demand a separate vote on the McDuffie amendment, increasing the Shipping Board appropriation from $12,000,000 to $13,400,000.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 34, in line 15, strike out the figures "$12,000,000" and insert in lieu thereof the figures "$13,400,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. McDUFFIE) there were—ayes 40, noes 49.

Mr. McDUFFIE. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. It is evident that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. The question is on agreeing to the amendment.

The question was taken; and there were—yeas 214, nays 118, answered "present" 1, not voting 100, as follows:

[Roll No. 16]

YEAS—214

Abernethy	Bankhead	Black, Tex.	Brand, Ga.
Allgood	Beck, Wis.	Bland	Brand, Ohio
Almon	Beedy	Bloom	Briggs
Arnold	Beers	Bowling	Browne
Aswell	Bell	Bowman	Browning
Ayres	Berger	Box	Busby
Bachmann	Black, N. Y.	Boylan	Bushong

Byrns	Gibson	Major, Ill.	Sears, Fla.
Canfield	Gilbert	Major, Mo.	Sears, Nebr.
Carew	Glynn	Mansfield	Shallenberger
Carss	Goldsborough	Martin, La.	Sinclair
Chapman	Gregory	Mead	Somers, N. Y.
Chase	Green, Fla.	Miller	Speaks
Cochran, Mo.	Greenwood	Montague	Steele
Cohen	Griffin	Moore, Ky.	Stevenson
Collier	Hammer	Moore, Ohio	Strong, Kans.
Collins	Harrison	Moore, Va.	Summers, Wash.
Colton	Hersey	Moorman	Sumners, Tex.
Combs	Hill, Ala.	Morehead	Swank
Connery	Hill, Wash.	Morgan	Swick
Cooper, Wis.	Howard, Nebr.	Morrow	Swing
Corning	Howard, Okla.	Nelson, Me.	Tarver
Cox	Huddleston	Nelson, Mo.	Taylor, Colo.
Crisp	Hull, Tenn.	Norton, Nebr.	Taylor, Tenn.
Cullen	Jacobstein	Norton, N. J.	Temple
Dallinger	Johnson, Ind.	O'Brien	Thatcher
Davenport	Johnson, Tex.	O'Connell	Thurston
Davis	Kelly	O'Connor, La.	Tillman
Denison	Kemp	O'Connor, N. Y.	Timberlake
Dickinson, Mo.	Kent	Oldfield	Tinkham
Dominick	Kerr	Oliver, Ala.	Underwood
Doughton	Kincheloe	Oliver, N. Y.	Vinson, Ga.
Doutrich	Knutson	Palmisano	Vinson, Ky.
Dowell	Kopp	Peavey	Ware
Drane	Kvale	Peery	Warren
Drewry	LaGuardia	Porter	Watson
Dyer	Langley	Prall	Weaver
Edwards	Lanham	Purnell	Weller
England	Lankford	Quin	White, Colo.
Eslick	Lea	Ragon	White, Kans.
Faust	Leech	Rainey	White, Me.
Fisher	Lindsay	Ramseyer	Whittington
Fitzgerald, Roy G.	Linthicum	Rankin	Williams, Ill.
Fitzpatrick	Lowrey	Rathbone	Williams, Mo.
Fletcher	Lozier	Rayburn	Wilson, La.
Fulbright	Luce	Reece	Wilson, Miss.
Fulmer	McClintic	Robinson, Iowa	Winter
Gambrill	McDuffie	Robsion, Ky.	Woodrum
Garber	McKeown	Romjue	Wright
Gardner, Ind.	McLaughlin	Sanders, N. Y.	Wurzbach
Garner, Tex.	McMillan	Sanders, Tex.	Wyant
Garrett, Tenn.	McReynolds	Sandlin	Zihlman
Garrett, Tex.	McSwain	Schafer	
Gasque	McSweeney	Schneider	

NAYS—118

Ackerman	Dickinson, Iowa	Hudson	Ransley
Adkins	Eaton	Johnson, Ill.	Reed, Ark.
Andresen	Elliott	Jones	Reed, N. Y.
Arentz	Englebright	Kading	Reid, Ill.
Bacharach	Estep	Kahn	Rogers
Barbour	Evans, Calif.	Kearns	Rowbottom
Begg	Fish	Leavitt	Shreve
Blanton	Fitzgerald, W. T.	Lehlbach	Sinnott
Bohn	Fort	Letts	Smith
Bowles	Frear	McLeod	Snell
Brigham	Free	MacGregor	Stalker
Britten	Frothingham	Maas	Stobbs
Buchanan	Gifford	Madden	Sweet
Buckbee	Goodwin	Magrady	Taber
Burtness	Griest	Mapes	Tatgenhorst
Burton	Guyer	Martin, Mass.	Tilson
Cannon	Hadley	Menges	Treadway
Carter	Hall, Ill.	Merritt	Underhill
Chindblom	Hall, Ind.	Michaelson	Updike
Christopherson	Hall, N. Dak.	Michener	Vincent, Mich.
Clague	Hardy	Milligan	Wainwright
Clancy	Hastings	Monast	Wason
Clarke	Haugen	Morin	Watres
Cole, Iowa	Hawley	Murphy	Welsh, Pa.
Connolly, Pa.	Hickey	Nelson, Wis.	Whitehead
Cramton	Hoch	Newton	Williamson
Crowther	Hoffman	Niedringhaus	Wolverton
Curry	Hogg	Parker	Wood
Darrow	Hooper	Perkins	
Deal	Houston, Del.	Pratt	

ANSWERED "PRESENT"—1

Butler

NOT VOTING—100

Aldrich	Douglas, Ariz.	James	Quayle
Allen	Douglass, Mass.	Jeffers	Rubey
Andrew	Doyle	Jenkins	Rutherford
Anthony	Driver	Johnson, Okla.	Sabath
Auf der Heide	Evans, Mont.	Johnson, S. Dak.	Seger
Bacon	Fenn	Johnson, Wash.	Selvig
Beck, Pa.	Foss	Kendall	Simmons
Boies	Freeman	Ketcham	Sirovich
Bulwinkle	French	Kiess	Spearing
Burdick	Furlow	Kindred	Sproul, Ill.
Campbell	Gallivan	King	Sproul, Kans.
Carley	Golder	Korell	Steagall
Cartwright	Graham	Kunz	Stedman
Casey	Green, Iowa	Kurtz	Strong, Pa.
Celler	Hale	Lampert	Strother
Chalmers	Hancock	Larsen	Sullivan
Cochran, Pa.	Hare	Leatherwood	Thompson
Connally, Tex.	Holaday	Lyon	Tucker
Cooper, Ohio	Hope	McFadden	Vestal
Crail	Hudspeth	Manlove	Welch, Calif.
Crosser	Hughes	Mooney	Williams, Tex.
Davey	Hull, Morton D.	Moore, N. J.	Wingo
Dempsey	Hull, Wm. E.	Palmer	Woodruff
De Rouen	Igoe	Parks	Yates
Dickstein	Irwin	Pou	Yon

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Pou (for) with Mr. Butler (against).
Mr. Spearing (for) with Mr. Aldrich (against).
Mr. Quayle (for) with Mr. French (against).
Mr. Carley (for) with Mr. Anthony (against).

Until further notice:

Mr. Kiess with Mr. Driver.
Mr. Yates with Mr. Gallivan.
Mr. Johnson of South Dakota with Mr. Hudspeth.
Mr. Vestal with Mr. Kindred.
Mr. McFadden with Mr. Larsen.
Mr. Foss with Mr. Stedman.
Mr. Hancock with Mr. Bulwinkle.
Mr. Graham with Mr. Casey.
Mr. Manlove with Mr. Dickstein.
Mr. Palmer with Mr. Sullivan.
Mr. Furlow with Mr. Mooney.
Mr. Ketcham with Mr. Wingo.
Mr. Golder with Mr. Sabath.
Mr. Campbell with Mr. Connally of Texas.
Mr. Cooper of Ohio with Mr. Yon.
Mr. Beck of Pennsylvania with Mr. Celler.
Mr. Sproul of Illinois with Mr. Parks.
Mr. Thompson with Mr. Douglass of Massachusetts.
Mr. Green of Iowa with Mr. Hare.
Mr. Freeman with Mr. Kunz.
Mr. Strong of Pennsylvania with Mr. Moore of New Jersey.
Mr. Dempsey with Mr. Ruby.
Mr. Seger with Mr. Cartwright.
Mr. Kurtz with Mr. Evans of Montana.
Mr. Johnson of Washington with Mr. Lyon.
Mr. Kendall with Mr. Jeffers.
Mr. Burdick with Mr. Igoe.
Mr. Fenn with Mr. Tucker.
Mr. Hale with Mr. Douglas of Arizona.
Mr. Hughes with Mr. Steagall.
Mr. Taylor of Tennessee with Mr. Rutherford.
Mr. Lampert with Mr. Davey.
Mr. King with Mr. Sirovich.
Mr. James with Mr. Crosser.
Mr. Andrew with Mr. De Rouen.
Mr. Bacon with Mr. Auf de Heide.
Mr. Cochran of Pennsylvania with Mr. Johnson of Oklahoma.
Mr. Leatherwood with Mr. Williams of Texas.
Mr. Simmons with Mr. Doyle.

Mr. CONNERY. Mr. Speaker, my colleagues, Mr. DOUGLASS and Mr. GALLIVAN, are unable to be present. If they were here, they would vote "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. WOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DESIGNATION OF SPEAKER PRO TEMPORE FOR TO-MORROW

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to preside at the opening of the House to-morrow.

ADDRESS OF HON. RALPH F. LOZIER

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting copy of a speech made by my colleague, Mr. LOZIER, of Missouri.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks by inserting the matter indicated. Is there objection?

There was no objection.

Mr. ROMJUE. Mr. Speaker, under leave to extend my remarks in the RECORD, I desire to include the following address of Hon. RALPH F. LOZIER, of Missouri, delivered Saturday, January 7, 1928, at the thirty-sixth annual Jackson Day banquet, of the Young Men's Democratic Club of Williamsport, Pa.

It is indeed a privilege to address this large and intelligent audience, representative of the highest ideals and best citizenship of the great Commonwealth of Pennsylvania. While Pennsylvania has formed the chronic habit of "going Republican" by tremendous majorities, the militant and progressive Democrats of the Middle West have not forgotten that the Pennsylvania Democracy has maintained a compact and cohesive organization under the most unfavorable and discouraging conditions, and within the boundaries of the Keystone State approximately 600,000 Democrats have not bowed the knee to the god of special privilege or offered incense at pagan political altars.

I count myself happy to speak to this magnificent gathering of Pennsylvania Democrats, typical of those who, in season and out of season, steadfastly adhere to the principles and policies of Jefferson and Jackson, unawed by overwhelming Republican majorities, unbribed by enormous Republican slush funds, uninfluenced by the virus of special privilege, and uncorrupted by the spoils of public office.

The sincerity of your political convictions can not be questioned, because for many years you have "carried on" the battles of Democracy in spite of the discouraging fact that your party is in a hopeless

minority. You are Democrats from principle and not from expediency. Although greatly outnumbered, you nevertheless believe that the principles and policies of the Democratic Party will best promote the welfare and prosperity of the masses, and because you do not believe that the Federal Government should grant unlimited bounty to a few favored classes and deny the same consideration to other vocational groups.

In this connection I call to mind the fact that in the person of Judge Jeremiah S. Black, Pennsylvania furnished the Nation a Democratic Attorney General who for legal ability and erudition had no superior among those who served in that exalted position. For a considerable part of our national history Pennsylvania was the bulwark of the Democratic Party, and if I can read aright the signs of the times, I believe the people of Pennsylvania will ultimately turn from the altars of Baal and give wholehearted allegiance to the Democratic Party, which is the party of the common people and the party committed to the doctrine of equality of opportunity for all men and all vocational groups and for equal rights to all and special privileges to none.

I have no illusions as to the immediate return of Pennsylvania to the Democratic ranks, but among the voters of Pennsylvania there is a very strong progressive element that frequently asserts its power and sanctions progressive reforms. Twice the voters of Pennsylvania elected Robert E. Pattison, a Democrat, governor of this Commonwealth. In 1912 the progressive element in the Republican Party carried Pennsylvania by an overwhelming majority. In the 1926 senatorial election William B. Wilson, a progressive Democrat, carried 57 of the 67 counties in Pennsylvania. Wilson's majority over VARE, outside of Philadelphia, was 59,422. The Vare machine in Philadelphia rolled up a majority in that city of 232,929 for VARE. But it is very significant that the voters of Pennsylvania outside of Philadelphia gave Mr. Wilson a majority of 59,422. Undoubtedly the political pendulum in Pennsylvania is swinging away from the doctrine of greed, graft, and slush, and within the next decade it is not unreasonable to expect a disintegration of the present corrupt Pennsylvania political machine and a realignment of the political forces in Pennsylvania which will more evenly balance the political parties in your great Commonwealth. In so far as I am able, I want this evening to deliver a message that will stimulate your faith in and devotion to Democratic principles and policies.

THE REIGN OF PRIVILEGE

One of the outstanding issues before the American people is the substantial limitation of governmental favoritism. The greedy lords of special privilege are taking no thought for the morrow. Having ruthlessly seized the executive and legislative departments of our Government, they arrogantly control the economic activities of the Nation. They dictate the enactment of discriminatory legislation to unreasonably increase their already excessive and artificially stimulated profits and unconscionably augment their unearned bounties. Their unsympathetic manipulation of commodity markets has brought the small tradesmen, shopkeepers, and agrarian population dangerously close to bankruptcy. They have strangled legitimate competition, and under the shelter of gigantic monopolies, made possible and inevitable by class legislation, they reap where they have not sown and gather where they have not strawed. They have voraciously appropriated practically all of the immense stock of new national wealth that has come to the American people in the last two decades.

On the tacit invitation of President Coolidge and his mercenary satellites, a few favored groups have practically taken possession of our institutions and exploited them for their own sinister and selfish purposes and profit. In violation of ethical principles and well-established business practices they have wrongfully circumscribed the activities of other vocational groups, withheld from them the legitimate fruits of their labors, and denied them equality of opportunity in the race for gain. The present national administration formed an open alliance with big business and is operating under a bilateral covenant with special privilege, the reciprocal obligations of which are quite definite and well understood by the contracting parties. This has resulted in a commercialized, ignoble, and sordid administration of our public affairs. National ideals have seldom fallen to a lower level. Social justice has been denied the masses and the cries of a great vocational group, neglected and discriminated against, have gone unheeded and unhushed. Enjoying the fruits of business methods and legislation manifestly inequitable, they have, with supreme indifference, ignored all petitions for a redress of economic wrongs, unawed by public scandal, and unmoved by appeals from the common people for a "square deal."

Many grave abuses of this character have grown up under the present national Republican administration that has not only tolerated but openly encouraged and promoted these inequitable conditions, and used its every influence to accentuate class distinction and strengthen the citadel of special privilege. It is the mission, duty, and purpose of the Democratic Party to correct this maladministration of public affairs and restore a proper balance between the several great basic industries, to the end that each may share equitably in our national wealth and prosperity, and that no one industry may enjoy excessive and unconscionable profits at the expense of any other industry.

The connection between the Coolidge administration and big business is as intimate and as well defined as that which united Eng and Chang, the Siamese twins. The predatory interests, intoxicated by their mastery of the forces that control our national life, not satisfied with enormous profits, dominated by limitless greed for greater and greater gains, while seemingly sitting squarely and securely in the saddle, are nevertheless recklessly riding, booted and spurred, to disaster. Reason and human experience should suggest to them that a stern reckoning is inevitable, a day of judgment close at hand, and that this wholesale debauchery of the American electorate, this shameless corruption of voters, this purchase and sale of seats in the United States Senate, this debasement of national ideals, this sacrifice of principle to expediency, this onward march of bureaucracy, this domination of State and national administrations by a selfish and self-constituted governing group, this reign of party machines and corrupt political bosses, this surrender of governmental activities to predatory private agencies, this national disregard of social justice to the common people, this contemptuous indifference to the fundamental doctrine of equality of opportunity to each and every vocational group, this false economy, ding-dong, this poll-parrot chatter about efficiency, this incessant beating of discordant prosperity tom-toms, this wild economic delirium, this big business extravaganza, this special privilege phantasmagoria, this insatiable gluttony for graft, tainted fortunes, and embezzled power, this conscienceless exploitation of the many for the benefit of the favored few, can not continue forever. If they have read understandingly the history of our civilization, they should and must realize that they can not indefinitely continue to plunder and exploit a free people without inviting radical reaction, social unrest, civic disorder, and ultimate confusion and calamity.

The Coolidge big-business administration has done more to widen the gulf between the prosperous and nonprosperous, intensify class hatreds, and create an aristocracy of wealth than any preceding administration, because it has avowedly made dollars—sometimes dirty dollars—the standard or yardstick by which governmental policies and national ideals are to be measured. There is less justification for an aristocracy of wealth and special privilege than a political or social aristocracy, and ultimately all aristocracies are doomed to destruction. According to that wise old Frenchman, Chateaubriand, every aristocracy has three ages: "It is founded in its age of violence, it degenerates into its age of privilege, and in its age of vanity it is extinguished." In the United States those who by the grace of the Republican Party constitute the aristocracy of special privilege are, like Louis XV, saying, "Let the good machine run itself; it will last our time; after us the deluge." These beneficiaries of governmental favoritism in the United States realize this era of graft, greed, and special privilege will end, but they think it will last their lifetime, and what care they for the catastrophe and deluge of economic woe that will surely come after they have gone to that region where they will no longer enjoy special privileges.

The few groups who have been excessively favored by our Government are carrying their demands entirely too far and recklessly bending the bow of privilege dangerously near the breaking point. But the Coolidge, Mellon, Hoover forces proceed on the theory that they can by mechanical processes or artificial respiration keep alive the present brand of sectional, jug-handled, lopsided, make-believe prosperity beyond the 1928 presidential election, which they think will enable them to install a puppet of big business and special privilege in the White House for another period of four years, to their inexpressible delight and the exceedingly great profit of those who make merchandise of patriotism and avariciously plunder the public.

Before we can have economic stability, social justice, and nation-wide and enduring prosperity, the highly prosperous and much-favored industrial East must make reasonable and substantial concessions to the agricultural West. This will not in the long run work any hardships on the East or involve the surrender of any honestly acquired vested rights. No one section should monopolize our national wealth and prosperity. In all good conscience, a few favored groups should not be permitted to appropriate to themselves substantially all the new wealth that accrues annually to the American people.

The supreme purpose of all law is to establish social justice. The basic problem in all enlightened governments is an ethical problem, and when economic equality and social justice are secured for all citizens and vocational groups, the ultimate end of government has been accomplished. Our business, economic, and governmental policies should be so impartial, ethical, and equitable that they will not create on the one hand an oligarchy of wealth and privilege, and on the other hand produce a "sullen mass of rags and misery." The great gulf fixed between the ultra rich and the ultra poor can and should be bridged and narrowed by sound and just business policies and a more equitable distribution of the benefits and burdens of government.

By reason of its basic principles and past accomplishments in statecraft, the Democratic Party is best qualified to inaugurate and carry to a speedy consummation these much-needed reforms. On the other hand, the Republican Party, having created these intolerable conditions, and being the chief beneficiary of these abuses, is powerless to correct them, because it has neither the ability nor willingness to reverse its traditional attitude of favoritism toward those who use the instru-

mentalities of the law to serve their sinister and selfish purposes. Mr. Coolidge, though an honest man, is so completely under the overpowering enchantment of big business that it is absolutely impossible for him to free himself and his administration from its cynical control.

Those who are so unsophisticated as to expect him to correct these abuses are doomed to experience a rude awakening and bitter disappointment. Easier for the fox to forget his cunning, easier for the famished wolf to show mercy to the helpless lamb, and easier for the jungle leopard to change his spots than for the President to throw off the controlling influence of organized privilege. The President is such a devotee of the New England school of political thought that he honestly believes in the divine right of privilege, and no doubt thinks he is promoting the benevolent purposes of the Almighty in using the agencies of government to tax the many for the enrichment of the few.

To establish economic equality and social justice it is not necessary to "kick the fat into the fire," adopt drastic or revolutionary methods, confiscate or divide our national or private wealth, or apply such legislative or economic pressure as would unsettle business or destroy vested rights, for such measures would not produce the desired results. It is only necessary to hark back to fundamentals and apply the formula that all men are equal before the law and entitled to the same consideration, unhampered by legislative handicaps or unethical business practices. I am not an impractical idealist when I assert that the Golden Rule has a place in governmental activities and in the economic life of a righteous and progressive people.

The strength and glory of the Democratic Party lies in its opposition to and its contempt for policies that are essentially sectional, selfish, and fundamentally unethical and unjust. Like all other political parties the Democratic Party has made mistakes—sometimes blunders; but in its long and historic career of nearly a century and a half it has at no time lost its national character or departed far from the eternal principles of right and justice on which it is founded. It has never ceased to be the party of the people and the aggressive champion of the poor and lowly.

Whether in power or out of power, in victory or in defeat; whether enjoying the honors and discharging the responsibilities incident to success or suffering the disappointment and humiliation of the vanquished; whether on the high hills of public confidence and favor or in the dark valley and shadow of nation-wide disapproval—in all the vicissitudes of its long, unrivaled, and glorious history it has never for one time denied its faith in the principles and policies of its founders; never sold its birthright for a mess of special-privilege pottage; never abandoned its defense of the rights of the individual citizen from the unwarranted encroachments of the State; never exalted the rights of property above human rights; never cast down the goddess of liberty or enthroned in her stead the tainted dollar; never sanctioned the pernicious doctrine that certain favored classes are of right entitled to governmental bounties; never sold its organization or soul to mammon or the predatory interests that prey on the public; and never recognized wrongfully acquired fortunes as the standard by which character, citizenship, individual success, and national progress must be measured.

A party that has held firmly to these lofty ideals, exalted principles, traditional purposes, and wholesome policies, though it makes mistakes and commits blunders, has nevertheless performed a worthwhile service that should command the respect of mankind, even if we forget the glorious contribution in the way of constructive statesmanship made in its long and illustrious career.

I am a Jeffersonian Democrat because I devoutly believe in the wisdom, justice, and all sufficiency of the principles and policies formulated by Thomas Jefferson and given by him as a priceless heritage to the American people. I am convinced that the Jeffersonian formulas, when accurately interpreted and intelligently applied, will afford a correct solution of every governmental problem that now confronts the American people, or that we may face in the future. The great truths he enunciated are age-lasting and peculiarly adapted to our scheme of government. They are not transitory or temporary but will function efficiently under all conditions and readily adjust themselves to every phase of our rapidly changing and complex civilization as long as we are a free people. This is because they are grounded in reason, justice, common sense, and sound public policy.

The genius of Mr. Jefferson for free government has no counterpart in all the annals of time. His devotion to human liberty, his advocacy of human rights, his relentless opposition to every form of tyranny over the body, mind, or conscience of man, his mastery of statecraft, his passionate defense of the rights of the individual citizen, his eloquent appeals for religious freedom, his ability to comprehend problems of government and furnish a formula for their proper solution, his farseeing vision and lofty patriotism—these and many other outstanding qualifications mark him as the seer of the ages, the sincerest friend and ablest champion of man, and the greatest builder of free institutions since the curtain went up on human history.

Thomas Jefferson planted and Andrew Jackson watered the tree of liberty and just government. Jefferson laid the foundation of our free institutions and reared thereon a Republic that safeguards the liberty of the body, mind, and conscience of its citizens, insuring them the blessings of civil and religious liberty and the peaceful enjoyment of the just rewards of their labor. Jackson buttressed and tremendously strengthened the temple of freedom and wisely applied the Jeffersonian formula of government. Jefferson formulated and established the most wholesome and beneficent system of laws the world has ever known. Jackson was probably the most successful administrator of the Jeffersonian theory of government. They were laborers together for the good of humanity. Other foundation can no man lay than was laid by Thomas Jefferson. His work abides. His principles underlie, permeate, and vitalize our free institutions.

In harmony with the political philosophy of Thomas Jefferson, the Democratic Party makes no war on wealth or property. It only demands that it be honestly acquired and lawfully employed. Democracy does not seek the destruction of big business, but would have its operations conducted along proper lines that would not result in the destruction of legitimate competition. Democracy would curb the wrongful activities of big business, prevent its arbitrary control and manipulation of commodity markets, gradually curtail its special privileges, and forbid its exploitation of the people and their natural resources.

I do not begrudge to the industrial, commercial, financial, and transportation classes the phenomenal prosperity with which they have been deluged in recent years, except in so far as such prosperity is the direct result of unreasonable privilege, unwarranted governmental favoritism, or unethical business practices, but I do assert that this so-called prosperity can not long continue unless a reasonable degree of prosperity comes to the 30,000,000 people in America who depend, either directly or indirectly, on agriculture for a livelihood.

Mr. Lincoln, in one of his debates with Judge Douglas, said: "This Government can not endure permanently half slave and half free." May I paraphrase this truism and say: This Government can not endure permanently half prosperous and half bankrupt; half pampered and petted and half hungry and homeless; half revelling in luxury and half pinched by penury; half enjoying the rich fruits of privilege and half staggering under an unbearable burden of economic and legislative handicaps.

Wisdom and prudence suggest that we return to the old paths and landmarks of our constitutional fathers and reestablish the wholesome but now discarded doctrine of equal rights to all, special privilege to none. By continuing present policies we are sowing dragon's teeth and inviting ultimate disaster at no distant date.

Agriculture is the greatest of all basic industries, on the prosperity of which the welfare of all other occupations depends. Its financial distress must inevitably be reflected in reduced profits in all other branches of business. The agrarian population, handicapped by the arbitrary manipulation of economic laws, bled white by discriminatory legislation, and beset on every hand by the cross currents and rip tides of special privilege, languishes as it helplessly drifts toward the rock of insolvency.

It will not do to say that no legislative relief is possible and that the farmer must solve his own problems. Our Federal lawmakers managed, without much effort, to find legislative methods to stabilize manufacturing, banking, transportation, organized labor, and big business, advance the prices of their commodities and substantially increase their profits. With the same interest, industry, and intelligent effort, Congress and the President can find a formula that will bring to agriculture the same stability and improved conditions that legislation has brought to these other great basic industries. The reason Congress and the President have not found a solution for the agricultural problem is because they have not approached it from a sincere and sympathetic standpoint, and because the beneficiaries of similar legislation are unwilling for Congress to grant to agriculture the same governmental consideration and favors they now enjoy.

My observations lead me to the conclusion that this is rapidly becoming a government of the masses, by the classes and for the classes. The great bulk of our population has but little participation in the activities that control our economic system or shape our national life. Year by year the governing groups tighten their strangle hold on the masses. "The self-torturing sophist, wild Rousseau, the apostle of affliction, he who threw enchantment over passion, and from woe wrung overwhelming eloquence,"—Rousseau, the morning star of political freedom, gave expression to a great truth when he said: "Man was born free, but he is now everywhere in chains." While his philosophy wrought a political revolution and modified the structure of every civilized government on the globe, it has not yet established economic equality or social justice. The outstanding need of the world to-day is a modern Jean Jacques Rousseau, who will preach and establish an era of social justice, and bring economic freedom to the common people; an apostle of the "square deal" to all vocational groups; a champion of the exploited proletariat in their revolt against intrenched privilege.

We need a new birth of freedom, an awakening of the long-sleeping public conscience, and an elimination of corruption and graft in departments, bureaus, commissions, and all branches of government. I plead for a healthy and militant public sentiment against the selfish and sordid ideals that dominate our economic system and poison the fountains of our national life.

The dollar is worth while, but its acquisition is not the supreme purpose of human existence nor is it the correct measure of character, individual success, or national progress. In the language of John Ruskin: "No nation can last—above all, a nation can not exist as a money-making mob; it can not with impunity, it can not with existence, go on despising art, despising nature, despising compassion, and concentrating its soul on pence" or dollars. This quotation is from Sesame and Lilies. How forceful and apropos. I am wondering if we will ever appreciate its truth or heed its admonition. Are we not very rapidly approaching the point where we as a people are concentrating our souls on the dollar? Are we not rapidly becoming a money-making mob, despising the nobler and finer things of life? May I venture the suggestion that a people, prosperous and wealthy beyond the dreams of avarice, may be spiritually bankrupt?

As a loyal American and lover of my country I protest against the President's servile submission and surrender to the dictation of the predatory financial, commercial, and industrial overlords, the ultimate effect of which will be to transform the American dollar into a national god. The traditional principles that gave life and virility to our free institutions are being forgotten in our mad race for swollen fortunes and in our worship of wealth and power. The present administration is essentially sordid, in that, seemingly, its supreme purpose is to exalt the dollar above principle, extend the doctrine of class legislation to extreme limits, enrich the favored few at the expense of the many, and give the oligarchy of privilege a strangle hold on our institutions, that can only be broken by a revolution.

When the record of the Coolidge administration is written in after years by impartial historians it will be accorded the unenviable distinction of having pandered more supinely than any other administration to the selfish, sordid, and predatory interests of the Nation.

In this age of great measures and little men; in these times of "little brown handbags" and "little green houses"; when seats in the United States Senate are practically sold at public auction, the American electorate scandalously debauched, and great blocs of voters shamelessly corrupted; when cynical and selfish groups select and control State executives and State legislatures; when predatory interests arrogantly dictate to Congress and the executive department; when Cabinet officers betray their trusts and,

"Crook the pregnant hinges of the knee,
Where thrift may follow fawning";

in this orgy of extravagance and graft, when the baneful and sinister shadow of corruption falls athwart the swivel chairs of venal Cabinet officers and obsequious bureau chiefs; in this saturnalia of governmental favoritism and economic inequality; in this reign of mammon, when the departments of government have become the clearing house of big business and special privilege; when the industrial lords and malefactors of great wealth stable their special-privilege ponies in the corridors of the Nation's Capitol; and when our time-honored national ideals have been cast into discard, the American people should awaken from their lethargy, return to the principles and policies of Jefferson, dethrone the arrogant oligarchy of privilege, and reassert the rights of all men and all vocational groups to equal consideration, equal protection, and equal favors under the law.

At the Battle of Ivry, Henry of Navarre inspired his followers with dauntless courage and unsurpassed heroism that earned a glorious victory by calling on them to follow his white plume in the thick of battle. The future of the Democratic Party is full of hope if we steadfastly rededicate ourselves to its righteous policies and unfalteringly follow its banner on which are emblazoned the wholesome principles enunciated by Thomas Jefferson, the founder of our party and the father of constitutional liberty in America.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, on to-morrow Calendar Wednesday business will be in order, with the Committee on the Judiciary on call. The next appropriation bill will not be ready to go on with on Thursday. I, therefore, ask unanimous consent that it may be in order on Thursday next to consider the Consent Calendar, without suspensions, and bills on the Private Calendar not objected to.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it shall be in order on next Thursday to consider bills on the Consent Calendar, but not suspensions, and bills on the Private Calendar not objected to. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman from Connecticut if it is contemplated that next Monday will be devoted to the regular business of the House, or will that also be a Consent Calendar day?

Mr. TILSON. It will not be Consent Calendar day. I call the gentleman's attention to the fact that it will be the fifth Monday, and therefore will not be a consent day. This is one of the reasons why I have asked that the Consent Calendar may be considered on Thursday of this week.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 25, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 25, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

District of Columbia appropriation bill.

Agriculture Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

A meeting to hear a delegation from the State of Ohio discuss prospective legislation to help with the eradication of the corn borer.

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To discontinue certain reports now required by law to be made annually to Congress (H. R. 8534).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To adopt an official flag code of the United States (H. J. Res. 11).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To regulate the use of the Capitol Building and Grounds (H. R. 391).

To authorize the presentation of the iron gates in West Executive Avenue, between the grounds of the State, War, and Navy Building and the White House, to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park (H. R. 359).

COMMITTEE ON ELECTIONS NO. 2

(10 a. m.)

Concerning the election of JAMES M. BECK as a Representative from Pennsylvania (H. Res. 9).

COMMITTEE ON FLOOD CONTROL

(10 a. m. and 2 p. m.—caucus room)

A meeting to hear Maj. Gen. Edgar Jadwin, Chief of the Army Engineers, discuss proposals to control the flood waters of the Mississippi River.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to discuss the naval building program.

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 383, 358, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

312. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Dorchester Bay and Neponset River, Mass., with a view to securing a channel 30 feet in depth and of suitable width to Squantum (H. Doc. No. 147); to the Committee on Rivers and Harbors, and ordered to be printed, with illustration.

313. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Little Neck Bay, N. Y., with a view to development of said bay for commercial purposes; to the Committee on Rivers and Harbors.

314. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Duluth-Superior Harbor, Minn. and Wis., with a view to extending the deep-water channel up the St. Louis River to Fond du Lac, Minn.; to the Committee on Rivers and Harbors.

315. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Hempstead Harbor, N. Y.; to the Committee on Rivers and Harbors.

316. A letter from the Secretary of Agriculture, transmitting report for the fiscal year ended June 30, 1927, concerning the appropriation for the construction of rural post roads in cooperation with the States, the Federal administration of this work, and the survey, construction, and maintenance of roads and trails within or only partly within the national forest; to the Committee on Roads.

317. A letter from the Secretary of the Interior, transmitting report showing an accumulation of documents and files of papers which are not needed or useful in the transaction of the current business and should be disposed of; to the Committee on Disposition of Useless Executive Papers.

318. A communication from the President of the United States, transmitting proposed amendment to the estimate contained in the Budget for the fiscal year 1929 for the National Advisory Committee for Aeronautics (H. Doc. No. 148); to the Committee on Appropriations and ordered to be printed.

319. A letter from the Secretary of War, transmitting report dated January 21, 1928, from the Chief of Engineers, United States Army, on preliminary examination of San Francisco Harbor, Calif.; the south entrance channel with a view to removing obstructions, authorized by the river and harbor act approved January 21, 1927, together with accompanying papers; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MACGREGOR: Committee on Accounts. H. Res. 70. A resolution authorizing payment of six months' salary and funeral expenses to Anna Kenyon, on account of the death of Harold Kenyon, late Capitol policeman (Rept. No. 357). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 71. A resolution authorizing payment of six months' salary and funeral expenses to executor of estate of William H. Estey, late disbursing clerk of the House of Representatives (Rept. No. 358). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 45. A resolution to pay Regina Reidesel, widow of Frederick C. Reidesel, late clerk to the Committee on the Post Office and Post Roads, a sum equal to six months' salary and $250 for funeral expenses (Rept. No. 359). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 25. A resolution to pay, out of the contingent fund of the House, an amount equal to six months' compensation of the late Emanuel M. Lichty, and $250 to defray the funeral expenses of said Emanuel M. Lichty (Rept. No. 360). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 79. A resolution to provide for a temporary assistant majority floor manager of telephones (Rept. No. 361). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 51. A resolution providing compensation for extra clerical labor performed in computing and distributing mileage for the first session of the Seventieth Congress (Rept. No. 362). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 32. A resolution authorizing payment of one year's salary and funeral expenses to Annie L. Grayson, on account of the death of Joel Grayson, late employee of the document room, House of Representatives (Rept. No. 363). Ordered printed.

Mr. LINTHICUM: Committee on Foreign Affairs. H. J. Res. 107. A joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof; without amendment (Rept. No. 364). Referred to the Committee of the Whole House on the state of the Union.

Mr. LINTHICUM: Committee on Foreign Affairs. H. J. Res. 108. A joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro; without amendment (Rept. No. 365). Referred to the Committee of the Whole House on the state of the Union.

Mr. MONTAGUE: Committee on the Judiciary. H. R. 5623. A bill to amend the Judicial Code by adding a new section, to be numbered 274D; with amendment (Rept. No. 366). Referred to the House Calendar.

Mr. TILLMAN: Committee on the Judiciary. H. R. 9142. A bill to amend section 71 of the Judicial Code, as amended, by changing time of holding court at El Dorado and Harrison, Ark.; without amendment (Rept. No. 367). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. H. R. 9785. A bill to amend section 1025 of the Revised Statutes of the United States; with amendment (Rept. No. 368). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. S. 1798. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; without amendment (Rept. No. 369). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. S. 1801. An act in reference to writs of error; without amendment (Rept. No. 370). Referred to the House Calendar.

Mr. MORROW: Committee on Indian Affairs. H. R. 70. A bill authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes; with amendment (Rept. No. 380). Referred to the Committee of the Whole House on the state of the Union.

Mr. TILLMAN: Committee on the Judiciary. H. R. 5709. A bill granting a pension to the regularly commissioned United States deputy marshals of the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma, and to their widows and dependent children; without amendment (Rept. No. 381). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Illinois: Committee on the Post Office and Post Roads. H. R. 325. A bill repealing existing law requiring the Postmaster General to report action taken on claims of postmasters; without amendment (Rept. No. 382). Referred to the House Calendar.

Mr. SPROUL of Illinois: Committee on the Post Office and Post Roads. H. R. 7030. A bill to amend section 5 of the act of March 2, 1895; without amendment (Rept. No. 383). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. UNDERHILL: Committee on Claims. H. R. 2137. A bill for the relief of Ed. Snyder, William Paddock, Ed. Strike, and A. S. Heydeck; with amendment (Rept. No. 371). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 3194. A bill for the relief of Mary Neaf; with amendment (Rept. No. 372). Referred to the Committee of the Whole House.

Mr. BECK of Wisconsin: Committee on Claims. H. R. 4993. A bill for the relief of William Thurman Enoch; with amendment (Rept. No. 373). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. H. R. 4115. A bill for the relief of Winfield Scott; without amendment (Rept. No. 374). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. H. R. 4116. A bill for the relief of W. Laurence Hazard; without amendment (Rept. No. 375). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. H. R. 4117. A bill for the relief of Harriet K. Carey; without amendment (Rept. No. 376). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. H. R. 4125. A bill for the relief of Holger M. Trandum; with amendment (Rept. No. 377). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on Naval Affairs. H. R. 6440 A bill for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force; without amendment (Rept No. 378). Referred to the Committee of the Whole House.

Mr. JAMES: Committee on Military Affairs. H. R. 8443. A bill for the relief of Joseph W. Jones; without amendment (Rept. No. 379). Referred to the Committee of the Whole House.

Mr. BERGER: Committee on the Public Lands. H. R. 1997. A bill for the relief of Clifford J. Turner; without amendment (Rept. No. 384). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3976) granting an increase of pension to Sarah A. Hillbert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7239) granting a pension to Carwin W. Holibaugh; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9245) granting a pension to Mary A. Moore; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9816) for the relief of Alessandro Zauri; Committee on Claims discharged, and referred to the Committee on World War Veterans' Legislation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LETTS: A bill (H. R. 9945) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and amendment thereto approved February 5, 1903; to the Committee on the Judiciary.

By Mr. ARNOLD: A bill (H. R. 9946) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. LANKFORD: A bill (H. R. 9947) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. CHALMERS: A bill (H. R. 9948) to provide for ship channels 25 feet deep at low-water datum for Lake Erie, Lake St. Clair, Lake Huron, Lake Superior, and Lake Michigan, and their connecting waters, and the Great Lakes harbors of Buffalo, Cleveland, Toledo, Detroit, Duluth, Milwaukee, and one in the vicinity of Chicago; to the Committee on Rivers and Harbors.

By Mr. BLANTON: A bill (H. R. 9949) to save the consumers of the United States $885,557,006 annually by repealing the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: A bill (H. R. 9950) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS: A bill (H. R. 9951) authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station at or near Lewisburg, Tenn.; to the Committee on Agriculture.

By Mr. FISH: A bill (H. R. 9952) to amend an act entitled "An act to provide revenue to regulate commerce with foreign countries to encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. GREENWOOD: A bill (H. R. 9953) authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. TARVER: A bill (H. R. 9954) to create a national military park at and in the vicinity of Kennesaw Mountain, in the State of Georgia, and for other purposes; to the Committee on Military Affairs.

By Mr. WELCH of California: A bill (H. R. 9955) to amend an act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates, to provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mr. WINTER: A bill (H. R. 9956) to provide for aided and directed settlement on Federal reclamation projects; to the Committee on Irrigation and Reclamation.

By Mr. ZIHLMAN: A bill (H. R. 9957) to define, regulate, and license real estate brokers and real estate salesmen; to create a real estate commission in the District of Columbia, and to provide a penalty for a violation of the provisions thereof; to the Committee on the District of Columbia.

By Mr. LEAVITT: A bill (H. R. 9958) to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. HASTINGS: A bill (H. R. 9959) to amend the tariff act of 1924; to the Committee on Ways and Means.

By Mr. HOGG: A bill (H. R. 9960) granting sick leave to employees in the postal service; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: A bill (H. R. 9961), to equalize the rank of officers in positions of great responsibility in the Army and Navy; to the Committee on Military Affairs.

By Mr. WURZBACH: A bill (H. R. 9962) to improve the status of certain retired enlisted men who volunteered for duty and service as commissioned officers in the Army of the United States during the World War; to the Committee on Military Affairs.

Also, a bill (H. R. 9963) to amend an act entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes," approved March 3, 1927; to the Committee on Pensions.

By Mr. HILL of Alabama: A bill (H. R. 9964) authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. BRAND of Georgia: A bill (H. R. 9965) to erect a tablet or marker to mark the site of the Battle of Kettle Creek, in Wilkes County, Ga., where on February 14, 1779, Elijah Clarke, of Georgia, and Colonel Pickens, of South Carolina, overtook the Tories under Colonel Boyd, killing him and many of his followers, thus ending British dominion in Georgia; to the Committee on the Library.

By Mr. JOHNSON of South Dakota: A bill (H. R. 9966) to provide for the reimbursement of certain patients at the United States veterans' hospital, Sunmount, N. Y., for loss and damage to personal effects; to the Committee on World War Veterans' Legislation.

By Mr. HAMMER: A bill (H. R. 9967) providing for counting and allowing all service rendered as civilian employees of the Quartermaster Department fixing rights under retirement; to the Committee on the Civil Service.

By Mr. SCHAFER: A bill (H. R. 9968) granting increase of pension under the general law to soldiers and sailors of the Regular Army and their dependents, and for other purposes; to the Committee on Pensions.

By Mr. MACGREGOR: Resolution (H. Res. 100) providing for a clerk and janitor to the Committee on Expenditures in the Executive Departments; to the Committee on Accounts.

By Mr. ZIHLMAN: Resolution (H. Res. 101) to assist subcommittee investigating government of the District of Columbia; to the Committee on Accounts.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. WHITTINGTON: Memorial of the Legislature of the State of Mississippi, for the flood control of the Mississippi River; to the Committee on Flood Control.

By Mr. McMILLAN: Memorial of the Legislature of the State of South Carolina, relating to land reclamation in the South; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of South Carolina, protesting against discriminating legislation affecting emergency Army officers; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 9969) granting an increase of pension to Mary J. Connour; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 9970) granting an increase of pension to Mary Beaudette; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 9971) granting a pension to Mildred V. Tune; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 9972) for the relief of Charles Silverman; to the Committee on Claims.

Also, a bill (H. R. 9973) for the relief of Bernard Knopp; to the Committee on Claims.

Also, a bill (H. R. 9974) for the relief of William F. Tait; to the Committee on Naval Affairs.

Also, a bill (H. R. 9975) granting an increase of pension to Frank Miller; to the Committee on Pensions.

By Mr. BUSHONG: A bill (H. R. 9976) granting an increase of pension to Ada E. Dobbins; to the Committee on Invalid Pensions.

By Mr. CHASE: A bill (H. R. 9977) for the relief of Emporium Milling Co.; to the Committee on Claims.

By Mr. EATON: A bill (H. R. 9978) for the relief of William Bickel; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 9979) granting an increase of pension to Hettie A. Hendricks; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 9980) granting a pension to David Evans; to the Committee on Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 9981) granting a pension to Ella Arnold; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 9982) granting an increase of pension to Amanda Hallam Moseby; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 9983) granting an increase of pension to Caroline Andrew; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 9984) to provide for a survey of the Skagit River, Wash., with a view to the prevention and control of its floods; to the Committee on Flood Control.

By Mr. HASTINGS: A bill (H. R. 9985) granting an increase of pension to Nancy Lemons; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 9986) granting a pension to Amanda White; to the Committee on Invalid Pensions.

By Mr. HOPE: A bill (H. R. 9987) granting a pension to Alfred Emmett Noonan; to the Committee on Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 9988) granting an increase of pension to Mary B. Wallace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9989) granting a pension to John W. Hartsook; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 9990) granting an increase of pension to Emily B. Renshaw; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 9991) granting an increase of pension to Kate Searer; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 9992) granting a pension to Mary Dyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9993) granting a pension to Isabelle Hurst; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 9994) to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled; to the Committee on Indian Affairs.

By Mr. McCLINTIC: A bill (H. R. 9995) for the relief of Lucius K. Osterhout; to the Committee on Military Affairs.

By Mr. MAAS: A bill (H. R. 9996) for the relief of Mrs. Lawrence Chlebek; to the Committee on Claims.

By Mr. MENGES: A bill (H. R. 9997) granting an increase of pension to Mary J. Brown; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 9998) granting a pension to George W. Cooper; to the Committee on Pensions.

By Mr. MORROW: A bill (H. R. 9999) authorizing the Secretary of the Treasury to return two Liberty bonds, or the value thereof, to John Stratis; to the Committee on Claims.

By Mr. NELSON of Missouri: A bill (H. R. 10000) granting a pension to Mary A. Blood; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 10001) to carry out the findings of the Court of Claims in the case of Frank T. Foster; to the Committee on War Claims.

By Mr. REED of New York: A bill (H. R. 10002) granting an increase of pension to Alice Nichols; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 10003) granting an increase of pension to Adaline C. Whinery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10004) granting an increase of pension to Elizabeth Ann Becker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10005) granting a pension to Honora Corcoran Flynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10006) granting an increase of pension to Helen M. Freeman; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 10007) granting an increase of pension to Anna M. McKain; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 10008) granting a pension to Mary E. Fulbright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10009) granting an increase of pension to Nancy J. Ferrier; to the Committee on Invalid Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 10010) for the relief of Frank W. Childress; to the Committee on Claims.

By Mr. SEGER: A bill (H. R. 10011) granting an increase of pension to Mary Ryan; to the Committee on Invalid Pensions.

By Mr. SELVIG: A bill (H. R. 10012) granting an increase of pension to Anna M. Bircher; to the Committee on Pensions.

By Mr. SWEET: A bill (H. R. 10013) granting an increase of pension to Ida A. Carroll; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 10014) for the relief of A. F. Gallagher; to the Committee on Claims.

By Mr. WHITE of Colorado: A bill (H. R. 10015) authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade; to the Committee on Naval Affairs.

By Mr. WILSON of Mississippi: A bill (H. R. 10016) granting a pension to Mary A. Chadick; to the Committee on Pensions.

By Mr. WOODRUFF: A bill (H. R. 10017) granting an increase of pension to Margaret Davidson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10018) granting an increase of pension to Hannah E. Hill; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2417. By Mr. ALDRICH: Petition of Irving Thomas and 134 other residents of the second congressional district of Rhode Island, protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2418. By Mr. BARBOUR: Letters and resolutions from Arvin Farm Center, Arvin; Orange Cove Chamber of Commerce, Orange Cove; Exeter Farm Center, Exeter; Modesto Chamber of Commerce, Modesto; and Delano Chamber of Commerce, Delano, all in the State of California, in opposition to placing immigration from Mexico upon a quota basis; to the Committee on Immigration and Naturalization.

2419. Also, petition of residents of the seventh congressional district of California protesting against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

2420. By Mr. CANFIELD: Petition of Hon. William D. Ricketts and 43 other citizens of Rising Sun, Ind.; Graham Bondurant and 7 other citizens of Florence, Ind.; and C. E. Pangburn and 64 other citizens, of Vevay, Ind., urging the passage of the Welch bill, known as House bill 6818, and also House bill 492; to the Committee on the Civil Service.

2421. By Mr. CARSS: Petition of Frank Payne and 26 other residents of Ball Club and Deer River, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2422. Also, petition of R. J. McCutcheon and 22 other residents of Bear River, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2423. Also, petition of John Kern and 90 other residents, of Gilbert, Va., and Forbes, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2424. Also, petition of Mrs. David Anderson and 57 other residents of Blackberry, Jellison, Cohasset, Coleraine, Bovey, and Warba, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2425. By Mr. CARTER: Petition of California Antivivisection Society protesting against the cruelty to animals in the Government laboratories as a violation of the cardinal principles of mercy and justice; to the Committee on the Judiciary.

2426. By Mr. COOPER of Wisconsin: Petition of citizens of Lake Geneva, Wis., urging the passage of a pension bill to give relief to needy and suffering veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2427. By Mr. ESTEP: Petition of Local Union No. 95, of the I. W. of S. and O. E. (Elmer C. Leitholf, secretary), urging passage of the Dale-Lehlbach bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

2428. By Mr. EVANS of California: Petition of Leroy D. Myers and 2,548 others against compulsory Sunday observance; to the Committee on the District of Columbia.

2429. Also, petition of Raue F. Deford and approximately 140 others against compulsory Sunday observance; to the Committee on the District of Columbia.

2430. Also, petition of Jack Foote and approximately 141 others against compulsory Sunday observance; to the Committee on the District of Columbia.

2431. Also, petition of R. B. Whitacre, jr., and approximately 1,550 others against compulsory Sunday observance; to the Committee on the District of Columbia.

2432. Also, petition of Maud Conrad and about 900 others against compulsory Sunday observance; to the Committee on the District of Columbia.

2433. By Mr. FRENCH: Petition of 526 citizens of Idaho protesting against enactment of House bill 78, or other Sunday compulsory legislation; to the Committee on the District of Columbia.

2434. By Mr. GARBER: Letters of Chamber of Commerce of Chandler, Okla., by J. H. Hurst, secretary, and from O. C. Armstrong, mayor, of Chandler, Okla., in support of Senate bill 1667, to be enacted without any amendments; to the Committee on Interstate and Foreign Commerce.

2435. Also, resolution of the Tribal Business Committee of the Kiowa, Comanche, and Apache Tribes of Indians of the Kiowa Indian Reservation, Anadarko, Okla., in protest to House bills 6075 and 7031; to the Committee on Indian Affairs.

2436. Also, letter from clerks and carriers of Stillwater, Okla., post office urging favorable consideration for pending legislation favorable to postal employees; to the Committee on the Post Office and Post Roads.

2437. Also, letter from the Cherokee Mills, of Cherokee, Okla., by Nix Anderson, manager, asking for the elimination from the revenue act of 1928 of the paragraph which would give the commissioner the right to assess taxes for the years 1917, 1918, and 1919, under warrant of distraint of court proceedings, even though the statute of limitations has run; to the Committee on Ways and Means.

2438. By Mr. GARDNER of Indiana: Petition of Mrs. Matilda Hauswald and 80 other residents of New Albany, Floyd County, Ind., urging the passage of legislation providing increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2439. By Mr. HADLEY: Petition of residents of Port Angeles, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2440. Also, petition of a number of residents of Mount Vernon, Wash., and vicinity protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2441. By Mr. HAUGEN: Petition of 57 residents of Oelwein and Sumner, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2442. Also, petition of 56 residents of Osage, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2443. By Mr. JOHNSON of South Dakota: Petition of citizens of Aberdeen, Florence, Frankfort, Northville, and Stratford, S. Dak., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2444. By Mr. KNUTSON: Petition presented by Mr. Ole Rushold and others protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2445. Also, petition of Mrs. F. Gustafson and others protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2446. By Mr. LETTS: Petition of Mrs. Robert Owen and 53 other citizens of Muscatine County, Iowa, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2447. By Mr. LINDSAY: Petition of the National Guard Association of the State of New York petitioning that adequate armory facilities be provided for the District of Columbia National Guard; to the Committee on the District of Columbia.

2448. By Mr. McFADDEN: Petition of residents of New Milford, Pa., to bring to a vote the Civil War pension bills, granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

2449. By Mr. MAJOR of Missouri: Petition of citizens of Springfield, Mo., urging the passage of legislation providing increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2450. Also, petition of citizens of Ash Grove and Everton, Mo., protesting against the passage of House bill 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2451. By Mr. MERRITT: Petition of sundry citizens of Bridgeport, Conn., protesting against the passage of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2452. By Mr. NEWTON: Petition of Mr. Victor R. Carleen and residents of Minneapolis and St. Paul in favor of providing for a reclassification of watchmen, messengers, and laborers in the Postal and Railway Mail Service of the United States in three grades with increase in salary; to the Committee on the Post Office and Post Roads.

2453. Also, petition of Mrs. Evalyn D. Smith, of Minneapolis, and others against compulsory Sunday observance; to the Committee on the District of Columbia.

2454. Also, petition of Rev. W. A. Schebo, of Minneapolis, and others against compulsory Sunday observance; to the Committee on the District of Columbia.

2455. Also, petition of Franklin Jepson, Minneapolis, and others against compulsory Sunday observance; to the Committee on the District of Columbia.

2456. By Mr. O'BRIEN: Petitions from citizens of Doddridge County, W. Va., urging Congress to increase pensions of the World War veterans; to the Committee on World War Veterans' Legislation.

2457. Also, petitions from citizens of Webster County, W. Va., urging Congress to increase the pensions of the World War veterans; to the Committee on World War Veterans' Legislation.

2458. Also, petitions from citizens of Harrison County, W. Va., urging Congress to increase pensions of the World War veterans; to the Committee on World War Veterans' Legislation.

2459. By Mr. ROMJUE: Petition of R. L. Eason, W. S. Bennett, et al., of Lancaster, Mo., against passage of House bill 78; to the Committee on the District of Columbia.

2460. Also, petition of P. E. Brown, D. E. Myers, et al., of Scotland County, Mo., against passage of House bill 78; to the Committee on the District of Columbia.

2461. By Mr. SEGER: Petition of William M. Jaffe, secretary, and members of the Passaic County Drug Club, of New Jersey, favoring House bill 11, designed to protect trade-mark owners, distributors, and the public against injurious practices; to the Committee on Interstate and Foreign Commerce.

2462. By Mr. SHREVE: Petition of Frank Freeman and numerous other citizens of Erie, Pa., against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

2463. Also, petition of James A. Platt and other residents of Spartansburg, Pa., for the immediate passage of legislation increasing the pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

2464. By Mr. SPEAKS: Petition signed by Mrs. Wellington G. Nicola, and some five other residents of Franklin County, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

2465. By Mr. SUMMERS of Washington: Petition signed by R. E. Bryant, of Goldendale, Wash., and 1,108 others, of the State of Washington, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2466. Also, petition signed by Frank J. Sexton and 145 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2467. Also, petition signed by H. A. Gillespie and 149 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2468. Also, petition signed by Mrs. Joe Stasney, sr., and 148 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2469. Also, petition signed by O. E. Baltzell and 150 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2470. By Mr. TAYLOR of Colorado: Petition from citizens of Cedaredge, Colo., protesting against the passage of any legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

2471. By Mr. TIMBERLAKE: Petition opposing the enactment of any legislation seeking to impose further restrictions on farm-labor immigration from Mexico; to the Committee on Immigration and Naturalization.

2472. Also, petition of Johnstown Commercial Club, Johnstown, Colo., opposing any change in our immigration laws that would restrict Mexican labor from coming in for agricultural purposes; to the Committee on Immigration and Naturalization.

2473. Mr. WILLIAMS of Missouri: Petition of John F. Roeser et al. urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

2474. Also, petition of E. Janell et al. urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

2475. By Mr. WILSON of Mississippi: Petition of Mrs. Clara Alexander and others, of Hattiesburg, Miss., for increased pensions for Civil War pensioners; to the Committee on Invalid Pensions.

2476. Also, petition of R. B. Phillips and others, of Hattiesburg, Miss., against House bill 78; to the Committee on the District of Columbia.

2477. By Mr. WILLIAMSON: Petition of numerous citizens of Custer County, S. Dak., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2478. By Mr. WINTER: Petition signed by the voters of Lander, Wyo., urging immediate action on the Civil War pension bill; to the Committee on Invalid Pensions.

2479. Also, resolution adopted by Basin Lions Club, of Basin, Wyo., on January 10, requesting adequate appropriation for reforestation of 2,000,000 acres of denuded lands within the national forests of the United States; to the Committee on Agriculture.

SENATE

WEDNESDAY, *January 25, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, our Heavenly Father, whose gift is length of days, help us to make the noblest use of all our powers in our advancing years. According to our strength apportion Thou our work. Grant to the nations of the world new ties of friendship made ever more secure by the quickening impulse of Thy love stirring in the hearts of men. Remember all who by reason of weakness are overtasked, or because of poverty are forgotten, and let the sorrowful sighing of the suffering come before Thee, for the sake of Him who loved us and gave Himself for us, Thy Son our Saviour, Jesus Christ. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 9022) to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va., and it was thereupon signed by the Vice President.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, the report of the company for the calendar year 1927, which was referred to the Committee on the District of Columbia.

FEDERAL AID FOR NATIONAL FOREST ROADS AND TRAILS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report for the fiscal year ended June 30, 1927, concerning appropriations for the construction of rural post roads in cooperation with the States, the Federal administration of the work, and the survey, construction, and maintenance of roads and trails within or only partly within the national forests, which, with accompanying papers, was referred to the Committee on Post Offices and Post Roads.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Sheppard
Barkley	Fess	McLean	Shipstead
Bayard	Fletcher	McMaster	Shortridge
Bingham	Frazier	McNary	Simmons
Black	George	Mayfield	Smith
Blaine	Gillett	Metcalf	Smoot
Blease	Glass	Moses	Steck
Borah	Gooding	Neely	Steiwer
Bratton	Gould	Norbeck	Stephens
Brookhart	Greene	Norris	Swanson
Broussard	Hale	Nye	Thomas
Bruce	Harris	Oddie	Trammell
Capper	Harrison	Overman	Tydings
Caraway	Hawes	Phipps	Tyson
Copeland	Hayden	Pine	Wagner
Couzens	Heflin	Pittman	Walsh, Mass.
Curtis	Howell	Ransdell	Walsh, Mont.
Cutting	Johnson	Reed, Mo.	Warren
Dale	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ark.	Watson
Dill	Keyes	Robinson, Ind.	Wheeler
Edge	King	Sackett	Willis
Edwards	La Follette	Schall	

The VICE PRESIDENT. Ninety-one Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. LA FOLLETTE presented a petition of sundry citizens of the State of Wisconsin, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of Cleveland, Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. DENEEN presented petitions of sundry citizens of Chicago, Ill., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. NORBECK presented a resolution adopted at a meeting of the board of county commissioners of Corson County, S. Dak., which, at his request, was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

The following resolution was passed at the December meeting of the county commissioners of Corson County, S. Dak.:

"*Be it resolved by the board of county commissioners of the county of Corson, State of South Dakota,* That whereas certain bills have been introduced in the Congress of the United States, said bills attempting to shift the burden of administration of the affairs of the Indians of the several States to State control: Now therefore be it

"*Resolved by the board of county commissioners of Corson County, S. Dak.,* That we consider this proposed move inimical to the best interests of the Indians, the county, and the State; and we believe that the best interests of the Indians demand the continued supervision of the Federal authorities; that we further believe that the Indian is not yet prepared to cope with the white man without further protection and preparation by the Federal Government; and that this duty is owed to the Indian by the Federal Government and not by the several States; and be it further

"*Resolved,* That copies of this resolution be sent to Governor Bulow; to the Commissioner of Indian Affairs at Washington, D. C.; to the Secretary of the Department of the Interior at Washington, D. C.; to the Hon. LYNN J. FRAZIER, chairman of the Senate Indian Committee at Washington, D. C.; to the Hon. SCOTT LEAVITT, chairman of the House of Representatives Committee on Indian Affairs, at Washington, D. C.; to the Hon. PETER NORBECK at Washington, D. C.; and to Hon. WILLIAM WILLIAMSON, Washington, D. C., with the request that the

control, expense, and administration of Indian affairs remain in the hands of the Federal Government; and we further request that a more liberal provision be made for the education, health, and industrial programs now being followed among the Indians by the Federal Government."

W. B. HOWE, Jr.,
Chairman Board of County Commissioners,
Corson County, S. Dak.

Attest:

J. N. HOGARTH,
County Auditor.

REPORTS OF COMMITTEES

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1692) granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes, reported it without amendment and submitted a report (No. 116) thereon.

Mr. ODDIE, from the Committee on Mines and Mining, to which was referred the bill (S. 1347) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, reported it without amendment.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 2310) supplementary to and amendatory of the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia, reported it without amendment.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 2720) for the relief of David McD. Shearer, reported it without amendment and submitted a report (No. 117) thereon.

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2765) for the relief of the estate of Benjamin Braznell (Rept. No. 118); and

A bill (S. 2780) for the relief of owners of cargo aboard the steamship *Boxley* (Rept. No. 119).

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 2737) for the relief of Morgan Miller, reported it without amendment and submitted a report (No. 120) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (S. 760) granting the consent of Congress to the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, reported it with an amendment and submitted a report (No. 121) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 768) to authorize the Alabama Great Southern Railroad Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama (Rept. No. 122);

A bill (S. 820) granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, Charles A. Egley, and George C. Eberlin, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River (Rept. No. 123);

A bill (S. 821) granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River (Rept. No. 124);

A bill (S. 1501) granting the consent of Congress to the State of Montana, or Valley County, in the State of Montana, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont. (Rept. No. 125);

A bill (S. 1917) to legalize a bridge across Hillsboro Bay at Twenty-second Street, Tampa, Fla. (Rept. No. 137); and

A bill (S. 1761) granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal (Rept. No. 126).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1558) granting the consent of Congress to the Chicago & North Western Railway Co. to construct, maintain, and operate a railroad bridge across the Rock River (Rept. No. 127);

A bill (S. 1742) granting the consent of Congress to the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River (Rept. No. 128);

A bill (H. R. 193) to extend the times for the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn. (Rept. No. 129);

A bill (H. R. 280) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Red River at or near Coushatta, La. (Rept. No. 130);

A bill (H. R. 444) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Wolf Point, Mont. (Rept. No. 131);

A bill (H. R. 5547) granting the consent of Congress to the city of St. Joseph, in the State of Missouri, or its assigns, to construct a bridge and approaches thereto across the Missouri River between the States of Missouri and Kansas (Rept. No. 132);

A bill (H. R. 5582) to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near the point where South Santa Fe Street, in the city of El Paso, crosses the Rio Grande, in the county of El Paso, State of Texas (Rept. No. 133);

A bill (H. R. 5628) to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River (Rept. No. 134);

A bill (H. R. 5642) to extend the time for the construction of a bridge across Red River at Fulton, Ark. (Rept. No. 135); and

A bill (H. R. 6479) to extend the times for commencing and completing the construction of a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa. (Rept. No. 136).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHIPPS:

A bill (S. 2805) for the relief of Charlie Rupert Steen (with an accompanying paper); to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 2806) to provide for the regulation of the use of certain sugars; to the Committee on Agriculture and Forestry.

By Mr. WALSH of Montana:

A bill (S. 2807) granting a pension to John P. Cleveland; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 2808) granting a pension to Marcellus W. Mace; to the Committee on Pensions.

By Mr. DALE:

A bill (S. 2809) granting a pension to Calista E. Clary (with accompanying papers); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 2810) granting an increase of pension to Kate E. Putnam; to the Committee on Pensions.

A bill (S. 2811) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River in Cook County, State of Illinois;

A bill (S. 2812) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River in Cook County, State of Illinois; and

A bill (S. 2813) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River in Cook County, State of Illinois; to the Committee on Commerce.

By Mr. FRAZIER:

A bill (S. 2814) granting an increase of pension to Sarah C. Crandall (with accompanying papers); to the Committee on Pensions.

(By request.) A bill (S. 2815) to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled; to the Committee on Indian Affairs.

By Mr. SHIPSTEAD:

A bill (S. 2816) granting a pension to Humphrey J. Roberts (with accompanying papers);

A bill (S. 2817) granting a pension to Joseph Gilley (with accompanying papers); and

A bill (S. 2818) granting a pension to James D. Price (with accompanying papers); to the Committee on Pensions.

By Mr. EDWARDS:

A bill (S. 2819) granting an increase of pension to Kate E. Harris (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:
A bill (S. 2820) authorizing the Secretary of War to donate certain field guns to the city of Dallas, Tex.; to the Committee on Military Affairs.
By Mr. McNARY:
A bill (S. 2821) for the relief of Capt. Will H. Gordon; to the Committee on Claims.
By Mr. McMASTER:
A bill (S. 2822) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."; to the Committee on Public Lands and Surveys.
By Mr. METCALF:
A bill (S. 2823) amending the Statutes of the United States with respect to reissue of defective patents; to the Committee on Patents.
By Mr. DILL:
A bill (S. 2824) exempting David Sinclair from the provisions of sections 203 and 205 of the World War veterans' act, 1924, as amended; to the Committee on Finance.
By Mr. MAYFIELD:
A bill (S. 2825) to amend the World War adjusted compensation act; to the Committee on Finance.
By Mr. BROOKHART:
A bill (S. 2826) to prevent monopoly in the production, transportation, and sale of anthracite coal in the United States by providing for the acquisition by the Government of a quantity of lands containing coal, leasing the same for mining coal, and the construction or acquisition of railroad facilities for the transportation and delivery of the same, in order to prevent discrimination in transportation service or rates against such lessees; to the Committee on Interstate Commerce.
By Mr. NORBECK:
A bill (S. 2827) granting the consent of Congress to the States of South Dakota and Nebraska, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; to the Committee on Commerce.
A bill (S. 2828) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."; to the Committee on Public Lands and Surveys.
By Mr. KENDRICK:
A bill (S. 2829) to provide for aided and directed settlement on Federal reclamation projects; to the Committee on Irrigation and Reclamation.
By Mr. CUTTING:
A bill (S. 2830) authorizing the adjustment of the boundaries of the Carson, Manzano, and Santa Fe National Forests in the State of New Mexico, and for other purposes; to the Committee on Agriculture and Forestry.
By Mr. PINE:
A bill (S. 2831) to refer the claims of the Loyal Creek Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States; to the Committee on Indian Affairs.
A bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area; to the Committee on Agriculture and Forestry.
A bill (S. 2833) granting an increase of pension to Mary J. Jones;
A bill (S. 2834) granting an increase of pension to Amanda A. Mount Anderson; and
A bill (S. 2835) granting an increase of pension to Mary B. Lake; to the Committee on Pensions.
By Mr. ROBINSON of Indiana:
A bill (S. 2836) granting a pension to Susie Letcher (with accompanying papers); to the Committee on Pensions.
By Mr. SACKETT:
A bill (S. 2837) granting a pension to Bascom Prater (with accompanying papers);
A bill (S. 2838) granting an increase of pension to Theresa Steffin (with accompanying papers);
A bill (S. 2839) granting an increase of pension to Nancy Coomer (with accompanying papers); and
A bill (S. 2840) granting a pension to Addie Stilts (with accompanying papers); to the Committee on Pensions.
By Mr. TYDINGS:
A bill (S. 2841) granting a pension to George W. King; to the Committee on Pensions.
By Mr. REED of Missouri:
A bill (S. 2842) granting an increase of pension to Francis W. Mudd; to the Committee on Pensions.
By Mr. SCHALL:
A bill (S. 2843) placing certain employees of the Bureau of Internal Revenue and Department of Justice in the classified civil service, and for other purposes; to the Committee on Civil Service.

SIGN POSTING ON HIGHWAYS

Mr. JONES submitted an amendment intended to be proposed by him to the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. THOMAS submitted an amendment proposing to appropriate $10,000 for the purchase of additional land for the Sequoyah Orphan Training School near Tahlequah, Okla., intended to be proposed by him to House bill 9136, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.
Mr. BRATTON and Mr. CUTTING submitted an amendment proposing to appropriate $1,593,311 for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the Middle Rio Grande conservancy district, New Mexico, and in accordance with a contract which the Secretary of the Interior is authorized to enter into with said district, etc., intended to be proposed by them to House bill 9136, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.
Mr. PINE submitted an amendment intended to be proposed by him to House bill 9136, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 55, line 2, strike out the figures "$1,390,000" and insert in lieu thereof the figures "$1,440,000."
On page 57, line 5, after the figures "$20,000," insert "Claremore Hospital, Okla., $50,000, on condition that not less than 5 acres of land shall be donated to the United States by the city of Claremore for hospital purposes."
On page 57, line 6, strike out the figures "$105,000" and insert in lieu thereof the figures "$155,000."

PAINTING OF BATTLE OF FORT MOULTRIE

Mr. BLEASE. Mr. President, I submit a resolution, for which I ask immediate consideration.
The VICE PRESIDENT. The resolution will be read.
The Chief Clerk read the resolution (S. Res. 119), as follows:

Whereas there is hanging in the south corridor of the gallery floor of the United States Senate in the Capitol at Washington, D. C., a painting of the Battle of Fort Moultrie, which was painted in 1815 by John Blake White; and
Whereas from the position that it now occupies on the wall it is shown to great disadvantage on account of the reflection of the light as it is cast upon it from its place and position, making it almost impossible to obtain a clear view of it: Now therefore be it
Resolved, That the authorities in charge of the placing and location of paintings around the Capitol and within the Senate gallery be instructed to remove the said painting of the Battle of Fort Moultrie from its present location, and to put it in such position that it can be clearly seen and will be distinguishable.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?
Mr. CURTIS. Mr. President, I ask that it may go over that I may have a talk with the Supervising Architect of the Capitol on the subject.
The VICE PRESIDENT. The resolution will go over under the rule.

RELATIONS WITH CENTRAL AND SOUTH AMERICAN COUNTRIES

Mr. LA FOLLETTE submitted the following resolution (S. Res. 120), which was referred to the Committee on Foreign Relations:

Resolved, That the Senate Committee on Foreign Relations is hereby authorized and directed to make a thorough investigation of the relations between the United States and the countries of Central and South America and the Caribbean.
That at the conclusion of the investigation the committee report its findings of fact to the Senate, together with recommendations of a

constructive policy to be adopted by the United States in its relations with the countries aforesaid.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpœnas or otherwise; to require the production of books, papers, and documents; and to employ experts, and other assistants, and stenographers, at a cost of not exceeding $1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation, which shall not exceed $25,000, shall be paid from the contingent fund of the Senate on vouchers of the committee signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The committee is authorized to sit during the sessions or the recesses of the Senate and until otherwise ordered by the Senate.

HOUSE BILL REFERRED

The bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

FOREIGN POLICY

Mr. WILLIS. Mr. President, there is much discussion in the press at this time touching the foreign policy of the United States. My attention has been drawn to an editorial in yesterday's Washington Post entitled "Not committed to war." I believe it gives a fair statement of our policy and I ask that it may be printed in the RECORD, under the rule.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

NOT COMMITTED TO WAR

Foreign Minister Briand's reply to Secretary Kellogg brings out the fact that the nations belonging to the League of Nations are bound to the principle of war as an instrument of policy. The American note, proposing that the principal nations agree to renounce all war, was calculated to bring out this admission and thus expose the hypocrisy of the plea that foreign powers are anxious to "outlaw" war, while the United States stands in their way.

The truth is that the United States is the only one of the great powers that is not committed to the principle of war as an instrument of national policy. All others have bound themselves to go to war in certain contingencies. Some of them have made military alliances in addition to the general commitment embodied in the covenant of the League of Nations.

Since the abrogation of the alliance with France, made before the adoption of the Constitution, the United States has never contracted an alliance with any nation or group of nations. By good fortune in 1919 it avoided making the general alliance for war purposes which is the pith and marrow of the League of Nations.

Theorists at Habana are now trying to develop a league or a system of alliances in this hemisphere to replace the Monroe doctrine. They stand no better chance of success than those who attempted to involve the United States in the League of Nations.

The United States is ready to extend the arbitration treaty with France. It will agree to arbitrate with any nation. Its policy is to arbitrate international differences that are susceptible of arbitration. It has always refused to arbitrate questions of independence, honor, or vital interest. It will not arbitrate the question of its right to exclude aliens, nor will it enter into any international agreement that might bring about a decision by the "World Court" or some other foreign tribunal, declaring that the United States is bound to arbitrate the immigration question.

In their haste some American negotiators have attempted to secure arbitration treaties that would compel the United States to submit vital questions to a foreign tribunal. The Senate has always refused to approve such treaties, and has wisely insisted that arbitration agreements on specific questions should be cast in the form of treaties to be submitted to its consideration.

M. Briand's note brings to a melancholy end his effort to draw the United States into a special agreement under which this country could not protect its rights as a neutral in case France should become involved in war and commit aggressions against American commerce. Such aggressions on the part of France were the cause of the rupture of the old treaty of alliance. The United States, under George Washington, marked out its course as a neutral and it will remain neutral while foreign powers are fighting unless they commit outrages upon it. In that case it will go to war, and it will not enter into any agreement not to go to war. In order to protect its neutral rights it must have a strong Navy. The Navy is to be strengthened accordingly. No horrified shrieks from pacifists, proclaiming that the United States has gone "war mad" when it strengthens its defenses, will deter Congress or the people from making the defenses strong.

Seeking peace, respecting others' rights, avoiding entanglements, and strong enough to maintain its rights, the United States is not dangerous to any nation that really desires peace.

FEDERAL TRADE COMMISSION'S REPORT ON PRICE OF GASOLINE

Mr. McMASTER. Mr. President, the Federal Trade Commission recently submitted to the Senate a report on the prices of gasoline. That report covers an investigation of a year and a half. I ask unanimous consent that the report may be printed as a public document, and that all the schedules, and all the tables, and all the data in connection therewith be printed in full.

Mr. BINGHAM. Under Rule XXIX, all reports of that kind should first be referred to the Committee on Printing, whose duty it is to secure an estimate from the Public Printer as to the cost of the printing. I hope the Senator from South Dakota will change his request to conform to the rule. That is what has been done with the recent reports of the Federal Trade Commission and other commissions. The Committee on Printing is going to have a meeting in the very near future, so there will be no delay in the matter at all.

Mr. SMOOT. Mr. President, I will say to the Senator from South Dakota that the law requires before any action is taken that an estimate of the cost shall be obtained. I have no objection to the printing of the report, as the Senator desires, but I think the Senator from Connecticut is correct and that the report should first go to the Committee on Printing.

Mr. BINGHAM. Where is the report now, I will ask the Senator from South Dakota?

Mr. McMASTER. I understand it is before the Committee on Manufactures.

Mr. President, I ask unanimous consent that the Committee on Manufactures may be discharged from the further consideration of the report of the Federal Trade Commission on the subject of gasoline prices, and that it be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, it is so ordered.

DULUTH SHIP CANAL BRIDGE AT DULUTH, MINN.

Mr. SHIPSTEAD. I ask unanimous consent for the present consideration of the bill (S. 1761) granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 1, line 6, after the word "at," to insert "or near"; on page 2, line 1, after the numerals "1902" to insert "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters, approved March 23, 1906,'" and in line 11, after the word "prescribe," to strike out the comma and the following words: "and in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Duluth, Minn., to construct, maintain, and operate a bridge and approaches thereto across the Duluth Ship Canal, at or near the site of the existing suspended car transfer, or aerial ferry constructed under an act of Congress dated February 7, 1902, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906," and for that purpose to locate the towers and approaches of said structure on the lands of the United States pertaining to the said canal, as now occupied under a certain revocable license issued by the Secretary of War to the city of Duluth, Minn., under date of September 6, 1901, now on file in the War Department: *Provided*, That the city of Duluth, Minn., shall make any changes in the said structure, and any changes in the towers and approaches located on said lands of the United States, which the Secretary of War may from time to time prescribe.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER BRIDGE AT FULTON, ARK.

Mr. CARAWAY. I ask unanimous consent for the present consideration of the bill (H. R. 5642) to extend the time for the construction of a bridge across Red River at Fulton, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIO GRANDE RIVER BRIDGE, EL PASO, TEX.

Mr. SHEPPARD. I ask unanimous consent for the present consideration of the bill (H. R. 5582) to extend the times for commencing and completing the construction of a bridge across the Rio Grande, at or near the point where South Santa Fe Street, in the city of El Paso, crosses the Rio Grande, in the county of El Paso, State of Texas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED RIVER BRIDGE AT OR NEAR COUSHATTA, LA.

Mr. RANSDELL. I ask unanimous consent for the present consideration of the bill (H. R. 280) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Red River at or near Coushatta, La.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE BETWEEN MISSOURI AND KANSAS

Mr. SHEPPARD. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 5547) granting the consent of Congress to the city of St. Joseph, in the State of Missouri, or its assigns, to construct a bridge and approaches thereto across the Missouri River between the States of Missouri and Kansas. It is a bill in which both the Senators from Missouri are especially interested.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOMBIGBEE RIVER AT EPES, ALA.

Mr. HEFLIN. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 768) to authorize the Alabama Great Southern Railroad Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama. The bill was reported a few moments ago.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments: On page 1, line 3, before the word "is," to strike out "authority be, and" and insert "the consent of Congress"; in the same line, after the word "hereby," to strike out the comma; in line 6, after the word "operate," to strike out "the" and insert "its existing"; in the same line, after the word "bridge," to strike out "of the said company with the necessary piers, abutments"; in line 7, after the word "approaches," to insert "thereto"; and on page 2, line 3, after the name "Alabama," to strike out "all at points suitable to the interests of navigation: *Provided*, That such reconstruction shall be," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Alabama Great Southern Railroad Co., a corporation of the State of Alabama, its successors and assigns, to rebuild, reconstruct, maintain, and operate its existing bridge and approaches thereto across the Tombigbee River from Epes, in Sumter County, in the State of Alabama, to a point on the opposite bank of the said river in Greene County, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the Alabama Great Southern Railroad Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama."

INVESTIGATION RELATIVE TO THE SINKING OF THE SUBMARINE "S-4"

Mr. SWANSON. Mr. President, I wish to be recognized when a resolution coming over from a preceding day shall be laid before the Senate.

The VICE PRESIDENT. If there are no further concurrent resolutions, the Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. 109), submitted by Mr. TRAMMELL January 12, 1928, as follows:

Resolved, That a committee composed of five Senators, to be appointed by the President of the Senate, is hereby authorized and created.

Resolved further, That it shall be the duty of the said committee to investigate the full facts of the sinking of the submarine *S-4* in collision on December 17, 1927, with the United States Coast Guard destroyer *Paulding* off the Massachusetts coast, and the rescue and salvage operations carried on by the United States Navy subsequent thereto. All hearings before the committee shall be open to the public.

Resolved further, That to carry out and give effect to the provisions of this resolution, the committee hereby created shall have power to issue subpœnas, administer oaths, summon witnesses, require the production of books and papers, and receive testimony taken before any proper officer in any State or Territory of the United States.

Resolved further, That the said committee shall immediately proceed with the said investigation, and not later than March 15, 1928, make its report to the Senate.

Mr. SWANSON. Mr. President, as I understand, Senate Resolution 109 is now before the Senate. The resolution went over on a previous occasion.

Mr. HALE. Mr. President, does the resolution automatically come before the Senate?

The VICE PRESIDENT. The resolution automatically comes before the Senate, as it is a resolution coming over from a preceding day, it having been previously passed over without prejudice.

Mr. HALE. I will say to the Senator that I hope he will not insist on having the resolution considered now. I announced yesterday that I was going to call up this morning House Joint Resolution 131, being Calendar No. 78.

Mr. SWANSON. I desire to be heard on the resolution which has been laid before the Senate, and then I will yield to the Senator.

Mr. HALE. I desire to call the attention of the Senator to the fact that I made the announcement yesterday that I would call up House Joint Resolution 131 immediately at the close of the morning business to-day.

Mr. SWANSON. The Senator made the announcement that at the close of the morning business he would make a motion to take up the joint resolution to which he refers, but Senate Resolution 109 comes under the head of morning business.

Mr. HALE. The joint resolution to which I refer has been discussed here on the floor and it is now ready to be brought before the Senate again, and I hope the Senator will let us have action on it.

Mr. SWANSON. The joint resolution to which the Senator from Maine refers was discussed for a whole day, and then the Senator, because he had authority to do so, peremptorily withdrew it.

Mr. HALE. I explained my reasons for that action, which were perfectly proper and perfectly in order, as the Senator knows.

Mr. SWANSON. Mr. President, the purpose of Senate Resolution 109 is to create a committee of five Senators, to be named by the Vice President, to consider all the facts in connection with the sinking of the submarine *S-4*. During the debate on the House joint resolution presented by the Senator from Maine it developed that many Senators thought the Senate itself, without reference to the House of Representatives, should conduct an investigation into the sinking of the *S-4*. The Senator from Iowa [Mr. BROOKHART] urged that that was the proper course for the Senate to pursue.

Senate Resolution 109, of course, is a simple resolution. It merely provides that the Vice President shall appoint a committee of five Senators to investigate the facts in connection with the sinking of the *S-4*. If we want a senatorial investigation, we ought to have an opportunity to express our opinion before we take up the joint resolution which is in charge of the Senator from Maine and which contemplates that the President of the United States shall appoint a commission of five members to conduct an investigation. If the Senate resolution shall be defeated, then the joint resolution may come up. If, however, the Senate should decide to conduct an investigation by a committee of five Senators named by the Vice President, then we will know exactly what amendments should be made to the joint resolution. In the interest of orderly procedure and in order to get the views, convictions, and judgment of the Senate on this question, it seems to me that Senate Resolution 109 ought to be voted on first. After that resolution shall have been disposed of, either favorably or unfavorably, I shall have no objection then to having the House joint resolution which is in

charge of the Senator from Maine come before the Senate at any time he may see proper to bring it up.

Mr. MOSES. Mr. President, does the Senator want an investigation to determine whether an investigation shall take place?

Mr. SWANSON. My proposition is that if the Senate decides to investigate by a committee of Senators, there is no necessity for section 3 in the joint resolution. Therefore let us determine whether the Senate wants to conduct such an investigation. If the Senate wants such an investigation as is provided for in the joint resolution, then it can adopt that resolution which not only provides for an investigation of the sinking of the submarine *S–4* under section 3, but provides for an investigation of improvements and appliances to promate the safety of operation of submarines. I think that such an investigation as that ought to be made; but I take the ground that the Senate itself or the House or a joint committee composed of Members of the two bodies ought to investigate the facts in connection with the sinking of the *S–4* and not have that investigation made by a committee named by the President on the suggestion of the Secretary of the Navy.

Mr. MOSES. Of course, everyone knows that the Senate knows more about any subject than anybody else knows about it.

Mr. SWANSON. No; but the Senator from New Hampshire thinks a man ought to appoint a committee to try himself. That is where he and I differ.

Mr. MOSES. I do not understand that the President is involved in the sinking of the *S–4*.

Mr. SWANSON. But the Secretary of the Navy is, and the Secretary of the Navy has already asked certain gentlemen if they would serve on that committee.

Mr. MOSES. With what authority?

Mr. SWANSON. With the presumption that the President would name those whom he suggested.

Mr. HALE. He has not asked anybody to serve on that committee, as the Senator knows.

Mr. SWANSON. Mr. President, I do not wish to detain the Senate longer. All I ask is to have the Senate itself determine whether it wants to investigate the sinking of the *S–4* by a committee of Senators or to abdicate its privilege and its right and let a committee practically named by the Secretary of the Navy himself investigate that disaster.

Mr. MOSES. Will the Senator let me ask him a question?

Mr. SWANSON. I should like to state further that I have been reading the testimony in connection with the inquiry being made into the sinking of the *S–4;* and it seems to me that the proceedings have resolved themselves into a debate between the *Paulding* of the Coast Guard and the Navy on behalf of the *S–4* as to who was at fault.

That seems to be the issue as to that disaster; and yet here is a proposition to let the President or the Secretary of the Navy—who has already asked people to serve, including two retired naval officers—appoint a commission to determine who is at fault, the Coast Guard or the Navy.

Mr. MOSES. What abdication is involved here?

Mr. SWANSON. The abdication is that you refused to investigate these facts.

Mr. President, I am not going to detain the Senate longer. All I ask for is a recorded vote as to whether or not the Senate will investigate this *S–4* disaster. If it says it will not, then I am willing for the Senator's proposition to come up, and we will determine further how the investigation shall be conducted.

Mr. MOSES. Does the Senator think it possible, in view of the number of Senators already engaged in other investigations, to find Senators sufficiently numerous and sufficiently free to constitute a committee to make this investigation?

Mr. SWANSON. I do. If Senators can not serve, they can decline. Tell me that out of 96 Senators you can not find 5 Senators who will honestly investigate a great calamity that has disturbed this country as much as any accident that has happened for years!

Mr. President, that is the simple question. It is not an intricate question. There is not much involved. All I ask is that this resolution be voted on, and let the Senate reach a conclusion on it. If the Senate decides that it has no desire to investigate this unfortunate affair, then we will take up the joint resolution of the Senator from Maine, and determine what kind of joint resolution shall be passed. If it decides to take up the joint resolution, it will be subject to amendment.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. SWANSON. I am through. I do not desire to filibuster against a vote on this resolution.

Mr. BINGHAM. Mr. President, the Senator from Virginia has made a very extraordinary statement, and he now declines to submit to a question.

Mr. SWANSON. Oh, I will answer the Senator's question. I thought he was going to make a speech. He usually does when he asks a question. He generally uses an interrogation to get an opportunity to make an address; but if the Senator is going to ask a question I shall be glad to answer it.

Mr. BINGHAM. I accept the Senator's apology.

Mr. SWANSON. The Senator generally speaks very well, too.

Mr. BINGHAM. The Senator said that the only point at issue was who was to blame—the *Paulding* or the *S–4*. Does the Senator really think that is all that is involved?

Mr. SWANSON. I think that is one of the important things, and as to whether the Navy has all the contrivances that are required for safety, whether our submarines ought to have this or have that. Let a committee be appointed to ascertain all the facts, how submarines should be improved, and so on; but I am unwilling, under a pretense of getting this information, to absorb all the power to investigate the cause of this unfortunate disaster.

Mr. BINGHAM. But does not the Senator realize that one of the things in which the public is interested, and which the Senator from North Carolina [Mr. SIMMONS] called attention to when he put that article into the RECORD yesterday, is as to whether the Navy did all that could be done to save those men?

Mr. SWANSON. That is true; and I do not think two retired naval officers ought to be the judges of it. Does the Senator think so?

Mr. BINGHAM. That is not the question involved in this resolution.

Mr. SWANSON. Yes; it is. The joint resolution puts two retired naval officers on the commission to try this matter.

Mr. BINGHAM. The Senator is discussing now the joint resolution which he refused to permit to come up yesterday, in order that he might have the parliamentary advantage of considering another resolution first.

Mr. SWANSON. No; it is not any parliamentary advantage. The only parliamentary advantage is for the Senate to express its judgment. I think the Senate ought to decide whether or not it wants to investigate this matter. If it decides that it does not wish to investigate it, it can decide in what method it wants to have it investigated.

I think this resolution ought to be voted on before the other matter is voted on.

Mr. HALE. Mr. President, in view of the Senator's statement, I can not understand how he could have on the other resolution proposed an amendment providing for a joint committee of three Senators and three Representatives. Apparently that was what the Senator wanted.

Mr. SWANSON. If the Senator will permit me, the measure advocated by the Senator from Maine is a joint resolution. With a joint resolution the House tenders a certain proposition. My proposition is to amend the joint resolution, since the House thought that was the best way, so as to have a joint committee of the House and Senate. This is a simple resolution, not a joint resolution.

Mr. HALE. Do I understand that the Senator now thinks that the Senate alone should act upon it?

Mr. SWANSON. I heard some Senators state that the House did not want to make an investigation, and I am not willing to force people to do things that they do not want to do. That is the reason why I did not ask the Naval Affairs Committee to investigate, because they showed an indisposition to do it.

Mr. HALE. The Senator has offered his amendment. Why can we not go ahead and take that up?

Mr. SWANSON. The measure of the Senator from Maine is a joint resolution. Let the Senate decide whether it wants to have anything to do with this resolution or not. When the Senate votes it down, if it does, the joint resolution of the Senator from Maine will come up. If the Senate votes that it wants to investigate this matter, then the joint resolution of the Senator from Maine can be amended accordingly.

Mr. HALE. But, Mr. President, if there is so much merit in a congressional committee of investigation, does not the Senator think that his own proposition of allowing the House to take part in it is proper?

Mr. SWANSON. Wait; wait. Four or five Senators say the Senate ought not to have anything to do with the House; let them go and attend to their own business. The Senator has a

joint resolution which he has proposed to the Senate, embodying a method of conducting the investigation with which they have nothing to do. The Senator's joint resolution can be amended to follow that. If the Senator is going to propose a joint resolution, I am of the opinion that the method proposed in the Senator's measure is all right.

Mr. HALE. Now, I ask the Senator if he will not withdraw this resolution and let us go ahead with the joint resolution.

Mr. SWANSON. I will not. All I ask is for the Senate to express its judgment as to whether or not it wants to conduct this investigation or have anything to do with the *S–4*. If the Senate decides that it does not want to investigate the disaster, it can be ascertained by a roll call, and then I will consent to have the joint resolution of the Senator from Maine come up.

Mr. HALE. Mr. President, the Senator from Connecticut [Mr. BINGHAM] called attention to the statement of the Senator from Virginia that the question of who was to blame for the collision between the *S–4* and the *Paulding* was the principal matter at issue. He does not seem to understand that that is not the principal matter at issue at all. The whole question that we want to try out and ascertain is whether or not the Navy was to blame. The Navy is on trial now before the whole country. I maintain, and I think I am right in doing so, that no commission that has no experts on it can satisfactorily determine that question. What we have to show before the Navy can be criticized, as I said the other day, is that the Navy was at fault in some way because it did not furnish proper safety appliances for use on its submarines; then that in this particular case of the *S–4* some part of the proper equipment that submarines should have had was lacking; then that there was some dereliction on the part of the Navy in preparing for this trial test of the *S–4;* and then, finally, that there was some dereliction on the part of the Navy in not using all of the means at its command to save the men who were imprisoned on the submarine.

Those are all questions for experts to decide. What position would we be in if, as a congressional committee, we should decide that the Navy was at fault because certain safety appliances were not used, and then a committee of experts should come along and say that the particular appliance referred to was not needed, was not practicable, would not have done any good? What position would we be in then?

To my mind, it is essential that the committee that acts on one should act on the other; then you will get some kind of an intelligent expression of opinion.

Congress never can give an intelligent expression of opinion on a matter of that sort. They can hear experts—experts that will decide one way and experts that will decide another way—and then they will have to determine which expert is right. What we ought to get is the deliberate opinion of a board that is made up of people who have the confidence of Congress and the confidence of the country and who know what they are talking about; and that is exactly what the commission asked for by the President provides.

I have gone into the whole question of how the commission was to be appointed. I have explained that when I came back after the Christmas holidays I found the Secretary of the Navy about to recommend to the President that he ask for an appropriation for a commission to look into the question of safety appliances for the Navy and to make a report with recommendations for the future. At that time he had no question of having this commission act on the *S–4*. I suggested to him that I thought it would be appropriate for the commission to do so. That was my suggestion entirely. He told me that he had already sounded out, as it was perfectly proper for him to sound them out, certain men to see if they would go on this commission, if appointed by the President, that he was about to ask for, to consider the question of safety appliances. No man can question the propriety of the Secretary of the Navy asking men if they would act on such a commission if appointed; and yet the Senator from Virginia has questioned it, and repeatedly questioned it, and said that this was a whitewashing commission. This commission was to act on the question of safety appliances when these men were spoken to. Afterward, when the Secretary decided that my suggestion was a proper one, he asked that a commission should be appointed to take up both questions—that of safety appliances and that of the sinking of the *S–4*.

Mr. BINGHAM. Mr. President, the Senator from North Carolina [Mr. SIMMONS] yesterday put into the RECORD a story taken from the Outlook of January 11 which he asked all Senators to read and consider. In response to his request I took pains to read it, and it is a very thrilling, very well-written story. No one can find any fault with the man who wrote it. He was out in the cold in a small boat, in a rough sea a good part of the time, and he did not have the consideration shown him which the representatives of the press have a right to have shown them. They are the people through whom the American public, which pays for these matters and has to suffer from mistakes, are told what occurs.

It happens that last evening, before I had an opportunity to read that article, I read an editorial from the World's Work which calls attention to this matter of the *S–4*, and I should like to read a part of it. It is very brief. It is a calm, dispassionate statement from a fearless, independent editor who has not hesitated to criticize the administration frequently, and who has not made it his business to act as advocate for the Navy. I think it will be agreed by everyone that the World's Work, ever since the days when its brilliant editor, Walter Hines Page, conducted its columns with courage and keen, incisive, and constructive criticism, has had a very high standing in this country for fearless, independent opinion. The World's Work is not known as an administration organ. It has frequently attacked this administration on matters with which it disagreed. So these words from the editor of the World's Work are particularly appropriate at this time.

The editorial appears in the current February number, on page 355. The editor says—and I should like to call the attention of Senators to this with particular relation to the article put into the RECORD by the Senator from North Carolina [Mr. SIMMONS] yesterday:

> As the facts about the sinking of the *S–4* come to light the charges of mismanagement of the rescue work die down and it becomes more clear that the Navy on the spot failed only in its liaison work with the newspapers. In the days immediately following the accident there was a storm of criticism over the Navy's "negligence" in the rescue work, and this was due largely to the fact that the officers were so intent on the job that they neglected the very necessary job of telling the reporters why the impossible could not be done—and the reporters, not being naval experts, could not understand why the impossible was not done.

Here is the thoughtful, considered opinion of a fearless editor, who has followed the course of events in the newspapers, and followed the course of the naval investigation, and has come to the conclusion that the trouble with the Navy at that time was that they were so anxious to save the men and to save the submarine that they did not have the necessary liaison with the newspapers which they really ought to have had in a country where a popular government prevails.

The editor goes on to say:

> The raising of a wrecked vessel from a bed of mud 100 feet under water is not a task that can be done overnight, as has been demonstrated time and again. German accounts of disasters of this kind disclose that they were barely able to raise their smaller submarines sunk in shallow water, even with the help of all the devices they had perfected—and they had special catamaran boats and other inventions that work well enough on smaller submarines but are not effective on larger boats of the American S type.

He then goes on to quote Admiral Sims, and I think even the Senator from Virginia will agree that Admiral Sims is one who has never withheld criticism from the Navy when it was justified, and even sometimes when friends of the Navy felt it was not justified. Friends of the administration and friends of the Navy have frequently held their breath for fear he might say something devastating when he spoke on naval matters. As the editor of the World's Work says:

> Admiral Sims does not step lightly when he feels that criticism will increase naval efficiency and yet, after the unfortunate loss of the *S–51* two years ago, he wrote this in the New York Evening Post:
>
> "If the boat is not flooded, the water not too deep, or the seas too rough, at least one end can be hoisted above water. The difficulty of raising a submarine can be readily explained. Its weight when its compartments are flooded is 1,000 tons or more, and the problem is further complicated by the fact that the hoisting crane is on a floating platform that is unsteady in a seaway. However, with more than one compartment flooded, or even with one, the weight involved is greater than any crane in the world could hoist. But even if such cranes should be built, they would be so huge and expensive as to be impracticable to build in any numbers, and they would seldom be in the right place at the right time."

Mr. REED of Missouri. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. Certainly.

Mr. REED of Missouri. What is the document the Senator is reading?

Mr. BINGHAM. I was reading from an article by Admiral Sims, published in the New York Evening Post after the *S–51* disaster, in which he stated the difficulties with regard to raising submarines. It is quoted in an editorial in the World's Work for February.

The editor of World's Work goes on to say:

The rescue workers did attempt to raise the *S–4* by pumping in air to make it buoyant while some of the crew were still alive.

That is brought out in the story printed in this morning's RECORD.

Senators will appreciate the fact, after what Admiral Sims has said, that it is absolutely necessary to pump in air to make a submarine buoyant if they are to bring the ship to the surface with the men in it.

The editor goes on to say:

The rescue workers did attempt to raise the *S–4* by pumping in air to make it buoyant, while some of the crew were still alive, but this effort failed and the sea became rough before divers could carry out other rescue plans. All the accounts of reckless, daredevil diving during the war point out the impossibility of diving in rough weather, and occasionally British divers who were anxious to enter German submarines immediately after they were sunk had to wait for days for the sea to become calm enough for diving with safety. As it was, several divers had narrow escapes during calmer weather.

Despite its distress as a naval accident, the loss of the *S–4* will stimulate the search for safety devices, and yet, as Admiral Sims has pointed out, the problem in construction of this type of vessel is to get safety without sacrificing efficiency.

That is the point the Senator from Maine brought out a few moments ago in his reply to the Senator from Virginia. This investigation must not be merely to find out whose fault it was, that of the captain of the *Paulding*, or that of the captain of the *S–4*, who can not appear for himself; this investigation must go to the heart of the matter and find out whether the Navy had provided proper safety devices in the *S–4*, and whether, in constructing this type of vessel, they had sufficiently provided for safety without sacrificing efficiency.

The editor then quotes another paragraph from Admiral Sims:

In submarines more than in any other type of ship, except the airplane—

Says Admiral Sims—

construction and equipment are ever a compromise. Every pound of weight and every cubic foot of space is devoted to one purpose at the expense of others. The question is not as to the value of any feature itself, but rather as to its value compared to that of some other feature.

Mr. President, I submit that, with all due respect to the Members of this great body, considering the enormous amount of work they do, the enormous number of subjects they cover, that, with the possible exception of the distinguished junior Senator from Nebraska [Mr. HOWELL], none of them has had practical experience in the Navy. None of them has had practical experience in designing submarines, none of them has had practical training so as to enable him to judge where you are to compromise between efficiency and safety. How, then, can a committee of five Senators determine the important point as to whether the Navy, in designing this type of submarine, and in permitting it to operate, erred on the side of efficiency or on the side of safety, or had erred at all? Surely, that is a question for experts to determine, as it would be determined in the investigation contemplated by the resolution which has been offered and which is on the calendar, but is not before us because the Senator from Virginia has refused to permit it to come before us. I submit that was a very extraordinary parliamentary proceeding—the attempt to get a Senate resolution up at this time, when he has constantly refused to have us consider a previous one in regard to the same subject.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. BINGHAM. Certainly.

Mr. SWANSON. I never refused until after the chairman of the committee had taken a whole day, and about 4 o'clock it was given up by unanimous consent. He withdrew it himself. One objection could prevent it from being considered. I insisted it should be disposed of. I do not wait here on the convenience of the chairman of the Committee on Naval Affairs. I gave consent a half dozen times to take the resolution up. He withdrew it, as he had a right to do.

Mr. HALE. Mr. President, there was no question at all of any agreement to get through on that day, as the Senator knows.

Mr. SWANSON. I have not claimed that there was such an agreement.

Mr. HALE. There was no such understanding.

Mr. SWANSON. I never objected. I said that the next time it came up it had to come up in such a shape that the Senate will have control of it, and not the Senator from Maine.

Mr. HALE. Mr. President, late on that afternoon I was told by several Senators that they would have something to say on the *S–4* resolution, but that they could not stay here at that time, so the joint resolution could not be finished that night. Under those circumstances I withdrew the joint resolution, as any one having it in charge would do, and as any one should do; and the Senator from Virginia knows it.

Mr. BINGHAM. Mr. President, I think the Senator from Virginia forgets that although the resolution offered by the Senator from Maine had been on the calendar for some time, and efforts had been made to bring it up, certain Senators, not including the Senator from Virginia, but on his side of the aisle, had taken occasion, under their rights, to discuss a great many matters besides this, had taken occasion to hold preconvention caucuses on the floor of the Senate, had taken occasion to air the private grievances of the Democratic Party. There had been an enormous amount of time taken up on matters which were not really properly before the Senate of the United States.

Furthermore, on the very day the Senator from Virginia speaks of, January 20, when he says the matter was before us the whole day, if he will look in the RECORD he will find that a large part of the time was consumed by a Democratic Senator on a matter which he thought was more important than the *S–4*. He had every right to do so. He and one of his colleagues proceeded to discuss an entirely separate matter, and took a long period of time doing so.

The Senator must not find fault with us on this side of the aisle, because Senators on his side of the aisle insist on taking up time in discussing matters other than the *S–4*, and must not find fault with us when we express surprise at his unwillingness to have the original resolution considered at this time.

The truth is, Mr. President, that a good many people in this country do not like to see the evidence shown by certain Senators of a desire to play politics in the matter of the *S–4*. The Senator from Virginia and his friends have stated that if a congressional investigation took place—and I assume they would say the same thing if this resolution offered by the Senator from Florida should pass—that there would be no politics in it. Let us hope there would not be. But a committee appointed under a resolution calling for the appointment of five Senators must contain three of one party and two of another party. If the majority should be all Democrats, and they should find that the Navy was at fault, a large part of the country would say, "They are playing politics, and endeavoring to condemn the administration so as to make political capital for the coming election."

Mr. KING. Mr. President, will the Senator yield?

Mr. BINGHAM. Just a moment and I shall be glad to yield. If the majority were Republicans, and they found that the Navy was not to blame, a large number of people in the country would say, "Ah, ha! The Republicans, having an eye on the next election, do not want to have anybody think that this administration has been at fault when it comes to the Navy, and they have whitewashed the Navy, as became a majority of the committee, which is in sympathy with the administration."

Now I yield.

Mr. KING. The Senator must know that under the precedents the Vice President would appoint three Republicans and two Democrats upon this committee. Obviously there could be no politics being played by the Democrats, because if this resolution is passed the control of the committee will be placed in the hands of the Republicans. It does seem to me that the Senator ought to exculpate Senators on this side of the Chamber, as well as on his side of the Chamber, from any desire to play politics when they seek to have an investigation conducted by three Republicans and two Democrats. If the Democrats are willing to trust three Republicans, obviously, it seems to me, the Senator should not contend that they desire to play politics.

Mr. BINGHAM. Mr. President, I agree, of course, that under all the precedents there would be three Republicans on the committee. But, as I have just endeavored to point out, if the committee whitewashed the Navy, or found that the Navy was not at fault, a large number of people in the country would say, "Well, three Republicans, being of the majority party, had to say that anyway." What we want is a real investigation, that will be helpful to the national defense, not one that will conduce to our victory at the polls in the next election, or one that will conduce to your victory at the polls in the next election. We are not interested in politics in this matter. We are interested in getting a real, thorough investigation by experts who have made it their business to understand these matters, engineers of distinction, men who have spent their lives

in the work of salvage, men whose future is not at stake in any degree at all.

The appointment of a commission of the kind suggested by the President would meet with the approval of the American people, and their findings would be considered to be acceptable by a majority of the people, because there could be no politics in it. Distinguished engineers and a Federal judge would not lend themselves to such a verdict that the public could possibly say there was any politics in it. Does not the Senator see that if a majority of a committee composed of three Republicans and two Democrats should find that the Navy was not at fault, and the minority find that the Navy was at fault, the country would not know whether the Navy was free from blame or not, the country would not know whether the Navy sacrificed safety to efficiency or not.

Mr. KING. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly.

Mr. KING. The Senator knows that any commission appointed to make an investigation, whether the personnel be selected by the Senate or whether appointed by the President of the United States, should not make their findings and should not base their conclusions upon their own consciousness. They are bound to take the testimony of a multitude of witnesses, and if a committee of the Senate were appointed, they would call upon experts who were familiar with marine material, with the construction of submarines and their operation, and if that committee were so derelict as to betray the Senate and the country by making findings not justified by the evidence, they would be pilloried before the public, and the public would very quickly determine whether the findings were warranted or not. So with the Federal judge and other men of the character contemplated by the resolution of the Senator from Maine. Their findings would be based upon the testimony of experts the same as the findings of the senatorial committee would be based upon the testimony of experts.

It would, therefore, seem to me the point which the Senator is now making is without foundation because, after all, the testimony which is given must be considered, and when the public becomes acquainted with that testimony it will be determinative of the judgment of the committee and the judg- of the public. If the judgment of the committee is not warranted by the evidence the public will very quickly determine that fact, and the committee would be criticized by the people for playing politics or for rendering a verdict which was at variance with the testimony which had been adduced.

Mr. BINGHAM. The Senator seems to forget this is not going to be such an easy matter to decide. All the men of the *S-4* have passed away. There is no evidence that can be brought in on that side of the question. The question seems to be one that will require the careful judgment of experts as to whether the Navy, in not adopting certain safety devices, was sacrificing safety to efficiency or not. It is not a question which the public or which Senators can easily decide. It is a question which will require experts to decide.

In case the Senator thinks I am drawing too much on my imagination in claiming that the public feels that politics is being brought into this matter, I should like to have the clerk at the desk read an editorial from the Washington Post.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The clerk will read, as requested.

Mr. REED of Missouri. Mr. President, before that is done, will the Senator permit a question?

Mr. BINGHAM. Certainly.

Mr. REED of Missouri. The Senator has made the point that if a committee of the Senate is appointed, composed in part of Republicans and in part of Democrats, and that committee divides in its vote, the majority finding one way and the minority the other, that will leave the country in a state of uncertainty and introduce confusion into the question. That is perhaps true. Is the Senator prepared to say that the commission which he is recommending may not divided in its vote or that its vote is necessarily going to be unanimous, and, if it is not unanimous and there are two reports or two findings, why not the same confusion to result?

Mr. BINGHAM. The difference is, Mr. President, that in the one case the country will say that the difference is political. In the other case the country will say, as frequently happens, that the doctors disagreed.

Mr. REED of Missouri. Will they not also say or might they not also say that the Navy stood by itself or that the administration appointed a commission calculated to bring a certain verdict? If people begin to attribute evil motives, improper considerations, they can apply them quite as well, it seems to me, to a commission appointed as the Senator would have it, as to a committee appointed from the floor of the Senate. Indeed, it has been already suggested on the floor here many times that a commission appointed in the manner the Senator desires would be a commission which was selected by one who had an interest, and if that is said here it will be said elsewhere.

If the Senator will pardon me for this long interruption, which I had not intended to make when I rose, it seems to me if we go to attributing improper motives they are quite as likely to be attributed to the commission asked of the Senate and in the case of a division of finding, in either case, the result would be equally unfortunate. I do not think that argument gets us very far.

Mr. BINGHAM. May I say to the Senator that I do not believe he was present when the debate began the other day, when the Senator from Virginia [Mr. SWANSON] referred in a very flattering manner to the work of the President's Aircraft Board. That board was appointed by the President when his administration was under very severe criticism by a former officer of the Army in the Air Service, and when the President took it upon himself, Congress not being in session, to appoint a board of the type which we wish appointed, namely, one composed partly of experts, of a Federal judge, of one or two Members of Congress, and of one or two retired officers, one from the Navy and one from the Army. No one claims that the board of nine appointed by the President whitewashed the President's administration or was appointed for that purpose.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BINGHAM. Certainly.

Mr. SMOOT. It seems to me that the attention of the Senate ought to be called to the wording of the resolution. I doubt very much whether it could be considered at this time, it never having been referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SWANSON. It provides for no expenses.

Mr. SMOOT. Let us see if it does not provide for expenses. It reads:

> *Resolved further*, That to carry out and give effect to the provisions of this resolution, the committee hereby created shall have power to issue subpœnas, administer oaths, summon witnesses, require the production of books and papers, and receive testimony taken before any proper officer in any State or Territory of the United States.

The wording is exactly that which is used in nearly every such resolution passed by the Senate. There is no question, if the resolution is adopted, that there will be expenses incurred. There is no doubt that the committee would have a shorthand reporter there to take down the testimony. If that were not the case, what Member of the Senate except the members of that particular committee would know what the testimony was? Therefore, I make the point of order that under the law the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SWANSON. If the resolution should provide for any payment out of the contingent fund of the Senate at this time, it would be subject to the point of order suggested by the Senator from Utah, but it does not provide for the payment of any expenses, and no money can be paid out of the contingent fund of the Senate unless the payment is authorized. It might develop that the committee do not want to incur that expense. Later, if it should develop that they want to do so, they would have to come here and ask for authority. The resolution certainly does not now provide for the payment of any expenses, and I doubt whether the committee will need to incur any. They can ask the Navy Department to come before them with whatever evidence the department may have.

Mr. SMOOT. I as a Member of this body would object to the committee taking testimony and never having it printed. This is one of the most important questions before the public to-day, and the American people are entitled to know just exactly how the investigation will develop; and it can not be developed and it can not be known unless the testimony is recorded and printed. I say to the Senator that he has been here too long not to know that every resolution carrying the exact words which appear in this resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MOSES. In other words, it is the substance and not the form of the resolution which determines whether the Committee to Audit and Control shall deal with it.

Mr. REED of Missouri. I should like to ask the Senator if he does not know that it is a well-settled custom in the Senate to pass a resolution authorizing a committee to act, without attaching to it a clause authorizing the payment of expenses

out of the contingent fund of the Senate; that if the resolution does pass, we then pass a subsequent resolution authorizing the necessary expenditures.

Mr. SMOOT. No. Such resolutions are always referred to the Committee to Audit and Control.

Mr. REED of Missouri. I have seen such resolutions where they have deliberately left out the expense clause, which frequently is included, providing that the committee is authorized to employ stenographers at not more than so much per page. With that language left out there is no appropriation carried, no authority to expend a penny, and if the committee goes ahead without such authority it takes the chance of having to pay the bill itself. But when we put in that additional clause, which carries an appropriation with it, then the resolution has to go, and only then does it have to go, to the Committee to Audit and Control.

Mr. MOSES. Let me call this to the attention of the Senator from Missouri: There have been instances such as he now adduces. I think one of his select committees found itself in exactly that situation once. But that does not constitute the well-settled practice in the Senate, and if the point of order had ever been made against the original resolution, which was lacking the words to which the Senator from Utah now refers, it would have been sustained under a very well-settled practice of the Senate.

Mr. REED of Missouri. I do not know what the practice is. I know I have always understood the rule to be otherwise, and the only thing that binds us is the statute. The statute requires that when the Senate passes a resolution which calls for the expenditure of money or any appropriation of money, in that case it should go to the Committee to Audit and Control; but we have had resolution after resolution in the years that I have been here, when it was desired first to ascertain whether the Senate was willing to authorize an investigation or the work to be done, and that being tested and the resolution having been passed, then came in a resolution authorizing the expenditure of money, and that resolution authorizing the expenditure of the money had to go to the Committee to Audit and Control.

Mr. SMOOT. But in every case the committee to which those resolutions were referred never took up the question of making provision for expenses. They were referred for the simple purpose of deciding whether the committee wanted to proceed with the investigation. If the pending resolution took that same course, then there would be no committee here to which it could be referred. This is a direct appointment of a committee consisting of five Senators, and the resolution provides exactly what they shall do, and they can not do it without the expenditure of money. It is an impossibility.

Mr. MOSES. In those other instances no point was raised to the contrary.

Mr. SMOOT. That is true, too.

Mr. REED of Missouri. I am astounded that Senators should make that assertion. The point has been raised many times that a resolution had to go to the committee and it being found that it did not carry any right to expend money, then the resolution was acted upon. What is the language by which we are bound? I read:

> Hereafter no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate, or from the contingent fund of the House of Representatives unless sanctioned by the Committee on Accounts of the House of Representatives. And hereafter payments made upon vouchers approved by the aforesaid respective committees shall be deemed, held, and taken, and are hereby declared to be conclusive upon all the departments and officers of the Government: *Provided*, That no payment shall be made from said contingent funds as additional salary or compensation to any officer or employee of the Senate or House of Representatives.

What does that language do? It simply declares that no payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate. The pending resolution does not provide for any payment. It authorizes work, but if the committee were blindly to go on and incur expenses without first securing the authority of the Committee to Audit and Control, then the special committee would be in the position of having incurred expenses which were not legally justified and they would have to take their chances of thereafter securing the approval of the Committee to Audit and Control. I do not think the question is open to serious debate.

Mr. SMOOT. I think the precedents of the Senate and the real purpose of the resolution are not in conflict. There is no Senator who will deny that if this resolution shall be passed and an investigation shall be made expenses will be incurred; and there is no other way of paying such expenses unless they are paid from the contingent fund of the Senate. The law specifically provides that before any money shall be paid by any committee of Congress the matter shall be first passed upon by the Committee on Contingent Expenses of the Senate.

Mr. REED of Missouri. The Senator certainly will not dispute this with me——

Mr. SMOOT. The Senator from Missouri himself said that the committee could not get any money.

Mr. REED of Missouri. I said if they proceeded without further authorization.

Mr. SMOOT. Does the Senator think they would not proceed under this resolution?

Mr. REED of Missouri. I think they will come in with another resolution. Then it will be time for the committee to act. That is frequently done. Mr. President, the Senator from Utah will certainly not dispute the fact that repeatedly bills are passed authorizing public works, approving great projects, without carrying an appropriation.

Mr. SMOOT. Certainly; and such bills could not carry the appropriation if they were merely authorizations, I will say to the Senator from Missouri.

Mr. REED of Missouri. Let us not get on that sidetrack.

Mr. SMOOT. That is not a sidetrack; that is an absolute fact.

Mr. REED of Missouri. Frequently bills are passed authorizing public works and approving projects and directing that they shall be carried into effect, but carrying no appropriation of money. Then subsequently, from time to time, Congress appropriates the necessary money to carry on the work. Why is not that an exact parallel to what we have here? We are proposing to authorize a committee to make an investigation; we are proposing to authorize them to subpœna witnesses, to call for books and papers and documents, but we do not at this time authorize them to expend a penny of money; and, governed by this statute, of which they must take notice, before they begin that expenditure they must come in with a resolution to the Senate providing for the appropriation. That must go to the committee. That is a separate proposition. The two purposes can be combined in one resolution or they can be provided for in two resolutions.

Mr. SMOOT. Mr. President, resolutions of the kind which, I think, the Senator has in mind generally do not specifically provide what the committee shall do, but this resolution specifically so provides. There is no Senator but knows that money will be required from the contingent fund of the Senate as soon as the resolution shall be acted upon.

Mr. BINGHAM. Mr. President, has the point of order been decided?

Mr. SMOOT. It has not yet been decided.

The PRESIDING OFFICER. The Chair decides that the point of order is not well taken, because the resolution does not call for the payment of money.

Mr. BINGHAM. Mr. President, I ask that my former request be granted, that the clerk at the desk read an editorial from the Washington Post which brings out the point for which I am contending, namely, that the public is actually beginning to think that certain Senators, in their effort to prevent a commission of experts investigating this matter, are playing politics.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read as follows:

[From the Washington Post of Wednesday, January 11, 1928]

THE "S–4" INQUIRY

The House of Representatives passed the resolution recommended by the President providing for the appointment of a commission to investigate the *S–4* disaster and to consider ways and means of preventing such accidents. The resolution provides that the commission shall consist of three civilians and two retired naval officers, to be appointed by the President.

Now Democratic opposition to the resolution has developed in the Senate Committee on Naval Affairs. It is suggested that the commission would "whitewash" the Navy; that it is a scheme whereby the administration hopes to escape a searching investigation by Congress; and it is demanded that the inquiry be made by Members of Congress and not by private citizens or Navy officers.

This demand is nothing else than an attempt to turn the *S–4* disaster to political advantage. The demand is not made for the purpose of ascertaining the truth and thus to save the lives of submarine crews hereafter, but to work up an agitation against the party in power, so that Democrats may gain some advantage. It is equivalent to saying, "We don't want an impartial and nonpolitical investigation of the *S–4* disaster, because the commission might confine itself to facts and not take advantage of the opportunity to discredit the administration.

Let us have a free-and-easy investigation by Congressmen who know how to twist such an inquiry into political channels. This submarine was sunk while the Republicans were in power. Let us make the most of it."

The people of the United States have no use for such political tactics when the lives of its defenders are involved. The people trust President Coolidge. They know he will not appoint a commission that will "whitewash" anybody. He is not serving the United States as a Republican, but as its President. In this matter Congress should serve the whole country, and not Democratic politicians. The Navy is not a Democrat or a Republican Navy. The prostitution of the Navy into an instrument of politics is abhorrent to all decent citizens of all parties.

The Senate naval committee should report out the resolution and the Senate should pass it. Cut out politics, Senators, if you can, and do your duty as Americans, relying upon the President of the United States to do his duty also.

Mr. BINGHAM. Mr. President, it is quite evident from the tone of that editorial and from the tone of others that might be read, and some of which have already been put into the RECORD, that there are a great many people in this country who are extremely suspicious of this effort to take away from a committee of experts appointed by the President of the United States the duty of investigating this very great disaster and of determining where the blame lies and whether the Navy has done its full duty in the matter.

The history of political investigations in England and America for hundreds of years show that it is extremely difficult for members of political parties to look at accidents and disasters in the Army and in the Navy—particularly in the Navy—purely from the point of view of experts.

Over and over again in British naval history we have seen the party in power investigate the conduct of an admiral or a captain in the case of an accident with the object of white washing the party in power. I trust, if this resolution should pass and a committee of five should be appointed, three Republicans and two Democrats, that no one would claim that such a thing was done in this instance; but I submit, Mr. President, that if such a committee should find that the Navy has done all that it could do under the circumstances they would have difficulty in persuading the very able correspondent who wrote the editorial in the Outlook, which was printed in the RECORD this morning, who was on the spot and who feels that the Navy did not do all that they might have done, and in persuading people like him and those who read his story and agree with it. They would be much more likely to accept the decision of an impartial committee of experts and a judge appointed by the President of the United States.

As I have heretofore said, I wish very much that the committee of five, as suggested by the Senator from Maine, might be enlarged to a committee of seven or eight, so as to have one representative from the Senate and one from the House or two from the House on the committee, as was done in the case of the Aircraft Board. In that way we would get a liaison between the Congress and the committee conducting the investigation that, it seems to me, would be very useful. I should like to see such an amendment proposed, and I should be glad to vote for it, and, as I said the other day, if one Senator is to be a member of the committee I should like to see the Senator from Virginia [Mr. SWANSON], the ranking Democratic member of the Committee on Naval Affairs, who has spent so many years in studying naval problems and who was at one time chairman of that committee, be appointed as representative of the Senate. I am not trying to play politics, Mr. President. I have no desire to prevent him from serving on the commission, but I submit that it is better policy for the country and for both parties to follow to have a commission appointed which the country can not say has as its majority a number of gentlemen chosen for their loyalty to certain political parties. If, for example, I should happen to be chosen as a member of that commission——

Mr. BLAINE. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. I will yield in a moment. If I should happen to be chosen as a member of the commission, which I trust I will not be, as I know nothing about submarines, only having taken two trips on submarines in my life, and should believe that the Navy ought to be exonerated completely and should have to vote that way, I know that I would be subjected to criticism for the remainder of my life as having been an administration supporter voting to whitewash the Navy. I think that other Senators might feel the same way.

Why is there objection to such a commission as was originally proposed to find out proper safety devices to be used in submarines also serving as a commission to investigate the sinking of the *S–4*? Now, I yield to the Senator from Wisconsin.

Mr. BLAINE. Mr. President, I assume that the Senator from Connecticut will concede that the President has the power to appoint a commission such as is proposed by the joint resolution without authority of Congress?

Mr. BINGHAM. Yes, Mr. President, the President has done so when Congress is not in session; but it is a very bad plan, it seems to me, for the President to pursue that course when the Congress is in session and he can first ask the Congress to authorize such appointments and to authorize such expenditures. In the other case, he has to come to Congress and ask for an appropriation for expenses which he has incurred without authority. I think the Senator will remember that there have been times in the past, notably during the administration of President Roosevelt, when Congress vigorously objected to his exercising his power of appointing commissions.

Mr. BLAINE. But the President does not hesitate, without the consent of Congress, to send an army and a navy to Nicaragua while the Congress is in session.

Mr. BINGHAM. No, Mr. President, he has not done that. The Senator is mistaken. The President has sent no part of the Army.

Mr. BLAINE. He has been sending to their death young men who have enlisted in the Marine Corps without the consent of Congress. Then why should the President be so particular about his attitude with respect to Congress in connection with the appointment of a commission to investigate the *S–4* disaster? Why does the President exercise or assume the power to send armed forces to a foreign country at a time when Congress is in session and then is so considerate of Congress that he does not want to appoint a commission to investigate a disaster because Congress is in session?

Mr. BINGHAM. The answer to that question, Mr. President, is quite obvious. It is the duty of the President, under the Constitution, to look after our foreign affairs. It is his duty to look after the lives and property of American citizens when they are subjected to loss in countries where the proper governmental authority is not able to grant them proper protection, as he has very ably done in China and as he is doing to-day in Nicaragua. It is the business of the President of the United States to see to it that adequate protection is given; and in this particular case it is done at the invitation of both of the leading parties in Nicaragua, as the Senator from Wisconsin well knows.

Furthermore, the President has not used the Army. To use the Army would be an act of war; but to use marines in protecting American lives in foreign lands has been held under international law not to be an act of war.

Mr. BLAINE. But he has used armed forces that have the effect of an army in Nicaragua. What persons and what property in Nicaragua are being protected? Who are they, and what is the property?

Mr. BINGHAM. I am afraid if I should attempt to answer that—and I should be very glad to give the Senator the information, because I have in my desk a list of a large number of concerns that have asked for protection—I am afraid if I should endeavor to answer the Senator's question, and should be led aside in that way, I should be guilty of not talking to the point before the Senate, which I am anxious to do. I do not like to have another very important matter injected into this question of the *S–4*.

I think, Mr. President, the time has come when this accident ought to be investigated, and ought to be investigated by a committee of experts. I do not like to see this effort to delay the investigation which has been made on the other side of the aisle. I regret to see the Senator from Wisconsin bringing into it the question of our Nicaraguan policy, when we ought to have before us the question of deciding what is the best way of making our submarines safe and avoiding an accident like this in the future, and finding out whether the Navy is following a proper policy in sacrificing a certain amount of safety to efficiency, or whether it should sacrifice more efficiency in submarines to greater safety.

Mr. BLAINE. Mr. President, I should like to ask the Senator another question.

Mr. BINGHAM. I yield for a question, Mr. President.

Mr. BLAINE. The Senator expresses his desire to have an immediate investigation. The President has the power to appoint a commission to make the very investigation that is proposed by the resolution. I am willing to vote for the necessary appropriation in order that the President may carry out his power; but, the President having that power, why does he delay to exercise it when I know Congress will pass a resolution or an appropriation act to make effective the commission which he has the power to appoint? There will be no delay. There is no desire to delay. Let the President exercise his power in the present instance, and I am sure Congress will

respond by passing the necessary appropriation act to carry out the desires of the President in that respect. But why should the President be so concerned about not usurping power in this instance, and yet be one of only a few Presidents who without the consent of Congress have ever sent armed forces to another nation with which we are not at war and sacrifice the very principles out of which this Nation was born, without which we could not be sitting here as Members of the Senate of a free Republic?

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. BINGHAM. I do.

Mr. SHORTRIDGE. I assume that the Senator from Wisconsin believes in the Monroe doctrine?

Mr. BLAINE. Not as interpreted by the present administration. I believe in the Monroe doctrine as an instrument for the protection of the Western Hemisphere, and that all nations upon the Western Hemisphere have an equality, and that the strong have no right to ride down the weaker nations; and to do so is an act of aggression against the small and defenseless nations. Let me remind the Senator from California that the Monroe doctrine has received this misinterpretation and maladministration only by those who desired to oppress and interfere and intermeddle in the internal affairs of another nation weaker than America, but not with respect to strong nations; and I challenge the Senator to suggest why we are not making war upon other nations as strong, perhaps, as America?

Mr. BINGHAM. Mr. President, I decline to yield any further. I did not yield for a discussion of our foreign policy. I thought the Senator rose in good faith to ask a question with regard to the matter of the *S–4*, which is now before us and which we ought to consider.

Mr. BLAINE. Let me say to the Senator from Connecticut that the Senator from California drew me into this discussion with the consent of the Senator from Connecticut, and I very gladly withdraw from the discussion.

Mr. BINGHAM. I did not suppose it was going to involve a speech on our foreign policy.

Mr. BLAINE. I always act in good faith.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me, in two or three sentences, to reply?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Connecticut yield to the Senator from California?

Mr. BINGHAM. I do.

Mr. SHORTRIDGE. In 1793 George Washington warned America to keep out of Europe. In 1823 James Monroe warned Europe to keep out of America; and I hold myself ready to show that no administration of this Government has ever violated the true American Monroe doctrine.

Grover Cleveland, a great President, did not violate the Monroe doctrine when he told mighty Great Britain to keep her lion's paw off of Venezuela; nor did the great President Theodore Roosevelt violate it when he told another great and more or less overconfident Empire to keep her paw off of Venezuela; and President Coolidge has not violated the Monroe doctrine when he has sought to protect the rights of Americans in Nicaragua.

On a proper occasion I will undertake to make good what I now state perhaps a little too vehemently.

Mr. BLAINE. Mr. President, if the Senator from Connecticut will permit me——

Mr. BINGHAM. I desire to get back to the *S–4*.

Mr. BLAINE. I should like to suggest, if the Senator will permit just this expression, that President Cleveland took the position that America has a character to maintain.

Mr. SHORTRIDGE. She has.

Mr. BLAINE. And when it was attempted to violate the sovereignty of the Hawaiian Islands it was President Cleveland who said that in order to maintain that character it was necessary to withdraw the treaty that was pending before the Senate, submitted by his predecessor, because that treaty had been obtained by force on the part of the representatives of the United States, and therefore America could not afford to have submitted that treaty so obtained.

Mr. BINGHAM. What does the Senator mean by saying that it was obtained by force?

Mr. SHORTRIDGE. What has the Hawaiian treaty to do with the Monroe doctrine?

Mr. BLAINE. I will read what the treaty has to do with the Monroe doctrine if the Senator fronr Connecticut will yield?

Mr. SHORTRIDGE. It has nothing whatever to do with it.

Mr. BLAINE. Will the Senator from Connecticut yield for that purpose?

Mr. BINGHAM. I yield.

Mr. BLAINE. I will read what President Cleveland said. When the revolution in Hawaii took place, shortly before the close of President Harrison's administration, the then President transmitted to the Senate a treaty providing for the annexation of Hawaii to the United States. As I said, when Mr. Cleveland came to the Presidency he withdrew that treaty, and in a message said this:

> While naturally sympathizing with every effort to establish a republican form of government, it has been the settled policy of the United States to concede to people of foreign countries the same freedom and independence in the management of their domestic affairs that we have always claimed for ourselves, and it has been our practice to recognize revolutionary governments as soon as it became apparent that they were supported by the people.
>
> * * * * * * *
>
> As I apprehend the situation, we are brought face to face with the following conditions:
>
> The lawful Government of Hawaii was overthrown without the drawing of a sword or the firing of a shot by a process every step of which, it may safely be asserted, is directly traceable to and dependent for its success upon the agency of the United States acting through its diplomatic and naval representatives.
>
> But for the notorious predilections of the United States minister for annexation the committee of safety, which should be called the committee of annexation, would never have existed.
>
> But for the landing of the United States forces upon false pretexts—

The same false pretexts that exist in Nicaragua to-day, if you please—

> respecting the danger to life and property the committee would never have exposed themselves to the pains and penalties of treason by undertaking the subversion of the Queen's government.
>
> But for the presence of the United States forces in the immediate vicinity and in position to afford all needed protection and support the committee would not have proclaimed the provisional government from the steps of the government building.
>
> And, finally, but for the lawless occupation of Honolulu under false pretexts by the United States forces, and but for Minister Stevens's recognition of the provisional government when the United States forces were its sole support and constituted its only military strength, the Queen and her government would never have yielded to the provisional government, even for a time and for the sole purpose of submitting her case to the enlightened justice of the United States.
>
> Believing, therefore, that the United States could not, under the circumstances disclosed, annex the islands without justly incurring the imputation of acquiring them by unjustifiable methods, I shall not again submit the treaty of annexation to the Senate for its consideration, and in the instructions to Minister Willis, a copy of which accompanies this message, I have directed him to so inform the provisional government.
>
> But in the present instance our duty does not, in my opinion, end with refusing to consummate this questionable transaction. It has been the boast of our Government that it seeks to do justice in all things without regard to the strength or weakness of those with whom it deals. I mistake the American people if they favor the odious doctrine that there is no such thing as international morality; that there is one law for a strong nation and another for a weak one, and that even by indirection a strong power may with impunity despoil a weak one of its territory.
>
> By an act of war, committed with the participation of a diplomatic representative of the United States and without authority of Congress, the Government of a feeble but friendly and confiding people has been overthrown. A substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people requires we should endeavor to repair. The provisional government has not assumed a republican or other constitutional form, but has remained a mere executive council or oligarchy, set up without the assent of the people. It has not sought to find a permanent basis of popular support and has given no evidence of an intention to do so. Indeed, the representatives of that government assert that the people of Hawaii are unfit for popular government and frankly avow that they can be best ruled by arbitrary or despotic power.
>
> The law of nations is founded upon reason and justice, and the rules of conduct governing individual relations between citizens or subjects of a civilized state are equally applicable as between enlightened nations. The considerations that international law is without a court for its enforcement and that obedience to its commands practically depends upon good faith instead of upon the mandate of a superior tribunal only give additional sanction to the law itself and brand any deliberate infraction of it not merely as a wrong but as a disgrace. A man of true honor protects the unwritten word which binds his conscience more scrupulously, if possible, than he does the bond a breach of which subjects him to legal liabilities, and the United States, in aiming to maintain itself as one of the most enlightened nations, would do its citizens gross injustice if it applied to its international relations any

other than a high standard of honor and morality. On that ground the United States can not properly be put in the position of countenancing a wrong after its commission any more than in that of consenting to it in advance.

That is the Monroe doctrine as interpreted by President Cleveland.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. BINGHAM. I yield.

Mr. SHORTRIDGE. Something has been said about this Nation attacking or trampling upon the rights of the weak, and not performing in the same way in respect to the rights of the strong. I wish to observe that this Nation has never feared to assert its rights and to protect the rights of its citizens, whether they were attacked by the weak or by the strong. My recollection is that Andrew Jackson did not fear very much. I do not recall that General Taylor was much afraid. I can not at the moment recall any event in our history in connection with which this Nation was afraid to attack the strong or the weak in defense of the rights of American citizens.

I repeat, the sentiments expressed by a great President, the one whose words have just been read, Grover Cleveland, in respect to the Hawaiian treaty, had nothing to do, have nothing to do, with the Monroe doctrine. Liliuokalani—flower of the skies, Liliuokalani——

Mr. FESS (in his seat). Say that again.

Mr. SHORTRIDGE. That is a very sweet, euphonious word, almost as sweet as "Mesopotamia," which used to make the old lady cry when the pastor pronounced the word.

Lilioukalani was Queen, not of the cannibal islands, or of the Sandwich Islands, but of the Hawaiian Islands. There was what was called a revolution, and she was overthrown. There was a treaty then proposed whereby those islands might be annexed to and in one sense become a part of the United States.

It is quite true that Grover Cleveland did not approve of that treaty, and hence withdrew it from the consideration of the Senate. It is also true that he thought we had done wrong and had connived at or been a party to this alleged, as he called it, revolution in the Hawaiian Islands, and the overthrow of the Queen.

I think a very distinguished citizen from a Southern State was sent down there, Mr. Blount, and he pulled down the American flag. I think he was termed "Paramount" Blount, but be that as it may—and I speak of him with respect—another administration lifted up the American flag in the Hawaiian Islands, and it floats there now. The doctrines of the Senator from Wisconsin would pull it down again, but I believe it should float there forever as a blessing to all the people.

As to weak nations and strong nations, I did refer to the controversy between Great Britain and Venezuela. There were any number of American citizens, loyal but misinformed, who inveighed against Grover Cleveland because he said then that what Great Britain was demanding, if persisted in, would be in violation of the true American Monroe doctrine. Nevertheless, Grover Cleveland, Democrat, insisted that Great Britain had no right by force or threat of taking or invading territory of Venezuela to insist on an acquiescence in her demand, and Great Britain yielded.

The same proposition was involved when again, during the administration of President Roosevelt——

Mr. BLAINE. Mr. President, I would like to ask the Senator a question as to Venezuela.

Mr. SHORTRIDGE. Certainly.

Mr. BLAINE. When Cleveland said that to Great Britain he said it to a nation equal to the United States in force. He did not say it to Venezuela, or to Haiti, or to San Domingo, or to Nicaragua, or to San Salvador, or to any other of the weak nations.

Mr. SHORTRIDGE. Pardon me, Senator——

Mr. BLAINE. He did not propose that America by force should be the wet nurse for other nations to collect their debts.

Mr. SHORTRIDGE. Senator, I remarked a moment ago—and the Senator has not an adder ear, he can hear—that we had asserted this doctrine as against either the strong or the weak, and I am now proceeding to mention what President Roosevelt said and did when Germany made certain demands, with veiled threat, upon Venezuela.

Mr. FESS. Before the Senator enters upon that, will he yield to a question?

Mr. SHORTRIDGE. Certainly, if the Senator will propound it; I may be able to answer it.

Mr. FESS. In reference to Cleveland's——

Mr. SWANSON. Mr. President, will the Senator yield to me just to make a request?

Mr. SHORTRIDGE. Just a moment.

Mr. SWANSON. I want to make a request, and I can not make it except at this time.

Mr. FESS. In reference to the attitude of Great Britain toward the Monroe doctrine back in 1887, the most significant utterance was made by the then Premier Salisbury, when President Cleveland, through Olney, had mentioned that the violation of the Monroe doctrine was involved.

Mr. SHORTRIDGE. That was during President Cleveland's administration, when Lord Salisbury was Premier.

Mr. FESS. Salisbury said that the Monroe doctrine had never been regarded by them as international law, no matter how brilliant the statesman who uttered it, or powerful the Nation that backed it. That was a very remarkable utterance from the Premier of Britain. It was on that occasion that the President asked Congress to authorize him to send a commission to the disputed territory to make a survey and to report upon the conditions.

Mr. SHORTRIDGE. Certainly.

Mr. FESS. I think that is one of the outstanding incidents in American history as to our position on the Monroe doctrine.

Mr. SHORTRIDGE. Precisely.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. SHORTRIDGE. I wanted to finish my statement; the Senator may proceed, however.

Mr. BORAH. What was there about the statement that was exceptional—that it was not international law?

Mr. FESS. No; the statement that no matter how brilliant the author who uttered it, or powerful the nation that backed it. That is the remarkable statement.

Mr. BORAH. Of course, the Monroe doctrine is not international law.

Mr. SHORTRIDGE. No.

Mr. FESS. No one ever held it was.

Mr. SHORTRIDGE. No nation ever admitted it to be international law, but the Senator from Idaho knows well that we are contending that it is an American doctrine which we propose to enforce.

May I right here recall the resolution introduced by Senator Lodge, when he was chairman of the great committee of which the Senator from Idaho is now the chairman. He, in a sense, expanded the Monroe doctrine by the resolution which passed the Senate, and that resolution was to this effect—it had direct application, however, to Japan—that if any foreign nation should establish a naval base so near to our shore or our territory as perhaps to endanger this Nation, we should regard that as an unfriendly act. In other words, the Lodge resolution, which referred specifically to Magdalena Bay, in Lower California, was passed because there was a suspicion, or perhaps a well-grounded belief, that Japan was negotiating with Mexico to establish a naval base at Magdalena Bay.

Mr. SWANSON. Mr. President, will the Senator yield to me a moment now?

Mr. BINGHAM. Mr. President, I have the floor.

Mr. SHORTRIDGE. Let me complete this statement about Venezuela and President Roosevelt.

Mr. SWANSON. I want to submit a request.

Mr. BINGHAM. I have yielded to the Senator from California.

Mr. SHORTRIDGE. Mr. President——

Mr. SWANSON. Will not the Senator wait a moment and permit me to make a request, which I must make before 2 o'clock?

The PRESIDING OFFICER. The Senator from Connecticut has the floor, and can yield the floor to whomever he desires.

Mr. SHORTRIDGE. Regarding the very thoughtful remark of the Senator from Wisconsin, I say that when, during the administration of President Roosevelt, Germany undertook by threat of force, sending naval vessels there, off the shore of Venezuela, to insist upon certain alleged rights—who was then in the White House? Another old Andrew Jackson in his love for America, not a pale-faced, pigeon-livered President, such as I have seen men in this country to be, who never have been and never will be President. I mean there was no coward in the White House; and there has been none there, and there is not one there now. President Roosevelt sent this message, that if Germany sent her warships to intimidate Venezuela, Admiral Dewey would be there to meet them—and the German warships turned off their course and never proceeded to that coast to intimidate and threaten that little country of Venezuela.

On another occasion I will answer the Senator from Wisconsin, and endeavor to point out that never in the history of this country, under any administration, including the present, have the true principles of the Monroe doctrine, announced in 1823, been violated, that they are not now being violated, and I trust they never will be violated.

I repeat, for those who were not here a moment ago, there are two great doctrines in which I profoundly believe. In 1793 George Washington warned America to keep out of Europe, and did much to establish our great doctrine of American neutrality. He warned the United States to keep out of Europe, and we have kept out of Europe. In 1823 James Monroe warned Europe to keep out of America, and we propose to keep her out.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the resolution now under consideration, following the precedents of the Senate, will be returned to the calendar under Rule VIII, and the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. BINGHAM. Mr. President, I merely want to say that it seems to me an unfair advantage has been taken of my interest in Nicaragua and of the fact that I was born in Honolulu, and that many of my friends there had the deepest interest in the establishment of the Republic of Hawaii. The Senator from Wisconsin [Mr. BLAINE] proceeds to bring up both of those interesting subjects as a kind of barrage when I was attempting to give my reasons for opposition to the resolution offered by the Senator from Florida [Mr. TRAMMELL] and in favor of the joint resolution in charge of the Senator from Maine [Mr. HALE]. It seems to me that it is an unusual thing, when a Senator who is interested in discussing one matter and is endeavoring to present it, that two other matters in which he may be presumed to be deeply interested are brought up in the form of questions and of prolonged debate.

Mr. SHORTRIDGE. Mr. President, I want to apologize on behalf of the Senator from Wisconsin. He is to blame for the whole thing. [Laughter.]

PROHIBITION ENFORCEMENT

Mr. BRUCE. Mr. President, I see that pursuant to the plan which the Senator from Idaho [Mr. BORAH] has adopted for subjecting all of the present candidates for the Presidency, Republican and Democratic, to the thumbscrew of inquisition in relation to their views on the subject of prohibition, the Senator from Kansas [Mr. CURTIS] has formally replied to a communication from the Senator from Idaho. Now, the temper of this reply, which was laid in my hands only a few moments ago, is unquestionably dry; but I am sorry to say that in my judgment, according to the strictest prohibition standards, it is not bone-dry.

The Senator from Kansas takes occasion to say, as a candidate for the Presidency, that he does not favor the relegation to the States of the question as to what the content of alcoholic beverages should be within the limitation of the eighteenth amendment. He does say that and says it distinctly. He also says that he does not favor the repeal of the eighteenth amendment. He also says that he does not favor the repeal of the Volstead Act. But nowhere, so far as I can find within the corners of his reply, does he say that he is not in favor of an amendment or modification of the Volstead Act by Congress. I commend that fact to the attention of this candidate for the Presidency. I do not know whether the omission was intentional or not, but if it was intentional I do say that if he wishes to have his political fences in a state of perfect repair when he becomes more actively a candidate for the Presidency, he should make good that omission, because, of course, it is perfectly manifest that the relief which is sought by us from the tyranny of the Volstead Act might to a very considerable degree be obtained by the modification of the Volstead Act by Congress.

But, in addition to what I have said, I wish to express the very deep regret felt by me that a Senator so observant and vigilant as is the Senator from Kansas, one so quick to feel the pulse and to note the course of public opinion, should not have profited more than he apparently has from the recent practical workings of prohibition in his own State, the State of Kansas.

I hold in my hand a book which has only lately been published, entitled "Why the Volstead Law Should Be Modified." It is written by a Kansas citizen, and without unduly taxing the attention of the Senate I desire to read aloud some three or four extracts from this book, certifying to the present condition of prohibition enforcement in the State of Kansas. This writer says first:

Kansas is supposed to be dry; and there is no doubt but what the State is as free or more free of liquor and law violations than any other State in the Union, but when anyone says or claims that Kansas is dry to-day they are—

Just listen to this little scintillation of Kansas wit—

in the same class that George Washington would have been if he had denied cutting down the cherry tree. Conditions are such in Kansas to-day that if the modification of the Volstead law was put to a vote, the result would bring a smile to the face of Mr. McAdoo's well-known New York friend—

Namely, Alfred E. Smith!

Then the writer goes on:

What Kansas people want and what they would vote for would be law enforcement, and they would vote for modification of the Volstead law because modification offers the only visible solution of the growing disrespect for all laws. Enforcement has been tried and failed, and Kansas people know it as well or better than they do in other States, and they know it because conditions are worse in Kansas—

Because they know that conditions are worse in Kansas—

to-day than they were before national prohibition.

Then the writer proceeds:

There was more whisky or stuff called whisky, better known as "corn," made and sold in Kansas during one month of 1926 than was shipped into the State in any six months' period 10 years ago. There have already been more whisky stills and home-brew outfits found and destroyed in Kansas since the Volstead law than there were legal breweries and distilleries combined in the entire Nation prior to the eighteenth amendment. The number of stills and home-brew outfits found in Kansas is a matter of record and runs into the thousands. These facts, of course, prove that Kansas has made a commendable effort to enforce the law, but when the records in just one city show there were more stills found in 1925 than in 1924, and a greater number discovered in 1926 than in 1925—nearly seven years after the Volstead law has been in effect—it is natural to conclude that conditions are growing worse instead of better.

Then the writer further says:

Such wholesale criminal development in Kansas or any other State of men with previous good records should be of more concern to a State or its people than the use of, or possession of, liquor by an individual. A law that works to promote bad citizens out of previous good men, as the records show the Volstead law has done, is much more dangerous to society than the per cent of alcohol permitted in a beverage drink ever could possibly be.

Then listen to this with respect to Wichita, one of the chief cities of Kansas:

The Wichita Daily Eagle is perhaps the most conservative publication in Kansas, with the largest circulation of any newspaper in the State. Both the editor and the management of the Daily Eagle are for prohibition first, last, and all the time. As a matter of news for its readers and in the interest of prohibition this newspaper made a survey of the amount of liquor sold and consumed in Wichita in just one year. The results of this survey were published in the Eagle under a large headline which read:

"Wichita spends more than $2,000,000 a year for its booze."

Then the writer says:

There is no greater fighter for prohibition and no better representative spokesman for the State of Kansas than ex-Gov. Henry J. Allen. In an article published in the New York Tribune not long before Mr. Allen sailed on the *University Afloat*, he said in part:

"Of course we know that the Volstead Act has not decreased the use of liquor in Kansas. It is not as good a law as the Kansas prohibitory law."

Then, finally, the writer says:

Even in Kansas high schools and colleges the bootlegger solicits and supplies his customers. * * * There are hundreds of young men of legal age in Kansas that have never seen a saloon, but there are very few of them in high schools and colleges that have not had an opportunity to drink liquor, and their familiarity with the hip-pocket flask is a matter of common knowledge, and there is little doubt but what the hip-pocket flask, a product of the bootlegger, is doing as much or more toward breaking down the morals of our young people to-day as the open saloons did in their day, bad as they were.

Now, after having read these extracts, I almost feel tempted to say to the able and popular Senator from Kansas, who has gone so far astray as to become a candidate for the Presidency of the United States on such a platform as he has, Fie, fie, Senator, how can you, with all this evidence of the practical workings of prohibition in your State, declare against the modification of the Volstead Act and the eighteenth amendment?

For his comfort it is only fair for me to add that only this morning evidence has been brought to my attention showing that in another State which enjoys the reputation of being a bone-dry State—that is to say, the State of South Carolina, from which the distinguished Senator who has just spoken

[Mr. BLEASE] comes—prohibition conditions are even worse than in Kansas. I turn to an issue of the Newberry (S. C.) Herald-News, dated January 17, 1928, and to a special dispatch in that issue from Columbia, S. C. This dispatch reads:

COLUMBIA, January 12.—For every 2,400 people of South Carolina—that is, for that number on an average, including men, women, and children, even to babes in arms—the dozen members of the governor's State constabulary destroyed one still during the 11 months from February 1 to December 31.

Think of that! One still for every 2,400 inhabitants in the State. Why, General Andrews testified last year before a subcommittee of the Committee on the Judiciary that only about one-tenth of the commercial stills which exist in this country were ever broken up by prohibition agents. If that is so, then there is one still in existence for every 240 inhabitants of the State of South Carolina.

Mind you, this writer is not speaking of home-brew stills, of home-brew plants of any sort; he is speaking only of commercial stills, stills which are set up for the manufacture and sale of corn whisky and other hard liquors. The entire dispatch is very interesting. The junior Senator from Maryland [Mr. TYDINGS] near me calculates that in South Carolina there is one still for every 60 families. Mr. President, whenever the Senator from Idaho [Mr. BORAH] puts a candidate for the Presidency on the rack, I propose to show just what sort of conditions as respects the enforcement of prohibition prevail in the State in which the particular candidate resides.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Maryland yield to me?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. BRUCE. I do.

Mr. WALSH of Massachusetts. I think the Senator from Maryland ought to call attention to the fact that no Senator from the States to which the Senator has referred attempts to make answer or denial of the assertion which the Senator has made.

Mr. BRUCE. That is undoubtedly true; they are men of too much veracity and intelligence to attempt that; they are men of too ripe knowledge as to the local conditions which prevail in their States, to say nothing more, to do anything of the sort. They know that they would find themselves at once in a hopelessly difficult situation.

I venture to say that even the junior Senator from South Carolina [Mr. BLEASE], whose courage in the expression of his opinions on every subject I have always so much admired, will not undertake to deny the truth of the statements that I have just read with respect to South Carolina.

Mr. WALSH of Massachusetts. Nor will the Senator from Kansas [Mr. CURTIS].

Mr. BRUCE. As to the Senator from Kansas, in the language of the comic opera Olivette, which used to be so popular, he has said to himself, "It is time for disappearing," for he, I note, is no longer in the Senate Chamber. As the colored people were wont to say when I was a boy in Virginia he has made himself "skeerce." I am sorry that the Senator from Idaho has also disappeared. However, it is the midday hour, and possibly the urgency of his hunger was such that he could not remain any longer in the Chamber without enduring a certain amount of physical discomfort.

Mr. BORAH entered the Chamber.

Mr. BRUCE. I see that the Senator from Idaho has returned. I was about to say that he has turned up "like a bad penny," but, of course, it is absolutely impossible to say that of the Senator from Idaho. He is too sterling coin. I want to say just a word to the Senator from Idaho—and I am glad he has come back to his seat. In some respects he and I are very much in accord with reference to the matter of prohibition, however far apart we may be in other respects. I think that each of the great national parties of this country and their several candidates for the Presidency should be made by the compelling force of public opinion to say exactly where they stand with reference to the repeal or modification of the Volstead Act and the eighteenth amendment. They should be brought to book; they should not be allowed to dodge, evade, palter, or equivocate on this great issue of prohibition, the most pressing, the most burning issue that has vexed the politics of this country since the old issue of slavery or no slavery. So far no Republican candidate for the Presidency has taken any pronounced stand with regard to this issue, and so far only one solitary Democratic candidate for the Presidency, in my opinion, has taken the unequivocal stand that he should have taken with regard to it, and that is Gov. Albert C. Ritchie, of Maryland, who has let the people of this country know in no uncertain language the disastrous results that have resulted from the administration of the Volstead Act, and has told them explicitly that he is in favor of having the legislation of prohibition remitted to the States so that they may determine for themselves, within the limitations of the eighteenth amendment, just what the content of alcoholic beverages should be. Only a few days ago Governor Ritchie reiterated his well-known views with respect to prohibition in an issue of Plain Talk; and he did so the other night again on the occasion of the Jackson Day celebration of this year, in Washington. I honor him for his frankness and his courage. I think that he has risen to the level of the occasion in every respect, and I trust that the Senator from Idaho in the distribution of his rather searching favors will also question the Governor of Maryland.

Of course, I am not reflecting on the firmness of character of Gov. Alfred E. Smith, though I for one regretted, as thousands and millions of other people in this country did, that when he sent his message to the Legislature of New York some days ago he did not take occasion at least to say that his general views with respect to the issue of prohibition had undergone no change whatever. That would have been sufficient. While he was pretty explicit in his message, I regret that he did not take occasion to go just a little further than he did go in connection with the subject of prohibition.

And, great as is my admiration for the Senator from Missouri [Mr. REED]—and there is no greater admirer of his splendid talents and his general public character in this body that am I—I regret that he has declared that the prohibition issue should not be raised by the next Democratic national platform. I hope, however, that the Senator from Idaho will not be deterred by anything that has heretofore happened from flashing his interrogation right in the faces of Governor Smith and Senator REED as well as in the face of Governor Ritchie.

I think that the Senator from Idaho has performed a real service to the cause of honest and manly politics in coming forward as he has with his splendid, unquailing, unfailing resolution of character and saying that the time has passed for hesitation, for a lack of candor, or for lack of frankness on the part of the great parties of this country in relation to the subject of prohibition, a subject which is at this time, in my opinion as well as his, one of transcendent, of incomparable importance and significance to the people of the United States.

RUSSELL & TUCKER AND OTHERS

Mr. JONES obtained the floor.

Mr. MAYFIELD. Mr. President, I ask the Senator from Washington to yield to me so that I may ask unanimous consent for the consideration of Senate bill 620, a local bill, which passed the Senate at the last session of Congress. It will involve no discussion.

Mr. JONES. If it will take no time, I have no objection.

Mr. MAYFIELD. I thank the Senator. I ask unanimous consent for the present consideration of the bill (S. 620) for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That Russell & Tucker, a copartnership composed of Lee L. Russell and S. C. Tucker; Floyd & Co., a copartnership composed of C. W. Floyd and S. C. Tucker; Borroum, Tucker & O'Connor, a copartnership composed of J. L. Borroum, S. C. Tucker, and Martin O'Connor; Rutledge, Browne & Nichols, a copartnership composed of W. J. Rutledge, N. H. Browne, and J. W. Nichols; Russell & Wilson, a copartnership composed of R. R. Russell and W. E. Wilson; Rocky Reagan, Alfred A. Drummond, J. M. Doble, and Dick Colson, any statutes of limitations being waived, are hereby authorized to enter suit in the United States District Court for the Northern District of Texas for the amount alleged to be due to said claimants from the United States by reason of the alleged neglect and alleged wrongdoing of the officials and inspectors of the United States Bureau of Animal Industry in the dipping of tick-infested cattle in Texas and Oklahoma, which said cattle were shipped from Texas to Osage County, Okla., in the years 1918 and 1922.

SEC. 2. Jurisdiction is hereby conferred upon said United States District Court for the Northern District of Texas to hear and determine all such claims without the intervention of a jury. The action in said court may be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the claimants base their claims, and the petition may be verified by the agent or attorney of said claimants, official letters, reports, and public records, or certified copies thereof may be used as evidence, and said court shall have jurisdiction to hear and determine said suit and to

enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due from the United States to the said claimants by reason of the alleged negligence and erroneous certification, upon the same principles and under the same measures of liability as in like cases between private parties, and the Government hereby waives its immunity from suit. And said claimants and the United States of America shall have all rights of appeal or writ of error or other remedy as in similar cases between private persons or corporations: *Provided,* That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further,* That such suit shall be begun within six months of the date of the approval of this act.

Mr. JONES. Mr. President, I should like a brief statement as to the object and purpose of the bill.

Mr. MAYFIELD. Mr. President, this bill simply confers the right upon certain citizens of Texas, Oklahoma, and Kansas to enter suit in the United States District Court for the Northern District of Texas for an amount alleged to be due to the claimants from the United States by reason of the alleged neglect and alleged wrongdoing of officials and inspectors of the United States Bureau of Animal Industry in the dipping of tick-infested cattle in Texas and Oklahoma, which cattle were shipped from Texas to Osage County, Okla., in the years 1918 and 1922.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIS subsequently said: Mr. President, a little while ago, during my temporary absence from the Chamber, Calendar No. 37, being Senate bill 620, which was introduced by the junior Senator from Texas [Mr. MAYFIELD], was passed by unanimous consent. I do not at all accuse the junior Senator from Texas of any bad faith in the matter, though I regret that he called the bill up during my absence, knowing that heretofore I had objected to it. I would not have objected to-day and did not intend to continue my objection, but I did want to make a statement about the bill. The Senator from Texas pointed out to me that certain amendments which had been recommended by the department had been embodied in the bill. Those amendments removed my objection in part but not entirely.

I merely wish to state now that I think the passage of bills of this character is bad legislation. We have a Court of Claims to consider such matters. It is proposed by this bill to refer the questions covered by it, which evidently are questions that should have gone to the Court of Claims under the general procedure, to a district court named in the bill. I think if that practice is persisted in it will result in encumbering up the records of the courts and seriously impeding the transaction of public business.

I desired to make that statement when the bill came up. As I have said, I would not have objected to its consideration, but I wanted to file my objection to that sort of legislation. That is all.

POLITICAL HISTORY OF SOUTH CAROLINA, ETC.

Mr. BLEASE. Mr. President, the article which the Senator from Maryland [Mr. BRUCE] has read from a South Carolina newspaper was written by John Kinard Aull, who has been the secretary of three governors of that State, who has been the official stenographer of two judicial circuits of that State, and who was for some time private secretary to one United States Senator. I can bear testimony to the fact that what he writes is true, so far as his information goes, and that he would not write such facts which are contained in the article referred to unless he obtained them from some official source.

Personally, Mr. President, I believe in State rights. If I had been a member of the Legislature of South Carolina when the amendment proposing national prohibition was before that body for ratification I would have voted against ratification. If I had been a member of the General Assembly of South Carolina when the amendment to the Federal Constitution providing for woman suffrage was presented I would have voted not to ratify it. I believe firmly that the determination of those questions belongs to the people of the individual States.

I shall not discuss political issues at this time, because I do not care very much about them; but if I wanted to name a ticket which I believe the people of this country would elect I would nominate, if I had the power, two great Democrats: For President, WILLIAM E. BORAH, of Idaho, and for Vice President, LEE S. OVERMAN, of North Carolina.

Mr. President, I have almost reached the conclusion that platforms are not worth the paper they are written upon. I have about reached the conclusion that what we need in this country in office is men—men who are not afraid to do what is right; men who have the courage to do what is right; men who are honest—and that it does not make any difference what platform you put them in on; it does not make very much difference what party you put them in on; if they are men in whom the people of this country have confidence, you will have a government superior to that of any other nation in the world.

That, however, was not what I rose to pay some attention to at this time.

A few days ago upon the floor of the Senate reference was made to the negro voting in the Southern States. The Senator from Virginia [Mr. SWANSON], in his very able address, has covered much of the ground which I myself intended to cover. Therefore I shall not reiterate.

South Carolina stands in a position of her own in regard to the Constitution of the United States of America. She has a constitution; and, without taking up the time of the Senate, I request to have printed in the RECORD in brief form the sections of our constitution which apply to this question.

Section 5 of the Declaration of Rights I ask to read:

The privileges and immunities of citizens of this State and of the United States under this constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

It also provides that no person shall be deprived of the right to vote because of race or color.

I also ask, at the same time, permission to insert some decisions from the supreme court of my State upon this question of suffrage.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SUFFRAGE—CONSTITUTION OF THE STATE OF SOUTH CAROLINA, RATIFIED IN CONVENTION DECEMBER 4, 1895

ARTICLE I. DECLARATION OF RIGHTS

SEC. 5. The privileges and immunities of citizens of this State and of the United States under this constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

SEC. 9. The right of suffrage, as regulated in this constitution, shall be protected by law regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or improper conduct.

SEC. 10. All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this constitution shall have equal right to elect officers and be elected to fill public offices.

ARTICLE II. RIGHT OF SUFFRAGE

SECTION 1. All elections by the people shall be by ballot, and elections shall never be held or the ballots counted in secret.

SEC. 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this constitution. But no person shall hold two offices of honor or profit at the same time: *Provided,* That any person holding another office may at the same time be an officer in the militia or a notary public.

SEC. 3. Every male citizen of this State and of the United States 21 years of age and upwards, not laboring under the disabilities named in this constitution and possessing the qualifications required by it, shall be an elector.

SEC. 4. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years, in the county one year, in the polling precinct in which the elector offers to vote four months, and the payment six months before any election of any poll tax then due and payable: *Provided,* That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State, otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in 10 years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this article.

(c) Up to January 1, 1898, all male persons of voting age applying for registration who can read any section in this constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1, 1898, sworn to by the registration officer, shall be filed, one copy with the clerk of court and one in the office of the secretary of state on or before February 1, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this article. The certificate of the clerk of court or secretary of state

shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1, 1898, if otherwise qualified, shall be registered: *Provided,* That he can both read and write any section of this constitution submitted to him by the registration officer or can show that he owns and has paid all taxes collectible during the previous year on property in this State assessed at $300 or more.

(e) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible during the previous year. The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated, or destroyed, if the applicant is still a qualified elector under the provisions of this constitution, or if he has been registered as provided in subsection (c).

SEC. 5. Any person denied registration shall have the right to appeal to the court of common pleas, or any judge thereof, and thence to the Supreme Court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal, and for the correction of illegal and fraudulent registration, voting, and all other crimes against the election laws.

SEC. 6. The following persons are disqualified from being registered or voting:

First. Persons convicted of burglary, arson, obtaining goods or money under false pretense, perjury, forgery, robbery, bribery, adultery, bigamy, wife beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, larceny, or crimes against the election laws: *Provided,* That the pardon of the governor shall remove such disqualification.

Second. Persons who are idiots, insane paupers supported at the public expense, and persons confined in any public prison.

SEC. 7. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any institution of learning.

SEC. 8. The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same: *Provided,* At the first registration under this constitution, and until the 1st of January, 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the governor, by and with the advice and consent of the senate. For the first registration to be provided for under this constitution, the registration books shall be kept open for at least six consecutive weeks, and thereafter from time to time at least one week in each month, up to 30 days next preceding the first election to be held under this constitution. The registration books shall be public records open to the inspection of any citizen at all times.

SEC. 9. The general assembly shall provide for the establishment of polling precincts in the several counties of the State, and those now existing shall so continue until abolished or changed. Each elector shall be required to vote at his own precinct, but provision shall be made for his transfer to another precinct upon his change of residence.

SEC. 10. The general assembly shall provide by law for the regulation of party primary elections and punishing fraud at the same.

SEC. 11. The registration books shall close at least 30 days before an election, during which time transfers and registration shall not be legal: *Provided,* Persons who will become of age during that period shall be entitled to registration before the books are closed.

SEC. 12. Electors in municipal elections shall possess the qualifications and be subject to the disqualifications herein prescribed. The production of a certificate of registration from the registration officers of the county as an elector at a precinct included in the incorporated city or town in which the voter desires to vote is declared a condition prerequisite to his obtaining a certificate of registration for municipal elections, and in addition he must have been a resident within the corporate limits for at least four months before the election and have paid all taxes due and collectible for the preceding fiscal year. The general assembly shall provide for the registration of all voters before each election in municipalities: *Provided,* That nothing herein contained shall apply to any municipal elections which may be held prior to the general election of the year 1896.

SEC. 13. In authorizing a special election in any incorporated city or town in this State for the purpose of bonding the same the general assembly shall prescribe as a condition precedent to the holding of said election a petition from a majority of the freeholders of said city or town as shown by its tax books, and at such elections all electors of such city or town who are duly qualified for voting under section 12 of this article, and who have paid all taxes, State, county, and municipal, for the previous year, shall be allowed to vote; and the vote of a majority of those voting in said election shall be necessary to authorize the issue of said bonds.

SEC. 14. Electors shall in all cases except treason, felony, or a breach of the peace, be privileged from arrest on the days of election during their attendance at the polls, and going to and returning therefrom.

SEC. 15. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State.

Mr. BLEASE. The only case that I can now recall, or of which I have been informed in reference to the constitutional provisions or the statutory provisions, herewith cited, have been decided in favor of the electors, and whenever any of them, either white or black, have appealed to the courts from a decision of the registration boards, the courts have ordered that they be given their registration certificates. I do not think the Supreme Court has been called upon to either affirm or reverse any such decisions, but that certainly is the record in so far as the circuit courts of our State are concerned.

SUFFRAGE—CASES CONSTRUING CONSTITUTION OF THE STATE OF SOUTH CAROLINA RATIFIED IN CONVENTION DECEMBER 4, 1895

ARTICLE II

SEC. 2. The term "qualified elector" as used in this section means "registered elector." Mew *v.* Railroad Co. (55 S. C. 95; 32 S. E. 828).

SEC. 3. Wright *v.* State Board (76 S. C. 574; 57 S. E. 536).

SEC. 4. Showing insufficient to raise question of avilidity of this section. Franklin *v.* State (218 U. S. 161; 54 L. Ed. 980).

Subsection (a). Applies to special as well as to general elections. Clarke *v.* McCown (107 S. C. 209; 92 S. E. 479).

Subsection (b). Each elector must present to managers of election registration certificate for precinct at which he offers to vote and proof of payment of all taxes for previous year. Taking oath that he is qualified elector is not sufficient. Wright *v.* State Board (76 S. C. 574; 57 S. E. 536).

Subsection (c). Registration by proper officer, unless vacated in the manner prescribed by law, is conclusive and such right can not be collaterally attacked. Rawl et al *v.* McCown (97 S. C. 1; 81 S. E. 958).

Subsection (e). Failure of managers to require voters' proof of payment of all taxes collectible during previous year renders election void. Gunter *v.* Gayden (84 S. C. 48; 65 S. E. 948).

SEC. 5. The State is not a necessary party and the question of qualification of an elector is always within the jurisdiction of the courts. Rawl et al *v.* McCown (97 S. C. 1; 81 S. E. 958).

SEC. 6. This section also disqualifies a person from being a juror. State *v.* Robertson (54 S. C. 146; 31 S. E. 868).

SEC. 8. Registration books are open to inspection for any citizen at all times and is a public record. Wright *v.* State Board (supra); Rawl *v.* McCown (supra).

I shall not take the time of the Senate to discuss that question. I have sometimes been painted as the enemy of the Negro race. That question I leave to South Carolina. I do not care what anybody else in the United States outside of South Carolina thinks about it, whether they think well or unwell, or what they think. That makes absolutely no difference in the world to me; but if the matter were left to the vote of the negro people of South Carolina, men and women—if the white people were just cut out entirely and only the negro people voted on it—I do not think I would have the slightest difficulty in being elected either governor of that State or a Senator of the United States.

I know how they feel toward me at home. I know that they come here to my office and ask me to help them get positions. I know that they come to my office and ask me to loan them money. I know that when I was elected governor of that State the penitentiary was crowded and the chain gangs were crowded with colored people who did not have any business there, and I turned out of that penitentiary and out of the chain gangs about 1,700 of them; and the only mistake I made was the day I left the governor's office that I did not turn out the whole darned business. [Laughter.] So I know how they feel toward me in that State; and I do not care, as I said, what any other State thinks about it.

The negroes of South Carolina do not want social equality. The best element of them will so express themselves at any time. What they do desire is equal rights and equal accommodations in traveling, and so forth, but they have no desire to hold office, and they have no desire to associate with white people. They fully realize that the white man who associates with them on equal terms is not as good or substantial a citizen as they are, and that by their association with him they lower themselves in the estimation of the best white people.

We have no trouble with the negroes in my State except very seldom, and then it is from an irresponsible class. They realize that the white people of South Carolina are their best

friends, and if let alone the question can be properly handled in South Carolina, without injustice to any and fairness to all.

Mr. President, here is what Abraham Lincoln said; and a good many people like to quote him and talk about him.

In a speech at Charleston, Ill., in 1858, Mr. Lincoln said:

I am not now, nor ever have been, in favor of bringing about in any way the social or political equality of the black and white races. I am not now, nor ever have been, in favor of making voters or jurors out of negroes, nor of qualifying them to hold office, nor of intermarriage with white people. There is a physical difference between the white and black races which will forever forbid the two races living together on social or political equality. There must be a position of superior and inferior, and I am in favor of assigning the superior position to the white man.

I say to these people who talk about the colored people not voting, talk about the colored people not holding office, and talk about the colored people intermarrying with white people go back to your earthly god; go out and stand here in front of his picture, or one of his statues, and repeat what he said.

South Carolina does not prevent a man who can comply with her constitution from voting in her elections. I wish to say to Senators or others who desire to read them that I hold in my hand the statutes of the State, three sections of which I also request to have printed, under the head of "Suffrage," one of which reads:

That no person shall be deprived of his right to vote because of his race or color.

In order not to take up the time of the Senate, I ask to insert in the CONGRESSIONAL RECORD these six sections of the statute laws of my State.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

(202) SEC. 1. Qualifications for registration after January 1, 1898.—Persons disqualified: Every citizen of this State and the United States 21 years of age and upwards, not laboring under disabilities named in the constitution of 1895 of this State, who shall have been a resident in the State for two years, in the county one year, in the polling precinct in which the elector offers to vote four months before any election, and shall have paid six months before any election any poll tax then due and payable, and who can both read and write any section of the said constitution submitted to said elector by the registration officer or officers, or can show that he or she owns, and has paid all taxes collectible during the previous year on property in this State assessed at $300 or more, and who shall apply for registration, shall be registered: *Provided,* That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State if otherwise qualified: *Provided further,* That persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison shall be disqualified from being registered or voting: *And provided further,* That persons convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, miscegenation, and larceny, or crimes against the election laws, shall be disqualified from being registered or voting, unless such disqualification shall have been removed by the pardon of the governor.

(203) SEC. 2. Electors to be registered.—No person shall be allowed to vote at any election hereafter to be held unless he or she shall have been registered as herein required.

(204) SEC. 3. Board of registration—Appointment, duties, term of office, etc.: Between the 1st day of January and the 15th day of March, 1898, and between said dates in every second year thereafter, the governor shall appoint, by and with the advice and consent of the senate, if in session, and if not in session subject to its approval at its next session, subject to removal by the governor for incapacity, misconduct, or neglect of duty, three competent and discreet persons in each county, who shall be citizens and qualified electors thereof, and who shall be known as the board of registration of * * * County, whose duty it shall be to register and to conduct the registration of the electors who shall apply for registration in such county as herein required. Their office shall be at the county seat, and they shall keep record of all their official acts and proceedings. Their term of office shall be for two years from the date of their appointment, and they shall continue in office until their successors shall have been appointed and shall qualify: *Provided,* That in case of a vacancy from any cause in the office of board of registration the governor shall fill such vacancy, by and with the consent of the senate as aforesaid: *Provided,* That in the county of Pickens the said board of registration shall be elected at the general election of 1912 and every two years thereafter.

(208) SEC. 7. Appeal from denial of registration: The boards of registration to be appointed under section 3 of this chapter shall, up to and including the 1st of January, 1898, judge of the qualifications of all applicants for registration. Any person denied registration shall have the right of appeal from the decision of the board of registration denying him registration to the court of common pleas of the county or any judge thereof, and thence to the supreme court; and on such appeal the hearing shall be de novo. Any person denied registration and desiring to appeal must within 10 days after the decision of the board of registration is made file with the said board a written notice of such notice of his intention to appeal therefrom. After the expiration of 10 days from the filing of such notice of intention to appeal the board of registration shall file with the clerk of the court of common pleas for the county the notice of intention to appeal and any papers in their possession relating to the case, and a report of the case if they deem proper. The clerk of the court shall file the same and enter the case on a special docket to be known as calendar No. 4. If the applicant desires the appeal to be heard by a judge at chambers he shall give every member of the board of registration four days' written notice of the time and place of the hearing. From the decision of the court of common pleas, or any judge thereof, the appellant or any duly qualified elector of the county may further appeal to the supreme court by filing a written notice of his intention to appeal therefrom in the office of the clerk of the court of common pleas within 10 days after such decision is filed, and within said time serving a copy of such notice on every member of the board of registration. Thereupon the clerk of the court of common pleas shall certify all the papers in the case to the clerk of the supreme court within 10 days after the filing of such notice of intention to appeal. The clerk of the supreme court shall place the case on a special docket, and it shall come up for hearing upon the call thereof, under such rules as the supreme court may make. If such appeal be filed with the clerk of the supreme court at a time that a session thereof will not be held between the date of filing and an election, at which the appellant will be entitled to vote if registered, the chief justice, or, if he is unable to act or disqualified, the senior associate justice, shall call an extra term of the court to hear and determine the case.

(209) SEC. 8. Registered electors before January, 1898, remain so—Establishment of right to vote: All persons registered on or before January 1, 1898, shall remain during life qualified electors, unless afterwards disqualified by the provisions of the said constitution. The certificate of the clerk of the court, or of the secretary of state, that the name of any person appears on the books or records hereinbefore required to be filed in their respective offices by the boards of registration shall be sufficient evidence to establish the right of such person to any subsequent registration and the franchise under the limitations imposed in the said constitution.

(210) SEC. 9. Board to judge the legal qualifications of applicants after January, 1898—Appeals: After the 1st of January, 1898, the board of registration to be appointed under section 3 of this chapter shall judge of the legal qualifications of all applicants for registration. From their decision appeals may be taken to the court of common pleas, or any judge thereof, and thence to the supreme court, and the mode of appeal shall be the same as prescribed in section 7, herein.

Mr. BLEASE. Mr. President, there is a provision there—and I hope those who criticize will remember this—that if a colored man or woman goes to the board of supervisors of registration in my State, and can qualify under the laws of my State, just as a white man has to do, just as a white woman to-day I am sorry to say ever consented to do, and that board of registration, composed of three men, declines to give that negro his registration certificate, he can appeal to either one of the circuit judges of the State, there being 14 of them; and on that appeal the circuit judge does not take the word of the supervisors of registration. He tries the case de novo, and he has the right to order that board of registration to enroll that colored man or colored woman as a registered voter; and I wish to call particular attention to the fact that that has been done in two or three instances in my State, and each time the circuit judge has decided in favor of the negro, and ordered that he be registered. Therefore, Mr. President, that question does not bother us down in South Carolina.

Just a word in reference to myself, for the benefit of some people who love to criticize.

On January 13, 1928, I received a letter from the president of the State Agricultural and Mechanical College of South Carolina, which is located at Orangeburg, a college supported by the State of South Carolina for the education of negro boys and girls. We have a 3-mill tax levy provided for in our constitution, which is divided between the races, and the colored people receive their part of that money for the education of their children. Then we support this State institution for the education of colored boys and girls when they are able to reach that college.

This professor, a colored man, in speaking of something that I did for this college, says:

Your kind favor is very much appreciated, as the books will be a valuable source of information to our faculty, students, and extension agents.

The college is in good shape, having this year a splendid enrollment of boys and girls eager to become better citizens and community builders. We are constantly encouraged to that end by your friendly interest and support. Governor Richards has shown a very friendly attitude toward the college in his budget recommendations, and the outlook for us under his administration is very hopeful and encouraging.

Governor Richards, I am proud to say, is to-day and has been for many years both personally and politically a very strong friend of mine.

Mr. President, on the floor of the Senate the other day, on page 1585 of the RECORD of January 17, the Senator from Montana [Mr. WALSH] said, speaking to the Senator from Illinois [Mr. DENEEN]:

The Senator's study of this matter will, of course, have apprised him of the fact that following the Civil War quite a large number of Members elect of the House of Representatives and some Members elect of the Senate had participated in the war against the Union and were, of course, guilty technically of treason. Had the Senator been a Member of this body at that time would he have voted to admit those men?

On page 1594 of the CONGRESSIONAL RECORD of the same date, in the first column—I shall not read it all—the Presiding Officer (Mr. WATERMAN in the chair) said:

Does the Senator from Connecticut yield to the Senator from Montana?

I call attention, without reading and without having it reprinted in the RECORD, to what appears from there down to the end of the first paragraph of the second column.

When the State of South Carolina ratified the Constitution of the United States it passed this resolution: I read from a document from the Library of Congress, entitled "Formation of the Union":

This convention doth also declare that no section or paragraph of the said Constitution warrants a construction that the States do not retain every power not expressly relinquished by them.

I do not know whether any other State in the Union, when it ratified this Constitution, put that in or passed a resolution similar to that or not; but South Carolina advisedly put it in there. It was put in by the man, I believe, if the record is ever properly searched and the truth is told, who wrote the Constitution of the United States of America, and whose draft of it, when handed in, was finally accepted, and it is really the Constitution of this country to-day.

I say, Mr. President, that under that section, as passed by that convention in South Carolina, she had a right not only then, but has a right now, to secede from the American Union if her people in convention assembled so declared then or should so declare now.

We are no strangers to the American Union. The South built this Nation. Of that there can be no doubt.

For 72 years—1789–1861—there were 15 Presidents of the United States and 9 were from the South. In nearly every Cabinet of the 15 Presidents the Attorney General was a southern man. These 9 southern Presidents made such excellent ones that 5 of them were reelected and not one from the 6 remaining ones from the North was reelected.

For 64 years the Chief Justices of the United States were southern men.

The obligations of the Nation to the South are great.

Richard Henry Lee, of Virginia, offered the resolution of independence.

Thomas Jefferson wrote the Declaration of Independence.

George Washington established it.

James Madison largely created the Constitution and was instrumental in having it ratified.

John Marshall was Chief Justice 30 years.

These men, with Alexander Hamilton, may truly be called the founders of the American Nation.

The South through Thomas Jefferson, of Virginia, added the Louisiana Purchase to the United States, million miles of territory.

The South through James K. Polk, of Tennessee, added Texas and the Pacific slope to the United States.

The South through Andrew Johnson, of Tennessee, added Alaska.

The South through Virginia gave the Territory Northwest of the Ohio River—Ohio, Indiana, Illinois, Michigan, and a part of Minnesota—to the United States.

The South through Lewis and Clarke, of Virginia, opened up the Yellowstone country and great West.

Through Georgia, Alabama and Mississippi were added to the Federal Government.

The South through Taylor and Scott, of Kentucky and Virginia, caused Mexico to yield.

In the Spanish-American War Gen. Joe Wheeler, of Alabama, was called "the backbone of the Santiago campaign."

Hobson, of Alabama, performed "the most heroic exploit ever executed in naval history."

It was Arthur Willard, of Maryland, who planted the first flag in Cuba.

It was Tom Brumby, of Georgia, who raised the first flag at Manila.

It was Anderson, of Virginia, who fired the first salute at El Caney.

The South deserves recognition by the Nation.

Every time you put a 2-cent stamp upon a letter the South speaks to you through George Washington. Every time you handle your silver money the South speaks to you through Thomas Jefferson.

In the late World War it was southern troops that broke the Hindenburg line.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment?

Mr. BLEASE. Yes.

Mr. BRUCE. The Senator should not forget that part of the force that broke the Hindenburg line was composed of New York troops.

Mr. BLEASE. I was just going to say, with the exception, of course, of the few troops from the State of New York; and I hope I may not be out of place in saying that possibly if the southerners had not been there, the New Yorkers might not have stayed.

Mr. President, some time back I inserted an article in the RECORD. I would like to have that article inserted at this place as a part of my speech, and as it would take some 25 or 30 minutes to read it, I ask permission, as it is already in the RECORD, to have it printed.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE SOUTH IS THE DEMOCRATIC PARTY

It is seen and known by all men that those who to-day are endeavoring to control the Democratic Party have no genuine love for the South and no good can come to the South from those sources which are endeavoring to obtain for themselves or their candidate for the office of the Presidency of the United States by their present campaign of slander and abuse of that section of this Nation which has made it possible for it to be what it is. And what ill will of God's or man's could induce men to speak so contemptuously as they do of that section of our common country that waged the Revolutionary War and built here a Government which has raised the standards of human living and safety to heights hitherto unknown? That the South built the Republic and that men who built the Republic then organized the Democratic Party as an "association of patriots" to preserve the Republic, the most illiterate among our people must see and appreciate.

Let only a recital of some of the events and outmarks in our history serve here to remind you of these facts, although to review all the achievements of the southern patriots and statesmen would require more time than one could rehearse and might become tedious to those who are not in sympathy with them.

First of all, it was the feeble colonies of South Carolina and Georgia that first wrote to the strong Virginia Colony Legislature, or house of burgesses, suggesting the calling of the First Continental Congress to band the Colonies together for their mutual protection against the encroachment of the power of the tyrannical foreign monarchy that then held them subject to his crown; it was Patrick Henry, the burning torch of human liberty, a Virginian, who lighted the flames of the Revolutionary War, and he was the first commander of the American Army, which he organized and mobilized on the James River near Williamsburg, until George Washington was placed in command in his stead by the combined Colonies; and what need is there of relating with what glory and valor the South participated in that frightful war and what portion of the victories they achieved. It will be interesting to relate that one event of that awful conflict might be sufficient rehearsal here to fix the greatness of her sons in your minds; I refer to the Battle of Kings Mountain, of which Senator John W. Daniel, of Virginia, said in his one-hundredth anniversary oration at the base of the mountain in 1880, "It is indeed a mountain which kings may well remember." In that period of our struggle for independence Florida and Georgia had gone down under the merciless onslaughts of the conqueror; General Washington, his men exhausted from campaign and battle and his southern troops laid beneath the sod from death due to affliction and the rigors of that awful winter at Valley Forge, were on the verge of general collapse, and the British knew of his condition. On December 26, 1779, Sir Henry Clinton, the British commander in chief, set out from London with 8,500 new troops for the strengthening of the forces already on this continent; on May 12 General Lincoln, who had been second to General Gates at Saratoga and now in command at Charleston, was beleaguered, and after desperate resistance surrendered the fort with 5,000 men, shipping, stores, artillery, and arms, and then it seemed that the heel of the conqueror had fastened a death grind on the necks

of the colonists, for there was nowhere now for succor to come from, so it seemed. But they had failed to take note of the fact that the Presbyterians who had fled from the British Isles in search of religious liberty had taken up their homes in the valleys of southwestern Virginia and upper east Tennessee and northwestern North Carolina.

To these liberty-yearning people the word went out from the British commander, Ferguson, who had taken up his quarters on Kings Mountain, from which he boasted that "All the rebels this side of hell can not dislodge me"; those patriots from beyond the mountains quickly met and marched through the mountains, living on parched corn, to North Carolina, where they were joined by the little company of 70 North Carolina troops, who were standing guard of their homes, and under forced march arrived at Cowpens, S. C., where the remaining 200 South Carolina troops from the heroic colony, already bled white from fighting, joined them on October 6, and on the morning of October 7 they set out and in four columns advanced up the four sides of that mountain, with the result that only the runner talebearer of the British escaped to warn his fellow soldiers farther to the north, while these southern heroes rolled the tide of the Revolution back to Yorktown. Of the result of this battle Senator Daniel, in his above-mentioned oration, said:

"As the victory of Moultrie at the palmetto fort was the early morning star, so Yorktown was the glorious and undimmed sunrise of American independence; and so Kings Mountain came like a vivid flash from the storm clouds of expiring night, dazzling darkened eyes with lambent light that played around this hoary crest, the patriots' eyes caught in prophetic vision an inspiring glimpse of Morgan and his men emerging through the smoke of Cowpens upon the heels of the flying Tarleton; beheld Cornwallis retreating before Greene after the dreadful carnage of Guilford, while at the close of the vista rose up in luminous splendor that grand historic picture which marks the dawn of a new era in the history of mankind, the sword of the conquered conqueror presented humbly to 'the Father of his Country,' while the standard of France and the flag of the great Republic floated in mingled glory over the ramparts of Yorktown."

Who was it but the southern colonies that in the constitutional conventions defeated the effort to make the new Government a limited monarchy, or a republican form of government in which the Chief Executive and the Senate would be elected for life; who but the southern delegates, led by Patrick Henry, saved to the people that glorious heritage, State rights, and had incorporated into the Constitution the Virginia Bill of Rights, which saved to the people the right of trial by jury among their own people, the writ of habeas corpus, the freedom of speech, freedom of the press, and the right to worship God according to the dictates of one's own conscience?

It was also Patrick Henry, as first Governor of Virginia, who organized the counties of Illinois, Indiana, and Ohio in the northwest territory of Virginia, and on the 3d day of May, 1784, the Virginia General Assembly ceded these three counties to the Federal Union with the stipulation that they should become three independent States. These negotiations were handled between the State and the Federal Government by James Monroe, Thomas Jefferson, Samuel Hardy, and Arthur Lee; this same Virginia gave also its right to the Territory of Tennessee and Kentucky and West Virginia to the Federal Government that this territory might become separate States in the Union; it was the South and southern statesmen that were, with their means and brawn, building the great seat of government at Washington when the British invaded our country in 1812, and, although we had a treaty of peace with the British, they destroyed our little Army and Navy at Baltimore and Bladensburg Road, drove President Madison and his wife from the seat of government, applied the torch first to the Library of Congress, then in the Capitol, then to the White House, after gorging themselves with what they found in it; sacked and burned the Treasury and the plant of the only newspaper of importance; sailed down the Potomac, bombarding Alexandria, and then into the open sea, which they had cleared of our ships, and on to New Orleans, where they encountered Andrew Jackson, born on the soil of South Carolina, and his southern troops, and the historian Parton tells the story that of the British dead on the field 80 per cent were shot between the eyes, and their commander, Pakenham, taken dead from the field, was pickled in rum and shipped to his brother-in-law, the Duke of Wellington, who received it on the eve of the Battle of Waterloo. And soon after this battle and as a sequel to it Florida came into the possession of the United States as a part of our national domain through the campaign of Jackson and the diplomacy of John C. Calhoun, of South Carolina, the two outstanding figures in history of their day, and Jackson organized the first Territorial government over it and prepared it to be converted into a State. Of its acquisition and the part he played in it John C. Calhoun, upon retiring from the portfolio of Secretary of War in the Cabinet of President Monroe, in an address to the people of South Carolina, replying to the attacks of Benton on him for the part he had had in this bit of statecraft, said:

"Although the youngest of Monroe's six Cabinet members, I have been attributed by Benton of being the author of the Florida treaty, the acquisition of which territory he sees as a disaster to the Republic. I have said it is a good treaty, not without due reflection. We acquired much by it; it gave us Florida, an acquisition not only important in itself but also in reference to the whole southwestern frontier. There was, at that time, four powerful tribes of Indians, two of whom the Creeks and Choctaws, were contiguous to Florida, and the two others, the Chickasaws and Cherokees, were adjoining. They were the most numerous and powerful tribes in the United States, and from their position were exposed to be acted on and excited against us from Florida. It was important that this state of things should terminate, which could only be done by the obtaining of Florida. But there were other and powerful considerations for the acquisition. We had a short time before extinguished the Indian title to large tracts of country in Alabama, Mississippi, and Georgia lying upon streams and rivers which passed through Florida to the Gulf—lands in a great measure valueless without the right to navigate those streams to their mouths. The acquisition of Florida gave us this right and enabled us to bring into successful cultivation a great extent of fertile lands which have added much to the increased production of the great staple, cotton. It also terminates a very troublesome dispute with Spain growing out of the capture of St. Marks and Pensacola by General Jackson in the Seminole War, and finally it perfected our title to Oregon by ceding to us whatever right Spain had to that territory."

It was John C. Calhoun, as chairman of the Foreign Affairs Committee of the House of Representatives in Washington in 1812, who forced on Congress the resolution declaring war on Great Britain because they were raiding and destroying our ships on the high seas, and carrying our seamen away as prisoners into foreign dungeons or putting them to death when captured in their avocation beyond the protection of their own country, and Calhoun also wrote his philosophy of government into books which form bright jewels in our libraries and schools of political economy.

Was it not Thomas Jefferson, a southern man and the original organizer of the Democratic Party, who negotiated the Louisiana Purchase and added to our domain that vast stretch of valley and prairie land in the world now formed into mighty States with cities teeming with a mighty and independent population? Was it not James K. Polk, a southern man born on the soil of North Carolina, who added all that vast domain of the Southwest and Pacific coast and the Rocky Mountains, and Oregon, Washington, and Idaho, to our public domain to become great and immensely wealthy States of the Republic? Of this territory the great Democratic orator from Indiana, Daniel Voorhees, once said in a speech in the Senate, "It embraces more gold and silver than is contained in all the world besides." Polk's enemies charged that he was turning the Republic into an empire by this act and that the people would thereby lose their liberties, but the same flag floats over them to-day that floats from the Capitol at Washington, and their people enjoy the same liberty and protection of government as do the people of New York or Pennsylvania. And it was Sam Houston, the boy house carpenter from Virginia, whose journeys into the Southwest placed him in command of the army of patriots, battling against marauders and alien enemies who were seeking to make our Government a failure and to turn us back to the tyrants of Europe, and after that glorious victory in war and the more glorious achievements in setting up and governing the Republic of Texas brought it into our dominion to add the States of Texas, part of New Mexico, part of Oklahoma, and part of Colorado and Wyoming to our Republic. And Houston, after he had twice served as President of that short-lived but glorious Republic and was in the United States Senate from Texas, refused to allow interests he thought not best for the future safety of the Republic of the United States to put his name forward for the Democratic nomination for President when he might have had the nomination by consenting to accept it. And after this vast domain was added to our Republic, extending its borders to the shores of the farthest ocean and lifting its greatness to the heights of glory never before known among men and conducted it without the breath of scandal ever being breathed against it; and it was a Democrat in Congress, Andrew Johnson, born in North Carolina and without a home of his own, who was the father of our homestead laws which gave all that vast domain acquired by southern statesmen as homes for the people, an administration of equal justice in government that was only attempted once before in history, that being in Rome during the administration of Julius Cæsar and Mark Antony and his brother Lucius Antony and for which the conspiracy against their lives was hatched.

With this glorious record of southern Democracy in building and conducting this Republic to such exalted heights, why should we allow it now to be dragged into the dirt to satisfy the vain desires of some candidate for office who has no sympathy for the people who made it or for the party whose political faith he professes only to gain his ends and gratify the gall of his backers?

If you turn to the sentimental aspect which our gallant and glorious Southland has added to this Republic, you have only to stand at attention when a band plays our national anthem, the Star-Spangled Banner, written by a southern man on the greasy paper which had been wrapped around the coarse food that was brought him to eat while he was imprisoned in the hold of a British warship that was bombarding Fort McHenry in Chesapeake Bay.

When evil days came upon the Republic, and with them graft and scandal and outrages of justice and lowering of the standards of greatness and duties of government, was it not our Southland which gave to the world the martial air Dixie and the gallantry and bravery of the Confederate soldier? The escutcheon of the Southern Confederacy is adorned with more illustrious names in proportion to the duration of its existence than ever graced the pages of history of any government that ever existed. Of the Confederate nation Senator John W. Daniel, of Virginia, in an oration before the annual reunion of Confederate veterans at New Orleans in 1892 said:

"There was no Confederate before 1861 and there were none after 1865. The Confederacy marked its boundaries with the bayonet; it flashed into the family of nations like a sword from its scabbard; it vanished from the family of nations like a sword into its scabbard. Its birth was registered and its epitaph written in the blood of the brave. It was born, it lived, it died amid the roll of drum and the blast of the bugle, the rattle of musketry, and the thunder of cannon. Its constitution was dissolved in the flames of war; its flag fell to rise no more; its institutions perished."

The sons and grandsons of the Revolutionary War and the Mexican War—the Confederate soldiers—fought for the greatest principles ever advocated by man; the right of the States to govern themselves as they best saw fit. They whose forefathers had made America possible; and upon the foundation which they laid the present great United States of America is built. When they returned to their homes from what is called the Civil War (God only knows how anybody could call a war civil, yet it seems that that has been adopted and I have used it, not that I indorse it, but to express certain ideas) they were without money; their property gone; their servants all set free; no mules; no horses; no cows; no hogs; even the sheep and goats gone; their barren land, which had laid in waste for four long years many of the loved ones which they had left at home sleeping in the silent grave yards. Any other race of people would have been heartbroken, discouraged, possibly have gone as emigrants to another country more prosperous to look for something to eat and for happiness; but no, they spurned it and like the men they were, they went into their own homes, some of them pulled a plow while the good wife held it to plant the seed for sustenance for the body; and in the late hours of the night the good housewife would sit and sew that she and he might have cloth in such shape as to hide their nakedness; they went to work; they went to their churches on Sunday and worshiped their God and asked for His assistance. I say to you, my fellow citizens, that they were the builders of this Nation and they should demand the right to say what this Nation stands for and what its principles should be. They met the deadliest foes ever known to man, the carpetbagger, the scalawag, the thief, the robber, yea, more than that, the black faces that had been their servants, which God had not made their equal and who will never be their equal or their associates. They proved that they could not be treated thus for they threw off that yoke of thraldom and oppression. I repeat that no other people on earth would have done that or could have done it and I repeat that we are the backbone of the American Nation and if you take the South out of the American Nation to-day she would perish like Rome and Carthage and the other countries that are known now only in the dim pencillings of history. Then, why should we not demand our rights? Why should we not stand in the Democratic convention and say that "This is what we want and by the Eternal God we shall have it."

And in the Spanish-American War the South sent her troops and stood ready with every man, woman, and child within her borders to defend the United States and her people, and did gallant service when called upon.

If you look to our aid to humanity you will notice that it is the cotton of Dixie that clothes the naked and furnishes beds for the tired workman to rest upon from his toil; it furnishes the swaddling cloth which wraps the babe when it is born into the world, and it furnishes the winding sheet for old age when it quits the walks of life; it furnishes the sails for the ships which sail the Seven Seas and rope to hang traitors in all parts of the world; it makes life more comfortable for the rich and the poor, and it shelters the soldiers on the field and in the camp when war devastates the land; it is made into belts to drive your machinery in your factories. In fact, there is no other one article of production on which our civilization so much depends as it does on cotton.

And if you look still for bravery on the field of battle, I will remind you that it was the Thirtieth Division, composed of troops from South Carolina, North Carolina, and Tennessee which broke the Hindenburg line and sent William II into his present retreat at Doorn, where he afterwards furnished some enlightening interviews in one of which he expressed his view that Dixie was the greatest martial air that was ever written, and on that opinion I think he was qualified then to speak as an authority.

And yet there are Democrats to-day, so called, who are cursing the South. Adherents of some of the candidates for the Presidency have been condemning the South for doing things they do not approve of. Let me tell you that the South made this country and handled it for 40 years without a blot on its escutcheon. No charges of graft or corruption. I repeat, let the personal consequences be what they may, I favor the southern delegates to the next Democratic National Convention standing up in the convention and demanding to be represented and demanding that what they favor be written in the platform of the party, and if the two-thirds rule be abolished and their demands are not agreed to, that they withdraw from that convention and hold a Simon-pure Democratic convention and invite all of the citizens of the United States of America to join them in the election of their nominees; and not allow mugwumps and camouflaged so-called Democrats to control the Democratic convention; men who do not want the Democrats to succeed, but want both Democratic and Republican candidates from their own crowd, so it matters not which gets in, they win and the people lose. As I suggest, if anyone is to bolt, let it be them and not us. Why let delegates from States that never have and never will give the Democrats an electoral vote name whom we shall vote for and what issues we shall advocate?

Mr. BLEASE. Mr. President, I also want to quote from The American Commonwealth, by Mr. Bryce, abridged edition of 1899, page 276.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

In a remarkable letter written to Mr. Hodges (4th April, 1864) President Lincoln said:

"My oath to preserve the Constitution imposed upon me the duty of preserving by every indispensable means that Government, that Nation, of which the Constitution was the organic law. Was it possible to lose the Nation and yet preserve the Constitution? By general law life and limb must be protected, yet often a limb must be amputated to save a life, but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful by becoming indispensable for the preservation of the Constitution through the preservation of the Nation. Right or wrong, I assume this ground, and now avow it. I could not feel that to the best of my ability I had even tried to preserve the Constitution, if, to save slavery or any minor matter, I should permit the wreck of Government, country, and Constitution altogether."

Such as expenditure of vast sums on "internal improvements" and the assumptions of wide powers over internal communications.

"Truth of War Conspiracy in 1861," by H. W. Johnson, proves that Mr. Lincoln violated an armistice when he clandestinely sent reinforcements to Fort Sumter in April, 1861. In July, 1861, Mr. Lincoln asked Congress to adopt the resolution, as follows:

"Be it resolved by the Senate and House of Representatives of the United States in Congress assembled, That all the extraordinary acts, proclamations, and orders hereinbefore mentioned be, and the same are hereby, approved and declared to be in all respects legal and valid to the same, and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States."

Congress adjourned without considering the resolution. He used military (the limb) provided by the people to protect the Constitution (organic law) contrary to his oath, and overrode the Constitution (life) by using military dictatorially. His acknowledgments are "I felt that measures otherwise unconstitutional," and his application to Congress to sanction his acts in resolution shown above. Contradictory and ambiguous! Congressman Lincoln on the 18th of January, 1848, said:

"Any people anywhere, being inclined and having the power, have the right to rise up and shake off the existing Government and form a new one that suits them better. This is a most valuable, a most sacred right—a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can may revolutionize and make so much of their own territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority intermingled or near about them who may oppose their movements."

How many people revolutionize and change a government without seceding from the former government? Was not that a good secession remark? (See CONGRESSIONAL RECORD or the Globe.)

Mr. BLEASE. Mr. President, I also wish to print from The Confederate Cause and Conduct in the War Between the States by McGuire and Christian, and also Messages and Papers of the President, copyrighted by James D. Richardson in 1897, Mr. Lincoln's message to Congress of December 13, 1863, page 3389. I ask to have these printed, because I do not care to take the time of the Senate to read them.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE CONFEDERATE CAUSE AND CONDUCT IN THE WAR BETWEEN THE STATES

(By McGuire and Christian, pp. 13, 14)

After the failure of the "peace conference" inaugurated by Virginia in her most earnest effort to prevent war between the sections,

and during the sessions of the Virginia conventions, that body determined to send commissioners to Washington to ascertain, if possible, what course Mr. Lincoln intended to pursue toward the seceded States, since it was impossible to determine this course from the ambiguous language employed in his inaugural address. These commissioners, the Hon. William Ballard Preston, Alexander H. H. Stuart, and George W. Randolph went to Washington and had an interview with Mr. Lincoln, and an account of that interview will be found in the first volume Southern Historical Papers at page 443. At page 452 Mr. Stuart says, "I remember that he [Lincoln] used this homely expression, 'If I do that [recognize the Southern Confederacy] what will become of my revenue? I might as well shut up housekeeping at once.'" "But," says Mr. Stuart, "his declarations were distinctly pacific, and he expressly disclaimed all purposes of war."

Mr. Seward, the Secretary of State, and Mr. Bates, the Attorney General, also gave Mr. Stuart the same assurances of peace. That night the commissioners returned to Richmond, and the same train on which they traveled brought Mr. Lincoln's proclamation calling for 75,000 men to wage war of coercion against the Southern States.

"This proclamation," says Mr. Stuart, "was carefully withheld from us, although it was in print, and we knew nothing of it until Monday morning when it appeared in the Richmond papers. When I saw it at breakfast, I thought it must be a mischievous hoax, for I could not believe Lincoln guilty of such duplicity. This proclamation is now conceded by nearly all northern writers to be a virtual declaration of war, which Congress alone has the power to declare. And yet Mr. Lincoln in violation of the Constitution and of his oath did all these things before Congress was allowed to assemble on the 4th of July, 1861. It is shown above that Mr. Lincoln submitted a resolution to Congress asking that his "extraordinary acts" be legalized, but Congress adjourned without acting upon the resolution. However, Mr. Lincoln continued his usurpation of authority to wage war.

Mr. Lincoln was Commander in Chief of the Army of the United States and took oath to observe the following laws concerning property, as understood and stated by General McClellan: "In prosecuting the war all private property and unarmed persons should be strictly protected, subject only to the necessity of military operations. All property taken for military use should be paid or receipted for, pillage and waste should be treated as high crimes, and all unnecessary trespass sternly prohibited, and offensive demeanor by military toward citizens promptly rebuked."

(Page 16)

"And yet within two weeks from that time the Federal Secretary of War, by order of Mr. Lincoln, issued an order to the military commanders in Virginia, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas directing them to seize and use any property belonging to the inhabitants of the Confederacy which might be necessary or convenient for their several commands, and no provision was made for any compensation to owners of private property thus directed to be seized and appropriated."

The following is the report of General Sherman after his march through Georgia: "We consumed the corn and fodder in the region of country 30 miles on either side of a line from Atlanta to Savannah; also sweet potatoes, hogs, sheep, and poultry, and carried off more than 10,000 horses and mules; estimate the damage to the State of Georgia at $100,000,000, at least twenty millions of which inured to our benefit, and the remainder was simply waste and destruction."

General Halleck, Mr. Lincoln's Chief of Staff, wrote to General Sherman on December 18, 1865, as follows: "Should you capture Charleston, I hope that by some accident it may be destroyed; and if a little salt should be thrown upon its site it may prevent the future growth of nullification and secession." To which General Sherman replied, 18th of same month: "I will bear in mind your hint as to Charleston, and do not think that salt will be necessary," indicating, by writing, destruction of the place.

(Messages and Papers by the Presidents, copyright by James D. Richardson, 1897)

MR. LINCOLN'S MESSAGE TO CONGRESS, DECEMBER 13, 1863

(Page 3389)

"According to our political system, as a matter of civil administration, the general Government had no lawful power to effect emancipation in any State, and for a long time it had been hoped that the rebellion could be suppressed without resorting to it as a military measure." However, on same page is stated he enticed 100,000 slaves from the South, enlisted them in his Army, and returned them South to murder their former owners. Northerners sold those slaves to southerners, and were never honest enough to return the purchase money. If those negroes had gained southern territory, what would they have done to old men, women, and children under influence of hating northerners? Was not Mr. Lincoln an insurrectionist? Other instances in that direction may be cited.

PRESIDENT JOHNSON'S ANNUAL ADDRESS, DECEMBER 4, 1865

(Page 3556)

The next step which I have taken to restore the constitutional relations of the States has been an invitation to them to participate in the high office of amending the Constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with public safety. For this great end there is need of a concurrence of all opinions and spirit of mutual conciliation. All parties in this late conflict must work together in harmony. It is not too much to ask in the name of the whole people, that on the one side the plan of restoration shall proceed in conformity with willingness to cast the disorders of the past into oblivion, and that the other evidences of sincerity in the maintenance of the Union shall be beyond any doubt of the proposed amendment to the Constitution which provides for the abolition of slavery forever within the limits of our country. So long as the adoption is delayed, so long will doubt and jealousy and uncertainty prevail. This is the measure which will efface the sad memory of the past; this is the measure which will most certainly call population and capital and security to the parts of the Union that needs it most. Indeed, it is not too much to ask of the States which are now resuming their places in the family of the Union to give this pledge of perpetual loyalty and peace. Until this is done, the past, however much we may desire it, will not be forgotten. The adoption of the amendment reunites us beyond all power of disruption; it heals the wound that still is imperfectly closed; it removes slavery, the element which has so long perplexed and divided the country; it makes of us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support.

(Page 3570)

Mr. Johnson said, December 18, 1865:

"The people of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Tennessee have reorganized their respective State governments and are yielding obedience to the laws of the United States. The proposed amendment to the Constitution providing for the abolition of slavery forever within the limits of the country, has been ratified by each one of those States."

If Mr. Lincoln's emancipation proclamation was not in violation of his constitutional oath, why necessity for the thirteenth amendment? Bolshevists and Reds from the North, also Congressmen, by oppression, forced that amendment by Southern States.

Mr. BLEASE. I also ask, in order to save time, for leave to insert an extract from the history of J. L. M. Curry, pages 202, 207, 208, 211, 213, 217, 229, and 242.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

New York more explicitly said: "That the powers of government may be reassumed by the people whenever it should become necessary to their happiness; that every power, jurisdiction, and right which is not by the said Constitution clearly delegated to the Congress of the United States or the departments of the Government thereof remains to the people of the several States or to their respective State governments, to whom they may have granted the same; and that those clauses in the said Constitution which declares that Congress should not have or exercise certain powers do not imply that Congress is entitled to any powers not given by the said Constitution, but such clauses are to be construed either as exceptions to certain specified powers or as inserted merely for greater caution." Rhode Island lingered until 1790, and then adopted the cautious phraseology of New York, specifying certain rights and declaring that they shall not be abridged or violated, and that the proposed amendments would speedily become a part of the Constitution, gave her assent to the compact, but declared that "the powers of government may be reassumed by the people whenever it shall become necessary to their happiness." (5 Bureau of Rolls, 140–145, 190, 191, 311.)

WHY THE SOUTH RESISTED FEDERAL ENCROACHMENTS

It can now clearly be seen why the South, being a minority section, with agriculture as the chief occupation, and with the peculiar institution of African slavery fastened on her by old England and New England, adhered to the State rights, or Jeffersonian, school of politics. Those doctrines contain the only principles or policy truly conservative of the Constitution. Apart from them, checks and limitations are of little avail, and the Federal Government can increase its powers indefinitely. Without some adequate restraint or interposition, the whole character of the Government is changed and forms, if retained, will be, as they have been in other countries, merely the disguises for accomplishing what selfishness or ambition may dictate. The truest friends of the Republic have been those who have insisted upon obedience to constitutional requirements. The real emenies, the true disunionists, have been those who, under the disguise of a deceptive name, have perverted the name and true functions of the Government and have usurped for selfish or partisan ends, or at the demand of crazy fanaticism, powers which States never surrendered.

Those who contend most strenuously for the rights of the States and for a strict construction of the Constitution are the genuine lovers and friends of the Union. Their principles conserve law, good order, justice, established authority; and their unselfish purpose has been to preserve and transmit our free institutions as they came from the fathers, sincerely believing that their course and doctrines were necessary to

preserve for them and posterity the blessings of good government. The States have no motive to encroach on the Federal Government, and no power to do so, if so inclined, while the Federal Government has always the inclination and always the means to go beyond what has been granted to it. No higher encomium could be rendered to the South than the fact, sustained by her whole history, that she never violated the Constitution, that she committed no aggression upon the rights or property of the North, and that she simply asked equality in the Union and the enforcement and maintenance of her clearest rights and guarantees. The latitudinous construction, contended for by one party and one section, has been the open door through which have entered the grievances of which the people have complained. A strict construction gives to the General Government all the powers it can beneficially exert, all that is necessary for it to have, and all that the States ever purposed to grant.

Passion, revenge, cupidity, ignorance, and fanaticism have created an incurable misunderstanding of secession, its source, and object. In its simplest form and logically it meant a peaceable and orderly withdrawal from the compact of union, a dissolution of the civil partnership, a claim of the paramount allegiance of citizens, a declension to continue under the obligations due to or from the Federal Government or the other States. The authority of the Constitution remained intact and unimpaired over the States remaining in the Union and ceased only as to the seceding States. The remaining or continuing States had no right of coercion nor of placing the "wayward sisters" in the attitude of an enemy.

Mr. BLEASE. Mr. President, I also desire to call attention to the fact that not only those whom I have already mentioned, but other great southerners have done a great work for this country. I wish I could refer particularly to one as a southerner, but who was elected from the State of New Jersey. That is as far as I shall comment. Others may accept him as a southerner and give him credit such as they think he deserves, which possibly I might not.

On the 19th of this month in the South—and I am speaking particularly for my own State—bells were rung in the churches and in the city halls, meetings were held in schoolhouses, in social clubrooms, in libraries, courthouses, and other places, and addresses were made by some of our most distinguished people in honor of that matchless leader, Robert E. Lee, and in honor of the men who some people say were technically guilty of treason. I want to read a few of the names of those who were technically guilty of treason.

The first one is that of Wade Hampton, who sat in this Chamber after he had redeemed, through his leadership, the State of South Carolina from the dirtiest, meanest, vilest, most corrupt set of thieves, backed by negro ex-slaves, that ever disgraced any State in the American Union. They were camp followers of Sherman's army, the man to whom Halleck said, in writing to him, "I hope that when you reach South Carolina you will remember Charleston and the balance of that State, and use a little salt, if necessary." Sherman sent him word back that he need not be uneasy. Yes, but God knows the women and children of South Carolina were uneasy when his dirty, cowardly assassins set fire to our homes, robbed our women and children, snatched off of their hands and off of their necks the jewelry they had on, and in some instances did worse; I will not say what, with these ladies in this gallery.

That is the crowd Wade Hampton drove out of South Carolina. That is the crowd from which Wade Hampton and his followers restored to the United States a State and a people brave, honest, and independent, and to-day, if you were to start a search for pure, unmixed American blood, you would find more of it in the State of South Carolina than in any other State in the American Union.

Matthew C. Butler sat in this Hall for a long time; and right there, Mr. President, I want to correct a Senator who the other day, I know of course inadvertently, referred to the Butler case. Butler was never voted on because he was a Confederate soldier. That question was not raised in the Butler case, and if you will turn to page 637, Senate Documents, volume 3, Fifty-eighth Congress, special session, 1903, you will find the case of David T. Corbin against Matthew C. Butler. That case was where the Republicans—and when I say "Republicans," I hesitate to use the word. When I come here and see what the Republican Party in this Senate is composed of, and think about that crowd, I really think I do the present-day Republican Party an injustice in calling that crowd, whose very existence was a stench in the nostrils of decent people, by the name "Republican."

In South Carolina there were supposed to be two houses of the legislature. One was called the Mackey house, composed of negroes and scalawags. I think possibly there were a few renegades, the lowest type of humanity, native South Carolinians, in that body. The other was called the Wallace house, presided over by that distinguished jurist, William H. Wallace, of South Carolina.

They wrangled for quite some time as to which was the house to be recognized. Finally, when the Federal troops were taken out of the State and withdrawn, the Wallace house elected Matthew C. Butler to the United States Senate. He had been a general in the Confederate Army and a gallant one, as any man who was there will testify.

The question in this body was not whether General Butler had been a Confederate soldier or not; not whether he was technically guilty of treason or not. The question was, Did the house known as the Wallace house have the right and the power to appoint or elect a Senator? The United States Senate seated Butler, not on account of, nor did they take into consideration the question of, the Civil War; but they decided that he was entitled to his seat. If for no other reason than that I would have voted and expect to vote to seat WILLIAM S. VARE in this body because it was Don Cameron, of Pennsylvania, who, by his influence, turned the tide in favor of South Carolina then, and so far as I know she has never proven to be ungrateful up to this time.

Then as generals we had in that war Joseph B. Kershaw; Micah Jenkins; Maxcy Gregg; Richard H. Anderson; Johnson Hagood; Ellison Capers, a general in that war who afterwards became bishop of the Episcopal Church of South Carolina, one of the finest, one of the truest, one of the most capable men that God ever put breath in the body of; Roswell S. Ripley; M. L. Burham; Bernard E. Lee; N. G. Evans; Samuel McGowan; Benjamin Huger; and others—thousands as brave and true who served as officers and in the ranks as privates. Any man who says those men were technically guilty of treason, knowing what the southern people have done for this Nation and in the building of it, does not know what he is talking about.

Oh, somebody said Congress said they were technically guilty of treason. Somebody said the courts said they were technically guilty of treason. I have no respect for the Congress that said it and no respect for any court that delivered any such opinion. If that be treason or technical treason, then as Patrick Henry said, "make the most of it."

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BLEASE. I yield.

Mr. BRUCE. Did the Senator ever hear the tribute paid by a colored man to Bishop Polk, of whom he has just spoken? May I recall it?

Mr. BLEASE. I am glad to have the Senator do so.

Mr. BRUCE. I happen to be somewhat familiar with his career, and gladly subscribed to everything the Senator has said on that subject.

Some years ago a gentleman told me this story about him. He said Bishop Polk was down in New Orleans on one occasion and a colored bootblack was blacking his shoes. The colored man addressed him as "general." Bishop Polk, who is a superb looking man, a man of glorious features and figure, said, "I am not a general." The colored bootblack addressed him a few moments later as "admiral." Bishop Polk said, "I am not an admiral." Then the colored man said, "Well, then, what is you?" Bishop Polk then said, "I am a bishop." "Well," the colored bootblack said, "I knew whatever you was, you was at the top." [Laughter.]

Mr. BLEASE. I am obliged to the Senator.

Mr. President, I desire to ask unanimous consent to have inserted in the RECORD an article from the Dorchester County (S. C.) Record of January 19, 1928, headed "Lee's birthday," and also an article entitled "The voice of the people," from the Richmond Times-Dispatch of December 29, 1927.

The PRESIDING OFFICER. Without objection, it is so ordered.

The articles are as follows:

[From the Dorchester County (S. C.) Record, January 19, 1928]

LEE'S BIRTHDAY

To-day is a day when the whole South should stop to pay consideration to the memory of one of the greatest and best men that ever blessed this world with the works and example of his life, and the whole world might well do likewise. It is the anniversary of the birth of Robert E. Lee, "Marse Robert," as he was affectionately called by the men in gray whom he so valiantly led in defense of their convictions as to their rights. He is well worthy of memory as a soldier, one of the greatest that ever maneuvered armies and fought battles. As a general there have been others with greater military genius. There are those

who claim that distinction for Jackson, the two Johnstons, and Kirby Smith, who also wore the gray. But as a man, a clean, noble, high-minded man, he has few equals and no superiors.

Far greater than his wonderful exploits on battle fields with outnumbered armies, whose equipment was also far beneath that of the foes they opposed, were his peace-time achievements. His work at Washington College, now appropriately bearing the names of the two great Virginians, Washington and Lee, stamps him as a man of supreme vision. Trained in a military school, West Point, he might not have been supposed to have been adequately equipped to be head of a civil college. Yet he visioned the educational needs of the prostrate South with keener and broader vision than those apparently better trained to head such colleges. He established the first school of journalism, because of the South's supreme need of trained journalists to lead the work of rehabilitation, rather than the old school of controversial editorialists, who had used the papers of the South to inflame its passions and bring on that war in which Lee nobly did his duty, though he had wanted it averted. And also he established an engineering school, because of the South's need of men equipped to take the lead in development of her resources, which had not been developed as they should have been before the war because of the easy life the institution of slavery permitted. And he made a law school where law was taught instead of its being read in the offices of lawyers.

How great he was in defeat! How quietly he turned aside the offer of a salary as president of an insurance company many, many times greater than the meager stipend that came to him as the head of a poor and struggling college. How fine his reason for declining that salary, that he had no knowledge of the business of insurance. And what quiet manliness in his reply when told that others would do the work and he was wanted as president because of the business that would come because he was president, that his name was not for sale.

And then, too, what more splendid than his refusal of an offer from his English admirers of an estate that would have supported him in ease and comfort, because acceptance of such an offer was incompatible with his self-respect and would have kept him from serving his country and his people as he wished to do.

The explanation of Lee? He came of noble people. Blood will tell. His father was a great figure in the Revolution, and his mother a modern Cornelia. She largely raised him because of his father's failing health. But the best explanation of Lee is his understanding and appreciation of duty, which he declared "the noblest word in the English language."

Anyone who has attended a military school knows what endless rules there are for governance of cadets, some of them seemingly quite "footy" and made only to be broken. Yet Lee was four years at West Point without one demerit mark. He broke no rule, no matter how silly or unimportant it seemed. Duty demanded they be obeyed and he obeyed them. He never went contrary to what he conceived to be duty. That West Point record best explains Lee.

[From the Richmond Times-Dispatch, Thursday, December 29, 1927]

MORE ABOUT LINCOLN

To EDITOR OF THE TIMES-DISPATCH.

SIR: I hesitate to take up space in your paper by protracting the debate over Lincoln, but the letter of "Westerner" in your issue of December 23 is such an instance of the special pleading in which northern writers have indulged that an answer to him is, in a way, an answer to many others.

Without inquiring into the accuracy of the statements of Mr. Easley, it is very clear that the intention of "Westerner" is to absolve Lincoln from responsibility for the barbarous warfare of his odious lieutenants, Sheridan and Sherman. He assumes that because neither Sherman nor Sheridan gave Lincoln any account of their enormities that, therefore, he was ignorant of them. But, how absurd! These enormities continued for weeks and months, and it is ridiculous to suppose that the President of the Northern States, with all the agencies at his disposal, could be uninformed of them. The newspapers both North and South were full of them, and President Davis's protests against these outrages were well known.

As a matter of fact, they were directly instigated by Lincoln. It is a well-known principle of the international law that no private property, even of an individual in arms, can be taken except from military necessities, and, if taken for that reason, should be paid for, and pillage and waste are strictly prohibited. This rule of justice and humanity was adopted in 1861 by the Federal Government for the government of its armies, and yet in July, 1862, before the war had lasted but little more than a year, Mr. Stanton, the Federal Secretary of War, by order of the President, authorized Federal commanders everywhere in the South to seize and use any private property which might be necessary for their military commands, and no provision whatever was made for compensation. From this order, of course, there was only one step to universal pillage and destruction, and in 1864 eastern Virginia was more completely destroyed without orders from General Grant than the Valley of Virginia was with orders. Lincoln never lifted once a staying hand!

But this is not the whole story by a vast deal. The indictment against Lincoln as the head of the Government is ghastly! To reduce the South to submission, Lincoln issued a proclamation threatening with hanging as pirates all Confederate privateersmen and as guerrillas regularly commissioned partisans. The cartel of exchange was suspended and medicines were made contraband—the first time it was so done in the annals of history—and all supplies and gifts to Confederate soldiers in northern prisons were prohibited. Within the areas embraced by the Union lines the oath of allegiance was required of both sexes above 16 years of age under penalty of being driven from their homes.

By an order in 1864 all male noncombatants on the farms from 17 years old to 50 years were made subject to arrest, and under the pretext of this authority boys of 12 years and old men of 60 and 70 were hurried off to confinement, till in my native county of Charles City there was scarcely anyone of the male sex left on the plantations. I know the fact that the defenseless condition of the women and children in the county was directly brought to Lincoln's attention by my own mother, and this great, humane President did nothing beyond referring her letter to Ben Butler, of odious memory, then in command of the district. Never was there a more terrible indictment of Lincoln's government made by any southern man than was made by Charles Francis Adams, a Federal brigadier general and member of an illustrious family in New England, who declared that the policy of the Federal Government during the last stages of the war was the policy of unbridled inhumanity. Lincoln never rebuked Sheridan, Sherman, or Grant for their destructive courses, and Secretary Chase in his diary says that Lincoln declared, when the question of arming the slaves was under discussion in the Cabinet, that "he was pretty well cured of any objections to any measure except want of adaptness in putting down the rebellion." Everybody knows that the most adaptable, though the least humane, means to put down resistance are wholesale murder and wanton destruction, the methods employed in the Dark Ages.

"Westerner" appears to assert that the Emancipation Proclamation "clearly defined the issue between the two sections as one of freedom versus slavery." If this is a fact, he makes Lincoln out a very great ass or a very great hypocrite. He admits that Lincoln denied such an interpretation of the war, and instead of fighting for slavery the South would never have fought at all if Lincoln had not denied the right of self-determination. The Government of the United States was founded for nothing more than what their fathers had contended for—the right of governing themselves. The linking of slavery with secession is merely an attempt to cloud the real issue and prejudice the cause of the South.

Lincoln talked as if man was made for government rather than government was made for man, and his action in sending down South great armies who destroyed the property and took the lives of people who never injured him, was a colossal crime.

Of course, Lincoln's proclamation did not free the slaves. It was addressed to a country over which he had no control, and it had no legal status even when the Southern Confederacy collapsed. "Westerner" is mistaken in supposing that Congress gave Lincoln permission to issue it. Rhodes, the historian, about whom all that can be said is that, while an intense northern partisan, he is fairer than most northern historians, declares in his history, volume 4, page 213: "There was, as every one knows, no authority for the proclamation in the Constitution, nor was there any statute that warranted it"; and the Supreme Court of the United States in Ex parte Milligan (4 Wallace, p. 120), declared that "the Constitution was a Constitution equally for war and peace and none of its provisions could be suspended by any exigency of government." So that Lincoln's proclamation was a mere brutum fulmen, and it was the thirteenth amendment afterwards which gave emancipation any form of legality.

Undoubtedly the main purpose of the proclamation was to excite an insurrection of the slaves. Lincoln declared the measure a war measure, and an insurrection would have proved the best war result known, as it would have broken up the Confederate armies. While he did not dare in the face of the world to declare that such was his object, it is proved that he realized the natural consequences by his saying to a committee of clergymen from Chicago, only 10 days before his proclamation, that he would not be deterred from acting when the proper time for emancipation came "by objections of a moral nature in view of possible consequences of insurrection and massacre in the Southern States." Undoubtedly the passivity of the slaves greatly surprised him, as it did everybody else in the North, who had been taught to believe that the plantations in the South were hells of cruelty.

The "crass ignorance" which "Westerner" ascribes to some southerners regarding Lincoln's religious beliefs is one shared in by them with Herndon and Lamon, intimate friends of Lincoln and his biographers. His invoking God in his message did not make him a Christian, for Mohammedans and many other sects who are not Christians call upon God and make vows to Him.

And as to the letter to Mrs. Bixby, there is nothing in the letter, except the rhetoric, which any of our Presidents might not have written.

But one swallow does not make a spring, and one letter is not enough to give a man a character. There are other letters which concern Lincoln's own individuality, and these would hardly be an ornament to Brasenose College. There is the letter written by Lincoln to Mrs. Browning regarding a lady to whom he had proposed and by whom, much to his surprise, he had been rejected. This letter, whose genuineness is attested by its inclusion in Hay and Nicolay's Complete Works of Abraham Lincoln, is full of coarse suggestions and base insinuations. By itself it evidences a fundamental failure in Lincoln which is not excused by his youth of 25 years. It is impossible to suppose that Jefferson Davis could have written such a letter.

Then, perhaps, quite as damaging to any test of idealism as a hero is another letter written at the close of his administration. He kept his son, Robert Todd Lincoln, at Harvard University till 1865, when he wrote the following to General Grant:

EXECUTIVE MANSION,
Washington, January 19, 1865.

Lieutenant General GRANT:

Please read and answer this letter as though I was not President, but only a friend. My son, now in his twenty-second year, having graduated at Harvard, wishes to see something of the war before it ends. I do not wish to put him in the ranks, nor yet to give him a commission, to which those who have already served long are better entitled and better qualified to hold. Could he, without embarrassment to you or detriment to the service, go into your military family, with some nominal rank, I, and not the public, furnishing this necessary means? If no, say so without the least hesitation, because I am as anxious and as deeply interested that you shall not be encumbered as you can be yourself.

Yours truly,

A. LINCOLN.

It will be noticed that Lincoln was averse to putting his son in the ranks where danger was, but wanted him to have a safe place in General Grant's military family. To form a judgment of this it must be borne in mind that Lincoln had approved and enforced the conscript act of 1863, by which thousands of young men, perhaps Mrs. Bixby's own sons, for all I know, had been forced into the ranks to become victims to southern cannon and gunfire. And of all men it was incumbent upon him and his son to afford the sacrificial example of devotion and patriotism.

How impossible it would have been for Jefferson Davis to have written such a letter. Robert E. Lee's youngest son served as a private in the Confederate ranks. John Tyler, who was President in more happy days, had two sons, aged 16 and 18, private soldiers who surrendered at Appomatox. No doubt all three of these boys had sufficient influence to have gotten into some bomb-proofed position, but they would have scorned to make the application, and their parents would have scorned to make the application for them.

LYON G. TYLER.

Mr. BLEASE. If Robert E. Lee was technically guilty of treason, it does not seem to me that the President of these United States would pay tribute to him as he did—a President for whom I have the highest regard. I think he is, as near as a man well can be, President of all the people of this Nation; and, although I love some of the gentlemen who have announced themselves as candidates in that race, I would love to see the Republican Party get together and renominate, and I would not shed a tear if they reelected Calvin Coolidge as President of the United States.

I noticed in the Washington Post of Friday, January 20, the following item:

The Chief of Staff of the Army, Maj. Gen. Charles P. Summerall, is in Baltimore where he went to attend the celebration of the birthday anniversary of Gen. Robert E. Lee and Gen. Stonewall Jackson by the United Daughters of the Confederacy, yesterday.

Why not yank him up and say that as head of the Army he has no right to attend a celebration in honor of this gentleman and his soldiers who were "technically guilty of treason" to the United States of America?

Mr. President, I could go on and on with the reading of further extracts from speeches made by very distinguished and able people on the life and character of Robert E. Lee, but I shall not take the time of the Senate for that purpose. I thank the Senate for the courtesy of allowing me to insert in the RECORD the articles from books and the manuscript of mine to which I have referred.

I wish to ask, however, permission to insert one more brief quotation from The Republic of Republics.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

WHAT THE FATHERS SAY ON SELF-DEFENSE OF STATES

Said Doctor Johnson, one of the most eminent lawyers and statesmen of Connecticut, in the Federal convention: "If States as such are to exist, they ought to have the means of defending themselves." (V. Ell. Deb. 255.)

* * * * *

And even James Wilson, the leading statesman of Pennsylvania—afterwards one of the Federal Supreme Judges—advances the same idea, as was unavoidable from the nature of things. He asserted that the absolute sovereignty never "goes from the people," but "remains in them after a constitution is made"; that making constitutions is "dispensing such portions of power" as "the public welfare" requires; that ratifying the Federal Constitution was "delegating Federal powers"; and that the general Government is "a Federal body of our own creation." And, said he: The Constitution "receives its political existence from their (the people's) authority; they ordain and establish. What is the necessary consequence? Those who ordain and establish have the power, if they think proper, to repeal and annul."

* * * * *

Beyond question, then, not only has the Federal agency no right to coerce its makers, as I have heretofore shown, but these makers have, as against it, unlimited right of self-defense, by withdrawing delegations, and recalling their citizens from Federal offices; by disassociation; and by fighting, if need be, the Federal Government.

Mr. BLEASE. Mr. President, my father was a Confederate soldier and three of his brothers were Confederate soldiers. Four of the brothers of my mother were Confederate soldiers. As to their records, I need not speak. South Carolina knows their records. In 1910 and 1912 and again in 1924 they gave credit to those soldiers, although they have long since passed from this earth, by casting their ballots for the son of one of them.

I take no part in this religious discussion, because I am a Methodist. I am a Methodist for only one reason, if one reason is sufficient, and that is because my mother was a Methodist. I hope I am a Democrat. Sometimes I doubt it. But I know I am a State rights Democrat. I know that.

When I was a young man I came to Washington. I attended Georgetown University. I graduated there. I boarded for nine months in a Catholic home. I often went to St. Aloysius Church. My dear sister, whom I loved only as a man can love both mother and sister, because my mother died when I was a baby, married a Catholic. I loved him as much as I did any brother I had. She has in the State of South Carolina to-day two of the finest boys in this world. They, at their father's request, were made Catholics. Therefore, I can not have and never expect to have any feeling against any man on account of his religion. If he believes that that kind of religion will take him to Heaven, for God's sake let him have it. If he wants to believe in evolution and believe that his granddaddy and grandmammy were monkeys, that is none of my business; but I do not believe mine were.

I hope I have said nothing unkind, but I could not let pass unnoticed the statement that the Confederate soldiers were "technically guilty of treason." I have used as strong language as I could use, I think, and still remain within the rules of the Senate. If a man were to tell me to my face on the outside of the Senate that a Confederate soldier was technically guilty of treason, I would call him what every true-blooded white man south of the Potomac River would fight about right now if he were called by that appellation. I am an American and a South Carolinian and pray God to bless both and all mankind.

PROHIBITION ENFORCEMENT

Mr. SHEPPARD. Mr. President, whatever the Senator from Maryland [Mr. BRUCE] may say about bootlegging and illicit stills in various localities, the fact remains that there has been so much less drinking and conditions have so much improved under prohibition that there is practically no probability that the prohibition law will ever be repealed.

With the advent of another session of Congress the same old minority of wet appetites is marching on the Capitol—marching to receive the usual knockout from the drys in Congress. On their banners might well appear the inscription, "Appetite is God and alcohol is its prophet." They are the Sancho Panzas in the trail of the Don Quixote of modern times—old John Barleycorn, pretender of the House of Bourbon in the United States. They still seem to consider the yearning for drink an aspiration for liberty. I look to see them propose a new national anthem, entitled "Oh, Hand Me Down That Bottle of Corn." They are still attempting in the name of freedom to reestablish on a legal basis the traffic in alcohol, a traffic that ministers to the basest passions of the human race—a traffic that multiplies criminals and increases crime—a traffic that makes the honor of officials a thing to be exchanged for gold—a traffic that brings the atmosphere of the barroom and the slum to the homes and entertainments

of many of the so-termed social elect—a traffic fed by rum pirates who fire on the American flag. Fortunate it is that the wets are in the minority, else they would sink our civilization for the sake of drink. Little do they understand the temper of those whose votes and efforts have placed beverage alcohol under the heel of the law if they suppose that we will yield for a moment or in any degree either to them or to the traffic they would restore.

They still fail to understand that in the permanent view of a permanent majority of the American people there is no legitimate use for beverage alcohol in any part of this Nation.

Clearly the time has come to put the whole damp aggregation on notice that the American people will not permit the thirst of the minority to dictate the policies or to overturn the duly and constitutionally established laws of this Republic. The wets have reached the point where they actually ask the repeal of a law because some people will not obey it.

Obedience to law, especially by the opposing minority, is the bedrock of this Nation. The American Republic is the creation of majorities—majorities of States, acting as such, devising and amending the Federal Constitution; majorities of the people in the States determining State constitutions, determining the membership and commanding the policies of the Federal Congress and the State legislatures. Behind internal peace and order, the basic requisites of all progress, is the obligation of every citizen to take up arms if need be to enforce the law. It has not been necessary as yet to invoke this obligation on any substantial scale and we trust it never shall be. Gunmen, thieves, robbers, bootleggers, and the breakers of all laws, however, may as well understand now as later that the patience of the American people can be tempted to the breaking point. The lawless few will never be permitted to terrorize or to control this Nation. Least of all will they be permitted to write or to repeal its laws. If a law must be repealed because a minority defies it, no law, however beneficent, will be secure.

They tell us that prohibition makes a Nation of hypocrites and lawbreakers. We tell them that if an individual must become a hypocrite and a lawbreaker to obtain an intoxicant we have made it that much harder for the individual to use it, that for these very reasons millions will retrace their steps who, if free and legal access to intoxicating drink existed, would go to misery and ruin. National prohibition is the greatest obstacle yet placed between the liquor traffic and millions of possible victims—the most effective blow the trade has ever received and the wets know it. Else why are they so desperately endeavoring to overthrow prohibition? So desperate have they become that they interpret the most insignificant and untypical occurrence as indications of what they call a trend against prohibition. When a wet city goes wet they say it portends a revolution. Evidently they would mistake the popping of a cork for a peal of thunder. The truth is we have had them on the run since the eighteenth amendment and the Volstead Act were adopted. We have them on the run to-day and we propose to keep them on the run. It is good exercise for the drys.

They tell us that prohibition stirs resentment in the human heart and manufactures violators by its very nature. That argument was devised in hell for the undoing of mankind. When God said to the first human beings, you shall not eat the fruit of a certain tree, He became the first prohibitionist. He tried to regulate the personal habits of individuals, told them what they should not eat, interfered with their personal liberty. Then the devil, more subtle than all the beasts of the field, began his successful temptation of humanity by calling attention to the fact that the command of God had begun with the prohibitory words "Ye shall not."

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Maryland?

Mr. SHEPPARD. I do.

Mr. BRUCE. I merely wish to remind the Senator from Texas, however, that almost as soon as the prohibition about forbidden fruit was imposed Adam and Eve began to see snakes. [Laughter.]

Mr. SHEPPARD. Exactly, and the Senator is trying to persuade us that the American people are seeing snakes now when they are not.

Thus Satan planted rebellion in the human soul, became the first antiprohibitionist, and has been the logical wet leader ever since. Even the Apostle Paul recognized the power of this form of temptation when he said:

> I had not known coveting except the law had said, thou shalt not covet.

But this was not to him an argument against law or an excuse for its violation. From that day to this the most stubborn handicap of all law, human and divine, has been this hellborn impulse to resist the commands of conscience, of country, and of God. It is of the utmost importance that the prohibitions of earthly law shall be in harmony with those of God. The path to every crime prohibited by the Deity is made easier by alcoholic drink, which breaks down the physical, moral, and intellectual strength of untold multitudes of men and women. Who will assert that the prohibition of the traffic in alcoholic drink is not in direct consonance with the decrees and purposes of divinity? Of course, there a few supermen and superwomen who tell us drink does them no harm, who would send hosts of others to damnation to preserve what they describe as their privilege and right, who despise and flaunt the law, and become the patrons of illicit trade. They only serve to emphasize the general condition, and to them may be commended the scripture, "Be not deceived; God is not mocked."

It is evident that no cause ever rested on a sounder foundation than does nation-wide prohibition. It is the cause of a higher civilization—of home, church, school, mother, wife, and child. With the confidence that comes from a sense of right, the assurance that issues from a conviction of justice—the devotion that accompanies a crusade for God and humanity we challenge the wets before Congress and the people. We placed prohibition in the National Constitution by a vote of 46 of the 48 States of the American Union. Since then three Congresses have been elected and all have been overwhelmingly dry. Since then our country has registered an economic progress unequaled in all preceding history. Again we invite a renewal of the conflict, and again prohibition America will emerge triumphant and unscathed.

BRIDGE ACROSS HILLSBORO BAY, TAMPA, FLA.

Mr. FLETCHER. Mr. President, on the 16th of the present month the House passed a bill (H. R. 7218) to legalize a bridge across Hillsboro Bay at Twenty-second Street, Tampa, Fla. On December 17, 1927, I introduced Senate bill 1917, containing the same provisions. The Committee on Commerce has reported Senate bill 1917 favorably, with some amendments, which make it conform to the House bill. I ask unanimous consent that the bill S. 1917, to legalize a bridge across Hillsboro Bay at Twenty-second Street, Tampa, Fla., may be considered at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FLETCHER. I move that the Committee on Commerce of the Senate be discharged from the further consideration of House bill 7218 and that it be considered now in lieu of the Senate bill.

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7218) to legalize a bridge across Hillsboro Bay at Twenty-second Street, Tampa, Fla.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FLETCHER. I move that Senate bill 1917 be indefinitely postponed.

The motion was agreed to.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. JONES. Mr. President, I hope we may dispose of some of the amendments to the pending bill. On page 2, line 4, of the committee amendment, after the word "The," I move to insert the words "United States Shipping," so as to make it read "The United States Shipping Board." I think there is no objection to that.

The amendment to the amendment was agreed to.

Mr. JONES. Mr. President, the committee amendment which is pending is found on page 2. I do not think we can dispose of that now, for I understand the Senate will desire to take a recess in probably a minute or two, and so I think we had better not take up the discussion of that amendment until after the purposes of that recess shall have been served.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. COPELAND. Will it be understood that after the recess we shall go on with that amendment?

Mr. JONES. That is what I should like to do.

Mr. COPELAND. That is entirely satisfactory to me.

Mr. JONES. After the recess I should like to go on with the amendment.

Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Shortridge
Barkley	Fletcher	McNary	Simmons
Bayard	Frazier	Mayfield	Smith
Bingham	George	Metcalf	Smoot
Black	Gillett	Moses	Steck
Blaine	Glass	Neely	Steiwer
Blease	Gould	Norbeck	Stephens
Borah	Greene	Norris	Swanson
Bratton	Hale	Nye	Thomas
Brookhart	Harris	Oddie	Trammell
Broussard	Harrison	Overman	Tydings
Bruce	Hawes	Phipps	Tyson
Capper	Hayden	Pine	Wagner
Caraway	Heflin	Pittman	Walsh, Mass.
Copeland	Howell	Ransdell	Walsh, Mont.
Couzens	Johnson	Reed, Mo.	Warren
Curtis	Jones	Reed, Pa.	Waterman
Cutting	Kendrick	Robinson, Ark.	Watson
Dale	Keyes	Robinson, Ind.	Wheeler
Deneen	King	Sackett	Willis
Dill	La Follette	Schall	
Edge	McKellar	Sheppard	
Ferris	McLean	Shipstead	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

RECEPTION TO PRESIDENT COSGRAVE, OF THE IRISH FREE STATE

Mr. CURTIS, leader of the majority; Mr. ROBINSON of Arkansas, leader of the minority; Mr. BORAH, chairman of the Committee on Foreign Relations; Mr. SWANSON, ranking minority member of the Committee on Foreign Relations; and Representative STEPHEN G. PORTER, chairman of the Committee on Foreign Affairs of the House of Representatives, escorted into the Chamber Mr. William T. Cosgrave, President of the Executive Council of the Irish Free State, accompanied by Mr. Timothy A. Smiddy, minister plenipotentiary of the Irish Free State to the United States; Mr. Desmond Fitzgerald, Minister of Defense of the Irish Free State; Mr. Diarmuid O'Hegerty, Secretary of the Executive Council of the Irish Free State; Mr. Joseph P. Walshe, Secretary of the Department of External Affairs of the Irish Free State; Col. Joseph O'Reilly, aide to the President of the Executive Council of the Irish Free State; and Mr. William J. B. Macaulay, first secretary of the legation of the Irish Free State at Washington.

President Cosgrave was given a seat on the right of the Vice President.

The VICE PRESIDENT. Senators, I present President Cosgrave, of the Irish Free State. [Applause.]

Mr. BORAH. Mr. President, in order that the Members of the Senate may have an opportunity to meet President Cosgrave, I move that the Senate take a recess for 10 minutes.

The VICE PRESIDENT. The question is on the motion of the Senator from Idaho.

The motion was unanimously agreed to.

The VICE PRESIDENT stood in the area near the Secretary's desk with President Cosgrave, and personally presented the Members of the Senate to him, after which the Vice President said: I suggest to President Cosgrave that he say a few words. [Applause.]

President COSGRAVE. Mr. Vice President and Members of the Senate, this is indeed a very great honor which I have received at your hands, which I attribute to the regard in which you hold my country.

I have come to extend to your President and to the people of America the thanks of my people for all that you have done for us during the last 200 years, for the homes which you have extended to our people who have come here, and for the sympathy and support which you have ever been so gracious and so generous as to extend to my people.

In the eighteenth century Benjamin Franklin came to the Parliament of my country; and he told the members of that Parliament that the Americans and the Irish, working hand in hand, would achieve the freedom which they sought. Now, after 150 years, I come to return the visit of that great American.

I thank you, sir, on my own behalf and on behalf of my people for the courtesy and kindness and hospitality which have been extended to me since I have come here, for the great help which America and her people have always extended to my people, for their great contributions toward the cause of liberty the world over, and for their great work in the cause of humanity. [Applause.]

The recess having expired, and the distinguished visitor with his escort having withdrawn from the Chamber, the Vice President resumed the chair.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. JONES. Mr. President, the committee proposes an amendment to the pending bill 744 striking out section 2 and inserting a new section in lieu thereof. The section stricken out and also this amendment include section 5, which is also stricken out.

Section 2 I shall read, so that the Senate will understand what is proposed. As amended, it reads:

> The United States Shipping Board shall not sell any vessel or any line of vessels except when in its judgment the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative unanimous vote of the members of the board duly recorded.

I take it that the controversy with reference to this question will revolve about the last clause, "and then only upon the affirmative unanimous vote of the members of the board duly recorded."

In the bill as it was introduced, it was provided that none of the vessels constructed pursuant to this act should be sold without the consent of Congress. The committee came to the conclusion that that would be too cumbersome a process, that it would be very likely that a few members might retard the approval of a sale which might be quite desirable. So it was proposed to strike out that provision in the bill contained in section 5, and insert an amendment something like this.

There was quite a difference of opinion in the committee as to just what should be done. Some proposed that the Shipping Board be not permitted to dispose of a ship without the concurrence of five members of the Shipping Board, but after considerable discussion a majority of the committee agreed to the amendment as it is submitted to the Senate now.

I know that there may be serious objections to the provision as it is. There has been considerable difference of opinion with reference to the construction of section 1 of the shipping act of 1920.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I yield.

Mr. SHORTRIDGE. What is the now suggested amendment?

Mr. JONES. The suggested amendment is, in substance, that no ship shall be sold hereafter without the unanimous vote of the Shipping Board. In other words, all seven of the members of the Shipping Board must vote in the affirmative in order to perfect the sale of a ship.

As I was saying, there has been quite a difference of opinion with reference to the construction of section 1 of the shipping act of 1920. Some have contended that the primary purpose of that act was the building up of a merchant marine, and that the secondary purpose was the disposal of the ships so as to bring them ultimately into private ownership.

Personally I have never had any difficulty about the construction of that section. I have always thought that it very clearly expressed the idea that the building up of an adequate merchant marine was the primary purpose. But there has been this honest difference of opinion with reference to the meaning of that section. Some have thought that the Shipping Board in its dealings with its ships and in their disposal rather leaned to the construction that made the disposal of of the ships, you might say, the primary purpose. There has been considerable criticism of the action of the board with reference to the disposal of ships.

Really, the purpose of this amendment is to make it perfectly clear that the primary purpose of the shipping act of 1920, as supplemented by this, is not to get these ships into private hands as soon as possible but that the primary purpose is to build up an adequate merchant marine.

Furthermore, I think it is the idea in general of those who supported this amendment that we have come, in a way, to the conclusion that the only way to build up a merchant marine in this country is through the Government, and we think the purpose, in the absence of the possibility of adopting anything else that would lead to the private operation of ships and their construction, and so forth, is to make it certain that this policy will be carried out until at some time in the future the Congress may come to the conclusion that we are prepared to turn these ships over to private parties, and that private capital and energy is prepared to take them over, and not only operate them but also to carry out the policy of replacement so as to continue the services that it is deemed desirable to maintain. The committee believed that this was the best way to accomplish that.

Some may contend that this commits Congress to permanent Government ownership. I do not think so myself. I think

that that, of course, will be determined by Congress; but this does put us on the basis of Government ownership until Congress shall affirmatively declare the time has come for us to put these ships into private hands.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. McNARY. I want to inquire whether the chairman of the committee proposes to offer this amendment as a committee amendment, having the sanction of the committee, or as his own amendment?

Mr. JONES. It is an amendment proposed by the committee.

Mr. McNARY. Then I want to say at this point, very briefly, that I was not present at the time the chairman was authorized to offer the amendment on behalf of the committee. I think it is just as objectionable as the language in the bill as reported to the Senate. I understand the statement of the Senator, as chairman of the committee, is that he has stricken out that provision which requires that no ship shall be sold without the consent of Congress.

Mr. JONES. Yes; that is a part of this amendment.

Mr. McNARY. And the Senator is offering an amendment that no ship shall be sold unless the board unanimously agrees that the ships may be sold?

Mr. JONES. The committee is proposing that amendment.

Mr. McNARY. The unanimous consent of the board would be more difficult to get, in my opinion, than the consent of Congress.

Mr. JONES. That is the proposition before the Senate.

Mr. COPELAND. Mr. President, I shall be sorry to see this amendment adopted. It is an indirect way of making it impossible for the country to get out of the shipping business. I want to call attention to the practical effect of the amendment if it shall be added to the bill and the bill shall become a law.

I hold in my hand a copy of the 1920 shipping act, and call attention to section 3, where provision is made for the creation of the Shipping Board. It will be noticed that in the second paragraph of section 3 there is this language:

> The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act, and two shall be appointed from the States touching the Pacific Ocean, two from the States touching the Atlantic Ocean, one from the States touching the Gulf of Mexico, one from the States touching the Great Lakes, and one from the interior, but not more than one shall be appointed from the same State.

There is a great difference of opinion as to whether we should sell all these ships, or even some of them, or whether we should retain them all under the operation of the Shipping Board. If we intend to retain all these ships and operate them as Government owned and Government operated, we should approve the amendment presented by the Senator from Washington.

Mr. EDGE. Mr. President, will the Senator yield to me? I do not want, however, to disturb his train of thought.

Mr. COPELAND. I yield.

Mr. EDGE. I am compelled to leave the Senate Chamber to attend a committee hearing in a few moments, and I simply wanted to announce, in connection with what the Senator is saying, that I propose to offer an amendment to the amendment suggested by the Senator from Washington, now section 2 of Senate bill 744, so that it will read in the last two lines, "and then only upon the affirmative vote of a majority of the members of the board duly recorded." In other words, it would change the language so as not to require the necessity of a unanimous vote, but would provide that a majority vote would be sufficient. I merely wanted to make that announcement at this time. I thank the Senator from New York.

Mr. COPELAND. That is quite all right, and I think the Senator is right. I hope we can find votes enough to gain approval of the suggestion made by the Senator from New Jersey, so that it would require the votes of only four out of seven, which would be a majority, which, I presume, is the rule now. May I ask the Senator from Washington whether that is a fact?

Mr. JONES. The rule of the board now, apparently, is that a majority of a quorum determines the action.

Mr. FLETCHER. I think the amendment of the Senator from New Jersey would still leave that open. As I construe it now, all that is necessary is a majority of a quorum. Bids have been called for on a vote of three members, because seven members were not present, only five being present, and three out of the five voted in favor of advertising the ships on the Pacific.

Mr. EDGE. I think the point made by the Senator from Florida is well taken. I simply used the language of the bill as it has been printed. I will clarify my amendment to the amendment by simply inserting the words "a majority of all the members of the board." That certainly means that four members would be necessary.

Mr. FLETCHER. Let the Senator specify that a vote of four members is necessary.

Mr. EDGE. It would bring the same result.

Mr. COPELAND. Anyway, what the Senator from New Jersey has in mind is that he would require an affirmative vote of four members of the board in order to sell a ship.

Mr. EDGE. Exactly.

Mr. COPELAND. The trouble with the amendment proposed by the Senator from Washington, the committee amendment, is that the board being regional, it could readily happen that two members of the board would under all circumstances decline to vote to sell the ships because the interests of a particular region were involved, and they could not be sold. For instance, we have pending now before the Shipping Board, as I understand it, a project to sell practically all the ships left on the Pacific. Am I right in that?

Mr. JONES. The Senator is right.

Mr. COPELAND. That might be to the advantage of the country. I am not prepared to say whether it is or not. I am inclined to think it would not be. If, under the arrangement proposed by the Senator from Washington, five members of the board, representing the Atlantic coast, the Great Lakes, the interior, and the Gulf States, were convinced, and the whole country were convinced, for that matter, that for the good of the Nation the ships on the Pacific should be sold, they could not be, because the amendment would make it impossible for any ship ever to be sold without the affirmative vote of all the members of the board.

That means, if Senators will face it, that there never would be any ships sold in all human probability in the entire history of the Shipping Board. If I am correctly advised, with the exception of one occasion there has always been a member of the board to vote against any sale. So the Senator from Washington is proposing a plan which will perpetuate forever, or until Congress chooses to take other action, Government ownership and operation. We might just as well abolish the board and appoint one man to exercise the functions of the board if the amendment were adopted and enacted into law, because one man could determine the policy of the United States as regards the ownership and operation of these ships.

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him just to clear up a matter?

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from New York yield to the Senator from Florida?

Mr. COPELAND. Certainly.

Mr. FLETCHER. It has been reported that one member of the board has voted invariably and constantly against the sale of ships. My information is that this is incorrect. The Senator's statement just now was not to the effect that a certain member had always voted against the sale of any ships, but that some member of the board could be found or would be found to vote against the sale of ships.

Mr. COPELAND. That has always been true, has it not?

Mr. FLETCHER. As a matter of fact, they have sold $85,000,000 worth of ships. They have not been holding up sales at all. They have been selling them right and left. I want to make it clear that there is not a single member of the present board who has constantly or invariably voted against the sale of ships. I think it is due to members of the board to say that. There is not a single member who has continuously voted against any proposal to sell, and there have been sales constantly made. I think most of those sales have been ordered practically by unanimous vote.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. COPELAND. I yield to the Senator from Nebraska.

Mr. NORRIS. The members of the board are appointed by the President. Does he not have a right under the law to remove them at any time he wants to do so?

Mr. FLETCHER. I think that is true.

Mr. NORRIS. If the President wanted to sell the ships and had a board on his hands who would not vote for it, he could remove them and appoint somebody who would, could he not?

Mr. FLETCHER. Precisely. He might have a little difficulty getting all of them, but he could get, perhaps, three-fourths.

Mr. NORRIS. Why could he not get all of them?

Mr. FLETCHER. I do not know. There would be a larger chance to find one man out of seven who would not be dictated to and who would perform his duty under the law.

Mr. NORRIS. He could easily do that. He could appoint men who had a viewpoint in favor of the sale of ships, who

wanted to sell everything. He could find men who honestly believed that we ought to sell the Capitol. He would not have any trouble about that.

Mr. FLETCHER. They have to be confirmed.

Mr. NORRIS. But he could appoint them when the Senate was not in session, and they could sell the whole Government before the Senate could get here. I do not see why, if the President wants to sell those ships, he could not do it very easily at any time.

Mr. COPELAND. Though I do not speak for the President—perhaps I need not impress that fact upon the Senator from Nebraska—I think I am right in saying that if I have read the President's utterances correctly, if he had his way he would sell all the ships. I think that is the President's attitude.

Mr. NORRIS. He can do it, I think, under the law.

Mr. COPELAND. Of course the Senator from Nebraska does not mean that. He knows that there are men like himself, men of high character, who are not going to be dictated to even by a Republican President.

Mr. NORRIS. I am not insinuating that to do that men would have to be coerced. It would not be a difficult thing to pick seven men who would be willing to sell all the ships. I could do it in five minutes. I could pick seven men who would be honestly in favor of doing that. I could get them right out of this Chamber, and the Senator would have to admit that they would be all right.

Mr. COPELAND. They would all be all right and unquestionably the President should be congratulated if he could have a board like that. I agree with the Senator. But we must face the fact, to be serious about it, that there is a great difference of opinion in the country and a great difference of opinion in the Senate about what we ought to do with these ships.

I am here to say, in terms just as strong as those used by the Senator from Washington, that we have to face the situation if we are to have a merchant marine. We must find some way to stimulate the interest of private citizens, so that they can afford to build and operate ships, or else the Government must do it. During the war we built ships and ships and ships. If one goes up the Hudson River, as I do very often, because it reaches a point only a few miles from where I live, he will see 125 ships tied up at the dock. What good are they? Undoubtedly many of them should be sold, and any board made up of men of good sense, and I am sure we have such men on the present board, would desire to sell those ships if they could find somebody to buy them.

But when it comes to the disposal of the service of a line of boats already operating between some point in the United States and some foreign port there comes a great and important question. Is it better to leave those ships in the hands of the Government, or if responsible, substantial citizens can be found to operate them and are willing to take them over at a price agreeable to the Shipping Board, should they be sold? I contend that they should. That is the secondary object of the law anyhow, but it is the primary object, too; at least it is in the first section of the law. Senators will notice right there that the ships which serve as naval or military auxiliary in time of war or national emergency, ultimately to be owned and operated privately by citizens of the United States, are first mentioned, and then in section 5 it is provided:

> That in order to accomplish the declared purpose of this act and carry out the policy declared in section 1 hereof, the board is authorized and directed to sell as soon as practicable, consistent with good business methods and the object and purposes to be obtained by this act, at public or private competitive sale, etc.

So it is contemplated that if under right conditions they can be sold to substantial private citizens they shall be so sold.

If two members of the board or one member of the board under the proposal would say "No; we are not going to sell any ships," the best interests of the country might be defeated by the insistence of that member upon his rights. I do not think we need to discuss the matter at any considerable length. So far as I am concerned, I hope the amendment will be defeated.

Mr. ODDIE. Mr. President, I want to remind the Senator from New York of the fact that I know he will oppose the proposed sale of ships under the present terms if it can be shown to him that these terms will work an injustice to and be unfair to the best interests of American industry and shipping. Before the discussion is over I think we will have an opportunity of presenting the facts to the Senator.

Mr. COPELAND. I beg the Senator's pardon; did he ask me a question?

Mr. ODDIE. I feel sure that the Senator from New York will agree with me in not consenting to the sale of these ships under the present terms, which I believe can be shown to be unfair and not good business. Before the discussion ends I think that can be brought to the Senator's attention.

Mr. COPELAND. Let me say to the Senator at this point that if proposals which are now pending before the Shipping Board for the building of ships by private citizens should meet the approval of the Shipping Board and of the Congress, so that the conditions involved could be met, I would think under those conditions that certainly there should be a resurvey of the entire problem. I mean to say that if that were to happen, I am not sure but it would be very unwise to sell any ship until there has been such a study. Of course, whether the pending matter regarding the sale of ships should be carried out, I am not prepared to say. I have given it no study.

Mr. ODDIE. Under those conditions I feel sure the Senator from New York and I will agree pretty closely. I do not intend to discuss the matter in detail now, but I call attention to the fact that the shippers themselves, the small shippers, the independent shippers, have not had sufficient opportunity to be heard in this matter now pending regarding the sale of ships. I intend to speak further on the matter at a later time.

Mr. JONES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. McNARY in the chair). The Senator will state the parliamentary inquiry.

Mr. JONES. As I understand it, the amendment of the Senator from New Jersey [Mr. EDGE] to the amendment of the committee is considered as pending?

The PRESIDING OFFICER. It is the pending amendment.

Mr. FLETCHER. Mr. President, I am opposed to the amendment offered by the Senator from New Jersey [Mr. EDGE] to enable the board to sell the ships whenever a vote of four members of the board to that effect can be had. I believe that is the substance of his amendment.

I am in favor of the amendment as reported by the committee. I differ entirely from the view of those Senators who hold that this would mean no sales of the ships would be made at any time. The language is perfectly explicit. We can not expect Congress to go on appropriating money to replace ships, to construct new ships, to balance our fleet, and to make it a competent and worthy fleet, if we are going to continue in the Shipping Board the power to sell those ships whenever they see fit, at any price and on any terms they may see fit to accept.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. FLETCHER. Certainly.

Mr. COPELAND. Does not the Senator recognize that the law as it is at present certainly contemplates that when the ships can be sold under terms upon which the Senator and I both agree, that the board is called upon to sell if in their judgment they think the best interests of the country will be served by that sale?

Mr. FLETCHER. They are authorized to sell whenever the primary purposes of the merchant marine act of 1920 are accomplished thereby in their judgment, and that is the establishment and maintenance of an adequate American merchant marine.

Mr. COPELAND. Then if the Shipping Board had an offer for a line of vessels—we will say the United States Lines—I do not know whether there is anybody that would want to buy it, but suppose somebody did, and found upon investigation that the citizens submitting the offer were financially responsible and capable apparently by reason of the possession of technical knowledge to operate that fleet, and an offer were made at a price which would be considered to be a sufficient one, would it not be the duty of the board to sell, provided that the primary object of that act were to be carried out by the sale?

Mr. FLETCHER. Mr. President, I think they would be authorized to sell; but the board ought to be satisfied beyond any question that it would mean a contribution to the establishment and maintenance of an adequate American merchant marine. The board should impose in the case of a sale of that kind a guaranty of operation in certain services that they considered important for the public good for the period of, say, 10 or 15 years, and should also provide in such a contract that the ships they were selling must be kept in repair and in proper condition during that time, and that when they were worn out the purchasers should replace them and continue the operation of the line, or when one of them went down or some accident happened to it that it should be replaced in this service and maintained. It seems to me perfectly clear that some terms of that kind should be imposed. Otherwise, if we should sell the ships and require operation only for a period of five years, as has been the custom of the board, that five-year period elapses in what would seem hardly an hour in the life of a nation, and after the five years are gone there would be no obligation to replace, no obligation to keep up the service, and

the ships may go into coastwise trade or be disposed of in some other way. That would not be establishing and maintaining an American merchant marine.

Mr. COPELAND. Let me ask the Senator a question. Suppose the conditions which he names were met; suppose a 10 years' contract or 15 years' contract, whatever was the number of years the Senator named, was agreed to; suppose arrangements were made for replacement; suppose all the conditions recognized by the Senator as proper ones were met, and one man on the board would not vote for the sale, then it would be defeated?

Mr. FLETCHER. If the amendment as reported by the committee shall be written into the law, that would be quite true.

Mr. COPELAND. That is what would happen.

Mr. FLETCHER. One man could defeat the sale; but, according to the whole experience that we have had and our observation of the actual facts which have been developed, especially when the administration wants to get rid of the ships, the whole tendency is the other way, to get out of the business and sell the ships. So we want to protect the public, if we can, by requiring that every one of the seven men on the board, men of high character, men of intelligence, men of knowledge and acquaintance with shipping generally, and that sort of thing, must be convinced that the disposition of the ships or the line or the fleet is in the public interest, and vote accordingly. When all of them shall be thus convinced, not only as to the advisability of making the sale but as to the imposition in connection with the sale of certain terms which will carry out the purpose of Congress and the public policy of this country, that the United States shall have under its flag, either publicly owned or privately owned, merchant ships in the foreign trade which will meet our needs in a commercial way and also serve as auxiliaries of the Navy, then they may make the sale.

If we shall have men so qualified, with authority and power to sell the ships, it seems to me every one of those men, especially in view of the experience we have had and our knowledge that heretofore they have been disposed and anxious to sell the ships, ought to be convinced that such a sale and such terms and such conditions as may be provided are in the public interest before they vote for the sale; and in that case the sale should be made.

It is easy enough, as the Senator from Nebraska said a few moments ago, to find men of high character who are in favor of selling ships when they are appointed on the board, and perhaps it would be less difficult for the President to find men whom he could impress with his ideas as to the public policy involved and thereby influence them to favor sales whether they favored them in the first instance or not. It is easy enough to find seven good men who would favor the Government getting out of the shipping business and selling this property. What I think we ought to do is to see to it that the unanimous judgment and opinion of all the men, whoever they may be, who may be appointed on the board, shall be recorded on their minutes as to each sale and the terms and conditions upon which the sale shall be made. That is for the protection of the public. It does not make sales impossible at all. As I have stated, the whole tendency has been to rush speedily into the sale of the ships. What we want is to put on the brakes a little here, and have the subject thoroughly considered in all of its phases both as to the advisability of the sale and as to the terms and conditions of the sale. We ought to be able to find seven men, conscientious, public spirited, patriotic, qualified men, to serve on that board; and we ought to require that before any ships shall be disposed of all the members of the board must say that it is done in pursuance of their best judgment and in accordance with the policy laid down by Congress, the establishment and maintenance of a merchant marine being the primary purpose. Let all of them say it. Why should they not?

It is not true, as has been intimated in the press, that one member of this board never has voted for the sale of a ship. That is not the case at all.

The records will disclose the contrary of that. Sales have been going on and ships have been sacrificed. I will not go over that story again. It is perfectly appalling. One ship sold not long ago for $10,000 which cost us $625,000 to build and which, I am told, makes more than $10,000 on each voyage which is completed. In my judgment, to give these ships away is not a wise policy to pursue. I ask Senators, do they expect Congress to appropriate millions of dollars to build ships and give the Shipping Board the power to dispose of them as they may see fit?

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Nevada?

Mr. FLETCHER. I yield.

Mr. ODDIE. I ask the Senator if he does not think that, if any harm should come from this amendment, there would be less harm in the full board being required to approve a sale than to have present conditions continue, taking into consideration the present program of the Shipping Board, which I consider would be a national disgrace if it shall go through as has been planned. I consider it very fortunate for the American people that the question has been brought into open discussion.

Mr. FLETCHER. Mr. President, the 36 ships which it is proposed to sell cost some $74,000,000. They are worth at least $60,000,000, and could not be replaced to-day for that amount. The proposal now pending involves paying for them something like $3,000,000, and that question is to be voted on on February 10. Are we going to give away those freight ships on the Pacific coast, practically on the terms I have mentioned, and give them to people who probably already have a monopoly of the passenger ships and who by this transaction would secure a monopoly of the freight ships on the Pacific coast? Those are matters I take it the board will consider. I think in the proper protection of the public we should require the unanimous judgment of that board before they commit themselves to a proposition of that kind.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New York?

Mr. FLETCHER. I do.

Mr. COPELAND. The Senator and I have belonged to church boards. Did the Senator ever know of a unanimous opinion in the case of a church board?

Mr. FLETCHER. Oh, yes; I think so.

Mr. COPELAND. The Senator's church is more generous and kind perhaps than mine.

Mr. FLETCHER. I think that is not an unusual thing at all. We secure unanimous consent in the Senate every day in 40 different ways on different propositions. We do not have any trouble about that.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. FLETCHER. Yes.

Mr. BINGHAM. Let me remind the Senator from Florida that if in the Senate we do not secure unanimous consent, we have then the right to make a motion and have a majority decide the question; whereas there is no such provision here, but one member of the board not consenting may throw the whole matter out of court.

Mr. FLETCHER. I take it that the man who raises his voice against a proposition that is submitted to the board is taking that responsibility in such a way that he is able to convince reasonable minds that he is not acting in an arbitrary and unwarranted manner. There must be some good reason for his taking that position in opposition to all his fellow members of the board, and that reason, in my judgment, must be a reason in the interest of the public, rather than an effort to serve private interests.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. FLETCHER. I yield.

Mr. BINGHAM. Would the Senator like to see the same rule applied to the Interstate Commerce Commission or to the Supreme Court, or to other governmental bodies, and permit one member to stop the business of the commission or court or whatever it may be?

Mr. FLETCHER. I think that is a very different situation. We can not very well do that because that might, in effect, block all business in those governmental bodies. That is a different case altogether. Here is a question simply of the power and authority to sell ships.

By the act of 1920 we gave the power to sell ships under certain conditions, not to bankrupt concerns, not as at a forced sale, but upon a business basis, and for the accomplishment of the primary purpose of the act; but what do we find? We find that they have construed that act and held it to be the whole purpose of that act to sell the ships. So we found the board willing to vote for sale after sale to the amount of some $85,000,000, and in most of the cases to sell the ships at about 10 per cent of their value. That is what happened under that act. We gave them power by a majority vote to do that thing, and they have done it, although it was secondary to the primary purpose of the act. That should be a lesson to us. Why should we give this board the power to dispose of ships

in the way in which they have been disposing of them in the past? We ought to have learned something about that. After the methods and practices of the past, why give them such power with reference to the disposition of the ships, particularly the ships which we are now building?

On yesterday the House passed a bill to appropriate $12,000,000 for reconditioning the *Mount Vernon* and the *Agamemnon*. When that bill comes here I am going to offer an amendment to it to the effect that the board shall not be allowed to sell those ships for less than the cost of reconditioning them, less 5 per cent depreciation annually after they shall be reconditioned.

I am not willing to vote to recondition those ships—ships worth, adding this $12,000,000 to what they are already worth, say, $20,000,000—and leave it to a majority of the board to sell them the next day to the International Mercantile Marine, or some other concern to which they may see fit to sell them, at their own price and on their own terms. I am not willing to do that, and I do not believe Congress is willing to do that. There must be some sort of protection of the public here. The public must not be wholly helpless in a condition like that.

Mr. COPELAND and Mr. BINGHAM addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. FLETCHER. I yield to either one of the Senators.

Mr. COPELAND. I want to ask the Senator this question, if I may: Then the Senator does not want any ships sold?

Mr. FLETCHER. I do not say that at all.

Mr. COPELAND. Just a moment. The Senator has found fault because a certain number of tons of ships—I have forgotten how many tons he said—have been sold; but he finds fault because they have been sold to persons who are operating them successfully.

Mr. BINGHAM. Mr. President, were they Americans?

Mr. COPELAND. They were Americans.

Mr. BINGHAM. Not foreigners?

Mr. COPELAND. Not foreigners.

Mr. BINGHAM. Does the Senator mean to say that the Senator from Florida objects to the sale of ships to Americans so that they may operate them under the American flag?

Mr. COPELAND. Well, I got the impression that the Senator was rather sorry that we had sold them, because they had been successful.

Mr. FLETCHER. I am not objecting to any sales that were made on a proper and reasonable basis, on proper terms, and where the operation has followed in accordance with a proper policy as to service and routes and conditions.

Mr. COPELAND. Is not that what happened?

Mr. FLETCHER. It is a most remarkable thing to me that we have been selling these ships. At the close of the war the Government owned over 10,000,000 tons of ships. The Government to-day owns about 6,000,000 tons. Consequently, some 4,000,000 tons of these ships intended to serve in foreign trade have been sold, and yet we have in private ownership to-day less tonnage than we had in 1914.

Mr. COPELAND. We sold a lot to Henry Ford, did we not? What did he do with them?

Mr. FLETCHER. We sold over a hundred of them to Henry Ford for about $10,000 apiece, and he scrapped them; yes. Senators talk about selling to American citizens. Is it a thing to be praised that the Shipping Board have been able to sell these ships to American citizens at any sort of price and on any sort of terms? Are we going to build ships for them to give away? Are we going to build ships for them to scrap whenever they see fit to scrap them?

I do not care whether the purchaser is an American citizen or who he is; I say that no American citizen has any right to come before this board and be the subject of favoritism in connection with the disposition of this public property.

Mr. JONES. Mr. President, will the Senator yield?

Mr. FLETCHER. I yield to the Senator from Washington.

Mr. JONES. I want to call attention to what I think has caused the feeling that the Shipping Board is not really regarding the declarations of the act of 1920 but is trying to sell these ships, and seeking to sell them just to get rid of them; that is, upon almost any terms.

At the last meeting of the Chamber of Commerce of the United States it seems that that body was not satisfied with what they thought was the policy of the Shipping Board in the disposal of the ships. I think they thought probably the Shipping Board should sell them faster than they were doing, and they had some resolutions prepared. The chairman of the Shipping Board came down to the chamber of commerce and went before a special committee that was considering this matter, and here is what he said:

The Shipping Board is not in the business here to stay in Government operation. We are absolutely opposed to it. We want to get out of business. We absolutely want to get out of business, and we are willing to sell to any man, any American, who will come and buy the ships at any time, at any place, and the price does not make much difference.

I believe that is a fairly good offer to anybody here who has the idea that the Shipping Board does not want to sell ships. Come down to us; we will sell the ships if you will pick out the route, or we will tell you what the routes are; we will furnish you with the figures as to how the ships are running, how they are running at the present time, whether they are making money or losing money. We will give you all the information, and then you can make up your minds which one of the 23 routes you want to buy and we will sell the ships.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield there for a question?

Mr. JONES. Just a moment. When the matter finally came up in the committee Mr. Barnes said:

Mr. Chairman and gentlemen, may I propose a substitute—

For the resolution that they had prepared before—

as follows:

"In view of the explicit disclaimer before this section by Chairman O'Connor, of the Shipping Board, that the board contemplates investing public moneys in new construction, and in view of his clear statement that the board is determined to dispose of all ships and trade routes to private enterprise at any sacrifice if with reasonable assurance of continued service on those routes, this section believes these utterances accord with the adopted principles of this chamber and no further action is necessary at this time except to impress upon the Shipping Board the need of energy in placing this shipping in private operation, and with such support as necessary to make private operation effective."

Mr. FLETCHER. There you are; and he made that offer over and over again, and declared that to be the policy of the board, to get out of business; "Come and buy!" He offered them at $5 a ton, $7 a ton, and finally said, "The price makes no difference."

Mr. ROBINSON of Arkansas. Mr. President——

Mr. FLETCHER. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The Senator from Florida made a statement a few moments ago to the effect that one ship which cost, I think he said, $260,000, was sold for $10,000, and that at a time when it was earning that amount on each trip that it made.

What is the explanation for such a transaction? Why is it that individuals, private citizens, or corporations engaged in the mercantile-marine business are unwilling to pay more for a ship of that character, and with a business so profitable as that? It would seem that anyone who wanted to engage in the ocean-carrying trade would take into consideration the earning power of a ship, and pay something like its reasonable value for it, unless there are indications that its earning power will quickly and rapidly diminish, or unless there is something else which depreciates the actual value of the vessel as a carrier of commerce.

That is an enormous profit. It is a remarkable transaction to sell a ship for what it earns on a single trip.

Mr. BINGHAM. But, Mr. President——

Mr. ROBINSON of Arkansas. I am asking for information; and if the Senator from Connecticut has more information than the Senator from Florida, I shall be glad to get it from him.

Mr. BINGHAM. I understood the Senator from Florida to say something different from what the Senator from Arkansas understood him to say. I understood him to say that after the ship was sold, and went into private hands, and was operated by a private company, it then proceeded to earn $10,000 a trip—not that it was earning anything when it was sold.

Mr. FLETCHER. The Senator means when operated by the Government operators it was not earning anything? I can not say as to that. They can make a showing, as to any of these ships, that they are losing money, any time they want to; and it is possible that the ship was losing money under Government operation. I do not know about that.

Mr. ROBINSON of Arkansas. The Senator from Connecticut is correct. I did not correctly understand the statement of the Senator from Florida.

Mr. FLETCHER. But the question raised by the Senator from Arkansas is entirely in point and pertinent. Why sell that sort of a ship at that price when it is capable of earning as much money as that? The only explanation of that is that the board have the power, and they have the fixed policy, as laid down by the President, to get out of this business as quickly as possible.

Mr. ROBINSON of Arkansas. Of course, a partial answer to that, at least, is that under the present operation the ship is not earning anything, and a purchaser would, therefore, have little assurance as to what would be its earning capacity after it passed into private hands. I thought the statement was that while it was a profitable carrier it was sold.

Mr. FLETCHER. I do not know about that; and, to tell the truth, I think as a matter of fact there has not been until recent times anyhow—I will not say there is not to-day—a serious, deliberate purpose on the part of the Shipping Board or of the Emergency Fleet Corporation to make a success of operation. I think, on the contrary, the whole scheme has been to get out of shipping; and one of the arguments in support of that would be to point out the losses that have been incurred by the operation of the ships, and that sort of thing; but I think that is over. I hope it is. I think now they are reducing the cost of operation. The United States Lines are reported to have earned some $337,000 net last year.

Mr. COPELAND. Mr. President, will the Senator yield there?

Mr. FLETCHER. I yield.

Mr. COPELAND. Of course, the United States Lines did not count the interest, did not count depreciation, and made no provision for replacement. It was purely a matter of paper profit. The United States Lines have made no money. They never can make any money, as I see it, and according to the testimony, unless there are material replacements; and the other shipping lines, the other services of the Shipping Board, have not made money.

Mr. FLETCHER. As a matter of fact, at different times certain routes, certain services, have, as they say, reported "in the black." Taken as a whole, they require an appropriation now of some twelve or thirteen million dollars to meet the losses incurred by operation of some 380 ships; but the United States Lines is a more or less profitable line now. That is a very important line. It needs some additions.

Two ships like the *Mount Vernon* and the *Agamemnon*, added to the *Leviathan*, would make it one of the most powerful lines in the world; and my information is that it could easily expect to earn, net, a million dollars a year if those two ships were added to its service. I can not say what that would be, but I know this: I know that there is really but one line of the Shipping Board ships that is operated by the Government, and that is the United States Lines. The other lines are operated by private operators, not directly by the Government at all; and some of the contracts heretofore were perfectly absurd contracts, because originally the S-O-4 contract practically provided that the more money the operators lost, the more profit they made; so there could not be any successful operation under it. I do not, however, want to go into all those questions now.

Mr. BINGHAM. Mr. President, will the Senator permit a very brief observation in connection with the question of the Senator from Arkansas a few moments ago?

Mr. FLETCHER. Yes.

Mr. BINGHAM. I can not help feeling that the figures which the Senator from Florida brought out are in themselves a very cogent argument against Government ownership and operation, and in favor of private ownership and operation when given some form of governmental assistance, the form in this case being selling the ships at public sale at a very low price, thereby giving the private company a chance to make money on ships when the Government, which already owned them, did not succeed in doing so. The facts which the Senator has just been pointing out with regard to the operation of the Shipping Board seem to my simple intelligence to point to the fact that Government operation is not successful.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BINGHAM. I have not the floor.

Mr. ROBINSON of Arkansas. Why should the private owner of a ship which cost $10,000, and has earned $10,000 each trip, have any form of aid from the Government?

Mr. BINGHAM. The only aid the Government gave was by letting him have the ship at a price which he was willing to pay for it.

Mr. FLETCHER. Just take that point. Here for seven years we have been offering private enterprise at $5 and $7 a ton ships which cost from $200 a ton up, and why have they not gone in and taken over the ships? What greater subsidy do they want? If subsidy will bring about private ownership and operation of merchant ships, what greater subsidy could they ask? The Senator has just said that was a kind of aid or subsidy, but we have been trying to do that for seven years, and yet we can not get them interested. Evidently they have not been adding to our overseas tonnage at all the ships we have been selling them. They have been operating those ships in the coastwise business and otherwise, scrapping them, or whatnot, perhaps taking the machinery out of them. We sold many of them for less than the machinery in them was worth, and they have not been added to our foreign commerce and trade at all. What could they ask more than the subsidy we have been giving, in effect, by enabling the Shipping Board to go on and sell the ships at the sacrifices at which they have sold them? Yet we do not get any addition to our merchant marine in overseas trade under the American flag owned by private individuals.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. CARAWAY in the chair). Does the Senator from Florida yield to the Senator from New York?

Mr. FLETCHER. I yield.

Mr. COPELAND. May I ask the Senator if we have kept faith with the men to whom we have sold these ships? I have in mind a line running on the Mediterranean—I have forgotten its name, but when we sold the ships there was an implied contract at least that we were going to permit them to carry the mail, and that contracts were going to be entered into for a period of 5 or 10 years. This last year, by an amendment to an appropriation bill, all those contracts were canceled, and the Postmaster General now is permitted to make contracts only within the terms and for the time of the appropriation. We have done everything in the world that we could do to discourage the operation by private individuals of these ships, even after we have sold them at this cheap rate.

Mr. FLETCHER. Of course, we should not do that. That is a matter of administration which ought to be corrected. But we do keep faith with them in that we do not compete with them; we do not let the Shipping Board ships operate in competition with lines purchased by private individuals and part of the American merchant marine.

Here is what I am afraid of, Mr. President. I have here a quotation from the New York Times giving a communication, special, from London, dated January 15. It goes on to tell about what is being done by other countries. Thirteen new liners, including two of the largest ever launched, will be on the stocks by the end of this year if the companies carry out their present intention. The White Star Co. has ordered one boat of 25,000 tons, and other lines named here are the Cunard Line, the North German Lloyd, the Hamburg-American, the Swedish-American, the Norwegian-American, the Scandinavian. All those are contemplating building new ships and are actually laying the keels of new ships. This article concludes:

> British shipping men who have been watching the American situation with great interest are confidently predicting that the United States Lines will eventually be purchased by the International Mercantile Marine.

I think it is pretty well understood that the International Mercantile Marine is a British-controlled concern. Most of their ships are under the British flag. A majority of their directors are British people. The article from London continues:

> America, it was pointed out here, can not build up a big Navy without a mercantile marine.

That is one of the things we are contending for. That is quite true. Therefore we ought to have a mercantile marine under our flag.

> And she can not afford to operate merchant ships under Government ownership unless she wishes to pay heavy and continuing losses.

That is the consolation they take to their hearts over there, that the people of this country will get weary of the constant losses, and will quit operating the ships, and go out of the business. That is the hope they have.

> But she will not allow the United States Lines to pass into British hands—

Of course, they will not sell them to foreign interests—

> and therefore she will sell them to Franklin.

That means Franklin, of the International Mercantile Marine. That is the prediction in London, that we are going to sell these United States Lines, our only Government-owned passenger-carrying trans-Atlantic line, Mr. Franklin, of the International Mercantile Marine, a British-controlled concern.

The Senator from Nevada [Mr. ODDIE] can perhaps tell me how many ships owned by the Dollar Line are under foreign registry. Mr. Dollar, or the Dollar people, bought the seven President ships on the Pacific, and those ships are under our flag, under their contract, and must be for five years. But

Mr. Dollar has other ships. Will the Senator, if he has that information, give it to us?

Mr. ODDIE. Mr. President, the *Melville Dollar* was transferred to the Japanese flag in 1916. The *M. S. Dollar* was transferred to the British flag in 1915. The *Mackinaw* was transferred to the Japanese flag in 1915. The *Robert Dollar* is still under the British flag. The *Alice Dollar* has never been under the American flag. The *Stanley Dollar* is under the British flag and the *Esther Dollar* is under the British flag.

Mr. FLETCHER. Those are the people who have bought the finest fleet of combination passenger and cargo ships in the world, on any ocean, brand new ships, which cost $40,000,000 and were sold for $4,500,000. Those are the people, in my judgment, who are laying for the 36 freight ships on the Pacific now and expect to get them about February 10, unless something is done. What do those people care about the American flag?

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. FLETCHER. I yield.

Mr. COPELAND. I know nothing about it beyond the statement made to me by Mr. Stanley Dollar last week, that the last British ships that they had they sold within a few days, that every ship now owned by the Dollars is an American ship. Furthermore, let us bear this in mind, that not a single ship sold by our Shipping Board to the Dollars can ever be under any other flag except by permission of the Shipping Board. That is the law.

Mr. FLETCHER. I understand that, but they can take those ships out of the service in which they are engaged at the end of five years and put them into the coastwise trade if they find it more profitable.

Mr. ODDIE. Mr. President, can it be possible that some British influence or British interest is in the Dollar Line Co. to-day?

Mr. FLETCHER. The Senator from Nevada kindly answered my question, and I presume he has authority for his statement. I will inquire of the Senator where his information comes from? Does it come from the department? But I do not care about that. The Senator makes the statement, and I do not care to press as to how he gets it. That is sufficient for me. I did not know but that some one else might want to know, in view of the statement of the Senator from New York, whether this is an authoritative statement or not, or whether it is just the Senator's opinion.

Mr. ODDIE. Mr. President, the Department of Commerce is authority for the statement I have made regarding five of the Dollar ships, and I have had it on authority that I consider reliable that the last two named, the *Stanley Dollar* and the *Esther Dollar* are still under British registry.

Mr. FLETCHER. Mr. President, I have just read this communication from London. I am finding no fault with opinion there. I am not criticizing it; they are looking out for themselves, they are going to have a merchant marine, and let us not forget that. Their opinion is that we are going out of this business, and that as the result of that, while we will not sell the ships to the British, we will sell them to the International Mercantile Marine, which is a British-controlled concern.

That is in prospect. If it is left to a majority of this board, to four members of the board, will there be any reason to find fault hereafter with Congress because we have given this power to four members of the board to get rid of these ships, and pass title to the ships by way of getting the Government out of business?

So far as I am concerned, when seven men unanimously are of the opinion that they are accomplishing the purpose of Congress in establishing and maintaining an adequate American merchant marine in foreign trade in voting to sell the ships, I am willing to let them go, but I would not be willing, so far as I am concerned, to leave it to four members of that board to decide an important question like that, settling not only our property values, not only our place on the high seas, but settling the policy of the Government contrary to the purpose and intention of Congress.

Mr. JONES. Mr. President, I had hoped that we would be able to get the pending amendment disposed of this afternoon, but it is desired that we shall have an executive session.

I ask unanimous consent that when the Senate concludes its business to-day we shall take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES. I want to express the hope that we shall be able to act on the bill to-morrow.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 5 minutes p. m.), under the agreement previously entered into, took a recess until to-morrow, Thursday, January 26, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 25, 1928

REGISTER OF THE LAND OFFICE

Guy Francis Barnes, of South Dakota, to be register of the land office at Pierre, S. Dak.; vice John Widlon, resigned.

UNITED STATES MARSHAL

Fred S. Hird, of Iowa, to be United States marshal, southern district of Iowa, vice Roy B. Gault, term expired.

POSTMASTERS

ARIZONA

Margaret E. Finletter to be postmaster at Inspiration, Ariz., in place of M. E. Finletter. Incumbent's commission expires January 31, 1928.

ARKANSAS

Burnard O. Phelps to be postmaster at Okolona, Ark., in place of B. O. Phelps. Incumbent's commission expires January 28, 1928.

Elmer A. Murphy to be postmaster at Lepanto, Ark., in place of E. A. Murphy. Incumbent's commission expires January 28, 1928.

Jessie Garner to be postmaster at Kingsland, Ark., in place of Jessie Garner. Incumbent's commission expires January 28, 1928.

CALIFORNIA

William J. Boyd to be postmaster at Sausalito, Calif., in place of W. J. Boyd. Incumbent's commission expires January 31, 1928.

Ambrose E. Daneri to be postmaster at Merced, Calif., in place of A. E. Daneri. Incumbent's commission expires January 31, 1928.

COLORADO

Alvin L. Bourquin to be postmaster at Stonington, Colo., in place of R. B. Kerr. Incumbent's commission expired August 8, 1926.

FLORIDA

Lena M. Powers to be postmaster at Wabasso, Fla. Office became presidential July 1, 1927.

Nina K. Berkstresser to be postmaster at Hawthorn, Fla., in place of W. H. Berkstresser, deceased.

Julius H. Trent to be postmaster at Groveland, Fla., in place of W. E. Weihe, appointee declined.

Bertha F. Knight to be postmaster at Bartow, Fla., in place of B. F. Knight. Incumbent's commission expires January 28, 1928.

ILLINOIS

Roy C. Hallowell to be postmaster at La Harpe, Ill., in place of Susan Gilman, resigned.

Joseph V. Campeggio to be postmaster at Ladd, Ill., in place of J. V. Campeggio. Incumbent's commission expired January 7, 1928.

John H. Brill to be postmaster at Hampshire, Ill., in place of J. H. Brill. Incumbent's commission expired January 7, 1928.

IOWA

Charles W. Shelly to be postmaster at Ollie, Iowa, in place of George McKinnis, deceased.

Willis W. Overholser to be postmaster at Sibley, Iowa, in place of W. W. Overholser. Incumbent's commission expired December 19, 1927.

KANSAS

Earl M. Boland to be postmaster at Leon, Kans., in place of Clarence Leidy, resigned.

Charles C. Andrews to be postmaster at Norcatur, Kans., in place of C. C. Andrews. Incumbent's commission expires January 31, 1928.

George W. Tompkins to be postmaster at Melvern, Kans., in place of G. W. Tompkins. Incumbent's commission expires January 31, 1928.

Ora A. Smith to be postmaster at Marysville, Kans., in place of O. A. Smith. Incumbent's commission expires Jan. 31, 1928.

Robert R. Carson to be postmaster at Hamilton, Kans., in place of R. R. Carson. Incumbent's commission expires January 31, 1928.

Chauncey J. Nichols to be postmaster at Arcadia, Kans., in place of C. J. Nichols. Incumbent's commission expires January 31, 1928.

KENTUCKY

Bettie K. Wyatt to be postmaster at Valley Station, Ky., in place of B. K. Wyatt. Incumbent's commission expired January 17, 1928.

LOUISIANA

Roger F. Baudry to be postmaster at Garyville, La., in place of R. F. Baudry. Incumbent's commission expires January 28, 1928.

MARYLAND

Addie D. Rayne to be postmaster at Willards, Md., in place of A. D. Rayne. Incumbent's commission expires January 31, 1928.

MASSACHUSETTS

Wilfred J. Tancrell to be postmaster at North Uxbridge, Mass., in place of W. J. Tancrell. Incumbent's commission expired December 18, 1927.

Carl H. Carlson to be postmaster at Franklin, Mass., in place of C. H. Carlson. Incumbent's commission expires January 31, 1928.

MICHIGAN

Wellington E. Reid to be postmaster at Ubly, Mich., in place of W. E. Reid. Incumbent's commission expires January 31, 1928.

William H. Watson to be postmaster at Three Oaks, Mich., in place of W. H. Watson. Incumbent's commission expires January 28, 1928.

Martin C. Musolf to be postmaster at Tawas City, Mich., in place of M. C. Musolf. Incumbent's commission expires January 28, 1928.

Herbert S. Gay to be postmaster at Saginaw, Mich., in place of H. S. Gay. Incumbent's commission expires January 28, 1928.

Samuel B. Brant to be postmaster at Pittsford, Mich., in place of S. B. Brant. Incumbent's commission expires January 28, 1928.

William C. Mosier to be postmaster at Paw Paw, Mich., in place of W. C. Mosier. Incumbent's commission expires January 28, 1928.

Benjamin F. Peckham to be postmaster at Parma, Mich., in place of B. F. Peckham. Incumbent's commission expires January 28, 1928.

Norman J. Laskey to be postmaster at Milan, Mich., in place of N. J. Laskey. Incumbent's commission expires January 31, 1928.

Frank G. Leeson to be postmaster at Manchester, Mich., in place of F. G. Leeson. Incumbent's commission expires January 31, 1928.

Fay Elser to be postmaster at Litchfield, Mich., in place of Fay Elser. Incumbent's commission expires January 31, 1928.

Orville Dennis to be postmaster at Lake City, Mich., in place of Orville Dennis. Incumbent's commission expires January 28, 1928.

Frank T. Swarthout to be postmaster at Laingsburg, Mich., in place of F. T. Swarthout. Incumbent's commission expires January 28, 1928.

Floyd J. Gibbs to be postmaster at Ithaca, Mich., in place of F. J. Gibbs. Incumbent's commission expires January 28, 1928.

Byron D. Denison to be postmaster at Galien, Mich., in place of B. D. Denison. Incumbent's commission expires January 31, 1928.

Clara Woodruff to be postmaster at Freeland, Mich., in place of Clara Woodruff. Incumbent's commission expires January 28, 1928.

Wilbert L. Nelson to be postmaster at Daggett, Mich., in place of W. L. Nelson. Incumbent's commission expires January 28, 1928.

Harry E. McClure to be postmaster at Clinton, Mich., in place of H. E. McClure. Incumbent's commission expires January 28, 1928.

Frank E. Richards to be postmaster at Clarksville, Mich., in place of F. E. Richards. Incumbent's commission expires January 28, 1928.

Floyd Andrews to be postmaster at Clarkston, Mich., in place of Floyd Andrews. Incumbent's commission expires January 28, 1928.

MINNESOTA

Harry N. Nordholm to be postmaster at Red Wing, Minn., in place of F. A. Scherf. Incumbent's commission expired January 9, 1928.

Thomas J. Godfrey to be postmaster at Hibbing, Minn., in place of T. J. Godfrey. Incumbent's commission expired December 19, 1927.

Wilbert G. Lammers to be postmaster at Fairfax, Minn., in place of W. G. Lammers. Incumbent's commission expired December 19, 1927.

Donald P. McIntyre to be postmaster at Eveleth, Minn., in place of D. P. McIntyre. Incumbent's commission expired December 19, 1927.

Cora Thorson to be postmaster at Echo, Minn., in place of Cora Thorson. Incumbent's commission expired December 19, 1927.

Paul Sartori to be postmaster at Buhl, Minn., in place of Paul Sartori. Incumbent's commission expired December 19, 1927.

Mae Kirwin to be postmaster at Chokio, Minn., in place of F. A. Shipman, resigned.

MISSOURI

George S. Carnes to be postmaster at Trenton, Mo., in place of G. S. Carnes. Incumbent's commission expires January 28, 1928.

William A. Porter to be postmaster at Plattsburg, Mo., in place of W. A. Porter. Incumbent's commission expires January 28, 1928.

Beryl S. Littrell to be postmaster at Mendon, Mo., in place of B. S. Littrell. Incumbent's commission expires January 28, 1928.

Maude F. Eaton to be postmaster at Leadwood, Mo., in place of M. F. Eaton. Incumbent's commission expires January 28, 1928.

John A. Richmond to be postmaster at La Belle, Mo., in place of J. A. Richmond. Incumbent's commission expires January 28, 1928.

John Fleurdelys to be postmaster at Ilasco, Mo., in place of John Fleurdelys. Incumbent's commission expires January 28, 1928.

Raymond F. Gasche to be postmaster at Hillsboro, Mo., in place of R. F. Gasche. Incumbent's commission expires January 28, 1928.

Homer Beaty to be postmaster at Drexel, Mo., in place of Homer Beaty. Incumbent's commission expires January 28, 1928.

Charles C. Bishop to be postmaster at Clarence, Mo., in place of C. C. Bishop. Incumbent's commission expires January 28, 1928.

Ruie Chatburn to be postmaster at Buckner, Mo., in place of Ruie Chatburn. Incumbent's commission expires January 28, 1928.

John L. Esser to be postmaster at Boonville, Mo., in place of J. L. Esser. Incumbent's commission expires January 28, 1928.

MONTANA

Leslie L. Like to be postmaster at Drummond, Mont., in place of L. L. Like. Incumbent's commission expires January 31, 1928.

Gladys M. Eiselein to be postmaster at Boulder, Mont., in place of J. D. Filcher, removed.

NEVADA

William L. Merithew to be postmaster at Elko, Nev., in place of W. L. Merithew. Incumbent's commission expires January 28, 1928.

NEW JERSEY

Harry C. Lussy to be postmaster at Wharton, N. J., in place of James Walters. Incumbent's commission expired October 24, 1922.

Carroll R. Cox to be postmaster at Tuckerton, N. J., in place of C. R. Cox. Incumbent's commission expires January 31, 1928.

Abram A. Reger to be postmaster at Somerville, N. J., in place of A. A. Reger. Incumbent's commission expires January 31, 1928.

Charles W. Brophy to be postmaster at Skillman, N. J., in place of C. W. Brophy. Incumbent's commission expired January 7, 1928.

Charlotte S. Hurd to be postmaster at Dover, N. J., in place of C. S. Hurd. Incumbent's commission expires January 31, 1928.

Wilfred T. Sullivan to be postmaster at Delawanna, N. J., in place of W. T. Sullivan. Incumbent's commission expires January 31, 1928.

Alonzo P. Green to be postmaster at Chester, N. J., in place of A. P. Green. Incumbent's commission expires January 31, 1928.

NORTH CAROLINA

Jeremiah C. Meekins, jr., to be postmaster at Washington, N. C., in place of J. C. Meekins, jr. Incumbent's commission expires January 31, 1928.

Neill K. Currie to be postmaster at Tabor, N. C., in place of N. K. Currie. Incumbent's commission expires January 31, 1928.

W. Heman Hall to be postmaster at Rosehill, N. C., in place of W. H. Hall. Incumbent's commission expires January 31, 1928.

James A. Wyche to be postmaster at Hallsboro, N. C., in place of J. A. Wyche. Incumbent's commission expired December 19, 1927.

Herbert C. Whisnant to be postmaster at Granite Falls, N. C., in place of H. C. Whisnant. Incumbent's commission expires January 31, 1928.

NORTH DAKOTA

Almeda Lee to be postmaster at Mohall, N. Dak., in place of Almeda Lee. Incumbent's commission expires January 31, 1928.

OHIO

William M. Johns to be postmaster at Plymouth, Ohio, in place of W. M. Johns. Incumbent's commission expired December 19, 1927.

Wilber C. Foote to be postmaster at Fredericktown, Ohio, in place of T. E. Stafford, resigned.

Lloyd D. Carter to be postmaster at Akron, Ohio, in place of C. N. Sparks, resigned.

OKLAHOMA

Ralph P. Witt to be postmaster at Maud, Okla., in place of R. P. Witt. Incumbent's commission expires January 28, 1928.

James T. White to be postmaster at Howe, Okla., in place of J. T. White. Incumbent's commission expires January 28, 1928.

Ted R. Trolinger to be postmaster at Bluejacket, Okla., in place of T. R. Trolinger. Incumbent's commission expires January 28, 1928.

PENNSYLVANIA

John J. Nichols to be postmaster at Lansdowne, Pa., in place of J. J. Nichols. Incumbent's commission expired March 3, 1927.

Mary S. Moore to be postmaster at Everson, Pa., in place of M. S. Moore. Incumbent's commission expired January 15, 1928.

Millard F. Hauser to be postmaster at Delaware Water Gap, Pa., in place of M. F. Hauser. Incumbent's commission expires January 31, 1928.

SOUTH CAROLINA

Grover L. Smith to be postmaster at Springfield, S. C., in place of G. L. Smith. Incumbent's commission expires January 31, 1928.

SOUTH DAKOTA

John H. Mathias to be postmaster at Rapid City, S. Dak., in place of J. H. Mathias. Incumbent's commission expired January 15, 1928.

VIRGINIA

Jessie M. Martin to be postmaster at Concord Depot, Va., in place of J. M. Martin. Incumbent's commission expires February 8, 1928.

WEST VIRGINIA

Dova Varney to be postmaster at Edgarton, W. Va., in place of Dova Varney. Incumbent's commission expires January 28, 1928.

Epson Cook to be postmaster at Macdonald, W. Va., in place of H. H. Haeberle, removed.

WISCONSIN

Thomas A. Lowerre to be postmaster at Delafield, Wis., in place of T. A. Lowerre. Incumbent's commission expired January 17, 1928.

WYOMING

James A. Woods to be postmaster at Lingle, Wyo., in place of J. A. Woods. Incumbent's commission expires January 31, 1928.

Levi H. Converse to be postmaster at Lavoye, Wyo., in place of L. H. Converse. Incumbent's commission expires January 31, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 25, 1928

POSTMASTERS

ALABAMA

John H. Nixon, Goshen.

CONNECTICUT

James J. Fitzpatrick, Meriden.
James V. Golden, Noroton Heights.
Albert E. Wellman, Torrington.

FLORIDA

Frank W. Allaben, Fulford.
Paul R. Whitaker, Monticello.
Carrie F. Davis, Watertown.
Thomas R. Gamble, Wildwood.

KANSAS

Vertie O. Booth, Bird City.
Mattie L. Binkley, Brewster.
Harry B. Gailey, Cambridge.
George G. Griffin, Clearwater.
John M. Erp, Grainfield.
Lewis S. Newell, Harveyville.
Elmer E. Hilton, Hunnewell.
Harvey P. McFadden, Natoma.
Cliff W. Weeks, Osborne.
Earl R. Given, Randall.
Russel R. Bechtelheimer, Ulysses.

MAINE

Marjorie Gatcomb, Vanceboro.

MICHIGAN

Hugh A. McLachlan, Evart.
Edna B. Sargent, Levering.
Frank J. Adams, Rogers City.

TENNESSEE

John L. Harris, Bethel Springs.
Samuel C. Patton, Dayton.
Billie Creson, Mulberry.
John E. Davenport, Woodbury.

TEXAS

Minnie Owens, Dickinson.
Daniel B. Bynum, Eustace.
Nora C. McNally, Godley.
Cass B. Rowland, Hamlin.
Thomas E. Williams, Matador.
John B. Vannoy, McLean.
William R. Williams, Montague.
Beulah W. Carles, Muleshoe.
Francis M. Bell, North Zulch.
Nora M. Kuhn, Paige.
Isaac C. Plumlee, Pioneer.
Walter C. Sparks, jr., Taft.

UTAH

Joseph W. Johnson, Layton.

REJECTION

Executive nomination rejected by the Senate January 25, 1928

POSTMASTER

NORTH DAKOTA

Matt Johnson, Bottineau.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 25, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. TILSON.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Spirit of God, teach us that Thy will is love; teach us that Thy love is wise. May our heart's supreme wish be to give to our fellows good thoughts, strong principles, supporting comforts, and heavenly ideals. By grace help us to win the victories of faith and to do justice and to love mercy. Through chastened devotion to the public service may we animate others to follow our example. In every situation give us the light that never fails and the strength that never breaks. Amen.

The Journal of the proceedings of yesterday was read and approved.

BOOK AND MAGAZINE CENSORSHIP

Mr. TILLMAN. Mr. Speaker, I ask unanimous consent to proceed for just a few minutes on a matter that is somewhat personal to myself and my State.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Speaker, this matter is not at all serious, and I am not presenting it in a serious way; but I think some reference should be made to it.

This morning I received through the mails a clipping which I presume was taken from a paper in Chicago. No name is signed to the clipping and the paper in which it appeared is not named. I desire to read it into the RECORD and then comment briefly upon it.

Representative TILLMAN, of Arkansas, introduced a bill in Congress Friday to establish a national board of book and magazine censorship. On the same day in an examination at the State University of Arkansas one student in answer to the question, "Who is Charles A. Lindbergh?" said he was a prime minister of Sweden in the fifteenth century; another said he was a German general in the World War; and a third that Lindbergh was a leader of the bolsheviks in Russia; and a fourth student thought Lindbergh was the battle line the Allies had such difficulty in breaking in the World War. Please write your own wheeze.

Ordinarily I would not say anything about this, and what I do say will be more or less in the spirit of a jest.

I do not know whether it is true that four students in the University of Arkansas made these silly answers to the question as to who is Lindbergh. They may have made those answers and made them jestingly, or ignorantly, for that matter. The University of Arkansas, however, has students from every State in the Union and from several foreign countries, and my information is that these four students who were supposed to have made these answers actually came from the city of Chicago and are not permanent residents of the State of Arkansas. [Laughter.]

But this newspaper man seems to find objection to a bill of mine to create a censorship to suppress indecent books and magazines. He does not, in fairness, state that this bill proposes to prevent the circulation of lewd and lascivious matter in magazines and books. That is the only purpose of the bill, and is a laudable one. The last sentence of the gentleman who criticizes Arkansas for a lack of literacy is himself illiterate. The objectionable sentence is this, "Please write your own wheeze." That is doubtful English, but I am suggesting the fact that even the mayor of Chicago is somewhat opposed to pure English. [Applause.] The sentence quoted is distinctly Chicagoese and is low-brow, slummy, coarse.

Now, Mr. Speaker and gentlemen, I ask unanimous consent, while this subject is warm, for 25 minutes to-morrow, January 26, immediately after the reading of the Journal, in which to discuss this particular bill, which proposes to curtail or eliminate altogether the circulation of magazines or books that are lewd, lascivious, or indecent. If the bill were enacted into law the book that has recently been bootlegged over America, full of filthy fiction, I think, could not have been circulated, and I expect to pay my respects to-morrow in a few words to that book.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of matters on the Speaker's table, he may be allowed to address the House for 25 minutes. Is there objection?

There was no objection.

THE MERCHANT MARINE

Mr. WELCH of California. Mr. Speaker, on invitation of the United States Shipping Board, I had the pleasure of addressing a conference called by that board on January 10, 1928, for the purpose of discussing with representatives of private American shipowners and allied interests ways and means of aiding our merchant marine. I now ask unanimous consent to have printed in the RECORD my statement, which includes excerpts from Senate Report No. 477, Sixty-eighth Congress, on foreign-trade zones in ports of the United States, as an aid in the development and maintenance of an American merchant marine.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection?

There was no objection.

Mr. WELCH of California. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement before the Shipping Board at a conference held January 10, 1928:

Mr. Chairman and members of the United States Shipping Board, in response to your invitation to be present here to-day for the purpose of a full discussion between the members of the Shipping Board and the American steamship owners of the Atlantic, Pacific, Gulf, and Great Lakes regarding the development and maintenance of an American merchant marine, may I ask if your board and the shipping interests of the United States so well represented here have given consideration to H. R. 8557, introduced by me in the House of Representatives, and a companion bill, known as S. 742, "A bill to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," which was introduced by Senator JONES in the Senate?

Chairman O'CONNOR. Free ports?

Mr. WELCH of California. Free ports or foreign-trade zones. We prefer to refer to them as foreign trade zones; the former appellation is misleading and tends to convey the impression that they might interfere with our present tariff system. Quite to the contrary, foreign-trade zones as provided for in this bill which I have introduced in Congress, have absolutely nothing to do with tariff regulations. Foreign-trade zones are magnets in the world's commerce. If established in this country, they will build up our merchant marine which is so vital to our national security.

The Senate Committee on Commerce (65th Cong.) on May 3, 1918, referred to the Tariff Commission Senate bill 4153, with a request that said commission furnish the committee with suggestions touching on the merits of the bill and the propriety of its passage; the bill had for its purpose the establishment of foreign-trade zones in ports of the United States.

In accordance with the request of the Committee on Commerce, the United States Tariff Commission submitted its report on November 20, 1918, concerning the policy of establishing foreign-trade zones in ports of the United States, together with comment concerning Senate bill 4153. The said report was signed by F. W. Taussig, chairman; Thomas Walker Page, vice chairman; David J. Lewis, William Kent, W. S. Culbertson, Ed. P. Costigan.

In the course of the investigation hearings were held in San Francisco, New York, and Philadelphia by members of the commission.

Information and data were sought through investigation by representatives of the commission in New Orleans and Galveston. A questionnaire was sent out to several hundred merchants and shippers. Study was made of the history and working of the free ports of free zones in Europe and of the laws and regulations controlling them. Interviews were had with those familiar with free-zone practice, and information as to recent foreign development was secured through the State Department.

From data thus obtained the report was compiled with favorable recommendations from the following:

Report of committee of New York Chamber of Commerce.
Resolution adopted by Philadelphia Chamber of Commerce.
Report of committee of Philadelphia Board of Trade.
Resolutions adopted by the Philadelphia Bourse.
Resolution adopted by the foreign-trade bureau of the New Orleans Association of Commerce.
Resolution adopted by the commission council of New Orleans.
Resolutions adopted by board of directors of New Orleans Cotton Exchange.
Report of committee of Galveston Commercial Association.
Report to United States Tariff Commission by committee of San Francisco Chamber of Commerce.
Resolutions adopted by board of directors of San Francisco Chamber of Commerce.
Extracts from a hearing held by United States Tariff Commission in New York.
Extracts from a hearing held by United States Tariff Commission in Philadelphia.
Interview between Hon. William Kent and Capt. V. Lassen.
Letter of George R. Meyercord.
Letter of Charles D. Boyles.
Address of H. R. Geddes, of Dover, England.
Acts of Congress granting privileges similar to free-zone practice.
Law for establishment of a free port at Copenhagen.
Charter of Copenhagen Free Port Joint Stock Co.
Rules for the administration of the free port of Copenhagen.
Law providing for a commission to select a site for a free port at Lisbon, Portugal.
Royal decrees providing for establishment of free ports at Cadiz, Barcelona, and Bilbao, Spain.
Bill providing for the establishment of free zones in French maritime ports, introduced in the French Chamber of Deputies July 10, 1914, with explanatory letter.
National Merchants' Marine Association.
National Foreign Trade Council.
Detroit Chamber of Commerce.
The Exporters and Importers' Association, of Philadelphia.
The Exporters Round Table of Boston.
The Baltimore Import and Export Board of Trade.
Galveston Chamber of Commerce.
Charleston Chamber of Commerce.
Newport News Chamber of Commerce.
The Los Angeles Chamber of Commerce.
Oakland Chamber of Commerce.
Board of commissioners of the port of New Orleans.

The New York and New Jersey Port and Harbor Development Commission.

Massachusetts Chamber of Commerce.

Boston Chamber of Commerce.

Seattle Chamber of Commerce.

Merchants' Association of New York.

Interstate and foreign trade committee of the Chicago Association of Commerce.

Mississippi Valley Association.

Foreign Trade Clubs of Chicago.

Associated Industries of Massachusetts.

And the following gentlemen appeared and made statements favoring the policy of foreign-trade zones:

I. L. Stone, general manager of the Associated Industries of Massachusetts.

John J. Rossiter, director of operations, United States Shipping Board.

J. J. Dwyer, manager of the port development of the San Francisco Chamber of Commerce.

Julius Henry Cohen, counsel for the New York and New Jersey Port and Harbor Development Commission.

Murray Hulbert, Dock Commissioner of New York.

John W. Thomas, vice president of the Great Lakes Trust Co., Chicago, Ill.

William F. Collins, secretary of the committee on commerce and marine of the American Bankers' Association.

DeWitt Van Buskirk, member of the New York and New Jersey and Harbor Development Commission.

Maj. E. Cunningham Church, Chamber of Commerce of New York.

Samuel Ulmann, importer and exporter of raw furs.

Henry Z. Osborne, Los Angeles Chamber of Commerce.

R. S. Guilford, of the International Mercantile Marine, New York.

Emil P. Albrecht, president of the Philadelphia Bourse.

Austin W. McLannahan, president of the Export and Import Board of Trade of Baltimore.

Wm. M. Brittain, secretary of the Import and Export Board of Trade of Baltimore.

W. O. Hempstead, customhouse broker, Baltimore, Md.

Peter Beck, secretary of the mayor's committee on free zones, Baltimore, Md.

Arthur McGuirk, special counsel for the board of commissioners of the port of New Orleans.

Wilbur F. Wakeman, treasurer and general secretary of the American Protective Tariff League of New York.

Alexander R. Smith, editor of the Marine News, New York.

William Kent, of the United States Tariff Commission in charge of investigation.

Dr. Roy S. MacElwee, assistant director of the Bureau of Foreign and Domestic Commerce in the Department of Commerce.

George W. Ashworth, Chief of the Division of Customs, Treasury Department.

Subsequently hearings were held before a subcommittee of the Committee on Commerce, United States Senate, Sixty-sixth Congress, on Senate bill 3170, "A bill to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite foreign commerce, and for other purposes."

This report to my mind is one of the most complete and comprehensive of its kind ever made to Congress. Much of this report is taken from the reports submitted in the Sixty-seventh Congress on Senate bill 2391:

"The Commerce Committee held extensive hearings during the first session of the Sixty-sixth Congress in connection with Senate bill 3170."

Mr. Arthur McGuirk, special counsel for the board of commissioners of the port of New Orleans, said:

"A free zone is the necessary complement of a protective-tariff system; the higher the tariff the more essential. Without such facility no high-tariff country can successfully compete in world trade with foreign nations, because the terms are not equal and they are not fair. American merchants in foreign trade can carry a handicap. That handicap results from the imposition of the customs system with its consequent expense and necessary delays to trade which does not enter, but merely touches or is deposited in the country at different points. By so much as the American merchant pays the customs on goods intended for reexport and not for domestic consumption is he handicapped and discriminated against. As the goods can not enter the country without payment of duty, the situation as to domestic producers and manufacturers will remain unchanged. They remain protected as before. The free zone as to them is extraterritorial; it is foreign country. The customs officers are simply transferred from the ship to the gates of the zone. The same customs duties are collected, only they are collected at a different place; dutiable goods taken from the zone into the country to pay the duty just as before. The free zone or area is an inclosed district free of customs restrictions, without resident population, equipped with wharves and warehouses where vessels may enter and leave and where goods may be deposited and reexported either in their original state or changed by manufacture. In legal contemplation it is foreign country. It affords a stopping place for goods in transit. Freedom of transportation and manufacture afforded by transshipment or transit zones implies only exemption from charges other than such as are imposed by way of compensation for the use of the property employed or for facilities afforded for its use. Commerce may be carried on in the zone and commodities may be purchased, sold, exchanged, and manufactured therein. Anything may be done with the goods in the zone that could be done outside of it, only they can not be brought from the zone into the United States without paying the same duties or being subjected to the same regulations as in the customs part of the port.

"The United States is a protected zone. The country is covered by a protective-tariff system imperfectly balanced by a system of drawbacks, bonded warehouses, and bonded manufacturing warehouses, so as to afford some limited scope to foreign commerce. Without some such device Congress would not have regulated but have prohibited and wholly crushed foreign commerce. Commerce is of two kinds—foreign and domestic. The framers of the Constitution contemplated our engaging freely in both under sensible regulations, but example as well as precept in Government demands the use of modern and up-to-date facilities in commerce and transportation. The free zone is a well recognized institution in world commerce. It has passed the experimental stage. It is the necessary adjunct of the protected zone; but it does not exist in the United States. If the tariff is a protective as well as a revenue system, if its object is to protect domestic trade and commerce, so will a free-zone system be a protective system, protecting by encouraging, safeguarding, and promoting foreign trade and commerce. Combined, they will form a harmonious, logical, well-balanced commercial system for the development of both foreign and domestic commerce.

"And so it is with the United States, at the end of the Great War, with hundreds of ships, manned by youthful, eager, and vigorous mariners, full of the spirit of adventure, and anxious to compete in world trade. 'We have the men, we have the ships, we have the money, too.' It therefore becomes our manifest duty to quickly provide the facilities without which the operation of the ships and the employment of our sailors in foreign commerce will be practically impossible. Under such circumstances it would be a public disgrace to revert to pre-war conditions when 90 per cent of our foreign commerce was carried in foreign bottoms. Our merchant marine must be preserved. Our future safety depends upon it. The control of the transportation of a country means the political control of that country. Neither our land carriers nor our sea carriers should be foreign owned. It is as essential to control our sea lanes as it is to control our public highways. Both are vital to national sovereignty."

Hon. John H. Rossiter is an experienced shipping man, and he presented the importance of this legislation and its bearing upon the development of our merchant marine, as follows:

"The foreign-trade zone will in effect bring the market places of other lands to our doors, making our ports the trade marts of the world—that is, will afford our manufacturers the advantages of purchasing raw materials, our merchants a convenient and advantageous buying market and will be of dominating importance to our merchant marine, and will constantly increase the volume of our commerce by providing needed homeward cargo, and, secondly, the operation of transshipment of reexport business."

The Secretary of Commerce and the Secretary of the Treasury have submitted reports on this bill, and their letters are made a part of this report at this point:

DEPARTMENT OF COMMERCE,
Washington, March 29, 1924.

Hon. W. L. JONES,
Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR JONES: Complying with your request of the 21st ultimo, this department submits suggestions touching the merits and propriety of the passage of Senate bill 2570 entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes."

In my opinion, properly located foreign-trade zones would facilitate and encourage the export trade of the United States and be of material benefit to our merchant marine, for the following reasons:

1. It will promote and expedite our transshipment trade by eliminating the customs formalities and difficulties under our present system of warehousing for reexport. In the course of the tariff revision of September, 1922, customs administrative regulations have been so liberalized that many of the activities relating to foreign merchandise under section 3 of the bill are now allowed in bonded warehouses without requiring the payment of duties; however, they are so encumbered with requirements, such as filing manifests, of making formal entry to all foreign merchandise whether intended for ultimate entry into this country or not, having goods weighed, or otherwise examined before allowed to be deposited in bonded warehouses, that the privileges available are not sufficiently attractive to be used to any great extent.

2. The establishment of such zones would probably be of considerable benefit to our merchant marine and place this country in a more advantageous condition to take advantage of our large consumption of many foreign raw materials and distribute such among foreign countries. It will also improve the opportunity for full cargoes for American ships both ways and result in a more economical use of our merchant marine by eliminating delays due to customs formalities.

In my opinion the bill is designed to accomplish the foregoing, and I therefore indorse it and recommend its passage.

For the committee's information, I am inclosing herewith a memorial of the Philadelphia Board of Trade to the Senate and House of Representatives, indorsing and recommending the passage of Senate 2570.

Yours faithfully,

HERBERT HOOVER, *Secretary of Commerce.*

PHILADELPHIA, *March 27, 1924.*

To the Senate and House of Representatives:

This memorial of the Philadelphia Board of Trade respectfully presents:

"That the board strongly indorses the general purposes of Senate bill 2570, authorizing the establishment of foreign trade zones.

"That the successful results attending the establishment of 'free ports' (free zones), noticeably at Hamburg and Copenhagen, would seem to justify the authorization of such facilities for the handling of our foreign commerce.

"That the transshipment of the commerce of the world runs into billions of dollars and the participation of the country in the development of this business will be greatly hastened by a recognition of the advantages to be gained through a free interchange of goods as provided in the bill under consideration.

"That the many advantages that would follow the enactment of a 'free zone' measure are to numerous to enumerate in detail, but the more important may be briefly summarized as follows:

"(a) Saving time and expense on part of the Government in handling imports in free zones.

"(b) Avoidance of complications attending bonding and securing drawbacks on reexporting arriving merchandise.

"(c) Additional facilities for profitable business in rehandling, packing, mixing, etc.

"(d) Advantages to manufacturers in their ability to establish factories in free zones, when dependent upon dutiable raw material, avoiding thereby the troublesome drawbacks on their exported products.

"That the free ports are a necessity if the merchants of this country may hope to control a reexport trade, and the relief from customs barriers as provided in the bill will prove of inestimable value.

"That under proper regulations, as will doubtless be adopted, the interests of the Government in the collection of duty can be protected when goods are released for domestic use or consumption.

"That the hearing on the subject of 'free ports' (free zones), held in Philadelphia in 1918, gave almost unanimous indorsement of the wisdom of the legislation then set forth and now again proposed.

"Therefore your memorialist, the Philadelphia Board of Trade, earnestly petitions for the enactment of Senate bill 2570, for the reasons set forth in the foregoing.

"And your memorialist will ever pray."

[SEAL.] PHILADELPHIA BOARD OF TRADE,
WM. M. COATES, *President.*

Attest:

W. R. TUCKER, *Secretary.*

TREASURY DEPARTMENT,
Washington, D. C., April 8, 1924.

HON. W. L. JONES,
Chairman Committee on Commerce, United States Senate.

MY DEAR MR. CHAIRMAN: I have the honor to refer to your letter of the 21st ultimo, transmitting for report a copy of the bill S. 2570, which provides for the establishment, etc., for foreign-trade zones.

After careful consideration of the bill I perceive no objection to its passage, so far as the interests of this department are concerned. I inclose herewith for your further information a copy of a letter dated the 6th instant from the collector of customs at New York, and invite special attention to his remarks with reference to section 562 of the tariff act of 1922, which authorizes manipulation warehouses.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

TREASURY DEPARTMENT,
UNITED STATES CUSTOMS SERVICE,
New York, March 6, 1924.

THE SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: Receipt is acknowledged of department letter dated the 1st instant, E. W. Camp, director of customs, inclosing copy of so-called free zone bill (S. 2570), requesting an expression of the views of this office thereon, so far as customs matters are concerned.

The proposed measure has been carefully perused, and the proposition submitted involves a question of policy concerning which it is not believed this office is called upon to express opinion.

In so far as the customs interest in the measure is concerned, nothing appears to be presented which might not be taken care of with additional personnel, and this would appear to be provided for in that portion of the proposed bill which states that the cost of maintaining the additional customs service shall be paid by the operator of the zone, thereby constituting no additional burden on the customs appropriation.

The operations contemplated in the proposed free zone appear to have their counterpart in section 562 of the tariff act of 1922, with the exception that in the proposed free zone bill the additional privilege is granted of intermingling foreign with domestic merchandise. This privilege, it is understood, was proposed and sought by interests concerned when the present tariff act was under consideration, but was not finally incorporated in the law.

There has been no great response to the privileges granted under section 562 of the new tariff act, wherein manipulation of merchandise in warehouse is authorized, and, in fact, no warehouse for this specific purpose has yet been bonded at this port.

Respectfully yours,

H. C. STUART,
Assistant Collector of Customs.

The establishment of foreign trade zones—

Will not affect the principle or policy of protection to American industry and labor;

Will aid in better carrying out that policy;

Will encourage the investment of American capital in new industries;

Will employ American labor in work and enterprise now carried on in foreign countries;

Will develop American business in foreign markets and foreign trades;

Will build up centers in the United States for the distribution of merchandise throughout the world;

Will simplify, facilitate, and cheapen the handling of exports and imports;

Will establish great transshipment points in the United States;

Will expedite the loading and unloading of ships;

Will aid in securing return cargoes for American ships; and

Will aid in the development and maintenance of an American merchant marine.

Will involve no change of principle, but merely one of procedure.

Will require no expenditure of money on the part of the United States.

The law will be permissive only.

American foreign trade was carried in American ships—	Per cent
In 1830	89. 9
In 1910	8. 7
In 1920	42. 7
In 1924	36. 3
In 1925	34. 1
In 1926	32. 2

The year 1927, as I have been informed by the Department of Commerce, will show a further decrease in our foreign trade.

Mr. WELCH. Mr. Chairman, I sincerely hope that the members of the United States Shipping Board and the shipping interests will carefully consider this bill. I represent a big shipping center, San Francisco. San Francisco while still a young city ranks second to the great port of New York in foreign trade. In my judgment if this bill is enacted into law it will help solve the serious problem of saving our merchant marine. * * *

I would like to leave with you, to be incorporated in the minutes of these hearings, excerpts from this report of the Senate Committee on Commerce.

The excerpts referred to are as follows:

EXCERPTS FROM REPORT OF THE SENATE COMMITTEE ON COMMERCE—REFERRED TO BY CONGRESSMAN WELCH OF CALIFORNIA

So long as tariffs are levied ports of entry must be maintained and special steps taken for the collection of such tariffs. Tariffs levied solely for revenue are more easily determined and collected than when they are levied for both revenue and protection. Whether levied for revenue or for protection, or for both revenue and protection, the simpler and less vexatious the means necessary to protect the Government the better the system will be for business.

We now have in connection with our tariff system the bonded warehouse, the drawback, and the bonded manufacturing warehouse. There is a great deal of vexatious delay in the handling of goods through these agencies. Vessels are delayed in unloading. Complex regulations hinder transshipment of reexport. Much difficulty is met in working out drawbacks. Any system that will remove any of the obstructions to commerce that now exist should be welcome and will be welcomed by all business people who have to deal with the present system and who do not now possess some special advantage that might be affected.

This bill provides a means to do away with many of the evils of the present system. It does not do away with the present agencies, but it

does open the way for another agency that may be made use of to avoid many of the vexations of the present system.

The only substantial objection that has been urged to this measure is that it is a subtle device to undermine the protective tariff system. The Republican members of the Commerce Committee gave this objection special consideration. They are protectionists from principle and would not favor any measure inimical to that system. They came to the conclusion that this measure does not affect in any way the principles of a tariff, either for revenue or for protection. It provides for a very valuable instrument in connection with either system. If it has any special relation to either system it is especially desirable in connection with the enforcement of a protective tariff and will strengthen rather than weaken that policy. Action under it will add greatly to the value of protection. This is the view of every man who came before the committee urging the passage of S. 2391. As a matter of fact, it presents no new principle. It broadens and simplifies the principle or policy embraced in the present warehouses and drawbacks of existing law and has been applied for years.

It is urged that this bill would be a menace to the American export trade because it gives the foreign producers every advantage which American producers have so far as locality is concerned, with the added advantage of lower costs. Foreign goods have an advantage in lower costs. That is sought to be offset by a protective tariff, and foreign goods can not come into our domestic trade from these zones without paying that tariff. Foreign goods that go from these zones into the export trade in competition with our goods must bear a burden which our products do not bear, and that is the cost of transporting them from their origin to these zones. This is a considerable burden, but it is a burden upon foreign goods and not on our goods, and instead of their being on an equality they are at a decided disadvantage in competing for the export trade because of this added burden. As a matter of fact, these zones will not be used by foreign exporters, primarily, to compete with us in our export trade because of this advantage.

It is said that these goods would "snatch the export trade" from American producers because those seeking to make purchases of German goods, for instance, would not need to go to Germany. Granting this for the sake of argument, but they would come here. We would do the business. Business relations would be built up that would redound greatly to our benefit and would far more than offset any disadvantage.

It is urged that goods would be stored in these zones "awaiting the removal of import restrictions which would follow the election of a free-trade President and Congress." Such an objection is very far fetched. We know that foreign goods are imported in increased quantities immediately preceding the passage of a lower tariff bill. That occurs now, but no one thinks of bringing goods here for storing in anticipation of the passage of a tariff bill two or three years hence.

DEFINITION AND PURPOSE OF A FREE ZONE

A free port or free zone is a place limited in extent, that differs from adjacent territory in being exempt from the customs laws as affecting goods destined for reexport; it means simply that, as regards customs duties, there is freedom unless and until imported goods enter the domestic market.

A free zone may be defined as an isolated, inclosed, and policed area in or adjacent to a port of entry, without resident population, furnished with the necessary facilities for lading and unlading, for supplying fuel and ship's stores for storing goods, and for reshipping them by land and water; an area within which goods may be landed, stored, mixed, blended, repacked, manufactured, and reshipped without payment of duties and without the intervention of customs officials. It is subject equally with adjacent regions to all the laws, relating to public health, vessel inspection, postal service, labor conditions, immigration, and, indeed, everything except the customs.

The purpose of the free zone is to encourage and expedite that part of a nation's foreign trade which its government wishes to free from the restrictions necessitated by customs duties. In other words, it aims to foster the dealing in foreign goods that are imported, not for domestic consumption, but for reexport to foreign markets, and for conditioning, or for combining with domestic products previous to export.

THE POLICY OF THE UNITED STATES

The policy of the United States has not been unfavorable to the kind of commerce that the free zone is designated to promote. On the contrary, it has been the obvious intention of the Government to relieve reexport trade from the restrictions incident to the administration of the tariff and customs laws, and to that end three institutions have been devised.

(1) The bonded warehouse, where goods for reexport may be entered and held free of duty.

(2) The bonded manufacturing warehouse, where without payment of duty imported goods may be handled, altered, or manufactured solely for export, either with or without the admixture of domestic materials and parts.

(3) The drawback, which is a repayment of 99 per cent of the duties paid on imported goods when they are exported.

The provisions and retention of these three devices show clearly that it has not been the purpose of the United States Government to place unnecessary obstacles in the way of its citizens when engaged in international trade. That such obstacles have arisen is due to the fact that the three devices mentioned were inadequate wholly to relieve foreign commerce from the regulations and restrictions placed upon the importation of foreign goods for domestic consumption. It would therefore involve no change of policy to supplement these devices by a system of free ports or free zones such as have proved singularly effective in other countries.

INADEQUACY OF BONDING AND DRAWBACK

The purpose of the bonded warehouse is to relieve importers from the payment of duty on foreign products that in unchanged form are destined for reexport and also to permit the postponement of payment of such duties until the time when, during a period of three years, the owner desires to remove them. It can not aid in expediting the entry and clearance of shipping or the handling of merchandise, for vessels must submit to the same formalities and requirements, whether they bring dutiable goods or goods to be placed in bond, and the goods themselves, whatever their destination, must be valued, sampled, weighed, and tested before removal from the dock. Much of the delay necessary incident to the proper assessment of duties on imports for domestic consumption is equally imposed on goods destined to be reshipped.

(a) To protect the public revenue from unauthorized entry on goods into domestic trade, the owner of the goods is required, under present procedure, to give bond in double the amount of the duty, which is forfeited if the goods are stolen, lost, destroyed, or fraudulently removed.

(b) Even drayage, between dock and warehouse must be done under bond.

(c) In addition, from the time they enter port until they are reshipped, the goods are under constant customs control and supervision.

(g) Handling, sorting, mixing, or repacking of the goods is prohibited; only where serious damage is threatened can the original package be opened, and even then it must be done by special permission and under customs supervision.

(h) Subject to these regulations, the expense of which it should be noted is made a charge upon the goods, an owner may leave his merchandise in bond for three years, but at the end of that time if duties are not paid they are considered, to use a technical expression, as "abandoned to the Government," to be sold by the Government accruing charges and expenses deducted, and the remaining proceeds turned over to the owner.

BONDED MANUFACTURING WAREHOUSE

The mere statement of the regulations sufficiently indicates the limited usefulness, so far as export trade is concerned, of the bonded storage warehouse. Even more stringent are those applying to the bonded manufacturing warehouse. In the latter institution foreign materials may be entered free of duty and worked up into manufactures ready for consumption.

(b) Before beginning operations the proprietor must file with the Treasury Department and with the collector of customs a statement of all the articles he intends to manufacture, giving the names of the articles, the exact kind and quantity ingredients, and the formula of manufacture, and he must adhere rigidly to the formula set forth.

(c) He must also give bond in double the value of the goods he intends to produce.

(d) From beginning to end materials and operations are under strict customs supervision. A multitude of restrictions make the procedure intricate and expensive, and the penalties for violation are very heavy. Only in the most highly standardized industries is it possible to avoid frequent disputes and misunderstandings.

DRAWBACK

The law authorizing what is known as drawback permits an importer, instead of placing his goods in bond, to pay duty on their entry and then to draw back from the Treasury on their reexportation 99 per cent of the amount paid. This provision, of course, can not any more than the bonded warehouse relieve commerce from the delays and other burdens incident to customs enforcement. The intent of the law is to aid production for foreign markets by relieving from customs dues imported materials that are manufactured or finished in this country and then shipped abroad. But the relief thus afforded, except in the sugar and tinplate industries, has been relatively small, as may be seen from the following table.

ILLUSTRATIONS OF THE INADEQUACY OF THE PRESENT SYSTEM

At the hearings conducted by the Tariff Commission and in the replies to its questionnaire numerous instances were adduced illustrating the inadequacy of the bonding and drawback system. To a few of these attention may be here directed.

Rice milling is an industry for the successful prosecution of which all conditions appear to be favorable in the United States except a sufficient supply of raw material. The industry is now limited almost

entirely to the preparation of the domestic product for domestic consumption, and this does not furnish full employment. It requires expensive specialized machinery and much skilled labor that must be engaged by the year. But testimony was presented showing that the largest mills are idle much of the time, because the domestic crop can keep them in operation for only half the year.

Efforts have been made to use the idle months in cleaning and milling oriental rice, the supply of which is very large, for reexport to the West Indies and Spanish America. To do this work profitably the rice must be imported in full ships' cargo and handled in bulk through grain elevators. These cargoes usually are about 6,000 tons, and as there is an average duty of one-half cent a pound on rice, the duty that must be paid on a full cargo is $60,000. The importer, of course, would be entitled to a drawback on such quantity of rice as was reexported; but it was the unanimous testimony of the mill officials interviewed that business had to be discontinued because of the difficulty, delay, and expense of securing the drawback.

Again it was found that imported flowers and feathers and imitation feathers are extensively used in this country for trimming women's hats, the model or frame of which is an article of domestic production. Also panama and imitation panama hats for the use of both men and women are imported from Central and South America and finished in the United States with the use of domestic materials. The industry has been almost entirely limited to supplying the domestic market, for our manufacturers have found themselves hampered in competing for foreign markets by the restrictions of our bonding and drawback system.

The effect of these systems on dealers in highly finished goods is perhaps best seen in the case of laces and embroideries. These are manufactured for which Spanish America offers a large and lucrative market which heretofore has been almost entirely supplied from Europe. Commodities of this character are apt to be included in the same order with a variety of other goods, and the order naturally goes to the dealer who can fill it as a whole at the lowest price, in the shortest time, and in the most convenient form. The order often includes specialties covered by trade-mark that are produced in different countries. To engage successfully in this trade, therefore, the merchant must be able not only to furnish the goods of his own country, but also to assemble, sort, and repack foreign merchandise for convenient delivery. This kind of commerce American merchants are precluded from entering except under the greatest difficulties.

In many parts of South America merchandise has to be transported for long distances in carts or on the backs of mules or llamas. It must be packed, therefore, with the least possible weight and in such form that the packages may be evenly balanced. Furthermore, dry goods are usually dutiable in those countries at specific rates by weight, so that the lighter the carton or covering the lower the duty will be. But our bonding system does not permit the original packages received from Europe to be broken and rearranged. And if American manufacturers of clothing use imported laces and embroideries in making women's wear the difficulty of identification and the expense of collecting a drawback are so great that when they export such goods they frequently prefer to forego the claim. One American exporter testified that his firm found it necessary to take goods from bonded warehouses in the United States and ship them to a West Indian port where they might be repacked and thence forwarded to destination.

Such are specific illustrations brought out at the hearings and in the correspondence conducted by the Tariff Commission showing the need of American industry and commerce for more liberal arrangements in handling and transhipping foreign products. Before pointing out how this can be accomplished through the establishment of free zones, it should be said with the greatest emphasis that the advantages to be enumerated can be attained in full measure only through the observance of certain prerequisites such as set forth in the bill, comment on which forms the second part of this report. The free zone or port that is here contemplated is one of the character provided for in that bill.

THE FREE ZONE AND IMPROVED PORT FACILITIES

The most important prerequisite is that such a port shall provide properly coordinated, modern, and efficient physical facilities for the lading and unlading of cargoes, the entry and clearance of vessels, and the handling of merchandise. In the main, wharves, docks, piers, terminal facilities, and other necessary features of American ports have developed with few exceptions by a process of planless accretion. They are exposed to frequent fluctuations between slackness and congestion, and recent experience has proved them altogether unprepared for emergency.

EFFECT OF NEW FACILITIES

The subject of providing new facilities can not be dismissed without reference to its probable effect on facilities already existing and the investments that have been made in them. The prospect that a publicly financed free zone with its elaborate equipment would destroy the usefulness of the facilities already constructed at great cost in our ports would arouse a widespread criticism, and not unjustified, to its establishment. The inquiries of the Tariff Commission, however, lead to the belief that no such destruction would be entailed. The experience of foreign countries has been that the growth of business in a free zone has been accompanied by a material, although smaller, increase in the use also of the previously existing facilities. The trade, for example, in the free port of Copenhagen grew in seven years by 400 per cent, while at the same time the trade of the old, or customs port, not only escaped a loss, but actually showed some gain.

THE BUSINESS PROPER TO A FREE ZONE

The question now arises: Whence is the new business destined for a free zone to come, and in what way will it profit the country? The business proper to a free zone consists in receiving and manipulating foreign products and reshipping them in the direction and at the time to take advantage of the best foreign markets. This is not only a profitable business, it is also becoming a necessary business to our industrial and maritime growth. For however wide the range of goods we produce and however effective our methods of production, we can sell our products to best advantage only when the purchasers are able to pay for them with products of their own. If we do not accept their products, they must sell them in some third country and transfer to us the credit they thus acquire unless they forego buying our goods at all and make their purchases in the country where they make their sales.

THE LATE ADMIRAL VICTOR BLUE

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker and gentlemen of the House, a few days ago one of the most distinguished naval officers of the United States passed into the great unknown and beyond. I refer to Admiral Victor Blue, a native of North Carolina.

He was born in Richmond County, N. C., on December 6, 1865, and when nearly 18 years of age was appointed to the Naval Academy on September 6, 1883, from the first district of South Carolina by the Hon. J. S. Richardson. He graduated in June, 1887, as an engineer officer, and began a long and distinguished naval career which was terminated only by his death on January 22, 1928, at the age of 62.

In his early days he served on the ships of the old Navy, the *Pensacola*, *Quinnebaug*, *Charleston*, *Alliance*, *Thetis*, and the *Bennington*.

In December, 1892, he was transferred from the Engineer Corps to the regular line as an ensign, and thereafter continued in the line of the Navy.

In 1896, after nine years of nearly continuous sea duty, he went to the Naval Academy for two years shore duty as an instructor. While there he was commissioned a lieutenant (junior grade). In 1898, at the outbreak of the war, he went to sea duty in the Atlantic Fleet. While on duty with the fleet, off the Cuban coast, he twice penetrated the enemy's country in the vicinity of Santiago, Cuba, and obtained valuable information concerning the location of the Spanish fleet, commanded by Admiral Cervera, information which led to the eventual destruction of that fleet in the Battle of Santiago on July 3, 1898. For this heroic deed he was given the special meritorious medal and advanced five numbers in rank by the President of the United States.

After the war he again resumed the normal occupations of a naval officer in peace time and served on the *Massachusetts*, on the staff of the admiral of the Asiatic station, and on the *Kentucky*, *Wisconsin*, *Buffalo*, *Bennington* until 1905, when, after this long period of sea duty, broken only by eight months at Cramp shipyard, he was ordered to duty at the Newport News Shipbuilding Co. There he remained until 1908. During this time he was commissioned a lieutenant in 1899 and a lieutenant commander in 1905.

In 1908 he served as navigator of the armored cruiser *North Carolina*. In 1909 he took command of the *Yorktown;* became chief of staff, now with the rank of commander, of the Pacific Fleet in 1910; and in 1911 came to shore duty again with the General Board in Washington.

In 1913, while still only a commander, he received the unusual assignment to duty, for an officer of that rank, of Chief of Bureau of Navigation. He continued in that duty until August, 1916. During the World War period he was in command of the *Texas*, and after the war, in 1918, returned again to duty as Chief of Bureau of Navigation. His arduous duty in that assignment, coupled to his long and trying service in the past, reacted on his health, and in July, 1919, he was retired for physical disability (angina pectoris) received in line of duty. While chief of bureau he had the rank, from the office, of rear admiral; but his promotion in his own right had continued, and he was made a captain in 1914 and a rear admiral in April, 1919.

He never fully recovered from this heart affection and finally died on January 22, 1928, from a heart attack.

For his war service in command of the *Texas*, which was a unit of the American battleship detachment sent abroad to work with the British Grand Fleet, he received the Navy's highest award (short of the medal of honor, which is given only for individual heroic acts), the distinguished-service medal, with the following citation:

For exceptionally meritorious service in a duty of great responsibility in command of the U. S. S. *Texas*, operating in the war zone in association and cooperation with the British Grand Fleet.

Thus passes from the scene of activity one of the great naval officers of the country. He will go down in history as a great and good man. [Applause.]

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

Mr. DYER. Mr. Speaker, if the gentleman will defer his request, I will be pleased to yield him 10 minutes during debate upon one of the bills which we will have up to-day.

Mr. ENGLAND. Very well.

REFERENCE OF A BILL

Mr. LAGUARDIA. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. LAGUARDIA. Mr. Speaker, I rise for the purpose of asking unanimous consent that the bill (H. R. 96) to prohibit the transportation, sale, and reception of stolen property in interstate and foreign commerce, which was referred to the Committee on Interstate and Foreign Commerce, be referred to the Committee on the Judiciary.

I make this request by authority of the Committee on the Judiciary. I have conferred with the chairman of the Committee on Interstate and Foreign Commerce and also with the minority leader. The bill is entirely penal and belongs to the Committee on the Judiciary.

The SPEAKER pro tempore. This can be done only by unanimous consent. Is there objection to the request of the gentleman from New York?

There was no objection.

CALENDAR WEDNESDAY

STENOGRAPHERS IN UNITED STATES COURTS

The SPEAKER pro tempore. This is Calendar Wednesday. The unfinished business is the bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of this bill, and the gentleman from Michigan [Mr. CRAMTON] will resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9024, with Mr. CRAMTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on last Calendar Wednesday, there had been consumed by the gentleman from Missouri [Mr. DYER] 27 minutes, and by the gentleman from Texas [Mr. SUMNERS] 15 minutes.

Mr. DYER. Mr. Chairman, if the gentleman from Texas does not wish to consume further time in general debate, I have no requests from this side, and I will ask that the Clerk read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the district court of the United States in each district shall for the purpose of perpetuating the testimony and proceedings therein, appoint one or more competent stenographic reporters, as the business to be done may require, who shall be known as the official reporters of said courts and who shall hold office during the pleasure of the judges appointing them, or of the successors of said judges. Such reporters as may be appointed from time to time shall attend all sessions of or hearings before the said district courts, and shall upon the direction of the court or the request of either party in any civil or criminal action or proceeding take in shorthand the testimony and all proceedings had upon the trial or hearing, except the arguments of counsel, and shall, when directed by the court or a party to the proceedings, transcribe the same within such time as the court may designate and preserve the original stenographic notes for a period of not less than five years.

Mr. DYER. Mr. Chairman, I offer a committee amendment which I send to the desk.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. DYER: On page 2, line 5, strike out the word "except" and after the word "counsel" insert the words "or any part thereof."

Mr. DYER. Mr. Chairman, this will make the language of the section read as follows:

Such reporters as may be appointed from time to time shall attend all sessions or hearings before the said district courts, and shall, upon the direction of the court or the request of either party in any civil or criminal action or proceeding, take in shorthand the testimony and all proceedings had upon the trial or hearing, the arguments of counsel, or any part thereof, and shall, when directed by the court or a party to the proceedings, transcribe the same within such time as the court may designate—

And so forth.

Mr. STEVENSON. Mr. Chairman, the gentleman left out the word "except."

Mr. DYER. Our amendment provides that that word be stricken out, so that this will include the arguments of counsel when directed——

Mr. STEVENSON. That makes it read that the reporter must take down the arguments of counsel.

Mr. DYER. When directed by the court or requested by either party to the suit.

Mr. STEVENSON. But not otherwise?

Mr. DYER. No.

Mr. McKEOWN. Do I understand that under the gentleman's amendment and the language of the bill there will be no question about the charge of the court being taken down as a part of the proceedings?

Mr. DYER. The charge will be taken and the arguments of counsel will be taken if directed by the court or requested by either party.

Mr. EDWARDS. May I ask the chairman of the committee a question?

Mr. DYER. Yes.

Mr. EDWARDS. Is it possible to construe the language to mean any part of the evidence on request or the whole of the evidence?

Mr. DYER. This refers only to the arguments of counsel. All the evidence will be taken down.

Mr. EDWARDS. This amendment relates to the arguments of counsel alone?

Mr. DYER. That is all.

Mr. EDWARDS. I think it is a good amendment and covers the point which I raised the other day.

Mr. DYER. Yes.

Mr. WILLIAMSON. Would it not be better in this case to let the argument of counsel be taken down only upon direction of the court and not by request of counsel? It seems to me the argument of an attorney should never be taken down except when directed by the court upon the request of counsel. I do not think a mere request of counsel should warrant or compel the court to have the reporter take down such argument.

Mr. DYER. This is necessary and is provided for in some of the States, because, for instance, one of the counsel may make some remarks to which the other counsel may take exception, and, of course, would want that part of the argument taken down.

Mr. SUMNERS of Texas. It was the opinion of the members of the Judiciary Committee, as I understand it, that the language of the bill as it was introduced in the House was sufficient to authorize the taking down of any part of the argument of counsel which constituted a basis of exceptions or of other objection, but in deference to the question that was in the minds of a good many Members of the House the matter has been made perfectly clear by adding the language which the chairman of the committee has directed the House's attention to. As the chairman has explained it will not be made obligatory for the stenographer to take down any part of the argument of counsel except that part which becomes a matter of controversy.

Mr. McKEOWN. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. McKEOWN. Is there any question in the gentleman's mind or in the mind of the committee that this does include the charges of the judge?

Mr. SUMNERS of Texas. No; and there is no question in my mind that under the bill as originally drawn it covered the taking down of the whole proceedings in the court, including that part of the argument to which counsel makes complaint. But, regardless of that, this amendment offered by the chairman of the committee makes it certain.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 5, after the word "appoint," insert the words "in accordance with the civil-service rules and regulations."

Mr. LAGUARDIA. Mr. Chairman, I discussed this amendment fully the other day and will not take much time to-day. I pointed out the necessity of appointing court stenographers under rules and regulations laid down by the Civil Service Commission. These are not judges' stenographers; they are not to act in any confidential capacity to the judge. They are purely court stenographers.

It was pointed out last week the necessity of having accurate transcript of trials and hearings, and it will appeal to every attorney that has any experience in the trial of causes that it is to the advantage of all parties to have a court stenographer who is not absolutely and entirely under the control and at the mercy of the trial judge. I placed in the RECORD a week ago indorsement for my amendment by Chief Justice Taft and various Presidents in office at the various times of the appointment of court stenographers was before Congress. I believe our State pays the highest salaries to court stenographers of any State in the Union, and it appoints the court stenographers through the State civil service commission. I do not believe there is a State in the Union that has civil service that does not appoint court stenographers through that service. If they acted as confidential secretary to the judges, then there might be some force in the argument presented by some Members opposing my amendment.

Mr. LEHLBACH. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. LEHLBACH. The gentleman says that he knows of no other State where the court stenographers are not appointed through the civil service. Let me say that the State of New Jersey has probably the most comprehensive civil-service system of any State in the Union, and it does not dream of not letting the judge appoint his own court stenographer.

Mr. LAGUARDIA. Then that shows that it is not so comprehensive as the gentleman would indicate. These are not the judges' stenographers. They do not hold any such confidential position.

Mr. WELLER. Will the gentleman yield?

Mr. LAGUARDIA. I will yield to my colleague.

Mr. WELLER. If the gentleman's amendment was agreed to, what provision would be made for the removal of the stenographers?

Mr. LAGUARDIA. The gentleman will find that question fully answered in the letter from the Civil Service Commission on January 17, 1928. That is in the RECORD of last Wednesday.

Mr. WELLER. I understood the gentleman from New York to say last week that there would be no way under the civil service of removing the stenographer?

Mr. LAGUARDIA. No trial or hearing is necessary unless the removal officer desires.

Mr. WELLER. Would it not be in all fairness to the stenographer necessary to have a hearing? Is he not entitled to know upon what ground he is going to be removed? Is he not entitled to be heard and, if necessary, to be represented by counsel?

Mr. LAGUARDIA. Not under the civil-service rules.

Mr. WELLER. Under the civil-service rules, if he is not entitled to a hearing, does the gentleman feel that his amendment is fair to the stenographers?

Mr. LAGUARDIA. It is more fair to the stenographer than for him to be at the mercy and will of the judge who may dismiss him without even written notice.

Mr. WILLIAMSON. The court stenographer does hold a confidential relation to the judge, and in most cases the court stenographer acts as the personal stenographer to the judge and handles his correspondence.

Mr. LAGUARDIA. But in a busy court it is impossible for a stenographer, in the nature of things where the court holds daily sessions, to do any other work than to report the proceedings.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York [Mr. LAGUARDIA]. This seems to me to be the situation: Each Federal district court, in the nature of things, must be a unit of procedure and adjudication. The judge must be held responsible for the procedure in his court. In order that responsibility should lie, power and discretion must be associated with the individual whom you propose to hold responsible. It seems to me, at least in the beginning—if abuses are found, they can be later corrected by the Congress—that the judge ought to be given the power and responsibility of selecting that individual who is to assist him in the procedure of his court. That is what this stenographer will do. For that reason I beg to express the hope that the amendment offered by the gentleman from New York [Mr. LAGUARDIA] will not be agreed to.

Mr. DYER. Mr. Chairman, I doubt if there is any necessity for further debate. I feel that I should invoke the rule. The Committee on the Judiciary is opposed to this amendment. I do not believe it should be agreed to. I think it would be very dangerous and would take away from the judges the opportunity to select men in whom they must have great confidence. We now permit the judges to select their clerks, and certainly the stenographer is nearer to the judge in the transaction of public business than anyone else. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I want to take only a minute of your time. I do not want to delay the bill at all. The discussion we have just had brings up a matter that I have been interested in for a long time. The Civil Service Bureau has become a very ambitious bureau. It has reached out for everything in sight, and if it keeps on reaching out as it has been in the last two years, the next thing you know you will have to stand a civil-service examination before you can be elected to Congress.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CHINDBLOM. Did the gentleman ever hear of a civil-service employee being discharged for laziness?

Mr. McKEOWN. I never heard of many being discharged on any charge. I am not an advocate of what is called the spoils system, but I say here now that administrative positions ought not to be put under the civil-service control. We have had an example of that recently in our prohibition agents' examination. I was quoted as having said that the civil service at one time made an examination of three questions. I did not say that. I said that a story is told that at one time there was a bar examination, and the applicant for admission to the bar was asked three questions. Two of them he answered by saying that he did not know. That was correct—he did not know. The third one he tried to answer and missed it. Of course, he made two-thirds grade, because he answered two of them correctly when he said that he did not know.

Mr. HASTINGS. And was he graded 100 per cent perfect on that?

Mr. McKEOWN. No; they gave him 66 per cent perfect. I am glad to see the House turn down this proposition of putting these court stenographers under civil service. No matter what you think, they do occupy a confidential relation to the judge. I take this opportunity to make reference to this expanding policy of the Civil Service Commission. Where a position calls for scientific knowledge and special training, I think there is nothing better than the civil service, but when it comes to the selection of administrative officers, the civil service ought not to have anything to do with it. The Civil Service Commission can select postmasters, perhaps, but I would be willing to wager that any Congressman in this House can pick a better postmaster in his district than any Civil Service Commission can pick for him, because he will pick the man that will give the service and satisfaction. My good friend from New York [Mr. LAGUARDIA] is a great friend of the Civil Service Commission and is always pushing forward the civil service. This may be all right where as in New York State they employ all employees under that system and they get a large share in Washington, but the rest of us do not get quite so many appointments.

Mr. LAGUARDIA. But the gentleman is not living in a Tammany stronghold.

Mr. McKEOWN. That may be true, but I will say to the gentleman that we are living in some other stronghold. [Laughter.]

Mr. HASTINGS. I would like to know my colleague's experience with the recognition by the Post Office Department of the lists that have been certified over by the Civil Service Commission for appointment as rural mail carriers, and whether there is any juggling, and whether they are always recognized.

Mr. McKEOWN. For the past eight years I have had little to say about anything of that kind. I have not had much to say since I have been in Washington, because shortly after I came to Washington a rule was announced by the President that all postmasters would be put under the civil service, which left my opponent's friends all in office. He did require that the person making first grade should get the appointment. It

did not make any difference whether he was a Democrat or a Republican, if he got the first place, he was appointed, and under the present system they select three and permit the Congressman to say which out of the three he recommends, and maybe no one of them is his friend. As a result of that he does the best he can, unless it is some case where they call another examination.

Mr. STEVENSON. The gentleman does not mean to say that they appoint the man whom the Congressman indorses?

Mr. McKEOWN. They send him a list. I do not know whether they indorse or not.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more.

Mr. DYER. Under the rules of the House on calendar Wednesday the debate must be on the bill. The gentleman is not confining his remarks to the bill. I ask that the Clerk read.

The Clerk read as follows:

SEC. 4. The compensation of such stenographers for services and transcripts and their duties, and the rules and regulations relating thereto, shall be prescribed by rules to be adopted by the district court in each district. The compensation shall not exceed such as is now or may be hereafter provided by law in the State courts in the State in which such district court is held, if such law there be. Such compensation for services shall be paid to the stenographers herein authorized in the same manner as the salaries of the judicial office are paid. The fees to be paid to such stenographers by the parties to actions or proceedings in said courts shall be prescribed by rules to be adopted by said court in each district. They shall not exceed such as are now or may be hereafter required to be paid to the State stenographers in the respective States in which said district courts are held, if any such there be.

Mr. McSWAIN. Mr. Chairman, I offer an amendment.

Mr. DYER. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. DYER: Page 3, line 2, after the word "stenographers," insert the words "for transcript."

Mr. DYER. As the amendment proposes, provided it is adopted, the fees to be paid to such stenographers shall include fees for transcript.

Mr. McSWAIN. Mr. Chairman, I rise simply to say that that is just the point that I desire to offer an amendment to for the purpose of clarifying the language. Would it not be better to go on and explain by saying, "transcript of proceedings," the word "transcript," of course, being of itself not a well-defined term and might be deemed indefinite, whereas if you said "transcript of proceedings" it would be clear?

Mr. STEVENSON. "Transcript" is the word set out in paragraph 3.

Mr. DYER. In section 4 we come to the word "proceedings" and say "The compensation of such stenographers for services and transcript." I think that covers it.

Mr. McSWAIN. Very well. I agree.

The CHAIRMAN. The question is on agreeing to the committee amendment offered by the gentleman from Missouri.

The committee amendment was agreed to.

Mr. CHINDBLOM. If they have stenographers, how shall the compensation be fixed?

Mr. DYER. It will be fixed by the court.

Mr. CHINDBLOM. Without any rate being prescribed? That is the effect of the bill?

Mr. DYER. Yes. That is the effect, in my judgment.

Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, as Speaker pro tempore having resumed the chair, Mr. CRAMTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DYER. Mr. Speaker, I move the previous question on the bill to final passage.

The motion was agreed to.

The SPEAKER pro tempore. Is a separate vote desired on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DYER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DECLARATORY JUDGMENT BILL

Mr. DYER. Mr. Speaker, I call up the bill H. R. 5623, known as the declaratory judgment bill. It was considered in part in the House last Wednesday.

The SPEAKER pro tempore. The gentleman from Missouri calls up the bill (H. R. 5623), which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5623) to amend the Judicial Code by adding a new section, to be No. 274D

Be it enacted, etc., That the Judicial Code approved March 3, 1911, is hereby amended by adding after section 274C thereof a new section to be No. 274D, as follows:

"SEC. 274D. (1) In cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction, the said courts upon petition shall have jurisdiction to declare rights and other legal relations on requests of all of the interested parties for such declarations whether or not further relief is or could be prayed, and such declarations shall have the force of final decree and be reviewable as such.

"(2) Further relief based on declaratory decree may be granted whenever necessary or proper. The application shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party, whose rights have been adjudicated by the declaration, to show cause why further relief should not be granted forthwith.

"(3) When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories, with proper instructions by the court, whether a general verdict be required or not.

"(4) The Supreme Court may adopt rules for the better enforcement and regulation of this provision."

With a committee amendment, as follows:

On page 2, line 5, strike out the words "all of the" and insert in lieu thereof the word "any," and after the word "interested" strike out the word "parties" and insert in lieu thereof the word "party."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. CHINDBLOM. Can the gentleman inform us with reference to the committee amendment?

Mr. DYER. I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE] to explain this amendment.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for five minutes.

Mr. MONTAGUE. Mr. Speaker, on last Wednesday this bill was before the House. Unfortunately, in my judgment, it was referred back to the Committee on the Judiciary, because the precise question at issue could have been cured by an amendment in two or three minutes. The dispute turned upon the question as to whether this procedure of declaratory judgment could be invoked by one party or by all parties. The question was put to me, I having been designated by the committee to report the bill. I personally thought the initial right should be accorded to one party, but the bill said, "interested parties," and therefore might mean all interested parties. But by subsequent reference to the Committee on the Judiciary this view has been unanimously sustained, and I understand that the application may be made by any interested party.

Upon reflection, gentlemen, it is quite obvious that if left to all interested parties no advance has been made, and we have accomplished nothing.

Mr. STEVENSON. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. STEVENSON. It is now proposed that one party can invoke the power and action of the court?

Mr. MONTAGUE. Yes.

Mr. STEVENSON. In order for the court to act effectively the other parties to the issue must be brought before the court?

Mr. MONTAGUE. Yes; the gentleman is correct in that, and for the simple reason that the judge could not enter a judgment upon the question affecting the parties unless those parties were before the court, yet the procedure may be initiated by one party.

Mr. RAMSEYER. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. RAMSEYER. It is true that the controversy at the time the bill was recommitted to the committee was over the matter the gentleman has just referred to, but there was quite a sharp difference of opinion among the members of the committee as to whether this procedure could be invoked only on issues in pending litigation or whether it could be invoked before litigation had been instituted on matters in dispute between the parties. Now, which is which to-day?

Mr. MONTAGUE. There was a dispute, but I do not think it was among the members of the committee. I do not recall as to that, but certainly there was a dispute on the floor of the House as to what is meant by actual controversies—whether a suit must be pending when application is made or whether the application could be made independently of the existence of suit. Do I not state it correctly?

Mr. RAMSEYER. Yes.

Mr. MONTAGUE. I come back, therefore, to the fundamental basis of this bill. It gives the power, in the absence of a suit or in the absence of litigation, and for the purpose of forestalling litigation, to determine certain preliminary questions in cases of actual controversy. The actual controversy may not be in the court at the time, but it is impending in such a manner that it must be in the court. For instance, the gentleman and myself have a contract and we appoint an agent. He comes to me and says, "Has the agent under our agreement the right to do so-and-so?" I say, "I think he has." The gentleman says, "I do not think he has." Then I could make an application—which, by and by, is a suit in itself—to have the court determine the meaning of the contract in the particular that has caused a difference of opinion and consequent rights of the parties.

This is preventive relief. It exists in 20 States of the Union; it has existed in Great Britain for over 35 years; it exists in Canada, and has existed in Scotland for about 300 years.

Mr. RAMSEYER. Does it exist in the gentleman's State?

Mr. MONTAGUE. Yes; but it has not been resorted to very much, I will say to the gentleman from Iowa.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. DYER. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. MONTAGUE. As I say, it has not been resorted to in my State very much, and, if I may be permitted to say so, I fear our statute is somewhat complicated.

Mr. RAMSEYER. What is the experience of the States that have this procedure?

Mr. MONTAGUE. The gentleman from Kentucky stated on the floor the other day that it worked most admirably in his State, and from the information I have obtained—and I have endeavored to obtain it—leads me to the conclusion that wherever it has been tried it has given great satisfaction. As I stated the other day, it is preventive medicine and preventive relief intended to cut off litigation or to expedite, simplify, and lessen the costs of litigation.

Mr. RAMSEYER. If the gentleman will yield, I will ask him this further question. I notice that in the last paragraph on the second page of the report it is stated:

> The "declaratory judgment" is a useful procedure in determining jural rights, obligations, and privileges, but may be applied to the ascertainment of almost any determinative fact or law.

Then in the next sentence it speaks of it as being used to determine the validity of statutes. I am wondering whether under this procedure——

Mr. MONTAGUE (interposing). The validity of statutes, does the gentleman say?

Mr. RAMSEYER. Yes; to determine the validity of statutes.

Mr. MONTAGUE. Will the gentleman read that again?

Mr. RAMSEYER. It is in the report.

Mr. MONTAGUE. I think it can be done, but I do not see the language.

Mr. RAMSEYER. In the second sentence in the last paragraph of the report it is stated:

> The declaration of a status was perhaps the earliest exercise of this procedure, such as the legality of marriage, the construction of written instruments, and the validity of statutes.

I was just wondering whether under this procedure you could bring into question the constitutionality of an act of Congress before any litigation involving that statute had been brought.

Mr. MONTAGUE. I would not like to answer the gentleman further than to say this: That under proper circumstances it might be brought, but it should be brought upon proper application and in conformity with the directions and judgment of the court. If it is a question dependent upon a statute and the constitutionality of that statute is involved, why not permit the validity of the statute to be determined in advance of prolonged and costly litigation?

Mr. RAMSEYER. Was it the intention of the committee in writing this bill to give the court the power or not to give the court the power before the act was questioned in the regular court of litigation as it has to be now?

Mr. MONTAGUE. Such litigation may be expensive and prolonged and may involve many years, and if the validity of the statute can be determined in whole or in part, why not afford a procedural remedy in advance of what might be otherwise prolonged and complicated litigation?

Mr. RAMSEYER. The bill intends to confer that power upon the court?

Mr. MONTAGUE. I think this bill confers that power upon the court.

Mr. CHINDBLOM. Will the gentleman from Virginia yield?

Mr. MONTAGUE. Yes.

Mr. CHINDBLOM. I beg to direct the gentleman's attention to the language "in cases of actual controversy in which, if suits were brought, the courts of the United States would have jurisdiction." Does that test relate only to the jurisdiction of the subject matter?

Mr. MONTAGUE. I think so.

Mr. CHINDBLOM. Or also to the parties?

Mr. MONTAGUE. Yes. You see, the minute you bring the application or invoke the application for this machinery of the court to determine this question you have begun a case or a suit.

Mr. CHINDBLOM. Exactly; but——

Mr. MONTAGUE. If I may make myself clear, the subject matter must be of Federal jurisdiction.

Mr. CHINDBLOM. Certainly; but the courts would not have jurisdiction of a moot question.

Mr. MONTAGUE. No; and the bill so prohibits; therefore——

Mr. CHINDBLOM. Or of a question which did not involve any rights. So that you could not go in on a petition in this sort of proceeding and get the delivery of an opinion by the court upon the validity of a statute unless some rights were involved, could you?

Mr. MONTAGUE. No; of course, it must be an actual controversy about a right.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. LAGUARDIA. I simply desire to point out, in response to the question of the gentleman from Iowa, that in our State it has been held in Board of Education of Rochester *v.* Von Zandt (119 Misc. 124, affirmed 201 App. Div. 194):

> Where an actual controversy exists involving only a question of law, such as the construction of a provision of the State constitution, the court has the power, in view of this section and rules 210–214, Rules of Civil Practice, to entertain and determine an application for a declaratory judgment.

Mr. CHINDBLOM. But it does not appear that this language is exactly the same as the language in the statute of the State of New York.

Mr. MONTAGUE. I will say to the gentleman that the Supreme Court of the State of Michigan has held that a declaratory judgment, a moot question, was unconstitutional; but this language, put in this bill after thorough study, has commended itself to our approval, must be applied to actual controversies. We therefore have obviated the question raised in the Michigan decision.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. DYER. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. MONTAGUE. Will the gentleman, before he proceeds, permit me to have one minute more?

Mr. STOBBS. Yes; certainly.

Mr. DYER. I yield one minute more to the gentleman from Virginia, with pleasure.

Mr. MONTAGUE. I beg to submit to the Members of the House, if I may have their attention one minute further, that this is a very meritorious piece of legislation. We complain of the courts, their slowness, and what not. This is intended to meet that criticism, and this purpose has been so effected everywhere it has been tried by simplifying, expediting, and diminishing the costs of the administration of justice.

It is in the interests of the people of the country, whether the bar wants it or not.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. MONTAGUE. I only have one minute. I would be pleased to yield if I had the time.

Mr. GOLDSBOROUGH. I would like to say that in Maryland a similar statute has been used very successfully for 50 years at least, I should think.

Mr. MONTAGUE. Twenty States of the Union have it, as I have observed.

Mr. GOLDSBOROUGH. It is not used in law cases, but in the construction of wills on the equity side of the court it is almost universally used.

Mr. MONTAGUE. We have used it for that purpose for many years in Virginia.

Mr. STOBBS. Mr. Speaker and gentlemen of the House, on the question that was asked by the gentleman from Illinois [Mr. CHINDBLOM] as to whether or not this could be used where there was a moot question only, I might say the Supreme Court of Michigan decided the statute in that State unconstitutional, because it said that that question might arise; but that statute did not include the words "in actual controversy," and so to obviate or to take care of the decision in the State of Michigan the words were inserted in this particular bill—"in actual controversy." This makes it perfectly clear that no court can take any jurisdiction of any question under this declaratory judgment provision unless there is an actual controversy.

As regards the words "actual controversy," these words have been defined by the Kansas Supreme Court, because the same words were used in the Kansas statute, which was passed after the Michigan decision. The Michigan decision, by the way, was in Two hundred and eleventh Michigan—I have not the page right here. The Kansas court said that the words "actual controversy" mean "an actual, antagonistic assertion and denial of a right;" and then Professor Borchard, of Yale, who has made a study of this proposition, and who is largely responsible for the drafting of this bill, has defined the words "actual controversy" as "a real and not a fraudulent or ostensible controversy"; and the Pennsylvania Supreme Court has defined the words "actual controversy" as "an actual controversy or the ripening seeds of one." All of which goes to show that the court in its discretion is going to decide whether there is in fact an actual issue between the parties and not purely a moot question, and that is why this provision was put in the act.

Mr. JENKINS. Will the gentleman yield?

Mr. STOBBS. I will be pleased to yield to the gentleman from Ohio.

Mr. JENKINS. Is there any provision in this bill in case the party aggrieved desires to take up his case, when the court has decided he has no controversy? Is there any provision for an appeal on that proposition?

Mr. STOBBS. The act provides that the Supreme Court may make rules and regulations in reference to carrying out the provisions of this declaratory judgment act, and, of course, that would provide for an appeal; and I might say on that particular question that this provision with respect to a declaratory judgment, as the gentleman from Virginia has already stated, has been in successful use in Scotland for something over 100 years and in England ever since 1850, so that this legislation can not be regarded as an experiment.

It has been adopted by 20 States, and the commissioners on uniform practice throughout the United States have recommended the provisions of declaratory judgment—recommended that these provisions be put into the statutes of all the States, and since 1922, when they adopted that report, several States have come in. Among others is Pennsylvania. The commission on uniform practice have put in the bill 14 sections; they have reported all of the rules and regulations under which declaratory judgments should be safeguarded. The bill before the House has simplified it as much as possible by allowing the Supreme Court to make rules and regulations. Pennsylvania, as I say, has adopted the recommendation of the uniform practice commission in toto. Many of the other States are following the practice of Kansas, where they have adopted the simplified form. The words in this act are broad enough to take care of not only the construction of a contract, but the issues of fact which may not be in written form, because if there is a contract between the parties which is not in written form under the provisions of this act we are discussing the court may summon a jury and decide that contract or issue of fact and base its judgment on such findings of fact.

Now, on the question as to whether or not this could be brought at the instigation of one party rather than by all, as the gentleman from Virginia has well said, the act would mean nothing more than we can do at the present time on an agreed statement of facts if we left it "all." But from the very beginning this provision for a declaratory judgment has been at the request of any one party.

In England the statute reads "any person claiming to be interested"; and the uniform practice act has this provision: "Any person interested under a deed, will," and so forth.

So the uniform practice act recommends that any one person may instigate this petition or request.

Connecticut has "any person"; likewise Kansas, Kentucky, Florida, California, and Pennsylvania, and such other States as have adopted the uniform-practice provisions.

Mr. CELLER. Will the gentleman yield?

Mr. STOBBS. I will.

Mr. CELLER. I agree with the gentleman that the amendment should be adopted so as to make the jurisdiction coercive so one party might have a trial and bring all the other parties in. But what bothers me now is this: That being the case, would it in any way interfere with the right of trial by jury in so far as bringing defendants into court to have a judgment declared against them in that way?

Mr. STOBBS. The judgment that the court makes the decree is nothing more nor less than the construction of a contract, or as to the legal relation between the parties. The court does not pass on the question of fact. If there is an issue of fact, the bill provides that you can have a jury to decide it.

Mr. CELLER. I do not know whether or not the language in the bill of rights is broad enough to give the right to a district judge to interfere with the right of anyone who is thus coerced to have his case tried by a jury.

Mr. STOBBS. Clause 3 of this bill says:

> When a declaration of rights or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatories with proper instructions by the court whether a general verdict be required or not.

Mr. McSWAIN. The allowance of such a motion is at the discretion of the court and may be submitted to the jury?

Mr. STOBBS. Yes; of course, the court may decide that there is no issue to be tried by a jury.

Mr. McSWAIN. This is simply to afford an additional remedy to existing rights; this does not afford any additional rights.

Mr. STOBBS. It is clearly remedial.

Mr. McSWAIN. They have the right under the Constitution to have a trial by jury.

Mr. STOBBS. Surely. Nothing in this act can do away with any constitutional right anybody may have.

Mr. McSWAIN. And if the judge reads this language as though it grants him discretion to submit the issue arising out of common law to trial, the judge must remember the Constitution, which says, irrespective of the language of the statute, that he must submit the legal issue to the jury.

Mr. STOBBS. Absolutely.

Mr. McSWAIN. I injected these remarks so that the RECORD may show, if the judge ever denies that right, that the committee here acceded to it.

Mr. CELLER. The courts have held that statutory construction involves the interchange of "shall" and "may."

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. DYER. Mr. Chairman, I yield the gentleman five minutes more.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. CHINDBLOM. The filing of the petition gives the court jurisdiction. From that time on the proceeding goes ahead in the way of an ordinary suit. The parties are brought in. The court must observe all constitutional and other rights, and this method is simply a new procedure for bringing parties into court and permitting parties to come into court.

Mr. STOBBS. That is all there is to the proposition. It is made to prevent litigation rather than to encourage it by granting an opportunity at the very outset, before any litigation, to ascertain and have established one's rights.

Mr. EVANS of California. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. EVANS of California. Will this remedy apply in cases where actions have already been filed concerning the same subject matter? For instance, we will say there is a bona fide suit pending. Could the parties then avail themselves of this proceeding?

Mr. STOBBS. The gentleman means if the suit is actually brought?

Mr. EVANS of California. Yes; where the suit is already brought can the same parties resort to this remedy meanwhile?

Mr. STOBBS. If I understand the gentleman correctly, he wants to know whether one can invoke the provisions of this statute after suit has been brought as well as before?

Mr. EVANS of California. Yes. The gentleman has already made it plain, that it can be invoked before.

Mr. STOBBS. If the gentleman brought an ordinary action to determine my responsibilities under a contract and in the ordinary course it went to a trial and to a determination of liability for damages, if any suffered, the question involved in that suit would be, at some time in the proceedings, the construction of a written contract.

Mr. EVANS of California. Yes.

Mr. STOBBS. I see no reason why it should not be possible to invoke the court to construe that contract at the outset, as well as in the actual trial of the case; but I am not clear about that.

Mr. SPROUL of Kansas. Why could not all those questions be tried out on demurrers to petitions and answers after the suit had begun, as questions of law. That is the only question that could be passed on by the court.

Mr. STOBBS. But a demurrer raises only questions of law on the facts as they appear on the pleadings. This is to allow you to go behind the pleadings and get at all of the real facts.

Mr. LAGUARDIA. Where an action at law is started and the two parties are at issue, either the contract has been breached, or one of the parties is at fault and has a duty to perform. Therefore any relief that may be sought pending trial is by way of motion. This is prior to the time that damages occur, or that the two parties are at issue.

Mr. STOBBS. This procedure is supposed to be invoked before suit is brought.

Mr. EVANS of California. As I understand this bill, it provides for a new and distinct forum for a preliminary declaratory judgment.

Mr. STOBBS. It provides for a new remedial action.

Mr. EVANS of California. It provides for a new action before the same forum?

Mr. STOBBS. Yes.

Mr. EVANS of California. Assuming an action has been filed, and that action is pending, now the parties face about and take another course and come in and say, "I will try this same subject in this way."

Mr. STOBBS. Oh, no. If they have invoked this procedure under the act and the court construes a contract, that becomes res adjudicata.

Mr. EVANS of California. I am not interested in whether the court has construed the contract. Suppose one party gets tired of the first action and is not satisfied.

Mr. STOBBS. I do not follow the gentleman's statement.

Mr. EVANS of California. Let us assume that an action has been filed between parties litigant.

Mr. STOBBS. And that an actual suit has been brought in court?

Mr. EVANS of California. Under the form now allowed. Suppose this act is passed, should the parties to that action decide that they will avail themselves of this proceeding, and if they should, what happens to the first action, or can they avail themselves of this proceeding when action is already pending under the old form?

Mr. DEMPSEY. May I answer the question?

Mr. STOBBS. I will yield to the gentleman from New York.

Mr. DEMPSEY. All your court could do is to discontinue your first action.

Mr. EVANS of California. I wondered if that is necessary. You always can dismiss the first action. Anyone can dismiss the action.

Mr. DEMPSEY. You can bring it either under new proceedings or under the old.

Mr. LAGUARDIA. Mr. Speaker, I have already spoken on this bill. I believe it is a piece of progressive legislation. We have a similar statute in New York. We have had it but a short time. I am certain that in the opinion of the bar and bench of our State it has worked out very satisfactory. Many of the provisions of our State law and the decisions since its enactment will, I believe, answer many inquiries which have been made concerning the bill under consideration. I will read it, as it is very short. Section 473 of the civil practice act provides:

> The Supreme Court shall have power in any action or proceeding to declare rights and other legal relations on request for such declaration whether or not further relief is or could be claimed, and such declaration shall have the force of a final judgment. Such provision shall be made by rules as may be necessary and proper to carry into effect the provisions of this section.

I will refer to the rules in just a minute.

Now, the question propounded to the gentleman from Virginia [Mr. MONTAGUE] whether or not a declaratory judgment can be obtained as to the constitutionality of the law? I will say that in New York it has been so decided. The question first came up in the case of the Board of Education of Rochester against Van Zandt, reported in 119 Misc. 195 N. Y., affirmed 204 App. Div. 856, 197 N. Y. S. 899 (1922).

Mr. MONTAGUE. The gentleman will recall that I answered in the affirmative.

Mr. LAGUARDIA. Yes. The rules to carry into effect the provision in New York State are short and simple. Rule 210 of the Rules and Practice makes the pleadings, practice, and procedure similar to "other actions" in the Supreme Court. In other words, the parties are brought into court by the service of a summons and petition or complaint, and the court acquires jurisdiction of parties to the action. The petition must necessarily contain sufficient facts to show an actual controversy, with a prayer for proper relief. In other words, rule 210 is assimilated to other actions in that court. Then, rule 211 covers the prayer for relief. Rule 212 provides that the jurisdiction of the court is discretionary. It will be clarified when I read the rule and the decisions thereunder. Rule 213 provides for a trial by jury to determine questions of fact.

Mr. NEWTON. Does the gentleman construe the New York statute to permit declaratory judgments only in cases of actual controversy?

Mr. LAGUARDIA. Yes.

Mr. CELLER. We have a provision in New York for the presentation of a brief statement of facts to determine the question in controversy.

Mr. LAGUARDIA. If the gentleman from Minnesota will give me his attention, I will say further that where an action has already accrued, for example, where an agent had been discharged by his employer and then sought a declaratory judgment to determine whether he was entitled to certain commissions, the court decided that he could commence an action in law and refused to entertain his petition for a declaratory judgment. I will cite the case later.

Mr. NEWTON. Of course, the Michigan statute, and I think one or two others, did not contain any condition of actual controversy, and they brought a moot question before the Michigan court.

Mr. LAGUARDIA. The New York statute and our bill here provide for actual controversy. The rule requiring the same form and procedure as an action in law makes it clear that the petition must recite facts to show that an actual controversy exists. The rules are so brief and the leading cases so illuminating on the many questions that have been raised that I will read them. I think they will be very useful to the House:

Section 473 of the New York civil practice act is as follows:

> Declaratory judgments: The supreme court shall have power in any action or proceeding to declare rights and other legal relations on request for such declaration whether or not further relief is or could be claimed, and such declaration shall have the force of a final judgment. Such provisions shall be made by rules as may be necessary and proper to carry into effect the provisions of this section.
>
> This section has no application to actions commenced before the civil practice act went into effect. Watts *v.* Barker (201 App. Div. 861; 193 N. Y. S. 59 (1922)).
>
> Validity: Where the demand of the plaintiff in an action on a trade acceptance unnecessarily included a demand for a declaratory judgment pursuant to this section, a determination of the validity of this section was unnecessary. Gerseta Corporation *v.* Gramatan National Bank of Bronxville (205 App. Div. 868; 198 N. Y. S. 385 (1923)).
>
> Matters determinable: Declaratory judgment entered respecting rental payable under lease of premises, part of which were taken in condemnation proceedings. United Cigar Stores Co. of America *v.* Norwood (124 Misc. 488; 208 N. Y. S. 420 (1925)).
>
> Judgment granted under this section for the relief of the vendee of premises under contract for their delivery in the condition existing on the date of the contract, or for a sum stated as liquidated damages in the event of nonperformance, where the buildings on said premises were destroyed by fire before delivery was accomplished. Brownell *v.* Board of Saratoga Springs (239 N. 369; 146 N. E. 630 (1925), reviewing 211 App. Div. 823; 206 N. Y. S. 887 (1924), mem. dec.).

In view of the adoption by the State of the principle of declaratory judgments, evidenced by this section and rules 210–214, Rules of Civil Practice, the supreme court is not precluded to determine an action in equity between rival claimants to an amount admittedly due from the State on a contract with one of the parties, notwithstanding the comptroller, who has refused payment until the controversy is determined, is not made a party to the action. Durant *v.* Whedon (201 App. Div. 196; 194 N. Y. S. 126 (1922)).

Where an actual controversy exists involving only a question of law, such as the provision of the State constitution, the court has power, in view of this section and rules 210–214, Rules of Civil Practice, to entertain and determine an application for declaratory judgment. Board of Education of City of Rochester *v.* Van Zandt (119 Misc. 124; 195 N. Y. S. 297 (1922), affirmed 204 App. Div. 856; 197 N. Y. S. 899 (1922), mem. dec.).

This is the case I referred to when the gentleman from Virginia [Mr. MONTAGUE] had the floor.

This section confers no jurisdiction upon the court to enter a declaratory judgment in an action to compel a nonresident testamentary trustee under a foreign will to execute a trust for the benefit of one not named in the will. Everhart *v.* Provident Life & Trust Co. of Philadelphia (118 Misc. 852; 195 N. Y. 388 (1922).

Declaratory judgment relating to franchise rights as between city and street-railway company modified and affirmed. Manhattan Bridge Three-Cent Line *v.* City of New York (204 App. Div. 89; 198 N. Y. S. 49 (1923), affirmed 236 N. Y. 559; 142 N. E. 283 (1923).

Under section 473 of the civil practice act, relating to declaratory judgments, the supreme court has power to entertain a controversy for the purpose of rendering a declaratory judgment with reference to the authority of other members of the sinking fund commission to transact business in the absence of the comptroller. Craig *v.* Commissioners of Sinking Fund of City of New York, 208 App. Div. 412; 203 N. Y. S. 236 (1924)).

For observation by the court that a declaratory judgment may be obtained as to rights and duties under a restrictive covenant, see Forstmann *v.* Joray Holding Co. (Inc.) (216 App. Div. 135; 215 N. Y. S. 65 (1926)). For case on appeal, see 244 New York 22, 154 N. E. 652 (1926).

Effect of submission: submission of controversy between lessor and lessee under this section held to waive a prior waiver of the lessor of a restrictive covenant in the lease. Schmidt *v.* Louis (122 Misc. 249; 203 N. Y. S. 515 (1924)).

Relief unenforceable: A complaint by a discharged agent of an insurance company seeking a declaratory judgment alleged that the plaintiff was entitled to a certain compensation and a percentage on renewals, which he would lose by reason of the defendant's breach of contract, but it appeared that the defendant had refused and could not be compelled to perform its part of the agreement. In these circumstances it was held that plaintiff's case as stated could be best worked out by him in an action for breach of the contract, and that he was not entitled to a declaratory judgment. His complaint was dismissed with leave to file an amended complaint asking different relief. Loesch *v.* Manhattan Life Insurance Co. (128 Misc. 232; 218 N. Y. S. 412 (1926)).

This is the case I had in mind when replying to an inquiry made by the gentleman from Minnesota [Mr. NEWTON].

Res judicata: It is doubtful whether the supreme court will enter declaratory judgment after a court of coordinate jurisdiction has already entered an order which is res judicata upon these parties, since the court may decline to pass declaratory judgment "for other reasons." Kings County Trust Co. *v.* Melville (127 Misc. 374; 216 N. Y. S. 278 (1926)).

Now, here are the rules of practice to carry out the provisions of section 374 of the New York civil practice act.

Rule 210. Practice assimilated: An action in the supreme court to obtain a declaratory judgment, pursuant to section 473 of the civil practice act, in matters of procedure shall follow the forms and practice prescribed in the civil practice act and rules for other actions in that court.

Ownership of claim against State: Under this title (rules 210–214) a suit in equity is proper to determine the ownership of a claim against the State and it is not important that the comptroller or any other State officer be made a party, since it will be presumed that the decree will be respected by State officers. Durant *v.* Whedon (201 App. Div. 196; 194 N. Y. S. 126 (1922)).

Rule 211. Prayer for relief: The prayer for relief in the complaint shall specify the precise rights and other legal relations of which a declaration is requested, and whether further or consequential relief is or could be claimed. If further relief be claimed in the action the nature and extent of such relief shall be stated.

Rule 212. Jurisdiction discretionary: "If in the opinion of the court the parties should be left to relief by existing forms of actions, or for other reasons, it may decline to pronounce a declaratory judgment, stating the grounds on which its discretion is so exercised."

Adjudication of ownership of claim against State: Neither the secretary of state nor the comptroller has been constituted by law a tribunal to adjudicate title to money due for publishing the session laws in a newspaper as between rival claimants. Durant *v.* Whedon (201 App. Div. 196; 194 N. Y. S. 126 (1922)).

Rule 213. Verdict of jury on facts: In order to settle questions of fact necessary to be determined before judgment can be rendered, the court may direct their submission to a jury. Such verdict may be taken by the court before which the action is pending for trial or hearing. The provisions of section 429 and 430 of the civil practice act apply to a verdict so rendered.

The short section in the civil practice act and these four rules constitute the declaratory judgment law of my State. In substance the bill before us is similar and will produce, I am sure, the same beneficial results.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAMSON. I want to inquire if this procedure is compulsory on the defendant?

Mr. LAGUARDIA. Yes. He must answer. The same as if he were served with a summons and complaint in a law or equity action brought in a court of competent jurisdiction.

Mr. WILLIAMSON. You bring him into court by this procedure, and the court will proceed to deliver a declaratory judgment, of the same force and effect of a final judgment?

Mr. LAGUARDIA. Exactly. Yes; that is according to the New York statute and the intent of the present bill.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for five minutes.

Mr. NEWTON. Mr. Speaker, this is a most important measure. When it was under consideration one week ago, while I favored the general principle of the bill, I did not feel that I could support it at that time because I had not had an opportunity to inquire into the laws and decisions of some of the States of the Union where they have a declaratory judgment law in effect. As to the text of the bill, there was doubt and uncertainty, not only among Members upon the floor, but even those who were upon the Committee on the Judiciary. Therefore, I then voted to recommit the bill so that more careful consideration could be given it before it was again brought up for consideration in the House.

During the present week I have had an opportunity to examine into the question somewhat, and I am now prepared to vote for this measure providing two or three suggested amendments are adopted.

In my examination I found that several of the States of the Union had adopted declaratory judgment legislation, including: New York, New Jersey, Connecticut, Michigan, Wisconsin, California, Kansas, Kentucky, Virginia, Pennsylvania, North Dakota, and several others. Several of those States passed a so-called uniform declaratory judgment law proposed by a committee of the American Bar Association.

We must all recognize that there is a difference, of course, between the authority of some of the courts of the States and the courts of the United States. It is quite possible that a declaratory judgment law might not work so well under the Federal courts as under some of the State courts, but, after reflecting upon the matter, it seems to me that it is worth while trying out something of the kind.

However, I am taking my position largely because there can be no question from the langauge of the bill before us that it applies only "in cases of actual controversy." I could not support it if it were not limited in this manner. A moment ago in the colloquy between the gentleman from New York [Mr. LAGUARDIA] and the gentleman from Virginia [Mr. MONTAGUE] something was said in reference to the New York State declaratory judgment law and the right of a litigant there to have the constitutionality of a law construed in a declaratory judgment proceeding. I have read the New York statute. It is not clear that it applies only to actual controversies. Under the Federal Constitution I am of the opinion that we would have no right whatever to pass any declaratory judgment legislation which was not confined to cases of actual controversy.

Mr. LAGUARDIA. In the case I cited there was an actual controversy, and the test was whether the law invoked was constitutional or not. In order to test the constitutionality of any statute there must be that situation and a controversy.

Mr. NEWTON. The gentleman has said that there was an actual controversy, and the New York court held that the act applied only to actual controversies.

Mr. STOBBS. Under the New York statute it is specifically provided that any person interested in any will, and so forth, or whose rights are affected by a statute, municipal ordinance,

or franchise, may have that question determined. In other words, it specifically provides there that a right under a statute or ordinance may be construed a declaratory judgment.

Mr. NEWTON. But the moment we get beyond the field of an actual controversy and get into any moot question then we are up against the Constitution of the United States, as that was construed in the Muskrat case. A statute including moot questions would be of no avail, as I understand the Constitution and the Supreme Court decisions.

Mr. DOWELL. But the gentleman from Massachusetts refers to the construction of a written instrument, while this language does not confine it to that character of controversies. It opens the field to any controversy. It may be a question of fact or it may be that any controversy may come in under this legislation.

Mr. NEWTON. That is true, but if there is an actual controversy, notwithstanding that there may be a constitutional queston involved, it seems to me that the court could then go ahead and proceed under this declaratory judgment law to determine such questions, including constitutional ones, which might be presented to it in the proceedings. It further appears to me that, in cases of actual controversy, we can safely confer this power, but we should keep in mind that the test is, Is there an actual controversy? Are there, in fact, adverse parties? So restricted, it seems that this legislation should pass. If it is not so restricted under the decision of the Supreme Court in the Muskrat case (219 U. S. 346), it would be futile to pass such legislation. The court in that case went on to say that from its earliest history it had consistently declined to exercise any powers other than those that were strictly judicial in their nature; that under the Constitution the exercise of judicial power is limited to cases and controversies, and that a case or controversy necessarily implies the assistance of present or possible adverse parties whose contentions are submitted to the court for adjudication; and specifically held, just as the court had repeatedly held before, that it possessed no veto power on legislation enacted by Congress excepting as it indirectly exercised a sort of veto power to declare an act of Congress unconstitutional when a case between opposing litigants was submited to it for adjudication.

Our distinguished colleague the gentleman from Oklahoma [Mr. HASTINGS] was of counsel in that important piece of litigation.

In its opinion the court quoted with approval an extract from an opinion by Mr. Justice Brewer in Chicago Railroad Co. *v.* Wellman (143 U. S. 339), wherein that distinguished jurist used the following language:

> Whenever, in pursuance of an honest and actual antagonistic assertion of rights by one individual against another, there is presented a question involving the validity of any act of any legislature, State or Federal, and the decision necessarily rests on the competency of the legislature to so enact, the court must, in the exercise of its solemn duties, determine whether the act be constitutional or not; but such an exercise of power is the ultimate and supreme function of courts. It is legitimate only in the last resort, and as a necessity in the determination of real, earnest, and vital controversy between individuals. It never was the thought that, by means of a friendly suit, a party beaten in the legislature could transfer to the courts an inquiry as to the constitutionality of the legislative act.

There can be no question, then, that our power to legislate is restricted to cases in actual controversy.

Mr. CELLER. The gentleman will agree, and I am sure most Members will, that as time goes on and as business affairs become more intricate and complex there should be a corresponding increase of remedies in the Federal courts. I am sure that if the Federal courts of New York should have this right of declaring a declaratory judgment, it would result in simplifying the procedure in the Federal courts and decrease to an appreciable degree the bulging dockets of the United States District Court for the Eastern District of New York as well as the Southern District of New York.

Mr. NEWTON. I hope so; but at the same time it does not appear that declaratory judgments in State courts have been used to any considerable extent.

Mr. CELLER. I will say that the reason why they have not been used in New York heretofore is that a good many lawyers did not know there is a new remedy. In New York we have heretofore had a provision whereby if you and I had a controversy we could go to the appellate division of the Supreme Court of New York and voluntarily lay our facts before the court and have them determined. That was used to a considerable degree; but now we have this additional remedy whereby one man can go into court, if we pass this statute, and coerce the other parties to go into court. I am sure that if we noise this about lawyers generally will make use of this remedy.

Mr. DYER. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. GILBERT].

Mr. GILBERT. Mr. Speaker and gentlemen of the House, as one who has practiced under similar laws, let me sum up the situation with this perhaps facetious and yet highly illustrative example. There is an old conundrum as to how to tell a mushroom from a frogstool. They say eat it and if it kills you it is a frogstool and if it does not it is a mushroom. That is largely the situation of the law now. You must go and try it. But that is not the way it should be. You ought to be able to find out whether it is a mushroom or a frogstool before you eat it, and that is all in the world this declaratory judgment law is. Some court, whether it is a constitutional question or whatever kind of a question it is, is going to decide it after the risk is taken. Why not let the same court try the same question before it is taken? I do not care what the question is, some court is going to have to decide it after the risk is taken. This simply permits the same court and the same parties to decide it before the risk is taken, which is wise. If it does not work out for the interests of the legal profession, it at least works out for the interests of the people, as the gentleman from Virginia [Mr. MONTAGUE] stated.

You have the same court, the same jurisdiction, the same procedure, the same parties, and the same questions. Under the present law you take a step in the dark and then turn on the light to see if you stepped into a hole. Under the declaratory law you turn on the light and then take the step.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker and gentlemen, I never like to oppose a bill unanimously reported by a committee and especially by the Judiciary Committee. I have such high respect for the gentlemen of that committee that I hesitate to oppose this bill. I have such high respect for the gentleman from Virginia [Mr. MONTAGUE] who prepared the report and who has spoken for the bill, that I hesitate to oppose it; but I have some misgivings about it, and now is the time to express them. I am going to take the liberty of doing so briefly. One can not, of course, discuss this bill in 5 or 10 minutes. It is a very important measure in my humble judgment. It changes and revolutionizes the procedure in the courts of the United States.

Section 1 of Article III of the Constitution provides that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time establish.

Section 2 of Article III defines the jurisdiction of the United States courts and provides as follows:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Now, it will be noticed that the Constitution expressly limits the judicial power of the United States courts to "cases" and to "controversies" in the instances mentioned. I have not, of course, had the time to brief this question and inform myself, as I would like to be informed, of the construction placed by the United States courts upon the words "cases" and "controversies." I am sure that those terms have been repeatedly construed or interpreted by the courts. And my impression is that, in a general way, the terms "cases" and "controversies" mean circumstances in which a "cause of action" has actually arisen, or an offense has been actually committed. Or in other words, there must have been committed an actual violation of the United States laws or there must have arisen an actual "cause of action" in which a right recognized by the Constitution has been denied or withheld.

Applying the principle to the question that arises in connection with the validity of an act of Congress: The report of the committee states that the procedure proposed in this bill will be valuable in the determination of the validity of statutes. The uniform practice of the Supreme Court of the United States has been to refuse to pass upon the constitutionality of an act of Congress unless a right guaranteed by the Constitution has been denied. Parties can not bring to the United States courts a controversy involving the validity of an act of Congress unless it is alleged and shown that the act of

Congress complained of has resulted in depriving one of the parties of some right to which he is entitled under the Constitution. Recently the State of Massachusetts brought proceedings in the United States Supreme Court alleging the invalidity of the act of Congress known as the maternity and child welfare act. The court dismissed the proceedings and refused to pass upon the constitutionality of the act, because a case was not presented in which any personal rights had been denied.

The courts have often refused to pass upon the validity of acts of Congress merely because their validity was controverted. They have been careful to refrain from holding an act of Congress unconstitutional, except where parties came before the court asserting a right which is was claimed the act of Congress deprived them of.

My judgment is that we do not have the right under the Constitution to enlarge upon the jurisdiction of the United States courts to any extent. That we can not broaden the meaning of the words "cases" and "controversies" beyond the meaning which those words have been given by the Supreme Court in adjudicated cases; and that if this act will extend the jurisdiction of the United States courts to cases or controversies where no right has been denied, where no cause of action has actually arisen, where no offense has already been committed, then this act will be invalid.

There are some who think it is desirable to confer this jurisdiction upon the United States courts to settle disputed questions of law or fact arising out of contracts, or the validity of statutes, or from other causes, before a cause of action has actually arisen or before any rights asserted have been actually denied or refused, or before any offense has been actually committed and the penalty incurred. Personally, I do not agree with that proposition. I doubt the wisdom of conferring such jurisdiction upon the United States courts. I fear it will increase litigation. Controversies will be raised to test the validity of every act of Congress almost. I doubt the wisdom of assigning to the courts the duty to advise prospective litigants of their rights arising under contracts or statutes or otherwise—work that is now performed by members of the bar.

But, even if it were desirable, I have a serious doubt of the right of Congress to enlarge upon the jurisdiction of the courts beyond the limits now fixed by the Constitution as construed in the adjudicated cases. If this act is passed, in my judgment, the courts will either construe the word "controversies" to mean just what they have heretofore held the term to mean as used in the Constitution, which would have the effect to nullify the law, or they would hold the act unconstitutional as an attempt to give the United States courts extra-constitutional jurisdiction.

Mr. MONTAGUE. Will the gentleman yield for just one question?

Mr. DENISON. In just a moment.

Mr. MONTAGUE. What do you do with rights asserted?

Mr. DENISON. A right asserted is not a "controversy" within the meaning of the Constitution.

Mr. MONTAGUE. How do the United States courts then issue injunctions to maintain the assertion of rights?

Mr. STOBBS. Will the gentleman from Illinois yield?

Mr. DENISON. Yes; I yield to the gentleman from Massachusetts.

Mr. STOBBS. I call the gentleman's attention to the report of the American Bar Association in which they state that former Justice Hughes, who took part in the decision of the Muskrat case, which held there was a moot question and therefore the act was unconstitutional, as a member of the bar association after he resigned from the bench, stated that that decision was limited only to cases in which there was no actual controversy, and intimated that where there was an actual controversy, such as provided for in this bill, the Muskrat decision would not hold and the statute would be constitutional.

Mr. DENISON. Of course, any of us may be mistaken, and especially about a constitutional question, and I may be entirely wrong on this question. I hesitate to put my judgment up against the judgment of other men, like the members of the Judiciary Committee; I have not read the Muskrat case recently. But, in reply to the suggestion about the expression of an opinion by Judge Hughes after he left the bench, I might say that after Judge Hughes left the bench he came before the Committee on Interstate and Foreign Commerce and delivered a very able prepared opinion in which he advised the committee that section 15a of the transportation act was unconstitutional. But the Supreme Court has since then held otherwise. As to the question asked me by the gentleman from Virginia [Mr. MONTAGUE], I might say that, in the exercise of their equity jurisdiction, the courts do grant an injunction in some cases, not to maintain an assertion of rights, but to prevent irreparable injury where a violation of rights is threatened. But that is an entirely different question and even in such cases where irreparable injury is threatened, that fact alone amounts to a denial of a right.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

My DYER. I yield to the gentleman from Illinois five additional minutes.

Mr. DENISON. I wish I had the time to discuss at some length the power of the United States courts to pass upon the constitutionality of acts of Congress and to hold such act unconstitutional and void. The history of that doctrine is very interesting. I only wish to say at this time that the right of the courts to declare an act of Congress unconstitutional is in my opinion clearly given by the Constitution, and it is now a well-settled part of the jurisprudence of this country. It often brings the courts under severe criticism by able lawyers and by prominent members of another legislative body. There are some who claim that the Constitution gives the courts no such power; others claim that the courts have abused the power. I think that the Supreme Court of the United States has wisely held that an act of Congress will not be adjudicated by the court, its constitutionality will not be passed upon, except where cases are presented in which rights under the Constitution have been denied by the act. And I think it would be a mistake for Congress to try by this legislation to enlarge upon that jurisdiction of the courts and extend their jurisdiction to these so-called "controversies," actual or otherwise, where no right has been actually denied or where jeopardy has not actually occurred by reason of an actual violation of the statute whose validity is questioned.

There is a great deal of dissatisfaction with the power of the United States courts under the jurisdiction they now have. There will be more in my judgment if we enlarge the jurisdiction by this proposed legislation. So-called actual controversies will be raised about almost every act we pass here. The courts will have additional work to do.

I do not, of course, know what the powers of the State legislatures are under their constitutions to confer such jurisdiction upon State courts and give them power to enter declaratory judgments; but I do have doubt as to the power of Congress to confer such jurisdiction upon the United States courts, and I have very serious doubt of the wisdom of doing so, even if we can do it. [Applause.]

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, I desire to only to direct consideration to the point raised by the gentleman from Illinois [Mr. DENISON] who has just addressed the House.

Clearly the proceeding under this proposed legislation if it should ripen into law would be in a "case" within the meaning of the provisions of the Constitution, quoted by the gentleman [Mr. DENISON] from Illinois. The plaintiff would be there by a method and a procedure provided by law; the defendant would be there by a summons, and the issue would be joined, with reference to a substantial matter in actual controversy. The matter would be litigated and the judgment rendered, and the issues decided would become res judicata.

Clearly there is no attempt here—and it would be futile if there was—to expand the constitutional powers of the courts. If this bill becomes a law the powers of the court would not be broadened of course. If this bill becomes a law the courts would have no jurisdiction of persons or things over which they would not now have jurisdiction in an ordinary action.

The only thing this bill proposes is that the court within its constitutional jurisdiction may decide the matter in controversy prior to the time when the actual damage would have taken place; and then only in cases where if the damage had taken place the court would have jurisdiction.

Mr. ABERNETHY. Will the gentleman yield for a question?

Mr. SUMNERS of Texas. I will.

Mr. ABERNETHY. Is the gentleman from Texas in favor of this legislation?

Mr. SUMNERS of Texas. I am.

Mr. ABERNETHY. Does the gentleman think it would reduce litigation in courts?

Mr. SUMNERS of Texas. The tendency would be to reduce litigation and reduce the liability of honest men to suffer loss and damage because of difference of opinion as to their respective rights. Let me give the gentleman this illustration: Suppose a man has a contract with another to build a house and there is an honest difference of opinion as to the material which the contract provided for. This bill, if it ripens into law, would make it possible for these two men to have that difference of opinion adjudicated before the house is built.

Mr. ABERNETHY. This bill does not take away the right to demand a jury trial?

Mr. SUMNERS of Texas. The bill does not deprive anybody of his constitutional powers.

Mr. DENISON. Will the gentleman yield?

Mr. SUMNERS of Texas. I will.

Mr. DENISON. The gentleman recalls that we passed a child labor law prohibiting the transportation in interstate commerce of the products of any mine, factory, or mill in which children under certain ages were employed. Assuming that a man had a son under the age prohibited by the act, whom he wanted to let work in a factory, but he does not want to go ahead and put that boy to work for fear there might be a criminal prosecution. Under this bill, if it should become a law, before the parent put his boy to work, he could go into a United States court and ask the court for an adjudication of the validity of the child labor act, in order to determine whether he could safely ignore it. Is that not true?

Mr. SUMNERS of Texas. If this bill were a law and a man should ask me whether or not he could go into court under those circumstances, I would give it as my opinion the court would hold his a moot question, and would not grant him a decision.

Mr. DENISON. Suppose the man wants a construction of the child labor act in order to know whether the boy under 14 years of age can be employed in the factory?

Mr. SUMNERS of Texas. In my judgment, neither in its purpose or in its provisions, would this bill give or attempt to give jurisdiction in such a circumstance.

Mr. DYER. Mr. Speaker, I ask for a vote on the amendment.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. DYER. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 5, strike out the word "requests" and insert the word "request."

The amendment was agreed to.

Mr. DYER. Mr. Speaker, I offer the following additional amendment.

The Clerk read as follows:

Page 2, line 22, strike out lines 22 and 23 and insert in lieu thereof the following:

"(4) The Supreme Court may adopt rules and regulations for carrying out the provisions of this section."

Mr. BRAND of Georgia. Subparagraph (3) on page 2 of the bill provides for submitting questions of fact to a jury, as follows:

When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of interrogatory.

Did the committee take into consideration the advisability of providing that the parties to the pending action and witnesses might appear in person and testify, or did the committee think it was not necessary to make such provision?

Mr. DYER. The committee gave consideration to that, but we did not believe it was necessary to do that.

Mr. BRAND of Georgia. This is new character of legislation. It is new at least so far as my State is concerned. It is a question whether you would have the right under existing law. Under existing law parties to any action or case pending have the right, of course, to appear in person and testify. Should you not make provision for this right in this new class of cases?

Mr. DYER. They can do that; but this is only to provide an additional way of furnishing testimony by interrogatory.

Mr. McSWAIN. Mr. Speaker, if the gentleman will yield, it follows as a matter of course that the parties to a controversy involving facts will have to have testimony of witnesses, and the court would settle on the manner of bringing the witnesses into court without express authority of this statute.

Mr. BRAND of Georgia. In reply to what the gentleman from North Carolina says, I respectfully submit you are creating here an entirely new form of litigation. There is no demand for it, so far as my State is concerned, or in any of the courts that I have ever heard of in the South. Being new legislation of this kind, would it not be advisable to give the judge express authority to have these witnesses appear in person and testify before a jury?

Mr. MONTAGUE. I think, Mr. Speaker, if the gentleman from Georgia [Mr. BRAND] will permit, that as soon as you submit a question of fact to the jury, the judge will have every authority to determine that fact in the lawful manner. The judge will simply ask the jury to determine the question of fact. In the procedure that we now have and in any procedure relating to all matters of fact, evidence will have to be submitted, and the usual method of jury trial will be adhered to, which necessarily requires the presentation of evidence, oral and written.

Mr. BRAND of Georgia. By witnesses as well as by parties?

Mr. MONTAGUE. Of course, by both.

Mr. BRAND of Georgia. That is the law at present.

Mr. MONTAGUE. I do not think that we can set a law aside unless we do it positively and affirmatively, and it may not be constitutional to do this, if desirable.

Mr. DYER. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DYER. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADDRESS OF HON. WILLIAM TYLER PAGE

Mr. KINCHELOE. Mr. Speaker, last night—Tuesday, January 24, 1928—a very able address was delivered by the Clerk of the House, Mr. William Tyler Page, before the Kentucky Society, on the character and services of Senators and Representatives in the United States Congress from the State of Kentucky during the last 46 years. I ask unanimous consent to extend my remarks in the RECORD by printing that address.

The SPEAKER. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Speaker, under leave to-day granted me I herewith insert an eloquent and historical address delivered by Hon. William Tyler Page, Clerk of the House of Representatives, before the Kentucky Society at Washington, D. C., on January 24, 1928, commenting on the character and services of Senators and Members of Congress of Kentucky during his long services in various positions in the House of Representatives. It is instructive, entertaining, and worth the time of anyone to read.

Mr. Page's speech is as follows:

KENTUCKY IN THE CONGRESS DURING NEARLY A HALF CENTURY

On December 19 last I completed 46 years service in the House of Representatives as an employee and an officer.

During that time I knew more or less intimately the 106 Representatives and Senators sent to Congress by the State of Kentucky. Practically the Kentucky delegation in both Houses was the same in its personnel in the Forty-seventh Congress when I was a page boy at the Clerk's desk, as it had been in the two Congresses previously. Therefore it may be said that my contact with them extended over a period of a half century.

My earliest recollections are of John G. Carlisle, Senator Beck, Joe Blackburn, and Oscar Turner. This was before Carlisle became Speaker. Analyzing my thoughts of these four men I find that for different reasons I remember them particularly apart from the rest. In Carlisle's case it was his classic features; he might have been a Roman Senator; and he was kind to me. Beck was easily one of the most outstanding figures in a Senate of big men, and I recall distinctly the genuine sorrow which prevailed when he died. His body laid in state in the Senate marble room, the only such instance I have ever known, and his funeral, at which I was present, was largely attended.

Beck was popular and able. He was so human; everybody liked him. Hardly less prominent, popular, and able was Joseph Clay Stiles Blackburn, affectionately called "Joe" Blackburn. He and Beck were cronies. Blackburn was a magnificent orator. His manner was charming. He was democratic in all his ways. He appealed strongly to my boyish imagination, and I am not ashamed to say I loved him. Now, Oscar Turner was different, vastly different from the other three men. He was industrious but not so prominent. I suppose I remember him so distinctly because he was seldom out of his seat.

Each man had a desk in the House in those days, at which he did business, but they had no secretaries. Those were the early days of free seeds. Oscar Turner would sit at his desk day in and day out writing letters and addressing seed packages. On each side of him would be two large waste-paper baskets, one full of seeds, the other empty. The latter, when filled with addressed packages, would be carried off to the mail by a page and be quickly filled on its return. And so the process went on. In after years Oscar Turner's son came to Congress from Kentucky for one term.

Of the 106 Kentuckians in Congress during my time, 92 of them were born in Kentucky. They were wise in selecting their birthplace. I mention this fact because I know of another prominent State which

in 50 years did not send a native of that State to Congress; but it was not as old as Kentucky in statehood, which may account for it.

Nine other States and one foreign country furnished Kentucky's other Representatives. Senator Beck was born in Scotland. Each of the States of Ohio, Louisiana, Alabama, Pennsylvania, Iowa, Indiana, and Rhode Island furnished one, and North Carolina, Virginia, and Tennessee each furnished two.

Of course, it is natural to suppose that Congress, being a lawmaking body, should be composed chiefly of lawyers, men who by profession and practice know how to make law. It is not surprising, therefore, that of the 106 Representatives from Kentucky I have known 91 of them were lawyers. Lord Macaulay once said: "Just as a physician understands medicine better than an ordinary man, just as a shoemaker makes shoes better than an ordinary man, so a person whose life is passed in transacting affairs of state becomes a better statesman than an ordinary man." Kentucky seems to have subscribed to this principle by sending a preponderance of lawyers to make laws. Of the other 15, not lawyers, 6 were farmers, 2 manufacturers, 3 physicians, 1 editor, 1 financier, 1 business man, and 1 private secretary.

In a half century Kentucky sent 16 men to the United States Senate, 8 of whom, one-half, had previous service in the House of Representatives. They were Williams, Beck, Blackburn, Carlisle, Lindsay, Deboe, McCreary, Paynter, Bradley, Beckham, James, Martin, Stanley, Ernst, and the present Senators, SACKETT and BARKLEY, the latter whose brilliant service in the House has made him a potential favorite son for the Presidency. Senator Martin's service was of brief duration—one short session, following the death of Senator James—until the mantle fell on Beckham. I met Senator Martin, a courtly gentleman, during his short-lived service, and he impressed me as embodying the fine traditions of Kentucky.

Three of my predecessors as Clerk of the House were Kentuckians; my friend, South Trimble, and George M. Adams, and Thomas Dougherty, Tom Pettit, of Owensboro, a fine reading clerk; and Nat Crutchfield, of Louisville, journal clerk and parliamentarian, were my good friends.

During my boyhood days around the House there were many veterans of the Civil War, and there were grim reminders of that unhappy strife in empty sleeves, wooden legs, and crutches. Kentucky's quota of such veterans on both sides furnished a striking illustration of her position as a border State. Of brigadier generals, colonels, and majors, there was a large crop, prominent among them being Senator Williams, who was a colonel; Frank Wolford, a general; and William J. Stone, bearing mute evidence with one leg, a colonel.

I have mentioned that I was a page boy at the Clerk's desk in the House. This was a point of vantage in one respect, but of disadvantage upon a certain memorable occasion when Mr. Carlisle was Speaker.

The carpenter had made a little hectagonal seat, which fitted into the Speaker's rostrum, which brought the top of my tousled head within a few inches of where the Speaker rapped his gavel.

Mr. Carlisle kept splendid order in the House without much pounding of the gavel, but now and then the House would become turbulent and run over him, so to speak. On one such occasion Speaker Carlisle, having exhausted his own great stock of patience, rapped his gavel with unusual force and severity and called for order in his loudest tones. Now, it so happened that on his desk was a handsome silver inkstand—which I think is still in use—containing two glass wells full of ink. The Speaker could hardly be heard above the din on the floor, and in the excitement the gavel with a mighty whack missed its accustomed spot and landed on the end of that fine inkstand, turning it completely over and emptying both wells of their black fluid all over me. I was dressed in a suit of the old-fashioned seersucker of white and blue stripes. When that ink struck me I looked more like a zebra than a boy. The ink matted my hair, ran down my face, and all over my clothes. The House roared with laughter as I made a hurried exit to the nearest washstand; but the tension was broken, and the House soon was restored to order and good humor. Later in the day I met Speaker Carlisle in the lobby. He took me by the hand and said, "My boy, I am very sorry that thing happened," and as he withdrew his hand he left a $10 bill in mine. I thanked him and said, "Mr. Speaker, you may do that every day if you want to." The seersucker suit only cost $2.50 plus my mother's work on it, and it was washable.

John G. Carlisle was one of the fairest Speakers the House ever had. Both sides recognized his fairness and ability; only his own party associates thought he sometimes went out of his way to be fair. He was presented with a magnificent silver service by the Republicans. It is thought by some that Carlisle was the best parliamentarian among Speakers prior to his time, not even excepting Jefferson. His decisions, embodying sound parliamentary principles, still live in the practice of the House. As a Senator and as Secretary of the Treasury he was a fine type of statesman. But for his efforts to maintain the gold reserve in the Treasury there might have been a dreadful financial panic during the days of the free-silver agitation.

One day nearly 37 years ago, while sitting in one of the rooms now occupied by the Committee on Appropriations, I heard a pistol shot ring out, and, among others, ran in the direction from which it came and found William P. Taulbee lying at the foot of the steps near the House restaurant mortally wounded. He was taken to Providence Hospital, where he died. Taulbee had just completed two terms in the House from Kentucky. The man who shot him was acquitted on the ground of self-defense. Senators Beck and Blackburn were of his counsel, and I think Phil Thompson was, too.

During the Speakership of Carlisle there was a Kentuckian, a Republican, named John D. White. His political enemies referred to him facetiously as "Johnnie Jump-up." He was on his feet constantly. White was a legislative thorn in the side of the Speaker. He was personally offensive and would constantly harrass Mr. Carlisle, who was always courtly toward him. The House would grow very impatient with White, but to no avail.

Col. William C. P. Breckinridge, with his snow-white hair and beard and ruddy complexion would have been picturesque in any assembly. He was not a constructive statesman, as were some other Kentuckians, being of the oratorical type. He was truly silver-tongued and would often charm the House by the words that tripped lightly from his lips. His friendly repartee with the scholarly John D. Long, of Massachusetts, in which each vied with the other in throwing verbal bouquets at their respective States of Kentucky and Massachusetts, was a classic.

When it came to the retort courteous, Breckenridge had few equals. Jehu Baker, of Illinois, a diamond in the rough and a blunt hammer-and-tongs speaker, essayed a colloquy with Breckenridge, who handled Baker as a cat would toy with a mouse. When Baker saw he was no match for Breckenridge in the latter's use of polite language he exclaimed impatiently, to the delight of the House, "Oh, the language of the gentleman from Kentucky is fit only for a lady's boudoir."

Jim McKenzie, who was afterwards minister to Peru, was one of the witty and humorous Members of the House. As a boy I listened with rapt attention to his speech on the tariff, which fairly bristled with quips and shafts aimed at his Republican colleagues. I doubt not that it was that speech that caused Cleveland later on to draft McKenzie for the Diplomatic Service.

Speaking of the Diplomatic Service reminds me that Albert S. Willis, whom I knew very well, was sent by Cleveland to Hawaii, where he died while holding the position of the first American minister to the islands. When in the House, Mr. Willis became the first chairman of the Committee on Rivers and Harbors, and those were "pork-barrel" days. He was a much belabored gentleman. Asher Caruth, a very delightful man, from Louisville as was Willis, was a prominent and able House Member and forceful speaker.

I must not forget to mention Proctor Knott, who became your governor after leaving Congress. No better lawyer, public speaker, or genial gentleman ever graced the Halls of Congress. It seems to me he typified the best traditions of Kentucky. As a lawyer there were few better. His reports as chairman of the Judiciary Committee are quoted to-day. As a witness in a Federal court recently I had occasion to quote one of them, which established a practice in the House which still obtains.

Who can think of Proctor Knott without thinking of the noble steed which bore his name, winner of many contests of the turf? And of Tom Ochiltree, the red-headed Congressman from Texas, whose name is also immortalized in turf history. In those days the old Ivy City race track flourished. It was just outside the city limits, on the Baltimore & Ohio Railroad, and near Baltimore was the Pimlico track, famous for races between Parole, Ten Broeck, Proctor Knott, Tom Ochiltree, and other famous horses. When these tracks had meets it was customary for Congress to adjourn early or else a quorum of each House could be found only at Ivy City or Pimlico.

And there you were sure to see Proctor Knott himself, Joe Blackburn, Jim Beck, Phil Thompson, and many Kentucky colonels.

And in the evening these gallant sons of Kentucky might be found around the National and Metropolitan Hotels, in Washington, or at Barnum's old hotel in Baltimore, where the jockeys hung out. Any other custom at such a time would have been regarded as sacrilege. To those who might criticize, I have only to say, "O tempora, O mores."

My friends, Kentucky has furnished so many great men, so many interesting characters, so much intellect and statesmanship in the nearly half century it has been my privilege to have come in contact with them on the hill that I might go on indefinitely and recall incidents and things concerning them. But, as they say in the House, "Here the gavel fell," and, like some men there when their time expires, I will continue just long enough to mention by name Governor McCreery, dignified and erudite; Paynter, handsome and able; Dr. Godfrey Hunter, physician and stormy petrel; Judge Evans; Col. Arthur Berry; Ollie James, the intrepid giant; Colonel Bradley; the fiery Stanley; and Lindsay and Deboe; and Sherley, the skillful parliamentarian and all-around debator and able lawyer; and the present able delegation, including the daughter of a former House Member from North Carolina, herself a splendid type of womanhood, of wife, and of mother, and a credit to the sturdy mountaineer constituency which sent her here. To-day she delivered her maiden speech in the House, where she and her Kentucky colleagues had a field day.

Kentucky, great among American Commonwealths, thou hast given bountifully of thy best and finest sons in the Nation's service in the Halls of Congress. My life has been enriched by personal contact with them, and I am grateful.

REFUNDING OF CERTAIN LEGACY TAXES

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 7224) to extend the time for the refunding of certain legacy taxes, erroneously collected, which I send to the desk.

The Clerk read the title of the bill.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. WHITE], the author of the bill, may proceed for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE of Maine. Mr. Speaker, my interest in this legislation was excited during the last Congress by learning that my immediate predecessor from my district, Mr. McGillicuddy, whom many of you remember, had made a report to the House on legislation involving one of the phases of this subject. My conviction that the legislation is just became fixed by reading the hearings held during the last Congress before the Committee on the Judiciary. I think in my 10 years of service in this House there has been no case where it has seemed to me the rights of citizens have been so buffeted about, where citizens have been so made the victims of circumstances, of dubious legislation, of illegal decisions by an executive department of the Government, and by delayed court decisions as those now asking relief at your hands.

The legislation is technical in the extreme. An explanation of it requires a somewhat detailed statement.

War with Spain was declared in April, 1898. The Spanish War revenue act, so called, became a law on June 13, 1898. The twenty-ninth section of this revenue act imposed certain taxes on legacies and on distributive shares. Reductions in these war taxes were made by an act approved March 2, 1901, but it was not until April 12, 1902, that these taxes were generally repealed, the repeal to take effect July 1, 1902. Following this repealing act there was passed what is known as the refunding act of June 27, 1902. This act in its third section provided that in all cases where an executor, administrator, or trustee had paid or should hereafter pay any tax upon any legacy or distributive share of personal property under the terms of the 1898 tax act the Secretary of the Treasury was authorized to refund so much of said tax as was collected on contingent beneficial interests which were not vested in possession or enjoyment prior to July 1, 1902. This section 3 then went on to prohibit the assessment thereafter of any tax under the 1898 act upon any contingent beneficial interest which had not become absolutely vested in possession or enjoyment prior to July 1, 1902.

Shortly after this refunding act was passed various Treasury decisions appeared bearing upon the questions which give rise to this legislation. In a decision dated July 15, 1902, the Treasury held that when the decedent died prior to July 1, 1902, and the distributive shares or legacies absolutely bequeathed were not distributed on or before the date named on account of the time required by State laws to settle estates or on account of litigation, such legacies and distributive shares were subject to tax. A later decision by the department stated that the tax attached to the vested interest in personal property passing under the will of any person who died prior to July 1, 1902, and since June 13, 1898, though the actual possession of that interest by the trustees or beneficiaries was postponed to July 1, 1902, or later, and again in October, 1903, the commissioner held that all such interests vested prior to July 1, 1902, were taxable, although not vested in actual possession or enjoyment prior to that date.

These rulings were manifestly in disregard of the refunding act. They applied only to technical contingent interests which can arise only under a will, while the refunding act itself applied in terms to cases of intestacy as well as to those arising under wills. The rulings of the Treasury, therefore, as to a substantial body of cases rendered the refunding act and the plain purpose and intent of the Congress utterly null and void.

The intention of Congress as expressed in this act was thus overriden by the Treasury. And until 1915 those who might have believed themselves entitled to a refund of taxes under the terms of the act faced specific decisions of the Treasury authorities, denying the possibilities of relief.

In 1912 Congress passed "An act extending the time for the repayment of certain war-revenue taxes erroneously collected." This act provided that claims must be presented for the refunding of such erroneously collected taxes on or before the 1st day of January, 1914. It was a matter of doubt whether this act reached the class of cases in which we are now concerned.

This was the situation which confronted these claimants from the passage of the original legislation up to 1915. In 1915 the Supreme Court of the United States, in the two decisions referred to in this bill, completely reversed the Treasury decisions, already alluded to, and which had stood through the years as a bar to these claimants. The court in these two decisions, in substance, held that this 1902 refunding act dealt with legacies and distributive shares upon the same plane, treating them both as contingent interests until they became absolutely vested in possession or enjoyment, and it directed that the taxes collected upon contingent interests not so vested prior to July 1, 1902, should be refunded, and it forbade any further enforcement of the tax as respects interests remaining contingent up to that date. This, it will be seen, completely overrode the decisions of the Treasury Department made in 1902 and 1903, and before referred to by me. It would have entitled these claimants to prosecute their claims for refund had it not been for the legislation of 1912 fixing January 1, 1914, as the limit of time upon all claims. The claimants found themselves in the unfortunate position of having claims legally accruing to them in 1902, but denied by Treasury decisions, and finally established by decisions of the Supreme Court of the United States in 1915, outlawed by the act of Congress in 1912. In other words, their original legal rights arising under the 1902 legislation were not affirmed by the Supreme Court until after the claims had been outlawed by the 1912 legislation. It is important also to note that it was not until 1919 that it became definitely fixed by a decision of the Supreme Court, rendered that year, that this act of 1912, limiting the time for filing claims to January 1, 1914, applied to this particular class of claim.

Following the decision of the Supreme Court in 1915, the claims, or most of them here dealt with, were presented to the Treasury. It was then believed the act of 1912 did not apply to them, but that their validity was established by this 1915 Supreme Court decision. It was not until 1919 that the act of 1912 was held definitely to apply.

Since 1919, when it was held finally that the claims were outlawed, these claimants have been diligent in seeking redress. They constitute only about 5 per cent in number of the entire body of claims submitted. Their claims aggregate not to exceed, so it is estimated, $100,000. Legislation recognizing the justice of their contention has been before the Congress on several occasions. I think three bills have passed the Senate and at least two of the committees of the House have favorably reported upon the legislation. No original right is created. The legislation aims only to reestablish the rights which Congress conferred by its refunding act of 1902, rights denied these claimants by a narrow and unwarranted construction of the law by the Treasury Department through all the years to 1915. No reason resting in good conscience can be advanced against the pending proposal to afford a long-delayed opportunity to present these claims for adjudication under a correct understanding of the law.

Mr. LAGUARDIA rose.

Mr. RAYBURN. Mr. Speaker, will the gentleman from New York yield for a moment?

Mr. LAGUARDIA. Certainly.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that my colleague [Mr. HUDSPETH] be allowed to revise the remarks he made yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair thinks that in the interest of orderly procedure the bill should be read, and then gentlemen can be recognized under the five-minute rule. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That claims for the refunding of any legacy taxes erroneously or illegally assessed or collected under the provisions of section 29 of the act of Congress approved June 13, 1898 (37 Stat. L. p. 240), may be presented to the Commissioner of Internal Revenue not later than six months after the passage of this act; and the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine, in accordance with law but without regard to any statute of limitations, such claims as may have been presented

heretofore and not allowed and such claims as may be presented within the period above named, where and when and only when it be found and determined that such taxes were collected upon the erroneous interpretation of the law passed upon and condemned by the United States Supreme Court in decisions rendered in the case of United States against Jones, administrator, and in the case of McCoach, collector, against Pratt, both reported in the Two hundred and thirty-sixth United States Reports.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, any amounts allowed in the determination of any claims so defined and which shall have been presented in accordance with this act.

With a committee amendment, as follows:

Page 2, line 11, after the word "Reports," insert a colon and the following: "*Provided*, That no interest shall be allowed on any of these claims."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the entire paragraph. I regret exceedingly that I can not go along on this bill with the rest of my committee. I believe I am the only dissenting vote on this committee.

This matter now is 13 years old, extending beyond the time the statute of limitations fixed by the Congress of the United States expired. It refers to the act of 1898. As I understand the situation, the parties seeking relief by this bill were in actual litigation at the time Congress fixed the two-year period of limitation in which claims could be filed for refund of taxes paid under the original act.

Mr. WHITE of Maine. Some were and some were not. Some were awaiting the decision of the Supreme Court, which then established their right.

Mr. LAGUARDIA. There was no law preventing these people from discontinuing the action then pending and making their claim for refund.

Mr. DYER. There was a Treasury decision to the effect that they would not consider these claims.

Mr. CHRISTOPHERSON. And therefore they did not know what their status was until the decision of the Supreme Court.

Mr. LAGUARDIA. The gentleman entirely overlooks the fact that in 1912 Congress passed an act which was held to apply to all claims for refund under the act of June 2, 1902. That was the very purpose of the act of 1912.

Mr. CHRISTOPHERSON. The Supreme Court decision determining their rights in the matter was not rendered until 1915, a year after the time for filing their claims had elapsed.

Mr. LAGUARDIA. But the parties in litigation, if they had asserted their rights under the act of 1912, would have been entitled to a refund.

Mr. WHITE of Maine. But it was the construction of everyone at that time that that act should not apply. That question was litigated, and it was not until 1919 that there was any affirmative decision that the act of 1915 covered these cases. It was perfectly obvious that it was never intended to.

Mr. LAGUARDIA. The Congress passed the act of 1912. You had two years' time to file your claims and get a refund of any claims under the act of 1902.

Why did not these people discontinue their action and make their claims? Oh, no; they continued in the court, and when, in 1915, they were beaten, then they came and played the baby act, and now, 13 years afterwards, we are asked to pass a new act which will result in tearing down the statute of limitations fixed by Congress, so that these applications may be filed.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. WHITE of Maine. The gentleman said they were beaten by the 1915 act. That is where he is in error, because it was the 1915 act which established the soundness of their contentions. They were not beaten.

Mr. CHRISTOPHERSON. The gentleman means the suit in the Supreme Court in 1915?

Mr. WHITE of Maine. Yes; I should have said decisions instead of act.

Mr. LAGUARDIA. I stand corrected on that; but in 1912 Congress gave to all these taxpayers the right to file their claims and obtain refunds, and I can not understand what more Congress could have given to them.

Mr. CHRISTOPHERSON. But then the question comes in that the Internal Revenue Department had absolutely ruled that they would not consider these cases.

Mr. LAGUARDIA. But they considered 95 per cent of them, and 95 per cent were paid.

Mr. CHRISTOPHERSON. But some of them did not file their claims until they were apprised of their rights by the Supreme Court decision.

Mr. LAGUARDIA. But these claimants were entitled to the same rights that the others had. It is just a question of policy. The act of 1912 grew out of the war of 1898, and imagine what is going to happen if 30 years from now we throw open the doors and permit taxpayers who paid taxes since 1917 to come in and obtain refunds.

Mr. BOX. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BOX. Is it not true that these claims, or a part of them, have been before the House Claims Committee?

Mr. LAGUARDIA. Yes; and there was a favorable report.

Mr. BOX. But the committee was divided, if its report was favorable.

Mr. LAGUARDIA. I did not know that.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two additional minutes.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. BOX. In connection with what the gentleman says about claims coming in hereafter, let me say that there have been claims, before the Claims Committee, during the recent Congress, and probably there are some now, growing out of taxes levied during the Civil War. There ought to be a time when people having these claims should present them within a reasonable time.

Mr. LAGUARDIA. I agree with the gentleman on that.

Mr. WHITE of Maine. With the general proposition advanced by the gentleman I am in quite complete accord; but when citizens have been jeopardized by erroneous and illegal rulings of the Treasury Department, the Government of the United States, and the Congress of the United States, ought to be the last to take advantage of such a situation.

Mr. LAGUARDIA. Does not the gentleman from Maine put it too strongly?

Mr. WHITE of Maine. No; I do not think so.

Mr. BOX. However, a citizen is charged with a reasonable knowledge of the law and is required to act upon the law as it is.

Mr. LAGUARDIA. As I said, I think the gentleman from Maine states it too strongly.

Mr. WHITE of Maine. No; I really endeavored to restrain myself in explaining the situation.

Mr. LAGUARDIA. I think the gentleman is overemphasizing the situation.

The Clerk read as follows:

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, any amounts allowed in the determination of any claims so defined and which shall have been presented in accordance with this act.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. I did not withdraw my amendment. Did the Speaker put it to a vote?

The SPEAKER. The Chair thought the gentleman's amendment was a pro forma amendment.

Mr. LAGUARDIA. No; it was not a pro forma amendment.

The SPEAKER. Does the gentleman withdraw his amendment?

Mr. LAGUARDIA. No.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Beginning on page 1, line 3, strike out section 1.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. CHINDBLOM. Mr. Speaker, the second paragraph of the bill has been read.

The SPEAKER. The reading of the bill has been completed.

Mr. CHINDBLOM. We are proceeding in the House as in Committee of the Whole, and I think some debate may be had on the second section.

The SPEAKER. The Chair recognizes the gentleman from Illinois for five minutes.

Mr. CHINDBLOM. Mr. Speaker, ordinarily I would oppose this bill. The Committee on Ways and Means, of which I have the honor to be a member, has applications and requests

before it all the time for the waiving of the statute of limitations. In passing, I will say that this bill should have gone to the Committee on Ways and Means. It is a revenue bill beyond any question, as it relates to the collection of taxes. Congress waived the statute of limitations in behalf of these claimants in 1912, when it gave an opportunity——

Mr. WHITE of Maine (interposing). There was no statute of limitations in the original act, so the 1912 act was not the waiving of a statute of limitation.

Mr. DYER. The gentleman is right about that.

Mr. CHINDBLOM. What was the effect of the act of 1912?

Mr. WHITE of Maine. The effect of that act was to write a statute of limitations. It was not to waive a statute, but it was to create a statute of limitations.

Mr. CHINDBLOM. If we had not opened the doors by previous legislation on this subject so that approximately 95 per cent of this class of claimants have already been able to secure payment, I would now be opposing this bill, but I am differentiating it from other like legislation for that reason. The Congress itself opened the doors under which the balance of these claims have been paid, and I think we may well, therefore, place the remaining claims upon a somewhat different ground than the large number of claims which are constantly coming before us in which we are importuned to waive or set aside the statute of limitation.

By the act of June 27, 1902, Congress specifically authorized the refund of certain taxes collected under the Spanish War revenue act of June 13, 1898, on contingent beneficial interests in estates of decedents which would not become vested in possession or enjoyment before July 1, 1902. Thereafter the Congress, by the act of June 27, 1912, further authorized refunds of this character to be paid up to, but not beyond, January 1, 1914. In the meantime, the Treasury Department by internal revenue decisions limited the effect of the remedial legislation to an extent and in a manner that was disapproved by the United States Supreme Court in 1915. It is to relieve claimants from the loss of rights under that action of the Treasury Department that the legislation now before us is proposed. I think this case is easily distinguished from many other cases where we are importuned to waive statutes of limitations.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DYER a motion to reconsider the vote by which the bill was passed was laid on the table.

BOARD OF VISITORS TO THE NAVAL ACADEMY

The SPEAKER. The Chair announces the appointment of the following members of the Board of Visitors to the Naval Academy: Mr. GEORGE P. DARROW, Pennsylvania; Mrs. FLORENCE P. KAHN, California; Mr. GEORGE R. STOBBS, Massachusetts; Mr. HATTON W. SUMNERS, Texas; and Mr. PARKER CORNING, New York.

AMENDMENT OF SECTION 1025 OF THE REVISED STATUTES OF THE UNITED STATES

Mr. DYER. Mr. Speaker, I call up the bill (H. R. 9785) to amend section 1025 of the Revised Statutes of the United States.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1025 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 1025. No indictment found and presented by a grand jury in any district or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected, by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant, or by reason of the attendance before the grand jury of one or more clerks or stenographers employed to assist the district attorney or other counsel for the Government in a clerical capacity, who shall, in that connection, be deemed to be persons acting for and on behalf of the United States in an official capacity and function."

With the following committee amendments:

Page 2, line 1, after the word "jury" insert the words "during the taking of testimony."

Page 2, line 2, after the word "employed" insert the words "in a clerical capacity."

Page 2, line 3, strike out the words "in a clerical capacity."

The committee amendments were agreed to.

Mr. DYER. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DYER, a motion to reconsider the vote by which the bill was passed was laid on the table.

CORRECTING THE ACCOUNT BETWEEN THE STATE OF NEW YORK AND THE UNITED STATES

Mr. DYER. Mr. Speaker, I call up the joint resolution (H. J. Res. 59) directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906.

The Clerk read the title of the bill.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the joint resolution, as follows:

Whereas the act of Congress approved February 24, 1905 (33 Stat. L. 777), provided for the adjustment of certain claims of the States of New York, Pennsylvania, and Delaware; and

Whereas an adjustment was made by the accounting officers of the Treasury Department of the account of the State of New York, and the amount found due said State was reported to Congress for an appropriation and appropriated for in the deficiency appropriation act of February 27, 1906 (34 Stat. L. 29); and

Whereas the Comptroller General of the United States, in response to Senate Resolution No. 378, reported to the Senate on February 16, 1923 (see S. Doc. No. 304, 67th Cong., 4th sess.), that the State of New York had failed to receive the correct application of the rule of settlement prescribed by the act of February 24, 1905, in the manner applied to the accounts of the States of Pennsylvania and Delaware, cobeneficiaries under the act of February 24, 1905; and

Whereas the Comptroller General of the United States, upon an application by the State of New York for a review and a correction of the error made in the adjustment of said account, has held that he is without authority to revise and correct a settlement of an account where, subsequent to an award by the accounting officers, Congress appropriates the amount found due in payment of such award: Therefore be it

Resolved, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen and adjust the claim of the State of New York.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SWEET] may have 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SWEET. Mr. Speaker, this bill is verbatim with one that passed the House last year. The bill as it passed here was amended in the Senate to include the State of North Carolina, but before the bill was returned to the House in its amended form the Senator concluded he desired to withdraw his amendment. On account of the filibuster then in progress in the Senate he failed to get recognition, and on the eve of adjournment of Congress by an agreement the bill was returned to the House in its amended form, the amendments nonconcurred in, conferees appointed, and by the conference committee the amendment was stricken out, returned to the House in its original form, and repassed both in the House and in the Senate, signed by the clerk, and just prior to the hour of 12 o'clock, with the clerk of the Senate, we were on our way to the President's chamber when the bell struck, and we were just behind the wire.

So the bill is reintroduced this year, as I have stated, in the identical form of the bill of last year, and I ask that it may have your favorable consideration. If there are any questions that anyone desires to ask as to the provisions of the measure, I would be pleased to attempt to answer them.

Mr. HOCH. Will the gentleman yield?

Mr. SWEET. I yield.

Mr. HOCH. Not upon the merits of the bill, because I have not made any inquiries about that, but upon the wording of this resolution, may I suggest that it sets out a number of whereases which under the better practice go out before a resolution is passed, and then it provides:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen and adjust the claim of the State of New York.

This is all that would be left of the resolution. What claim of New York? Certainly, in the operative part of this resolu-

tion there should be language which would identify what you are trying to do here.

Mr. SWEET. The provision referred to by the gentleman was debated on the floor of the House last year. It was explained by the chairman of the Judiciary Committee that the phraseology of the bill was considered and passed upon by the committee as meeting all the requirements.

Mr. HOCH. Does the gentleman think it meets the requirements?

Mr. SWEET. I think so.

Mr. HOCH. The resolution says:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to reopen and adjust the claim of the State of New York.

In my view that does not mean anything at all.

Mr. SWEET. The claim of the State of New York is one growing out of the War of 1812, and its adjustment was authorized by the act of February 24, 1905, at which time the States of New York, Pennsylvania, and Delaware were in the same situation.

Mr. HOCH. The gentleman is referring to the claim set out in the whereases, but the legislation does not identify any particular claim. It simply says "shall reopen and adjust the claim of the State of New York."

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SWEET. Yes.

Mr. CHINDBLOM. Members will recall that I made this point a year ago, and we had some discussion about it then. I think the point of the gentleman from Kansas is well taken, but if the resolution is passed with the whereases the meaning will be clear.

Mr. HOCH. But, even in that case, it would not be specific. You ought, at least, to say "said claim," but you merely say "the claim." From a legal standpoint and from the standpoint of the proper drafting of a measure it is not sufficient.

Mr. CHRISTOPHERSON. The resolution refers to the preceding part.

Mr. HOCH. Does the gentleman think that if we strike out the whereases the operative part of the resolution is sufficient?

Mr. CHRISTOPHERSON. I do not think the whereases should be stricken out.

Mr. HOCH. The gentleman knows that the legislative intent must be clearly expressed in the resolution, and the operative language in this resolution means nothing.

Mr. CHRISTOPHERSON. The entire resolution is clear.

Mr. HOCH. If the Judiciary Committee thinks that is a satisfactory way of drafting a resolution I am greatly surprised.

Mr. DYER. I think the objection of the gentleman from Kansas would be met, as I understand him, by substituting the word "said" for the word "the" in the final line of the bill. In other words that makes it certain that the claim intended is the claim described in the recital preceding the enacting clause.

Mr. HOCH. I think that would improve it, and yet I still say that the operative language in a resolution ought to carry the legislative intent and not depend on the whereases.

Mr. DEMPSEY. If the gentleman will yield, why not insert "the above described claim"?

Mr. HOCH. It is not good legislative practice to include the whereases.

Mr. SWEET. I would say that this claim is absolutely identified, because it is the only claim that New York has pertaining to the War of 1812.

Mr. DYER. I will say to the gentleman that it is quite correct that whereases are not the best way to present matters to the attention of the House in a bill, but in this case the gentleman from New York who prepared the bill states the facts, so that the resolution which is all that the House is concerned about is at the bottom, in five lines of the bill. That is all we are called upon to pass on, and there is a simple statement of what it is all about. I quite agree with the gentleman from Kansas that the whereases are not good form.

Mr. CHINDBLOM. The title to the resolution is:

Joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906.

That is a complete statement and a sufficient reference to the legislation in question to identify the claim. On the general subject of the propriety of including the whereases in legislation I agree with the gentleman from Kansas [Mr. HOCH].

Mr. DOWELL. Why can not this language be put into the body of the resolution?

Mr. CHINDBLOM. It would be better.

Mr. DOWELL. Why not adopt that in the body of the resolution?

Mr. SWEET. It is possible that the language suggested by the gentleman would have been an improvement on the phraseology of the bill, but it was considered at the time the bill was drawn that the claim was sufficiently identified and therefore the measure was drafted as it is.

Mr. DOWELL. Why does not the gentleman offer an amendment so that we may pass a resolution that will be identical with the title?

Mr. DYER. I suggest that in line 5 on the second page after the word "the" we put in the word "said."

Mr. DOWELL. Oh, I think that would not fix it at all, because this should be construed from the body of the resolution itself.

Mr. DYER. I shall offer an amendment to correct that.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. ARENTZ. Mr. Speaker, will the gentleman yield?

Mr. SWEET. Yes.

Mr. ARENTZ. I am in sympathy with the gentleman from New York who is asking Congress to reopen this case before the Comptroller General so that New York may collect a just debt incurred during the War of 1812, but I say to this House that Nevada has been trying to collect a similar debt since 1865 which was incurred in keeping open transcontinental lines, both pony express and mail routes, and it was for that purpose that the money was expended by the State of Nevada—a very poor State, compared with the great State of New York. I hope the gentleman from New York will be sympathetic to my cause when I bring it before the House for consideration.

Mr. SWEET. Mr. Speaker, I think the gentleman is quite in error as to the similarity of the two cases. This is not an effort to adjust in its original form a claim of the State of New York, but this is an authorization for a reopening to correct an error.

Mr. ARENTZ. The Nevada case is on all fours in that respect. The Comptroller General does not see fit at the present time to make a decision which is just and equitable, possibly not on legal grounds, but on moral grounds, for the payment of a just debt.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. ENGLAND], may now proceed for 10 minutes and address the House out of order.

The SPEAKER. Is there objection?

There was no objection.

Mr. ENGLAND. Mr. Speaker and gentlemen of the House, a short time prior to our entrance in the World War the Government started the construction of the naval ordnance plant at South Charleston, W. Va., for the purpose of manufacturing armor plate.

It was contended by the Government, so I am advised, that armor plate could be manufactured much cheaper than it could be purchased in the open market. During the war period construction work was rushed with greater rapidity in order to secure an early completion. At the close of the war the plant was incomplete; however, the work was continued with considerable activity until approximately three years after the signing of the armistice, at which time further construction was wholly abandoned.

I understand that the proposed purpose of this plant was to manufacture heavy armor plate, to be used in the construction of large war vessels; that no armor plate of this character is now being used by the Government, and under our treaties with other nations, can not be used inasmuch as we are prohibited under the provisions thereof from building any more large war vessels at this time, and that this condition is likely to continue indefinitely.

This plant is located in one of the greatest industrial sections in the world; the people there purchased the land at a cost of several hundred thousands of dollars and donated same to the Government with the belief and understanding that they were procuring a great manufacturing establishment which would add much to the prosperity of the Great Kanawha Valley. Their belief, hopes, and expectations in this respect failed to materialize. This plant is being maintained at a large expense to the taxpeyers, who might under the present policy be justified in criticizing the management thereof as economically unsound. It occurs to me that if this plant is not to be completed and operated for the purpose for which it was constructed, it should be sold or leased to some manufacturing concern, so that a fair return might be realized on the invest-

ment. If leased, and the Government at some future time might desire to resume and operate said plant, the matter of returning possession and all matters relating to the use of same could be taken care of by proper stipulations in the lease.

I introduced House Joint Resolution 160, asking that the Secretary of the Navy be required to furnish Congress the following information relative to said plant:

First. The actual cost of the plant.

Second. The annual cost of maintenance, including number of officers and men employed.

Third. The amount and cost of armor plate purchased annually by the Government, and whether or not same can be purchased in open market cheaper than manufactured at said plant.

Fourth. The advisability of opening and operating said plant within the near future, or the selling or leasing thereof to some manufacturing concern so that a fair return may be realized on the investment.

Fifth. Any other information that would tend to shed light on the operation, sale, or leasing of said plant.

I failed, however, to incorporate in this resolution inquiries pertaining to the projectile plant located at South Charleston, which plant was constructed in conjunction with said naval ordnance plant; it is my purpose to have an amendment offered to this resolution so as to include the projectile plant in the resolution.

I do not want to be understood by the introduction of this resolution or by these brief remarks as criticizing the administration. I have unbounded faith in the honesty, integrity, ability, fidelity to official duty, and administrative wisdom of President Calvin Coolidge and his entire official family.

So far as I know, the Secretary of the Navy has never been asked to furnish the information called for in this resolution, which I believe the people are entitled to know. I feel that he will have no hesitancy in furnishing Congress with the same. These plants were not created as a war measure, but provided for before our entry into the World War. I am advised that the cost of the construction of said plants amounted to approximately $70,000,000. I doubt if it could be argued with much force that it would be a good policy to retain said plants as an emergency in the event of future hostilities between this and any other country, in view of the rapid development of aviation. I feel that our greatest activities should be in the development of aeronautics, and I venture the prediction that within the next decade commercial aviation will be developed far beyond our most sanguine expectations.

If the great naval building program recommended by the Secretary of the Navy is given sanction by Congress, and the retention of this plant is necessary for manufacture of armor plate to be used in the construction of these vessels, then this would be a satisfactory solution of the problem. I am informed, however, that the heavy armor plate which would be manufactured at this plant would not be used in the construction of the smaller vessels recommended in said Navy building program.

In my judgment these plants will never be a governmental war necessity; they are not being used in times of peace, and it would seem that the best business policy would be to either resume their operation or make some disposition of same. [Applause.]

Mr. DYER. Mr. Speaker, I offer the following amendment to the resolution, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DYER: Page 2, line 5, after the words "New York," insert a comma and the following: "Growing out of an error in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DYER. Mr. Speaker, I ask unanimous consent to strike out the whereases.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

SERVICE OF ALBERT CARL GRUBE

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein some letters which I have received from the Navy Department in connection with the services of Mr. Grube, who has done some work in connection with the salvage of the *S–51* and the *S–4*.

The SPEAKER. Is there objection?

There was no objection.

Mr. JACOBSTEIN. Mr. Speaker, it has been our privilege often on the floor of this House to honor fellow citizens who have rendered exceptional service to the country in time of war. Without lessening in any way our tribute to these men, it is well that we recognize also such services in time of peace, when the need is often as great and the courage and self-sacrifice demanded as outstanding. Such an occasion was furnished by the recent disaster on the submarine *S–4* and the earlier one on the *S–51*. The work of salvaging was fraught with unspeakable hardship and danger and called for utter self-forgetfulness and courage on the part of those whose duty held them there and those others who volunteered their services.

Among these volunteers was a young man who is a resident of my congressional district, to whom I wish to call your attention especially to-day, as one who rendered heroic and patriotic service in this emergency. Although a private citizen at the time, he responded without a moment's hesitation to the special call of the Navy and was sworn in for this especially dangerous piece of work.

Albert Carl Grube was born in Pittsford, N. Y., a few miles from Rochester. On his father's side he was of German descent and on his mother's side of Irish descent. His grandfather was a soldier in the Civil War, serving throughout the entire war and being captured and confined in Libby Prison for nine months. After a common-school education, Albert C. Grube joined the Navy in March, 1924, having served a minority cruise. He was a diver on the U. S. S. *S–51* and rendered conspicuous service at the time of the disaster on that ship, which called forth a citation from his commanding officer. When he heard that the *S–4* had been sunk, in his own words, he "sent a message to Commander Ellsberg offering my services as diver." Before an answer had been received, the Navy had sent out an appeal for the services he so willingly offered, and he was immediately ordered to Portsmouth to take up his duties in the perilous work of raising the submarine.

When I learned of this unusual patriotic service I communicated with the Secretary of the Navy and received from him, and also from Mr. Grube's immediate commanding officers, communications setting forth the official record of Mr. Grube's services in connection with the salvaging of the *S–51* and the *S–4*. These communications I hold in my hand and will insert in the CONGRESSIONAL RECORD.

This record will be read, I am sure, with great interest, and I trust will be a source of inspiration to the youth of America.

From: The Secretary of the Navy.
To: Grube, Albert C., S1c., 233–84–00, U. S. N.
Via: Commanding officer, U. S. S. *Falcon*.
Subject: Commendation.

1. The officer in charge salvage operations U. S. S. *S–51* has brought to the attention of the department the valuable services rendered by you in connection with salvage operations on the U. S. S. *S–51*.

2. While you had had no previous experience in deep-sea diving, after completing a training course at the navy yard, New York, you were employed, when operations were resumed, as a diver on the U. S. S. *S–51*, and proved yourself equal to any of the deep-sea men who had been diving for 10 years or more. Your commanding officer reports that you were the youngest diver employed, being only 19 years of age, but regardless of this fact you displayed courage and skill at all times. On one occasion when it was necessary to send a diver inside the *S–51* through the engine room to enter the central operating compartment and clear a hose—none of the men who were acquainted with the inside of the boat were available on this occasion, nor was the U. S. S. *S–50*, which was always used as a model for rehearsals present on this day—you, after being given a description of what to expect inside the boat, entered through the engine-room hatch, went forward through water so black that it was impossible to see to the central operating compartment door, passed through it and cleared the hose inside. You came out and returned to the surface, having accomplished the whole job in the brief space of about five minutes.

3. It is a pleasure to the department to receive such reports, and in further recognition of your services in connection with the salvaging of the U. S. S. *S–51*, your commanding officer has been directed to advance you to the rating of torpedoman, third class.

CURTIS D. WILBUR.

NAVY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, D. C.

MY DEAR CONGRESSMAN JACOBSTEIN: In reference to your telephonic conversation with the bureau in regard to the naval service of Albert Carl Grube, ex-torpedoman, third class, United States Navy, the records of the bureau show that he enlisted March 31, 1924, as apprentice seaman at the Navy recruiting station, Buffalo, N. Y., for minority until May 5, 1927. He gave date and place of birth as May 5, 1906, at Pittsford, N. Y., and next of kin, mother, Mrs. Elizabeth Drummond, 42 Grover Street, Rochester, N. Y. He was transferred to the Naval Training Station, Newport, R. I. Rating changed June 1, 1924, to seaman, second class. Transferred June 23, 1924, to the U. S. S. *Raleigh*. On July 29, 1925, he was transferred to the Naval Torpedo School, Newport, R. I., for a course of instruction. Transferred December 23, 1925, to the U. S. S. *Falcon* for training in deep-water diving during the winter maneuvers, and for further duty in connection with the salvaging of the *S–51*. Transferred March 8, 1926, to the U. S. S. *Camden* for further transfer to the receiving ship at New York. Received at the receiving ship at New York March 19, 1926. Transferred April 23, 1926, to the U. S. S. *Falcon*. Rating changed June 6, 1926, to seaman, first class. He was commended on July 13, 1926, by his commanding officer and the officer in charge of the salvaging operations of the U. S. S. *S–51* for excellent services performed as diver. He was engaged in diving during the period of spring operations April 26, 1926, to July 7, 1926. On August 6, 1926, he was advanced to the rating of torpedoman, third class, in recognition of services as deep-sea diver. He was honorably discharged May 4, 1927, as torpedoman, third class, from the U. S. S. *Falcon* on account of expiration of enlistment.

Grube offered his services in connection with the salvaging of the U. S. S. *S–4* and was enrolled in the Naval Reserve as torpedoman, third class, and issued orders to proceed to Provincetown, Mass., by the commandant of the third naval district at New York, N. Y.

The bureau has wired Lieut. Stanley A. Jones, officer in charge, Navy recruiting station at Buffalo, N. Y., for a copy of his commendation, and upon its receipt will be forwarded to you.

Inclosed herewith are letters of commendation to Grube from the Secretary of the Navy, commanding office of the U. S. S. *Falcon*, and Capt. E. J. King, United States Navy, who was officer in charge salvage operations U. S. S. *S–51*.

Yours very truly, R. H. LEIGH.

U. S. S. "FALCON,"
NAVY YARD, NEW YORK, N. Y.,
July 13, 1926.

From: The Commanding Officer.
To: The officer in charge salvage operations, U. S. S. *S–51*.
Subject: Grube, Albert Carl, S. 1c., 233–84–00.

1. The commanding officer desires to call attention to the valuable services of Albert C. Grube, seaman first-class, in connection with the salvage operations on the *S–51*. Grube was the youngest diver employed, being only 19 years of age. Without previous diving experience he was given a training course in diving at the navy yard, New York, last winter, after which he was employed when operations were resumed in April, as a diver on the *S–51*. While his previous deep-sea experience was nothing, Grube very shortly showed himself the equal of any of the deep-sea men who had been diving for 10 years or more. His courage, as well as his skill, were well exemplified. On one occasion, when it was necessary to send a diver inside the *S–51* through the engine room to enter the central operating compartment and clear a hose (none of the men who were acquainted with the inside of the boat were available on this occasion, nor was the U. S. S. *S–51*, which was always used as the model for rehearsals, present on this day), Grube, after being given a description of what to expect inside the boat, entered through the engine-room hatch, went forward through water so black that it was impossible to see to the central operating compartment door, passed through it and cleared the hose inside. He came out and returned to the surface, having accomplished the whole job in the brief space of about five minutes.

2. Grube's other work was of a character comparable with this, and it is recommended that, as a partial reward for his services as a diver on this job, he be promoted to the rating of torpedoman, third class, for which rating it is felt he is well qualified, as he was a member of the seaman gunners' class at Newport, when he was taken away for training as a diver.

(Signed) HENRY HARTLEY.

SUBMARINE BASE, NEW LONDON, CONN.,
(U. S. S. "CHEWINK"),
July 15, 1926.

No. L11–1(B)

(First indorsement)

From: Officer in charge, salvage operations, *S–51*.
To: Commandant, Third Naval District.
Subject: Grube, Albert Carl, 233–84–00, Sea.1c. USN.

1. The above report and recommendation of the commanding officer, U. S. S. *Falcon*, regarding Albert C. Grube, seaman first class, United States Navy, have been seen and strongly concurred in by the salvage officer, Lieut. Commander Edward Elisberg, (CC) United States Navy, who has direct personal knowledge of Grube's work.

2. The report and recommendation in the above case of Grube are heartily approved. The work of the younger divers like Grube demonstrates that the Navy has a new generation of capable divers growing up to take the places of the older divers of whom so many are passing into the Fleet Reserve.

E. J. KING, *Captain, United States Navy.*

THE CIVIL-SERVICE EXAMINATION FOR PROHIBITION AGENTS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of civil-service examinations.

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, the wholesale flunking by the prohibition force of the examinations offered by the Civil Service Commission has struck confusion in the "dry" ranks. The poor showing made by the prohibition snoopers is indicative of their ignorance. More than three-fourths of them taking the tests failed dismally. Small wonder that prohibition enforcement has been a stench in the nostrils of good citizenry. Ignorance is the handmaiden of other crimes. That is why they retain gunmen and crooks in the service.

Senator BROOKHART'S bill to retain or congeal in the service these crass, stolid, and venal agents is unthinkable. At last civil service will let in the light and bring some intelligent men into the work.

Heywood Broun, in the Morning World, says:

The prohibition agents who flunked their examinations ought to be reinstated. In this matter I line up with the drys. Plenty of good people flunk. Examinations should not be overemphasized. And perhaps the civil-service officials took the snoopers at a disadvantage when they came to write their papers. Maybe they placed them on the honor system.

However, if there is to be another examination, I suggest the following questions:

What is the best way to satisfy an itching palm?
How many times may you "shake down" a bootlegger?
What kind of a bird is a stool pigeon?
How ridiculous is the fourth amendment?
Is "sacredness of the home" as extinct as the dodo?
What is cheating cheaters?
Should local police be permitted to interfere with your game of graft?
Are "Tom and Jerry" good fellows?
Is an oyster cocktail lawful?
Is a "punch" permitted?
Is "sherry cobbler" a shoemaker?
Is "rummy" a good game?
May one sing "Drink to me only with thine eyes"?
Is cotton gin as good as Gordon gin?
Should a prohibition agent whine when a hijacker double crosses him?
Can you buy a nightcap in the 5 and 10?
Is the silver flask a "badge of society"?
How much may one take for "thy stomach's sake"?
Why does money talk in a "speak-easy"?
May one have a "stick" in a golf bag?
How near is "near beer"?

CONCERNING ACTIONS FOR PERSONAL INJURY AGAINST UNITED STATES IN NATIONAL PARKS, ETC.

Mr. DYER. Mr. Speaker, I call up the bill S. 1798, concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States, which I send to the desk.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, within the exterior boundaries of any State, such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State within the exterior boundaries of which it may be.

The SPEAKER pro tempore (Mr. SNELL). The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WRITS OF ERROR

Mr. DYER. Mr. Speaker, I call up the bill S. 1801, in reference to writs of error.

The Clerk read the bill, as follows:

Be it enacted, etc., That the writ of error in cases, civil and criminal, is abolished. All relief which heretofore could be obtained by writ of error shall hereafter be obtainable by appeal.

SEC. 2. That in all cases where an appeal may be taken as of right it shall be taken by serving upon the adverse party or his attorney of record, and by filing in the office of the clerk with whom the order appealed from is entered, a written notice to the effect that the appellant appeals from the judgment or order or from a specified part thereof. No petition of appeal or allowance of an appeal shall be required: *Provided, however,* That the review of judgments of State courts of last resort shall be petitioned for and allowed in the same form as now provided by law for writs of error to such courts.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TIME OF HOLDING COURT IN EL DORADO DIVISION, ARKANSAS

Mr. DYER. Mr. Speaker, I call up the bill H. R. 9142, to amend section 71 of the Judicial Code, as amended, by changing time of holding court at El Dorado and Harrison, Ark.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 71 of the Judicial Code, as amended, be amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern district of Arkansas.

"(b) The western district shall include four divisions, constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; and the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the first Mondays in April and October.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court."

SEC. 2. This act does not repeal or amend the remainder of section 71 of the Judicial Code as it applies to the eastern district of Arkansas.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DYER. Mr. Speaker, the Committee on the Judiciary does not have any further bills to call up.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 9022. An act to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va.

SUBMARINE SALVAGE PROCEDURE OF COMMANDER ELLSBERG

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein recommendations made by Commander Ellsberg relative to the raising of the *S–51*.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by inserting therein recommendations made by Commander Ellsberg relative to the raising of the *S–51*. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, I submit recommendations of Commander Edward Ellsberg, forwarded to the Navy Department by Admiral Plunkett October 5, 1925. These recommendations are the result of Commander Ellsberg's salvage operations. (See Navy Department Technical Bulletin No. 2–27.)

These recommendations have never been made public. No reference has been made to them in the many hearings and reports on both the *S–51* and *S–4*. In fact, I am informed that the Navy Department, when called to produce them soon after the *S–4* catastrophe, said it had no record of them. They probably had been pigeonholed.

Apparently, no action had been taken upon Ellsberg's report and recommendations. Neither Admiral Hughes nor Secretary Wilbur said one word about these Ellsberg recommendations for salvaging the next sunken submarine and the saving of lives of men in the ship, although at Provincetown both were given copies.

These conclusions and suggestions are highly important, and since the Navy Department has failed to publish them, I take the opportunity to do so.

Although Ellsberg's suggestions were disregarded, he, nevertheless, volunteered to reenter the Navy from private life for rescue and salvage work on the *S–4*.

I particularly call attention to his uncanny prophecy in recommendation 21 and his suggestion for avoiding criticism of the Navy. Note that Admiral Plunkett sensed, also, 21's importance:

(First indorsement)

NAVY YARD, NEW YORK, *October 5, 1926.*

From: The commandant.
To: The Chief of the Bureau of Construction and Repair.
Subject: Standard method of salvaging submarines.

1. Particular attention is invited to paragraph 21, especially the last sentence.

2. The recommendations are approved as being in light of our experience and therefore worthy of most serious consideration and, if not adopted, that something equally constructive be adopted in order that paragraph 28 of the recommendations may be at all times ready for service.

C. P. PLUNKETT.

NAVY YARD, NEW YORK

SS162/L11–1(N–1) FWS 9/25

From: The salvage officer, U. S. S. *S–51.*
To: The Chief of the Bureau of Construction and Repair.
Via: The Commandant, Navy Yard, New York, N. Y.
Subject: Standard method of salvaging submarines.

1. Based on personal experience in salvaging the *S–51,* and on consideration of other salvage work on submarines (particularly the *S–5,* which salvage job resulted in failure), it is believed possible to adopt a standard method of salvaging submarines which will be available in all waters in which divers can work and which will produce quick results.

2. For this purpose two things are required—properly designed pontoons and properly fitted submarine boats.

3. As regards the pontoons, the salvage officer has previously set forth the requirements of a proper design (commandant's letter SS162/L11–1(N–1), August 31, 1926) and the Bureau of Construction and Repair has authorized the necessary work on six pontoons. For completing the equipment minor additions must be provided on the submarine themselves.

4. The problem is in two parts—rescue work and salvage work.

5. Any submarine which sinks, whether due to collision or loss of control by the crew, may have part of the crew alive inside for some days as on the *S–5* and the *O–5*. The presence of life in the boat is bound to be accompanied by the presence of some buoyant compartments. In this case, if one end of the boat can be quickly raised, life can be saved; when that is done the salvage problem requires only the lifting of the other end. Here to get a quick lift on one end, it is not necessary to provide so great a lift as when the boat is completely flooded.

6. If the boat is completely flooded, much more buoyancy is required, but as compared to the rescue problem there is less need for haste.

7. Promptly to raise a sunken submarine boat from the open sea (which is the worst case) the use of proper pontoons and properly equipped submarines are necessary. Pontoons offer the best lifting method as the strain on each lifting cable is limited to the pull of half a pontoon; the use of surface vessels or barges with lines to the submarine is dangerous in the sea where the motion of the surface ship will result in overloading certain of the lifting lines as the surface vessel pitches and rolls—this will part the lines one at a time and in succession.

8. Early submarines had lifting eyes at each end, which eyes were eliminated as submarines grew beyond a certain size. It would appear that this point was reached when submarines grew beyond 200 tons dead weight as at this weight, two large cranes could just about lift the boat, and pads and eyes to stand 100 tons lift each would be about the limit that could be provided. Above 200 tons lifting eyes would take too much weight and in addition, two large derricks (the most that could normally work) would be unable to lift the boat.

9. With the use of pontoons as a lifting method, eyes can once more be provided on all submarines without excessive weight per boat or unduly heavy fittings. Considering pontoons of the size used on *S–51*, the maximum load per eye (and per hawse pipe in pontoon) is 40 tons. A steel eye to take this lift safely with the necessary pad for riveting to the shell will weigh about 200 pounds. It can easily be secured to the shell of existing submarines, whether single or double hull, in way of any frame or bulkhead without additional stiffening inside the boat.

10. A series of such eyes should be riveted to the shell at the maximum beam on each side, or slightly above it, spaced about 16 feet between each pair of eyes (the same as the distance between hawse pipes on the pontoons), a pair of steel eyes for each 40 feet of length of boat (the length of a pontoon, 32 feet plus 8 feet for pontoon clearance).

11. The lifting eyes, as provided above, would always be immediately accessible to divers. A submarine on sinking will always lay over on one bilge or the other, giving her a heavy list, but no case is known of a boat being rolled completely on her side when first located. Regardless of the heel, the lifting eyes on both sides would be clear of the bottom, clear of all superstructure obstructions, and ready for use. A couple of rungs should be riveted to the shell in way of each eye to give the diver something to stand on while working.

12. The salvage procedure would be as follows:

(a) The sunken submarine being located, the pontoons are brought to the scene by towing. They can be lightered to near-by sheltered water and there put overboard by a derrick.

(b) A diver goes down and secures a light guide line to the first eye or a rung near it. A length of 2½-inch chain about 40 feet long, with a special shackle to suit the eye and a lanyard about 3 feet above the shackle, is lowered on the guide line to the diver, who secures the lanyard to a rung when the chain reaches him, and the slack chain is then lowered to the bottom, where the chain is no longer affected by the heave of the salvage ship. The diver has only a few links and the shackle to handle in shackling to the eye, and it is possible to so design the eye and the shackle as to make the job practically automatic. (A design to make the shackling wholly automatic is possible, and such a device is used by the Japanese on their salvage ship, but it is believed that automatic functioning is improbable in practice, as the submarine will always have a list, which will make automatic engaging a matter of chance; furthermore, in practical cases there is the heave of the salvage ship which prevents keeping the guide line taut and vertical and further complicates automatic engagement.) With a properly designed rig, however, a diver can quickly engage a chain, and then move on to the next one.

(c) All chains may be secured first, or pontoons may be lowered as each pair of chains are secured.

(d) With a pair of chains in place, the ends of the chains are held up by wire lines to the surface. On these two lines, as guides, a pontoon is lowered by the standard method, as used on the *S–51;* if weather is good, the pontoon is held in its position above the submarine while the divers insert the locking bars through the chains showing above the pontoon hawse pipes. The pontoon is then blown down enough to give it positive buoyancy; the lowering lines to the pontoons and the wire lines to the chains are let go. That pontoon is then in position and all ready for lifting operations.

(e) If the weather is not good enough for divers to work on the suspended pontoon, the pontoon is lowered all the way to the bottom, where the divers put the locking bars in the chains and cast loose all the lines. The pontoon can be easily lifted into position by giving it positive buoyancy in both ends. As each end is independently anchored to the submarine, the pontoon is bound to finish floating horizontally exactly in position; the extreme difficulty in leveling off pontoons on the *S–51* is wholly avoided; on the *S–51*, when one end of a pontoon floated up (they always rose one end first) it dragged the slack chain through from under the boat, and getting a pair of pontoons to float horizontally and both at the same height was troublesome, long drawn out, and to some degree dangerous.

13. With the method above, securing the pontoons is simple and quick; with the pontoons redesigned as recommended, lowering pontoons becomes safe and speedy.

14. Using the old pontoons and chains under the submarine, the *Falcon* was able to lower and secure a pair of pontoons in eight hours. With proper pontoons and the submarine fitted with lifting eyes for chains, this time can be much improved. Given the diving crew that a salvage ship should have aboard at all times, the salvage ship could certainly secure three pairs of pontoons in the first 24 hours after arrival. If life and buoyancy exist in that half of the boat, it can be raised with such an external lift (480 tons).

15. There is wholly eliminated the need for the longest drawn out and most trying diving operation—that of washing tunnels under the imbedded submarine in order to pass cradle chains under her. The danger and difficulty of this operation in deep water can not be overestimated.

16. As a salvage method where life does not exist and the boat is completely flooded (and also probably damaged), lifting with pontoons solely is the quickest and the cheapest method. Sealing up the undamaged part of the boat is dangerous to the divers, slow in execution, and uncertain in result. The work necessary will be far beyond what is reasonably anticipated.

17. The problem with pontoons becomes solely a question of providing the necessary pontoons and enough eyes for attaching them.

18. With any S boat or earlier submarine, a pair of pontoons for each 40 feet of length will provide 160 tons of lift for each 40-foot section, 960 tons for the whole boat, and is adequate for the job. The six pairs of pontoons can be put on in from 2 to 3 days, and the lift made. As practically all our submarines come in this category, complete salvage insurance requires only the fittings on the boats and a few more pontoons.

19. For larger boats, such as the V class, two solutions are possible. Larger pontoons might be built, which also means heavier fittings and more difficulty in handling pontoons; or the 80-ton pontoons could be secured four abreast in certain portions of the length, still using a separate pair of eyes for each pontoon. The eyes for the inboard pontoons could be attached closer to the fore and aft center line. In this case the outboard pontoon should be secured first and left on the bottom while the inboard pontoon was being lowered, secured, and made buoyant enough to float. After that the outboard pontoon should be floated up. The chains to both pontoons would take something of an angle, but it would come within working limits. This method has the advantage of using the same size pontoons for all boats.

20. It is strongly recommended that all submarine boats in commission be fitted immediately with lifting eyes and that a complete set of pontoons (12 80-ton pontoons) sufficient to lift any S class or earlier boat be assembled at an Atlantic port and at a Pacific port.

21. The exact date of sinking of the next submarine can not, of course, be foretold, but, based on past performances, it can be expected within the next three years. It is desirable that when it occurs there be available such means for quick salvage that no possible criticism can be made of the Navy on the ground of unpreparedness.

22. While this report deals with material only, the problems of a properly trained salvage ship and a sufficient number of trained deep-sea divers must not be forgotten.

23. Aside from the straight salvage problem with pontoons, certain changes in the internal fittings of submarines are necessary for the greater safety of the crew, in case of an accident, and for the easier salvage of the ship if in any individual case it is found necessary to seal up an undamaged compartment.

24. The most important requirement along this line is to fit all hatches and ventilation valves with such locking gear (accessible to a diver) as will make these hatches and valves capable of tightness against an internal excess pressure of at least 30 pounds. The locking gear must not give way at pressures up to the test pressure of the boat, but moderate leakage at excess pressures greater than 30 pounds will not be dangerous while the boat is rising. The locking gear on the *S–51* valves and hatches was so weak that bad leakage started at an excess internal pressure of only 2 to 4 pounds, causing extreme difficulty in sealing up.

25. All hatches and all doors should be of such size that a diver can pass through without endangering his life. Conditions in this respect were bad on the *S–51*. It is noted that on the *V–1* and the *V–2*, conditions are even worse as regards access through hatches and interior doors, and the salvage work on these V boats, if divers must work inside, will be hazardous in the extreme.

26. While the crew of the *S–4* had a brief interval in which they succeeded in closing some valves in the engineroom, they were unable to close and dog any of the swinging doors. It is believed that if these doors had been of the long-arm type, all doors in the undamaged part of the ship would have been closed and perhaps half of the crew saved, as the stern would have remained buoyant and the men therein could have lived for some time, certainly long enough for a stern lift with proper equipment.

27. Submarine boats are now of sufficient size and subdivision to warrant the installation of a long-arm door system, in new boats at any rate.

28. In conclusion, it is urged that the necessary steps be taken to provide and keep in readiness the material and the divers who are required for deep-sea salvage work; that all existing submarines be fitted with lifting eyes; and that in future submarine designs the features mentioned above as essential for safety and salvage be incorporated in the design.

EDWARD ELLSBERG.

HON. WILLIAM T. COSGRAVE—RECESS

Mr. TILSON. Mr. Speaker, I wish to announce to the House that we are honored to-day by having in the Capitol the Hon. William T. Cosgrave, President of the Executive Council of the Irish Free State. We hope to have him come on the floor and meet the Members of the House. In order that this may be done, I ask unanimous consent that the House stand in recess, subject to the call of the Chair.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that for the reason stated the House shall stand in recess, subject to the call of the Chair. Is there objection?

There was no objection.

The SPEAKER pro tempore. The House stands recessed, subject to the call of the Chair.

Thereupon (at 2 o'clock and 50 minutes p. m.) the House stood in recess.

DURING THE RECESS

At 3 o'clock p. m. the Speaker returned to the rostrum.

The SPEAKER. The Chair requests the gentleman from Connecticut [Mr. TILSON], the gentleman from Illinois [Mr. MADDEN], the gentleman from Pennsylvania [Mr. PORTER,] the gentleman from Tennessee [Mr. GARRETT], the gentleman from Texas [Mr. GARNER], and the gentleman from Maryland [Mr. LINTHICUM] to act as a committee to escort into the House Chamber the President of the Executive Council of the Irish Free State.

At 3 o'clock and 4 minutes p. m., preceded by the Sergeant at Arms and Doorkeeper of the House, Hon. William T. Cosgrave, President of the Executive Council of the Irish Free State, was escorted into the House Chamber by the committee appointed for that purpose, and was presented to the Speaker by Mr. TILSON.

The SPEAKER. Gentlewomen and gentlemen, it is my pleasure and distinguished honor to present to you America's right welcome guest, the President of the Executive Council of the Irish Free State. [Applause.] The President will be delighted to meet all the Members of the House.

Mr. Cosgrave then took a position in front of the Speaker's rostrum, and the Members of the House were individually presented to him by Mr. TILSON.

At 3 o'clock and 20 minutes p. m., Mr. Cosgrave and his escort retired, amid the applause of the Members of the House.

AFTER THE RECESS

The recess having expired, the House was called to order by the Speaker.

The SPEAKER. The Chair lays before the House the following communication, which the Clerk will read.

The Clerk read as follows:

Mr. Speaker, as the first head of an independent Irish Government to visit the United States of America, it is my great privilege to convey to the people of America, through their elected Representatives, a message of gratitude and good will from the people of Ireland. Benjamin Franklin, in 1771, told the Irish people, through the members of the Parliament of the Kingdom of Ireland, that America's weight would be thrown into their scale in order that Irish and American liberty might be achieved. His promise has been nobly fulfilled. American ideas of liberty and democracy have permeated the minds of men everywhere. Tyrannies and alien governments have disappeared under their influence. Ireland's freedom has been obtained not merely by American advocacy of noble principles, but by the intense, devoted, and constant support of the American people for the application of these principles to the Irish nation.

I come to thank the American people for the part they have played in the achievement of our liberty and I bear to them through their elected representatives a message of good will and brotherly affection from the Irish people. May God make this great Nation prosper and may He watch over and perpetuate the bonds of blood and friendship which unite our two peoples.

WILLIAM T. COSGRAVE.

JANUARY 25, 1928.

[Applause.]

LEAVE OF ABSENCE

Mr. STEGALL, by unanimous consent (at the request of Mr. ALMON), was granted indefinite leave of absence, on account of the serious illness of his son.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 23 minutes p. m.) the House adjourned until to-morrow, Thursday, January 26, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 26, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

District of Columbia appropriation bill.

Agriculture Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

A meeting to hear a delegation from the State of Ohio discuss prospective legislation to help with the eradication of the corn borer.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m)

A meeting to discuss the naval building program.

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 383, 358, 5518, 7343, and 8832). To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON THE DISTRICT OF COLUMBIA, SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions (H. R. 7951).

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To authorize the creation of organized rural communities to demonstrate methods of reclamation and benefits of planned rural development (H. R. 8221).

COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE NO. 1

(10 a. m.)

To amend the first paragraph of section 24 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary" (H. R. 6679).

Conferring on the United States district courts jurisdiction to hear and determine the issues between operators of sailing vessels and the United States Government in all cases wherein loss or damages are claimed as a proximate result of the promulgation, adoption, or enforcement of certain orders by the United States Shipping Board (H. R. 7372).

To punish the unlawful transmission in interstate commerce or through the mails of gambling machines and fraudulent devices (H. R. 387).

COMMITTEE ON FLOOD CONTROL

(10 a. m., 2 p. m., and 8 p. m.—caucus room)

A meeting to discuss proposals to control the flood waters of the Mississippi River.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

320. A letter from the President of the Chesapeake & Potomac Telephone Co., transmitting annual report of the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1927; to the Committee on the District of Columbia.

321. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1929, for the water boundary, United States and Mexico, amounting to $65,000 (H. Doc. 149); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 359. A bill authorizing the presentation of the iron gates in West Executive Avenue between the grounds of the State,

War, and Navy Building and the White House to the Ohio State Archeological and Historical Society for the memorial gateways into the Spiegel Grove State Park; with amendment (Rept. No. 388). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGLAS of Arizona: Committee on the Public Lands. H. R. 5783. A bill to grant extensions of time of oil and gas permits; with amendment (Rept. No. 389). Referred to the Committee of the Whole House on the state of the Union.

Mr. CURRY: Committee on the Territories. H. R. 8284. A bill to authorize the payment of amounts appropriated by the Legislature of Alaska on account of additional duties imposed upon Territorial officers; without amendment (Rept. No. 390). Referred to the House Calendar.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 5569. A bill relative to the dam across the Kansas (Kaw) River at Lawrence, in Douglas County, Kans.; with amendment (Rept. No. 391). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 5727. A bill granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.; with amendment (Rept. No. 392). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 7199. A bill granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River; with amendment (Rept. No. 393). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 7371. A bill granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Heyburn, Idaho; with amendment (Rept. No. 394). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 7375. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.; with amendment (Rept. No. 395). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 7902. A bill granting the consent of Congress to the State highway department of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.; with amendment (Rept. No. 396). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 7909. A bill to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota; with amendment (Rept. No. 397). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 7914. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry on Huntsville-Lacey Springs road between Madison and Morgan Counties, Ala.; with amendment (Rept. No. 398). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 7915. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.; with amendment (Rept. No. 399). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 7925. A bill authorizing the maintenance of a bridge over the Monongahela River between the borough of Glassport and the city of Clairton, in the State of Pennsylvania; with amendment (Rept. No. 400). Referred to the House Calendar.

Mr. BECK of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 7948. A bill to extend the times for commencing and completing the construction of a bridge across the Delaware River; with amendment (Rept. No. 401). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8530. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Cedar Bluff in Cherokee County, Ala.; with amendment (Rept. No. 402). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8531. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.; with amendment (Rept. No. 403). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8740. A bill granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet in Cook County, State of Illinois; with amendment (Rept. No. 404). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 8743. A bill extending the time for the construction of the bridge across the Mississippi River in Ramsey and Hennepin Counties, Minn., by the Chicago, Milwaukee & St. Paul Railway; with amendment (Rept. No. 405). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8818. A bill granting the consent of Congress to the Louisiana Highway Commission, its successors, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Moncla, La.; with amendment (Rept. No. 406). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8896. A bill granting the consent of Congress to the State of Alabama to construct, maintain, and operate a bridge across the Conecuh River; with amendment (Rept. No. 407). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8899. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River at or near Epes, Ala.; with amendment (Rept. No. 408). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 8900. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.; with amendment (Rept. No. 409). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 5818. A bill granting the consent of Congress to J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.; with amendment (Rept. No. 410). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 8837. A bill granting the consent of Congress to the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River; with amendment (Rept. No. 411). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 8726. A bill granting the consent of Congress to Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River; with amendment (Rept. No. 412). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 449. A bill granting the consent of Congress to the Louisiana Highway Commission, its successors and assigns, to construct, maintain, and operate a bridge across the Atchafalaya River; with amendment (Rept. No. 413). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 5501. A bill granting the consent of Congress to the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 414). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 472. A bill granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 415). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 437. A bill granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 416). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 66. A bill granting the consent of Congress to

B. L. Hendrix, G. C. Trammel, and C. S. Miller, their successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 417). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 121. A bill granting the consent of Congress to the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 418). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 5502. A bill granting the consent of Congress to the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 419). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 5679. A bill granting the consent of Congress to the Iowa-Nebraska Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 420). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 5721. A bill granting the consent of Congress to E. M. Elliott & Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 421). Referred to the House Calendar.

Mr. ROBINSON of Iowa: Committee on Interstate and Foreign Commerce. H. R. 5803. A bill granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing; with amendment (Rept. No. 422). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 6073. A bill granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.; with amendment (Rept. No. 423). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 6476. A bill granting the consent of Congress to Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at Wabasha, Minn.; with amendment (Rept. No. 424). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 6487. A bill granting the consent of Congress to the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at Baton Rouge, La.; with amendment (Rept. No. 425). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 6639. A bill granting the consent of Congress to The Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 426). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 6973. A bill granting the consent of Congress to E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill; with amendment (Rept. No. 427). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7032. A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River; with amendment (Rept. No. 428). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7033. A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River; with amendment (Rept. No. 429). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7034. A bill granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River; with amendment (Rept. No. 430). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7035. A bill granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River; with amendment (Rept. No. 431). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7036. A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River; with amendment (Rept. No. 432). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7183. A bill granting the consent of Congress to C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 433). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 7184. A bill granting the consent of Congress to J. L. Rowan, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 434). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 7916. A bill granting the consent of Congress to the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River; with amendment (Rept. No. 435). Referred to the House Calendar.

Mr. DENISON: Committee on Intersate and Foreign Commerce. H. R. 7921. A bill granting the consent of Congress to A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River; with amendment (Rept. No. 436). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 8106. A bill granting the consent of Congress to F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 437). Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 8107. A bill granting the consent of Congress to Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 438). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 8227. A bill granting the consent of Congress to the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River from Bainbridge Street, in the city of Sunbury, Pa.; with amendment (Rept. No. 439). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 8741. A bill granting the consent of Congress to the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.; with amendment (Rept. No. 440). Referred to the House Calendar.

Mr. McSWAIN: Committee on Military Affairs. H. R. 238. A bill to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army; without amendment (Rept. No. 441). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 7013. A bill authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillow cases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928; with amendment (Rept. No. 442). Referred to the House Calendar.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 8309. A bill to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department, approved February 24, 1923; without amendment (Rept. No. 443). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOUSTON of Hawaii: Committee on the Public Lands. H. R. 332. A bill validating homestead entry of Englehard Sperstad for certain public land in Alaska; without amendment

(Rept. No. 385). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. H. R. 924. A bill for the relief of Joe D. Donisi; with amendment (Rept. No. 386). Referred to the Committee of the Whole House.

Mr. COLTON: Committee on the Public Lands. S. 1856. An act for the relief of the Gunnison-Mayfield Land & Grazing Co.; without amendment (Rept. No. 387). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM: Committee on Military Affairs. H. J. Res. 118. A joint resolution authorizing the Secretary of War to award a duplicate congressional medal of honor for the widow of Lieut. Col. William J. Sperry; without amendment (Rept. No. 444). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. S. 1795. An act for the relief of Fannie M. Hollingsworth; without amendment (Rept. No. 445). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 2174. A bill for the relief of Edward Gibbs; without amendment (Rept. No. 446). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9807) granting an increase of pension to Rebecca Ellen Fowler, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WELLER: A bill (H. R. 10019) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 10020) to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. MORROW: A bill (H. R. 10021) providing for the establishment of an agricultural experiment station in the shallow-water area in Lea County, N. Mex., for the purpose of conducting experimental and demonstration work with crops, horticultural and garden products grown through irrigation by means of pumping; to the Committee on Agriculture.

By Mr. COLE of Iowa: A bill (H. R. 10022) to provide for the regulation of the use of certain sugars; to the Committee on Agriculture.

By Mr. CONNERY: A bill (H. R. 10023) to amend an act entitled "An act to provide revenue, to regulate commerce in foreign countries, and to encourage the industries in the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. HOUSTON of Hawaii: A bill (H. R. 10024) to authorize the Secretary of the Treasury to relocate and erect a quarantine landing at Honolulu, Territory of Hawaii; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY: A bill (H. R. 10025) to extend the time for completing the construction of a bridge across the Monongahela River at or near McKeesport, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Illinois: A bill (H. R. 10026) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Savanna, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. RAGON: A bill (H. R. 10027) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States; to the Committee on World War Veterans' Legislation.

By Mr. MORIN: A bill (H. R. 10028) to safeguard national defense; to authorize, in aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms, and for other purposes; to the Committee on Military Affairs.

By Mr. LEA: Joint resolution (H. J. Res. 181) proposing an amendment to the Constitution of the United States providing for election of President and Vice President; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. WATSON: Joint resolution (H. J. Res. 182) authorizing and requesting the Postmaster General to design and issue a special postage stamp in honor of the one hundred and fiftieth anniversary of the encampment of Washington's Army at Valley Forge, Pa.; to the Committee on the Post Office and Post Roads.

By Mr. BURTON: Joint resolution (H. J. Res. 183) to prohibit the exportation of arms, munitions, or implements of war to belligerent nations; to the Committee on Foreign Affairs.

By Mr. SINCLAIR: Resolution (H. Res. 102) authorizing the Committee on Ways and Means to frame a bill looking to a proper revision of the tariff schedules in the interests of agriculture and industry; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. WYANT: Memorial of the Legislature of the State of South Carolina, urging Congress to enact legislation for the retirement of disabled emergency Army officers; to the Committee on Military Affairs.

By Mr. PARK: Memorial of the Legislature of the State of South Carolina urging Congress to enact legislation for the retirement of disabled emergency Army officers; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 10029) granting an increase of pension to Catharine Groff; to the Committee on Invalid Pensions.

By Mr. BERGER: A bill (H. R. 10030) for the relief of Leo Muller; to the Committee on Claims.

By Mr. BLACK of New York: A bill (H. R. 10031) for the relief of Martin-Walsh (Inc.); to the Committee on Ways and Means.

By Mr. BLACK of Texas: A bill (H. R. 10032) granting a pension to Joseph D. Oliphant; to the Committee on Pensions.

By Mr. BOHN: A bill (H. R. 10033) granting a pension to Ross C. Ramsay; to the Committee on Invalid Pensions.

By Mr. BOYLAN: A bill (H. R. 10034) for the relief of Capt. Alexander C. Doyle; to the Committee on Military Affairs.

By Mr. CHINDBLOM: A bill (H. R. 10035) granting an increase of pension to Fanny F. Bryant; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 10036) to correct the military record of William Stright; to the Committee on Military Affairs.

Also, a bill (H. R. 10037) granting a pension to Martha J. Salida; to the Committee on Invalid Pensions.

By Mr. COLTON: A bill (H. R. 10038) for the relief of Wilford W. Caldwell; to the Committee on the Public Lands.

By Mr. CONNERY: A bill (H. R. 10039) granting a pension to Louisa M. Sutherland; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 10040) granting an increase of pension to Harriet R. Yule; to the Committee on Invalid Pensions.

By Mr. ENGLAND: A bill (H. R. 10041) granting a pension to Alice B. Cook; to the Committee on Invalid Pensions.

By Mr. EVANS of Montana: A bill (H. R. 10042) to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont., and for other purposes; to the Committee on Indian Affairs.

By Mr. GARBER: A bill (H. R. 10043) granting an increase of pension to Melissa J. Sprague; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 10044) granting a pension to Phoebe H. Snow; to the Committee on Pensions.

Also, a bill (H. R. 10045) for the relief of Robert S. Ament; to the Committee on Claims.

By Mr. JOHNSON of Illinois: A bill (H. R. 10046) granting an increase of pension to Lovicy A. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10047) granting an increase of pension to Dorothy Ott; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 10048) granting a pension to Mary Murray; to the Committee on Pensions.

Also, a bill (H. R. 10049) granting a pension to Henry D. Pfeil; to the Committee on Pensions.

By Mr. LAMPERT: A bill (H. R. 10050) granting an increase of pension to Oscar G. Rottman; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 10051) granting an increase of pension to Burnham Gibson; to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 10052) granting an increase of pension to Jessie Sparrow; to the Committee on Pensions.

By Mr. McKEOWN: A bill (H. R. 10053) granting a pension to Mary E. Price; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 10054) granting an increase of pension to Rachel Jane Oyster; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 10055) granting an increase of pension to Mary E. Guliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10056) granting an increase of pension to Sarah F. Vibbert; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 10057) providing for the examination and survey of Nolin River, in Kentucky; to the Committee on Rivers and Harbors.

By Mr. NELSON of Missouri: A bill (H. R. 10058) granting a pension to Mary E. Streit; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10059) granting a pension to George C. Barnes; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 10060) granting an increase of pension to Nancy Collett; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10061) granting an increase of pension to Isabelle Reno; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10062) granting an increase of pension to Caroline Wilbarger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10063) granting an increase of pension to Susan Wilson McCracken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10064) granting an increase of pension to Elizabeth W. Harris; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 10065) granting a pension to Jessie Baker Pearson; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 10066) granting an increase of pension to Esther M. Huffman; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 10067) for the relief of Marion Banta; to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10068) granting an increase of pension to Mary A. Dial; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2480. By Mr. BLACK of Texas: Petition of certain citizens of Jefferson, Avinger, Mount Pleasant, Naples, and Marietta, Tex.; against House bill 78; to the Committee on the District of Columbia.

2481. By Mr. BOHN: Petition opposing House bill 78, by citizens of Onaway, Mich.; to the Committee on the District of Columbia.

2482. By Mr. CARTER: Petition of William F. Scannell Chapter, No. 6, Disabled American Veterans, of Liberty, N. Y., urging that legislation pertaining to the disabled veterans of the World War be acted upon promptly; to the Committee on World War Veterans' Legislation.

2483. By Mr. CHALMERS: Telegram opposing the passage of the recommended 5 and 20 year naval building program; to the Committee on Naval Affairs.

2484. By Mr. COCHRAN of Pennsylvania: Petition signed by 61 residents of Warren, Pa., protesting against the passage of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2485. Also, petition by residents of Tidioute, Pa., favoring the passage of legislation for the further relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

2486. Also, petition by numerous residents of Venango County, Pa., favoring the passage of legislation for the further relief of Civil War veterans and widows; to the Committee on Invalid Pensions.

2487. Also, petition signed by 21 residents of Warren, Pa., protesting against the passage of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2488. By Mr. CRAIL: Petition of Two-Thirty-Three Club, of Los Angeles, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2489. Also, petition of W. P. Powers and Alex Mitchell, of Los Angeles County, Calif., for the relief of the disabled emergency Army officers of the World War, known as the Tyson-Fitzgerald bill; to the Committee on World War Veterans' Legislation.

2490. Also, petition of Federation of State Societies, indorsing the Boulder Canyon Dam project and the all-American canal; to the Committee on Irrigation and Reclamation.

2491. Also, petition of San Rafeal Hills Chapter, Daughters of the American Revolution, indorsing Joint Resolution 11; to the Committee on the Judiciary.

2492. Also, petition of approximately 150 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2493. By Mr. CROWTHER: Petition of residents of Schenectady, N. Y., against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2494. By Mr. CURRY: Petitions of citizens of third California district against House bill 78; to the Committee on the District of Columbia.

2495. By Mr. DALLINGER: Petitions of certain Massachusetts citizens, opposing the passage of House bill 78, or any bill enforcing the observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2496. Also, petitions of certain citizens of Massachusetts, favoring the enactment of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2497. By Mr. DAVENPORT: Petition of Mrs. Pearl Davis and other citizens of Herkimer County, protesting against House bill 78; to the Committee on the District of Columbia.

2498. By Mr. DOWELL: Petition of residents of Madison County, Iowa, opposing House bill 78; to the Committee on the District of Columbia.

2499. By Mr. EVANS of Montana: Petition of W. W. Palmer and other residents of Bozeman, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2500. Also, resolution of the American Institute of Mining and Metallurgical Engineers, for larger appropriations for Bureau of Mines and Geological Survey; to the Committee on Mines and Mining.

2501. By Mr. GALLIVAN: Petition of Dorchester Post, No. 498, Veterans of Foreign Wars, Frank M. Macomber, commander elect, 1084 Dorchester Avenue, Dorchester, Mass., urging the development of the Navy of the United States so that it shall be second to none; to the Committee on Naval Affairs.

2502. By Mr. HOOPER: Petition of R. U. Garrett and 131 other residents of Calhoun County, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

2503. By Mr. GOODWIN: Petition of Bert V. Kile and 17 other residents of Bruno, Minn., in opposition to the provisions of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2504. Also, petition of Alfred W. Bloomgren and 34 other residents of Sturgeon Lake, Minn., in opposition to House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2505. Also, petition of G. H. Blodgett and 107 other residents of Waverly, Buffalo, Montrose, and Howard Lake, Minn., in opposition to the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2506. Also, petition of Bina Mattson and 78 other residents of Grandy, Stanchfield, and Cambridge, Minn., protesting against the enactment into law of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2507. Also, petition of W. G. Micheal and 57 other residents of Montrose and Waverly, Minn., voicing their protest against Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2508. Also, petition by Rosa E. Wysner and 44 other residents of Minneapolis, Minn., in opposition to House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2509. Also, petition of Mrs. S. W. Westerlund and 12 other residents of Braham, Minn., in opposition to House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2510. Also, petition of J. O. Bridgeman and 11 other residents of Minneapolis, Minn., in opposition to House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2511. By Mr. HOOPER: Petition of Mrs. Sarah Julia Leffingwell and 42 other residents of Albion, Mich., protesting against the enactment of compulsory Sunday observance legis-

lation for the District of Columbia; to the Committee on the District of Columbia.

2512. By Mr. HUDDLESTON: Petition of G. Rotholz, Eli Shortridge, and numerous other citizens of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

2513. Also, petition of M. A. Hines, G. Brittain, and numerous other residents of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

2514. By Mr. HICKEY: Petition of Daniel Kershner and other citizens of Marshall County, Ind., urging the early passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2515. By Mr. KVALE: Petition of the Rev. P. J. O'Connor, Renville, Minn., for the beekeepers of Renville County, protesting against enactment into law of the corn-sugar bill; to the Committee on Interstate and Foreign Commerce.

2516. By Mr. LEA: Petitions of 110 residents of Humboldt County, Calif., favoring immediate passage of legislation for relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2517. By Mr. McREYNOLDS: Petitions from the citizens of Chattanooga and Hamilton County, Tenn., protesting against the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2518. By Mr. MORIN: Petition of Local Union, No. 95, of the International Union of Steam and Operating Engineers of Pittsburgh, Pa., urging the passage of the Dale-Lehlbach bill, so as to permit optional retirement after 30 years' service with an annuity of $1,200 per year; to the Committee on the Civil Service.

2519. By Mr. O'CONNELL: Petition of the Los Angeles Chamber of Commerce, favoring legislation with reference to the Boulder Canyon development; to the Committee on Irrigation and Reclamation.

2520. By Mr. PARKS: Petition of officers of the Arkansas Real Estate Association, of Little Rock, Ark., indorsing to create the Ouachita National Park, in Polk and Montgomery Counties, in the State of Arkansas; to the Committee on the Public Lands.

2521. Also, petition of Arkansas State Federation of Labor, El Dorado, Ark., urging Federal control of floods; to the Committee on Flood Control.

2522. By Mr. PRALL: Petition received from A. J. Addicks, Eltingville, Staten Island, N. Y., protesting against the compulsory Sunday observance law; to the Committee on the District of Columbia.

2523. By Mr. SANDERS of New York: Petition of 12 citizens of Genesee, Orleans, and Monroe Counties, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2524. By Mr. SELVIG: Petition of Mr. B. A. Hanson and 52 adult residents of Greenbush, Minn., and vicinity, protesting against the passage of House bill 78, or any other bills providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2525. Also, petition of Mr. C. R. Wilson and 53 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2526. Also, petition of Mrs. E. L. McCrillis and 13 residents of Barnesville, Minn., and vicinity, protesting against the passage of House bill 78, or of any other bills providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2527. Also, petition of Mr. John P. Asp and 43 adult residents of eastern Pennington County, Minn., protesting against the passage of House bill 78, or of any other bills providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2528. Also, petition of Mr. Roy Briggs and 40 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or of any other national religious legislation; to the Committee on the District of Columbia.

2529. Also, petition of Mr. Aaron E. Pierson and 13 other residents of Gatzke, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2530. Also, petition of Mr. Olof Lindemoen and 20 adult residents of Gatzke, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2531. Also, petition of Mr. W. W. Prichard, jr., and 229 other residents of Thief River Falls, Minn., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2532. Also, petition of Rev. Jacob Skadsheim and 27 residents of Becker County, Minn., protesting against the passage of House bill 78, or of any other bills providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2533. Also, petition of Emma Johnson and 28 residents of Roseau County, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2534. Also, petition of Mr. A. J. Sherman and 30 residents of Detroit Lakes, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2535. Also, petition of Mr. Leon Anderson and 43 residents of Detroit Lakes, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2536. Also, petition of Mr. Elling Williamson and 69 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2537. Also, petition of Mr. W. H. Johnson and 70 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2538. Also, petition of Mr. H. A. Hall and 50 adult residents of Middle River, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2539. Also, petition of Henry Denboer and four adult citizens of Detroit Lakes, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2540. Also, petition of John S. Lovold, of Detroit Lakes, Minn., and 19 other adult citizens, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2541. Also, petition of L. Helms and 26 adult citizens of Detroit Lakes, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2542. Also, petition of George S. Heiberg and 45 adult citizens of Pelican Rapids, Minn., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2543. Also, petition of George Carlson and 30 adult residents of Karlstad, Minn., protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2544. Also, petition of George Peter Larson and 54 adult residents of Warroad, Minn., and vicinity, protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2545. Also, petition of Herman Dale and 17 other residents of Lockhart, Minn., protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2546. Also, petition of Mrs. Ida Budd and 54 adult residents of Roseau County, Minn., protesting against the passage of House bill 78, or of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

2547. Also, petition of E. G. Westdin and 40 adult residents of Gatzke, Minn., protesting against the passage of House bill 78, or of any other national religious legislation; to the Committee on the District of Columbia.

2548. By Mr. SINCLAIR: Petition of 66 residents of Palermo, N. Dak., and vicinity, protesting against the national-origins provision as a basis for immigration and urging that the 1890 census continue to be used for this purpose; to the Committee on Immigration and Naturalization.

2549. Also, petition of 35 residents of Selfridge, N. Dak., urging increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2550. Also, petition of the Indians of Sioux County, N. Dak., against legislation to authorize the expenditure of funds for the relief and care of North Dakota Indians by State rather than by national agencies; to the Committee on Indian Affairs.

2551. By Mr. STEELE: Petition of 91 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation for compulsory Sunday observance, more especially the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

2552. By Mr. WARE: Petition of citizens of Bellevue and Dayton, Campbell County, Ky., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

2553. By Mr. WYANT: Resolution of Branch 1139, National Association of Letter Carriers, favoring the passage of House bill 25 and Senate bill 1727; to the Committee on the Civil Service.

2554. Also, resolution of Rad Dobromil Cis. 108, C. S. P. S., Mount Pleasant, Pa., against all bills requiring the annual registration of all aliens in this country, with deportation as penalty for noncompliance; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, *January 26, 1928*

(Legislative day of Wednesday, January 25, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McLean	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Fletcher	McNary	Smith
Bingham	Frazier	Mayfield	Smoot
Black	George	Metcalf	Steck
Blaine	Glass	Moses	Steiwer
Blease	Gould	Neely	Stephens
Borah	Greene	Norbeck	Swanson
Bratton	Hale	Norris	Thomas
Brookhart	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Bruce	Hawes	Overman	Tyson
Capper	Hayden	Phipps	Wagner
Caraway	Heflin	Pine	Walsh, Mass.
Copeland	Howell	Ransdell	Walsh, Mont.
Couzens	Johnson	Reed, Mo.	Warren
Curtis	Jones	Reed, Pa.	Waterman
Cutting	Kendrick	Robinson, Ind.	Watson
Dale	Keyes	Sackett	Wheeler
Deneen	King	Schall	Willis
Dill	La Follette	Sheppard	
Edge	McKellar	Shipstead	

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills:

S. 1798. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; and

S. 1801. An act in reference to writs of error.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 5623. An act to amend the Judicial Code by adding a new section, to be No. 274D;

H. R. 7224. An act to extend the time for the refunding of certain legacy taxes erroneously collected;

H. R. 9024. An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation;

H. R. 9142. An act to amend section 71 of the Judicial Code, as amended, by changing time of holding court at El Dorado and Harrison, Ark.;

H. R. 9785. An act to amend section 1025 of the Revised Statutes of the United States; and

H. J. Res. 59. Joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906.

DEATH OF ADMIRAL VICTOR BLUE

Mr. SMITH. Mr. President, a few days ago Admiral Victor Blue, one of the most gallant officers of our country, died. He was born in North Carolina, but when he was 3 years of age his parents moved to Marion, S. C. The history of his public career has been one of honor and credit to our State, and nothing that I could say would be more appropriate than an editorial which appeared in the State, a newspaper published in Columbia, S. C. I ask that the editorial may be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Columbia (S. C.) State, January 24, 1928]

VICTOR BLUE, KNIGHT OF THE SEAS

Never a more gallant fighter ever rode into battle or drove his craft into the midst of sea fray, or bared his breast to terrors that fly by night or beset the jungle paths of life than Victor Blue. He faced, in his career of battle and daring, every shape of terror and of death. And he faced all as if it were but part of the morning pageantry or deepening twilights. He was entirely unafraid.

It was not that he was brave, merely. Most soldiers are brave—merely. That is a portion of their day's work, a routine of duty. Victor Blue drew in such daring and gallantry as lightly as his breath. He did not seem to be aware, the spirit in his breast did not flame, until he was called upon by instinct or exigency or the cry of need and suffering to pass beyond these bounds of military courage, and be the knight errant, the champion of a lost cause or one in frightful jeopardy.

When Nelson signaled for his brave seamen to advance at Trafalgar he threw to the breeze the famous call: "England expects every man to do his duty." And that was not necessary, beyond the mere routine of sounding the trumpet flare for the onset. We wisely and highly reward heroes for doing deeds that are outside of and beyond the line of course and duty.

It was always in this region of daring that Victor Blue lived and fought. It is certain that it was in this region of rare heroism and fortitude and calm that Victor Blue died. We don't think of him as captain, commander, admiral, but as Victor Blue, fighter.

All that his spirit needed was to know or to feel "the power of the night, the press of the storm, the post of the foe." And there fell before his advancing soul all barriers of alarm and frustration. He seemed to feel or to be saying softly to himself, "I was ever a fighter, so one fight more—the best and the last."

When the American fleet, moving in one of its missions without stain and for the redemption of a stricken people, arrived before Santiago de Cuba it was not known definitely whether or not the brave Admiral Cervera was inside the well-sheltered harbor with his small but powerfully equipped and swift squadron. If he lay there, his thunders leashed, we could securely disembark the land forces that were to march on Santiago and break the backbone of the Spanish occupation. If he and his little fleet were still outside, and free to strike, it would be unsafe to act until the Caribbean could be cleared of the terrible swift cruisers. It was therefore essential to know.

Victor Blue volunteered to get this essential fact. He had himself put ashore in the darkness of night and the jungle. He then squirmed his way through the jungles, in and out of the enemy's lines, fetching a compass about the city our guns covered, spied Cervera's fleet at anchor in the quiet bay, and brought to the waiting admirals and generals the tidings upon which depended the final victory by sea and land, the prompt liberation of Cuba. It was a brilliant, as well as a desperately courageous act.

But it was typical of Victor Blue, merely one of a many such brilliants. His own country, slow to recognize and still slower to reward great merit—it withheld its recognition of the brave captain that carried "the message to Garcia" for twenty-odd years—a generation of heroes could have passed into the silent land, and the nations of gallant men throughout the earth hastened to shower decorations and honors upon Victor Blue. For gallantry beyond the line of and limit of duty wherever duty summoned him, in Asiatic waters, and amid the mines and volcanoes of the North Sea, "for extraordinary heroism" * * * "for exceptionally meritorious service."

It is said that only the inspiriting sea as the fierce South has the power to confer this rare and extravagant sort of heroism. Very likely it is the old spirit of the vikings and the sea conquerors whom the Roman poet declared must have had their hearts bound in triple brass.

How we may honor fitly such a heart of vibrant steel and burning gold! It is impossible. We are dumb in its presence, even in the presence of its death.

It is pleasing to feel that Victor Blue, after the fitful fever of his restless spirit fell so swiftly and contentedly upon sleep. Like the splendid soul that Browning burns his incense before in "Prospice," Victor Blue would have hated "that death bandaged his eyes, and forebode and bade him creep past."

> No! Let me taste the whole of it, fare like my peers,
> The heroes of old,
> Bear the brunt, in a minute pay glad life's arrears.

Victor Blue died as he lived and fought, with a courage equal to meet every thrust of fate, to confront every terror that rides the winds of death—superior to and lord of the inexorable hour.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the American Negro Protective Association, at Chicago, Ill., favoring the appointment by the Governor of Illinois

of James G. Cotter, now assistant United States attorney, northern district of Illinois, as Senator from the State of Illinois to fill the unexpired term of Frank L. Smith, which were ordered to lie on the table.

Mr. HARRISON presented a concurrent resolution adopted by the Legislature of the State of Mississippi, favoring the Federal Government taking over and assuming, at the earliest practicable moment, the function of flood control on the Mississippi River as a matter of entire and exclusive Federal action, which was referred to the Committee on Commerce.

(See concurrent resolution printed in full when presented January 24, 1928, by Mr. STEPHENS, page 1919 of RECORD.)

Mr. FESS presented a petition of sundry citizens of Cleveland, Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. SHORTRIDGE presented petitions numerously signed by sundry citizens of Inglewood, Long Beach, Monterey, Pomona, and Sawtelle, all in the State of California, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented a resolution adopted by the common council of the city of Yonkers, N. Y., favoring the passage of the so-called O'Connell bill (H. R. 6506) to reduce night work in post offices, which was referred to the Committee on Post Offices and Post Roads.

Mr. CAPPER presented a resolution adopted by the Mission Church of Cleburne, Kans., protesting against the quota provision of the existing immigration law and also against the passage of legislation decreasing the immigration quotas of Sweden, Denmark, France, Germany, Norway, and Switzerland, which was referred to the Committee on Immigration.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHORTRIDGE:

A bill (S. 2844) granting a pension to Georgia C. Krebbs; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 2845) granting a pension to Nellie A. Worden; to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 2846) for the relief of Susan T. Smoke; to the Committee on Claims.

By Mr. WILLIS:

A bill (S. 2847) granting an increase of pension to Margaret Kerns (with accompanying papers); and

A bill (S. 2848) granting a pension to Jane Barry (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 2849) for the relief of the Macon, Dublin & Savannah Railroad Co.; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 2850) to provide for control of floods of the Mississippi River, and for other purposes; to the Committee on Commerce.

By Mr. MOSES:

A bill (S. 2851) granting a pension to Elizabeth Swormstedt (with accompanying papers); to the Committee on Pensions.

By Mr. HOWELL:

A joint resolution (S. J. Res. 85) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers; to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS

Mr. PINE submitted an amendment providing that the Comptroller General of the United States be authorized and directed to allow the claim of Charles J. Hunt for compensation in the sum of $1,228.33 for services as financial clerk in the office of the superintendent for the Five Civilized Tribes at Muskogee, Okla., etc., intended to be proposed by him to House bill 9136, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment providing that neither of the steamships *Mount Vernon* and *Monticello* (to be reconditioned at a total cost of $12,000,000) shall be sold for less than the cost of reconditioning, less a deduction of 5 per cent per annum for depreciation from the date of completion of such reconditioning to the date of sale, and that such vessels shall be operated only in the foreign service, intended to be proposed by him to House bill 9481, the independent offices appropriation bill, which was referred to the Committee on Apropriations and ordered to be printed.

DEPUTY FISCAL AGENTS, AGRICULTURE DEPARTMENT

Mr. KING submitted an amendment intended to be proposed by him to the bill (S. 1177) to authorize the designation of deputy fiscal or disbursing agents in the Department of Agriculture stationed outside of Washington, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

DESIGNATION OF PERSONS TO ACT AS DISBURSING OFFICERS

Mr. KING submitted an amendment intended to be proposed by him to the bill (S. 2216) to authorize the designation of persons to act for disbursing officers and others charged with the disbursement of public money of the United States, which was referred to the Committee on the Judiciary and ordered to be printed.

CHARLES EDWIN HIGHTOWER—IMPROVEMENT OF POSTAL SERVICE

Mr. TRAMMELL submitted the following resolution (S. Res. 121), which was referred to the Committee on Post Offices and Post Roads:

Whereas Charles Edwin Hightower, of Tampa, Fla., has prepared a list of suggestions for the improvement of the United States Postal Service; and

Whereas it is claimed by the said Charles Edwin Hightower that to have said suggestions installed would bring about a greater degree of efficiency and also operate for economy in the United States Postal Service; and

Whereas it is alleged that certain of his said suggestions heretofore submitted to the United States Post Office Department have been adopted by the department and that he has not been compensated therefor by the Government: Therefore be it

Resolved, That the Committee on Post Offices and Post Roads be, and it is hereby, directed to investigate the merits of the said suggestions made by the said Charles Edwin Hightower for the improvement of the United States Postal Service with a view to determining whether or not the same or any number thereof should be adopted and Mr. Hightower compensated therefor; be it further

Resolved, That the said committee ascertain whether or not the Post Office Department has in operation any suggestions made by the said Charles Edwin Hightower for which, in justice, he should be compensated by the Government and, if so, what compensation would be reasonable for Mr. Hightower for the services rendered by him to the Government.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. EDGE obtained the floor.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Missouri?

Mr. EDGE. For what purpose?

Mr. REED of Missouri. I desire to offer a resolution.

Mr. EDGE. I have taken the floor for the purpose of discussing the unfinished business very briefly, for 5 or 10 minutes. I would prefer to proceed.

Mr. REED of Missouri. Very well.

Mr. EDGE. Mr. President, at the session yesterday I presented an amendment to section 2 of the pending unfinished business—the shipping act.

The bill now provides that it shall require a unanimous vote of the entire board—seven members—in order to dispose of any of the ships. My amendment reduces this requirement to a majority.

Mr. JONES. The Senator means a majority of the entire membership of the board, of course?

Mr. EDGE. I mean a majority of the entire membership of the board of seven which, in other words, would mean the affirmative vote of four members of the board. In fact, the amendment which I have offered to the committee amendment specifies the word "four," striking out the words "unanimous vote" and inserting in lieu thereof the words "vote of four members."

Mr. President, it appeals to me very strongly that unless we are prepared to practically irrevocably commit ourselves to the policy of Government ownership and administration of the merchant marine, we must confer this authority to sell ships in order that it would be, from a business standpoint, possible to sell them. To my mind it is beyond understanding to contend that it would ever be possible for the Government to get out of Government ownership and administration of the merchant marine if the bill as presented here becomes a law, requiring the unanimous vote of seven members of the board to make possible the sale of any of the Government fleet.

We must consider, when we analyze the statement I have made, the complexion of the board. I do not mean from the standpoint of personnel, but from the standpoint of sections of the country. Under the law members of the board must be appointed representing the Atlantic section, the Pacific section, the Lakes section, and the Gulf section. In the ordinary course of considering propositions made to the board for the purchase of ships, it can not be avoided that sectional interests and argument will naturally become more or less involved in the proffers for lines on the Pacific, or lines on the Atlantic, or lines in the Gulf, or lines in the Great Lakes section. When one adds to that the fact that all seven members, whether from the Atlantic or the Pacific, or either of the other sections, must vote "yea" or we can not sell a spar or a sail, I can not see how anyone can contend that the passage of the pending bill as it is now before the Senate does not absolutely assure continued governmental ownership and administration.

I will call attention to the very frank statements of the chairman of the committee, the Senator from Washington [Mr. JONES], whose absolutely unselfish interest in the perpetuation and maintenance of a merchant marine, of course, is not questioned in the slightest degree by any Senator, whatever may be his view or thought as to policy.

The Senator from Washington [Mr. JONES], the chairman of the Commerce Committee, representing the majority of the committee made this statement yesterday:

> Some may contend that this commits Congress to permanent Government ownership. I do not think so myself. I think that that, of course, will be determined by Congress; but this does put us on the basis of Government ownership until Congress shall affirmatively declare the time has come for us to put these ships into private hands.

Mr. BORAH. Mr. President——

Mr. EDGE. I yield to the Senator from Idaho.

Mr. BORAH. I am not favorable to Government ownership, but in our present situation unless we do maintain the existing status until Congress determines a different policy, what course would the Senator from New Jersey pursue? We have no alternative proposition presented.

Mr. EDGE. I am very glad to endeavor to answer the Senator's query. It is a pertinent one. Following the frank admission of the Senator from Washington, it is my judgment if this bill becomes a law this policy will continue unless and until Congress shall by a future act decide that the merchant marine owned and controlled by the Government should be disposed of. As I view the action of Congress in the past—and I see no reason why we should consider it will be different in the future—once it is definitely decided, as the chairman of the committee admits it will be by the passage of this bill without amendment, that we are going to operate a Government merchant marine, then it is my view we shall wait for a long time before Congress will ever pass any act to change that policy. I say that for many reasons. Once such a governmental department as this is installed with all of its powers and machinery, with all the tremendous appropriations that are placed at its disposal, even though it is recognized, as it is recognized to-day, that Government operation is more expensive than private operation—and I am not going into the figures to demonstrate that fact, for I think that is generally admitted—it is almost impossible ever to change the policy under which it operates. In my judgment it will be impossible from a practical standpoint ever to transfer the merchant marine to private hands. In the meantime we shall have practically, if not entirely, destroyed every private interest that has been and is operating ships on all the seas of the world. We shall naturally destroy them, because competition with a Government operated and Government maintained activity we always know is a type of competition that can not be met by private interests with no Uncle Sam to meet the deficits sure to result.

Mr. NORRIS. Mr. President, may I interrupt the Senator from New Jersey?

Mr. EDGE. I yield.

Mr. NORRIS. Assuming, as I do, that the statement made by the chairman of the Committee on Commerce on yesterday or the day before was correct, that there is but one privately owned American ship operating across the Atlantic between this country and Europe, the destruction of private interests to which the Senator has called attention would be confined at least to that one ship, would it not?

Mr. EDGE. The Senator from Nebraska means as to that particular service?

Mr. NORRIS. Yes.

Mr. EDGE. I assume it would be; and no doubt the statement of the chairman was correct; but, of course, there is not any question in the world but that we have hundreds of other privately owned American ships being operated in other sections and in other parts of the world.

Mr. NORRIS. If the Government did not go into the field where those ships were operating, it would not interfere with them, would it?

Mr. EDGE. Surely, if we pass this bill, it would, unless the Government should not go into that field.

Mr. NORRIS. What is going to happen if we do not pass the bill?

Mr. EDGE. If the Senator will give me an opportunity, I shall try to demonstrate.

I am not opposing the building up and maintenance of the merchant marine, but I am opposing the policy proposed which will practically prevent the board acting when it thinks it is time to dispose of the merchant marine. I am perfectly ready to do my part in voting liberal appropriations. There is not anything in the amendment that I am offering that will in any way in this particular change the policy of the bill championed by the Senator from Washington which is now before the Senate. My amendment in no way changes the policy of providing liberal appropriations or entering upon a building program; it in no way changes the sentiment so well expressed by the Senator from Washington, that it is up to the Government to provide adequate appropriations, for the Government must expend large sums if we are ever going to have a real merchant marine. I am, however, opposed to the method proposed as to the disposition of ships, because I think it shuts the door to any disposition, and to that feature alone my remarks are now directed.

Mr. BORAH. Congress could dispose of the ships, of course.

Mr. EDGE. I have already so stated.

Mr. BORAH. I wish to say, before the Senator proceeds, that I do not want to cast a vote here which would commit me permanently to the policy of Government ownership and operation; but the thing which it is difficult for me to determine, with my limited knowledge of the subject, is what other program have we as a practical proposition, considering the exigency which now exists and the plan which is outlined in the bill?

Mr. EDGE. Mr. President, I shall again try to make that as clear as I am able to make it.

Mr. KING. Mr. President, before the Senator does that, may I make one suggestion? As I understood the Senator from Nebraska [Mr. NORRIS], the conclusion would be reached by many that, as a matter of fact, we have only one privately owned American ship engaged in the foreign trade.

Mr. EDGE. I corrected that statement, or at least attempted to do so.

Mr. KING. We have more than 2,000,000 tons of shipping engaged in foreign commerce.

Mr. NORRIS. I did not wish to convey that idea. I referred to the statement of the Senator from Washington [Mr. JONES] that we only have one American-owned ship operating between this country and Europe.

Mr. JONES. I referred to continental Europe.

Mr. BORAH. I want to ask the Senator from New Jersey or the Senator from Washington whether the statement which I read a day or two ago is correct that last year we carried $14,000,000,000 worth of goods in the deep-sea trade.

Mr. EDGE. I will yield to the Senator from Washington to answer the question.

Mr. JONES. I do not know the exact figures, but outside of tankers and special ships owned and operated by companies for the purpose of carrying their own peculiar products, we are transporting now under the American flag something less than 30 per cent of our imports and exports.

Mr. KING. Mr. President, if I may be permitted to say a word, I think the statement referred to by the Senator from Idaho—and I saw the statement—included coast to coast cargoes, which, of course, would, in a sense, be deep-ocean trade.

Mr. BORAH. It was designated as deep-sea trade, which was said to amount to $19,000,000,000, of which $14,000,000,000 was carried under the American flag.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. EDGE. I yield to the Senator from New York.

Mr. COPELAND. I should like to say in reply to the suggestion made by the Senator from Idaho that in 1926 between north and south Atlantic ports and Europe 1,969,000 tons of freight were carried in combination cargo and passenger ships, and only 4 per cent of that was carried in American ships.

Mr. EDGE. Mr. President, as apparently it is not clearly understood, I repeat that my amendment would not in any way interfere or alter the program of replacement or maintenance as provided by this bill. My amendment, as the reading of it must clearly indicate, is entirely devoted to the control of the

actual disposition of the ships after we have built them, after we have operated them, and while we are maintaining them.

I think I am almost in entire agreement, if not in entire agreement, with the Senator from Washington as to the absolute necessity of the Government spending money and spending some at once in order to replace obsolete ships and build up a merchant marine. We have a construction provision in existing law which has been taken advantage of to a limited extent, but I believe almost exclusively for the coastwise trade.

Mr. JONES. By the coastwise and intercoastal trade.

Mr. EDGE. And very little of it for the overseas trade. Therefore I have reached the same conclusion, I believe, in that connection that the chairman of the committee and, as I understand, a majority of the committee have reached, that we have arrived at a time when we must spend a great deal of money if we are going to build up for the benefit of American producers a real merchant marine. I am prepared to support most of that part of the committee's program. My amendment, I repeat, is simply to afford us at least some businesslike assurance that after we spend this money and the taxpayers pay the deficit that some day we can dispose of the ships. Let me say that the taxpayers may just as well recognize they will be asked to pay a deficit in lieu of a subsidy in order to provide for the extraordinary expenses of Government operation which will be greater than those of private operation, for that has always been the case and probably always will be. I am ready to pay such a subsidy, even though it is unbusinesslike, rather than a scientific subsidy, simply because we can not pass a bill to provide for a scientific subsidy; in order at least to try to develop and maintain a merchant marine I have gone much further than my conviction and am accepting limited Government ownership and operation, in the hope that we may also provide as liberal arrangements as possible, through additional legislation or by an amendment to this bill, to encourage private operators or private owners to borrow money from the Government on proper terms in order to induce them to build ships to add to the American merchant marine and in the hope they will ultimately take it over.

Mr. BORAH. Mr. President, the effect of the Senator's amendment would be to give four members of the board the power really to change the policy from Government ownership to private ownership.

Mr. EDGE. Yes; that in effect would be the result of the amendment if adopted.

Mr. BORAH. Mr. President——

Mr. EDGE. If the Senator from Idaho will let me answer his question further, of course there is something more than that. The present law very clearly provides the policy the board must follow in disposing of ships, and the Senator from Washington, I might point out, yesterday presented a further amendment touching that feature alone. That amendment, I assume, will be adopted. In discussing it the Senator from Washington said:

> Some have contended that the primary purpose of that act—
>
> Referring to the shipping act of 1920—
>
> was the building up of the merchant marine, and that the secondary purpose was the disposal of the ships so as to bring them ultimately into private ownership.

I will not read further, but in order to make that policy thoroughly understood and definite, the Senator has proposed an amendment to the pending bill stating in plain English the primary purpose of the expenditure of the money to be appropriated is to add to the merchant marine, and the secondary purpose is, under conditions which seem to warrant such action, to have it pass into private hands. So that if the board follows the clear construction of the law, if the amendment should be adopted—and, in my judgment, a clear construction of the law now existing will provide for the same thing—no board could carry out that provision and sell any of the ships unless conditions were such as, in their best judgment, to make certain that it was for the best interests of the future of the merchant marine to do so. If we must grant authority to some one, in my judgment it is better always, particularly in a business proposition, to delegate authority to a board charged with the responsibility than for Congress to attempt to take control or charge of such a business proposition.

Mr. BORAH. Mr. President, my opinion is that if we actually engage in operating a Government-owned merchant marine in competition with the privately owned merchant marine of other countries, it will not be long until Congress will come to the conclusion that we shall have to get out of the business.

Mr. EDGE. I hope the Senator is right as to that.

Mr. BORAH. I do not believe that a Government-owned merchant marine can really compete with a privately owned and operated merchant marine. The personal ambition, the personal initiative upon the part of those who own it will outweigh the Government's capacity to deal with different situations as they arise and, in my opinion, ultimately we will have to get out; but I am not clear that we ought to get out until Congress, as a Congress, determines to get out. Should not Congress determine that question, rather than leave it to four men?

Mr. EDGE. Mr. President, of course that is a perfectly proper difference of opinion; but in my judgment, as I have already expressed it, it will be a long time before Congress really reverses the policy by an act of Congress, especially after a merchant marine is absolutely intrenched under Government ownership and Government administration. While we are considering the subject, I think that just as a common-sense business proposition we should give at least an opportunity to get out, without depending entirely upon Congress; but we shut the door absolutely, as I think the Senator will agree with me, when we say that a ship can not be sold unless seven members of a board vote "aye" on the transaction. There is not any parallel policy that I know of in any governmental or in any private activity in the world that requires a unanimous vote to adopt a motion or to take any other action.

Mr. BORAH. There is the Council of the League of Nations.

Mr. EDGE. I am surprised that the Senator should even use that as an illustration.

Mr. KING. Mr. President——

Mr. EDGE. I yield to the Senator from Utah.

Mr. KING. I desired to call the attention of the Senator from Idaho—who has just left the Chamber, unfortunately—to a number of declarations in this bill, together with the statements of the chairman of the committee, the Senator from Washington, in his speeches and reports, that Congress and the Government are committed irrevocably to a permanent governmental ownership merchant marine policy by this bill.

Mr. WATSON. Mr. President, pardon me—did the Senator from Washington make that declaration?

Mr. JONES. The Senator can not find anything like that in anything I have said.

Mr. KING. Undoubtedly the interpretation I have just suggested will be placed upon the report of the chairman, as well as his remarks upon the bill, and upon the bill itself.

Take, for instance, section 5:

> The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized.

What does that mean? Take that in connection with section 3, which authorizes the board to condition vessels, to acquire vessels, and to construct vessels. There can be but one meaning, viz, that the Government commits itself to the operation of a merchant marine and authorizes the necessary appropriations to carry out that purpose. I submit that the speeches made in support of this bill indicate a purpose to have the United States own and operate a merchant fleet. The bill before us is a declaration by Congress that the Government from now on shall engage in the sea carrying business as the owner and operator of merchant ships.

Mr. WATSON. Mr. President, will the Senator from New Jersey yield to me?

Mr. EDGE. I yield to the Senator from Indiana.

Mr. WATSON. I should like to ask the Senator from Washington—he is the best interpreter of his own expressions—whether or not he has said that this bill irrevocably commits Congress to a Government-ownership policy?

Mr. JONES. Why, anybody knows that it does not. The next Congress can repeal it, or modify it, or refuse to make appropriations to build any more ships.

Mr. WATSON. That is my thought about it; but I should like to ask the Senator whether or not he intends, as far as he can control the matter, to commit the Government to that policy?

Mr. JONES. Absolutely not.

Mr. FLETCHER. The very section we are talking about provides for the sale of ships.

Mr. KING. Mr. President, will the Senator yield further?

Mr. EDGE. I yield further.

Mr. KING. Notwithstanding the statements just made by the Senator from Washington, I reassert that the construction will be placed upon the bill, upon his declarations, and upon the action of Congress if it passes this bill unamended, that Congress commits itself irrevocably to governmental ownership and operation of merchant ships. Indeed, this construction has already been placed on the bill by the press and those who have followed the action of the committee reporting the same.

When appropriations necessary to carry out the provisions and accomplish the purposes of this act are authorized, what is the message that would be given to the Senator from Indiana if he were operating ships or desired to build ships? He would say, "The board is authorized and required by Congress to build ships, to recondition such as require it, and to build and operate a merchant fleet; therefore I shall not build ships as long as this authorization exists and the Government is engaged in marine activities." The Senator would be driven from the seas, and his shipyards would be closed. The same baneful effects would follow every other person who desired to go into the shipping business. Private yards would be shut down, and a privately owned and operated merchant marine would be impossible of realization.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. KING. The Senator from New Jersey has the floor. I am trespassing on his generosity.

Mr. EDGE. I yield to the Senator.

Mr. WATSON. I desire to ask the Senator a question. Nobody can be more bitterly opposed to Government ownership in any form than I am and always have been.

Mr. KING. Then the Senator must vote against this bill, as I shall.

Mr. WATSON. But what I wanted to ask the Senator was this: What is the alternative? What does the Senator propose if this bill is not passed?

Mr. KING. I could propose several alternatives, but I have no right to do it in the time of the Senator from New Jersey.

Mr. EDGE. That is rather a long question.

Mr. WATSON. I know, but it requires an answer; and that is the real question at issue.

Mr. EDGE. I will endeavor to answer the Senator.

Mr. KING. If the Senator does not, I promise the Senator that I will try to give him my answer.

Mr. WILLIS. Mr. President——

Mr. EDGE. I yield to the Senator from Ohio.

Mr. WILLIS. The Senator is very kind. I simply wanted, in response to the observations of the Senator from Utah, to call attention to one paragraph in the report of the committee.

I understand the argument of the Senator from Utah to be that if the Government is in the shipping business it is going to discourage private enterprise, so that no ships will be built. I read the following paragraph from the committee report:

> It is said that the presence and operation of Government shipping prevents the building up of an American merchant marine. For 50 years before the World War we had no Government merchant ships, and yet our merchant marine did not build up.

We had the very situation then for which the Senator now argues, and yet we had no ships.

Again, it is said that we can not have a merchant marine because of the La Follette Seamen's Act. There is no probability that the La Follette Seamen's Act will be repealed; but it is to be noted that before we had the La Follette Seamen's Act we did not get any merchant ships.

I am speaking of this because my own position in the matter is somewhat analogous to that of the Senator. I wish we could have an American merchant marine without governmental interference; but I have seen this thing drift along until, believing as I do that it is essential to the protection of this Republic that we have a merchant marine, I have come to the place where I am willing to take even this step to get it.

Mr. KING. Mr. President, of course I would not be unparliamentary enough to say that the Senator is illogical; but when the Senator quotes the statement which he has just read, and then makes the subsequent statement, he confesses that he does not believe that we can have a merchant marine unless it is Government owned, for the Senator now, by his speech, commits himself to Government ownership.

Mr. WILLIS. If the Senator from New Jersey will yield further, I do not think that interpretation is a just one. What I tried to say was this: I wish we could have a merchant marine by some other method; but I have seen this thing going on year after year. I thought at the time of the war we had made a start whereby we would have an American merchant marine, but year after year the proportion of our commerce carried in our own ships has decreased until now it is 20 per cent, or thereabouts, and if we go on in this way it will soon be where it was when the World War came on, when we were practically without ships and were carrying only 10 per cent of our commerce. I think that would be a national calamity.

I thank the Senator from New Jersey for yielding to me.

Mr. EDGE. Mr. President, in a general way I am in hearty accord with the sentiments expressed by the Senator from Indiana and the Senator from Ohio that we are facing a condition and not a theory, and that we simply must meet it, and that we can meet it only by governmental help. I have rather reluctantly come to that conclusion. But I am addressing myself at this time to an amendment which, I think, will prevent permanently saddling upon us Government ownership and administration. That is all I am discussing to-day. We have all reached a situation, I think—most of us, at least—where we believe that if we are going to have a merchant marine the American taxpayer must pay the bill; but I hope to have that bill minimized as far as it is possible for common-sense business methods to help minimize it. One of the practical ways to minimize it is to give at least some authority to some one, without waiting for some future Congress and when conditions seem to be sufficiently stable and opportunities to dispose of ships come along, to do so without coming to Congress for the further authority.

I do not think there is a Senator in this Chamber who will for one moment attempt to assert—I know the Senator from Washington will not, as his speech yesterday indicated—that we will ever sell any considerable number of ships, if any, under a law that requires seven men, representing the Atlantic and the Pacific and the Gulf and the Lakes, to vote "aye" to sell a spar or a sail. Why not at least adopt the recognized business principle of every business activity in the world and of every legislative body in the world—majority rule? To require unanimous approval is mere subterfuge.

For these reasons, and not with any thought of in any way delaying the building and operation and advancement of the merchant marine, but in order to have a definite, logical method some day of getting out of this business without coming back to Congress, I feel that the amendment I have offered is sane and businesslike.

Mr. TYDINGS. Mr. President——

Mr. FLETCHER. Mr. President, I desire to ask the Senator a question before he takes his seat.

Mr. EDGE. I shall be glad to answer it.

Mr. FLETCHER. I have been trying to get his attention for some moments. I was impressed by the suggestion of the Senator from Idaho that Congress could at any time, of course, order the sale of these ships.

Mr. EDGE. There is no question about that if you want to bring it back to Congress.

Mr. FLETCHER. And eventually we may come to that. My point is that if we hold out the idea here that we are going to sell these ships as fast as we construct them, or as soon as we desire to do it—speedily, as the message of the President said—then we never can build up these lines successfully.

Mr. EDGE. But the Senator knows that the Senator from Washington has offered another amendment which prescribes definitely the policy for the Shipping Board and they can not sell them, if they obey the law, until or unless the condition of the commercial traffic of the United States would make it a businesslike proposition to sell them; and if they do anything else they break the law under which they are operating.

Mr. FLETCHER. I am making this point: Here is a valuable property. Here is a great asset of the Nation. Millions of dollars have been spent on these ships. What department of the Government, what bureau, what branch of the Government has authority to dispose of the valuable property of the country without action by Congress?

Suppose the Bureau of Lighthouses owns a little piece of land down here. You can not go and buy it from the Bureau of Lighthouses. You have to get an act of Congress; and it is the same way with the Navy Department or the War Department in regard to military reservations and everything of that sort, not as valuable as this property. They have to apply to Congress before they can sell property of that kind. When the Senator introduced his bill originally he provided, as to all of the ships constructed in pursuance of this act, that authority of Congress had to be obtained before they could be sold.

Mr. EDGE. Apparently the committee did not believe in that. The committee did not approve of that.

Mr. FLETCHER. No; I am getting to that. We have changed that so that it is not necessary to come to Congress to get this authority. Under this amendment the board can proceed to sell the ships; but in order to protect and safeguard the public interest we have provided that there must be recorded the unanimous consent of the board charged with that responsibility.

Mr. TYDINGS. Mr. President——

Mr. EDGE. Will the Senator answer my question? Does the Senator believe that under that provision, should it become a law, there will ever be any ships sold?

Mr. FLETCHER. Absolutely. I have no doubt about it. They will be sold. They will not be given away, as they have

been in the past, by a majority vote of the board; but the requirement of the unanimous vote of the men charged with that responsibility will save time in coming to Congress, and save confusion and conflicts that might arise in Congress, and enable this board, selected in this way, by unanimous vote, to dispose of the property; and it is the only way in which we can protect the public interest.

Mr. TYDINGS. Mr. President——

Mr. WATSON. With all due respect——

The VICE PRESIDENT. The Senator from Maryland has been on his feet asking recognition for some time.

Mr. TYDINGS. Mr. President, I would like to ask the Senator from New Jersey a question. I am in accord with the views he has expressed, and I was hoping that some one would touch on this phase of the matter, that those foreign countries which now maintain shipping subsidies, and those foreign countries which maintain shipping lines, are customers in the world's market for our grain surplus. A great deal has been said about the farm question. If we take over the world's business in shipping, as some have seemed to think we should, will we not minimize the power of those foreign countries to buy our surplus? There must be a division of the world's work in order that trade may be carried on. If we remove this line of activity, it occurs to me that our market will be somewhat diminished.

SENATORIAL CONTEST IN PENNSYLVANIA

Mr. REED of Missouri. Mr. President, I offer the following resolution, which I think is highly privileged.

The VICE PRESIDENT. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 122), as follows:

Resolved, That the Committee on Privileges and Elections is hereby directed to proceed forthwith and upon the present pleadings to the taking of the evidence in the Wilson-Vare contest, and to report the evidence and its findings to the Senate with all reasonable dispatch.

This resolution shall not be in derogation of the right of the committee at any time to permit all proper amendments to the pleadings which are tendered by the parties to the contest.

Mr. REED of Missouri. Mr. President, the Committee on Privileges and Elections took action yesterday which the Democratic members of the committee thought required this resolution; but since I came here this morning I am informed that there will be another meeting of the committee at 3 o'clock this afternoon, which may make the pressing of the resolution for immediate action, or action at all, entirely unnecessary, so that I shall not ask the Senate to proceed now with the consideration of the resolution. I assume that I am warranted in saying it will probably not be necessary to press it at all.

Mr. SHORTRIDGE. Mr. President, I assume the resolution goes over?

The VICE PRESIDENT. The Senator from Missouri does not ask for its immediate consideration, and it will lie on the table.

Mr. REED of Missouri. It lies on the table.

Mr. SHORTRIDGE. At this time I wish to give notice to the members of the Committee on Privileges and Elections that there will be a meeting of the committee at 3 o'clock this afternoon.

Mr. REED of Missouri subsequently said: Mr. President, I ask unanimous consent for permission to withdraw the resolution which I offered this morning concerning directions to the Committee on Privileges and Elections touching the Vare-Wilson contest. The committee has passed the necessary resolution to proceed with the investigation. Therefore this resolution is no longer necessary.

The PRESIDING OFFICER (Mr. BLAINE in the chair). Is there objection? There appearing none, it is so ordered.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. EDGE] to the committee amendment.

Mr. BINGHAM. Mr. President, a question was asked a few moments ago as to whether there was any likelihood that our merchant marine might go ahead in case the Government did not assume the business of building ships, and go into the business of conducting shipping operations. It was maintained by the Senator from Utah, I think very justly, that the passage of a bill of this kind would be a direct notice to companies that they need not put their money into a business of this nature.

It happens that there has been brought to our attention in the past few weeks a plan of a New York company to construct the fastest and finest passenger vessels in the world, and to operate them under the American flag. I hold in my hand a drawing of one of those vessels, and I have here a clipping from a British newspaper as to what our cousins across the water think of this proposal. This is from the Daily News, of London, England.

This proposal has not received the interest on the floors of Congress which it seems to me to deserve, but it certainly has attracted attention across the water. This clipping from the front page of the Daily News, one of the largest newspapers in England, the way in which the headlines have been played up, and the comment on this bit of news would seem to me to offer convincing testimony of the fact that this proposal is more than a gesture, that this proposal is more than any effort to interfere with what the Senator from Washington proposes, that in fact it is something which very seriously concerns and affects us and even interests that country of the world which has been most successful in conducting a great merchant marine.

The article is headed:

AMERICA'S ATLANTIC CHALLENGE

The United States now appears to be making a strong bid to enter into serious competition with the British Atlantic liner services.

If that statement is true, as our British cousins think and believe it is true, that "the United States now appears to be making a strong bid to enter into serious competition with the British Atlantic liner services," it seems to me we ought to hesitate before passing a bill which would administer a distinct rebuke to such a company, which would practically say to them, "The Government, with all the millions and billions of its credit and its capital at its command, is going into the business of competing with you, and this Congress does not propose to help private enterprises to operate on the ocean, but it is proposed that the Government shall go into this business."

I read further from the article:

A company has been formed to build ships which, with the aid of airplanes (to take off from special decks) will, it is claimed, reduce the time of the Atlantic passage from five days, as at present, to three days, and provide greater luxuries.

The question for us to consider is this: Are we going to pass a bill immediately, before it is seen whether such a proposal as this can be carried out, a bill whose policy offers the greatest possible discouragement to American enterprise?

I shall not take the Senate's time to read the rest of the article, but I ask that it be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Daily News, London, England, January 10, 1928]

SPEED LINERS—AMERICA'S ATLANTIC CHALLENGE—NEW COMPANY TO BUILD PLANE SHIPS

The United States now appears to be making a strong bid to enter into serious competition with the British Atlantic liner services.

A company has been formed to build ships which, with the aid of airplanes (to take off from special decks) will, it is claimed, reduce the time of the Atlantic passage from five days, as at present, to three days, and provide greater luxury.

The Daily News, as far back as last November, foreshadowed such a move, and our New York correspondent, in his dispatch below, describes the formation of the new American company, and what it is aiming to accomplish.

(From our own correspondent, Wilson Midgley)

NEW YORK, Monday.—New competition in trans-Atlantic shipping is promised by a company which has just been incorporated.

At its head will be Mr. Laurence Wilder, who announced the formation of the new company at Washington to-day. He is chairman of the Brown Boveri Electric Corporation, one of the biggest shipbuilding concerns in the United States.

He says the new company will be called the "Transoceanic Corporation."

Its ship, it is stated, will be faster, more comfortable, safer, and more frequent than any now sailing between America and Europe.

The aim is to begin with sailings on alternate days, and to establish eventually regular daily sailings. American efficiency and luxury are both to be applied.

America has developed new methods in industry and the handling of freight, he says, and the new company will apply the refinements developed in American hotels and homes to "putting transatlantic travel on a new level of luxury."

Critics of the Government operation of shipping and the rising costs of the *Leviathan* and smaller ships welcome the proposal as a promising solution of America's problem of how to acquire a merchant fleet.

Mr. Wilder says he will enter into strict competition with the existing lines. He will build six 33-knot liners to carry 800 passengers each, to start with; thus the crossing of the Atlantic will be accomplished in four days.

"I do not want to buy existing ships," says Mr. Wilder, "but I shall ask the Government Shipping Board for a loan equal to 75 per cent of the value of the new ships, and I shall also ask for a change in the law in order to give American ships preference with regard to mail contracts."

LIKE THE "SARATOGA"

Mr. Wilder disclosed in an interview that the new ships would be similar to the airplane carrier *Saratoga*, and that models had already been made.

Airplanes will be used in order to cut the crossing down to three days.

Where the *Majestic* now makes 14 round trips a year the new ships, he said, would make 37.

This would be achieved partly by using the methods developed in America for handling cargo at ports and partly by setting up a new port to avoid congestion, so that ships could be turned round regularly in two days.

Representatives of four great American railways have been helping with plans to this end.

The scheme is said to be assured of £10,000,000 capital, and Mr. Wilder says that in three years there would be enough ships to replace the Shipping Board's lines in the Atlantic.

THE NEW SHIPS MODELED ON A NAVAL VESSEL

The Daily News naval correspondent called attention last November to the American project as likely to revolutionize ocean travel. The plan then was to build 10 high-speed liners, but the new scheme is apparently for 6.

The new American ships are intended to travel at such a speed that the ocean journey will take them four days (as against the White Star *Majestic's* five), but airplanes, carried on board, would, so it is planned, reduce this time to three days.

These ships were to resemble huge destroyers, but it will be observed that the vessels now under consideration will, according to the American proposals, be modeled on the great American aircraft carrier *Saratoga*, the most remarkable vessel of her kind in the world, which cost £9,000,000 and can carry 90 airplanes.

The liners will, of course, be smaller, and will apparently be designed to carry 800 passengers, all first class, and to travel at 32½ knots—37 miles an hour. The *Mauretania* carries 1,800 and the *Majestic* 4,000 passengers of all classes.

HIGH RATES

As the tremendous speed of the American liners would make them very costly to run, passenger rates would be very high, though the promoters apparently believe that the shorter sea voyage and quicker transit would be a sufficient inducement to the traveling public to pay special rates.

The ships, if they are ever built, will, it is planned, be fitted with a platform enabling airplanes to land on and depart from the vessels when the latter are in motion. In this way it would be possible to carry mails, and, perhaps passengers, between America and Great Britain in three days.

Meanwhile, as the Daily News has already pointed out, the White Star Co. has ordered a super-*Majestic*, a vessel of not less than 60,000 tons, with Diesel engines surpassing in power every motor installation now in existence.

A projected new Cunarder may be larger even than the super-*Majestic*.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. COPELAND. I ask unanimous consent to print along with the article just presented an article from the Morning Post of London bearing on the same matter, which confirms what the Senator suggests.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Morning Post, London, England, January 10, 1928]

TO NEW YORK IN FOUR DAYS—BID FOR ATLANTIC SUPREMACY—AMERICAN PLANS—£18,000,000 ASKED FOR

(From our own correspondent)

WASHINGTON, January 9.—If the Government will advance £18,000,000, the Transoceanic Corporation, a company composed entirely of Americans with American capital, will build six vessels capable of making a sustained speed of 35 knots and crossing the Atlantic from New York to British and Channel ports and vice versa in four days. This is the statement made by Mr. Lawrence Wilder, president of the company, now in Washington. He will shortly go before the Shipping Board and present his plans.

These new vessels would be of 35,000 tons, and will cost £4,200,000, each, so that the Government would advance three-quarters of their cost. The six vessels proposed would give a sailing every other day from New York and British ports, to be increased to a daily service later if justified by the traffic.

Mr. Wilder says that his company will not ask for a subsidy, but will endeavor to have the ocean mail contract law modified to give vessels under the American flag a preference in mail contracts.

QUESTION FOR CONGRESS

Mr. Wilder adds that his company is not particularly interested in buying the *Leviathan* and other Government-owned ships if the Government will advance the necessary capital for the construction of the projected four-day ships. That, of course, can not be done by the Shipping Board, but will require the consent of Congress and the passage of the necessary act, which will lead to prolonged discussion.

It is true that there is a strong sentiment in favor of the Government getting out of the shipping business, but whether it is advisable for the Government to get out by going in as a partner in a private shipping concern seems doubtful to many Members of Congress. They fear the Government will have to grant heavy subsidies if the four-day ships are kept in operation.

Mr. SHORTRIDGE. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. SHORTRIDGE. I ask unanimous consent to have published in the RECORD an editorial from the San Francisco Chronicle dealing with the subject matter now before the Senate.

The VICE PRESIDENT. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, January 11, 1928]

THROWING STILL MORE MONEY ON SHIPPING BOARD JUNK PILE

On its investment of some three and a half billions in the Shipping Board experiment the Government is losing millions a year instead of showing a profit. Yet the Shipping Board now asks another $200,000,000 to build some more ships, and the program has the approval of the Senate Commerce Committee. It looks like throwing good money after bad, for there is no promise that the additional investment will turn the tide. President Coolidge has made it clear that what the Government needs is not to get deeper into the shipping business but to get out of it altogether.

A large part of the three and a half billions is lost beyond recall. It is part of the waste of war, for the Government went into the shipping business as a war emergency, and this loss can properly be written off as war expense. But there is a great deal of salvage in the Shipping Board fleets. And the Shipping Board's proper function is to salvage, not to perpetuate itself. The sooner the ships are sold on the best terms obtainable and the Shipping Board put out of business definitely and forever, the better off for all concerned.

Senator JONES, of Washington, says that the reason for approving the program to sink another $200,000,000 is that it is the only way to get an American merchant marine operated. American wage scales make the building and operation of American ships cost more than foreign ships. The Senator thinks it unwise to tinker with the seamen's act and impossible to get anything like a subsidy or other direct support to offset the disadvantages under which American shipping operates. The only way he sees is to build and operate ships under private lessees at a loss, thus providing an indirect subsidy. This is plausible, but it overlooks that the deficits are not loss alone, but waste on a gigantic scale. Out and out subsidy would be much cheaper and with fewer disadvantages.

The whole Shipping Board adventure is an ill-starred chapter of disaster. It keeps the shipping business stirred up by politics and unsavory incidents arising therefrom. It puts a drag upon independent private enterprise.

How the disadvantage of high building and operating cost is to be offset remains to be seen. It certainly is a sad commentary on the intelligence of the American people to conclude that the only way is to make a bad bargain worse.

Mr. BINGHAM. Mr. President, it seems to me quite significant that from the two great seaports—one on the east coast and one on the west coast—from New York and from San Francisco, there should come these requests to be brought to the attention of the Congress, that nothing that we do at this time interfere with the progress of American initiative and American enterprise and the growth of private initiative and private enterprise.

I can not express myself too forcibly in the belief that the citizens of the State of Connecticut, whom I have the honor in part to represent in this body, are very sincerely and very deeply opposed to Government ownership and Government op-

eration of business of this kind. That is not based on any petty or provincial views of their own; it is based on experience and on sound common sense.

Backing up that opinion, I should like to give the views, as expressed in one of the great papers in England, of a people who have most successfully engaged in merchant-marine operations for a great many years, as has been brought out in the debate. The editor of the Financial News, London, refers to the fact that there is a possibility that state-owned merchant ships in the United States will be sold and the attempts to run state-owned merchant ships will be wound up. He goes on to say:

> Its coincidence with the decision to wind up the Australian state shipping venture points to a manifest moral. There is something about the management of merchant shipping which leaves state ownership hopelessly unprofitable. It may be that in passenger services the official atmosphere does not fit. In a post office the official atmosphere may pass, but not on shipboard. Again, in freight service the inevitable inclination of the officially managed concern to fall into a "take-or-leave-it" attitude does not work. Shipping management is an affair of infinite, various, and small details and constant care, watchfulness, and painstaking attention. These are not, and never were, the strong points of any state management. Yet they make up in sum the difference between profit and loss, between the ownership of a white elephant and the ownership of a useful beast of transport burden able to earn an honest living. The state ownership of merchant shipping therefore passes into the limbo of failure.

Mr. President, it seems to me the very criticisms offered on this floor by distinguished Senators, notably the Senator from Florida [Mr. FLETCHER], against the operations and the acts of the Shipping Board, point vividly to the fact that Government ownership has not been satisfactory to him and to the people he represents. So I can not understand why they wish to go ahead and extend this admittedly unsatisfactory form of operation in the face of what has recently happened.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. BROOKHART. The Senator states that his State and his people are opposed to Government ownership and operation of these ships. I will ask him if his State and his people were not in favor of Government ownership and operation of the Cape Cod Canal.

Mr. BINGHAM. That question was raised yesterday, Mr. President. It has been the practice of this Government, ever since the Constitution was adopted, to take charge of the navigable waters. It has never been our practice to take charge of normal business enterprises. We have operated the Panama Canal and many other canals. There is nothing unusual or new in that. Our experience in operating the Panama Canal, dredging rivers and harbors, in promoting the navigation of the Mississippi and other rivers has been in accordance with that provision of the Constitution which calls upon us to promote navigation and gives to the Congress the right of control over navigable waters.

Mr. BROOKHART. In the case of the Cape Cod Canal, a private corporation, private parties acquired that and operated it until it became a white elephant on the hands of the private parties, then the Senator voted to take it over by the Government. Is not that correct?

Mr. BINGHAM. I believe that the Government should operate the canals, and should promote navigation in any way along the lines laid down in the Constitution. But the precedent established during the war, when the Government was in the operation of the railroads so disastrously, shows that the Government should not enter into the business of operating ships.

Mr. BROOKHART. The Senator says the Government went into the operation of the railroads "so disastrously." The fact is that the first 10 months after the railroads were turned back to private enterprise the private managers of those roads increased the operating expenses, at the expense of the people of the country, fourteen hundred and eighty-five million dollars, nearly a billion and a half dollars, and that was the excess charge of private operation over the last year of Government operation, and only about six hundred million of that was wasted.

Mr. BINGHAM. Mr. President, I do not care to discuss the Government operation of railroads with the Senator. His opinions and mine on this subject have differed for some time, as he well knows. I submit that the people of the United States decided by a great majority a long time ago that they wanted less of the Government in business.

Mr. BROOKHART. I am a strong believer in the Government of the United States. I believe in it from every standpoint. I am not willing to discredit it on an economic proposition or any other proposition, and I am opposed to this idea of constantly saying that the Government is inefficient, and especially when the facts show otherwise, as they did in the operation of the railroads.

Mr. BINGHAM. Of course, that is a position taken by all socialists also.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. BINGHAM. I yield.

Mr. SMITH. Apropos of what the Senator from Iowa has said, and not expressing any opinion just now as to Government ownership, yet in justice to the record and the history of the Government taking over the railroads the Senator must not forget that just previous to the taking over of the railroads by the Government the railroads themselves had acknowledged that they had utterly broken down in their efforts to meet the exigencies of the case under the laws then prevailing, and that under their management they were entirely unable to meet the demands of the situation arising out of war necessities. We were confronted with one of two things—abrogation or suspending of all laws in reference to railroads, or the Government taking them over and meeting the situation as the war conditions demanded.

I do not think that a careful student of the operation of the railroads during the time of Government control would reach the conclusion that it was in any way short of the necessities of the case, but that they met the situation efficiently, particularly in view of the opposition and the obstructions which were thrown in their way in the midst of that terrible emergency. I think credit is due the Government for the manner in which it handled the intricate problem of transportation under the circumstances existing and it should not be held up as an illustration of the Government's failure in business.

I do not know whether it is wise for us to commit ourselves to Government ownership along any particular line, but it certainly is our province to see whether or not certain necessities of the people can be the better run by the Government or by private interests.

If the Senator will allow me just in that connection, I will recall the strong protests which came to this body when we proposed to establish the parcel post. The express companies were doing the business of transporting parcels, and they declared, just as we have it declared now, that private enterprise in the shipping and insurance of parcels would drive them out of business and ruin them. Not only has the parcel post rendered better service to all parts of the country but it has in no way diminished the returns of our express companies.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BINGHAM. I yield to the Senator from Utah.

Mr. KING. An observation made by the Senator from South Carolina prompts me to say a few words, as I fear his position will be misunderstood. He stated in substance that during the war the railroads were "broken down," and requested the Government to "take them over." In my opinion, the transportation companies will not concede that they were so "broken down" that they could not function and were compelled to throw themselves on the mercy of the Government. It is true that some of the railroads, because of the conditions following the war, were placed in difficult situations, and experienced difficulty in meeting their obligations. But I think it will be generally conceded that the railroads, as a whole, were efficiently operated prior to and during the early period of the war. But as the war progressed and the entire structure of the Government, as well as the economic and social fabric were drawn into the maelstrom—many industries were disrupted, and the economic life of the people diverted into new channels. The railroads, perhaps, were more seriously affected by this situation than any other branch of our business life.

The demands of the Government in mobilizing troops and in preparing for the great struggle practically took the railroads out of the hands of the owners—even before the Government actually took possession of the same.

The demands of the United States for billions of dollars dried up the fountains of credit and made it impossible for railroads as well as cities and school districts and corporations to obtain money and needed credits.

Political subdivisions and solvent corporations and business institutions were denied permission to issue or sell securities; many business concerns were ruined and many channels of trade closed.

The princely orders issued by the Government and the preferential treatment accorded it on its stupendous activities brought

some railroads to the door of distress and made the operation of others unprofitable. Tens of thousands of employees were taken from technical and other departments of the railroads, thus adding to the burdens they were compelled to bear. A situation was thus created which inevitably resulted in the Government taking charge of the railroads. This was not done because of inefficiency or because the railroads had failed in their duty. Federal laws prevented consolidations and unified operation, such as, perhaps, the war conditions required.

The Government was not restrained by the Federal statutes referred to; it could control them and conduct operations as the exigencies of war demanded.

May I make one further observation? The Senator from South Carolina indicated, as I interpret his remarks—and if I am wrong I ask to be corrected—that the obligation rests upon the Government to see that the needs of the people are cared for, even though in so doing it impinges upon personal rights and invades private fields of activity. It seems to me that even those who place the most latitudinarian construction upon the Constitution may not go so far.

Who is to judge what is best for the individual and the people? Tyrants have usually justified their oppressive measures by urging that they were in the interest of the people. The political struggles of history were for the purpose of emancipating the individual from the power of autocrats and oppressive governments. The welfare of the people is best secured by the development of the individual, the removal of those impediments and restrictions to the development of initiative. Bureaucracy, paternalism, and despotism find a thousand excuses and reasons for the policies which they desire and execute.

The Congress has no power under the Constitution, because we may think that the Government can run the railroads or ships better than individuals can run them, to take over the railroads or engage in the shipping business. Where is the warrant in the Constitution of the United States for the Government to become a common carrier and engage in private enterprise? I concede that in war it can do what it is forbidden to do in peace times. If the Government may own and operate railroads and ships it may engage in any form of industry and business. It may own manufacturing plants and make and sell commodities of every character. Under this view there would be no limitations upon its power; it could be transformed into a huge socialistic experiment or a communist régime similar to that which exists in Russia.

May I say in passing that our communistic friends are looking upon our paternalistic and socialistic policies with gratification, because they believe that they presage destruction of private business and the ownership by the Government of all property and the operation by the state of all business and industry.

Mr. BINGHAM. I would like to ask the Senator from Utah whether he does not think it is a strange line of argument that has been followed here to prove that two wrongs will make a right? In other words, the first wrong is that we have not, for various causes, the merchant marine that we ought to have. The second wrong is that the Government ought not to indulge in the ownership and construction of ships and go into the shipping business; but it is hoped, in view of the fact that we can not get subvention or a subsidy, that by committing the second wrong we will overcome the first wrong and make it right.

Mr. KING. The theory seems to be that "the state can do no wrong" and that Government has some sort of divine authority so that whatever it does is right, no matter how illogical, inconsistent, or tyrannous it may be.

Mr. BINGHAM. Surely the Senator would not admit that the United States Government is not the best Government on earth?

Mr. KING. Under a democratic government mankind may enjoy the highest felicity. There can be no greater or better form of government. But it must be not only in name, in theory, but in practice democratic. The letter killeth but the spirit giveth life. Democracy is not a mere form, it can not be an empty formula. It is a vital, living force, manifesting itself in the individual and leading him to the development and assertion of the divine powers and authority within him. It apotheosizes the individual; it recognizes him as the sovereign, the source of all political power. There is too much pseudo-democracy in the land. There is a growing spirit that the National Government is the source of all political authority and that it is without limitation. A deadly and destructive Federalism is being developed in the United States, which if unchecked will change our form of Government and overthrow our political institutions.

There are those who believe that the States are being destroyed and that the unitary theory is supplanting our dual form of government, so that there will eventually come an oligarchy of wealth or an oppressive socialism or paternalism.

When the Senator from Iowa so apotheosizes the Government it seems to me the time has come for some one to speak for the individual, for the State, and for local self-government. We are going too far in building up a central government and centralizing political power in the Federal Government. The States are being devitalized and efforts made to take away the power of initiative and of the individual and the sovereignty which belongs to them.

Mr. BROOKHART. Mr. President——

Mr. BINGHAM. I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator from Connecticut threw out the suggestion as to my remarks that "that is the way that socialists feel." I do not want that statement to pass without a little further notice.

The financial crowd in this country and their representatives in the Senate invariably come back with those flings at anybody who has an idea. I know if I disagree with the financial crowd once, they call me a socialist. If I disagree with them twice, they call me a communist. If I disagree with them three times, they call me an anarchist. If I disagree with them four times, they call me a bolshevik. I have been clear down the line with that outfit. I have been called all those names, and I am proud of it. The fact that the question is right or wrong is all that I care anything about. If it is right that we should take charge of the merchant marine to keep the American flag on the seas by the funds of the Government, I do not care how many other people believe in the same thing, and therefore I stand for the Government in performing its proper function.

The Government has performed functions for the people of the State of Connecticut. Its tariff laws are paternalistic, socialistic, and communistic laws for the benefit of the people of the Senator's State, the same as this bill, if enacted into law, might benefit my people indirectly. Its patent laws give special privileges and its banking laws give special privileges and special powers of that kind. But when we come to do something for the common people, something that is going to help the whole people, then it must be stigmatized as socialistic, communistic, and some of these other worse names.

Mr. BINGHAM. I did not apply to my good friend the Senator from Iowa the term "socialist." I said that his is a position taken by all socialists also. I merely intended to convey my impression, as I think everyone will agree, that for the Government to go into the shipping business or into any other form of business which is naturally a place for private enterprise, which is naturally the way to increase individual initiative, is according to the principles of socialism. There are many people who have told us that the principles of socialism are steadily infiltrating into our body politic, and that we are more and more becoming paternalistic, becoming socialistic, and tending toward the doctrines of communism.

Mr. President, the Senator from Iowa makes a very unfair implication in his opening statement when he would seem to imply that I am here representing financial interests. If all the people of the State of Connecticut who take pride in their thrift and in their hard, common sense are to be considered financiers, I have no quarrel with him. I represent no interests except the interests of the people of my State. I represent no desire except the desire to benefit the great mass of the common people, to which he so lovingly refers. It is because I believe the interests of the common people are threatened by this kind of legislation that I enter my feeble protest against it.

What is it that has made the people of our country great? It is because the boys and girls of the country have had the opportunity, no matter where they were born, no matter of what families they came or what their previous condition of servitude, to make much of themselves. But if they shall have to compete with Government in business, then that is the most stupendous obstacle that can possibly be placed in front of them. The great objection to socialism and its principles, the great objection to communism and its principles, is that they offer the most tremendous possible handicaps to the development and future of the individual poor girl or poor boy. It is because ours has been a land of opportunity that it has succeeded. It is because it has been a land of opportunity that it is the country of which we are so proud. When the Senator from Iowa and those who think like him desire to have the Government go into business for the benefit of the common people, they seek what may be for their immediate benefit but not for their ultimate benefit. Their ultimate benefit can come only from

opportunities to develop themselves and to develop their abilities in business without meeting the handicaps of the Central Government.

Now, Mr. President, I should like to read from the President's message one paragraph, for it bears directly on the matter before us. It is under the heading "Merchant marine." The President in his message of December 6 says:

> The United States Government fleet is transporting a large amount of freight and reducing its drain on the Treasury. The Shipping Board is constantly under pressure, to which it too often yields, to protect private interests, rather than serve the public welfare.

I ask those who believe in Government ownership please to note that Government ownership must operate through some such body as the Shipping Board, and here is the direct charge made by the President that in his experience he has found it true that "the board is constantly under pressure, to which it too often yields, to protect private interests." Even when we get Government ownership and Government operation we do not get Utopia. The President goes on to say:

> More attention should be given to merchant ships as an auxiliary of the Navy.

That is done in foreign countries and has greatly tended to build up their merchant marines. The President further says:

> The possibility of including their masters and crews in the Naval Reserve, with some reasonable compensation, should be thoroughly explored as a method of encouraging private operation of shipping.

That is a suggestion which I do not understand has been considered by the committee which reported this bill; there has been no evidence of their having considered it; and yet it seems to me to be a suggestion involving great possibilities of usefulness. The President goes on to say:

> Public operation is not a success.

I think everyone, even the members of the Committee on Commerce, will agree with that.

> No investigation, of which I have caused several to be made, has failed to report that it—

That is, public operation—

> could not succeed or to recommend speedy transfer to private ownership. Our exporters and importers are both indifferent about using American ships. It should be our policy to keep our present vessels in repair and dispose of them as rapidly as possible, rather than undertake any new construction.

That recommendation of the President has been directly——

Mr. FLETCHER. Mr. President, will the Senator yield for a minute?

Mr. BINGHAM. I will yield as soon as I finish the sentence. That recommendation of the President has been directly ignored by the pending bill. The President ends the paragraph on the merchant marine with these words:

> Their operation—

That is, the operation of the present vessels—

> is a burden on the National Treasury for which we are not receiving sufficient benefits.

Now I yield to the Senator from Florida.

Mr. FLETCHER. Mr. President, I merely wish to suggest an answer to three thoughts that the Senator has emphasized. As to the one regarding the pressure that is brought to bear on the Shipping Board, I desire to say that the amendment which the committee proposes, requiring the unanimous consent of the board, it seems to me, would protect the board against an unusual and unjust pressure.

I will ask a question of the Senator from Connecticut, who insists that this is purely a field for private capital and private individuals to engage in and that the Government ought to get out of it. Leaving aside the commercial features, the necessity of expanding and enlarging and taking care of our foreign commerce—leaving that to one side—the Senator will admit that we require merchant ships to serve our Navy in time of need. Auxiliaries, sometimes called "supply ships," are just as important as are our battleships in time of trouble. The Senator will admit that we require such ships. Is that a distinct and clear field for private enterprise to occupy? Is not that a field which justifies the Government in undertaking to supply such ships, and especially since private enterprise does not supply them? Why should we say the Government ought not to build auxiliaries for the Navy or own or control or operate them any more than we should say that the Government ought not to build naval ships? The Government builds naval ships and owns and operates them. Merchant ships are just as important as auxiliaries of the Navy as they are to serve our commerce; in time of trouble they are essential. So in this matter of foreign shipping—I do not have any reference to the coastwise trade at all, for that properly belongs to American shipping and American ships, and all that sort of thing, and is splendidly equipped now—is not that a field, I will ask the Senator, keeping in mind the necessity for auxiliaries and supply ships for the Navy, that has features that make it rather distinct from the ordinary business undertaking which the Senator feels ought to be left to private enterprise?

Mr. BINGHAM. Mr. President, in reply to the Senator's question, I should like to make two points. In the first place, it will be generally conceded that it has been Great Britain's policy to provide as many of the auxiliary ships to which the Senator refers as possible, so that in time of war her navy might be strengthened by auxiliary cruisers of every description. In following that policy she has not indulged in Government building and Government ownership and Government operation, but has followed other policies with great success, as the Senator himself has brought to our attention in the figures showing the large number of ships operated under the British flag to-day. In other words, if we wish to secure that kind of auxiliaries for the Navy of which the Senator speaks, the most practical way to do it, as shown by experience, is the way followed by Great Britain.

Secondly, my answer would be——

Mr. FLETCHER. Mr. President, our people will not do it. That has been the experience of the past. Our people will not undertake it as the British people do.

If the Senator from Connecticut will allow me just a moment further, I wish to say that I think the message of the President, which the Senator has quoted, is destructive and not constructive. I differ with the President in the statement that the conduct of the shipping business as it has been carried on by the Shipping Board is a burden on the Treasury and that we do not receive adequate remuneration therefor. I have not any question at all that the benefits to the American people arising from the operation of ships by the Shipping Board are many times in excess of the cost of operation.

Mr. COPELAND. Mr. President, will the Senator from Connecticut yield to me?

Mr. BINGHAM. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, in reply to what the Senator from Florida has said, that the people will not undertake to do this work, let me ask how do we know they will not undertake it? We never before have had made a tangible, clear-cut proposition such as has been referred to by the Senator from Connecticut this morning. A definite proposition has been made to the Shipping Board that under certain conditions a private company with American capital will build six ships, each one of them capable of making the trip from port to port, from our country to Europe, in four days, and with an airplane connection so that mail actually could be sent from Chicago to Paris in three days. Never before has there been made such a proposal.

How does the Senator from Florida know that the people will not enter into this field? We should test the temper of the people. We should find out if the people of this country are unwilling to have private enterprise go forward in this way, because if we do not do it, what is the alternative? The alternative is to recondition two ships, each 21 years old, and attempt with a 20-knot ship and a 22-knot ship to compete with the great, fine ships now in operation and being built by the Cunard Line and the White Star Line. I do not think it is fair to say that the people will not do it. Let us test the people and see whether or not they will do it.

Mr. SMITH. Mr. President, what is the proposition that the company referred to makes in reference to financing the construction of these ships?

Mr. BINGHAM. Mr. President, the proposal in regard to these ships which has been made to the Shipping Board—and I speak entirely unofficially and subject to correction—I believe has met with the approval of the Shipping Board to such a unanimous extent that they are extremely desirous of having the whole proposal laid before Congress at once for its consideration. The proposal is this: This company, with a design for ships—which, I may say to the Senator from Florida, would make the best auxiliary cruisers in the world, because they would be in the nature of auxiliary aircraft carriers in time of war—is willing to put up some fifty or sixty million dollars of junior money if the Government will put up some ninety million dollars of senior money, to be loaned—not given—to the company at the same rate of interest which the Government must pay when it borrows the money. In other words, the Government can borrow it at little more than 3 per cent, and under the plan proposed would loan it to the company

at a little more than 3 per cent, the company to pay interest on it, so that the Government would not lose one penny by it. The Government then would receive a first mortgage on all the ships and the company, which puts up fifty or sixty million dollars, would have only a second mortgage on the ships. This proposal, then, if accepted, virtually would not cost the people of the United States one penny but would enable the United States to bring into being the fastest fleet of merchant ships in the world—a fleet which the British papers are already speaking of as serious challenge to their supremacy in ships crossing the North Atlantic. It is that proposal which is to come before Congress in the near future.

What I am asking for, I will say to the Senator from South Carolina, is that we do not pass this bill and give this enterprising group of citizens a slap in the face by telling them, "No; we are tired of trying to do anything for the merchant marine; we have tried for 60 years to help the merchant marine and we are tired of it; we are not going to give you any chance; we are going to go into the business of building ships and operating them ourselves."

Mr. SMITH. And in the meantime, while we are waiting for this experiment to be tried, we shall have disposed of all our ships, the Shipping Board will have "gone to pot"; the old status will be reestablished, and then shipping interests will come back and ask for a subsidy. Now I want to call the Senator's attention——

Mr. BINGHAM. What the Senator from South Carolina states would not necessarily follow at all.

Mr. SMITH. It has necessarily followed up to the present time.

Mr. BINGHAM. The idea is not to postpone action on this measure until the experiment has been tried; but to wait until we see what the proposal involves and what the Congress thinks about it before definitely going on record as saying that we are going into the shipping business and to remain in it.

Mr. SMITH. Let me suggest to the Senator that some Members of Congress, after a very long experience, have pretty definitely made up their minds that they are going to test the present situation in a common-sense way. We own the ships; we have got a board appointed; we now propose to legislate to have that board function to demonstrate whether or not under these circumstances we can do what we have utterly failed to do by virtue of a subsidy. We have all the elements with which to try out an experiment.

The Senator read from the President's message in which the President said the present operation of ships was a drain on the Treasury, but if we are to take what the Senator and others have proposed, and provide a ship subsidy, I should like to know if that would not be a drain on the Treasury, without any hope of anything like the remunerations of the American people that the proposition of the Senator from Washington holds out to them?

If we admit that it is essential to the public welfare and the progress and development of this country that we should have a merchant marine, and it has been demonstrated that we can not have it along the lines of private ownership, then we have no other alternative but the one which is now facing us. We have tried for 50 or 60 years to build up the merchant marine under other plans without success. Now we have a fortunate condition that arose by virtue of the war that puts us in a position where we can try a justifiable experiment as to whether or not we can build a merchant marine under the auspices of the Government, and have auxiliaries for the Navy all splendidly equipped to respond in time of war, and in the meantime adequate to meet the necessities of the trade and commerce of the United States.

I can not see why it is not just as democratic—to use the broad meaning of that term—for us to engage in competition with foreign nations for the distribution of our goods to the markets of the world as it is for us to enter into an international agreement for the distribution of our mails.

Mr. COPELAND and Mr. WALSH of Massachusetts addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BINGHAM. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, not one of the disasters contemplated by the Senator from South Carolina is likely to follow if this bill is amended as is now proposed. This does not contemplate at all whether the ships are to be sold or not to be sold. That is not involved in it. The law prescribes that they shall be sold when the sale can be made in a way that will guarantee the continued operation of the ships. The ships that have been sold, except those which were sold to Henry Ford and scrapped, are being operated as a part of the American merchant marine, under the American flag, as auxiliaries to our Navy in time of war. There is not a thing involved in the bill before us that has any reference whatever to the fundamental fact that the United States has decided that it will continue the operation of an American merchant marine until private interests come in.

The Senator from Connecticut, when he talked about this proposed line across the ocean, was not talking about disposing of or destroying the ships which we now have. This morning, before the Appropriations Committee, there was a discussion relative to this very question. The question of the rehabilitation or reconditioning of the *Agamemnon* and the *Mount Vernon* was before us, and this question was asked. I asked the question myself of the chairman of the Shipping Board, General Dalton, who has operated these ships:

> Suppose these ships are reconditioned. Suppose they are run in the meantime to accompany the *Leviathan*, of the United States Lines. And then suppose this private company impresses the country sufficiently so that this plan can be carried out. Will there be no use for these ships?

The reply of both these gentlemen was:

> Yes; certainly; because they will be put in the south Atlantic service. They will be running from Savannah, Ga., or from some other point into the Mediterranean or to Europe.

There is not anything here involving the question of the maintenance of an American merchant marine, a large part of it under the Shipping Board. That question is not involved. The question which has been raised by the Senator from Connecticut is, Shall we perform any act which will say to private interests, "We do not care to have you bid for any part of this service. This country is committed forever to the idea of Government ownership and Government operation"?

Mr. SMITH. May I ask the Senator in what respect the passage of the proposition now before us would interfere with the proposition of this company? Why could they not come on and make their proposition after the passage of this bill as well as now?

Mr. COPELAND. Mr. President, if the Senator from Connecticut will bear with me for a moment——

Mr. BINGHAM. Certainly.

Mr. COPELAND. The reason is because this bill is in effect a notice to the world that the United States of America proposes to continue and maintain as a permanent policy Government ownership and operation. It seeks to destroy any hope that the Government will modify the ocean mail act so as to make possible the distribution to ships of funds which we now acquire from the sending of the mail. Does the Senator from South Carolina realize that last year, for carrying the mails across the Atlantic from New York to Europe, the United States Government paid a million and a half dollars to British ships? Why? Because we have no American ships capable of carrying that mail.

Mr. SMITH. Why have we not American ships capable of carrying that mail?

Mr. COPELAND. Does the Senator think the Government of the United States is going to appropriate the $100,000,000 or $150,000,000 necessary to give us those ships?

Mr. SMITH. That is not answering my question. If the Government has to pay out that much money to British ships there certainly must have been a profit in it to the British ships, or they would not have accepted that amount. They would have demanded an increased amount.

Mr. COPELAND. Yes.

Mr. SMITH. But if there is a profit to be made in the shipping business, why have not private American interests engaged in it and earned that profit?

Mr. COPELAND. I want to answer that question, and I will give a responsive answer. The law does not permit the Postmaster General to make any contracts for the carriage of the mails except within the limits of the appropriation. I ask the present occupant of the chair whether I am correct about that.

The PRESIDENT pro tempore. Is this a parliamentary inquiry?

Mr. COPELAND. This is a parliamentary inquiry.

The PRESIDENT pro tempore. The answer is in the affirmative.

Mr. COPELAND. Last year, when the Post Office appropriation bill was before the Senate, the Senator from Tennessee [Mr. MCKELLAR] put a rider upon the bill which provided that no part of the appropriation should be used for the carrying out of contracts theretofore made between the Postmaster General and these private shipping interests. Until we pass a law stabilizing the making of contracts and the arrangements

between the Government and shipping concerns, there will never be built a ton of vessels capable of such speed as to carry the mail, and capable of such speed as to be of service to the American Navy in time of war.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from South Carolina?

Mr. BINGHAM. Mr. President, I have only a very few moments more to speak, and I should like to be permitted to finish. I yield, however.

Mr. SMITH. If the Senator will permit me, I just want to call attention to one sentence that the Senator from New York used, where he said "until the Government stabilizes contracts." He meant, until the Government makes a subsidized contract we will not have any shipping.

The Senator from New York knows that on account of certain conditions that would involve the modification or perhaps the abrogation or repeal of numerous laws, private concerns are not going to go into the shipping business. He knows that, because he knows that of all people in the world the American Yankee can smell the possibility of making a dollar farther than any other individual on earth; and if there had been a reasonable profit in the shipping business the American flag would be floating in every bay and in every harbor of the world. The reason why it is not there is because there is no profit in it.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BINGHAM. Mr. President, I was thinking of asking unanimous consent that this colloquy be placed in the RECORD following my remarks.

Mr. COPELAND. I will answer the Senator's statement in my own time. I thank the Senator from Connecticut. I intend to answer it fully if I am able to do so.

Mr. BINGHAM. Mr. President, I merely want now to address a few remarks to the amendment offered by the Senator from New Jersey [Mr. EDGE].

His amendment, it will be recalled, relates to that part of the bill proposed by the Senator from Washington which would make it impossible for the Shipping Board to carry out the desires of the President or anyone else in selling any of these ships to private interests, to be operated under the American flag by private companies, unless every single one of the seven members of the Shipping Board was unanimously in favor of so doing.

It has been brought out, particularly in the remarks of the Senator from Florida [Mr. FLETCHER] yesterday, that the reason for putting in this provision was because he did not believe that the Shipping Board ought to sell any ships, and that they have been too liberal in selling ships before, although just why anyone who is interested in the merchant marine should be so resentful of having Americans desirous of going into the business of conducting our foreign trade in American bottoms I do not know. The fact remains, however, that the committee recommended this unanimous-consent proposal.

As one reads history one finds that legislative bodies have almost never been willing, or have not been successful if they tried to do it, to operate continuously under unanimous consents. The Senate does a great deal of business under unanimous-consent agreements; but whenever anyone does object it is perfectly possible, by motion and by the vote of the majority, to bring about the result which is objected to by one or two Senators. In history we read that the Polish Diet, in the Middle Ages, operated under a constitution which provided that any single member of it could block business; and the result was that it was one of the most unsuccessful legislative bodies in all history and led to such bad government on the part of Poland that Poland was unable to continue its national entity for a great many years thereafter.

In modern times, as has been referred to by the distinguished senior Senator from Idaho [Mr. BORAH], we have the example of the Council of the League of Nations, which operates only by unanimous vote. It can not do anything if any single person objects; and, of course, if the committee feels that the League of Nations and its council have been so successful under this unanimous-consent clause that they desire to have the Shipping Board operate under it, they are at liberty to think so; but personally, I do not care to copy the method under which the League of Nations attempts to do business.

There is no board of directors in the world that operates under any such clause. People who are interested in their own property; people who are interested in making a living; people who are interested in securing interest on their investments; people who have the interest of their families at heart; when they give to boards of directors, as we are giving to the Shipping Board, the duty of operating their business successfully, have in no case that I have ever heard of told the board of directors that it could not sell any of the property of the concern unless the board of directors was unanimously of the same mind.

Mr. WATSON. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly.

Mr. WATSON. I am curious to know whether or not the Senator has investigated to find out whether or not the members of the present Shipping Board have ever agreed, at any time, on any proposition presented to that body.

Mr. BINGHAM. Not so far as I have ever heard, Mr. President.

Mr. WATSON. They never will.

Mr. BINGHAM. In fact, human nature is such that we seldom find seven citizens agreeing on any matter, whether it be church or state, whether it be politics or business, or even as to where a bunker shall be placed on the fifteenth hole at the local golf club. Fortunately it is so; otherwise the world would be the most disastrously, hopelessly monotonous place in the world if people's minds were all built on the same lines so that they were in accord. Taking advantage of human nature being what it is, it has been our practice from time immemorial to give to legislative bodies the right to decide matters by a majority vote or by a two-thirds vote and to give to small bodies like the Supreme Court or the Interstate Commerce Commission or the Shipping Board the right to decide by a majority vote.

The present proposal is contrary to all our practice, and there is only one reason for it, Mr. President, and that is the attempt to prevent the Shipping Board from operating at all under the provisions provided in the act.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield to the Senator from New York.

Mr. COPELAND. May I ask the Senator if he has pointed out the fact, too, that the Shipping Board is organized as a regional institution, with two members from the Pacific coast, two from the Atlantic, and so on?

In other words, if any matter which apparently involved the highest interests of the country at large were involved here, the local influence would lead at least two members of the board to vote against what might be for the interests of the entire country. So it seems to me absurd to think that the interests of the country could ever be served by requiring a unanimous vote on the part of the Shipping Board.

Mr. BINGHAM. Mr. President, I agree entirely with the Senator. The point which he has raised is an excellent one, and has been seen exemplified in the history of the Shipping Board, when local interests who desired that certain things be done attempted through the Shipping Board to prevent it by securing the votes of the members who lived in that part of the country.

We are none of us unwilling or unable to receive suggestions from our friends or to operate under the circumstances under which we have been brought up and the surroundings under which we have lived. It leads us to take a different view of things. In conclusion, I should like to repeat, so far as I have been able to discover the only object of introducing that particular feature in the law is to prevent the Shipping Board from operating at all, and therefore I am heartily in favor of the amendment offered by the Senator from New Jersey. It seems to me that anyone who is opposed naturally to Government ownership or Government operation of business enterprises of this kind must of necessity be willing to support the amendment offered by the Senator from New Jersey.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. I yield the floor.

The PRESIDENT pro tempore. The Senator from Massachusetts desires to propound a question to the Senator from Connecticut.

Mr. WALSH of Massachusetts. The Senator does not need to answer my question unless he wishes. I was about to ask him who were the individuals and companies now making the proposal to build new, modern, and fast ships that were to engage in interocean shipping under private ownership. In view of the many obstacles which it is alleged have been resorted to to obstruct the developing of an American merchant marine, some of us are suspicious that these propositions are not now made in good faith, being made at the very time of the discussion here of this important measure and never heard of before. I would like to have the Senator, if he sees fit to make reply, tell us who these individuals are, what their connections are with the shipping business, to what extent we can rely on their present promises? Are they doing this in good faith and to what extent they have been engaged in the shipping business, or is this simply a gesture made here on

the eve of the attempt to pass this bill to raise further obstacles and objections to the development of an American merchant marine?

Mr. BINGHAM. Mr. President, I am surprised and astonished that the Senator from Massachusetts should think this was some new thing, some new gesture raised at the last moment. It is a matter which has been talked about in the public prints for some months, and I read about it last summer for the first time after I came back from China. The company concerned is one of the largest and best known shipbuilding companies in the world. The implications of the Senator from Massachusetts are entirely unworthy of him and of his knowledge of public affairs.

Mr. WALSH of Massachusetts. I will say to the Senator that the chairman of the Committee on Commerce [Mr. JONES], who sits right here, who has studied this question more than any man in this country, says he first heard rumors about what the Senator is talking of a few weeks ago.

Mr. BINGHAM. The London papers as far back as last November were talking about it. The Daily News, of London, in its issue of January 10, in the article to which I referred a while ago, and which I asked to have printed, said: "The Daily News, as far back as last November"——

Mr. WALSH of Massachusetts. That is why some of us are suspicious, because so many of these reports and statements come through London papers; and of course the Senator knows——

Mr. BINGHAM. If the Senator wants to continue along those lines, I have no desire to engage in debate with him.

Mr. WALSH of Massachusetts. It is apparent the Senator is not willing to answer my question.

Mr. BINGHAM. I am willing if the Senator will give me an opportunity. He wants to know who the company is and who is the head of it. It is headed by Mr. Lawrence Wilder.

Mr. WALSH of Massachusetts. Who is he?

Mr. BINGHAM. He is the chairman of the Brown Boveri Electric Corporation, formerly the New York Shipbuilding Co. I submit to the Senator from New York, who knows more about it, whether I am correct or not.

Mr. COPELAND. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. I yield.

Mr. COPELAND. I would like to say to my beloved friend, the Senator from Massachusetts, that I have heard the same rumor around the Chamber, that this is only a gesture, that this is put out simply to defeat this legislation. Of course, if I believed that, I would join the Senator from Massachusetts and every other honorable man and say, "We will have nothing to do with this crowd of men." But let me say this to my friend: The company proposing this fleet of vessels is the company which has just completed the *Saratoga*. The Senator is aware of the fact that we have just had placed in commission a $35,000,000 airplane carrier, to carry 100 airplanes.

Mr. WALSH of Massachusetts. Is not that a shipbuilding company, and not an operating company?

Mr. COPELAND. That is a building company.

Mr. WALSH of Massachusetts. What ships have ever been operated by this company which makes this proposition and which is suggested as the possible making of a privately owned merchant marine?

Mr. COPELAND. I would not say this company has ever operated any ships.

Mr. WALSH of Massachusetts. They are going to start in the operating business when they get these ships?

Mr. COPELAND. If I may judge at all from the personnel named—and at a later time in my own remarks I am going to put into the RECORD a statement made by this company of the men involved in it—they are men of the highest business integrity, and men who have demonstrated their skill not alone in operating a great shipbuilding plant, but in operating railroads, and in operating steamships. There is no question about the honorable business integrity of these gentlemen.

Furthermore, let me say to my friend from Massachusetts that there is nothing here involved, so far as I can see, that has any important relationship to this measure.

If the Senator from Connecticut will bear with me for a moment, this bill has to do with our general policy. I am sure the Senator from Washington will bear me out in saying it has to do with our general policy. The statement of what these gentlemen are offering to do is not intimately related to this measure, except to this extent: That in a sense this bill is a warning to private interests that "We do not want your help, we do not want you to consider anything in the way of private investment in ships, because it is the intention of our Government to go forward forever in the operation of an American merchant marine."

Just one more word. I do want to impress upon the mind of the Senator from Massachusetts that these are honorable men, and I do not believe for one moment that there is anything coincident in this proposal, so far as seeking to defeat this legislation is concerned. As a matter of fact, they are not intimately related; and I hope at some future time, in my own time, to go into the matter extensively. But let me say now to the Senator that, so far as I know, this is a perfectly honest, legitimate, straightforward business proposal, and in no sense a piece of political chicanery.

Mr. BINGHAM. If the Senator from Washington and the Senator from Massachusetts had happened to live along the Connecticut shore, or the Long Island shore, last summer, they would not now be led astray by any of these rumors about this being a gesture, an attempt to defeat this bill. Those of us who live along the Connecticut shore and those living on Long Island heard of this project last summer, long before this bill was ever proposed, or any of us supposed it would ever come to the attention of the Senate.

Interests representing very large and powerful financial connections looked into the possibility of securing a terminal at Montauk Point, and looked into the possibility of securing a terminal at Narragansett Bay, and at New London, Conn.; particularly because at New London the State of Connecticut has built a million-dollar pier.

The Governor of Connecticut was keenly interested in the project. His attention was brought to the fact that this line of rapid steamers, if operated from New London, might bring to that port a great deal of business, and that these rapid steamers, and airplanes which they would carry when operating near shore, would be greatly to the advantage of the State of Connecticut.

A great enterprise of this kind, requiring, as it does, a certain amount of Government support, particularly in connection with the loan which I have mentioned, can not be rushed through, and this company and these gentlemen were proceeding in an orderly manner all through the summer and through the fall and through the winter, and they are now faced by this law. We are told we are to have a vote on it to-day. They are now threatened with a slap in the face, and naturally they have made their presence felt more than they did before. They did not suppose, nor, may I say, did the great majority of the citizens of the State of Connecticut suppose, that the Government was going back into the business of running ships. It was utterly strange and astonishing to me, knowing, as I do, the fact that the great majority of the people of this country do not want to see the Government in business, that the committee should propose this bill. That is why it was only in the last few days or weeks that Senators have heard about this new enterprise. Had they lived, as I have said, in Connecticut, or in Rhode Island, or on the Long Island shore, they would have heard about it last summer. The people who are back of it are entirely upright, outstanding, responsible citizens, who have had for many years the reputation of conducting their business in a thoroughly satisfactory and businesslike manner.

I hope the Senator from Massachusetts is satisfied with my answer to his question.

Mr. WALSH of Massachusetts. I am not satisfied that there is a definite proposition presented to the American people by an existing company engaged in interocean shipping that is ready to establish private shipping lines that will assure us an American merchant marine.

Mr. BINGHAM. Mr. President——

Mr. WALSH of Massachusetts. I understand from what the Senator says that there is a company that builds ships that is willing to build more ships, and very excellent ships, if the designs are to be relied upon, after they get Government aid. That there is an existing group of men and that there is on hand the money and that there is a disposition to at once, now, open up, under private interests, an American merchant marine, I am not satisfied. If I were, I would vote along the lines indicated by the Senator for something else than Government ownership and Government administration of an American merchant marine.

Mr. BINGHAM. The Senator is very hard to convince. It has been brought out repeatedly on this floor that under present conditions it is almost impossible for anyone to engage in the foreign trade, and yet the Senator says that because this company that proposes to do this and is willing to bind fifty or sixty million dollars' worth of private capital, if it can do it in a way that seems reasonable and businesslike, has not been operating ships, therefore he is unwilling to support their proposition.

Mr. WALSH of Massachusetts. Because their plan is one of uncertainty, and we have been passing through seven years of that, I want to end it. In view of our defense and our trade needs, I refuse to longer delay the establishment of an adequate merchant marine. With the only alternative being a Government merchant marine or the uncertainty of—I might add practical abandonment of hope—a privately owned merchant marine, I am for a definite policy of Government operation as an auxiliary to our Navy.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield the floor.

The PRESIDENT pro tempore. The Senator from New York desires to address an inquiry to the Senator.

Mr. COPELAND. I do; I want to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Connecticut resume for that purpose?

Mr. BINGHAM. I do, if I may have the floor for that purpose.

Mr. COPELAND. I want to ask my friend from Massachusetts if he is aware of the significance of section 7 of the merchant marine act of 1920? The only interest this company about which we are talking now has in the matter pending before the Senate is this: Before this company can undertake to put a line in operation under the conditions of our law, they must have first in effect a certificate of necessity from the Shipping Board.

The only possible interest this company may have in the pending amendment is that if the amendment were to carry, and a unanimous vote be required in the Shipping Board on a matter of importance, it might well be that there are one or two men on the board—I am not saying there are, but there might well be—who are determined that no private interest shall engage in the shipbuilding business, that the Government shall continue to do it.

There is nothing in the Jones bill now pending that these people have said to me they oppose. They have said they are perfectly willing to have the bill. The question is not involved at all.

Mr. WALSH of Massachusetts. Then why prolong the discussion? If Senators are willing to have the bill passed, why are we postponing the vote? Why are Members now delaying action by quoting private interests who are willing to take over our merchant marine and develop with Government aid a merchant marine of private lines?

Mr. COPELAND. I am sure my friend from Massachusetts does not consider that any one of us is going to vote for or against the measure or any amendment because of this proposal. I am opposed to the amendment, because I think the highest interests of the country are involved in an arrangement by which a majority of the board can act. It does not relate at all to this question. It relates to the entire question of policy.

Mr. WALSH of Massachusetts. I appreciate the Senator's position. He is opposed to the amendment because it requires a unanimous vote of members of the Shipping Board to sell any Government-owned ship, and the Senator thinks that that requirement will result in discouraging private individuals from going into the shipping business. Is not that the Senator's position?

Mr. COPELAND. That is part of it.

Mr. WALSH of Massachusetts. My position is exactly the reverse. I want the Government to declare that the primary purpose of the existence of the Shipping Board is to maintain and operate a Government-owned and Government-operated merchant marine.

I take the amendment to be of great importance in declaring a definite policy. I want the members of the Shipping Board to know that it is the position of the Congress of the United States that they are not to seek customers, that they are not to sell ships by a mere majority vote, that it is not going to be the policy to liquidate our ships, but, on the contrary, the ships are to be sold only when there is a clear, unmistakable necessity and that all sales of ships must be justified on the ground that it is further contributing to the development of an adequate merchant marine.

I want the selling of our ships to be a secondary function and the developing of our merchant marine the primary business of the Shipping Board. Heretofore they have apparently thought more of getting out of the business than making an earnest effort to establish a successful and adequate merchant marine. That is the present administration's position—one of disfavor to Government operation. My position is that we must have Government operation or resign ourselves to the fate of possessing no American merchant marine.

My position, I repeat, is exactly contrary to the Senator's. He does not want any amendment to the bill which will affect the present policy of disposing of our ships. I want a policy which will end, and end once for all, the uncertainty of the present policy, and which will give notice to the world that we are looking forward to the development of an adequate merchant marine under the auspices and direction of our own Government, not simply for commerce but for naval and defense purposes.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from New York?

Mr. BINGHAM. With the kind permission of the Presiding Officer, I desire to yield the floor.

Mr. FESS. Mr. President——

The PRESIDENT pro tempore. The Senator from Ohio [Mr. FESS] is recognized.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New York?

Mr. FESS. I yield.

Mr. COPELAND. May I say this final word to the Senator from Massachusetts? I understand fully his position and honor him fully for any position he takes, because I know no Member of this body has loftier sentiments and motives than he. But, of course, the Senator has practically committed himself to professional ownership and operation. He is seeking through this measure to do what I said the other day is proposed by it. It is legislation by indirection. There are other features of the present law which are still in existence. It continues to be the duty of the board, when they are satisfied that a line or service should be sold, to sell it. The only difference is that in one instance it would be by majority vote, as it is at present, and under the pending bill it would be by unanimous vote. So the Senator does not accomplish all the things that he has in mind by the adoption of the amendment, because still the duty would devolve upon the board, under certain circumstances, to sell the ships. Of course, it would have to be, with this amendment, a unanimous vote of the board.

REPORT OF THE WAR FINANCE CORPORATION

The PRESIDENT pro tempore laid before the Senate the tenth annual report of the War Finance Corporation, submitted pursuant to law for the year ended November 30, 1927, which, with the accompanying exhibits, was referred to the Committee on Finance.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, reporting, pursuant to law, relative to files of old papers in the Navy Department which are not needed or useful in the transaction of current business and have no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. HALE and Mr. SWANSON members of the committee on the part of the Senate.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 5623. An act to amend the Judicial Code by adding a new section, to be numbered 274D;

H. R. 9024. An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation;

H. R. 9142. An act to amend section 71 of the Judicial Code as amended by changing time of holding court at El Dorado and Harrison, Ark.;

H. R. 9785. An act to amend section 1025 of the Revised Statutes of the United States; and

H. J. Res. 59. Joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. 777), and appropriated for in the deficiency act of February 27, 1906.

REFUND OF CERTAIN LEGACY TAXES

The bill (H. R. 7224) to extend the time for the refunding of certain legacy taxes erroneously collected was read twice by its title.

The PRESIDENT pro tempore. This being identical in title and matter with a Senate bill which is already on the calendar of the Senate, it will be substituted for that number on the calendar unless otherwise ordered by the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were subsequently signed by the Vice President:

S. 1798. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; and

S. 1801. An act in reference to writs of error.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. FESS. Mr. President, I am thoroughly convinced that the degree of interest in building up and maintaining an American merchant marine is not to be determined by the number of Senators who are in the Chamber at this time. absence of others largely because of committees which are in session at this hour.

I am of the opinion that there is no question which commands a more sympathetic interest from those who see the importance of this arm of industry and defense, because from the beginning we have recognized the growing possibilities of our overseas trade. From the nature of the case the consumptive power of the world is continuously increasing. The diversity of production in all parts of the world is on the increase. We recognize the fact that the trade between our country and other countries is bound to be continuously enormous, with an increase from year to year. Only a few years ago our foreign trade was counted in the hundreds of millions. Now, it is counted in the billions. Last year it was very close to ten billions. That is only a suggestion of what it is to be in the future. Even without the increase of population there would be an increase in the foreign trade. That is inevitable.

I am thoroughly convinced that the United States ought to build up and maintain an American merchant marine not only because it is absolutely necessary as a national defense but also because it would be very wise in the growth of commerce, from a commercial standpoint as well as from a defensive standpoint. The argument to me is incontrovertible. Therefore, I have no sympathy with the suggestion that we can afford to abandon the American merchant marine to the carrying powers of other countries. I have not the slightest sympathy with that suggestion. On the other hand, I think it is rather a fatal position to take, for what would be the situation of the country should we be involved in war with foreign countries and have to depend upon foreign countries for ships to carry the necessary munitions and men which would be involved in a war? To me it is unthinkable that we should voluntarily abandon the merchant marine from the standpoint of national defense.

Then from the standpoint of commerce I can see tremendous possibilities in the development of a merchant marine, not only in the number of ships that would be on the sea or in the people that are employed in the running of the ships, but I can see it reflected in the shipbuilding yards and shops of America. I am of the opinion that American genius is such that if once we were launched upon a legitimate shipbuilding program, we would easily build the ships for our own country, if we did not enter upon the building of ships for other countries. The latter, of course, is quite problematical, but there is no doubt about the former.

From the standpoint, therefore, of defense and of commercial growth the question is hardly open to debate so far as I am concerned. That part of the resolution, therefore, which affirms, as a permanent policy of the Government, the building up and maintenance of an adequate merchant marine meets with my very hearty approval.

When we pursue the question further we seem to be met with what appears to be an alternative. That is, can we build and operate the merchant marine by private enterprise? If not, what is the recourse? If we can build a merchant marine by private enterprise, I think it would be very unwise not to open the way and keep it open to do it. In other words, I am fundamentally opposed to Government ownership and operation of any great enterprise that can be owned and operated by private enterprise. That is a fundamental principle with me, and I need not argue it here. We have had experience in the past which closes that argument so far as I am concerned.

There is, therefore, a very striking difference between my view and the views just announced by the Senator from Massachusetts [Mr. WALSH]. To remove the uncertainty that is in both his mind and my mind, he would immediately pronounce as a definite policy the abandonment of further sales of ships to private enterprise and definitely launch upon a Government operation and administration of the shipping interests. In that degree we are in very sharp difference. The only thing I could say about Government operation is that it would be the last resort with me. If I am convinced that there is no chance for a merchant marine owned and operated by private enterprise, I shall not refuse to vote for the Government to do it when the alternative would be to abandon it altogether. In other words, as between abandoning an American merchant marine on the one hand and Government ownership and operation on the other hand, I am going reluctantly to choose the latter, because I think it is extremely important that we do maintain this agency of our people, hopeful that it might be done by private enterprise rather than Government ownership and operation.

The question is before us now whether we are convinced that there is no chance for private enterprise. I know that the outlook is rather gloomy. The past has been unusually displeasing. It has rather been a disappointment.

I would not hesitate a moment—and I have in the past so voted—to make up the difference out of the Treasury of the Government between the cost of the operation of ships by foreign operators and the cost of such operation by American operators. There are certain things that are definitely known. It is known that the cost of operating American ships is greater than the cost incurred by our competitors in operating their ships. We pay a certain scale of wages; we require under the law certain standards of living accommodations and food. We discriminate against the employment of persons who are not citizens of our own country. We impose such restrictions as to make the cost of the operation of an American ship under the American flag vastly beyond the cost of operating a ship under a foreign flag. I would be perfectly willing, if the amount could be specifically determined, to pay the difference out of the Treasury, making an allowance to labor. That would be a subsidy, it is true, to the labor employed in the American merchant marine; but, in a sense, we do that in the case of industries operating on land. We do not pay out of the Treasury, it is true, any subsidy to labor in industry, but we do protect the laborer engaged in industry by building a wall between him and the cheaper labor of his competitors across the sea. In this respect we have absolute control of the industries of the country because our law covers them. That tariff law, in its operation, is coexistent with the boundaries of the country. It does not, however, extend beyond the physical limits of our territory, and as soon as we go beyond that, out into the open sea, where our law by the imposition of tariff duties can not prevent foreigners competing with us, we are incapable of maintaining by law our standard; in other words, we can maintain our scale of wages in continental America, and continue our industries in operation, but the moment we undertake to do the same thing on the open sea our law does not protect. Therefore open competition drives American shipping off the sea though we do maintain our industries on the land.

If the difference between the cost of operating our American merchant marine and the cost of our competitors in operating their merchant marine could be determined definitely—and it could be—I would be willing to make up that difference by a subsidy to the labor employed, but unfortunately that proposition has never met with sufficient support to enable us to inaugurate it. A bill containing such a provision did pass the House of Representatives at one time, but it failed to receive sufficient support here, and I am rather constrained to believe that there is such a prejudice against the idea of making up the difference between the cost of operation here and abroad under the name of a subsidy that the prospect of the enactment of such legislation is not promising, nor do I believe that we are ever going to be able to enter upon that phase of the solution of the problem. There are, however, Senators here who think that there will be a change of opinion on the subject. If I could think there would be such a change, I would not have any distress of mind at all as to what we should do.

I am rather of the opinion that there are only three alternatives—private ownership with some governmental assistance; Government ownership and operation; or else our ships are going to disappear from the sea. The latter course, I think, would be fatal.

There is a contention among Members that we could meet the difference by some form of subvention under which the Government would pay for what appeared to be some specific public service, such as carrying the mails, and so on. I am

not convinced that that would work; in fact, I do not think it would.

It has also been suggested that we could solve the problem by discriminatory tariff rates, providing for the imposition of lower duties on goods imported in American bottoms. I do not think that would work. It has worked in times past in the history of other governments, but it would not work with us. I respect the position of certain Members who think it would, but here is the situation that would face us: As certainly as we should provide discriminatory duties in favor of goods coming in American bottoms as against those coming in foreign bottoms, the governments against whom we discriminated would retaliate and do the same thing as to us, favoring the goods coming in their bottoms as against those coming in American bottoms.

The fact that our export trade is in excess of our import trade throws the balance of trade in our favor, and thus a discrimination of the kind to which I have referred would not help us but would hurt us. The discriminations we might make would be much less than the discriminations which would be made against us; so I think that logically the method of building up the American merchant marine by a system of discriminatory tariff rates would work against the American merchant marine instead of for it. So I am not convinced of the strength of that argument.

Mr. WILLIS. Mr. President, will my colleague yield to me?

Mr. FESS. I yield to my colleague.

Mr. WILLIS. I desire to make a suggestion to my colleague, if it will not interrupt him for me to do so.

Mr. FESS. It will not interrupt me at all.

Mr. WILLIS. I desire to suggest in this connection, quite in harmony with the statement my colleague is making as to the inadequacy of the discriminatory duty proposition, that in the act of 1920 the President was specifically requested to negotiate as to that matter, but three Presidents—President Wilson, President Harding, and President Coolidge—representing two different political parties, have absolutely declined to act in that direction. So whatever Congress might think about it, we have found from experience that the Executive has encountered such difficulties that such a method can not be considered practical as an aid to the merchant marine.

Mr. FESS. Mr. President, I am very much obliged to my colleague for calling my attention to that; and it reminds me of an interesting situation.

I was one of the Members of the other House who at the time very bitterly criticized President Wilson for not enforcing that particular provision of the law. I thought it was a case of a President openly ignoring a decree of the legislative branch of the Government in the form of a bill which had already been signed by the Executive. Then when President Harding came to the White House and the same question was presented to him, I was so much concerned that I talked to him about it. I found that he took the same position as that taken by President Wilson and that he could not see his way clear to violate at least the spirit of treaties and therefore he could not attempt to enforce the provision. I thank my colleague for reminding me of rather an interesting situation when we attempted this very method of solving the problem a number of years ago. I do not believe even if the way were open to administer such a provision of law that it would afford a solution or give any adequate relief.

Mr. President, there is another feature that makes the case of still more interest to me, and that is that we have had a merchant marine in our history. At one time we were in first place in the carrying trade of the world, which indicates that we did have the genius to build up and maintain a merchant marine. When, however, Great Britain, as one of her chief activities, began to reach out for the overseas trade of the world she became so efficient in shipbuilding that apparently we could not keep up with her and our ships gradually left the seas.

Then in the course of humanitarian legislation we have constantly increased the difficulties of operating an American marine. I refer to such legislation as the seamen's act and other enactments not dissimilar to it. In other words, we are constantly growing away from the ability, privately, to build and operate ships.

That brings about a situation that is very depressing to me as one who is fundamentally opposed to Government operation and ownership. At the same time I recognize that the idea of such operation and ownership is encroaching upon the country step by step. The Mail Service is an example. Then that was enlarged by the Parcel Post Service, which is another example along the same line. The Parcel Post Service is bound to be increased in the future, and, of course, we are never going to abandon it as a Government-operated agency.

The same tendency may also be noted in connection with the building of waterways. There was some opposition to the construction of the Panama Canal on that ground, and I had considerable sympathy with that opposition; but the construction of that canal was such a stupendous undertaking, involving the expenditure of $400,000,000, that it was pretty generally conceded that if the canal ever were to be built it would have to be built by the Government rather than by private enterprise. So the Government of the United States entered upon that task and we are operating that canal to-day as a Government agency.

There are other steps which we are taking along similar lines which indicate that there is a strong sentiment growing up in our country on behalf of Government ownership. I deplore it. I think it presents a serious situation, and I believe the movement to be quite unwise, and yet no one can close his eyes to this growing sentiment. I need but refer to the transportation act. When the railroads were taken over by the Government it was purely a war emergency act.

I have sometimes wondered whether it would not have been better not to have taken them over, but that is water over the wheel, and is not now a subject for discussion. When, however, the time came for making good the promise to return the railroads to their owners in as good a shape as when the Government took them over, and President Wilson specifically, in various messages submitted to Congress, urged that the obligation be fulfilled, I was in the other body at the time, and I recall how the recommendation of the President was resisted. There was an effort to make Government operation perpetual, to avoid entirely the obligation under which the roads were taken. And when that proposal was defeated I recall the desperate efforts of Members of the House who believed in Government ownership and operation to defer the time for returning the roads. The fight came first on preventing the roads being returned. That availed nothing; then next came the fight against returning them at the time the President asked, but finally, after a tremendous struggle that lasted over months, we did reach an agreement to return the railroads to their owners in 1920. I mention that to indicate the popular sentiment back of Government operation or Government ownership.

We have the same principle in the Muscle Shoals matter. I am quite certain that if we could decide definitely, one way or the other, that Muscle Shoals is either to be a Government owned and operated agency, or, once for all, that it is to be leased upon a basis satisfactory to the authorities, to be recaptured in time, Muscle Shoals would not hang in the balance as it has been hanging all of these years. Our trouble is to determine what the policy shall be; and the dispute is between Government ownership and operation on the one hand and private ownership and operation or private leasehold and operation on the other.

I mention that to indicate the growth of sentiment in the country, whether wise of otherwise. I think it is rather unwise, but it is here supporting the idea of Government ownership and operation.

Now as to this particular proposal: I am opposed to the committee amendment to the bill requiring a unanimous vote of the Shipping Board to sell a ship. I never use the word "camouflage"; I think this is the first time in my life I ever used it; but it is the word that covers this subject. That amendment can mean only one thing, and it is useless for us to deceive ourselves about it. It is a definite announcement that the Government is abandoning a private merchant marine. There can not be any doubt about it.

Mr. EDGE. For good and all.

Mr. FESS. Yes; once for all.

Mr. HOWELL. Mr. President——

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. FESS. In a moment. If that is the alternative, and if I were convinced that we can not do it by private ownership and operation, then rather than abandon the enterprise altogether, I would be willing to go to operating and owning the merchant marine by the Government. But, Mr. President, I am not convinced that every avenue is closed, and that we must now announce, once for all, that we are entering upon this enterprise as a Government operation; for I am convinced, as I am certain every Senator must be convinced, with the growing sentiment and with the light of the past in our struggle over the return of the railroads and all of these other tremendous

movements that are increasing Government ownership that if we take this step to-day or to-morrow we will never retrace it, because we will have then the interest of all of the Government with the tremendous influence of bureaus that when they once get a job it takes a 40-foot pole to pry them loose from it. It is scarcely possible.

Only to-day a suggestion was made to a committee about our doing certain things for a certain great agency of the Government; and it was stated that the difficulty with our closing the thing up is that if we closed it up certain bureaus would be disbanded, and they do not want to lose their jobs. That is a horrible statement to make, and yet all of us must recognize that that force is here, and the more you enlarge Government operation the greater becomes the force of that element; and I should like to be free to keep the Government away from everything that private enterprise can do. I think it is the wiser policy.

Did the Senator from Nebraska desire to interrupt me?

Mr. HOWELL. Mr. President, I wanted to ask the Senator if I understood him correctly as having come to the conclusion that private ownership is not possible at this time, and therefore he is willing to try Government ownership?

Mr. FESS. No. I was saying that our past history is very gloomy upon private enterprise having an opportunity on the sea, because of the difference in cost of operation between our vessels and those of our competitors. It is gloomy; but I am not convinced that we have reached the point where we can definitely say now that every avenue is closed to private enterprise, and that we are entering upon Government operation once for all. I am not ready to do that.

Mr. HOWELL. Then do I understand that the Senator is in favor of this bill as amended?

Mr. FESS. Yes; if the amendment is adopted which was offered by the Senator from New Jersey [Mr. EDGE], permitting the sale of a ship when four members of the Shipping Board agree—*that is*, a majority out of the seven—instead of all of them. If that amendment is put in the bill it still leaves open the way to continue our efforts, through the Shipping Board, to build up a merchant marine.

If that is left open I will vote for this bill; but if the bill is framed in such a way that the vessels can not be sold, then I think the Senator will agree with me that that means closing all avenues to private enterprise, and we will have started definitely upon a Government-operation plan; and I do not want to do that until I am convinced that there is no other way.

Mr. HOWELL. A majority of the board has the right now to sell a ship.

Mr. FESS. The Senator means under the present law?

Mr. HOWELL. Under the present law.

Mr. FESS. Yes.

Mr. HOWELL. Therefore, if this bill is passed with the provision set forth in the Edge amendment, it merely provides for reconditioning and building new ships.

Mr. FESS. Precisely; that is to say, that is in this bill, and it is not in the present law. I am willing to vote for that.

Mr. HOWELL. And those ships can be sold by the present Shipping Board the next day after delivery or reconditioning for such a price as the board sees fit.

Mr. FESS. Provided all of them vote for it.

Mr. HOWELL. No; provided the majority vote for it.

Mr. FESS. Oh, yes; if the Edge amendment were adopted.

Mr. HOWELL. The Shipping Board has been selling ships that cost our Government $100 a ton or more that could not be reproduced for $50 to $60 a ton, for $7.50 a ton. Is the Senator from Ohio in favor of building and reconditioning ships to be sold on any such basis?

Mr. FESS. Mr. President, let me answer the Senator by making a little fuller statement.

When the shipping bill was up for discussion there was an offer for sale at something like $210 a ton. The Senator will recall that there was a tremendous agitation in the two Houses on the ground that that was less than it cost us to build the ships, because the building was done in war time, and it was done at a peak price.

Mr. HOWELL. Two hundred and ten dollars a ton for what class of ships?

Mr. FESS. These must have been merchant ships.

Mr. HOWELL. An ordinary specification cargo ship can be purchased now for from $40 to $50 a ton—at least abroad.

Mr. FESS. Yes; but I am speaking about how the Shipping Board was thwarted in making the sale because of the clamor that broke out in Congress that it was selling the ships for less than they cost. That was not quite a legitimate clamor, however, because the cost was abnormal. They were built in war time at tremendous cost, and we could not hope to get for them anything like what they cost us.

As to whether we would sell a ship to-day for less than it cost us, very likely we would have to or we could not sell it at all, because many of those ships are not efficient. They were built hastily; they were not built for the purpose of merchantmen, and consequently they would naturally cost us a good deal more than the price they would command in the market. So I think the Shipping Board should not be criticized if it sells a ship for less than cost if there is a reasonable ground for doing it, and frequently I should suppose there is.

Mr. HOWELL. Is the Senator satisfied that there was justifiable ground for selling the fleet of ships that plied between New York and Mediterranean ports for $7.50 a ton, payable 75 cents a ton a year?

Mr. FESS. I will say to my friend from Nebraska—and I say it very kindly—that I would take the judgment of the Shipping Board on that subject a great deal quicker than I would my own. I do not know the value of the ships, and I assume that they were justified in it. I have not any desire to criticize their action, because I do not see why there would be any reason for doing it unless it was on justifiable grounds.

Mr. HOWELL. The justification is that the Government should get out of the business at any price; and if we pass this bill we will be simply taking a necessary step to provide more money for more ships and for reconditioning present ships which may be sold on a similar basis the next day after completion.

Mr. FESS. I do not think so.

Mr. WATSON. Mr. President, let me ask the Senator a question. Is not that an admission on the part of my friend from Nebraska that this provision for a unanimous vote is put in there for the express purpose of preventing any ship ever being sold?

Mr. FESS. Evidently.

Mr. HOWELL. I will acknowledge that, so far as I am concerned, I am not willing to have any more money appropriated for the purchase or building of ships to be sold to private interests at sacrifice prices. Furthermore, I am satisfied from what has been stated here in the Senate during this debate that the only possible method of developing a shipping service for this country is for the Government to develop it and operate it.

If we are to do so, let us face the problem squarely and no longer temporize. Let us build up an organization to do this in the proper way, and not endeavor to continue running a receivership for our shipping business. A receivership is the worst possible kind of an organization for developing or even carrying on a business, and will always result in loss, as it has resulted in loss in connection with the Shipping Board up to the present time.

Mr. FESS. Mr. President, the Senator from Nebraska must be conceded by every Member who knows him to be a man who thinks clearly and expresses his views without any equivocation, and I thank him for making that statement. Let us meet the issue squarely. This bill does not do it. This bill raises the square issue of whether we are going to abandon private ownership and operation and launch into Government ownership and operation. The Senator from Nebraska does not hesitate to say that that is what we ought to do, and he believes that we ought to do it by Government ownership and operation. I respect him for his statement; but there are utterances that have come yesterday and to-day from people interested in the passage of this bill in which that statement is denied.

I assert that the Senator from Nebraska has not only stated what the bill will do, but he has stated what the purpose of the bill is, namely, what I have said. Let us have the issue met here and now. Let us decide whether we want to abandon private ownership and operation, and whether we are for all time going into Government ownership and operation. The Senator thinks the latter would be the wiser. I differ from him. I think the latter would be unwise, unless it is the only thing that is open, and I am not yet convinced that it is.

Mr. HOWELL. Mr. President, will the Senator yield further?

Mr. FESS. I yield.

Mr. HOWELL. I do not regard this bill as finally fixing a policy for this Government.

Mr. FESS. I think it will.

Mr. HOWELL. I would hope, as a practical man, that it would. I believe that the only way for us to develop and maintain a merchant marine as an auxiliary to our Navy is to do it in just the same way that we have developed the Navy—run the business for blood, and not to aid our competitors. There is no private operation of American oversea shipping now, practically, from the ports of this country. Our shipping is constantly decreasing. The amount of cargoes of American goods carried

in American bottoms is less to-day than a year ago or two years ago.

If we want an American shipping service for this country, also as an auxiliary to our Navy, we ought to face the situation as it is and no longer throw money away, as we have done, by conducting a shipping business under a legislative receivership.

Mr. FESS. When the Senator says we have no private operation, does he mean that the 336 ships that are run by the Shipping Board are run as public ships? Are they not privately operated? There are 336 such ships, with a dead-weight tonnage of 2,968,000 tons plus.

Mr. HOWELL. Mr. President, two years ago, being very much interested in this shipping problem, I proceeded to the Mediterranean, and then down through the Red Sea and around Africa and back to New York, most of the way on cargo ships, for the purpose of learning something about the shipping business as it is conducted. I learned at that time that whereas the Shipping Board was doing a shipping business in that part of the world, they were doing it through agents and upon a plan that could result in nothing else but loss to the United States Government.

Mr. FESS. If the Shipping Board loses, what would the Government do?

Mr. HOWELL. I am talking about the board transacting its business through private operators, the private operators taking the profits when there are profits, and the Shipping Board taking the losses whenever there are losses.

Not long ago I met in the corridor of the Senate a former head of the Shipping Board. I asked him, "Why the failure of the Shipping Board and its constant deficits? Is it because you are trying to run a commercial business without hurting your competitors?" His answer was, "It is worse than that; it is running a commercial business aiding your competitors."

That is the trouble with our Shipping Board. You can not win in any business unless you run it for blood, and if the individual can not win otherwise, how can we expect the United States Government to succeed in any other way? But if a business is run under public ownership in that manner, it can be made successful, and I am confident that if we will establish our Shipping Board upon a permanent basis, and insist upon results, we can have results, yes, and profits—not these constant deficits.

Mr. FESS. Mr. President, I do not follow the Senator in his statement that the Shipping Board is committing these great errors and suffering these losses, and then arguing that if the Government should undertake what the Shipping Board is doing it would avoid all these things. My observation has been that with every agency which the Government operates the Government is much less efficient than private enterprise. I can understand that the same urge on the part of private enterprise might not materialize in the Shipping Board, in that the Shipping Board is not the owner of the ships, and therefore would suffer any loss that might accrue. I can see that difference. But the Senator is not convincing me in saying that because the Shipping Board has made blunders, as he alleges, that would not be experienced if a Government agency had charge of it.

Mr. President, in further reference to the possibility of private enterprise ultimately owning and operating the ships, when the war closed we had probably 1,100 ships tied up at the wharves. I was one of the Members of the other House very much interested in whether we could not use those ships in reviving our merchant marine, and I was perfectly willing to vote with others to make the experiment. We authorized the installation of as many of those ships as were necessary to continue service on the routes which then had been outlined.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. FESS. If the Senator will just wait until I finish this statement, I will yield.

We undertook to put these ships in commission; there was a good deal of extra expense that would not be met in the operation ordinarily, and, as I recall, the first year we suffered a loss of about $200,000,000, which seemed to be abnormal and shocking. The figures of loss kept decreasing from year to year, until year before last, as I recall, the deficiency appropriation called for was about $50,000,000. As I recall, last year the deficiency appropriation was somewhere about $18,000,000.

I take it from that that the Shipping Board from year to year was gradually approaching the point where the service was paying, and during all those years the Shipping Board did find markets for sales of ships, which indicated that the ships must have been profitable or they could not have been sold, for nobody would buy under conditions of loss.

I have felt all along that if we permit the Shipping Board to continue in the light of what we have been able to do in these eight years, we will reach the point where, under the board, we will be a paying institution on the sea. I think I am justified in that statement, in view of what has been done in these years.

My concern about the matter is that we have not made any provision for building new ships, and no provision especially for reconditioning old ones. That is taken care of in this bill, and I shall not hesitate at all to vote for those provisions which authorize the building of new ships or the reconditioning of old ones, because we know that a ship constantly in service depreciates and in time will be useless. That is why I do not hesitate to vote for that provision in the bill. Such a provision is not in the present law and is, therefore, in my judgment, essential. In other words, in the light of the progress of the Shipping Board, reaching the place where shipping might be made profitable—and I think, judging by what has been done, we are justified in thinking it will reach that point—I am willing to vote that the Government shall not only recondition old ships but shall replace ships, at Government expense, to continue in operation, in the hope that in the progress of time we will be able to have an American merchant marine that can easily be sold, if occasion arises, because it will be profitable. But I can not vote for the bill if we keep the committee amendment in it, which, in my judgment, means an abandonment entirely of the theory of a privately owned and operated merchant marine.

Now I yield to the Senator from New York.

Mr. COPELAND. Mr. President, the Senator from Ohio has already said in better words than I could choose what I had in mind, that if we are to continue a Government owned and operated merchant marine there must be replacements; and I think I am right in saying that the Senator from Washington estimated those replacements at $25,000,000 a year for 10 years. Am I right in that?

Mr. JONES. The Shipping Board program submitted covered a period of 15 years, and it would be about twenty or twenty-five million a year; about $250,000,000, in round numbers.

Mr. COPELAND. That is what I wanted to bring out, that these replacements which will be necessary to put the merchant marine owned by the Government on a paying basis must be made.

Mr. FESS. This bill provides for it.

Mr. COPELAND. And that will be $25,000,000 a year for 15 years. We have to face that.

Mr. FESS. I have heard most of the suggestions of the Senator from New York and he and I agree on this, that we must not abandon the merchant marine.

Mr. COPELAND. Oh, no.

Mr. FESS. And if we can avoid Government ownership and operation, it is wise to do so. In the light of what the Shipping Board has been able to do, I feel that, with the assistance of the Government, we will be able to put the merchant marine on a safe-paying basis and need not take it over by the Government in toto.

Mr. COPELAND. If the Senator will permit, I am in the fullest accord with the Senator from Ohio, and I want to say, further, that I think that there are certain services which will always be maintained by the Government. There are services out of the Gulf, there are some services in the South Atlantic that will never be attractive to private interests, because they have not in them the possibility of profit. Then there must always be surplus ships. We have had two examples, one a very recent experience in connection with the coal strike in England. Our citrus fruits in the West and the cereals from the Central West were not being moved because all the surplus foreign bottoms, particularly British ships, were occupied in carrying coal to Newcastle; and if we had not had a supply of surplus ships this country, and particularly the western parts of the country, would have suffered severely. The maintenance of certain lines will never be attractive to private interests, and in the maintenance of a supply of surplus ships, of reserve ships, the Shipping Board, in my judgment, for the next 50 years will be needed and will carry on a very important function. So I am in full accord with what the Senator from Ohio has said about the perpetuity of this work.

Mr. FESS. Mr. President, I have covered about what I had in mind when I rose. I am deeply concerned about the maintenance of the merchant marine. I think, from the standpoint of national defense, it is fatal to leave the sea. I think it is most unwise to permit the great agency of overseas commerce to be conducted by other countries and we not have any share in the activity. Both from the standpoint of defense and commerce I think a merchant marine is quite important, and I do not want by my vote to abandon the sea. I want it as the very last resort to come to Government ownership and operation. I would come to that if it were necessary, but I do not

believe it is necessary, and I think I am justified by the progress of the Shipping Board since it has been in existence.

Mr. HOWELL. Mr. President——

Mr. FESS. I yield to the Senator from Nebraska.

Mr. HOWELL. If I understood the Senator aright, recently in his remarks he referred to the sales made by the Shipping Board and expressed his belief that they must have been made as a result of the lines becoming profitable. In other words, he practically admits that just as soon as a shipping line became profitable the Shipping Board has sold that line and continued to run the unprofitable lines. Such being the case, is there any wonder that the Shipping Board is always showing a deficit?

Mr. FESS. If the policy of the Government is to get out of the shipping business and the instruction to the Shipping Board is to that effect, one of the chief methods is first to build up the business to the point where there can be a purchaser obtained, and there is no purchaser as long as there is a loss. Of course, there will be no sale unless there is a profitable line. If we can say we are not going to sell a line because it is profitable, of course that is tantamount to saying that we shall not sell it at all. The Shipping Board was acting under the policy of the Government when it was selling these lines.

Mr. HOWELL. Is it wise for the Shipping Board to sell only the profitable lines and continue to operate the unprofitable lines? Why, under such circumstances it is playing into the hands of private interests. Whenever a dollar is to be made, a private interest is at hand to take it away from the Government, but if there is a dollar of loss the Government must continue to operate. Why should the Government not continue to operate the profitable lines and use their surpluses to offset the losses of other lines? The contrary is in accord with the policy involved in the purchase of the Cape Cod Canal. The Cape Cod Canal did not pay 6 per cent on $1,800,000 and, therefore, the owners of the Cape Cod Canal wanted to sell it. The only interest that could be prevailed upon to buy such bankrupt concern was the United States Government, and they actually prevailed upon the Government to pay $11,500,000 therefor.

Mr. FESS. The Senator from Nebraska can not "shake his gory locks" at me on the Cape Cod Canal question, because I voted with him on that matter.

Mr. HOWELL. Here is the reverse of the proposition. Whenever the Shipping Board, the Government, has developed a particular line of vessels to a point where they are profitable, immediately steps up a private interest and says, "We will take these off your hands, and as soon as you get another line in a profitable condition and have borne all the losses of development we will take that also." That is exactly what the Shipping Board has been doing for such interests. That has been the policy of the administration and, if I can judge, it is the policy advocated by the distinguished Senator from Ohio.

Mr. FESS. Mr. President, the Senator is certainly not disturbed as to what the policy of the Government is as announced in the law. It was not a Government-operated merchant marine. The policy was for the Government to get out of the operation of a merchant marine. The Shipping Board was operating under that policy under specific directions. Of course, they could not sell any line until it became profitable, because no buyer would buy it; and if they are to be condemned because they did what the law required them to do, on the basis that they should not have sold anything until they could bring it to a profitable basis, the Government would still be operating the ships. I think the Senator must concede that.

Mr. HOWELL. Does the law provide that the Shipping Board must sell a shipping line as soon as it is profitable?

Mr. FESS. The policy of the Government was announced to get the Government out of the shipping business.

Mr. HOWELL. That is also the policy of the administration?

Mr. FESS. That was the law.

Mr. HOWELL. Does the law provide that as soon as a line of vessels becomes profitable it must be sold?

Mr. FESS. Not "must," but it was the policy that it should be sold.

Mr. HOWELL. I think there is a question about that.

Mr. JONES. Mr. President——

Mr. FESS. I am glad to yield to the chairman of the committee.

Mr. JONES. There has been quite a sharp difference of opinion with reference to the policy as laid down in the shipping act of 1920, but I do know, and I think we clearly expressed it, too, that it was the idea of those who framed the act that these ships should be sold only when the board was convinced that by such sale they could promote and would promote the establishment and development and maintenance of a permanent merchant marine.

Mr. FESS. That is what the Shipping Board has been attempting to do, as I understand.

Mr. JONES. There is quite a difference of opinion with reference to that.

Mr. FESS. The Senator from Nebraska takes the view that under the development of the Shipping Board, where a route had been efficiently operated and the trade was large enough that it became a paying route, that then it should not be sold by the board, because it was a paying route. Evidently they should have sold the ships which were not on a paying route. In the first place, they could not find any buyer for any route that was operated at a loss under the operation of the law which required that it had to be carried on. The only route that could be sold would be one that had been brought to the point where there was a profit, else there would not have been any purchaser. I do not think there is any ground for criticizing the Shipping Board because they sold a ship that was operating profitably. That needs no comment at all. They simply could not have sold any ship if it had not become profitable, and if we say they should not do it, what is the purpose of criticizing the Shipping Board?

Mr. HOWELL. If the distinguished Senator from Ohio had appointed me as his business manager of an enterprise, and whenever I was able to make some particular department profitable I had sold it and denied him the profit, but kept on operating the unprofitable departments, it would not have been long before the distinguished Senator from Ohio would have informed me that my services were no longer desired. Why should we do differently by the American people than the distinguished Senator from Ohio would do in like circumstances with reference to his own business?

Mr. FESS. Article 5 of the act provides:

That in order to accomplish the declared purpose of this act and to carry out the policy declared in the act (section 1), the board is authorized and directed—

It is not permissive; it is mandatory—

the board is authorized and directed to sell, as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this act, at public or private competitive sale, after appraisement and due advertisement, to persons who are citizens of the United States, except as provided in section 6 of this act, all of the vessels referred to in section 4 of this act or otherwise acquired by the board.

Mr. HOWELL. In accord "with good business methods."

Mr. FESS. The good business practices were the judgment of the group which were selling them.

Mr. HOWELL. What would the Senator think of that group if they should similarly conduct a business for him?

Mr. FESS. If I wanted to go out of that business, I would——

Mr. HOWELL. The Senator would employ that group, would he not and with a certainty of getting out?

Mr. FESS. I would.

Mr. President, in the course of my remarks I mentioned the declining losses in the operation of ships. I asked the chairman of the Shipping Board for those figures. I hold in my hand his statement and a letter accompanying the statement. I ask unanimous consent to insert these in the RECORD at the close of my remarks.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

UNITED STATES SHIPPING BOARD,
OFFICE OF THE CHAIRMAN,
Washington, January 26, 1928.

Hon. SIMEON D. FESS,
United States Senate, Washington, D. C.

DEAR SENATOR FESS: In accordance with the request of Mr. Martin, of your office, I am transmitting herewith a statement of net appropriations received by the United States Shipping Board from the United States Treasury for the period July 1, 1919, to June 30, 1928, covering both the Shipping Board proper and the Merchant Fleet Corporation.

The appropriations for 1920, 1921, and 1922 under the head of "Construction of vessels," and totaling $583,129,771.72, was an outgrowth of the war construction program, and can be said to be chargeable to our war activities. Our operation activities up to and including the fiscal year 1920 showed a substantial return or profit and no appropriation for operations was necessary. You will note that in 1922 we had a $48,500,000 appropriation, which has dwindled from that time down to the fiscal year 1928, when it is $17,000,000, and our estimates for 1929 are $12,000,000.

This figure, of course, does not cover the original money spent in 1918 and 1919 for purely war construction purposes, but covers the period from and after we began to operate ships.

Very truly yours,

T. V. O'CONNOR, *Chairman.*

United States Shipping Board Merchant Fleet Corporation, general comptroller's department—Statement of United States Shipping Board appropriations for the period from July 1, 1919, to June 30, 1928

Fiscal year	U. S. Shipping Board expenses	Construction of vessels, plants, housing, etc.	Recruiting service	Settlement of claims	Operation of ex-purchaser vessels	Operation of vessels	Total by years
1920	$758,976.27	$521,277,771.72	$500,000.00				$522,536,747.99
1921	430,031.25	36,852,000.00					37,282,031.25
1922	381,761.12	25,000,000.00		$30,000,000.00		$48,500,000.00	103,881,761.12
1923	378,846.24			8,254,184.90		12,310,502.39	20,943,533.53
1924	327,229.46					50,000,000.00	50,327,229.46
1925	307,015.40					30,000,000.00	30,307,015.40
1926	330,000.00					24,000,000.00	24,330,000.00
1927	298,574.00					13,900,000.00	14,198,574.00
1928	290,000.00				$5,000,000.00	17,000,000.00	22,290,000.00
U. S. Shipping Board expenses	3,502,433.74						
Construction of vessels, plants, housing, etc.; completion of construction program		583,129,771.72					
Recruiting service			500,000.00				
Settlement of claims				38,254,184.90			
Operation of vessels taken back from purchasers					5,000,000.00		
Operation, maintenance, etc., of vessels, and carrying out provisions of merchant marine act, 1920						195,710,502.39	
Total for all purposes, fiscal year 1920 to 1928							826,096,892.75

NOTE.—All the above appropriations are stated net of unexpended balances which have been actually returned to the U. S. Treasury.

Mr. ODDIE. Mr. President, on yesterday I made some very brief comments regarding the Shipping Board and the proposed sale of ships. I stated that the purchaser of numbers of these ships, the Dollar Co., with headquarters in San Francisco, had had numbers of ships under the British flag and one or two under the Japanese flag. That statement of mine has been very sharply denied by Robert Dollar, the president of that company, in San Francisco. After making a denial and accusing Senators of stating what was not the fact, he said, referring to the Senator from Florida [Mr. FLETCHER] and myself:

If the Senators would refer to the records of the United States Shipping Board, they would find all the material necessary to correct their remarks. Nothing else need be said.

His son, Stanley Dollar, the vice president of the Dollar Co., who is now in the East, made the statement yesterday that—

The Dollar Line is not only one of the largest shipowners under the American flag but it is the largest owner of passenger tonnage and the only company engaged in the trans-Pacific trade wholly under the United States flag and has been for years. We sold the last of our British vessels a few days ago. We have none now. Every one of our vessels now sails under the American flag. We have never owned a vessel under the Japanese flag in our history.

Mr. President, there are two British companies in Canada, of which Mr. A. Melville Dollar is president. The headquarters of those companies, I believe, is in Vancouver, British Columbia.

The Journal of Commerce of New York of Monday, January 21, 1928, on page 20, section 1, contained this statement:

The steamers *Albert Dollar, M. S. Dollar,* and *Alice Dollar,* all under British registry, have been purchased from the Dollar Steamship Line by the Canadian-American Shipping Co. (Ltd.), of which A. Melville Dollar is president, for a consideration of about one and one-half million dollars. They are to be operated in the United Kingdom and Continent and oriental service, which the Canadian-American Co. has been operating for the past few years with chartered tonnage.

Mr. President, I need not comment to any considerable extent on this situation. The statements speak for themselves. Mr. Dollar has told the truth in saying that within the last few days his company has sold its British ships, but he failed and neglected to tell the American people in this public statement that the Dollar Co. sold them to a British company, of which his brother is president.

I do not propose to-day to discuss at length the policy of our Government in regard to shipping. I do not approve Government ownership unless it shall be absolutely necessary. I approve private ownership of our shipping if it can be properly conducted and if the ships can be placed in the hands of proper persons.

Mr. President, we must establish a national policy. I am a member of the Senate Naval Affairs Committee. As a member of that committee I consider it of the utmost importance that we look into the question of the sale of American ships, as to where they are going and by whom they are being purchased and operated. I am going to call a spade a spade. There is a banker on the Pacific coast, the president of the Anglo-London-Paris Bank, named Herbert Fleishhacker, who has a large interest in the Dollar Line. My understanding is that he has advanced large sums of money to that company. His agent has been in Washington for a long time past negotiating with our Shipping Board looking to the purchase of the remainder of our ships. This agent was active in Washington with our Shipping Board for some time prior to the sale of the last ships to the Dollar Co. Mr. President, I know who that man is and I disapprove his methods thoroughly. Mr. Fleishhacker has engaged agencies to do his work whom I do not consider proper agencies.

The President of the United States in his message, which was read this morning by the Senator from Connecticut [Mr. BINGHAM], stated:

The United States Government fleet is transporting a large amount of freight and reducing its drain on the Treasury. The Shipping Board is constantly under pressure, to which it too often yields, to protect private interests, rather than serve the public welfare. More attention should be given to merchant ships as an auxiliary of the Navy. The possibility of including their masters and crews in the Naval Reserve, with some reasonable compensation, should be thoroughly explored as a method of encouraging private operation of shipping.

My opinion is that Mr. Fleishhacker has been exercising entirely too much influence on our Shipping Board through his agents. He is seeking to obtain a monopoly of the Pacific coast shipping through the various companies in which he is interested financially. He has, through his influence, secured a clause in the tenders for these ships which, in my opinion, will strangle competition on the Pacific coast, will shut out numbers of the small independent shippers and also some of our large shippers, and which will do harm to the various shipping centers of the Pacific coast. By the interchange-of-ports provision in the bids he is thus attempting to strangle competition and to get the control of the Pacific Ocean in his own hands through the Dollar Steamship Co. and other companies in which he is interested.

There is another company to which I will refer briefly in which Mr. Fleishhacker is interested to a certain extent, which is a British company—the "China Import & Export Co." with agents in China. I have here an article from the New York Herald Tribune, of January 6, in which it is stated that from the information coming from Shanghai, foreign interests are attempting to secure the balance of our ships. This same article has appeared in the press on the Pacific coast. I ask that it may be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. NYE in the chair). Without objection, it is so ordered.

The article referred to is as follows:

[From the New York Herald Tribune, Friday, January 6, 1928]

UNITED STATES HOLDS UP FREIGHTER SALE FOR INVESTIGATION OF POOL BID—BOARD AGENT AT SHANGHAI DEMANDS EXPLANATION OF SOURCE OF $1,000,000 BELIEVED SUPPLIED BY ALIENS TO GET CONTROL OF PACIFIC TRADE

By Thomas F. Millard. By cable to the Herald Tribune

(Copyright, 1928, New York Tribune, Inc.)

SHANGHAI, January 5.—Alertness of the United States Shipping Board to prevent foreign capital from obtaining a hold on American shipping in the Pacific Ocean was shown here to-day when William Hunt, local agent of the Shipping Board, required C. L. Seidtz, shipping agent here, to explain the source of $1,000,000 to be subscribed to a pool bidding on 37 freighters recently ordered sold by the Government.

Members of the pool are the Dollar Steamship Line; Columbia Pacific Shipping Co., operated by Dant & Russell, of Portland, Oreg.; another American firm, believed to be Swayne & Hoyt, of San Francisco; and Seitz, of Shanghai.

The total amount bid was $8,000,000, of which Dant & Russell subscribed $4,000,000, the Dollar Line $2,000,000, Seitz $1,000,000, and San Francisco interests the remainder. Suspicion was aroused regarding Seitz's subscription, because, although he is an American citizen born in China, his entire business life has been associated with British interests. He also is head of the China Export & Import Lumber Co., a British corporation, and is a director of Arnhold & Co., who are associated with the Davic Sassoon Co., which, in turn, is related extensively to British oriental trade.

Seitz made an affidavit denying that British capital was involved and stated that his subscription really was provided by Dant & Russell. It is understood that the local Shipping Board agent is not satisfied with the explanation and is wondering why part of the Dant & Russell subscription seems to come from China. There is much interest about the disposition of these ships, which will play a big part in shipping here.

Mr. ODDIE. Mr. President, certain shipping interests have been heard extensively; those who are trying to secure the monopoly I speak of who are interested in purchasing the ships; but I contend that a large part of the shippers themselves should have their day in court which they have not had, and that the Shipping Board should hold public hearings on the Pacific coast in order to give those men opportunity to be heard.

I shall not go further into the details of the interlocking directorates, so to speak, and of the various companies in which Mr. Fleishhacker is interested further than to state that, in my opinion, from the information I have, foreign interests are with him in this matter to a certain extent, and I think to a very large extent.

Mr. President, some months ago it became necessary for this Government to send marines to China. We had no available ships at the time, and one of the Dollar Line ships was selected—the steamship *President Grant*. It was on April 17, 1927. By the way, this ship was purchased from the Shipping Board by the Dollar Co. for about $900,000—25 per cent down, and the balance of the payments to be made over a period of 15 years. On the trip outbound that ship followed practically its regular course; it took on our marines and officers, something like 1,500 men all together, and as I recall something like 1,100 tons of cargo, which it was necessary to carry along with them. It left San Diego on April 17, arrived in the Philippines, where the men disembarked on May 4. The next day the ship, after unloading, proceeded on its regular course. The Dollar Co. charged the United States Government $216,000 for that trip. Mr. President, it was a case of being able to force the United States Government to pay an exorbitant price after that company had secured the ship at a price which was little or nothing compared to its cost. I think it was a miserable, unpatriotic piece of business to hold up the Government to that extent, charging for one trip consuming less than a month practically all that company had paid for the ship up to that time.

Mr. President, there is a condition on the Dollar ships of which I do not approve. It would be necessary in case of national emergency for those ships to be brought into the service of our Government. Those ships are manned to a large extent by Chinese crews. That is a fine state of affairs for the United States to face in case of an emergency—to have to call on ships manned by coolie labor. Only a few weeks ago one of these ships, the *President Polk*, of the Dollar Line, in New York Harbor, had a fire on board and the coolie laborers in the crew of the ship attempted to escape, but they had to be prevented by force. I am in favor of an adequate merchant marine owned and manned by Americans.

We have a situation facing us to-day which calls for the scrutiny of the Members of the Senate. The Shipping Board is about to make a contract and has advertised that it will make a contract which will give a strangle hold to practically one man on the Pacific coast as to virtually all our ships which sail the Pacific Ocean. This thing should be stopped. It has gone far enough. I thoroughly disapprove of the actions of certain members of the Shipping Board. They have yielded to the influence of which I have spoken, and the time has come when that influence should be driven out and when these questions should be aired before the public. The time has come when the cards should be placed on the table, and I for one demand that they be placed on the table. As a member of the Committee on Naval Affairs, I protest against this proposed sale, which is mixed up so closely with foreign interests.

I am not a "jingoist"; I do not believe that we will ever have war with our great neighbor across the ocean; I for one hope not; I believe that we have advanced too far for any such thing; I believe in talking peace; but I also believe in an adequate national defense, because with an adequate national defense the chances of trouble will be very materially reduced. But with foreign interests dominating our ships we can not be in a safe and secure position, as we will be in if we have thorough Americans in control.

Mr. President, yesterday I mentioned some of the British ships which were owned by the Dollar Steamship Co. I will give that list again. It is taken from the Shipping Board and Department of Commerce records.

The *Melville Dollar* was transferred to the Japanese flag from the Dollar Co. May 16, 1916.

The *M. S. Dollar* was transferred to the British flag by the Dollar Co. on September 15, 1915.

The *Mackinaw* was transferred from the Dollar Co. to the Japanese flag July 12, 1915.

The *Robert Dollar*, according to the Department of Commerce's records, has always been under the British flag.

The *Alice Dollar*, according to the Department of Commerce's records, has never been under the American flag.

I mentioned two or three other Dollar ships yesterday under British registry. Now, I have a few more of them from the Shipping Board records:

The *Janet Dollar* was transferred to Chinese registry on April 5, 1927, from the Dollar Co.

The *Lake Farrar* was transferred from the Dollar Co. to Japanese registry on March 2, 1926.

The *Lake Onawa* was transferred from the Dollar Co. to Japanese registry on March 30, 1926.

The *Lake Gitano* was transferred from the Dollar Co. to Philippine registry November 16, 1926.

Mr. President, we have an example from what I have just given as to the reliability of Mr. Dollar's statement regarding these ships. If he treats America and American interests in the same careless manner, I fear for the future of America should an emergency ever arise. I prefer to have the bids to which I have referred so changed and altered that the various Pacific coast carriers and shippers may bid, which they dare not do to-day.

Under the plan now proposed there will be a fleet of something like 16 ships which can go from port to port on the Pacific Ocean and ruin any company that is operating on that ocean from those ports. The various communities of the Pacific coast have built up these trade routes. The Government has expended something like $4,000,000 in building up these routes. The purpose of the shipping act is to maintain those routes for those shippers. I believe it would be a crime for our Shipping Board to sell the ships as they are planning to sell them to-day, which would result in stifling competition in shipping. It would make any independent operator, not in the combine, afraid to bid.

Mr. President, I shall not discuss this matter any further. I want to call the attention of the Senate to the seriousness of it. It has already been sensed by the chairman of the Commerce Committee. He has introduced a resolution—Senate Resolution 116—which recites the conditions regarding shipping on the Pacific coast, and calls on the Shipping Board to desist from proceeding further with the proposed sale of the three cargo services between American, oriental, and other Pacific ports under the conditions as now advertised. I urgently call that to the attention of the Senate. It means much to American shipping and to American national defense to stop the swindling operation that is about to be perpetrated on us.

Mr. SACKETT. Mr. President, there are a few matters in connection with this amendment which I should like to discuss before the Senate.

As a member of the Committee on Commerce I have but lately entered upon the study of the question of the American merchant marine. One fact, however, has struck me quite forcibly, and that is that the public of this country are not well acquainted with the difficulties under which an American merchant marine must be sustained by this Government.

As a Member of the Senate for the last two years, and familiar in a general way with the legislation that has gone forward, I think when I entered that committee I was in the position of many of the general public who have seen the need of a merchant marine discussed in the newspapers, and felt really incapable of knowing why there was no privately owned American merchant marine.

It costs more to operate an American merchant marine than it costs to operate the shipping of other countries. There is some slight additional cost of operation, which is attributable to the laws which we have seen fit to pass and which no American citizen would ever like to see withdrawn, though that

difference in the cost of operation is estimated at only a comparatively small amount. It is estimated by some not to exceed 2 per cent, and by others as high as 12 or 14 per cent, when compared with the cost of operating similar ships on similar routes under similar conditions by other countries.

It would seem that American enterprise and the ingenuity of American shipowners could in a large measure overcome so small a difference in the cost of operation. It is also true that it costs a great deal more to build ships in American shipyards than it costs to build them in European shipyards. We have to allow for the difference in scale of living of American workmen, and we have to allow for a large increase in price of materials due to American law. None of those things would our people willingly see withdrawn, as they are benefits to American workmen; and yet it is very necessary that American shipyards be given sufficient employment to keep them in a position to operate when the need arises.

There are many instances of ships sought to be built in American shipyards where bids have been taken both in America and in foreign countries, and it is said that as high as 50 per cent additional has had to be paid in some instances for similar vessels in American yards as compared with those of foreign countries.

Again, America is new as the operator of a merchant marine. It has not connections in foreign countries; it has not agencies built up in its own land which are devoted exclusively to securing cargoes for American ships. Whenever any enterprise seeks to enter a new field there are development costs which must be met over a period of years until the business is stabilized and until a demand for the use of the ships is created.

There is another reason why it is difficult for American ships to compete with those of foreign countries, and that is due to the help which foreign Governments give to their privately owned ships; and if we are to compete we must take that subsidy and add it to our cost of operation.

These different additions to the cost of operating an American merchant marine made it necessary for the United States Government to adopt certain plans to bring about a situation that would warrant American ships plying to the ports of the world.

I do not believe anyone feels that the American Nation could prosper without the requisite amount of American shipping available without the established routes to reach the foreign markets which are absolutely necessary to take care of the surplus of our various American products in the world markets. I do not myself want to see the American merchant marine go back to the old days, when practically all our shipping was carried under foreign flags. But when we come to ask the question of how we are going to meet these great disadvantages we are brought up to the solution that the Government must give a certain amount of aid to overcome the disadvantages under which it is necessary for our ships to operate.

It seems to be the general impression that the American people are not willing to grant subsidies for the operation of American ships, or to grant subsidies for the construction of American ships in American shipyards, and that without the opportunity of having those subsidies there is no method left but for the American Government to enter into the business itself, undertake to build the ships, undertake to run them, and undertake to establish the necessary connections and agencies over the world, so that they may operate with proper cargoes. The thing that the American people do not quite grasp is that even under those conditions some help has to be given in the operation of the ships through an application of the Treasury funds of this Government.

It makes only a difference of terms whether it be made by a subsidy to the various departments which have to be aided to equalize shipping costs or whether it be charged against the surplus Government revenues in the payment of the losses incurred in the operation of those ships.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SACKETT. Yes.

Mr. COPELAND. Does the Senator recall how much we have paid in sum under the operation of the present law?

Mr. SACKETT. If the Senator please, I have so recently taken up the study of this question that the matter of statistics has hardly become firmly fixed in my own mind.

Mr. COPELAND. Permit me to say to the Senator that in seven years we have paid $200,000,000 in operating the ships under the Shipping Board.

Mr. SACKETT. I appreciate the information. I also remember distinctly that I have been told that the annual losses in operating those ships were $30,000,000 a few years ago. They are down to $17,000,000 now; but I do not think the people appreciate that the reduction of those losses has been due to the fact that each year more and more of the Government ships in connection with which the Government paid the losses have been turned over to private operation through sale or lease of the ships, and that if the same number of ships were being operated to-day that were being operated in 1920 as a Government service, under Government ownership, that decrease in losses would not be apparent in the statement of the Treasury.

Mr. COPELAND. Mr. President, will the Senator yield just a moment?

Mr. SACKETT. Yes.

Mr. COPELAND. For the sake of having it in the RECORD at this point, let me say that the encouragement we have in the present decline in operating expenses we have had before. For instance, in 1922 we had a loss of $48,500,000 in the operation of the vessels. The next year, 1923, when we got greatly encouraged because things were going so well, we lost only $12,000,000, and so things looked bright; but the next year we lost $50,000,000; and then we had another bright year, when the loss was only $30,000,000.

Mr. McNARY. What year was that?

Mr. COPELAND. Nineteen hundred and twenty-five was the year when it was $30,000,000. In 1926 the loss dropped to $24,000,000, in 1927 to $13,900,000, but this year it jumped again to $17,000,000. So, you see, the loss goes on year after year; and what the Senator has suggested is really in the nature of a subsidy paid year after year and will be for an indefinite time to come.

Mr. SACKETT. It has to come out of the Treasury finally anyhow.

The objection to a subsidy seems to be on the ground that a subsidy is a gift to certain individuals, whereas the payment of a loss by the Government in Government operation is not a gift to any individual but benefits the whole people. Nevertheless the result is the same as far as our ability to carry on a merchant marine is concerned; and whether it be by a subsidy or whether it be by the payment of the loss at the end of the year's operation, the people of this country will have to pay that loss in order to have the benefit of the ships to carry our American products under the American flag.

I think the important thing for this body to consider is that it seems to be almost the universal opinion of the membership of the Senate that it is of great public benefit for us to have an adequate merchant marine, and that we ought to consider, in making the laws and passing these bills, whether it is going to bring about immediately an improvement, and whether it is going to assure us a merchant marine.

In determining that question, it seems to me that we ought to consider that the executive branch of the Government has certain theories in regard to a merchant marine, and the legislative branch has certain theories. I speak of that because I want to call the attention of the Senate to the last message which the President sent to Congress on that subject at the opening of this session, simply to give voice again to the opinions that are held by the executive branch of the Government. In speaking of the merchant marine, the President said:

> Public operation is not a success. No investigation, of which I have caused several to be made, has failed to report that it could not succeed or to recommend speedy transfer to private ownership. Our exporters and importers are both indifferent about using American ships. It should be our policy to keep our present vessels in repair and dispose of them as rapidly as possible, rather than undertake any new construction. Their operation is a burden on the National Treasury for which we are not receiving sufficient benefit.

I do not bring forward that part of the message for the purpose of creating the slightest antagonism between the executive and the legislative branches, but I am looking to the main chance of getting some sort of a bill passed now at a time when there is great need that the vessels which we now have be improved and new vessels added, in order to have before the Senate the idea that there must be a cooperation between the legislative and the executive, if it is possible to bring it about, in order to accomplish the purpose we have in mind.

The bill which the chairman of the Committee on Commerce has brought in adds three things to the existing shipping laws. It adds to the merchant marine act of 1920, first, a provision giving the board the right to recondition ships. Second, it adds to the present powers of the Shipping Board the power of building new ships to take the place of ships that are now out of date. Then, third, it brings in as a committee amendment what has been referred to here as a direct change in the policy of the United States Government as to the method of handling

these ships, when it provides that no ship shall be sold except by the unanimous vote of the board.

The original act of 1920, if I may call it the original one, it being the act under which we are now working, provided a policy—

That it is necessary for the national defense and for the proper growth of its * * * commerce that the United States shall have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce—

And so forth. Then it provided:

In order to accomplish the declared purposes of this act—

Which I have just read—

and to carry out the policy * * * the board is authorized and directed to sell, as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this act, at public or private competitive sale after appraisement and due advertisement, to persons who are citizens of the United States * * * all of the vessels referred to in section 4 of this act.

The third provision of the pending bill seeks to curtail that direction to the Shipping Board to the extent of saying that they are directed to do it if they can do it unanimously. If they can not do it unanimously, then it is not to be done. It puts a brake upon the very purpose and policy of the original act.

The amendment which we are now considering, which is an amendment to the committee amendment, instead of providing that the vote shall be unanimous, provides that four members of the Shipping Board shall agree upon a sale. That is the only difference from the present act, in that under the present act a majority of the board can act, and a majority of a majority can bring about a sale, whereas under the amendment of the Senator from New Jersey it would take a majority of the full board.

There is a great deal of criticism of the methods and practices of the Shipping Board. Personally, I have no knowledge of the membership of the Shipping Board itself, having, I believe, met only one member. But I do recognize this fact: That it is easy to say, "Sell the ships." It is easy to fix a price under which some one believes that he can operate a ship at a profit, and if the price is fixed at which a person believes he can operate a ship at a profit, he is likely to buy the ship. But that does not carry out the purposes of the act. The purposes of the act require a continuance of the operation of the ship upon the lines and in the trade established by the Shipping Board when it opened up the lines.

The difficulty of selling a ship for a proper price compared even with its cost price when built in a shipyard of a foreign country is that the Shipping Board necessarily feels itself under obligation to attach such conditions to the sale of the ship as to continue it in operation, under which the purchaser must burden himself and must charge himself with the additional costs required by those conditions before he can arrive at a price which he can afford to pay for the ship.

It has been objected that after a ship has been reconditioned it has been sold for a very low price with a guaranty of operation of five years only. That may be an entirely just criticism. As a business proposition it does not require the continuance of that ship in the trade of the United States for more than five years. It would seem to me that it would be the part of wisdom on the part of the Shipping Board if, instead of getting a price with a guaranty of a five-year operation, some method could be devised by which we could dispose of those ships with a guaranty of a much longer term of operation. It may take more than five years for many of those ships to become self-sustaining. I can very well conceive of a method by which the Government could afford to take a lower price even than the prices at which they have been willing to sell those ships, provided the operation should be continued for 10 or 15 years.

What the American people want is a continuance of the service. They know they have to pay the loss in some form, either as losses of operation or by subsidies to help build or by subsidies to help operate, and if they can get away from those losses by a low sale price and fix the amount of their loss but continue to have the benefit of that line operating to definite ports over a long period, they can very well afford to take a low price in the sale and, if necessary, to take back the ship if it was not a success, ordinary wear and tear excepted, and try it again with another shipping company which did feel it could make a success.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. BLAINE in the chair). Does the Senator from Kentucky yield to the Senator from New York?

Mr. SACKETT. I yield.

Mr. COPELAND. At this point it seems to me it would be well to say that it is contrary to the law to sell the ships to any foreigner.

Mr. SACKETT. Absolutely.

Mr. COPELAND. No matter whether they have been in the hands of these private parties a long time or a short time.

Mr. SACKETT. Yes.

Mr. COPELAND. Under very severe penalties, they are under obligations not to sell to foreigners.

Mr. SACKETT. Anybody who buys has to take every condition into consideration in arriving at the price he feels he can affords to pay for a ship.

I hold no brief for the Shipping Board. I do not know the shipowners of this country, but I do know the people of the interior. I know what it means to our agricultural and industrial interests in the central part of America to have opportunities of transportation to the markets of the world. I am intensely interested for my section in seeing that this Government maintains a merchant marine. I am also intensely interested in seeing the loss that will be incurred in operation cut to the minimum, because it is a constant drain upon the Treasury and makes necessary the raising of taxes.

If, therefore, we can find a way by which the merchant marine may be maintained; if, therefore, we can find a way by which the losses can be cut, it seems to me it should make comparatively little difference as to the method that is employed.

We have operated these ships now over the period since the war. We are in competition with the building of ships in other countries under the stimulus of the subsidies which they pay, and we have had no plans in the United States for reconditioning on a large scale or for building new ships. We have, therefore, fallen behind from year to year, and it is perfectly apparent that our ships of 9 and 10 knots speed are now in competition with foreign ships of 12 and 14 knots speed running over the same routes. It is very easy to see that the greater length of time of a voyage adds to the cost of the shipper in interest alone for the time occupied.

In order to compete favorably with the ships of foreign countries we have to be prepared constantly to recondition, to increase the speed, and to increase the facilities of each of the ships under our flag, whether those ships be under Government operation or whether those ships be leased out to private parties for the purpose of operating an American merchant marine.

At the same time, if we are going to run lines in competition with the great English, German, and French lines which cross the Atlantic, we have to provide ships which are in every way equal at least, and probably a bit superior, because it is a new service which we are instituting, to the ships in those foreign lines.

I have heard it discussed in a meeting of the Commerce Committee that our United States lines running to England need two new ships; that we have on hand two old ships, one of which is called the *Agamemnon;* that both of those ships can be reconditioned and put into service with the *Leviathan* and make those lines self-supporting or at least competitors of the foreign lines. It will cost $12,000,000 to recondition those two ships. That is $18,000,000 cheaper than would be the cost of two new ships to replace them. But it has come out in our discussion that these were German ships interned in our ports and that one sister ship of those remained in Germany; that a few years ago the German people reconditioned that sister ship, put it in shape to run upon these trans-Atlantic lines, but because it was an old ship, because it was out of date, it was withdrawn from the service within two or three years.

Mr. CURTIS. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Kansas?

Mr. SACKETT. Certainly.

Mr. CURTIS. This morning in the committee hearing—and I would not have referred to it had it not been referred to by another member of the committee—the question of reconditioning these two ships was brought up. We were advised that they were in such condition that if reconditioned they would run at least 10 years, and the board thought possibly 15 years; that they have been examined by the best experts of the Navy Department as well as of the Shipping Board, and that they were confident that the two ships mentioned were in such condition that they could be reconditioned and would last not less than 10 and possibly 15 years.

Mr. SACKETT. I am not criticizing the statement. I am simply repeating the statement that was made.

Mr. CURTIS. That same statement was made yesterday, and I brought it to the attention of the members of the board this morning, and that is why the answer was made.

Mr. SACKETT. The point I wanted to make was that with Government operation the amount of the immediate saving that can be made appeals politically to the country. We can get by with the reconditioning of those ships. The question is, Can we not get by a great deal better for the American merchant marine by building new ships? That difference of opinion is a question which, it seems to me, works disadvantageously to the Government when it is considered by a political body as compared with a privately owned corporation. The experience of Germany was that the ship which they reconditioned, as I am informed, was within two or three years sent to the scrap heap.

Mr. CURTIS. I understand the plan to be to recondition those ships because they can be reconditioned within a year, while it would take more than three years to build new ships. The idea is to build the additional ships, and when they are completed these two ships can be used in another service.

Mr. SACKETT. There are various questions of that kind involved, all of which are susceptible of being taken hold of by the management of the ships, whether it be private or public ownership; but it is more difficult to get a just and proper business decision when it is under public ownership than when it is under private ownership.

There are various elements of cost in the securing of business for these lines which enter into the relative value of private initiative and public initiative. I can see very readily how, if we have the ships, the pressure to get advantages for one trade or another will bring influence to bear upon a public board having control of the operation of those ships to grant rates which may be more and more disadvantageous to the United States.

If it is a private ownership where people are required to make their money out of the operation of the ships, they are not by any means going to yield as readily to the demand for lower rates as they would under political conditions.

Personally I am not opposed to the Government going forward with the reconditioning of the ships where it is wise, because it does not seem possible at the present day to get private enterprise to recondition old Government ships. I am in favor of the Government bringing about the construction of new ships under some system, and the system offered in the pending bill is one of those methods. But I am opposed to a complete change of the whole shipping policy of the Government as is provided in the committee amendment which, as has been well said, practically decides that the Government is going to continue to operate its own merchant marine.

I appeal to the Members of the Senate, who are better informed, I believe, to-day than is the country at large as to the real problems which confront the Government in the operation of its merchant marine, not to take a step which is subversive of the entire policy which we have pursued for the last eight years under the shipping act which was passed immediately after the war. That did provide in no uncertain terms that the Shipping Board should bring the ships into private ownership in order that we might have the benefit of the ingenuity of American business men in developing and carrying on the world trade and that the matter should not be locked up in any Government bureau which is hard to dislodge at any future time and thereby curtail the privileges of American citizens to have their goods carried under the American flag to every port of the world.

Mr. WILLIS obtained the floor.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Ferris	McKellar	Shipstead
Bayard	Fess	McLean	Simmons
Bingham	Fletcher	McMaster	Smith
Black	Frazier	McNary	Steck
Blaine	George	Mayfield	Steiwer
Blease	Glass	Metcalf	Stephens
Borah	Gould	Moses	Swanson
Bratton	Hale	Neely	Thomas
Brookhart	Harris	Norris	Trammell
Broussard	Harrison	Nye	Tyson
Bruce	Hawes	Oddie	Wagner
Capper	Heflin	Overman	Walsh, Mass.
Caraway	Howell	Ransdell	Walsh, Mont.
Copeland	Johnson	Reed, Mo.	Warren
Couzens	Jones	Reed, Pa.	Waterman
Curtis	Kendrick	Robinson, Ind.	Watson
Cutting	Keyes	Sackett	Willis
Deneen	King	Schall	
Edge	La Follette	Sheppard	

Mr. JONES. I was requested to announce that the Senator from California [Mr. SHORTRIDGE] is detained in committee.

The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present. The Senator from Ohio will proceed.

Mr. WILLIS. Mr. President, I understand that the Senate is about to vote on the amendment offered by the Senator from New Jersey [Mr. EDGE]. As I understand, that amendment proposes to strike out in lines 7 and 8, on page 2, the provision there found for a unanimous vote of the Shipping Board and to substitute in lieu thereof language, the form of which I do not for the moment have before me, but the effect of which is that vessels may be sold by a vote of four members of the board.

Mr. President, if it were in order under the rules of the Senate so to do, I would ask at this time to amend the pending amendment by striking out "four" and inserting "five." Such an amendment, however, would, of course, not be in order, being an amendment in the third degree. I wish to say, however, that if the amendment offered by the Senator from New Jersey shall be voted down, as I hope it will be, I shall then offer an amendment to require the affirmative vote of five members of the board instead of a unanimous vote, as is proposed in the bill as it stands.

While I am on my feet, Mr. President, I wish to say only another word and then, so far as I am concerned, a vote may be had, for I certainly do not desire to delay the consideration of this measure. In a former statement I have, I think, explained my position on this question. If I had any assurance that without the passage of some measure of this kind we could have an American merchant marine, I should very gladly welcome the opportunity to vote for some other measure. I very much prefer individual initiative to the activity of the Government, but, Mr. President, we have been pursuing for 50 or 60 years the will-o'-the-wisp that we may have an American merchant marine by private initiative. As has been pointed out, it has been said at various times, "Well, there is this reason or that reason why we do not now have an American merchant marine." Some gentleman say it is because of the seamen's law. Well, before we had the seamen's law we did not have a merchant marine to speak of. The percentage of our commerce carried in American ships was gradually decreasing until it became practically nothing. If it shall be said, as it has been said, that the activities of the Government in the shipping business discourage private enterprise, it ought to be pointed out that when the Government was doing nothing of the kind we still were not building any ships. We are coming rapidly again to the situation in which we shall be practically without a merchant marine, a situation which we found at the outbreak of the World War to be exceedingly dangerous.

We do not look for war; we hope there will be no war; we all want peace; and yet I suspect the Senate and the House of Representatives will make provision one of these days for the enlargement of the Navy of the United States. What does it amount to to have fighting ships unless we have a merchant marine to back them up? I believe, therefore, Mr. President, that it is of the most vital importance not only to the Nation as a whole, but particularly to the farmers, the producers, and the shippers of this country that we have an American merchant marine.

There is not the slightest hope of securing any form of subsidy legislation. Everyone acquainted with the situation in Congress knows that to be the case. So I have about come to the conclusion that if we are to have an American merchant marine it must be along the lines provided in this bill. So believing, I propose to support the bill, particularly if certain minor amendments can be made.

As an indication of our decreasing power as a mercantile nation upon the seas, I call attention to a statement in the most recent commerce report. Senators talk about the American merchant marine in the overseas trade as if it were really, compared with deep-sea trade of the rest of the world, an important thing. What are the facts as set forth in our own commerce reports? I read only a portion of this statement from page 1 of the last commerce report:

> Great Britain and Ireland, Germany, Italy, the Netherlands, and France retained their positions in the order named. Sweden, however, which stood eighth in the September quarter, with 82,000 gross tons, is now sixth, with 100,700 tons.

Now note this:

> As a result, Denmark drops from sixth to seventh place, and the United States from seventh to eighth.

So that this mighty Nation, as a commercial nation, measured by its merchant marine, stands in the eighth place, with Denmark ahead of her and Sweden ahead of her. It would seem, Mr. President, in view of the experiences that we had at the time of the World War there ought not to be any doubt in the mind of any man as to the necessity of the maintenance of a great American merchant marine; and yet I note in this report

that there is in new construction in this country now only 97,370 tons, as compared with 1,579,713 tons in Great Britain, 472,295 tons in Germany, and so on. I will publish this list in the RECORD, if I have permission to do so, Mr. President. I think it is rather illuminating.

The PRESIDING OFFICER (Mr. BLAINE in the chair). Without objection, permission is granted.

The matter referred to is as follows:

In addition to the gains for Great Britain and Ireland and for the United States, construction increases were reported for Holland, Denmark, Sweden, Russia, and Japan. Sweden is now building more tonnage than the United States. Germany shows a decrease of 44,000 gross tons from the figure for the September quarter; Italy, one of 25,000 tons; and France, one of 15,000 tons. Great Britain and Ireland alone are now building more merchant shipping than all the other maritime countries combined.

RELATIVE POSITION OF LEADING MARITIME COUNTRIES

No change is shown in the ranking of the leading shipbuilding nations during the quarter ended December 31. Great Britain and Ireland, Germany, Italy, the Netherlands, and France retained their positions in the order named. Sweden, however, which stood eighth in the September quarter, with 82,000 gross tons, is now sixth, with 100,700 tons. As a result, Denmark drops from sixth to seventh place, and the United States from seventh to eighth, with Russia and Japan retaining, respectively, ninth and tenth places.

Gross tonnage of vessels under construction in principal maritime countries of the world on indicated dates

Country	Sept. 30, 1927	Dec. 31, 1927
Great Britain and Ireland	1,536,416	1,579,713
Germany	514,933	472,295
Italy	208,000	183,216
Netherlands	163,000	174,887
France	131,000	115,029
Sweden	82,000	100,700
United States	91,070	97,370
Other countries	347,638	395,511
Total	3,074,057	3,118,721

Mr. JONES. Mr. President——

Mr. WILLIS. I yield to the Senator from Washington.

Mr. JONES. Let me suggest to the Senator that the American tonnage to which he refers is all being built for the intercoastal trade.

Mr. WILLIS. Absolutely so.

Mr. JONES. Not a ship is being built in the yards of this country for the overseas trade.

Mr. WILLIS. Not a ton of shipping is going into the overseas trade. Therefore, I repeat my announcement, as some Senators have but recently entered the Chamber, that if the amendment now pending providing that ships may be sold on the vote of four members of the board shall be defeated, if I can thereafter get the floor, I shall offer an amendment to make the number five.

Mr. BLEASE. Mr. President, will the Senator from Ohio yield to me for a question?

Mr. WILLIS. I yield to the Senator.

Mr. BLEASE. I understand there are only seven members of the Shipping Board.

Mr. WILLIS. That is correct.

Mr. BLEASE. Then, I should like to ask the Senator, what is the objection to majority rule?

Mr. WILLIS. Mr. President, the experience we have had leads me to believe that it would be safer to have a vote of five rather than a vote of four. I do not think it would be absolutely fatal, but I shall vote against the amendment of the Senator from New Jersey. I believe if we shall provide that these ships shall not be sold except on a vote of five members of the board that we shall be more likely to have a merchant marine than otherwise.

Mr. HOWELL. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. WILLIS. I yield the floor, but I will be glad to have the Senator ask me a question.

Mr. HOWELL. I will ask the distinguished Senator from Ohio if six would not be safer than five?

Mr. WILLIS. I think that would be carrying the matter just a little too far. I do not think so. I would not vote for six; I will vote for five; but the Senator will not vote for either.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. WILLIS. I yield the floor.

Mr. EDGE. I understood the Senator had yielded the floor.

Mr. President, I desire to say only a few words in addition to what I have already said on this subject.

I have presented the amendment requiring in connection with the sale of vessels the vote of only a majority of the board for the reason that it follows the generally accepted policy, as I think I pointed out this morning, in every line of activity ruled over by boards. If an amendment providing that five members should have to vote in favor of a given proposal were adopted it would mean that a vote of more than two-thirds of the members of the Shipping Board would be required; it would mean a greater vote than is required in Congress to pass a measure over the veto of the President of the United States. My amendment provides merely a common-sense division. If we believe in majority rule, we must accept that as our policy.

It is not a question of the personnel or membership of the Shipping Board. The personnel will change as the days go on. We are discussing a bill which, if it shall become a law, is to be the absolute controlling factor in the administration of the American merchant marine in the future; and so we must make up our minds whether we want a board in the exercise of whose administrative powers in managing the merchant marine there will be required a unanimous vote or, as is provided in the amendment I have offered, following the usual traditions and the usual customs, a majority vote.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. EDGE. Yes.

Mr. CARAWAY. It is necessary that we should determine what our policy shall be, is it not?

Mr. EDGE. Yes.

Mr. CARAWAY. If we do not determine the policy we will not develop a Government-owned marine and private interests will not enter the field will they? They are not doing it. We are making no progress.

Mr. EDGE. At the present moment, of course, the private shipping interests of the country, if the Senator wants me to answer his question, are very much larger than the interests of the Shipping Board, according to my understanding.

Mr. CARAWAY. I am not antagonistic to the Senator's view.

Mr. EDGE. I understand that, and I am trying to answer the Senator.

Mr. CARAWAY. I live a thousand miles from the sea. All I am trying to say is this: We have got to fix one policy or the other, for private capital is not going into the business with the Government competing against it.

Mr. EDGE. No; I think the Senator is quite right in that respect.

Mr. CARAWAY. Then if the Government is going to stay in, why not make it apparent to everybody that it is going to stay in? The amendment as reported by the committee, making a unanimous vote necessary to sell, of course, means that the Federal Government is going to stay in the shipping business——

Mr. EDGE. Exactly.

Mr. CARAWAY. And people may make their contracts accordingly. Why is it not wise to do one or the other?

Mr. EDGE. If the Senator is propounding the question to me, personally I do not consider it wise because I am fundamentally opposed to the Government for all time operating and administering a merchant marine. I am quite content, and so expressed myself frequently to-day, to have the Government spend the money to provide a merchant marine where private capital to a great extent has failed; but I do not want to drive a nail in and rivet it down so as to tell this country and private interests for all time to come that there never will be a chance to get out of the shipping business. I want at least to have some little loophole; and I think there is a loophole when a majority of the board can, if a business proposition is presented to them, sell ships.

Mr. CARAWAY. The Senator has just said that private capital would not go in as long as the Government was in.

Mr. EDGE. Oh, no; I have not said that. I have said that private capital naturally is not quite so anxious to go in; but the fact is that it has gone in. I can not give the Senator the percentage; but I will say that to-day with the Government having been in the shipping business since the war—eight years—the amount of private shipping owned by American individuals or corporations is far in excess of all the tonnage of the Government.

Mr. CARAWAY. Is that overseas traffic, or is it just coastwise traffic?

Mr. EDGE. Both.

Mr. CARAWAY. The Senator from Ohio [Mr. WILLIS] was just showing that we were falling behind and not going ahead, and that not a ton was being constructed for overseas traffic.

Mr. EDGE. I am afraid that is true; but we will go still farther behind if the Congress of the United States announces to the shipping interests of this country that for all time to come the Government is going to compete with them.

Mr. BARKLEY. Mr. President, I should like to ask the Senator from New Jersey a question. If the bill should be passed as the committee has reported it, I assume it will be tantamount to saying that until private capital enters the field of merchant-marine investment Congress shall assume its duty to provide some form of merchant marine for the American Nation.

Mr. EDGE. I think the whole policy of the bill is to assure, as far as Congress will permit appropriations, not only the rebuilding of ships but the building of new ships; in other words, to provide an adequate merchant marine.

Mr. BARKLEY. Assuming that that is the effect of it, if the Senator's amendment should be adopted allowing four members of the Shipping Board to sell ships, they might reverse the entire policy of Congress by a vote of the majority of the Shipping Board, might they not?

Mr. EDGE. Not if they followed the law. The law very distinctly states, or will state if the amendment already offered to the pending bill by the Senator from Washington is adopted, and I presume it will be, that the first responsibility of the Shipping Board shall be to furnish, as far as the appropriations permit, an adequate merchant marine. That will be, I think, to use his words, the primary object of the shipping act.

Mr. JONES. That amendment has already been adopted.

Mr. EDGE. It has already been adopted, the Senator from Washington tells me; and the secondary responsibility of the Shipping Board will be, when business and commercial conditions warrant it, the sale of the ships into private hands; but they will absolutely defy the law if they do what the Senator from Kentucky implies.

Mr. BARKLEY. The Senator's amendment, as I understand, leaves it to the discretion of a majority of the Shipping Board to decide when these ships shall be sold?

Mr. EDGE. Yes; with the proviso in the law that they shall not be sold unless it is for the best interests of an American merchant marine.

Mr. BARKLEY. And it also leaves it within the power of the majority of the board, under the Senator's amendment, to decide how many of these ships shall be sold?

Mr. EDGE. Oh, yes; absolutely.

Mr. BARKLEY. So that they might sell all of them?

Mr. EDGE. They might sell all of them if they felt that it was to the best interests of the American merchant marine; and, as far as my viewpoint is concerned, I should be delighted to see them sell every one of the ships and have the ships operated in private hands, if it would furnish this country with an adequate merchant marine.

Mr. BARKLEY. I appreciate the fact that the Senator would like to see that done now——

Mr. EDGE. Yes; because I am opposed to governmental operation.

Mr. BARKLEY. In spite of the fact that Congress might wish to have some string upon the authority of the Shipping Board to sell these ships. Under the Senator's amendment would it not be possible for four members of the Shipping Board to decide, without recourse to Congress, or in spite of its wishes and intentions, to sell all of these ships, regardless of the fact that the time might not have arrived when private industry would take over and operate them?

Mr. EDGE. If the Senator wants to assume that any board of this Government will absolutely defy the law, will absolutely do an unwise business act, when the law clearly defines when and how and under what conditions they shall sell, of course they have the physical or voting power; there is no question about that.

Mr. BARKLEY. Of course the observation of all of us, I think, has been that when one of these boards or commissions is created it frequently finds a way to circumvent the law and the plain intention of Congress by usurpation of authority never intended.

Mr. EDGE. Of course, the Senator will admit that most boards of the Government, however, can do that very thing by a majority vote, excepting where the law restrains them; and in my judgment the law restrains them here.

Mr. WILLIS. Mr. President, on further consideration I am of the opinion that I would be in order in offering the amendment.

I therefore move to amend the amendment offered by the Senator from New Jersey by striking out "four" and inserting in lieu thereof "five."

Mr. EDGE. Mr. President, I rise to a point of order. The Senator himself has admitted that he is now offering an amendment in the third degree; and it simply can not be done under the rules of the Senate, as I understand.

Mr. WILLIS. Mr. President, I desire to be heard on the point of order. I have given the matter some consideration since that time. I have examined the rules somewhat. I am of opinion that this being a committee amendment there are precedents in this body that that committee amendment is considered as an original proposition, and therefore that this amendment is only an amendment to an amendment. I think, if I had time, I could turn to decisions by the Chair to that effect. Furthermore, Rule XVIII has language which seems to indicate the same situation.

In referring to a motion to strike out and insert, the rule reads in part as follows:

but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition.

In view of those two considerations, Mr. President, I submit that the point of order made by the Senator from New Jersey is not well taken, and that my motion to amend is in order.

Mr. EDGE. Mr. President, I do not propose to discuss the point of order. That is one activity I have never engaged in as long as I have been a Member of this body, some nine years. Without taking time to turn to the rules—and the rules are rather voluminous—it is my thorough understanding and conviction that an amendment in the third degree is out of order; and the Senator's contention to the contrary does not change my viewpoint that this is an amendment in the third degree. So I will submit to the decision of the Presiding Officer.

The PRESIDING OFFICER. The Chair holds that under Rule XVIII the part proposed to be inserted by the committee is regarded, for the purpose of amendment, as a question. The amendment offered by the Senator from New Jersey is one in the first degree. Therefore an amendment to it is in the second degree; and the amendment proposed by the Senator from Ohio is in order.

Mr. EDGE. Mr. President, will the Presiding Officer, before he actually finishes his ruling, tell me what the amendment of the Senator from Washington [Mr. JONES] is? If mine is an amendment in the first degree, what is his amendment?

The PRESIDING OFFICER. The committee amendment is a motion to strike out and insert, and therefore is subject to amendment.

Mr. EDGE. I am not going to appeal from the ruling; but if the Presiding Officer will look over the RECORD I am quite sure he will find that when the Senator from Washington offered his amendment he called it an amendment to the committee amendment; so that it must be the first amendment. Therefore mine is the second amendment, and this is the third amendment.

Mr. WILLIS. Mr. President, I am perfectly satisfied with the ruling of the Chair; but the statement now made by the Senator from New Jersey would seem to put the Chair in an awkward position. I am sure the Senator does not intend to do so. He is simply mistaken in his arithmetic.

The Chair has held, in conformity with the precedents, that this is in effect an original proposition that is here, and that the amendment offered by the Senator from New Jersey is, of course, in the first degree, and the amendment I now offer is in the second degree; and therefore the Chair correctly held it in order.

Mr. EDGE. May I ask the Senator from Ohio, what does the Senator from Ohio term the amendment offered by the Senator from Washington?

Mr. WILLIS. I have already stated it twice. It is in effect, as a parliamentary matter, an original proposition.

Mr. EDGE. I bow to the decision.

The PRESIDING OFFICER. The Chair desires to refer to page 40, part 2, of the Precedents of the United States Senate as complete authority for the ruling announced by the Chair.

The question is upon the amendment offered by the Senator from Ohio [Mr. WILLIS] to the amendment of the Senator from New Jersey [Mr. EDGE].

Mr. HOWELL. Mr. President, I wish to call the attention of the Senate to the fact that with the proposed amendment the Shipping Board policy will be identical with what it is now.

We have been conducting a bargain-counter business in ships, and this bill will simply add and provide for an additional stock of ships to be sold at bargain prices if the amendment is adopted.

The bill as amended by the committee provides a policy whereby we may expect the gradual building up of our shipping business, but if this amendment is adopted the very purpose of the bill is destroyed, and I for one am not willing

to vote to give the Shipping Board more money to recondition ships or to build new ones that they may sell them just as they have been selling them in the past.

Mr. President, one of the sales that has been made I called attention to this afternoon. Some 18 ships, as I recall, plying between this country and Mediterranean ports, were sold, and they sold those ships for $7.50 a ton, payable in 10 annual installments of 75 cents a ton; yet the depreciation on those ships was not less than $2 a ton per annum.

Mr. President, I insist that this amendment ought not to be adopted. We should follow the recommendation of the committee.

Mr. WATSON. Mr. President, I should like to have the privilege of asking the Senator from Washington a direct question; not, he may be very sure, in any offensive sense, but because I want the information. The Senator is as candid and honest and frank a man as there is in this body or anywhere else, and I know he will tell what he believes.

I want to ask the Senator whether or not, when this provision was put in the measure providing for a unanimous vote, he did not intend, and those who helped him put it in did not intend, that these ships should not be sold in the future, and whether they did not thereby intend to launch the Government in the permanent policy of Government ownership and operation of the merchant marine?

Mr. JONES. Of course, I can not speak for the other members of the committee as to what their intention was; I know what my idea was. I did not consider and do not consider now that this means permanent Government ownership and operation of ships. I do not have the belief that some seem to have. I think that the next Congress could repeal or modify this proposition. Some say, "Well, Congress will not do it." I think Congress will do what it thinks is the right thing to do when the matter is presented to it, and if in 10 years from now somebody proposes that Congress shall repeal or modify this provision, Congress will pass upon it in the light of the conditions at that time and the public sentiment of that time. Frankly, that is my position. I may be mistaken about it. I do not consider that this commits us or binds us to permanent, perpetual Government ownership and operation.

Mr. WATSON. Of course, it is a question of individual opinion.

Mr. JONES. Yes.

Mr. WATSON. The Senator says the next Congress may do right.

Mr. JONES. No——

Mr. WATSON. In my judgment this present thing is wrong.

Mr. JONES. The Senator did not say that the next Congress might do right. The Senator said the next Congress might modify or repeal this proposition, and the Senator did go on to say that he felt that Congress, whenever any proposition was put up to it, would do what it thought was the right thing.

Mr. WATSON. But, at the same time, the Senator is of opinion that in order to have a merchant marine we must have Government ownership and operation now.

Mr. JONES. I am confident of that; that is, I am confident that is the only way we can get it.

Mr. WATSON. Although the Senator and I for 30 years in both the House and the Senate have been working for a privately owned merchant marine.

Mr. JONES. I have been working for it for 29 years.

Mr. WATSON. And I know that in the House he and I stood together at one time in favor of a mail subvention.

Mr. JONES. Yes.

Mr. WATSON. And brought that out from the Committee on the Merchant Marine and Fisheries together.

Mr. JONES. I also worked for discriminating duties, and I have abandoned that.

Mr. WATSON. What I want to ask the Senator is this: Why is he so firmly intrenched behind the idea of clinging to this unanimous vote instead of permitting the decision to be made by four, or a majority?

Mr. JONES. I state frankly to the Senator—I do not suppose it will influence anybody one way or the other—that I am representing the committee. The committee has recommended this to the Senate, and I propose to stand by the recommendation of my committee.

Mr. WATSON. Without the Senator committing himself personally as to his own views on the proposition.

Mr. JONES. I expressed my views in the committee. The committee, by a majority vote, authorized this amendment.

Mr. WATSON. Being the chairman of a committee myself, I know how embarrassing it is sometimes when the committee binds me by their vote.

Mr. JONES. I am going to stand by this proposition.

Mr. KING. Mr. President, I took occasion a short time ago to interrupt the Senator from New Jersey, and I stated that in my opinion no interpretation would ever be placed upon the attitude of the chairman of the committee, and upon this bill, other than that the Government was irrevocably committed to the policy of Government ownership and operation of the merchant marine.

I invite the attention of the Senate to the statement contained in the report submitted by the Senator from Washington. On page 2 of the report this language is used:

> Unless a definite and constructive policy is adopted at this session nothing can be done for at least two years, but then our ships will be hopelessly deteriorated and helpless to meet world shipping competition. There seems to be no way by which we can get an American merchant marine privately owned.

No other way than what? Than to have the Government own and operate our merchant marine. I read further:

> The only other recourse is a merchant marine constructed and owned by the Government. Concede for the sake of the argument all the objections that may be urged to the Government conducting the shipping business, we must choose between a Government merchant marine or no merchant marine at all.
>
> Under these circumstances the committee has not hesitated to recommend the adoption of a policy looking to the construction by the Government of such ships as may be necessary.

Is it possible to deduce from this language any conclusion other than that the Government is to own and operate merchant ships?

The chairman states that there can be no merchant marine privately owned or operated. His view is that we have failed to have a merchant marine; therefore the Government must own and operate merchant ships. I repeat, Mr. President, this bill commits the Government to this policy, and it is all nonsense to pretend—and I say that without desiring to be unparliamentary at all, or to criticize anybody—that this does not commit the Government to the policy which I have indicated.

The bill seeks to do that, and if enacted into law will accomplish that deplorable result. No one reading the bill will reach any other conclusion than that the Government will purchase, acquire, build, and operate ships in ocean trade. The first section of the bill declares that to be the policy.

The section now under consideration is a complete veto upon the sale of any ships run by the Government at any time in order that it will be impossible to get the Government out of the shipping business. When the sale of any ships is prohibited it is for the purpose of committing the Government to the ownership and operation of all ships now or hereafter belonging to the Government.

The fifth section, to which I called attention hastily this morning, carries out the same ideas:

> The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized.

What are the purposes of the act? Are the purposes of the act to sell the ships? No. Are the purposes of the act to encourage private persons to engage in foreign shipping? No. The purposes of the act are to put the Government into the shipping business; into the ownership and operation of ships; into the acquisition of ships; into the reconditioning of ships; into the building and purchase of ships. It seems to me that it is idle to say that we are not at the parting of the ways and that hereafter we may not retrace our course or have a privately owned merchant marine.

The Senator from Washington has indicated his interpretation of this bill in the language which I have just read in the report, and he says there is no other way—and in that, of course, I differ from him—to have a merchant marine than to have the Government embark upon it. Of course, with the passage of this bill the board will immediately formulate a program, they will urge the construction of ships. Already, I am told, a bill has passed the House for the reconditioning of ships at a cost of millions of dollars. We will have a bill along those lines presented to us before Congress adjourns, and we will be urged to pass it, because it will be claimed that we will be morally bound to do so, having solemnly committed the Government to this paternalistic policy.

The board is authorized—and this is a command that they are to carry out the purposes of this bill—they are authorized to acquire ships and to devise plans to expand the operation of the Government owned and operated merchant ships.

Mr. President, this section which is now the subject of attack, and upon which we will soon vote, is intended to rivet upon the country the policy of Government ownership of ships,

and to aid this plan it becomes an interdiction against the sale of any ships owned or hereafter acquired by the Government.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Ohio [Mr. WILLIS] to the amendment offered by the Senator from New Jersey [Mr. EDGE].

Mr. EDGE. I will ask the Secretary to state the amendment of the Senator from Ohio to the amendment offered by me.

The LEGISLATIVE CLERK. In the amendment offered by the Senator from New Jersey strike out the word "four" and insert the word "five," so as to read:

That only upon the affirmative vote of five of the members of the board, duly recorded.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. Should the amendment of the Senator from Ohio prevail, will there then be a vote upon the committee amendment?

The VICE PRESIDENT. The vote would then be on the amendment offered by the Senator from New Jersey as amended. The question now is on the amendment offered by the Senator from Ohio to the amendment of the Senator from New Jersey.

Mr. JONES. Mr. President, I want thoroughly to understand the situation. If the amendment proposed by the Senator from Ohio should be adopted, then would the Chair put the question on the amendment offered by the Senator from New Jersey as amended?

The VICE PRESIDENT. That would be the question.

Mr. JONES. In other words, we will then vote as to whether the provision for five shall be adopted or not?

The VICE PRESIDENT. Yes.

Mr. BRATTON. Mr. President, will not the Chair state the effect of the amendment proposed by the Senator from Ohio?

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio is to the effect that any sale made must be approved by five members of the board.

Mr. WILLIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from New Jersey [Mr. EDWARDS]. Were the Senator from New Jersey present, he would vote "nay," and were the Senator from Arkansas present, he would vote "yea." I am therefore permitted to vote, and I vote "nay."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Vermont [Mr. GREENE] and vote "nay."

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Nevada [Mr. PITTMAN]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from Rhode Island [Mr. GERRY].

The result was announced—yeas 43, nays 34, as follows:

YEAS—43

Ashurst	George	Mayfield	Simmons
Black	Glass	Neely	Smith
Borah	Hale	Norbeck	Steck
Broussard	Harris	Norris	Swanson
Capper	Harrison	Oddie	Thomas
Couzens	Hawes	Overman	Trammell
Dill	Hayden	Ransdell	Tyson
Ferris	Heflin	Reed, Mo.	Walsh, Mont.
Fess	Jones	Robinson, Ind.	Wheeler
Fletcher	Kendrick	Schall	Willis
Frazier	McKellar	Sheppard	

NAYS—34

Barkley	Curtis	McLean	Shipstead
Bingham	Cutting	McMaster	Shortridge
Blaine	Deneen	McNary	Steiwer
Blease	Edge	Metcalf	Wagner
Bratton	Howell	Moses	Walsh, Mass.
Brookhart	Johnson	Nye	Warren
Bruce	Keyes	Phipps	Watson
Caraway	King	Reed, Pa.	
Copeland	La Follette	Sackett	

NOT VOTING—17

Bayard	Gillett	Pine	Tydings
Dale	Goff	Pittman	Waterman
du Pont	Gooding	Robinson, Ark.	
Edwards	Gould	Smoot	
Gerry	Greene	Stephens	

So Mr. WILLIS's amendment to Mr. EDGE's amendment was agreed to.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Jersey [Mr. EDGE] as amended.

Mr. FLETCHER. On that I demand the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON]. Being unable to obtain a transfer, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I transfer that pair to the Senator from Maryland [Mr. TYDINGS] and vote "nay."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Vermont [Mr. GREENE] and vote "yea."

The roll call was concluded.

Mr. CURTIS. I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the Senator from New Jersey [Mr. EDWARDS] and vote "yea." If the Senator from New Jersey [Mr. EDWARDS] were present, he would vote "yea." If the Senator from Arkansas [Mr. ROBINSON] were present, he would vote "nay."

Mr. JONES. I desire to announce the following general pairs on this vote:

The Senator from West Virginia [Mr. GOFF] with the Senator from Rhode Island [Mr. GERRY]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Nevada [Mr. PITTMAN].

The result was announced—yeas 24, nays 54, as follows:

YEAS—24

Bingham	Fess	Metcalf	Schall
Copeland	Hale	Moses	Shortridge
Curtis	Keyes	Oddie	Steiwer
Cutting	King	Phipps	Warren
Deneen	McLean	Reed, Pa.	Watson
Edge	McNary	Sackett	Willis

NAYS—54

Ashurst	Ferris	La Follette	Simmons
Barkley	Fletcher	McKellar	Smith
Black	Frazier	McMaster	Steck
Blaine	George	Mayfield	Stephens
Blease	Glass	Neely	Swanson
Borah	Harris	Norbeck	Thomas
Bratton	Harrison	Norris	Trammell
Brookhart	Hawes	Nye	Tyson
Broussard	Hayden	Overman	Wagner
Bruce	Heflin	Ransdell	Walsh, Mass.
Capper	Howell	Reed, Mo.	Walsh, Mont.
Caraway	Johnson	Robinson, Ind.	Wheeler
Couzens	Jones	Sheppard	
Dill	Kendrick	Shipstead	

NOT VOTING—16

Bayard	Gerry	Gould	Robinson, Ark.
Dale	Gillett	Greene	Smoot
du Pont	Goff	Pine	Tydings
Edwards	Gooding	Pittman	Waterman

So Mr. EDGE's amendment as amended was rejected.

Mr. KING. Mr. President, I give notice that I shall ask for another vote on this amendment after the bill has been reported to the Senate.

The VICE PRESIDENT. The question is on the committee amendment as amended.

Mr. JONES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "nay."

Mr. FLETCHER (when his name was called). Making the same announcement as on the previous vote in regard to my pair and its transfer, I vote "yea."

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN] and therefore withhold my vote.

The roll call was concluded.

Mr. REED of Pennsylvania. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. JONES. I was requested to announce the following general pairs on this vote:

The Senator from West Virginia [Mr. GOFF] with the Senator from Rhode Island [Mr. GERRY]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Nevada [Mr. PITTMAN].

The result was announced—yeas 51, nays 25, as follows:

YEAS—51

Ashurst	Fletcher	La Follette	Simmons
Barkley	Frazier	McKellar	Smith
Black	George	McMaster	Steck
Blaine	Glass	Mayfield	Stephens
Borah	Harris	Neely	Swanson
Brookhart	Harrison	Norbeck	Thomas
Broussard	Hawes	Norris	Trammell
Bruce	Hayden	Nye	Tyson
Capper	Heflin	Ransdell	Wagner
Caraway	Howell	Reed, Mo.	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Dill	Jones	Sheppard	Wheeler
Ferris	Kendrick	Shipstead	

NAYS—25

Bingham	Edge	Metcalf	Shortridge
Blease	Fess	Moses	Steiwer
Bratton	Hale	Oddie	Watson
Copeland	Keyes	Phipps	Willis
Curtis	King	Reed, Pa.	
Cutting	McLean	Sackett	
Deneen	McNary	Schall	

NOT VOTING—18

Bayard	Gillett	Overman	Tydings
Dale	Goff	Pine	Warren
du Pont	Gooding	Pittman	Waterman
Edwards	Gould	Robinson, Ark.	
Gerry	Greene	Smoot	

So the committee amendment as amended was agreed to, as follows:

SEC. 2. The United States Shipping Board shall not sell any vessel or any line of vessels except when, in its judgment, the building up and maintenance of an adequate merchant marine can be best served thereby, and then only upon the affirmative unanimous vote of the members of the board duly recorded.

The VICE PRESIDENT. The question is now on the second committee amendment.

Mr. BRUCE. Mr. President, I should like to ask the Senator from Washington just one question. To what extent do the employees connected with the United States Shipping Board and the Emergency Fleet Corporation fall within the scope of the Federal laws relating to the classified civil service?

Mr. JONES. I do not think they are under the civil service at all as yet.

Mr. BRUCE. None of them?

Mr. JONES. I do not think so.

Mr. BRUCE. I am not speaking of mariners and sailors, of course.

Mr. JONES. I understand that; but I do not think the clerks are under the civil service as yet.

Mr. BRUCE. Does the Senator know why that is?

Mr. JONES. I think it is because the Shipping Board has been considered as being more or less of a temporary governmental organization.

Mr. President, I ask that the amendment on page 3, striking out section 5 may be agreed to, because that is covered by the amendment which we have already adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee, to strike out section 5 in the following words:

SEC. 5. No vessel constructed pursuant to this act shall be sold without the consent of Congress hereafter given.

The amendment was agreed to.

ALTERATIONS IN THE SENATE OFFICE BUILDING

Mr. DENEEN. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment the resolution (S. Res. 111) and ask unanimous consent for its immediate consideration.

There being no objection, the resolution (S. Res. 111) submitted by Mr. MOSES on the 16th instant was considered and agreed to, as follows:

Resolved, That the Architect of the Capitol hereby is authorized and directed to make certain necessary alterations and repairs in the Senate Office Building under the supervision of the Committee on Rules, at a cost not to exceed $6,000, to be paid out of the contingent fund of the Senate, miscellaneous items, fiscal year 1927.

AFFAIRS IN NICARAGUA

Mr. BROOKHART. Mr. President, I ask unanimous consent to have printed in the RECORD a brief editorial from a recent issue of the Star, of Seattle, Wash., entitled "The gathering storm."

There being no objection, the editorial was ordered printed in the RECORD, as follows:

THE GATHERING STORM

It is a terrific indictment that Senator BURTON K. WHEELER draws against the Coolidge-Kellogg war in Nicaragua. It is, he says, warfare conducted for a group of New York bankers, without authorization of Congress, in which women and children are ruthlessly bombed by American airplanes.

WHEELER asks what the Star has asked time and again, without reply: "What American lives are in danger in Nicaragua?" There has never been any reply to that; there never can be. No American lives have been in danger—only dollars have been in danger.

Throughout American history it is traditional that American lives must and will be protected anywhere on earth. That is right and just. But the dollar that forsakes its own country and goes rolling to exploit foreigners must look out for itself. Statesman after statesman has reiterated that dictum. It meets with the hearty approval of every patriotic American.

Doctor Coolidge's dictum, however, is that American boys may be killed, women and children may be bombed, friendly nations may be attacked—to save a few dollars. It is a fearful dictum and the American people shudder at its application.

Senator WHEELER knows this administration. Its agents tried to frame him and with perjured evidence send him to jail when he dared to pry into the unspeakable oil mess. It took a jury a very short time to see through this preposterous conspiracy and free WHEELER—but the sting remains.

All over America to-day people are echoing what WHEELER said at New York; the storm is gathering.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 27, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 26, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lead us, O Father, to give our faith in truths that keep us going and that we can live by. Direct us toward goals that are worth working for. We pray that our Nation may be given instruction that shall inspire our fellow citizens to live in peace and have the utmost liberty consistent with the liberty of all others. May the wisdom that comes from obedience to Thy laws prevail everywhere. Thou canst see every tear; and wilt Thou in mercy answer its appeal as it glistens from the bed of sickness and when it calls from men who are struggling for their own? Be with us, and always point out the way of moral and spiritual certainty. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT OVER UNTIL MONDAY

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet next Monday.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that when the House adjourns to-day it adjourn to meet next Monday. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that at the conclusion of the address by the gentleman from Arkansas [Mr. TILLMAN] I be allowed to speak for 10 minutes on the subject of naval officers and naval activities.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that at the conclusion of the remarks of the gentleman from Arkansas he be permitted to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. KVALE. Mr. Speaker, I ask unanimous consent that at the conclusion of the address by the gentleman from Oklahoma [Mr. McCLINTIC] I be given four minutes in which to address the House.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that at the conclusion of the address by the gentleman from Oklahoma he may be permitted to proceed for four minutes. Is there objection?

There was no objection.

HON. JOHN W. GRIGGS

Mr. SEGER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a very short tribute to Hon. John W. Griggs, of the State of New Jersey, former Attorney General of the United States and former Governor of the State of New

Jersey, written by Dr. William B. Gourley, one of the leading members of the bar of New Jersey.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that he be permitted to extend his remarks in the RECORD by printing a tribute to the late Attorney General John W. Griggs. Is there objection?

There was no objection.

Mr. SEGER. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following tribute to Hon. John W. Griggs, of the State of New Jersey, former Attorney General of the United States and former Governor of the State of New Jersey, written by Dr. William B. Gourley, one of the leading members of the bar of that State:

May it please the court, I have been requested by the president of the bar association of this county to add a few words to the resolutions that have just been read. It is fitting that something should be said, however summary. It would not become the dignity of our bar to allow the first figure among us to pass beyond the horizon of life to join the ranks of the illustrious advocates who have gone before him without expressing, however inadequately, the sense of our great loss.

John W. Griggs was one of the many sons of Sussex who have added luster to the State. He was graduated from Lafayette at the age of 19 and came here shortly thereafter, and here he remained until the end. He was admitted to the bar in 1871. It seems a far cry now to that distant day, yet his public life spanned this great period. At that time no district courts were established here. The courts for the trial of small causes were in general use. All suits involving more than $100 were tried at the circuit, and yet the court calendar of the time had only 40 causes a term. To-day we have 1,200. The justice of the supreme court presiding in this circuit, in addition to his labors in that tribunal and also in the court of errors and appeals, tried all our circuit causes. He also presided in the orphans' court and the court of common pleas, as well as in the court of quarter sessions. Some relief was afforded in the year of his admission to the bar by the creation of the court of special sessions with a president judge.

HAD ABLE COMPETITION

Mr. Griggs found able competitors here at the time, chief among whom were Socrates Tuttle and Absalom B. Woodruff. These names are new to this generation—but a memory. They share the transitory fame of so many eminent advocates and are now fast fading into the dim and deepening night. He won early distinction at the bar. He formed a partnership with Mr. Tuttle and the firm of Tuttle & Griggs became one of the most eminent in the State. In 1875 he was elected to the assembly, where he served two years. In 1878 he was counsel for the board of chosen freeholders, and in 1879 he was city counsel of Paterson. He was chosen State senator in 1881 and served six years. He was president of the senate in 1886. He became governor in 1895, and two years later Attorney General of the United States. He reflected honor on this exalted office and was universally held to have performed its duties with marked distinction.

I prefer to speak to-day not of the statesman but rather of the advocate. A Justice of the Supreme Court said to me once that it was a pleasure to hear him argue a cause. It was a great pleasure also to hear him before a jury in an important suit. He had an unexcelled knowledge of the law and was always master of the facts. His penetrating mind readily separated a complex cause into its component parts and his eloquent tongue lifted it to new heights. As an advocate he was facile princeps. I think his most outstanding quality was the clarity of his mind. His luminous intellect carried light into the darkest places. He could accomplish more legal work in a given time than anyone I ever knew. It can be truthfully said of him what was said of Judge Dixon, that he displayed a cultivated capacity for work that made the assumption of any task the assurance of its immediate performance.

PAST ASSOCIATIONS

I had the honor of being associated with him in many important causes and among them several as special counsel for the city of Paterson. I learned to admire this rare characteristic. I was on the other side many times in the old days and sometimes in later years. The last case in which I was on the opposite side was Weidmann v. Passaic Water Co. I said to him at the close of this case, "Governor, I like to try a case with you, because you know what you want and you know how to get it." His answer was, "Gourley, this is the last case you will ever try with me. I have just two important cases remaining and then my work will be done." I need hardly add that these words made a profound impression upon me.

The passing of such a lawyer from among us is a distinct loss to us all. It is a very distinct loss to the young members of the bar. Such high technical skill, I regret to say, is rarely seen. It is largely by observation of great advocates that the bar grows in strength. And now this brilliant leader is gone from the sight of men.

It will be a long time—a very long time indeed—before such an advocate appears again among us.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, when the original order was made it was not stated that when the Private Calendar is considered it should be considered in the House as in the Committee of the Whole. It is for the convenience of Members and for the expedition of business that bills on the Private Calendar be considered in the House as in Committee of the Whole, and I now ask that this be done the same as heretofore.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that bills on the Private Calendar to-day be considered in the House as in Committee of the Whole. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, do I understand that the consent agreement which was entered into for the consideration of the Private Calendar to-day was for bills unobjected to?

Mr. TILSON. Bills unobjected to.

The SPEAKER. Is there objection?

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, the Private Calendar will be called after the Consent Calendar, I presume.

The SPEAKER. That rests with the House, of course, but I think the gentleman from Connecticut said that would be the procedure.

Mr. TILSON. The Consent Calendar was mentioned first.

The SPEAKER. Is there objection?

There was no objection.

CALL OF THE HOUSE

Mr. OLDFIELD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 17]

Adkins	Fenn	Kendall	Ransley
Aldrich	Frear	Kent	Sabath
Allen	Fulmer	Kiess	Sears, Fla.
Anthony	Furlow	Kindred	Sirovich
Bacon	Gallivan	King	Spearing
Bankhead	Golder	Kunz	Sproul, Ill.
Boies	Graham	Leatherwood	Steagall
Britten	Hancock	Leavitt	Strong, Pa.
Buckbee	Haugen	Lindsay	Strother
Busby	Hoch	Lyon	Sullivan
Carley	Hope	McMillan	Sweet
Cartwright	Huddleston	Maas	Swick
Chase	Hudson	Manlove	Thompson
Connally, Tex.	Hughes	Mooney	Tucker
Cooper, Ohio.	Hull, Morton D.	O'Connor, N. Y.	Updike
Curry	Hull, William E.	Palmer	Wingo
Davey	Igoe	Palmisano	Wood
Deal	Irwin	Parks	
Douglas, Ariz.	Jacobstein	Pratt	
Driver	Johnson, S. Dak.	Quayle	

The SPEAKER. Three hundred and fifty-five Members are present, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

The SPEAKER. Pursuant to the order of the House the Chair recognizes the gentleman from Arkansas [Mr. TILLMAN] for 25 minutes. [Applause.]

LEGISLATION TO PREVENT DISTRIBUTION OF INDECENT LITERATURE

Mr. TILLMAN. Mr. Speaker, in case I fail to conclude my remarks in the time allotted to me, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. FROTHINGHAM). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TILLMAN. Mr. Speaker, I would not use the time I expect to consume this morning if I did not intend to discuss a matter of nation-wide interest and importance. It is a nonpartisan question.

I propose to discuss two bills that are now pending in the House, whose purpose is to prevent the distribution of obscene, filthy, and lewd literature, and I shall offer in evidence one magazine and one volume—the magazine labeled "Telling Tales," the volume labeled "The President's Daughter," and which—the book I particularly mean—ought never to be allowed to circulate in a civilized country. [Applause.]

To show the interest that people have in this matter I offer three letters from different portions of the country before I begin my remarks. I select one from the North, one from the South, and one from my own district.

The first is a letter from Lincoln, Nebr., from L. L. Coryell & Son, grain merchants. I assume the gentlemen from Nebraska

know the firm. It is a reputable one, I am informed. The letter is dated January 21, 1928, addressed to me, and, after the caption, says:

I congratulate you on your resolution to establish a national board of books and magazines censorship.

The next letter I desire to read into the RECORD is from Summerville, Ga., written by B. W. Farrar, cashier of a bank in Summerville, Ga., and reads as follows:

If you can put through your bill to censor magazines, you will go a long way toward curing one of the greatest evils of the age. I am not a "reformer," but something certainly needs to be done along this line for the good of our children and wives. Good luck to you.

Yours very truly,

B. W. FARRAR.

I do not personally know these people.

I have made a study of this matter for a number of years, and a year or two ago I had the following letter and this magazine [indicating] from a constituent in my own district. He says:

Really what I wish to write you about is something relating to barring from the mails the salacious publications that seem to be sold at about all the news stands of the country, such vile literature as Snappy Stories, Telling Tales, College Humor, and perhaps a dozen or more of other publications, their suggestive vileness should not be put in the hands of the young people or anybody for that matter.

He may not know we have a statute now which prohibits the sending of such matter through the mails, but that statute is not very well enforced, and I propose a broader statute, which, if it can be enacted into law, will prevent any kind of agency circulating this kind of literature from State to State, in the District of Columbia, or anywhere in the country.

It seems the public schools are full of this nasty literature that tells everything by suggestion that could happen and some things that are nauseous. The effect of these things you well know. You spoke of in one of your letters that you and some colleagues were framing a bill that would remedy this situation; I sincerely hope it will have a good hearing and will pass at this session. Now, I have boys and a daughter; these books are handed to them at times by fellow students, and sometimes the news dealer will hand out a copy, knowing that some people are intensely interested in sex matters, and will read this suggestive literature and want more of it. I have seen enough of it to prove that it has a bad effect on good morals, it surely is a bad situation to contend with along moral lines. It does seem that the Government needs good, pure lives, and anything to try and conserve the right kind of morals is a benefit to the Nation, to the State, to the community. It does seem that present laws are not ample to control this evil; I have referred some of these publications to the post-office inspectors, but one inspector refers the matter to another, it finally goes to Washington, D. C., and then seems to die there.

People in general have hardly been aroused sufficiently along this line; they would be if they knew the enormity of this evil.

T. A. WINKLEMAN,
Rogers, Ark.

I now direct attention to H. R. 7476, introduced in the last Congress and again at this Congress by my brilliant friend from Mississippi, Mr. WEBBER WILSON, and to my own bill on the same subject, H. R. 9777. I desire that Mr. WILSON have full credit for the initial movement looking toward the passage of legislation that the two bills seek to promote.

These bills give the Congress an opportunity to enact a statute intended to prevent the public and private publication and distribution in printed form of obscene, lewd, lascivious, or filthy stories, poems, verses, books, or any material whatsoever of an indecent nature.

Assuming that Congress has jurisdiction to deal with this subject matter, no argument should be required to justify the course suggested. The case argues itself convincingly.

I hold in my hand and offer as exhibits the magazine and book as samples of the kind of printed matter that the bills mentioned seek to outlaw.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. TILLMAN. I will.

Mr. GREEN of Florida. I would like to say to the gentleman that there are thousands of people in the State of Florida who approve his efforts along this line.

Mr. TILLMAN. I thank the gentleman for that assurance, and I think that may be said of other States in the Union.

This is Exhibit A, my colleagues [holding up a magazine]. It is in evidence. Telling Tales, you observe, in blood-red letters at the top of the page and labeled in midnight black as "a magazine of speed, spice, and sparkle." Speedy it is.

It sells for 20 cents and was sent me by Mr. T. A. Winkleman, my friend and constituent, who states that this magazine is placed on sale each month in one of the largest towns of my district.

On the cover you will note the dazzling picture of a flaming flapper, with just a few more clothes than were worn by Eve before she tied on, with a young grapevine, her first apron of fig leaves. [Laughter.]

Under this entertaining picture is the interesting announcement that a "limited number of artist's proofs of this cover, without lettering, can be supplied for 35 cents each." That is to say, they will eliminate the lettering, like the female eliminated most of her clothes, so that nothing will divert the attention of the spectator from the short-skirted flapper aforementioned.

This "lettering" that they promise to remove tells of the contents inside: "The temptation of faint Anthony, a titillating tale by Nancy Lowe, in which the girl is willing and the man is weak"; "Once a divorcee"; "Whirlpools of love"; "New York nights"; and "Don Juan, jr." The senior Don Juan was quite a rake.

At the bottom of the cover, in Niagara-blue caps, is this boastful statement: "Combined monthly distribution, 1,500,000 copies." This bill, if passed, will curtail that number exactly a million and a half.

Here follow some of the advertisements:

"Send for our .32 automatic pistol, $8.95." Another one: "Send for our amazing quick-acting 'Pep Tablets'—will give you needed 'pep' in 20 minutes." Quick action.

Glance through the putrid pages of this publication and you will find it teeming with vile obscenity, disgusting suggestions, lewd jokes, and rank sexual appeals. It might not harm such blasé oldsters as you or me, but it is quick and deadly poison for the young.

Bring this issue home to our own firesides. None of us want our boys and girls soiled by contact with this filth. The young people do read these magazines; they can easily procure them; they constitute a material part of the monthly one and a half million of this magazine's readers.

Whose business is it to attempt at least to stop the far-flung circulation of this rotten and harmful literature. It is our business. There are many abuses that we can not control, but we can end this sorry practice. [Applause.]

Now, do not misunderstand me. I am not narrow, hidebound, or radical. I simply desire to mitigate or end an admitted evil for the public good.

COMPARISONS NOT INTENDED TO BE ODIOUS

I am not a pessimist on mankind or womankind. I do not believe the race is hell bound. I am an optimist on America; I doubt it we are growing very much worse; we may be getting better in many ways, but in some things, in some practices, old customs seem to me superior to the new. I am not attempting to lecture, but while I am discussing the one great abuse that I have just gone into I beg to offer a few observations with the very best of intentions. I am interested in young people, always have been, and always expect to be, and desire to help them and not to insult or injure them. Hence, what I say is intended to warn and to benefit them. The sole motive that prompted me to introduce the bill under consideration was to attempt to separate young people from certain contaminating influences. So, if I may, I will point out a few things that to me seem alarming.

COLLEGE MEN AND CO-EDS

The membership will recall that Congress is responsible for the great work of establishing agricultural colleges throughout the States. Congress each year makes large appropriations to maintain these institutions of learning, so we have the right to keep an eye on their conduct and their method of imparting instruction, discipline, and so forth.

Yesterday I talked with a former college president now a Member of this House. He agreed with me that the pendulum as regards social relations between college men and women has swung dangerously away from where it was 20 years ago. I hope and believe it will swing back to normal. I have the utmost faith in the good intentions and character of the average college man and woman.

I recently talked with a progressive dean of women in one of the co-educational colleges. She complained of the deportment of college men and women on the campus, at social gatherings, at fraternity houses. She said, "When I began my deanship I observed but little of the gross petting that one sees now. Then the girls did not smoke cigarettes, did not smear scarlet paint over their faces, and when walking with a boy they would not allow him the liberties he now takes. They often walk hand in hand, often with arms intertwined." That is her observation, not mine. I think that is true. Now, there is less knightly respect, less polite consideration, less gracious courtesy

once everywhere in evidence at the higher institutions of learning. I emphatically disclaim charges of gross wrongdoing, but long for a return of the rule of conduct in the respect mentioned, that obtained formerly.

SOME YOUNGSTERS NOT IN COLLEGE

Some young women smoke, some swear, some use enough red paint in a year to cover the west side of a barn. Some wear skirts as abbreviated as those of the flapper pictures on the magazine cover in evidence. Passing a small town between here and St. Louis, at about the twilight hour, I saw a packed auto, of both young men and women, with their limbs tangled and intertwined like a nest of amorous water moccasins. [Laughter.] These suggestive and foul publications, so easily obtained, so widely read, are in some degree, a great degree, I think, responsible for reckless conduct on the part of young people, and some old people, too. Elderly people are not free from folly; but God save the boys and girls, the oldsters do not matter so much. [Applause.]

OLD CUSTOMS AND NEW

The old ways are not necessarily the best, but there was more chivalry then than now, more manly respect for women, and respect for women is a manly virtue indeed. There are those who favor companionate or trial marriage in lieu of real marriage. God forbid. The movies have destroyed the lecturers, the drama. Jazz has crowded out real music. The Bat draws better than Macbeth, doggerel is more read than the fine lines of Tennyson or Milton. I may be old-fashioned, but I think of the Virginia reel, and the stately minuet as preferable to the twisting, wiggling modern dance. [Applause.] It is a trite saying, but distance does lend enchantment, and familiarity does engender contempt. All people, especially the young, are safer away from the blighting touch of indelicate suggestion. [Applause.]

The charioteer of a warlike king was killed in battle. He sought a new driver. One candidate presented himself, and the king said: "How close to yonder precipice can you, with safety to me, drive my chariot?" Said the man: "I can drive your chariot within a foot of the edge of that bluff and carry you safely by." To the second applicant the king said: "What can you do?" "Why," said No. 2, "I can drive you so close to the edge of that precipice that one-half of the rim of the tire will project over the edge of the bluff, the other half on the solid stone, and not endanger your life." The last man said to the king: "Your majesty, if you should ask me to drive your chariot by that deep chasm I would drive you as far away from the edge as I could drive you." "You are the man I want for my charioteer," said the king. And so let us keep our children as far away as possible from all dangerous, suggestive, corrupting agencies . I do not know of a father or mother in the land who would want the boy or girl to read this or similar magazines or would put into their hands the book known as the President's Daughter. [Applause.]

So I seek by this proposed measure to keep our children from contact with damaging suggestiveness. I take no pleasure in finding fault. I had rather look at the stars than into a cesspool, but I know that it will not suffice simply to quote "to the pure all things are pure." In truth and in fact we first endure vice, then pity, then embrace it.

The outraged Lucrece gave us classic advice on this very subject:

O opportunity, thy guilt is great
Thou makest the vestal violate her oath;
Thou blowest the fire where temperance is thawed;
Thou smotherest honesty, thou murderest troth,
Thou foul abettor, thou notorious bawd
In thy shady cell, where men may spy him
Sits sin, to seize the souls that wander by him.

THE PRESIDENT'S DAUGHTER

Suddenly like a blast from hell appeared a volume that this bill, if enacted into law, would interdict. I will treat the matter as delicately as I can. Many of us had close fraternal relations with the dead statesman assaulted, and respected him, liked him, believed in him. We feel a grievance at this attack. Politics does not matter in this affair. After our children lay us to rest in the churchyard we want our frailties to remain in our narrow abode undisturbed. An English author tells of a band of toothless warriors who fought with the stench of their gums. This is the kind of warfare we are considering.

I make no war on women. I do not believe a woman wrote the book. I believe that the volume was written by some "fellow of the baser sort" for the money he saw in the enterprise. People rush to the book stalls and in some places pay $7 the copy for it. It has page after page of brazen description, sickening details, monstrous charges. The story is sordid, selfish, woven into a warp of shame and a woof of infamy, the grossest attack ever launched against the living or the dead. It is a sorry bird of prey that strikes its beak into the heart of the sheeted dead. This book went into the homes of dear ones, where there were tender memories, filial love, undying respect, and left those homes filled with blighting sorrow, humiliation, chilling darkness, anguish, heart scars, and soul scars. Those who suffered most were guilty of no wrong certainly, if indeed there was wrong anywhere. What motive? Why, the jingling of the guinea helps to explain it. I make a respectful salute to all our dead Presidents. [Applause.]

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 280. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Red River at or near Coushatta, La.;

H. R. 5547. An act granting the consent of Congress to the city of St. Joseph, in the State of Missouri, or its assigns, to construct a bridge and approaches thereto across the Missouri River between the States of Missouri and Kansas;

H. R. 5582. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande, at or near the point where South Santa Fe Street in the city of El Paso crosses the Rio Grande, in the county of El Paso, State of Texas;

H. R. 5642. An act to extend the time for the construction of a bridge across Red River at Fulton, Ark.; and

H. R. 7218. An act to legalize a bridge across Hillsborough Bay at Twenty-second Street, Tampa, Fla.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 620. An act for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas;

S. 768. An act granting the consent of Congress to the Alabama Great Southern Railroad Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River at Epes, in the State of Alabama;

S. 1761. An act granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal.

The message also announced that the Vice President had appointed Mr. NYE and Mr. PITTMAN members of the Joint Select Committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Interior Department.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, a bill of the House of the following title:

H. R. 9022. An act to authorize the town of Alderson, W. Va., to maintain a public highway upon the premises occupied by the Federal Industrial Institution for Women at Alderson, W. Va.

CRITICISM OF SPEECH OF ADMIRAL PLUNKETT

The SPEAKER pro tempore (Mr. FROTHINGHAM). The gentleman from Oklahoma is recognized for 10 minutes.

Mr. McCLINTIC. Mr. Speaker, I send to the desk a clipping that I desire to have read in my time.

The Clerk read as follows:

COOLIDGE DENIES RUMOR UNITED STATES PREPARING FOR WAR—STATEMENT ATTRIBUTED TO REAR ADMIRAL PLUNKETT HELD PUBLICITY MOVE—REBUKE IS WITHHELD

In the opinion of President Coolidge, no one need take seriously the sanguinary prediction of American Army and Navy officials that the United States is about to go to war with its commercial rivals.

This announcement of the President's view, made at the White House yesterday, came in reply to a statement attributed to Rear Admiral Charles T. Plunkett, commandant of the Brooklyn Navy Yard, in which he warned that an outbreak of hostilities was not far distant.

Such a stir was created in European newspapers that the White House felt impelled to explain that declarations of this nature are the usual way in which officers of the national defense attempt to work up domestic sentiment at a time when Army and Navy appropriation bills are about to be considered in Congress. Although willing to concede it is the duty of defense officers to work for the best interests

of the elements they serve, Mr. Coolidge is displeased with the turn their warlike statements sometimes take, but so far as he can see there is nothing to be done.

* * * * * * *

If he should publicly point out the inadvisability of their statements, he feels that he would only be accused of muzzling free speech. He believes he can simply recommend to the Army and Navy officers that they consider the welfare of their country in a larger sense. This latest White House gesture toward allaying suspicion of American aggressiveness comes as a prologue to possible further airing of the position of the United States defenses when Congress takes up shortly the administration's proposal for a $740,000,000 rounding out of the Navy.

Mr. McCLINTIC. Mr. Speaker and gentlemen of the House, it is a pitiful situation when the President of the United States has felt warranted in denying a rumor or a statement made by Admiral Charles P. Plunkett, commandant of the Brooklyn Navy Yard, which was to the effect that this country is preparing for war with its commercial rivals.

According to the press reports, which relate to the speech made by Admiral Plunkett at the National Republican Club in New York on January 24, he made special reference to the need of a merchant marine in order that our trade competitors might not obtain certain kinds of business. He also made the positive statement that whenever any nation reaches a place where it is as great on the sea as Great Britain the inevitable result will be war.

At the present time hearings are being held by the Naval Affairs Committee, and Admiral Hughes has given as one of the chief reasons for increasing the Navy the necessity for protecting our commerce. In other words, the officials of the Navy are trying to show to Congress that our commerce is so important that it must be protected at all costs.

In marked contrast to this policy, the Nation is confronted with an outburst from a naval officer, which, according to the press, has created one of the greatest stirs ever witnessed in European countries. Such idiotic, asinine outbursts put this Nation in bad repute with other nations of the world, and instead of increasing our commerce with friendly nations, this admiral's prophecy has the effect of curtailing and destroying satisfactory trade relations.

I would like to know from some source if naval admirals feel that they are directing the foreign policy of this country. I would like to know why we have a Secretary of the Navy that apparently can not control such officers as Admiral Plunkett. I have said on many occasions that no individual who is a graduate of either of our military schools should be appointed as a civilian secretary of our department of defense for the reason their early training and environment was such as to make it impossible for them to ever maintain a proper supervision over those who have the same qualifications.

Admiral Plunkett is the commandant of the Brooklyn Navy Yard. Admiral Magruder was the commandant of the Philadelphia Navy Yard. Admiral Magruder made constructive recommendations through the columns of the Saturday Evening Post and the Naval Committee calling attention, first, that we had too many destroyers out of commission; second, that some of our obsolete ships should be decommissioned and men and officers assigned to other positions advantageous to the Navy; and third, that we had too many officers on duty in Washington; and fourth, the enormous loss occasioned by having too many navy yards in operation. I make the statement that the admiral was correct in his charges, and when he concluded his testimony before the Naval Affairs Committee he received the thanks of that committee; yet the Secretary of the Navy, with one fell swoop, whacked his head off officially because he really wanted to do something to make the Navy more efficient; and in striking contrast to what happened to Admiral Magruder the Nation is confronted by a statement from Admiral Plunkett which has hurt her more with England, Canada, Australia, New Zealand, and other nations with respect to the maintenance of friendly trade relations than any other single act by an individual for the past 50 years.

Admiral Plunkett will probably not be disturbed, as the newspaper stories say, "Rebuke is withheld." Everyone knows that the Navy has sunk to a mighty low ebb in the estimation of a majority of the people. It is such inefficiency at the head of this great bureau that has brought about the result whereby an officer feels that he has the right to make a declaration with respect to our foreign policy, having either no fear or respect of the Secretary of the Navy or the President of the United States.

Mr. GILBERT. Will the gentleman yield?

Mr. McCLINTIC. I yield to the gentleman.

Mr. GILBERT. This is not an isolated instance. Admirals are laying down the foreign policy of our Government in many instances. Rear Admiral Kittelle, stationed in the Philippines, has done more to stir up dissatisfaction in the Philippine Islands and cause ill feeling toward the people of the United States than all other circumstances put together.

Mr. McCLINTIC. I thank the gentleman for the statement.

Mr. GILBERT. He announced last summer that the United States would grant independence to the people of the Philippine Islands whenever all Filipinos could read, speak, and write the English language—and he announced that as the policy of this country toward the Filipinos. These military chieftains are constantly prescribing our foreign policy, and in always militant tones, and should be called down.

Mr. McCLINTIC. I think the gentleman will agree that as long as we allow admirals stationed in different parts of the world to announce the policy with respect to this Government, that instead of building up friendly relations with the countries of the world we are striking down the good feelings, which leaves us in bad repute.

Mr. LaGUARDIA. Mr. Speaker, I spoke at the meeting at the National Republican Club, and I may have provoked the statement made by Admiral Plunkett after my speech. I stated that war between England and the United States was not only impossible but was unthinkable. I stated that if the greed of commerce should get us into such a position, and diplomacy should blunder, that then the people of the United States and the people of Great Britain would simply refuse to go to war. Immediately after my speech I had to leave in order to catch a train to return to Washington. After I left a reporter from the New York Herald-Tribune, Mr. Charles White, who is not only a reporter but a great journalist, and who has been known in New York City for the last 30 years as a man of the highest reputation and standing, asked the admiral some questions, and as between Charlie White's word and the admiral's word, I would take the word of Charles White, because his reputation would bear it out.

Mr. McCLINTIC. Mr. Speaker, I thank the gentleman for his interruption, and I say to the House that the only object I have in bringing this to its attention is to show to the Nation that these officers are not being properly directed or controlled by the powers that be at the present time. In other words, if you or I were the Secretary of the Navy we would not stand for any such conduct on the part of an admiral. However, just as long as we appoint to this position men who have been educated in our military schools at the expense of the Government, just that long can you expect situations to exist like those that confront us at the present time with respect to the Navy. How about the Secretary of the Navy at the present time? I say the same situation would exist if he were a Democrat. At present the Director of Operations is one of his classmates. The Commander in Chief of the Navy is another one of his classmates, and I am told that the five who rank the highest with him in that school are the ones who now occupy the responsible positions in the Navy. It is for that reason that one can not tell men who have the same military qualifications and who have been brought up with you in the same class, that they must be quiet and that they must not make these unfortunate outbursts. [Applause.]

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to proceed for five minutes out of order.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, on what subject?

Mr. BLACK of New York. In answer to the speech just made by the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. BLANTON. In defense of the Secretary of the Navy?

Mr. BLACK of New York. The gentleman will learn as I proceed.

Mr. SCHAFER. Is the gentleman going to give us the Tammany views or Governor Smith's views of this controversy?

Mr. BLACK of New York. It would take a man as strong as the Governor of New York to have the gentleman from Wisconsin understand anything.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. Mr. Speaker and gentlemen of the House, I know Admiral Plunkett very well, and I for one resent some of the suggestions that have been made about the admiral, not particularly those which have been just made, but those coming from the White House. There is no finer American in

this country than the commandant of the New York Navy Yard. [Applause.]

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield?

Mr. BLACK of New York. Not now.

Admiral Plunkett is about to retire after a very distinguished service to his country. Admiral Plunkett can in no way, except due to his love of the Navy and of the country, be interested in the appropriation bill for the Navy that is about to come to the House. The suggestion that has been made from high official quarters that his speech was prompted by a selfish desire to see increased appropriations is not worthy of the White House.

So far as this talk of war is concerned, war does not come from a speech of any admiral. Great fleets are not built to fight a speech made by any admiral. Great fleets are built with a purpose. If you want to have the genesis of anything like war talk between the great powers of the world to-day, go back to an article written about two years ago by the leading Republican candidate for the Presidency, Secretary Hoover, in connection with foreign monopoly in some of the essentials of life. When the tire companies were about to increase the price of tires and needed to have an advertisement to that effect, the Secretary of Commerce, Mr. Hoover, wrote an article denouncing Great Britain's policy in most violent terms in connection with the Stevenson plan of rubber restriction. The gentleman speaks of Admiral Plunkett interfering with foreign policy. Time and time again your Secretary of Commerce has assumed control over the foreign affairs of this country. The gentleman asks, "Where are we going to get our foreign policy from?" That is what the country is asking to-day. It is absolutely hopeless at the present time to expect a foreign policy from the State Department. The State Department could have stopped this situation, could have stopped this increasing of armament throughout the world some time ago. I said on the floor of this House that it was plainly the duty of the State Department when Great Britain started to increase its fleet and Japan started to increase her fleet, after the disarmament conference, to protest to Great Britain and to protest to Japan against the increasing of their fleets after that conference. The 5–5–3 ratio of the disarmament conference was predicated in spirit and it should have been put down in so many terms by Mr. Hughes and our delegates, on maintaining the then existing status of auxiliary craft, or the whole 5–5–3 ratio as to capital ships was absolutely unbalanced and thrown out of gear.

It is the State Department which has fears and doubts, and not Admiral Plunkett, who loves his country, that is responsible for our present relations with Great Britain. It was the State Department's absolute cowardice and fear to live up to its first duty after the armament conference in not protesting against the increase of the British fleet and the increase of the Japanese fleet, and not our admiral, that has caused tension. [Applause.]

AID FOR AGRICULTURE

The SPEAKER. The gentleman from Minnesota [Mr. KVALE] is recognized.

Mr. KVALE. Mr. Speaker, I want to read the following resolution adopted on national legislation at the ninth annual meeting of the Minnesota Farm Bureau Federation, held in St. Paul, Minn., January 17 to 19, 1928:

The country's attention is called to the policy of the people of the State of Minnesota as laid down by concurrent resolutions to Congress of two consecutive sessions of the State's legislature wherein there was set out the fundamental provisions necessary to restore equality to agriculture, and the creation by legislative and executive action of an agricultural equality commission to that end.

I. We renew our stand in support of this state-wide policy and insist on the early enactment by the present Congress, and Executive approval of legislation embodying these principles, which underlie the whole structure of the McNary-Haugen bill. These principles, which we hold indispensable to any agricultural legislation worthy of the name, are:

(a) Federal farm board with broad powers to meet all conditions affecting agriculture;

(b) Segregation of the exportable surplus of all farm commodities, so as to give the American farmer an American market for all farm products consumed domestically; and

(c) The payment of a commodity equalization fee on all agricultural products going into foreign commerce, thereby preventing governmental subsidy or price-fixing legislation.

We deplore efforts of opposition to these principles, since after four bitter years of tireless efforts of farm organizations no substitute worthy of consideration has been presented.

We demand of the present Congress to stand firm without compromise or waiver to this method of dealing with the critical agricultural situation, and pledge our united and unanimous support to the end that this legislation, long demanded and of immediate necessity, may be speedily provided.

We congratulate our members and farmers generally for their loyalty in this matter, and extend our appreciation to all organizations pledged to and actively assisting in the solution of this the greatest of all modern problems.

II. We favor increased tariff on agricultural products imported that are selling in competition with our farm products, such as corn, flax, eggs, dairy products, hides, and any other farm products that are suffering from such competition.

III. Further we favor the readjustment of tariff schedules on nonagricultural commodities, so as to more nearly equalize the prices between agricultural and nonagricultural commodities.

I include also a portion of the resolutions adopted at the annual meeting of the Minnesota Live Stock Breeders' Association held January 20. The resolution is similar to the first of those adopted at the farm bureau convention. I read:

Word has come from Washington that a few Congressmen serving on the Agriculture Committee are considering the advisability of striking out the equalization fee from the Haugen bill. We wish to inform these gentlemen that we prefer no legislation to a mere gesture. The Haugen bill without the equalization fee would be of no value to agriculture and would destroy all hope among the farm people who are looking to Congress to enact legislation that will make the tariff duties effective on agricultural commodities.

I commend this to the attention of all the Members of the House who are interested in the cause and cure of the present plight of agriculture. I recommend it in particular to the careful perusal and consideration of the Republican Members of my home State of Minnesota, and more especially those good Republicans who are working overtime these days trying to put over the Coolidge-Mellon program of emasculating the McNary-Haugen bill by eliminating the equalization fee. Here is a voice from the grass roots of Minnesota. Please give heed and take notice. [Applause.]

CHANGE OF REFERENCE

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent that the bill (H. R. 190) to provide for more expeditious settlement of money claims against the United States, and for other purposes, be rereferred from the Committee on the Judiciary to the Committee on Expenditures.

I might say that I have consulted the chairman of the Committee on the Judiciary and also the gentleman from Minnesota [Mr. KNUTSON], the author of the bill, and both agree that the bill properly belongs to the Committee on Expenditures.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

Mr. LAGUARDIA. Reserving the right to object, has the gentleman consulted with the chairman of the Committee on the Judiciary?

Mr. WILLIAMSON. Yes; with the chairman and with the author of the bill.

The SPEAKER. Is there objection?

There was no objection.

PROVIDING FUNDS FOR SUBCOMMITTEE OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. MacGREGOR. Mr. Speaker, I submit a privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House Resolution 101

Resolved, That the subcommittee of the Committee on the District of Columbia, now engaged, pursuant to a committee resolution, in an investigation of the government of the District of Columbia, be allowed expenses of the same, not to exceed $2,000, which shall be paid out of the contingent fund of the House upon vouchers approved by the chairman of the House Committee on the District of Columbia.

Mr. BLANTON. Wherein is this privileged?

Mr. MacGREGOR. It is for a payment from the contingent fund.

Mr. BLANTON. By what authority is it to be paid from the contingent fund?

Mr. MacGREGOR. It will be if the House so directs. The committee has approved it. We did it last year.

Mr. BLANTON. I shall not object to its consideration, but I doubt whether it is privileged.

Mr. MacGREGOR. I do not think there is any doubt about it. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. GILBERT].

The SPEAKER. The gentleman from Kentucky is recognized for 10 minutes.

Mr. GILBERT. Mr. Speaker and gentlemen of the House, in some small degree I wish to apologize to the House for taking the time of the House on a matter of relative unimportance, and yet when we realize that the District is our home and that we must pay greater attention to affairs at home you will pardon me.

The committee referred to in the resolution as the committee investigating the government of the District of Columbia is better known as the Gibson committee. Perhaps it would be in better taste, coming from some one who is not a member of the committee, to sing its praises; and yet the chairman of this committee is a man of such modesty that he has never told this House really of the accomplishments of his committee, and, perhaps, as no one but its members know of it, it would be better that the statement should come from me, a member of the minority. This committee functioned throughout the Sixty-ninth Congress, and the results of its investigations have been great.

Two of the civilian commissioners who were then in office have resigned. It was shown by this committee that one of those commissioners was acting as guardian and committee for enough insane wards to keep 10 men busy if he gave the business proper attention. Another one was disclosed to be interested in contracts of large amounts with the District; and, as I have just stated, both of these commissioners have since resigned.

The gentleman from Texas [Mr. BLANTON] the other day called attention to a thing that the House should consider seriously, and reform the conditions at St. Elizabeths Hospital. That is one situation that has not been remedied, and it should be. Both the gentleman from Texas and myself called attention to the situation at the last Congress, and called upon the Secretary of the Interior to discharge the superintendent whom the evidence showed conclusively was not suited for that place. I refer to Doctor White. I do not know why action has not been taken, but the facts remain that there are at that institution many more employees than are necessary. To be accurate, they had 1 employee to every 4 patients, whereas in similar institutions in the country as a whole the average is 1 to 8 or 1 to 10. Their bookkeeping is faulty and very misleading. It was shown that one man who had escaped from that institution was reported as having been improved and discharged. The amounts expended in fuel and other supplies were out of all proportion. The attention of the Congress and of the Department of the Interior has been called to that fact, but no step has been taken by those in charge to remedy that situation.

But let me get to a suggestion that is now perhaps more pertinent. You saw in the papers the other day that one of the companies here, the Terminal Co., had on that day paid into the tax collector $239,863 in back taxes extending over a period of 18 years. It is a fact, or it was a fact a few months ago, that four corporations owed the District of Columbia back taxes approximating $1,000,000.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GILBERT. Yes, sir.

Mr. BLANTON. I want to say to my colleague that concerning all of those back taxes we called to the attention of the corporation counsel, the new corporation counsel, whom my friend from Kentucky helped to create and caused to be appointed, has collected from practically all of those corporations the money they owed in back taxes for so many years.

Mr. GILBERT. It has never been my purpose simply to criticize and never to praise. I was coming to that. The gentleman from Texas is partially correct, and under the terrific lashings of that committee the corporation counsel practically admitted his inability to handle the situation, and resigned. The present corporation counsel, Mr. William W. Bride, I want to say, is doing splendid work. He has collected not all, but he is in negotiation as to all of those taxes, with the hope of an early adjustment, amounting to millions of dollars, and, as I say, some of them having been owing for 18 years.

The condition in the police courts as to jury trials is still distressing. They were 16 months behind at the time of that investigation. The recorder of deeds office is far behind. I see present the gentleman from Delaware [Mr. HOUSTON], the gentleman from West Virginia [Mr. BOWMAN], the gentleman from Vermont [Mr. GIBSON], and the gentleman from Texas [Mr. BLANTON]. They and myself were on that committee. I want to compliment the other members of it for doing a real constructive service without any effort to have their praises sounded. I want to say to you, though, that there never was a more conscientious official who has done better work for the District and who is entitled to the gratitude of the Congress and the taxpayers of the District than the chairman of the committee, the gentleman from Vermont [Mr. GIBSON]. [Applause.] That committee, largely under his control, has already placed reforms in operation which are now saving the District an estimated $161,258.60 per annum. They have other recommendations which they want to carry on and other investigations to make, not so much for the purpose of criticizing as to construct.

The resolution offered by the gentleman from New York [Mr. MACGREGOR] is simply to allow this committee $2,000 with which to help carry on this work. Most of us on the committee are attorneys and we have never had any attorneys to assist us, but the gentleman from Vermont, as chairman, needs a clerk. We are only asking $2,000. I am sure there is not a Member of this House who is going to complain or would complain if we asked twice as much. But the gentleman from Vermont, acting as chairman, needs a clerk, and I felt this was the proper time to advise the House as to the proceedings of the committee affecting the affairs of its own home city.

Mr. SCHAFER. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. SCHAFER. The gentleman stated that a report had been made to the corporation counsel of the District as to certain delinquent taxes, but has any report been made to the United States district attorney or has any investigation been commenced with reference to the criminal violations of the law which the committee has disclosed?

Mr. GILBERT. I know of no criminal prosecutions pending.

Mr. SCHAFER. But did not the testimony before the committee develop facts which would warrant action being taken for criminal violations?

Mr. GILBERT. Well, we made a very exhaustive report, and, in my opinion, in some instances it did. But that is all I care to say about it.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. LAGUARDIA. I join with the gentleman in expressing his admiration for the good work done by the gentleman from Vermont [Mr. GIBSON], but I, for one, want to say I have obtained a great deal of information from the gentleman from Texas [Mr. BLANTON], and I admire the energy of the gentleman from Texas and commend the efforts he has put forth in connection with the work of that committee.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. MACGREGOR. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. GILBERT. Mr. Speaker, what I said about the gentleman from Vermont [Mr. GIBSON] was not meant in any wise to single him out as the only one to merit praise. The gentleman from Texas [Mr. BLANTON] is a man of untiring energy and great ability. He and Mr. GIBSON make a fine working pair. Mr. BLANTON will find out more than Mr. GIBSON and Mr. GIBSON will make better use of it after it is found out. [Laughter.] Mr. BLANTON is one of the finest investigators I have ever known, and the committee and the Congress owe him great thanks. [Applause.]

Mr. MACGREGOR. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, there is but one proposition before this House, and that is to allow the gentleman from Vermont [Mr. GIBSON] $2,000 for an extra clerk. That is the sole purpose. I feel I have a right to speak against that proposition because I am a member of the Gibson subcommittee. The Gibson subcommittee has done no more than its duty, the duty it owes the people and the duty it owes the Congress. They have merely done their duty, and every committee in this Congress can accomplish just as much in their work that is laid out for them by the Congress as the Gibson committee if they will only work on their propositions. Everything the Gibson committee has accomplished to this date it has accomplished without an extra clerk, and it does not need an extra clerk.

I am with the gentleman from Vermont just as far as he wants to go if he will do it without extra expense to the taxpayers. I have done my share of the work on this Gibson committee and I never asked for an extra clerk. The Congress gives me two clerks; it gives Mr. GIBSON two clerks; it gives Judge GILBERT two clerks; and it gives the other members of the Gibson committee two clerks, the same as it does for every other Congressman. It gives our friend GIBSON a special office in the Capitol close by.

Mr. GIBSON. Will the gentleman permit me to correct him?

Mr. BLANTON. Yes.

Mr. GIBSON. I do not have that office by reason of the fact that I am the chairman of this subcommittee.

Mr. BLANTON. I know; but you have it just the same.

Mr. GIBSON. There is no connection between the two.

Mr. BLANTON. Oh, but you have it.

Mr. GIBSON. But I get it by reason of being chairman of the Committee on Expenditures in the Treasury Department.

Mr. BLANTON. You got it because you were Mr. GIBSON, of Vermont.

Mr. GIBSON. That is another matter.

Mr. BLANTON. You have it just the same, and you have all of the perquisites and emoluments that go with an office in the Capitol close to the House. If we are going to give Mr. GIBSON another clerk just because his committee has accomplished something, then every time a committee accomplishes anything from now on they will want an extra clerk. That is the logic of it.

Commissioner Fenning was forced to resign without an extra clerk, and Commissioner Rudolph had things getting so hot around him that he resigned, but without the committee having an extra clerk. I want to say it is unnecessary. I want to say that because a committee accomplishes a little something there is no necessity for it going hog-wild.

Now, there are some things about our Gibson committee of which I do not approve. I do not approve of it going outside of the law in trying to enforce the law. I never have believed in that. There is but one way to do and that is to go according to law. Now, the chairman of our committee, distinguished as he is, able as he is, efficient as he is, and for whom I have the highest commendation on everything except this matter I am going to criticize him about, had your Efficiency Bureau, without legal authority, spend $105,000 and use practically all of its time from March until December last investigating District bureaus, when it is a Federal institution supposed to be investigating Federal business, and nothing else, and had no legal authority to waste its time on District matters.

It wasted $105,000 of the tax money of this country investigating District bureaus. In what way are the people of the United States interested in District bureaus, if you please? Why should they pay the expense of investigating District bureaus, if you please? The District people should pay it themselves.

I do not approve of this. Our friend GIBSON went beyond the pale of the law when he caused that to be done, because there was not any law for it; and the Bureau of Efficiency went beyond the pale of the law when it did these things, because there was no law for it.

This is just a paltry $2,000, but I object to the precedent it establishes. I want to say to you that every member of the Gibson committee will do just as good work without this $2,000 as he will with it. I am carrying my part of the load. I want to say that if I can do my part of it as one member of the subcommittee, our friend Mr. GIBSON ought to be able to do his part of it. What is there about this work that requires another clerk? I can handle my part of it and I think I have brought as much information to the committee as any member of it. I have brought the information to them and I will continue to do it.

I wish the House would not allow this, although there is no way to stop it. It is a bad precedent. We are going to have the time arrive pretty soon when every time a committee does something they will ask for limousines like these naval officers did under the bill which was introduced in the basket through the clerk of the committee, with the name of our friend from Oklahoma, Mr. MCCLINTIC, attached to it.

Mr. MACGREGOR. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MACGREGOR. Does the gentleman think they would ever get it from the Committee on Accounts?

Mr. BLANTON. If they do not get it from the Committee on Accounts, they will get it from some other committee. There is always a way of getting these things.

I want to commend my friend while he is on the floor for forgetting about his bad so-called reorganization bill that he brought in the other day.

Mr. MACGREGOR. Perhaps I have not forgotten it.

Mr. BLANTON. I hope the gentleman will forget it. If the gentleman brings in many more bills like that, the House is going to lose confidence in the gentleman's committee, and it has had the greatest confidence in the committee up to this time. That kind of measure makes us watch the gentleman's bills a little more closely.

Mr. MACGREGOR. Mr. Speaker, I yield five minutes to the gentleman from Vermont [Mr. GIBSON].

Mr. GIBSON. Mr. Speaker, I regret I was not present when this discussion began. My friend the gentleman from Texas [Mr. BLANTON] refers to precedent and claims this resolution establishes a precedent. The House at the last session granted the committee $1,500 for its work. This was for the purpose of employing a clerk. We did succeed in having detailed to the committee a clerk from a bureau and saved the expense of that work, and we turned back to the Treasury, out of the $1,500, $1,400, and only used $100 for the investigation.

Mr. BLANTON. Does not that show we do not need this?

Mr. GIBSON. But we are unable to secure the same help at the present session.

The work of the committee has so increased, we have such a number of files, we have so many inquiries, so many seeking interviews as to District matters, sometimes 20 or 30 telephone calls during the course of a morning, it is absolutely impossible for the chairman of the subcommittee to attend to all of the details incident to the survey.

The gentleman says we have wasted $100,000. Every cent to which he has reference and which is shown in the testimony of Doctor Brown printed in the RECORD comes about in this way: The Efficiency Bureau allocates against the department that it is investigating salaries and all the expenses of the bureau incident to the work during the period it is making the investigation. A very small amount of money is actually chargeable to the subcommittee by reason of its work. The Bureau of Efficiency follows a system of allocating the time when making the investigations to the committee for which it is making such investigation. There was no added expense. If the Bureau of Efficiency was not investigating matters in connection with the District government, it would be working elsewhere and making allocation of expense elsewhere.

Now, as to authority, the investigation during the last summer was undertaken upon the express request of the gentleman from Illinois [Mr. MADDEN] who is the chairman of the Committee on Appropriations.

Mr. BLANTON. Will the gentleman yield?

Mr. GIBSON. Yes.

Mr. BLANTON. And the gentleman from Illinois [Mr. MADDEN] has no more authority to violate the law than any other of the 434 Congressmen. He has the same duty that every other Congressman has to obey the law.

Mr. GIBSON. I deny that there has been any violation of the law in any way, shape, or manner, and I assert that the chairman of the great Committee on Appropriations, that has charge of allocating three or four billion dollars of the money of the people of this country has a right to obtain information as to where it ought to go by every honorable means.

Further, the investigation by the Bureau of Efficiency this last summer was undertaken also at the request of the Commissioners of the District of Columbia. The Bureau of Efficiency during the last five years has made at least a dozen investigations of the District, and for the information of the gentleman from Texas I will be pleased to put them in the RECORD. The bureau has made a dozen investigations at the request of the Commissioners of the District of Columbia, as it has the right to do.

Mr. BLANTON. Will the gentleman again yield?

Mr. GIBSON. Yes.

Mr. BLANTON. May I ask our friend from Vermont what authority has the District Commissioners over any Federal bureau of this Government? Who gave them authority to ask a Federal bureau to obey their behest? There is no such authority.

Mr. GIBSON. A Federal bureau may come in to help any other agency of the Federal Government or of the District government where it can render any assistance and save the money of the people of the country.

Mr. MACGREGOR. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 90, noes 3.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 323, nays 14, not voting, 96, as follows:

[Roll No. 18]

YEAS—323

Abernethy	Barbour	Bowles	Bulwinkle
Ackerman	Beck, Wis.	Bowling	Burdick
Adkins	Beedy	Bowman	Burtness
Almon	Beers	Box	Burton
Andresen	Begg	Boylan	Busby
Arnold	Bell	Briggs	Bushong
Auf der Heide	Black, N. Y.	Brigham	Butler
Ayres	Black, Tex.	Browne	Campbell
Bacharach	Bland	Browning	Canfield
Bachmann	Bloom	Buchanan	Carew
Bankhead	Bohn	Buckbee	Carter

Casey	Furlow	Lea	Rutherford
Celler	Gambrill	Leavitt	Sanders, N. Y.
Chalmers	Garber	Leech	Sandlin
Chapman	Gardner, Ind.	Lehlbach	Schafer
Chase	Garner, Tex.	Letts	Schneider
Chindblom	Garrett, Tenn.	Linthicum	Seger
Christopherson	Garrett, Tex.	Lozier	Shallenberger
Clague	Gasque	Luce	Shreve
Clancy	Gibson	McClintic	Simmons
Cochran, Mo.	Gifford	McDuffie	Sinclair
Cochran, Pa.	Gilbert	McKeown	Sinnott
Cohen	Glynn	McLaughlin	Smith
Cole, Iowa	Goldsborough	McLeod	Snell
Collier	Goodwin	McReynolds	Somers, N. Y.
Collins	Gregory	McSwain	Speaks
Colton	Green, Fla.	MacGregor	Sproul, Kans.
Combs	Greenwood	Maas	Steele
Connery	Griest	Magrady	Stevenson
Connolly, Pa.	Griffin	Major, Ill.	Stobbs
Cooper, Wis.	Guyer	Manlove	Strong, Kans.
Corning	Hadley	Mansfield	Summers, Wash.
Cox	Hale	Mapes	Sumners, Tex.
Crail	Hall, Ind.	Martin, La.	Swank
Cramton	Hammer	Martin, Mass.	Sweet
Crisp	Hardy	Mead	Swing
Crosser	Hare	Menges	Tatgenhorst
Crowther	Harrison	Merritt	Temple
Cullen	Hastings	Michener	Thatcher
Dallinger	Haugen	Miller	Thompson
Darrow	Hawley	Milligan	Thurston
Davenport	Hersey	Monast	Tillman
Davis	Hickey	Moore, Ky.	Tilson
Deal	Hill, Ala.	Moore, N. J.	Timberlake
Dempsey	Hill, Wash.	Moore, Ohio	Tinkham
Denison	Hoffman	Moore, Va.	Treadway
Dickinson, Iowa	Hogg	Moorman	Underhill
Dickinson, Mo.	Holaday	Morin	Underwood
Dickstein	Hooper	Morrow	Updike
Dominick	Hope	Murphy	Vincent, Mich.
Doughton	Houston, Del.	Nelson, Me.	Vinson, Ga.
Douglas, Ariz.	Howard, Nebr.	Nelson, Mo.	Vinson, Ky.
Douglass, Mass.	Huddleston	Nelson, Wis.	Wainwright
Doutrich	Hudson	Niedringhaus	Ware
Dowell	Hudspeth	Norton, Nebr.	Warren
Drewry	Hughes	Norton, N. J.	Wason
Dyer	Hull, Tenn.	O'Brien	Watres
Eaton	Hull, Wm. E.	O'Connell	Watson
Edwards	James	O'Connor, La.	Weaver
Elliott	Jeffers	Oldfield	Welch, Calif.
England	Jenkins	Oliver, Ala.	Weller
Englebright	Johnson, Ill.	Oliver, N. Y.	Welsh, Pa.
Eslick	Johnson, Ind.	Peavey	White, Colo.
Estep	Johnson, Okla.	Peery	White, Kans.
Evans, Calif.	Johnson, Wash.	Perkins	White, Me.
Evans, Mont.	Kading	Porter	Whitehead
Faust	Kahn	Prall	Whittington
Fenn	Kearns	Ragon	Williams, Ill.
Fish	Kelly	Ramseyer	Williams, Mo.
Fisher	Kemp	Rankin	Williams, Tex.
Fitzgerald, Roy G.	Kerr	Rathbone	Williamson
Fitzgerald, W. T.	Ketcham	Rayburn	Wilson, La.
Fitzpatrick	Kincheloe	Reece	Wilson, Miss.
Fletcher	Knutson	Reed, Ark.	Winter
Fort	Kurtz	Reed, N. Y.	Woodrum
Free	Kvale	Reid, Ill.	Wright
Freeman	LaGuardia	Robsion, Ky.	Wurzbach
French	Lampert	Rogers	Wyant
Frothingham	Langley	Romjue	Yates
Fulbright	Lanham	Rowbottom	Zihlman
Fulmer	Larsen	Rubey	

NAYS—14

Allgood	Johnson, Tex.	Montague	Tarver
Blanton	Jones	Morehead	Yon
Cannon	Lankford	Quin	
Howard, Okla.	Lowrey	Rainey	

NOT VOTING—96

Aldrich	Drane	Kunz	Sabath
Allen	Driver	Leatherwood	Sanders, Tex.
Andrew	Foss	Lindsay	Sears, Fla.
Anthony	Frear	Lyon	Sears, Nebr.
Arentz	Gallivan	McFadden	Selvig
Aswell	Golder	McMillan	Sirovich
Bacon	Graham	McSweeney	Spearing
Beck, Pa.	Green, Iowa	Madden	Sproul, Ill.
Berger	Hall, Ill.	Major, Mo.	Stalker
Boies	Hall, N. Dak.	Michaelson	Steagall
Brand, Ga.	Hancock	Mooney	Stedman
Brand, Ohio	Hoch	Morgan	Strong, Pa.
Britten	Hull, Morton D.	Newton	Strother
Byrns	Igoe	O'Connor, N. Y.	Sullivan
Carley	Irwin	Palmer	Swick
Carss	Jacobstein	Palmisano	Taber
Cartwright	Johnson, S. Dak.	Parker	Taylor, Colo.
Clarke	Kendall	Parks	Taylor, Tenn.
Connally, Tex.	Kent	Pou	Tucker
Cooper, Ohio	Kiess	Pratt	Vestal
Curry	Kindred	Purnell	Wingo
Davey	King	Quayle	Wolverton
De Rouen	Kopp	Ransley	Wood
Doyle	Korell	Robinson, Iowa	Woodruff

So the resolution was agreed to.

The following pairs were announced:

Until further notice:

Mr. Purnell with Mr. Gallivan.
Mr. Vestal with Mr. Byrns.
Mr. Kiess with Mr. Spearing.
Mr. Wood with Mr. Tucker.
Mr. McFadden with Mr. Drane.
Mr. Kendall with Mr. Kindred.
Mr. Madden with Mr. Lyon.
Mr. Aldrich with Mr. Major of Missouri.
Mr. Bacon with Mr. Parks.
Mr. Palmer with Mr. Sullivan.
Mr. Cooper of Ohio with Mr. Aswell.
Mr. Ransley with Mr. Brand of Georgia.
Mr. Curry with Mr. Sears of Florida.
Mr. Frear with Mr. Stedman.
Mr. Green of Iowa with Mr. Cartwright.
Mr. Hancock with Mr. Kent.
Mr. Taber with Mr. Lindsay.
Mr. Johnson of South Dakota with Mr. Mooney.
Mr. King with Mr. Quayle.
Mr. Swick with Mr. Steagall.
Mr. Kopp with Mr. Sanders of Texas.
Mr. Hoch with Mr. Carley.
Mr. Wolverton with Mr. De Rouen.
Mr. Clarke with Mr. Igoe.
Mr. Beck of Pennsylvania with Mr. McSweeney.
Mr. Anthony with Mr. Pou.
Mr. Michaelson with Mr. Taylor of Colorado.
Mr. Pratt with Mr. Davey.
Mr. Taylor of Tennessee with Mr. O'Connor of New York.
Mr. Sproul of Illinois with Mr. Kunz.
Mr. Strong of Pennsylvania with Mr. Jacobstein.
Mr. Foss with Mr. Doyle.
Mr. Arentz with Mr. Wingo.
Mr. Newton with Mr. Sirovich.
Mr. Andrew with Mr. Driver.
Mr. Brand of Ohio with Mr. Sabath.
Mr. Leatherwood with Mr. Connally of Texas.
Mr. Morgan with Mr. McMillan.
Mr. Parker with Mr. Carss.
Mr. Sears of Nebraska with Mr. Palmisano.
Mr. Strother with Mr. Berger.

PERMISSION FOR THE COMMITTEE ON MILITARY AFFAIRS TO SIT DURING SESSIONS OF THE HOUSE

Mr. MORIN. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs, including the subcommittee, may be permitted to sit during the sessions of the House.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from Pennsylvania asks unanimous consent that the Committee on Military Affairs and the subcommittee may be permitted to sit during the sessions of the House. Is there objection?

Mr. GARRETT of Tennessee. Does the gentleman mean during all the sessions of this Congress?

Mr. MORIN. The Committee on Military Affairs is going to give hearings on the Muscle Shoals beginning next Monday. That takes up a great deal of time, and we want to sit during the period during the disposition of that question.

Mr. GARRETT of Tennessee. I understand the gentleman is making the request with the formal approval of the committee?

Mr. MORIN. I am directed by the committee to make the request.

Mr. GARRETT of Tennessee. Will it not be agreeable to the gentleman to limit it to 30 days, and if at the end of that time the committee requires more time he can ask for extension.

Mr. MORIN. We may not require that time, and 30 days will be agreeable to me.

Mr. LAGUARDIA. Further reserving the right to object, is the committee going to hold hearings on one measure alone, or will the rest of us who are interested in that be given hearings on our bills?

Mr. MORIN. Here are gentlemen interested in one bill or one phase of a bill. If the gentleman from New York has a bill for the disposition of Muscle Shoals and which is to be heard——

Mr. LAGUARDIA. I should like to have a day in court on my bill. I have no misgivings as to what is going to happen to my bill. [Laughter.]

Mr. MORIN. As far as I am concerned, I would be glad to hear the gentleman.

Mr. BLANTON. These hearings are to be in the city of Washington?

Mr. MORIN. Yes; in the committee room.

Mr. BLANTON. And there will be no hearings at Muscle Shoals or elsewhere that will cost money?

Mr. MORIN. No.

Mr. COOPER of Wisconsin. How many bills are there before the committee on Muscle Shoals?

Mr. MORIN. I am not positive, but I think there are four or five—there may be more.

Mr. COOPER of Wisconsin. Up to this time the gentleman thinks the number five. Is there any reason why there should not be a proper hearing on each one of those bills?

Mr. MORIN. The committee may not wish to give hearings on some of the bills, as they do not come within the scope that the committee has outlined.

Mr. COOPER of Wisconsin. I asked the question because of the tremendous importance of the problem and the interest that the people of the Nation have in it.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the Military Affairs

Committee, including the subcommittee, may sit during the sessions of the House for 30 days. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS

Mr. KVALE. Mr. Speaker, I ask unanimous consent to withdraw from the files of the House papers in the claim of Syvert A. Anderson, Sixty-ninth Congress, from the Committee on Military Affairs.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to withdraw papers from the files in the case of Syvert A. Anderson. Is there objection?

Mr. TILSON. Reserving the right to object, we would like to know whether there has been any adverse report on it?

Mr. KVALE. The gentleman from Pennsylvania [Mr. MORIN], the chairman of the Military Affairs Committee, has advised me that this is the proper procedure.

Mr. MORIN. I have no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I do not know a thing about this matter, and so far as I myself am concerned I have no objection; but I think it is the invariable rule that where an adverse report has been made it is not permitted that the papers be withdrawn. If an adverse report has been made in this case, they should not be withdrawn.

Mr. KVALE. I regret to say that an adverse report has been made in this case; but my request is merely to have an affidavit returned.

Mr. TILSON. Mr. Speaker, I think this exception is also made, that in case it is desired to withdraw papers where an adverse report has been made, copies may be left, but that no paper may be withdrawn where an adverse report has been made unless a copy is left in the file.

Mr. BLANTON. The rule does not go that far. The precedents that I have examined are to the effect that where an adverse report has been made no papers are permitted to be withdrawn, and that ought to be the rule and custom.

Mr. TILSON. Yes; but I think exceptions have been made where it is desirable to get the original affidavit.

Mr. BLANTON. I object, unless the gentleman can show there has been no adverse report filed.

The SPEAKER pro tempore. Objection is heard.

ADDRESS OF HON. CHARLES L. ABERNETHY

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address delivered last night over the radio by the gentleman from North Carolina [Mr. ABERNETHY].

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. McKEOWN. Mr. Speaker, under leave to extend my remarks, I offer the following speech made by Congressman CHARLES L. ABERNETHY to the farmers on January 25, 1928, over radio station WTFF, from Washington, D. C.:

AGRICULTURE

The question of substantial farm relief at this session of Congress is largely dependent upon the forces of the South and the West harmonizing and getting together, thereby insuring sufficient votes to override the veto of the President, if necessary, and to place upon the statute books laws which will grant to the farmers equality with industry and with those specially favored by law, insuring to the farmer a reasonable return for his labors and efforts.

For one who has consistently supported the McNary-Haugen bill, I desire to appeal to those who in each Congress put this legislation to the forefront to call into conference not only the western Members of Congress, but also those Members who come from that great agricultural section, the South. Let us come together this session of Congress and so frame this legislation as to enable the southern Members of Congress and the western Members of Congress to join forces and organize and to pass substantial farm-relief legislation through Congress, and to have enough votes to override the veto of the President in the event of his disapproval. The situation of the farmer is too critical for us to play politics with measures designed for his relief. What is needed is legislation, and this we can not secure at this session of Congress unless we iron out the differences and come together on the substantial principles of the McNary-Haugen proposal, regardless of how it may affect the fortunes of certain statesmen ambitious to become President.

Those who represent the great farm organizations of the country must realize that the plight of the farmer at this time makes it imperative that those of us who are consistently trying to give relief to him need more votes in Congress than we had at the last session of Congress; and to secure these votes there must be unity among farm leaders, and the real friends of the farmer in and out of Congress, and that there must be free, open, and full cooperation and organization to secure genuine farm relief this year. So let us counsel together for the common good.

There are loud proclamations from certain quarters that the country is enjoying an era of prosperity, but no one can seriously contend that the farmer is sharing in this prosperity, if it really exists. Agriculture is beset on every hand. The prices to be paid by the farmer for what he is required to purchase are fixed by others than by himself, and the prices which he receives for his labors and the things he produces is also beyond his control. And in this dilemma he finds himself year after year sinking deeper into the mire and the financial slough of despond. He has been told, and rightfully so, that laws now in force in the land are protecting and benefiting industry and others, with no resulting benefit to himself, and naturally he appeals to the Congress and to the powers that be in the Government to grant to him the same rights and privileges, or to abolish the special privileges granted to others. It can not be denied that he is right in his demands. How is this to be brought about? The forces who are the recipients of privileges are strong and powerful, united, and well organized, and the vantage ground gained by them, they will seek to maintain and defend, and the battle is one which can only be won for the farmer by unity in the camp of his friends; hence the great necessity of harmonizing our forces for the conflict.

There are many strong men in the country who have set forth this plan and that plan, and there are many bills pending in Congress which have for their purpose the relief of the farmer, but unless we can get away from pride of authorship and can center our forces on one concrete plan it is well known, with the present conditions as they exist, that the outlook for farm relief is not bright. Favorable signs are appearing during the hearings before the House Agricultural Committee that lead us to expect from that great committee this session one legislative plan which will have the backing of the committee, instead of having three bills reported from the committee as was the case at the last session of Congress.

One of the crying needs at this time is for the various States and also the National Government to bring about the reduction in the farmer's taxes. The total amount of taxes paid on farm property increased from about $344,000,000 in 1914 to about $870,000,000 in 1925, and in the years 1926 and 1927 there has been practically no relief given the farmer in his taxes. Land taxation is all out of proportion as compared with other forms of taxation. Prices received for farm products rose from an index of 100 in 1914 to 209 in 1919, and dropped to 136 in 1926 and to about 130 in 1927. The burden of taxation practically wiped out farm earnings during the years of low returns from farm products.

Need for readjustment of freight rates on agricultural products is imperative. The agricultural situation has been and is now being studied by various groups and from various angles.

Members of Congress have been supplied with interesting and voluminous data. The National Industrial Conference Board and the Chamber of Commerce of the United States have just furnished us with a 273-page book prepared by the Business Men's Commission on Agriculture, and more recently there has been sent to our desks a Report on the Agricultural Situation by the Special Committee of the Association of Land Grant Colleges and Universities, and various other organizations, groups, and individuals have sought to give us light on this perplexing problem.

These various dissertations are helpful in the study of agricultural conditions, but our divided ranks is the most serious problem that confronts us in Congress to-day; and it is my candid opinion, as I said in the outset, what we need most at this critical time is more unity and not so many plans—more votes to effectuate legislative farm relief. Can we secure this harmony? I believe we can. When we do harmonize, there are enough real friends of the farmer in Congress to frame and pass appropriate legislation which will benefit the agricultural masses and give them equal rights and opportunities with others under the laws.

CONSENT CALENDAR

The SPEAKER pro tempore. Under unanimous-consent order the Clerk will call the Consent Calendar.

OKANOGAN PROJECT, WASHINGTON

The first business on the Consent Calendar was the bill (H. R. 7203) to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. SINNOTT. As I understand it, it takes three objectors.

Mr. LaGUARDIA. Mr. Speaker, I object.

Mr. BLANTON. Mr. Speaker, I object.

Mr. HOOPER. Mr. Speaker, I object.

Mr. CHINDBLOM. I do not think it requires three in this particular instance, because the bill retains its place on the calendar by unanimous consent.

The SPEAKER pro tempore. It retains its place on the calendar by unanimous consent, but the Chair understands that it takes three objections.

Mr. CHINDBLOM. Under the rule there must be a new filing for the Consent Calendar.

The SPEAKER pro tempore. The present occupant of the chair does not understand it that way, but will leave that in abeyance to be decided later.

Mr. LAGUARDIA. Mr. Speaker, there are three objectors, anyway.

Mr. BLANTON. I think the gentleman from Illinois [Mr. CHINDBLOM] is right about that, and I think the matter ought to be decided now.

Mr. CHINDBLOM. Let me suggest that after it has been placed back on the calendar, after one objection, it has to have three objections.

The SPEAKER pro tempore. The present occupant of the chair understands that under unanimous consent it could only retain its place on the calendar and that the next time called it could be objected to.

Mr. CHINDBLOM. It is moot in this case.

Mr. LAGUARDIA. Only when a bill retains its place without prejudice is one objection required the second time it is called.

The SPEAKER pro tempore. That was not as the Chair understood it. The Clerk will call the next bill.

UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the bill (H. R. 9202) to authorize construction at the United States Military Academy, West Point, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $185,000 for the purpose of razing the old cadet mess hall at the United States Military Academy, West Point, N. Y., and of preparing the plans and specifications and of excavating the ground and otherwise preparing the site for the construction of a new cadet barracks at the United States Military Academy (the total cost of which is not to exceed $825,000): *Provided*, That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized when appropriated.

Mr. CRAMTON. Mr. Speaker, the form of the bill before us, it seems to me, can be materially improved, and I offer the following amendment as a substitute.

The SPEAKER pro tempore. The gentleman from Michigan offers a substitute, which the Clerk will report.

The Clerk read as follows:

Mr. CRAMTON offers the following substitute for H. R. 9202: Strike out all after the enacting clause and insert in lieu thereof the following:

"That there is hereby authorized the razing of the old cadet mess hall at the United States Military Academy, West Point, N. Y., and the construction of a new cadet barracks at a total cost not to exceed $825,000: *Provided*, That the superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized when appropriated."

Mr. CRAMTON. Mr. Speaker, as I understand the situation, it is contemplated to tear down the old mess hall and to construct a new building, and it was the purpose to have the limit of cost as stated, $825,000, of which not more than $185,000 it is expected shall be appropriated for the fiscal year 1929, later appropriations within the limit of cost to be made. The bill before us it seems to me would leave some confusion as to the necessity for further legislation. The draft which I have presented closes the matter so far as the authority is concerned. The appropriations will have to take their customary course through the Budget and the Appropriations Committee.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLANTON. The gentleman is aware of the fact that our Government now has a large corps of expert architects in regular employ. Why can they not design this building? Why is it necessary every time we build a new building in some department to provide that there be employed outside architects, when we have a whole bunch of them already?

Mr. CRAMTON. That question is not directly involved in what I have attempted.

Mr. BLANTON. Your amendment provides that they are authorized to employ architects. The proviso should be retained.

Mr. CRAMTON. In order not to become entangled with that, Mr. Speaker, I will offer my amendment as a substitute down to the proviso, and let the proviso take care of itself. I offer mine only as a substitute down to the proviso.

The SPEAKER pro tempore. The question is on agreeing to the substitute offered by the gentleman from Michigan.

The substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

PACIFIC BRANCH, SOLDIERS' HOME, CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 6990) to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $2,100,000 to be expended for the construction and installment at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., of 12 barrack buildings and such utilities and appurtenances thereto as in the judgment of the Board of Managers of the National Home for Disabled Volunteer Soldiers may be necessary.

Mr. CRAMTON. Mr. Speaker, I offer an amendment. The bill as written provides for "12 barrack buildings and such utilities and appurtenances thereto as in the judgment of the Board of Managers of the National Home for Disabled Volunteer Soldiers may be necessary." I think if we authorize the buildings and appurtenances and leave it to the Congress to decide what is necessary, on their recommendation, that will be sufficient.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 1, line 7, strike out the word "such" at the beginning of the line, and on line 7, after the word "thereto," strike out the remainder of the paragraph.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. CRAIL. Mr. Speaker, I wish to express to the gentleman from Texas [Mr. BLANTON], the gentleman from New York [Mr. LAGUARDIA], and the gentleman from Texas [Mr. BLACK], and those other Members of the House who objected to the passage of this bill on January 16 and who have to-day withdrawn or withheld objection, my sincere personal appreciation for permitting the bill to pass the House at this time.

As the Representative of the district in which the soldiers' home at Sawtelle, Los Angeles County, Calif., is located, I wish also to extend grateful appreciation to all of the Members of this House for their loyalty and patriotism in passing this bill so expeditiously and granting this much-needed relief to the disabled veterans of our Nation's wars.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAIL. Yes.

Mr. BLANTON. I wanted to say that there was not any objection to this bill being considered in an orderly way at any time. The objection was only to taking it up in a hurry before gentlemen had had time to look into it. By delaying its passage a few days, the gentleman from Michigan [Mr. CRAMTON] has offered a very good amendment to it, which helps out considerably.

Mr. CRAIL. I want to say that 5,000,000 veterans and their families and friends will appreciate the action of the Congress to-day on this much-needed legislation.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. CRAIL. The amendment which has been adopted is entirely satisfactory and perhaps strengthens the bill. I am sure that I can say that the veterans of this Congress, of which there are 88, and the veterans throughout the Nation, of which there are now approximately 5,000,000, their families and friends, will be grateful to the Members of this House for their generous and considerate action to-day in authorizing and directing the replacement of the fire-trap barracks at the soldiers' home at Sawtelle, Calif., with modern, fireproof, sanitary barracks, which will make safe and comfortable the declining years of the disabled veterans who are dependent upon the gratitude of this great Nation.

The SPEAKER pro tempore. The Clerk will report the next bill.

CONSTRUCTION OF MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 7478) to authorize appropriations for construction at military posts, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I understand the entire amount has heretofore been appropriated?

Mr. WRIGHT. It has been authorized.

Mr. LAGUARDIA. There has been some saving in the construction, and the additional amount now authorized is simply a transfer, and does not increase the original amount authorized?

Mr. WRIGHT. That is correct.

Mr. BLANTON. It is a mere matter of bookkeeping?

Mr. WRIGHT. Yes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved March 3, 1927, is hereby amended so as to strike out the authorization therein for $500,000 for barracks at Fort Benning, Ga., and to substitute therefor the following:

"For Fort Benning, Ga., barracks, $300,000; to complete the hospital, $200,000."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

OKANOGON IRRIGATION PROJECT, WASHINGTON

The next business on the Consent Calendar was the bill (S. 1661) to authorize the Secretary of the Interior to transfer the Okanogon project, in the State of Washington, to the Okanogon irrigation district upon payment of charges stated.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HILL of Washington. I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Washington asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

INDIANS OF THE WALKER RIVER RESERVATION

The next business on the Consent Calendar was the bill (H. R. 8281) to provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

The SPEAKER. This bill requires three objections.

Mr. BLANTON. I object.

The SPEAKER. Are there any other objections? The Chair hears but one objection. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following-described lands situate in the State of Nevada be, and they hereby are, withdrawn from entry, sale, or other disposition and set aside for the use and benefit of the Indians of the Walker River Reservation: *Provided*, That this withdrawal shall not affect any existing legal right of any person to any of the withdrawn lands: All of township 14 north, range 30 east; west half of township 14 north, range 31 east; west half of township 13 north, range 31 east; west half of township 12 north, range 31 east; and east half of township 12 north, range 30 east, of Mount Diablo meridian.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

CERTAIN LANDS BORDERING ON SUMMIT LAKE, NEV.

The next business on the Consent Calendar was the bill (H. R. 8282) to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following-described lands in Nevada be, and they are hereby, withdrawn from entry, sale, or other disposition, and set aside for the Paiute and Shoshone Indians, and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided*, That the withdrawal hereby authorized shall be subject to any prior valid rights of any persons to the lands described: Fractional sections 13, 24, and 25, township 42 north, range 25 east; section 1, township 41 north, range 25 east, and fractional sections 5 and 6, township 41 north, range 26 east of the Mount Diablo meridian in Nevada.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

KOOSHAREM BAND OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 8292) to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That 120 acres of land described as the west half southwest quarter and southwest quarter northeast quarter section 9, township 27 south, range 1 west, Salt Lake meridian, Utah, be, and the same is, hereby reserved for the sole use and occupancy of the Koosharem Band of Indians in Utah: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to November 5, 1927, the date of withdrawal of the lands, from all form of entry, shall not be affected by this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DISBURSEMENT OF FEDERAL FUNDS

The next business on the Consent Calendar was the bill (H. R. 5772) to regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, levee, dam, excavation, dredging, drainage, or other construction project, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

INTERNATIONAL DAIRY CONGRESS

The next business on the Consent Calendar was House Joint Resolution 156, authorizing the President to accept the invitation of the British Government to appoint delegates to the

Eighth International Dairy Congress, to be held in Great Britain during June–July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Mr. Speaker, I think the appropriation is too large, and I object.

Mr. LAGUARDIA. If the gentleman will withhold his objection, this is an invitation extended to the United States Government. The President has accepted it and has sent a request to Congress for this appropriation. If the gentleman believes the appropriation is too large, we can reduce it from $10,000 to $9,999.

Mr. BLANTON. We can send a real dairy expert or two as delegates over there without sending a bunch of pleasure seekers from some department down here in Washington, and it does not cost $10,000 to send two delegates to Great Britain.

Mr. LAGUARDIA. We want to send a delegation, not a delegate.

Mr. BLANTON. Well, we have so many of these conventions meeting all over the world every year at great expense, and little of value is accomplished.

Mr. LAGUARDIA. This is a good one, and the gentleman knows it.

Mr. BLANTON. Oh, yes; they are needed, of course; but we go wild on this subject sometimes. Of course, this is a small amount in itself, but in the aggregate every year it runs into hundreds of thousands of dollars.

Mr. BROWNE. Will the gentleman withhold his objection for a second?

Mr. BLANTON. I withhold it, Mr. Speaker.

Mr. BROWNE. In 1923 the United States invited all the nations of the world to come here to Washington for a world's dairy conference. Thirty different countries were represented here. It did a great deal of good not only to the dairy interests but to the people who are dependent upon dairy products for a large portion of their food, because dairy products furnish one-fifth of the total food supplies of this country. The representatives of 30 different countries came here, and we are now invited to return the visit and go over to London, take our scientific men there, and have them confer with the scientific men of other countries. There are 10 delegates provided for in this resolution, to be selected from all over the country, and Texas will probably have one.

Mr. BLANTON. Will the gentleman yield?

Mr. BROWNE. Yes.

Mr. BLANTON. In October, a few years ago, there was a meeting in this Chamber of the Interparliamentary Union, of which every Member of this House is automatically a member, and yet, I think, there were but 12 or 15 Members of the House present during that meeting, although about 40 countries were represented here.

Mr. LAGUARDIA. But that is an unofficial organization.

Mr. BLANTON. It is just as official as a dairy congress would be.

Mr. LAGUARDIA. Would the gentleman from Texas want the delegates from the United States to go to this convention and get their food in a cafeteria or a beanery when the representatives of other nations can carry on with dignity?

Mr. BLANTON. No. There are ministers of the gospel who go there every year at an expense of about $500 or $600 each, and they do not spend $10,000, either.

Mr. LAGUARDIA. What do they know about milk?

Mr. BLANTON. Oh, well, they might not in New York in the Bowery, but they do in other places.

Mr. BROWNE. In the past we have gotten most of our purebred cattle from Europe. It is not the purpose to send men from the departments here but to send leaders in the dairy industry as delegates.

Mr. BLANTON. As the gentleman has so much interest in it, I will withdraw my objection.

The SPEAKER. Is there objection?

Mr. HOWARD of Nebraska. I wanted to reserve the right to object, but they talked too fast for me. Am I too late?

The SPEAKER. The Chair will recognize the gentleman if he desires to object.

Mr. HOWARD of Nebraska. I did not want to object, but I wanted to ask a question. I do not want to object because, Mr. Speaker, I do not want this bill to fail. Both the Democratic and Republican Parties have promised something for agriculture, and I do hope this bill will pass, even though it be only an agricultural gesture, because I apprehend this is the only "relief" of agriculture that will have a chance for its white alley during the present session.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to accept the invitation of the British Government to participate in the Eighth International Dairy Congress, to be held in Great Britain during June–July, 1928, as set forth in the message of the President of January 5, 1928, printed as Senate Document No. 36, Seventieth Congress, first session, and to appoint delegates to said dairy congress.

SEC. 2. That the sum of $10,000, or as much thereof as may be necessary, is hereby authorized to be appropriated for the payment of the expenses of the delegates in attending such congress, including the compensation of employees, transportation, subsistence, or per diem in lieu of subsistence—notwithstanding the provisions of any other act—and such other expenses as the President shall deem proper.

With the following committee amendment:

On page 2, after line 9, insert a new section, as follows:

"SEC. 3. That the delegates shall make a report to Congress of the results and conclusions of the said dairy congress."

Mr. CRAMTON. Mr. Speaker, with reference to the committee amendment, as I understand this report made to Congress is not printed as a matter of course. It is not printed except such printing as is directed by the Speaker. With that understanding I would not have any objection to the amendment. If it is to be printed as a matter of course, no matter what its size or value, I would feel opposed to it, but I understand they are not printed except under direction of the Speaker.

The SPEAKER. That is true.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL BUILDING SITE AT PHOENIX, ARIZ.

The next business on the Consent Calendar was the bill (H. R. 6466) granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, this bill does not contain the usual proviso contained in such bills, and I will offer verbally such an amendment; otherwise it is unobjectionable. I shall offer an amendment providing that said land shall revert back to the United States whenever it shall cease to be used for street purposes.

The SPEAKER. The Chair understands the gentleman does not object, but proposes to offer an amendment.

Mr. HOOPER. Yes; I shall offer that amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to convey by suitable deed to the city of Phoenix, Ariz., for street purposes, the following-described strip of land: The north 7 feet of the east 160 feet of block 93, original town site of Phoenix; a subdivision in the city of Phoenix, Maricopa County, Ariz., according to plat of said subdivision of record in the office of the county recorder of Maricopa County, book 2 of maps, page 51 thereof.

Mr. HOOPER. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOOPER: At the end of the bill insert "*Provided*, That said land shall revert back to the United States whenever it shall cease to be used for street purposes."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AGREEMENT BETWEEN MONTANA AND PRIVATE OWNERS OF LANDS FOR GRAZING, ETC.

The next business on the Consent Calendar was the bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of

Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Montana [Mr. LEAVITT] if he does not believe it would be better to pass a general grazing law? There is a bill that was pending in both the Senate and the House during the last session and there is one pending in the present Congress, but I understand the State of Wyoming objects, and therefore is holding up consideration of a general grazing bill. If we pass these bills piecemeal, for one State at a time, does the gentleman believe this will help the general situation or will it leave it up in the air as it is now?

Mr. LEAVITT. Mr. Speaker, I can not speak for the State of Wyoming. My judgment is that this bill in itself is so meritorious it should not wait for the enactment of general legislation. It was considered in the last Congress, was passed by the House, but failed of passage due to the filibuster in the Senate.

Mr. LAGUARDIA. I understand a good deal of this land is railroad grant land. There is nothing in this bill which will prejudice consideration of the general railroad grants now being considered by a special committee of the Congress?

Mr. LEAVITT. Oh, no. The situation is that between two creeks—Mizpah Creek and Pumpkin Creek—there is something over 100,000 acres of land, mostly bad lands, and about one-fourth of it is Government land intermingled with railroad and private land holdings. There is 27,000 acres of this land in Government ownership. The railroad and the other private owners can lease their lands to stockmen living around this area, but are prevented from doing so to any advantage to themselves or the stockmen because of the existence of this 27,000 acres of Government land. This bill is to authorize the Secretary of the Interior to do the same thing with the Government land intermingled with these other lands that the owners of the private lands can now do, to the great benefit of the local stockmen and the permanent development of the stock business there.

Mr. LAGUARDIA. Of course, the gentleman knows that if we had all the available land for grazing thrown open for that purpose it would be of benefit not only to the cattle raisers but to the consumers as well.

Mr. LEAVITT. My best answer to that is that during the last year, since the House passed this bill a year ago, both the Montana Livestock Association and the Montana Wool Growers' Association have passed resolutions favorable to the enactment of this particular bill.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. Does this bill follow along the same lines and contain the same provisions, except as to the area affected, that are covered in the bill S. 2584?

Mr. LEAVITT. It does in this way: It gives broad power to the Secretary of the Interior to make his own rules in working this out, with the idea that this is, perhaps, a laboratory in which the problem of how this general question may be met can be worked out.

Mr. CRAMTON. Is there any essential difference between the method provided here and in the general bill?

Mr. LEAVITT. No; only this is the much simpler bill, as it does not hedge it around with rules and regulations.

Mr. CRAMTON. There seems to be some merit in the gentleman's bill in that it may afford a test; but the strange thing is that the department proposing general legislation and unable to get it does not welcome this experiment.

Mr. LEAVITT. I think it does.

Mr. CRAMTON. They say in the letter that they do not see any special objection, but they are not for it.

Mr. LEAVITT. I do not understand it that way. They would rather have a general bill, but they have no objection to this.

Mr. LAGUARDIA. I conferred with the Assistant Secretary on this bill, and he expressed a desire to have a general bill passed, and this is one step in that direction.

Mr. CRAMTON. There is always that very dubious attitude on the part of the department. It does not say that there is no objection to it, but they say that we are aware of no objection. There is not the positiveness that I would like to see in the letter from the department.

Mr. WINTER. Will the gentleman yield?

Mr. LAGUARDIA. I yield to the gentleman.

Mr. WINTER. The gentleman has stated that Wyoming has been holding up the consideration of the general leasing bill. I am in a position to state that no one at this end of the Capitol has been holding up consideration of any bill of that character. I want it plainly understood that I am against the principle the gentleman is suggesting and will do all in my power to defeat such a bill.

Mr. LAGUARDIA. Then the gentleman from New York was not very far wrong, except in the choice of language.

Mr. WINTER. I have made my record in the committee on the bill now before us and do not care to go further. I am not objecting to it here.

Mr. COLTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. COLTON. I will say that I am in favor of a general leasing bill, reserving always the right to make entries on the public domain. I think it is too bad that we have gone this far without a policy; but I believe the gentleman's bill as reported from the committee is a good bill for this reason: If the experiment is successful it will be one more point in favor of general leasing legislation that we are in so much need of. We are not regulating grazing on our public domain, and I understand it is worth $26,000,000,000, and yet we are without any supervision or regulation or control, and anything which will prove the necessity for control ought to be tried. I look upon this experiment as a step in the right direction.

Mr. LAGUARDIA. Well, Mr. Speaker, in the hope that the people of New York City may get nice, juicy steaks at a price that they can afford, I withdraw the objection.

Mr. BLANTON. Further reserving the right to object, I want to say that this bill is withdrawing from public entry and homesteading 27,000 acres of the public lands in the State of Montana. I am getting requests daily from members of the American Legion all over the United States who are unable to work industrially and who want to take up homesteads on Government land, and they are seeking it anywhere they can find it. If this 27,000 acres of land is withdrawn from public entry, which the bill will do, it is withdrawn in behalf of the stockmen of Montana and taking it from the soldiers of the country, who have a right to homestead it under present law.

Mr. LEAVITT. The situation is that there have already been homesteaders on much of this land under the enlarged homestead and the grazing homestead acts, and practically every one has abandoned them as unfit for even such purposes.

Mr. BLANTON. But I imagine among all the bad lands there may be some good lands.

Mr. LEAVITT. Those are all covered by homestead entries.

Mr. BLANTON. And sometimes land that is apparently bad will become good land when viewed from a different angle.

Mr. LEAVITT. They have not proved so here. The rest of the land is rock, hillside, and of no agricultural value whatever. I have ridden over it.

Mr. BLANTON. There are times when the rejected stone becomes the main arch of the temple. We are getting letters from all over the country from the boys who upheld the burden of the World War, saying that they want to make application for homesteads.

Mr. CRAMTON. I am generally familiar with this country, and I have had some observation of the misery that is brought to young men who have rendered World War service by their attempts to develop such land. There is nothing better the gentleman from Texas could do than to keep them from having anything to do with such land.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. BLANTON. I cite the gentleman to some of the lands that are in the district of my colleague, Mr. HUDSPETH. Years go, when you could buy them for $1 an acre, people were deemed fools who bought that land, and now, those lands in certain vicinities are worth $100 an acre and more for oil leases. Take the land out in Reeves County, in that big oil field, and in Upton County, near Rankin, the lands are most valuable.

Mr. LEAVITT. But this is left subject to oil and other mineral entry under this bill.

Mr. CRAMTON. On the other hand, let me remind the gentleman that in the State of Wyoming there is also oil, and I suppose the possibility of some future development, but there have been lands that had water on them, which were irrigated, where service men took them up, and this Congress later passed an act appropriating money to refund to those men the fees that they had paid and the money that they had expended, when they abandoned the lands, but we could not refund to them the time that they had spent there nor compensate them for the misery that they had undergone.

Mr. BLANTON. Has the gentleman from Michigan been grazing out there in Montana on some of these lands during the past summer?

Mr. CRAMTON. I would not want to be condemned to do it for very long.

Mr. BLANTON. Mr. Speaker, I am through. I feel constrained to object, and I do object. We must save this land for our ex-service men.

The SPEAKER. Objection is heard.

BIEBER BUILDING

The next business on the Consent Calendar was the bill (S. 1968) to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I think the House ought to know what happened in this case. The United States Government, through the Department of Agriculture, entered into a lease with the owners of this property for a period 10 years, with a renewal clause for 10 years at the same rental. This was some 10 years ago. As you all know, a lease for a certain length of time may be recorded, and it is binding upon any subsequent owner. Somebody in the Department of Agriculture at the time the lease was made must have taken one sheet of the lease from the document when it was recorded, with the result that while the lease consisted of five pages, only four pages were recorded, and the fifth page, which contained the renewal clause, was not recorded. Therefore, when the building was transferred to the new owners they took without notice.

When the Government sought to exercise its option on the renewal of the old lease, the new owner said he wanted more rent. The Government rested upon its old lease and upon the fact that the new owner had notice by reason of the recording of the lease. Then it was discovered that 10 years ago, at the time the lease was made, somebody pulled this trick, with the result that now, instead of paying $35,000 a year, the Government is committed to a payment of $55,000 a year.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. How does the gentleman from New York know that it was somebody in the Department of Agriculture that withdrew the page? Might it not have been done in the recorder of deeds' office?

Mr. LAGUARDIA. I will put it this way: If that happened, whoever had charge of recording the lease was very lax, because whenever I record a lease for one of my clients, I see to it that it is properly recorded.

Mr. BLANTON. The fault is in the gentleman's party in putting the wrong man in there as recorder of deeds.

Mr. LAGUARDIA. Unfortunately, the "gentleman's party," to which the gentleman from Texas refers, was not in control 10 years ago. [Laughter.]

Mr. BLANTON. Well, this wrong man is there now, and the Republican Party is responsible for it. He is the most unpopular recorder of deeds, with his employees, that they have ever had.

Mr. LAGUARDIA. I can only leave that to the good graces of the gentleman from Texas, and hope before the gentleman leaves this body to go to the body at the other end of the Capitol we may be able to get rid of this man. Mr. Speaker, this matter having been decided by the courts, there is nothing left for the Government to do except to pay the rent. I withdraw my reservation of objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized to pay to Harry Wardman, Thomas P. Bones, and James D. Hobbs, at the rate of $55,000 per annum for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., during the fiscal years 1926, 1927, and 1928, and the unexpended balances in the appropriations for rent for said department in the District of Columbia for the fiscal years 1926 and 1927, and the amount included in the appropriation for rent for said department for the fiscal year 1928 for said building, in all $119,323.12 shall be available pro tanto for said purpose, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the further sum of $45,676.88 to enable said Secretary to pay for the use and occupancy of said building for said fiscal years at the annual rate aforesaid, and if at any time hereafter during the occupancy of said building by said department the Secretary of Agriculture shall deem it for the best interests of the Government to lease said building for a term not exceeding 10 years he is hereby authorized, with the approval of the Public Buildings Commission, to do so.

Mr. CRAMTON. Mr. Speaker, the form in which the bill is offered makes it subject to a point of order, but instead of making the point of order I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Beginning on page 1, in line 8, after the figures "1928," strike out the remainder of line 8, all of lines 9, 10, and on page 2, all of lines 1, 2, 3, 4, 5, 6, 7, and 8, and strike out the word "is," spelled with a small "i," and insert the word "Is" capitalized.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ISOLATED TRACTS OF PUBLIC LAND

The next business on the Consent Calendar was the bill (H. R. 6684) to amend section 2455 of the Revised Statutes of the United States as amended, relating to isolated tracts of public land.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from Wyoming [Mr. WINTER] a question. Why should we not put an amendment into this bill to provide for the proper advertisement of this land that is to be sold at public auction?

Mr. WINTER. That is provided for in the rules and regulations of the Interior Department. This law has been on the books for a long time. The only amendment has been to change from 160 acres to 320 acres.

Mr. BLANTON. What is the rule for advertising?

Mr. WINTER. It requires several weeks' notice to be given.

Mr. BLANTON. Merely in the county where the land is situated, or where?

Mr. WINTER. As a rule, in the paper published nearest to the place.

Mr. BLANTON. In the county?

Mr. WINTER. Yes.

Mr. BLANTON. In the county where the land is situated?

Mr. WINTER. Yes.

Mr. BLANTON. Are there not some counties where there are comparatively few people?

Mr. WINTER. Yes, comparatively few; that is correct.

Mr. BLANTON. Only a few cattlemen?

Mr. WINTER. We have small settlers in every county.

Mr. BLANTON. I shall not object.

Mr. RAMSEYER. Mr. Speaker, reserving the right to object, I notice this is to amend the Revised Statutes of the United States, "section 2455 of the Revised Statutes." The Revised Statutes is a codification of the laws of the United States made in 1878. Only a few years ago we undertook to recodify the laws of the United States. We have now what is known as the "Code of Laws of the United States of America." Twenty thousand copies were authorized to be printed. They have been printed, and half of them have been bound, and this code of laws is in every executive department; in possession of every Member of Congress; it is in all the Federal courts of the United States and is in the hands of the chiefs of every important bureau under the Government of the United States. I understand that about 7,500 have been sold at the price fixed, $4.25; that is, the lawyers over the country have them.

Now, we continue to bring in bills here to amend statutes. There are the Revised Statutes and the Statutes at Large, and we refer to an act passed on such and such a date. I do not think a bill has come before the House to amend a section or title of this new code of laws, and no reference has been made in any proposed amendment to this new code of laws.

Now, this code of laws, which we spent a great deal of money to put out, and in which many people have invested for their own private use, becomes less valuable when subsequent Statutes at Large come out, or the session laws, because there is nothing in the session laws or the Statutes at Large when they come out to indicate what section or sections of the code of laws is amended, and it is impossible to locate the section in the code of laws that is amended by anything in the amendatory act. I would like to know why, inasmuch as we have this new code of laws, no reference is made in bills to amend exist-

ing law as to where that section can be found in this code of laws.

Mr. WINTER. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. WINTER. Yes. I think the gentleman is making a very good point and I am in favor of it, and, so far as I am concerned, I will try to conform to it in the future.

Mr. RAMSEYER. The way to make a start is to make the start. If you know you are all right about a thing, you ought to conform your conduct to that knowledge right now and not put it off to a future date.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. Certainly.

Mr. CRAMTON. I think the gentleman's suggestion is a splendid one. There is nothing anyone can do that would be better than one Member to give attention to that and offer amendments where needed from time to time. Several of us do make a study of other points. I think the gentleman from Iowa could very fittingly offer such amendments when we come to them, and by so doing he would render a great public service.

Mr. RAMSEYER. The purpose of my remarks is not to create a new duty for myself, but I do want the existing situation clarified and get this House to take some definite attitude with respect to this new code of laws. Now, it is true that this new code is only prima facie evidence of what the law is, but unless it can be proven that a provision in the new code of law does not conform to the recognized sources of the law, such as the Revised Statues or the Statutes at Large, then such provision in the new code is as much the law as if it appeared in the Revised Statutes.

Mr. BLANTON. If we amend this we should make reference to the section that we are amending.

Mr. RAMSEYER. The gentleman means we should make reference to the code of laws?

Mr. BLANTON. If the gentleman could do this, would the farmers of Iowa be thoroughly satisfied, so far as this session of Congress is concerned? [Laughter.]

Mr. RAMSEYER. Of course, that is aside from the issue here, and I do not think it worth while to take up the time of the House to answer the gentleman.

Mr. BLANTON. The gentleman is doing such a splendid work here for the farmers that I am inclined to resent the suggestion implied in the statement of the gentleman from Michigan that he has extra time on his hands in which he can do additional work.

Mr. RAMSEYER. The gentleman has time to do anything that is necessary to be done. If this is one of the things that is necessary to be done, I shall do it, and I will take care of it.

Mr. DENISON. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. DENISON. If either the author of the bill or the gentleman from Iowa has not prepared an amendment which would make the bill now before the House conform to his suggestion, I think it would be wise to have this bill passed over until such an amendment can be prepared.

Mr. RAMSEYER. There is, of course, some question as to just what recognition ought to be given to the new code of laws. If no one has looked into the question as to just what recognition should be given, I think it ought to be referred to a committee selected to give it study and determine whether or not it would be safe, in bringing in bills to amend statutes, to refer only to the new code of laws and not to the other sources that existed before the new code of laws. I see that the chairman of the committee that reported to this House the new code of laws of the United States is here, and probably he has something of value to present. I yield to him.

Mr. ROY G. FITZGERALD. Mr. Speaker and gentlemen, the question which is before the House is one of great importance, as I think most of us realize. More than 30 years of futile efforts were spent in an attempt to put the laws of the United States into a form in which they could be found by judges, by members of the bar, and those who deal with the law of the country. The code as we now have it is the result of the best work of these years, and represents the experience of the Committee on the Revision of the Laws. To that work Judge Little, of Kansas, gave his life. That committee in preparing this code had the cooperation of the two greatest law-publishing concerns of the United States. Their private works have so great a vogue and standing in the country that they are used as reliable sources of information as to what the law was and is. Their works had so great a standing that the Compiled Statutes of the West Publishing Co. were amended on the floor of this House as the official act of this Government, and the error was only discovered by the Clerk of the House just before the bill was enrolled.

If we are to keep the ground we have gained with the code, all bills which amend the general and permanent laws ought to make reference to the pertinent sections of the code by title and section numbers.

I should say that the words by which the Revised Statutes of the seventies were adopted are a combination of words that repealed the former enactments and words that enacted the Revised Statutes in lieu thereof. The enacting clauses of the Revised Statutes were complicated by the great number of special provisions which amounted, in fact, to a reenactment of the laws which they were repealing, because of the fear that in adopting a bill of the magnitude of the Revised Statutes errors would creep in. There were hundreds of errors in the Revised Statutes which were corrected by amendatory bills of the next few years, 1874–1878. When the code bill, conforming to the enacting language of the Revised Statutes, was presented in the Senate some Senators, on account of its great magnitude, were more fearful than ever that there might be errors in the code, and they felt that even the language adopted in 1873 to preserve the integrity of the law as it was, and to make the original always the touchstone and the standard by which the legislative intent was to be measured and judged, was not sufficient, and so they introduced an amendment to the enacting clause to the effect that the statement of the laws of the United States in the code should be prima facie evidence of the law of the country, but always, of course, subject to an investigation of original sources.

Now, those of us who have had some training in the law realize that that is all the force that any enactment of this Congress is or ever will have. Courts pass upon the law not by the words alone which Congress or a legislative body uses to express the intent. The law itself is intangible. The legislative intent is judged by the language which is used, but that is not the sole means by which courts get at what the legislature intends. Consequently, for all practical purposes there is no distinction between the enacting language of the Revised Statutes and the enacting language of the code. It is the law unless by reference to the Revised Statutes or the Statutes at Large—knowing that the code is intended only to be a reenactment of existing laws in scientific forms—it should be found that there is error. Then, of course, the courts, no matter what the enacting language of the code might be, would refer to the original source and construe that law with reference to it.

Mr. TILSON. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Certainly.

Mr. TILSON. I would suggest to the gentleman as a practical matter that an amendment may be offered, and while the rest of us have been talking the gentleman from New York [Mr. LAGUARDIA] has been working and has just submitted to me an amendment which I think will serve the purpose by citing not only the Revised Statutes but also the code to which the gentleman from Ohio has been referring. If we allow this bill to pass the objection stage and reach the amending stage, the gentleman from New York has an amendment which will serve the purpose we all have in mind and start the practice, I hope, of making reference to the new code and possibly a double reference for some time to come, both to the code and to the original source.

Mr. ROY G. FITZGERALD. If the House will indulge me a moment——

Mr. RAMSEYER. I yield further.

Mr. ROY G. FITZGERALD. Since this matter has been brought up it is probably proper that at this time I should develop the matter just a moment further. It is the idea and purpose of the Committee on the Revision of Laws to present to the House and to Congress a system of cumulative codification so that after each session of Congress there will be, in addition to the ordinary Statutes at Large, a supplement prepared in the form of the code and keyed up to the code, containing all the permanent and general law of the session; and that after each succeeding session of Congress this supplement will be taken to pieces and revised to pick up the previous supplement and its contents and add to it that of the work of the succeeding session, so that we may never fall into the chaotic condition which existed since 1878, but have only the code and a single supplement to refer to to get accurate information as to the statute law of the United States.

Mr. RAMSEYER. If the gentleman will permit a question, is his Committee on Revision of the Laws considering legislation repealing previous enactments like the Revised Statutes so as to make the code the law and not only prima facie evidence of the law?

Mr. ROY G. FITZGERALD. The committee has considered this very informally. The time has not come to submit this matter to either the House or the Senate by members of the

Committee on Revision of the Laws giving absolute assurance, if that ever will be possible, that in the whole body of restatement of this law there is absolutely no error. It is impossible as the Senate is at present, and possibly as it always will be, constituted, to give such assurance as would seem to warrant their entering a complete and radical repeal of all the former enactments of the United States, although practically I say to my friend from Iowa and to this House, if the Senate and House did so agree and that were done, we would not strengthen the code practically an iota, because, as I have said before, the statement of the law, the intangible law, is merely evidence of the legislative intent, and courts deal almost exclusively with legislative intent.

It is the hope, however, to present to Congress at some future time for enactment a bill which will give the code with the corrections which are being gathered in from the Federal bench and the bar and the different law-book publishing concerns of the country and all the bureaus and departments of our Government which are using the Federal law more specific force. It is the idea to have diligently searched out every error and correction made in the supplements, awaiting a new and more perfect edition of the code embodying the substance of the last supplement and all the corrections. I hope that no error may escape observation.

Mr. BLANTON. Mr. Speaker, I hate to interrupt this discussion, but I demand the regular order. This extraneous debate can be taken up at some other time.

Mr. ROY G. FITZGERALD. I think the gentleman is perhaps right.

Mr. RAMSEYER. Mr. Speaker, I am still reserving the right to object. I have nothing further that I want to say and I only intended to hold the reservation to object until we could hear the proposed amendment. I do not want to withdraw the reservation until I know what the amendment is to be.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. RAMSEYER. The regular order has been called for.

Mr. BLANTON. If we can soon go on with the calendar, I will withhold the request for the regular order.

Mr. LAGUARDIA. The amendment is to strike out all of lines 3, 4, and 5, on page 1, and insert the following:

That section 1171 of Title 43 of the United States Code (Sec. 2455, Rev. Stats. U. S.) as amended be, and is hereby, amended to read as follows——

Mr. RAMSEYER. Then it would read "Section 2445," and so forth?

Mr. LAGUARDIA. That is in parenthesis.

Mr. RAMSEYER. No; I am referring to line 6, page 1. You make no change there, and when the proposed amendment appears you will not have the present language from lines 3 to 5.

Mr. LAGUARDIA. Oh, no; you will then have section 1171 of Title 43.

Mr. BLANTON. Mr. Speaker, this important correction ought to be done in committee. I object to the bill.

EASEMENT OVER CERTAIN GOVERNMENT PROPERTY AT CICERO, ILL.

The next business on the Consent Calendar was the bill (H. R. 7472) to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to grant to the town of Cicero, Cook County, Ill., an easement over the south 7 feet of that parcel of land owned by the Government of the United States situated between Fifty-second and Fifty-third Avenues and Twenty-fifth Street and Twenty-fourth Place for the purpose of widening an alley in such township such easement shall continue so long as the land shall be used exclusively for alley purposes.

With the following committee amendment:

Page 1, line 9, after the word "township" strike out the remainder of the bill and insert: "to a width of 14 feet; said 14-foot alley to be repaired and maintained as are other public streets and alleys in the said town. Such easement shall continue only so long as the land shall be used and maintained exclusively for alley purposes."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MESA VERDE NATIONAL PARK, COLO.

The next business on the Consent Calendar was the bill (H. R. 8744) to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, if anyone wants the bill read in full I have no objection, but I ask unanimous consent that the bill be considered as read. It is several pages in length. I simply call attention to the statement that appears in the report of the committee that the draft of the bill submitted herewith has been drawn along the lines of previous legislation accepting the cession of jurisdiction by the States in other national parks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes out of order.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for five minutes out of order. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, the bill we have just passed results from the action of the State of Colorado in ceding to the United States exclusive jurisdiction over the Mesa Verde National Park. The State of Colorado has two national parks—the Mesa Verde National Park and the Rocky Mountain National Park. I do not know that the State ever promised to cede jurisdiction over the Mesa Verde, but it is a very fine thing that they have done so, and it will help in the administration of the park area.

But the State of Colorado did expressly promise to cede jurisdiction over Rocky Mountain National Park when they asked the creation of the Rocky Mountain National Park, and I will put in the RECORD the complete resolution:

SENATE CHAMBER,
STATE OF COLORADO,
Denver, April 12, 1913.

To the Hon. WOODROW WILSON,
President of the United States, Washington, D. C.

EXCELLENCY: I have the honor to transmit to you Senate Joint Resolution No. 22, unanimously adopted by the Nineteenth General Assembly of the State of Colorado.

Respectfully,
MARK A. SKINNER,
Secretary of Senate.

The White House. Received April 17, 1913.
Department of the Interior. Received April 19, 1913.

SENATE JOINT RESOLUTION 22

By Senator Cross

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the General Assembly of the State of Colorado, would respectfully represent that under and by direction of the Secretary of the Interior, the Hon. R. R. Marshall, chief geographer of the department, recently visited Colorado to determine by personal observance whether there should be established in Colorado a national park.

That the said Marshall, following the said order, visited Colorado, and after a careful and painstaking examination of the country proposed to be included in said national park, recommended the creation of the same.

That the people of Colorado desire that said park shall be established. It includes the highest mountain peaks in the State; the area is little adapted to either agriculture or grazing; its scenery for sublimity and grandeur is not excelled on the continent. Its location is easy of access to America's millions who seek health and recreation in the summer months, it being situated in the front and main range of the Rocky Mountains.

We therefore urge that you pass an act creating the said Rocky Mountain National Park, adopting the metes and bounds as set forth in the report of said Chief Geographer Marshall to the Secretary of the Interior, and embodying provisions as contained in a bill for an act creating the said park, prepared and introduced in the National House of Representatives for that purpose, and hereby declare the willingness of the State of Colorado, upon the passage of a congressional act establishing said park, to cede jurisdiction in the manner customary in such cases.

And this your memorialists will ever pray.

That the secretary of the senate is hereby instructed to transmit to the Speaker of the House of Representatives, the President of the United States, and to our Senators and Representatives in Congress a copy of this resolution.

STEPHEN R. FITZGERALD,
President of the Senate.
O. C. SKINNER,
Speaker of the House.

Attest:

MARK A. SKINNER
Secretary of the Senate.

You will note "that the people of Colorado desire said park shall be established," and "declare the willingness of the State of Colorado, upon the passage of a congressional act, establishing said park, to cede jurisdiction in the manner customary in such cases." There is the pledge.

Two or three years ago when in Colorado I learned that a suit was pending—and by the way the jurisdiction has never been ceded—to which the name of the State of Colorado had been loaned and the object of which was to establish the fact that the Government did not have exclusive control over the roads in that park, and particularly the Fall River Road.

The Fall River Road is the key to the administration of that great park. It is a road that should be improved for the fuller safety of the public at a cost of something like a half million dollars. The Congress was committed to that improvement.

When I learned of this litigation it seemed to me that before we spent a half million dollars on that road we should know whose road it was. If that suit should develop the fact to be as alleged the Park Service would be powerless to arrest a drunken driver over that perilous mountain road or to properly protect visitors in the park.

We took the matter up in our committee two years ago, and recommended a limitation in the appropriation bill that there should not be any expenditure on road construction until jurisdiction was ceded.

We received assurances from the Governor of Colorado that at the next session of the legislature he would endeavor to secure the cession. Last January an attempt was made in the legislature, and with relation to the Mesa Verde it was successful, but as to the Rocky Mountain Park it was a failure.

So the State refused in January of 1927, or during that session, to carry out the pledge which the Legislature of Colorado made in April, 1913.

Mr. WHITE of Colorado. Will the gentleman not correct his statement that the State refused to do this?

Mr. CRAMTON. I should not say the State, because I am very frank to say that I do not believe the legislature properly represented the sentiment of the State, but the legislature did refuse by its vote, expressly, to pass the bill that was offered to it. I shall explain, and I think when I am through the gentleman from Colorado [Mr. WHITE] will entirely understand the situation with reference to it. The bill was presented. It was alleged that it was being opposed on principle, that the Federal Government was encroaching too much on State authority.

Mr. WHITE of Colorado. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I ask the gentleman to permit me to proceed until I complete my statement, and then I shall be very glad to yield. It was urged that the Federal Government was encroaching on State rights, and so on, but that there was no principle of that kind involved is demonstrated by the fact that they passed the act as to the other park in that State.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for three minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE of Colorado. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WHITE of Colorado. The gentleman has stated that the bill questioned the right of the Federal Government. To what bill does the gentleman refer?

Mr. CRAMTON. Mr. Speaker, I am not going to engage in any argument about little matters.

Mr. WHITE of Colorado. I want to understand what the gentleman's position is.

Mr. CRAMTON. I can not yield further. I am trying to answer the gentleman.

The SPEAKER. The gentleman from Michigan declines to yield.

Mr. CRAMTON. The bill did not question it, and I have not so stated, but the people in Colorado in newspaper articles have stated that the Federal Government was seeking unduly to encroach. The legislature refused or failed, however the gentleman desires to have it stated, and since 1913 has not carried out the pledge of the State of Colorado, and the State of Colorado has not kept its pledge with the Federal Government, which was the foundation for the creation of this park.

Former Senator Thomas, of Colorado, who was then representing the State of Colorado in the United States Senate, has written a letter, which he has given me permission to use, in which he tells of the situation when the park was created, commends our attitude now in the matter and says:

With the enactment of the bill creating the park, all discussion of the expediency of waiving State jurisdiction was closed and the State was bound by every principle of honor and good faith to comply with its agreement.

The letter in full reads:

931 INVESTMENT BUILDING,
Washington, D. C., January 14, 1928.

Hon. LOUIS C. CRAMTON,
House Office Building, Washington, D. C.

MY DEAR SIR: I had intended during your entertainment at the University Club last August, if given the opportunity, to express my opinion of the failure of the Colorado General Assembly ever since the passage of the act creating the Rocky Mountain National Park to comply with its conditions by ceding State jurisdiction to the Federal Government, and to commend your attitude concerning appropriations for the maintenance of the park by reason of such failure.

At the behest of the people of my State, and contrary to my own views upon the subject, I took an active part in securing the passage of the act referred to, and during its discussion in the Senate I assented to the condition relating to jurisdiction because the Colorado delegation was instructed to do so by the then governor of the State, by resolution of the general assembly, and by numerous petitions proceeding generally from that section of the State adjacent to or in the neighborhood of the proposed park boundaries. If I had then entertained the slightest notion that the people of my State, through its legislative department, would repudiate this obligation I should have opposed rather than supported the passage of the bill.

In my opinion, with the enactment of the bill creating the park, all discussion of the expediency of waiving State jurisdiction was closed and the State was bound by every principle of honor and good faith to comply with its agreement. In this particular, there is no distinction between the citizen and the Commonwealth. If the former repudiates his solemn obligations he is not only condemned by decent public opinion but may be compelled to do that which he has undertaken. Unfortunately States can not be similarly coerced. In my judgment, however, the Congress should withhold all appropriations for the maintenance of the Rocky Mountain National Park or for its benefit in any way until the general assembly shall recognize the binding obligation of the agreement which its congressional delegation made by its authority and command.

You may rest assured on the other hand that so long as the Congress ignores or acquiesces in the attitude of our last general assembly and continues to include the Rocky Mountain National Park in its annual appropriations, future general assemblies will justly assume that the Congress has approved its refusal to cede State jurisdiction and decline to give further consideration to the subject.

You can make any use of this letter which may seem desirable, inasmuch as my own good faith and sense of justice are involved in the common situation.

Very respectfully yours,

C. S. THOMAS.

The failure of the State of Colorado to keep faith and give the Federal Government the promised authority over the park area leaves the Congress with only one course to follow, and that is to withhold appropriations for the development and improvement of a road which certain people in Colorado insist does not belong to us, and to withhold appropriations for the general development of that park until the good people of Colorado—and there are many of them that feel as does Senator Thomas, who are filled with regret and chagrin by the failure of the legislature to pass the desired legislation—until the good people of Colorado are able to bring about legislation that is necessary to keep faith with the Federal Government. Until then the development of that national park should be held at its minimum. We must take care of those who go there, must look after sanitation, and so forth, but we can not proceed with any program of development. Therefore those who are in the vicinity of the Rocky Mountain National Park, who see a bill going through Congress now which begins a program of expenditure of $5,000,000 a year for roads in national

parks, may sit there in Colorado and watch the procession go by until the time comes when the Legislature of Colorado keeps faith by enacting the legislation that they promised the Federal Government in 1913—15 years ago—they would enact. Rocky Mountain Park must mark time while others go forward.

Mr. WHITE of Colorado. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE of Colorado. Mr. Speaker, I desire to assure the gentleman [Mr. CRAMTON] who has just taken his seat and to assure this House and the people of the United States of America that Colorado keeps faith. Under the law of Colorado, whenever a private citizen desires to institute a proceeding which can only be prosecuted in the name of the State the citizen has the right to call upon the proper official to institute such suit, and if the official refuses so to do the private citizen has the right in the name of the State to introduce and prosecute such proceeding. I say to the gentleman and to the Members of the House that Colorado proceeds in an orderly fashion, according to the laws of the land, and while we in Colorado, in common with the citizenship of every State of this Union, have individuals of varying opinions contending for various things, the State of Colorado endeavors to be and is usually right; and we resent the insinuation of the honorable gentleman that she has ever in her sovereign capacity failed to keep her pledge or to act in good faith.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Colorado. Certainly.

Mr. CRAMTON. I say frankly to the gentleman that I am satisfied that the sentiment of Colorado desires the pledge they made to the Federal Government in 1913 shall be redeemed. I am satisfied the failure of the legislature did not properly represent the sentiment of the State, but until that sentiment makes itself felt in effective legislation the pledge stands there unredeemed.

Mr. WHITE of Colorado. The fact that some bill may not have passed the legislature at a given session is in no sense conclusive evidence that the governmental agency will not perform its duty. On the contrary, it would have been very unwise for the Legislature of Colorado, while a suit was pending in the courts of Colorado to test the question, to have proceeded as the gentleman from Michigan claims she should have done.

Mr. CRAMTON. My understanding is that in response to the request of the governor the suit was withdrawn and is no longer pending. It may be revived at a later time. Does not the gentleman think that 15 years is nearly long enough for us to wait?

Mr. WHITE of Colorado. I am not aware that Colorado has waited that length of time. This question was raised only recently.

The SPEAKER. The Clerk will report the next bill.

ABANDONED MILITARY RESERVATIONS IN ALASKA

The next business on the Consent Calendar was the bill (H. R. 9031) to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I would like to ask the chairman of the Committee on the Public Lands [Mr. SINNOTT] if he would not be willing to have this bill passed over without prejudice?

Mr. SINNOTT. Yes.

Mr. LAGUARDIA. I ask unanimous consent, Mr. Speaker, that the bill may go over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill may go over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

WALTER REED GENERAL HOSPITAL

The next business on the Consent Calendar was the bill (H. R. 9676) to authorize appropriations for construction at the Walter Reed General Hospital, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $310,000 for construction at the Walter Reed General Hospital, as follows: Three-story ward building, $185,000; converting the fourth story of the administration building into an operating suite, $55,000; constructing necessary connecting corridors, roads, walks, grading, etc., $70,000.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

AMENDMENT TO THE CONSTITUTION OF NEW MEXICO

The next business on the Consent Calendar was the Senate joint resolution (S. J. Res. 38) giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted.

The title of the resolution was read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDDIA. Reserving the right to object, Mr. Speaker, it is most unusual that the consent of Congress is required to amend a State constitution, the enabling act. The gentleman from New Mexico [Mr. MORROW] explained that to me yesterday. Now, is the land involved in this matter State land?

Mr. MORROW. All the land involved is State land.

Mr. LAGUARDIA. So that it is something belonging entirely to the people of New Mexico, and is of State concern?

Mr. MORROW. Yes; and it will have to be voted on by the people. If any explanation is required, I shall be glad to make it.

Mr. CHINDBLOM. What is the provision in the enabling act with reference to the consent of Congress?

Mr. MORROW. The enabling act required that the State should adopt in its constitutional convention section 9 of the enabling act, which section is as follows:

Said convention—

The constitutional convention—

shall provide by an ordinance irrevocable without the consent of the United States and the people of said State —— 9; that the State and its people consent to all and singular the provisions of this act concerning the lands granted or confirmed to the State, the terms and conditions upon which said grants and confirmations are made, and the means and manner of enforcing such terms and conditions or in every respect and particularly as in this act provided. All of which ordinances described in this section shall by proper reference be made a part of any constitution that shall be formed hereunder in such terms as shall positively preclude the making of any future constitutional amendment of any change or abrogation of the said ordinance, in whole or in part, without the consent of Congress.

I will add that such requirement was embodied in the State constitution.

Mr. CHINDBLOM. Now, then, briefly, how does the proposed amendment change the provision in the enabling act with reference to the public lands and minerals?

Mr. MORROW. I will explain. The State of New Mexico, through the enabling act, received a grant of over 11,000,000 acres; nearly 9,000,000 acres were granted for the public schools and 2,350,000 acres to the institutions of the State and for the payment of certain counties' indebtedness; in the granting of the land, however, the minerals were specifically reserved to the United States. It was required in the enabling act that the State should advertise the land for a period of 10 weeks and sell or lease the land to the highest and best bidder. Several years later oil and gas were discovered in the State, and that discovery has brought into existence a feature that was not considered in the enabling act at all. The matter of leasing for oil and gas was taken into the courts, and the district court decided that the mineral which was then found in the State and upon State land did not require advertising, because the mineral was not contemplated in the land granted to the State, but that the mineral was reserved to the Government. An appeal was taken to the Supreme Court and the Supreme Court adopted the opinion of the district court. Under that decision leases were granted on these State lands to various people for a period of five years, with renewal clauses. Last year Congress passed an act granting to the State all the minerals con-

tained in the lands heretofore granted. The parties holding leases claim that the Government never intended, until that act of 1927, that the mineral should pass to the State.

The courts, in so far as they could in New Mexico, have tried to uphold the rules adopted by the Land Office under the laws enacted by the State legislature by which these lands were leased for oil and gas without advertisement.

Mr. CHINDBLOM. Is it only a question of informalities?

Mr. MORROW. Yes. The question is this: Texas has oil land adjoining us and we have developed some oil in New Mexico. The State University has, I think, received up to the present time several thousand dollars from oil royalties. Under present conditions many leases are in the hands of people who refuse to develop on the ground that their leases may be invalidated by the Federal courts from the fact that the State did not follow the provisions of the enabling act, and in order that this may be clarified we are asking that the consent of Congress be given to the State that it may enact legislation which will validate the leases now existing; such legislation in the future will carry forward State development.

Mr. CHINDBLOM. Will the proposed amendment to the constitution of the State of New Mexico in any way enlarge or modify the present rights in the minerals enjoyed by the State of New Mexico?

Mr. MORROW. It will absolutely not interfere with the minerals at all.

Mr. CHINDBLOM. It does not affect any substantial rights?

Mr. MORROW. Absolutely not.

Mr. CHINDBLOM. It relates only to the question of methods of procedure in the disposition of lands and rights by leases or otherwise?

Mr. MORROW. Yes.

Mr. LAGUARDIA. If the gentleman will permit, the official who has charge of this could lease the lands direct without the requirement of advertising?

Mr. MORROW. Oh, no. The State will enact legislation and it will attempt to correct that which has heretofore been done by act of the legislature. The amendment will be submitted to the voters of the State, and I will say that if the provisions are not proper they will be turned down because the people generally vote down amendments unless they believe them to be right.

Mr. CHINDBLOM. My principal concern is to know whether any new rights are granted to the State of New Mexico as against the Federal Government.

Mr. MORROW. Absolutely not, except to correct that which now exists.

Senate Joint Resolution 38 embodies the constitutional amendment adopted by the Legislature of New Mexico in its last session, for the purpose of clarifying the situation in the State pertaining to oil and gas leases.

The request for this legislation came from the State authorities, and it is to be hoped that in the passage of the same New Mexico will be relieved from some provisions of its enabling act, which tended to prohibit development of the mineral resources, as to oil and gas, within the State.

There was embodied in the request a letter from the Governor of New Mexico to the effect that without this legislation development of oil and gas on State lands had been retarded during the past years, because of the question as to the validity of certain leases.

A further statement from the governor is to the effect that should this legislation be enacted by Congress it will tend to clear up confusion concerning titles to leases held within the State. The governor states that he is confident the legislation will protect State lands in every way.

Congress having met the request of the governor and other State officials, it is up to the officials of the State to see that the enactment of legislation is such that the interest of the State will be fully protected. While the enabling act, in section 10, was very drastic in its terms, it is to be hoped that in meeting the situation as to minerals contained within State lands, that many of the provisions contained in the act of June 20, 1910—as to advertising, competitive bidding, proper appraisement, and the highest rentals and royalties—will be retained in the new legislation.

It is further expected that full notice shall be given to the voters of the State concerning the voting upon the amendment proposed, and that the intended legislation be brought to the attention of the voters by the State authorities in ample time, so that the electorate will be fully advised. Thus in selecting the members of the legislature, citizens will be elected who have the interest of conserving the funds, to be derived from such mineral resources for the support of the common schools and its State institutions, in conformity with the purposes for which the several grants were made to the State of New Mexico.

It has been the purpose of those who fostered this legislation in behalf of the State, as Members of Congress from New Mexico, to protect and advance the best interests of the people of the whole State by the passage of this resolution.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That consent is hereby given and granted to the State of New Mexico and the qualified electors thereof to vote upon the question of amending the constitution of said State and to amend the same by the adoption of the following amendment proposed by the legislature of said State at its eighth regular session by H. J. Res. 8, approved March 11, 1927, to be designated as Article XXIV, said amendment being as follows, to wit:

"ARTICLE XXIV

"CONTRACTS FOR THE DEVELOPMENT AND PROTECTION OF MINERALS ON STATE LANDS

"Leases and other contracts, reserving a royalty to the State for the development and production of any and all minerals on lands granted or confirmed to the State of New Mexico by the act of Congress of June 20, 1910, entitled 'An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States,' may be made under such provisions relating to the necessity or requirement for or the mode and manner of appraisement, advertisement, and competitive bidding, and containing such terms and provisions, as may be provided by act of the legislature; the rentals, royalties, and other proceeds therefrom to be applied and conserved in accordance with the provisions of said act of Congress for the support or in aid of the common schools, or for the attainment of the respective purposes for which the several grants were made."

Consent also is given and granted to said State to enact such laws and establish such rules and regulations as it may deem necessary to carry such constitutional provision into full force and effect should the same be duly and legally adopted.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

OIL AND GAS LEASES ON LANDS IN NAVAL PETROLEUM RESERVES

The next business on the Consent Calendar was the bill (S. 1959) to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to have this bill go over until next time so I may pray and meditate over it.

Mr. SINNOTT. Could not the gentleman let it go through to-day? It is a very simple matter and it only covers 3 leases out of 27 in petroleum reserve No. 2 in California, leases which were executed by Secretary Payne. When the original oil leasing act was passed it prohibited any leasing of lands in naval oil reserves except flowing wells.

Mr. LAGUARDIA. Who owns these leases now?

Mr. SINNOTT. I do not know who are the owners.

Mr. LAGUARDIA. I want to look into that.

Mr. SINNOTT. They are valid leases and they are in existence to-day. This legislation has been requested by both Secretaries, and the bill was reported to the Senate by Senator WALSH of Montana, and I have personally talked with Judge Finney about the matter.

Mr. LAGUARDIA. I talked with him yesterday, but could not get anything very definite. Before we smear ourselves with oil here or do anything rash let the bill go over for the present.

Mr. SINNOTT. I do not think there is any danger of that because there are 24 of the leases already in existence.

Mr. LAGUARDIA. How long have these leases been under the Department of the Interior?

Mr. SINNOTT. Since the passage of the oil leasing act.

Mr. LAGUARDIA. So two weeks longer would not hurt very much?

Mr. SINNOTT. That act was passed in 1920.

Mr. CHINDBLOM. The gentleman wants to pray and meditate for two weeks?

Mr. LAGUARDIA. I certainly do.

Mr. SINNOTT. We will furnish the gentleman with a prayer rug.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

FORT M'HENRY, MD.

The next business on the Consent Calendar was the bill (H. R. 204) to authorize an additional appropriation for Fort McHenry, Md.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $81,678 is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for further carrying out the provisions of the act entitled "An act to repeal and reenact chapter 100, 1914 (Public, No. 108), to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes," approved March 3, 1925 (43 Stat. L. 1109).

Mr. LINTHICUM. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: After the word "act," in line 5, on page 1, insert: "approved March 3, 1925, chapter 425 (Public, No. 543)."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAY OF THE ARMY

The next business on the Consent Calendar was the bill (H. R. 7753) to authorize the disbursement of and accounting for the appropriation, "Pay, etc., of the Army," as one fund, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON, Mr. LAGUARDIA, and Mr. MURPHY objected.

DISPOSITION OF REMAINS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES OF THE ARMY

The next business on the Consent Calendar was the bill (H. R. 248) to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated from time to time such sums as may be necessary for expenses of interment, cremation (only upon request from relatives of the deceased), or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers on the active list and retired officers who die while on active duty, cadets, United States Military Academy, acting assistant surgeons, members of the Army Nurse Corps, and enlisted men in active service and retired enlisted men who die while on active duty, and accepted applicants for enlistment; for interment or preparation and transportation to their homes of the remains of civilian employees of the Army in the employ of the War Department who die abroad, in Alaska, in the Canal Zone, or on Army transports, or who die while on duty in the field; for interment of military prisoners who die at military posts; for the interment and shipment to their homes of remains of enlisted men who are discharged in hospitals in the United States and continue as inmates of said hospitals to the date of their death; for interment of prisoners of war and interned alien enemies who die at prison camps in the United States; for recovery of bodies of the above-mentioned military personnel; for removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in fields, abandoned graves, or abandoned private and city cemeteries; and for expenses of the segregation of bodies in permanent American cemeteries in Great Britain and France: *Provided*, That in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list, or retired officers or enlisted men who die while on active duty, or of any of the military or civil personnel mentioned above, are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services, but no reimbursement shall be made of such expenses incurred prior to July 1, 1910.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. This concludes consideration of bills on the Consent Calendar.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LARSEN, indefinitely, on account of sickness.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1798. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; and

S. 1801. An act in reference to writs of error.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rules, referred to the appropriate committees, as follows:

S. 620 An act for the relief of Russell & Tucker and certain other citizens of the States of Texas, Oklahoma, and Kansas; to the Committee on Claims.

S. 1761. An act granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal; to the Committee on Interstate and Foreign Commerce.

SPEECH OF HON. ANDREW W. MELLON

Mr. BULWINKLE. Mr. Speaker, I desire permission to extend my remarks in the RECORD by inserting a speech made at Charlotte, N. C., by the Secretary of the Treasury, Mr. Andrew W. Mellon, on Thursday, January 19, 1928.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, on last Thursday, January 19, 1928, at Charlotte, N. C., a dinner was given by the Charlotte Chamber of Commerce celebrating the establishment of the Charlotte branch of the Federal Reserve Bank of Richmond. Among the guests who were present were the Secretary of the Treasury, Mr. Andrew W. Mellon; the governor of the Federal Reserve Board, Mr. Young; the Comptroller of the Currency, Colonel McIntosh; the Commissioner of Internal Revenue, Mr. Blair; and our colleague, Mr. STEVENSON, of South Carolina. Some five or six hundred bankers, as well as many business men of the Carolinas, were also present. The establishment of the Charlotte branch means much to that progressive section of this country known as the Piedmont section of the Carolinas.

Mr. Mellon spoke as follows:

THE FEDERAL RESERVE SYSTEM

I have long wanted to visit this part of the South, where so many of your traditions are the same as my own. Here in this Piedmont section of the Carolinas you have many close ties with my native State of Pennsylvania. Your part of the country was settled, as mine was, largely by Scotch-Irish, and also by Germans and Quakers. They came in great numbers during the eighteenth century, landing in Philadelphia and then spreading westward to settle the country around Pittsburgh. Many of these same men pushed on through the valleys of the Appalachian Mountains to Virginia, North and South Carolina, bringing with them such names as Graham, Alexander, and Polk, which were later to become so famous in your history.

They brought also their sturdy qualities of independence, love of civil and religious liberty, and a sense of thrift and order that enabled them to build up a civilization out of a wilderness. Wherever they went they set up their educational and religious institutions. Mecklenburg County soon became a center of Scotch-Irish civilization, so that it was not strange that the liberty-loving men of this and the surrounding counties should resist the oppressive and ill-advised measures of the British

Government and in the Mecklenburg Declaration of 1775 should be the first to give formal utterance to American independence.

Nearly a century later, when the War between the States, which was so gloriously fought by both sides, had come to an end, and the South was faced not only by a loss of man power but by a disruption of her social and economic life as complete as anything caused in Europe by the last war, the descendants of these same pioneers set to work at once to rebuild their shattered fortunes. They showed the same indomitable courage as in the early days, and on the foundation of the old agricultural order they built up a new agricultural and industrial South, whose rapid increase in wealth has been one of the outstanding achievements in this country in recent years.

The South is fortunate in that the period of her industrial expansion coincided with advances in the field of electricity, which made possible the development of the vast sources of water power in this part of the country. The production of cheap electrical current has not only proved a great stimulus to industrial expansion but has also brought about a greater diversification of industry, so that to-day, in addition to being the center of the textile industry, the South is forging rapidly ahead in the production of knitted goods, silk, furniture, tobacco, and many other commodities.

In no other part of the country has this industrial advance been more marked than in the two Carolinas. These States in the past have been predominantly agricultural and have usually been associated in the public mind with the production of cotton and tobacco. But in recent years the value of the manufactures of these two States combined has exceeded even the value of their agricultural output; and, as a result, there has come about an increase in wealth, which has necessitated a rapid expansion of their banking resources.

It is in recognition of this fact that a branch of the Federal Reserve Bank of Richmond has been established in Charlotte. Under the wise guidance of Governor Seay and his able board of directors, the Richmond bank has had a most gratifying growth, and has shown at all times a sympathetic understanding of the needs of this section. The establishment of a branch bank at Charlotte should still further increase the usefulness of the Federal reserve system by effecting a valuable saving of time in bank clearings and currency shipments. At the same time it should make for greater efficiency in operation, because the men in charge of the bank will be nearer to the territory which it serves, and can have, therefore, a more accurate knowledge of local conditions. Furthermore, where a branch bank is actually needed, as in this case, its establishment is in line with the principle of local self-government in banking, while at the same time bringing to you the vast resources of the Federal reserve system.

That system has made it possible, for the first time in our history, to mobilize the banking resources of the country and to place them at the service of any section that has need of them. For the first time business can go forward, freed from the fear that at any moment, from causes remote or unforeseen, a financial crisis might develop and threaten everyone with ruin.

The old system, under which we operated prior to the passage of the Federal reserve act, was notable for its scattered and immobile banking reserves and a credit inelasticity which rendered it totally inadequate for the country's need. It was unequal even to meeting the seasonal demands during the crop-moving period, and in times of financial stringency it operated to aggravate rather than to relieve panic symptoms.

National banks could issue currency only when secured by Government bonds; consequently they were unable to increase the currency in times when it was most needed. Banks outside of the great financial centers could expand their credit facilities only by borrowing from the larger metropolitan banks, with the result that all loans in the end converged on New York. Instead of a coordinated system of banks, with a common reservoir of credit, we had a large number of independent banking units, which in times of stress struggled against each other and never worked together as part of one great financial structure.

These defects were cured by the establishment of the Federal reserve system. The 12 regional banks, under the responsible coordinating influence of the Federal Reserve Board, can effect that prompt mobilization of reserves which is so essential in preventing panics. These banks are also able to provide the country with an elastic currency, which expands or contracts with seasonal and trade needs. It is possible to supply the farmers and the trade with adequate currency during the crop-moving period and to effect the necessary contraction when the seasonal requirements have been met. The reserves of each regional bank are available, through the discounting privilege, to all other Federal reserve banks. The funds of the central reservoir can be diverted to any bank in the system which has need of them, so that the financing of an increasing or decreasing volume of business can be accomplished with ease.

The Federal reserve system was put into operation just prior to the outbreak of the World War and was obliged to establish itself in public confidence during a period of unprecedented strain in the financial world. The channels of world trade had been suddenly and violently disorganized. The outbreak of war stopped the flow abroad of many exports and this country was flooded with a surplus of cotton and other commodities, which to a great extent proved unmarketable until the new trade currents had established themselves. Then cotton and food and manufactures which were needed for war purposes began to flow abroad in even greater quantities than before. Agriculture and industry expanded rapidly, necessitating an enormous increase in credits, which fortunately the banks of the Federal reserve system and the other banks of the country were able to supply.

When this country entered the war in 1917 the strain upon the banking structure became even greater. It was necessary to support our military establishment and at the same time to make advances to the nations associated with us in carrying on the war. Our national debt increased from $1,281,000,000 on April 5, 1917, to $25,484,000,000 on June 30, 1919. In the floating of the Liberty loans the Federal reserve banks acted as the fiscal agents of the Government and their assistance in this and many other ways proved invaluable.

When the war was over and the Nation was obliged to adjust itself to new conditions, it was the steadying influence of the Federal reserve system that brought the country safely through the necessary period of postwar readjustment with a minimum derangement and prevented the financial crisis from degenerating into a panic. As a result there was no serious impairment in our financial structure at a time when such a calamity would have had most disastrous consequences throughout the entire world.

The service which the Federal reserve system rendered to the country during this period can not be overestimated. And yet, the system, as you know, has been violently attacked because it failed to do the impossible to avert the losses suffered in getting the overexpanded agencies of production, both agricultural and industrial, back on a normal, peace-time basis.

As bankers you know how groundless is the charge that the Federal reserve banks contracted agricultural credits. As a matter of fact, far from contracting agricultural credits during the period of falling prices, the Federal reserve banks expanded bank credits and increased the volume of circulating notes in the agricultural States.

The Federal Reserve Bank of Richmond, for instance, during the calendar year 1920 increased its rediscounts by more than $10,000,000 and expanded its note issue by nearly the same amount. A similar expansion of credits was made by the Federal Reserve Bank of Atlanta and the other banks in the great agricultural areas.

These facts speak for themselves and justify the assertion that without the assistance rendered by the Federal reserve banks it would have been difficult, if not impossible, for the country to have come safely through the period of deflation or for our financial structure to have weathered the enormous strain to which it was subjected at that time.

What the Federal reserve system has been able to do for this country it is now doing to a lesser degree for the world at large. It is to-day one of the important factors in the effort which is being made to achieve world stabilization.

When Great Britain made the momentous decision to reestablish the pound upon a gold basis at its former value it meant that the old standard for financial transactions was to continue and that America was not to be left holding the world's supply of a metal for which the other nations might be seeking a substitute. Great credit is due to the Federal reserve banks for the part which they played in bringing about this result. These banks extended large credits to the Bank of England, and the British treasury arranged for additional credits with private American bankers. Great Britain has been on a gold basis now for more than two years and has not used a single dollar of these credits; nevertheless, without the support furnished by the Federal reserves banks I do not believe that stabilization would have taken place at the time when it actually occurred.

The movement back to gold has continued steadily, and other nations, including Belgium and more recently Italy, have been added to the list of countries maintaining the gold standard. In the plans for the stabilization of the rest of Europe, the participation of the Federal reserve system is equally necessary; and in all this the interests of the American farmer and manufacturer are vitally concerned.

The nations of the world must be reestablished on a sound financial basis if our surplus products are to find an export market. Only in this way can business compute in advance the price which it must pay for raw materials and figure more accurately on the price which can be secured for the finished products. If this can be done, business can operate on a larger scale and increase its foreign purchases, which means a greater demand for our own surplus products and an expansion in business here and in other countries as well.

It is indeed fortunate in this disturbed period in monetary affairs, when so large responsibility for world stability has been placed upon this country, that we have in the Federal reserve system an agency capable not only of exercising an important influence toward stability in our own money markets but also of aiding in financial reconstruction abroad.

The work which the Federal reserve system is doing is along sound, constructive lines. But the greatest mistake would be to expect the impossible. It is not a panacea for all the financial and economic ills which may befall the country. Neither the Federal reserve system nor

any other system can control prices. The most that system can do is to influence to a limited extent, from time to time, the total volume of credit and its cost. While credit is one factor in influencing prices, it is neither the only factor nor the controlling one; and it would be asking the Federal reserve system to perform the impossible if it is to be charged with the responsibility for controlling prices merely because it can exercise a limited control over the amount of credit available.

The Federal reserve system has been in operation now for 13 years. During this time it has so established itself in the confidence of the country that Congress last year extended the charters of the Federal reserve banks for an indeterminate period. This act was one of the most important pieces of legislation that has passed Congress since the war, for it insured the continuance of the Federal reserve system as an integral part of our banking structure.

It is left for us to make certain that the system shall not be endangered by loading it down with extraneous or impossible tasks. It has already justified its existence and it will be indispensable in any future financial crisis which may arise. But if the system is to do this it must never be impaired by changes which interfere with the 12 regional banks in the exercise of their primary function as reserve institutions in providing credit and currency for the country.

I know that you can be counted on always to give the Federal reserve system your strong and unqualified support. It is a matter on which we can all agree, regardless of politics, for the Federal reserve system was established under a Democratic President and its continued existence has been assured under a Republican President. In matters of such general concern as banking—and may I add taxation also—it seems to me that partisan politics should not enter. These are fundamental questions which vitally affect the welfare of the whole country, and when that welfare is involved we should think not of class or sectional or partisan advantage but of what is economically sound and for the best interest of the country.

PRIVATE CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the Private Calendar be called, beginning at the star, bills before that having been once objected to.

The SPEAKER. The Clerk will call the Private Calendar, beginning at the star.

Mr. BLANTON. And the gentleman from Connecticut will not keep us here later than 4.30?

Mr. TILSON. Inasmuch as we are not to work to-morrow or the next day, I think that we should work until 5 o'clock this afternoon. There are a number of bills on the Private Calendar in which individual Members are very much interested and seeing that the gentleman gets two holidays, I think we might continue until 5 o'clock this afternoon.

Mr. BLANTON. We are further ahead than we have ever been at this time during any other session of Congress.

Mr. TILSON. I appreciate that, but the individual Members have bills here that they are as much interested in as if they were of larger importance, so I think the gentleman ought to be content to let us work until 5 o'clock in view of the fact that we are going to give him two holidays together.

Mr. BLANTON. It will not be a holiday for me.

Mr. TILSON. It will at least give us a chance to catch up with our work.

Mr. Speaker, certain bills on the Private Calendar have heretofore been objected to, and it seems to me that it would not be quite fair to take such bills up on a day that is not regular Private Calendar day. I therefore ask that we take up the bills, beginning with the first one that has not been objected to.

The SPEAKER. The Clerk will begin at the star.

WILLIAM G. BEATY

The first business on the Private Calendar was the bill (H. R. 8983) for the relief of William G. Beaty, deceased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, William G. Beaty, who was a member of Company C, First Battalion, Mississippi Mounted Rifles (subsequently Company I, Second Mississippi Volunteer Cavalry), shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of May, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MILTON LONGSDORF

The next business on the Private Calendar was the bill (H. R. 8988) for the relief of Milton Longsdorf.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, Milton C. Longsdorf, who was a private of Company I, Eighteenth Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on September 19, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. MURPHY

The next business on the Private Calendar was the bill (H. R. 8989) correcting the military record of William H. Murphy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws William H. Murphy, late of Company K, First Regiment West Virginia Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States on July 8, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN RALSTON

The next business on the Private Calendar was the bill (H. R. 9000) to correct the military record of John Ralston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John Ralston, who was a member of Company B, Ninety-eighth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 23d day of December, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CLARENCE G. STONESTREET

The next business on the Private Calendar was the bill (H. R. 9002) for the relief of Clarence G. Stonestreet.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Clarence G. Stonestreet, late of Twenty-fifth Battery United States Field Artillery, Regular Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on January 8, 1906: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ANTHONY MULLEN

The next business on the Private Calendar was the bill (H. R. 9014) for the relief of Anthony Mullen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Anthony Mullen, who was a member of Company K, Fifteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

JOE BURTON COURSEY

The next business on the Private Calendar was the bill (H. R. 9017) to reinstate Joe Burton Coursey in the West Point Military Academy.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
Mr. HOOPER. Mr. Speaker, for the time being I object.

ALBERT J. ZYVOLSKI

The next business on the Private Calendar was the bill (H. R. 2145) for the relief of Albert J. Zyvolski.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $613.10 to Albert J. Zyvolski for loss of his personal property by fire in section house No. 21, Eklutna, on the Alaska Railroad, on May 28, 1924.

With the following committee amendments:

In line 3, strike out the word "Treasury" and insert the word "Interior."
In lines 4 and 5, strike out the words "any money in the Treasury not otherwise appropriated" and insert the words "the funds of the Alaska Railroad."

The committee amendments were agreed to.
The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

RICHARD H. BEIER

The next business on the Private Calendar was the bill (H. R. 8963) for the relief of Richard H. Beier.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Richard H. Beier, who was a private in One hundred and forty-second Ambulance Company, One hundred and eleventh Sanitary Train, Thirty-sixth Division, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company: *Provided,* That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

With the following committee amendment:

Strike out all after the word "*Provided,*" on lines 10, 11, and 12, and insert a new proviso, as follows: "That no back pay, pension, bounty, or allowances shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.
The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

CHARLES B. HOLMES

The next business on the Private Calendar was the bill (H. R. 6916) to correct the military record of Charles B. Holmes.
The Clerk read the title of the bill.
The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?
Mr. TILLMAN. Mr. Speaker, I reserve the right to object. Is the author of the bill present? I should like to know the reasons why this man, after 65 years, finds it necessary to have his military record corrected. And why was it not done years ago?
Mr. CHINDBLOM. Perhaps it is to get a pension.
Mr. TILLMAN. I understand that, but why should he have one?
Mr. HOOPER. Mr. Speaker, will the gentleman yield?
Mr. TILLMAN. Yes.
Mr. HOOPER. I have had the same question in mind during the few weeks that I have been working on this calendar. I think the gentleman's question is very pertinent. It seems to be the policy here to allow this clearing of military records in this way. I shall take advantage of the gentleman's yielding to me to say that it seems to me, as a comparatively new Member of the House, that it would be a good deal better if we could have bills correcting the clouds on soldiers' records brought in in some omnibus form, instead of taking up the time of the House week after week on the Private Calendar with bills of this character. While I have not been objecting to them, and I am not going to object to them, I do not think it is fair to other soldiers who have not had the opportunity of having some Member of the House bring in a bill to correct their record, when the bills nearly always show on their face that the record is really not clear. It is an injustice to the thousands of soldiers who served without any blot on their records.
Mr. ROY G. FITZGERALD. Mr. Speaker, will the gentleman from Arkansas permit an interruption?
Mr. TILLMAN. Certainly.
Mr. ROY G. FITZGERALD. I realize the truth of what has just been said by the gentleman from Michigan [Mr. HOOPER], and yet I have a bill, not on this calendar, that I presented where I know the contrary to be true. A soldier of the Spanish War, John G. De Camp, of Hamilton, Ohio, was discharged, according to the record of the War Department, after 89 days of service. He can not get any pension under the law. The fact is, that he was not so discharged. They intended to have him discharged, and in order to have everything shipshape and ready, they signed a lot of discharges up in advance, and the date of his discharge was long after it shows on the record. He was in a hospital and was sent to another city to be discharged, but the discharge had been made out ahead, and it was wrongly dated. The War Department takes the position that it does not make any difference how wrong it is, no matter how wrong its records may be, it will not correct anything.
Mr. TILLMAN. The gentleman has quite a meritorious case in the one which he has cited. My inquiry here is directed to the fact that I have seen bill after bill pass here without anyone making any inquiry about them, and I know that they do not know anything about the facts, as the gentleman from Michigan [Mr. HOOPER] inferred, and so, for the protection of the Treasury and for the enlightenment of those who do not want to make captious objection, there ought to be something of the kind suggested by the gentleman from Michigan.
Mr. BLANTON. Mr. Speaker, will the gentleman yield?
Mr. TILLMAN. Yes.
Mr. BLANTON. I suggest to my friend from Arkansas [Mr. TILLMAN] that his objection applies equally well to all similar bills that we have passed this afternoon.
Mr. TILLMAN. This is my reservation of objection.
Mr. BLANTON. The first one on this Private Calendar was one introduced by the gentleman from Mississippi [Mr. COLLIER], and if you will look at the report you will find that he did not file a single affidavit in support of it. He said that he had no affidavits, and he merely made a statement on pure hearsay about what happened during the Civil War, and upon his hearsay statement the committee favorably reported that bill. The gentleman from Michigan [Mr. HOOPER] says that he is a new man. He was here all last Congress. I hope that he will get busy and help us object to these bills.
Mr. HOOPER. I did not say that I had not seen these bills passed before, but I am a comparatively new man, and I do not like to venture to make objections.
Mr. BLANTON. How long does the gentleman expect to be here before he becomes other than a new man in Congress?
Mr. HOOPER. The gentleman himself has not become an old man here yet, as far as he is concerned.
Mr. BLANTON. No; but things are getting pretty old here in respect to some of these bills.
Mr. TILLMAN. Mr. Speaker, this matter of correcting a military record after 65 years in order to get on the pension rolls is a matter that should be more carefully considered. This man should have had his military record corrected years ago. I have no prejudice against the Union soldier. I think as gallant and as great soldiers as ever breasted the red tide of battle fought on both sides during the War between the States. I have great respect for the soldier of the North as well as for the soldier of the South. My father was a Confederate soldier. I wanted to get some idea of why it is that these military records are sought to be corrected after such a

long time. Congress has in special bills abused the pension privilege in the past.

I recall when I came to Congress 12 years ago, there were two Democrats from two Republican districts here. Both asked to be placed upon the Committee on Invalid Pensions. It costs this Government millions of dollars to keep those two men in Congress, because they got pensions for everybody in their districts, and raised pensions for everybody. They made a specialty of that. They did not appear to care for the big questions before the Congress, but they contented themselves with introducing long strings of pension bills every year, and they got them through because they were members of the Committee on Pensions, just as we have been passing bills here this afternoon. So I have seen the matter abused. The splendid men who fought gallantly and well for the North are entitled to all that is coming to them. God bless them! I respect them; but it seems to me a little late for some man who perhaps never smelled powder, who perhaps would have jumped into the Potomac and swam across it if he had seen a Confederate soldier with a gun in his hands, to come in now at this date and have his military record corrected in order to be put on the pension roll. They should be required to make out a case, strong as Holy Writ, before having Congress to vote an honorable discharge for them so they can be pensioned.

And so, as a modest Member of the House who is not given to objecting to bills of any character, I simply wanted a little enlightenment in a general way upon this particular bill.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield there?

Mr. TILLMAN. Yes.

Mr. UNDERHILL. I would like to use the Yankee's prerogative of asking the gentleman why the Naval Committee has an absolutely different attitude with reference to clearing up records of their service; why it is that the men who served in the Navy or the Marine Corps can not get certain records cleared, whereas anybody can get his record cleared who served in the military service?

Mr. TILLMAN. I am not a member of the Naval Committee and have not made a study of that, and I did not know that that discrimination was practiced. But that is not pertinent to my inquiry.

Mr. REECE. There is one principle that usually guides the Committee on Military Affairs in the consideration of these bills.

Mr. TILLMAN. Now, there is, I am sure, to be some meat in the gentleman's statement, and I will listen to it. I expect some real information from him. That is what I am in the best of faith seeking.

Mr. REECE. The committee is inclined to favor a case if a man served for a considerable length of time, a period of one or two or three years, and saw active service, saw service in battle, and then became ill, and it is established to the satisfaction of the committee that he did not come in; that he was in a hospital, perhaps, or he may have been furloughed home, or through a group of circumstances which he now seeks to explain he was not permitted to rejoin his outfit; in a number of those cases it may be that the organization he was attached to had been discharged, and in a great many cases after the war was over the organization was disbanded.

At the close of the war I can easily imagine that there was a great furore prevailing, and the people were anxious to get back home, and there was turmoil, so to speak. The war had gone on until everybody was worn out.

That was the principle upon which the committee has been acting in the consideration of these cases.

Mr. HOOPER. As to the evidence in these cases, a great deal of it is on ex parte statements, and it is hard to know for sure that you are doing justice to the soldiers who did not desert when you are asked to correct the records of those who are marked as deserters. There is no question about those who did not desert. I would not say anything about those old men except to say that perhaps it is not quite fair.

Mr. REECE. Let me make reference to that point which the gentleman has raised. Most of these people lived out in the rural sections. They were not familiar with the departmental routine, and they went on for a period of years without giving consideration to these questions at all. Then, after they became older, this came to their attention.

It is not the easiest thing in these cases to get information, but in most cases their affidavits are properly attested. Now and then other circumstances will warrant the reporting of a bill favorably, but most of them are supported by affidavits.

Mr. TILLMAN. Why is it that in this particular case, where 65 or 70 years have elapsed, no attempt is made to satisfy this committee that his record ought to be corrected?

Mr. REECE. Another consideration should be taken into account where a man has lived for 40 years with the respect of his neighbors and has lived a useful and righteous and virtuous life, so as to command the respect of his neighbors and those who have come in contact with him. It is a question how long we ought to continue to deprive him of the credit which comes from a service well performed and performed for a period of years.

Mr. TILLMAN. The gentleman has made a good general argument and defense. But I am still wondering whether anybody knows about the facts in this particular case.

I think we abuse the pension privilege; I do not know. I know that something like $6,000,000,000 have been paid out in pensions by this Government, and men tell me there will be $100,000,000,000 all together paid out in the next 20 years. I know a strong fellow who is now drawing $20 a month for service in the Spanish-American War. Since he got that pension of $20 a month he has quit work entirely and most of his time has been devoted to loafing and praying that his pension may be increased. He is strong. There is not a Jersey bull in his county that he could not hog-tie and pitch into a covered wagon.

So many clamor for an increase, and then when they have got that increase they never stop trying for a further increase.

Mr. JAMES. Mr. Speaker, will the gentleman yield there?

Mr. TILLMAN. Centainly.

Mr. JAMES. Did not the gentleman from Arkansas introduce a bill to pension all Confederate veterans?

Mr. TILLMAN. Yes; and it ought to pass. That is to say, the cotton tax, which was illegally collected from the southern people after the war, was unconstitutionally collected, and should be paid back to the southern people. I do not know of a more worthy thing to do than that. This illegally collected cotton tax, coming from the South, should be divided among the old Confederate soldiers. But that bill you are afraid to pass, and will not pass, fair though it is. You get your pension bills through; mine you refuse to consider. That is an important difference.

Mr. BLANTON. Mr. Speaker, I call for the regular order.

The SPEAKER pro tempore. The regular order is called for. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOEL T. SMITH

The next business on the Private Calendar was the bill (H. R. 4127) for the relief of Joel T. Smith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. TILLMAN. Mr. Speaker, reserving the right to object, I wish to state that I shall not object because I have never been an objector. I have taken up more time to-day on these matters than I usually do. I am having a little fun. I have been here 12 long years. I have voted for every private bill, every pension bill, and almost everything for my colleagues upon both sides of the Chamber, and during all of these years I have never had a claim bill reported from the Committee on Claims. I have before the Committee on Claims now a very meritorious measure. A friend of mine by the name of Stafford, who lives in Springdale, Ark., was the postmaster of that town for some time and somebody stole $400 or $500 from him. He had no safe place in which to keep the money and the Government had not provided him with a safe. He promptly reimbursed the Government. I introduced a special bill for his relief and the committee sent it to the Post Office Department last year. The Post Office Department said, "We do not care anything about it and are not going to make a recommendation either way." I have not been able to get that bill reported. And there are others, many of them.

I have another meritorious bill before the Claims Committee. The widow of a Union soldier became sick, and I introduced a bill granting some relief to the woman who nursed her for months. This woman was no relation whatever to the pensioner, but nursed her and cared for her during a long sickness and expended a large amount of money in her behalf. The Pension Bureau, after investigating the matter for a long while, said, "We do not owe you anything; we can not pay you anything, and your remedy is a special bill." So I introduced the bill. I filed affidavit after affidavit to show the justice of the claim, but I have never heard anything about it. I

would like now and then, just for a change, to get a little recognition from somebody on one of my special bills. I have the highest opinion and regard—and he knows it—for my friend who began in Virginia but now lives in Massachusetts, Chairman UNDERHILL. He is the chairman of the committee, and I know he would like to favor me personally if he could. I want to call his attention to these two meritorious bills and ask him if he can not, out of the bigness of his Virginia heart, at some time give me a favorable report on them.

Mr. UNDERHILL. I suggest that the gentleman come to see me next Saturday morning, when I will talk with him.

Mr. TILLMAN. Talk, CHARLEY, is not what I want. I want my bills of real merit reported.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Joel T. Smith, late postmaster at Chester, Mont., in the sum of $505, due the United States on account of the loss resulting from the closing of the First National Bank, of Chester, Mont.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FIDELITY & DEPOSIT CO. OF MARYLAND

The next business on the Private Calendar was the bill (H. R. 5925) for the relief of the Fidelity & Deposit Co. of Maryland.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem the following-described United States certificates of indebtedness, without interest, in favor of the Fidelity & Deposit Co. of Maryland, without presentation of the said certificates, which have been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *Provided further*, That the said Fidelity & Deposit Co. of Maryland shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said certificates of indebtedness in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness hereafter described: United States certificate of indebtedness No. 9415, for $500, dated December 15, 1921, matured December 15, 1922, interest 4½ per cent per annum; United States certificate of indebtedness No. 9416, for $500, dated December 15, 1921, matured December 15, 1922, interest 4½ per cent per annum; United States certificate of indebtedness No. 18067, for $1,000, dated December 15, 1921, matured December 15, 1922, interest 4½ per cent per annum; United States certificate of indebtedness No. 18068, for $1,000, dated December 15, 1921, matured December 15, 1922, interest 4½ per cent per annum; United States certificate of indebtedness No. 18069, for $1,000, dated December 15, 1921, matured December 15, 1922, interest 4½ per cent per annum; United States certificate of indebtedness No. 11048, for $500, dated June 15, 1922, matured June 15, 1923, interest 3¾ per cent per annum; and United States certificate of indebtedness No. 11049, for $500, dated June 15, 1922, matured June 15, 1923, interest 3¾ per cent per annum.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, without interest, in favor of the Fidelity & Deposit Co. of Maryland, 4½ per cent United States Treasury certificates of indebtedness Nos. 9415 and 9416, in the denomination of $500 each, and Nos. 18067, 18068, and 18069, in the denomination of $1,000 each, series TD–1922, issued December 15, 1921, matured December 15, 1922; also to redeem without interest 3¾ per cent United States Treasury certificates of indebtedness, Nos. 1048 and 1049, in the denomination of $500 each, series TJ–1923, issued June 15, 1922, matured June 15, 1923; the said certificates having been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented and paid: *And provided further*, That the said Fidelity & Deposit Co. of Maryland shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said certificates of indebtedness in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness herein described."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES R. WAREHAM

The next business on the Private Calendar was the bill (H. R. 8808) for the relief of Charles R. Wareham.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This bill is to allow this postmaster $17,204.83. The report states the following:

The money chest setting on top of the safe indicated that an attempt had been made to open the outside door by hammering the safe around the combination, but the door was standing open and the combination and lock were in perfect condition.

That indicates clearly and unmistakably that that door was left unlocked and the combination not put on. In my judgment there was such negligence there that the Government should not be mulcted of $17,000.

Mr. UNDERHILL. If the gentleman will read the beginning of the report he will see this has the favorable recommendation of the department.

Mr. BLANTON. I know; and I want to say that the Post Office Department recently has made a favorable report in many cases where in years past there have been unfavorable recommendations.

Mr. UNDERHILL. I was going to refer the gentleman to reports made in the past, that where negligence has been shown the Post Office Department has been very loath indeed to give its recommendation to the passage of a relief bill.

Mr. BLANTON. I am afraid the present Postmaster General, who is an awfully fine fellow personally, is very prone to forgive his brother Republican postmasters when they are a little negligent. He is pretty generous with them, and he is not holding them down like the department used to hold them down.

Mr. UNDERHILL. I call the gentleman's attention to the fact that the gentleman who reports this bill is perhaps a little without the pale of the Republican Party. We never ask whether they are Democrats or Republicans.

Mr. BLANTON. I know that, and if I had not noticed that clause in the report I would have let the matter go by. But that clearly and unmistakably shows the combination was not on. If they had put the combination on maybe the thieves would have been able to break it in or maybe not.

Mr. UNDERHILL. Most of the merchants to-day put a sign on a safe to the effect that "This safe is unlocked; please do not damage."

Mr. BLANTON. But the United States Post Office Department demands that the postmasters lock their safes and put the combinations on, and that is a matter of business precaution they ought to take. For the present I object.

LUC MATHIAS

The next business on the Private Calendar was the bill (H. R. 8886) for the relief of Luc Mathias.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500 as full compensation to Luc Mathias, of Port au Prince, in the Republic of Haiti, on account of injuries and consequent expenses and loss of time suffered by him as the result of being struck by a United States Marine Corps automobile in the city of Port au Prince, Republic of Haiti, on June 25, 1926.

With the following committee amendment:

On page 1, strike out lines 3, 4, and 5, down to and including the word "to," and insert in lieu thereof the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $500 to compensate."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

VICTORINA MESA

The next business on the Private Calendar was the bill (H. R. 8887) for the relief of Victorina Mesa, of Cavite, P. I.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That an appropriation in the sum of $500 be, and the same is hereby, authorized to compensate Victorina Mesa, of Cavite, P. I., for the death of her husband, Lucio Lupisan, pilot of the *Banca Romero*, as a result of collisions of the U. S. S. *Rizal* and *Hart* with said *Banca Romero* in Manila Bay on April 8, 1921.

With the following committee amendment:

Strike out on page 1, line 3, and down to the word "authorized," in line 4, and insert in lieu thereof the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $500."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. L. SINK

The next business on the Private Calendar was the bill (H. R. 8216) to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge, and to authorize and empower the judge of said court to hear and determine the same.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. I want to ask the gentleman from Virginia why this interference with due process of court and the due order of court?

Mr. MONTAGUE. As the report states, Mr. Speaker, the bankrupt who is making this application is a farmer. He made a complete disclosure of all his property. He, of course, intrusted his case to an attorney, and the attorney, very unfortunately, was taken very ill and was ill for a long time. The bankrupt was surprised in the course of time to find that no application had been made within the period prescribed by law to secure his discharge. So this is simply to modify the statute of limitations and give the court the same power it theretofore had, and it may exercise that power within six months from the date of the approval of the act.

Mr. BLANTON. Mr. Speaker, I want to say to the distinguished gentleman from Virginia that the report of the Department of Justice shows that for the last fiscal year there were 47,758 bankruptcies, totaling $885,557,006. They were $80,000,000 more than the preceding fiscal year, and they were $500,000,000 more than they were 10 years ago. This $85,000,000 of loss annually, as the gentleman from Virginia knows, is passed on to the consumers every year in the cost of their products which the jobbers and wholesalers put on in advance in order to meet this loss. We are constantly enlarging this bankruptcy proceeding, and we ought to stop it.

I do not feel like objecting to this poor farmer getting this relief, but I want to say it is a matter we should give some study.

Mr. MONTAGUE. I agree with the gentleman that the general subject may require much study.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States District Court for the Western District of Virginia is hereby authorized and empowered to permit J. L. Sink, a bankrupt, to file an application for a discharge in bankruptcy in said court at any time within six months from the approval of this act: *Provided*, That it shall be made to appear to the judge of said court that said bankrupt was unavoidably prevented from filing an application within the time limit fixed by the general laws on bankruptcy: *Provided further*, That said application shall be heard and determined according to said bankruptcy laws.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES P. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 4920) authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, is this going to be a precedent for awarding campaign badges to our several thousand marines now over there in this new campaign? If it is, it is a bad precedent. I shall not, however, object to this bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to award a Nicaraguan campaign badge to Capt. James P. Williams, now a captain in the United States Army, Headquarters and Headquarters Troop, One hundred and fifty-sixth Cavalry Brigade, United States Army, reserve, for services rendered the United States Government in the Nicaraguan campaign of 1912 and 1913: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued by virtue of the passage of this act.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN R. BUTLER

The next business on the Private Calendar was the bill (H. R. 8987) for the relief of John R. Butler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John R. Butler, who was a member of Company I, Seventh Regiment Tennessee Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of December, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ARTHUR L. HECYKELL

The next business on the Private Calendar was the bill (H. R. 3721) for the relief of Arthur L. Hecykell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, I see that the beneficiary of this bill was a machinist in the United States Navy and was retired as a machinist. The purpose of the bill will be to require the Secretary of the Navy to appoint him to the position of lieutenant in the Navy and then retire him at that grade. The Secretary of the Navy has reported adversely on the bill in the following language:

In view of the foregoing and for the further reasons that the proposed legislation is individual in character and is not for the general good of the naval service, the Navy Department recommends against the enactment of the bill H. R. 3721.

It appears that there were several other men formerly in the service retired that would have as much right to demand this benefit as this petitioner. If the Congress grants it to one it ought to grant it to all in the same situation. For that reason I object.

RUSSELL H. LINDSAY

The next business on the Private Calendar was the bill (H. R. 4302) for the relief of Russell H. Lindsay.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, the report of the Secretary of the Navy shows that he submitted this bill to the Bureau of the Budget, and General Lord reported to him unfavorably. The Secretary says:

For the reason above set forth and for the further fact that this proposed legislation is individual in character and is not for the general good of the naval service, the Navy Department recommends that the bill H. R. 4302 be not enacted.

For that reason I object.

CHARLES ROBERT O'LEARY

The next business on the Private Calendar was the bill (H. R. 4767) for the relief of Paymaster Charles Robert O'Leary, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I call attention to the report of the Secretary of the Navy Curtis D. Wilbur, which says:

In view of the foregoing, and for the further reasons that the proposed legislation is not for the general good of the naval service, and would encourage others to seek similar legislation, the Navy Department recommends that this bill be not enacted.

For that reason, I object.

Mr. DARROW. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. BLANTON. Oh, it is near adjournment time.

Mr. DARROW. Yes; but this does not entail any additional expenditure.

Mr. BLANTON. I am backing up your Secretary of the Navy.

Mr. DARROW. I realize that. This bill merely permits further examination, and if he passes it then to grant him this rank.

Mr. BLANTON. If the gentleman from Pennsylvania will tell the House what he has done with that farmers' petition that was as big as a box car, which was presented to him by the farmers of the United States, then I might withdraw my objection.

Mr. DARROW. I am sure that the same farmers that backed that proposition would back this proposition if the gentleman would permit it to go through.

Mr. BLANTON. No; oh, no. Mr. Speaker, I object.

FRANK STINCHCOMB

The next business on the Private Calendar was the bill (H. R. 6194) for the relief of Frank Stinchcomb.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act for the relief of Frank Stinchcomb, approved June 6, 1924 (43 Stat. L. 1374), be amended by adding thereto the following: "*Provided*, That if appointed a lieutenant in the regular Navy, he shall be entitled to count all service which he would have been entitled to count had he been appointed a lieutenant in the United States Navy under the act of June 4, 1920, for pay and all other purposes."

Mr. BLACK of Texas. Mr. Speaker, at the end of the bill I move to strike out the period and insert a colon and add the following, which I send to the desk and ask to have read.

The SPEAKER pro tempore. Is this the same amendment that we have adopted to several of these bills?

Mr. BLACK of Texas. It is in a little different language, because the language so used is not necessary in this case, but the language that I propose is suggested by the Director of the Budget.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: At the end of the bill insert the following: "*Provided*, That no back pay or allowances shall accrue to this officer by reason of the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH M. BLACK

The next business on the Private Calendar was the bill (H. R. 9151) for the relief of Joseph M. Black.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws conferring rights upon honorably discharged soldiers, their widows and dependent relatives, Joseph M. Black shall hereafter be held and considered to have been in the military service of the United States as a private in Company I, Fifty-eighth Regiment Indiana Volunteer Infantry, from December 3, 1861, and to have been honorably discharged October 24, 1862: *Provided*, That no back pay, back pension, or other allowance shall accrue by reason of the passage of this act.

With the following committee amendment:

Page 1, line 10, strike out the words "that no back pay, back pension, or other allowance shall accrue by reason of the passage of this act" and insert in lieu thereof the following: "that no back pay, pension, bounty, or allowances shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LUCY B. KNOX

The next business on the Private Calendar was the bill (H. R. 1406) granting six months' pay to Lucy B. Knox.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, there is a report here on this bill from the Secretary of the Navy, Mr. Wilbur, in which he says that the Budget Bureau has indicated that it would approve an unfavorable report on the bill. The Secretary recommends that the bill be not enacted, and he does that over his own signature; therefore I object.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. LINTHICUM. This bill has passed twice.

Mr. BLANTON. I know; but I am backing up the Secretary of the Navy.

Mr. VINSON of Georgia. We are all hoping that the gentleman will continue to back him up when he is right.

Mr. BLANTON. I shall not back him up on a big Navy, but I will on saving money.

Mr. VINSON of Georgia. The trouble about the gentleman is that he is entirely inconsistent in his conduct. Things on which he should back him up he does not, and things on which he should disagree with him he does not. Of course, the department says that this bill is in the interest of one individual. All of these bills are in behalf of some individual, and the department as a policy disagrees. But there is merit in this case, and the committee does not agree with the conclusions of the Secretary.

Mr. BLANTON. Mr. Speaker, as this is provocative of so much argument, I make the point of order that there is no quorum present.

Mr. VINSON of Georgia. Oh, I will withdraw my argument, if the gentleman does that.

Mr. BLANTON. I know; but there is only a handful of us here, and I have been on watch for four and three-fourths hours constantly, and a few of us can not do it all.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. VINSON of Georgia. Mr. Speaker, I insist on the regular order, which is: Is there objection?

Mr. BLANTON. The regular order is that we have not a quorum.

Mr. TILSON. Then let us get a quorum.

The SPEAKER pro tempore. It is quite evident that there is no quorum present.

Mr. BLANTON. Let us get a new shift; this shift has worked long enough.

Mr. TILSON. Mr. Speaker, I move a call of the House.

Mr. BLANTON. I second the motion.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant-at-Arms will bring in absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll call 19]

Aldrich	Bushong	Curry	Freeman
Allen	Byrns	Davey	French
Anthony	Carley	Dempsey	Frothingham
Aswell	Carter	Dickstein	Fulbright
Auf der Heide	Cartwright	Doughton	Gallivan
Ayres	Casey	Douglas, Ariz.	Gifford
Bacon	Christopherson	Douglass, Mass.	Golder
Bankhead	Clague	Doutrich	Goldsborough
Beck, Pa.	Clarke	Doyle	Goodwin
Berger	Connally, Tex.	Driver	Graham
Bohn	Connery	Eaton	Hadley
Boles	Cooper, Ohio	Elliott	Hall, N. Dak.
Brand, Ohio	Crisp	Evans, Mont.	Hancock
Britten	Crowther	Foss	Hardy

Hastings	Kunz	Oliver, N. Y.	Sumners, Tex.
Haugen	Kvale	Palmer	Sweet
Hawley	Lampert	Parker	Swick
Hersey	Lea	Parks	Swing
Hoch	Leatherwood	Porter	Taber
Hope	Leech	Pou	Tatgenhorst
Houston	Lindsay	Pratt	Taylor, Colo.
Howard, Okla.	Lyon	Purnell	Taylor, Tenn.
Hudson	McClintic	Ramseyer	Thompson
Hudspeth	McDuffie	Reece	Timberlake
Hughes	McMillan	Reed, N. Y.	Tinkham
Hull, Morton D.	McSwain	Sabath	Treadway
Hull, Tenn.	MacGregor	Sanders, N. Y.	Tucker
Igoe	Major, Mo.	Sandlin	Updike
Irwin	Manlove	Schafer	Weaver
Jacobstein	Martin, La.	Sears, Fla.	Welch, Calif.
James	Menges	Sears, Nebr.	Weller
Jeffers	Merritt	Selvig	Welsh, Pa.
Johnson, S. Dak.	Michaelson	Shreve	Williams, Tex.
Kearns	Mooney	Sirovich	Williamson
Kelly	Moore, N. J.	Smith	Wilson, La.
Kendall	Morgan	Spearing	Wilson, Miss.
Kent	Nelson, Me.	Sproul, Ill.	Wingo
Kerr	Nelson, Wis.	Steagall	Winter
Kiess	Newton	Stobbs	Wood
Kincheloe	Norton, N. J.	Strong, Kans.	Woodruff
Kindred	O'Connor, N. Y.	Strong, Pa.	Woodrum
King	Oldfield	Strother	Yates
Knutson	Oliver, Ala.	Sullivan	Zihlman

The SPEAKER pro tempore. Two hundred and sixty-three Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The gentleman from Connecticut moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The question is, Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker, because the Secretary of the Navy disapproves.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

VINCENTIA V. IRWIN

The next business on the Private Calendar was the bill (H. R. 2494) granting six months' pay to Vincentia V. Irwin.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. For the same reason I object to that.

The SPEAKER pro tempore. The gentleman from Texas objects. The Clerk will report the next bill.

KENNETH M. ORR

The next business on the Private Calendar was the bill (H. R. 4014) for the relief of Kenneth M. Orr.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object for the same reason.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

CLIFFORD J. SANGHOVE

The next business on the Private Calendar was the bill (H. R. 3442) for the relief of Clifford J. Sanghove.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to cancel the claim of the United States against Clifford J. Sanghove, lieutenant, United States Naval Reserve Force, retired, in the sum of $1,067.46 erroneously paid to him.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

MAJ. CHAUNCEY S. M'NEILL

The next business on the Private Calendar was the bill (H. R. 9149) for the relief of Maj. Chauncey S. McNeill.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I reserve the right to object. Mr. Hanford MacNider, Acting Secretary of War, recommends the following:

I recommend that S. 1573 be not favorably considered by your committee, and be not enacted into law.

The SPEAKER pro tempore. The bill now before the House is House bill 9149.

Mr. BLANTON. S. 1573 is the same bill—identical. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

JAMES GOLDEN

The next business on the Private Calendar was the bill (H. R. 7107) for the relief of James Golden.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That hereafter James Golden, who was transferred to the retired list of the United States Navy on April 27, 1916, while holding the rating of chief master at arms, acting appointment, shall be held and considered to have been retired on said date while holding a permanent appointment in said rating: *Provided,* That the same James Golden shall not be entitled to any back pay or allowance by reason of the passage of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES JAMES ANDERSON

The next business on the Private Calendar was the bill (H. R. 4766) for the relief of Charles James Anderson, former commander, United States Naval Reserve Force.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I reserve the right to object. The Secretary of the Navy, Curtis D. Wilbur, recommends that the bill be not enacted. On that recommendation I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

CHARLES F. GETCHELL

The next business on the Private Calendar was the bill (H. R. 8444) for the relief of Charles F. Getchell.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman withhold for a moment?

Mr. BLACK of Texas. Yes.

Mr. McLAUGHLIN. Getchell is dead. There will be no opportunity, of course, for him to receive any pension or gratuity of any kind. His family presents this. No one of his family, as I understand, is or will be entitled to a pension on account of his service in the Civil War; but from a feeling of pride they ask that the record be corrected.

Mr. BLACK of Texas. I had the impression that I had this bill marked for objection, but I find I did not have it so marked. I will be very glad to withdraw my objection.

The SPEAKER pro tempore. Objection is withdrawn. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Charles F. Getchell, who served in Company B, Forty-seventh Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States: *Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment, as follows:

In line 9, after the word "pay," insert the word "bounty."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LOUIS MARTIN

The next business on the Private Calendar was the bill (H. R. 8789) for the relief of Louis Martin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Louis Martin, who was a member of Company B, Eleventh Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 31st day of January, 1900: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FREDERICK SPARKS

The next business on the Private Calendar was the bill (H. R. 8790) for the relief of Frederick Sparks.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Frederick Sparks, who was a member of Company E, Forty-third Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

E. C. CALLAHAN

The next business on the Private Calendar was the bill (H. R. 9161) authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I reserve the right to object. I have not had an opportunity to read the report in this case, but it seems to be one of those cases where a man is being taken up who has retired voluntarily from the service and Congress is authorizing him to be reappointed in the Army. If the chairman of the Committee on Military Affairs or the gentleman who reported this bill are here, I would like to see if they can give us some information about this particular bill. In view of the fact that no one is here who seems to be able to give that information, I ask that it be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

FAYETTE L. FROEMKE

The next business on the Private Calendar was the bill (H. R. 548), for the relief of Fayette L. Froemke.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. The Secretary of the Navy, Hon. Curtis D. Wilbur, recommends that this bill be not enacted, and upon his recommendation I object.

MARIA J. M'SHANE

The next business on the Private Calendar was the bill (H. R. 1405) granting six months' pay to Maria J. McShane.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, may I inquire of the gentleman from Maryland whether or not this is a companion bill to the Lucy B. Knox bill?

Mr. VINSON of Georgia. No. This bill is to permit the department to designate the beneficiary of the officer, he having failed to do so in his lifetime.

Mr. BLACK of Texas. I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay out of the appropriation "Pay of the Navy, 1927," to Maria J. McShane, dependent mother of the late Ensign Julian J. McShane, United States Navy, who was drowned at Wilmington, Calif., on October 9, 1926, an amount equal to six months' pay at the rate said Julian J. McShane was entitled to receive at the date of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN P. HOLLAND

The next business on the Private Calendar was the bill (H. R. 4066) to place John P. Holland on the retired list of the United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. The Secretary of the Navy, Hon. Curtis D. Wilbur, recommends that this bill be not enacted, and on that recommendation I object.

FREDERICK D. W. BALDWIN

The next business on the Private Calendar was the bill (H. R. 4931) for the relief of Frederick D. W. Baldwin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. The Secretary of the Navy makes the same recommendation, that this bill be not enacted, and upon that recommendation I object.

ACCEPTANCE OF DECORATIONS, ORDERS, AND MEDALS BY CERTAIN OFFICERS OF THE UNITED STATES NAVY AND MARINE CORPS

The next business on the Private Calendar was the bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-named officers of the United States Navy and Marine Corps are hereby authorized to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered:

United States Navy: Vice Admiral G. H. Burrage, Rear Admiral H. P. Jones, Rear Admiral P. Andrews, Rear Admiral C. F. Hughes, Rear Admiral T. P. Magruder, Rear Admiral W. C. Cole, Rear Admiral J. H. Dayton, Rear Admiral Y. Stirling, jr., Rear Admiral A. P. Niblack, retired, Rear Admiral R. Welles, retired, Capt. C. A. Abele, Capt. T. L. Johnson, Capt. H. E. Lackey, Capt. S. W. Bryant, Capt. C. S. Freeman, Capt. K. G. Castleman, Capt. F. T. Evans, Capt. H. K. Cage, Capt. A. Andrew, Capt. D. C. Hanrahan, retired, Capt. F. B. Freyer, Capt. W. F. Halsey, jr., Capt. D. W. Bagley, Capt. C. H. Woodward, Commander A. T. Church, Commander H. Delano, Commander W. L. Beck, Commander R. A. Spruance, Commander A. G. Stirling, Commander W. T. Smith, Commander J. F. Shafroth, jr., Commander J. James, Commander G. H. Laird, Lieut. Commander M. Collins, Lieut. Commander J. M. Deem, Lieut. Commander J. R. Peterson, jr., Lieut. Commander A. Macomb, Lieut. Commander H. F. Kingman, Lieut. Commander W. S. Haas, Lieut. Commander D. C. Ramsey, Lieut. Commander A. W. Dunn, jr., Lieut. Commander H. O D. Hunter, Lieut. Commander G. E. Brandt, Lieut. Commander W. C. Hayes, Lieut. R. Weller, Lieut. B. T. Talbott, Lieut. D. L. Maderia, Lieut.

R. A. Ofstie, Lieut. W. A. Brooks, Capt. C. S. Butler (Medical Corps), Capt. J. S. Woodward (Medical Corps), Capt. A. B. Clifford (Medical Corps), Commander M. Boland (Medical Corps), Commander R. H. Laning (Medical Corps), Lieut. Commander P. W. Wilson (Medical Corps), Lieut. Commander R. W. Hutchinson (Medical Corps), Rear Admiral S. McGowan (Supply Corps), retired, Capt. D. Potter (Supply Corps), Capt. N. B. Farwell (Supply Corps), Capt. J. D. Robnett (Supply Corps), Capt. E. D. Stanley (Supply Corps), Capt. W. J. Hine (Supply Corps), Commander Eugene H. Tricou (Supply Corps), Commander R. E. Tod, United States Naval Reserve, and Commander J. L. Callan, United States Naval Reserve.

United States Marine Corps: Col. Julius S. Turrill, Col. Douglas C. MacDougal, Lieut. Col. James K. Tracy, Lieut. Col. James J. Meade, Maj. Calvin B. Matthews, Maj. Samuel M. Harrington, Maj. Alexander A. Vandegrift, Maj. Harry L. Smith, Maj. William H. Rupertus, Maj. Allen H. Turnage, Capt. William F. Beattie, Capt. Louis J. Hughes, and Marine Gunner Theodore C. Laitsch.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES H. SEND

The next business on the Private Calendar was the bill (S. 440) for the relief of Charles H. Send.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to amend the homestead entry of Charles H. Send, made March 20, 1924, so as to describe lot 3, section 14, township 4 south of range 15 west, of the Tallahassee meridian, Florida, containing 80 acres, in lieu of the subdivision now embraced therein, and to accept the commutation proof submitted by said Send on October 8, 1925, if found otherwise satisfactory, upon payment for the land at the rate of $1.25 per acre.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK HARTMAN

The next business on the Private Calendar was the bill (H. R. 6569) for the relief of Frank Hartman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank Hartman, of Curlew, Wash., the sum of $97.08.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, $97.08 for the payment of said sum to said Frank Hartman, as provided in the foregoing section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

KATIE CASSIDAY

The next business on the Private Calendar was the bill (H. R. 4126), authorizing the Secretary of the Interior to issue a patent to Katie Cassiday for a certain tract of land.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to Katie Cassiday for Great Falls desert land entry 054131, embracing lots 3 and 6, and the southeast quarter northwest quarter section 7, township 26 north, range 43 east, principal meridian.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH S. CARROLL

The next business on the Private Calendar was the bill (H. R. 2477) for the relief of Joseph S. Carroll.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. The Secretary of the Navy, Hon. Curtis D. Wilbur, reports that this bill will cost the Government $1,247.40 per annum and he refuses to recommend it. I therefore object to its consideration.

IDA F. BAUM

The next business on the Private Calendar was the bill (H. R. 766) for the relief of Ida F. Baum.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ida F. Baum the sum of $5,000 for damages suffered by reason of her daughter, Lillian J. Leffard, being struck and fatally injured by a Government automobile, which was driven by a civilian employee of the Ordnance Bureau of the United States Army.

With the following committee amendment:

In line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JENNIE ROLL

The next business on the Private Calendar was the bill (H. R. 926) for the relief of Jennie Roll.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there shall be paid to Jennie Roll, out of any money in the Treasury not otherwise appropriated, the sum of $500, being the amount of eight vouchers for $50 each received by her late husband, T. E. Roll, for services rendered the Government as carrier on the star mail route out of Ross, Ohio, and which were uncashed at the time of his death and $50 per month for the two months immediately preceding his death, for which no vouchers were received by him.

With the following committee amendments:

Strike out, on page 1, lines 3, 4, and 5, and insert: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $517.64, being the amount of vouchers amounting to $404.31, received"; and on page 2, in line 1, strike out "$50 per month" and insert in lieu thereof "$113.33," and in line 3 insert, after the word "death," the words "during which he performed such services."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the able.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum. I think we ought to have a new shift. Just a few of us can not do all of the work here in one day. We are passing these bills entirely too fast.

Mr. TILSON. Mr. Speaker, the gentleman will realize that it was at his demand that a roll call was had a few minutes ago when it lacked only 15 minutes until 5 o'clock. I had given my word that we should try to run until 5 o'clock in order to dispose of a number of bills in which Members of the House are deeply interested. The gentleman from Texas objected to that program and demanded a quorum.

Mr. BLANTON. Which is the constitutional right I possess.

Mr. TILSON. It is.

Mr. BLANTON. It is the constitutional right of any Member to require a quorum present.

Mr. TILSON. It is.

Mr. BLANTON. Especially when he has worked constantly here since 12 o'clock, with important bills being passed in a quarter of a minute.

Mr. TILSON. The gentleman was entirely within his rights, but the gentleman realizes that it is not at all necessary for the entire membership to be present when he and others are present who are studying these bills all the time in order that they may be carefully considered. It often happens, as the gentleman knows, that we transact business without the entire membership of the House being on the floor. The gentleman has seen fit to require that a quorum be present. With the calling of the roll we have now consumed 40 minutes of time and have almost put in the 15 minutes, which the gentleman refused to allow us to put in before 5 o'clock.

Mr. BLANTON. And therefore——

Mr. TILSON. "And therefore" having proceeded for 15 minutes, if the gentleman insists that we can not work any longer to-night——

Mr. BLANTON. I will say to the gentleman from Connecticut if he will stay here until 6 o'clock I will stay here with him and finish the calendar. The gentleman does not want to do that.

Mr. TILSON. No; I should like to go down to Calendar No. 203.

Mr. BLANTON. I shall not object. Let us proceed.

Mr. TILSON. Because the bills put on the calendar after January 23 have not been on the calendar for three days, and for that reason in analogy to the Consent Calendar.

Mr. BLANTON. I am willing to go on. I ask for the regular order.

Mr. TILSON. In analogy to the Consent Calendar I think that we should not consider bills that have been reported since January 23.

Mr. BLANTON. Let us proceed. I am willing.

Mr. TILSON. The gentleman withdraws his point of no quorum?

Mr. BLANTON. Yes.

SCHOONER "SENTINEL"

The next business on the Private Calendar was the bill (H. R. 2138) for the relief of the owner of the schooner *Sentinel*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Capt. Louis P. Sunderland, owner of the schooner *Sentinel*, the sum of $77.60 for cost of repair to said schooner *Sentinel*, which was damaged by collision with the United States Coast Guard cutter *Smith* on March 21, 1925.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

OWNERS OF SCHOONER "WILLIAM MELBOURNE"

The next business on the Private Calendar was the bill (H. R. 3971) for the relief of the owners of the schooner *William Melbourne*.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the William Melbourne Navigation Co. (Ltd.), a corporation under the laws of the Province of Nova Scotia, Dominion of Canada, owners of the schooner *William Melbourne*, against the United States for damages alleged to have been caused by a collision between said schooner and the U. S. S. *W. L. Stead*, off Stapleton, Staten Island, N. Y., on the 19th day of April, 1919, may be sued for by the said owners in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree therein for the amount of such damages not to exceed $5,000 sustained by reason of said collision as shall be found to be due either for or against the United States upon the same principles and measures of liability and damages as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months after the date of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HOWARD V. SLOAN

The next business on the Private Calendar was the bill (H. R. 4393) for the relief of Howard V. Sloan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Howard V. Sloan, the sum of $77.50 for property damages sustained by him to his residence, 507 Union Avenue, Margate City, N. J., by machine-gun bullets fired by members of the United States Coast Guard, who were at the time in the service of and acting for the said United States Coast Guard.

With the following committee amendment:

In line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOSEPHINE THIBODEAUX

The next business on the Private Calendar was the bill (H. R. 8369) for the relief of Josephine Thibodeaux.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to Josephine Thibodeaux, of Los Angeles, Calif., which sum was paid by her to the United States as a bail bond for appearance in court of N. H. Thibodeaux, said bail bond being declared forfeited by the court for nonappearance, but subsequently ordered paid back to said Josephine Thibodeaux through an order of said court vacating the forfeiture of the bail bond, but which amount had been covered into the Treasury of the United States by the clerk of the court.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

STEAMSHIP "TRONTOLITE"

The next business on the Private Calendar was the bill (H. R. 8527) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the charterer of the steamship *Trontolite* against the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

By unanimous consent the Clerk read the amendment to the bill, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the claim of the International Petroleum Co. (Ltd.), of Toronto, Canada, charterer of the tank steamer *Trontolite*, against the United States for damages alleged to have been caused by collision between said steamer *Trontolite* and the United States Navy submarine *C-2* at Cristobal, Canal Zone, on November 30, 1918, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due from the United States to the said International Petroleum Co. (Ltd.) by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States

attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended.

COLLECTION OF TONNAGE TAXES ON VESSELS OPERATED BY THE STANDARD OIL CO.

The next business on the Private Calendar was the bill (H. R. 8529) authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, this bill seeks to permit a refund of $60,283 to the Standard Oil Co. of New Jersey.

Mr. UNDERHILL. That is not what the bill seeks to do.

Mr. BLANTON. That is the amount involved.

Mr. UNDERHILL. What the bill seeks to do is to authorize the Court of Claims to hear the matter, because the department wants the matter adjudicated by the court.

Mr. BLANTON. Without this bill being passed the Standard Oil Co. will not have authority to have it adjudicated. It has had its rights adjudicated.

Mr. UNDERHILL. It has not had its rights adjudicated.

Mr. BLANTON. It seeks to have this amount paid back. It has been collected from it by the Government.

Mr. UNDERHILL. The department wants it as a precedent for other cases.

Mr. BLANTON. I want to say that at this late hour of the day I do not think a bill of this importance ought to be passed, and I object.

ADRIANO CRUCETA

The next business on the Private Calendar was the bill (H. R. 8889) for the relief of Adriano Cruceta, a citizen of the Dominican Republic.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury, not otherwise appropriated, the sum of $1,000 to pay to Adriano Cruceta as compensation for the death of his son at Santo Domingo, Dominican Republic, resulting from shooting by a member of the United States Marine Corps on the 22d day of August, 1923, the payment to be as a matter of grace and without regard to liability for such death.

With the following committee amendments:

Page 1, line 3, strike out "that there is hereby authorized to be appropriated out of any money in the Treasury, not otherwise appropriated," and insert "that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government," and in line 8, after the figures "$1,000," strike out the words "to pay."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SABINO APODACA

The next business on the Private Calendar was the bill (H. R. 4995) for the relief of Sabino Apodaca.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sabino Apodaca, of El Paso, Tex., the sum of $5,000 as remuneration for injuries occasioned by the said Apodaca being run over, maimed, bruised, his leg broken, and serious and probably permanent injuries resulting therefrom, at the hands of one William Pounderf, a sergeant in the United States Army connected with the military police.

With the following committee amendment:

Line 5, after the word "appropriated," insert "and in full settlement against the Government"; and in line 7 strike out "$5,000" and insert "$704."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GASTON M. JANSON

The next business on the Private Calendar was the bill (H. R. 1597) for the relief of Gaston M. Janson.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Gaston M. Janson, who was a member of Ninth Tank Company, Thirteenth Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of January, 1927: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUGUSTUS C. TURNER

The next business on the Private Calendar was the bill (H. R. 3144) to remove cloud on military discharge of Augustus C. Turner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Augustus C. Turner, who was a member of Company F, First Regiment, and Company B, Forty-fourth Regular United States Volunteer Infantry, and Troop M, Thirteenth United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of Troop M, Thirteenth United States Cavalry, on the 14th day of November, 1905: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of Augustus C. Turner."

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.), in accordance with the order heretofore made, the House adjourned until Monday, January 30, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, January 27, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

District of Columbia appropriation bill.

Agriculture Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 383, 358, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON FLOOD CONTROL

(10 a. m. and 2 p. m.—caucus room)

A meeting to discuss proposals to control the flood waters of the Mississippi River.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to discuss the naval building program.

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To discontinue certain reports now required by law to be made annually to Congress (H. R. 8534).

COMMITTEE ON EDUCATION

(10.30 a. m.)

To amend section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867 (H. R. 279).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To incorporate the Federal Reserve retirement fund, to define its functions, and for other purposes (H. R. 4).

COMMITTEE ON ELECTION OF PRESIDENT, VICE PRESIDENT, AND REPRESENTATIVES IN CONGRESS

(10.30 a. m.)

Proposing amendments to the Constitution of the United States providing for the election of President and Vice President, and filling vacancies in the offices thereof, and the terms of such officers and Members of Congress (H. J. Res. 2).

Proposing an amendment to the Constitution of the United States for the election of President and Vice President (H. J. Res. 181).

Providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination (H. R. 7373).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries (H. R. 5494).

COMMITTEE ON PATENTS

(10 a. m.)

To prevent fraud, deception, or improper practice in connection with business before the United States Patent Office (H. R. 5527).

To amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1884 (H. R. 6103).

To authorize the licensing of patents owned by the United States (H. R. 6105).

For Saturday, January 28, 1928

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

Agriculture Department appropriation bill.

COMMITTEE ON FLOOD CONTROL

(10 a. m. and 2 p. m.—caucus room)

A meeting to discuss proposals to control the flood waters of the Mississippi River.

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

(Subcommittee on police and firemen)

To establish a woman's bureau in the Metropolitan police department of the District of Columbia (H. R. 6664).

For Monday, January 30, 1928

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Treasury and Post Office Departments appropriation bill.

(10.30 a. m.)

Department of Agriculture appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON NAVAL AFFAIRS

(10 a. m.)

A meeting to discuss the naval building program.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

322. A letter from the Secretary of the Navy, transmitting copies of letters from the chief clerk of the department with list of board of inspection for shore stations, the joint merchant vessel board, and the Major General Commandant of the United States Marine Corps (with accompanying lists) regarding certain material which the department wishes to destroy under the terms of the Executive order of March 16, 1912; to the Committee on the Disposition of Useless Executive Papers.

323. A letter from the War Finance Corporation, transmitting the tenth annual report of the War Finance Corporation for the year ended November 30, 1927 (H. Doc. No. 138); to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MACGREGOR: Committee on Accounts. H. Res. 101. A resolution to assist subcommittee investigating government of the District of Columbia (Rept. No. 449). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless executive papers in the United States Veterans' Bureau (Rept. No. 454). Ordered to be printed.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless executive papers in the executive departments (Rept. No. 455). Ordered to be printed.

Mr. HALL of Indiana: Committee on the District of Columbia. H. R. 8298. A bill authorizing acquisition of a site for the farmers' produce market, and for other purposes; without amendment (Rept. No. 451). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 9567. A bill to authorize appropriations for construction at Fort Leavenworth, Kans., and for other purposes; with amendment (Rept. No. 452). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 391. A bill to regulate the use of the Capitol Building and Grounds; with amendment (Rept. No. 453). Referred to the House Calendar.

Mr. JAMES: Committee on Military Affairs. H. R. 7752. A bill to limit the issue of reserve supplies or equipment held by the War Department; without amendment (Rept. 456). Referred to the House Calendar.

Mr. MORIN: Committee on Military Affairs. H. R. 6652. A bill to fix the pay and allowances of chaplain at the United States Military Academy; with amendment (Rept. No. 457). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. J. Res. 66. An act authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States

of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924; without amendment (Rept. No. 458). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 5635. A bill to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation; without amendment (Rept. No. 459). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 7903. A bill to authorize the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States; with amendment (Rept. No. 460). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 9036. A bill to increase the salary of the Librarian of Congress; without amendment (Rept. No. 461). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 9994. A bill to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled; without amendment (Rept. No. 462). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 8831. A bill to provide for the collection of fees from royalties on production of minerals from leased Indian lands; without amendment (Rept. No. 463). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 8293. A bill to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913; with amendment (Rept. No. 464). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT. Committee on Indian Affairs. H. R. 8291. A bill to amend section 1 of the act of June 25, 1910 (36 Stat. L., p. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes"; with amendment (Rept. No. 465). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ANDREW: Committee on Naval Affairs. H. R. 1951. A bill granting six months' pay to Frank A. Grab; without amendment (Rept. No. 447). Referred to the Committee of the Whole House.

Mr. DARROW: Committee on Naval Affairs. H. R. 5872. A bill for the relief of William C. Gray; without amendment (Rept. No. 448). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 5930. A bill for the relief of Jesse W. Boisseau; with amendment (Rept. No. 450). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2411) to pay the Pioneer Steamship Co. the sum of $3,100.50, money paid as duty for repairs in foreign ports; Committee on Claims discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 9812) for the relief of Hattie Carnegie (Inc.); Committee on Claims discharged, and referred to the Committee on Ways and Means.

A bill (H. R. 5893) granting a pension to Sarah J. M. Cotton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9734) granting a pension to Dimmis E. Hale; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9899) granting an increase of pension to Clark P. Hoskins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7410) granting a pension to Mathilda H. Byrnes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9933) for the relief of Wynona A. Dixon; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9972) for the relief of Charles Silverman; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RATHBONE: A bill (H. R. 10069) to authorize and direct the construction and maintenance of a memorial highway connecting the city of Mattoon, Ill., with Toledo, Ill., and for other purposes; to the Committee on Roads.

By Mr. BACHMANN: A bill (H. R. 10070) authorizing the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. CONNERY: A bill (H. R. 10071) to amend an act entitled "An act to provide revenue to regulate commerce in foreign countries and to encourage the industries in the United States, and for other purposes," approved September 21, 1922; to the Committee on Ways and Means.

By Mr. DALLINGER: A bill (H. R. 10072) to empower the Secretary of the Navy to issue certain Navy medals of honor of new design; to the Committee on Naval Affairs.

By Mr. JENKINS: A bill (H. R. 10073) to change the name of Railroad Avenue between Nichols Avenue and Massachusetts Avenue; to the Committee on the District of Columbia.

By Mr. KIESS: A bill (H. R. 10074) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate; to the Committee on Insular Affairs.

By Mr. BLAND: A bill (H. R. 10075) for the improvement of Cockrell Creek, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10076) to acquire the Moore House and certain other property at Yorktown, Va., and establish the same as a national monument; to the Committee on the Library.

By Mr. HOWARD of Oklahoma: A bill (H. R. 10077) to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians, proclaimed October 14, 1868; to the Committee on Indian Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 10078) to provide for the deportation of certain aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. MAJOR of Missouri: A bill (H. R. 10079) providing for the inspection of the Wilson Creek (Mo.) battle field; to the Committee on Military Affairs.

By Mrs. NORTON of New Jersey: A bill (H. R. 10080) for the construction of a private conduit across Lincoln Road NE., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KELLY: A bill (H. R. 10081) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. LaGUARDIA: A bill (H. R. 10082) defining combinations and conspiracies in trade and labor disputes and prohibiting the issuance of injunctions therein; to the Committee on the Judiciary.

By Mr. MADDEN: A bill (H. R. 10083) to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs; to the Committee on Ways and Means.

By Mr. MAJOR of Missouri: A bill (H. R. 10084) regulating pensions and increase of pensions to soldiers, sailors, and marines of the Civil War, and to certain widows of said soldiers, sailors, and marines, and for other purposes; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 10085) for the relief of the Nez Perce Tribe of Indians; to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 10086) providing for the creation of a national park in Marion County, Oreg., to be known as the Silver Creek Falls National Park, and authorizing the appropriation of money therefor; to the Committee on the Public Lands.

By Mr. CELLER: A bill (H. R. 10087) to prevent obstruction and burdens upon interstate trade and commerce in copyrighted motion-picture films, and to prevent the restraint upon the free competition in the production, distribution, and exhibition of copyrighted motion-picture films, and to prevent the further monopolization of the business of producing, distributing, and

exhibiting copyrighted motion pictures, by prohibiting blind booking and block booking of copyrighted motion-picture films and by prohibiting the arbitrary allocation of such films by distributors to theaters in which they or other distributors have an interest, direct or indirect, and by prohibiting the arbitrary refusal to book or sell such films to exhibitors in which they have no such interest; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH: A bill (H. R. 10088) to authorize the Secretary of the Interior to convey certain water rights in connection with the Boise reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. EDWARDS: A bill (H. R. 10089) authorizing the States of Georgia and South Carolina to construct, maintain, and operate a free highway bridge across the Savannah River, at or near Burtons Ferry, to connect up the highway between Allendale, S. C., and Sylvania, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. SPROUL of Kansas: A bill (H. R. 10090) to amend certain portions of the national prohibition act and providing executive and judicial laws for the enforcement thereof; to the Committee on the Judiciary.

By Mr. GREENWOOD: Joint resolution (H. J. Res. 184) designating May 1 as child health day; to the Committee on Education.

By Mr. JOHNSON of Washington: Resolution (H. Res. 103) authorizing a special committee to investigate matters relating to interstate highways; to the Committee on Rules.

By Mr. MACGREGOR: Resolution (H. Res. 104) to pay six months' salary and funeral expenses to Erma Russell on account of the death of Aaron Russell, late an employee of the House; to the Committee on Accounts.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. O'CONNELL: Memorial of the Legislature of the State of South Carolina, favoring the passage of the disabled emergency Army officers' retirement bill; to the Committee on Military Affairs.

By Mr. COLLIER: Memorial of the Legislature of the State of Mississippi, memorializing Congress to take over and assume flood control on the Mississippi River; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 10091) granting a pension to Rebecca Dennis; to the Committee on Pensions.

By Mr. ACKERMAN: A bill (H. R. 10092) authorizing a preliminary examination and survey of the Elizabeth River, N. J.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10093) for the relief of Ferdinand Young, alias James Williams; to the Committee on Military Affairs.

By Mr. ARNOLD: A bill (H. R. 10094) granting an increase of pension to Jennie R. Jennings; to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 10095) for the relief of David Myerle, as executor of the last will and testament of Phineas Burgess, deceased; to the Committee on Claims.

Also, a bill (H. R. 10096) granting an increase of pension to Henrietta H. Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10097) granting a pension to Lillie Corwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10098) granting an increase of pension to Anna G. Mitchell; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 10099) to provide for an examination and survey of Wind Mill Point Creek, Lancaster County, Va., and of the channel connecting said creek with the Rappahannock River; to the Committee on Rivers and Harbors.

By Mr. BULWINKLE: A bill (H. R. 10100) for the relief of Willie L. Stone; to the Committee on Claims.

By Mr. CELLER: A bill (H. R. 10101) for the relief of Herman Shulof; to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 10102) granting an increase of pension to Florence J. Chapin; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 10103) granting a pension to Mary J. Brown; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 10104) for the relief of Millard Thorne, sr.; to the Committee on Claims.

By Mr. HALL of Indiana: A bill (H. R. 10105) granting an increase of pension to Elizabeth Havens; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 10106) granting a pension to Anna Seacour; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 10107) for the relief of Jessie Taylor; to the Committee on Claims.

By Mr. JAMES: A bill (H. R. 10108) granting a pension to Julia G. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10109) granting a pension to Mrs. Sesurea R. Therrien; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 10110) granting an increase of pension to Julia A. Queen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10111) for the relief of Martin J. Hayes; to the Committee on Claims.

By Mr. KELLY: A bill (H. R. 10112) for the relief of Walter A. Zinkham; to the Committee on Claims.

By Mr. KOPP: A bill (H. R. 10113) granting an increase of pension to Margery Trimmer; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 10114) granting an increase of pension to Mary E. Short; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10115) granting an increase of pension to Harriet N. Gates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10116) granting a pension to Martha Hinkel; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 10117) granting a pension to Gallico Thompson; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 10118) for the relief of the city of Baltimore; to the Committee on War Claims.

By Mr. MACGREGOR: A bill (H. R. 10119) granting a pension to Thomas J. Tigue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10120) granting an increase of pension to Nellie M. Stern; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 10121) granting a pension to Martha E. McAllister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10122) granting an increase of pension to Phyletta Manning; to the Committee on Invalid Pensions.

By Mr. MICHENER: A bill (H. R. 10123) granting an increase of pension to Mary L. Nickloy; to the Committee on Invalid Pensions.

By Mr. MOORE of New Jersey: A bill (H. R. 10124) for the relief of Charles Edward Bailey; to the Committee on War Claims.

By Mr. PALMER: A bill (H. R. 10125) for the relief of Leo Scheuren; to the Committee on Claims.

Also, a bill (H. R. 10126) for the relief of Loretta Pepper, of Ashland, Pa.; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 10127) granting an increase of pension to Elizabeth J. Stacy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10128) granting an increase of pension to Rachel Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10129) granting an increase of pension to Louise E. Van Norden; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 10130) authorizing and directing the Secretary of the Interior to issue a patent to E. L. Johnson and A. L. Johnson, of Hawthorne, Fla.; to the Committee on Claims.

By Mr. SMITH: A bill (H. R. 10131) authorizing the Secretary of the Interior to issue a patent to Jessie L. Keogh; to the Committee on the Public Lands.

Also, a bill (H. R. 10132) authorizing the Secretary of the Interior to issue patent to Thomas J. Keogh; to the Committee on the Public Lands.

By Mr. WELLER: A bill (H. R. 10133) granting a pension to Kathryn McCarthy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10134) granting an increase of pension to Henrietta A. Forbes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10135) granting an increase of pension to Ruth E. Hering; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 10136) granting an increase of pension to Antoinette A. Darnell; to the Committee on Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 10137) for the relief of Charlie Rupert Steen; to the Committee on Naval Affairs.

Also, a bill (H. R. 10138) granting an increase of pension to Rhoda I. Ackerman; to the Committee on Invalid Pensions.

By Mr. WHITEHEAD: A bill (H. R. 10139) for the relief of Edmund F. Hubbard; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2555. By Mr. ALDRICH: Petition of James T. McAllister and 142 other residents of Providence, R. I., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2556. By Mr. ANTHONY: Petition by business men and citizens of Leavenworth, Kans., urging the passage of House bill 6518, the Welch salary increase bill, and House bill 492, a bill to abolish the classification board; to the Committee on the Civil Service.

2557. Also, petition by civilian employees of the Government at Leavenworth, Kans., and vicinity, urging passage of House bills 492 and 6518; to the Committee on the Civil Service.

2558. By Mr. ARNOLD: Petition from citizens of Robinson, Ill., urging control of the radio situation; to the Committee on the Merchant Marine and Fisheries.

2559. By Mr. AYRES: Petition of citizens of Conway Springs, Kans., in behalf of Civil War pension legislation; to the Committee on Invalid Pensions.

2560. By Mr. BACON: Petition of numerous citizens of Queens County, State of New York, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2561. Also, petition from sundry citizens of Long Island, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2562. By Mr. BARBOUR: Resolution adopted by the Sanger Chamber of Commerce, Sanger, Calif., protesting against the placing of Mexican immigration upon a quota basis; to the Committee on Immigration and Naturalization.

2563. By Mr. BOIES: Petition signed by citizens of Rodney, Monona County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2564. By Mr. BLOOM: Petition of A. P. Waxman and other citizens of New York City, who add their protest to the Sunday bill; to the Committee on the District of Columbia.

2565. By Mr. BUCKBEE: Petition of E. R. Kuhn, of Grand Ridge, Ill., and 200 other citizens of Illinois, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2566. By Mr. CARLEY: Petition signed by Jennie H. Osberg and 62 other residents of Brooklyn, N. Y., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

2567. By Mr. CARTER: Petition of Charles D. Carroll, manager American Theater, of Oakland, Calif., and many others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2568. Also, petition of Franklin P. Law and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2569. Also, petition of B. B. Fox and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2570. Also, petition of F. W. McMahon and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2571. Also, petition of Miss Amelia Jamison and many others, of Alameda, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2572. Also, petition of Grant V. Peterson and many others, of Alameda, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2573. Also, petition of J. M. Reid and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2574. Also, petition of F. Barry and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2575. Also, petition of Frederick O. Britton and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2576. Also, petition of Miss Gladys Munroe and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2577. Also, petition of Leonard Devine and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2578. Also, petition of Dominick P. Isabella and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2579. Also, petition of Arthur Larson and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2580. Also, petition of W. A. Leonard and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2581. Also, petition of L. H. Frick and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2582. Also, petition of Dan McLean, manager Grand Lake Theater, Oakland, Calif., and hundreds of others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2583. Also, petition of A. N. Burgess and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2584. Also, petition of Thomas Castberg and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2585. Also, petition of Thomas F. Higgins and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2586. Also, petition of Mrs. Eleanor Nichols and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2587. Also, petition of J. S. Overmire and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2588. Also, petition of E. B. Heathcote and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2589. Also, petition of Mrs. M. Bunsteiner and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2590. Also, petition of E. L. Peters and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2591. Also, petition of William Cooper and many others, of Alameda, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2592. Also, petition of Mrs. D. F. Wright and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2593. Also, petition of F. C. Lentz and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2594. Also, petition of T. H. Jensen and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2595. Also, petition of D. A. Bucknell and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2596. Also, petition of Joe McCann and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2597. Also, petition of William Froines and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2598. Also, petition of William Hopkins and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2599. Also, petition of Eyner Hausen and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2600. Also, petition of G. E. Allen and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2601. Also, petition of F. Martino and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2602. Also, petition of Miss Carrie Gardner and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2603. Also, petition of F. Ortman and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2604. Also, petition of Paul Andersen and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2605. Also, petition of Fred H. Otto and many others, of Berkeley, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2606. Also, petition of F. W. Bratten and many others, of Oakland, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2607. Also, petition of Leon Sovignac and many others, of Alameda, Calif., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

2608. By Mr. CHALMERS: Petition signed by constituents of Toledo, Ohio, against compulsory Sunday observance; to the Committee on the District of Columbia.

2609. Also, petition signed by constituents of Martin, Oak Harbor, and Port Clinton, Ohio, against compulsory Sunday observance; to the Committee on the District of Columbia.

2610. By Mr. DICKINSON of Missouri: Petition by certain citizens of Warrensburg, Mo., advocating the passage of a Civil War pension bill for the benefit of veterans and widows of that war; to the Committee on Invalid Pensions.

2611. By Mr. ENGLEBRIGHT: Petition of F. B. Armitage and other citizens of Yreka, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2612. Also, petition of citizens of Quincy, Eagleville, and Truckee, Calif., protesting against the Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2613. By Mr. GALLIVAN: Petition of Lieutenant Nathaniel Bowditch Camp, No. 30, Sons of Union Veterans of the Civil War, Roy C. Call, 278 Beech Street, Roslindale, Mass., secretary, urging the development of the Navy of the United States so that it shall be second to none; to the Committee on Naval Affairs.

2614. By Mr. GARRETT of Tennessee: Petition of McNely Post, No. 28, United Spanish War Veterans, Lawrenceburg, Tenn., at their meeting held the 21st day of January, 1928, indorsing the Philippine traveling pay bill (S. 729); to the Committee on Military Affairs.

2615. By Mr. GIBSON: Petition of citizens of Danville, Vt., in favor of proposed legislation for the increase in pensions for soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

2616. By Mr. GREGORY: Petitions of Charles A. Grimm and other citizens of Kentucky, protesting against the passage of legislation establishing compulsory Sunday observance, and particularly House bill 78; to the Committee on the District of Columbia.

2617. Also, petitions of Mrs. T. H. Worthington and 27 other citizens of Ballard County, Ky., protesting against the passage of legislation establishing compulsory Sunday observance, and particularly House bill 78; to the Committee on the District of Columbia.

2618. Also, petition of Lemuel Vandyke and 55 other citizens of Kentucky, protesting against the passage of legislation establishing compulsory Sunday observance, and particularly House bill 78; to the Committee on the District of Columbia.

2619. By Mr. HAUGEN: Petition of 118 citizens of Decorah, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2620. Also, petition of 15 citizens of Waterville, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2621. By Mr. HUDSPETH: Petition of citizens of Bandera County, Tex., urging passage of bill for benefit of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2622. By Mr. JENKINS: Petition signed by 67 voters of Jackson, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of veterans and their widows; to the Committee on Invalid Pensions.

2623. By Mr. LEAVITT: Petitions of numerous citizens of Montana, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2624. By Mr. LINTHICUM: Petition of Ernest Green, Baltimore, Md., urging favorable action on House bill 5837, covering classification of salaries of postmasters; to the Committee on the Post Office and Post Roads.

2625. Also, petition of Dr. Randolph Winslow, of Baltimore, urging action on Mississippi flood legislation; to the Committee on Flood Control.

2626. Also, petition of Steele-Lobell Co., of Baltimore, indorsing House bill 9195, parcel-post connection with Cuba; to the Committee on the Post Office and Post Roads.

2627. Also, petition of E. B. Simonds, chairman Maryland committee, Bureau of Animal Industry veterinarians, and James B. George, director livestock sanitary service, of Baltimore, Md., urging increase in appropriations to Bureau of Animal Industry so that veterinarians' salaries may be increased for ultimate good of service; to the Committee on Appropriations.

2628. By Mr. MILLER: Petition of citizens of Seattle, Wash., favoring passage of House bill 6518, the Welch bill, and House bill 492; to the Committee on the Civil Service.

2629. Also, petition of citizens of Bremerton, Kitsap County, Wash., and vicinity, and Seattle, Wash., protesting House bill 78, District of Columbia Sunday closing law; to the Committee on the District of Columbia.

2630. By Mr. MORIN: Petition of the Ancient Order of Hibernians, Division No. 15, Pittsburgh, Pa., urging the passage of the Dale-Lehlbach bill, so as to permit optional retirement after 30 years' service with an annuity of $1,200 per year; to the Committee on the Civil Service.

2631. By Mr. MORROW: Petition of chamber of commerce, Artesia, N. Mex., opposing Box bill (H. R. 6465) restricting Mexican labor from coming into the United States; to the Committee on Immigration and Naturalization.

2632. Also, petition of Carlsbad Chamber of Commerce, New Mexico, opposing Box bill (H. R. 6465) restricting Mexican labor from coming into the United States; to the Committee on Immigration and Naturalization.

2633. Also, petition of chamber of commerce, Roswell, N. Mex., opposing Box bill (H. R. 6465) restricting Mexican labor from coming into the United States; to the Committee on Immigration and Naturalization.

2634. Also, petition of Chaves County Farm Bureau, Roswell, N. Mex., opposing Box bill (H. R. 6465) restricting Mexican labor from coming into the United States; to the Committee on Immigration and Naturalization.

2635. By Mr. O'CONNELL: Petition of Meneely & Co., Watervliet, N. Y., opposing the passage of the Celler carillon tariff exemption bill; to the Committee on Ways and Means.

2636. By Mr. PARKS: Petitions of citizens of Arkansas, urging Congress to increase the pensions of the Civil War veterans and their widows; to the Committee on Invalid Pensions.

2637. By Mr. SINCLAIR: Petition of Matt Lagerberg, Reuben Schroeder, Lars Hoff, and Nels Lagerberg, all of McGregor, N. Dak., protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2638. By Mr. SMITH: Resolutions adopted by the St. Maries Chapter of the Isaac Walton League of America, St. Maries, Idaho, favoring the passage of House bill 69, authorizing the establishment of a migratory bird refuge at Bear River Bay, Great Salt Lake, Utah; to the Committee on Agriculture.

2639. By Mr. SPEAKS: Petition signed by some 26 citizens of Columbus, protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

2640. Also, petition of E. B. Wharton and some 18 citizens of Columbus, Ohio, protesting against the enactment of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

2641. By Mr. SUMMERS of Washington: Petition signed by Donald D. Alexander and 71 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2642. Also, petition signed by S. S. Wardall and 147 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2643. Also, petition signed by W. W. Lilley, jr., and 160 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2644. By Mr. SWING: Petition of citizens of Costa Mesa, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2645. Also, petition of citizens of Santa Ana, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2646. Also, petition of citizens of Newport Beach, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2647. Also, petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2648. Also, petition of citizens of Benton, Mono County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2649. Also, petition of citizens of San Bernardino County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2650. Also, petition of citizens of Imperial Beach, Calif., and community, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2651. Also, petition of citizens of Arlington and Riverside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2652. Also, petition of citizens of San Jacinto, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2653. Also, petition of citizens of Orange County, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2654. Also, petition of citizens of Bishop, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2655. Also, petition of citizens of Imperial County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2656. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2657. By Mr. THATCHER: Petition of numerous citizens of Covington, Ky., protesting against the enactment of compulsory Sabbath legislation and particularly House bill 78; to the Committee on the District of Columbia.

2658. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sabbath observance legislation and particularly House bill 78; to the Committee on the District of Columbia.

2659. By Mr. THURSTON: Petitions from seven associations of the National Association of Post Office Clerks and Letter Carriers, favoring the passage of the Dale-Lehlbach bill (H. R. 25) and (S. 1727) so as to permit optional retirement after 30 years' service with an annuity of $1,200 per year; to the Committee on the Civil Service.

2660. By Mr. VINCENT of Michigan: Petition of 77 residents of Saginaw, Mich., protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2661. By Mr. ZIHLMAN: Petition of G. Mediary and other residents of Hagerstown, Md., protesting against the enactment of House bill 78 or any compulsory Sunday observance bill; to the Committee on the District of Columbia.

2662. Also, petition of Mrs. A. S. Wright and other residents of Brunswick, Md., protesting against the enactment of House bill 78 or any compulsory Sunday observance law; to the Committee on the District of Columbia.

SENATE

FRIDAY, *January 27, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, who hast made man but little lower than the angels and hast crowned him with glory and honor, giving him dominion over the works of Thy hands, fulfill in us this day Thy prophecy of old. Reveal in us the majesty of human souls which have for home a universe that is one and continuous, the robe of divinity woven without seam throughout. Forgive the impatience of our unbelief and make perfect that which is lacking in our faith, that Thy kingdom may come and Thy will may be done upon earth. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Gooding	King
Barkley	Couzens	Gould	La Follette
Bayard	Curtis	Greene	McKellar
Bingham	Cutting	Hale	McLean
Black	Deneen	Harris	McMaster
Blaine	Dill	Harrison	McNary
Blease	Edge	Hawes	Mayfield
Borah	Edwards	Hayden	Metcalf
Bratton	Ferris	Heflin	Moses
Brookhart	Fess	Howell	Neely
Broussard	Fletcher	Johnson	Norbeck
Bruce	Frazier	Jones	Norris
Capper	George	Kendrick	Nye
Caraway	Glass	Keyes	Oddie
Overman	Schall	Steiwer	Walsh, Mass.
Phipps	Sheppard	Stephens	Walsh, Mont.
Pine	Shipstead	Swanson	Warren
Ransdell	Shortridge	Thomas	Waterman
Reed, Mo.	Simmons	Trammell	Watson
Reed, Pa.	Smith	Tydings	Wheeler
Robinson, Ind.	Smoot	Tyson	Willis
Sackett	Steck	Wagner	

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present.

CAREER OF MAJ. GEN. GEORGE W. GOETHALS

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD statements on the career of Maj. Gen. George W. Goethals, United States Army, which appeared in the United States Daily last Monday.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the United States Daily, January 23, 1928]

REGRET EXPRESSED FOLLOWING DEATH OF GENERAL GOETHALS—SECRETARY DAVIS AND GENERAL SUMMERALL EULOGIZE BUILDER OF PANAMA CANAL

Maj. Gen. George W. Goethals, United States Army (retired), died in New York City on January 21. Upon learning of the general's death, the Secretary of War, Dwight F. Davis, and the Chief of Staff, Maj. Gen. Charles P. Summerall, in statements made public by the department on January 21 expressed their regret. The statement of Secretary Davis follows in full text:

"By the death of General Goethals the Nation loses a citizen who has performed outstanding service in both civil and military capacities. He demonstrated great ability as engineer and administrator. In the Army he was honored and respected for both his technical qualifications and his leadership."

GREAT ARMY FIGURE

The statement of Major General Summerall, read in full text:

"In the death of Maj. Gen. George W. Goethals the Army loses an illustrious comrade and a loyal friend. His epochal achievement in completing the waterway which unites the Atlantic and Pacific Oceans at the Isthmus of Panama has obscured the brilliance of many similar accomplishments throughout a period of over 40 years as a military engineer, military supply officer, and military administrator. General Goethals was one of the great Army figures of our day. His fame is world-wide.

"In peace his energy and skill were applied toward the advancement of our national prosperity and the promotion of the welfare of our people; in war to the assurance of the security of our rights and liberties. The Army feels a distinct personal loss in the passing of one whom it looked upon with admiration for accomplishment, reverence for character, and love for association."

SUMMARY OF CAREER

A summary of General Goethals's career issued by the War Department read in full text:

"General Goethals graduated from the United States Military Academy in 1880, and was commissioned in the Corps of Engineers. He served at many places in the United States on river and harbor work. From August, 1903, he served on the newly organized General Staff until he was appointed a member of the Isthmian Canal Commission by President Roosevelt. He became chief engineer of the Panama Canal, and by his abilities as an engineer, administrator, and leader he pushed the work on the canal to a successful completion. He became Governor of the Panama Canal April 1, 1914.

"By the act of March 4, 1915, he received the thanks of Congress and was appointed major general in recognition of his services to the Nation in constructing the Panama Canal. On November 1, 1916, he was retired at his own request after over 40 years of service. He was State engineer of New Jersey in 1917 and general manager of the Emergency Fleet Corporation from April to July, 1917.

WAR SERVICE RECOGNIZED

"On December 2, 1917, he returned to active service with the War Department as Acting Quartermaster General, and in January, 1918, was appointed Assistant Chief of Staff and Director of Purchase, Storage and Traffic. General Goethals was in charge of all purchases for the War Department, railroad transportation, and shipment overseas of all troops and supplies. He was also a member of the War Industries Board. He returned to the retired list on March 4, 1919.

"General Goethals was awarded the distinguished service medal in recognition of his especially meritorious and conspicuous service in reorganizing the Quartermaster Department and in organizing and administering the Purchase, Storage and Traffic Division during the World War.

"He was also awarded the French Legion of Honor (commander), the British Knight Commander of St. Michael and St. George, the Chinese Grand Cordon of the Order of the Wen Hu (Striped Tiger), second class.

"In 1913 the University of Pennsylvania and in 1915 Princeton conferred on him the degree of doctor of laws.

"He received the medals of the National Geographic Society and the Civic Forum and National Institute of Social Sciences."

PETITIONS AND MEMORIALS

Mr. CURTIS presented resolutions adopted by Bethel College Mennonite Church, at Newton, Kans., in favor of renouncing war as a method of settling international disputes, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted at a meeting of the Kennard Woman's Christian Temperance Union, at Lawrence, Kans., protesting against proposed large expenditures for a naval building program, which were referred to the Committee on Naval Affairs.

Mr. DENEEN presented a petition of sundry citizens of Chicago, Ill., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FRAZIER presented the petition of P. W. Olson and 45 other citizens of Fort Ransom and vicinity, in the State of North Dakota, praying for amendment of the existing immigration law by taking the 1890 census as a basis of the quota computation and protesting against the national-origin basis of the existing law, which was referred to the Committee on Immigration.

Mr. COPELAND presented resolutions adopted by the Women's Social Section of the Westchester (N. Y.) County Ethics Group, favoring the adoption of the so-called Capper resolution relative to international peace and the negotiation with the French Republic and other nations of treaties in furtherance of the policy therein detailed, which were referred to the Committee on Foreign Relations.

Mr. WARREN presented a resolution adopted by the Lions Club, of Torrington, Wyo., favoring the passage of legislation to aid in insuring adequate supplies of timber and other forest products, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Alfalfa Commercial Club of Worland, Wyo., protesting against the passage of legislation to further restrict the immigration of Mexican laborers into the United States, which was referred to the Committee on Immigration.

Mr. SIMMONS presented memorials of sundry citizens of Charlotte, N. C., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures, which were referred to the Committee on Interstate Commerce.

Mr. ASHURST presented a communication, with attached resolution, from Maricopa Post, No. 720, Veterans of Foreign Wars of the United States, at Phoenix, Ariz., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

MARICOPA POST, NO. 720,
Phoenix, Ariz., January 19, 1928.

This organization has been advised that there is to be an effort made during the present session of Congress for the repeal of the Ashurst amendment to H. R. 12175, enacted by Congress in 1926, providing for a minimum compensation of $50 per month to ex-service men shown to have had tuberculosis of a compensable degree and who have reached a stage of complete arrest of this disease.

There are in Arizona several thousand tubercular ex-service men, many of whom have reached a stage of complete arrest of the ravages of the disease, and who would be seriously affected by the repeal of the Ashurst amendment.

It is a well-known fact that contentment and peace of mind are essentials to recovery of persons afflicted with tuberculosis, and the very knowledge that there is a movement afoot to withdraw the Government pittance granted these sufferers by Congress has already seriously disturbed the minds of many of these sick veterans and jeopardized their chances to maintain a condition of complete arrest of the disease.

Whereas Maricopa Post, No. 720, Veterans of Foreign Wars of the United States, in regular meeting assembled in Phoenix, Ariz., January 10, 1928, having had the above subject matter under consideration and discussion, unanimously agreed to appoint a committee to draft a resolution of protest against the repeal of the Ashurst amendment, and that copies of the resolution be sent to General Hines, Director of the United States Veterans' Bureau; Senators ASHURST and HAYDEN, and Congressman DOUGLAS, of Arizona: Now, therefore, be it

Resolved, That Maricopa Post, No. 720, Veterans of Foreign Wars, do most vigorously protest the repeal of the Ashurst amendment to H. R. 12175, enacted by the Congress of the United States in 1926, and respectfully urge General Hines, Director of the United States Veterans' Bureau, to give further consideration to this subject; and we further respectfully request the Arizona delegation to Congress to use their utmost endeavors to dissuade Congress from repealing the Ashurst amendment.

Respectfully,
EVERETT NEWCOMER,
Post Commander and Chairman of Committee.
C. W. STEELE,
Past Department Commander and Member of Committee.
JOHN E. PRICE,
Past Department Patriotic Instructor and Member of Committee.

Mr. TYSON presented a concurrent resolution of the Legislature of the State of South Carolina, which was ordered to lie on the table and to be printed in the RECORD, as follows:

House Concurrent Resolution 997 (Senate 920)

Whereas there are nine classes of officers in the World War—the regular, the provisional, and the emergency officers of the Navy, Marine Corps, and Army; and

Whereas eight of these classes have been granted by the Congress honorable retirement for their wounds and disabilities received as a result of their service in camp and field; and

Whereas the emergency Army officers who fought heroically, as evidenced by more than 2,000 battle deaths in France, have alone failed to receive the honorable retirement accorded all other classes of officers; and

Whereas there are 1,848 of these disabled emergency Army officers now suffering from disabilities received on the field of battle, whose honorable retirement has not been granted by Congress; and

Whereas we are informed that legislation is pending in both Houses of Congress: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That we do urgently request Congress to have this legislation removing this discrimination passed at this session of Congress; be it

Resolved further, That the clerks of the house of representatives and the senate join in sending a copy of this resolution to each United States Senator and Member of the House of Representatives.

Adopted by the House of Representatives of South Carolina, January 13, 1928.

[SEAL.]
J. WILSON GIBBES,
Clerk of the House.

Concurred in by the senate, January 13, 1928.
JAMES H. FOWLER,
Clerk of the Senate.

Mr. TYSON also presented resolutions adopted by Lieutenant H. L. McCorkle Camp, No. 2, National Sanatorium, Tenn., which were ordered to lie on the table and to be printed in the RECORD, as follows:

LIEUTENANT H. L. MCCORKLE CAMP, NO. 2,
SPANISH WAR VETERANS,
DEPARTMENT OF TENNESSEE,
National Sanatorium, Tenn., January 13, 1928.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, Lieutenant H. L. McCorkle Camp, No. 2, Spanish War Veterans, Department of Tennessee, respectfully represent:

Whereas all other classes of officers who fought in the World War have been retired by Congress for their wounds, and the disabled emergency Army officers alone have been denied retirement for their mutilations and disabilities; and

Whereas more than 170 of these disabled emergency Army officers have died since this legislation has been before Congress, awaiting in vain this affirmative action of Congress giving them the relief to which they are so justly entitled; and

Whereas it is the claim of the veterans and organizations favoring this legislation that it is being kept from being enacted into law by parliamentary tactics alone: Therefore be it

Resolved, That the Congress of the United States be memorialized to take immediate action on said bill, to the end that the same be enacted into law and this discrimination against the disabled emergency Army officers be rectified at the earliest possible moment; and be it further

Resolved, That the adjutant of this post forward a copy to Hon. LAWRENCE D. TYSON, Senator for Tennessee, and to Hon. B. CARROLL REECE, Representative in Congress of the first congresisonal district of the State of Tennessee.

LIEUTENANT H. L. MCCORKLE CAMP, NO. 2, SPANISH WAR VETERANS, DEPARTMENT OF TENNESSEE,
SANKEY GRAY, *Commander.*

LIEUTENANT H. L. MCCORKLE CAMP, NO. 2,
SPANISH WAR VETERANS,
DEPARTMENT OF TENNESSEE,
National Sanatorium, Tenn., January 13, 1928.

I, D. H. McDaniel, adjutant of Lieutenant H. L. McCorkle Camp, No. 2, Spanish War Veterans, Department of Tennessee, do hereby

certify that the foregoing is a true and correct copy of resolutions passed by Lieutenant H. L. McCorkle Camp, No. 2, Spanish War Veterans, Department of Tennessee, memorializing the Congress of the United States for the immediate passage of the Tyson-Fitzgerald bill, an act for the relief of disabled emergency Army officers, now pending.

In testimony whereof I have hereunto set my hand and the official seal of the said Lieutenant H. L. McCorkle Camp, No. 2, Spanish War Veterans, Department of Tennessee.

Done at the National Sanatorium, Tenn., this the 13th day of January, 1928.

[SEAL.] D. H. McDANIEL, *Adjutant.*

Mr. TYSON also presented resolutions adopted at a mass meeting of citizens at Halls, Tenn., expressing their convictions and views with reference to prohibition and its enforcement, which were ordered to lie on the table.

Mr. HARRIS presented resolutions of the Sixth Annual Asphalt Paving Conference, indorsing various means and measures for the promotion of good roads and the improvement of highways, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, and I submit a report (No. 138) thereon. I will seek to call up the bill at the first favorable opportunity to-morrow or on Monday.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, reported it with amendments and submitted a report (No. 139) thereon.

He also, from the same committee, submitted a report (No. 141), accompanied by a bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title and ordered to be placed on the calendar.

Mr. MAYFIELD, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1413) to prohibit predictions with respect to cotton prices in any report, bulletin, or other publication issued by the Department of Agriculture or the Department of Commerce, and for other purposes, reported it without amendment.

Mr. METCALF, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 754) for the relief of certain Porto Rican taxpayers, reported it with an amendment and submitted a report (No. 140) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 1798. An act concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States; and

S. 1801. An act in reference to writs of error.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SACKETT:

A bill (S. 2852) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia; to the committee on the District of Columbia.

By Mr. DILL:

A bill (S. 2853) to amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927, and for other purposes; to the Committee on Interstate Commerce.

By Mr. CAPPER:

A bill (S. 2854) to amend the Federal farm loan act and the agricultural act of 1923; to the Committee on Banking and Currency.

By Mr. TRAMMELL:

A bill (S. 2855) for the relief of the estates of John Fraser, deceased; Zephaniah Kingsley, deceased; John Bunch, deceased; Jehu Underwood, deceased; and Stephen Vansandt, deceased; to the Committee on Claims.

By Mr. SMITH:

A bill (S. 2856) to provide for the construction of a bridge across the Estherville-Minim Creek Canal, South Carolina; to the Committee on Commerce.

A bill (S. 2857) granting a pension to William J. Carter (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2858) to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field (with accompanying papers); to the Committee on Public Lands and Surveys.

By Mr. DENEEN:

A bill (S. 2859) for the relief of Francis J. Young; to the Committee on Claims.

A bill (S. 2860) authorizing the reinstatement of Carl L. Bernau as a captain in the Regular Army; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 2861) granting an increase of pension to Leon P. Chesley; to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 2862) to provide for a modification of the time calendar now in general use in the United States, the modified form to be known as the Liberty calendar; to the Committee on the Judiciary.

By Mr. CURTIS:

A bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products—namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 2865) to correct the military record of John P. T. Davis; and

A bill (S. 2866) for the relief of Laura Eva Ehrenfeld; to the Committee on Military Affairs.

A bill (S. 2867) granting a pension to Allie E. Neil;

A bill (S. 2868) granting an increase of pension to Minnie A. Conwell (with accompanying papers);

A bill (S. 2869) granting an increase of pension to Mary Calvert (with accompanying papers);

A bill (S. 2870) granting a pension to James T. Carl (with accompanying papers);

A bill (S. 2871) granting a pension to David Feighney (with accompanying papers);

A bill (S. 2872) granting a pension to Mary Glenn (with accompanying papers);

A bill (S. 2873) granting an increase of pension to Martha O. Imel (with accompanying papers);

A bill (S. 2874) granting an increase of pension to Charles A. Morgan (with accompanying papers);

A bill (S. 2875) granting an increase of pension to Rebecca McCart (with accompanying papers);

A bill (S. 2876) granting a pension to Lottie Noe (with accompanying papers);

A bill (S. 2877) granting an increase of pension to Eliza M. Oliphant (with accompanying papers);

A bill (S. 2878) granting a pension to Clarissa Shanks (with accompanying papers);

A bill (S. 2879) granting a pension to Mary Smith (with accompanying papers);

A bill (S. 2880) granting a pension to Anna Shifflet (with accompanying papers);

A bill (S. 2881) granting an increase of pension to Nancy O. Sproull (with accompanying papers);

A bill (S. 2882) granting an increase of pension to Martha L. Tedrick (with accompanying papers);

A bill (S. 2883) granting an increase of pension to Esther A. Urie (with accompanying papers);

A bill (S. 2884) granting a pension to Margaret Ann Vanatta (with accompanying papers);

A bill (S. 2885) granting an increase of pension to Sylvina R. Van Valkenburg (with accompanying papers);

A bill (S. 2886) granting a pension to Neal Whaley (with accompanying papers);

A bill (S. 2887) granting an increase of pension to Ella C. Wetz (with accompanying papers); and

A bill (S. 2888) granting an increase of pension to Laura B. Young (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2889) for the relief of James W. Rollins; to the Committee on Claims.

By Mr. BORAH:
A bill (S. 2890) granting a pension to Pearl McKinley (with accompanying papers); to the Committee on Pensions.
By Mr. THOMAS:
A bill (S. 2891) granting a pension to Charles S. Noble; to the Committee on Pensions.
A bill (S. 2892) for the relief of Guy Swan; to the Committee on Naval Affairs.
By Mr. COPELAND:
A bill (S. 2893) granting an increase of pension to Georgia Anna Carpenter; to the Committee on Pensions.
A bill (S. 2894) for the relief of Robert O. Edwards; and
A bill (S. 2895) for the relief of Alfred L. Diebolt, sr., and Alfred L. Diebolt, jr.; to the Committee on Claims.
By Mr. SHIPSTEAD:
A bill (S. 2896) granting an increase of pension to John F. De Kiere (with accompanying papers); to the Committee on Pensions.
A bill (S. 2897) to provide for the acquisition of a site and the erection thereon of a public building at Hopkins, Minn.; to the Committee on Public Buildings and Grounds.
By Mr. WILLIS:
A bill (S. 2898) granting an increase of pension to Edith A. Lindsey (with accompanying papers); to the Committee on Pensions.
By Mr. KING:
A bill (S. 2899) to amend the Federal reserve act and the national banking laws; to the Committee on Banking and Currency.
By Mr. JONES:
A bill (S. 2901) to amend the national prohibition act as amended and supplemented; to the Committee on the Judiciary.
By Mr. BLAINE:
A bill (S. 2902) granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.; to the Committee on Commerce.
By Mr. BRUCE:
A bill (S. 2903) granting a pension to Dora E. Davis; to the Committee on Pensions.
By Mr. DENEEN:
A joint resolution (S. J. Res. 86) for the appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

CONSTRUCTION CHARGES, FLATHEAD IRRIGATION PROJECT

Mr. WHEELER introduced a bill (S. 2863) to limit construction charges against irrigable lands in the Flathead irrigation project, State of Montana, to $40 an acre, which was read twice by its title, and, on his request, referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the total construction charges against irrigable lands within the limits of the Flathead irrigation project in the State of Montana shall be $40 an acre; and no entryman or owner of such lands shall be required to pay as construction charges an amount which, together with payments previously made with respect to such lands, shall exceed $40 an acre.

SEC. 2. There shall be deducted from the total cost of such project in the State of Montana an amount which, in the opinion of the Secretary of the Interior, represents the total construction charges in excess of $40 an acre.

FLOOD CONTROL OF THE MISSISSIPPI RIVER

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD Senate bill 2850, introduced by me on yesterday, in reference to the flood situation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2850, Seventieth Congress, first session

A bill to provide for control of floods of the Mississippi River, and for other purposes

Be it enacted, etc., That the Federal Government hereby recognizes that the protection of interstate commerce from the destructive flood waters of the Mississippi River and of its navigable tributaries affecting such floods is a national duty and responsibility, and that all costs and charges connected with flood-control work shall be paid by the Federal Government without contribution from the States or local levee boards or districts.

SEC. 2. That for controlling the flood waters of the Mississippi River and its navigable tributaries affecting such floods and continuing its improvement from the Head of Passes to the mouth of the Ohio River, the Secretary of War is hereby authorized, empowered, and directed to carry on continuously and as expeditiously as possible, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted for the control of the flood waters of said Mississippi River, and that there is hereby authorized to be appropriated, out of any sums of money not otherwise appropriated, from time to time as such appropriation may be needed, a sum not to exceed in the aggregate $775,000,000 for the purpose of carrying out the plans of said Mississippi River Commission to give complete protection against flood waters on said river.

SEC. 3. That all flood ways and spillways shall be controlled and the lands adjacent thereto be as fully protected from floods as those on the main river. That said commission, by purchase or by condemnation proceedings hereinafter authorized, shall have full power to acquire rights of way for flood ways and spillways, or new additional levee ways or the relocation of levee ways as shall from time to time be considered necessary, the payment for such lands and ways to be made out of any money appropriated under the authority of this act.

SEC. 4. That where levees have heretofore been constructed on one or the other side of the river and the lands on the opposite side have been thereby subjected to greater overflow, or where the Mississippi River Commission has heretofore recommended or may hereafter recommend that levees be built, the said commission is hereby authorized to acquire, by purchase or condemnation proceedings, rights of way for such new additional levees and to build the same out of the funds herein authorized to be appropriated.

SEC. 5. That the act of June 28, 1879, providing for the appointment of a Mississippi River Commission, and for other purposes, be, and is hereby, amended by authorizing the Chief of Engineers to be an ex officio member of said Mississippi River Commission with equal rights and powers now devolving upon other members of the commission; and by providing that the president of the Mississippi River Commission shall receive the rank, pay, and allowances of a brigadier general of Engineers.

SEC. 6. The officers from the Engineer Corps of the Army assigned to duty as district officers under the Mississippi River Commission shall retain their posts, at the option of the commission, at least six years, and shall devote their entire time to the work of the commission.

SEC. 7. That the Mississippi River Commission shall maintain in the river below Cairo a minimum channel width of 300 feet, with a depth of 9 feet at all stages.

SEC. 8. That the work of flood control on the Mississippi River shall be prosecuted with a view to protecting the valley from a flood exceeding that of 1927 by such percentage as the Mississippi River Commission shall, after investigation, deem necessary fully to protect the valley against destructive floods.

SEC. 9. That in acquiring lands necessary for levee ways, spillways, reservoirs, and the like, in the opinion of the commission necessary to carry out the purposes of this act, the said commission is hereby authorized to purchase such lands as they consider proper for such purposes, and in the event the commission is unable to acquire said lands at a fair and just price, it is authorized to go into the district courts of the United States in the districts where the land lies and acquire by condemnation proceedings the said lands. In such condemnation proceedings judges of the several district courts having jurisdiction over said lands are hereby empowered, authorized, and directed to appoint a commission, or jury, of three freeholders, whose duty it will be to go upon said land and make such investigation and hear such evidence as may be adduced and report to the court the amount of land taken and the value thereof; and thereupon the court shall enter a judgment vesting the title of said lands in the Mississippi River Commission, and upon the payment in the court of the amount of award of said commission or jury award the possession of such land to the commission. In case the commission or the landowner is dissatisfied with the report of said commission, or jury, an appeal will lie to the circuit court of appeals as in other cases; but such appeal shall not delay the awarding of the possession of said lands to the said commission.

SEC. 10. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditures), the sum of $775,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue, and payable 30 years from such date, and bearing interest payable quarterly in gold coin at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided,* That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein

authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

SEC. 11. That all laws in conflict with the provisions of this act are hereby repealed.

CHANGE OF REFERENCE

Mr. CARAWAY. I ask unanimous consent that the reference of the bill (S. 1103) permitting the withdrawal of water from White River, Ark., be changed from the Committee on Commerce to the Committee on Agriculture and Forestry. It is a bill I introduced myself dealing with rice irrigation.

The VICE PRESIDENT. Without objection, it is so ordered.

CLAIMS OF THE STATE OF NORTH CAROLINA

Mr. OVERMAN. Mr. President, I submit a resolution and ask for its present consideration after it shall have been read.

The resolution (S. Res. 123) was read, as follows:

Resolved, That the Comptroller General is hereby authorized and directed to state an account and report to the Senate of the indebtedness of the State of North Carolina to the United States upon certain of the bonds of the State of the principal amount of $58,000, and coupons thereof due and unpaid in the amount of $88,140, and the claims of the State of North Carolina, respectively, for advances during the War of 1812, as set forth in Senate Report No. 1559, Sixty-ninth Congress, second session, with interest computed under Maryland rule, and for the proceeds of cotton seized by the United States in the amount of $42,532.54 as set forth in Senate Report No. 248, part 2, Sixtieth Congress, first session, and in such statement of the account there shall be allowed to the State of North Carolina upon the said cotton claim interest from the date of the seizure of the cotton for the same period thereafter and at the same rate of interest as upon the State bonds aforesaid.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

THOMAS M. REED

Mr. KING submitted the following resolution (S. Res. 124), which was referred to the Committee on the Judiciary:

Whereas Thomas M. Reed was nominated in 1921 by the President to be United States district judge for the first division of the district of Alaska, and was thereafter confirmed and entered upon the duties of his office; and

Whereas his term of office expired August 16, 1925, and on December 21, 1925, the President nominated him for the office of district judge for the first division of the district of Alaska, and his nomination was upon the same day referred to the Committee on the Judiciary; and

Whereas a subcommittee of the Committee on the Judiciary was appointed on said day to consider the nomination of said Thomas M. Reed, as well as the nominations of other persons named by the President at the same time to fill offices in Alaska; and

Whereas said subcommittee after full hearings upon each of said nominations unanimously reported to the Committee on the Judiciary on the 17th day of March, 1926, recommending that neither said Thomas M. Reed nor the other persons named be confirmed by the full committee; and

Whereas the said committee authorized the chairman of the committee to advise the President of the action of the subcommittee and also the full committee; and

Whereas upon being so advised the President withdrew the names of said persons, including the name of said Thomas M. Reed, and thereafter transmitted to the Senate the names of other persons than those adversely reported upon, except Thomas M. Reed, to fill the offices theretofore held by such persons whose names had been withdrawn other than Thomas M. Reed; and

Whereas no person has been nominated by the President to fill the office of United States district judge for the first division of the district of Alaska, although the term of said Thomas M. Reed as judge expired August 16, 1925, and notwithstanding the expiration of his term of office he has continued and still continues to hold said office and assume the duties appertaining thereto: Now therefore be it

Resolved, That the Committee on the Judiciary be directed to take cognizance of the matters and things herein recited and the fact that said Thomas M. Reed is holding the office of United States district judge in said district of Alaska and performing the duties thereof without any appointment by the President, and without confirmation by the Senate of the United States, and that said committee be further directed to report to the Senate (1) whether in its opinion said Thomas M. Reed is legally holding said office or whether he is an intruder and usurper, (2) whether any proceedings are available by which to secure his ouster from said office, and (3) whether any legislation is required by Congress to deal with said matter or with situations which may arise of a similar character.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bill and joint resolution:

S. 440. An act for the relief of Charles H. Send; and

S. J. Res. 38. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted.

The message also announced that the House had passed the bill (S. 1968) to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 204. An act to authorize an additional appropriation for Fort McHenry, Md.;

H. R. 248. An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army;

H. R. 766. An act for the relief of Ida F. Baum;

H. R. 926. An act for the relief of Jennie Roll;

H. R. 1405. An act granting six months' pay to Maria J. McShane;

H. R. 1597. An act for the relief of Gaston M. Janson;

H. R. 2138. An act for the relief of the owner of the schooner *Sentinel;*

H. R. 2145. An act for the relief of Albert J. Zyvolski;

H. R. 3144. An act for the relief of Augustus C. Turner;

H. R. 3442. An act for the relief of Clifford J. Sanghove;

H. R. 3971. An act for the relief of the owners of the schooner *William Melbourne;*

H. R. 4126. An act authorizing the Secretary of the Interior to issue a patent to Katie Cassiday for a certain tract of land;

H. R. 4127. An act for the relief of Joel T. Smith;

H. R. 4393. An act for the relief of Howard V. Sloan;

H. R. 4920. An act authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913;

H. R. 4995. An act for the relief of Sabino Apodaca;

H. R. 5898. An act to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered;

H. R. 5925. An act for the relief of the Fidelity & Deposit Co. of Maryland;

H. R. 6194. An act for the relief of Frank Stinchcomb;

H. R. 6466. An act granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes;

H. R. 6569. An act for the relief of Frank Hartman;

H. R. 6916. An act to correct the military record of Charles B. Holmes;

H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 7107. An act for the relief of James Golden;

H. R. 7472. An act to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property;

H. R. 7478. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 8216. An act to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same;

H. R. 8281. An act to provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation;

H. R. 8282. An act to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians;

H. R. 8292. An act to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah;

H. R. 8369. An act for the relief of Josephine Thibodeaux;

H. R. 8444. An act for the relief of Charles F. Getchell;

H. R. 8527. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the charterer of the steamship *Trontolite* against the United States, and for other purposes;

H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes;

H. R. 8789. An act for the relief of Louis Martin;

H. R. 8790. An act for the relief of Frederick Sparks;

H. R. 8886. An act for the relief of Luc Mathias;

H. R. 8887. An act for the relief of Victorina Mesa, of Cavite, P. I.;

H. R. 8889. An act for the relief of Adriano Cruceta, a citizen of the Dominican Republic;

H. R. 8963. An act for the relief of Richard H. Beier;

H. R. 8983. An act for the relief of William G. Beaty, deceased;

H. R. 8987. An act for the relief of John R. Butler;

H. R. 8988. An act for the relief of Milton Longsdorf;

H. R. 8989. An act correcting the military record of William H. Murphy;

H. R. 9000. An act to correct the military record of John Ralston;

H. R. 9002. An act for the relief of Clarence G. Stonestreet;

H. R. 9014. An act for the relief of Anthony Mullen;

H. R. 9151. An act for the relief of Joseph M. Black;

H. R. 9202. An act to authorize construction at the United States Military Academy, West Point, N. Y.;

H. R. 9676. An act to authorize appropriations for construction at the Walter Reed General Hospital, and for other purposes; and

H. J. Res. 156. Joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be held in Great Britain during June–July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 8216. An act to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same; to the Committee on the Judiciary.

H. R. 4126. An act authorizing the Secretary of the Interior to issue a patent to Katie Cassiday for a certain tract of land; and

H. R. 8744. An act to accept the cession by the State of Colorado of exclusive jurisdiction over the lands embraced within the Mesa Verde National Park, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 6466. An act granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes; and

H. R. 7472. An act to grant to the town of Cicero, Cook County, Ill., an easement over certain Government property; to the Committee on Public Buildings and Grounds.

H. R. 8281. An act to provide for the withdrawal of certain-described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation;

H. R. 8282. An act to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians; and

H. R. 8292. An act to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah; to the Committee on Indian Affairs.

H. R. 1405. An act granting six months' pay to Maria J. McShane;

H. R. 5898. An act to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered;

H. R. 6194. An act for the relief of Frank Stinchcomb; and

H. R. 7107. An act for the relief of James Golden; to the Committee on Naval Affairs.

H. R. 766. An act for the relief of Ida F. Baum;

H. R. 926. An act for the relief of Jennie Roll;

H. R. 2138. An act for the relief of the owner of the schooner *Sentinel;*

H. R. 2145. An act for the relief of Albert J. Zyvolski;

H. R. 3442. An act for the relief of Clifford J. Sanghove;

H. R. 3971. An act for the relief of the owners of the schooner *William Melbourne;*

H. R. 4127. An act for the relief of Joel T. Smith;

H. R. 4393. An act for the relief of Howard V. Sloan;

H. R. 4995. An act for the relief of Sabino Apodaca;

H. R. 5925. An act for the relief of the Fidelity & Deposit Co. of Maryland;

H. R. 6569. An act for the relief of Frank Hartman;

H. R. 8369. An act for the relief of Josephine Thibodeaux;

H. R. 8527. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the charterer of the steamship *Trontolite* against the United States, and for other purposes;

H. R. 8886. An act for the relief of Luc Mathias;

H. R. 8887. An act for the relief of Victorina Mesa, of Cavite, P. I.; and

H. R. 8889. An act for the relief of Adriano Cruceta, a citizen of the Dominican Republic; to the Committee on Claims.

H. R. 204. An act to authorize an additional appropriation for Fort McHenry, Md.;

H. R. 248. An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army;

H. R. 1597. An act for the relief of Gaston M. Janson;

H. R. 3144. An act for the relief of Augustus C. Turner;

H. R. 4920. An act authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913;

H. R. 6916. An act to correct the military record of Charles B. Holmes;

H. R. 6990. An act to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes;

H. R. 7478. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 8444. An act for the relief of Charles F. Getchell;

H. R. 8789. An act for the relief of Louis Martin;

H. R. 8790. An act for the relief of Frederick Sparks;

H. R. 8963. An act for the relief of Richard H. Beier;

H. R. 8983. An act for the relief of William G. Beaty, deceased;

H. R. 8987. An act for the relief of John R. Butler;

H. R. 8988. An act for the relief of Milton Longsdorf;

H. R. 8989. An act correcting the military record of William H. Murphy;

H. R. 9000. An act to correct the military record of John Ralston;

H. R. 9002. An act for the relief of Clarence G. Stonestreet;

H. R. 9014. An act for the relief of Anthony Mullen;

H. R. 9151. An act for the relief of Joseph M. Black;

H. R. 9202. An act to authorize construction at the United States Military Academy, West Point, N. Y.; and

H. R. 9676. An act to authorize appropriations for construction at the Walter Reed General Hospital, and for other purposes; to the Committee on Military Affairs.

H. J. Res. 156. Joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be held in Great Britain during June–July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates; to the Committee on Foreign Relations.

BIEBER BUILDING, WASHINGTON, D. C.

The PRESIDING OFFICER (Mr. WATERMAN in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1968) to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes, which was, on page 1, to strike out all after the figures "1928," in line 8, down to and including the word "if," in line 9, page 2, and insert "If."

Mr. SMOOT. I move that the Senate concur in the House amendment.

The motion was agreed to.

ORDER OF BUSINESS

Mr. NEELY. Mr. President——

Mr. CURTIS. Mr. President, I understand that until the morning business shall have been concluded speeches are not in order. I do not like to interrupt the Senator from West Virginia, but I wish we might complete the morning business. We agreed to go on this morning with the joint resolution which is in charge of the Senator from Maine [Mr. HALE], and if we should complete the business before the Senate to-day it is desired to have the Senate adjourn over until Monday; but if we can not do so, it will be necessary to have a session to-morrow. I am, therefore, going to ask the Senator from West

Virginia if he will not wait until we get through with the routine morning business?

Mr. NEELY. Mr. President, it is a very important matter on which I desire to address the Senate, for it really relates to the candidacy of the Senator from Kansas [Mr. CURTIS] for the Presidency. I therefore hope he will not object to my speaking.

Mr. CURTIS. I appreciate the interest the Senator from West Virginia is taking in my candidacy, but I do not think the floor of the Senate is the proper place to carry on my political battles. I prefer to fight for delegates in the States.

Mr. NEELY. Mr. President, if I can not speak now, I perhaps shall have to consume a great deal more time later in the day; and I am going to speak before the day is over. So I hope the Senator from Kansas is not going to object.

The VICE PRESIDENT. Concurrent and other resolutions are in order. Is the regular order demanded?

Mr. NEELY. If the Senator from Kansas demands the regular order, of course I shall have to bide the pleasure of the Senate.

Mr. HALE. Mr. President, will the Senator from West Virginia not yield to me in order that I may call up House Joint Resolution 131?

Mr. NEELY. I will yield to the Senator for that purpose.

TAX REFUND

The VICE PRESIDENT. There is a resolution coming over from a preceding day—the resolution of the Senator from Alabama [Mr. HEFLIN].

Mr. HEFLIN. I should like to have my resolution read.

The VICE PRESIDENT. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution (S. Res. 110) submitted by Mr. HEFLIN on January 14, as modified on January 23, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the Senate a list, by States, of the names of people to whom taxes have been refunded, and the amount so refunded in each case, in the last refund of taxes made by the Secretary of the Treasury.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. SMOOT. Mr. President, I should like to have the attention of the Senate for just a few moments on this resolution. As to the advisability of adopting the resolution, I wish, first, to call the attention of the Senate to a letter that was written to the Senator from Alabama [Mr. HEFLIN], the letter being signed by A. W. Mellon, Secretary of the Treasury. I also have a letter which is addressed to me, written in reply to my request for information as to the attitude of the department on the resolution, which letter is also signed by the Secretary of the Treasury. The letter to the Senator from Alabama reads as follows:

Receipt is acknowledged of your letter of December 29, 1927, wherein you request a list of refunds of internal-revenue taxes which have been made by this department, giving the names of persons receiving such refunds and the amounts of same.

The list which you desire is submitted by the Commissioner of Internal Revenue to the Speaker of the House of Representatives at the opening of each session of Congress, and covers the refunds of internal-revenue taxes which were made by the Bureau of Internal Revenue for each preceding fiscal year. The Commissioner of Internal Revenue is required to submit such a report to Congress, pursuant to the provisions of section 3220, Revised Statutes, as amended by section 1111 of the revenue act of 1926. Section 3220 of the Revised Statutes, as amended, reads as follows:

"SEC. 3220. Except as otherwise provided in sections 284 and 319 of the revenue act of 1926, the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court for any internal-revenue taxes collected by him, with the cost and expenses of suit; also all damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, agent, or inspector in any suit brought against him by reason of anything done in the due performance of his official duty, and shall make report to Congress at the beginning of each regular session of Congress of all transactions under this section."

Appropriations granted to this department during the past several fiscal years for making refunds of internal-revenue taxes have contained a proviso in each case for the submission of a report to Congress, similar to the report required by section 3220, Revised Statutes. The first deficiency act, fiscal year 1928, approved December 22, 1927 (Public, No. 2, 70th Cong.), appropriated $43,000,000 for refunding taxes illegally collected. This is the most recent amount which has been appropriated for that purpose. The proviso in this appropriation act requiring the submission of the report discussed herein reads as follows:

"* * *: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by such acts, including the names of all persons and corporations to whom payments are made, together with the amount paid to each."

The report covering refunds of taxes made by this department during the fiscal year ended June 30, 1927, was submitted to the Speaker of the House of Representatives at the opening of the present session of Congress. This report has been referred to the Committee on Expenditures in the Executive Departments, House of Representatives, and is available in that committee for review by any Member of Congress.

In the preparation of these reports the Treasury has followed the form and procedure approved by the chairman of the Ways and Means Committee at the time this legislation was enacted. The Treasury has incorporated in the report such information as the chairman of that committee thought necessary. The procedure followed in the submission of these reports involves the daily typing of all names of taxpayers to whom refunds of internal-revenue taxes are found to be due and the amounts of the refunds, in the same order in which such names and amounts appear on the refund schedules approved by the Commissioner of Internal Revenue.

The Treasury Department will again take up the form of the report with the present chairman of the Ways and Means Committee of the House. The department will be pleased to submit this report to Congress in the future in such manner as may be designated by the Ways and Means Committee.

To rework the present report so that the information contained therein would be in alphabetical order, or according to the various States and collection districts, would involve an expenditure of about $10,000. Inasmuch as our appropriation for this fiscal year is limited, it would be difficult to incur such an expenditure at this time.

It is to be regretted that we are unable to comply with your request at this time, but you may be assured that this report will be submitted in the future in any form that may be approved by the present Congress.

Mr. President, in the letter which I have received it is specifically stated that it will cost $10,000 to prepare the information in the form desired.

The letter further says:

To resubmit the report of refunds which was forwarded by the department to Congress for the past fiscal year, consisting of 245,440 names, in the manner provided for in the Senate resolution referred to herein would involve an administrative expense of approximately $10,000. Inasmuch as the appropriation which has been granted for the present fiscal year is limited, it would be difficult to incur such an expenditure at this time. For your further information it may be stated that to resubmit the list of refunds of taxes in accordance with Senate Resolution 110 would require the services of more than 100 employees for a minimum period of 15 days.

In other words, right at the time when the income-tax returns are coming in this year the Bureau of Internal Revenue would have to assign a hundred of its employees for a period of 15 days to collate the information and prepare it in the form desired.

The Senator from Alabama or any other Senator or any Member of the House can go to the Ways and Means Committee of the House of Representatives and find out exactly the amount of the refunds granted to any individual and any association or corporation in the United States, and it does seem to me that it would be better to pursue that course than to involve the bureau in this additional work at this time.

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. SIMMONS. I was not in the Chamber when the Senator began to read. Is the report of tax refunds filed with the chairman of the Ways and Means Committee?

Mr. SMOOT. Under the law it is required to be filed with the House of Representatives.

Mr. SIMMONS. Can we not have a copy of that report sent to the Senate?

Mr. SMOOT. Any Senator has a perfect right to go to the Ways and Means Committee and see it.

Mr. SIMMONS. I understand that anyone has a perfect right to do that, but Senators do not like to walk over to the House and ask for a paper of that sort. Why can we not have a copy of it sent to the Senate?

Mr. SMOOT. I presume it is not sent to the Senate because the law does not require that it shall be so sent; that is all. I presume that could be done, but the resolution of the Senator from Alabama requests that the names be furnished alphabeti-

cally and by districts, and that is what is going to take the time.

Mr. SIMMONS. I do not wish to embarrass the department by requiring them to allocate a hundred men to do work which has already been done, but I do think there ought to be some means by which the Senate can secure the report which has been sent to the chairman of the Ways and Means Committee without each individual Senator having to go there to get it.

Mr. SMOOT. I will say to the Senator that the law merely requires that the report be filed with the House of Representatives; but, if the Treasury Department has a copy of the report, I have no doubt we can get a copy of it.

Mr. WALSH of Massachusetts. Mr. President, let me inquire of the Senator if such reports which are furnished to the House are printed?

Mr. SMOOT. I can not state whether they are printed there or not. I judge not, because the law does not require it. The law merely requires that the list shall be filed with the House of Representatives.

Mr. WALSH of Massachusetts. That list is not in alphabetical order?

Mr. SMOOT. No; it is not arranged alphabetically, but is arranged in the order in which the refunds were made.

Mr. WALSH of Massachusetts. As I understand, the Senator from Alabama wants to have the list furnished according to States.

Mr. SMOOT. Not only according to States, but alphabetically by States and by districts, and that is the work that is going to take a hundred employees 15 days at a cost of $10,000. Of all times when such a thing should not be done it is now when income-tax returns are beginning to come in and the bureau will be crowded in the extreme.

Mr. SIMMONS. What the Senator suggests is that we postpone the time for doing it?

Mr. SMOOT. I certainly would not want to insist that the work shall be done at this time, and I do not think the bureau ought to be compelled to do it.

Mr. WALSH of Massachusetts. The Senator also thinks that the information is now available?

Mr. SMOOT. There is no doubt of that.

Mr. WALSH of Massachusetts. But it is not available in the form requested by the Senator from Alabama?

Mr. SMOOT. No. In other words, any Senator can walk over to the Ways and Means Committee of the House and ask for the tax refunds granted to any individual or corporation in the United States, and he can secure that information. I think it ought to be done in that way, instead of in the manner proposed by the resolution, which will involve an expenditure of $10,000 and take 100 employees from their present work and assign them to this duty while the bureau is crowded at this particular time.

Mr. WALSH of Massachusetts. I am surprised to hear the Senator state that he does not know whether or not the list is printed.

Mr. SMOOT. I doubt whether it is printed, because the law, as I have said, merely provides that it shall be delivered to the chairman of the Ways and Means Committee.

Mr. HEFLIN. Mr. President, this information has never been given to the Senate. It is a terrible indictment against the Senate that the Senate has voted money to pay these refunds in the millions and hundreds of millions without ever having this list. I have tried repeatedly to obtain this important information.

The newspaper men have never seen it except just for a few moments at the Treasury Department. They were called in to look it over—they have told me this—and just had a few minutes in which to turn the pages and pick out names, all mixed up, jumbled together, from pages containing over 200,000 names. I dare say in all the ramifications of the various departments of Government there is no such loose, clumsy, and confusing performance as is found in this particular branch of the Government. I am asking that the names of people receiving refunds of taxes shall be given by States showing the amount refunded in each case.

Why can not the Senate be furnished with this information? Why are we not entitled to know in advance to whom they are refunding this money? You could not get a bill through a commissioner's court in any place in the United States without submitting to the commission itself the name of the person to whom money was to be paid and the amount of money to be paid; but here we are about to be called upon to vote for the refund of $103,000,000 without a scintilla of evidence furnished the Senate showing the amount and to whom it is to be paid.

Mr. President, it strikes me as a terrible indictment against this body if it permits that thing to continue.

It has been suggested to me that I amend this resolution. The Senator from Kansas [Mr. CURTIS] suggests that I amend it so as to require them to furnish us these names by States for amounts above $10,000. I am willing to accept that amendment. There are quite a number of these items that range around five and ten dollars, fifteen and twenty dollars, and so on. We would not care especially to have those small amounts. We might follow the suggestion of the Senator from Utah and go over to the House of Representatives and secure permission to look at the list furnished to the House, which has never been furnished to the Senate, and examine that list as to the smaller amounts; but I submit that this body, one branch of the legislative body of the Nation, is entitled to have a list such as I suggest furnished to it by the Secretary of the Treasury.

I wrote the Secretary of the Treasury for this list on the 29th of December. He is just now answering my letter, so that the Senator from Utah could use it in a debate here.

Mr. SMOOT. The Secretary's letter is dated January 14. I have a copy of it here.

Mr. HEFLIN. And mine was written on December 29.

Mr. SMOOT. The Senator's letter to him was written on December 29.

Mr. HEFLIN. It is just about half a mile from the Secretary's office to the Capitol. It takes him half a month to get his facts and figures, or supposed facts and figures, ready and a statement ready to be submitted to the Senate.

Senators, it seems to me that we ought to demand this information. I think the Secretary should be required to give us this list containing names and amounts by States. I do not think that is asking too much of the Secretary of the Treasury. I know that bureaucracy has gone mad in the Capital. I know that some of these departments are setting themselves up above the lawmaking body of the Nation, and are becoming very arrogant and aristocratic and autocratic. They do not like to be disturbed about these matters; but this is still a government of the people, and we are the representatives of the people, and we are about to be called on to vote out of the Treasury $103,000,000 in refunds of taxes reaching back over the years of 1925, 1926, and 1927.

How much longer will these enormous refunds of taxes paid two and three years ago continue?

Will this business of favoritism never cease? Would any other lawmaking body or any other body in the world be as careless and indifferent to this kind of work as the Senate has been? I have protested and opposed the program to refund these taxes without specific evidence on the subject. So has the Senator from Tennessee [Mr. MCKELLAR]; and other Senators on this side and some on the other side have disapproved the manner in which this money has been refunded.

Mr. President, I ask that my resolution be modified in the way I have suggested, making the amount $10,000, instead of requiring the amounts and names of all persons to whom money has been refunded to be given.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The Senator has a right to modify his resolution.

Mr. HEFLIN. I want it to read, "That all persons whose refunds amount to $10,000 and more." I do not think the Senator from Utah will object to it with all these other names stricken out. Personally I would like to have the entire list showing every name and the amount refunded in each instance. But the resolution as amended will bring to the Senate very important information. It will produce the information that some of us are particularly interested in at this time.

Mr. SMOOT. It is not a question of the number of names. I do not know how many names there will be. It is a question of interfering with the work of the department right now, when it is so crowded with work; and not only that, Mr. President, but the House of Representatives and the Senate of the United States passed this law and said that those names should be open to any Member of Congress.

Mr. SWANSON. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Yes.

Mr. SWANSON. As I understand, this information is already in the possession of the House of Representatives; is it not?

Mr. SMOOT. Yes; under the law.

Mr. SWANSON. But they have not got it arranged alphabetically?

Mr. SMOOT. Not alphabetically.

Mr. SWANSON. It is all in a jumble, so that nobody can determine who is to be paid. Now, why would it take $10,000 for a clerk to take the report that was made to the Ways and Means Committee and make it alphabetical and send it here?

Mr. HEFLIN. By States.

Mr. SWANSON. As I understand, it is all in a jumble—not fixed up alphabetically at all.

Mr. SMOOT. It is fixed up just as the payments have been made.

Mr. SWANSON. How long will it take the department to make a list by States of individuals and large corporations that have had these rebates? It would not take 10 clerks a week to take the list that the Senator from Alabama refers to and fix it up in that way and systematize it.

Mr. SMOOT. Why, certainly it would, Mr. President.

Mr. SWANSON. To take that list and simply fix it up so that people could look at it by States?

Mr. SMOOT. By States and districts and amounts. There are two hundred and forty-odd thousand of them.

Mr. SWANSON. Why did they not send it that way at first?

Mr. SMOOT. Because they did it according to the law; that is all.

Mr. SWANSON. The law does not say they must report in the order in which payments are made.

Mr. SMOOT. That is the way they would do, of course—report in the order in which they are paid.

Mr. SWANSON. It does seem to me that the newspaper people, the country, the Senate, and the House are entitled to have this information systematized as desired by the Senator from Alabama; and I do not believe it would cost a thousand dollars to get some clerks to take that and systematize it alphabetically by States.

Mr. CARAWAY. Mr. President, does not the Senator realize, though, that that information is not wanted?

Mr. SWANSON. Of course; and I can not see why they do not want it that way.

Mr. SMOOT. They have the information now.

Mr. SWANSON. But they have not the information. Who could get any information from a parcel of papers all mixed up, not arranged by States, not arranged alphabetically? Why did they not send it systematically at the beginning? All the Senator from Alabama wants is to have that information sent here so that the Senate can ascertain intelligently what it is doing when it votes $103,000,000, if I understand correctly. Is not that true?

Mr. SMOOT. I have already stated exactly what the resolution calls for.

Mr. SWANSON. If it costs $10,000, I am willing to vote $10,000 for this body to have information on rebates of $103,000,000.

Mr. SMOOT. I will say to the Senator that that $103,000,000 is yet to be provided, so that when the rebates are made it will be paid.

Mr. SWANSON. What we would like to know is the system by which it is done. I can not see the slightest objection in the world to taking this mass of information, systematizing it by States, and arranging it alphabetically. I can not see any objection to that. You say you have the information. Employ a few clerks to give that information to the country and to Congress.

Mr. BORAH. Mr. President——

Mr. SWANSON. I yield to the Senator.

Mr. BORAH. I desire to ask the Senator from Utah whether the objection to this is confined to the question of expense.

Mr. SMOOT. Not only the expense but the time in which it can be done. It will take 100 clerks 15 days to get this work out, and right now the returns of incomes are coming in from the 1927 taxes. To take a hundred men out of the work of receiving these returns and compiling this information, which any Senator or any Congressman can get in regard to any individual or corporation or association, is going to be a great inconvenience to the department and interfere with the work in connection with the income-tax returns, which are coming in now by the tens of thousands.

Mr. BORAH. I understand that all this information is in the hands of the House?

Mr. SMOOT. Yes; under the law it is required to be there.

Mr. BORAH. The only question now is that of getting it in such a shape that a person can know what it is?

Mr. SMOOT. More easily; that is all.

Mr. HEFLIN. Mr. President, the Senator from Utah says the information is in the hands of the House.

Mr. SMITH. Mr. President, may I ask the Senator from Alabama a question? I have not investigated this matter, but it seems to me that there must of necessity be a record kept of each individual case, and the reason why the rebate was granted, and necessarily the address of the individual or firm, and his place of business, and the State in which he was located. It looks to me as though the persons in the Treasury Department would have every facility in the world for furnishing this information, except just the tedium of taking each case. Knowing the State, all that would be necessary would be to turn to the roster, find what States have had these rebates, and then the name of the individual. I do not know how they go about it down there, whether they make these refunds without keeping the name or address of the firm or corporation to be repaid the money; but I should imagine, in a place of such large business as our Treasury Department, that the files are all easily accessible by States, so that this work might be done without any unreasonable delay or any great amount of expense.

Mr. SWANSON. If the Senator will permit me, I understand the proposition of the Senator from Utah to be this: It will take a hundred clerks to fix up this information alphabetically, but a Senator can get it, and it will take him two years to look through it and get any information. It comes to him all in a jumble. It will take a hundred clerks to get any system out of it so as to find anything, but we will turn it over to a Senator or Congressman!

Mr. NORRIS. Mr. President——

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. I ought to apologize, perhaps, for my ignorance on the subject, but I was not in the Senate Chamber when the resolution was read, and do not know just what it calls for. Does it call merely for information?

Mr. HEFLIN. The resolution requests the Secretary of the Treasury to furnish to the Senate, by States, the names of persons to whom refunds have been given in the last refunds made by the Secretary of the Treasury, and the amounts paid. I offered to amend the resolution by asking that they give the names and amounts only where the amounts are above $10,000.

Mr. NORRIS. Has the Senator any information as to how many refunds above $10,000 have been made?

Mr. HEFLIN. I have not, but the Senator from Kansas [Mr. CURTIS] told me that there were a great many of them for small amounts, $3 and $5, and amounts like that. We do not care especially about those cases. He suggested that I make the limit $10,000.

Mr. NORRIS. I heard just a part of the remarks of the Senator from Utah, and I get this idea: That it is claimed that the information for which the Senator is asking in the resolution is already in the possession of the House of Representatives. Is that true?

Mr. HEFLIN. No, Senator. There is a list filed with the House with names of people residing in Alabama, New York, California, Nebraska, and all the States jumbled together. The newspaper men have told me that they were permitted to see the list for only a short space of time, not long enough to make any intelligent report on it. It is filed in the House in that form. This resolution asks that the Secretary of the Treasury furnish the Senate a list of names of those receiving above $10,000, by States, in order that we may have the information when in a few days we shall be asked to vote on a bill making provision for the payment of $103,000,000 in refunds.

Mr. SMOOT. The list has been filed with the House under the law, just as the refunds are paid, and there is not a Senator or a Representative who can not get the amount of the refund to any individual, association, or corporation, if he asks for it, as the law provides.

Mr. NORRIS. Suppose I, or anyone else, should go and ask for the amount of Mr. Smith's refund. Is the information in such shape that a Senator or a Representative could get it without going through a voluminous mass of papers?

Mr. SMOOT. Yes; the items are in alphabetical order. You can get them in five minutes. All of the S's are under the letter S, and all of the A's are under the letter A, and so on.

Mr. SWANSON. Why, then, would it take a hundred clerks 30 days to fix the list up by States and alphabetically?

Mr. SMOOT. In the first place, they would have to go through all the names.

Mr. NORRIS. How many are there?

Mr. SMOOT. About 246,000.

Mr. NORRIS. Does the Senator know how many there are which amount to above $10,000?

Mr. SMOOT. No; I have not that information.

Mr. NORRIS. I suppose such a limitation would cut the number down very materially.

Mr. SMOOT. Yes; it would cut the number down, but I do not know how many. By reference to the letter I find there are exactly 245,446.

Mr. NORRIS. I would like to say to the Senator from Alabama that I have no idea how much it would be cut down if we should limit it to $10,000 and over.

Mr. HEFLIN. I do not know, either.

Mr. NORRIS. But to be valuable, to be of very much service, the list ought to be cut down very materially. A list of 240,000 names, even though it were arranged in alphabetical order, according to States, would still be a very voluminous docu-

ment, and difficult to examine and get anything out of. I suggest to the Senator from Alabama that he fix the limit, say, at $25,000. That would certainly eliminate most of the names, and make it so that it would be handy to get. The idea of the Senator is, I suppose, to get information as to the large refunds.

Mr. HEFLIN. Mr. President, I accept the suggestion made by the Senator from Nebraska, and ask that the resolution be modified accordingly.

The PRESIDING OFFICER. Without objection, the resolution will be so modified.

Mr. HEFLIN. I ask for a vote on the resolution.

Mr. SIMMONS. Mr. President, one question before that is voted on. The Senator from Utah has said repeatedly that this list which is filed with the House is filed there under the law.

Mr. SMOOT. Yes.

Mr. SIMMONS. Does the law provide that the Ways and Means Committee shall have this information, but that the Senate Finance Committee shall not have it? I am just asking for information.

Mr. SMOOT. The law requires—and the Senator was a member of the Finance Committee when the law was framed——

Mr. SIMMONS. I am not disputing that.

Mr. SMOOT. The law provides that the Secretary of the Treasury shall file with the Ways and Means Committee of the House a list of all refunds. It also gives the right to any Member of Congress to examine those lists at any time he may desire. That is what the law requires.

Mr. SIMMONS. I am not disputing that at all. I simply have asked a question for information. It was a very great oversight on the part of the Finance Committee when it gave its approval to this provision not to have insisted that the Senate Finance Committee should likewise have a similar list, and I hope that if the tax bill now before the Finance Committee ever gets into the Senate—and I doubt very much whether it will——

Mr. SMOOT. Not if the Senator can prevent it.

Mr. SIMMONS. If the Senator from Utah can prevent it, it will not come up this session.

Mr. SMOOT. No; the Senator from North Carolina.

Mr. SIMMONS. Oh, the Senator knows I am anxious to get it up.

Mr. SMOOT. Oh, very well.

Mr. SIMMONS. But the Senator from Utah says it will not be gotten up if he can prevent it; that is, if the Senator from Utah can prevent it. I think he has made a correct statement as to that. What I am saying, however, is that when it does get out of the committee I hope that that provision will be amended so that the Senate committee having charge of this class of legislation will have the same opportunity to investigate and to advise itself as to what is being done as the House Ways and Means Committee has.

Mr. SMOOT. It was section 3220.

Mr. SIMMONS. I know that the names of those to whom refunds are proposed to be granted are many; but the amount which is appropriated for this purpose is very great, too. It is over a hundred million dollars, as I understand, that is now asked by the department to pay these refunds. I do not know when that matter will come before the Senate. It generally comes in one of the later deficiency bills; but I say to the Senator from Utah right now that whenever he does bring that matter here—whenever the Senate is asked to vote upon the question of whether it will make an appropriation to refund $103,000,000—I am going to insist, as a member of the Finance Committee, that the Senate shall have adequate and sufficient information to enlighten it before it passes any such large appropriation as that. The Treasury Department, I shall insist, must send us a list and a statement of these proposed refunds that will be at once intelligible and fully informative.

Mr. SMOOT. Mr. President, the particular reason for asking that the resolution be not passed at this time was a consideration of the expense attached to it and the fact that it would take the time of a great many employees. The limitation has been fixed at $25,000, and I can not say what number that would cut off. But the information is available to the Senate now.

Mr. DILL. Mr. President, will the Senator yield? I want to ask a question.

Mr. SMOOT. I yield.

Mr. DILL. Are these names not available to the public now? This list, the Senator says, is sent to the Speaker of the House of Representatives. Does that mean that it is kept within his possession, without anybody being able to see it?

Mr. SIMMONS. The House has a list of the names locked up there. The Senator can go and get it.

Mr. DILL. I want to know whether the law prohibits the names being made public.

Mr. SMOOT. The law provides that they shall be deposited with the Ways and Means Committee of the House.

Mr. DILL. Is that interpreted to mean that nobody can see them except the members of that committee and of the House?

Mr. SMOOT. I think that anybody who asks there for the name in any particular case——

Mr. DILL. Oh, no; I am talking about the list.

Mr. SMOOT. That I do not know.

Mr. GLASS. I will say to the Senator that it is obvious the law does not require that the names shall be kept secret, because several weeks ago the New York Times printed page after page of the refunds to citizens of New York State.

Mr. DILL. I can not see why there should be any opposition to publishing them here.

Mr. SMOOT. I know that newspaper men go there and receive the information.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. SMOOT. I yield.

Mr. BRUCE. I would like to ask the Senator if he knows how many folios one of these reports usually covers.

Mr. SMOOT. I could not say as to that.

Mr. BRUCE. Are they very voluminous?

Mr. SMOOT. Quite so.

Mr. BRUCE. Could not photostatic copies be taken of them at very slight expense?

Mr. SMOOT. The expense of getting a list of the names would not be very great; but what is asked now is that the department send the information alphabetically and by States and districts.

Mr. BRUCE. Should not all that be done at the Treasury?

Mr. SMOOT. The Treasury Department say they they can do it within 15 days, but that it will cost $10,000 and it will take 100 of their employees to do the work.

Mr. BRUCE. Should not that be done every year by the Treasury Department before they send the reports down? It seems to me the matter in the reports ought to be arranged according to States and according to any other principle of convenience the case may demand. Certainly I can not see that the Senator from Utah is justified in saying there would be any considerable expense in furnishing this body with a copy of these reports, because they could be taken photostatically.

Mr. SMOOT. My statement is based upon the letter from the Secretary of the Treasury, which I have read.

Mr. BRUCE. Of course, if the names were all written out in longhand, that would be another matter. But there is no occasion for that. In my humble labors as a biographer I have had occasion to take very lengthy extracts from documents in libraries, and they are usually taken photostatically at very slight expense.

Mr. SMOOT. This does not mean a copy of the whole document alone; it requires the stating of the names and the addresses; and it would include the States and districts. That is why it would take a longer time. If it were a matter of just getting out the names and the amounts, it would not mean very much in the way of work.

Mr. BRUCE. Would it not be a good thing for the House and Senate to be altogether relieved of a task of that kind? It ought to be done at the Treasury Department before the reports are sent down.

Mr. SMOOT. This is according to law.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. SMOOT. Yes.

Mr. SWANSON. I understood the Senator first to say that this list was arranged in the order in which the refunds were made.

Mr. SMOOT. That is what I do say.

Mr. SWANSON. Subsequently the Senator said the names were arranged alphabetically.

Mr. SMOOT. No.

Mr. SWANSON. Has the Senator any subsequent information, after looking over the papers? Are the amounts given in the order in which they are paid or are the lists arranged alphabetically?

Mr. SMOOT. They are filed in the order in which they are paid, but an index will be kept, of course, alphabetically arranged. If an amount is paid upon a certain date, that is filed with the House. The amounts are all given in accordance with the dates of payment.

Mr. McKELLAR. Mr. President, I want to say to the Senator from Utah that he is mistaken about their being filed in any order whatsoever. There is a general provision now which requires the Secretary to file the lists. They are filed, but are not alphabetically arranged.

Mr. SMOOT. The Secretary is not required to do that.

Mr. McKELLAR. That is right; he is not required to do it. He just files them pell-mell over at the House and they are put down in the cellar and nobody has charge of them. Several years ago I employed a man to go and seek out such information as he could get. It is most difficult to get the information. It is virtually no information at all, because there is no order about it. There is no way to obtain any particular returns. The present law virtually denies to the Congress any real information with reference to these returns.

Mr. HEFLIN. Mr. President, I believe Senators are ready to vote to ask for the information for themselves as representatives of the sovereign States. I ask that the vote be taken.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the Senate a list by States of the names of people to whom taxes have been refunded amounting in each case to $25,000 or more in the last refund of taxes made by the Secretary of the Treasury.

SOUTH CAROLINA AGRICULTURAL EXPERIMENT STATION

Mr. SMITH. Mr. President, from the Committee on Agriculture and Forestry I report back favorably without amendment the joint resolution (H. J. Res. 81) for the amendment of the act of March 3, 1927, by authorizing an annual appropriation to carry out the cooperative experiments contemplated by the act. The joint resolution was acted upon by the committee this morning and I was directed to report it back and ask for its immediate consideration. It will take only a moment. The Secretary of Agriculture has insisted that the experiment station in South Carolina shall be placed on the same footing with other experiment stations in cooperation with the Government. The joint resolution is intended to clarify the language of the existing law and is recommended by the Secretary of Agriculture.

Mr. SMOOT. In the past have they not been on the same footing?

Mr. SMITH. No. The language used in the creation of a cooperative relationship between the Government and my State was unfortunately chosen, with the result that the relationship terminated at the end of one year. The joint resolution is merely intended to clarify the language as indicated by the documents accompanying it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the act of March 3, 1927 (44 U. S. Stat. L., p. 1397), entitled "An act authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the South Carolina agricultural experiment station" be, and the same is hereby, amended by adding the following:

"SEC. 2. That there is hereby authorized to be appropriated each fiscal year thereafter necessary appropriations to enable the Secretary of Agriculture to carry on the cooperative experiments contemplated by this act."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED FARM RELIEF

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent that an editorial appearing in the St. Paul Pioneer Press of January 21 be printed at this point in the RECORD. It deals with agricultural legislation now pending before the Congress of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

NO SURRENDER

Whatever difference of view there may be about details of farm relief measures, the treatment being accorded the McNary-Haugen bill in Washington to-day is eminently unfair. The farmer's righteous demand for economic equality with other more favored industries is not receiving just consideration.

Through political strategy and parliamentary procedure the farmer's cause is temporarily pocketed in the House Committee on Agriculture, where deft operations are to render it innocuous and impotent. Defeatist propaganda sowed behind the lines has caused timid politicians to waver in their support. The whispered word of an impending presidential veto and suggestion that something should be prepared which would gain approval of the White House and party organization have spread through the Capitol.

The issue has not been met fairly nor the merits of the case openly discussed. Those who oppose the McNary-Haugen bill have made no sincere efforts to proffer a practical substitute that would accomplish the same results, namely, give to agriculture an equal measure of benefits that tariff protected industries enjoy. They take their stand behind a blank wall of opposition. When they talk of compromise they mean that the farmers should surrender everything that is vital to genuine agricultural relief.

Because of this attitude, the West is forced to stand firmly for the McNary-Haugen bill substantially as it is. Vice President Dawes has told the farmers to stick to their guns. Unquestionably when he made that statement he had in mind the fact that the enemies of farm relief have forced a choice between the McNary-Haugen bill or nothing. Therefore it becomes a duty of all true friends of the farmer to hold fast to the principles of the only concrete, workable plan of general relief which is before Congress as a practical reality.

The farmer will not permit his interests to be sacrificed to the exigencies of party politics. Politicians, thinking more of party than of the national welfare, may be able to return from Washington next spring with a counterfeit measure of farm relief. It is proposed to report out of committee a "McNary-Haugen" bill emasculated by omission of the equalization fee, which is the heart of the present plan for dealing effectively with surplus production and going to the root of the agricultural price difficulty. Such a spurious farm relief will not fool the farmers. They will not be put off with such a gesture. The issue dodged in Congress will reassert itself at the party conventions, in the campaign, at the election, and again and again in Congress until the question has been honestly faced.

Western politicians who are talking about deserting or betraying the cause of farm relief should take warning. They may waver, but the farmers will not.

INVESTIGATION OF SINKING OF SUBMARINE "S–4"

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of the joint resolution (H. J. Res. 131) providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S–4* and upon methods and appliances for the protection of submarines.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of House Joint Resolution 131.

Mr. HALE. Mr. President, the Senator from Virginia [Mr. SWANSON] has proposed an amendment to the resolution striking out section 3 and providing for a joint commission of three Members of the Senate and three Members of the House to investigate the *S–4* disaster. I have no objection to having a vote on his amendment.

Mr. SWANSON. Mr. President, I have no objection to a vote, but I suggest the absence of a quorum, so that we may get absent Senators here, and then the Senate may vote immediately, so far as I am concerned.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blaine	Glass	Metcalf	Steck
Blease	Gooding	Moses	Steiwer
Borah	Gould	Neely	Stephens
Bratton	Greene	Norbeck	Swanson
Brookhart	Hale	Norris	Thomas
Broussard	Harris	Nye	Trammell
Bruce	Harrison	Oddie	Tydings
Capper	Hawes	Overman	Tyson
Caraway	Hayden	Phipps	Wagner
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Ransdell	Walsh, Mont.
Curtis	Johnson	Reed, Mo.	Warren
Cutting	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ind.	Watson
Dill	Keyes	Sackett	Wheeler
Edge	King	Schall	Willis
Edwards	La Follette	Sheppard	

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, a quorum is present. The question is on the amendment proposed by the Senator from Virginia [Mr. SWANSON].

Mr. WALSH of Massachusetts. Mr. President, before the vote is taken upon the resolution of the Senator of Maine, and which involves, I think, a grave departure from the policy heretofore pursued when charges of neglect of duty have been preferred against department officials, I would like to ask the Senator from Maine if another submarine disaster should happen to-day, or a month from to-day, would he come here and ask for another commission to investigate it?

Mr. HALE. I think the commission which I am asking to have appointed will take care of that very matter and will

make suggestions for the future which would in large measure reduce the chances for such an accident.

Mr. WALSH of Massachusetts. Such a course would seem to establish the policy that if an explosion occurs at an ammunition depot, if a gang of conspirators are found counterfeiting money in one of the departments, if a battleship explodes at sea no Senate committee is to make inquiry, but a special commission or bureau is to be set up to make the investigation for us.

Mr. HALE. I think the object of the investigation is to get the best information we can. So far as investigating accidents in the Navy or in the Army is concerned, I do not recall any cases where an investigation, either of a naval or Army accident has been made through a congressional committee. It is an unusual procedure.

Mr. WALSH of Massachusetts. I do not care to prolong the discussion, but I want to protest most vigorously against the Senate of the United States abrogating its duty to inquire into charges of negligence against bureaus of the Government. Accordingly, I shall vote for the amendment of the Senator from Virginia, which provides for a congressional investigation into the causes of this most unfortunate disaster.

Mr. HALE. That is the question. We want to find out whether there is any actual neglect involved.

Mr. SWANSON. Mr. President, may we have the amendment stated?

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Virginia proposes to amend the joint resolution by striking out section 3 and inserting in lieu thereof the following:

A joint committee composed of three Members of the Senate, appointed by the President of the Senate, and three Members of the House of Representatives, appointed by the Speaker of the House of Representatives, is hereby authorized and directed to investigate the full facts of the sinking of the submarine *S–4* in collision on December 17, 1927, with the United States Coast Guard destroyer *Paulding* off the Massachusetts coast, and the rescue and salvage operations carried on by the United States Navy subsequent thereto, to supplement the investigation now being made by a naval court of inquiry. And said joint committee shall submit a full report to each branch of the Congress, giving the result of this investigation and such recommendations as it may see proper to make.

And on page 2, line 17, after the word "the," insert "joint committee and."

Mr. HEFLIN. Mr. President, the failure of the Navy Department to have appliances and equipment with which to resurrect the sunken submarine *S–4* is something that can not be excused by Congress or by the country. I am informed that the captain of the *S–4* had already suggested that the officers and crew of that submarine were liable to be killed in the fashion that they were; but the Government seems to have taken no steps to be ready for such an emergency when it arose later.

The able and brilliant Representative in the House from Oklahome, Mr. MCCLINTIC, has pointed out that Germany is equipped with the proper appliances to raise a submarine in 10 hours. These American boys imprisoned in the submarine *S–4* on the bottom of the ocean were there for days, sending messages to the outside world—to the officers of the Navy afloat above them, "For God's sake, hurry." The Navy was unable to bring them up, and there imprisoned on the bottom of the ocean they went to a slow and terrible death. It will not only be a terrible crime on the part of the Navy but it will be a terrible crime on the part of Congress if we do not provide at once the proper appliances at any cost.

It is a fearful thing to have men imprisoned in a submarine on the bottom of the ocean helpless and this Government, with its great wealth and power, failing to be provided for such an emergency. Germany has equipment, as I have said, already in use to raise a boat such as the *S–4* in 10 hours. Why is it that our Navy has not provided such an equipment? It is certainly a terrible indictment against this Government that we were not able to bring these boys up at all until after they were dead.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia.

Mr. SWANSON and Mr. HALE asked for the yeas and nays, and they were ordered.

The legislative clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). On this question I have a pair with the Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the Senator from Vermont [Mr. DALE] and vote "nay."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT], which I transfer to the Senator from Rhode Island [Mr. GERRY], and vote "yea."

The roll call was concluded.

Mr. TYSON. I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. BAYARD. The senior Senator from Rhode Island [Mr. GERRY] is unavoidably absent. If present, he would vote "yea."

Mr. JONES. I wish to announce that the Senator from Massachusetts [Mr. GILLETT] is paired with the Senator from Nevada [Mr. PITTMAN].

The result was announced—yeas 51, nays 32, as follows:

YEAS—51

Ashurst	Dill	King	Simmons
Barkley	Edwards	La Follette	Smith
Bayard	Ferris	McKellar	Steck
Black	Fletcher	McMaster	Stephens
Blaine	Frazier	Mayfield	Swanson
Blease	George	Neely	Thomas
Borah	Glass	Norris	Trammell
Bratton	Harris	Nye	Tydings
Brookhart	Harrison	Overman	Wagner
Broussard	Hawes	Ransdell	Walsh, Mass.
Bruce	Hayden	Reed, Mo.	Walsh, Mont.
Caraway	Heflin	Sheppard	Wheeler
Copeland	Kendrick	Shipstead	

NAYS—32

Bingham	Greene	Metcalf	Schall
Capper	Hale	Moses	Shortridge
Curtis	Howell	Norbeck	Smoot
Cutting	Johnson	Oddie	Steiwer
Edge	Jones	Phipps	Warren
Fess	Keyes	Reed, Pa.	Waterman
Gooding	McLean	Robinson, Ind.	Watson
Gould	McNary	Sackett	Willis

NOT VOTING—11

Couzens	du Pont	Goff	Robinson, Ark.
Dale	Gerry	Pine	Tyson
Deneen	Gillett	Pittman	

So Mr. SWANSON's amendment was agreed to.

The VICE PRESIDENT. The question is on the amendment which has been offered by the Senator from Maine [Mr. HALE]. The amendment will be stated.

The CHIEF CLERK. On page 1, lines 5 and 6, it is proposed to strike out "three of whom shall be selected from civil life and two shall be retired officers of the Navy" and insert "four of whom shall be selected from civil life and one shall be a retired officer of the Navy; of the four members selected from civil life one shall be a United States circuit or district judge."

Mr. HALE. Mr. President, I withdraw that amendment. As the commission will now have simply to do with the investigation of safety appliances, there is no occasion for it.

The VICE PRESIDENT. Without objection, the amendment will be considered as withdrawn.

The Chair is informed that the Senator from Tennessee [Mr. MCKELLAR] gave notice of an amendment.

Mr. MCKELLAR. I do not care to press the amendment.

The VICE PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to amendment.

Mr. HALE. Mr. President, I find it will be necessary in section 6 to make certain amendments, and I propose the following:

The commission shall, as soon as practicable, submit a full report to the President, who shall immediately transmit the same—

And so forth; to take the place of the wording which included the investigation of the *S–4*.

Mr. SWANSON. I have no objection to that. I think it is a proper amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

THE MERCHANT MARINE

Mr. JONES. Mr. President, I desire to propose a unanimous-consent agreement. I find that it will be impossible for us to get a final vote on the shipping bill to-day; so I ask unanimous consent that when the Senate concludes its business to-day it recess until Monday, and that after 3 o'clock on Monday no Senator shall speak more than once nor longer than five minutes on the unfinished business.

Mr. BRUCE. Mr. President, I shall have to object to that. I told the Senator from Washington that I intended to offer an amendment to the bill.

Mr. JONES. This will not prevent the Senator from doing that.

Mr. BRUCE. Mr. President, are amendments in order now?

The VICE PRESIDENT. The unfinished business will come before the Senate at 2 o'clock. The calendar under Rule VIII is in order.

Mr. BRUCE. I object to the request which has been made. I am very sorry to do it, because I should be very glad to see this bill come to a vote; but I have an amendment I want to offer to the bill, and I desire to have an opportunity to discuss it. There will be no opportunity to discuss the amendment under the arrangement that is proposed.

Mr. JONES. If the morning business is concluded, I ask unanimous consent that the Senate may resume the consideration of the shipping bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. BRUCE. Mr. President, I offer the amendment which I send to the desk, and ask to have it read.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 9, after the word "authorized," it is proposed to insert a colon and the following:

Provided, That all subordinate officers and positions under the United States Shipping Board and Emergency Fleet Corporation of a clerical or ministerial nature, other than the position of seaman or other positions calling for the performance of purely manual or menial duties, shall be subject to the Federal laws relating to the Federal classified service and reclassification.

Mr. JONES. Mr. President, would the Senator object now to the agreement I proposed?

Mr. BRUCE. The Senator from California [Mr. JOHNSON] has asked me to yield for half an hour. He desires to express himself regarding the general merits of the bill. I have said to the Senator, of course, that I am willing to yield. Then I want an opportunity to say just a few words—not very much on the amendment.

Mr. JONES. Of course, the Senator will have all afternoon under this proposed agreement.

Mr. TYSON. Mr. President, what is the hour fixed?

Mr. JONES. The hour fixed is 3 o'clock on Monday. We will run just as late this afternoon as Senators desire to run.

Mr. TYSON. Will the Senator make that 4 o'clock?

Mr. JONES. Yes; I will make it 4 o'clock.

Mr. SHORTRIDGE. Mr. President, I regret that I shall be obliged to object to fixing the hour.

Mr. JONES. We will continue in session to-morrow, then.

Mr. HARRISON. Mr. President, let us try to get together on the matter. Is the Senator going to object to it?

Mr. SHORTRIDGE. Yes, Mr. President.

Mr. JOHNSON. Mr. President, it is an unfortunate thing that a question fraught with such potential possibilities to the Nation should receive such scant attention as apparently this measure has thus far received from this body.

There is nothing, sir, that means more to the future of the Republic, to the prosperity of the people of this Nation, and generally to the perpetuity of our institutions than sea power; and the necessity for that sea power in a nation which has reached preeminence in commerce upon the sea is demonstrated by the history of every country on the face of the earth that has ever risen to greatness at all.

If you will read the stories of the countries that have written themselves large upon the annals of time you will find that the greatness of nations kept pace with their power upon the sea, and that whenever there was a decadence of that sea power there was a similar decadence of the nation itself.

I have listened, sir, to nearly every speaker upon this subject as he stated his views upon Government operation and ownership. I have heard each individual vie with the individual preceding him in decrying and denouncing any effort upon the part of government to enter into any enterprise or any activity or any undertaking whatever.

It is not the time, to-day, sir, to discuss either the merits or the demerits of Government ownership. It is not, sir, it seems to me, an appropriate time, under the conditions that confront us in respect to our shipping, to indulge in either denunciation on the one hand of Government activity in business or in eulogiums upon the other.

I can not refrain, however, in passing, from remarking that there are some activities of government that are so national in their character, there are some things so requisite to be done in behalf of a people, that only the Government can undertake them, and only the Government can carry them through.

A flood such as has existed upon the Mississippi River in the past months is no undertaking for private initiative or a particular locality. It is a national calamity that the Nation itself should remedy.

On the Colorado River an improvement designed to rescue particular communities from danger from flood and to develop a great waterway of the Nation becomes a national undertaking, when only the Nation itself can transmute what is now a national menace into a future national asset.

I do not quarrel with my conservative brethren from New England when they ask us to purchase the Cape Cod Canal; but I can not refrain, sir, from a smile, perhaps of cynicism, when these same gentlemen acknowledge that New England is without the ability and her citizens without the efficiency to carry on what was an individual and a private enterprise and ask the United States Government to purchase it and operate it as a national undertaking.

Sir, you may talk, and all these gentlemen may talk, until all of us are hoarse about the Government's inability to transact business or to undertake anything in behalf of its people. It is an indictment of our kind of government itself that these gentlemen speak and these gentlemen write.

A year or so ago I went down through the Caribbean to a place where one of the greatest businesses on the face of the earth is being conducted, the Panama Canal; and that business, sir—for it is a business, among the greatest that exist on earth—is managed, operated, maintained, and conducted by the United States of America.

The little boat with which we came into port required certain repairs. It was taken to a dry dock there at Panama for those repairs to be made—taken to a dry dock that is the greatest dry dock that exists in all the world; and it is operated, maintained, managed, owned, and conducted by the United States of America.

I went to a store in Colon, a store where the kind and variety of goods beggar description, and where the prices were less than the prices in the city of Washington, and I bought at that store the things that were required upon our journey; and that store, sir, was operated, maintained, conducted, and owned by the United States of America.

I stopped at a hotel there; and my friend from Connecticut [Mr. BINGHAM] doubtless is familiar with that hotel. It is an excellent one; a hotel maintained, operated, managed, conducted, and owned by the United States Government.

And so it was during all the period that we passed from one ocean to the other—the Government of the United States owning, operating, maintaining, and conducting every activity there—and I never felt prouder of the Government of the United States than in that journey through the Panama Canal, when I saw the kind of Americans that had gone down there and done the job, and done it well.

Our conservative friends from New England who inveigh against Government operation and Government ownership will concede, undoubtedly, what I say in this regard. There is an instance, were I endeavoring to argue governmental ownership or governmental operation of one of the greatest businesses on the face of the earth conducted better than private initiative and private endeavor ever could or would have conducted that business, conducted by the Government of the United States.

Mr. BINGHAM. Mr. President——

Mr. JOHNSON. I yield.

Mr. BINGHAM. Surely the Senator will remember that the great enterprise to which he refers, the Panama Canal, is, by the very nature of the case, a monopoly. There is no competition. The Government can do it in the most expensive manner that it desires; it can charge the rates that it pleases; it can conduct the business without interfering with any private party, because there is no competition possible. That is an entirely different case from the one we have before us.

Mr. JOHNSON. What of it? That does not answer the animadversions in which the Senator has indulged on Government ownership. Is that the case with the Cape Cod Canal in Massachusetts? There the enterprise was in private control, owned privately, and conducted by private individuals. They failed, and when they failed, then the Government of the United States was asked to purchase the failing enterprise and conduct it as a governmental enterprise. So it makes no difference that the Panama Canal may constitute a monopoly. The fact is that it is being conducted efficiently and well. That is the point, not whether or not there is another canal, or whether there could be another canal, but the Government itself is conducting there a great business enterprise, conducting it efficiently, and conducting it in every respect well.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. BINGHAM. I agree with the Senator that if it were possible to create a similar monopoly in the shipping world, so that no other countries in the world could operate ships, and that we might have the monopoly of carrying the shipping into all parts of the world, their freight and our freight, without any more competition than the Panama Canal meets, the Government might well engage in it. But this is an entirely different enterprise the Senator is suggesting. Of course, if he can not see the difference, nothing I could say could show it to him.

Mr. JOHNSON. I do not want to indulge in invidious remarks in answer to the last statement made by the Senator from Connecticut. I would not say, of course, that it would be utterly impossible for him to put understandingly or intelligently a proposition—that would be absurd—any more than I would expect him to say that it was impossible for me to understand his sometimes well-chosen English and his present ill-chosen English.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Does the Senator from California yield to the Senator from Nebraska?

Mr. JOHNSON. I yield.

Mr. NORRIS. If the Senator from Connecticut continues to hold that the fact of monopoly settles the question of whether or not Government operation or private operation can be successful, then the Senator from Connecticut must believe that the Government of the United States, or the District of Columbia, should own the street cars in Washington, should own the gas company in Washington, should supply the people of Washington with electric light. I think those of us who believe in Government ownership of such utilities can congratulate ourselves that we have a great and able recruit.

Mr. JOHNSON. I so understand what he says, but I understand, too, that if he had the power he would turn the Panama Canal over to private initiative and private endeavor.

Mr. HOWELL. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. HOWELL. The distinguished Senator from Connecticut does not make that distinction at all, that it must be a monopoly. The Cape Cod Canal, which he supported, was not a monopoly. Ships could go out around Cape Cod.

Mr. JOHNSON. I beg to call to the attention of the Senator from Nebraska that that is a different proposition, because the question of Government ownership depends, when you want to sell something that is in private ownership, upon whose ox is gored. That is all.

Mr. BORAH. Mr. President, the Cape Cod Canal was not a monopoly; it was a failure.

Mr. JOHNSON. That is the reason the United States bought it from private initiative and private endeavor, because it was a failure.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield to the Senator from Florida.

Mr. FLETCHER. May I suggest, in further reply to the point raised by the Senator from Connecticut, that the Panama Railroad & Steamship Line is not a monopoly. That is successfully conducted by the Government and stands on the same basis the Senator has mentioned with reference to the canal. It is a success under Government ownership and operation.

Mr. WALSH of Massachusetts. Mr. President, if the Senator from California will yield, apropos of what the Senator is saying, I would like to quote from the message of the Governor of Massachusetts, delivered this very month. The Senator knows, possibly, that the Boston Elevated Railroad is under public control. I quote from the Boston Globe what Governor Fuller says in his message:

> Mr. Fuller states the situation by saying that "public control has brought this road up from apparent bankruptcy to good condition and service." He observes that at the beginning of public control the common stock was quoted at $50 a share but has increased in value to $95 a share. "Therefore," he says, "it would appear that during the 10 years of public control the common stock has practically doubled in price. If this company were returned to private control, then there would be returned to the common-stock holders equity worth twice what it was 10 years ago."

Mr. JOHNSON. Will the Senator from Massachusetts tell me what road that is to which he refers?

Mr. WALSH of Massachusetts. The Boston Elevated Railroad, which owns the street transportation lines in the great metropolitan district of Boston. The State government, when the company was in financial difficulties, stepped in and took over public control 10 years ago.

Mr. JOHNSON. Has the Senator from Massachusetts read from an official utterance in Massachusetts?

Mr. WALSH of Massachusetts. I have read from the governor of the State, what he himself says about public control.

Mr. JOHNSON. Oh, treason!

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. FRAZIER. I want to ask the Senator from California if the Panama Canal has not been a success financially, as well as from the point of view of service?

Mr. JOHNSON. Oh, indeed, that is admitted. It is a success financially and a success in its management and its control, a success in every fashion in its efficiency.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. BINGHAM. May I be permitted to remark that, judging by the number of people who have jumped to their feet in the last two minutes, apparently a great many people had their ox gored?

Mr. JOHNSON. Does the Senator mean by the Cape Cod Canal? I am afraid it was not a great many people who had their ox gored by the Cape Cod Canal; it was only the Treasury of the United States, Mr. President.

So we will pass the Cape Cod Canal. I have no desire to make invidious remarks concerning that. Indeed, I did not start out with a design or a desire to discuss Government ownership or operation in any aspect. In passing I remarked concerning the Panama Canal, because it seemed to me one great instance where Government activity might be recognized.

It seems to me that every individual who has any idea of economics would not wish to take the Government into every kind of activity or every kind of business; but, as I said in the beginning, I say now in the close upon this subject, there are certain things the Government must do or they are not done, and one of the things that it is obvious, from the history of shipbuilding in the United States and from the story of its merchant marine, that the Government must do, because private initiative and private endeavor has not, will not, and can not do it—one of the things that the Government finally must do if we wish a merchant marine is to take charge of that merchant marine, build it, and maintain it, and see that the people of the United States have a merchant marine. The story of our shipbuilding, the story of our merchant marine, the whole story of our sea power, demonstrate that beyond a peradventure of a doubt.

I was not greatly concerned yesterday in the contest that was here as to whether four members of the Shipping Board or five members of the Shipping Board or seven members of the Shipping Board should determine whether or not ships should be sold. I feel that if there is one in power, one in power who is able to make his policies felt and to enforce those policies, it does not make any difference what individuals on a subordinate board may desire to do. The man in power, if he is fit to wield the power at all, will see that his subordinate board and its subordinate members carry out the policy that is his.

I am not out of sympathy with an idea of that sort either. Six years I presided over the destinies of a great State. I understood what power meant there. We were carrying into effect new policies in that State. If any man who was a subordinate official, if an individual under the head of the government declined to carry out what was the policy of the government, then it seemed to me it was the duty of the disagreeing official to step from his position and permit the policies of him who was at the head and who took the responsibility to be carried out.

So it does not seem to me to be of any consequence whether four members on a board or five or seven are written in a bill as necessary for a particular purpose. A man who sits above them and appoints them can tell them what to do, and I assume, if he has policies and if he seeks to carry out real governmental policies, he will not only tell them what to do but he will see that they do it and carry out his definite policies, too, or the individual will not longer remain in his official position. So much, sir, for the amendment that was offered to the bill.

I want for a moment or two now to demonstrate the necessity which exists in this land for a merchant marine. Ours is a peculiar nation to-day, sir.

Ours is a producing nation. The cycle of development through which we have just passed has been principally internal, but our huge resources have given us a productive capacity almost beyond belief and far in excess of our own power to consume. This surplus must be marketed abroad if our general prosperity and our standards of living are to be maintained, and only thus disposing of our production can we avoid privation and hardships to great masses of our people. The desideratum

can be accomplished in but one fashion; that is, with a due measure of sea power. By sea power I mean a sufficient merchant marine and an adequate Navy. Neither can exist separately. They are mutually dependent. They are the two cardinal elements which when combined are the sea power which every producing nation must have to be prosperous and stable. We must have first a merchant marine to carry our goods abroad, and we must next have a Navy to conserve, preserve, and protect that merchant marine. The merchant marine is as essential a part of our transportation system as are the railroads. To stop the ships would be equivalent to interrupting railroad traffic. To depend absolutely upon our trade competitors for the carriage of our goods would be like a merchant intrusting to his commercial rival and competitor the distribution of his wares. We need a merchant marine for the thousands of miles of internal sea travel now utilized between the various sections of our country. We need it because our unrivaled resources have, with an unparalleled genius and capacity for production, gone far beyond our ability to consume. We need it because exporting our surplus products is essential to maintain our standards of living and prosperity. We need it because we must of necessity import large quantities of essential products from overseas. We need it because the United States is at the center of the maritime world, with a position unequaled for the carrying trade to the great continents of Europe, Asia, and Africa. We need a merchant marine, lastly, because American commerce requires it and American national defense demands it. It does not make any difference whether you believe in a privately owned merchant marine or a Government owned merchant marine. Either is preferable to none. If we have not or can not have a privately owned merchant marine, then the Government of the United States must provide one.

The story of our ships and of our merchant marine proves that we can *not* have a privately owned merchant marine, and we are driven perforce to the other conclusion, no matter what the economic view may be, that the Government must therefore provide one. We have tried to build up for many, many years a privately owned merchant marine. We failed, signally failed, in all those years. Our policy of procrastination and vacillation has brought us perilously near to no merchant marine at all, and if we persist in argument, and if we continue this policy of procrastination and vacillation, within a very brief period Old Glory will be gone from the seas. There is no question of that and none to deny it. None can gainsay it. Down, down, down in the scale have we gone until under the estimates presented 14 years only will elapse until the American flag no longer floats upon the seas.

Now, sir, there never was a time in the history of this land when a merchant marine was so essential as at the present time. We have changed, sir, in this country in the last eight years. We have changed as an international trade competitor in the last eight years. Our position during that period has been transmuted from one far, far behind in maritime commerce into that of one who holds the proud position of being practically in the lead to-day of all the nations of the earth.

Since the Great War the United States has become the keenest international trade competitor in all the world. This has its compensations in the extended commerce of the Nation, the greater prosperity of our people, and in enhancing the general welfare. It has its dangers because success is ever the target for envy, and successful national commerce has always aroused hatred. In speaking thus I do not imply that either the rivalry, the envy, or the hatred of other nations because of our commercial success would lead to war. Indeed, America's intentions are so pacific, our policies are so utterly lacking in aggression, that it seems inconceivable the pursuit of legitimate commercial paths even to the exclusion of trade rivals could ever give such offense as would lead to armed conflict. But if our present preeminent position in trade and commerce is worth having it is worth safeguarding and protecting, and it is a lamentable historical fact, written red in the annals of time, that one of the greatest contributing causes of war has been trade rivalry.

Only recently have we reached our high position in the world's commerce. Until the World War Great Britain exceeded us by 50 per cent.

I take Great Britain for comparison because Britannia has ruled the waves for the centuries past. It is only to-day, in the long centuries of progress, that Britannia's rule upon the sea is challenged, and is challenged, sir, by this our country, the United States of America. So my comparisons, sir, are with Great Britain—Great Britain, which has had its trade supremacy in all the times with which we are familiar and during all the periods of commercial history.

Until the World War Great Britain exceeded us by 50 per cent. To-day we are practically equal. To-morrow the United States will lead. The statistics of trade show that in the first quarter of 1927 Great Britain lost in trade with China 17 per cent. The United States gained 12 per cent. In the previous two years Great Britain's trade with Australia has remained practically the same, while the trade of the United States had doubled. With Japan in this time British trade declined 10,000,000 yen, while ours gained by 150,000,000. During the same two years with India British trade dropped 10 per cent and American trade went up 10 per cent. South America is rapidly approaching the importance of the Far East as an outlet for the manufactured goods of the industrialized nations and here we find the United States making substantial encroachments upon British trade. With Argentine and Chile the British and American imports have increased about equally, but throughout all the enormous territory to the north the trend is very much like that in the Orient. Brazil will suffice as an illustration. In 1922 British imports were leading ours in a ratio of 4 to 3. By 1924 the United States imports had gone beyond those of Britain.

In western Europe, at the very door of England, we find her exports to Germany declined 10 per cent during the last two years prior to 1927, while American exports to that country nearly doubled. The same general trend with respect to Italy, France, and Spain is evidenced by the official statistics though in less degree than in the case of Germany. So it is also with Belgium, Sweden, Bulgaria, Egypt, and many of the lesser markets of the world. We have wrested the dominant rôle of world trader from Great Britain. Commercial supremacy is ours. The price of the maintenance of this commercial supremacy is eternal vigilance. Great Britain learned the lesson and in the centuries past Great Britain made her Government the guardian of her merchant marine and her navy its protector.

If we followed what happened at Geneva only last year, we will recall that there came echoing down the centuries the British idea of supremacy upon the sea and the necessity of a merchant marine and its dependence, for national defense and for supremacy upon the seas, upon a merchant marine. One of the points of difference at Geneva, it will be recalled, was the arming with certain types of guns of the merchant marine insisted upon by Great Britain and denied by American representatives.

In our day we have seen, in 1922 at the Washington Disarmament Conference and in 1927 at the fiasco of Geneva, British statesmen with an eye single to supremacy upon the sea. The long story of Great Britain's struggle and rise and final success, her proud boast that Britannia rules the waves thrill us with admiration for the patriotism, the statesmanship, and the vision of our English brethren. They understood as no other race has so thoroughly understood, and what we in our newness and with our multifarious diversions must learn, that sea power and the rise and fall of nations are closely linked. Progressively through the centuries they have gone together. In turn Phœnicia, Carthage, Greece, and Rome ruled the Mediterranean. Venice, Florence, and Genoa went farther afield and into the Baltic and Atlantic. The Hanseatic states with unparalleled industry struggled for commercial supremacy in the far North, and finally in world trade the cities of the Mediterranean were compelled to yield to London, Amsterdam, and Hamburg.

Trade rivalry brought on great wars of nations and in nearly every instance supremacy of the sea was the deciding factor. When the Dutch, through their natural instinct, acquired maritime dominance the challenge came from England and England's Navy took from the Dutch the commercial supremacy they had with such difficulty won. Spain rose to her great power and for a brief period her fleets controlled the water, sailed in undisputed rivalry the Spanish Main, and her galleons carried the commerce of both the New and the Old World. But England's fleets in bloody battle swept Spain from the sea, and naval defeats marked the decadence of Spain as a dominant factor on the oceans. The commercial history of the eighteenth century is written in the long-drawn struggle for supremacy between England and France. Commercial rivalry was the basis for the many and protracted wars of that period, and at their close England's sea power had relegated France to a secondary position.

Sir, dominance upon the sea has ever led to victory for the nation that held that supremacy. It was not really at Zama that Hannibal was defeated. Hannibal was defeated when Rome's dominance upon the sea forced him to make that long and perilous march through Gaul that wasted his strength and destroyed a large part of his force.

We are accustomed to think that Napoleon was vanquished at Waterloo. He was vanquished not at Waterloo. The down-

fall of Napoleon came at Trafalgar, and it came because England was supreme upon the sea. History teaches us what, under circumstances such as confront this Nation to-day, it is the duty of the United States to do. Here we have, for the first time in the story of this land, trade supremacy. Here we have to-day, sir, upon the sea a maritime dominance that the United States has never before possessed. We have wrested it from the tight little isle which for three centuries past has boasted of her supremacy upon the oceans that covered the earth, and to-day, with this supremacy that is ours, comes to us the warning that is written in the history of all time that we must protect, preserve, conserve, and maintain our sea power, or woe be unto this Nation in the days to come.

If we have to any advantage studied history, if we have followed the rise of nations and their fall, the oft-repeated tale holds its lesson and its warning. Willfully deaf to every dictate of prudence is the American who prizes our present proud commercial position and will not understand that it can only be maintained by an American merchant marine and an American Navy sufficient for its protection.

So what is the situation? As we have gone up by leaps and bounds in our commercial enterprise, as we have reached a proud position of dominance in foreign trade, what is the position of our sea power? Proportionally as we have gone up with our trade we have gone down with our merchant marine. In 1830 American vessels carried 90 per cent of the commerce of this country. Small it was and without difficulty moved then doubtless. In 1910, however, American vessels were carrying only 9 per cent.

I was here, sir, during the progress of the World War. When a Senator upon this floor during that period had nothing else to say he would rise and repeat the words of Lloyd George that had come to us 3,000 miles across the sea; he would shout to the very strength of his lungs, "Ships! Ships! and more ships!" I can recall the time when so unprepared were we, and when our merchant marine had sunk to so low an ebb that it seemed impossible that we could move the goods that were ours, when there was stagnation in every harbor in this land, and when we were threatened constantly and continuously by the horrors of an inability of communication and transportation. I recall that time and I remember that because we had no merchant marine we started feverishly to build, and we expended over $3,000,000,000 in the endeavor to build ships during the period of the war, a wasteful and extravagant expenditure that could only be justified by emergency and national peril.

We were required to spend that tremendous amount, we indulged in that frightful extravagance solely because we had not had the wisdom or the vision or the statesmanship or the courage to have a merchant marine of the United States of America, or to be prepared for the emergency that was then presented to us. We expended $3,000,000,000 and more; and these good, conservative Senators from New England say to us, "There is waste and extravagance, and it shows what the Government will do," and they use it as a reason why the Government should not prepare and provide for a merchant marine in the future. Wasteful and extravagant expenditure under stress is the very best reason why when the stress does not exist we should prepare in every possible way to prevent a recurrence of that waste and that extravagance.

Sir, in 1920, after the shipbuilding of the war, the American flag floated on ships carrying 43 per cent of our commerce. In 1924 the figure dropped to 34 per cent, and in 1926 it stood at 32 per cent. It is still decreasing, and at the present rate of decline a very few years will see in our foreign-trade shipping our flag disappear from the sea.

While our maritime trade has increased, and is passing that of every other nation, our ability to carry it is progressively decreasing, and the time may come when we can not safely rely upon other nations to carry our goods and expand our trade. Of course, such a time will come. No man can foresee it, none can tell the number of years that will elapse until it does arrive; but that it will arrive history demonstrates conclusively. When that time arrives, if in our ineptitude and sloth we have idly accepted the present precarious situation, disaster, hardship, and suffering will be our portion.

The argument for a merchant marine generally rests upon two premises: First, its necessity as a complement to the Navy and for ultimate national defense; and, secondly, the dependence of the Nation's economic welfare upon foreign commerce. Those are ample and incontrovertible reasons, but there is another equally cogent and of like importance. Few realize the extent of our so-called coastwise traffic, its essential ocean-going character, and the dependence upon it of many major industries. This coastwise traffic is, in fact, internal domestic trade, yet it follows external overseas routes and is necessarily carried in ocean-going vessels. There is nothing comparable in all the world to this coastwise traffic of the United States of America, except the overseas trade between the various parts of the British Empire. Upon this overseas trade, as Senators who followed Geneva conference will realize, the British ground their argument for naval supremacy; but the distances of British sea lanes are not greater than the distances of our coastwise sea trade, and the value of this coastwise trade of ours is more than half the value of Britain's total foreign trade.

Senators who are familiar at all with statistics of the past who understand that for centuries and more Britain has been the great carrying nation upon the ocean, and that in all that time there has been no challenge of her supremacy, will realize what the value of the coastwise traffic of the United States is when they understand that it is six-tenths of the value of the entire vaunted maritime trade of the British Empire. That is one of the reasons and one of the necessities for an American merchant marine.

When they recall, too, that our extensive pipe lines generally lead to the coast; that our great oil refineries are within easy access to deep salt water, and that our great oil industry depends upon ocean transport, and that this dependence will become greater as domestic sources are reduced, they will have a greater and a better understanding of this coastwise traffic of ours.

We know the sea route via Panama as the cheap transportation link, without which our lumber, coal, and other industries would suffer and languish. Few Americans have any true appreciation of the extraordinary value of our domestic seaboard commerce or its potent influence upon many of our great industries. Blocking this commerce would dislocate the country's entire business and bring hard times beyond anything in the Nation's experience.

Mr. President, I have shown how as our trade has increased upon the ocean our shipping has decreased. What an absurd thing you would think it to be if a great department store in the city of Washington continuously distributed its goods through its rivals' conveyances, and yet we, with the great sea trade that is ours to-day, are distributing our goods all over the world through the medium of the transportation agencies of our trade rivals. This, of course, indefinitely can not go on.

Sir, during this period of halcyon private initiative in shipbuilding, to which my distinguished friend from Connecticut would cling under all hazards; during the last 10 years, when private enterprise has built so many ships and carried so much commerce under the American flag upon the oceans that the American flag to-day is in danger of disappearing from the seas entirely, let us see just what ships have been built and just what tonnage is ours. I hold in my hand the report of Lloyd's showing the rise of world shipping and giving the statistics for 1927. I will not attempt to read all of these statistics. Some of them have already been put into the RECORD; but the report of Lloyd's for the last year, I believe, is of sufficient importance to be added as an addendum to my remarks, and I ask permission to print in the RECORD this report of Lloyd's upon the building of ships by various nations during the year 1927.

The PRESIDING OFFICER. Without objection, it is so ordered. The matter referred to is as follows:

LLOYD'S SHOWS RISE OF WORLD SHIPPING—BUILDING UNDER WAY ON DECEMBER 31 NEARLY 1,200,000 TONS MORE THAN A YEAR AGO—TOTAL IS 3,118,000 TONS—APPROACHES THE 3,162,000 MARK OF JUNE 30, 1914—UNITED STATES OUTPUT FALLS

The lagging of the United States in the shipbuilding field was further emphasized yesterday when Lloyd's Register of Shipping declared in its quarterly report that world shipbuilding under way at the start of 1928 was nearly 1,200,000 gross tons greater than that at the close of December, 1926. This closely followed a survey of 51 of the principal American shipyards, which disclosed that work at hand was 45 per cent less than on December 31, 1926. The Lloyd's report is based on figures compiled from all maritime nations for the quarter ending December 31, 1927.

The total reported for the world is 3,118,000 gross tons, an increase of 44,000 gross tons over the preceding quarter and 278,000 gross tons over the quarter ending in June. Compared with the work under construction at the end of December, 1926, the present world total represents a gain of nearly 1,200,000 gross tons and is not far behind the pre-war quarter of June 30, 1914, of 3,162,000 tons.

Great Britain and Ireland lead with a total of 1,579,713 tons. The United States has 97,370 tons. On September 30 the United States reported 91,070 tons under construction and Great Britain and Ireland 1,536,416 tons. Construction increases were also reported for the quarter for Holland, Denmark, Sweden, Russia, and Japan. Sweden

is now building more than the United States. Germany showed a drop of 44,000 tons since September. Great Britain and Ireland are building more tonnage than all the other maritime countries combined, according to Lloyd's figures.

The only changes of ranking among the countries were the movement of Sweden, with 100,700 tons, from eighth to sixth place, the drop of Denmark from sixth to seventh, and the United States from seventh to eighth.

Although 823,482 gross tons of merchant steamers and motorships were launched throughout the world, compared with 526,157 tons launched in the previous quarter, only 625,692 tons of new work was begun in these departments, against 760,930 tons in the September quarter. A decrease was shown in world construction of tankers, caused by a drop in Great Britain and Ireland, the figure for the quarter being 744,668 tons as against 775,632 tons in the previous quarter. Despite the drop, tanker tonnage constructed was more than double the 371,520 tons reported for the corresponding period a year ago.

An increase of only 20,000 tons over the construction of motorship tonnage was shown for the quarter, compared with September, but the total of 1,609,888 gross tons represented an increase of more than 700,000 tons over the total a year ago. Of the December total 652,894 tons were for Great Britain and Ireland, 244,309 tons for Germany, and 712,685 tons for all other countries combined.

Summing up the world ship construction situation, Lloyd's Register says that the tonnage of Great Britain and Ireland, Germany, Denmark, and Sweden more than doubled in 1927, while Holland, Russia, and Japan made lesser gains. The United States, Italy, and France are building less than a year ago. Their relative positions and totals follow:

	Dec. 31, 1927	Dec. 31, 1926
Britain and Ireland	1,579,713	760,084
Germany	472,295	211,062
Italy	183,216	239,776
Holland	174,887	145,005
France	115,029	143,068
Sweden	100,700	39,127
Denmark	97,710	41,142
United States	97,370	151,635
Russia	87,658	54,420
Japan	68,870	43,060

Mr. JOHNSON. Let me merely for purposes of comparison say that up to December 31, 1927, Great Britain and Ireland built 1,579,713 of tonnage, the United States 97,000 of tonnage, and that the United States was exceeded in shipbuilding during 1927 by Denmark, Sweden, France, Holland, Italy, Germany, and Great Britain. During the last few years, from 1922 to 1927, covering ships of 2,000 gross tons and over for transoceanic service, we find that Britain built 882 ships of 4,905,000 gross tons; Germany built 192 ships of 1,118,000 gross tons; France built 104 ships of 630,000 gross tons; Italy built 87 ships of 711,000 gross tons; Japan built 75 ships of 333,000 gross tons; and the United States during this period, when we were dependent upon private initiative and individual ownership and when we were eschewing anything on the part of the Government at all except the sale of the ships that belonged to the Government—during this period the United States built 18 ships of 195,000 gross tons.

The figures show that Great Britain outbuilt us 45 to 1, Germany 10 to 1, France 5 to 1, Italy 5 to 1, Japan 4 to 1; and then it is instructive and interesting to those of us who have been engaged somewhat in delving into the facts of the debts that are due us from countries abroad to observe not only how the economic conditions affect these countries that are unable to pay us, but what they are doing in regard to their navies. Here are the naval vessels laid down or appropriated for, built, and building as of March 31, 1927, mark it, in these countries that are unable—and we have heard it upon this floor again and again—to pay the debts that they owe the United States of America.

Japan has built 101 ships.

France has built 96 ships.

Italy has built 46 ships.

The British Empire has built 37 ships.

The United States, the creditor nation, has built 19 ships.

I desire, sir, this list of the construction, both in private shipbuilding and in naval vessels, to be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Shipbuilding activities of the principal maritime nations from 1922 to 1927, covering ships of 2,000 gross tons and over, for transoceanic service have resulted in—

Country	Number of ships	Gross tons
Great Britain	882	4,905,853
Germany	192	1,118,635
France	104	630,613
Italy	87	711,499
Japan	75	333,327
United States	18	195,191
Total	1,298	7,895,118

Naval vessels laid down or appropriated for, built and building, as of March 31, 1927

Country	Number of vessels	Displacement, tons
Japan	101	339,201
France	96	221,828
Italy	46	102,207
British Empire	37	285,795
United States	19	150,909
Total	299	1,099,940

Mr. JOHNSON. Mr. President, I recognize one thing in to-day's realties. I have lived long enough, sir; I have seen enough, I think, of public life, never to hesitate to face realities nor to blink just what is transpiring.

I recognize to-day, sir, that the fundamental philosophy of government in this land, in a greater degree than has ever before occurred in the history of any nation, is business. Because I recognize that the fundamental philosophy to-day of my country is business, I appeal to the men in the Senate who believe that materialism always is the sole concern of government; I appeal to them even upon that ground. Forget if you will, sir, the years that are to pass. Forget if you will, sir, the future and the perpetuity of a Nation such as ours. Ground your philosophy if you desire solely upon business and profits. After all, business and trade are at stake in the merchant marine. Your business upon the sea and your commercial supremacy are involved. If your philosophy of government be just business and making money; if the only thing that we can prate about, either in a presidential election or at any other time, is prosperity; if, sir, the one thing that engages statesmanship to-day is materialism; then, sir, that materialism is at stake in the merchant marine just exactly as at stake there is to me the broader and the finer things of a free people.

Ah, if you forget to maintain this sea power of ours; if you forget, sir, to conserve it with your ships to carry your commerce and your Navy to protect it, then, sir, you may look for the time in the future when, with the decadence of the sea power of America, all that America means and stands for is imperiled.

From the material standpoint I appeal to those who believe government's chief concern is business and trade. If you believe in the wider aspect in the finer and more beautiful philosophy of government, sir; if you look to the dim future, and with the lessons of history before you, and pray that our country may go forward to its glorious destiny, you will write into law what is essential for an adequate merchant marine.

I plead to-day, sir, not only for trade and prosperity—trade and prosperity are at stake in this question—but I plead, sir, for the perpetuity of the ideals of this land. I plead, sir, for that power upon the sea that will enable us to maintain in all the years to come the supremacy American grit and courage and enterprise have won.

Mr. FLETCHER. Mr. President, I have before me the United States Daily of January 26, in which is printed an address delivered by General Pershing on January 25 before the Chamber of Commerce of Kansas City, Mo. While the whole address is very admirable, I should like to have inserted in the RECORD that part of it which refers particularly to the merchant marine. I have indicated it here; and I think that portion of the address quite supports the view of the Senator from California.

I ask to have it inserted in the RECORD.

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Without objection, it will be so ordered.

The matter referred to is as follows:

The time will soon come when the contemplated waterways and the railways combined will have to be fully utilized to meet the demands. Since the barge lines up the Mississippi to St. Louis, established during the World War, are now paying their own way and saving the shippers millions of dollars annually, there seems to be no reason for further delay on the part of the Government in undertaking the improvements

up the Missouri for the benefit of shippers from the territory tributary to this city.

To provide adequate and economical facilities for carrying the products of the country to the seaboard is not all. We can not stop there and await the convenience of the foreign carrier to take our wheat, corn, cotton, oil, and machinery to market for us. We can not rationally leave ourselves at his mercy, as we have unwisely done in the past, when at times, especially during the World War, cargo after cargo has been left to decay on our docks awaiting shipping that never came.

If we depend upon the national shipping of our competitor, even when available, to deliver our goods, we can not successfully compete, because of the excessive rates we must pay as compared with the favorable rates given to our competitor. The only guaranty of equal treatment is to provide shipping owned by our own people—shipping that sails under the American flag.

It will be recalled that during the war, because our merchant marine had practically disappeared from the seas, we were left almost in despair, and our armies for lack of sea transportation were all but fatally delayed in arriving on the western front. Only fear, self-interest, and vital necessity compelled the Allies to provide the additional shipping necessary to transport abroad the 2,000,000 Americans who barely arrived in time to prevent allied defeat. I would earnestly implore our people not to forget that lesson.

Mr. BINGHAM. Mr. President, I have listened with the greatest interest, as I always do, to the splendid oratory and well-chosen periods of my distinguished friend, the senior Senator from California [Mr. JOHNSON]. I agree with him in what he says about the importance of the merchant marine. Of course, he and I do not agree about government in business. He believes that the Government, because it does conduct the business of the Panama Canal ably, and does conduct various other enterprises ably, as no one will deny, should also go into the business of competing with the shipping interests of this country and the world. He gives as his reason for that fact that it is the only way we can get a merchant marine.

Mr. President, I hope the Senator will pardon me for wishing that he and his friends who are so anxious to get a merchant marine, and who appreciate so fully the importance and the necessity of a merchant marine, would devote their splendid efforts and their magnificent oratory and their unanswerable arguments in regard to its importance to securing some kind of aid which would permit our citizens to engage in this business, and would give them a chance to compete on terms of equality with the other nations of the world.

The Senator has told us how many more ships the other nations of the world have built within the last few years than we have. Those figures have been put into the RECORD once or twice recently, and there is no answer to them. We all know that under the present conditions it is extremely difficult to persuade American capital and American business to go into a proposition in which, if they compete without any form of Government aid, means financial loss to them.

Because the Senator from California and his friends have been unable to secure any recognition of the sound business policy followed by Great Britain and other nations in building up their merchant marine, and to secure the adoption of similar practices here, he wishes us to go into the business of building, operating, and conducting the shipping industry.

Personally, as I have said before, I wish the Senator would devote his powerful arguments to endeavoring to convert those who seem to fear anything which may come under the word "subsidy," not as it is in the dictionary, but as it was suggested by the Senator from North Carolina the other day—the political meaning and political aspects of the word "subsidy."

Mr. BORAH. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. I yield.

Mr. BORAH. As I understand the policy of the Senator from Connecticut, as he would incorporate it, if he could, into a policy for a merchant marine, it would be that of a subsidy.

Mr. BINGHAM. The Senator knows that when he uses that word it covers a multitude of sins, like many words that one might suggest.

Mr. JOHNSON. The Senator means a multitude of virtues.

Mr. BINGHAM. I am glad the Senator puts that construction upon it.

Mr. JOHNSON. I did not want the Senator to get into the RECORD with such an error as saying that subsidy was a multitude of sins. I knew he meant a multitude of virtues, so I was aiding him.

Mr. BINGHAM. Unfortunately, other people think it covers a multitude of sins as well.

Mr. BORAH. I think the Senator from Connecticut in that respect is correct. We are placed in the position here, as I understand, of either voting for an initial proposition looking to Government ownership or turning to a subsidy. Is not that correct?

Mr. BINGHAM. If the Senator chooses to apply the word "subsidy" to payment for services rendered; if the Senator chooses to apply the word "subsidy" to loaning money at the same rate of interest at which you borrow it.

Mr. BORAH. Of course, I am permitting the Senator to put his own construction upon "subsidy," because I am not seeking to load down that word with any sins that it does not already have, and I will not. The Senator distinguishes, then, between his proposition and a real subsidy?

Mr. BINGHAM. Certainly. I should say that I would be opposed to the kind of subsidy which would merely give a certain amount of money to any company that was willing to build and operate ships to help them do so. That, I consider, might lead to very grave disorders and to corruption and many unfortunate ends.

Mr. BORAH. It seems to be conceded on all hands that the Government has to take a hand in it in some way. It either has to do the business itself or else it has to aid those who do.

Mr. BINGHAM. If we are to compete with the countries mentioned by the Senator from California in the building and operating of ships, we must render some kind of aid.

Mr. BORAH. If we start with the Senator's proposition, we will also have to repeal some of our laws with regard to the employment of seamen, will we not?

Mr. BINGHAM. I do not think that is necessary. I should hate to see that done, because I believe that our laws in connection with seamen have been drawn up so as to make life on the sea as attractive as it can be made and to furnish proper living quarters, proper food, and so forth.

Mr. BORAH. The difference between the compensation of labor abroad and in this country under those rules would be very great.

Mr. BINGHAM. It is very great with some countries; not so great with other countries.

Mr. BORAH. I do not know of any country with which it is not very great. What country is it?

Mr. BINGHAM. I understood that the cost of operating under the British flag is not so very much less than the cost of operating under the American flag, whereas the cost of operating under the Norwegian flag, I understand, is very considerably less. I am not certain about those things.

Mr. BORAH. I do not mean to indicate that I would want to see the law repealed; but that is one of the matters which create the great difference in the shipping business between the two countries.

Mr. BINGHAM. I am not seeking any such change, I will say to the Senator. What I am seeking is that this country give opportunity to American citizens to go ahead and develop sound business.

The Senator from California in his magnificent phrases has appealed, as he has so often before, against materialism in this country. This is not a question of materialism, after all; it is a question of the development of character. I am one of those who believe that under a paternalistic system character does not develop as well as it does under that system of government founded by the fathers, under the system proposed by Thomas Jefferson.

I believe that it is better for the character of future American citizens that they be given opportunities, opportunities to make mistakes as well as opportunities to succeed, and that they be not looked after too greatly by a paternalistic government.

I believe in giving them such aid in the way of protection against cheap foreign labor as is necessary and such protection as is necessary against the operation of cheap foreign ships. I believe in giving them whatever aid can be given in a proper manner without waste of the public funds, but I do believe that this method now before us is really a form of paternalism, and furthermore, that it will cost the taxpayer far more in the end, as well as costing us the development of character far more in the end, than some other method which might be proposed and which ought to be adopted.

Yesterday the Senator from Massachusetts [Mr. WALSH] asked a question with regard to this company of Americans which would like to build the fastest ships in the world, a picture of one of which is on the wall before us, to be built somewhat after the manner of the recently constructed great aircraft carriers, the *Saratoga* and the *Lexington*, which, with airplanes discharged from their decks as they near a port would make it possible to cut the time in two and would reduce the time of the crossing of the Atlantic Ocean from six days to three days.

The Senator from Massachusetts, in regard to this matter, said:

In view of the many obstacles which it is alleged have been resorted to to obstruct the developing of an American merchant marine, some of us are suspicious that these propositions are not now made in good faith, being made at the very time of the discussion here of this important measure and never heard of before. I would like to have the Senator, if he sees fit to make reply, tell us who these individuals are, what their connections are with the shipping business, to what extent we can rely on their present promises? Are they doing this in good faith and to what extent they have been engaged in the shipping business, or is this simply a gesture made here on the eve of the attempt to pass this bill to raise further obstacles and objections to the development of an American merchant marine?

In an effort to answer that question, Mr. President, I should like to say to the Senator from Massachusetts and others who are interested that the Transoceanic Corporation of the United States, of which Mr. Lawrence Wilder is the head, made a presentation to the Shipping Board on last Tuesday, in the course of which Mr. Wilder said:

This is the proposal of the Transoceanic Corporation of the United States, organized and financed entirely by Americans, to establish a modern ocean transportation system to fly the American flag across the North Atlantic, our most important and essential trade routes.

We look only to such general legislation as will encourage other American capital to follow our lead. We do not ask anything for ourselves alone and we are sure that what we ask is justified by sound business and economic principles.

The investment of private capital of $50,000,000 forms a part of our plan, and we have received assurances from entirely American sources of sufficient financial support to warrant us in making our proposal. This is the first time in more than 50 years that private American capital in any important amount has come forward to advance America's prestige and safety at sea. When our plan is taken up for official consideration, we will lay the details of our financial support before the proper department of the Government.

We submit that the Government will by this loan have at its service six fast, gigantic airplane carriers with crews trained in actual service at sea, for all of which the Government will have expended nothing. The advance of 75 per cent of their construction costs will be repaid with interest. To duplicate such powerful units for its own strictly naval use, the Government would need to appropriate their full cost of construction, and in addition bear the full cost of operation and training. In time of peace, these ships will pay their own way. In time of war, they will be deadly units of our armed forces at sea. Their readiness will cost the taxpayers nothing.

Whereas it is proposed by the measure before us, Mr. President, to authorize the expenditure of more than $150,000,000 of the taxpayers' money. Mr. Wilder said further:

Fast ships have been built and proved practical by the Navy. We ourselves have recently completed in our yard at Camden, N. J., the Navy's newest fighting unit, the airplane carrier *Saratoga*. She is a pioneer vessel. The research and experience gained in designing and constructing her we now propose to apply to commercial vessels.

Our board of directors is being formed. When constituted the names of its members will be announced. I am able to say, however, at this time that they will be men of national reputation in their respective fields.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. BINGHAM. I am informed that the following gentlemen reported to the Shipping Board on Tuesday, January 24, concerning this project. I should like now to give the names of these gentlemen. I shall be through in a few moments. I hope the Senator will wait until I get through with the list.

Mr. NEELY. I wish merely to ask the Senator a question.

Mr. BINGHAM. The Senator can ask all the questions he desires to ask just as soon as I get through with this statement.

The question has been asked—and I am endeavoring to answer it—as to who these gentlemen are who are interested in this project. That is a perfectly fair question. It was put forward by the Senator from Massachusetts in entire good faith. Undoubtedly, had the proposal been for these steamers to run from the port of Boston, he would have heard of it long before. One of the reasons why I heard of it so early was that the proposal was to run from some part of Long Island Sound, either from Montauk Point or from New London, or possibly from Narragansett Bay, at the mouth of Long Island Sound.

The men concerned in this in addition to Mr. Wilder, the president of the company which just built this great airplane carrier, the *Saratoga*, are as follows:

Clinton L. Bardo, one of the group, was assistant general manager of the New York Central Railroad when the Grand Central Terminal was built and was in charge of the operation of the construction of that magnificent building. He then became general manager of the New York, New Haven & Hartford Railroad, a position which he held for 13 years. For 40 years, almost to a day, he was associated with American railroad enterprises. He left the railroads to become vice president of the American Brown Boveri Electric Corporation two years ago.

Prof. Herbert C. Sadler during the war was in charge of the engineering section of the United States Shipping Board. Under his direction was built our remarkable war emergency fleet, one of the most amazing achievements of all the history of shipbuilding in the light of quantity and speed of production. He served the United States Government also as consultant of the Mississippi Board of Army Engineers before the war and as a member of the United States Load Line Commission. He has occupied the chair of marine engineering with the University of Michigan since 1900. He induced the authorities of this university to build for him the only model test basin outside of the Washington Navy Yard and those abroad. With the aid of this advanced technical equipment he was able to perfect the design of our outstanding lake passenger and cargo carriers. Among the ore-carrying cargo steamers is the *Kerr*, which, with shore equipment of his design, made a record of loading 12,500 tons of ore in 16½ minutes, and at the other end of her run unloaded in 3 hours and 5 minutes. He has aided in the design of the splendid Great Lakes passenger ships which, carrying 1,200 souls per night, unload not only their passengers but 500 or more tons of freight and are ready to make a return voyage with an equal freight and passenger load each day, with a stop in port of eight hours.

It will be appreciated by Senators who are interested in the merchant marine that one of the greatest losses in connection with the merchant marine is the amount of time spent in port. By the association of such men as Professor Sadler with this enterprise we are justified in thinking that the construction of these ships and the way in which they will be built and operated will tend to cut down that loss to a degree to which it has never been cut down before in ocean transportation.

E. H. Rigg was naval architect in charge of the building of the Navy's new airplane carrier *Saratoga* and is supervising construction of two new 10,000-ton scout cruisers for the Navy. He developed the idea of 1,000-foot ships adopted abroad and not adopted in this country, where the idea developed, in the *Leviathan*, *Majestic*, and *Berengaria*. He is chief naval architect of the New York Shipbuilding Co. yard at Camden, N. J., now owned by the American Brown Boveri Electric Corporation, where the ships of the round-the-world fleet of the Dollar Line and the South American fleet of the Munson Line were built. He is one of the outstanding American naval architects.

Theodore E. Ferris, one of the recognized authorities on naval architecture, was the father of the fabricated ship, making possible the fabrication of completed parts of steel ships in our inland steel fabricating plants and their assembly at the seacoast. Without this our shortage of shipyards at the time of the war would have made the construction of our great emergency fleet utterly impossible.

Dr. Elmer A. Sperry is discoverer of the gyroscope, the gyroscopic compass, founder of the company bearing his name, and the inventor of "Metal Mike," an automatic steering device which controls ships better than a man could do. He is also inventor of the gyro stabilizer. The yacht *Savarona*, the largest yacht under American registry, recently on her trial trip negotiated a 75-mile per hour hurricane in which this device assured comfort to her passengers. Doctor Sperry is one of the foremost American inventors and engineers.

John F. Metten, formerly vice president and chief engineer of William Cramp & Sons Ship & Engine Co., now president of the Marine Engineering Corporation of Philadelphia, has designed the machinery for many ships for the Navy in his 25 years of connection with this profession. The new Matson liner *Malolo*, the only passenger and cargo ship built in America for the high seas in the past eight years, is powered with engines of his design. She is noted already for her remarkably low fuel consumption and her ability to withstand shock.

M. W. Torbet is a graduate of the mechanical engineering school, University of Michigan. He has had long experience in the sea operation of destroyers and Coast Guard patrol boats and is a leading authority on marine propulsion. He has specialized with success in the new science of balancing rotating parts. He is now chief engineer of the shipbuilding division of the American Brown Boveri Electric Corporation, Camden, N. J.

J. A. Burkhardt is chief engineer of the Bethlehem Shipbuilding Co., Fore River, Quincy, Mass., and was formerly connected with the Bath Iron Works. In his 20 years of American technical shipbuilding work he has participated in the construc-

tion of many destroyers and similar high-speed ships for our Navy.

Homer Ferguson, president of the Newport News Shipbuilding & Dry Dock Co., needs no introduction.

S. W. Wakeman, vice president and general manager of the Bethlehem Shipbuilding Corporation, Fore River plant, is in the same category.

G. W. Middleton, vice president of the Babcock & Wilcox Co., New York City, outstanding American designers and builders of stationary, marine, and Navy boilers.

J. Howland Gardner is a graduate of the Massachusetts Institute of Technology. He served on the board of survey and as consulting engineer for the Shipping Board in 1917, which board was charged with the repairing and reconditioning of the interned German ships and with operation of them through the war zone. From April to August these ships made 100 crossings. He is now vice president of the New England Steamship Co., with vessels making round trips between New York and various ports on Long Island Sound in 48 hours, handling more passengers and freight than are accommodated by any line in the North Atlantic service.

I hope the Senator from Massachusetts will be satisfied that men of high caliber and broad experience are connected with this company.

Mr. WALSH of Massachusetts. I will say to the Senator that I have no facts to contradict the Senator's assertion.

Mr. BINGHAM. Another man connected with the company is Thomas H. Rossbottom, for 35 years in the employ of the Panama Railway & Steamship Co., and who was loaned by the War Department to the United States Lines and served as general manager, which position he retained until he was returned to the Panama line as vice president and general manager one year ago. This line has since shown a splendid actual operating profit.

C. A. McAllister's early sea experience was with the Coast Guard. He subsequently became vice president and then president of the American Bureau of Shipping, a bureau wisely set up by the United States to control the design and building of ships and to provide insurance rating for such ships, all of which was handled previously by the English Lloyd's. This is probably the most outstanding accomplishment of this Nation in stimulating our merchant marine.

Prof. Simon Litman for 20 years was on the faculty of the University of California and University of Illinois as professor of economics and transportation. In this work he is an outstanding authority and is the author of several works dealing with ocean commerce and transportation.

Prof. G. G. Huebner is, like Professor Litman, the outstanding eastern authority on the economics of ocean transportation, and occupies this chair at the University of Pennsylvania.

Addison G. Foster, for three years conference assistant of the United States Lines in London, was for the last three years assistant passenger traffic manager in New York.

J. E. Slater, graduate of Harvard, assistant to the general manager of the New York, New Haven & Hartford Railroad, professor of transportation of the University of Illinois, and now secretary and treasurer of the American Brown Boveri Electric Corporation.

Mr. President, it is quite evident from those names and from things which these gentlemen have done that this company which it is proposed shall be organized if they can secure proper governmental aid is as well equipped as is humanly possible with the brains, the experience, the intelligence, the initiative, and the responsibility to go ahead and give us a line of steamers across the Atlantic flying the American flag, built in America, conceived by American brains, and put into operation by Americans, of which we shall all be proud, if they are given the proper Government aid—not a subsidy in the sense of the word which means simply the handing out of the taxpayers' money so they may conduct a profitable enterprise, but Government aid in the form of a proper loan, on which they will pay the same rate of interest that the Government pays in securing the money, and in the form of proper contracts for the carrying of mails in a manner faster than they can be carried by any other line.

Finally, I desire to call attention to the fact that the corporation which I have just been describing has succeeded in securing the services of Commodore Herbert Hartley as first operating officer of the Transoceanic Corporation of the United States. Commodore Hartley was for 28 years with the American Lines. He was the senior captain of that fleet when he resigned to accept appointment as commander of our one great trans-Atlantic liner, the *Leviathan*, immediately after her reconditioning. He carried the broom of North Atlantic speed supremacy at his masthead on his first trip across the ocean. In other words, he may be said to be the ablest sea captain of longest experience that we have operating in the North Atlantic.

Having resigned his position on last Tuesday, January 24, to enter commercial life, he again returns to his first love, the sea, to recruit, train, and be responsible for the operating personnel of America's challenge for high-sea supremacy.

Commodore Hartley, accepting appointment as the first operating official of the Transoceanic Corporation of the United States, said:

> The dream of my life has come true at last. This means a declaration of our maritime independence. If I had been offered any other position connected with the sea, I would not have accepted it.
>
> I see this as the beginning of our return to first importance on the seas. I am going to supervise every item of design to be sure that my many years of experience are incorporated in every detail. I am going to see that they truly represent our American flag on the high seas.
>
> I shall watch every ship launched and take each on her first journey. With my associates I shall determine the American terminal and the port of call in Great Britain.
>
> I shall dictate the membership of every crew, and I will be responsible for those who man our ships. To the millions of people in every State and town I will guarantee utmost safety, comfort, and speed. They can trust me, as they have trusted me before.
>
> I am committing my reputation to the new American merchant marine and I demand support. Our flag must fly again on every ocean. For the first time in nearly a century we are returning to the sea.
>
> I pledge to the many Americans who have intrusted to me their lives and the lives of their dear ones in the past greater safety, comfort, and speed.
>
> I am giving myself to this undertaking to put our country back on the high seas and to give America again its proper maritime position. I thank God for this opportunity that has been afforded me.

In connection with the company which I have been discussing, I ask unanimous consent for the immediate consideration of a Senate resolution, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read the resolution (S. Res. 125), as follows:

> *Resolved*, That the United States Shipping Board is directed to report to the Senate, at the earliest practicable date, the proposal of the Transoceanic Corporation with respect to the construction of fast passenger vessels, together with the recommendations of the board with respect thereto.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. JONES. Mr. President, I have no objection to the present consideration of the resolution, but I want it understood that there will be no delay in forcing a vote on the pending bill to await any report pursuant to the resolution.

Mr. BINGHAM. That is understood.

Mr. WALSH of Massachusetts. Mr. President, unless there is included in the resolution a request for all information that the Shipping Board can obtain as to the financial responsibility of the company, I shall object to its immediate consideration.

Mr. BINGHAM. I understood that the resolution involves the entire project and everything connected with it and all the information they have, together with their recommendations.

Mr. WALSH of Massachusetts. Does the Senator know for how much they are incorporated?

Mr. BINGHAM. I am trying to get all the information possible, and the resolution asks for it.

Mr. WALSH of Massachusetts. The Senator has given information about their experience and business past, but I have not heard anything said about the financial standing or responsibility, how much money is behind them, how much they are incorporated for, or whether this is simply a project to incorporate in the future and raise money by the sale of stock.

Mr. BINGHAM. If the Senator will withdraw his objection, we can secure that information as rapidly as possible from the Shipping Board.

Mr. WALSH of Massachusetts. Will the Senator include in his resolution what I have asked him to include?

Mr. BINGHAM. I shall be glad to have the Senator from Massachusetts prepare such an amendment.

Mr. WALSH of Massachusetts. I object for the present, until such an amendment can be prepared.

The PRESIDING OFFICER. Objection is made, and the resolution will go over under the rule.

Mr. COPELAND. Mr. President, before I proceed with my formal remarks, I should like to ask a question of the Senator from Washington [Mr. JONES]. May I ask the Senator from Washington if the bill is now perfected?

Mr. JONES. The bill is now perfected, so far as committee amendments are concerned.

Mr. COPELAND. I would like to ask the Senator another question. In section 6 there is a clearance clause——

Mr. KING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Edwards	McLean	Simmons
Bingham	Ferris	McMaster	Smith
Black	Fess	McNary	Smoot
Blaine	Fletcher	Mayfield	Steiwer
Blease	Frazier	Metcalf	Stephens
Borah	George	Moses	Swanson
Bratton	Hale	Neely	Thomas
Brookhart	Harris	Norris	Trammell
Broussard	Harrison	Nye	Tydings
Bruce	Hayden	Oddie	Tyson
Capper	Heflin	Overman	Wagner
Caraway	Howell	Pine	Walsh, Mass.
Copeland	Johnson	Ransdell	Walsh, Mont.
Couzens	Jones	Robinson, Ind.	Warren
Curtis	Kendrick	Sackett	Waterman
Cutting	Keyes	Schall	Watson
Deneen	King	Sheppard	Wheeler
Dill	La Follette	Shipstead	Willis
Edge	McKellar	Shortridge	

The PRESIDING OFFICER. Seventy-five Senators having answered to their names, a quorum is present.

Mr. BRUCE. Mr. President, I would like to make a formal presentment of the amendment which I spoke of as intending to offer to the pending bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, line 9, after the word "authorized," and before the period, insert a colon and the following proviso:

Provided, That of subordinate officers and positions, under the United States Shipping Board and Emergency Fleet Corporation, of a clerical or ministerial nature, other than the position of seaman or other positions, calling for the performance of purely manual or mental duties, shall be subject to the Federal laws relating to the Federal classified service and reclassification; but this proviso shall have no application to bureau or division chiefs or heads or other subordinate officials or officers or employees under said board or corporation charged with executive functions involving the exercise of executive initiative or discretion.

Mr. JONES. Mr. President, I desire to renew the request which I made a while ago as to a recess. I understand the Senator from Utah [Mr. KING] and also the Senator from California [Mr. SHORTRIDGE] wish to speak on Monday for probably an hour or two. So I ask unanimous consent that when the Senate concludes its business to-day it take a recess until noon on Monday next, and that after 5 o'clock on Monday no Senator shall speak more than once nor longer than five minutes on any amendment or on the bill to its final passage. That will give the remainder of to-day and five hours on Monday, and I hope that it will afford ample time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. JOHNSON. The Senator said 5 o'clock?

Mr. JONES. Five o'clock on Monday.

Mr. JOHNSON. Why not make it 4 o'clock?

Mr. JONES. That would be agreeable to me, if it would be satisfactory to the Senator from California and the Senator from Utah.

Mr. JOHNSON. If the hour be fixed at 5 o'clock, it would mean probably that we would have to sit here until after 6 o'clock before a final vote could be had.

Mr. JONES. I do not think so; we would probably have just one vote on the passage of the bill.

Mr. JOHNSON. I suggest that the Senator modify his request so as to make the hour 4 o'clock.

Mr. JONES. That would be entirely satisfactory to me if it would be agreeable to the Senator from California and the Senator from Utah.

Mr. BRUCE. Mr. President, the Senator does not mean 4 o'clock to-day?

Mr. JONES. No; 4 o'clock on Monday. I am perfectly willing to make the hour 4 o'clock on Monday.

Mr. KING. I should be very glad to accommodate the Senator from California [Mr. JOHNSON], and may I suggest to the chairman of the committee that he modify his request so that the Senate will meet at 11 o'clock, because I am sure there will be a number of Senators desiring to participate in the debate on Monday, and that will give us an additional hour?

Mr. JONES. That will be satisfactory to me, so far as I am concerned.

Mr. DILL. Mr. President, I hope that request will not be made.

Mr. SHORTRIDGE. Mr. President, I have no desire to delay the passage of the bill or a final vote upon the bill. As has been remarked, there are a number of Senators who desire to make some observations, and all I am concerned about is lest some one Senator being recognized might proceed to consume practically all of the available time. I shall not address the Senate at any great length, but it seems to me that if we meet at 11 we might well vote at 4; otherwise, let us meet at 12 and take the vote at 5, as suggested by the chairman of the committee.

Mr. TYSON. Mr. President, I wish to say that I hardly believe a time can now be set to vote on Monday. I understand that the Senator from New York [Mr. COPELAND] expects to speak at some length.

Mr. COPELAND. I expect to proceed this afternoon.

Mr. TYSON. I think the hour ought to be 5 o'clock.

Mr. KING. May I say to the Senator that that has been agreed to on this side?

Mr. TYSON. That the hour shall be 5 o'clock on Monday?

Mr. KING. Yes.

Mr. TYSON. I think 4 o'clock would not afford sufficient time.

The PRESIDING OFFICER. Will the Senator from Washington again state his request for unanimous consent?

Mr. JONES. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock on Monday next, and that after 5 o'clock on Monday no Senator shall speak more than once or longer than five minutes on the bill or any amendment thereto. That will give an opportunity to discuss briefly any amendments that may not be disposed of before the hour of 5 o'clock.

The PRESIDING OFFICER. The request does not include an immediate recess?

Mr. JONES. No; the request is that when the Senate concludes its business to-day it recess until Monday. I expect that the Senate shall remain in session this afternoon until 5 o'clock unless something should occur to make it advisable for the Senate to conclude its business earlier.

The PRESIDING OFFICER. Is there specific objection to the request of the Senator from Washington?

Mr. BINGHAM. Mr. President, withholding any objection for a moment, is it possible to add to the request or to make a part of it an understanding that the bill shall be discussed and that the time will not be consumed in discussing the next Democratic national convention and kindred matters? It is extremely unfair to those who are interested for or against the bill to limit the time of the debate and then have the time consumed by those who are more interested in other matters.

Mr. JONES. I am perfectly willing so far as that is concerned to limit debate to the bill.

Mr. NEELY. And let us also have it understood that no Senator will read from a newspaper or an almanac, as the Senator from Connecticut did for an hour this afternoon.

Mr. JONES. We are wasting considerable time now.

Mr. NEELY. Reserving the right to object, I ask unanimous consent to address the Senate immediately after 12 o'clock next Monday concerning the prohibition questionnaire which the Senator from Idaho [Mr. BORAH] has submitted to the Senator from Kansas [Mr. CURTIS], who is a candidate for the Republican nomination for President.

Mr. JONES. How much time will the Senator from West Virginia desire?

Mr. NEELY. Not more than 20 minutes.

Mr. BINGHAM. If we are going to start a national convention and prohibition discussion on next Monday, the opponents of the bill and its friends will not get any time to discuss the measure, and unless we can have some arrangement to insure that the bill will be discussed on Monday I am going to object.

Mr. BLEASE. Mr. President, I suggest that we take a recess until both national conventions shall have concluded their sessions.

Mr. WARREN. Mr. President, I should like to ask a question.

Mr. COPELAND. Mr. President, I think I had the floor when a call for a quorum was made. I am sorry, but I think I can not yield longer.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. HARRISON. What became of the request for unanimous consent?

Mr. KING. Objection was made.

Mr. HARRISON. Who made objection?

Mr. COPELAND. I understood the Senator from West Virginia [Mr. NEELY] made it.

Mr. HARRISON. I did not understand that the Senator from West Virginia made any objection, but only proposed a unani-

mous-consent request himself. Will not the Chair again state the request for unanimous consent?

The PRESIDING OFFICER. There was objection made by the Senator from West Virginia to the unanimous-consent proposal of the Senator from Washington.

Mr. NEELY. Mr. President——

Mr. FESS. Will the Senator from New York yield to me for just a moment?

Mr. COPELAND. I yield to the Senator from Ohio.

Mr. FESS. I did not understand that the Senator from West Virginia made objection.

Mr. HARRISON. I did not understand that he did.

Mr. NEELY. Mr. President, the Senators from Ohio and Mississippi are correct, I simply reserved the right to object until my request for unanimous consent had been granted. That request was for a few minutes to discuss a matter which the Senator from Kansas [Mr. CURTIS], by a question of order, prevented me from discussing this morning.

Mr. FESS. The purpose of the request for a recess was to afford an opportunity to-morrow for some committee work. I think that the membership of the Senate present would be very glad to have the Senate adjourn over to-morrow. I think there is some misunderstanding about the matter. If the situation were understood, I feel quite sure that the Senate would be ready to accept the suggestion of the Senator from Washington.

Mr. JOHNSON. And also give the Senator from West Virginia the 20 minutes he desires.

Mr. WATSON. Mr. President, I would be very glad to ask unanimous consent to give my good friend from West Virginia one hour on Wednesday.

Mr. NEELY. I thank the Senators from California and Indiana for their kindness; but I do not want to wait until Wednesday to make my remarks.

Mr. JONES. I ask that I may modify my request so as to provide that on the convening of the Senate on Monday 15 or 20 minutes may be accorded to the Senator from West Virginia.

Mr. NEELY. I do not object to the modified request which the Senator from Washington now submits.

The PRESIDING OFFICER. Is there objection?

Mr. SHORTRIDGE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I yield to the Senator from California.

Mr. SHORTRIDGE. If the Senator from West Virginia begins at 12 o'clock on Monday to express himself, he doubtless will say much that is well worth listening to, whereupon, I imagine, replies will be made; and the upshot of the whole matter will be that it is quite likely that the whole afternoon will be consumed in the consideration of other matters than the bill now before the Senate. Wherefore, while hesitating to do so, yet, in view of the uncertain future situation, I can not give my consent to limit debate on the bill at 5 o'clock on Monday next. I will gladly join in a suggested unanimous-consent agreement to permit the Senator from West Virginia to address the Senate for half an hour or an hour or such time as he may desire.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from California object to the modified request for unanimous consent preferred by the Senator from Washington?

Mr. SHORTRIDGE. I object.

The PRESIDING OFFICER. Objection is made.

Mr. HARRISON. Will not the Senator from California suggest some date, so that we may vote on this matter and take up some other measures that are rather urgent?

Mr. SHORTRIDGE. Yes; I suggest Tuesday.

Mr. HARRISON. Is that agreeable to the Senator from Washington?

Mr. JONES. I should like to have the bill disposed of on Monday.

Mr. HARRISON. It looks as if the Senate should agree on a proposition like this. I can never recall when there was any objection raised to a Senator who wanted to discuss a matter proceeding immediately following the convening of the Senate.

Mr. WATSON. Mr. President, I think, perhaps, this matter can be settled if we give the Senator from West Virginia unanimous consent to address the Senate for 30 minutes or for so much time as he may desire immediately after the reading of the Journal on Tuesday.

Mr. NEELY. Mr. President, I appreciate the kindness of my very good friend from Indiana. But in view of the unusual means by which I was prevented from speaking this morning I must insist upon my right to address the Senate on Monday. In the exercise of that right I neither ask nor desire any favors.

The PRESIDING OFFICER. The Senator from California has made objection to the request of the Senator from Washington.

Mr. HARRISON. I ask the Senator from Washington, in the time of the Senator from New York, can we not meet at 11 o'clock on Monday?

Mr. JONES. We can meet at 10 o'clock, so far as I am concerned.

Mr. HARRISON. Why can we not meet at 11 o'clock, let the Senator from West Virginia have 20 minutes, allow 20 minutes for reply to him, and then start the discussion on the pending bill, and vote at 5 o'clock?

Mr. DILL. Mr. President, Saturday is not the Sabbath day, and there is no reason why we can not discuss this measure on Saturday. There are important committee meetings to be held on Monday and other matters which ought to be attended to, and I do not think we should meet at 11 o'clock on that day.

Mr. WARREN. Mr. President, I wish to take a moment to say that I was willing to barter away part of the time on Monday; but I object most strenuously to trading away one day after another, several days ahead, because we have appropriation bills which must be taken care of from time to time. The Senate knows that there is the utmost liberty of debate when an appropriation bill is up, and Senators talk about everything on earth, so that they can then get all the time they want.

Mr. COPELAND. Mr. President, I think I surely will not be discourteous if I say that I should be glad to be permitted to proceed for a few minutes without interruption.

Some time ago I addressed a question to the Senator from Washington, and I will now repeat it.

The last section of the bill is a clearance clause. It says:

> All acts and parts of acts inconsistent with this act are hereby repealed to the extent of any such inconsistency.

Disregarding for a moment section 2, what do we repeal by this bill?

Mr. JONES. I will frankly say to the Senator that I do not know of anything that we repeal. This is a precautionary provision that is usually put in measures of this kind.

Mr. COPELAND. That is exactly the answer I expected. This bill does not do anything—not a thing in the world—except, in section 2, to provide how the ships shall be sold. This has been heralded to the country as a bill to provide for the building of an American merchant marine, and it does not provide anything of the kind.

Mr. JONES. Mr. President, this is what it does in addition: Instead of repealing, it supplements the act of 1920, and authorizes appropriations for the building of new ships. That is not done in the act of 1920, and that is the substantial part. There is nothing repealed by it, but there is something added to it.

Mr. COPELAND. All right. Then I will ask the Senator, could we not make appropriations for new ships now?

Mr. JONES. Such appropriations are not in order on appropriation bills.

Mr. COPELAND. If a bill were presented here and referred to the Committee on Appropriations and given favorable consideration there, could we not appropriate the money?

Mr. JONES. We could do it by simply setting aside our rules and not carrying out our rules; but if any Senator invokes the rule that it is not authorized by existing law, out it goes. We can do lots of things by unanimous consent.

Mr. COPELAND. Does the Senator from Washington intimate that the Congress of the United States can not appropriate money if it sees fit to do so?

Mr. JONES. I thought I made myself clear.

Mr. COPELAND. The Senator has not, to me.

Mr. JONES. If we were to bring in in a bill an appropriation item that is not authorized by law, any Senator could make a point of order and exclude it.

Mr. COPELAND. I agree to that.

Mr. JONES. Of course, by unanimous consent we could pass a hundred million dollar appropriation to-morrow or this afternoon for the building of ships.

Mr. COPELAND. I agree to that; but suppose I introduced, or the Senator from Washington did, a bill proposing to spend $150,000,000 for ships, and that were referred to the Committee on Appropriations. Could not the Committee on Appropriations bring in a recommendation to the Senate of the United States that we should make that appropriation?

Mr. JONES. I suppose they could bring in a recommendation if it is legislation; but as an item to an appropriation bill it would be subject to a point of order.

Mr. COPELAND. That is to say, if the bill were on the floor and then I proposed the addition of $150,000,000——

Mr. JONES. If the committee proposed something of that kind, it has been held here that a point of order was good against it. It has been held good against an item that I offered.

Mr. COPELAND. Does the Senator mean to say that there is no way in the world in which the Congress of the United States can make an appropriation without its being ruled out on a point of order?

Mr. JONES. Mr. President, of course we could suspend the rules by a two-thirds vote. We could pass it by unanimous consent, but I do not know of any other way. If the House put an item in the bill and it came over here, then it would not be subject to a point of order.

Mr. KING. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from Utah.

Mr. KING. The Senator from New York or the Senator from Washington or any other Senator, however, could introduce a bill to-day, and have it referred to the appropriate committee, authorizing the expenditure of any sum for the purchase, acquisition, or building of ships; and if that committee reported it out, and it was passed, then the appropriation could be carried in the appropriation bill.

Mr. JONES. That is exactly what we have before the Senate now—a bill that has been referred to a committee and reported by the committee authorizing these appropriations, and we are trying to pass it.

Mr. COPELAND. Now, Mr. President, for a moment I desire to take up this bill item by item.

The first section reads:

That the policy declared in section 1 of the merchant marine act, 1920, is hereby confirmed.

In section 1 of the bill we simply reaffirm what is now in the law. That is not new. We have not built any merchant marine by that procedure. We have not added any new ships to the peace Navy of the United States by that; so that does not amount to anything.

The second section refers to the way in which the ships shall be sold. I will skip that for a moment.

Now we come to section 3.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from New Jersey.

Mr. EDGE. The Senator will agree that section 2, however, is the adoption of an absolutely new policy.

Mr. COPELAND. Oh, yes.

Mr. EDGE. In order that the merchant marine can not go out of Government hands.

Mr. COPELAND. Oh, yes. I shall refer to that at considsiderable length before I get through, I may say to the Senator from New Jersey; but I want to leave that for a moment.

Section 3 provides that—

In addition to ordinary repairs to vessels incident to their regular operation, the board may recondition—

And so forth.

On that subject I refer you to section 12 of the existing law. It reads:

That all vessels may be reconditioned and kept in suitable repair and until sold shall be managed and operated by the board or chartered or leased by it—

And so forth. There is not anything new there; not a thing.

Section 4 provides as follows:

The necessity for the replacement of vessels * * * is hereby recognized, and the board is authorized and directed to present to Congress from time to time recommendations setting forth what new vessels are required—

And so forth. They can do it now. That is not new. That is the law to-day.

Now we come to section 5:

The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized.

That does accomplish what the Senator from Washington said. An addition could be made to a bill through an amendment proposed on the floor; but if the Senator from Nebraska wanted to build $100,000,000 worth of ships he could present a bill and have it referred; and if he got the votes he could make the appropriation; so that is not new.

Mr. EDGE. Mr. President, if the Senator will yield, as I understand the Budget system, if the item for an appropriation, whether this bill authorizing it passed or not, were placed in a bill in the House and came over here, of course it would not be subject to a point of order.

Mr. COPELAND. Then the fact is that there is not a single thing in this bill proposed by the Senator from Washington that changes the law in one important particular, except that it provides that hereafter a ship can be sold only by the affirmative vote of seven members of the board.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from Nebraska.

Mr. NORRIS. If the Senator is correct, then the Senate has been wasting its time here for several days about an immaterial and irrelevant matter. Is that right?

Mr. COPELAND. It has.

Mr. NORRIS. We are about as bad as the little burlesque performance that has been going on for 10 weeks down here in Judge Siddons's court.

Mr. EDGE. I do not think it is an insignificant or an irrelevant matter to absolutely rivet down Government ownership and operation for all time to come, which, of course, is admittedly a part of this bill.

Mr. COPELAND. I assumed that the Senator from Nebraska was speaking of the sections I named. The five sections I have pointed out mean absolutely nothing. I have heard it said upon this floor time and time again during the past week that if we pass this bill we are going to have an American merchant marine, and that is all nonsense. There is not a word of truth in it.

Mr. NORRIS. If the very able and illustrious attorneys for this millionaire defendant who is supposedly on trial for contempt of court hear about this, they will immediately take it up and start out, down there in this court, to try the Senate.

Mr. COPELAND. I should not be surprised if the country tries the Senate when it finds that it has a gold brick.

Mr. NORRIS. They will not be able to do that. It will be done right down here.

Mr. COPELAND. When the country finds that it has a gold brick the country will try the Senate.

Now we have done something, however. The purpose of this bill is supposed to be to build a merchant marine. What we have done is to kill an American merchant marine by the adoption of section 2 as amended by the committee. Now, why? Why?

There is only one way in which that could be made stronger, and I am surprised that the committee did not think of it. There are seven members of the board. Why did not the committee say that vessels can be sold only when the proposal gets the affirmative votes of 14? That would be twice as strong. You will never sell a ship under this arrangement; and, of course, many of the Members of the Senate who are for this bill never want to sell a ship. That is the purpose of the bill. That is what it is for.

Mr. EDGE. I think they admit that, do they not?

Mr. COPELAND. Let me say to the Senator from New Jersey that we have asked this question of them: The law has not been changed, except that now it takes seven affirmative votes. Suppose seven of them voted to sell: That is conceivable, although not likely to happen. Then what would the men here do who want to maintain these old hulks for ever and ever? What would they do then? These ships can be sold even now by a stretch of the imagination with the possibility of having seven affirmative votes.

Mr. EDGE. If the Senator will suffer one further interruption, I do not want to interfere with his train of thought, but there seems to be a feeling existent from the debate so far that the sale of these ships must be prevented, because if they should be sold we will cease to have a merchant marine.

Mr. COPELAND. Yes.

Mr. EDGE. Whenever we sell the ships they simply pass from the custody of the Government to that of some operator, under contract. The operator certainly would not buy the ships to scuttle them if they were seaworthy; so that the American merchant marine continues just the same. It is just a question of the ownership and the administration and the loss to the taxpayers of this country.

Mr. COPELAND. I thank the Senator for what he has said, and let me point out to him and to others what has happened.

We have heard about these ships being sold, 10,000,000 tons, or whatever it was, or it might have been a million tons; I do not know. You would think that by reason of that fact the Shipping Board had deliberately and intentionally and unpatriotically sought to hamstring and destroy the American merchant marine. Now, what has happened? How many ships did we build during the war? May I ask the Senator from Washington if he remembers how many ships we built during the war?

Mr. JONES. I think it was a couple of thousand.

Mr. COPELAND. The Senator says a couple of thousand. I have forgotten the exact number. Now, we went ahead and built those ships. We did it under pressure. Half of them are not worth using for anything but scrap iron. These ships that were sold to Henry Ford were not any good. They were not of any use to an American Navy. They were just waste that had to be taken out and sifted out. The Shipping Board

has sifted out thousands of tons of these ships, but they were not worth saving. We could not afford to maintain them, and we did wisely when we got rid of them.

Mr. EDGE. Mr. President, in connection with the Ford transaction, I think it is generally understood, although I have no intimate knowledge of it, merely newspaper references, I think that Mr. Ford in this once case at least made a very bad business bargain. He afterwards destroyed the ships, and the Government got more for them than he ever possibly could have realized for them.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. COPELAND. Certainly.

Mr. NORRIS. I have no other object in view than to get as much light on this subject as possible.

Mr. COPELAND. I know that.

Mr. NORRIS. I listened the other day to the remarks of the Senator from Florida [Mr. FLETCHER] and I confess I was very much impressed by what he said. The Senator was speaking about some ships, and assuming, as I do, that the Senator was right about it, they ought to have been disposed of if they were no good.

Mr. COPELAND. Yes.

Mr. NORRIS. I can not remember the details or the exact figures, but I got the idea from what the Senator from Florida said that we had ships costing us about $30,000,000 which the Shipping Board sold for less than $4,000,000, and included in the number were some of the best ships in the entire world, as I remember the statement. They were disposed of.

I am frank to admit that if I were sitting as a juror or judge to try the matter I would have to have more evidence before I would be satisfied with myself in rendering a verdict or reaching a decision. But with that kind of evidence before us, it seems to me there was reason, at least, for us to sit up and take notice that these ships were being disposed of rather recklessly. That is the way it appeared to me at the time.

Mr. COPELAND. I thank the Senator for what he has said. The Senator from Florida did say that we were giving away ships, and that we had scrapped ships. I want to be equally frank with the Senator and to be honest with him in making reply to the question he has raised. Not alone these ships that we sold to Mr. Ford, but we had a lot of lake ships, wooden ships, many of which have been disposed of, and we have sold ships—the Senator from Florida is entirely right in that—for very much less than they cost. The Shipping Board operated under the law passed in 1920, the Jones Act, and it found that certain of its ships had succeeded, services had been built up which were for the good of the country, and they found private operators who were willing to take those ships on terms. They did sell them, and they sold them for very much less than they cost us. In that sense we furnished a subsidy.

Mr. HOWELL. And for very much less than it would have cost to reproduce them at the time.

Mr. COPELAND. For very much less than it would have cost to reproduce them at the time; yes. I agree with that. We did that because the Shipping Board in its wisdom, acting under section 5 of the law, determined that it was wise to turn the ships over to private operators because the country at large would be under no further obligation as regarded replacements or reconditioning or other expense. They did turn them over by vote of the board.

I do not know whether that was wise or not on the part of the board. If it had been declared to be the purpose of the Government in the Jones Act to make money out of the shipping, to operate a merchant marine in the same way private individuals would operate it, then they violated good business sense by selling the ships, because those ships were beginning to be profitable. But replacements had to be made, reconditioning had to be done, and the Shipping Board considered it for the best interests of the country to dispose of the ships. What became of them?

Mr. NORRIS. Will the Senator let me ask him a question before he goes into that part of it?

Mr. COPELAND. Certainly.

Mr. NORRIS. The Senator said they had to be reconditioned.

Mr. COPELAND. Some of them had been reconditioned.

Mr. NORRIS. That is what I was going to call to the attention of the Senator. I remember that the Senator from Florida, who is now in the Chamber and who, if I do not quote him correctly, I would be glad to have him correct me, gave instances, one in particular that impressed me very much, where a ship had just been reconditioned, equipped, supplied with all the necessary things to put it into such condition that they were ready to go to sea with the ship, they had the groceries and the fruit and canned goods and everything on board, and then it was sold immediately for less money that it cost the Government to do the reconditioning that was done.

Mr. FLETCHER. Less by $2,000,000. The ship was a German ship. She had cost $1,600,000, or about that, to build. We seized her during the war and used her in the transport service, and then we reconditioned her. The Shipping Board spent $2,000,000 reconditioning that ship.

Mr. COPELAND. All of which is true, and I admit it.

Mr. FLETCHER. Then they spent $41,000 in hotel supplies for the ship.

Mr. NORRIS. Yes.

Mr. FLETCHER. And sold that ship for $100,000.

Mr. NORRIS. Not much more than it cost the Government to put the groceries on the ship with which they were to feed the crew and the passengers. I want to submit a question to the Senator from New York.

Mr. COPELAND. I will answer it if I can.

Mr. NORRIS. I have no doubt the Senator can answer it; but I submit to the Senate that when such disclosures as that are made to the Senate it seems to me we will be derelict in our duty if we do not look into it and see what the trouble is, if there is any trouble. If there can be a reason given for that kind of business, all well and good, but I, myself, can not conceive very well taking a ship and putting it into that kind of condition and then selling it for a song. If that was to be done, why was it not done before the reconditioning was accomplished? It would have been better to have said to somebody, "Take the ship for nothing and we will give you $50,000 for taking it."

Mr. FLETCHER. The only argument I have ever heard advanced in support of that action was that the ship was actually losing money and they wanted to get rid of it.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Washington?

Mr. COPELAND. I yield.

Mr. JONES. The Senator from California [Mr. SHORTRIDGE] and the Senator from West Virginia [Mr. NEELY] have kindly consented to withdraw their objections to the proposed unanimous-consent agreement, that when the Senate concludes its business to-day we take a recess until 12 o'clock noon Monday, and that after 5 o'clock on that day no Senator shall speak more than once nor longer than five minutes on the bill or any amendment thereto.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. I object, though I dislike very much to do so. Looking at the history of this session, what sort of assurance is there to be given to any reasonable man that anyone who desires further to participate in the discussion of this bill will have an opportunity to do so? We know how brainstorms spring up in this Chamber and sweep over it, making it impossible to discuss measures which are supposed to constitute the unfinished business of the day. We may have another anti-Catholic agitation or another antiprohibition crusade or some other subject may come up rendering it absolutely impossible to discuss the measure which is the unfinished business of the day.

I have offered an amendment to the bill, and I had hoped that it would meet with no opposition. I was delighted to find that both the Senator from Washington and the Senator from Florida seemed to be friendly to the amendment. Still, the amendment may call for discussion or explanation, and in that event I would like to have a little time in which to discuss it or explain it.

Mr. JONES. Let me suggest to the Senator that his amendment is the pending amendment. We can not dispose of anything else now until we dispose of his amendment.

Mr. BRUCE. I understand that.

Mr. JONES. So that I am sure it will be considered.

Mr. BRUCE. I intended to explain it two hours ago, but the Senator from California came to me and asked me if I would not be so kind as to yield to him, and I said yes. Then the Senator from New York came to me and asked me if I would not yield to him, and I assented. I showed an unusually accommodating disposition, and for all I know I am just as far from an opportunity to discuss the amendment as I was in the beginning.

Mr. JONES. I want to assure the Senator that I have no doubt in the world but that his amendment will be fully considered, and I will say to him frankly right now that I have no opposition to the amendment.

Mr. BRUCE. I am delighted to hear the Senator say that, and if the request can be so modified as to allow me 10 minutes, I shall have no objection.

Mr. JONES. I can not, of course, guarantee the Senator 10 minutes, but I hope the Senator will not object to the proposed agreement. Under the circumstances, and with the consideration we have had of the pending measure, I can not believe that any Senator will take up the time on Monday in the discussion of an extraneous matter.

Mr. NORRIS. Mr. President, I would like to say to the Senator from Maryland that I think most of the Senators here are friendly to his amendment, and if he gets only five minutes after 5 o'clock, which this agreement would give him, and more time is necessary, I am sure there are many other Senators who will take up the cudgels for him.

Mr. BRUCE. I withdraw my objection.

The VICE PRESIDENT. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

The agreement was reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That when the Senate concludes its business to-day it take a recess until 12 o'clock noon on Monday, January 30 next, and that after the hour of 5 o'clock p. m. on said day no Senator shall speak more than once nor longer than five minutes upon the pending bill (S. 744) to further develop an American merchant marine, etc., or upon any amendment proposed thereto.

Mr. BINGHAM. Mr. President, I understand the Senator from Massachusetts has perfected his amendment to the resolution I offered, and I ask unanimous consent to present the Senate resolution regarding this matter which was offered a little time ago and objected to by the Senator from Massachusetts, and I request immediate consideration. If it leads to any debate, I shall withdraw it.

Mr. FLETCHER. Mr. President, I am not disposed to object to the resolution, but I do object to any sort of thought or idea that we are going to delay action on the pending bill until we get some response to the resolution. If it is introduced for a purpose of that kind, I shall certainly object to it.

Mr. JONES. I may say to the Senator that we have just had a unanimous-consent agreement regarding procedure on the bill.

Mr. BINGHAM. The resolution was explained when I introduced it. I stated that it was not offered for that purpose at all, and that there would be no effort to delay the passage of the bill to await this information.

Mr. FLETCHER. With that assurance, I withdraw my objection.

The VICE PRESIDENT. The clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 125), as follows:

Resolved, That the United States Shipping Board is directed to report to the Senate, at the earliest practicable date, the proposal of the Transoceanic Corporation with respect to the construction of fast passenger vessels, together with the recommendations of the board with respect thereto.

Mr. BINGHAM. I understand the Senator from Massachusetts has an amendment to offer.

Mr. WALSH of Massachusetts. Mr. President, I move that after the word "vessels," in the fourth line, there be inserted the following language:

its financial condition, its plans for future financing its shipping business, when and where the company was incorporated, the amount of money the United States Government will be required to expend to give the necessary aid to this company to enable it to establish an adequate merchant marine under the American flag.

If that amendment is adopted, I shall have no objection to the resolution. I will say that I originally included in my amendment an inquiry as to whether the company had ever operated ships, but the Senator from Connecticut agrees that this company has never operated any ships, so I have omitted that part of the amendment.

Mr. BINGHAM. I accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the resolution as amended.

The resolution as amended was agreed to, as follows:

Resolved, That the United States Shipping Board is directed to report to the Senate at the earliest practicable date the proposal of the Transoceanic Corporation with respect to the construction of fast passenger vessels, its financial condition, its plans for future financing its shipping business, when and where the company was incorporated, the amount of money the United States Government will be required to expend to give the necessary aid to this company to enable it to establish an adequate merchant marine under the American flag, together with the recommendations of the board with respect thereto.

Mr. COPELAND. Mr. President, I will attempt now to answer the question of the Senator from Nebraska [Mr. NORRIS].

Mr. TYSON. Mr. President, will not the Senator yield to me to ask a question of the Senator from Florida [Mr. FLETCHER]?

Mr. COPELAND. I yield.

Mr. TYSON. The Senator from Florida spoke about a ship being sold for a very small amount. I wanted to ascertain whether or not that ship, which cost $3,600,000 and which was sold for $100,000, is now in the service, and whether or not it is making any money or is being operated at a loss.

Mr. FLETCHER. I can not answer that. I forget the German name of the ship, but she was called the *City of Los Angeles* after we reconditioned her, and put into service from San Francisco or Los Angeles to the west coast of South America. Then they decided to sell her, and advertised her for sale. My information is that she was on a voyage from Los Angeles to Hawaii while the advertisement was being published, and when she returned to Los Angeles she was sold for $100,000 to the Los Angeles Steamship Co., and is now in operation between Los Angeles and Hawaii. Whether she is making money or not I am not advised. I do not know about that.

If the Senator from New York will allow me a moment further about the sales, I have the data here. The statement is that the board's record of ship sales since June, 1921, is as follows:

Ships sold, 1,141; amount, $85,176,678.17.

Sales made but not consummated, three; amount, $191,720.

In operation, 290; spot operators, 15; spot fleet, 7; total, 312; available for sale or operation, not assigned, 486; making a grand total of 798 ships at present. Those are figures which, I think, are official.

Mr. COPELAND. Now I will answer the Senator from Tennessee [Mr. TYSON]. No Shipping Board ships have ever made any money. It is widely heralded that the United States Lines are making money. To make clear to the Senator what I mean by "United States Lines," I mean the line including the *Leviathan*, which is our major line, consisting at the present time of the *Leviathan*, the *President Roosevelt*, the *George Washington*, the *Republic*, and the *President Harding*. It has been heralded far and wide that that line is making money. It is not making money. All the figures show no depreciation and show no interest charge. It is not making money. That is absurd. No service of the Shipping Board has made any money. The very fact that year after year that board is coming here asking for money shows that fact. We have lost $200,000,000 in seven years operating the ships of the Shipping Board, and in a bill now pending before us is a request for $13,000,000 for the year to come.

I had not quite answered the Senator from Nebraska [Mr. NORRIS] and I want to do so. I wish to point out to him first what is the milk in the coconut. I want to show him why some of those who are so interested in preventing the sale of these ships or in acquiring more ships are so greatly concerned. I shall show some of the reasons and then I will answer the question. It bears on my reply.

Mr. FLETCHER. Mr. President, may I interrupt the Senator just a moment at that point?

Mr. COPELAND. I yield to the Senator from Florida.

Mr. FLETCHER. The Senator said that we lost about $200,000,000. Will the Senator not be fair enough to say that when freight rates were high, right after the war, prior to 1921, these ships were operated by the Government, and we cleared net approaching $200,000,000 at that time? As a matter of fact, from the time of our entering into this business up to date they have not cost the people of the country anything of any consequence.

Mr. COPELAND. I will go as far as the Senator wants me to go in being fair. It is true that when the submarines had swept the seas of ships, and foreign nations had no bottoms and we had ships, we did make some money. But when the ships of foreign nations were restored we commenced to lose money, and we are losing it year after year, and we will continue to lose it. The Senator from Washington [Mr. JONES] yesterday stated that to replace ships, to make the necessary reconditioning and replacements, would cost $25,000,000 a year for 15 years. Am I right in that statement? That is exactly what he said. Therefore, $275,000,000 must be added to this fleet which the Senator from Florida [Mr. FLETCHER] says made money up until 1921. It is not making any money now and it never will make any money until these millions of dollars are

spent and the country can determine whether it is going to spend $275,000,000 to make replacements and to put these lines on a paying basis, or whether it is going to encourage private operation.

Now, I will come back to what I started to say to the Senator from Nebraska. Down on the Gulf of Mexico there are 10 lines. For the sake of the RECORD I will ask permission to insert at this point in my remarks the figures relating to those lines, and then I will not have to bother the Senate to read them all.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Statement of losses and operators' compensation, Gulf operators, January 1 to November 30, 1927

Line	Home port	Number of vessels as of Nov. 30, 1927	Total loss for period	Managing agents' compensation (included in loss)
Gulf-Brazil-River Plate Line (includes American Delta and American Dispatch Line).	New Orleans	14	$143,263.87	$194,349.24
Gulf-West Mediterranean Line.	do	9	177,922.23	110,944.96
Mississippi Valley European Line.	do	5	76,903.83	99,453.59
Southern States Line	do	26	1,480,757.15	399,823.95
Texas Star Line	do	11	486,367.72	149,290.62
Texas Ukay Line	Galveston	11	906,535.91	409,293.98
Dixie Ukay Line	New Orleans	14		
Texas Mediterranean Line	Galveston	5		
Dixie Mediterranean Line	New Orleans	6	315,264.51	111,850.42
Mobile Oceanic Line	Mobile	15	527,065.97	219,721.14
Total		116	4,114,081.19	1,694,727.90
Including inactive vessel expense.			949,226.00	
Total			5,163,307.19	

Mr. COPELAND. These 10 lines in the 11 months between January 1, 1927, and November 30, 1927, in their operations lost $5,163,307.19.

Mr. EDGE. Mr. President, may I ask the Senator how many ships were engaged in that particular line?

Mr. COPELAND. One hundred and sixteen ships.

Mr. EDGE. Does the Senator know how many ships are now being operated by the United States Shipping Board?

Mr. COPELAND. The Senator from Florida just gave us figures. How many ships are now being operated, may I ask the Senator from Florida?

Mr. FLETCHER. There are in operation 290; spot operators 15 and spot fleet 7, making a total of 312. There are available for sale or operation, not assigned, 486, 128 of which are classified as surplus.

Mr. COPELAND. Out of 290 ships now operated by the Shipping Board 116 go out from Gulf ports—from New Orleans, Galveston, and Mobile—and last year in 11 months lost $5,163,000. That has been the experience year after year with every line connected with the Shipping Board.

Mr. EDGE. Mr. President, will the Senator yield again to me?

Mr. COPELAND. With pleasure.

Mr. EDGE. Does the Senator think under those circumstances there will ever be a chance, with seven members of the Shipping Board, of whom one is from the Gulf, one from the Pacific, one from the Atlantic, and one from the Great Lakes region, of their getting a unanimous vote to sell any of those 116 ships?

Mr. COPELAND. I will say, of course, that those lines could never pay and they will never get into private hands.

Mr. NORRIS. Mr. President——

Mr. COPELAND. I want to say, before the Senator from Nebraska interrupts me, that, so far as I am concerned, I have no desire to stop the operation of those ships. I yield now to the Senator from Nebraska.

Mr. NORRIS. I wish the Senator would tell us just where those ships were operating. Did they go to foreign ports from the southern cities which he named?

Mr. COPELAND. I see that I should state what the lines are, and I think it is advantageous for the Senate to know. The first one is Gulf to Brazil, the River Plate Line from New Orleans. There are 14 ships in that line. That includes the American Delta and the American Dispatch Line. Then there is the Gulf-West Mediterranean Line from New Orleans.

Mr. NORRIS. That means there were 14 of those ships operated from New Orleans?

Mr. COPELAND. Yes; to different points in South America. That is exactly what it means.

Mr. NORRIS. It occurs to me that it may be true—but I do not know whether it is or not—that there is an exceedingly large number of ships which are being operated from the port of New Orleans to South American ports. As a business proposition, if the Senator were operating those ships so as to make them as nearly profitable as possible, would he have that many ships running from New Orleans alone? Would he take practically half of the ships of the fleet and run them from a few ports? Would it not be better if they were divided up among other ports? In other words, are the board operating this on a businesslike basis or are they trying to lose money?

Mr. COPELAND. There are 89 ships running out of New Orleans at a total loss of over $5,000,000. Now, the Senator from Nebraska will begin to see why there must be a unanimous vote of the Shipping Board in order that no ships shall be sold.

Mr. NORRIS. It is not a question of selling. It seems to me the question now is whether the board are using good business sense and good business judgment in their operations. The question of selling there by a mere majority vote or by unanimous vote is not involved in that proposition. In other words, if we run out of the port of New Orleans more ships than ought to be operated from that port, instead of dividing them up along the Atlantic coast clear to Portland, Me., are we using ordinary business judgment in that kind of operation, and can we expect anything but to lose if we do business that way?

Mr. FLETCHER. Does the Senator mean there are 89 Shipping Board ships sailing from New Orleans?

Mr. COPELAND. Yes.

Mr. FLETCHER. Where does the Senator get those figures?

Mr. COPELAND. From the Emergency Fleet Corporation, Washington, January 10, 1928.

Mr. FLETCHER. I do not know as to those figures. I do not know how many ships operate from there; but according to Doctor Klein, Director of the Bureau of Foreign and Domestic Commerce, some 60 per cent of the exports of the United States move through our southern ports.

Mr. NORRIS. I understand there is a large amount of business there, and I am not trying to say they should not operate the necessary ships to carry it. It may be that this number is not too great; but I confess it strikes me offhand that when we put practically half of the ships which we own into one line running out of one port, we are not exercising good business judgment.

Mr. KING. Mr. President, before the Senator leaves that point may I say that the costs which the Senator gave are not the aggregate. In addition there are the costs of repairs. The board do not take into account in those figures deterioration or depreciation, nor do they take into account capital.

Mr. EDGE. That is just net operating loss, as I understand it.

Mr. COPELAND. There is no replacement and no interest charge.

Mr. NORRIS. I understand all that. However, I submit to the Senator that that does not bear, as I see it at least, on the question as to whether these ships should be sold by a bare majority vote or unanimous vote of the board. It seems at first blush—and I admit on full investigation it may be explained—as worthy of investigation as at least indicating that there ought to be a new Shipping Board, and that they ought to pay more attention to a business proposition than to have all their ships running out of one port.

Mr. COPELAND. The Senator begins to see why there have been so many differences of opinion in the Shipping Board.

Mr. EDGE. Does the Senator know whether any offers for the purchase of any of those particular lines have been made to the Shipping Board?

Mr. COPELAND. The Senator from New Jersey is a business man. He knows nobody will make an offer for those ships.

Mr. EDGE. No; I would not agree to that. I would say, just as the Senator from Florida [Mr. FLETCHER] indicated, that 60 per cent of the commerce goes through ports in that section of the country, and I think he is entirely correct. I would have thought it was perhaps a little more. In my judgment if some of those lines, as the Senator from Nebraska indicated, were administered on a business basis by business men, there would not be a $5,000,000 loss in the operation of 116 ships. I believe that those lines, some of them running to the ports of South America and carrying the cargoes which they must carry, could be sold at a fair price and operated by private interests. But they can not be sold at any price if it is necessary to have a unanimous vote of the board, with a member from every section of the country necessarily acquiescing in the sale.

Mr. ODDIE. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield to the Senator, but not for a speech.

Mr. ODDIE. No; I do not desire to make a speech. In regard to the question which has just been raised by the Senator from New Jersey [Mr. EDGE] and the Senator from New York [Mr. COPELAND] in reference to bids that have been tendered to the Shipping Board, I should like to place in the RECORD a statement to the Shipping Board recently made by the mayor of Tacoma, Wash., in which he sets out telegrams from the Chamber of Commerce of Tacoma and the Merchants' Exchange of Seattle and gives a good picture of the condition of shipping in that section of the country, and points out very clearly the fatal effect of the interchange of ports clause which has been forced into the bids.

The VICE PRESIDENT. Without objection, the request of the Senator from Nevada is granted.

The matter referred to is as follows:

SALE—PACIFIC AND ORIENTAL AND AUSTRALASIAN CARGO LINES

To the Honorable Members of the United States Shipping Board:

A group composed of more than 40 citizens of the State of Washington, financially responsible and having the support of every industrial community, primarily interested in the line of cargo vessels heretofore operated under the name of the American-Oriental Mail Line, being desirous of purchasing the service between Puget Sound ports and the Orient, submit to your honorable board the request for modification of the specifications and conditions set forth in the pending invitation for bids.

The pending specifications exclude this group from the opportunity to buy the line.

The desire of purchasing this line was initiated at a reception given in honor of Commissioners Teller and Myers, on September 15 last, by prominent business men at the Tacoma Hotel. These commissioners had viewed the municipal port facilities at Tacoma and the docks and terminals privately operated. At the luncheon which followed both these commissioners declared that the municipal terminals, with their equipment of loading and unloading facilities, constructed at a cost of over $3,000,000, are the most modern and efficient in the United States; that the cargo line operating out of Puget Sound had been built up at Government expense of approximately $1,000,000 to where it is now self-sustaining; that the law gave preference in the sale of services established by the Government to local communities primarily interested; that it is the practice of the board to sell services with guarantees protecting each service sold from competition of Government operation and from competition of other services by vessels sold by the Government; that each service purchased would not be subject to the competition within its own local territory, securing to the purchaser of the ability to maintain and operate the service purchased without the danger of being broken down and bankrupted in the interest of other services; that it is the policy of the law to preserve the individual integrity of each service established in order that the purchaser may maintain such service for the benefit of the community primarily interested.

Assurance was given by these two commissioners that in formulating specifications the preference right of the community to purchase provided by the merchant marine act would be respected.

Following this meeting an underwriting group with firm commitments of ample capital was formed and is in position and anxious to purchase the line. The plan of this underwriting group is to form a corporation with stockholders representative of the producing industries of the State of Washington, whose primary object is to maintain the line in the interest of shippers and industries of the State and to encourage the manufacture of products originating in the Orient and the Philippines.

This is the first time a potential purchaser has presented to your board an application for acquisition of a line by a group of citizens of a community whose primary interest is in the public welfare, prospective profits from the purchase and operation of the ships being subordinate.

Relying upon the assurances of the two Pacific coast representatives on your board, and the former practice of the board, and the resolution of your board in November ordering the sale of this and the two other lines operating out of American Pacific ports, with restricted service thereby protecting each line from competition by the purchasers of the other lines to be contemporaneously sold, arrangements were definitely completed for submitting a bid.

The Pacific coast papers of December 28 and 29 gave us the first information that the former policy of the board and the policy outlined in the resolution passed in November was about to be reversed, and that permission was to be given to purchasers of any one or a combination of any two of the lines to be sold to divert their ships, thereby opening up each port to full and practically unrestricted competition. This action could not be viewed in any other light than a device in the interest of persons or combinations of persons seeking a common control of all three lines to the exclusion of a prospective purchaser desiring to acquire and operate one of the lines as an independent service, thereby excluding from the bidding our group constituted to acquire the Puget Sound Line.

Thereupon the Merchants Exchange of Seattle, an association of independent dealers in grain and grain products, authorized its president to send to the chairman of the Shipping Board the following telegram:

SEATTLE, WASH., *January 2, 1928.*

T. V. O'CONNOR,

Chairman United States Shipping Board, Washington, D. C.:

Merchants Exchange of Seattle is vitally interested in oriental transportation of grain products from Puget Sound. The action of your board early in December resulted in an association of local State of Washington capital for financing a company to purchase and operate the Puget Sound oriental cargo ships you are proposing to sell. Your recent action, as stated in press, allowing diversion of the California and Portland ships into Puget Sound for the purpose of taking and delivering cargo is viewed with apprehension and will probably result in withdrawal of these interests from competitive bidding. We ask you to at least postpone further definite action in way of final specifications until we have an opportunity to examine the tentative specifications and to present to you such modifications as our interests will require. This is a matter of great importance to the entire State of Washington, whose production and export of grain should be afforded every opportunity to reach the markets of world and especially the Orient. Any monopoly of transportation to Orient will be a serious impediment to the welfare of entire Northwest. An immediate reply will be appreciated, and if the board is willing to accord this association the courtesy of a hearing we will send a representative to Washington without delay. Please place this telegram before the board at its meeting on Tuesday. Further, please understand that we are without full information—is confined solely to what has been published in papers. Your local office is unable to give us any information covering the proposed specifications.

H. P. CHAPMAN,
President Seattle Merchants Exchange.

This telegram, received at Washington on January 2, was not placed before the board for consideration at its meeting on January 4. On January 4, at 5 p. m., after the adjournment of the meeting at which the present specifications were adopted, the following telegram was filed in the Western Union office at Washington and received at Seattle the following morning:

H. G. CHAPMAN,

President Seattle Merchants Exchange, Seattle, Wash.:

Reference your wire December 30 respecting sale west-coast lines, this matter will be given consideration by the board.

T. V. O'CONNOR, *Chairman.*

On January 2 the following telegram was sent to Hon. Jefferson Myers, who has repeatedly given assurance that the State of Oregon interests would not be given any preference over those of the State of Washington:

TACOMA, WASH., *January 2, 1928.*

Hon. JEFFERSON MYERS,

United States Shipping Board, Washington, D. C.:

According to press reports, board is proposing to modify specifications for sale of oriental cargo ships in such a way that independent producers of lumber cargo seeking a market in Orient will be seriously handicapped, because they can not run the risk of becoming purchasers of the ships operating out of Puget Sound under contract to maintain a minimum service and at same time Columbia River and California ships be allowed to come into Puget Sound on their way to Orient and pick up cargoes. Apparently a more serious phase will be the opportunity of California and Oregon ships to compete for Puget Sound cargo from the Orient. This line should be protected from competition of the other two lines. Apparently the frame-up is in the interest of California operators, designed to eliminate Puget Sound purchasers. Not having before us full details, we may be mistaken in respect to what is proposed, but in any event we should have an opportunity to be fully heard before a definite conclusion is arrived at. Assuring you that we are vitally interested, and propose to back our trade interests if we can do so with substantial investment, we request postponement of definite action until tentative plans have been studied and you have had an opportunity to hear and to consider our interests. Please place this telegram before the board.

E. G. GRIGGS,
President Douglas Fir Export Co.

The following telegram, authorized by the Tacoma Chamber of Commerce, was sent to Hon. Jefferson Myers by J. F. Hickey, president of the chamber:

TACOMA, WASH., *January 2, 1928.*

Hon. JEFFERSON MYERS,

United States Shipping Board, Washington, D. C.:

When you were our guest at a luncheon in Tacoma last September you assured us that you would afford Tacoma every reasonable oppor-

tunity to purchase the Puget Sound oriental cargo ships. The announcement of board early in December of conditions of sale was apparently satisfactory to investors in this community willing to financially back a purchase of these ships in interest of all Puget Sound industries to end that these ships might not fall under the control of California and other interests. It is of greatest importance to Puget Sound ship interests that these cargo ships should be preserved as independent carriers free of any monopolistic control and especially free of California domination. The recent action of board apparently made by you reversing earlier order convinces us that you do not understand situation, otherwise you would not have favored clause allowing a diversion of California ships into Puget Sound service, thereby enabling them to kill the Puget Sound Line at their discretion. Further, as the papers report, Tacoma is not mentioned as an alternative port from which these ships may be operated. The clause relating to minimum service should include Tacoma with Seattle or at least be in the alternative. Believing that you intend to be fair and reasonable and not partial to Portland interests cooperating with California we are appealing to you now to secure a postponement of final action on invitation for bids until we are able to be represented before the board and present our case. Specifications as ordered by the board at its last meeting will effectually eliminate from bidding a strong association of Puget Sound interests whose chief object is to preserve in hands of an independent public service corporation the operation of these ships. If you proceed along line of those specifications without waiting on us to be heard we can interpret your action in no other light than an intention to exclude real community interests from becoming shipowners and to place Pacific shipping in hands of a monopolistic combination of ship operators. We do not believe that you would knowingly support any scheme which will exclude legitimate Puget Sound investors. Please place this telegram before the board.

J. F. HICKEY.

The minutes do not show that the telegrams sent to Commissioner Myers were read to the board or called to its attention. These two telegrams were not answered. In view of the situation the group of underwriters proposing and desirous to purchase the Puget Sound Line, in the interest of the State of Washington, employed counsel and experts in Pacific coast shipping, and directed M. G. Tennent, one of the underwriters, and mayor of Tacoma, to proceed immediately to Washington, there to examine the specifications authorized by the board and to determine whether the specifications as adopted exclude this group of proposed purchasers from the opportunity of submitting a bid, and if so to take such action as in their judgment is necessary to protect the interests of the State. This group has been advised by counsel employed after examination of the specifications for the sale of the three lines, and by practical operators acquainted with the movement of vessels on the Pacific, that it is not safe to submit a bid for the Puget Sound Line, and that it is not safe to purchase that line under the conditions of sale as now published. No purchaser of an individual line can afford to undertake to maintain such individual line on schedule in view of the ability afforded by the specifications to either one or both of the other two lines to enter its field of trade and make its losses so heavy that bankruptcy will result, or to avoid bankruptcy such line will be compelled to sell to its competitors, thereby consummating the evident effect of the existing specifications bringing about a monopoly of Pacific Ocean shipping.

The uppermost question for your board to determine now is whether you will offer the three lines for sale under the existing specifications which afford to a combination of bidders for all the lines to be thereafter under common control or whether you will change the specifications so that individual services heretofore established by the Government at the expense of more than $4,000,000 shall be sold and maintained as separate units, with guarantee of protection from intrusion.

We have been reliably informed that citizens primarily interested in the California Line and citizens primarily interested in the Oregon Line will, if the right of deviation is eliminated and guarantee of protection given, present to your board bids for the respective lines in which such primary interests exist. You need have no fear of not receiving adequate bids if on reconsideration you proceed as the merchant marine act directs, to give opportunity to each individual community to purchase its own service without facing the peril of being eaten up by a combination to establish a monopoly.

It has been stated by individual members of your board that the provision allowing deviation of vessels is deprived of its teeth by the provision that a minimum service shall be maintained.

That provision does not afford protection. The service out of California ports carries 21 vessels. The minimum service requiring 48 round voyages is capable of being economically performed by from 12 to 15 vessels, thereby enabling the owner of the California Line to use 6 of the ships purchased, free to go wherever they choose, to and from any port on the Pacific. This line will have at its disposal, without purchasing additional ships, which it has the privilege to do, a fleet of at least 5 free ships with which to absorb cargo of the Puget Sound Line, which is compelled to operate on schedule with a minimum number of 24 sailings, which makes deviation impossible. It will readily be seen that no person or group, in the face of such potential competition, can afford to buy the Puget Sound Line without being a party to an arrangement for control of the California Line.

Furthermore, the ships of the central or Oregon Line can make their minimum sailings with layover, in ample time to deviate into Washington ports. Some of its ships might deviate into Puget Sound with incoming cargo and some of its ships into California ports with incoming cargo. Or if it be desired, all of its ships might, with profit, be deviated into the territory of either the northern or southern service. The right of deviation provided by the present specifications are peculiarly favorable to the Oregon Line. This line represents the local interests and supports commercial prestige directly antagonistic to the ports of Puget Sound. Under the specifications the Columbia River will have a commercial prestige artificially created by an administrative arm of the United States, to the great prejudice of the State of Washington.

Our sole purpose in making this application is to secure a revision of the specifications under which these lines are to be sold, to the end that the group of citizens represented by this application may not be excluded from becoming purchasers by the imminent danger of the investment being wiped out through the ability of competing interests to profit at their expense.

We submit that sales shall take place under specifications giving each local community the opportunity to purchase the lines in which it is primarily interested and operate the same in preference to a combination desiring to purchase and operate under a common control, which will be, in plain language, a monopoly created contrary to law by an administrative branch of the Government.

We believe that the present specifications were adopted by the board without consideration of the interests of each local community and without consideration of the fact that if sales shall take place under the existing specifications a monopoly of the Pacific Ocean carrying trade will inevitably result. We do not wish to postpone or obstruct the sale. We favor private ownership and control of these lines. In this we are in accord with the administration policy. We ask only that the law shall be observed so that such private ownership and control of shipping may be in accordance with the merchant marine act and not in the interest of any particular port or group of ports, and particularly not in the interest of any private operator or group of operators vested with control of Pacific transportation with the power of such control to oppress private industry.

We respectfully request this board to recall the pending advertisement, to afford each community having a primary interest in these sales to point out to the board wherein each separate community is prejudiced by the present specifications, and to aid the board in formulating specifications which will preserve and maintain as separate units the lines heretofore established at Government expense.

This application involves a decision by your board whether you will adhere to your former practice of protecting each individual line so that communities specially interested may bid or whether you will depart from that practice and adhere to the present specifications which will enable a monopolistic combination to purchase all three lines to the exclusion of individual communities from the privilege of purchasing.

M. G. TENNENT,
In behalf of Washington citizens who desire to purchase the Puget Sound Line.

Mr. ODDIE. Mr. President, this statement shows the unfairness of the Shipping Board in dealing with this situation. I reiterate what I said yesterday, that there is an attempted monopoly on the Pacific coast through the bids framed as they are to-day, with the clause in regard to interchange of ports. This statement shows very clearly the injustice and wrong in that clause.

Mr. President, in this connection I desire to say that I made several statements yesterday regarding these matters which have been challenged by Herbert Fleishhacker, of San Francisco, in the public press. I accused him of certain things. I reiterate all that I said yesterday—every word. It can be found in the CONGRESSIONAL RECORD. In an attempt to divert attention from this issue he has brought personalities into the discussion of this question. I refuse to indulge in personalities. I stand on the statements that I have made, and I ask that the American people study those statements.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Maine?

Mr. HALE. I beg the Senator's pardon; I thought he was through.

Mr. COPELAND. Does the Senator from Maine desire to make a speech?

Mr. HALE. I desire to make a very short speech.

Mr. COPELAND. Will it wait?

Mr. HALE. It will wait.

Mr. COPELAND. If the Senator will let me go along awhile——

Mr. HALE. Certainly; I beg the Senator's pardon. I thought he had given up the floor.

Mr. COPELAND. I expect to occupy the floor for a considerable time longer; but I wish to be courteous, and will yield if it is an important matter the Senator has in mind.

Mr. HALE. I want to say just a few words about the pending bill from the standpoint of the needs of the Navy.

Mr. COPELAND. Then I shall ask my friend to wait, because I am going to talk about that subject, too, and I am afraid he might make my speech before I talked, and that would spoil my speech.

Mr. HALE. There is no danger of that.

Mr. COPELAND. Mr. President, the Senator from Nevada [Mr. ODDIE] has just told us how he feels; he referred to what the chambers of commerce in the Northwest and on the Pacific coast have said; but one does not need to get the statement he has presented, and I am not going to refer to that in detail; but I wish to call the Senator's attention to the fact that it does not make any difference who operates these ships or whether they make money or not, I will say to the Senator from Nevada, for the managing agents, the members of chambers of commerce, on the Pacific coast have received for the 11 months from January 1, 1927, to November 30, 1927, $600,000 compensation for operating these ships, although the ships themselves lost money. If the Shipping Board can find somebody who will buy the ships and operate them as going concerns and as business undertakings so that they are left under the American flag and serve the American people, I shall be in favor of letting such private individuals have the ships. Then we shall not have to pay out $600,000 to those who operate the ships, regardless of whether they make money or not.

Mr. ODDIE. Mr. President, I ask the Senator from New York to read the statement which I have sent to the desk to be printed in the CONGRESSIONAL RECORD.

Mr. COPELAND. I shall be very happy, indeed, to do so. On the particular subject, to go back to our muttons, managing agents down on the Gulf have something "pretty soft." Does the Senator know how much they received in compensation for running ships at a loss of $5,000,000? They received $1,694,727.90.

Mr. NORRIS. Who are the gentlemen to whom the Senator refers?

Mr. COPELAND. They are members of the chambers of commerce and other agencies.

Mr. NORRIS. How did they get their hands into the pot?

Mr. COPELAND. They are the agents of the Shipping Board in those sections.

Mr. NORRIS. In the different ports?

Mr. COPELAND. In the different ports.

Mr. NORRIS. They act as agents?

Mr. COPELAND. They are the agents; they are the business managers.

Mr. NORRIS. Do they get a commission?

Mr. COPELAND. It does not make any difference how much the ships lose, they get their pay.

Mr. NORRIS. Are they paid a salary?

Mr. COPELAND. How about that; I will ask the Senator from Florida.

Mr. FLETCHER. I understand they are the operators. The Emergency Fleet Corporation operates but one line directly, and that is the United States Lines.

Mr. NORRIS. Do I understand that the Shipping Board says, for instance, to the chamber of commerce of some city, "You operate these ships"?

Mr. COPELAND. Not to chambers of commerce of cities, but to members of chambers of commerce.

Mr. FLETCHER. They are called the operators of the ships, and they get a commission on the business which they procure for the lines—the service they render.

Mr. COPELAND. They operate better than any surgeon of whom I know; they cut Uncle Sam open and take out a couple of million dollars every year. That is the kind of operating they do; that is what is going on.

If I were a candidate for President it would not do to talk in this vein, but do Senators think when the Gulf region is served with 116 ships, 89 of them out of the port of New Orleans, that the commissioner who is appointed from that section will ever vote to sell any of those ships? He would not do it until the infernal regions freeze over, and every Senator here knows it.

Mr. NORRIS. As I understand the Senator's statement, it amounts really to a charge that when a man is appointed from the South he feels under obligation to carry on that kind of unbusinesslike proceeding merely because it has to do with his section of the country. I wish to say to the Senator that if ordinary care is used by the President in selecting members of the Shipping Board, I think it is perfectly possible to secure members for that board who are not that selfish and really dishonest, unpatriotic, and unbusinesslike.

Mr. COPELAND. Oh, I would not characterize them in that way. I confess to the Senator from Nebraska that I can not take quite the unbiased view of a question involving my State that I can of a question involving his State; that is perfectly natural; and that was contemplated by the Jones law, because it specifically provides in section 3:

> The commissioners shall be appointed with due regard to their fitness for the efficient discharge of the duties imposed on them by this act, and—
>
> Besides being appointed for their fitness—
>
> two shall be appointed from the States touching the Pacific Ocean, two from the States touching the Atlantic Ocean, one from the States touching the Gulf of Mexico, one from the States touching the Great Lakes, and one from the interior.

That indicates that the purpose was to see to it that the highest interest of each section should be subserved.

Mr. NORRIS. I would take the purpose of that law to be that by selecting as members of the board men from various sections scattered all over the country we would be more apt to secure men holding viewpoints in harmony with those obtaining in the different sections of the country. I do not think it was the intention of the law that any one of the members of the board should act in the capacity of a representative of the section from which he comes. He represents the entire country, after all, and, if he is fit to be a member of the Shipping Board, he ought to be sufficiently broad-minded and fair and honest to stand above being the advocate of a particular section. It is conceded, however, I think, that men coming from the West have a little different viewpoint from men coming from the East; they grow up and live in a somewhat different atmosphere, and they know the local conditions. So a man coming from the Great Lakes section would have the viewpoint of that section. I do not think the law intended that a man who, for instance, was appointed from the Great Lakes section should as a member of the board act as an advocate of the Great Lakes region.

Mr. KING. Mr. President, will the Senator permit a suggestion?

Mr. NORRIS. Yes.

Mr. KING. The Senator knows that even in the case of the Interstate Commerce Commission, which is presumed to be and actually is a quasi judicial body, we question men who are appointed on that commission; and we have realized—or at least we have thought we realized—that they came with the provincialisms and the idiosyncrasies and the views of their particular sections.

Mr. NORRIS. We do that even in the case of Supreme Court appointments, I think.

Mr. KING. Exactly. So that we must expect that the men who are placed on the Shipping Board will carry with them the views which they entertain and the views which their constituents entertain.

Mr. TYSON. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield to the Senator from Tennessee.

Mr. TYSON. I understand the Senator's idea to be that if the member of the Shipping Board from the South, for instance, should not want to sell any of the ships because of his connection with the South there would be no ships ever taken away from southern ports. It seems to me, however, that if a majority of members of the Shipping Board wanted to take ships away from New Orleans, notwithstanding the fact that they were not sold, they could do that at any time. In other words, if any member of the board refused to sell at any time simply because he wanted to keep his own section supplied with ships the board could order those ships away at any time. So the argument along that line which we have heard, it seems to me, would not apply at all, because if the one member wanted to punish the others they could punish him by taking any number of ships away from his section. That would always be within their power, and therefore I do not think the Senator's argument would go very far so far as keeping ships indefinitely in a given locality is concerned.

Mr. COPELAND. It will not go far if the purpose of the law is to keep the ships in the hands of the Shipping Board and to operate them as Government ships so long as they are there; but no one need tell me that if a man comes from New Orleans, and an attack is made on his city, or what he believes is for the best interest of his city, he will not stand out against

any action which he may think will hurt his city or State, and I honor him for his position.

Mr. TYSON. I also agree with that statement.

Mr. COPELAND. That is true, likewise, of the two members of the board from my section and the two from the Pacific coast. I have already pointed out that the only thing in the bill which is new, the only thing that changes the law or changes the situation as regards the building of ships, is the provision requiring a unanimous vote on the part of the board for the sale of ships. There is not another new thing in it. There is not any doubt at all that if the amendment which has been accepted in Committee of the Whole shall finally prevail and become a part of the law, there will never be any ships sold, but they will continue in the hands of the Shipping Board because of regional jealousies. Now I am going to leave that subject for the moment.

The Senator from Florida yesterday told about the dreadful thing that happened to the country by reason of the sale of the ships. I want to speak about this.

The Senator says we have less foreign commerce than we had in 1914. Of course, we have fewer ships, because we sold some to Henry Ford, and we scrapped some, and so forth; but what became of the ships that the Senator was worried about? What became of them? Did they go into British hands? Did they go to Australia? Were they taken over by the French or the Germans? Not at all. The law says that these ships can not be sold to any foreigner without the permission of the board, and that any person who has such a ship and does sell it to a foreigner can be put in jail and fined a lot of money and left in durance vile. You can not dispose of them to foreigners. They can be put in other United States service; they can be put in coastal trade or intercoastal trade, but they can not be sold to foreigners. Now, bear that in mind. The Shipping Board, whether it is a good or a bad board—and I think myself it is a good board——

Mr. NORRIS. Mr. President, may I ask the Senator a question? Is there a limit of time on this provision in the law prohibiting the sale to foreign corporations or foreigners?

Mr. COPELAND. No, sir.

Mr. NORRIS. It runs forever?

Mr. COPELAND. It runs forever. When we have sold these ships there has been a five-year limit, that they must be operated in a given service for not less than five years; but when it comes to perpetual ownership they can never leave the American flag.

Mr. FLETCHER. Except by consent of the board.

Mr. COPELAND. Without the consent of the board.

What has become of these ships? Where are they? Are they carrying the commerce of other nations? Are they being operated for the benefit of Kamchatka or some other place? No. Here is what has happened to them:

We have the west coast of South America, the Grace Line, six ships. We have the east coast of South America, the McCormick Line, six ships. Then we have the other McCormick Line. What is the name of that, Senator; do you remember? They have six ships. Then we have the Export Mediterranean Line. Let me show you what we did or what we are proposing to do to that line. I want you to see how outrageous we are in the treatment of the people who have bought these lines. I want the Senator from Nebraska, who is so just and fair in all matters, to see what has happened.

Here is the independent offices appropriation bill; and the amount asked for by the Shipping Board was increased by $1,400,000; for what? In order that some of these reserve ships of the Shipping Board might carry coal into Mediterranean ports.

We sold 21 ships of the Export Line to American citizens. They operate into the Mediterranean. We did that only last year or the year before; and now, for fear American citizens may make money, we appropriate $1,400,000 to take some of our reserve ships and put them in competition with this privately owned line.

In this connection, I want to send forward for printing in the RECORD a telegram of protest from the manager of this line. I do not believe that the people of this country are willing to have a private concern which we have encouraged, and a concern to which we have sold ships, so unjustly dealt with as by appropriating money to run ships in competition with it.

There being no objection, the telegram referred to was ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *January 27, 1928.*

HON. ROYAL S. COPELAND,
United States Senator from New York,
United States Senate Office Building:

Have noted action by House of Representatives appropriating approximately $1,000,000 to assist coal exporters in developing coal-export trade by using Shipping Board tonnage for this purpose. We already handicapped by indirect aid furnished cotton and grain shippers from Gulf to Mediterranean ports by supplying extra tonnage for this purpose and at rates at which no private operator of American tonnage can compete. In view liberal aid furnished coal exporters, cotton and grain exporters, can not understand the unfriendly attitude of Congress toward your bill providing mail subvention for privately owned American tonnage in overseas trade. Having purchased 21 vessels of American registry from the United States Shipping Board and agreed to maintain a regular service from North Atlantic to Mediterranean and Black Sea ports, we had every reason to assume that Government aid would be forthcoming and that the development of an American merchant marine would be encouraged, as provided for under the marine act of 1920 and other existing legislation. If privately owned American shipping is to be left suspended from a limb to compete with the heavily subsidized fleets of French, Italian, German, and British owners, the future offers little encouragement for the private owner of American tonnage in the overseas trade. Therefore strongly urge that Congress give some consideration to the present plight of the only privately owned fleet under the American flag in the transoceanic trade, which would be materially relieved by the passage of your bill.

HENRY HERBERMANN,
President the Export Steamship Corporation.

Mr. TYSON. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. TYSON. From the report of the United States Shipping Board, on page 5, I read this:

As a result of the establishment of trade routes by the board, steamships flying the American flag have again appeared in the principal ports of the world for the first time in 75 years, not a single one of them in competition with privately owned American-flag vessels.

Mr. COPELAND. Correct. That is the truth. When was that report printed? What is the date of it?

Mr. TYSON. This is of date July 1, 1927.

Mr. COPELAND. And it is true to-day; but if we appropriate this million dollars, if the Senate concurs in that addition to the bill, it will mean that we will be competing with the Export Line to the Mediterranean, and then in the next report made by the Shipping Board that statement could not be truthfully made.

Mr. KING. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. KING. I think the Senator has been too generous in his concession toward the fairness of the board. I have heard many complaints from individuals who claim to know the facts that corporations and individuals who had acquired ships from the Shipping Board and put them into overseas trade had their routes paralleled by the Shipping Board at rates which made it almost impossible for them to survive. In other words, the Shipping Board pushed the sales of its ships, got ship lines established, and then went into competition with ships which it had sold; and when men bought boats from the Shipping Board there was no certainty that parallel routes would not be established which would result in the destruction of the capital which they had invested and compel them to abandon the enterprise in which they had embarked.

Mr. NORRIS. That would seem, however, to be rather contradictory to the report which has just been read from by the Senator from Tennessee [Mr. TYSON].

Mr. KING. I do not believe that report is accurate.

Mr. NORRIS. Now, I should like to ask the Senator from New York a question. I am reminded of this question by what has just been said about rival lines composed of ships formerly owned by the Government and sold to private parties.

I should like to inquire, if the Senator can give me the information, whether these ships that have been sold to private corporations and then operated have, after the sale and their operation by the private parties, made money, or whether they have lost money?

Mr. COPELAND. Some of them have made money. I can not answer for all of them. Some have made money.

Mr. KING. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. KING. I want perhaps to modify or at least supplement the statement I made a moment ago. Some of those ships which I stated were operated in competition with vessels which had been sold were operated under MO–4 contracts; but back of it, of course, was the Shipping Board.

The Shipping Board made the MO–4 contracts. They guaranteed no losses, of course, upon the part of those who had entered into those contracts; and they, with no losses, and receiving a percentage upon the gross returns, did not care whom they injured, and they went into competition with men who in good faith had purchased ships and were trying to develop our merchant marine. There the board did wrong; and, of

course, the operations under those MO–4 contracts in effect were operations by the Government.

Mr. NORRIS. I am informed that those contracts have all been modified. The Senator from Washington so informs me.

Mr. KING. They have been modified, it is true, but nevertheless some exist; and to-day men are operating ships under modified MO–4 contracts to the great injury of the Treasury of the United States and the American people.

Mr. NORRIS. If the Senator from New York will permit me to make this interruption and observation, I may say here that when the Shipping Board sold ships to private corporations it would not seem to me to be the proper thing for the Shipping Board immediately to go into competition with the ships they had sold to private parties; and yet I can not help but think of this:

We have sold these ships because they were no good. They were of no value. We could not operate them and make any money, and we sell them; and the persons who buy them operate them and seem to get along in some way, and do not have the investment that the Government had in the ships, because they buy them for a very much less figure than it would cost to get them in any other way. Now, if we are selling the ships because they are in such condition that they can not operate profitably, it seems to me that we are contradicting ourselves if we have to stay out of competition, after we do sell them, with ships that we have sold because they were of no account.

Mr. COPELAND. We agree to do that when we sell them.

Mr. NORRIS. I understand that; but we say on the one hand that we are going to sell these ships because it does not pay to operate them, and then somebody else operates them, and we say "Now, we will get out of the way and not compete with you," when as a matter of fact we have decided before we sold them that they were not any good.

Mr. COPELAND. I am not going to have any controversy with the Senator or anybody else on the comparative merits of private and public operation. Of course, that is what the Senator has in his mind.

Mr. NORRIS. No; I am not thinking of that, I will say to the Senator now. I do believe that if the Government is going to operate ships it ought to do so through a corporation, and it ought to give that corporation as much freedom as a private party would have. In other words, it ought to do it on a business basis entirely. If we consider as a matter of policy that we ought to operate, even though it is at a loss we will have to pay something out of the Treasury to keep them going. That is another proposition, but an entirely different one. No matter whether it is going to be at a loss or at a profit, if we are going to operate them at all we ought to operate them on a business basis entirely.

Mr. COPELAND. The Senator wants them operated in accordance with a business policy; and yet it is proposed to hamstring the board by making it impossible to sell a ship, no matter whether it is a good ship or not, unless you get seven votes in favor of it.

Mr. NORRIS. I do not like to disagree with the Senator from New York and go contrary to his judgment, but I will have to say that I do not believe that is very important, as I look at it. I would vote for a provision that the Shipping Board should not be allowed to sell ships without the consent of Congress. I think the experience in the past has demonstrated that something of that kind ought to be done, because I do not agree with those Senators who say that as long as a unanimous vote is required there never will be any ships sold. I realize that the Supreme Court has held that the President has the absolute right, without giving any reasons for it, to remove every member of the Shipping Board. He appoints them, and he can remove them as he sees fit and when he sees fit for any reason that he sees fit. If the President of the United States wanted to have all the ships sold, as it seems President Coolidge does—and I mention that without any criticism; I realize that it is a question that has two sides to it—he can bring about their sale by removing every member of the board, if it is necessary, and appointing only men who are in favor of selling the ships.

Mr. COPELAND. Now, Mr. President, I will hasten on. At this late hour it is a shame to keep the Senate in session. I will hurry through.

I want to complete the list of ships which I have spoken of as having been sold. The Senator from Florida [Mr. FLETCHER] spoke about it the other day, lamenting the fact that these ships have been sold. I want to get into the RECORD the fact that we have 73 ships: Including the west coast of South America, the Grace Line, 6 ships; the east coast of South America, the McCormick Line, 6 ships; the second McCormick Line, 6 ships; the Export Line to the Mediterranean, 21 ships; the Munson Line to the east coast of South America, 4 ships; the Clyde Line to South America, 7 ships; the American and East African Line, 6 ships; the Dollar Round-the-World Line, 7 ships; the San Francisco-Oriental Line, 5 ships; and the Admiral Line from Seattle to the Orient, 5 ships. That is a total of 73 ships; but they are running under the American flag and serving the American people.

Mr. President, certainly no loyal American can be proud of the fact that our country has failed to devise a system that will keep the American flag on the high seas. Since the end of the World War Great Britain, besides building up her Navy, has added 5,000,000 tons to her merchant ships. Just think of it—5,000,000 tons added to the merchant shipping of Great Britain since the war! France, Italy, Germany, and Japan have engaged in shipbuilding. England and these other four countries together have increased their tonnage 7,774,000 tons—peace ships, merchant ships, nearly 8,000,000 tons since the war—besides rehabilitating their navies.

While these great maritime powers have added nearly 8,000,000 tons to their merchant shipping, the United States has done nothing. There is not a keel laid down in a shipyard of this country for transoceanic service or for foreign service to be operated under the American flag—not one. While these other countries have added 8,000,000 tons to their merchant marines, not one ton has been added in all this time to the American merchant marine.

What is wrong with our country? Why are we lagging behind the smallest of maritime countries?

When we had had but a quarter of a century of national existence we had built up a merchant marine equal to that of Great Britain. In 1830 we were carrying 90 per cent of the American foreign trade in American ships.

I have here a diagram which no doubt Senators have seen, but it is most graphic, showing what has happened in these years to the American merchant marine.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. COPELAND. Certainly.

Mr. NORRIS. The Senator has mentioned the time in our history when our merchant marine was carrying a very large percentage of our produce.

Mr. COPELAND. Yes.

Mr. NORRIS. What about our Navy at that time? Did we not have a large Navy then?

Mr. COPELAND. No. I am with the Senator in his position.

Mr. NORRIS. That brings to mind the claim that is made that in order to have a large merchant marine we necessarily must have a large Navy. The history of our country rather demonstrates the contrary, it seems to me.

Mr. COPELAND. If we are to have a large Navy, we have to have a large merchant marine. There is no doubt about that.

Mr. NORRIS. But the reverse of that is not true.

Mr. COPELAND. When we get into that matter, the Senator and I will be on the same side, there is no question about that.

Mr. KING. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator.

Mr. KING. I think the Senator's statement of a moment ago may be subject to misinterpretation by some. It is quite true that, following the war, Great Britain and Germany, as well as some other European countries, built a large number of ships, and we have built but few since the war. But the fact is that after the war was over Great Britain's merchant ships, by reason of the submarine activities during the war of Germany, had been destroyed; she had considerably more than 8,000,000 tons of her overseas merchant ships destroyed, and Germany's fleet was entirely wiped out.

So they were compelled immediately to begin the construction of ships, whereas in the United States we had nearly 2,900 ships, big and little; and I am not including those that belonged to the Navy. We had a surplus of ships. We did not know what to do with them. We have hundreds of them now locked up in harbors rotting and deteriorating. So it would have been an act of folly for the Government or for private persons to have begun investing capital in the construction of ships, when we had such a large number.

Mr. COPELAND. Mr. President, I think the Senator has made a good point, and a little later I shall point out that the specific difficulty we have now relates to these big ships of ours, which carried a major part of our passenger and freight traffic. I will speak about that, but I think the point raised by the Senator is a very fitting criticism, because they did as he has said, and they had to replace them in a very large way.

Anyway, in 1830 we were carrying 90 per cent of the American foreign trade in American ships. As late as 1860 we carried nearly 70 per cent of our trade in American ships. In spite of the high-powered shipbuilding incident to the war, we were not able during that period to carry even one-half of our foreign trade in our own ships. To-day hardly more than one-quarter of our commerce is carried by our own bottoms.

During the war we spent billions of money to develop an American merchant marine. During the past seven years the Government has expended almost $200,000,000 to operate the ships owned by the United States Shipping Board.

In spite of these efforts, in spite of this unceasing flow of gold, we have a merchant marine which is steadily declining in tonnage and in efficiency. What are we going to do about it?

I had hoped that this bill that has been brought before us might be a bill which would encourage the building of an American merchant marine, but I have already shown to the Senate that there is not one single constructive thing in the bill, nothing in it except this stop-look-and-listen warning to capital that it must not invest in American ships or American shipping.

The World War developed every industry in America. We find ourselves with all the machinery and equipment, with the acreage and facilities to supply and feed the world. We can not prosper unless we have permanent and dependable arrangements to move our goods to the uttermost parts of the earth and to bring their products to our shores. Old markets must be refreshed and new markets discovered. There must be a means of advertising our wares, of getting them to the foreign markets, of bringing back raw materials and such needed substances and products as are not to be found in America.

This transportation and sale must be accomplished in the most economical manner possible. It must be in the hands of dependable friends, and there are no more dependable friends than our own nationals, who in addition to their patriotism have a selfish interest in the maritime welfare of this country.

As has been said, we are at the parting of the ways. We must choose between Government ownership and operation of the ships, or we must find an effective means of stimulating private endeavor, and the building and operation of merchant ships by private citizens of the United States. Possibly a combination of these two policies may be provided.

Our merchant marine is dying at the top. Unless there are replacements in our major lines we must steadily decline as a first-class maritime power.

Mr. WATSON. Mr. President, I am in entire accord with the Senator, and he and I are together on this ship question, but how does he propose immediately to bring private capital into this proposition?

Mr. COPELAND. Before I close these formal remarks I shall tell the Senator.

Mr. WATSON. Of course, the Senator asks the question as to why these things are so, why there has been a constant decline in American shipping, and all that. He answers his own question; that is to say, there are but two methods by which the situation may be handled, either by direct Government ownership or by a system of subsidy. The reason why we do not have ship subsidy is very evident to the Senator. It is to me after having tried for years to get it. One reason is that a number of Senators and Representatives are conscientiously opposed to the idea of subsidies. The other is that a great many Representatives, and a few Senators, are afraid of their constituents—are afraid to vote for a ship subsidy and then go home and enter upon a campaign of explanation. I personally know that to be true because of my interviews and contact with a very great number of the Members of the House. Of course, I am not going to talk about the Senate at this particular time; but, absolutely, they are afraid of their constituents on the proposition.

Speaking for myself, I know of no one question to-day being considered by the American people that I would rather go and take the platform to advocate than the question of a ship subsidy, either a tonnage subsidy or a mail subvention, because there is not only the commercial argument back of it but there is also the patriotic impulse back of it that will enable one to appeal to the people. Nevertheless, we do not do it. The practical question is this, I want to say to my friend from New York, agreeing with him as I do on the fundamental principles involved: How does he intend now to keep the flag on the sea unless he does it by the method proposed by this bill?

Mr. COPELAND. I will be very happy—and that is the only excuse I have for consuming the time of the Senate—to try to show a way to do it, and I am going to hurry through and get this formal address into the RECORD, in order that I may present an amendment to the bill which, if it is adopted, I believe will be a beginning of the solution of the problem.

Our major operations are performed by the United States Line. In this line is just one ship capable of functioning as a first-class ocean liner. She was a gift to us of a kind Providence. The *Leviathan*, by fortuitous circumstance, was in an American port and became ours upon our entry into the war. The two ships planned by the Germans to run with her—the *Majestic* and the *Berengaria*—are the backbone of the present English fleet. We attempted to run the *Agamemnon* and *Mount Vernon*, sister ships, but they are not of the type of the *Leviathan*, and never were. They never were fitted for the North Atlantic service, and never will be, no matter how much money we spend on them. They will be only a stop gap. Yet it was explained to us in the Committee on Appropriations that those two ships could be reconditioned in a year and could fill in the time in the North Atlantic service until private enterprise or some other method might be found to put real ships into that service.

We are attempting to maintain a first-class service with ships unsuited for the North Atlantic service, small in tonnage and slow of speed. All you have to do is to look at what we have—the *President Roosevelt* with a speed of 17 knots, the *George Washington* with a speed of 18 knots, the *Republic* with a speed of 14½ knots, and the *President Harding* with a speed of 17 knots—competing with 28-knot ships.

If we are to maintain such a service as every proud American would desire his country to maintain, there must be replacements and the immediate expenditure of anywhere from thirty to fifty millions of dollars to make this line anything like a satisfactory one.

Then, in addition, the Senator from Washington said on yesterday that we must spend $25,000,000 a year for 15 years to put this American shipping of the Shipping Board upon a foundation which will make it acceptable to the country.

Because we have no vessels capable of carrying the mails in competition with foreign bottoms, the United States Government is expending annually a million and a half of dollars to vessels of foreign registry, mostly British, for the carrying of our mails. Because we have not had enterprise enough to make it possible for the building of capital ships to carry the commerce of our country we are contributing to Great Britain a million and a half dollars to carry on this service.

No one can doubt—certainly I do not—that for many years to come the Shipping Board will have an important function to perform. There are ports to be served and countries to be reached, services which will not attract private capital for many years, if ever.

I would not have these services destroyed. The fourth and fifth classes of ships must be operated by somebody. The national interests demand it. We have the machinery in the Shipping Board to carry on these services, and in my judgment Congress should be liberal in the appropriations necessary to maintain such services.

It must be somebody's business, too, to provide "spot ships," ships which can be called upon in time of industrial or agricultural emergency to move the products of American factory and American farm.

Let me add one more word, Mr. President, and then I suppose that if we take a recess while I am on the floor I will have the floor when we meet again on Monday.

Mr. NORRIS. At least nobody would be so discourteous as to take the floor away from the Senator.

Mr. SWANSON. If we take a recess, we will resume exactly where we were when we took a recess.

Mr. COPELAND. It is cool, and as a doctor I realize how necessary it is for Senators to have a square meal and all that sort of thing, but I just want to say a word further, and then I will be willing to have the recess taken, provided I may still have the floor when we meet on Monday, because I want to finish what I have to say.

I want to point out that the Cunard Line and the White Star Line, these great competitors for the business of the North Atlantic, are building tremendous ships. The Germans are building two ships, and $20,000,000 of American money is going into the building of those ships.

Mr. President, I ask that at this point in my remarks there be printed the proposal which has been made by Mr. Wilder and his associates to establish a new merchant ocean service. I desire to have it printed at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

PROPOSAL TO ESTABLISH A NEW AMERICAN OCEAN SERVICE, PRESENTED TO THE SHIPPING BOARD BY LAURENCE R. WILDER JANUARY 24, 1928

Gentlemen of the United States Shipping Board:

This is the proposal of the Transoceanic Corporation of the United States, organized and backed entirely by Americans, to establish a

modern ocean transportation system to fly the American flag across the North Atlantic, one of our most important and essential trade routes.

We now propose to build six ships in American shipyards capable of crossing the ocean in four days from dock to dock, more than 900 feet long, 90 feet beam, with a displacement of at least 35,000 tons, with accommodation for 800 passengers in greater comfort than exists on any trans-Atlantic liner of any nationality to-day, and with ample space for mail and 1,000 tons of express cargo. We propose to maintain sailings three times a week from each side of the Atlantic.

These ships will have a continuous sea speed of 33 knots per hour and a maximum of 35 knots per hour—substantially 9 knots faster than the present fastest liner.

Because aircraft and ships are already correlated in the navies and in some commercial ways, these ships have been designed as airplane carriers. The funnels and masts will be set to one side of the deck and the whole top deck will lie open and clear as an airplane landing field.

We are here to ask the Shipping Board to declare first that this is an essential service under section 7 of the merchant marine act of 1920.

To make our project possible we request, second, a revision of the loan provisions of the merchant marine act, so as to make possible the use of Government credit facilities in the form of a construction loan of three-fourths the cost of building ships, at the Government's current rate of interest. For six ships this would amount to $94,500,000.

This loan is to be protected by prior liens on the ships themselves and will be retired in 20 years by amortization.

We request, third, revision of the mail carrying act to establish rates not as a subsidy but commensurate with the new speed and frequency of the service, its cost, and its utility. Authority would be given to the Post Office Department to enter into ocean mail-carrying contracts for periods not shorter than 5 years nor longer than 10 years.

Fourth, and last, because approved insurance whether here or abroad is limited on any single ship to $9,000,000, we request protection in case of total loss in the form of cancellation of the loan against that ship to the extent not covered by amortization and insurance.

We hope also for provision by which our crews, or a part of them, can be enrolled in the Naval Reserve.

In every way we look only to such general legislation as will encourage other American capital to follow our lead. We do not ask anything for ourselves alone and we are sure that what we ask is justified by sound business and economic principles.

The investment from private capital of about $50,000,000 forms a part of our plan, and we have received assurances from entirely American sources of sufficient financial support to warrant us in making our proposal. This is the first time in more than 50 years that private American capital in any important amount has come forward to advance America's prestige and safety at sea. When our plan is taken up for official consideration we will lay the details of our financial support before the proper department of the Government.

We submit that the Government will by this loan have at its service six fast, gigantic airplane carriers, with crews trained in actual service at sea, for all of which the Government will have expended nothing. The advance of 75 per cent of their construction cost will be repaid with interest. To duplicate such powerful units for its own strictly naval use the Government would need to appropriate their full cost of construction and, in addition, bear the full cost of operation and training. In time of peace these ships will pay their own way. In time of war they will be deadly units of our armed forces at sea. Their readiness will cost the taxpayers nothing.

Fast ships have been built and proved practical by the Navy. We ourselves have recently completed in our yard at Camden, N. J., the Navy's newest fighting unit, the airplane carrier *Saratoga*. She is a pioneer vessel. The research and experience gained in designing and constructing her we now propose to apply to commercial vessels.

Foreign nations are building new ships of modern, fast design with which to compete for the North Atlantic trade. To a considerable extent they are using American capital with which to do it. They are not reconditioning old ships. If we are to be successful in maintaining an American merchant marine against them, it must be done by building better ships than theirs.

Across the North Atlantic flows a stream of about 300,000 first-class and cabin passengers. Nearly three-fourths of them are citizens of the United States. The fact that 12 per cent of the total traffic volume is already handled by slower American ships indicates the volume that would be handled by this faster, more comfortable American service. The tendency to use fast ships is unmistakable. It has resulted in the gradual elimination of older, slower vessels and their conversion into cabin ships as a means of squeezing a few more years of productive life from them. We propose to give these passengers a better and more frequent service than any now available and at strictly competitive rates.

Time is the essence of mail service. We offer a new frequency and speed, reducing transit time from one-third to one-half the present from dock to dock and expediting it still further by use of shore-to-ship and ship-to-shore airplane service. The importance of this economy of time to a country of such vast financial and commercial power as ours must be obvious.

The rapid marketing abroad of from 12 to 15 per cent of our excess manufacturing production is essential to our high standard of living and our continued prosperity. A triweekly movement of express cargoes at a speed 10 knots faster than now generally available should commend itself. In 1926 our American boats carried only slightly more than 4 per cent of the 1,969,555 tons carried in combination cargo and passenger ships between United States and North and South Atlantic ports of Europe.

Our dependence upon foreign ships is well known. We carry less than 30 per cent of our production in ships of our own flag and even this percentage is decreasing alarmingly each year. Our experience at the beginning of the war, when foreign ships on which we had depended were called away from us to serve their own people while our goods destined for overseas shipment piled up on our docks, and our experience again when the general strike and the long-continued coal strike in England diverted foreign ships from their usual cargoes, should leave no doubt of the necessity of our owning and controlling the ships on which our prosperity rests.

The way to begin the restoration of our merchant marine is by inaugurating a trans-Atlantic service for passengers, express cargoes, and mail. Thus it has always been in the long history of every change of transportation. Faster means of conveyance have always been given first to passengers and mail, later to freight. The establishment on the North Atlantic of such a service as we here propose will give an impulse to the reestablishment of our entire merchant marine on every sea. Ships such as those we have designed, I venture to say, may revolutionize ocean service.

During the war we built 8,000,000 tons of commercial ships. Since then we have built none for foreign service. But our competitors abroad since then have built also 8,000,000 tons of ships, faster and more economical than our war-emergency vessels. They have eclipsed us at sea.

But now a new era is opening. The development of fast, large ships by the navies is certain to be applied to ships of commerce. High speed is here already. Until now it has been used exclusively for ships of war. We propose to use it for commerce.

Aircraft and ships have been already combined in the navies. They fit together and serve each other naturally. The commercial ships of the future are bound to make use of this new service.

The successful operation of a passenger service at a 33-knot speed well may be followed by a 25-knot service for freight. We are the leaders of the world in mechanical skill and ingenuity. The development by American designers of cargo ships able to load and discharge bulk freight with great rapidity should not be long delayed.

We propose now, however, to limit our beginning to a passenger, express cargo, and mail service across the North Atlantic.

That this is an essential route appears to us obvious. Excluding traffic to and from Canada, more than 70 per cent of the total passenger traffic between our country and all foreign ports crosses the North Atlantic. We find that of the total volume of United States mail to all foreign ports approximately 76,000,000 pounds, 38,000,000, or 50 per cent, is carried on the North Atlantic.

Of the total exported and imported manufactured foodstuffs and semi and finished manufactures of all kinds more than one-half are carried to or from European countries. Of this very large volume by far the greatest percentage represents western European traffic. In other words, taking into account all the classifications served by this proposed line, more than half of the entire traffic between the United States and the markets of the world is carried in the North Atlantic trade. This proves conclusively the essential character of this proposed route.

Our board of directors is being formed. When constituted the names of its members will be announced. I am able to say, however, at this time that they will be men of national reputation in their respective fields.

This proposal is the result of more than two years of careful preparation. Within our own organization and with the help of qualified authorities in other fields, we conducted our study of the problem confronting the American merchant marine and worked out the proposal which we now offer as its solution—ships of high speed incorporating airplane service, frequent sailings, and short periods of rest in port.

The specifications and design of the new ships have been submitted to an expert committee of naval architects and marine engineers. Their report approving the design will be presented to you at this hearing by the chairman, Prof. Herbert C. Sadler, of the University of Michigan.

The report of the committee on propulsion will be presented to you by J. W. Metten, president of the Marine Engineering Corporation, of Philadelphia.

The analysis of the business conditions under which these ships must be operated will also be presented here by Dr. Simon Litman, professor of economics and transportation at the University of Illinois, the chairman of our committee which studied this phase of our project.

The report of the committee on operation will be presented by J. Howland Gardner, vice president of the New England Steamship Co. In addition, we have had as consultants Sir Charles Parsons and E. H. B. Anderson, of the Parsons Marine Steam Turbine Co., and Messrs. Blache and Hollings, of the Burmeister & Wayne Co., all of whom are recognized authority on turbine and Diesel propulsion.

The committee reports do not, for obvious reasons, include their estimates and findings as to revenues and expenses. I can, however, say that their conclusions indicate beyond question that this undertaking will be so economically sound as to make certain, if our requests are met, the creation and permanence of this service.

We approached the problem of faster, better, and more frequent ocean operation, with the advantage of a highly trained technical personnel in our organization and with the experience of considerable work of first importance accomplished by our company, the American Brown Boveri Electric Corporation. We are the builders of a new turbine generator now being installed by the United Electric Light & Power Co., of New York City, in its Hell Gate station. This turbine is twice as large as any electric unit in the world. It produces 252,000 horsepower in a single unit and by itself alone is great enough to carry the entire electric load of Manhattan, including the operation of elevators, lights, surface lines, and subways. There are also running on the tracks of the Pennsylvania Railroad seven of the largest electric passenger locomotives in the world, which come from our workshop.

It may be of interest to note that we are also the producers of the magneto used by Lindbergh, Chamberlain, and other aviators, which are standard equipment in the Army and Navy airplanes and on the Wright whirlwind motor.

We are especially proud of the airplane carrier *Saratoga*, recently delivered from our Camden yard to the Navy and assigned to the Pacific Fleet. She was the first of her type to be built, and we worked out in every detail with the Navy the design of that ship. Such ships we now propose.

In building ships we must look beyond to-day or to-morrow. The life of a ship is 25 years. Chamberlain's flight from the *Leviathan*, commercial experiences in the Mediterranean, the announcement of plans to fit the *Isle de France* for airplane service, and the established practice of the navies, all point to the inevitable joint operation of aircraft and ships.

Our new commercial ships, designed with this abundant experience behind us, are airplane carriers.

No foreign navy in the world owns or is building anything like them. They can maintain 33 knots for 7,000 sea miles and can go around the world at fleet speed without refueling. Their normal complement in commercial use will be 24 airplanes. In national emergency they can be quickly changed to carry almost 100 airplanes, each ready to fly. Their very high speed, their unequaled radius of action, and their striking power in the air will make them the finest naval vessels afloat in the time of emergency.

The disarmament conference of 1922 does not affect them. They are ships built for commerce. Airplanes and airports are not military units, whether ashore or afloat.

To-day we are unable to protect our Pacific possessions or to aid an ally in far eastern waters because we have no naval stations west of Hawaii. Ships which can sail around the world at fleet speed or race for 7,000 miles at 35 knots without refueling do not need naval bases. No merchant ship has ever been designed that more perfectly meets the requirements both of the merchant marine and the Navy.

We plan to keep these ships moving on their commercial routes, as our packet boats and clipper ships were driven hard a century or less ago. Fast ships, frequent sailing, and short periods in port made our merchant marine the greatest in the world from 1816 to the Civil War. The same principles applied to our industries built up our great country. The same principles again brought success to our railroads, even as recently as in the past five years, when they increased their net operating incomes by approximately 30 per cent under a wage scale greater even than the war-time rates and in a period when their freight income increased by less than 10 per cent and their passenger traffic actually diminished.

There is another factor now available—our greater mechanical efficiency. American public utilities have cut their fuel costs more than in half and increased their production of power by new and better equipment. By fuel economy alone our railroads saved $50,000,000 in the last five years.

Intensive use of equipment on the sea requires a harbor which can be entered and left without delay. Arrangements to use the French port of Le Havre have been completed and in England the port of call will be either Southampton or Plymouth. Satisfactory cooperation from the necessary railroads of both countries is assured.

The selection of a terminal in the United States is still an open question. It will be either on Long Island or somewhere along the coast of New England, within easy reach of New York City, and served by trunk railroads. On both sides of the Atlantic special trains will be operated to ship side for convenience of passengers.

We will gather together an operating personnel of American citizens experienced in transportation on our railroads and in our shipping, coastwise and foreign. The advice and help which we have already received from such men reveals their substantial interest in this plan.

We are prepared with careful thought, approved designs, and sufficient private capital to make a sincere, forward-looking effort to solve the problem of the American merchant marine, with cooperation of the Government but without expense to it, by building ships as much better than those of our foreign rivals as theirs are better than ours to-day, and by operating them in the way our packet boats and clipper ships, our great industries and our railroads have been operated with substantial success.

We propose nothing new. Every element that enters into our ship design and plan of operation has been tested and proved by use elsewhere. We propose only to bring these well-tried factors together into a ship in ocean service.

We are confident that in this way a start can be made to reestablish an adequate self-supporting American merchant marine strong enough to compete with the merchant marine of the world, numerous enough to assure us transportation to our foreign markets, loyal enough to protect our exporters against discriminating rates and able to meet the needs of the Nation, both in periods of normal trade and in times of national peril.

In 1816 the initiative of two Americans launched a merchant marine second to none. We propose to fly the American flag at the masthead of a fleet of merchant ships which by every test of fitness will command the united support of every loyal American.

Mr. JONES. I ask the Senator from New York if he will not yield just a moment so that we may adopt the amendment presented by the Senator from Maryland.

Mr. KING. I want to object to that.

Mr. WATSON. What does the amendment provide?

Mr. JONES. It puts the minor officials under the civil service.

Mr. WILLIS. Does the Senator from Utah object?

Mr. KING. I object.

Mr. JONES. It is pending.

Mr. KING. We will discuss it on Monday.

Mr. JONES. I had hoped that the Senator would be able to get it adopted, and that if the House should strike it out, or anything of that kind, it could go to conference and be worked out.

Mr. KING. I think the Senate will reject it. I want to discuss it a little.

Mr. JONES. I do not think the Senate will reject it at all.

Mr. KING. Let us give them a chance, when there are more Senators present.

Mr. JONES. The Senator from Maryland would possibly prefer to discuss it on Monday.

Mr. BRUCE. I would like to say just a few words about the amendment.

Mr. COPELAND. I will yield to the Senator from Maryland for that purpose.

Mr. NORRIS. Mr. President, if the Senator will permit me, if there is going to be a contest over his amendment there will probably be a roll call. I would suggest, inasmuch as it is 5 o'clock now, that the Senator take it up on Monday.

Mr. BRUCE. I am perfectly willing to have it go over until Monday.

Mr. JONES. Does the Senator from New York desire to say anything further to-night?

Mr. COPELAND. Just another word and then I shall conclude for this evening.

I want Senators to bear in mind what I believe to be a fact, that the pending bill, which the country has been led to believe is a bill which will give us an American merchant marine, has not one single thing of substance in it. The country has asked for bread and has been tendered a stone. There is nothing in it which will change the situation and the board will still be unable to sell any ships.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 7 minutes p. m.), under the order previously entered, took a recess until Monday, January 30, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, January 27, 1928

COLLECTOR OF INTERNAL REVENUE

Andrew J. Russell, of Fort Smith, Ark., to be collector of internal revenue for the district of Arkansas in place of Harmon L. Remmel, deceased.

PUBLIC HEALTH SERVICE

Hugh S. Cumming, of Virginia, to be Surgeon General of the Public Heath Service. Reappointment.

APPOINTMENT IN THE REGULAR ARMY

FINANCE DEPARTMENT

To be Chief of Finance, with the rank of major general, for a period of four years from date of acceptance, with rank from April 23, 1928

Col. Roderick Leland Carmichael, Finance Department, vice Maj. Gen. Kenzie W. Walker, Chief of Finance, to be retired from active service, April 22, 1928.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

Capt. Edwin Clarence Gere, Cavalry, effective June 15, 1928, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Daniel Van Voorhis, Cavalry, from January 25, 1928.

To be lieutenant colonels

Maj. James Garfield McIlroy, Infantry, from January 22, 1928.

Maj. Vaughn Washington Cooper, Cavalry, from January 23, 1928.

Maj. Chauncey Lee Fenton, Coast Artillery Corps, from January 25, 1928.

To be majors

Capt. Rexford Edwin Willoughby, Cavalry, from January 21, 1928.

Capt. William Glenn Livesay, Infantry, from January 22, 1928.

Capt. James Washington Barnett, Cavalry, from January 23, 1928.

Capt. John Charles Mullenix, Cavalry, from January 25, 1928.

To be captains

First Lieut. Robert Tappan Chaplin, Coast Artillery Corps, from January 19, 1928.

First Lieut. Raymond Edwin Vermette, Infantry, from January 21, 1928.

First Lieut. Abraham Robert Ginsburgh, Field Artillery, from January 22, 1928.

First Lieut. Elijah Garrett Arnold, Infantry, from January 23, 1928.

First Lieut. Benjamin Witwer Pelton, Infantry, from January 25, 1928.

First Lieut. Farlow Burt, Infantry, from January 25, 1928.

To be first lieutenants

Second Lieut. William Remsburgh Grove, jr., Field Artillery, from January 19, 1928.

Second Lieut. George Lewis Dewey, Infantry, from January 21, 1928, subject to examination required by law.

Second Lieut. James Frederick Torrence, jr., Infantry, from January 22, 1928.

Second Lieut. Douglass Gordon Pamplin, Coast Artillery Corps, from January 23, 1928.

Second Lieut. Dan Chandler, Field Artillery, from January 24, 1928.

Second Lieut. Charles White Lawrence, Air Corps, from January 25, 1928.

Second Lieut. George Edward Waldo, Coast Artillery Corps, from January 25, 1928.

MEDICAL CORPS

To be captain

First Lieut. Harold Willis Kohl, Medical Corps, from January 25, 1928.

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lieut. Benjamin Ralph Luscomb, Medical Administrative Corps, from January 20, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 27, 1928

PUBLIC HEALTH SERVICE

Hugh S. Cumming to be Surgeon General.

PROMOTIONS IN THE REGULAR ARMY

AIR CORPS

To be assistant to the Chief of the Air Corps

Lieut. Col. Benjamin Delahauf Foulois, Air Corps.

FINANCE DEPARTMENT

To be Chief of Finance

Col. Roderick Leland Carmichael.

POSTMASTERS

ARIZONA

Beulah Maitland, Buckeye.
James E. Kintner, Grand Canyon.
Brigham Y. Peterson, St. Johns.

COLORADO

May I. Wood, Crawford.
Even H. Bebee, Cripple Creek.
Idamay Spurlock, Fairplay.
Charles D. Hathaway, Hugo.
Edward F. Green, Tungsten.
James C. Wilson, Yampa.

ILLINOIS

Charles H. Derry, Greenview.
Olive Whitworth, Harvel.
Horace J. Boozell, Ipava.
Charles N. Smith, Madison.
Ulysses E. Smith, Metropolis.
George T. Schuler, Mounds.
Robert R. Banta, Oquawka.
Reuben D. Coffin, Pleasant Plains.
Hugh A. H. McDonald, Rock Island.
Arthur M. Smith, Stockton.

INDIANA

Lionel A. Pratt, Dunkirk.
Ira Craig, Farmland.
Herbert O. Stuteville, Grand View.
Ora Myers, Greenfield.
Leslie P. Nelson, Newport.
Roland B. Craw, Oxford.
Perry Leavell, Red Key.
Quimba O. Hollowell, Ridgeville.
Jesse M. Cage, Sharpsville.

MISSOURI

Ray C. Waddill, Kirksville.

NORTH DAKOTA

Genevieve Gregor, Dawson.
Otto Sougstad, Northwood.
Oscar M. Thompson, Rolette.
Forrest Daniel, Sykeston.

OHIO

Joshua J. Rumbaugh, Alger.
John Roth, Excello.
Elizabeth McNaught, Frazeysburg.
Charles F. Faris, Hillsboro.
M. Margaret Searl, South Webster.

PENNSYLVANIA

Harry J. Bearer, Monessen.

WISCONSIN

Eva Jensen, Cambridge.

SENATE

MONDAY, *January 30, 1928*

(Legislative day of Friday, January 27, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	Heflin	Oddie
Barkley	Dill	Howell	Overman
Bingham	Edge	Johnson	Phipps
Black	Edwards	Jones	Pine
Blaine	Fletcher	Kendrick	Ransdell
Blease	Frazier	Keyes	Reed, Mo.
Borah	George	King	Reed, Pa.
Bratton	Gerry	La Follette	Robinson, Ark.
Brookhart	Gillett	McKellar	Robinson, Ind.
Broussard	Glass	McMaster	Sackett
Bruce	Gooding	McNary	Schall
Capper	Gould	Mayfield	Sheppard
Caraway	Greene	Metcalf	Shipstead
Copeland	Hale	Moses	Shortridge
Couzens	Harris	Neely	Simmons
Curtis	Harrison	Norbeck	Smith
Cutting	Hawes	Norris	Smoot
Dale	Hayden	Nye	Steiwer

Stephens	Tydings	Walsh, Mont.	Wheeler
Swanson	Tyson	Warren	Willis
Thomas	Wagner	Waterman	
Trammell	Walsh, Mass.	Watson	

Mr. GERRY. I wish to announce that the Senator from Delaware [Mr. BAYARD] is detained from the Senate by illness.

The VICE PRESIDENT. Eighty-six Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. McMASTER. I ask unanimous consent to have printed in the RECORD and referred to the Committee on Agriculture and Forestry resolutions adopted by the board of directors of the South Dakota Wheat Growers' Association in reference to the equalization-fee principle of the McNary-Haugen bill.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas the principles of the McNary-Haugen bill will afford agriculture the benefits of a part of our protective policy and will aid cooperatives, while the principles of the substitutes will hinder the cooperatives and their aid to agriculture at best will be doubtful: Now therefore be it

Resolved by the board of directors of the South Dakota Wheat Growers' Association in regular meeting assembled, That the equalization-fee principle is essential to the success of farm relief legislation; that it appears after careful study and public discussion that substitutes not embodying the equalization principle can not be accepted in justice to agriculture; and be it further

Resolved, That, in our opinion, unless legislation is enacted embodying these vital working parts agriculture will feel that it has been betrayed.

C. W. CROES, *President.*
B. M. DICKINSON, *Secretary.*

Mr. ROBINSON of Arkansas presented a letter in the nature of a memorial from O. B. Robinson, 625–627 Center Market, Washington, D. C., remonstrating against the passage of legislation proposing to abolish the Center Market in the District of Columbia on January 21, 1929, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented resolutions adopted by the Game and Fish Commission of the State of Wyoming, favoring the passage of legislation and the making of appropriations for the further protection of migratory birds, which were referred to the Committee on Agriculture and Forestry.

Mr. KING presented resolutions adopted by the Chamber of Commerce of Ogden, Utah, favoring the making of such annual appropriations as that the forest roads and trails systems can be completed within a period of 20 years, which were referred to the Committee on Agriculture and Forestry.

Mr. COPELAND presented memorials of sundry citizens of Albany, N. Y., remonstrating against the passage of the so-called Brookhart bill relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. BINGHAM presented resolutions adopted by Stonington Council, No. 5, of Stonington; Washington Council, No. 7, of Noank; and Roosevelt Council, No. 8, of New London, all of the Junior Order United American Mechanics, in the State of Connecticut, protesting against the repeal of the national origin provisions of the existing immigration law, which were referred to the Committee on Immigration.

He also presented a resolution adopted at the annual meeting of the Connecticut Farm Bureau Federation at Hartford, Conn., favoring the making of additional appropriations for agricultural education through the extension service and county farm bureaus, which was referred to the Committee on Agriculture and Forestry.

RESOLUTIONS OF TENNESSEE FARM BUREAU FEDERATION

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Agriculture and Forestry resolutions adopted at the annual farm bureau convention at Nashville, Tenn., January 11, 1928.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED AT THE ANNUAL FARM BUREAU CONVENTION, NASHVILLE, JANUARY 11, 1928

The Tennessee Farm Bureau Federation assembled in annual convention at Nashville January 10 and 11, 1928, hereby expresses its approval of the conduct and management of the organization, and commends its capable president, Joe F. Porter, and his efficient coworkers for their faithful and loyal service in making the Tennessee Farm Bureau the outstanding farmers' organization in our State for the advancement of the great agricultural industry of Tennessee, and one of the strongest State farm bureau federations in the South.

The splendid condition of the finances of the organization, as exhibited by the report of the secretary, is highly gratifying and indicates very clearly the care and good judgment exercised in the handling of same.

The success of the Tennessee Supplies Association in furnishing the various county bureaus desiring it commercial fertilizers, insecticides, commercial feeding stuffs, etc., thus providing the members an opportunity for the cooperative purchasing of these materials is commendable, and the county bureaus are urged to take advantage of this service.

We desire also to express our appreciation of the valuable service rendered the organization by the Farm Bureau News. This service supplies the members, in an interesting and readable manner, needed information relative to the organization which is helpful and valuable; and its editorials are timely and inspiring.

We affirm our faith in the National Farm Bureau Federation and we unhesitatingly express our approval of the principles and policies as set forth in the resolutions adopted at its annual meeting held in Chicago December 5, 6, and 7 last. We especially indorse its commendation of the action of the Sixty-ninth Congress in passing the farm relief bill, which it had approved; and we stand squarely by its declaration that "Commodity marketing and surplus control are inseparable." And "That cooperative organizations, however, can not bear the load unaided."

We insist that legislation for the relief of agriculture shall be enacted embodying the principles contained in the McNary-Haugen bill, with such changes as further study and investigations may suggest will make the legislation more effectively accomplish the purposes contemplated in its enactment. We emphatically deny that legislation of this character applying to agriculture is more "economically unsound" or more "paternalistic" than our present high tariff, which through the radical restriction of the importation into this country of manufactured products, has placed industry upon its present high peak of prosperity, while contributing materially to the impoverished condition of the farmer in that, while he has been compelled to buy his supplies in a highly protected market, he has at the same time been forced to sell his products in a world-wide market.

We favor the immediate operation of the great power plant at Muscle Shoals, preferably by lease upon such terms as will adequately safeguard the public interests and guarantee the production of nitrate fertilizers as the primary purpose of the operation. If such lease can not be made, then we insist that the plant shall be operated by the Government for the purpose herein suggested.

We recognize the great value of electricity on the farm for light and power purposes. Therefore we earnestly urge the early development of the great water-power resources of our State and the distribution of a sufficient amount of this power throughout the rural sections as will adequately meet the needs of our farm and farm homes upon such terms as are economically possible for agriculture.

But in this direction we wish to direct the attention of the members of the farm bureau and all the people of Tennessee to the great value of our water-power resources and the importance of urging upon the governor and legislature that the rights of the public in these valuable resources be definitely ascertained, and that such action, legislative or otherwise, be taken as will properly and accurately protect and conserve these rights for all the people of the State.

Collective bargaining has become a well-recognized and established policy of industry and labor. Its stabilizing value is universally conceded. The necessity for its application in the marketing of farm products is unquestioned. In fact, its value has been thoroughly demonstrated in the hundreds of agricultural and livestock marketing associations in successful operation throughout the country. Therefore we stand unreservedly for the cooperative marketing of farm products and the cooperative purchase of such farm supplies as can be satisfactorily and profitably handled in this manner.

We recommend the appointment by the president of a legislative committee consisting of two members to act in conjunction with him in placing before the lawmaking bodies of our Nation and State the views and wishes of the Tennessee Farm Bureau Federation relative to proposed legislation affecting the interests of agriculture.

We recommend that each county farm bureau appoint a county chairman of home and community works within the next month, the name of said chairman to be forwarded to the president of the State farm bureau following the next county meeting.

Recognizing the importance of agricultural and home economics extension service as supported by the United States Department of Agriculture, we urge that adequate appropriations for this service be continued. Particularly at this time, since there is before Congress a bill known as the Capper-Ketchum bill, to provide additional funds for this service, we urge that our congressional delegation give their unqualified support to this proposal.

We strongly recommend that the extension service address itself most earnestly to further aiding in the solution of our problems of marketing and distribution.

We hereby approve and indorse the action of the State department of agriculture in raising, in conformity with the authority conferred by the law, the minimum plant-food standard for commercial fertilizers which may be sold in the State after June 1, 1928, from 14 to 16 per cent and requiring percentages of plant-food elements contained in such commercial fertilizers to be stated in terms of even units only. We regard this ruling as a distinct advance in the regulation of the fertilizer industry. It will undoubtedly go far toward eliminating confusion in terms, in reducing the opportunity for the use of "filler" or "make weight" in the manufacture of commercial fertilizers and in reducing the overhead of the manufacturer, thus affording the farmer the opportunity to secure the product at a lower cost per plant-food unit.

Finally, we urged upon our members the great importance of standing loyally by and actively cooperating with our farm bureau, national, State, and county. We should avail ourselves of the services offered by our county and State organizations.

We should lend our indorsement to the principles and policies promulgated by the American Farm Bureau Federation and encourage these loyal and devoted leaders who, as your representatives, compose that organization, by actively cooperating with and aiding them in putting into effect such policies as, in their wisdom, they may have determined will protect and promote the great basic industry of the Nation and will secure for it such recognition in the formulation of our national policies as the vast service it renders merits and the permanent welfare, happiness, and prosperity of all the people demands.

Whereas the Andrew Jackson Hotel has kindly furnished the use of this room in which to hold the annual convention of the Tennessee Farm Bureau Federation and has been untiring in its efforts to provide for the comfort of those attending same: Therefore be it

Resolved, That we hereby tender to the hotel management our sincere thanks for these and other courtesies extended during the sessions of the convention: Be it further

Resolved, That we extend to the speakers, and especially those coming from without the State, our sincere appreciation of their presence and the splendid addresses delivered by them: Be it further

Resolved, That we express to G. L. Herrington, Mrs. H. A. Porter, R. W. Moore, Ashley Sowell, and the Douglas Community Club our thanks for kindly directing the song services and entertainment throughout the session of the convention.

S. N. VARNELL,
CHARLEY KEY,
V. A. BRADLEY,
R. T. LEWIS,
C. O. BROWDER,
Committee.

REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 5583) granting the consent of Congress to the Kansas City, Mexico & Orient Railway Co. of Texas and the Kansas City, Mexico & Orient Railway Co. to construct maintain, and operate a railroad bridge across the Rio Grande River, at or near Presidio, Tex., reported it with an amendment and submitted a report (No. 142) thereon.

He also, from the same committee, to which was referred the bill (S. 2348) granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct, maintain, and operate two bridges across the Tug Fork of Big Sandy River, near Devon, Mingo County, W. Va., reported it with amendments and submitted a report (No. 143) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 108) granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North (Rept. No. 144);

A bill (H. R. 194) granting the consent of Congress to the county of Morrison, State of Minnesota, to construct, maintain, and operate a bridge across the Mississippi River at or near Little Falls, Minn. (Rept. No. 145);

A bill (H. R. 199) granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River at or near Monticello, Wright County, Minn. (Rept. No. 146);

A bill (H. R. 319) to legalize a bridge across the Snake River at Idaho Falls, Idaho (Rept. No. 147);

A bill (H. R. 495) granting the consent of Congress to the county of Armstrong, a county of the State of Pennsylvania, to construct, maintain, and operate a bridge across the Allegheny River, at Kittanning, in the county of Armstrong, in the State of Pennsylvania (Rept. No. 148);

A bill (H. R. 5510) granting the consent of Congress to the city of Duluth, Minn., to construct, maintain, and operate a bridge across the Duluth Ship Canal (Rept. No. 149);

A bill (H. R. 5638) granting the consent of Congress to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Tombigbee River, at Epes, in the State of Alabama (Rept. No. 150);

A bill (H. R. 5657) granting the consent of Congress to the Board of Supervisors of Monroe County, Miss., to construct, maintain, and operate a bridge across Tombigbee River, at or near Aberdeen, Monroe County, Miss. (Rept. No. 151);

A bill (H. R. 5725) to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Monroe, La. (Rept. No. 152);

A bill (H. R. 5726) to extend the times for commencing and completing a bridge across the Black River at or near Jonesville, La. (Rept. No. 153);

A bill (H. R. 5728) granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near Point Pleasant, La. (Rept. No. 154);

A bill (H. R. 5744) to authorize the reconstruction of a bridge across the Grand Calumet River at East Chicago, Ind. (Rept. No. 155);

A bill (H. R. 6041) granting the consent of Congress to the Pennsylvania Railroad Co. to construct, maintain, and operate a railroad bridge across the Allegheny River (Rept. No. 156);

A bill (H. R. 6045) granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate the existing bridge across the Mahoning River at South Avenue, Youngstown, Mahoning County, Ohio (Rept. No. 157);

A bill (H. R. 6046) granting the consent of Congress to the city of Youngstown, Ohio, to construct a bridge across the Mahoning River at or near West Avenue, Youngstown, Mahoning County, Ohio (Rept. No. 158);

A bill (H. R. 6483) granting the consent of Congress to the State of Illinois, the county of Lee, and the city of Dixon, or any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Rock River at Dixon, Ill. (Rept. No. 159);

A bill (H. R. 6512) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Wentworth Avenue, in Cook County, State of Illinois (Rept. No. 160);

A bill (H. R. 6513) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois (Rept. No. 161);

A bill (H. R. 6514) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a bridge across the Little Calumet River at or near Indiana Avenue, in Cook County, State of Illinois (Rept. No. 162);

A bill (H. R. 6958) granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at Youngstown, Mahoning County, Ohio (Rept. No. 163);

A bill (H. R. 6959) to legalize a bridge across the Caney Fork River in De Kalb County, Tenn. (Rept. No. 164);

A bill (H. R. 7192) to extend the times for commencing and completing the construction of a bridge across the Ohio River between the municipalities of Rochester and Monaca, Beaver County, Pa. (Rept. No. 165);

A bill (H. R. 7370) granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Indian Cove, Idaho (Rept. No. 166);

A bill (H. R. 7374) granting the consent of Congress to the State of Idaho to construct, maintain, and operate a bridge across the Snake River near Swan Valley, Idaho (Rept. No. 167);

A bill (H. R. 7466) granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont. (Rept. No. 168);

A bill (H. R. 7745) granting the consent of Congress to the Chicago & North Western Railway Co., a corporation, its successors and assigns, to construct, maintain, and operate a railroad bridge across the Rock River (Rept. No. 169); and

A bill (H. R. 7913) granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala. (Rept. No. 170).

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 2660) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes, reported it with an amendment and submitted a report (No. 171) thereon.

He also, from the same committee, to which was referred the bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia, reported adversely thereon.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to which was referred the bill (S. 1759) to appropriate treaty funds due the Wisconsin Pottawatomi Indians, reported it without amendment and submitted a report (No. 172) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 2439) to amend the military record of Arthur Waldenmeyer, reported it with amendments and submitted a report (No. 173) thereon.

He also, from the same committee, to which was referred the bill (S. 1594) for the relief of Capt. Joseph W. Loef, reported it with an amendment and submitted a report (No. 174) thereon.

He also, from the same committee, to which were referred the following bills, reported adversely thereon:

A bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army; and

A bill (S. 2053) to establish a military record for Daniel P. Tafe.

Mr. BLAINE, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 138) for the relief of Thomas Johnsen (Rept. No. 175); and

A bill (H. R. 172) to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation in the State of Washington (Rept. No. 176).

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 3400) to correct the military record of Andrew B. Ritter (Rept. No. 177); and

A bill (H. R. 5994) for the relief of George C. Hussey (Rept. No. 178).

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 1736) for the relief of Charles Caudwell, reported it with amendments and submitted a report (No. 179) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 8889) for the relief of Adriano Cruceta, a citizen of the Dominican Republic (Rept. No. 180); and

A bill (H. R. 5228) for the relief of Finas M. Williams (Rept. No. 184).

Mr. BLEASE, from the Committee on Military Affairs, to which was referred the bill (H. R. 4707) for the relief of Calvin H. Burkhead, reported it without amendment and submitted a report (No. 181) thereon.

He also, from the same committee, to which was referred the bill (S. 141) for the relief of Felix Medler, reported adversely thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 2335) for the relief of the National Surety Co., reported it with an amendment and submitted a report (No. 182) thereon.

He also, from the same committee, to which was referred the bill (H. R. 5300) for the relief of Lewis H. Francke and Blanche F. Shelley, sole legal heirs of Ralph K. Warrington, reported it without amendment and submitted a report (No. 183) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON of Arkansas:

A bill (S. 2904) granting a pension to Mary J. Howard; to the Committee on Pensions.

A bill (S. 2905) to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co. and the transfer of certain land from the Big Rock Stone & Material Co. to the United States; to the Committee on Finance.

By Mr. GERRY:

A bill (S. 2907) to remit the duty on a carillon of bells to be imported to the Swedish Lutheran Church, Providence, R. I.; to the Committee on Finance.

By Mr. BLAINE:

A bill (S. 2908) to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes; to the Committee on Military Affairs.

By Mr. HARRIS:

A bill (S. 2909) to amend the World War veterans' act, 1924; to the Comittee on Finance.

By Mr. NORBECK:

A bill (S. 2910) granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.; to the Committee on Public Lands and Surveys.

By Mr. THOMAS:

A bill (S. 2911) for the relief of N. B. Payne; to the Committee on Claims.

A bill (S. 2912) granting a pension to James C. Laymance; and

A bill (S. 2913) granting a pension to Annie R. C. Owen; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 2914) granting an increase of pension to Susan A. Charles; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 2915) to require all exit doors of public buildings to open out; to the Committee on the District of Columbia.

A bill (S. 2916) to make certain advertising matter nonmailable; to the Committee on Post Offices and Post Roads.

A bill (S. 2917) to retard the extermination of migratory game and legitimate sport by the reduction of bag limits and open seasons; to the Committee on Agriculture and Forestry.

By Mr. GEORGE:

A bill (S. 2918) relating to refrigeration and icing records in respect of shipments of perishable commodities in interstate or foreign commerce; to the Committee on Interstate Commerce.

(Mr. WALSH of Massachusetts introduced sundry bills, which appear under a separate heading.)

By Mr. HOWELL:

A bill (S. 2926) for the relief of the Old Dominion Land Co. (with an accompanying paper); and

A bill (S. 2927) for the relief of Jose Francisco Rivas (with an accompanying paper); to the Committee on Claims.

By Mr. BLACK:

A bill (S. 2928) to amend the World War veterans' act, 1924, as amended;

A bill (S. 2929) to amend section 5 of the World War veterans' act, 1924, as amended;

A bill (S. 2930) to amend the World War veterans' act, 1924, as amended; and

A bill (S. 2931) to amend section 200 of the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. SMITH:

A bill (S. 2932) to refund excess taxes to the Charleston Dry Dock & Machine Co., the Valk & Murdock Co., and shareholders of the last-mentioned corporation; to the Committee on Finance.

By Mr. WHEELER:

A bill (S. 2933) granting an increase of pension to Edward L. Schnniedemann; to the Committee on Pensions.

By Mr. COPELAND:

A joint resolution (S. J. Res. 87) designating the American Green Cross as a national body for education and research work in connection with the protection of forests, reforestation of denuded areas, flood control and allied problems, and for other purposes; to the Committee on Commerce.

INCREASE IN NUMBER OF CADETS AND MIDSHIPMEN

Mr. FLETCHER introduced a bill (S. 2906) authorizing an increase in the number of cadets at the United States Military Academy and midshipmen at the United States Naval Academy, which was read twice by its title.

Mr. FLETCHER. Mr. President, the paragraph of act approved June 8, 1926, which the bill I have introduced proposes to amend, authorizes the number of cadets and midshipmen increased by 40 for each the Military and Naval Academy, to be appointed by the President from among the sons of officers, soldiers, sailors, and marines of the Army, Navy, and Marine Corps who were killed in action or died prior to July 2, 1921, of wounds or injuries received or disease contracted in line of duty during the World War, and that the President shall appoint one-half of the number from among sons of officers and one-half from among sons of warrant officers, soldiers, sailors, and marines.

My proposed amendment would increase the number of cadets to 100 and the number of midshipmen to 100, and provide for their appointment irrespective of date fathers died; also remove the restriction that one-half of the number shall be from among sons of officers.

I have a number of applications on file from mothers of former service men—whose husbands died after July 2, 1921, of wounds or injuries received or disease contracted in line of duty—requesting that their sons be given an opportunity to qualify for appointment to one of the academies; but, as the law which it is proposed to amend provides that death shall have occurred prior to July 2, 1921, I am unable to be of assistance to them, and I dare say that other Members of Congress are faced with the same situation.

Mr. President, being convinced that this proposed amendment is meritorious, I hope it will receive early and favorable consideration in order that successful candidates may enter the academy of their choice during this summer or fall. The regular entrance examination for the Military Academy is to be held beginning on the first Tuesday in March, the 6th, and the last regular entrance examination for the Naval Academy is to be held beginning on the third Wednesday in April, the 18th. Successful candidates must, at date of admission to the Military Academy, be between the ages of 17 and 22 years, while those for admission to the Naval Academy must be not less than 16 nor more than 20 years of age on April 1. The mental and physical examinations are very rigid.

I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

PROPOSED CHANGES IN IMMIGRATION LAWS

Mr. WALSH of Massachusetts introduced the following bills, which were severally read twice by their titles and referred to the Committee on Immigration:

A bill (S. 2919) to amend the naturalization laws in respect of certificates of arrival;

A bill (S. 2920) to repeal the national origin provisions of the immigration act of 1924;

A bill (S. 2921) to amend the immigration act of 1924, as amended, in respect of nonquota immigrants;

A bill (S. 2922) to amend the immigration act of 1924, as amended, in respect of nonquota immigrants;

A bill (S. 2923) to amend the immigration act of 1924, as amended, in respect of nonquota immigrants;

A bill (S. 2924) to amend the immigration act of 1924, as amended, in respect of nonquota immigrants; and

A bill (S. 2925) to amend the immigration act of 1924, as amended, in respect of non-quota immigrants.

Mr. WALSH of Massachusetts. Mr. President, I have introduced several bills proposing certain amendments to the immigration act of 1924 and to "An act to establish a Bureau of Immigration and Naturalization and to provide for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, tending to correct and remedy what I consider the unreasonable features of these laws.

I ask that a brief statement explaining these amendments, which are necessarily couched in technical language, be printed in the CONGRESSIONAL RECORD in the ordinary RECORD type.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

First. S. 2919. An amendment to the naturalization laws which will place within the discretion of the Commissioner General of Immigration the right to issue a certificate of arrival upon satisfactory proof of residence in the United States from the date of actually established lawful entry where the immigration records fail to show it.

Under the present law certificates of arrival are issued only to those whose record of immigration can be located at the port of entry.

Until comparatively recent years records of entry at the various ports of entry were kept in a rather slipshod manner and therefore were not very accurate. Also, no record of entry was kept of Canadians coming from across the border until a very few years ago; as a result of this condition we have many thousands of Canadians—estimated over 100,000—in this country who have been trying to become naturalized but can not because they are unable to procure certificates of arrival. These are absolute prerequisites to final citizenship. Of course, the injustice of this barrier is obvious.

Second. S. 2920. A bill to repeal the so-called national origins clause of the immigration act of 1924.

There is no workable basis on which this national-origins scheme can be carried out. The laborious efforts of Doctor Hill and his associates make this clear, and the President's advisers so declare in a letter to the President.

This proposal would relieve the present law of these irrelevant and arbitrary provisions, which, of course, may become effective March 1, 1928.

Third. S. 2921. An amendment to the immigration act of 1924 which will exempt from the quota restrictions and admit forthwith the brothers, sisters, and parents of World War veterans who are citizens of the United States.

Under the present law brothers and sisters of veterans receive none of the preferences or exemptions accorded certain other aliens. They must await their regular turn on the quota list, which in most instances has been exhausted for many years.

Parents of veterans who are American citizens are entitled to preference within the quota—not because they are parents of veterans, but because they are parents of citizens—but even this is of no material assistance, because in most countries the preference quota has been exhausted for many years to come.

Fourth. S. 2922. An amendment to the immigration act of 1924 exempting from the quota restrictions set forth in the act the wives and unmarried children under 18 years of age of aliens who have declared their intention of becoming American citizens.

Under the existing law applicants within this class are given no preference and must await their regular turn on the quota list, which means a wait of many years before their turn will be reached.

This amendment to the act will correct what is perhaps the most cruel feature of the present immigration law. It will enable the uniting of families forcibly separated by the sudden passage of the immigration act. The change in the immigration laws took place within two months' time—the Senate discussing the act during the months of May and June, and the law becoming operative on July 1, 1924.

This law resulted in reducing the quota of some countries from thousands to hundreds. The quota, for instance, from the country of Italy was reduced from 32,315 to approximately 3,000. The Polish and other quotas were similarly reduced. This discriminatory reduction of quotas exhausted the allotment of many countries for a number of years; many aliens who applied for immigration visas before July 1, 1924, have not yet been reached and may not for some time.

Fifth. S. 2923. An amendment to the immigration act of 1924 granting nonquota status to husbands of American citizens and in this way exempting them from quota restrictions. Under the present law husbands of citizens receive only a preference within the quota and must await their regular turn on the preference quota list.

The law now in force grants nonquota status to wives of American citizens, but does not grant a like status to husbands of American citizens. This amendment is merely a reciprocal clause, seeking to establish the same rights for husbands of citizens as those already allowed wives of citizens.

Sixth. S. 2924. A bill to amend the immigration act of 1924, which, if enacted, will place religious teachers and charitable workers in educational eleemosynary institutions within the same class of immigrant applicants as ministers and professors, and therefore entitle them to nonquota status.

Under the present law alien applicants falling within this class receive no preference or exemption and must await their regular turn on the quota list. To illustrate, all the eleemosynary institutions of Porto Rico are directed by Spanish subjects and are seriously handicapped because religious teachers and charity workers have grown old and their places can not be filled by young trained Spanish-speaking teachers. The Spanish quota is so very small (131) and the number of applicants against this quota is so much larger (2,500) that it will be about 20 years before religious teachers and charity workers now applying can be reached. Similar conditions exist in charitable institutions conducted for the benefit of certain foreign-born groups in this country.

Seventh. S. 2925. A bill to amend the immigration act of 1924 which will exempt from quota restrictions the unmarried children of American citizens between the ages of 18 and 21 years.

Under the law as it now exists, unmarried children of American citizens between the ages of 18 and 21 years are given only a preference within the quota of the country of their birth, which in some cases means they must wait as many as 10 years before their turn on the preference quota list will be reached.

Children of citizens coming within this class may enter without delay if this amendment is enacted into law.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 9481, the independent offices appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Insert at the end of the bill a new section, to read as follows:

"WATER BOUNDARY, UNITED STATES AND MEXICO

"For an additional amount for the water boundary, United States and Mexico, including personal services, procurement of technical and scientific equipment, camp outfits, and the purchase, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, and $1,200 for rent, $65,000, for the fiscal year 1929, to be immediately available (treaties of November 12, 1884, vol. 24, p. 1011; May 1, 1889, vol. 26, p. 1513, Art. II; act February 24, 1927, vol. 44, pt. 2, p. 1185), $65,000."

THE MERCHANT MARINE

Mr. BINGHAM submitted two amendments intended to be proposed by him to Senate bill 744, the merchant marine bill, which were ordered to lie on the table and to be printed.

PROPOSED INVESTIGATION OF PUBLIC-UTILITY TELEPHONE CORPORATIONS

Mr. JOHNSON. Mr. President, I submit a resolution, which I ask may be read.

The resolution (S. Res. 126) was read, as follows:

Resolved, That a committee of five Members of the Senate be appointed by the President thereof and be hereby empowered and directed to inquire into and report upon (1) the growth of the capital assets and capital liabilities of public-utility corporations supplying telephone communications, however such telephone communications may be accomplished and/or produced, of corporations holding the stocks of such public-utility corporations, and of nonpublic-utility corporations owned or controlled by or affiliated with such holding companies; (2) the method of issuing, the price realized or value received, the commissions or bonuses paid or received, and other pertinent facts with respect to the various security issues of all classes of corporations herein named, including the bonds and other evidences of indebtedness thereof, as well as the stocks of the same; (3) the extent to which holding companies or their stockholders control or are financially interested in financial, engineering, construction, and/or management corporations, and the relation, one to the other, of the classes of corporations last named, the holding companies, and the public-utility corporations; (4) the services furnished to public-utility corporations by holding companies and/or their associated, affiliated, and/or subsidiary companies, the fees, commissions, bonuses, or other charges made therefor, and the earnings and expenses of such holding companies and their associated, affiliated, and/or subsidiary companies; and (5) the value or detriment to the public of holding companies owning the stock or otherwise controlling such public-utility corporations immediately or remotely, with the extent of such ownership or control, and particularly what legislation, if any, should be enacted by Congress to correct any abuses that may exist in the organization or operation of such holding companies.

The committee is further empowered and directed to inquire and report whether, and to what extent, such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which telephone communication is accomplished and/or produced, or to influence or control elections.

That the said committee is hereby authorized to sit and perform its duties at such times and places as it deems necessary or proper and to require the attendance of witnesses by subpœnas or otherwise; to require the production of books, papers, and documents; and to employ counsel, experts, and other assistants, and stenographers, at a cost not exceeding $1.25 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses and sign subpœnas for witnesses; and every person duly summoned before said committee, or any subcommittee thereof, who refuses or fails to obey the process of said committee, or appears and refuses to answer questions pertinent to said investigation, shall be punished as prescribed by law. The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The committee or any subcommittee thereof is authorized to sit during the sessions or the recesses of the Senate, and until otherwise ordered by the Senate.

Mr. JOHNSON. Mr. President, I ask unanimous consent to state the purport of the resolution in about 100 words.

I offer this resolution on behalf of the cities of the State of California, and particularly of the cities of San Francisco and Oakland. Telephone rate cases are now before the Railroad Commission of California, the regulatory body of that State, and the increases demanded by the telephone companies are of the highest importance to every municipality, not only of California but of the entire Pacific coast. The increases our cities assert are exorbitant and they stand ready to prove these increases are without justification. Their foundation is in the peculiar jugglery of the relations of the telephone company with interrelated corporations. Only the Congress by appropriate investigation can develop the facts; and the resolution seeks by senatorial investigation that the truth may be revealed.

I present with the resolution a communication from Mr. Dion R. Holm, representing the city of San Francisco, and a resolution unanimously passed by the Board of Supervisors of the City and County of San Francisco, approved by Mayor James Rolph, jr. Both I ask may be printed in the RECORD.

Hereafter, because the importance of the subject warrants it and the interests of our people demand it, I shall speak in detail upon the resolution. In the meantime I bespeak the usual attentive consideration of the Interstate Commerce Committee, to which I ask that the resolution and accompanying papers may be referred.

The resolution and accompanying papers were referred to the Committee on Interstate Commerce, and the accompanying papers were ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, *January 20, 1928.*

Hon. HIRAM W. JOHNSON,
United States Senator, Senate Building,
Washington, D. C.

DEAR SENATOR JOHNSON: Inclosed is a copy of resolution No. 28206 (new series), passed by the Board of Supervisors of the City and County of San Francisco. In accordance with the direction contained in the resolution I am sending the same to you.

Within a few days you may expect from us a copy of a bill to be introduced whereby either Congress or the Interstate Commerce Commission will be asked to conduct an examination of the affairs of the American Telephone & Telegraph Co., the Western Electric Co., and all their subsidiaries. I believe it proper that this matter should be presented to you as the senior Senator, and would appreciate your creating an interest among all of California's Representatives in Congress to aid in the passage of the bill.

The pending telephone rate case before the railroad commission is of the highest importance to San Francisco and all the cities about the bay and, in fact, all California.

It seems to be the policy of the telephone company that as soon as they have been successful in obtaining increased rates in one section of the State, they very shortly move to another and begin similar proceedings, and it probably will be but a short time before all large cities in California will be confronted with a suit to increase telephone rates.

If the request made by the telephone company is granted by the railroad commission, the bay district will be paying annually $7,000,000 additional to what is now paid for telephone service.

We sincerely trust that we will have your able assistance in causing a nation-wide investigation of the affairs of the American Telephone & Telegraph and Western Electric Co., as we are firmly of the belief if the facts are made known concerning the relations of these companies with the local telephone company and all other companies controlled or subsidiary to the American Telephone & Telegraph Co. that many expenditures made by the local company will be curtailed and the people consequently benefited by a decrease in telephone rates instead of an increase as asked for.

With kindest personal regards, I remain,

Yours truly,

DION R. HOLM,
Special Counsel Rate Litigation.

CITY AND COUNTY OF SAN FRANCISCO,
BOARD OF SUPERVISORS, CLERK'S OFFICE,
San Francisco, January 3, 1928.

The following resolution was unanimously adopted by the Board of Supervisors of San Francisco and approved by his honor, the mayor:

Resolution No. 28206 (new series)

Whereas the Pacific Telephone & Telegraph Co. has petitioned the Railroad Commission of the State of California to increase the telephone rates in San Francisco, Oakland, Berkeley, Alameda, Piedmont, and other communities about San Francisco Bay; and

Whereas this board of supervisors is advised by the city attorney that the rates asked by the said Pacific Telephone & Telegraph Co. are believed to be unfair and exorbitant, and that the rates paid in the communities referred to should be decreased instead of increased, and could be decreased and allow the Pacific Telephone & Telegraph Co. to make a fair return on the capital it has invested, if the said Pacific Telephone & Telegraph Co. operated its business without paying to the American Telephone & Telegraph Co. of New York any percentage of its gross income yearly and be relieved of the necessity of purchasing all their supplies from the Western Electric Co. (Inc.) of the State of New York; and

Whereas the Pacific Telephone & Telegraph Co. operate and do business in the States of California, Washington, Oregon, Idaho, and

Nevada, and this board is advised by the city attorney in the States of Washington and Oregon have caused the people to pay excessive rates for telephone service, and will, if not restrained, seek to impose unjust, discriminatory, and unfair telephone rates in all communities where they are engaged in business: Now therefore be it

Resolved—

SECTION 1. That Congress cause a Federal investigation to be conducted of the affairs of the Pacific Telephone & Telegraph Co., the American Telephone & Telegraph Co., and the Western Electric Co. for the purpose of ascertaining if the relations between these companies constitute a monopoly in the selling of telephone service throughout the States of California, Washington, Oregon, Idaho, and Nevada, and if they do so constitute a monopoly that action be taken by Congress to initiate a proper proceeding to terminate the relations between the American Telephone & Telegraph Co., Western Electric Co., and the Pacific Telephone & Telegraph Co.

SEC. 2. The city attorney is hereby directed to forward a copy of this resolution to United States Senators HIRAM W. JOHNSON and SAMUEL M. SHORTRIDGE, and all Members of the House of Representatives from California, that they may take the necessary steps to cause the investigation hereby requested, and that the city attorney is further directed to send copies of this resolution to all large cities in the States of California, Washington, Oregon, Idaho, and Nevada, with the request that those cities pass resolutions by their boards of supervisors, councilmen, trustees, or other governing boards, and that such resolutions be forwarded to their representatives in Congress.

Adopted. Board of supervisors, San Francisco, December 19, 1927.

J. S. DUNNIGAN, *Clerk.*

Approved. San Francisco, December 30, 1927.

JAMES ROLPH, Jr., *Mayor.*

INVESTIGATION OF COAL FIELDS OF PENNSYLVANIA

Mr. JOHNSON. Mr. President, I desire to give notice that to-morrow, as soon as it is possible to obtain recognition, I shall speak on the resolution now pending before the Interstate Commerce Committee providing for an investigation of the coal fields of Pennsylvania and contiguous territory.

PENSION FUNDS FOR INTERSTATE RAILROAD EMPLOYEES

Mr. COPELAND submitted the following resolution (S. Res. 127), which was referred to the Committee on Interstate Commerce:

Resolved, That the Interstate Commerce Commission is directed (1) to report to the Senate the opinion of the commission in respect of the feasibility of requiring each railroad which is subject to the interstate commerce act, as amended, to establish a pension fund for its employees, and (2) to include in such report, if in the opinion of the commission such project is feasible, a statement of the plan for establishing such fund which the commission deems most suitable.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on January 26, 1928, the President approved and signed the act (S. 672) for the purpose of rehabilitating farm lands in the flood areas.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. SHREVE, Mr. TINKHAM, Mr. ACKERMAN, Mr. OLIVER of Alabama, and Mr. GRIFFIN were appointed managers on the part of the House at the conference.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE AND JUSTICE, ETC.

The PRESIDING OFFICER (Mr. EDGE in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JONES. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. JONES, Mr. WARREN, Mr. SMOOT, Mr. BORAH, Mr. OVERMAN, and Mr. HARRIS conferees on the part of the Senate.

ORDER OF PROCEDURE

The VICE PRESIDENT. The Senator from New York [Mr. COPELAND] is entitled to the floor on the unfinished business.

Mr. NEELY. Mr. President——

Mr. COPELAND. Mr. President, it was understood on Friday that the Senator from West Virginia [Mr. NEELY] would have the floor at this time, and I yield to him for the purpose of making a statement.

PROHIBITION QUESTIONNAIRE FOR REPUBLICAN PRESIDENTIAL CANDIDATES

Mr. NEELY. Mr. President, for many years I have greatly admired the profound wisdom, the moving eloquence, the lofty courage, and the extraordinary statesmanship of the illustrious senior Senator from Idaho [Mr. BORAH]. For this great man of stainless character and spotless reputation I have long entertained the most genuine affection. Therefore, with unfeigned regret I find myself impelled by duty to proclaim that the Senator has in a single instance sadly disappointed my expectations and grieviously blighted my hopes. The source of my disappointment and the cause of my complaint are clearly revealed by the matters of record to which the attention of the Senate is invited.

In a recent colloquy, in which the Senator from Idaho [Mr. BORAH], the Senator from New York [Mr. COPELAND], and the Senator from Arkansas [Mr. CARAWAY], and I participated, I asked the Senator from Idaho the following question, which appears on page 1314 of the CONGRESSIONAL RECORD for the 11th day of January, 1928:

Mr. NEELY. For instance, if the very dearly beloved Senator from Kansas [Mr. CURTIS], or if Mr. Hoover should become the Republican nominee for President, and the Senator should receive an answer to his inquiry about such nominee's position on the eighteenth amendment, will he not be good enough also to ask the candidate if, in the event of his election, he purposes to appoint an ex-distiller or an ex-brewer Secretary of the Treasury to supervise the enforcement of the prohibition amendment?

The Senator from Idaho answered this question as follows:

Mr. BORAH. That will be a very pertinent question, and I am glad the Senator from West Virginia has suggested it; I shall remember it.

I believed this reply to be equivalent to a promise by the Senator that in catechizing Republican presidential candidates about their stand on the eighteenth amendment and the Volstead Act he would adorn his questionnaire and enrich his inquiry with an interrogatory to the following effect:

If you should be elected President, will you appoint an ex-distiller, an ex-brewer, or an ex-brewery owner Secretary of the Treasury to supervise the enforcement of the eighteenth amendment and the Volstead Act?

While I was in this happy state of blissful belief the Senator from Idaho made public the fearsome questionnaire, which he has very appropriately, patriotically, and with due solemnity nailed to the desk of his Republican colleague the senior Senator from Kansas [Mr. CURTIS]. No bull of excommunication, heralded from housetop or flaunted from cathedral door, ever created greater consternation among heretics than the Senator's questionary has occasioned among the very numerous but not conspicuously courageous throng of ambitious candidates who had hoped to gum shoe, soft pedal, side-step, pussy foot, and polly fox their way to the presidential chair.

In vain have I searched this questionnaire from alpha to omega again and again for an inquiry concerning the qualifications of the supervisor of the prohibition law whom Senator CURTIS would appoint in the event of his being elected President.

Since it is generally known that the Senator from Idaho never intentionally dodges an issue I am compelled to believe that he has forgotten that he concurred expressly in the pertinency, and inferentially in the propriety of the inquiry that I proposed on the 11th day of January. If the Senator has forgotten this very important matter, he has thereby indicated that he has a more unretentive memory than any other high official in the country excepting Mr. Herbert Hoover, who can not remember who married him, how many political parties he has joined in a decade, nor even the name of the country of which he has been a resident for the last 14 years.

Let me digress to observe that it is fortunate for the great elegiac poet, Thomas Gray, that he wrote his famous elegy in a country churchyard and died before Mr. Hoover lived and had his notorious attack of acute amnesia. Otherwise the world would have lost from that matchless poem the four beautiful lines:

For who, to dumb forgetfulness a prey
This pleasing anxious being o'er resigned,
Left the warm precincts of the cheerful day,
Nor cast one longing, lingering look behind?

My reason for urging the Senator from Idaho to propound to the Republican candidates the inquiry in question lies in the fact that I believe it to be impossible for anyone who is financially interested in the liquor business to enforce strictly or satisfactorily the prohibition amendment.

We have learned by distressing experience that regardless of the real or the imaginary attitude of a candidate toward or the revealed or the concealed position of a President on the eighteenth amendment and the Volstead Act, that a thought, a hope, or a dream of satisfactory enforcement of prohibition with Harry Daugherty, Jesse Smith, and Gaston B. Means operating the Attorney General's office, and Mr. Mellon holding the position of Secretary of the Treasury is—

As idle as a painted ship
Upon a painted ocean.

A sense of fairness impels me to say that I believe that Mr. Mellon is one of the greatest financiers this country or the world has ever produced. But because of his formerly having had untold millions of dollars invested in distilleries and breweries I am unable to believe that he ever has been or that he ever will be in sympathy with prohibition legislation or become enthusiastic about its strict enforcement.

But it is not too late for the Senator from Idaho to amend and supplement his questionnaire. Therefore, let me urge him to add to it, in his own choice language, the substance of the inquiry I have proposed.

Let no one be deceived. Obviously, a thief will never enforce the law against larceny; a pyromaniac will never enforce the law against arson; a distiller or brewer will never enforce the Volstead Act. Consequently, the friends of temperance are just as anxious to know the attitude of the next Secretary of the Treasury toward prohibition enforcement as they are to learn where the next President stands on this important question.

If some uncharitable one should suggest that a questionnaire similar to that under discussion be submitted to the Democratic candidates for the nomination for President, I reply that the suggestion is superfluous, because for the last four years we have been constantly subjecting our candidates to the most searching inquest ever held over the bodies of the living or the remains of the dead since that memorable day on which the sorely afflicted man of Uz was asked, to his confusion as well as his contrition, if he could bring forth Mazzaroth in his season, bind the sweet influences of Pleiades, bore the jaw of leviathan with a thorn, or put a fishhook in the snout of a whale. A number of postgraduate Democratic inquisitors have for a long time been asking our presidential candidates not only where they stand on every question of public concern but what they think and what they intend to do about every private matter that may conceivably arise between the first of earth's cradles and the last of her graves. Our Democratic inquisitors are insisting upon knowing not only where our presidential candidates are now but also where their progenitors came from and where their posterity are going.

In brief, the public may be assured that under the Democratic roof tree every plan will be published, every purpose will be explained, and every hidden thing will be brought forth into the light of the noonday sun.

Therefore let us urge the Senator from Idaho to renew his inquiry and enlarge its purpose, to the end that the Republican household may also be put in order. Let him persist in his highly meritorious quest for information until widespread "pitiless publicity" shall have been given to the attitude of every Republican presidential candidate toward prohibition legislation and the enforcement of prohibition law. The Senator will, by accomplishing what he has so courageously and patriotically undertaken in this matter, purify the candidates of his party, render a great service to his country, and again earn an everlasting place in the gratitude and affection of the American people.

Lord God of Hosts, be with him yet,
Lest he forget, lest he forget.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. COPELAND. Mr. President, on Friday I introduced into the RECORD a statement of Mr. Lawrence R. Wilder. This was his proposal to the Shipping Board for a certificate of necessity and approval of the plans which his group is perfecting for the building of an American merchant marine. In that proposal is a challenge to the Senate.

Mr. Wilder outlined the conditions which he regards as necessary to the building up of an American merchant marine under private auspices. I want to call attention to a portion of his statement, which is found on page 2145 of the CONGRESSIONAL RECORD for Friday, January 27. In this proposal it is stated that the Wilder concern will contribute fifty or sixty million dollars of their money, provided the Government will change certain conditions which are enumerated here and which I desire to make specific.

First, Mr. Wilder says that his company wishes to have the Shipping Board declare that the proposed establishment is an essential service. That action is required under section 7 of the merchant marine act of 1920. That, I assume, the Shipping Board will do if in its judgment it finds that it really is an essential service; so we do not need to concern ourselves with that matter.

The second condition is this:

A revision of the loan provisions of the merchant marine act so as to make possible the use of Government credit facilities in the form of a construction loan of three-fourths the cost of building ships, at the Government's current rate of interest.

The law at present permits the Shipping Board to loan 66⅔ per cent, two-thirds the value of the ship's construction cost; and I think the rate of interest provided—the Senator from Washington will correct me on this—is 4½ per cent.

Mr. JONES. I think it is 4¼ or 4½ per cent for overseas and foreign commerce, and 5 per cent for coastwise commerce.

Mr. COPELAND. Yes. So the law at present permits the loaning of 66⅔ per cent of the construction cost at a rate of interest of 4½ per cent. Mr. Wilder in his proposal wants to have the proportion of cost increased to 75 per cent, and the rate of interest to be charged to be the current rate, whatever the Government is paying at the time for money borrowed. I think that is now about 3⅛ or 3¼ per cent.

That is the second proposal.

The third is this:

We request, third, revision of the mail carrying act to establish rates not as a subsidy but commensurate with the new speed and frequency of the service, its cost, and its utility. Authority would be given to the Post Office Department to enter into ocean mail-carrying contracts for periods not shorter than 5 years nor longer than 10 years.

That provides for a modification of the ocean mail act of 1891. That I desire to comment upon in a moment.

The fourth and last suggestion is:

Fourth, and last, because approved insurance whether here or abroad is limited on any single ship to $9,000,000, we request protection in case of total loss in the form of cancellation of the loan against that ship to the extent not covered by amortization and insurance.

Of course, I assume that is a matter wholly in the hands of the Shipping Board.

So this concern has issued a challenge to the American people if we will be more generous in the lending of money—lending a larger sum at a lower rate of interest—under conditions which would entirely and completely protect the Government. As against the loan of $94,500,000 which is requested—because they are proposing to build six ships at a cost of $21,000,000 each, and three-quarters of that sum would be $94,500,000—the Government would be amply protected, because here would be these six fine ships; and then, in addition, the $50,000,000 which they will advance to make the company a going concern.

Mr. President, I send forward to the desk an amendment to this bill permitting the lending of money to any concern, whether the Wilder concern or any other, on the more liberal terms suggested in Mr. Wilder's proposal to the Shipping Board. I ask the clerk to read the suggested amendment.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). May the Chair say to the Senator from New York that he is advised that the Senator from Maryland has an amendment pending to the bill, and this amendment probably would not be in order at the present time.

Mr. COPELAND. I understand that we will not be able to act upon it now; but I ask that the amendment be read, in order that it may be used as the basis of some remarks.

The PRESIDING OFFICER. Very well; the Secretary will read the amendment for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed to insert at the proper place in the bill:

That section 870 of the shipping act, as found in the Code of Laws of the United States, shall be amended to permit the loan of 75 per cent of the constructional cost of the ships for a period of 20 years, and at the rate of interest which is paid by the Government at the time upon money borrowed.

Mr. COPELAND. This provides a change in the amount from 66 per cent to 75 per cent, increases the period of payment of the loan from 15 years to 20 years, and decreases the rate of interest from 4½ per cent to the current rate, whatever it may be—now about 3¼ per cent.

In a moment I shall present another amendment which provides for a change in the ocean mail act. This is a measure I introduced last session and in line with what is suggested in Mr. Wilder's proposal to the Shipping Board.

On Thursday there was some discussion in the Senate; and I ask the attention of the Senator from Massachusetts to what I am about to say, if he will be good enough to listen.

Mr. WALSH of Massachusetts. The Senator has my attention.

Mr. COPELAND. I thank the Senator.

On Thursday in the discussion the Senator from Massachusetts—found on page 2059 of the RECORD of that day—raised the question as to whether or not this proposal made by the Transoceanic Co. was only a scheme to defer action on the pending bill. He was fearful that it was an eleventh-hour proposal to delay action. He was sitting opposite the Senator from Washington [Mr. JONES], and asked him across the aisle if he had ever heard about this proposal; and then the Senator from Massachusetts said:

I will say to the Senator—

Referring to the Senator from Connecticut [Mr. BINGHAM]—

that the chairman of the Committee on Commerce [Mr. JONES], who sits right here, who has studied this question more than any man in this country, says he first heard rumors about what the Senator is talking of a few weeks ago.

It is only fair, Mr. President, to say that this concern requested a hearing before the Senate Committee on Commerce.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state when?

Mr. COPELAND. On the 8th of January a telegram was sent to the chairman of the Committee on Commerce, saying:

As citizens deeply and substantially interested in the American merchant marine, my associates and myself respectfully request a hearing before your honorable Senate committee regarding Senate bills 743 and 744, which we understand are at present under consideration by the Senate committee of which you are chairman. We are prepared to offer our views on these pending acts of legislation at your committee's earliest convenience.

Mr. WALSH of Massachusetts. The Senator will agree that that was only a few weeks ago.

Mr. COPELAND. It was only a few weeks ago; that is true. So far as the Senator from Massachusetts is concerned, in spite of all newspaper comments to the contrary, there is never any row between the Senator from Massachusetts and myself, and rarely any disagreement on public questions.

Mr. WALSH of Massachusetts. I concur in that statement.

Mr. COPELAND. I thank the Senator. The situation is an amazing one.

Mr. JONES. Mr. President, may I suggest that that did not call attention to any proposition that they had to submit. If the Senator will permit me, the chairman of the committee notified these gentlemen that the committee itself would determine whether or not it would proceed with the consideration of the measure looking toward a subsidy, or whether it would decide to report a bill similar to the one reported at the close of the last session of Congress; and, if the committee decided the latter, no hearings would be necessary.

Mr. COPELAND. In order that the RECORD may be complete, I assume that the Senator from Washington has no objection to having his reply put in the RECORD?

Mr. JONES. Not at all.

Mr. COPELAND. I will read this, then, so that we may know what it is, and then I will ask that it be included in the RECORD:

UNITED STATES SENATE,
COMMITTEE ON COMMERCE,
January 9, 1928.

Mr. LAURENCE R. WILDER,
Hotel Carlton, Washington, D. C.

MY DEAR MR. WILDER: Your telegram of January 8 at hand. The committee meets this morning to determine the policy that it will follow. If it decides that a bill for Government construction is the wisest course to follow, I do not think that hearings are necessary. If the committee should decide that it will give serious consideration to a subsidy bill, then hearings will be had.

I assume that you would oppose the passage of S. 744, but if the committee decides that the wisest policy is embodied in that bill, we will act upon it without further delay.

Sincerely yours,

W. L. JONES.

That was sent on the morning of the 9th of January, and later the same day the bill was ordered reported.

I wish to say something about that, because I do not want the country to believe that a matter so serious as the fate of the American merchant marine could possibly be determined in the course of a few minutes' meeting of the Committee on Commerce.

We had a meeting of the Committee on Commerce in the middle of December. At that time we discussed very briefly what we were going to do about these various bills. It was suggested to me that I withdraw the bill which I had presented, proposing an amendment to the ocean mail act, from the Committee on Post Offices and Post Roads and have it referred to the Committee on Commerce in order that it might receive the attention of the committee. I understood that there was to be full and free discussion of this matter after the holidays.

My record book shows that we were to begin these hearings on the 10th of January. As a matter of fact, a meeting was called for the 9th of January, at a time in the morning when I could not be there. When I arrived at 11 o'clock, an hour after the stated time for the meeting, the meeting had adjourned, and the committee had reported this bill. You will recall that that afternoon the bill was reported to the Senate, when I protested on the floor of the Senate, and received the assurance of the Senator from Washington, the chairman of the committee, that there would be another meeting of the Commerce Committee when this matter might be considered; and that meeting was held, and it was very briefly considered.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. COPELAND. I do.

Mr. JONES. I do not think the Senator desires to misrepresent the chairman or the committee either by inference or otherwise.

Mr. COPELAND. I do not.

Mr. JONES. The chairman set the time of the meeting of the committee and supposed that everybody could be there at that time; and the chairman remembers that the committee delayed quite a while, waiting for Senators to come there, and especially waiting for the Senator from New York. We finally came to the conclusion that the Senator could not be there for some reason, and the committee acted. I know that the chairman, and I think the committee, wanted to be perfectly fair to everybody in the matter, and we certainly tried to be. We were not seeking to take snap judgment on anybody, and I know there was no thought of anything of the kind.

Mr. COPELAND. I accept in good faith what the Senator has said; but I do say that this matter should be considered at length and in detail by somebody from the United States Senate. This is a matter on which we should hear the Secretary of the Navy to get his views as to what we need to do with an American merchant marine in order to guarantee this second line of defense to the country. We need to hear from the Secretary of Commerce; we need to hear from the Postmaster General, in order that we may get his views as to whether or not the ocean mail act might be amended for the benefit of the country. My contention is, without criticizing any individual or any committee, that the Senate has not given any study to such a proposal as Mr. Wilder makes, or to the general principle involved in that proposal.

I am not interested in his proposal. I am not prepared to say whether he can carry out that proposal or not, but do say that what he proposes is in harmony with the testimony of every shipping man who has ever appeared before the Senate Committee on Commerce since I have been a member of that committee.

Last year we had extended hearings before the Committee on Commerce regarding the proposed sale of certain ships by the United States Shipping Board. That was the United States Line, and two proposals had been made for the purchase of that line.

As Senators will see from the record, we had extensive hearings, and there was no disagreement among witnesses that if we were to have an effective privately owned American mer-

chant marine there must be some legislation to make possible the operation of such a merchant marine, or it could not be put into private hands.

There is no doubt that there is a marked difference of opinion in the Senate as to what is the duty of the country. There are Senators here who have frankly said during the past week that they have burned the bridges and are committed to a policy of Government ownership and operation. That is the sentiment they express. I may be wrong, but I think some Senators are supporting the pending bill on the theory that it will help to give such a permanently owned and Government-operated merchant marine. I am sorry that there are not more Senators here to hear this discussion, but I hope the country will learn of it. I believe that when the country does learn the true inwardness of its significance there will be resentment of this proposal.

This bill provides, by indirection, for continued operation by the Government. The only thing in this bill that is new is the proviso that no ship shall be sold hereafter except by unanimous consent of the board. It is almost impossible to conceive that the board would ever agree unanimously to the sale of a ship. This board, as I pointed out, is a regional board. Two members come from the Pacific, two from the Atlantic, one from the Great Lakes, one from the interior, and one from the Gulf States. Is it conceivable that there could be unanimity of opinion in a board so constituted, when the interests of a given section might be involved in what was proposed in the way of sale?

On Friday I pointed out that 116 ships, almost half of the ships now operated by the Shipping Board, go out of Gulf ports. Eighty-nine of them sail from New Orleans. I am glad those ships operate. I am willing to vote money to operate them. I do not believe the time is coming in a generation when the Shipping Board will be a body unnecessary in our Government. But half the losses of the Shipping Board, Mr. President, come from the operation of those Gulf ships. Over $5,000,000 is lost to the Government in the operation of those ships. Every time a ship sails out of one of our ports with a cargo, the Government of the United States pays $1.48 a ton on the freight. The loss in carrying the freight is $1.48 a ton. In spite of what the shippers pay, in spite of all the receipts of the board, the loss to the Government every time it carries a ton of freight is $1.48.

Yet, returning again for a moment to the Gulf lines and services, they are necessary, and I am willing to have them operate. But if there came a time when the Shipping Board in its wisdom determined that those ships should be sold, do Senators think that the Gulf man would vote to sell them?

I am not seeking to reflect upon him in the least; I honor him for the position he would take. If I lived in New Orleans, or came from the Gulf section, I would vote exactly in the way he would vote.

Mr. SMITH. Mr. President, may I ask the Senator a question in this connection? Has the amount of the losses in connection with the ships sailing from New Orleans been increasing or decreasing each year?

Mr. COPELAND. They are about the same. There is no gain, there is no improvement. The loss is about the same.

Mr. SMITH. Has that been true from the inception of the Shipping Board to the present?

Mr. COPELAND. During the past five or six years. I may say to the Senator from South Carolina that there was a period immediately after the war, when the shipping of the world had been swept off the seas by the submarines and by the vicissitudes of war, when our Shipping-Board-built ships made money; but that time has passed. The merchant ships of the world have been restored. Eight million tons have been built by foreign nations, and now, of course, we are on our own bottom, so to speak, and that is a very proper term when we speak about the merchant marine.

Mr. SMITH. If the Senator has analyzed the figures, will he tell to what particular feature this loss is attributable?

Mr. COPELAND. One feature is that we have to pay about $2,000,000 a year to the agents who operate the lines. That is one loss. In the next place, of course, there is a loss on the bulk of business, about $1.48 for every ton of freight carried because of high costs.

Mr. SMITH. I asked the first question, in reference to whether this loss was increasing or decreasing, because my attention had been called to the fact that the lines of shipment for so many years have been to other ports, rather than the Gulf or the South Atlantic ports, that it would take a period of years to inspire confidence on the part of the shipping public sufficient to cause them to route their shipments from the interior by these Gulf and South Atlantic ports, and unless the schedules were dependable it was said they would not take the chances, and that there would necessarily be a loss on the vessels operating for the purpose of building up those routes because of carrying less than full capacity loads. I thought perhaps that in the course of four or five years, if these schedules had been maintained, the losses would diminish rather than increase.

Mr. COPELAND. I think the Senator is right about that. I think he has raised a point that is a perfectly reasonable one. Those who are in favor of this bill contend that there has been so much uncertainty upon the part of the Government as to whether these lines were to be operated and whether they were going to continue their operation that shippers have not been eager to use our ships. I agree fully that it is time for us to determine what our policy is to be.

Mr. SMITH. I have a case in point at the port of Charleston. We had a line established there, but some complications arose and shippers who were booking freight wanted to know exactly what time a ship would sail, or what room they would have. There was an element of uncertainty on account of certain complications as to getting the full cargo, which made it almost impossible to handle the business under those conditions. If they had been assurred of full cargo or half cargo the vessel would have gone, and they would have been able to do twice the business they did.

Mr. COPELAND. What was that—the American Premier Line or the Palmetto Line?

Mr. SMITH. It was the Carolina Line, I think, the Palmetto.

Mr. COPELAND. The Palmetto Line to the United Kingdom and Continental Europe.

Mr. SMITH. The element of uncertainty as to cargoes made it impossible for those who were trying to operate that line definitely to state when a ship would sail, and it was not a fair test. It seems to me that at New Orleans, where they have definite schedules arranged, there is a fair test as to whether the Government can engage to do this work.

Mr. COPELAND. I thank the Senator from South Carolina. He has added to the interest of the debate and has stated a thing which must be considered seriously by the Senate.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I yield.

Mr. SHORTRIDGE. Will the Senator permit me to give the exact figures with respect to the losses suffered by the Government from the operating of ships out of Gulf ports? For the 11 months of the last year the loss was $5,163,307.19, for 11 months, not the full year. Of that sum there was paid to the agents of the Shipping Board the sum of $1,694,727.90. I would like to have that appear in the RECORD.

Mr. FLETCHER. It is already in the RECORD, at page 2139.

Mr. SHORTRIDGE. I want it there again, so that all may remember it.

Mr. COPELAND. I thank the Senator. In my remarks on Friday I put into the the RECORD a full report of the Gulf ships and showed a loss of $5,163,307.19 for the period of 11 months, as has been stated by the Senator from California.

Mr. FLETCHER. That includes an item of $949,260, including inactive vessel expense. I do not know what that means, but it does not mean operation.

Mr. COPELAND. This is what it means, that there had been assigned to that service more ships than can be used all the time there, so that part of the time some of those ships are tied up, but of course while they are tied up fires are kept under the boilers and the ships have to be maintained. So it is a perfectly legitimate charge against the service. But even subtracting that amount the loss is still considerably over $4,000,000.

Mr. President, I regret that the ardent advocates of perpetual Government ownership and operation do not appear to be in the Chamber. However, for the RECORD, we can go on just the same. Of course, I exclude from what I have just said the distinguished Senator who now occupies the chair [Mr. JOHNSON].

We must decide what we are going to do with this law. I do not refer to the pending bill, which does not amount to anything because it will add nothing to our merchant marine. It never would result in the building of a ship by the Government. Its only effect would be to discourage private operators from making any effort to build an American merchant marine.

There is a law on the statute books, and I want to refer to the first section of that law. Senators who advocate permanent Government ownership and operation and think that somehow or other they are going to get it by any feature of the pending bill fail to read what the law provides.

I heard the junior Senator from Nebraska [Mr. HOWELL] on Friday ask the question:

> Is it good business to sell a line of ships when it has in it some hope of making money?

He criticizes the Shipping Board for selling. When a line of ships appears to be prosperous, it attracts the attention of private operators and then the Shipping Board proceeds to sell the ships.

I have the greatest respect for my friend the junior Senator from Nebraska. What he did in operating publicly owned public utilities in his State entitles him to the respect of his countrymen, and also that experience entitles him to speak as to what might be done by the permanent operation of these ships under Government ownership. I agree to that. If it is the business of the Government to continue to operate the ships, it is bad business policy to sell them when we begin to have hopes of earning beyond their expenses.

But let me point out that that is the law; that is what the Jones Act of 1920 contemplates. In order that Senators who may be interested may know exactly what it says I want to quote from the law, the law which some of us appear to be seeking to set aside by this indirect method, by the passage of the proposed bill. What does the law say—not the bill but the law? Section 1 of the merchant marine act of 1920 provides:

> That it is necessary for the national defense and for the proper security of the foreign and domestic commerce that the United States shall have a merchant marine of the best-equipped and most suitable types of vessels, sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or of national emergency.

Now, we all agree to that, but we have not any such ships. It would take 65 high-grade ships to serve the Navy in time of war and we could not muster more than 40 to save our lives. The law goes on then to provide that the ships shall—

> ultimately be owned and operated privately by citizens of the United States.

It never was contemplated by the Jones Act of 1920 that those ships were to continue in public hands. There was an emergency created by the war. Thousands of those ships were built. It cost us $3,000,000,000 to build them. But it never was contemplated or intended that the Government should go permanently into the ship-operation business. That was not thought of by anybody. It is specifically stated in the first section of the act that those ships should ultimately go into private hands.

Section 5 of the law provides—and, of course, I know exactly what my friend from Nebraska will say with reference to this:

> That in order to accomplish the declared purposes of this act and to carry out the policy declared in section 1 hereof—

And included in that policy is an intention to ultimately put all those ships in private hands—

> the board is authorized and directed to sell, as soon as practicable—

And here is where the Senator from Nebraska gets ready to answer me—

> consistent with good business methods and the objects and purposes to be attained by this act, at public or private competitive sale.

The difference between us is this: The Senator from Nebraska contends, of course, that to sell the ships is not good business. When, then, are the ships to be sold? They are going to wear out after awhile. When are they to be sold? Must we wait until they are worn out? We could not get anybody to buy the Gulf ships unless they were authorized to take them all and reorganize the service in the hope that it might be made profitable.

The law as it stands to-day contemplates that those ships shall be turned over to private owners at the earliest possible moment consistent with the best interests of the country and the maintenance of the national defense. But if we are to change our policy, if we are now to determine that instead of a temporary operation of those ships we are going to reverse our policy and have perpetual Government ownership and operation, let us stand up like men and declare to the country that that is our purpose. Let us not seek by indirection to write into the law as it is now some words which seem to indicate that we are going to perpetuate Government ownership and operation without frankly and manfully declaring to the country that that is our intention.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. KING. I think no one can controvert the proposition that the board deliberately violated the law, because they could have sold all the ships that were seaworthy in 1920, 1921, and 1922 at from $100 to $150 per ton. They refused to sell, insisting in many instances upon $250 per ton. There was a spirit prompting some members of the board which led them to favor Government ownership, and they felt that by refusing to sell, ultimately we would have a large number of ships upon our hands and the Government then could use, as an argument for continuing the operation, that they could not sell them.

Lord Inchcape, we all know, in Great Britain promptly sold hundreds of the British ships at a reasonable profit, but we held on to them, and even now, when we have had an opportunity to sell, the board has insisted upon a 10-year guaranty, which, of course, the purchaser could not offer in view of the uncertain conditions and the uncertainty of what the Government is going to do. The board has deliberately violated the law over and over again, and many men in public life have connived at that violation, hoping that ultimately we would be forced to have Government ownership. I am amazed that Democrats and strict constructionists upon the other side, who have inveighed constantly against the Government going into business and Government ownership and socialism and paternalism, should give their support to measures which tend to rivet Government ownership and operation upon the country.

Mr. HOWELL. Mr. President——

Mr. COPELAND. I will yield to the Senator from Nebraska in just a moment.

I think the Senator from Utah has expressed in quite clear terms the entire truth. I recall a dinner address which I made in New York a short time ago to the naval architects. On that occasion, in as polite terms as I could, I gave it as my conviction that it seemed to me that when the Shipping Board, in the proposed sale of its ships, elevates the standard so high and makes the requirement so severe they are open to the charge suggested by the Senator. It creates the suspicion that they are doing it in order that they may perpetuate the Shipping Board, in order that they will continue for ever and ever to operate the ships under the existing arrangement.

Of course, the Senator from Utah and I are not in full agreement about this matter because I do not think he feels, as I do, that there is going to be use for the Shipping Board for a long time. When there is a chance to sell these ships and put them in private hands, into the hands of American citizens, to be operated under the American flag and the country is relieved of the necessity of making replacements and reconditioning, it strikes me that good business sense would say "Let us sell them."

The only act of the Shipping Board in the matter of selling these ships that I could not understand was the one suggested the other day by the Senator from Florida [Mr. FLETCHER] with reference to the sale of the *Los Angeles*. That certainly caught in the crop of the American people. We had about $2,000,000 invested in that ship, if I am not mistaken, and then a couple of years later sold it for $100,000. Is not that right, may I ask the Senator from Florida?

Mr. FLETCHER. Mr. President, I will say to the Senator that it seems to me it ought to have lodged in the crop of the American people as he suggested, but it did not seem to do that very much. I delivered a speech in the Senate on December 12, 1924, in which I set out the facts in reference to the *City of Los Angeles*, and since then have been relying on my memory very much about it. Here are the facts.

There was a boat built in Germany at a cost estimated to be $1,861,000. In 1920 the Shipping Board had her reconditioned at a cost of $2,686,077. After June, 1922, the board expended for renewing passenger quarters and reconditioning her the sum of $47,948; for material and hotel equipment the further sum of $60,000; and in addition for extras $21,976 was expended. This made the vessel cost, most of it in three years, $4,077,001. This ship was sold in August of 1923 for $100,000. That is the record. If the Senator will turn to the Senate proceedings of February 13, 1924, he will find the facts given in a communication from the Shipping Board. That actually took place.

Mr. COPELAND. I thank the Senator from Florida.

Mr. FLETCHER. I want to say, if the Senator will allow me, with reference to the observation made by the Senator from Utah [Mr. KING], before we pass from that matter, that it is not quite fair to the Shipping Board to talk about what they could have done, that they could have disposed of these ships at high prices and all that sort of thing, because the fact is that they did sell ships at something like $100 a ton. They sold every ship they had the opportunity to sell, and in most cases, perhaps all, they had to take them back. The parties did not carry out their contracts and the board had

to take back the ships. They have been making every effort to sell the ships all the while, and in recent years and for some years past they have been announcing that they want to go out of business and will sell the ships, that anybody who wants a ship or a line can buy, and they do not stand on prices. That has been the record. They did sell at high prices, but they had to take the ships back.

Mr. COPELAND. I thank the Senator from Florida. If the Senator from Nebraska [Mr. HOWELL] will bear with me for a moment longer I will yield to him then gladly. I want to speak just a little bit further about the sale of the *City of Los Angeles*.

While there have been in times past bickerings and differences in the board that I could not sympathize with, I have been able to understand their mental processes in the sale of vessels. What I am saying is not with reference to the particular board now in existence, but to past boards. I think this board is doing very well. I think the members are working together in a harmonious way and serving the country in a patriotic manner.

Now, however, I wish once more to refer to the *Los Angeles*. As I have said, this sale was one act I could not understand. There is not any doubt at all that the Shipping Board—I do not seek to fix the responsibility; I do not know anything about what members were then on the board or who was to blame for what was done—used very poor judgment not in selling that ship ultimately for $100,000 but in spending $2,600,000 on her in the first place.

That ship was not suited for any such expenditure of money. Then, after the work was all finished, they found the ship was not any good because her engines were not right. They had gone ahead and built a Rolls Royce body and apparently had an engine outfit suitable for a Ford flivver. So they advertised her for sale and did sell her. The value placed upon her by the most enthusiastic experts three years after the reconditioning spoken of by the Senator from Florida [Mr. FLETCHER] was $200,000. They found somebody who would buy her for $100,000. It was sold on condition that the defects which had not been remedied by the expenditure of two and a half million dollars should be remedied by the purchaser to make her a decent boat. So the pepole who bought her, may I say to the Senator from Florida, expended a million and a half dollars more on that boat before she was of any real value.

As I understand it, the mistake that the Shipping Board made was at the time—which must have been about 1920—when they spent two and a half million dollars on a boat that was not fit to have money spent upon her. Let us take warning from that before we spend $12,000,000 in reconditioning the *Agamemnon* and the *Mount Vernon*. Let us think about the mistake the Shipping Board made in 1920, when it expended two and a half million dollars on this boat which was not worth the expenditure.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. For a question.

Mr. SHORTRIDGE. I should like to ask the Senator a question. Is our experience with that particular boat given as evidence of the efficiency of the Shipping Board?

Mr. HOWELL. Mr. President——

Mr. COPELAND. Let not the Senator from Nebraska be discouraged. I am going to get to him in a minute. I want to give him a chance; he has a right to reply; but I do want to finish this *Los Angeles* matter, to get it out of the way, because the country misunderstands the real facts relating to this unwise performance.

Mr. BRUCE. Mr. President, will the Senator from New York permit me to interrupt him for just a moment? I may be out of the Chamber when the Senator concludes his argument. I have an engagement that will take me out of the Chamber, and I should like to withdraw the amendment I have offered to the pending bill and offer a substitute amendment therefor.

Mr. COPELAND. May I ask the Senator from Maryland if he would like to have action on the amendment at this time?

Mr. BRUCE. No; I am afraid there will be some discussion of the amendment; otherwise I should be very glad to do so. I thank the Senator from New York, but I do not feel justified in asking him just now to yield for the consideration of the amendment. Later on I may do so.

The PRESIDING OFFICER. Does the Senator from Maryland wish to have the amendment read at this time?

Mr. BRUCE. Yes; the amendment might be read. I will say, Mr. President, that the amendment was drafted at my request by the United States Civil Service Commission, so it is in proper form.

The PRESIDING OFFICER. In the absence of objection, the amendment heretofore proposed by the Senator from Maryland will be considered as having been withdrawn and the amendment he now offers substituted therefor. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to insert, on page 3, line 9, after the word "authorized," in lieu of the amendment heretofore offered by Mr. BRUCE, the following:

Provided, That all officers and employees under the United States Shipping Board and the Emergency Fleet Corporation, except one clerk to each of the commissioners and mere laborers or servants, shall be appointed in accordance with the civil service act and unless exempted by the President.

Mr. KING. Mr. President, may I ask the Senator from Maryland if the words "unless exempted by the President" in the amendment are not intended for the purpose of legislating into office those who are already there?

Mr. BRUCE. I desire those who are already there to be retained. The operation of the amendment is prospective only. I have no idea of ousting anybody who is now there. The amendment, if adopted, would bring under the civil-service system only future appointees.

Mr. COPELAND. Mr. President, I notice that the Senator from Nebraska [Mr. HOWELL] has left the Chamber. I desire to say, and I hope that the RECORD will show, that I did not want to be discourteous to him in not yielding. I first wanted to finish the *Los Angeles* discussion. I hope the Senator will come into the Chamber later and make the reply which he considers appropriate to what I said a few moments ago.

As to the sale of ships, I think I have indicated what certainly is my conviction, that the mistake about the sale of the *Los Angeles* was not in her sale for $100,000; that is not where the mistake was; the mistake about the *Los Angeles* was in the bad judgment shown in the first place in spending money upon a ship which was unsuited for such repairs.

In these sales of any shipping ship to private interests we have to take into consideration the higher standard of wages and sustenance of the crew and also the larger personnel required by law on American ships as compared to similar requirements on foreign ships. So the higher costs which are involved in the operation of American ships in competition with foreign ships is made up to some extent by the decreased capital charges incident to the sale to private parties of ships at a lower figure than their original cost or their cost of reproduction. So the higher costs have been offset in some of the so-called essential service ships sold by the Shipping Board through reduction in capital cost, fixed charges, insurance, depreciation, and so forth. This has been simply a means of meeting the differentials and affording temporary relief for a situation which will continue to be permanent unless we enact legislation of some kind to correct it.

Mr. President, I have presented an amendment providing for higher loans. Now I wish to present an amendment which contemplates a cure for the disease. I send the amendment forward to the clerk's desk and in a moment will ask to have it read. Before doing that, however, let me call attention to the imperative necessity of the United States taking some effective steps to provide capital ships.

We have in the United States Lines, as I pointed out the other day, the *Leviathan*, which is the only high-grade ship of the first class in our ownership, either private or Government. We have running with her the *President Harding*, the *President Roosevelt*, the *George Washington*, and the *Republic*. These ships, with the exception of the *Leviathan*, are in no sense whatever competitors with the capital ships of the Cunard and the White Star Lines, the North German Lloyd, the Hamburg-American, and even the Cosulich Line, running from Trieste.

Let me call attention, for the sake of the record, to what is being done abroad. The White Star Line is building a new ship of 60,000 tons. She will be the largest ship afloat, greater by a thousand tons than our *Leviathan*, which is now the largest. That ship is to replace the *Homeric* and will run with the *Majestic* and the *Olympic* in the White Star service. She will have a speed of 26 knots, equal to the speed of the *Mauretania*, which is the fastest ship on the ocean, and considerably better than the speed of our own *Leviathan*.

This, however, is not all. The Cunard Line has placed a contract with shipbuilders on the Clyde for the building of a ship at a price of $30,000,000. In speed this new Cunarder will be about equal to the new White Star ship which I have just described, and it is to replace the *Mauretania*.

Think of that! Here we are, Mr. President, talking about rebuilding the *Mount Vernon* and the *Agamemnon*. I went to New York to live 20 years ago, and an old Ann Arbor friend of

mine came on to New York because he was sailing on the *Kron Prinzessin Cecile*. So I inquired about that boat. I do not remember whether she is the ship which subsequently became the *Agamemnon* or the *Mount Vernon*. I will ask the Senator from Florida if he remembers as to that.

Mr. FLETCHER. She is now the *Agamemnon*.

Mr. COPELAND. Very well. Twenty years ago this ship was an old ship. The *Agamemnon* was built in 1902 or 1903. Think of it! Now we are asked to spend a vast amount of money to recondition that old hulk. Her sister ship is the *Hensa*. Senators will remember that the *Agamemnon* and the *Mount Vernon* were German ships and were in New York Harbor at the time we went into the war, and we took them over; but a sister ship, the *Hensa*, was in Germany and was preserved to Germany. After the war they reconditioned her, but she lasted only two years; that is all; and then was withdrawn from service.

I have told the Senate about the Cunard Line spending $30,000,000 to build a ship to replace the *Mauretania*, although the *Mauretania* at this moment is the fastest ship on the ocean. The Cunard owners, however, see that she is too old; she can not stand the North Atlantic storms, and so in their wisdom they are building a $30,000,000 vessel to replace her. Yet we are so short-sighted and assume such a dog-in-the-manger attitude that we are not even building any such ships or letting the people of our country do it. I speak now of the Shipping Board, which is not empowered to build any such ships; neither do we permit private enterprise to do it.

That is not all. The Germans are building two fine ships, and in order to build them they borrowed $20,000,000 in New York City.

And then here is an account I cut out of a newspaper a couple of days ago stating that the Cosulich Line is building the *Saturnia* and *Vulcania*, the two fastest motor ships ever constructed. I was in Trieste shortly after the war. At that time cobwebs were growing on the docks at Trieste, but they have so far recovered that they are now launching the two fastest motor ships upon the ocean; and yet the United States does nothing either through the Shipping Board or by encouragement of private enterprise. We ought to be ashamed of ourselves. Why are we not doing anything even in the face of subventions and contributions in France last year of $4,200,000; of assistance by Italy to her citizens to the amount of $3,000,000, and of tremendous subventions paid by the British Government to British ships and then liberal contracts made for carrying the mail?

Mr. President, we have had a challenge from this Wilder concern. It is the same challenge that has been made to the United States by every private shipbuilder in this country during the past 5 years and perhaps 10 years. How are we going to meet that challenge?

What is it that is proposed? An amendment to the ocean mail act of 1891; and I will ask the clerk to read it.

The PRESIDING OFFICER. The clerk will read the amendment. The Senator understands, however, that the pending amendment is the one offered by the Senator from Maryland. The amendment of the Senator from New York will be read for the information of the Senate.

Mr. COPELAND. The Senator so understands, and he understands also that a moment ago he offered another amendment; but I ask that this one be read for the benefit of the Senate.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

At the proper place in the bill, insert the following new sections:

"SEC. —. That the ocean mail act of March 3, 1891, be, and is hereby, amended to read as follows:

"'That the Postmaster General, under such rules and regulations as the Shipping Board and the Postmaster General may prescribe, is hereby authorized and empowered to enter into contracts, for a term of not less than 5 nor more than 10 years' duration, with American citizens for carrying the mails on American steam and motor ships between ports of the United States and ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States.

"'SEC. 2. Before making any contracts for carrying ocean mails in accordance with this act the Postmaster General shall give public notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, Charleston, Norfolk, Savannah, Galveston, Houston, and Mobile, and when the proposed service is to be on the Pacific Ocean, then in Los Angeles, San Francisco, Portland, and Seattle. Such notice shall describe the route, the time when such contract will be made, the duration of the same, the size of the steam or motor ships to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter 8 of Title XLVI (p. 3941–3963) of the Revised Statutes for the letting of inland mail contracts so far as the same shall be applicable to the ocean mail service.

"'SEC. 3. The vessels employed in the mail service under the provisions of this section shall be American-built steam or motor ships, or steam or motor ships registered under the laws of the United States not later than January 1, 1928, or which were actually ordered and under construction for the account of American citizens previous to that date, owned and officered by American citizens, in conformity with existing law, and upon each departure from the United States, except in the steward's and commissary department, three-quarters of the crew shall be citizens of the United States, and said vessels shall be constructed after the latest and most approved types, and shall be so maintained during the period of the contract, with all the modern improvements and appliances for ocean steam or motor ships.

"'They shall be divided into five classes. The first shall be steel screw steam or motor ships, capable of maintaining a speed of 23 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 20,000 tons. The second class shall be steel steam or motor ships, capable of maintaining a speed of 19 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 10,000 tons. The third class shall be steel steam or motor ships, capable of maintaining a speed of 16 knots an hour at sea in ordinary weather, and of a gross tonnage of not less than 8,000 tons. The fourth class shall be steel steam or motor ships, capable of maintaining a speed of 13 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 4,000 tons. The fifth class shall be steel steam or motor ships, capable of maintaining a speed of 9½ knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 2,000 tons. It shall be stipulated in the contract or contracts to be entered into for the said mail service that said vessels may carry passengers with their baggage in addition to said mails and may do all ordinary freight or other business done by steam or motor ships.

"'SEC. 4. All steam or motor ships of the first, second, and third classes employed as above and hereafter built shall be constructed of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than 6 inches, and shall be of the highest rating known to maritime commerce. And all vessels of said three classes heretofore built and so employed shall, before they are accepted for the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and such officer shall report, in writing, to the Secretary of the Navy, who shall transmit said report to the Postmaster General, and no such vessel not approved by the Secretary of the Navy as suitable for the service required shall be employed by the Postmaster General as provided for in this section.

"'SEC. 5. The rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of $12 a mile, for the second-class ships $8 a mile, for the third-class ships $4 a mile, for the fourth-class ships $2.50 a mile, and for the fifth-class ships $1.32 a mile for the actual number of miles required by the Post Office Department to be traveled on each outward voyage: *Provided*, That if the Postmaster General shall determine that it is necessary on any route to have ships of a greater speed than 23 knots per hour, he may allow $1 per mile additional for each knot per hour of speed in excess of 23 knots per hour for ships of the first class: *Provided further*, That when a vessel of one class is engaged in a particular trade where the draft or tonnage of such vessel is limited by harbor conditions but possesses the speed of vessels of the next higher class, the Postmaster General may, if in his opinion the needs of the trade require such service, pay to such vessel or vessels the rate of compensation allowed vessels of the next higher class: *Provided further*, That in the case of failure from any cause to perform the regular voyage stipulated for in said contracts, or any of them, a pro rata deduction shall be made from the compensation on account of such omitted voyage or voyages; and that suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract, to be determined by the Postmaster General.

"'SEC. 6. Upon each of said vessels the United States shall be entitled to have transported free of charge a mail messenger, or messengers, whose duty it shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of himself and the mails.

"'SEC. 7. Such steam or motor ships may be taken in case of national emergency and used by the United States as transports or cruisers, upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act

in said appraisement in case the two shall fail to agree; in case of their failure to agree, the United States Federal Court in the home port of the ship shall decide the value.'"

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EDGE in the chair). The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Shortridge
Barkley	Frazier	McKellar	Simmons
Bingham	George	McMaster	Smith
Black	Gerry	McNary	Smoot
Blaine	Gillett	Mayfield	Steck
Blease	Glass	Metcalf	Steiwer
Bratton	Gooding	Norbeck	Stephens
Brookhart	Gould	Norris	Swanson
Broussard	Hale	Oddie	Thomas
Bruce	Harris	Overman	Trammell
Capper	Harrison	Phipps	Tydings
Caraway	Hawes	Pine	Tyson
Copeland	Hayden	Ransdell	Wagner
Curtis	Heflin	Reed, Pa.	Walsh, Mass.
Cutting	Howell	Robinson, Ark.	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Warren
Deneen	Jones	Sackett	Waterman
Dill	Kendrick	Schall	Watson
Edge	Keyes	Sheppard	Wheeler
Edwards	King	Shipstead	Willis

The PRESIDING OFFICER. Eighty Senators having answered to their names, there is a quorum present.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Louisiana?

Mr. COPELAND. I yield.

Mr. RANSDELL. I notice in the RECORD of the 27th, at page 2139, that the Senator from New York stated that there are 89 ships running out of New Orleans at a total loss of over $5,000,000. That statement was repeated by the Senator in two other places, I believe, during the debate.

I have carefully inquired from the Shipping Board the exact facts about the operations out of New Orleans. I find that during the fiscal year 1927 Shipping-Board-built lines out of Gulf ports operated 106 ships, at a cost above receipts of $5,249,172.23. That is substantially the amount which the Senator stated was lost out of New Orleans. Out of the port of New Orleans proper, included in the above 106 ships were 69 ships which were operated at a cost above receipts of $1,400,000.

I also find that out of north Atlantic ports 129 ships were operated, at a cost above receipts of $6,742,568.72.

I thank the Senator.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. COPELAND. Does my friend desire to make a speech?

Mr. WILLIS. I desire simply to call attention to some telegrams. I will not make a speech in the Senator's time, if he will be courteous enough to yield to me.

I have in my possession here a letter which has just come to me from the offices of the National Grange, embodying a resolution adopted by the Ohio State Grange at its last annual session in Cleveland, Ohio, last November, expressing approval of this pending bill. I also have a telegram from the Cincinnati Chamber of Commerce, likewise expressing approval.

I have a telegram from the Cleveland Chamber of Commerce and the Dayton Chamber of Commerce expressing disapproval of this bill.

I desire that these telegrams be printed in the RECORD at this point without reading. They all bear upon this question.

Mr. COPELAND. Mr. President, since it is a 50-50 proposition I am sure the Senator is entirely safe in his own State.

The PRESIDING OFFICER. Is there objection?

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

THE NATIONAL GRANGE,
Washington, D. C., January 28, 1928.

DEAR SENATOR: We note that the Jones bill amending the merchant marine act is approaching a vote in the Senate and wish to apprise you of the attitude of the National Grange, as expressed in the following resolution, which was unanimously adopted at our last annual session, held at Cleveland, Ohio, November 16–25, 1927:

"Whereas an adequate American merchant marine is vital to our prosperity and security as a nation; and

"Whereas private enterprise under prevailing conditions can not fully supply the need in transoceanic service: Therefore be it

"*Resolved*, That the National Grange favors continued ownership and operation of merchant ships by the Government through the agency of the United States Shipping Board as necessity demands; and be it further

"*Resolved*, That we favor appropriations by Congress to keep our merchant fleet modern and efficient."

It is probably true that some of the ships of our war-time fleet should be disposed of in the most advantageous way that may be open. But we do not approve of disposing of the better class of ships for such an inadequate return as a mere five-year guaranty of operation.

We are strongly of the opinion that the time has arrived when this country must adopt definite and constructive measures to put our merchant fleet on a sound and continuing basis, unless we are to witness a painful repetition of the experiences of 1914.

We favor the Jones bill and hope you may see your way clear to support it.

Yours respectfully,

FRED. BRENCKMAN,
Washington Representative.

CINCINNATI, OHIO, *January 30, 1928.*

Senator FRANK B. WILLIS,
United States Senate:

The Cincinnati Chamber of Commerce favors the maintenance of the Shipping Board services with adequate provision for reconditioning and replacements in order to bring these services to their highest point of efficiency. It is our opinion that the trade routes and services established by the Shipping Board have rendered very valuable service to the commerce of the United States, and that these trade routes should be maintained until such time as they can be properly turned over to private companies which will give adequate guaranties for permanent operation and replacements with American vessels. Your support of these views is greatly appreciated.

CINCINNATI CHAMBER OF COMMERCE,
W. C. CULKINS,
Executive Vice President.

CLEVELAND, OHIO, *January 30, 1928.*

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.:

This organization is opposed to Government ownership of merchant ships and favors the speediest possible return of ships to private ownership and operation.

THE CLEVELAND CHAMBER OF COMMERCE.

DAYTON, OHIO, *January 30, 1928.*

Hon. FRANK B. WILLIS,
United States Senate:

We agree with stand of national chamber as opposed to Jones bill, which extends governmental ownership and operation. We favor measure which will give a private merchant marine without governmental subsidies.

DAYTON CHAMBER OF COMMERCE.

Mr. COPELAND. Mr. President, I have no question that the figures given by the Senator from Louisiana [Mr. RANSDELL] are entirely correct. He and other Senators interested will find on page 2139 a table which I had inserted on Friday, giving in detail the items named by the Senator this morning. Undoubtedly I did not speak correctly when I referred to New Orleans ships as having lost that much. It is the vessels under the Gulf operators which have lost in the 11 months $5,163,000, and that includes other lines besides those out of New Orleans.

I would not for the world have anything in the RECORD appear to indicate any unfriendliness on my part toward New Orleans, because if there is one city in the world that I love beyond my own it is the city of New Orleans.

Mr. RANSDELL. I thank the Senator for those kind words.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that there was some reason, evidently, for picking out the Gulf as showing a loss and omitting any reference to the North Atlantic. The North Atlantic losses exceeded the losses from the Gulf. The most profitable lines we have now, I think, are the Gulf lines. There is less loss there than elsewhere.

We admit there is a loss sustained in the operation of Shipping Board vessels, but we say that the benefits in keeping down the rates and in the service to our commerce overseas exceed many, many times the losses. That is the position we take about it.

As far as the losses from the Gulf are concerned, I think they are less than the losses from the North Atlantic.

Mr. COPELAND. Mr. President, I fear that the Senator from Florida entirely misapprehended the purpose I had in mind in speaking about the Gulf. I am not seeking to bring about any invidious discriminations or distinctions. In the operation of Shipping Board ships there are no profits anywhere. Any time the United States Shipping Board sends out a ship with a cargo, I do not care whether it is from a Gulf

port or from the port of New York, at the end of the year, when we take the difference between the earnings and the cost of operation, the record shows that for every ton carried the Government of the United States loses $1.48.

I am not here pleading that the North Atlantic lines are profitable and the Gulf lines unprofitable. They are all unprofitable. My purpose in referring to the Gulf vessels at all was to bring out this fact, that in the arrangement of the Shipping Board the members are chosen by regions, and the law prescribes that one must come from a State touching on the Gulf of Mexico. What I intended to make clear—and I hope I did so, but if I did not, then I want to make it clear now—was that in my judgment no man who is a member of this board coming from New Orleans, if he is true to his city and his State, as I believe every New Orleans appointee would be, will ever vote to dispose of the Gulf ships if he can avoid doing so.

The point is that in a regional board, of necessity the men are put upon the board to represent their respective communities and their respective regions. We have before us a bill which proposes to make it impossible to sell a ship unless there is a unanimous vote of the board, the affirmative vote of every member of the board. What I was saying about the Gulf lines, and what I repeat, is that no man representing the Gulf section will ever vote to sell those ships if he believes that his region is going to suffer by reason of it. Every other man on the board might be convinced that all the other regions in the United States would be benefited by the sale of those ships; but that man, true to his State and true to his community and true to his convictions, would do exactly what I would do if I were a member of the board; I would take care of my home port first.

Mr. President, when we are making corrections, I want to make one. There is a man out west named J. F. Hickey, the president of the Tacoma Chamber of Commerce. Tacoma is in the State of Washington. I do not know Mr. Hickey; his name means nothing to me, so there is nothing personal in what I have to say. I have no doubt that he is a charming citizen and a fine man, and I hope that if he is displeased by what I say now he will forgive me, because I do not mean to be disagreeable. The Senator from Nevada [Mr. ODDIE] put a lot of material in the RECORD, and among other things the following telegram, authorized by the Tacoma Chamber of Commerce, was sent to Hon. Jefferson Myers by J. F. Hickey, president of the chamber, in which he said:

> The recent action of board apparently made by you reversing earlier order convinces us that you do not understand situation, otherwise you would not have favored clause allowing a diversion of California ships—

And so forth.

Mr. ODDIE. Mr. President, the telegrams to which the Senator from New York is referring are part of a statement made by the mayor of Tacoma which I placed in the RECORD.

Mr. COPELAND. The Senator from Nevada can have it his own way. I do not care how he put it into the RECORD. It is in the RECORD, is it not? This same man, J. F. Hickey, writes:

> Further, this chamber believes that it would be unfair and unwise to demand or stipulate for a guarantee of operation longer than five years.

Senators have made it appear that those men out there do not want anything for a shorter period than 5 years; that it must be 10 years or something else. Mr. Hickey says:

> It would be * * * unwise to demand or stipulate for a guarantee of operation longer than five years. This, as we understand, has been the period exacted so far in all sales made by the board for lines most desirable, and we can see no reason for exacting a longer period on these Pacific lines.

Mr. ODDIE. Mr. President, will the Senator yield at that point?

Mr. COPELAND. Certainly.

Mr. ODDIE. Does the Senator know the business connections of Mr. Hickey?

Mr. COPELAND. I do not know him from the man in the moon. I have no idea who he is except that he is president of the chamber of commerce, but I do want to show that one time he said one way and another time he said the other way.

Mr. JONES. Mr. President——

Mr. COPELAND. I yield to the Senator from Washington.

Mr. JONES. I want to say that I know Mr. Hickey, and he is one of the very best citizens of Tacoma as well as one of the very best business men there.

Mr. ODDIE. I want to say to the Senator from New York that if he will analyze what he has read he will find there is not anything really inconsistent in what Mr. Hickey said. I think if he will study it he will find there are two different propositions involved.

Mr. COPELAND. I will do that. The Senator from Nevada can analyze this and see how he likes it from Mr. Hickey:

> Another provision we desire to urge is greater freedom of ports on both shores of the Pacific. These vessels should be allowed the entire range of ports in the Orient, and also allowed to compete at all Pacific ports on the American side. We urge this because foreign lines, with which we must compete, enjoy that privilege, and if these lines are not to be made to pay they should be given every leeway to that end.

Let the Senator from Nevada analyze that at his convenience.

Now, to go on with the discussion, I have sent forward a plan for an amendment of the ocean mail act, the law of 1891. I am very sorry that the senior Senator from North Carolina [Mr. SIMMONS] is not present at the moment, because he was quite disturbed about this provision of my proposed amendment providing that the ships are to be classified according to speed and tonnage. I think he was under the impression that we have never done that and that we should not do it now. I want to call attention to the law. I have before me the code of laws and call attention to section 659, page 1275, which is the law to-day. I ask unanimous consent that at this point I may have inserted in the RECORD, without reading, section 659, to which I have referred, and also section 657.

The PRESIDING OFFICER. Without objection, it is so ordered.

The sections referred to are as follows:

> 659. Same; ownership of vessels; classification: The vessels employed in the mail service under sections 657 to 665 of this title shall be American-built steamships, owned and officered by American citizens, in conformity with law, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers. They shall be divided into four classes. The first class shall be iron or steel screw steamships, capable of maintaining a speed of 20 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 8,000 tons. No vessel except of said first class shall be accepted for said mail service under the provisions of sections 657 to 665 between the United States and Great Britain. The second class shall be iron or steel steamships, capable of maintaining a speed of 16 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 5,000 tons. The third class shall be iron or steel steamships, capable of maintaining a speed of 14 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 2,500 tons. The fourth class shall be iron or steel or wooden steamships, capable of maintaining a speed of 12 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 1,500 tons. It shall be stipulated in the contract or contracts to be entered into for the said mail service that said vessels may carry passengers with their baggage in addition to said mails and may do all ordinary business done by steamships. (March 3, 1891, c. 519, sec. 3, 26 Stat. 831; March 3, 1917, c. 162, sec. 1, 39 Stat. 1066.)
>
> 657. Ocean mail service on American vessels; contracts: The Postmaster General is authorized and empowered to enter into contracts for a term not less than 5 nor more than 10 years in duration, with American citizens, for the carrying of mails on American steamships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the mail service on such lines to be equitably distributed among the Atlantic, Mexican Gulf, and Pacific ports. Said contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named. (March 3, 1891, c. 519, sec. 1, 26 Stat. 830.)
>
> 658. Same; advertisements for proposals: Before making any contract for carrying ocean mails in accordance with sections 657 to 665 of this title the Postmaster General shall give public notice by advertising once a week, for three months, in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, Charleston, Norfolk, Savannah, Galveston, and Mobile, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma, and Portland. Such notice shall describe the route, the time when such contract will be made, the duration of the same, the size of the steamers to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such

contracts shall be conducted in the manner prescribed in chapter 12 of this title so far as the same shall be applicable to the ocean mail service. (March 3, 1891, c. 519, sec. 2, 26 Stat. 831.)

Mr. COPELAND. Here is the point. It is the law of to-day that the Postmaster General may classify the ships according to the speed and tonnage, and that contracts may be made for a period of 5 or 10 years on the basis of this classification. So when I propose an amendment to the law providing for ocean-mail contracts, I am not asking for anything new. I am asking for what is the law of to-day. It would be in operation to-day except for what I think was a very serious mistake last year. Last year an amendment was put upon the Post Office Department appropriation bill prohibiting the use of any of the funds for contracts already made and limiting the use of the funds to the period for which the appropriation was made. It can be readily seen that any arrangement which can only be made from year to year would be impossible, because the only way we can encourage private shipping is to say to the line, "If you will carry our mail regularly by regular schedule, we will make contracts with you for 5 years or 10 years."

I see now present on the floor of the Senate a distinguished Member of the House, Congressman WAINWRIGHT, who has introduced in the House a very laudable bill, I think, which shows that he has the vision that if we are to maintain our supremacy upon the seas we must have ships of high speed which can compete with foreign ships. He proposes that we should appropriate the money to build the ships and aid private shipbuilders who would do this work, and have them run them, and if they will not do it, then the Government shall proceed with its own work of developing a first-class merchant marine.

As the result of the law of 1891, to which I have referred and which I am asking to amend, we did build up a lot of ships to serve us. Some of those might be referred to if we had more time; for instance, the Munson Line, which provides a bimonthly service to Brazil and Argentina, reaching Buenos Aires in 17 days. Prior to that time there was a sailing vessel only once a month, but when the Munson Line was built and was able to have this mail contract, the result was that they established and have been maintaining a fine service to the benefit of American commerce and American mails and American enterprise.

Then we have the Grace Line to the west coast of South America, which was established where there was no regular passenger and mail service previously to Chile and Peru. We then had to change ships two or three times. Now the Grace Line is sailing two or three times a month to those countries. The Dollar Round-the-World Line gives a service hitherto unknown. These were made possible by payments under the ocean mail service act.

We have a proposition pending before the Shipping Board, a challenge to the American Government. It says if we will meet certain conditions these ships will be built. What kind of ships? Six ships that will give us a service from port to port, America to Europe, in four days, ships capable of carrying 100 airplanes each. The Senator from Connecticut [Mr. BINGHAM] placed a picture of one of those ships on the wall the other day, to which I am pointing at this time, a ship made to receive airplanes, a ship with the stacks at one side of the deck instead of in the middle, so the airplanes can be received. It is a ship identical almost in form and shape and size with the *Saratoga*, just built by the same firm, that magnificent ship with reference to which we were all thrilled a few days ago when the *Los Angeles*, that great airship of ours, settled down on her deck.

There is a rumor about the Halls now that another submarine has been sunk, another tragedy like the *S–4*. Would it not be a wonderful thing if we could so develop the ships of this Nation, the ships of the Navy and the ships of our peace Navy, that disasters like this would be less frequent? If we had a 33-knot ship capable of carrying the eyes of the Navy, the airplanes, a ship that could outsail any warship upon the water, a ship that could go to every port of the world, that could have planes sent out from her decks to reconnoiter and determine the presence of hostile ships, including submarines which come to the surface for their own purposes of observation, what a fine thing it would be.

Here we have in our hands the opportunity to do this—ships which can operate airplanes from the decks, which a day before they land in Europe can send out an airplane to take the mails there, and to the deck of which, the day after they leave our shores, could be sent a plane carrying mail from here. Then from Chicago a letter could be sent to Paris in three days, from Minneapolis to Paris in four days, from Detroit to Paris in three days. Of all the romance of the seas, no dream has been equal to this, and I am assured by men competent to judge that this is a dream which can be realized. But whether it is or not there can be no effective privately owned American merchant marine unless this Government in its wisdom finds some way to encourage it. We are now spending $1,500,000 to carry mail upon British ships, subsidizing the British second line of defense, helping a government which we pray to God may never be an enemy.

But, Mr. President, why do we not in our wisdom expend the money to have ships in our own country the equal of those sent out from any other country in the world? We can have such ships if we follow the example, in some way at least, of these foreign countries. I am not asking for a subsidy. Not a dollar of money beyond the receipts of the service will be expended if my amendment shall be adopted. If the ocean mail act is amended to permit the making of long-term contracts under the terms contemplated in the amendment, it will not take a dollar from the Treasury of the United States. It is not a subsidy. It is not a subvention. It is a proposal to pay for service rendered.

I have consumed too much of the time of the Senate, but I have been anxious, as I know you have been, Mr. President, to have the country know what is going on. Here we have pending a bill which has in it no promise in the world for the construction of any ships. It is not going to aid Government-owned merchant marine one particle. It is going to defeat the placing in private hands of ships of the Shipping Board because it proposes that they shall be sold only by unanimous vote of the board.

While we have a law, the so-called Jones Act of 1920, declaring it to be our policy to develop an American merchant marine which shall ultimately be in private hands, while we have been seeking to encourage private enterprise to build and operate ships, we now have before us what? A bill that in effect says, "Stop, look, listen!" to every private citizen who has had it in mind to build a ship, to aid the American Nation, to aid in the development of an American merchant marine. Here is a notice to every such citizen, "We are not interested in you or in any proposal that you may make."

Mr. President, this bill should be recommitted. It is not right that we should hand out to the citizens of this country who are eager to build an American merchant marine such a slap in the face as is this bill. Our people are hungry for bread and we are proposing to give them a stone. Changing the figure of speech, this bill is a millstone about the necks of the private American merchant marine.

I wish the Senate might realize how ineffective is this proposed bill, how disastrous if it is enacted will it be to our progress as a nation. Unless it shall be amended in the particulars proposed by the amendments which I have sent to the desk, one to permit larger loans at the current rate of interest and the other to amend the ocean mail act so that we may have long-term contracts at a sum commensurate with the service rendered, I sincerely hope that the bill may be defeated. If the bill may be amended in the way I suggest, there will be an encouragement of private investment, and, in my judgment, within five years we shall control the seas; great ships, finer than any now afloat, will be built and put in operation, and we shall give America the first place in a peace Navy which I believe to be the desire of every citizen in this great Republic.

Mr. SHORTRIDGE obtained the floor.

Mr. HALE. Mr. President, will the Senator from California yield to me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine?

Mr. HALE. I have a very short speech which I desire to deliver on the pending measure.

Mr. SHORTRIDGE. I thought the Senator desired me to yield for some matter of legislation, but, if his remarks will not take long, I will yield.

Mr. HALE. My remarks will consume only about 10 minutes.

The PRESIDING OFFICER. The Senator from California yields to the Senator from Maine.

Mr. HALE. Mr. President, the bill which is now before the Senate is one of vast importance to the whole country.

Our commercial needs for a merchant marine have been set forth very fully by the able Senator from Washington [Mr. JONES] and by other Senators. I shall not deal with that phase of the situation at all to-day.

I simply want to point out, as a member of the Naval Affairs Committee of the Senate, the paramount necessity, if we are to keep up an adequate national defense, to keep up an adequate merchant marine as well.

The Navy, as has often been said, is the first line of defense of the country; it must first meet the enemy in case of war and hold him off until the Army, the second line of defense, can mobilize and get ready for action.

The Navy must at all times be kept up in a state of preparedness for instant action.

We have a powerful fleet of battleships and a powerful force of ships other than battleships, though in some respects not an adequate force. With one exception, we are impervious to attack from any single foreign power in our own home waters; that is to say, that our country can not be invaded.

I have spoken of one exception. In all probability, considering the great advantage to the fleet that operates in its own home waters over an attacking fleet far away from its base, it would be safe to say that we are impervious to attack at home from any single foreign power.

Unfortunately, to win a war it is not sufficient to have an impregnable home defense. A war might be carried on for years without any attempt at invasion, and the nation that depended entirely upon home defense might very well have its commerce driven off the seas and be forced to disadvantageous peace, though no foreign foot ever invaded its soil.

The function of the Navy is not alone to defend its own territory; it must go out as well and drive the enemy off the seas before it in turn can bring about an advantageous peace.

While our Navy may be quite sufficient to prevent other countries from invading us, and while in case of war it might carry on in home waters with its own colliers, oilers, transports, ammunition ships, and other ships of the train, yet in case of hostilities and the necessity of moving far from its home base to come to grips with an enemy it will need to draw very heavily on the merchant marine of the country for support.

In 1914, before we entered the Great War, we had less than 1,200,000 tons of American overseas shipping, exclusive of the shipping on the Great Lakes, less than one-quarter of the tonnage needed and used by us to transport our troops and to keep up our line of communication with our troops and our fleet on the other side. We were able to secure this great tonnage of merchant vessels in large part because our allies had them and because it was of vital importance to our allies to have the benefit of our armed forces. Had we not had this allied support we could not have transported our men or used our fleet effectively.

It has been estimated that should we get into hostilities with a nation situated across the seas, either in the Eastern or the Western Hemisphere, and it should become necessary to dispatch our full Battle Fleet into the home territory of the enemy and put forth our maximum military effort, it would require 6,000,000 tons of merchant shipping adequately to keep up a line of communication with the fleet and the land forces accompanying it.

We have not 6,000,000 tons of merchant tonnage adapted to such service.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HALE. I yield to the Senator from New York.

Mr. COPELAND. Does the Senator intend to print in the RECORD the number of ships in the aggregate of 6,000,000 tons which he said would be needed?

Mr. HALE. I am merely speaking of tonnage.

Mr. COPELAND. Will the Senator let me give the figures as to the number of vessels and their classes in this connection?

Mr. HALE. I should be happy to have the Senator do so.

Mr. COPELAND. In case of war, in case we needed auxiliaries to accompany our Navy we would need 65 passenger ships of 16 knots and more, 35 freight and passenger ships of smaller size, 10 refrigerator ships, 50 colliers, 125 tankers, 30 freighters, and 25 yachts, a total of 340 vessels.

Mr. HALE. I think, Mr. President, those are the figures given by the New York Chamber of Commerce, are they not?

Mr. COPELAND. Yes.

Mr. HALE. I thank the Senator.

Neither, except under the advantageous conditions in which we went into the Great War, could we hope for any appreciable outside assistance in providing merchant tonnage.

Our present available tonnage is estimated at 10,400,000 tons; our present tonnage actually in use is placed at 7,430,000 tons and of this 3,580,000 tons is coastwise; much of it therefore is not adapted for overseas service.

We have practically but 3,850,000 tons on which the Navy could call in time of war, and nearly that amount would be required to keep up a line of communication with the fleet itself across the seas and no land forces accompanying it.

This small available tonnage that we now have, therefore, would not take care of our naval needs, and to take it away from the work that it is now doing, as we should in all probability have to take it, would mean the prompt winding up of our foreign trade.

Our country, which is dependent on other countries for its rubber, its tungsten, its manganese, its tin, and a dozen or more other products vital not only to our commercial manufacturing interests but to our military necessities as well, would have to get along as best it might without them. We might live, as we are a self-supporting nation, but in our crippled condition we would win no war.

It is vital, therefore, from a military standpoint alone that we have a merchant marine that we can call on in time of war; a merchant marine large enough when the Navy shall have taken the tonnage that it actually needs for military effectiveness to keep up our foreign trade and to bring to this country at the very least the actual essentials upon which depend its military efficiency.

I do not believe in Government ownership and operation of the merchant marine.

I am not in sympathy with this bill, but I regard it as absolutely essential that something be done, and done at this session, to build up American shipping.

If it can be done through a subsidy I should like to see it done. If in no other way can it be done than through Government ownership and operation, I say that it should be done in that way rather than not at all; but I do not believe that we have yet come to that pass.

The House Committee on Merchant Marine and Fisheries, I understand, is working out a plan for a privately owned and operated merchant marine. If that bill comes over to us—as I believe it will come during this session—I am hopeful that some plan for private ownership and operation can be worked out.

Mr. WATSON. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Indiana?

Mr. HALE. I yield.

Mr. WATSON. I should like to ask the Senator what is the plan proposed by the House committee?

Mr. HALE. I think they are trying to work out some plan for private ownership that will possibly be based on a subsidy of some kind.

I thank the Senator from California for his courtesy in yielding to me.

Mr. SHORTRIDGE. Mr. President, if Senators will permit me to proceed without interruption I promise that I shall not unduly long detain the Senate.

All agree, Mr. President, that we should have and should maintain an up-to-date, well-managed, profitable merchant marine; that is to say, a fleet of cargo and passenger ships capable of playing a large part in international commerce and be assistant to the Navy in the event of war—a Navy in the event of war, which, please God, may never come, but which if it shall come be assistant in defense of the United States of America.

All agree that we should have such a merchant marine, peaceful vessels in days of peace, but capable of being assistant to the Navy in days of war. Wherefore I do not purpose multiplying words and detaining the Senate by an attempt to prove what is universally admitted.

All agree that, having due regard for our national resources and our world-wide, world-extended commercial interests, we have no such merchant marine to-day, either Government owned or privately owned.

All agree that we should endeavor to be great on the sea as we are great on the land; and if we have not become decadent, if we are not impotent descendants of brave men and courageous women, we can and should develop such a merchant marine as the commercial interests of the Nation and as, perhaps, the very independent sovereignty of the Nation demand.

To compress what I have said, this is the situation:

We need such a fleet of cargo and passenger type. We have no such fleet; and we, charged with the performance of duty, are called upon to consider how we can acquire such a fleet, the manifest need for which need not be further discussed. And so, to the chairman of the committee who reported this bill, I address the words of the great dramatist:

> The nature of the sickness found, Ulysses,
> What is the remedy?

We admit the condition; we deplore it; we almost wet the floor of the Senate with our tears over the sad condition of the American merchant marine; but what does this bill propose to cure us of the malady, of the sickness which we suffer? In a word, nothing.

We are here supposed to consider the bill before the Senate, which, of course, will be immortal in history as "S. 744." What is its purpose? What is the use to attempt to conceal, to hide, its easily perceived purpose? Its purpose is to commit this

Nation to the Government ownership and control of American ships, of American cargo ships, of American passenger ships—the American merchant marine.

I fancy, Mr. President, that in some minds there is a sort of confusion as to what "merchant marine" means; but, as used, it simply means American ships to carry freight and passengers. The purpose of this bill is to commit this Nation to the ownership and the control of all American-owned, managed, and navigated ships; for, if the purpose of this bill be ever carried out, there never will be any privately owned American ships; no citizen will be able to compete with this mighty Government. It necessarily follows that those who favor this bill think that the foreign commerce of this mighty Nation should be placed in the absolute control and under the sole management of the Federal Government.

I confess amazement at the attitude of certain Senators. Talk about centralization! Talk about bureaucracy! Talk about State rights—if there be any State rights left—even the right, once thought valuable, of electing their own Senators to this body! Where are the descendants of Jackson, Breckenridge, and Calhoun, and the great original Whig, Alexander Stephens? Where are the Morgans, the Thurmans, the Bacons? Where are the descendants, the successors, of those great men who stood up for what were called, and properly called, State rights—the rights of a sovereign State under the canopy of the Federal Government, but sovereign within its own sphere? Where are they? How art the mighty fallen! Where are the great policies they once supported? Where are the great principles they once defended?

I have said on other occasions, I say now, that there are certain reserved rights of the State which are of vital importance, which never were delegated to the Federal Government, and which should be ever reserved, possessed, and enjoyed by the several States; and yet here is a proposition before us which seeks to commit to the Federal Government complete control, absolute control, over the foreign commerce of the Nation, and in effect deprive a State and the citizen of a State of the right or the opportunity to engage in foreign commerce or to own and manage ships engaged in foreign commerce.

To those thoughtful men who do me the honor to listen, and to those others elsewhere who may hear, I wish to put this question: Where is the power lodged in the Federal Government to own, possess, manage, and control the foreign commerce of the Nation?

I will return to that thought, put in that form, in a moment. I threw out the thought now lest in haste I may forget to do so later.

Mr. KING. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. Certainly.

Mr. KING. The Senator will recall that Senator Knox, an eminent Republican, a great lawyer and statesman, propounded a similar question several years ago during a discussion as to the authority of the Government to own and operate railroads, and his question indicated that he did not believe there was any authority in the Federal Government to own and operate a merchant marine. The then junior Senator from Wisconsin, Mr. Lenroot, replying, stated that the only authority was to be found in the interstate-commerce clause of the Constitution, and I recall that statements were made then that the commerce clause was invoked to cover a multitude of sins and transgressions and to invade the rights of the States and destroy their very sovereignty.

Mr. SHORTRIDGE. I thank the Senator for his remarks. I recall that that was the position taken by the great Senator from Pennsylvania, who was a profound lawyer, and reverenced the Constitution, and respected our dual form of government—the indestructible States making an indestructible Union. You can not destroy the one without causing the other to perish; and in all these matters with which I am concerned I bear in mind the State and the Union, the State government and the Federal Government, which are as two stars in heaven guiding us if we will but see.

When I inquire what has become of those who once stood up as against centralization of power, as against bureaucracy and its abuses, it is not done in any offensive sense. I fear because of a tendency to put temporary expediency above permanent principles. I fear because there is a disposition growing in this country to lose faith in man and to turn to government for everything, even as in decadent Rome the people demanded of government corn and games and gladiators.

I have not lost faith in man, in the American citizen, in his genius, his energy, his courage, his ability. I do not think the time has come when we must turn to State or to Federal Government as wet nurse every time we have a pain.

The proposition running all through this bill is to turn to the Federal Government in the hope that the Government may do that which it is claimed the citizen is unable to do; to do that which it is admitted the Government has failed to do!

For reasons briefly to be stated, I am unalterably opposed to any such doctrine or any such theory or to any such bill; and I shall never agree to it until and unless we are forced to admit that we are a decadent and an utterly incapable people—we, the people of the United States!

When gentlemen ask us, however, to turn all the commerce over to the Government's management, they forget the lamentable, the ghastly failure of the Federal Government in respect to that matter.

The Government has failed, they tell us. When will it succeed? One thing is certain: I venture to tell gentlemen who advocate this bill or other like measures that the fatal results of Government ownership and control of American commerce will be, first, the destruction of any privately owned merchant marine. If I were disposed to consume time I think I could demonstrate that when the great, mighty, powerful Nation should come to own all the merchant ships it could buy and navigate there could be no such thing as a successful, profitable, privately owned American ship; certainly not when the great resources of the Treasury of the United States were back of the Government-owned vessels; and if I were disposed to consume further time I think I could demonstrate not only a destruction of privately owned but a failure of Government-owned American ships, cargo as well as passenger ships.

Have we learned nothing by experience? Have we forgotten yesterday? Have we learned nothing from our puerile attempt to run and manage the railroads of America?

There may be those who look upon Government ownership or management of railroads with a certain degree of pride, but I have yet to meet any thoughtful man, or more thoughtful woman, who looks back with any rejoicing or any pride upon the manner in which the railroads of our country were managed and operated under Government control. Far better had it been if the laws had been so amended as to permit the railroads to cooperate and carry on during the war rather than to turn them over to the management of one unaccustomed to that business, with the results we now know.

Have we learned nothing? I undertake to say that the management of the railroads of this country by this Government were an easy task compared with the management and the operation of a national merchant marine; and if that Shipping Board is to be made up of the type of members that now appear to control it, what would be the result if they had complete control of the merchant marine of a nation of 115,000,000 or 120,000,000 now, and to be vastly greater in the years very soon to come?

I pause to remark that if I had the power there would be few less members of that board as it is now constituted. They would not stay upon the order of their going. I might request their resignations, but if they were not speedily tendered I would exercise the power which the President of the United States now has, without assigning any reason, to give them their walking papers.

Mr. KING. For the good of the service.

Mr. SHORTRIDGE. Yes. The President has the power, without assigning a reason, to dismiss any member of that board. That proposition was questioned, but the power was finally decided to be in the President, and so decided by the Supreme Court of the United States in a celebrated case that came up from the splendid State of Oregon, represented here in this Chamber by two of the finest Senators who ever were enrolled in this body. That remark drives from the Chamber the modest senior Senator from Oregon, but inasmuch as I once lived in the town of Salem, Oreg., and was janitor in the public school there, I know something about Senator McNary, and I know something about his brother also, who is now one of our Federal judges, and with occasional aberration, with temporary forgetfulness, Senator McNary is generally a 100 per cent Republican; therefore I am for him, as I am for a 100 per cent Democrat—however frequently he goes wrong.

But when I say that I wish to add that I am not a fanatical Republican. Some of the noblest men and some of the most splendid women of California are Democrats.

Mr. WATSON. Did they vote for the Senator?

Mr. SHORTRIDGE. Of course, all of them voted for me. [Laughter.] I am not a fanatical Republican. I am not one who believes that heaven is occupied entirely by Republicans. I think there are many Democrats there, and sometimes, Mr. President, I wish they were all up there. [Laughter.] Certainly nobody can take offense if I wish that he were in heaven. Pardon this levity, Mr. President; we are not here to laugh but to consider things that "bear a weighty and a serious brow."

I lay down as a proposition by which I am guided that the Federal Government is not designed to engage in foreign commerce. I lay down the proposition for thoughtful men to consider—if not immediately to answer, at least to consider—that there is no power delegated to the Federal Government to engage in the foreign commerce of the people of this Nation, to acquire, own, and operate a merchant marine in time of peace.

I hasten to suggest what may arise in the minds of others, that the Nation may acquire vessels, may operate vessels, at certain times. Under the so-called war power the Nation may do anything necessary to the successful carrying on of war; I might qualify or modify that phrase somewhat. But this Federal Government has certain specified, expressed, delegated powers. It has certain necessarily implied powers, but unless you can find in the Constitution the delegated power, or by necessary interpretation can find the impliedly delegated power, the power does not exist in the Federal Government.

Under the so-called war power the Congress may do many things. Why? We have the power to declare war. That is all that the Constitution says, but it has been held, and held properly, that having the power to declare war, impliedly we have the power to carry on war, impliedly we have the power to do whatever is necessary to the carrying on of war. And so it is that, having found ourselves in war with a European empire, a state of war existing and recognized, the war powers of this Government, under the section we all have in mind, authorized Congress to buy ships, to build ships, to manage ships, all for the avowed purpose of aiding the Nation in the carrying on to success, if God so willed, of war which Congress authoritatively declared to exist. Now, while it may not avail anything for me to say it, still I conceive it to be my duty this day to say that I question the constitutional power of the Congress, in times of peace, to engage generally in the foreign commerce of the Nation.

The same thought may be developed by putting it in this form: What was the design of the fathers who framed the Constitution of the United States? Was it to engage in commerce? No, no. Was it to buy ships and sail ships? Far from it. Those great men who sat yonder in Philadelphia and framed the Constitution under which we live never had in contemplation the carrying on of commercial enterprises, pure and simple, by the Federal Government.

Did Virginia think so? Did old North Carolina advance any such notion? Did Georgia, which so quickly and unanimously ratified the Constitution? Did any one of the 13 States, as represented by their delegates in conventions assembled, ever advance the notion or entertain the idea, that the Federal Government was organized, that this "more perfect union" was to be formed, in order that the Federal Government might, as a government, carry on and control the commerce of the United States of America?

Wherefore on constitutional grounds I oppose this bill, and all like measures, because I do not find in the Constitution of our country, as it was designed, as it was adopted by the people, as it has been interpreted, as it is, any power given to the Federal Government in times of peace to buy, own, manage, control, monopolize, the foreign commerce of America.

Mr. President, more than a question of economic policy is involved in this proposed legislation; a vital principle of our Federal Government is at stake. I wish all Senators were familiar with the historic case of Chisholm against Georgia, decided in 1793 and reported in Second Dallas Reports, at pages 419, and following; I wish the people at large were acquainted with the opinion of Mr. Justice Wilson, of Pennsylvania, rendered in that case. He speaks of the origin and dignity of man and of the origin and dignity of a state; he dwells on the rights of man and on the functions of a state.

In noble words he points out that, useful as the state is, it is the creature, not the creator:

> Man, fearfully and wonderfully made, is the workmanship of his all-perfect Creator: A state, useful and valuable as the contrivance is, is the inferior contrivance of man; and from his native dignity derives all its acquired importance. When I speak of a state as an inferior contrivance, I mean that it is a contrivance inferior only to that which is divine. Of all human contrivances, it is certainly most transcendently excellent. It is concerning this contrivance that Cicero says so sublimely: "Nothing, which is exhibited upon our globe, is more acceptable to that divinity, which governs the whole universe, that those communities and assemblages of men which, lawfully associated, are denominated states."

Now, the Federal Government was created by the people, by the people of the thirteen original States; it was created for certain defined purposes and endowed with certain powers, expressly or impliedly delegated. I deny that the Federal Government was endowed with the power to engage in and control the commerce of the people of this Nation in times of peace. Let me not be misunderstood; under the so-called "war power" the Government may take over and control the commerce of the Nation, but neither by express nor implied delegation of power has the Government the power of engaging in and controlling the commerce of the people of the United States in times of peace.

The state is the creature; man creates the state. Yet gentlemen here and elsewhere who call themselves progressive are advocating doctrines which would make the state the creator and man the creature, would put sovereignty in the government instead of retaining it in the people, and if these false doctrines prevail we shall come to walk under the state's huge legs—to paraphrase—to find ourselves dishonorable graves.

I repeat that the state is the creature, man the creator of the state. It is so with our State governments. It is manifestly so with the Federal Government. The powers of the Federal Government are delegated powers, expressly or necessarily impliedly delegated, as the great John Marshall so powerfully stated and so conclusively justified.

Gentlemen are proposing a step to-day in harmony with other steps they would take to set the state above the man. Perhaps they will yet go to the point of claiming that all sovereignty rests in the Congress, as it was once held that all sovereignty rested in the Parliament, regardless of the men and women making up the Nation.

We have a different theory. Sovereignty is in the people. We are sovereign, "We, the people." We are the creators of the state, and I do not wish to see the time come when the state will be regarded as all wise and all powerful and manage and control the affairs of the men and women of America, including all the foreign and domestic commerce of the people of the United States.

Wherein does sovereignty lie? Listen not to me but to the Supreme Court of the United States, speaking in the words of Mr. Justice Wilson:

> To the Constitution of the United States the term "sovereign" is totally unknown. There is but one place where it could have been used with propriety. But even in that place it would not, perhaps, have comported with the delicacy of those who ordained and established that Constitution. They might have announced themselves "sovereign" people of the United States. But, serenely conscious of the fact, they avoided the ostentatious declaration.

Mr. President, it may be thought that I am indulging in mere platitudes. They may fall upon unresponsive ears, but these platitudes express vital principles of free government, principles which our fathers proclaimed and defended with their blood.

Perhaps I repeat myself, but I wish the Senate to know, I wish the people to know, that I have not lost faith in the ability of American citizens to carry on commerce if properly, legitimately, and intelligently encouraged and aided by our Federal Government. I have said enough to show that I am unalterably opposed to turning over all this commerce—for it will come to that, Mr. President—into the hands of the Federal Government, which necessarily must be in the hands of a commission or a board made up of a very limited number of men. Talk about autocracy! Talk about centralized power! If and when all the foreign commerce of the United States shall be placed under the control of the Federal Government, and that commerce immediately in the control of a limited number of men, what may become of New Orleans or Charleston or San Francisco or Boston or New York? I do not say that any commission or board as now constituted or hereafter to be constituted would prefer the one city or the other or seek to advance the commercial interests of one section over the commercial interests of another. I am suggesting that such a program for the future is pregnant with great danger, is charged with the possible destruction of cities, ports, whole sections of our country.

Even this day we have heard upon this floor comments which, to my mind, were very unpleasant—alarming, if true. It was suggested that because a member of the present Shipping Board comes from Louisiana, I believe, or the southern section of our country, therefore he has favored and would favor continuing the operation of ships from that section because of local interests, even though operated at a great loss. I do not say that that gentleman, or any official, would be so controlled. It is deplorable if it were so. I am suggesting, however, that if all the commerce of America is placed entirely under the control of a limited number of men they will have the power to build up or to wreck one city or another, to enrich or impoverish one section or another. It is vesting in the Federal Government a power to be so exercised, a power and a control which I do not think should be so vested and which, to repeat, I do not think the Federal Government under our system is

competent or has the constitutional right to accept or undertake, to exercise.

What is the situation? The Government has title to many ships, some built by ourselves, some acquired during and as a result of the war. Those built by ourselves, of course, were built in great haste for war purposes, not for commercial purposes. Congress had the power to appropriate money for the building of those ships in aid of the carrying on of war under the so-called "war powers," a phrase misleading to many, not to us here, perhaps, but misleading to a great many otherwise intelligent citizens. There is no specific mention of "war powers" in the Constitution. It is an implied power springing out of our power to declare war, as I have stated a moment ago. But the ships which were built for war purposes, hastily built, in the hurry and excitement and in the atmosphere of war, were slow moving, unadapted for modern trade, and certainly not built to compete with the modern up-to-date, greater cargo capacity, fast-going, motor-propelled, Dieselized-engine ship of to-day.

The ships which we thus built, slow-going ships, unadapted to commerce, but avowedly designed for war purposes only, have been for some years and now are under the control of the Shipping Board. The foreign ships since built are faster. Fully 50 per cent of them, we are told, have been Dieselized, both the cargo ships and the passenger ships. Here we have on our hands these remaining old, slow-going, inferior ships. I restrain myself lest I be unparliamentary, but we have in this bill a proposition that no one of those old, slow-going, antiquated, obsolete ships, though rotting at the wharves or being propped up on the surface from sinking, may not be sold without the affirmative unanimous vote of the present Shipping Board. I can imagine that there might be some member of that board, and I think I could name him, who would object to the selling of any one of such ships. He would probably say: "Keep them and put them in some museum." Of course, we can not rival our competitors with this type of ships. They ought to be sold. It would be a good business proposition to give some of them away to any loyal, 100 per cent American citizen who would be willing to take them, or one of them, and undertake to engage in some sort of profitable trade under the American flag.

Yet we are told that none of these ships, good, bad, or indifferent, shall be sold without the unanimous affirmative vote of the board. It is proposed thus to commit the Government to the unwise and unconstitutional policy of permanent ownership, management, and control of the foreign commerce of America. It is not because I come from California, with her thousand miles of seacoast and looking out upon the earth's greatest ocean, that I make this statement. I would say the same if I came from any State in the Union, whether it be inland or seacoast. I protest against a proposition which looks to the Federal Government operating and controlling the commerce of America; and with respect, unfeigned respect—not pretended, but with unfeigned respect—for Senators who have in days gone by stood in this Chamber and argued and protested against centralization of power, against the encroachment of government, against lodging such great power in the Federal Government, I say that I thought weeks ago there would be a solid Democratic phalanx marching against this bill because of the purposes which are concealed within it.

I am speaking at this hour, perhaps all in vain, against a present and a persistent movement to take from the States their legitimately reserved powers and to lodge in the Federal Government power over all the people in the country in respect to a great subject matter, namely, the commerce of the Nation. If this bill should pass and if the program should be carried out, then farewell to the rights of the citizen of the United States to engage in international or overseas commerce and, as I can foresee, ultimately the coastwise trade or commerce of the country.

Mr. President, there are others who wish to speak and therefore I will ask at this point in my remarks to insert in the RECORD the names of the gentlemen who attended the conference here lately held by the Shipping Board, and also the reports which that conference made.

The PRESIDING OFFICER (Mr. BLEASE in the chair). Without objection, it is so ordered.

The list of names and report referred to are as follows:

CONFERENCE BETWEEN THE UNITED STATES SHIPPING BOARD AND REPRESENTATIVES OF PRIVATE AMERICAN STEAMSHIP OWNERS AND ALLIED INTERESTS

Subject: Promotion and maintenance of permanent American merchant marine.

WASHINGTON, D. C., *January 10, 1928.*

The meeting convened at 10 a. m.

Present, representing the United States Shipping Board:

Chairman T. V. O'Connor (presiding).

Commissioner E. C. Plummer, vice chairman.

Commissioner W. S. Benson.

Commissioner Albert H. Dalton.

Commissioner Jefferson Myers.

Commissioner R. K. Smith.

Commissioner P. S. Teller.

Samuel Goodacre, secretary.

S. D. Schell, assistant secretary.

Chauncey G. Parker, general counsel.

John Nicholson, director bureau of traffic.

A. S. Morrison, special assistant to the chairman.

Alfred H. Haag, acting director bureau of research.

George Parson, acting director bureau of operations.

Appearances:

H. B. Walker, American Steamship Owners' Association.

James H. MacLafferty, Pacific American Steamship Association, Shipowners' Association of Pacific Coast.

F. L. Leckie, Inland Waterlines Association.

L. C. Sabin, Lake Carriers' Association.

Henry Herbermann, Export Steamship Corporation.

Hon. WILLIAM R. WOOD, Member of Congress.

Hon. EDWARD H. WASON, Member of Congress.

Hon. ANDREW L. SOMERS, Member of Congress.

Hon. THOMAS H. CULLEN, Member of Congress.

Hon. ROYAL S. COPELAND, United States Senator.

Hon. RICHARD J. WELCH, Member of Congress.

George Parson, acting director bureau of operations, United States Shipping Board.

Andrew Furuseth, president International Seamen's Union.

Chamber of Commerce of the State of New York (report read by A. S. Morrison).

E. J. McCormack, Maritime Association of the Port of New York.

Hon. Ralph O. Brewster, Governor of Maine.

William H. Knox, Merchants Association of New York.

H. G. Smith, Bethlehem Shipbuilding Corporation.

E. M. Bull, American West African Line.

Robert C. Lee, Moore & McCormack Co. (Inc.).

Walter J. Petersen, Pacific American Steamship Association, Shipowners' Association of Pacific Coast.

Malcolm M. Stewart, Middle West Foreign Trade Committee.

William F. Yates, National Marine Engineers' Beneficial Association.

Ira A. Campbell, American Steamship Owners' Association.

Oakley Wood, Barber Steamship Lines.

W. B. Keene, Munson Steamship Co.

Norman F. Titus, transportation division, Department of Commerce.

Lawrence R. Wilder, American Brown Boveri Electric Corporation.

Capt. C. R. Train, United States Navy.

Also present: Capt. James W. Hartley; J. B. Smull, J. H. Winchester & Co.; Winchester Noyes, J. H. Winchester & Co.; J. H. Leow, American Pilots Association; John H. Pruett, National Organization Masters, Mates, and Pilots; John M. Franklin, Roosevelt Steamship Co. (Inc.); Kermit Roosevelt, Roosevelt Steamship Co. (Inc.); W. A. Blake, Consolidated Navigation Co.; E. S. Trosdal, South Atlantic Steamship Line, Savannah, Ga.; George A. Bomm (?), Cleveland & Buffalo Transit Co.; Fred N. Nelson, Safety Boat Co.; J. Howland Gardner, vice president New England Steamship Co.; Waldo E. Clarke, rivers and harbors committee, State of Connecticut; Charles Colt Yates, Connecticut Terminal Co., 26 Beaver Street, New York; Franklin D. Mooney, president Atlantic, Gulf & West Indies Steamship Lines; Henry C. Hunter, counsel National Council of American Shipbuilders; H. S. Noble, vice president Great Lakes Transit Corporation, Buffalo, N. Y.; O. W. Blodgett, Lumber Carriers' Association, Duluth, Minn.; Robert W. Malone, 806 Seventeenth Street NW., Washington, D. C.; Dr. Elouard Lavergne, care of Rockefeller Memorial, 61 Broadway, New York; A. F. Mack, president Cosmopolitan Shipping Co.; T. W. McGuire, Morse Dry Dock & Repair Co.; George Holme, special agent Great Lakes Transit Corporation; H. B. Arledge, Washington representative Middle West Foreign Trade Committee; J. E. Barnes, Todd Shipyards Corporation; Ira S. Lillick, General Steamship Corporation, San Francisco, Calif.; F. H. Weeks, Weeks Stevedoring Co., 136 Liberty Street, New York City; R. Stanley Dollar, Pacific American Steamship Association; A. B. Barber, Chamber of Commerce of the United States; Edwin H. Duff, American Steamship Owners' Association; N. O. Pedrick, Mississippi Shipping Co.; C. L. Bardo, National Council of American Shipbuilders; Rene F. Clerc, representing both the board of commissioners of the port of New Orleans and the National Merchant Marine Association; J. T. Lykes, Lykes Bros.-Ripley Steamship Co., New Orleans, La.; H. C. Culbreath, Tampa Inter-Ocean Steamship Co., Tampa, Fla.; John B. Waterman, Waterman Steamship Co., Mobile, Ala.; George Plant, of Trosdal, Plant & LaFonta, New Orleans, La.; and E. S. Trosdal, American Palmetto Line, Savannah, Ga.

MAJORITY REPORT

Whereas representatives of American steamship and trade associations and allied interests, in conference with officials of the United States Shipping Board, at Washington, D. C., this 11th day of January,

1928, desire to place on record the following brief analysis of conditions at present surrounding the American merchant marine,

We deem it to be an axiomatic truth, evidenced by Executive pronouncements, acts of Congress, and otherwise, that the people of the United States are desirous of possessing a merchant marine fully able to handle the greater portion of the country's water-borne commerce and also to serve as a naval auxiliary in time of national peril.

In order to appraise the present shipping situation it becomes necessary to consider the existing merchant fleet under its two grand divisions: First, that part engaged in the purely domestic coastwise and intercoastal trades; second, the overseas or strictly foreign services.

The coastwise and intercoastal trades are restricted by law to vessels built in the United States and owned and operated by citizens thereof. This being an exclusively American industry, protected from foreign competition by our beneficent coastwise laws, it shares in the general prosperity of the country and constitutes one of the largest and finest shipping services in the world.

In a different status is the overseas fleet, organized largely since the war and operated with war-built ships, most of them under the control of the Shipping Board. Exposed to competition with faster and more modern vessels launched during the past few years by our foreign shipping rivals, this portion of the American merchant marine operates at a great disadvantage when compared with the coastwise fleet. Practically all American vessels engaged in foreign trade were designed before the advent of the fast modern "motor ship," whereas the freight and passenger vessels which are being turned out so rapidly from the English, German, Italian, French, Scandinavian, and Japanese yards constitute the new and speedier type. It is well to note that fully 50 per cent of the vessels now under construction throughout the world are motor ships. This, of course, means that unless present conditions are changed American ships will handle a constantly decreasing share of our vast overseas trade and will lose all hope of securing the profitable freight and passenger business.

The original theory underlying our recent national shipping operations was that the Government should use its war-built merchantmen in establishing steamship service on routes essential to American commerce, and should then dispose of these services to private American capital. The advent of the motor ship, coupled with differentials in operating costs, due in great measure to different standards of living, has tended to make the purchase of the Government's lines so unattractive from an investment standpoint that of the 35 lines established by the Shipping Board only 10 have been sold. Although efforts are being made to remove some of the existing handicaps by converting a number of the Government's vessels into motor ships, the process is a slow and costly one and thus far has been applied to only a few ships. The net results of these operations may be summed up by saying that while the converted vessels show a gratifying decrease in operating costs, the gain in speed is negligible and in no sense offsets the fast service furnished by our foreign competitors with new ships of modern type designed for specific trade routes.

The present situation admits of no misinterpretation. Our overseas merchant fleet is being rendered obsolete by the rapid march of science and invention, which has completely revolutionized the manner of vessel propulsion since our ships were built. In the absence of a replacement and reconditioning program, early transfer of a substantial part of the remaining ships to private ownership, with reasonable assurance of continued operation, is unlikely.

In these circumstances but two alternatives present themselves. One is to modernize the fleet. The other is to retire from the seas. The most vital national interests are involved, to say nothing of an annual ocean freight bill exceeding $700,000,000.

We believe that the Shipping Board, in the face of serious obstacles, has done its best to carry out the merchant marine act of 1920. But we further believe that a crisis has been reached and that the future of the American merchant marine now depends upon prompt constructive action by Congress. This action should look toward reconditioning some of the present fleet, and should otherwise provide inducements having in view its early transfer to private ownership under conditions assuring continuance of operation. Whatever Congress may do along this line will be unavailing unless it provides a way by which private American citizens will be enabled to own and operate modern ships in the ocean carrying trade of the world in competition with citizens of the other great maritime nations:

Now, therefore, with due regard to the exigencies of the shipping situation as above set forth, be it

Resolved, That this conference indorses the general principles and policies embodied in the bills at present pending in Congress, known as the Wood bill (H. R. 2) and the Copeland bill (S. 2036); and

Resolved further, That we recommend that the principles and policies contained in the main provisions of the above-mentioned bills be enacted into law, and to that end, that the United States Shipping Board furnish such information to Congress and make such reasonable effort to procure amendments and modifications as may be necessary to provide such adequate aid as will assure the United States having a successful, permanent American merchant marine under private ownership; and

Further resolved, That we recommend that the United States Shipping Board lay before Congress full information concerning the character and number of new ships which in its judgment should be constructed in American shipyards to modernize the services now operated by the board.

MINORITY REPORT

Resolved, That we recommend that the principles and policies contained in the main provisions of the Wood bill and the Copeland bill be consolidated in a composite bill and be enacted into law, and that the United States Shipping Board procure such amendments and modifications as may be necessary, including the change of the Jones bill so that sales of vessels therein referred to might be made upon the concurrence of five commissioners, and also that section 4 of the bill have a proviso that it shall be suspended for a period of one year from the date of the enactment of the composite legislation contained in all three bills mentioned above, with a view of ascertaining to what extent citizens might build vessels under the provisions of the Wood bill, and contemplating that, if private capital furnish necessary replacements to the American merchant marine, no building under the Jones bill would then be necessary, and provided that nothing in the Jones bill shall be construed as a commitment to permanent Government operation and ownership, and provided further that section 4 of the Jones bill be amended so as to read, after the word required, "to replace vessels in operation on the trade routes being maintained by the Shipping Board."

Mr. SHORTRIDGE. Mr. President, a great deal has been said about the sales which have been made. What is the use of wasting our time in discussing that matter unless it be to avoid similar mistakes, if mistake was made, in the future? We can not call back yesterday. We can not call back the spent arrow or the past life or the lost opportunity. I shall not waste my time or the time of the Senate in going into a curious or detailed examination as to whether a given boat was sold at an inadequate price or not. They have been sold. One thing, however, is true. While in the possession and ownership of the Government they were a daily loss to the Government, and in a sense the Government was relieved from a continuing expense—an expense incurred whether the given boat was anchored or tied to a wharf or was being navigated across the ocean. Whether in port or en route, each vessel was a constant loss to the Government, and perhaps it was wise to dispose of it; to give it away.

It may be observed, however, that when it came to the sale of the ships there were such conditions imposed upon the contract of purchase as made it unwise, unprofitable for American citizens to meet those provisions and to purchase the given ships. I had intended to point out specifically the various provisions or conditions which were imposed upon the proposed sales. I have them in typewritten form which, with the permission of the Senate, I will ask to incorporate in the RECORD at this point rather than read them and take up the time of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

* * * * * * *

The first effort to sell the tonnage owned by the United States Shipping Board to private owners was on June 17, 1919. The prices made by the Shipping Board were from $210 to $225 per dead-weight ton, on terms of 25 per cent cash and an installment plan for the remainder. This price was from $10 to $25 per ton above the cost of the ships to the Government of the United States and from $30 to $50 over reproduction costs in private American yards, and $75 per ton above the costs of production in British yards. With these ridiculous prices fixed by the United States Shipping Board for the sale of ships constructed during the war and for war purposes, the ships, of course, were not sold, as private purchasers were not foolish enough to pay $10 to $25 above the cost of the ships to the Government and from $30 to $50 above the cost of reproduction in American yards. The charge that the United States Shipping Board was working in the interest of private parties in the sale of these ships is not borne out by the facts. * * * And inasmuch as in 1919 the sentiment for public ownership had begun to make itself felt, it is very probable that the United States Shipping Board had no desire to sell the ships, or else they would not have asked the price that they did ask.

On February 10, 1920, the board allowed a 10 per cent reduction for a ship 1 year old and an additional 1 per cent for each additional year of the vessel's life for the following five years, and 5 per cent each year thereafter. These prices reduced the vessels from $180–$203 per ton, and two-year boats from $178–$208 per ton. These prices were no more attractive than the prices above; and later in 1920 the bareboat charter plan, with an option to purchase, was adopted, with 2½ per cent cash and monthly payments of $8.80 per ton until 50 per cent of the total was paid, and the remainder to be in equal installments

within five years of the date of sale. This scheme did not work, and the rate was again reduced to $5 per ton a month. The sale plans of the United States Shipping Board were changed five times in 1920. * * * The board again reduced the cost of the ships to $160–$175 per dead-weight ton for coal burners and $175–$185 per dead-weight ton for oil burners, with a 10 per cent discount; but as private shipbuilders were selling the same kind of ships a week before for $144 per dead-weight ton, no one was quite foolish enough to pay the higher cost to purchase the tonnage of the United States Shipping Board. Had the Shipping Board taken advantage of shipping conditions in 1919 and fixed a lower rate, many possible purchasers might have been secured; but because they did not sell and held onto the tonnage until foreign nations constructed new, fast, large, motor-operated ships, no one was willing to attempt to compete in the foreign trade with these old ships. A prerequisite of sale by the Shipping Board was the construction of new tonnage in American yards to replace this tonnage after it had been in the foreign trade for a period of five years, and as a consequence the ships were left in the hands of the United States Shipping Board, where they still are; and only 10 lines have been sold. Twenty-three lines still remain in the hands of the Shipping Board, and the rest of its tonnage is rotting in various parts of the United States and is a dead loss to the Government.

* * * * * * *

Mr. SHORTRIDGE. So, I repeat, the past is gone, and many of us wish we could recall it; but it is gone, and we should consider it only for the light it gives us. The only reason why we should remember unhappy experience is that it may cause us to avoid errors and assist us in our onward march; and yet, Mr. President, while we waste our time in going over the past and criticising and deploring and weeping over mistakes there are those in the Senate, and perhaps elsewhere, who would continue in control, with vastly greater power, a board which they tell us has, either through incompetency—let us hope it was only incompetency—or for some other cause, sacrificed the rights and the property of the United States Government. I do not charge them with other than proper motives; I am far from imputing wrong or wicked or corrupt motives.

I am not adversely criticizing, for I suppose we can favorably criticize as well as adversely criticize. Some persons think that when one says he is criticizing a man therefore he is adversely criticizing him. I am neither adversely nor favorably criticizing. I am merely saying that Senators here on the floor who inveigh against and adversely criticize the acts of these gentlemen and comment on them almost ad infinitum still wish to continue them or a like board in control of the commerce—of what? Not of a little city, not of a village, not of a State, but of a Nation of one hundred and twenty-odd million people. Notwithstanding all this experience, notwithstanding the fact that we have been a lamentable failure, notwithstanding the fact that this fleet has cost us millions and hundreds of millions of dollars, notwithstanding that we are now running the ships at a loss, notwithstanding that we have through a series of years proved that we can not operate at other than a loss, it is proposed to continue right on. No matter what rocks lie ahead, no matter what sunken reefs, we are to go right ahead like a drunken sailor, trusting to some power to save us.

We are told that these ships must be sold because they can not keep up with the foreign ships. They can not. Seven or eight or nine or ten knot ships can not, of course, compete with 15, 16, 17, or 18 knot cargo ships. In a sense they are out of date. It would be better to sell them to-morrow, to give them away, as any intelligent gentleman would; if he had a ship which was incurring a daily loss, he would give it away to some friend, begging pardon of the friend.

Oh, it is said we have got to "recondition them." Again I wish to be parliamentary, remembering the inquiry of a former Senator from Kentucky one day as to what would be parliamentary and what would not. I wish to speak with decorum, with proper regard for the proprieties, and with due respect for those who father this bill. But when I remember what "reconditioning" by the Shipping Board has cost the Government and am told that it is proposed to "recondition" the rest of our obsolete fleet I find it difficult to speak with Chesterfieldian restraint.

For it is proposed by the learned Thebans that we shall spend hundreds of millions of dollars in rejuvenating—"reconditioning" is the big, high-sounding word—in "reconditioning" these out-of-date, rotting, almost sinking hulks. Some of them of course, are not so far gone, but they are on the way. Such is the argument advanced in support of the proposition that none of them shall be sold without the unanimous consent of this extraordinary board. I know, as every other Senator knows, that there is a proposition to dispose of a number of the cargo ships now out on the Pacific shores. Bids have been called for and are to be opened on the 10th of next month. The other day when I said I did not like to see this bill "rushed through," I meant to say, and I now say, that I think the bill was introduced and that it has been urged forward in the hope that it would pass the Senate and pass the House of Representatives and—which let no man suppose—be signed by the President before the 10th of next month, in order to prevent the sale of those ships lying out there on the Pacific shore, no matter what the offers of purchase might be.

Mr. JONES. Mr. President, the Senator from California does not think that I had any such hope as that, does he?

Mr. SHORTRIDGE. Well, Mr. President—

> Hope springs eternal in the human breast:
> Man never is, but always to be blest.

Mr. FLETCHER. The Senator from California will remember that substantially the same bill as that now pending was reported favorably at the last session by the Commerce Committee.

Mr. SHORTRIDGE. But it died last session, and let us hope that the demise of the pending bill is approaching. [Laughter.] Of course it died, and it should have died. When the pending measure shall be dead, I will join Senators in a eulogy, for I had rather pronounce a eulogy than deliver a philippic.

However, we are told that we must keep these ships and that we must recondition them—that is a favorite word in the nomenclature of the Shipping Board—"recondition" these Teredo-eaten, barnacled ships lying at some far-away wharf, a great many of them out on the Pacific coast. They must be "reconditioned," Mr. President, no matter what the cost, no matter how foolish to do so, lest the American flag disappear from the ocean, and John Bull capture America!

I come now, Mr. President, to the significant fact that the advocates of this bill confess Government failure. I wish those words could be written large across the pages of this bill. They confess failure; wherefore it is not necessary for me to prove their failure. I remember a case where a group of lawyers were inquiring whether a certain gentleman was a great lawyer. An argument was started, whereupon a friend remarked that they need not prove it, that the gentleman in question would admit it. It is not necessary for me to prove failure, for they admit failure on the part of the Federal Government to manage and control successfully the merchant fleet, a fleet never designed for commercial purposes, and a Government never designed to carry on commercial enterprises. This Government was set up to preserve the life and liberty of man; it was set up to carry out the immortal principles enunciated in the Declaration of Independence that man was entitled to life, liberty, and the pursuit of happiness. Our Government was never designed as a commercial enterprise, and I question the power of Congress in times of peace to purchase, hold, and control and monopolize the commerce of the American people.

While some of the ships have been sold, others have not been sold, and why not? We have but to consider the type of the ships to which I have referred and the conditions of sale imposed by the Shipping Board, and we shall see why these ships have not been sold. The naked truth is, the Shipping Board has been opposed, is opposed, to selling them. It is to be remembered that these ships are more than 10 years old; that the average effective life of a cargo ship is about 20 years. Private owners have purchased some of them for no other reason than that they were able to secure them at a very low cost, thereby placing themselves on a parity, in so far as value is concerned, with their foreign competitors, whose ships of corresponding age have been written down to similar values. While these ships have some value at the present time, by reason of their low cost, in one or two years more no private owner would buy them if he were compelled to continue them for any great term in the foreign trade, by reason of the competition that he will meet from fast, economical, Dieselized ships.

Thus we are brought to this situation: Slow-going ships as against fast-moving ships, old, out-of-date types of ships as against new, modern, up-to-date types, and our Government has the one type and our foreign rivals have the other. We can not as a Government compete as of now, and we can not in the future as a Government compete, with this type of ships. We can, as is proposed, undertake to recondition these old ships, which is a naval architectural impossibility and an almost criminal folly, costing vast sums, or we can scrap or dispose of them and undertake to build new ones of a type equal, if not superior to, those of our rivals. The latter program will cost this Nation untold money and ultimately be a failure.

Why have we lost our rank on the seas, Mr. President? I shall not undertake to display a knowledge of history by tracing the development of shipping. We all recall the Phoenicians;

we recall when the Mediterranean was the great theater of the world's commerce. Then the Atlantic Ocean became, and may still be, the great highway, God's unfranchised highway, across which man travels; but the time is fast approaching when the Pacific Ocean will be the theater of the greatest commerce of the world, international, around-the-world commerce. While the thought of that great ocean is in our minds, I would have this Nation remember that we need a Navy, not for war and aggressive purposes on our part but for peaceful preparedness.

We need a Navy, and the Constitution in effect commands us "to provide and maintain a Navy," not for conquest but for defense. We need a merchant marine of peaceful vessels assistant to the Navy in time of danger, not because we are threatening, not because we are envying, not because we design attack upon any nation on the earth, whether it fronts on the Pacific or any other of the seven seas. This Nation is smitten with a love of peace. We are not conspiring, here in the Senate or elsewhere, against any nation; and there is no foreign diplomat in Washington, there is no capital in Europe or Asia, that is justified in having even a suspicion that America is designing attack upon any people or any nation in the world. But we have a right to prepare to defend ourselves if attacked; and unless we are unworthy of our ancestors we shall always be ready and able to defend ourselves when attacked. As for me, I think we should be able at all times to protect the Nation here at home, and to protect any American citizen who travels abroad on a lawful errand.

I want the spirit of another day to live to-day and to-morrow—the spirit in America which insists upon the rights of American citizens being respected, wherever those rights are involved. When we speak of the Pacific Ocean we think of a Navy, not with a latent spirit of hostility, a hidden design or purpose of hostility toward Japan or toward Korea or China or Java or Siam or any of the oriental peoples or nations. We want trade, and we want our ships that sail from San Francisco or Portland or Seattle or Los Angeles or from Gulf or Atlantic ports to be able to proceed on around the world and not be cut off by any nation that might be hostile to us. And if there shall ever develop any disposition to cut us off in our trade around the world, we should have a navy capable of asserting our rights.

Perhaps I have said too much on that point; but it is in my thoughts as bearing upon the proposition that this Government shall take over all the commerce of the Republic, place the maritime interests of a Nation in the hands of a half dozen partisan politicians.

It is admitted that Government management has failed. There is no reason to believe or to hope that Government management can succeed. But what could we have done to assist our merchant marine? Under the act of 1920 we could have done a great deal. We have done practically nothing. We have done nothing to aid the private shipowners. We could have done many things. We could have given, and we should give, more advantageous mail contracts to our citizens. We could have applied the rail export rate provision of the act of 1920. We could, on certain conditions, have reduced the duty on ship repairs made in foreign ports. We could have extended the coastwise laws, even unto the Philippines, giving us, if you please, a monopoly over the trade between the Philippines and our country. These are very important propositions. They could have been carried into effect, and, if carried into effect, would have been and will be highly helpful to the American shipowner or company operating American ships.

I happen to know a little something about the matter of contracts for the carrying of mail, and I look back with a feeling almost of indignation toward certain Government officials here in Washington who seemed perfectly willing to allow the Oceanic Steamship Co., the American line, to be driven off the sea, giving the mail contract to the English company—perfectly willing to do that because the English company wisely on its part offered to carry the mails a little cheaper than the American line could afford to carry them. I took occasion to point out to that gentleman, who seemed to think more of Downing Street than of Washington, that if that steamship line running from San Francisco to Australia, which had carried the American flag across the Equator for over 40 years, many times at great losses to the company and its stockholders, was driven off the sea and the mail contract given to the English company, we, America, would be dependent upon the English company for our mail and our necessary supplies for our establishment at Samoa. That official appeared to think more of John Bull than of Uncle Sam.

In other words, there are those in this country who talk loudly but perform very feebly in favor of building up and sustaining an American merchant marine. In that case, I repeat, they seemed to be perfectly willing to give the contract to carry the United States mails to the English company, even though it meant the loss or the destruction of our own American line, and making us at Samoa dependent entirely for supplies as well as mail upon the English company. That company, as I understand, has been acquired by others and is being operated. But how long will the privately owned shipping company be able to live if the Federal Government undertakes to monopolize, as it will monopolize, the shipping business of America?

I repeat, Mr. President, that under the shipping act of 1920 we could have done many things to aid American shipping, but we have done nothing. Members of the Shipping Board have quarreled like children in any alley, have paid extravagant attorney fees, have made speeches and drawn their salaries promptly, and some of them are now bent on holding on forever. Having failed to do anything, why not do something?

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Florida?

Mr. SHORTRIDGE. Yes, sir.

Mr. FLETCHER. The Senator speaks of the failure to do anything on the part of Congress. The Senator knows the reason why the coastwise privilege was not extended.

Mr. SHORTRIDGE. Certainly I do, sir. It is not the fault of Congress; certainly not.

Whose fault it is, we may know. The Shipping Board has done nothing; the Interstate Commerce Commission has done nothing; nobody has done anything under the act of 1920 in aid of the American citizen in his foreign commercial enterprises; but what can we do? I am not concerned to-day with Pompeii or Herculaneum. I am concerned with the United States of America; and may I say, not claiming to be broader minded than others, I am not thinking of my own great imperial State of California alone, although I would be justified in dwelling somewhat upon California's interest in this great problem, because we are no longer the back yard of the Nation. I do not say we are the front yard. Let me say there are two yards to this Nation, but assuredly we are not the back yard of the Nation. I repeat that California has a thousand miles of coast line and four and a half to four and three-fourths millions of people. We look out upon that great ocean. We take a lively interest in Alaska, in Hawaii, in Samoa, in the Philippines. We do not get seasick when we look upon the rolling waves. We are not afraid of the ocean. I pause to say that I hope to see that great ocean forever pacific in fact as it is in name. I want to see it plowed and furrowed by the keels of peaceful vessels. I never want to see its waters reddened with the blood of man. I want it to be a peaceful ocean, a great highway of commerce, carrying the products of our factories and farms and forests to foreign markets, and bringing hither such products as we can not advantageously produce, or produce at all. I want peaceful commerce over the Pacific Ocean, as over all the oceans of the earth; but I want to see that commerce carried on by the men of California, the men of South Carolina, the men of Georgia, the men of Florida, the men of Maine, the men of New York—the men of America—rather than by the Federal Government; carried on by men and women interested in the problem, rather than by incompetent politicians sitting here in Washington or traveling hither and yonder across this country, meanwhile costing the people hundreds of millions of dollars. I want the rights of man preserved, the rights of the citizen, rather than to see the Federal Government swallow up, so to speak, the men and the women and the interests of America.

What can we do to rival Great Britain? Since when were we unable to meet Great Britain on land or sea? Perhaps we have not always been able to meet her in diplomatic councils. I regret to be obliged to admit that we have sometimes lamentably failed to meet her clever, far-seeing statesmen. Whatever may be said of Great Britain, this is true:

Whether it be Tudor or Plantagenet, Liberal or Conservative, Gladstone or Disraeli, Lloyd-George or Baldwin, they exalt England; they enthrone England in their hearts, and, proud of England as "a precious stone set in the silver sea," they have ever sought to extend her power and expand her commerce, not unwilling to see the fleets of every nation sink, providing that of Great Britain floats. My pride and love do not mislead me when I add that we have statesmen in America. Our misfortune is that they get panic-stricken, forget fundamental principles of our Government, and in the supposed interest of partisanship do what their better judgment fails to approve, and this they do out of a mistaken notion that they are benefiting their party. They now seem to have forgotten the wise words of a former President: "He serves his party best who serves his country best."

All I am asking in respect of this bill and others of like character is that the Nation's representatives in House and Senate shall not forget some of the fundamental, elemental principles of this Government, shall not forget that the Federal Government has only those powers which are specifically delegated to it or which, by necessary implication, are impliedly delegated to it; and that, instead of despairing, instead of admitting our defeat, we set about here in America to rival Great Britain, to rival France, or Germany, or Italy, or any of the maritime peoples of the Old World.

We can do it. Why not? We, the people, can do it, but no bickering Shipping Board can do it and no Federal Government operated necessarily by a limited number of men can do it. The Government can not do it, but the people of this country, if given proper and legitimate governmental assistance and encouragement, can rival any maritime people on earth.

What can we do legitimately to aid American shipping?

We can learn something from Great Britain, for example. How did Great Britain build up her great maritime power? Those familiar with the subject know how she did it. There was a time when she became the great workshop of the world. There was a surplus in the products of her factories, and she sought markets. Her statesmen looked to Madagascar or to South Africa or to Australia, to farther India, where there were peoples willing to buy, but the goods had to be delivered there. Ships had to be built and communication established. They gave long mail contracts to a company if it would set up a line and maintain a line from England to the remote market. They did that with the clear understanding that there would be a deficit in the post office department, that it would cost the Government something to carry out this mail contract, but that by the time the mail contract expired they would develop a great and profitable trade with that distant country and the company would be well established and able to maintain itself. We, on the contrary, have practically limited mail contracts to one year.

What can we do to encourage American shipping? We can enter into long-time, legitimate, advantageous mail contracts with American companies to carry the mail, which will be an aid to American shipping interests and advantageous directly and indirectly to every American industry, including agriculture.

What else can we do? We can extend our coastwise laws to our overseas possessions. I assume that all Senators know exactly what that means. Our coastwise trade is an American monopoly. We could extend our coastwise laws to the Philippines; and if we did, that would give us a practical monopoly of trade between the United States and that archipelago.

Mr. JONES. Mr. President, of course the Senator is correct in that we could do it if we passed legislation authorizing it to be done, but nearly 10 years have passed away and nothing has been done in that direction.

Mr. SHORTRIDGE. Exactly; I thank the Senator. I remarked a moment ago that we had done nothing we could have done under existing law. I did not pause to discuss why we had not, or to criticize those responsible for not doing it, but the fact is that we have not exercised the power which the law has vested in certain officials.

I say that we could extend our coastwise shipping laws, and in so doing we would be doing what other nations have done; what Great Britain, guided by great statesmen, has done; what she is doing to-day, avowedly unafraid and unashamed. I sometimes think we have become so cowardly as to be afraid almost to speak the words "Uncle Sam" and to assert the rights of Uncle Sam on this rolling earth.

As a third thing we could do we could relieve American companies from the payment of duty on repairs made in foreign ports, under conditions and regulations which would aid rather than harm American shipyards. We could do that. I do not carry in my mind the exact figures, but I think we have paid duty on repairs made in foreign ports during the last year to the extent of over $200,000. Whether we shall relieve entirely the payment of duty on repairs made in foreign ports, without imposing certain conditions, is at least debatable; but I am sure the law could be so adjusted as not to affect the revenues, as not to injure home shipyards, but so as to give relief to the shipowner, the navigator of the ship, who bought the material and made his repairs in foreign ports.

There is another way by which we could aid American ship companies owning American ships. There is possible a reduction in the income and other taxes on shipping property. We have exempted from the payment of revenue practically all the American people. There was by the last revenue law an exemption of an additional two and a half million people, so that to-day practically all the American people are exempted from the payment of any income tax. If we set about it, we could assist the shipping industry by relieving from taxation the incomes of companies derived from that industry.

We could aid them, of course, by making loans to American companies to build and maintain ships on such terms as would be highly helpful to them, and not hurtful to the Government, without the loss of a dollar in principal or in interest. That proposition has been explained here again and again, Mr. President, and I will not pause to enlarge upon it.

How else could we aid American shipping? We could give preferential tariff rates on imports brought in American ships. Turn back to the first tariff act, Mr. President, signed by George Washington on July 4, 1789, the second measure that ever passed the Congress, and it will be seen that that wise man, and the 26 wise Senators who were here then (we are 96 in number now but perhaps not as wise) encouraged and aided the American marine by giving preference to goods that were brought hither in American ships. Thus, the act of July 4, 1789, provided:

> On all teas imported from China or India, in ships built in the United States and belonging to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the 16th day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:
>
> On bohea tea, per pound, 6 cents.
>
> On all souchong, or other black teas, per pound, 10 cents.
>
> On all hyson teas, per pound, 20 cents.
>
> On all other green teas, per pounds, 12 cents.
>
> On all teas imported from Europe in ships or vessels built in the United States and belonging wholly to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the 16th day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:
>
> On all bohea tea, per pound, 8 cents.
>
> On all souchong, and other black teas, per pound, 13 cents.
>
> On all hyson teas, per pound, 26 cents.
>
> On all other green teas, per pound, 16 cents.
>
> On all teas imported, in any other manner than as above mentioned, as follows:
>
> On bohea tea, per pound, 15 cents.
>
> On all souchong, or other black teas, per pound, 22 cents.
>
> On all hyson teas, per pound, 45 cents.
>
> On all other green teas, per pound, 27 cents.

Mr. JONES. Mr. President, I think the Senator is aware of the fact that we had a provision in the act of 1920 requesting the abrogation of the treaties which prevented us from passing such legislation, but three Presidents, irrespective of party, failed to put that provision of the law into effect.

Mr. SHORTRIDGE. I am fully aware that the act of 1920 authorized the putting into effect of the provision that merchandise coming to America in American ships might be admitted at a different and a lower rate than when brought in foreign ships. I also know that it was considered that in order to enforce that provision it would be necessary to bring about the modification of certain existing treaties.

I am also aware of the fact that no one administration during this period has forced the issue, if I may use that expression. But I remarked before that I am standing here to-day, thinking of to-day and of to-morrow, and I am not ready to concede as a matter of law that it is necessary to modify any existing treaty in order for us to enforce that provision of the law. I do not wish to be thought dogmatic about it, but I am strongly of the belief that we have a perfect right and unrestrained power to provide as indicated, and that if we did so provide we would not be violating any existing treaty.

Mr. FLETCHER. Mr. President, if the Senator will examine into that a little further, he will find that the Supreme Court has held that we must denounce those treaties before any act of Congress can be effective.

Mr. SHORTRIDGE. Then I would denounce the treaties. But I wish to observe to Senators that the Constitution provides that the Constitution, and the laws and treaties made in pursuance thereof, is the supreme law of the land. If a treaty is negotiated and ratified which is contrary to existing law, it modifies that law, it amends that law, or supersedes that law. Also if an act of Congress is passed in direct violation of a treaty it is nevertheless the supreme law of the land; the law in effect denounces the treaty. I am not saying that that should be done. I am not saying that it is always wise to do so. I would not wantonly offend another nation. But we did that precise thing with the Chinese nation.

There was a treaty with China, and yet the Congress passed an act which completely wiped out that treaty in so far as

immigration was concerned, and it did not require the Supreme Court of the United States to tell some of us that the last act of Congress was the supreme law of the land, even though it was in violation of an existing treaty.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Utah?

Mr. SHORTRIDGE. Certainly.

Mr. KING. I call the Senator's attention to a recent incident which supports the views which he is now expressing. The so-called "gentleman's agreement" which was entered into by President Roosevelt and Japan many years ago, received the sanction of Congress later on, and possessed the validity of a treaty. When the recent immigration law was before the Senate the President of the United States, through the Secretary of State, Mr. Hughes, challenged the attention of Congress to the fact that we were brushing aside what they conceived to be a treaty, by a legislative declaration, and asked that Congress refrain from enacting a law abrogating the gentleman's agreement treaty, at least until the State Department had an opportunity to take up the matter diplomatically with Japan with a view to having it abrogated.

On the other side of the Chamber there was great perturbation, and able Senators insisted that the treaty be abrogated by legislative declaration. This was done, but I stood by the Republican President and the Republican Secretary of State.

Mr. SHORTRIDGE. But the "gentleman's agreement," so called, was not a treaty. No President has the right to make a treaty.

Mr. KING. I agree with the Senator that the President can only negotiate a treaty, he can not make a binding instrument or constitute it "the supreme law of the land." It is believed that President Roosevelt exceeded his authority when he entered into the gentleman's agreement and acted under it as though it were a valid treaty, but by lapse of time, by congressional ratification at least upon two occasions, the Senate ratified and validated it, and when Congress set it aside over the protest of the Secretary of State some persons thought that it was an unwise and impolite act, at least a discourteous act. I believe the Senator from California should have supported the Republican President and Republican Secretary of State.

Mr. SHORTRIDGE. May I reply briefly in regard to the legislation referred to, that I contended that President Roosevelt never had any power to enter into the so-called gentleman's agreement——

Mr. KING. I have conceded that when he treated it as a treaty he exceeded his authority.

Mr. SHORTRIDGE. That it was not a treaty; and even if it were a treaty I would have argued, had the point been raised, that we could proceed to legislate in violation of it.

Mr. KING. Absolutely. I was supporting the Senator then. A treaty can be abrogated by act of Congress and the Supreme Court, in my opinion, will not hold a contrary view.

Mr. SHORTRIDGE. That is true. Therefore I come back to the point that if there are existing treaties said to stand in the way of the Congress enforcing that provision in the act referred to, namely, enforcing that provision which will admit goods at a different rate when carried in American bottoms—I do not concede that there is such a treaty standing in our way—we should, in the interest of United States shipping, enforce existing law. We would not violate the Constitution, but we would be acting for the benefit of America.

There are other provisions of existing law designed to aid American shipping which have not been put into force. I sometimes wonder whether certain members of the Shipping Board have ever read the act of 1920.

See what other nations do to aid their merchant marine. See what Australia is doing in the imposing of their customs duties, giving a preference in effect to goods which are carried in British bottoms. Why not legislate for America? When will the time come for America to exercise some of her rights to build up and maintain her merchant marine? The time is now. Government ownership and management of American shipping is a failure. Why continue? Why make private, citizen-owned American shipping impossible? Why forever be dependent on foreign nations for our ocean traffic?

Mr. President, I beg pardon for having taken so much time of the Senate. The people are weary of carrying the burdens of an admitted failure. I repeat, sir, the people are weary of carrying the burden of an admitted failure. The people are disgusted with the handling of the Government's business in the matter of our ships. The people are not in favor of Russianizing America. That way madness lies, Mr. President. I use that word Russianizing, and I mean to use it with all its hateful significance. We do not propose to Russianize America. So long as I can utter a word or put forth a feeble blow I propose to stand against Russianizing America, in exalting the state above the man, in making the state the master and the man the slave.

The people know that American capital and American labor can build and sail American ships if the Government will exercise a little sense and give to the shipping industry the aid it can give without injury to any other American industry. Far from injuring, the building up an American shipping industry would be beneficial to every farm and to every factory in the land.

The people of California are deeply interested in this question. They front the Pacific Ocean. They wish to see that ocean plowed, as I have suggested, and furrowed by the keels of peaceful vessels, pacific ships on the Pacific Ocean.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. SHORTRIDGE. I yield to the Senator from Florida.

Mr. FLETCHER. Boiled right down, it comes to this: Would the Senator rather see no merchant marine of any consequence under the American flag than to see the Government own and operate it?

Mr. SHORTRIDGE. We are not brought to that alternative. Turn the American loose! Let our Government favor him as all foreign nations favor their citizens or subjects.

Mr. FLETCHER. Private enterprise has not been doing it.

Mr. SHORTRIDGE. For reasons which I have here fully suggested.

Mr. FLETCHER. Is it the Senator's idea that the cost of building ships in American yards exceeds the cost of building them in foreign yards?

Mr. SHORTRIDGE. It does; and that is a handicap. I admit it.

Mr. FLETCHER. Does the Senator know that an American can build a ship in any yard in the world and have that ship admitted to American registry to engage in foreign trade?

Mr. SHORTRIDGE. Be it so.

Mr. FLETCHER. I will ask the Senator if he thinks that is not possible now? In other words, the point that it costs us so much more to build a ship in America than in a foreign yard does not apply to the argument here now because the Senator knows, I presume, and will not contend to the contrary, that an American citizen can build a ship in a foreign yard and have it admitted to registry here to engage in foreign trade.

Mr. KING. Mr. President, will the Senator permit an interruption at that point?

Mr. SHORTRIDGE. I yield to the Senator from Utah.

Mr. KING. May I reply in the Senator's time to the Senator from Florida? Within a year after the passage of that act more than 135 ships were purchased in foreign countries and placed under American registry. Within a short time thereafter some 20 or more ships were purchased by Americans and put under the American flag. More would have been purchased and more would be purchased now were it not for the suspended sword of Damocles consisting of the shipping act, which is a menace to privately owned and operated ships, to operate in foreign trade. It constitutes a threat of competition by the Government and deters individuals from building or buying or operating ships in ocean trade. If the Government will get out of the shipping business, we will have a merchant marine; we will beat the world in the operation of ships as we have beaten the world in railroad development. We have been more efficient in the construction and operation of railroads, notwithstanding the supposed handicap of higher wages, and we can beat the world in the building and operation of ships if the Government will get out of the way and give American genius and American initiative a free field and equal opportunity.

Mr. SHORTRIDGE. Splendidly uttered and true.

Mr. FLETCHER. I just want to call attention to this matter: We have been for seven or eight years trying to persuade American citizens and American corporations that they can build and own and operate ships, and can do a profitable business on the high seas. I do not believe that it is necessary to subsidize anybody to do that business. But they have not been willing to do it. Why they have not is another question. They have not done it. I know that American shipping under private ownership and operation is less willing to-day than it was in 1914, in spite of our having sold 1,140 ships owned by the Government.

What I have said about the right of American citizens to build ships in Belfast or anywhere else, and have them admitted to American registry in foreign trade disposes of any handicap

so far as difference in cost in building in American yards and in other yards may be concerned.

In that connection I call attention to the fact that we are taking care of American shipyards in the pending bill. That is the only place where they are taken care of. We are providing in the bill that all vessels built for the board shall be built in the United States. That provision is in the bill, and it is a very important provision. Where are the shipyards going to get business? They can get it only under this bill. They are not going to get it anywhere else.

Mr. SHORTRIDGE. So long as the Government was in the business, with the threat of taking over all the business, what wonder that American citizens' private capital has not engaged in the last seven or eight years in the industry? No American citizen or corporation, however powerful, from whatever State he or it comes, can compete with the great National Government of America. That is a sufficient answer, I think, to the Senator's query as to why American capital has not built ships during the last six or seven or eight years, or since the Great War.

But I must make an end. The mature and the enlightened judgment of California authorizes me to say, and I do say, that this measure is a poorly concealed attempt to commit the United States to Federal Government ownership and control of the shipping industry. I am authorized to say, and I do say, that this measure, which is an admission of failure of Government to successfully operate ships, should be defeated. Pass it if you will, pass it as you may, and it will go to the House. I trust it will die there. But if not, I am thankful that Calvin Coolidge is in the White House!

Mr. TYSON obtained the floor.

Mr. KING. Mr. President, will the Senator from Tennessee yield to me?

Mr. TYSON. I yield.

Mr. KING. Mr. President, I had intended to address the Senate in opposition to the pending bill. There are, however, so many features of it that are obnoxious to me, including the question of its constitutionality, that it would require more than the limited time before we are compelled to vote upon the measure for me adequately to express myself relative to it. I may, however, claim the attention of the Senate at a later time to discuss the bill.

Mr. TYSON. Mr. President, it is unnecessary to go into details with regard to the necessity and value of an American merchant marine, as that matter has already been so fully covered.

Every patriotic citizen in America who understands the situation is in favor of an adequate merchant marine. The report of the Shipping Board for June 30, 1927, states:

On July 3, 1926, the Senate passed a resolution (S. Res. 262), as follows:

"Resolved, That the United States Shipping Board be, and it is hereby, requested to prepare and submit to the Senate not later than January 1, 1927, comprehensive and concrete plans for building up and maintaining an adequate merchant marine for commerce and national security (1) through private capital and under private ownership, and (2) through construction, operation, and ownership by the Government.

"In response to this resolution, the Shipping Board, on January 11, 1927, submitted a report embodying certain plans for building up and maintaining an adequate merchant marine for commerce and national security. The board's report was made after hearings had been held in 33 cities in various sections of the United States. As a result of these hearings, supplemented by responses to 9,000 inquiries addressed by the board to representatives, organizations, and individuals throughout the country, sentiment of the general public was found to be as follows: (1) It was unanimously held that the United States should have an adequate merchant marine for national defense and for commerce. (2) With almost equal unanimity it was held that this merchant marine should be privately owned. (3) With equal unanimity it was held that until it is made possible for private interests to successfully own and operate the American merchant marine the Federal Government must continue to do so."

All Americans being united upon the proposition that an American merchant marine is absolutely necessary for the prosperity and future success and growth of our trade and of our country, it now rests upon us to determine the best methods to be pursued in securing an adequate American merchant marine to be permanently operated in the interest of the American people, whether publicly or privately owned, but with the idea that until an adequate merchant marine can be successfully owned and maintained by private parties we must continue whatever Government ownership and operation may be necessary to attain this end.

I shall address myself largely to what I consider to be the best practical plan to accomplish this result at this time.

It is the concensus of opinion that we should have a merchant marine that will be sufficient to transport at least 50 to 60 per cent of our exports and imports.

In the year 1830 we were carrying 89.9 per cent of our American exports and imports in American ships. This percentage gradually fell from that time down to the year 1910, when we were carrying only 8.7 per cent of our exports and imports in our own ships. In other words, we were carrying only one-sixth of our commerce that we should have been carrying. Up to 1916 all our merchant ships were owned and operated by private parties.

Then the World War came on, and through our building of ships for that great struggle we found ourselves at the close of the war carrying in the year 1920 42.7 per cent of our foreign commerce under Government operation, or five times as much as we were carrying under private ownership in 1910. In 1926 that percentage had decreased to 32.2 per cent.

The war gave us this great opportunity, and but for the necessity of building this vast number of ships for the war, it is more than probable that by 1920 our foreign shipping would have been practically wiped off the seas under private operation.

After the close of the war Congress, to its great credit, undertook to take advantage of the situation and passed an act which is destined to have a great influence on our country. I refer to what is known as the shipping act of 1920.

That act, in short, declared that it is necessary that the United States have a merchant marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war, ultimately to be owned and operated privately by citizens of the United States; that the policy of the United States is to do whatever may be necessary to develop and encourage the maintenance of such a merchant marine; that this purpose is the primary end to be attained; that in order to accomplish the declared purposes of this act and to carry out the policy declared, the board is authorized and directed to sell as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this act, all of the vessels referred to in section 4 of this act or otherwise acquired by the board.

The Shipping Board had turned over to it by the United States the greatest fleet of merchant ships that ever has been under one management in the history of the world, a grand total of 2,536 vessels of all types, aggregating 14,706,217 deadweight tons.

The handling and disposition of this enormous fleet has proved a complicated problem, for while Congress has authorized the sale of these ships as soon as practicable, consistent with good business methods, at the same time it has directed that these ships shall be used at the discretion of the board in the establishment of strategic trade routes, these in turn to be disposed of ultimately to American citizens.

We have heard much criticism of the Shipping Board and, while I hold no brief for the Shipping Board, it is only fair to say that this board has established many trade routes, so that steamships flying the American flag are again seen in the principal ports of the world for the first time in 75 years; and the last annual report of the Shipping Board states that not a single one of them is in competition with privately owned American-flag vessels.

A country's greatness is really largely measured by her foreign commerce and a still further measure of her greatness is how much of that foreign commerce is carried in ships owned by the Nation itself.

From the very earliest time down to this good hour the greatest nations of the world have ever been those which had the greatest shipping. The Phœnicians, the Egyptians, the Carthaginians, the Romans, the Venetians, the Dutch, the Germans, the Swedes, the Norwegians, the British, the Spanish, the Portuguese may be cited in illustration of this fact. Many of these nations were and are comparatively small nations so far as the land areas are concerned, but the measure of their greatness has largely been their capacity to fly their flag upon the seas.

Our destiny is both on the land and on the sea. Our flag must float in every port of the earth and our commerce must be coextensive with the world. In the past our shipping has languished. We are not ship minded. We have not properly fostered and encouraged our shipping. We certainly have not

done as much for it as have other nations, and we have found our shipping at times almost wiped off the seas.

By reason of the great fleet which we built during the World War, we have now the opportunity to maintain ourselves upon the seas and to extend our commerce and carry it in our own ships as we can never hope to do again if we fail to take advantage of the present opportunity.

It resolves itself into a question as to whether we shall hurriedly sell or give away to private interests the vast fleet which we now have, and take the chances that such private interests will be able to succeed in maintaining an adequate merchant marine not only for the present but for the future, or whether the Government shall take no chances but shall continue to operate a large part of our merchant ships until we have been able to build up trade routes that can be permanently and certainly maintained and then sell to private interests.

If we take example by the past, we certainly will not put too much confidence in private ownership of our shipping.

As I have said, from 1830, when we carried 90 per cent of our commerce in our own ships, privately owned, down to 1910, a period of 80 years, our shipping decreased at an average of 1 per cent a year, and, under the conditions which our ships must meet to-day, I have about lost hope that we can ever expect that private interests alone without adequate aid can carry and extend our commerce adequately upon the seas.

We are now in a position where we must make no mistake. If we trust our future in this respect to private interests alone, under the conditions as we now know them to exist, we are taking a very great risk, and at the end of from 10 to 20 years we may have no merchant fleet. While private interests may be able to accomplish the task of developing an American merchant marine, I doubt if it is possible owing to the unequal conditions they must meet.

I have studied this question carefully, and, while I am opposed on general principles to Government ownership and operation of almost anything, and would do anything in reason to prevent it, at the same time there are some functions that can be performed successfully at times only by the Government, and much as I may regret the necessity, at the same time, I feel that when the necessity arises to do a thing which is paramount to the security and future of our Nation, we should not hesitate to do it by any lawful means which are necessary to accomplish the desired result.

While the act of 1920 provides for private ownership ultimately, I have come to the conclusion that Government operation of our merchant ships is for the present—and perhaps for a considerable time to come; possibly for at least 10 years—the only sure mean of having and maintaining an adequate merchant marine. My reasons for this are the example of the past under private ownership, and the further fact that, while I believe American citizens to be as fine business men as are to be found in the world, at the same time, they can not accomplish the impossible.

Mr. President, we have two classes of shipping—coastwise shipping and foreign shipping. To show that our people are successful in the shipping business, whenever they have fair competition and can meet on equal terms, it is only necessary to point to the uniform success of our coastwise shipping under private ownership for 100 years and to point to the almost complete failure of our foreign shipping during the same period under private ownership. While coastwise shipping has been absolutely adequate and increasing to meet every demand, our foreign shipping has gone from bad to worse, until in 1910 it was practically wiped off the seas. No one will claim that shipping conditions are better to-day than in 1910.

Government ownership is criticized by a large number of people in this country, and properly so in most instances, but there are exceptions to all rules.

We have Government operation of the Post Office Department, and, while this might be more economical and more efficient under private operation, at the same time no one would consider placing the Post Office Department under private operation.

The Panama Canal would never have been built by private parties; it is under public operation, and it is as successful, perhaps, as it could be made under any sort of operation.

When the Cape Cod Canal was found to be utterly and hopelessly bankrupt and inefficient under private ownership, it was finally bought by the Government and placed under public operation, at the urgent insistence of those in this Congress who are now against the pending bill.

Whenever our Nation has found that there was a necessity for doing a thing, and no private persons could be found to do it successfully and continuously, the Nation has done it itself. It was necessary, as will be remembered, to build a railroad from Omaha to join the East with the Pacific coast. While this great railroad was not built actually by the Government, it was fostered and aided by the Government so as to make it possible.

When the State of Georgia found it necessary to build a railroad from its capital city, to join up with other sections of the country, it built and operated a railroad from Atlanta to Chattanooga. The State of North Carolina has built and operated its own railroads when the State found it could be done in no other way.

The junior Senator from Massachusetts [Mr. WALSH] on Friday last cited the case of public operation of the Boston Elevated Railroad. Many other instances might be cited.

The State of New York built the Erie Canal. The State of Maryland and other States have built canals in the past.

In fact, as I have said before, whenever the State or Nation has found that there is a necessity for a thing or a service, and no other instrumentality could be found to supply this necessity, the State or the Government itself has done the thing which no one else could do.

Owing to the conditions under which we are living, the high-tariff wall which surrounds this country, the high standard of living which obtains in our country, the beneficent laws which have been passed in the interests of our sailors on the seas, and many other conditions, it is utterly and wholly impossible to operate an American ship as economically as a foreign ship can be operated.

It is admitted that it costs about 50 per cent more to build an American ship than it does to build a foreign ship. The interest on the investment, the insurance, the high cost of repairs, the high cost of replacement, and everything else that goes into the purchasing and operating of a ship, is so much higher in this country that it is utterly impossible for our ships to be operated as economically as foreign ships. Therefore we must either have higher rates for our freight or a very much greater business in order to overcome this inequality, or adequate Government aid.

Higher rates can not be had for our shipping, and even a fair share of business is difficult to secure. Our ships have to go out into the world and compete with the world markets, and they have to operate under the conditions of a highly protected market; and I say to you, Mr. President, that in my opinion to continue to compete without loss under such unequal conditions is most difficult if not impossible.

If all our ships were turned over to-day to private interests without charging a single dollar of purchase money and without direct and substantial aid from the Government of the United States, in my opinion, due to this inequality, our merchant marine would be wiped off the seas, and we would in a few years have no merchant marine worthy of the name engaged in foreign trade.

The only way that an adequate merchant marine can be maintained by private interests is by paying the difference between what it costs to own and operate a ship in this country and under our conditions and that obtaining in foreign countries, so that if we turn our merchant marine over to private interests we must provide a subsidy or subvention or some other means of making up this difference in the cost of ownership and operation.

The American people apparently are against subsidies and subventions, as has been so forcibly pointed out to you by the distinguished senior Senator from Washington, who is in charge of this bill. Although he is strong for a subsidy, he thinks there is no chance for one by this Congress; and as he wants an adequate merchant marine, he realizes that Government operation is the only chance. He has been here much longer than I have, but I agree with him that there is no chance to secure a subsidy from this Congress or to secure greater aid than is now provided by law.

It looks as if we must have Government ownership or nothing, and not only Government ownership now but in order to insure that the policy laid down in the act of 1920—which is to encourage and maintain an adequate merchant marine—Government operation is, I believe, the only method that will ever be successful on all routes now being operated by the Shipping Board as long as conditions obtain in this country as compared to other countries as we find them to-day.

It seems to me that the time has come when we should no longer quibble about this matter, but we should determine what steps to take to provide a service for our country which is as necessary as the Army or the Navy. It seems to me that the

time has come for this Congress to stop debating, and to say to the country that we can only insure an adequate merchant marine by part Government operation and ownership at this time and until Congress is willing to give adequate aid.

They say that Government operation is a failure. But if Government operation is a failure, how much more of a failure has been the private operation of our merchant marine—a constant decrease in our shipping from 1830 of 90 per cent to 8⅞ per cent in 1910. Private owners have had the opportunity to buy the Government ships at their own price during the last seven years, and only 10 out of 35 trade routes have been bought.

The American business man is keen to make money. If he can successfully operate these ships, why does he not come forward and buy them? He never will buy them unless the United States practically insures him against loss; and the Congress does not appear willing to do that, and may never do so. In the meantime, the Government must operate these ships.

I confess that I believe it is going to cost this country a great deal of money. I doubt if we can ever operate a merchant marine in such a way as to make it profitable, or even in such a way that we will get enough out of its operation to pay expenses, replacements, and new construction. I do not believe that can be done by the Government, but I think it can be done much surer by the Government than in any other way at this time.

To-day we have the greatest foreign shipping service by our own ships that we have ever enjoyed. From every port of importance in this country—North, South, East, and West, on the Atlantic, on the Gulf, and on the Pacific—we have a fairly adequate service extending to every important port in the world, something which has never occurred before in our history.

Heretofore our ports on the North Atlantic have been built up at the expense of every port on the South Atlantic coast and on the Gulf; but now, for the first time, the southern ports and the Gulf ports have the same just, fair consideration as has been given to the ports of the North and East. We have to-day a national merchant marine not a sectional one.

The ports of Wilmington, Charleston, Savannah, Jacksonville, Mobile, New Orleans, and many minor ports are being given consideration, and our commerce is going out to the world as never before. We have now a fine connection with all the ports of South America on the east coast and on the west coast. No longer does a man in Argentina or Brazil who wants to buy in America have to go to Europe and then sail to America to buy goods. There was a time, only a few years ago, when we had no direct line from Argentina or Brazil to the United States.

When a Brazilian or Argentinian wanted to buy goods in the United States he had to go to Europe; and even if he thought of coming on to America the probabilities are that he stopped and bought his goods in Europe. Our trade in South America is increasing by leaps and bounds. It is the field for America in the future. It is the country which we should cultivate. It is our natural commercial alliance; and if we continue with the merchant marine as we have it now, our trade with South America will continue to increase. As for the west coast of the United States, it has also an adequate service at this time.

Mr. President, it has been said that the American merchant marine under the direction of the Shipping Board has lost an enormous amount of money—some $233,000,000—in the last seven years. That may be true; but, although there may have been waste and extravagance and bad judgment, it has been worth, perhaps, every dollar that it has cost.

But, Mr. President, there is now a much more efficient service. It takes time—sometimes a very long time—to build a business; and if the Shipping Board continues in the business I have no doubt the efficiency of the service will be better and better, and ultimately it may be able to run with comparatively little loss.

The losses have been decreased from $50,000,000 a year a few years ago to $12,000,000 the last year.

The Shipping Board took over all the ships and established 35 different trade routes from our ports to different ports of the world; and, acting under the directions laid down by the law of 1920, they have sold in seven years only 10 of these routes. Of course, they naturally sold the best routes, because they were the ones purchasers would naturally want to buy, and now we have some 25 routes left. Now, what can we do with these ships?

The President of the United States wants to sell them. His whole attitude has been to urge the Shipping Board to sell them. Every man interested in private shipping has wanted the Shipping Board to sell them. Pressure has been brought to bear on the board in every way to make it sell them.

Sections of the press of the country have been harassing them to get out of the shipping business. They have not been free agents. No one connected at any time with the American Shipping Board, no employee of the Shipping Board anywhere in the world, has had any idea of any permanency in his position. He has not been able to give that efficient service which he could have given if he had felt he had a long-time employment.

Everybody has looked upon Government operation as temporary. The Shipping Board has not been able to make long-time contracts. It has not been able to build up business with the certainty that it was going to stay in business. What would you think of a man in business who continually said he wanted to sell out and get out of business, who was not carrying the best stock of goods, who was constantly selling out the best things he had at any price he could get for them? Would you think he would ever be able to increase his trade or to get efficient service from those in his employ? Would he be able to build up any permanent business?

Suppose a man had property of any kind—dilapidated, worn-out property—and wanted to sell it. Would it not be the wise thing to put it in order, to repair it, to put it in the best of shape before he attempted to sell it?

Instead of that the Shipping Board has had no encouragement to rehabilitate its ships, has had no encouragement to improve its business, but has been constantly harassed with the cry "Get out of business," and with the order "Sell! Sell! Sell!" It has practically given away the lines that have been sold. Only eight-four millions has been received for ships that must have cost five to six hundred millions, perhaps a billion.

So, Mr. President, I believe that it will be utterly impossible to sell these ships to any private parties who can buy them and maintain the routes which are now established, and to increase the number of routes, unless we provide a great deal of Government aid.

We are up against a problem which, in my judgment, if we are going to carry out the provisions of the act of 1920, leaves us no alternative except to own and operate a merchant marine, certainly for the present, because there is no other instrumentality that will enable us to establish and maintain an adequate merchant marine.

In corroboration of what I have said, I wish to state that on the 10th of January, by the invitation of the Shipping Board, the great shipping interests of this country assembled here in the city of Washington. There was practically every line of steamship sailing under the American flag represented at that conference, and numerous addresses were made by those representatives. I wish to quote a few things that were said on that occasion to show the attitude of the private shipping interests toward the American merchant marine and what they think is necessary in order that we may be able to maintain an adequate merchant marine.

In the first place, they say that it costs 50 per cent more to build a ship in the United States than it does abroad. They further say that the wages paid in this country and the high standards of living enjoyed by the American people make very much higher costs than on foreign ships where there are lower standards of living, where wages are paid that prevail in other countries; and they say that—

> these differentials in costs can be met only in one of two ways, (1) through the Government absorbing the difference, or (2) through increased earnings of American ships as compared with foreign ships.

I want to call the attention of the Senate to the fact that they state—

> that the monthly cost of wages and sustenance on an oil-burning 9,000 dead-weight-ton American ship is $4,041, as compared with $2,690.42 on a substantially similar British ship, or $1,450 more; $1,581.99 on an Italian ship, or $2,459 more; $1,425.29 on a French ship, or $2,616 more; $1,371.58 on a Japanese ship, or $2,670 more.

How can our privately owned ships compete against such costs?

I wish, for the information of the Senate, and in order to show the great disparity between wages and costs of operation of an American ship and ships in other countries, to place in the RECORD some tables giving comparative statements of costs of operation of ships in this country and abroad. I ask unanimous consent to have these tables inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

EXHIBIT A

Comparative statement of wages, number of crew, and subsistence—American vessels as compared with vessels of Norway, Great Britain, Italy, France, and Japan

	United States		Norway	Great Britain	Italy	France	Japan
Trade route			West coast United States, west coast South America.	Tramp.	Italy-Australia.	Havre-New York.	Trans-Pacific.
Type of vessel	Cargo.	Cargo.	Freight.	Cargo, Three Island.	Cargo, third-class passenger.	Freighter, recip. 3.	Cargo.
Propulsion	Coal.	Oil.	Recip. oil.	Oil, triple expansion.	Oil.	Scotch coal.	Oil.
TONNAGE							
Net			2,307	3,192	5,089	2,908	4,227.
Gross			3,785	5,041	8,839	4,579	5,860.
Dead-weight tons	9,001	9,001	6,000	8,875	10,000	9,200	9,090.

Crew

CREW, NUMBER AND WAGES	Number	Wages	Number	Wages	Number	Wages	Number	Wages	Number	Wages	Number	Wages	Number	Wages
Deck department:														
Master	1	$290.00	1	$290.00	1	$240.00	1	$170.10	1	$72.45	1	$91.91	1	$98.00
First mate	1	185.00	1	185.00	1	126.66	1	104.49	1	57.96	1	74.67	1	63.70
Second mate	1	165.00	1	165.00	1	113.33	1	84.80	1	49.68	1	57.44	1	46.55
Third mate	1	150.00	1	150.00	1	100.00	1	63.18	1	43.47	1	40.19	1	41.65
Fourth mate											1	35.40		
Carpenter	1	80.00	1	80.00	1	66.66	1	60.75	1	25.88	1	16.98	1	25.48
Bosun	1	75.00	1	75.00	1	66.66	1	55.99			1	16.98	1	27.93
Able-bodied seamen	8	500.00	8	500.00	4	213.32	5	243.00	8	165.60			2	38.54
Ordinary seamen	2	95.00	2	95.00	1	160.00	2	92.34			8	63.92	2	37.24
Radio	1	105.00	1	105.00			1	67.91	1	43.47	1	22.98	1	51.45
Quartermaster													4	90.16
Cabin boy											1	5.66		
Deck boy					3	79.98			4	49.68				
Boy											1	5.66		
Apprentice													1	14.70
Engine department:														
Chief engineer	1	260.00	1	260.00	1	146.66	1	119.07	1	72.45	1	68.93	1	88.20
First assistant	1	185.00	1	185.00	1	120.00	1	104.49	1	57.96	1	42.12	1	49.00
Second assistant	1	165.00	1	165.00	1	100.00	1	77.76	1	49.68	1	34.07	1	41.65
Third assistant	1	150.00	1	150.00			1	63.18	1	43.47	1	32.17	1	31.85
Deck engineer							1	55.99						
Oilers	3	217.50	3	217.50	4	326.64	3	145.53	6	131.64	4	67.92	4	94.08
Firemen	9	607.50	3	195.00	4	213.32	9	429.57	9	197.46	13	207.74	6	135.24
Coal passers	3	180.00												
Wipers			2	115.00	3	139.98								
Steward's department:														
Chief steward	1	120.00	1	120.00	1	93.33	1	70.47	1	21.32	1	18.65	1	26.95
Steward											2	33.96		
Chief cook	1	100.00	1	100.00	1	66.66	1	65.61	1	21.56	1	21.98	1	22.05
Second cook-baker	1	80.00	1	80.00	1	46.66					2	33.96		
Mess boys	3	126.00	3	126.00	1	26.66	2	41.31	3	37.26			2	41.16
Total	42	3,836.00	35	3,358.50	35	2,346.52	35	2,115.54	42	1,140.99	45	993.29	34	1,085.58
Subsistence per month		819.00		682.50		420.00		574.88		441.00		432.00		306.00
Total		4,655.00		4,041.00		2,766.52		2,690.42		1,581.99		1,425.29		1,371.58
Subsistence per man per day		.65		.65		.40		.54¾		.35		.32		.30

Compiled by the American Steamship Owners' Association from statements received from the United States Shipping Board Nov. 14 and 22, 1927.

Mr. TYSON. I wish to call the attention of the Senate in this connection to the fact that on an American ship the shipmaster is paid on an average $290 a month.

On a British ship in the same service he is paid $170 a month.

On an Italian ship he is paid $72.45 a month.

On a French ship he is paid $91.91 a month.

On a Japanese ship he is paid $98 a month—about one-third of what he is paid in America.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New York?

Mr. TYSON. I yield.

Mr. COPELAND. What solution, then, does the Senator propose? Certainly if the conditions outlined so well by the Senator prevail, somebody must make up the deficit. It has to be paid anyhow. If we do not help the private operators of these ships to maintain them, the country will certainly have to continue to make up the deficit, which amounts this year to $17,000,000, and the bill which will be before us in a short time provides for $13,000,000. There must be a contribution made. Does the Senator contend that it is better to make that contribution by the more or less defective operation of these ships in public hands than to make half that contribution or a quarter of it in a way that would encourage private interests to put these ships on the sea and to maintain them in an effective way, such as we would have ships carrying the American flag to be maintained?

Mr. TYSON. Mr. President, I agree with the Senator that we have to grant Government aid if the ships are operated privately. The point I am making in my address is that the Congress of the United States is not willing, at this time at least, to give a subsidy or a subvention that is necessary in order that these ships may be privately operated, and as we want them operated, we must operate them by the Government itself, whatever the cost may be.

Mr. COPELAND. Mr. President, will the Senator further yield?

Mr. TYSON. I will have to ask the Senator to defer his question until I get through, because I am near the end of my address. Then, if he will propound his question I shall be glad to answer.

It will be seen from an examination of the tables I have presented that it would appear impossible to overcome the great handicaps under which American shipowners must operate without substantial Government aid.

To give you a further idea of what the private shipowners of this country think about the problem of maintaining themselves, I will quote further from the recommendations of the American Steamship Owners' Association represented at their recent meeting.

They say:

These higher costs have already been offset in some of the so-called essential services sold by the Shipping Board, through reduction in capital costs, and thus in the fixed charges of insurance, depreciation, and interest. But this means of meeting the differentials is only temporary, and will offer no permanent relief in the operation of new ships which will hereafter replace the low-priced ships sold by the Govern-

ment. To meet these excess costs of operation, aid should be given through mail contracts and appropriations for a naval reserve.

They further say:

If conditions generally are brought about in the shipping business so that the differentials in operating costs can be met, and replacements can be had at costs on a parity with the costs of building in foreign yards, then unquestionably a number, if not substantially all, of the services now being operated by the Shipping Board can be sold and the Government retired from the shipping business.

It will thus be seen, according to the statements made by these shipowners who are now in the shipping business in the United States, that unless the United States shall give substantial aid to meet the difference in cost of operation in this country and in foreign countries, it will be impossible to sell the ships which it now owns, and even then, that it will not be able to sell all of them, but only perhaps those which appear to give the greatest opportunity for profit.

They say in their resolutions passed while here:

That the present situation admits of no misinterpretation. Our overseas merchant fleet is being rendered obsolete by the rapid advance of science and invention which has completely revolutionized our vessel propulsion since our ships were bought.

They say further:

In the absence of a replacement and reconditioning program, early transfer of a substantial part of the remaining ships to private ownership with the assurance of continued operation is unlikely.

It will thus be seen that no matter what we do here, in the opinion of the American Steamship Owners' Association we can only hope to sell to private parties a part of the remaining ships we now have, unless we replace and recondition them. It is an idle dream to expect the United States Government to get out of the shipping business if we are going to have an adequate merchant marine, without passing this Jones bill or a similar bill or furnishing adequate Government aid.

They say further:

In these circumstances but two alternatives present themselves: One is to modernize the fleet, the other is to retire from the seas.

Here are men engaged in the business—private owners of ships—the very men who operate ships, and yet they consider that the only chance of ever selling our ships is to modernize the fleet, and failing that, we must retire from the seas. I do not blame them for refusing to buy ships they must operate at a loss.

There are those here to-day who are saying we should not spend any more money on the merchant marine, speaking in direct contradiction to the men to whom they are expecting to sell our ships and who ought to know most about the conditions obtaining in the shipping world.

Mr. President, it stands to reason that no set of men is going to buy these ships until they are reconditioned and put in order.

They further say that they believe that the Shipping Board has done its best to carry out the merchant marine act of 1920, but they further believe that a crisis has been reached and that the future of the American merchant marine depends on prompt constructive action by Congress.

They further say:

Whatever Congress may do along this line will be unavailing unless it provides a way whereby private American citizens will be able to own and operate modern ships on the ocean in competition with other citizens of maritime nations.

In other words, they are saying that unless we give them sufficient subsidy or aid to take care of an increased operating cost, an increased investment in this country over foreign countries, they will not be able to operate, and I am confident that they are right.

Now, the question is, How large a subsidy will they demand; and if we once put the ships in their hands, what guaranty is there that they will not demand more aid, more subsidy; and then, how would they guarantee an adequate and continuous service for a long time in the future?

They further recommend that the Shipping Board should lay before Congress full information as to the number of new ships which should be constructed in American shipyards to modernize the ships now operated by the board.

On Friday last the question was asked in this Chamber as to whether or not any of the lines sold to private owners were now making money. Of all those who appeared at the meeting called by Chairman O'Connor on the 10th of January, only one stated that he was making money. There may have been others. This man was representing the Export Steamshipping Corporation, sailing to Italy, Greece, Constantinople, Egypt, and North Africa; and to show that the small, slow boats can make money he stated that he had 21 vessels, totaling 109,496 gross tons and 184,172 dead-weight tons, and that the average speed of his vessels was 10½ knots, which is comparable with the majority of other flag tonnage now in existence.

He further stated that, "in his opinion, regularity of service is a greater factor than speed," but he said further, "that if we are to remain upon the seas, vessels of greater tonnage and speed are essential."

That is one of the reasons why the American merchant marine, as it is at present operated, is of such great value to this country, because they have ships going out of nearly all the ports of this country, and they have a regular service, so that when a man wants to ship an article from a particular port he knows he is going to have a ship there to take the article where he wants to send it.

The man to whom I referred also said:

I am not appearing here as opposed to Government operation, provided it is demonstrated that Government operation is necessary.

Here is the gist of the whole matter, however, when he says:

It is my intention to maintain this service of American-flag steamers with or without Government aid or encouragement as long as I am able to bear the financial load, but I am frank to say that no private American citizen can afford to finance out of his own funds an American-flag service in overseas trade without the assistance of the Government; and, failing Government assistance, the American merchant marine will have to be operated directly by the Government or, so far as private owners are concerned, be restricted to the coastwise trade, which is afforded protection comparable with the tariff under which our manufacturers are operating with a degree of unheard-of prosperity.

We thus see that every purchaser of the past and prospective purchasers of the future are demanding, as a condition to the successful operation of ships in foreign trade, greater aid than is now authorized by Congress, and we have been assured by the best of authorities that Congress will refuse to give it.

Mr. President, the United States is already providing aid for our foreign shipping. Section 24 of the shipping act provides that:

The Shipping Board and the Postmaster General, in aid of the development of a merchant marine adequate to provide for the maintenance and expansion of the foreign or coastwise trade of the United States and of a satisfactory postal service in connection therewith, shall from time to time determine the just and reasonable rate of compensation to be paid for such service, and the Postmaster General is hereby authorized to enter into contracts within the limits of appropriations made therefor by Congress to pay for the carrying of such mails in such vessels at such rate.

If our ships are not receiving enough aid it would appear to be partly, if not largely, due to the Shipping Board and the Postmaster General, as by this act they are expressly authorized to pay "just and reasonable compensation for services in aid of an adequate merchant marine."

Mr. President, so far as I am concerned I am willing to vote for all the aid that may be right and proper and necessary to maintain an adequate merchant marine, provided we pay for services rendered, and when those services are measured by a fair, just, and reasonable price and not paid as a lump sum without regard to work performed and service rendered.

It has been charged that requiring unanimous consent to sell ships will keep us from selling any ships. I do not think so. The bill as first amended in the committee provided that no ships should be sold without the consent of Congress, but this was changed by the committee to give authority for the board to sell by unanimous consent for the express purpose of permitting ships to be sold when a favorable offer was received, and not be delayed by having to come to Congress.

The President can change the complexion of the board, if he is not satisfied with it, by removals and appointments to meet his views, as he may have done in other commissions, and the only thing this provision does is to insure as far as possible that no contract for the sale of ships will be accepted unless it is favorable to the Government and insures as far as practicable the maintenance of an adequate merchant marine.

Mr. President, no more important bill for the welfare of our people has or will come before this Congress than the one we are now considering. This bill provides for a great program of reconditioning and reconstruction of our old ships and, when necessary, the building of new ones.

If these ships are conditioned and trade routes established and operated for a number of years and these routes are shown to be capable of being successfully operated, private interests will then know it and be ready to buy them. They do not

appear to be ready to buy them now, and these lines must be operated by the Government until that time shall come.

The passage of this bill, or a similar one, offers at this time, as I see it, the only opportunity of establishing and maintaining an adequate merchant marine, ultimately to be privately owned.

This program will probably cost us twenty-five to thirty millions of dollars a year for the next 15 years. At the end of that time we ought to have something to sell that private parties can afford to buy and maintain.

At this time we are preparing to spend from five hundred millions to seven hundred and fifty millions on the control of the floods of the Mississippi River.

When we think of the fact that we are spending some two hundred and seventy-five millions of dollars yearly on the Navy, supposedly largely for the purpose of protecting our commerce, and with a great new program suggested by the Navy to spend some $800,000,000 more on warships in the next 5 or 10 years, does it not seem extraordinary that we should balk at the small amount proposed to maintain a merchant marine for this great Navy to protect?

Mr. President, there are many people who are constantly afraid of war. I do not believe we are going to have any war. I do not believe there is a single Senator in this Chamber who will live long enough to see the United States in another war of importance. I do not believe there is any nation in the world that wants war with us; and if there were, that nation would have too much sense to dare to tackle this great and powerful country.

Although I do not believe there is going to be any war, at the same time I believe we should at all times be prepared for war, and we must maintain an adequate Army and Navy. They both cost much money, but they are national necessities.

Flood control of the Mississippi River is a national necessity. So, too, is an adequate merchant marine a national necessity; and we must be willing to spend the necessary money to maintain such a merchant marine, even if it has to be owned and operated by the Government of the United States until such time as it can be owned and operated permanently and adequately by private interests.

Mr. BINGHAM. Mr. President, I offer two amendments to the pending bill and ask to have them printed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. EDGE. Mr. President, I desire to give notice that when the bill is reported to the Senate I shall ask for another vote on the amendment I offered permitting a majority of the board to dispose of ship property.

Mr. BRUCE. Mr. President, to-day I offered a substitute for the amendment I originally offered to the pending bill, which amendment was pending. I now withdraw the substitute.

The VICE PRESIDENT. The substitute is withdrawn.

OUACHITA RIVER BRIDGE, LOUISIANA

Mr. RANSDELL. Mr. President, I ask unanimous consent to have taken from the desk three bridge bills, to which there is no objection, and I ask for immediate action on them.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5725) to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Monroe, La.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLACK RIVER BRIDGE, LOUISIANA

The bill (H. R. 5726) to extend the times for commencing and completing the construction of a bridge across the Black River at or near Jonesville, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BAYOU BARTHOLOMEW BRIDGE, LOUISIANA

The bill (H. R. 5728) granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near Point Pleasant, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE WOMEN OF AMERICA VERSUS ALCOHOL AND WAR

Mr. SHEPPARD. Mr. President, I ask to have printed in the RECORD an address by Mrs. Edward Thurman Smith, of Missouri, at the first convention of the National Woman's Democratic Enforcement League, at the Mayflower Hotel, in Washington, on January 9, 1928, on the subject "The Women of America versus Alcohol and War."

The VICE PRESIDENT. Is there objection?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Madam President and fellow Democrats, I am happy to meet here the Democratic women who are looking backward with horror and forward with assurance and determination. The significance of the National Woman's Democratic Law Enforcement League is that for eight years the Democratic political leaders have not been in touch with the majority of Democratic voters.

A noisy minority element has been instrumental in creating the impression that the Democratic Party is what is designated as the "wet" party.

The majority of the Democratic men and women resent this false position in which the party has been placed. They realize that while wet New York City is governed by a wet Democrat, wet Philadelphia's mayor is a Republican, and that a majority of the so-called wet big cities are governed by Republicans.

These men and women are justly proud of the Democratic Party and its great achievements, and resent with deep anger and humiliation this attempt to drag the party from its high estate.

The law-abiding, Constitution-loving men and women of this country are stirred with resentment which has almost reached the culminating point at the lax enforcement of all laws, but especially the Volstead law.

The women of the Democratic Law Enforcement League are attempting to convince the leaders of the Democratic Party that a wet candidate must not be nominated to be the standard bearer for the party, because the women would repudiate such a leader. The women know that it would mean certain defeat to nominate a wet or a man whose character is open to attack at any point.

The women of this organization realize that Republican politicians are designedly fostering this wet propaganda and are working with the wet Democrats, knowing that organizations representing 12,000,000 women voters are pledged to vote for dry candidates and no others. These women are of all political faiths.

A few days ago Mr. Charles D. Hilles, of the Republican National Committee, was quoted by the press as saying that "the full dinner pail of the Republican administration could beat any wet candidate the Democrats had to offer."

Now, I am perfectly confident of one thing, and it is this: That Mr. Hilles's boasted "full dinner pail" would never be able to overcome the handicap of a wet Republican candidate for the Presidency.

Under the present administration we have not had law enforcement. We have had such open and flagrant nullifiers in office, who were supposed to enforce the eighteenth amendment and the Volstead law, that they have succeeded almost in nullifying all laws and turning this country over to the lawless. But the law-abiding, God-fearing people of all parties know just where and upon whom to fix the guilt, and realize that the ballot is the remedy.

The Democratic Law Enforcement League members are satisfied that the women of these United States will forget every other issue in the next election except the "wet," because there is in the hearts of these women a conviction that the law could be enforced if those in office desired to enforce it. Also that the women are determined to have a candidate who is "dry," and he is not to be accepted by a mere statement for law enforcement, but whose fitness and character must be proven by "precept and example."

The women of this Nation are a political factor not to be disregarded. The women in the main are dry, first, and partisan, second. They scan the personality and character of the candidate, and if he does not measure up to their standard they demand a better candidate in their own party or support the dry man upon the opposite ticket.

We have heard so frequently of late "that the President has no power to defeat the intent of the eighteenth amendment and the Volstead law." Is that true? If so, why do the wets clamor so insistently for the nomination and election of a wet man? Let us see what the President has power to do. The President appoints the members of the United States Supreme Court. Our last President appointed a majority of the present court. The President could, by appointment, should vacancies occur, change the personnel and thereby the viewpoint of the Supreme Court, which has been the foundation rock of prohibition. He appoints the circuit and district judges throughout the United States, and, if a local court acquits a prisoner, law enforcement has no appeal. He appoints the Attorney General and all the district attorneys who prosecute, and the marshals who arrest. The Secret Service men who detect are under his control through the Attorney General.

He names the Secretary of the Treasury, the Prohibition Director, the heads of the Prohibition Department, the customs and the coast guards who detect and raid and seize and interfere to prevent violations of the law and grant or refuse permits to handle alcohol. He appoints the Secretary of State, our envoys, ministers, and consuls to

other countries, who negotiate or fail to negotiate agreements for the prevention of liquor smuggling.

Through these appointments prohibition could be entirely nullified. The drys realize how supremely important it is to elect a President who is in full sympathy with the law. The power of appointment will make for enforcement or nonenforcement. A wet President could sound the doom of prohibition by making wet appointments. This is the truth, and should be perfectly understood by every dry voter.

I am pleading for the women in the case of the Women of America vensus Alcohol and War.

To my ctiy of St. Louis there came recently men and women from the Old World and the New to discuss the abolition of war. In this gathering were men and women of world prominence who have dedicated their lives to the outlawry of war, to the securing of the peace of the nations of the world by arbitration.

The sincere, thoughtful deliberations, the fine presentation of the ideals, truths, and plans for peace through education, to the end that all nations may unite to settle disagreements by courts of arbitration, instead of by the old savage method of fighting and killing, prove that the desire implanted in the hearts of men and women to serve God is realized through service to mankind. We recall with tender hearts the statement made by President Wilson at Helena, Mont., September 11, 1919:

"The truth is the regnant and triumphant thing in this world. You may trample it under foot, you may blind its eyes with blood, but you can not kill it, and sooner or later it rises up and seeks and gets its revenge."

And again, with pride, we lift our heads at his ringing words when he addressed the Senate, urging adoption of a woman suffrage resolution September 30, 1918:

"I tell you plainly that this measure which I urge upon you is vital to the winning of the war and to the energies alike of preparation and of battle. And not to the winning of the war only. It is vital to the right solution of the great problems which we must settle, and settle immediately, when the war is over. We shall need them in our vision of affairs, as we have never needed them before, the sympathy and insight and clear moral instinct of the women of the world. The problems of that time will strike to the roots of many things that we have not hitherto questioned, and I, for one, believe that our safety in those questioning days, as well as our comprehension of matters that touch society to the quick, will depend upon the direct and authoritative participation of women in our councils. We shall need their moral sense to preserve what is right and fine and worthy in our system of life, as well as to discover just what it is that ought to be purified and reformed. Without their counselings we shall be only half wise."

He is gone, but we are left to carry on. God help us to use our moral sense to preserve what is right and fine and worthy in our system of life and to look beyond the narrow vision of self in an effort to aid those who are threatened with the curse of war or alcoholism.

These are the issues nearest to the hearts of the women of the world. And the women of America are demanding a courageous leader—one with ideals above a party horizon. Not by docile ballot droppers but by the determined thinking women of the United States is this demand being made.

The party machines mean nothing to these women. North, South, East, and West the women are uniting with the resolution to fight for these two ideals, "No more alcohol; no more war."

Oh, the suffering and anguish endured by women from these two horrors from the beginning of time to the present day, generation after generation of sorrow, tears, bodily and mental torture, until now they are saying, with grim determination, "We will stop this; we will have no more of these two unnecessary evils." These two demons have eaten at the hearts of children, and their prohibition has become a part of the very being of women.

The Constitution of the United States is to the women of this country a sacred instrument of liberty, and its flouting is causing deep humiliation, anger, and resentment. It would be well for our political leaders to remember the women of France, who knitted while the guillotine was working. The great body of intelligent women of this country are resenting the fact that only a half-hearted effort has been made to enforce this law.

When, in 1794, a tax was levied on business to help defray the expenses of the Government, the whisky men refused to pay the tax, formed themselves into companies and resisted with guns the revenue officers who came to collect the taxes. President Washington commanded them to lay down their arms, and when they refused sent an armed force of soldiers to compel their obedience, and the brave whisky men ran away. Thus ended the whisky rebellion.

When the eighteenth amendment was adopted in 1919 there was no thought of a concerted movement to nullify it. It was accepted as the law by the mass of the people, because the great majority had spoken. But there had been drinkers in high places, men of wealth who, in their arrogance, could not conceive that this law was made for them as well as the other poor sots of the streets. Because these men in high places did not obey the law the distillers, brewers, and liquor men, with their political henchmen, began a campaign of propaganda that the law was made to regulate the poor man and deprive him of his personal liberty and his poor man's club, but the rich had all the liquor they wanted. Cunningly devised class-against-class propaganda.

Then the propaganda that was aimed to make us believe every house had a still.

Now, I know hundreds of families, and I do not know one where there is a still in the house or where they make or drink liquor, and I am sure the women of this organization have the same testimony to give.

In a recent article by J. Horace McFarland in Review of Reviews, on "Where is this booze?" he writes of traveling on the east and west coasts of Florida and not seeing either booze or drunkards. In Jacksonville he went purposely to Bay Street, that he had remembered as the nastiest wet place on earth, but he did not see any evidence of the former low saloons or drunken negroes. Nor did he see in Jacksonville a man intoxicated or any evidence of intoxication.

He told of going to St. Petersburg and having a rather extraordinary experience. He wanted to attend the morning services in the Methodist Church and was told that to get a seat he must be there at 9 a. m. He got about the last seat, and at 10.35 the congregation was dismissed because there was another waiting throng, and the service was to be repeated. He learned that this was the regular thing in the other churches; that they were doing double-turn work. He then describes his trip over Florida, that his wet friends had told him was so damp, and says he did not see liquor or an intoxicated person, and that surely there could not be much "kick" in booze which produces no outward sign. He averred that the truth is prohibition laws are being enforced a great deal better than most people believe, and on the average quite as well as are the laws that punish arson, crimes of violence, and the social crimes. That booze and narcotics can be secured by those who seek them, no doubt, just as those who wish to steal, burn, and do other mischievous things in defiance of the law can and will continue to do them. Mr. McFarland closes his story by saying:

"They are outlawed, and John Barleycorn is outlawed, and that is the one biggest thing that has happened in the United States since Columbus landed."

Now, I say "amen" to all that Mr. McFarland has written. I can speak from experience as an automobile tourist. I have traveled through every State in the Union, with the exception of one—Louisiana—and I have seen but two drunken men, one while waiting for the ferry at Wilmington, Del., to cross Delaware Bay to Penns Grove, N. J., and one who was driving a car and imperiled the lives of those in my car, as well as his own, by his recklessness on the mountain road as we were leaving Deadwood, S. Dak., for Yellowstone Park. I shall never forget that madman. But I wonder how many times our lives would have been in danger if we had open saloons on every corner in the towns and at the crossroads. No; I will vote to continue the filling stations for autos on the highways but not the liquor filling stations for men.

Now, another great sob propaganda was started by the personal-liberty preservers, "Prohibition is ruining young people." This is not true. The young people of to-day are doing the same as when I was young. We had the irresponsible and the responsible. The responsible young people went to church and Sunday school and day school, as they are now doing. Now more young girls are preparing for a business career, which, I think, is a wise thing for any girl. But girls and boys are interested in the Y. W. or the Y. M., or the Boy Scout or Campfire Girl activities, football, basket ball, swimming, tennis—all fine, healthful recreations to give them strength of body and clean minds to meet the vicissitudes of life.

But for a while this wet propaganda was so persistent that wherever one went in any part of the States it would be told that the young girls were being ruined by this poisonous liquor and that they were all carrying it in flasks. Pshaw! I do not believe the mothers of this country have all gone crazy. I am sure they have brought up their children in the nurture and admonition of the Lord, and we know that the youth so nurtured will not fail us. Each generation has its own problems, and my faith in the mothers of to-day is so strong that I do not worry about them but with them in their fear that the wets may bring back the reeking, foul-smelling saloon with its swinging door, loud laughter, and canned music to induce the youth of our land to enter into a place that would debauch them. A place where the robbers, thieves, pickpockets, election stealers, etc., met and hatched their plans. A place where the police went immediately to look for criminals, and found them. And yet in these places campaigns were planned and elections were decided.

President Nicholas Murray Butler, of Columbia University, asserts "that nothing is easier than to repeal the eighteenth amendment, and that the more the moral issues are pressed the weaker the case for prohibition becomes."

Dr. David Starr Jordan, former president of Stanford University, in an article in the Christian Science Monitor, headed "Prohibition, a defense of personal liberty," boldly challenges the assertion that the suppression of the liquor trade is "an attack on personal liberty."

"It is a defense of personal liberty against those oppressing the freedom of the rest of us. The saloon makes its neighborhood unfit for rearing boys. Under former conditions every saloon, every drunkard, and every man driving an automobile with liquor on his breath was a menace to his neighbors.

"The very fact that liquor victims and liquor apologists are now so active and in some quarters so plausible shows how deeply the destructive canker has eaten into America's national system."

Doctor Jordan's comments as a scientist on the evils of alcohol are of special interest.

"It may be remembered that the evil of liquor is not centered in drunkenness, for that is mainly nature's effort to throw off poison. When nature has been imposed on too long, becoming hardened to it, she ceases to revolt. It is absurd to refer to the saturated population of southern and eastern Europe as 'temperate.'"

The ravages of the "murderer" in the form of drink in France have been most effectively shown by the greatest of realists—Zola. From the standpoint of mental health saturation is worse than sprees. According to the statistics of Jean Bloch, France, in the last century, led the world in fatalities from alcoholism, of which mere drunkenness is a preliminary phase.

As to the purity of drugs, analysis has shown that few poisons (wood alcohol excepted) in liquor are more dangerous than ethyl alcohol itself, which is the chief constituent of all wines, beer, whisky, brandy, and other liquors. But it is certain that the American people would not for a moment consent that their National Government should go into the saloon business, for liquor is liquor everywhere, and everywhere it is disastrous to human well-being.

Alcohol, like opium, is a mind-destroying drug.

"If alcohol," says Doctor Cushny, of Edinburgh, greatest of pharmacologists, "were a newly discovered drug from some German laboratory, its sale would be everywhere prevented, even as cocaine, a much more useful and less dangerous drug, is now excluded from general use."

Doctor Jordan is squarely opposed to the views expressed by President Butler as to the possibility of repealing the eighteenth amendment. He declares that under no circumstances which he can imagine will it be repealed. The main purpose—that of breaking up the liquor traffic in America—will in time be achieved.

When a ruinous traffic becomes nation-wide only the Nation can deal with it. The remedy, if remedy exists, must be found in prohibition. And to be effective this must be national, for individual States can not fortify their boundaries. The old idea of State rights is giving place to that of "State duties." A duty which no individual State is capable of performing alone must be passed up to the United States, and State nullification of national statutes has not met the approval of history.

Dr. S. Parkes Cadman, president of the Federal Council of Churches, asks for a longer trial for prohibition. He declares that no sooner was prohibition established than its enemies began to encompass its destruction.

"After enduring drink for many centuries, nearly always with ignominious results, can we not endure prohibition even for a decade? I ask for a rigid enforcement of the law, and that by an equitable and rational public opinion, which will not be diverted from this magnificent experiment till it has had a fair opportunity. Give sobriety at least an equal chance with drunkenness."

The women have been waiting for the wets to attack the nineteenth amendment, and it has started. In a speech reported in the daily press the other day one of these little fellows said:

"The eighteenth amendment was unsound and the nineteenth amendment, the result of a few noisy women seeking notoriety, and both the amendments were hasty and ill-considered."

Now, we admit that women were deprived of their right, I shall not attempt to say how many years longer, but perhaps a hundred years, after this gentleman's forebears were permitted by their lords and masters to have a voice in their government. But I think he is not a good sportsman when he decries the fact of our citizenship—something we desired and prized enough to struggle years to gain—when he just happened to be born free. Also, we are not attacking the Constitution of our country, nor are we attempting to bring it into disrepute by deriding and belittling it.

The Supreme Court of the United States has decided as to the soundness of the eighteenth amendment, and I do not believe it will reverse itself because of this gentleman's attack.

O God, father of the whole world, help the men and women who are unintentionally aiding the wets in their propaganda of "being deprived of their personal liberty" to realize that alcoholism is a disease that has brought more misery to the world than any other, because it fastens itself onto the body, mind, and soul of men; because it makes beasts of men, both the educated and ignorant, sapping their brains, their will power, their judgment, their efficiency, and deprives their little children of their sight and hearing and causes them to be born cripples and imbeciles.

Help them to see the hands of the mothers and children stretched out in pleading to be saved from this terrible curse. Enable them to hear the sobbing, crying, terror-stricken little children, beaten and starved, deprived of the birthright to play and be happy, to be properly clothed and fed and to be given an education to prepare for citizenship.

Help them to hear the cry that is going up from these mothers and children all over the world for America to help them—America, the rich, the golden, the free, the happy Nation; America that saved the world in war; America, the Christian Nation, that has outlawed this curse of alcoholism and saved its own children. America, we cry to thee; we beg thee to save us from this monster that for money—the love of money—reaches out all over the world with the tentacles of an octopus and crushes the brains, the hearts, the souls of men, women, and little children.

O America, my country, God help us to hear and answer these prayers.

RECESS

Mr. JONES. I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. HEFLIN. I thought we were to vote at 5 o'clock.

Mr. JONES. No; it was agreed that the five-minute limitation on speeches should go into effect at 5 o'clock.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Tuesday, January 31, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *January 30, 1928*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, mighty to save and bless, subdue our wills and yet sustain our resolution. True love comes to its finest expression in self-sacrifice. So help us that our wisest learning, our best possessions, our brightest hours, and our largest abilities may be given to humanity. Fortify our wills that we may work bravely, earnestly, and wisely; we shall thus find life sweeter and service richer. The safety of our country lies in the virtues that spring from trust in God. Do Thou give balance to understanding, compensation for loss, and restraint for temper. When the day is done may cares roll away and Thine arms enfold us, which is the essence of the life divine. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Thursday, January 26, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agreed to the amendment of the House of Representatives to the bill (S. 1968) entitled, "An act to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes."

The message also announced that the Senate had passed without amendment a joint resolution of the following title:

H. J. Res. 81. Joint resolution for the amendment of the act of March 3, 1927, by authorizing an annual appropriation to carry out the cooperative experiments contemplated by the act.

The message also announced that the Senate had passed with amendments the joint resolution (H. J. Res. 131) entitled "Joint resolution providing for a commission to investigate and report upon the facts connected with the sinking of the submarine *S-4*, and upon methods and appliances for the protection of submarines," in which the concurrence of the House of Representatives was requested.

The message also announced that the President pro tempore had appointed Mr. HALE and Mr. SWANSON members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Navy Department.

CLAIMS AGAINST THE UNITED STATES

Mr. TILSON. Mr. Speaker, I ask unanimous consent that it shall be in order to consider under the rules of the House the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death. It is a bill from the Committee on Claims, and it is known as the general claims bill. It was con-

sidered and passed by the House in the last Congress in substantially the same form as it now appears.

Mr. GARRETT of Tennessee. Is that bill on the Union Calendar?

Mr. TILSON. Yes; it is on the Union Calendar.

Mr. BLACK of New York. Reserving the right to object, Mr. Speaker, I want to inquire of the majority leader what he proposes to do about the message which has just come over from the Senate in regard to the *S–4* investigation?

Mr. TILSON. In view of the fact that the chairman of the House committee that reported the resolution in the House is not present, no disposition will be made of it at this time.

Mr. BLANTON. Mr. Speaker, reserving the right to object, this claims bill is a most important bill, in that it confers upon every department of this Government the exclusive right to pass upon and determine claims up to the amount of $5,000, and confers exclusive jurisdiction upon the Compensation Commission in claims up to $7,500. It is a shifting of responsibilities of the Members of Congress to various bureaus of the Government. Is the gentleman from Connecticut asking that this bill be considered in Committee of the Whole House on the state of the Union or in the House?

Mr. TILSON. In the Committee of the Whole House on the state of the Union under the general rules of the House. It will be wide open for amendment.

Mr. BLANTON. Is this an administration measure that the floor leader is asking to be taken up out of order?

Mr. TILSON. No; a legislative act pure and simple.

Mr. BLANTON. Is the floor leader favorable to it?

Mr. TILSON. I am.

Mr. BLANTON. Then it is an administration measure.

Mr. TILSON. No; not necessarily so.

Mr. BLANTON. I shall not object to taking it up and shall not object to the gentleman's request, but I am going to ask for a quorum to consider it. There is not a large membership here now.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Mr. Speaker, I now ask unanimous consent that the general debate be confined to the bill, and that it shall not exceed three hours.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the general debate be confined to the bill, and that it shall not exceed three hours. Is there objection?

Mr. BLANTON. The time to be controlled by the gentleman from Massachusetts [Mr. UNDERHILL] and the ranking minority member of the Committee on Claims [Mr. Box].

Mr. TILSON. Yes; I add this to my request.

The SPEAKER. The time to be controlled by the gentleman from Massachusettts [Mr. UNDERHILL] and the gentleman from Texas [Mr. Box]. Is there objection?

There was no objection.

CHANGE OF REFERENCE

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that three bills, H. R. 9146, H. R. 9760, and H. R. 9779, be rereferred from the Committee on Naval Affairs to the Committee on Pensions, which has to do with general pension legislation. I have spoken to the acting chairman of the committee, and there is no objection.

The SPEAKER. The Clerk will report the bills by title.

The Clerk read as follows:

A bill (H. R. 9146) to amend the act of March 3, 1915, by extending to the widows or dependents of naval and Marine Corps officers and enlisted men who die and to enlisted men who are disabled as the result of submarine accidents the same gratuity and pensions as are allowed in the case of aviation accidents;

A bill (H. R. 9760) authorizing the granting of pensions to the dependents of the officers and men who lost their lives by the sinking of the U. S. submarine *S–51* and *S–4* in twice the amount due under existing law in each case; and

A bill (H. R. 9779) authorizing the granting of pensions to the dependents of the officers and men who lost their lives by the sinking of the U. S. submarine *S–51* and *S–4* in twice the amount due under existing law in each case.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota that these three bills be rereferred from the Committee on Naval Affairs to the Committee on Pensions?

There was no objection.

ADDRESS OF HON. JAMES A. REED

Mr. DICKINSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by reprinting the address of Senator JAMES A. REED, delivered at the Jackson Day dinner, Washington, D. C., Thursday evening, January 12, 1928.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks by reprinting the address delivered by Senator REED of Missouri on the occasion indicated. Is there objection?

There was no objection.

Mr. DICKINSON of Missouri. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Senator REED of Missouri:

The Jackson Day celebrations held in this city have come to possess great national significance.

This meeting to-night at which are assembled leaders from all parts of the Union gives promise of a sweeping November victory.

The sober thought of the Nation is turning toward the old and sound principles which Jefferson so wisely laid down and which with unflinching fidelity and superb courage Jackson maintained and defended.

Those principles are as true to-day as they were when first proclaimed. Every departure has brought its brood of evils culminating in an era of corruption which has aroused the indignation and awakened the fears of all thoughtful men.

It is the high duty of the Democratic Party to meet the crisis and fulfill the hopes of the people.

We shall succeed if we proceed in wisdom. We shall fail if we disregard the principles of natural justice. We shall equally fail if we subordinate great fundamentals to questions of expediency or exhaust our energies in disputes about problems upon which our own party associates are far from agreement.

Our energies ought to be consolidated in the promulgation of those great doctrines of government upon which the Democratic Party was founded—without which liberty would perish and about which all Democrats are in agreement.

Let us remember that if every Democrat insists upon having his own way in all things, nobody will have his way in anything.

The preservation of the liberties of the people; the restoration of honesty in government; the punishment of public malefactors; the development of the resources of the land and the safeguarding of our international rights are of imperative and paramount importance.

Let us pitch our tents on the old camp of Democracy; let us form upon the battle line which Jefferson so wisely laid out and which Jackson so gloriously defended, and which brought to our arms victory and to the country a half century of peace and prosperity.

I do not ask that these policies be accepted because they were championed by Jackson and Jefferson, but rather because they were just and wise policies. Sound when proclaimed, they remain sound to-day. The principles of justice, like the rules of mathematics, live through the ages. They belong to the eternity.

If I am capable of understanding the spirit of the Declaration of Independence or realizing the soul of the Constitution, this Government was established to insure to the citizen the exercise of his natural liberties as an individual, and to preserve to him inviolate the enjoyment of all his faculties of brain and heart and soul.

Government was therefore ordained to prevent an interference with these sacred privileges. It was not designed that we should here on this free soil reincarnate the abominable doctrine of tyrants that the great masses of men should be guided and controlled by rulers. Man was to be no longer ordered to take a certain course through life. Masters were no longer to forge fetters binding either the body or the brain. On the contrary, it was asserted that man was capable of self-government. He was to proceed upon his own initiative; he was to suffer for his own folly. He was privileged to pursue the highway of wisdom or walk a path which the majority regarded as foolish. He was to be "the master of his fate; the captain of his soul."

Accordingly no man, whether a private citizen or the holder of an office, was permitted to interfere with the citizen in the exercise of his natural and inalienable rights.

At that point the law stepped in with its "thou shalt not," but up to that point the law was to be silent.

Against that philosophy every tryant pronounced his anathema. Tradition shook its hoary locks and prophesied disaster. Timorous souls, shaking with apprehension, feared to embark upon such an uncharted sea. Everywhere arose the discordant chorus, "Man can not govern himself."

In one burning sentence all these maunderings were silenced; all these arguments demolished.

Jefferson said: "Sometimes it is said that man can not be trusted to govern himself. Can he then be trusted with the government of others?"

Disregarding the central purpose of government, we have piled law upon law until the new-born babe finds itself enmeshed in legal regulations which are intended to control its acts until death.

Twenty thousand Federal statutes, 600,000 State laws, uncounted ordinances of cities, plus myriads of regulations pronounced by hundreds of boards and bureaus seek to impose upon the living the will, the whim, and the caprice of those who are armed with a little brief authority.

The land is overrun with agents, spies, and informers, all constituting an immense and in many instances an obnoxious un-American constabulary.

Government has been centralized until the States have been shorn of many of their just rights and obligations, whilst there is a growing and shameful disposition on the part of State authorities to voluntarily surrender the attributes of State sovereignty without which liberty is jeopardized and from which corruption invariably springs.

I repeat that the business of free government is to protect the liberty of the citizen.

What are some of these rights?

At the very head and front I place liberty of conscience. Liberty of conscience not in the narrow sense that a man may worship without punishment by the authorities but in the broad implication that no man is to be subjected to any kind of punishment, obloquy, or disgrace because of his faith. To all men of all creeds exact equality is to be accorded, and neither in private life nor in public office is the free citizen of America to be placed on account of his religion under the ban.

Impair that doctrine to the slightest degree and you tear from the temple of liberty its central supporting pillar.

Of almost equal importance—indeed, interlocked in principle with the foregoing—is the doctrine of liberty of speech, of the press, and the right of peaceable assemblage.

No careful student of the events of modern years can fail to recognize that at times of passion and prejudice these great constitutional rights have at times almost vanished in thin air.

We have at times very nearly accepted the doctrine that the right of free speech is to be construed as the right to speak only that which is popular at the hour. And, yet, every person who reasons must know that such a construction destroys entirely the doctrine of free speech, for there is no necessity of protecting a man in his right to utter that which jumps with the majority opinion of the hour.

Again, the sacred right of freedom of the press which Jefferson praised so highly when he exclaimed in substance, "I would rather live in a government with freedom of the press and without law than to live in a government with law and without freedom of the press," was at one time seriously endangered. Happily, we escaped that calamity.

Going along with these rights are certain great fundamentals to which I make no reference except to say that they include, among other things, the right of trial by jury or petition for redress, of public and speedy trials, and the prohibition of excessive bails and the imposition of cruel and unusual punishments.

There is another right of prime importance—the right to own and enjoy property.

In these later years a vicious and wholly indefensible theory has been advanced that in some way it is a sort of crime or quasi-crime for men to accumulate large fortunes. This has been accompanied by a disposition toward confiscation, injustices, and inequalities.

The Democratic Party can not afford—no party can afford—to ever attack honest wealth honestly accumulated and honestly employed.

The man with an enormous fortune and the man possessing but a few dollars are entitled to exact and equal protection before the law and under the law.

But just because it is the business of government to protect property, it is also its business to see that the powers of property are not abused to the despoliation of the individual or to the unjust wreckage of smaller fortunes.

The whole policy of the law should be to preserve fair and equal opportunity for all individuals and for all wealth honestly employed.

To employ a metaphor, the high seas should be open to the commerce of all peoples, big and little, weak or powerful. Therefore it is the business of government for the preservation of that liberty of the seas to prohibit the employment of piratical craft, which, because possessed of heavier guns and greater metal, send to the bottom without right or justice all smaller competitors. So that in all considerations affecting property, it is the business of government to protect all honestly acquired property, and in that protection to see to it that no unjust and unlawful means shall be employed for the destruction of the weak.

The Democratic Party in its history has stood proudly for these policies, and has pursued a course of conduct calculated to encourage honest investment and fair returns. This has been its story from the first.

Jefferson in his day was accused of being the enemy of wealth. Yet by opening and keeping wide open the door of opportunity for all classes of people and by protecting each citizen, great or small, in that which he had justly acquired, there was set in motion the vast energies of an entire people and enterprise and genius was invited into the great ring of achievement, with the result that the wealth of the country was vastly increased beyond any point at which it could have arrived under a policy restricting the privileges of the masses or granting to the powerful the opportunity to destroy the weak.

That policy was gloriously exemplified by Jackson, who, as has been said here to-night and will be said as long as the principles of free government exist, struck down one great power which sought to monopolize to itself the control of the industries of the Nation by controlling its currency and credits.

Cleveland pursued similar policies. During the period of his administration all men felt their honest investments were safe, and all men feared to employ dishonest or piratical methods.

We were swept from power. Then came the administration from 1912 to 1920. That period is illustrious for many great achievements.

The President early in his administration took the initial step which, backed by a Democratic Congress, lashed a corrupt lobby from the city of Washington. Tariff revision was enacted, removing many of the injustices and inequalities of the old system, laying the foundations for a general tariff reform which could only be safely worked out through a period of years. Antitrust laws were strengthened so as to give the Government better opportunity to prevent abuses and exactions. But finally the great work of that administration was perhaps the enactment of the banking and currency system which supplanted the old and rotten system which had existed for more than a half century, and which had produced periodic panics and had paralyzed the country, and which so hemmed in and bound the banking system that credits could not be extended in time of disaster.

In place of that archaic and miserable system there was created the present Federal reserve banking and currency system. It withstood the shock of the World War; it maintained the credit of the United States at the highest point occupied by any nation; it furnished the funds for our allies; kept the furnaces of our factories and industries burning and the wheels turning.

There may have been mistakes in the administration of that law, due to the imperfections of human beings. The law stands as a great monumental work.

I would be remiss in my duty if I did not say a very large part of the credit belongs to two men—CARTER GLASS, of Virginia, and President Woodrow Wilson.

These were great constructive acts, and mark in general the course that ought to be pursued by our party in its policies of future legislation.

These acts were for the benefit of the entire country. They were not class legislation. They were not calculated to take from one citizen his property and confer it upon another.

In contrast with these laws is the policy so long pursued by the Republican Party of running the Government of the United States in the interest of favored classes.

The natural right of the citizen to purchase in the lowest market was swept aside. A law was passed to compel him to pay extortionate prices to the favorites of the law.

Deny it as we may, the tariff law was paternalistic and socialistic in its essentials. Vast fortunes were accumulated but the money was extorted from the consumer. To-day the farmer realizes that he must sell in a world market at a low level, and that he is compelled by law to buy in a high market artificially created. He has struggled against these conditions for a half century. To-day he stands at the edge of the precipice of bankruptcy. He finds himself in exactly the unfortunate condition the Democratic Party has for 50 years warned him he would come to.

And now we find the farmer demanding a tariff or some means of relief from the inequality created by the law. His appeal is met with the cry that his doctrine is socialistic, bolshevistic, communistic. And the cry comes loudest from the lips of those who have demanded and received in principle the same kind of relief.

The just historian in writing the story of the Republican Party must declare that almost from the first it and its progenitor have sought not to serve the people equally but to serve them unequally—to create special classes and special interests.

To that fact we may trace most of the corruption that has cursed the land.

Whenever capital understands that it can gain special favors from government it will put up its money in campaigns as a pure business proposition, expecting heavy returns upon that investment. So that the years that have gone by are ugly and repellant with the stories of graft and political corruption.

It was Matt Quay who had help by law to fatten the manufacturers and who then declared he proposed to "fry the fat out of them."

It was Dudley who gathered in an immense corruption fund and employed it voting repeaters in "blocks of five" in the pivotal State of Indiana.

It was Mark Hanna who with unblushing effrontery purchased the colored delegates from Southern States, fixed the policy of his party, and then with a fund so large that his emissaries didn't know how to spend it, proceeded to the corruption of the ballot box of many States.

It was a few great protected capitalists who gathered in a room and proposed at one sitting to put up hundreds of thousands of dollars to nominate their favorite son for the Presidency.

It was another of the candidates of that party who paid out $38,500 to practically buy the delegates from the State of Missouri.

It was the organization of the same party who started a scheme to raise from thirteen to twenty millions of dollars to be employed in a political campaign.

It was the representatives of these interests, headed by Daugherty, of Ohio, and Penrose, of Pennsylvania, who, in the small hours of the morning, in a smoke-filled room, as they described it, agreed to nominate Mr. Harding; and it was a truculent convention which ratified their acts.

Back of these men were the interests that proposed to enrich themselves by the perpetuation of the tariff graft, by the theft of the oil lands—interests that are willing to fatten and batten upon the lifeblood of the Republic.

What wonder then when such men bid for such prizes that members of the Cabinet become corrupt; that public lands are delivered to the bribe giver; that corruption stalked through the departments of Washington; that the Attorney General literally bedded with the most notorious grafter of modern times, the most commendable act in whose life was that of felo de se.

So long as these prizes are hung in the political market they will be bid for by the corrupt, the venal, and the vicious. Cupidity is without conscience, and dollars like waters seek their lowest level.

Witness the spectacle of Pennsylvania. The Secretary of the Treasury proceeded to that great Commonwealth and informed the people that he spoke in the name of the President. He demanded the renomination of Mr. Pepper, and he demanded it in the name of the great interests that have so long enjoyed protection in Pennsylvania. Together with the members of his family he assembled the political pundits of Pennsylvania. He effected combination. He and his brother subscribed $75,000 as an initial ante in a political jack pot. Over $2,000,000 was spent for one candidate; 50,000 men and women were employed at $10 a day to work at the polls in the single city of Pittsburgh.

Money was carried about the State in gripsacks. Banks were so far as possible avoided. A single manufacturer boldly stated that he contributed $400,000, and that he did so in order to perpetuate the advantage of the manufacturers of Pennsylvania, namely, the exemption from all taxation for State purposes. This saturnalia of corruption was organized by the Secretary of the Treasury, who sits today in the Cabinet.

Upon the other hand, VARE gathered his grafters, his bootleggers, his friends, and that political organization which Root once described in substance as unspeakably corrupt. They piled up a majority in the city of Philadelphia exceeding 200,000. VARE was apparently triumphant. During the preliminary campaign the Mellon forces described VARE as wholly unfit for office, and charged that his occupancy of a seat in the United States Senate would be a public disgrace and menace.

No sooner, however, had VARE apparently triumphed than did the cohesive power of money and graft bring these gentlemen together. Mellon's nephew became the chairman of the committee to consummate at the polls the iniquity of the primaries. Mellon, standing in the Cabinet and almost from the steps of the White House, impiously declared that the contributions were as honest as ever made to a church of Almighty God. And Mellon still holds his seat in the Cabinet and the President "openeth not his mouth."

That is part of the story. When the oil frauds were being exposed; when the Senate, with no power except the mere right to issue a subpœna, was searching the land for evidence, the Department of Justice was not only paralyzed but worse than paralyzed by the presence at its head of Mr. Daugherty, the unspeakable. The Senate demanded his expulsion. The President treated the request of the Senate with contumely. He kept him in office during the critical period when the evidence could have best been discovered, and then discharged him on an inconsequential matter and with a letter of confidence.

It is safe to assert that the present Republican administration has been as subservient to the great protected interests as the office boy is to the head of the corporation for which he works.

Part and parcel of this subserviency is the yielding to the demand made for the cancellation of the foreign debts. That demand comes chiefly from the holders of the securities of European nations or from those who brokered these obligations. The reason is obvious. If our Government can be induced to cancel its claim, then the claims of these private holders of European securities will be assured payment. This administration has played into the hands of these gentlemen, who are willing to transfer billions of dollars of indebtedness from European nations and place that heavy burden upon the backs of the American people.

Is it not time to have an American administration which represents the American people, that feels the fervor of Washington's patriotism, and that acts with the deathless courage and unflinching honesty of "Old Hickory" Jackson?

APPROPRIATION BILL FOR THE DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND LABOR

Mr. SHREVE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8269) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 8269, with Senate amendments, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, may I ask the gentleman from Pennsylvania whether he can assure the House that that is satisfactory to the ranking minority member of the subcommittee?

Mr. SHREVE. Mr. Speaker, I am pleased to say it is.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Messrs. SHREVE, TINKHAM, ACKERMAN, OLIVER of Alabama, and GRIFFIN.

LETTER OF THE PRESIDENT OF THE EXECUTIVE COUNCIL OF THE IRISH FREE STATE

The SPEAKER. The Chair lays before the House the following communication:

The Clerk read the communication, as follows:

IRISH FREE STATE LEGATION,
Washington, D. C., January 26, 1928.

The Hon. NICHOLAS LONGWORTH,
The Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: On the conclusion of my visit to the Capital of the United States I beg to convey to you, and through you to the Members of the House of Representatives, my very sincere thanks for the most cordial reception you accorded me on Wednesday, and to say how much I appreciate the privilege of meeting the Representatives on the floor of the House.

I return to Ireland with the happiest recollections of the welcome I received from Congress as the Chief Executive of the people of the Irish Free State.

Believe me, dear Mr. Speaker, yours sincerely,

WILLIAM T. COSGRAVE.

CALL OF THE HOUSE

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 20]

Abernethy	Dempsey	Kent	Prall
Aldrich	Denison	Kindred	Rainey
Andresen	De Rouen	King	Sabath
Anthony	Dickstein	Kopp	Sanders, N. Y.
Auf der Heide	Douglas, Ariz.	Kunz	Sanders, Tex.
Beedy	Doutrich	Kvale	Schafer
Begg	Doyle	Langley	Sirovich
Bell	Drewry	Larsen	Snell
Boies	Driver	Lea	Sproul, Ill.
Boylan	Estep	Leatherwood	Sproul, Kans.
Burton	Evans, Calif.	Lehlbach	Steagall
Bushong	Foss	Lozier	Strong, Kans.
Butler	Frear	McMillan	Strong, Pa.
Campbell	French	Major, Mo.	Strother
Carew	Fulmer	Mead	Sumners, Tex.
Carley	Gallivan	Michaelson	Sweet
Celler	Golder	Mooney	Taber
Chase	Goldsborough	Moore, N. J.	Tucker
Connally, Tex.	Graham	Morin	Weller
Connolly, Pa.	Hancock	Norton, N. J.	Williams, Mo.
Cooper, Ohio	Hoch	O'Connor, N. Y.	Wingo
Corning	Hughes	Oldfield	Wolverton
Cramton	Igoe	Oliver, N. Y.	Woodrum
Cullen	Irwin	Palmer	Wurzbach
Curry	Johnson, S. Dak.	Parker	
Davey	Kendall	Parks	

The SPEAKER. Three hundred and thirty Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

LEAVE OF ABSENCE

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Virginia, Mr.

TUCKER, be granted an indefinite leave of absence on account of serious illness in his family.

The SPEAKER. The gentleman from Virginia asks unanimous consent that his colleague, Mr. TUCKER, be granted an indefinite leave of absence. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, my colleague, Mr. SPROUL of Illinois, is absent on account of illness, and I ask unanimous consent that he be excused indefinitely.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. UNDERHILL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9285, with Mr. LAGUARDIA in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9285, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. BLANTON. Mr. Chairman, with the understanding that the bill be printed in the RECORD, I shall not object. If the gentleman will couple that with his request, I shall not object.

Mr. UNDERHILL. Mr. Chairman, I think we had better have the bill read.

The Clerk read the bill.

Mr. UNDERHILL. Mr. Chairman, this bill vitally affects every Member of the House and should interest every Member of the House.

In presenting this matter for your consideration I would call to your attention the fact that the House passed this bill unanimously at the last session. The present bill is almost identical, carrying a few minor changes, which I will explain later. There is little I can add to the presentation which I made to you on a previous occasion, but a brief review of the situation and the provisions of the bill will serve to refresh your memory.

The Claims Committee is the oldest standing committee of the House, established November 13, 1794. The Court of Claims was established in 1855, its powers extended in 1862 and 1866, and by the Bowman Act in 1863. These various acts afforded little relief until 1887, when the Tucker Act "provided for bringing suits against the Government."

There is a rather interesting coincidence connected with these last two acts. The Bowman Act takes its name from Hon. Selwyn Z. Bowman, who at that time was a resident of my city of Somerville, in Massachusetts. The father of our colleague from Virginia [Mr. TUCKER] introduced and passed the Tucker Act, which made the Bowman Act of some real value; and Mr. Tucker, during his incumbency here, represented the district in which I was born in the State of Virginia. I follow along with those two gentlemen in trying to find some relief for a serious situation, which has increased a thousandfold since those days.

Concurrent jurisdiction under the Tucker Act in suits up to $10,000 was given to the United States district courts. Jurisdiction under these acts was limited to contract claims. Since then Congress has passed a number of laws granting additional relief. In 1914 to the Agricultural Department to reimburse owners of horses, vehicles, and so forth, lost, damaged, or destroyed while being used in fire fighting; in 1910 the Commerce Department, empowering the Commissioner of Lighthouses to consider and settle claims occasioned by collision not to exceed $500; same power extended to the Superintendent of the Coast and Geodetic Survey in 1920; in 1917, 1918, 1919, 1920, and 1922 the Navy Department was given additional powers; in 1914 the Post Office Department was given jurisdiction over burglary cases not exceeding $10,000, and in 1921 to settle property damages to the amount not exceeding $500. This latter provision was extended to the War Department in 1920. In 1916 the Employees' Compensation Commission was established, and in 1924 the World War veterans' act was passed. Two important acts were the act of 1922, known as the Underhill small claims act, which gave the departments the power to settle property damage up to $1,000, and the admiralty act of 1925, which authorizes suits to be brought against the United States in admiralty for damages occasioned by Government-owned vessels.

Mr. MONTAGUE. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. MONTAGUE. Did those cases arise out of contract or tort?

Mr. UNDERHILL. Those cases were for property damage.

Mr. MONTAGUE. Then they were tort cases and not contract cases?

Mr. UNDERHILL. Yes.

Mr. MADDEN. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. MADDEN. I am sorry I have not had time to make a serious study of this bill. Is it intended to pass it to-day or try to?

Mr. UNDERHILL. We hope to pass it to-day.

Mr. MADDEN. There is one provision in it which it seems to me should be eliminated. It is provided in the bill that a bureau chief, or at least the head of a department, may adjust claims up to $5,000. If a claim is adjusted, then it is ipso facto payable by the Treasury Department without any further consideration?

Mr. UNDERHILL. No; the claim must go to the Committee on Appropriations before it can be paid.

Mr. MADDEN. The bill does not read that way, does it?

Mr. UNDERHILL. Yes.

Mr. BOX. The gentleman will find the provision to which he refers on page 2, section (b). That provision requires the presentation of the evidence and all the considerations entering into the allowance of the claim to the Committee on Appropriations before it is allowed finally.

Mr. MADDEN. If the Committee on Appropriations must finally pass on such a claim it will probably be all right, because that committee rejects a lot of such claims, but even then I think it is putting a lot of responsibility and power into the hands of a bureau chief which ought not to be permitted.

Mr. UNDERHILL. I will say to the gentleman that I will explain that matter when I come to it, and if the gentleman believes it ought to be amended I shall be glad to consider any suggestion he may care to make, because I am always willing to consider his judgment in such matters as superior to my own.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. I wish the gentleman would permit me to go on with my statement. We have plenty of time, and when I am through with my statement I shall be glad to answer any questions the gentleman may propound.

Mr. BLANTON. I will wait until the gentleman finishes his set speech, and then I want to ask him some questions.

Mr. UNDERHILL. I want to touch on these two matters particularly. In 1922 an act, known as the Underhill Small Claims Act, passed the House. I say to you that that has worked admirably, economically, and equitably, and that over 2,000 claims have been settled at a minimum of cost, relieving the Congress of the burden of adjudicating over 2,000 claims. In 1925 we passed what is known as the admiralty act. Those of you who may be opposed to a change in the fundamental law of the land and hold the old idea that the king can do no wrong or that the sovereign or government can do no wrong, will be interested to know that the admiralty act is the most drastic piece of legislation along that line that has ever been passed. It allows suits in admiralty for damages caused by United States vessels on the seas.

You can bring suits for damages because of accidents which occur on the seas, and yet you have left out of consideration suits for damages which may occur on land. So if any of you think that this bill is drastic or revolutionary, just let me tell you it is simply a progressive step and in line with the measure which was passed in 1925.

In spite of all of this legislation the number of damage claims before the Committee on Claims has increased this year, and it is a physical and mental impossibility to consider more than a very small proportion of them. During the last Congress—Sixty-ninth—over 2,000 claims bills were introduced, and while the Committee on Claims held more meetings than in any previous Congress only 250 of such bills became law, the largest number, however, in the history of the committee. The printing expenses of the Claims Committees of the House and Senate for proposed bills, hearings, and reports during the Sixty-eighth Congress were $38,000. The cost to the Government of printing private bills, of which private claims form a considerable part, was for the last 10 years in excess of $500,000. Membership on the Committee on Claims has become a nearly intolerable burden, not only because of the number of claims submitted,

but because of the realization that careful judicial consideration of the claims is for the most part impossible.

The greatest dissatisfaction and the severest criticism of our Government in the matter of claims is the lack of a forum to which a claim may be taken as a matter of right as contrasted to the necessity for making supplication to favor of the governmental agency. Foreign governments are far more liberal in the practice of redress for claims than our Government. In England, if any person has in point of property a just demand upon the King, he may petition him in his court of chancery by what is called a petition of right. There the chancellor will administer right, theoretically, as a matter of grace and not compulsorily. In fact, right is administered as a matter of constitutional duty.

The idea that government is immune from the jurisdiction of the courts seems to have arisen from the application of the principles of the Roman law and the adoption of the monarchical principle that the sovereign can do no wrong. This theory of immunity on the part of the sovereign has been found to be impracticable and has been departed from materially by legislative or judicial action in all countries. In some it has been abandoned altogether. The idea that a government is immune from the jurisdiction of the courts is archaic, unjust, and inequitable. The Government can now be sued directly on matters of contract and in admiralty cases only.

In other words, if a big corporation has a contract with the Government and the Government does not live up to its obligations, the corporations can sue the Government. If you are the owner of a vessel costing a million dollars, more or less, and a Government vessel damages your vessel, you can sue the Government; but if you are a poor citizen, an ordinary taxpayer, and the Government injures you or your property on land, you have no redress except to come, with 2,000 others, to Congress in its brief sessions and ask Congress to adjudicate your claim.

Now, I am going to briefly set forth the provisions of the bill. First, it calls for an increase of the small claims act which was passed in 1922. The limitation contained in that act was $1,000, and departments were authorized to settle cases, where property damage occurred, up to that amount. The amount is increased from $1,000 to $5,000.

If you can trust your departments with the millions of dollars appropriated yearly, you certainly can trust the departments to settle property damages, which are easily ascertained, up to $5,000. There is no opportunity for fraud or collusion. The department has to come back to Congress with its report, and the Committee on Appropriations has full jurisdiction to either refuse payment or to act in accordance with the findings made by the department.

The same argument of the gentleman from Illinois [Mr. MADDEN], adduced here just a moment ago as being applicable in this case, was used in opposition to the small claims act when we first considered it. They said the heads of the departments were not competent or able to settle a property-damage claim which was easily ascertainable, yet you trust your departments with millions of dollars of appropriations—not just one million dollars or two or three million dollars, but millions of dollars—and since I have been on the Committee on Claims the largest business we have carried on in any one session was about $12,500,000. If we can appropriate hundreds of millions of dollars to the departments, I do not see why in the world we can not trust them to settle such matters up to $5,000, particularly when there is absolutely no opportunity for collusion or fraud, as the department has to make a return not to Congress but to one of the best, if not the best, committees in this House, the Committee on Appropriations. They must submit a full history of the case, including the amount awarded, the damages sustained, and the whole thing right through. This has to go to the Committee on Appropriations and then the Committee on Appropriations turns it down, if it wants to, or it goes through as a proposition recommended by the department.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. BLANTON. Then the saving clause in the gentleman's bill is a provision that after they settle the matter they must get by the watchful eye of the gentleman from Illinois [Mr. MADDEN] and his Committee on Appropriations.

Mr. UNDERHILL. I think that is very properly so.

Mr. BLANTON. Then the gentleman is shifting the burden of this proposition from his Claims Committee to the already overburdened committee of the gentleman from Illinois [Mr. MADDEN]; is not that true?

Mr. UNDERHILL. No; not at all.

Mr. BLANTON. In other words, the gentleman wants the gentleman from Illinois [Mr. MADDEN] and his committee to look into and go behind and delve into every one of these claims brought by the departments to the committee, which would kill him in six months with all the work he already has to do.

Mr. UNDERHILL. Oh, no. If the gentleman will please restrain himself, I will tell him there is nothing of the sort involved, positively. It simply cuts out one step or two steps in the adjudication of these claims. It removes it from political consideration, and, if you please, it removes it from the power of the gentleman through pique or otherwise to object to a perfectly legitimate claim. That is all this does. It gives an opportunity to the claimant which he does not have at the present time.

And, by the way, if anybody wants to offer an amendment reducing this amount, I am perfectly willing to entertain it and defend my position, and if the House decides it will not trust the department, all right and good, my responsibility ends.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. When the gentleman first came here the Government did not pay damages for its own tort, did it?

Mr. UNDERHILL. No.

Mr. BLANTON. This is an enlargement that the gentleman has been responsible for. In all of the jurisdictions of the various States between private individuals where there is a suit on tort, where contributory negligence is proven, that obliterates the case. The gentleman does not carry out that idea in this bill.

Mr. UNDERHILL. Oh, yes; he does.

Mr. BLANTON. Oh, he apportions the damage. The gentleman says the Government has been guilty of so much negligence and the claimant has been guilty of contributory negligence and we will therefore pay him a little bit less because of his own negligence—a different rule of law applicable to the Government to the one which is applicable between private individuals in the various States.

Mr. UNDERHILL. Not a different rule of law from that which the Government provides for the government of its own citizens, the people themselves.

Mr. BLANTON. The gentleman from Massachusetts is not a lawyer.

Mr. UNDERHILL. No, sir.

Mr. BLANTON. He is a layman.

Mr. BULWINKLE. Will the gentleman from Texas tell me when these tort claims were not paid by the Government?

Mr. BLANTON. They were not paid in this Claims Committee prior to the entry therein of the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. BULWINKLE. Oh, we passed them before that.

Mr. BLANTON. I would like to know when.

Mr. BULWINKLE. A tort claim in which the Government was wrong.

Mr. BLANTON. I was on the Committee on Claims when the question was first raised as to whether this Government would pay for a tort.

Mr. UNDERHILL. That does not make it right.

Mr. BOX. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BOX. My colleague from Texas is in error about that, if he will permit——

Mr. BLANTON. I mean as a policy of government.

Mr. BOX. I am talking about a settlement being made by Congress. The gentleman from Texas [Mr. Box], the speaker now, presented a claim for death before the gentleman from Massachusetts was chairman of the Committee on Claims, and I think it was before he was a member of that committee. This claim was allowed. I know of a great many cases where this Congress has allowed compensation to people injured by the wrongful act of the Government, and they were doing this when I came to Congress and when I became a member of the Committee on Claims.

Mr. BLANTON. When Mr. STEPHENS, now in the Senate, was chairman of that committee, before my colleague [Mr. Box] came here, was when the question was first raised whether or not this Government would allow itself to be responsible for the tort of some employee.

Mr. BULWINKLE. Oh, in the Hunter case in New Mexico we allowed $5,000——

Mr. BLANTON. That was after Mr. STEPHENS, of Mississippi, was chairman of the committee. The gentleman from Massachusetts [Mr. UNDERHILL] has not been here as long as I thought. It was during the administration of Mr. STEPHENS, of Mississippi, that the question was first raised.

Mr. BULWINKLE. It was allowed when the gentleman from Texas was a member of the committee.

Mr. BLANTON. Yes; when I first came here.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. UNDERHILL. Let me go on, and then I will yield.

It does not help the gentleman's case at all when he stated that this great Government has been derelict in paying its just dues and honest debts. The Government makes laws for its people and the Government can not refuse the people the same right and the same privilege and the same justice that it exacts. I want to think of my Government as being honest. I am proud of it. But between you and me, our Government has not been honest with its people up to the present time. I am trying to put my Government in a position where it will be honest with the people and observe the same rules and regulations that it exacts from them.

Mr. RAMSEYER. Will the gentleman yield?

Mr. UNDERHILL. Let me finish and then I will be glad to go over all the matter with anyone.

The reason I placed this limit at $10,000 is in order that we may protect the people throughout the country. If we allow the district courts jurisdiction, a man in Seattle, in the northwest part of the country, will not have to come to Washington to settle a little claim of seven or eight thousand dollars. If the man lives in Bangor, Me., or down in Texas, where it takes longer to go than across the continent, that man can go to the district court if he has a just and honest claim and have it tried there and not be put to the expense of coming to Washington and trying his case before the Court of Claims.

In a matter that exceeds $10,000 he can go before the Court of Claims if the amount is sufficient to warrant an adjudication by the best court that can pass on it, and that is no reflection on the district court.

As to the stumblingblocks which my predecessors found, including in that number I might mention the father of a gentleman who is now serving with us, who was previously chairman of the Committee on Claims. The father of the gentleman from Texas [Mr. LANHAM] sought a solution of this problem. He was a trained lawyer and a mighty good one. He looked at it from the legal standpoint and could not get away from the stumblingblocks in the path of most lawyers, the jury. He thought the jury had a position absolutely unassailable. But I feel, and always have felt, that you could not trust a jury on cases against the Government, because the ordinary juror seems to think that the Government has an inexhaustible source of supply of money, that all Uncle Sam has to do is to dig it up out of the mines, whereas he has to take it out of the pockets of the people, and it is provided in all these cases, following the practice of the Court of Claims, that they can not be tried before a jury, but they do have the right to go into court.

Also in cases of contributory negligence the Government is protected in the provisions of this bill; in both actions as regards property and in personal injury.

Now, the third point I consider the most important feature of the bill, and that is the settlement of personal injury and death claims. It is positively wicked; it is disgraceful that the Government should allow people to go as they have in the past without a single tribunal before which the most heartrending cases can be brought.

That is not the right treatment on the part of the Government. The Congress is not to be charged with dereliction of its duty, because it has much to attend to; it has not the time, and it has had to continually pass along details of this kind to the bureau chiefs. I am as much opposed to bureaucracy as anybody in the House, but the Congress just has to pass these details onto the bureau chiefs.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. I have refused so many that I feel that I can not yield to the gentleman now. The Government has taken cognizance of this condition with reference to its own employees. I do not cast any reflection upon the employee of the Government, but he is in a pretty soft position. He has regular employment, and his pay check comes around regularly. Here in Washington he has 30 days leave, and in many of the departments he has more than that, and in addition to that he has 30 days sick leave, and then he has the retirement fund. Carpenters, blacksmiths, teamsters, and masons, artisans and professional men, who are paying the taxes, do not have the advantage of a retirement fund, even if they should contribute 3 per cent of their salaries. The Government employee says that he can not live on the present retirement, and that we must jack it up to twelve or fifteen hundred dollars a year, while at the same time we have people employed right here for less than that.

So far as our own particular pets are concerned, we have taken cognizance of them, and in the act of 1916 we provided a medium whereby their injuries may be taken care of, so that broken machines of human bones and frame might be to a certain extent replaced in industry. A very liberal compensation bill was passed in 1916, and only last year the Congress increased the maximum amounts allowed under the provisions of that bill, so that it is extremely generous at the present time.

Furthermore, Mr. Chairman, there are only two things which will prevent a man injured in the Government service from receiving compensation. One is that he is intoxicated and the other is that he was under the influence of drugs. It is not a question of whether he was at fault when he sustained his injury; it is not a question of whether a fellow employee was the cause of his injury. Not at all. The question is simply did he sustain the injury, and was he sober when he did it, and was he in his right senses. That is all we require of them. Whereas under my bill, I state as emphatically as I can in a bill that in cases of contributory negligence, that contributory negligence be taken into consideration. That is following the policy which this committee has adopted.

Certain classes of claims in which relief is available under existing law are excluded.

Such, in brief, is the situation, the purpose of the bill, and the remedies proposed. To-day there is nothing adequate, scientific, or equitable relative to tort claims against the Government. It is a tremendous burden and expense to the Congress in time and labor and embarrassment to individual Congressmen in their inability to get favorable action.

Justice now awaits upon political consideration or the popularity of a Congressman or the influence of a Senator. Congress is not the place to bring these claims. Busy Congressmen have devoted hours, days, weeks, and months to investigating claims favorably reported, and as many others that have been adversely acted upon in committee and which do not appear upon the calendar. They must have the unanimous consent of every Member of the House before they can be considered, and they must then follow practically the same procedure in another body. All of their labors of months can be overturned or nullified by the whim, pique, or conscientious objection of an individual Member of the House.

The Federal Government is daily directing itself more and more into the affairs of the individual. Therefore the chances of injury because of carelessness of Government employees or because of unavoidable accident becomes greater all of the time.

The most important and legitimate function of the Government is the protection of the persons and property of its people. It provides such protection to the people one from the other, but with reference to itself neglects its most sacred duty. The Government which demands loyalty from its subjects should not deny justice to them. It may cost a little more money than the present system, but the Government will be repaid ten times over in loyalty, appreciation, and confidence of the people.

Article 5 of the bill of rights declares that "no person shall be deprived of life, liberty, or property without the due process of law, nor shall private property be taken for public use without just compensation." Indeed, every declaration of liberty and human justice back to the Magna Charta indorses this principle. Yet in this country, the greatest and wealthiest country in the world, the Government, or its agents, destroys private property and human lives without recompense, compensation, or due process of law. The analogy is undeniable and the Government ignores its greatest obligation to its citizens. It is no longer a question whether or not the sovereign can do no wrong, nor can we refuse to pay our just debts because of the cost, but must acknowledge the evident fact that it is a mere subterfuge or excuse based upon the misuse of power or the evasion of justice.

Now, gentlemen, I want to point out to you briefly some of the troubles which confront the Committee on Claims, and confront each and every one of you individually.

Let me say a word in reference to Senate bills, without any criticism, because we are debarred by the rules of this House from doing that, but most of you have come in contact with this situation. The Senate passes many of these claims by courtesy. It does not demand from the department reports on the claims, but it passes them by courtesy. Then they come over here, and you go to the chairman of the Committee on Claims and say, "Here is a very pathetic case; the Senate passed it and it is on the calendar. Will you not report it out?" I look it up and find that there is not a leg for it to stand upon. I come to you and tell you the circumstances, and you say that I am hard boiled; that I am hard hearted, and yet if I reported one of those bills and took it up on the floor of the House it would discredit the committee, and it would be thrown out on the objection of a half hundred Members, let alone one. That is one thing that you are up against. We do not pass bills by courtesy; we pass them on their merits.

The responsibility of the chairman of the Committee on Claims is tremendous, and it ought not to exist. I have tried not to be influenced either by friendship or by any dislike I might have for an individual Member. I have tried to adjudi-

cate these claims on their merits. I have no dislikes. I think I could count them as one single unit in this splendid body of men of 435, and if I did not have the support of the finest bunch of men that were ever in Congress I could not do it; I could not possibly do it. I have had that support in the Committee on Claims.

This is our proceeding: Each member at every meeting is assigned a handful of claims, and through the week, perhaps into the small hours of the morning, he studies them, and the next Friday comes to our meeting and makes a report. He may have a half dozen reports to make, but we can hear but one report at a time from that man, and he keeps these other five reports in his possession until he gets time to present them to the committee. He gets no publicity. He studies these claims, and brings them back on the following Friday to the general committee unless he finds in the meantime some complication and goes to the chairman for additional information. Sometimes we do not get around the table, and, as I say, he has half a dozen claims that he has worked upon for a week or 10 days, and he is obliged to put them back into his pocket until the next meeting. That is all wrong.

There are 3,000 claims pending before the committee. Every Friday each member of the committee, consisting of 21 members, is allowed to report a claim. Then if perhaps we are good and somebody else does not interfere, and the Members are willing to come here for a night session, we get a chance to present our bills to the House. Last year we had one day session, and all the rest of our claims, breaking the record of all previous years, were passed at a night session.

I should like to spend the rest of my time in going through some of the cases I have here. I have one case here that has passed five different Congresses, one branch or the other, and has failed to passage in both because it was too late, or it got caught in the jam and could not get through; and these claimants have been waiting all these years for relief for the payment of a debt which the United States owes them.

I would also like to talk, for illustration, on some of the bills that come down from the other body, but I will let that go.

I have other bills that have come down to us from the Senate. I might present those to you and show their inconsistency; show how one man was given on an identical claim a mere pittance, and another was given several thousand dollars. That is not right. We should take these matters where they belong, before a proper court or board. I would like to have those who are interested read the report of the committee, which goes more into detail than I can at the present time.

Before I close I want to pay a tribute of recognition to the men, the lawyers, on my committee. You all know I am a layman; I could not possibly have gotten this bill out and have met with its legal requirements if it had not been for such men as the gentleman from Texas [Mr. Box], the ranking man of the minority on the committee; the gentleman from Michigan [Mr. VINCENT], a member of the committee during the last session whose legal mind and ability as a lawyer is not exceeded by any Member of this body; the clerk of our committee, Mr. Helmus, who is also a trained lawyer. Other members of the committee who follow the legal profession who were of great assistance to me were Mr. SEARS, of Nebraska; Mr. BULWINKLE, of North Carolina; Mr. THOMAS, of Oklahoma; Mr. CELLER, of New York; and Mr. MORROW, of New Mexico. Every one of these men and the rest of the Committee on Claims are doing a sacrificing and unselfish work. They give to it their time from other matters, matters interesting to their constituents, for no member of the committee ever has a claim referred to him that affects his own constituents, or even his State; and so he is doing this work, why? He is doing it for you, in the first place; and he is doing it for the claimant, in the second place; and he is trying the best he knows how and the best he can to bring about a little relief to the people who are neglected by the Government.

Now I shall be glad to answer questions if anyone desires to ask them.

Mr. LOZIER. Is there any principle of sound policy, or any principle of moral or legal ethics, that should prevent the Federal Government from responding in damages for negligence and frequently the unfortunate acts of its servants?

Mr. UNDERHILL. Nothing, except simply the old archaic idea that the king can do no wrong. That idea has come down to us. We have never had a king, except a long time back; but that thing came down from the dark ages of the past, when the king had nothing to do with business when—

> The king was in his counting house counting out his money,
> The queen was in the kitchen eating bread and honey.

They were not liable to do any damage to the people; but this Government to-day is carrying on almost every line of endeavor that you can imagine—in the air and on the earth, and recently under the sea.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. The gentleman very truly stated that in another body these bills are passed regardless and by courtesy. We never see there an adverse report filed against any of them. Now, if that august body, under oath, can pass these claims in that way, how can we expect ordinary bureau chiefs to give any better attention to them?

Mr. UNDERHILL. Well, thank God, I am not responsible for the conscience or acts of those at the other end of the Capitol. Perhaps I am doing the other body an injustice, but so far as these bureau chiefs are concerned, I would rather take my chances with them than with those at the other end of the Capitol.

Mr. LANHAM. I would like to ask the gentleman a question in order to get some information with reference to this bill. The Committee on Expenditures in the Executive Departments a few days ago reported a bill giving to the Comptroller General authority to make reports to Congress of claims against the Government which come before him, claims which present either a legal or equitable basis for relief but for which no specific appropriations have been made. That, of course, would be under the existing law of a limit of $1,000. Now, in case this measure is enacted into law, would legislation of that character be unnecessary, or would it still be advisable to have such reports from the Comptroller General in those cases—that is, cases within the limitation of the law and which presented a basis for legal or equitable relief.

Mr. UNDERHILL. I think where there is any medium existing to-day—any real medium that can function—for the adjudication of claims of any character whatever it is just as well to let it stay where it is. I have a high opinion of the Comptroller General, but he has been an awful nuisance to our committee.

Mr. LANHAM. Of course, I assume that these reports would go to the Committee on Claims?

Mr. UNDERHILL. Many of them do, and they are based on a strict interpretation of the letter of the law and technicalities. Of course, I would not have the comptroller go against the law, but I think if I were in his place I could stretch my conscience to the extent of finding a reasonable interpretation of the law rather than a strict interpretation of the letter of the law.

Mr. LANHAM. My inquiry is directed as to whether or not that character of legislation would be necessary in case this bill passes? For instance, the Comptroller General appeared before us the other day, and he seemed to have reference to those cases not strictly and technically within the law, but to those cases which, in his judgment, present a legal or equitable basis but for which no appropriation has been made.

Mr. UNDERHILL. Those would not be affected by this. In connection with that I want to mention two cases showing our confidence—after having thrown him a brickbat I will now throw him a bouquet—in the Comptroller General. There was a terrible accident in New Jersey. Mr. ACKERMAN knows the case. A munitions depot blew up, hundreds of people were injured, many were killed, and property to the extent of millions was destroyed. In Mr. BACHMANN'S district, at an airplane exhibition by the Government, an accident occurred through faulty machinery. Lots of people were killed, others were maimed and injured for life, and property was destroyed. Your committee has no medium through which it can adjudicate such claims as those and so we have given authority, or hope to, to the War Department, to make an investigation and report to the Comptroller General and the Comptroller General will then decide what awards are necessary and right in the cases.

Mr. ACKERMAN. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. ACKERMAN. The accident at Lake Denmark comes under the supervision of the Navy Department. I understand there are 1,100 claims pending at the present time which will shortly be certified to the Comptroller General, and if this bill becomes a law will those claims be settled under this bill?

Mr. UNDERHILL. No; they will be settled under the special bill we passed. I will ask Mr BACHMANN to tell me when the accident occurred in his State.

Mr. BACHMANN. In 1921.

Mr. UNDERHILL. It is now 1928 and the people who are walking around on crutches and who lost their property have been waiting for all these seven years and have not received a dollar yet.

Mr. RAMSEYER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. RAMSEYER. Up to date no Federal court or other court in the United States could entertain a suit against the Government sounding in tort. Is not that correct?

Mr. UNDERHILL. That is correct.

Mr. RAMSEYER. The Court of Claims will entertain a suit against the United States on claims founded upon the Constitution or any laws of Congress, upon regulations of a department, upon contract with the Government of the United States, but can not and will not entertain suits on claims sounding in tort. Now, is it the purpose of this bill to permit suits in Federal courts in cases sounding in tort, irrespective of the amount of damage involved?

The bill under consideration gives bureau chiefs jurisdiction up to $5,000, but over $5,000—whatever the amount is—would the Court of Claims have the right to assume jurisdiction?

Mr. UNDERHILL. Yes. Let me illustrate that. I do not know that it is a very fortunate illustration, but it brings out pretty strongly many of the arguments I have given here. The Government has recently sued one named Doheny—I believe that is his name—and has secured a judgment in the courts for over $3,000,000. Mr. Doheny built a lot of tanks out in Honolulu at Pearl Harbor, and whatever Mr. Doheny may have done to the Government, he certainly did a good job for the Government there, because I have been out there and have seen the tanks. Mr. Doheny has no right to-day to go into a court for an adjudication of his claim against the United States, although the claim of the United States against him has been tried and judgment has been found for several million dollars. And how much chance, my good friends, would Doheny have if the Committee on Claims should bring in a bill giving him an opportunity to go before the courts?

Mr. RAMSEYER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. RAMSEYER. Whatever claim Doheny has against the Government, did that arise out of a contract with the Government?

Mr. UNDERHILL. No; I understand he has no right to proceed against the Government.

Mr. RAMSEYER. The gentleman understands that, but I notice newspapers have talked about the matter. I am not trying to adjudicate Doheny's claim against the Government or his right to sue, but as to this talk about the king can do no harm——

Mr. UNDERHILL. Can do no wrong.

Mr. RAMSEYER. Or no wrong; it is the same thing.

Mr. UNDERHILL. He can do a lot of harm.

Mr. RAMSEYER. This talk about the Government being dishonest and unjust to its citizens, sounds all right; but there is some good reason for the doctrine that the king can do no harm or wrong. I am not going to amplify that now. You now wipe that all away and in any case sounding in tort, I do not care how large the case may be, the Government can be sued, with certain few exceptions, set out in the bill before us.

I am simply wondering what would happen in a case like this. We are talking about flood control, and I have heard a good deal of complaint about persons owning land on either side of the Mississippi River where because of construction of a levee some place the water is diverted, causing a great deal of damage, and I am wondering if this bill goes through and if constructions of that kind are carried on in the future whether it would be possible to sue the Government not only in the thousands but in the hundreds of millions of dollars for damages growing out of the Government's effort to control the floods of the great Mississippi Valley; or in case of war and the enemy being in the country and in possession of a large city, when it becomes necessary to bombard the city and destroy the property of the city there, the bill does not except that sort of a situation, and I am wondering whether you in this bill are not affording an opportunity to present hundreds of millions of dollars of claims for damages which the Court of Claims would have to hear. I do not want to go into the matter further, but I want to tell the gentleman there are some good, sound, fundamental reasons why we have stuck so long to this old doctrine that the sovereign can not be sued. Of course, I am not insisting that we should make no modification at all of that rule, but there is reason for the doctrine that the king can do no harm or that the citizen has no right to sue the Government, which after all is suing himself, and inasmuch as he benefits he, in part, injures himself also whenever he recovers from the Government, and I think we ought to proceed very cautiously along this line.

Mr. UNDERHILL. The only thing I can say to the gentleman in reply is that taking the two illustrations, in the years I have been on the Claims Committee no claim has ever been made against the Government for damages caused by the building of levees or the attempt at flood control. As far as war is concerned, I am not a lawyer, but I believe everything goes during war and there is no law that governs anything except military law.

Mr. STOBBS. Will the gentleman yield just a moment?

Mr. UNDERHILL. Yes.

Mr. STOBBS. In answer to the question of the gentleman from Iowa, I have not read this bill very carefully, but in my brief running over it, it seems to me that all claims against the Government here are predicated on the negligence of some employee of the Government, and that would answer the gentleman's question, and there could be no claims against the Government unless there had been a negligent act by some employee which would be the proximate cause of the injury.

Mr. RAMSEYER. Well, "the proximate cause of the injury"—there is no use now to define the various phases of negligence, but certainly if you were to construct a levee like the Government does and thereby turn the water on somebody else, you would be liable. The attempt here is to make the Government liable in a case of that kind the same as an individual.

I would like to ask the gentleman one other question on a different subject. I do not know whether the gentleman was in the House Thursday or not when I called to the attention of the House the importance of amending laws by reference to the late code instead of to the Statutes at Large or the Revised Statutes or other source of the statute laws in existence prior to the new code. The gentleman just spoke of the corps of fine lawyers he has on his committee, and I should like to know if they have considered the advisability of changing the references in this bill to the late code rather than to enactments in existence previous to the code.

Mr. UNDERHILL. This bill was drawn, as a matter of fact, some three or four years ago, before we had the new code.

Mr. RAMSEYER. When we come to the amending stage, I hope the chairman will consider either changing the references wholly to the new code, or at least after the references in the bill place also references to the new code.

Mr. UNDERHILL. We will try to do that.

Mr. COMBS. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. COMBS. In the paragraph which vests concurrent jurisdiction in the district courts for hearing the claims—line 25, page 3, this sentence appears:

> All suits brought to trial under the provisions of this paragraph shall be tried by the court without a jury.

In other words the district courts are to determine these matters even involving questions of fact without the use of a jury to adjudicate such controversies.

Mr. UNDERHILL. This is the same procedure that is followed by the Court of Claims, and we make the same provision.

Mr. COMBS. I was wondering if the gentleman had considered this aspect of the matter: The Court of Claims and the district courts of the United States are entirely distinct tribunals drawing their authority from different sections of the substantive law. The only effect of the act would be to remove the common-law immunity, the immunity which the Government now enjoys in any action sounding in tort and to make it subject to any common-law action under the provisions of this bill. That is in contravention of the Constitution of the United States. Article 7 of the bill of rights provides that in all suits at common law where the value in controversy shall exceed $20 the right of trial by jury shall be preserved.

We are now dealing with a bill which proposes the removal of the disability or immunity the Government enjoys, and in which all actions brought thereunder are in effect common-law actions instituted in the regular way and conforming to the regular rules of pleading, and for that reason it seems, without any exhaustive study, the bill is a denial of the right of trial by jury, and that that would be a denial of the constitutional provision.

Mr. UNDERHILL. Not at all. The precedents have been well established in creating the Court of Claims which has the same provision. We are establishing a new court, we are giving new privileges, and we may make such restrictions as we please.

Mr. MOORE of Virginia. Will the gentleman yield to me?

Mr. UNDERHILL. I will yield to the gentleman from Virginia.

Mr. MOORE of Virginia. The exact point has been ruled by the Supreme Court of the United States in several cases. In the case of McElrath against the United States, the court says:

There is nothing in these provisions which violate either the letter or the spirit of the seventh amendment. Suits against the Government in the Court of Claims, whether reference be had to the claimant's demands, or to the defense, or to any set-off, or counterclaims which the Government may assert, are not controlled by the seventh amendment. They are not suits at common law within its true meaning. The Government can not be sued except with its own consent. It can declare in what court it may be sued and prescribe the forms of pleading and the rules of practice to be observed in such suits—

And so forth.

And speaking generally it says that to the trial of cases against the Government the constitutional provision has no application.

Mr. BOX. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, this bill is a most dangerous bill, yet I realize, I guess, as much as anyone here, that there is no chance in the world of stopping its passage. If I were to show all of the bad features of it, one of which was raised by the gentleman from Illinois [Mr. MADDEN], which alone ought to defeat it, if we were to argue the bad features of it for an hour and then call for a record vote perhaps we might get 10 or 20 votes against it, because most Members here want all of these numerous claims against the Government paid.

So what is the use of wasting time on such a proposition. But I want to call attention before the bill is passed to some of its features, so that hereafter it can not be said that it was passed without protest. The gentleman from Massachusetts was mistaken when a few moments ago he said that it passed last session unanimously; it did not. I was against it then. I did not believe then it ought to pass, but there was no chance to stop it. I was against the bill in 1922 that conferred on the Government bureaus the right to settle claims up to a thousand dollars, but there was no chance to stop it. It passed under our restrictive rules here.

This bill ought not to pass. Down in Texas where I live the law is that where a claim is not more than $200 it has to be brought in the justice court and be decided by a justice of the peace. And it must be over $20 in order for an appeal to be taken to the county court. In the State of Texas, where the claim is over $200 and up to $500, it must be brought in the county court and tried by a county judge. If it is over $500 and up to $1,000 it may be brought either in the county court or in the district court, both having concurrent jurisdiction. If it is for more than $1,000, it has to be brought into the circuit court, if you please, under the rules prevailing there.

The gentleman from Massachusetts [Mr. UNDERHILL], when he passed that bill in 1922 which conferred jurisdiction on bureau chiefs of all claims up to $1,000, had in mind then just what he has in mind now—the shifting of responsibility. That is what it is, pure and simple. Let me show you what he says in this report:

The purpose of the bill is to relieve Congress.

That is the purpose of this bill. It is to take work that the Committee on Claims ought to do, and work you and I ought to do, and send it down here to a bureau and let a bureau chief do what 435 Representatives and 96 Senators ought to do. That is the underlying purpose of it. It is getting rid of work we ought to do ourselves.

He says further in his report that "during the last Congress over 2,000 claim bills were introduced and that only 250 of them became law." He regrets, seemingly, that only 250 of them passed. The taxpayers ought to rejoice over that fact. But he let the cat out of the bag during his argument as to another controlling purpose connected with this legislation. He was asked about the proposal to let General McCarl make reports to Congress on bills. The gentleman from Texas [Mr. LANHAM] asked him that question. He said that "General McCarl was a nuisance once in a while." Why? It is because General McCarl, as the Comptroller General of the United States, created by this Congress to protect the Treasury, has stood in the way of taking money out of the Treasury unlawfully through improper bills. He has become a nuisance.

He said that this bill would take about 1,000 bills away from objections here on the floor and put the bills where objections could not stop their passage. Another nuisance is where some Congressman may get up and object and stop a bad bill. Whenever such a Congressman objects and stops a bad bill, to the mind of my friend from Massachusetts, he is a nuisance.

By this bill he wants to confer exclusive jurisdiction on the head of every bureau of this Government to pass on claims up to $5,000. In one breath he says you can not trust the United States Senate to pass on that. He says that Senators pass them by courtesy, regardless of their merits, and in the next breath he tells you that we can trust the bureau chiefs to safeguard the rights of the taxpayers of this Nation. I have not that idea about either the Senate or the bureau chiefs. I would rather trust a United States Senator under oath to the people and would rather trust a Representative under oath to the people and responsible to the people than I would a bureau chief.

I can remember when one night here about 11 or 12 o'clock I made an objection to a bill where naval officers, if you please, had bought a whole bunch of mahogany furniture for their homes and were trying to make the Government pay for it. They had bought numerous mahogany chiffoniers at $200 each and numerous mahogany chifferettes at $200 apiece. They bought a lot of $200 mahogany chairs for their homes and $200 mahogany tables and $200 mahogany bedsteads, and when Comptroller General McCarl held that it was without authority of law and turned it down they were asking the Congress to pay for it, and I blocked its passage and have kept it from passing ever since.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. The gentleman will acknowledge that that report did not come, in the first place, from the Committee on Claims?

Mr. BLANTON. No; but it came from the Committee on Naval Affairs with a unanimous report, and I had to block its passage several different times.

Mr. UNDERHILL. And if he will read this bill he will find that those claims are excluded.

Mr. BLANTON. And we have never paid for all that expensive furniture yet and never will, but I want to tell you, gentlemen, what is coming to-morrow from the Committee on Appropriations in the Army bill. Our friend from Illinois MARTIN MADDEN has had too much to do. He can not look after everything. There is coming here in the Army bill to-morrow for you to vote for a little insignificant clause that looks innocent but which will authorize Army officers to do that very thing that we kept the naval officers from doing, and will permit Army officers to buy certain heavy pieces of the most expensive mahogany and rosewood furniture they can buy without any limitation as to cost, to use in furnishing their homes. It is in that Army bill that you are to consider here to-morrow.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MADDEN. I would not like to have that impression left standing without some explanation. If the gentleman will permit me, I would like to explain it.

Mr. BLANTON. I am sure that my friend in charge of this bill will give me more time and I shall yield to the gentleman from Illinois. I would like to know how it got by the gentleman from Illinois.

Mr. MADDEN. I do not have to apologize for its getting by. I am for the provision. I will tell the gentleman what it means. It has been the policy of the Army when they are building new buildings to put in certain standard fixed utilities in the form of bedsteads and things of that sort, and ranges—gas ranges or whatever they may be.

Mr. BLANTON. They call it "heavy furniture," to try to get it by a point of order.

Mr. MADDEN. This provision is placed in the bill to prevent the necessity of Army officers moving that stuff when they are transferred from one place to another. When they move to a new place they find that sort of furniture there, to which they can add their own furniture. It is only for that purpose that this item is in the bill.

Mr. BLANTON. But it is to get the Government to buy for them their furniture. Wait and see how they will abuse it.

Mr. MADDEN. Oh no, they will not. It has always been watched.

Mr. BLANTON. But the gentleman does not deny that it is in the bill?

Mr. MADDEN. Oh, it is in the bill.

Mr. BLANTON. Where they can buy their beds and their chifferettes and ranges and heavy furniture with the public money of the people.

Mr. UNDERHILL. The gentleman will please confine himself to the bill.

Mr. BLANTON. Do you know how much time Congress is in session every year? This year Congress will be in session about six months. This is the usual six-month session, and then Congress will be in vacation about six months.

Last year Congress was in session only three months, and then it was adjourned and in vacation from March 4 to Decem-

ber 5, 1927, nine months' vacation. Every other year we have a nine months' vacation. Do you not think we ought to work when we do come here? I have worked until past midnight over in my office many a night on these bills, not with the purpose of trying to defeat anybody's bills but to try to prevent the tax money of the people from being paid out wrongfully, and because I have worked myself nearly to death on these bills my friend from Massachusetts would say that a man who would do that work is a nuisance, because he stops some from passing.

Mr. UNDERHILL. Has "the gentleman from Massachusetts" ever criticized the gentleman from Texas when he desired time in which to study a bill? It is true a number of years have passed since the gentleman from Texas was a member of the Claims Committee.

Mr. BLANTON. Well, you said this bill would stop objections to claims. I will tell you what happened on that committee. I am an associate member of it now, and I have been an associate member of it since I have been here in Congress, because every bill you report out of that committee I get a report on, and I know what is in it when it comes up for passage. I remember when I was on that Committee on Claims there was a bill to pay the Sevier heirs $67,000,000 out of the Public Treasury. That claim was about 101 years old at that time. I found out that it was not a just or meritorious claim against the Government, but it was called up by a friend of the bill. There were lots of these Sevier heirs living in my State, and some living in the State of Tennessee, and some in Georgia. They had enough Congressmen and Senators interested to get it up, and, to my surprise, when I forced a vote on that bill in committee every single member of that committee voted in favor of the bill except myself, and the committee reported it out.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment. I spent two weeks down in the department looking up the old records on this case, and if you will look into the records of the Committee on Claims—if you will examine the bound volume of adverse reports made by that committee—you will find my adverse report against that bill; and when that adverse report was read by the committee it convinced the members of that committee that it was not a good bill, and they voted with me against that bill; they voted to kill it.

Mr. LEAVITT. Now will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LEAVITT. I was interested in the gentleman's statement that we had nine months' vacation every other year. Did the gentleman ever take a nine months' vacation at the expense of the people?

Mr. BLANTON. No. I have spent practically all of every vacation I have had in 11 years in studying the departments of the Government and in finding out what they do with the money they get.

Mr. LEAVITT. Then it is not a vacation that the gentleman takes. No one of us takes a vacation.

Mr. BLANTON. But Congress is not in session, nevertheless. I will say this, that we ought to be willing to do the work that devolves upon us as Representatives of the people here with respect to the proper holding of the purse strings of the Treasury. I know what will be done here in these bureaus if this bill becomes a law.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. In view of the fact that I am the only one speaking against this bill, will my colleague give me 10 additional minutes?

Mr. BOX. I yield to the gentleman 10 minutes more.

Mr. BLANTON. There is not a man here who appreciates more the splendid work of my colleague from Texas [Mr. Box] than I do. I appreciate the splendid work which he has done on this committee. For the work he has already done the people in his district ought to keep him here for the next 10 years. [Applause.] I will say that without equivocation.

Mr. LOZIER. In reference to the Sevier claim, which grew out of land transactions, is it not true that adverse reports were made against that bill almost constantly for the last 50 years?

Mr. BLANTON. I did not find them in the committee. I made my adverse report after I had dug up all the old records in the department.

Now, here is what my friend from Massachusetts [Mr. UNDERHILL] says:

> During the last Congress 356 tort claims were presented to the House, and only a small fraction of them became law.
>
> It was not until about eight or nine years ago that any tort claim was allowed. I remember the circumstance just as well as I remember anything at this moment—when the question came up as to what should be the policy of the committee and of this Government in regard to payments for torts—it had never been done except in rare instances by the Congress; it was a new departure. And I remember then that Member after Member called attention to it, and there were only a few at that time favorable to it; but finally there were enough to pass it.

Now, my friend from Massachusetts [Mr. UNDERHILL] says that the safeguarding clause in his bill is that after you put the claims up to these bureau chiefs and they allow the claims up to $5,000, or the compensation committee allows them up to $7,500, even then they have to run the gantlet of MARTIN MADDEN'S Appropriations Committee before they can get their money. That is his safeguarding clause. He wants Mr. MADDEN and his Appropriations Committee not only to do the work they are doing now, but he wants them also to take up the work of the Claims Committee in addition upon their shoulders. I say it is not right. I am a partisan Democrat and MARTIN MADDEN is one of those orthodox partisan Republicans, but I will repeat what I have said time and time again, that he is one of the most valuable men we have in this Government, and you do not want to work him to death.

He has not the time and neither has his committee to delve down under all these claims. Why, the Committee on Appropriations is supposed, whenever a claim has been allowed and becomes a fixed charge against the Government, to appropriate the money for it; and we have criticized them here for not doing it. You remember the criticism of our friend from Nebraska [Mr. HOWARD] because it refused to bring in an appropriation for a claim that had become fixed and adjudicated. The criticism was general on the floor and was so strong that it forced the Committee on Appropriations to allow the money. Let me tell you that whenever a bureau chief decides a case you are going to find the Committee on Appropriations appropriating the money to pay it without quibble.

Let me show you another thing which Brother UNDERHILL says. He talks about his $1,000 act in 1922, and he says that up to March 4, 1925, "there have been settled under this act over 1,242 claims," and he says nobody has ever heard of any fraud or collusion. Where would you expect to hear that? What do bureau chiefs care about it? They will keep on settling these claims and you will never hear anything against them at all. The ordinary bureau chief—and I say this advisedly, some of them are my personal friends, but I would say it to them and I have said it to them—thinks that any money he can get out of the Treasury for any purpose is legitimate if he has the spending of it. What does he care about it? The ordinary Government bureau chief would like to see just as much money taken out of the Treasury and put into circulation as possible, and you never find them trying to cut down expenses, but continually find them trying to enlarge their bureau and get as much money out of the Treasury as possible. You know that is true.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. UNDERHILL. Six years ago the Committee on Claims had over 200 bills before it for amounts of less than $75. If the bureau chiefs gave every one of those claims favorable consideration, it would have been cheaper than it would have been for Congress to adjudicate those 200 claims.

Mr. BLANTON. No. I would rather spend $1,000 of the people's money to prevent some fellow from getting money that he is not entitled to than to pay him $100 to which he is not entitled.

Mr. UNDERHILL. So would I.

Mr. BLANTON. I would rather do that, and you pursue that course in your private business. When a man is trying to get you to pay him something you do not owe, you will spend five times the amount involved to keep him from getting it. That is good private business and ought to be the business of the Government. You will always find conscientious men like UNDERHILL, BULWINKLE, BOX, and the rest of these members of the Committee on Claims, who will pass on these claims in the Claims Committee. We have been doing pretty well during the history of this Government up to the present time. Why do we want to keep shifting our own responsibility?

If you pass this bill that Mr. UNDERHILL has drawn, raising the limit to claims of $5,000 that bureau chiefs may settle, and to $7,500 that the Compensation Commission may settle, and $10,000 to the blue sky as to the Court of Claims, it will not be much over a year before he will come in with another bill and he will double the ante. It will be $10,000 in the bureaus and $20,000 in the Court of Claims. He started with a limit of $1,000 in 1922, but, just like the poker player, pretty soon he gets reckless and wants to take the limit off. He has increased the ante now from $1,000 to $5,000, 500 per cent, and will be coming in here shortly with another bill to again increase it.

But what is the use of my wasting my breath? I know I can not stop the bill. I know there is no chance in the world of stopping it. Every one of you colleagues have these private claims. You do not like to have these nuisances around, like Comptroller General McCarl, to interfere with them. You do not like for BLACK of Texas, BLANTON, and Box to object to them. You want them to go through Congress without any objection. You want them to go through in one breath so that they may be passed in a quarter of a minute.

Mr. PERKINS. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. PERKINS. Does the gentleman think the doctrine of respondeat superior ought to apply to the Government in tort cases?

Mr. BLANTON. I will let my layman friend from Massachusetts [Mr. UNDERHILL], who has covered the entire doctrine of contributory negligence in this bill, answer that.

Mr. PERKINS. He says it should.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. UNDERHILL. I will simply say that the clause with reference to contributory negligence was placed in the bill because it referred particularly to the employees' compensation act, under which contributory negligence is not considered in any way, shape, or manner. There is another statement I would like to challenge. The Comptroller General has absolutely nothing to do with bills that come out of the Committee on Claims.

Mr. BLANTON. I know that.

The UNDERHILL. The only nuisance he is is in some of the decisions he hands down, which are so far fetched as to cause us so much trouble in the Committee on Claims.

Mr. BLANTON. If you were to go to Secretary Wilbur to-day you would find he would agree with Brother UNDERHILL—that Comptroller General McCarl is a nuisance. Every other Secretary and every other bureau chief would agree he is a nuisance because he stands in their way. He stops them from spending money unlawfully.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BOX. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. BULWINKLE].

Mr. BULWINKLE. Mr. Chairman, I am very sorry I have been so disillusioned to-day. I had the idea that the gentleman from Texas [Mr. BLANTON] was working all during the year, but here I find that last year he took nine months vacation and is contemplating six months more this year.

Mr. BLANTON. My colleague does not want to misinterpret what I said. I said just the contrary, that I have spent practically all of every vacation every year for 11 years working here in Washington, checking up the various Government bureaus.

Mr. BULWINKLE. The gentleman said that Members of Congress took nine months' vacation last year and would have six months this year, and I assume that the gentleman was speaking from his own personal experience.

Mr. BLANTON. I said we were not in session during that time.

Mr. BULWINKLE. I took it the gentleman was not speaking from the experience of other Members of the House, but from his own.

I am in favor of this bill. I have been on this committee, now, for seven years. I have seen the Members of the House come to the different members of the committee asking them to see to it that some meritorious claim bill was reported from the committee.

There were 2,000 bills last session and there are nearly 1,000 already this session, many of them with merit, some of them without; but it is not just and it is not fair to the citizens of this country that all their hope in being reimbursed or in receiving damages to which they are entitled shall be left to the committee and to the House.

Consider what happens on the floor of the House. You who have been here at night when we have had night sessions know that one objection defeats a bill. No matter how long a member of the committee may have worked upon that claim, no matter how much he may have studied it, yet perchance some one comes along who possibly has never seen it before and rises and says, "Mr. Speaker, I object," and that is the end of it.

Oh, there are a number of these cases. We are bringing them out now, cases in which people are hurt, school-teachers and people in all occupations of life, through the negligence of some of the Government employees.

Mr. RAMSEYER. Will the gentleman yield?

Mr. BULWINKLE. Yes, sir.

Mr. RAMSEYER. The committee reporting out this bill goes beyond negligence and includes, as the gentleman will see on page 1, line 8, and page 2, line 2, not only negligence but wrongful acts or omissions.

Mr. BULWINKLE. Yes.

Mr. RAMSEYER. Now, wrongful act does not necessarily involve negligence, neither does omission.

Mr. BULWINKLE. That is true.

Mr. RAMSEYER. Under the act where you make the Government liable for injury to private property not in excess of $1,000, you specifically state, "Caused by negligence of an officer or employee."

Mr. BULWINKLE. Yes.

Mr. RAMSEYER. You expand in this bill beyond what you went under this limited liability of $1,000 to private property.

Mr. BULWINKLE. We do.

Mr. RAMSEYER. Now, what is your reason for it?

Mr. BULWINKLE. The reason for it is in order that these meritorious cases, whether they arise from negligence, wrongful acts, or wrongful omissions of any of the agents of the Government shall be settled or shall be adjudicated by some one instead of waiting from year to year on Congress.

Mr. LOZIER. Will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. LOZIER. In answer to the gentleman's suggestion, in order that the Government be held liable for the negligence, wrongful act, or omission of any officer or employee of the Government, he must be acting within the scope of his office or employment.

Mr. BULWINKLE. Within the scope of his authority; yes.

Mr. LOZIER. And that is a limitation upon the liability of the Government.

Mr. RAMSEYER. He might be down there along the Mississippi building dikes, and by the building of the dike controlling the waters to prevent floods, might roll the waters on lands that had not been subject to overflow before, thus making the Government liable to the extent of hundreds of millions of dollars.

Mr. BULWINKLE. I do not agree with the gentleman from Iowa. I do not think the gentleman need feel that way about it. I do not see how this could involve the Government in hundreds of millions of dollars. I think the gentleman is going just a little too far in that statement.

I know, gentlemen, that, so far as the bill is concerned, possibly, it is not all that we could desire, but I do know that it is the other class in this country that has got to be considered. While we are considering the Government, we have got to consider the people who make up the Government.

Mr. RAMSEYER. Does the gentleman not realize that by throwing down the bars to all kinds of suits sounding in tort that damages might be piled up which might even threaten sovereignty itself. That is the purpose of the rule we have heretofore followed that the sovereign could not be sued in cases sounding in tort. We have established the Court of Claims to entertain claims against the Government founded upon contracts, and then we expanded that in 1922 to injury to private property up to $1,000, but this is the first time we have ever undertaken to give the sovereign's consent to be sued for cases sounding in tort, and being a new adventure, does not the gentleman think, and do not the members of the committee think, that we should possibly limit the amount to which the Government can be held liable in suits against itself in cases of tort?

Mr. BULWINKLE. Possibly so.

Mr. RAMSEYER. It is the little cases that have annoyed the gentleman's committee, not the large cases like the Doheny case. The chairman may have been a little unfortunate in his illustration of the Doheny case. I take it that the committee did not have it in mind making it possible for the Doheny case to come within this bill.

Mr. BULWINKLE. No; I think the gentleman and I will have our wings sprouted before that bill passes this House.

Mr. LOZIER. This involves the doctrine of the liability of the principal for the wrongful acts of his agent, because it is only when the agent is acting within the scope of his employment that the principal is liable. This bill by its specific terms does not make the Government liable for all negligent acts, but only for negligent acts within the scope of the employment. It is the application of the ancient rule in reference to the liability of the principal for the wrongful act of his agent in suits against the Government for negligence of its employees.

Mr. RAMSEYER. If you throw down the bars you might make the sovereign, which in this country is the people, liable not only for hundreds of millions but billions of dollars, which might threaten the life of the sovereign and the very existence of the Government.

Mr. LOZIER. The doctrine that the sovereign can not be sued, that the king can do no wrong, had its origin in the period of the world's history when the sovereign was not engaged in business or private activities. Under the present system in vogue in the United States the Government activity reaches every branch of private business. You can not go down the street one block without coming in contact with some truck or some instrumentality of the Government.

There is no reason why the doctrine that the Government can not be held liable for the tort of its agents should prevail now, because of the fact that the Government is engaged in private business activity to such an extent that it is in a position to cause tremendous injury and damages as a result of the wanton or wrongful acts of its employees.

Mr. RAMSEYER. The statement that there was a time when the sovereign was not engaged in business or private activities is, I think, historically inaccurate.

Mr. BLANTON. Will the gentleman yield?

Mr. BULWINKLE. I will.

Mr. BLANTON. The rule was not correctly stated when it was said that when a claim is up one objection will stop it, because the next time it will take three objections to stop it. Even when there are three objections, on a regular claim day it can be called up in its own right and then it takes a majority here to stop it.

Now, I want to ask the gentleman a question. Is it not a fact that we have already had four claim days in less than two months of the session?

Mr. BULWINKLE. In the last session, in the second session of the Sixty-ninth Congress we had one claim day, and that was all. In the first session of the Sixty-ninth Congress my recollection is that we didn't have a single claim day and had to have consideration at night.

Mr. UNDERHILL. And the gentleman might add to that that there was placed on the calendar, before the committee had had a solitary claim bill passed, over 160 bills.

Mr. MacGREGOR. In answer to the statement of the gentleman from Iowa that we would be submerged by the amount of claims and lose our sovereignty it may be said that cases have to come to Congress for the appropriation.

Mr. BULWINKLE. They do, and I may say that when the gentleman from Texas speaks about the increased work that we are putting on the Appropriations Committee I wonder if these matters would not go to the Committee on Expenditures, the new committee that we created at this session of Congress?

Mr. MOORE of Virginia. If the gentleman will yield, I have looked at the rule creating that committee. That committee would not have jurisdiction under the terms of the rule. Of course, it would be possible to give it jurisdiction.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BULWINKLE. I will.

Mr. BANKHEAD. In reference to the suggestion made by the gentlemen, is it contemplated under the terms of this bill that when a departmental head passes on a claim and recommends an appropriation and it goes to the Appropriations Committee, that that committee or any other committee to which it may be properly referred are to make a de novo investigation of the merits of the claim, or is it contemplated that they can make it automatically?

Mr. BULWINKLE. I do not think that was the intention of the committee. If there is anything that should arise after the bureau chiefs, after the department head has investigated the claim, if there is any reason why they should not be paid, then I can see why we can call it to the attention of the Committee on Appropriations.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. MOORE of Virginia. I am rather in accord with the view that the gentleman has intimated, that at some stage in the enactment of this legislation it might very well be provided that the matters, after being passed on originally, shall be put within the jurisdiction of the Committee on Expenditures, for the reason that that committee is supposed to have a very large outlook upon the expenditures being made in all of the departments and all of the agencies of the Government. It will be a committee doing its work, supposedly, in a very comprehensive way, and the objection made by the gentleman from Texas [Mr. BLANTON], based upon the ground that the Committee on Appropriations is now too much encumbered with work, would be met.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. In a moment. Much has been said about shifting authority. We have done that. We may as well admit it. There is no question about it. However, unless you increase the Committee on Claims, and unless you guarantee one or two days a week for the consideration of claims, no Congress could possibly consider 50 per cent of the claim bills that are introduced. I refer now to the meritorious claims.

Mr. UNDERHILL. And, in addition to that, if we do provide in this bill or any other that these matters should be referred back to the Committee on Claims, then the same procedure that we have to go through now we would have to go through then, whereas the Committee on Appropriations makes the appropriation and that is the end of it.

Mr. BULWINKLE. Yes. I now yield to the gentleman from Oklahoma.

Mr. GARBER. Does subsection (b) give exclusive jurisdiction to the department or head of the establishment to determine primarily all claims up to $5,000?

Mr. BULWINKLE. I would say that it does.

Mr. GARBER. Does it fix the jurisdiction of the several departments?

Mr. BULWINKLE. Up to $5,000; yes.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. BOX. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. GARBER. The need for an additional agency to determine these claims is universally recognized. The responsibility is on the Government to afford a fair and impartial tribunal to hear and determine these claims.

Mr. BULWINKLE. That is correct.

Mr. GARBER. I now ask the gentleman a question as a lawyer and as a judge. Take a department head, who is under the pressure of the Budget to keep his record down to the lowest possible expenditure and to keep the record of his department free from negligence or malfeasance in office. Does the gentleman think that a tribunal such as the bill sets up is such an impartial tribunal as could weigh and determine fairly and impartially a claim under the circumstances?

Mr. BULWINKLE. The gentleman does not realize yet how these bills are reported out of the committee. Since the Sixty-seventh Congress, when I came here, I do not know of a single claim that has not been referred to a department and that the department has not referred to the Director of the Budget. It has come back here to the committee every time in that way. Of course, the chairman is loath to take these bills up that have an adverse report from the Director of the Budget or a department head, but that has been the system all along. We are still doing that.

Mr. SMITH. Do I understand from the gentleman that it is the function of the Director of the Budget to pass upon the merits of a claim?

Mr. BULWINKLE. Evidently so, because only last year when the gentleman from Tennessee [Mr. BYRNS] had a claim for $195 for loss of tools that belonged to a carpenter in a fire, the matter went to the Director of the Budget. These were the tools of the carpenter, when he should have been using those of the Government. The officer in charge asked him to bring his own tools. That night lightning struck the house where the carpenter was working and his tools were burned up. The claim was referred to the Director of the Budget and he said that it did not meet with the financial program of the President.

Mr. SMITH. What became of the bill?

Mr. BOX. The gentleman does not mean to have the House to understand that that report was binding upon the House?

Mr. SMITH. What did the committee do with the bill?

Mr. BULWINKLE. It reported it out and the House passed it.

Mr. UNDERHILL. It passed it at this session of Congress.

Mr. ENGLEBRIGHT. And this bill does not prevent the claim being brought to the Committee on Claims, even if the bureau chief should deny it, does it?

Mr. BULWINKLE. I do not think it prevents it at all, but I think this, that if I were the chairman of the committee, I would be a little loath after the department turned it down to take it up.

Mr. GARBER. Is not the language of section (b) "exclusive"?

Mr. BULWINKLE. Yes; in so far as I have already stated.

Mr. GARBER. Then that is the answer to the gentleman's question. This gives exclusive jurisdiction to the department.

Mr. BULWINKLE. Does the gentleman think that is exclusive on Congress?

Mr. GARBER. It gives exclusive jurisdiction to these departments who are trying all the time to keep down their expenditures. The idea of the whole proposition is shocking and

revolting to the judicial conscience of every lawyer, and the gentleman knows that.

Mr. UNDERHILL. That does nothing of the sort.

Mr. McDUFFIE. Then what does this language mean on page 2, line 6—

exclusive jurisdiction is hereby conferred on the head of each department and establishment acting on behalf of the Government to consider, ascertain, adjust, and determine any claim, liability for which is recognized under this section, if the amount of the claim does not exceed $5,000.

Mr. BULWINKLE. That is correct. The same is true now up to $1,000.

Mr. McDUFFIE. What does that language mean if it does not mean that you are giving exclusive authority to the departments?

Mr. BULWINKLE. You are giving authority to the department to find it. There is no question about it. But that does not preclude you from introducing a bill into the Houe.

Mr. McDUFFIE. But it precludes you from getting an action on it, for this reason: The committee will instantly say, "This authority has decided it." You will have shifted your responsibility to the department.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. LOZIER. The general pension law vests with the Pension Bureau the authority to pass upon pension claims, but it does not preclude Congress from exercising its sovereign power and passing private bills.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. BOX. I yield the gentleman one additional minute.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. BULWINKLE. Yes.

Mr. HASTINGS. Fear has been expressed as to suits being brought against the Government. I want to say to the membership of the House that the Cherokee Nation, which is one of the Five Civilized Tribes in Oklahoma, permitted itself to be sued, just as one individual sues another; and in a period of 50 years I do not believe there were two dozen successful suits brought against the Cherokee Tribe. For one I believe that would be a wholesome Federal law. I believe that the Government of the United States and the government of every State in the Union ought to permit itself to be sued like an individual.

And while I am on my feet, with the permission of the gentleman from North Carolina, I must say that I believe that where there is a just claim against the Government, we should not only allow the claim but allow reasonable interest from the time the claim was presented.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. BULWINKLE. Again I say that I shall support the bill.

Mr. BOX. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HUDSPETH].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee. I opposed this bill in the last Congress. I had not studied it thoroughly, and I felt then it was delegating a power and right to a bureau or head of a department that should not be relinquished by Congress; and if I should offer any criticism against the measure to-day, I would say that I coincide with the views of a great Texan heretofore expressed, and, as a member of the committee, I would emphatically express the view of that great lawyer and statesman, a splendid former governor, that patriot and efficient former Congressman, father of my friend, FRITZ G. LANHAM, my colleague of my State, the Hon. S. W. T. Lanham, who, when he was a member of the Committee on Claims of this House, objected to leaving the decision entirely to the judge on the bench. I would rather trust 12 good and lawful citizens to determine the equities and the rights of the citizens as between the citizen and its sovereign, than to leave it to some judge solely; and I have great respect for the integrity of the judiciary of my State and Nation as a whole.

And I want to say that at one time, for a few minutes or a few months, I donned a judicial ermine myself, and for a "good lawyer" I had a remarkable record, which, of course, I admit, so no need to take any testimony on this score. [Laughter.] In the cases appealed from my court I had 100 per cent reversals. [Laughter.] Only one case, however, was appealed, and it was promptly reversed and remanded, and the appellate court almost rendered judgment in same. [Laughter.]

I would rather trust the jury than trust it to the court; but I am overruled by my Committee on Claims in this contention.

Now, I want to say to my colleague from Texas [Mr. BLANTON], who is opposing this measure, that I am somewhat surprised as to his attitude. Out of the 3,000 bills that are introduced and referred to the Committee on Claims, it is a physical impossibility for that committee to consider one-fourth of them in a single session. Now, the gentleman from Texas [Mr. BLANTON] a few minutes ago, in naming over some of the gentlemen on this committee who stood like the rock of Gibraltar and protected the Government, namely, the chairman, and the gentleman from Texas [Mr. Box], and the gentleman from North Carolina [Mr. BULWINKLE], overlooked one of the "watchdogs of the Treasury."

I myself am on the committee; also the splendid refined Congresswoman from Kentucky [Mrs. LANGLEY] is a member, and she is there at every session, and I want to say in her behalf that she studies every measure referred to her and others that come before that committee, and makes a just and intelligent report to the ones referred to her for consideration, just as do the other splendid and patriotic gentlemen comprising the membership of that great Committee on Claims. Probably the gentleman from Texas does not know of the great service we are all trying to render our Government and our constituents on this Committee on Claims. I observe the new Members of Congress on this committee work just as hard and as zealously in trying to protect our Government as some of us older ones.

I want to suggest to my colleague from Texas [Mr. BLANTON] an illustration. Suppose old Mr. Tom Scroggins, who resides at Buffalo Gap, in Taylor County, goes from his home over to the city of Abilene, the city where my colleague lives. Suppose Mr. Scroggins goes over there with a load of cotton, disposes of his cotton, and proceeds to walk up and down the beautiful paved streets of the gentleman's city, probably after he has paid a note or two at the bank, purchased a "linsey-woolsey" dress for his faithful wife Anna Melindy—it being just before Christmas—interviewed old Santy in the shape of dolls for the little girls, firecrackers and popguns for the boys, and in crossing the street to get a "Henry Clay" pipe and a "slug" of "natural leaf" for himself—along comes one of these Army officers with a hired chauffeur, said officer having a little too much of the "oil of joy" aboard for safe-and-sane driving, and runs over poor Uncle Tom and kills him, Mr. Scroggins leaving a wife and a prolific family of nine children. Now, if they brought the case before this committee under the rules of precedents established before I became a member, the utmost the family would get is $5,000. But you have a Federal court in Abilene, and the widow and children, under the terms of this bill, could go into that court and recover $10,000, if they could establish their claim. I am surprised at my colleague from Texas opposing a bill of this character.

If he lost a limb he could recover $10,000, it would be just as much to him and his family, just as important to them in recovering damages in a Federal court, where they could go without incurring very much expense, and it would mean as much and more as it meant to the gentleman to whom we gave, as I recall now, a large sum for that spoiled bacon, or what he claimed was spoiled, on account of some default of the Government. It came from this committee and this House passed it. Now, I may be mistaken as to its being bacon, but it was some kind of perishable goods. If I am mistaken as to the bacon matter, I do remember we gave some firm quite a sum last session on account of the feelings of a certain lot of oysters, situated in an oyster bed, being wounded by some governmental agency, and I may have voted for it; but I am still for Uncle Tom and all his kind, when our Government or its agencies carelessly or at fault injures him—giving just recompense, nevertheless, and our Government when at fault should be required to make speedy restitution to its citizens.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BOX. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. BLANTON. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. BLANTON. I would be willing to submit all of these claims to a court for judicial determination. But rather than have bureau chiefs to decide them, I would rather leave it to the legal judgment and sense of fairness and generosity of my friend from Texas [Mr. HUDSPETH], a member of the committee.

Mr. HUDSPETH. I would do my best to give his constituent a square deal. But the committee has ruled not to give more than $5,000 for the loss of a life; but under this bill an injured person or his heirs, in case of death, can go into a court in the

State or district where the injury occurred and recover as much as $10,000. The gentleman knows we can not consider all of the meritorious bills that come before the Committee on Claims. Why, gentlemen, the chairman apportions two bills to each member of the committee every Friday, to be reported upon the following Friday, and last Friday at our regular session, I will state to my colleague from Texas, we were in session over three hours before all had reported.

Now, this measure does not deprive a citizen of any of his rights. I am opposed to these bureaucrats and all that, but I do want citizens to have accorded to them the same rights the Government takes. I want him to have every possible right if he is injured by the Government. I do not believe in the doctrine "that the king can do no wrong." I think he can do as much wrong as the citizen; but, thank God, we have no king in this country—but a sovereign—and if the citizen is injured through fault of the sovereign, the citizen ought to have a speedy trial. He should be able to go to a forum and prove his claim without any very great expense.

If you would ask me what I would do I would cut out of this bill the provision providing for the payment of attorneys to represent claimants before Congress. I would not give him one cent. A Congressman can take care of such a claim without a cent of cost to a citizen—the Government pays us for all this work—and I would cut these attorneys out of the bill entirely. [Applause]. I am a lawyer and I hold my profession in the highest esteem. A Congressman really does the work, or practically all, and a lawyer in many instances gets too much of the money allowed. You know that, every one of you, and I would cut them out almost if not entirely. [Applause.]

Mr. BLANTON. I would gladly send them all to a court and have the cases properly adjudicated, but I would not submit them to these bureau chiefs for determination.

Mr. HUDSPETH. This Claims Committee can not properly take cognizance of every case and go into every claim, I will state to the gentleman.

Mr. BLANTON. Then let us send them all to a court to be decided.

Mr. HUDSPETH. The bill does not deprive them of that right. It gives them the right to go into court, and if they are not then satisfied they can come back to this committee and have the committee consider and pass upon their claims. If I am wrong in that I want to be corrected by some one. Give every claimant a chance whether his claim is $50 or $50,000, or whether he resides in New York, Texas, Minnesota, or Oregon. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BOX. Mr. Chairman and gentleman of the committee, your committee recognizes that this legislation goes further than the National Congress has ever gone in this direction. There have been efforts to provide remedies of this kind made during the last 50 and perhaps 75 years. The Members of the two bodies of Congress have time and again shied at the proposition. They dislike to see this power delegated to other authorities.

Mr. GILBERT. Will the gentleman yield?

Mr. BOX. I yield.

Mr. GILBERT. I want to ask a question that goes to the fundamentals and one which carries out the thought of the gentleman from Oklahoma. We are sympathetic with this effort for a citizen to have a fair trial of his case, however small it may be; but these department heads are executives and administratives. Would it not be better to create a tribunal that was more judicial and let the citizen have the same rights as he would have in a court? These bureau heads are not judges.

Mr. BOX. The gentleman suggests a pertinent question. However, your committee studied that question. I know this member of the committee did, and I found, and I think the other members of the committee found, no adequate way of dealing with it outside of the departments.

The thing, gentlemen, that prompts this legislation has been presented to you, but I doubt whether any Member of the House who has not been on that committee and seen the vast amount of claim business that is not receiving consideration, and the number of just claims never considered, can fully appreciate the necessity for some such action as this. A man has to see that in order to realize that with the expansion of the country and its business, and the accumulation of this great volume of just claims, that some provision has to be made.

The committee has been referred to as being annoyed by this business. The thing that has annoyed me in this connection is not the amount of work required. I am glad to do all I can. The thing that has annoyed and humiliated me is the fact that the Government of the United States is not dealing justly with claimants.

Mr. GARBER. Will the gentleman yield?

Mr. BOX. Yes.

Mr. GARBER. Does the gentleman consider that the Government is dealing justly with its claimants when it refuses to give to the claimants an impartial tribunal to determine their claims?

Mr. BOX. The gentleman refers to the clause he quoted a moment ago. I think some happier phrase could have been used in that connection. However, I am sure it is not contemplated by the committee or by the Congress that a man having a just claim shall not have further consideration if it has not been fairly considered on its merits by a department.

Mr. GARBER. Then the word "exclusive" should be stricken out.

Mr. BOX. I think that is a word which is somewhat unhappily used. If the gentleman will reflect a moment he will recall that your committee could not and you as a body could not deprive yourselves of the power to deal with these claims. If you did so, or undertook to do so in this act, to-morrow you would have the power to override it or repeal it in a particular act or in a general act. In other words, if that is your construction, it would nevertheless not be binding upon us to-morrow or upon our successors in succeeding Congresses.

Mr. GARBER. Assuming that those conditions are fully recognized, we will proceed upon the premise that your conditions are intolerable and absolutely against all human performance; yet does that excuse the act of affording a prejudiced tribunal to hear, pass upon, and determine claims against itself? What would be the procedure in determining claims, say, as to an official appointed by a department head who is guilty of neglect and where damage has been caused?

Here is your witness, your material witness, testifying before your department head, who is interested in keeping down the expenses of his department and making a record for himself. Why, it is quite apparent, as I said before.

Mr. BOX. The gentleman sees just one side of it, may I suggest. It has already been argued on this floor that the bureau heads do not see the Government's side of it at all and that we are simply opening the door of the Treasury for all sorts of raids. I think it is not fair to assume that the departments will be unjust. I do not believe it is fair to assume they will be prejudiced. We have to have them engaged in the administration of nearly all of the laws that we make here. The head of an executive department possibly has a different viewpoint from ours, but we have no right to assume that another and coordinate branch of the Government will be less just than we are. We may have our private opinion about it, but in the spirit of teamwork, in view of the fact we are not able to pass on all these claims in a manner and to an extent that is commensurate with the obligation of the country, we must provide some remedy, and it seemed to the committee that these gentlemen whom we trust with the administration of these important affairs will, as a whole and on the average, come as near doing right as anyone else.

Then we provide that the evidence that they hear, with the conclusions they reach—the claim, the evidence, and the conclusions—shall come, not before the Appropriations Committee but before Congress, and there be considered by whatever committee Congress may designate now or hereafter for this work.

Mr. HUDSON. Will the gentleman yield?

Mr. BOX. I yield to the gentleman from Michigan.

Mr. HUDSON. I appreciate the work of the committee and what they are doing and in general favor the proposed legislation, but I am wondering if the committee and the gentleman, as a member of the committee, would not be willing to amend the legislation by striking out, at line 6, page 2, the word "exclusive"; and then again, in section 202, page 7, line 16, the word "exclusive" there, in order to overcome in a measure the very thing which the gentleman from Oklahoma has been speaking of, that these claimants would not feel they had a chance to bring their claims before a committee of Congress.

Mr. BOX. I have no authority to make any agreement for the committee, but I would say that the gentleman's objection has been made by other gentlemen on the floor and would have my serious consideration. If it appeared that this seemed to go further than we have power to go, or further than we ought to go as a matter of right, then I would vote for an amendment to that effect. I am not committing myself now because I would want to consider its effect.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BOX. I yield to the chairman of our committee.

Mr. UNDERHILL. Perhaps I can clarify the situation. The small claims act was written so that authority was vested in the heads of departments, and the gentleman from Alabama [Mr. STEAGALL], I think, was a member of the committee at that time

and had some doubt as to the wording. I may be wrong about the gentleman who suggested it, but the word "exclusive" was put in that act so that no clerk, no underling, no one except the head of the department could be held responsible or could have this authority. It does not in any way, shape, or manner interfere with the rights of the petitioner, if he wants later to come to Congress.

Mr. McDUFFIE. Does not the word "exclusive" refer to the authority rather than to the man passing on it?

Mr. UNDERHILL. We have to have some one who has authority and who is responsible. We could not leave it to a clerk or to a secretary or some one of that sort. We had to leave it to the head of the department.

Mr. BANKHEAD and Mr. HUDSON rose.

Mr. BOX. I yield to the gentleman from Alabama and then shall yield to the gentleman from Michigan.

Mr. BANKHEAD. This is a rather important matter to clear up.

Mr. HUDSON. I thought I had the floor.

Mr. BOX. I will next yield to the gentleman from Michigan.

Mr. BANKHEAD. It is rather important, I think, for some of us who are in doubt about some features of the bill to get this particular matter cleared up, now that we have it under discussion. What was the view of the committee itself, I will ask the chairman, with reference to what you had in mind in reporting this bill with respect to this phase of the matter?

Mr. UNDERHILL. The question did not arise, because the same wording was used in the original small claims act. This question never has arisen in the committee and until this afternoon has not arisen here. It was not the purpose of the author of the small claims act—if I may claim to be the author—and it was not written in the first draft of the small claims act, but it was on the insistence of the committee at that time that the word "exclusive" was written in there.

Mr. BOX. I now yield to the gentleman from Michigan.

Mr. HUDSON. I was interested in the reply or the explanation of the gentleman from Massachusetts as to the use of the word "exclusive." The gentleman says it is to give authority to the head of the department. Would not this authority be given to the head of the department under this bill if we left out the word "exclusive"?

Mr. UNDERHILL. Yes; but it could be construed so as to give such authority to some one under the head of the department.

Mr. HUDSON. That would be a rather curious construction of the law, it seems to me. As these two sections are now written, it seems to me that what the committee wants to establish in the eyes of the claimant is that his only right is before the head of the department or the commission, and that he can not come to the Congress for relief; and if that is true, I think it is a bad proposition.

Mr. UNDERHILL and Mr. GARRETT of Tennessee rose.

Mr. BOX. I yield first to the gentleman from Massachusetts.

Mr. UNDERHILL. May I once more emphasize the fact that the purpose was not to exclude any of the rights that the individual had. The gentleman knows, for instance, if he writes to a department, unless he goes personally and makes an appointment with the head of the department, some clerk takes the matter up and the reply is not satisfactory. Consequently, it was felt by those who knew more about it than I do, and who had had a longer experience than I had had, that the word "exclusive" should be put in here so that the head of the department would be the one to adjudicate the claim.

Mr. HUDSON. Does the gentleman think that this will keep clerks from doing the work?

Mr. GARRETT of Tennessee. Will the gentleman permit me?

Mr. BOX. I will yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. It seems to me, at present at least, that the word "exclusive" ought to remain in the bill. The only tribunal that would deal with them would be Congress and by using the word "exclusive" you could not prevent Congress from having jurisdiction, because we can not bind our successors. It seems to me that it ought to be definitely understood, if we are proceeding upon the assumption that this legislation is correct legislation, that it ought to be definitely understood that that is where they will go and not to Congress.

Mr. BOX. I thank the gentleman for his suggestion. Congress could not exclude itself. By this language this function is simply confined to each department and to the head of that department. This is placing it in the hands of a definitely designated authority.

Mr. MONTAGUE. Has Congress the power to exclude the court? You say in section 7 that no suit upon any claim shall be brought under section 4 or 5 if the claim has been determined by the head of any department or establishment under section 1. Suppose I have a constituent who is selling envelopes to the Post Office Department and that department declines to pay for them?

Mr. BOX. That would be an action of contract or implied contract.

Mr. MONTAGUE. But you provide that the department can finally determine that matter?

Mr. BOX. Does the gentleman think that that kind of an action could be brought under this act?

Mr. MONTAGUE. It is a claim and a wrongful action can come in under a contract as well as a tort. How can you deny the right of a claimant to protect his right by a judicial review?

Mr. UNDERHILL. The gentleman does not have that right now.

Mr. MONTAGUE. Have I not the right under a contract?

Mr. UNDERHILL. Oh, I thought the gentleman was referring to a tort?

Mr. MONTAGUE. Perhaps we misunderstand each other. The point I make is this: If you confer jurisdiction upon an executive officer to determine a claim, whether arising out of contact or tort, must there not be given the right of a judicial review of the action of such an executive officer?

Mr. BOX. If this covers such an action it is not so contemplated by the committee.

Mr. MONTAGUE. I thought it might not be, but I wanted to see if it was.

Mr. ROMJUE. Will the gentleman yield?

Mr. BOX. I will.

Mr. ROMJUE. Regarding the word "exclusive," it was suggested that it should be left in the bill on the ground that the claimant's claim should go to the head of the bureau. As a matter of fact this does not exclude the applicant from coming to Congress.

Mr. BOX. I think not, if Congress sees fit to take jurisdiction. I want to say that I believe after the passage of this act it will be more difficult to get consideration by the committee and by Congress of a claim rejected by the head of a department.

Mr. ROMJUE. Under the law at the present time a claimant can not go into court without getting permission of Congress—is that true?

Mr. BOX. It is.

Mr. STOBBS. Will the gentleman yield?

Mr. BOX. Yes.

Mr. STOBBS. What proportion of the cases coming before the Claims Committee exceeds in amount the sum of $10,000?

Mr. BOX. I would be unable to answer that except to say there are a great many.

Mr. STOBBS. Is not the greater number of claims less than $10,000?

Mr. BOX. I think so, but that is a wild guess.

Mr. STOBBS. This legislation is radical in that the sovereignty is actually giving up its right to refuse to be sued or in allowing itself to be sued.

Mr. BOX. Within the strict limits designated.

Mr. STOBBS. There is absolutely no limit as to any claim that may be brought before the Court of Claims under this bill.

Mr. BOX. I can not agree to that proposition.

Mr. UNDERHILL. There is no limit placed on the amount for which the Government can sue one of its subjects.

Mr. STOBBS. The theory is entirely different.

Mr. UNDERHILL. What is justice for the sovereign ought to be justice for the subject.

Mr. STOBBS. I am heartily in sympathy with this bill to relieve the intolerable conditions before the Claims Committee, but it seems to me that when you provide that any citizen of the country may bring a suit against the United States without restrictions as to the amount, you are taking a step that is extremely radical; whereas if you had placed a limit on it and let the claim come back to Congress you would have answered the purpose.

Mr. UNDERHILL. A thousand times it has been asked me by Members of the House and members of the legal fraternity, "Don't you trust your courts?" I will answer the gentleman the same way.

Mr. STOBBS. You are turning it over to the Court of Claims.

Mr. ENGLEBRIGHT. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. ENGLEBRIGHT. With reference to the word "exclusive" on page 2, whereby the exclusive authority is supposed to be conferred upon the head of departments, does not the

gentleman believe that if the word "exclusive" was transposed so that that line would read "authority is hereby conferred exclusively upon the head of each department," and so forth, that that would clarify this authority?

Mr. BOX. That might improve the language of the bill.

Mr. PEERY. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. PEERY. Is it contemplated under section 1 to authorize the payment of a claim on account of damages to or loss of property unless negligence is established upon the part of the employee of the Government?

Mr. BOX. As I understand it, and as I think the committee understands it, the doctrine of mitigation of damages, by the showing of contributory negligence on the part of the claimant, enters into it. I think that is in line with the later and more enlightened legislation in many of the States. In my own State formerly we had the rule that a man could recover damages for injury on account of the negligence of another provided his own negligence did not contribute to his injury. That was an absolute bar, and I presented the defense many times. Later we modified that rule by saying that the negligence of the party injured could be considered in mitigation of the damages. That is the purpose of the committee in inserting that provision.

Mr. PEERY. I understand the second clause to which the gentleman has addressed himself, but my question is this: Is it intended to authorize the payment of a claim unless negligence is established upon the part of the employee of the Government?

Mr. BOX. I do not know that I get the gentleman's meaning, and it is probably my fault. If a claimant is injured by the wrong of the Government, through the negligence of the Government, I doubt if there was intended to be any distinction used as between those words, though "wrongful" seems to be more inclusive than "negligent." If he was injured by some wrong of the Government, which would make the Government legally or morally responsible, by some act which in the light of circumstances attending could be expected to produce some such injury, then the claimant would have the right to present his claim; and if it was shown that he had contributed to his own injury, that would reduce the damage; but I do not understand that it allows a claim where there was no wrong, which, with reference to the circumstances and results, had no relation to the injury.

Mr. PEERY. You can not recover against a private individual in the courts unless negligence is established. Why should you extend this as against the Government? In other words, why, after using the word "negligence," do you use the words "or wrongful act or omission"?

Mr. BOX. The gentleman from Texas considers that as meaning substantially negligence.

Mr. PEERY. Why not stop with the use of the word "negligence"?

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. BLANTON. One of the most dangerous features of the bill is that it takes from the Comptroller General the right to pass on all claims against the Government up to $5,000. For instance, there are many claims from the Navy Department that the Comptroller General has been turning down, and the Secretary of the Navy has been criticizing him about it and he wants to have them paid. The Secretary would simply order that they be paid. So also would the War Department and the Interior Department, and with every other department of the Government. You are absolutely clipping the wings of the Comptroller General of the United States.

Mr. BOX. We are taking from the Comptroller General no power he now has. The views of the Comptroller General were thoroughly presented to your committee during the previous Congress. A subcommittee, composed of three of the attorneys of the committee—and I had the honor to be one of them, and the gentleman from Michigan [Mr. VINCENT] was another member—I think the gentleman from North Carolina [Mr. BULWINKLE] was another—sat and went most carefully into the suggestions that the Comptroller General had to make. No one of the members of that committee, so far as I could see, had any prejudice against the attitude of the Comptroller General. Most of us believed, and I believe now that the Comptroller General is a most useful and efficient public servant, but we reached the conclusion that such legislation, for instance, as my colleague from Texas [Mr. LANHAM] presented, was unnecessary and that this legislation would take care of the right of these claims and protect the right of the Government.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. GIFFORD. Some of us are concerned about many claims that have been unfavorably reported by certain heads of the departments. We want to be sure that there will be somewhere that we may go without prejudice. We are glad to have it said that Congress can not exclude itself, that we can still file a bill for our constituents, and I, for one, want this Committee on Claims, each and every one, to say not that it will be difficult for these people to have their claims presented to that committee, but that these claims can be presented to your committee without prejudice.

Mr. BOX. The gentleman from Texas can speak only as to what his attitude will be during his brief time on that committee. It is true now that an adverse report by a department carries great weight with the committee, and while I think sometimes we go too far in that direction, yet as a general policy I think that is correct. As long as you have responsible, competent men on that committee, whenever it is shown that one of these departments has dealt unjustly with a claimant I believe there will be men enough on the committee who love justice and have some capacity to determine it, to adjudicate the facts and make such report as will enable Congress to do what its sense of justice prompts it to do.

Mr. WILLIAMSON. Is it the intention of this bill that claims disposed of and settled by the departments shall have the same binding force upon the Committee on Appropriations as an act authorizing an appropriation or a decision by the Court of Claims?

Mr. BOX. I think not. I think the requirement here is that the claim must be reported, with the amount stated, and that the Appropriations Committee will then go over those facts and supervise the action of the department in a general way, and be able to report to this House.

We want that committee, or some other committee established by this House, to have the right to review the work done by these departments. Some of us are suspicious; sometimes, perhaps, we go too far. But we want to have either the Committee on Appropirations or some other committee to supervise this work and report to the House any abuse, and then either the committee or the House can correct the abuse.

Mr. HUDSPETH. Mr. Chairman, will my colleague yield?

Mr. BOX. Yes.

Mr. HUDSPETH. I served for two years on the War Claims Committee, and the records will show that we reported and passed through the House here a number of bills in cases where the department had reported on them adversely. I have one bill now pending where an adverse report came from the Secretary of War, and this House nevertheless passed it.

Mr. BOX. We make mistakes, just as others do, but at the same time we try to do justice. This legislation may be subject to criticism. I do not claim that it is not. But any man who loves his country and his fellow men will feel sick when he sees the number of claims presented by lowly people not having political power and realizes that usually they can not be considered. If we had the power to present to you five times or ten times as many reports as we do, you would have to devote five or ten times the amount of time that you now devote to hearing them.

Reference was made a moment ago to the Members having great vacations for six or nine months. I know that with reference to the work of this committee I myself spent one whole summer, almost the entire summer, in making an investigation as thoroughly as I could of a group of great claims. My office here is open every business day, and at home I have an office, and I do not think it is quite fair to say of the Members of this House that they work only three months one year and nine months the next year. I am not boasting; I am not talking to my constituents now. I will talk to them when I get home; but I want to say that I work nearly every day in the year and I have not time enough to do all the work that comes upon me. I have not time enough to dispose of all that work.

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. BOX. Yes.

Mr. McDUFFIE. I agree entirely with the statement that the gentleman has just made. Every Member of the House is busy practically every day of the year. I want to ask the gentleman about this language on page 3, line 7:

> No claim that, prior to the time of the passage of this act, has been rejected or reported on adversely by any court or department or establishment authorized to hear and determine the same shall be considered under this title.

Mr. BOX. Where is that?

Mr. McDUFFIE. On page 3, line 7. Some of us have bills pending for the settlement of claims on which some of the department heads have reported adversely. That means we wipe the slate clean, and all claims that have been reported upon

adversely by some department are forever shut out and can not be considered under this bill. Under that you could not even present them. All they would have to do would be to present the language of this bill and say, "You are out of court." I do not want to have to regret in the future that I voted for this bill to-day.

Mr. UNDERHILL. I think the gentleman from Alabama omits the substance of this language:

No claim that, prior to the passage of this act, has been rejected or reported adversely by any court or department or establishment authorized to hear and determine the same shall be considered under this title.

That means that no claim previous to the passage of this act shall be allowed if it is reported adversely by the court. In other words, unless that language be in there, it would remove the statute of limitations on thousands and thousands of cases that arise under the tax laws, the income tax laws, and the revenue laws. It has to be in there if you are going to protect the Government in the statute of limitations. But it does not preclude the gentleman from coming to Congress with his bill at any time, no matter how far back the claim may have had its origin, and does not prevent the gentleman from receiving exactly the same treatment he would receive if this bill had never been written.

Mr. McDUFFIE. The gentleman who has the floor [Mr. Box] very frankly stated a moment ago that if this bill passes, you will have a very difficult time to get consideration of a bill presented to Congress in the future.

Mr. BOX. That is only the gentleman's opinion.

Mr. McDUFFIE. I have great faith in the gentleman. He is inclined to speak his own mind, and I follow him because of that fact.

Mr. GARRETT of Tennessee. I imagine that the remarks of the gentleman from Texas [Mr. Box] had reference largely to cases that would arise after the passage of this act. These cases that are now before Congress and have been presented to Congress and which have been precluded by the passage of this act—certainly on these we would have consideration from Congress. If we shut off the tribunal that we are establishing from the consideration of it, I should think that the Congress would lend a very sympathetic ear to it.

Mr. BOX. In this connection I want to remark about the work of these departments. I hold no brief for them except that they represent my Government, and they are helping to carry on.

I have read a great many of their reports, favorable and adverse. They sometimes make mistakes, but they are usually right. We have to pass these responsibilities on to somebody else, not because they annoy us but because you and your constituents are entitled to a tribunal; you are entitled to a hearing, and you are not getting it now. The claimants have not been getting it for these 60 years, and so we had to find some method of getting an adjudication of these cases. And, after all, I would rather risk the departments in performing the duties marked out here than to risk anybody else, especially when they are subjected to the checks and right of review that are reserved to Congress.

Mr. BLANTON. Will the gentleman yield?

Mr. BOX. Yes.

Mr. BLANTON. If we pass this bill conferring exclusive jurisdiction in the manner indicated, before Congress could reassume jurisdiction over any of these claims it would have to pass another bill setting aside that provision.

Mr. BOX. The first act of Congress inconsistent with it would be setting it aside in that case.

Mr. BLANTON. Well, I doubt it.

Mr. GILBERT. Will the gentleman yield?

Mr. BOX. Yes.

Mr. GILBERT. The gentleman and the committee have done a great work, and I am going to gladly support the bill; but it has occurred to me that a claimant is not only entitled to a trial but he is entitled to a trial before an able and impartial tribunal. That being so, why would it not have been well to give concurrent jurisdiction to the district courts, so that a man who had a claim against the Government, instead of coming to Washington, if he saw fit, could litigate it at home in the district courts?

Mr. BOX. With reference to claims between $5,000 and $10,000 that is true in this bill.

Mr. GILBERT. I did not know that.

Mr. BOX. That is true.

The CHAIRMAN. The time of the gentleman from Texas has expired.

FURTHER MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 8269) entitled "An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES, Mr. WARREN, Mr. SMOOT, Mr. BORAH, Mr. OVERMAN, and Mr. HARRIS to be the conferees on the part of the Senate.

The committee resumed its session.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. UNDERHILL. Mr. Chairman, I will try to clear up some of the questions that have been raised. The one that seems to give the most concern to some of our Members is the clause which gives jurisdiction to the departments up to $5,000. On one side one Member protested against that, because he says the departments are going to be prodigal, and while he did not say so he intimated they were going to be crooked and that they were not going to do the right thing in regard to the Government, because they would make excessive awards to claimants. Then a gentleman on this side of the aisle rails at the departments and says they are going to be stingy; they are going to be narrow and are not going to give the claimants what they ought to have. The real facts of the matter are these: Suppose I had a claim against the Government for $3,000, and I took it to court, how much would I get of that $3,000 when I got through with the court, had paid my lawyer and paid all other expenses? The only purpose of making the limit $5,000 is to give the poor devil who can not hire a lawyer and who can not afford to go into court a chance for his white alley. That is perfectly simple and it is perfectly fair. A claim up to $5,000 is hardly worth taking into court when you have to pay the concurrent expenses. If the gentleman from Kentucky wants to introduce an amendment limiting the amount we will entertain it and leave it to the Members of the House as to whether they think a claimant, an ordinary, everyday taxpayer, should have to go to that expense in order to get that to which he is justly entitled.

Mr. GILBERT. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. GILBERT. I rise, although it is unnecessary, to resent the continuous slams against lawyers. A lawyer is the only friend a poor man has. He can, out of a $3,000 claim, spend $300 or $400 of it and go into a court on an equal footing with any millionaire in the land. If he could not employ a lawyer he would be without influence, without money, and absolutely helpless before power and wealth. Lawyers as a whole are as unselfish, as patriotic, and as good citizens as any class of people in the world and the only friend the poor man has. [Applause.]

Mr. UNDERHILL. If I have given any offense, unwittingly, to the legal fraternity, individually or as a class, I humbly apologize. I was simply expressing my own experience wherever I have had to defend or institute litigation.

Mr. BOX. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. BOX. As the gentleman stated in his opening remarks, there are a number of lawyers on this committee. Some of them have been making their living in that profession for a number of years, and I myself have made my meat and bread at it for 25 or 30 years. So I am not prejudiced against the legal fraternity. However, there have been some abuses in that connection, of which the chairman is advised. I will state now for the information of the House, that I have information, which I believe is correct, that one bill, on which the committee divided, and which the House finally passed, awarded $140,000, and that one-half of that amount went to the attorney instead of to the claimant that Congress intended to compensate. So in trying to protect the rights of all concerned we included what we believed was a reasonable limitation.

Mr. HUDSPETH. And if the gentleman will permit, it was a widow who only received $70,000 out of the $140,000 award?

Mr. BOX. I believe so.

Mr. UNDERHILL. Let me call your attention to the fact that the gentleman from Texas complained last year because some lawyers in Washington were robbing the widows and orphans and the wounded and mentally unbalanced veterans before the courts. I did not wish to bring this into the question at all. We will strike that out and simply say that the purpose of the limitation is for the purpose of giving a small claimant a chance to get his money back without expense.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. On the question of the maximum amount, has it not been the gentleman's experience that ordinarily a person who has a meritorious claim of $1,000 will put it in for $5,000?

Mr. UNDERHILL. Not recently; no.

Mr. BLANTON. But that has been the gentleman's experience?

Mr. UNDERHILL. Yes.

Mr. BLANTON. And the gentleman has cut some claims down from $5,000 to $1,000?

Mr. UNDERHILL. Yes; and more than that.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. UNDERHILL. I yield to the gentleman.

Mr. GARRETT of Tennessee. I should like to ask the gentleman a question, and perhaps before asking the question I should make this statement: Of course, it is very desirable that in the administration of this act, title 1, there should be uniformity; that is to say, a case occurring in the Post Office Department should be treated exactly as a similar case occurring in the Department of Commerce, or in whatever department it may occur. Does the gentleman think the rules fixed in the bill itself are sufficiently rigid as to insure this uniformity in all the departments? Each department is going to have some rules in addition to those that are laid down in the bill.

Mr. UNDERHILL. The bill, the gentlemen will find, expressly prohibits the Army and Navy Departments from adjudicating cases of members of that organization; that is, it does not allow officers and enlisted men to appeal to the head of their own department.

Mr. GARRETT of Tennessee. This measure, I apprehend, is experimental, and I am anxious to see the experiment made; but much of the success of the measure in its experimental stage will depend upon there being uniformity. For instance, if there is an injury to a person by an agent of the Department of Commerce——

Mr. UNDERHILL. The gentleman means a personal injury?

Mr. GARRETT of Tennessee. A personal injury or whatever it may be, whether it grows out of contract or whether it grows out of tort, what is to be the measure of damages fixed. The measure of damages, in other words, for a similar injury should be the same running throughout all the departments.

Mr. UNDERHILL. That is perfectly safeguarded in the bill with reference to personal injury and, of course, property damage can be more easily ascertained.

Mr. GARRETT of Tennessee. To make an absolutely rigid rule is practically impossible. I realize what is in my mind is attended with much difficulty of arriving at, but I was anxious to hear from the gentleman, as the chairman of the committee having considered this question so long and so thoroughly. In the making of such rules as are made by the departments for the carrying out of this proposed act, there ought to be some sort of cooperation and collaboration between the departments so there will be substantial uniformity throughout the various departments of the Government.

Mr. UNDERHILL. May I say to the gentleman that personal injuries are fixed absolutely, so much for the loss of a toe, or the loss of a hand, or the loss of an eye, or the loss of a leg. These are all fixed. It is not so easy, perhaps, to fix positive damages with reference to property damage, but it is much easier to ascertain the value of property than it is the value of life or limb. So we have covered that point.

Mr. GARBER. Will the gentleman yield for a question for information?

Mr. UNDERHILL. I yield to the gentleman.

Mr. GARBER. In connection with the inquiry of the distinguished gentleman from Tennessee [Mr. GARRETT] does the bill provide the procedure before a department? Does it provide that the testimony shall be taken down and the witnesses sworn and a record made; if so, at whose expense?

Mr. UNDERHILL. No; the bill does not provide that. I will say for the information of the gentleman, it is usual for a department when any accident is reported—and usually they are all reported—to order an investigation immediately. Sometimes a court of inquiry or a court-martial is ordered. Then testimony is taken down at the expense of the department, all the facts are gathered together and then later on, if the claim comes before Congress, it is submitted to our committee when we ask for information. We are usually furnished with a full and exhaustive report of that particular accident. Once in a while the department comes back with the statement, say in a case which starts way back in 1885, as a case did which is before us, that the department has no information whatever, but you would not be surprised that the department did not have information about an accident that occurred to an individual in 1885.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. UNDERHILL. Yes.

Mr. BANKHEAD. The gentleman stated a few moments ago in a colloquy the gentleman had with some other Member, that the purpose of including the words "exclusive authority," in section 1, was to obviate the possibility of some subordinate of a department making up these decrees and rendering these judgments. Do I understand by that statement it is the intention of the committee to require the Secretary of War himself, say, to adjudicate all claims arising in the War Department?

Mr. UNDERHILL. Every time.

Mr. BANKHEAD. It is, of course, important and it is the purpose of the committee to try to gain expedition in the settlement of these claims.

Mr. UNDERHILL. Yes.

Mr. BANKHEAD. Does not the gentleman from Massachusetts think that with all the great duties of administration that these Cabinet officers have imposed upon them, they would find great difficulty in taking the time to adjudicate the thousands of these claims you are sending to them for adjudication?

Mr. UNDERHILL. No; this is the situation: Something was said about how much vacation we have and how much work we have. The Committee on Claims can not work except when Congress is in session, whether it is three months or six months. Although the work of the individual Congressman, like Tennyson's Brook, goes on forever, Congress does occasionally adjourn and the work of the Committee on Claims stops. The departments go on just as though Congress was still in session, provided we appropriate money for them. The Secretary of War, with his multitude of duties, when we send to him for a report, can call upon his assistants to place before him this report; or, if he wants to take the chance, as long as we have vested him with responsibility, he can assign the Judge Advocate General to write his report for him.

Mr. BANKHEAD. That is somewhat begging the question, and that is the reason I wanted to inquire if it is the firm purpose of the committee to put the rigid rule of judicial responsibility upon the head of the department, the Cabinet officer himself, and then if he carries out the law he has got to give his personal attention to the compilation of the evidence and render a decision on all of these hundreds of thousands of claims. If so, I fear that you will have a great deal of confusion and delay.

Mr. UNDERHILL. The gentleman from Massachusetts has no pride of authorship in the word "exclusive." It was not in the original bill. I do not want to make the statement absolutely, but I think it was a colleague of the gentleman, the gentleman from Alabama, who insisted when the first small claims act was passed that we should place the responsibility in some one, some one who would not pass the buck, and consequently the word "exclusive" was written in. If Congress wants to strike it out, I do not know but that I might be impelled to vote for it.

Mr. ROMJUE. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. ROMJUE. It is said that the word "exclusive" was put in for the purpose of keeping the subordinate from having anything to do with it, compelling the head of the department to pass on it, but it seems to me that the suggestion of the gentleman from Alabama is pertinent. It puts it up to the Secretary of War and the Secretary of the Navy and the Postmaster General and if the arguments made by the proponents of the bill are true, they must pass on the claims.

Mr. UNDERHILL. It does not change the situation a particle. If you were all members of the Committee on Claims, I could explain it.

Mr. ROMJUE. I served on the Committee on Claims for quite a while.

Mr. GARRETT of Tennessee. I served my term.

Mr. UNDERHILL. I know the gentleman from Tennessee did, and if there is any man who represents a real statesman in this body it is the gentleman from Tennessee. [Applause.] I would have enjoyed a more intimate service with him and could have profited thereby. But, gentlemen, we can not cure all the evils. The trouble for 58 years or more has been that the minds of men, particularly those who have been trained in the legal profession—once more I want to speak in the highest regard for those gentlemen—are controversial in their character. We do not expect to remove all the evils that exist. The purpose of the author of the bill, the purpose of the committee, and those who have given assistance, is first to relieve the intolerable situation which is making bolsheviks of a large number of our people because they can not get justice or relief from the Government. Second, to relieve the intolerable situa-

tion that exists, with almost every individual member in this branch of Congress, because of the difference of the ways and manner in which the claims are handled in the two bodies. Third, to relieve to a certain degree—to the extent of 33⅓ or at most 50 per cent—the Committee on Claims so that they can give their attention to matters of great moment which do not come under the provisions of this bill, but which really should have the consideration of the committee and Congress.

Those are the three underlying purposes of this bill. We can not cure every evil, and we do not attempt it. We can not read into this bill every difference of opinion, but we must come to some compromise.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. UNDERHILL. I will yield to the gentleman from Texas.

Mr. BLACK of Texas. I have not been in the Chamber for the last few minutes, and it may be that this matter to which I wish to call attention has been discussed. Section 5 provides that suits under sections 24 or 145 of the Judicial Code upon a claim accruing on or after April 6, 1920, and prior to the passage of this act shall be brought within one year after the passage of this act, or within six years after the accrual of the claim. It might be that a claim accrued in December, 1927, and under that provision suits can be brought six years after December, 1927.

Mr. UNDERHILL. There are a few amendments which must be offered to the bill. That time limitation has been cut down. Wherever the figures 1920 occur that is changed to 1925. Wherever the limit is one year that is changed to six months.

There is one clarifying amendment—clarifying so that Members will realize what we intend—that nothing contained in the exceptions of section 8 in this act shall be considered as precluding Congress from considering injuries or damages arising under said exception.

It does not amount to anything, but shows the intent of the committee that claimants may have an appeal to Congress if they desire for injuries sustained previous to that date.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BULWINKLE. I am wondering if the chairman will agree to an amendment, on page 3, in section 3, limiting the amount that may be sued for in the Court of Claims.

Mr. UNDERHILL. I would be very loath to do so. Every argument which I have used on the floor this afternoon I would have to repudiate if I accepted such an amendment. I am a firm believer that the Government should not require from any one of its subjects or servants that which the Government is unwilling to do itself, nor should it take to itself any privilege or right that it is not willing to accord to its people. The Government is able now to sue its people, either individually or collectively up to any limit. If the Government should establish a court for the adjudication of these claims, I do not think that it is right in fixing a limit and saying, "Thus far shalt thou go and no further." It is not just or equitable, and it is not honest. What is more, I do not know where you could place such a limit.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. UNDERHILL. Yes.

Mr. GARRETT of Tennessee. This, of course, is experimental. Suppose we limited it to $10,000. Suppose we inserted after the figures "$5,000," in line 17, on page 3, the words "but does not exceed $10,000." We could then try this act out with that as a limit, and the claimants would still have their old remedy of coming to Congress when it was above $10,000. I think that is worthy of consideration. I want to follow the gentleman on this bill pretty closely, if I can.

Mr. UNDERHILL. I trust that the gentleman will not offer the amendment, because that would hardly touch 10 per cent of the claims of that character.

Mr. GARRETT of Tennessee. The amount was suggested to my mind because it is the amount to which you grant jurisdiction to the district courts—at least it is between $5,000 and $10,000.

Mr. UNDERHILL. Up to $10,000 to the district court.

Mr. GARRETT of Tennessee. If it is above $10,000, the only tribunal they will have to work in will be the Court of Claims.

Mr. UNDERHILL. It will be Congress if you make the limitation $10,000.

Mr. GARRETT of Tennessee. Yes; if you fix that limitation; but you now fix the limitation in the district court to $10,000.

Mr. UNDERHILL. Yes; and that is in order to save time and expense.

Mr. GARRETT of Tennessee. And there is no limitation on the amount if the suit can be brought before the Court of Claims?

Mr. UNDERHILL. No; it is exactly the same as in the admiralty act. Some vessels cost millions of dollars. I do not know what the *California*, which has just started out on her maiden trip, cost. Suppose through some negligence on the part of the commander of a battleship the *California* should be destroyed. The United States says that the owners of the *California* can go into court and sue for any amount up to the amount of the value of that steamer and the cargo, and not only that, but also for demurrage. Suppose a man has a hotel, and through the negligence or carelessness or faulty act of the Government that hotel is destroyed. He at least ought to have a chance to go into court and press his claim, even if it should exceed $10,000.

Mr. ROY G. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. ROY G. FITZGERALD. Is not this always true, that if there is no limitation placed upon the amount which a claimant may sue for and recover before the Court of Claims, the recovery of that amount does not act as a warrant on the United States Treasury?

Mr. UNDERHILL. That is true.

Mr. ROY G. FITZGERALD. Is it not as it always has been, that they must come with this recommendation to Congress for an appropriation? It does not automatically become paid. Therefore, we have a safeguard that ordinarily you would not have, because it is not payable out of any funds in the Treasury. It must be specially appropriated for. If it is very large, the Congress will hesitate, and if it is at all suspicious, the Congress will not appropriate.

Mr. RAMSEYER. As a matter of fact, where judgment has been duly entered by the court, is it not a fact that Congress does simply make the appropriation to pay those judgments?

Mr. BLANTON. Almost in every case.

Mr. UNDERHILL. Oh, no, no.

Mr. RAMSEYER. Wait. Congress, or either House of Congress, has the right to refer any matter to the Court of Claims for consideration. It may refer claims sounding in tort to the Court of Claims, and some of those have come back. The court has gone into it and recommended a certain amount to be paid. In some of those cases the Congress has not followed the recommendation of the Court of Claims. On the other hand, why establish a court, why give a court power to render judgment and then deny the person who has gotten the judgment the right to recover by simply exercising the arbitrary will of Congress and deny the appropriation?

Mr. UNDERHILL. May I quote one case to the gentleman, if he wants a concrete case? I refer to the French spoliation claims. They have all been before the Court of Claims.

Mr. RAMSEYER. In what shape?

Mr. UNDERHILL. Judgment has been rendered by the Court of Claims, but the committee will not consider those claims for one minute.

Mr. GILBERT. And the longevity pay claims were the same kind, possibly.

Mr. RAMSEYER. Were those cases ones arising out of contracts, where the Court of Claims has jurisdiction, or were they cases referred to it by one of the bodies of Congress for consideration?

Mr. BOX. There is a slight error, as I understand it, in what the gentleman has said. They were not referred for general action but under a special reference.

Mr. UNDERHILL. That is what was done in respect to a lot of them. The committee found it would not do to refer to the Court of Claims for a finding of fact. We found that after the Court of Claims had gone all through the case and found the facts and reported them back, our committee, having confidence in the Court of Claims, reported them to the House, but the House turned them down, and so it has been the practice of the committee in recent years to refer claims to the Court of Claims for payment and not for finding of facts.

Mr. GILBERT. In the longevity pay cases, not only the Court of Claims but the Supreme Court of the United States said we owed these parties certain amounts, and yet Congress went for 20 years and refused to appropriate the money.

Mr. RAMSEYER. Is that the only case where judgment was rendered in the Court of Claims and Congress refused to appropriate?

Mr. GILBERT. That is all that I have in mind.

Mr. UNDERHILL. We had a case referred to the Court of Claims for a finding of fact which affected the Standard Oil Co.

Mr. RAMSEYER. But I am talking about judgment in the Court of Claims.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc.—

TITLE I.—PROPERTY DAMAGE CLAIMS

SECTION 1. (a) Subject to the limitations of this act, the Government of the United States authorizes the payment of claims on account of damage to or loss of privately owned property, if the claim accrued after April 6, 1920, and if the damage or loss was caused by the negligence or wrongful act or omission of any officer or employee of the Government acting within the scope of his office or employment. Contributory negligence shall operate to diminish the damages recoverable in proportion to the amount of negligence attributable to the claimant.

(b) Exclusive authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government to consider, ascertain, adjust, and determine any claim liability for which is recognized under this section, if the amount of the claim does not exceed $5,000. Such amount as may be found to be due to any claimant shall be certified to the Congress as a just claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed, with a summary of the evidence upon which the allowance was made: *Provided*, That no claim shall be considered by a department or establishment unless presented to it within one year from the date of the accrual of said claim, except that any such claim accrued after April 6, 1920, but prior to the passage of this act, may be presented within one year after the passage of this act.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment to page 1, line 8: Strike out "1920" and insert "1925"; and on page 2, line 20, strike out "1920" and insert in lieu thereof "1925."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Page 1, line 8, strike out the figures "1920" and insert in lieu thereof the figures "1925"; and on page 2, line 20, strike out the figures "1920" and insert in lieu thereof the figures "1925."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts [Mr. UNDERHILL] has the floor.

Mr. UNDERHILL. The only purpose I have in view in offering this amendment is to lengthen the time, due to the fact that it is difficult to summon witnesses, and besides that this is insisted on in another body, and it is necessary in order to get it through.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. UNDERHILL. Mr. Chairman, I have a second amendment: Strike out the last two words in line 21, page 2, and insert the words "six months" instead of "one year."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Page 2, line 21, strike out the words "one year" and insert in lieu thereof the words "six months."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 2, line 18, strike out the word "one" and insert in lieu thereof the word "two."

Mr. BANKHEAD. Mr. Chairman, I would like to have the attention of the chairman of the committee on this amendment. I offer it with this in mind: Of course, this bill in its jurisdiction would cover all claimants who may live not only in continental United States, but in all of its insular possessions, and those who are connected with its consular offices in foreign countries. It seems to me that the limitation of one year in which to bring a suit under this act might in certain instances work a hardship upon men and women who have a real and just claim against the Government in this particular. A man, for instance, in Honolulu might receive a personal injury of a very serious nature that would necessitate his treatment in hospital for 8 or 10 or 12 months, and it would be physically impossible for him probably to confer with counsel or make arrangements about the bringing of a suit; things of that sort. It might in some instances deprive citizens of the opportunity to present their claims.

Mr. UNDERHILL. Mr. Chairman, I dislike to discuss it. It does not alter the situation with reference to these isolated cases. They can still come back to Congress. On the other hand, I do not think the Government would be properly protected when you extend the time two years, when the Army and Navy are assigning men to the Philippines, when witnesses are lost sight of.

Mr. BANKHEAD. Of course, fixing a time at which the statute of limitations shall run is surely an exercise of legislative power. My idea is not antagonistic to the merits of the bill or the provisions of the bill, but it occurred to me that it might appear reasonable to the committee for the reasons I have stated. I have no pride of opinion on the proposition, and I will take no offense if the amendment is voted down, but it seems to me it presents an equitable situation which might be a very valuable right to the claimants against the Government.

Mr. UNDERHILL. I want to lay my cards on the table and say that it is necessary to place these limitations on the bill in order to get consideration by the other body.

Mr. BANKHEAD. I do not know that that should be conclusive upon us, although as a legislative problem it may be all right.

Mr. BLANTON. To carry out the gentleman's intention the words should be "two years." The gentleman used the word "year."

Mr. BANKHEAD. I ask unanimous consent, Mr. Chairman, to modify the amendment so that it shall read "two years" instead of "one year."

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

Mr. NEWTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, before the word "omission," insert the words "negligence or."

Mr. NEWTON. Mr. Chairman, I find myself in hearty sympathy with the purposes of the bill.

Mr. UNDERHILL. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ENGLEBRIGHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ENGLEBRIGHT: On page 2, in line 6, strike out the word "exclusive" and insert in line 6, page 2, after the word "conferred," the word "exclusively."

Mr. WILLIAMSON. Mr. Chairman, I rise in opposition to the amendment. I believe the word "exclusively" should be stricken out of the bill entirely and, therefore, I am opposed to the amendment which has just been offered. If you put the word "exclusively" in this bill, it seems to me it will become absolutely conclusive upon the Comptroller General and deprive him of the authority we have already conferred upon him by section 305 (42 Stats. 24) of the general accounting act, which reads as follows:

SEC. 305. Section 236 of the Revised Statutes is amended to read as follows:

"SEC. 236. All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office."

If this bill is passed with the word "exclusively" in it, I do not see how the Comptroller General can pass upon a claim in any shape, manner, or form, because it will stand as authorized by Congress through the delegated power given to the head of some department.

For my part I am opposed to the entire section as written. I think this section should be amended so as to require that when these claims are settled or adjusted by department heads the claims should be certified to Congress for reference to the Committee on Claims. I have not had time to work out a

proper amendment, but it might accomplish the purpose to so amend as to make it read "and shall be paid out of appropriations that may be 'authorized' by Congress" instead of appropriations "made" by Congress. If the word "authorized" is put in in place of the word "made," it would go to the Committee on Claims, and they could bring in an omnibus bill dealing with all of the claims reported by the heads of departments.

Claims so reported ought not to go to the Committee on Appropriations, which is without legislative function, in no sense a committee on claims. Those claims ought to be passed upon by the proper committee of the House, and I shall offer an amendment at the proper time.

Mr. UNDERHILL. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. UNDERHILL. If the Committee on Claims should bring in an omnibus bill, it would be an absolute waste of time, because when it went to the other body it would be loaded with a lot of claims that we could never agree to at all.

Mr. BULWINKLE. Bearing out what the chairman has said, year before last we spoke of classifying the claims bills, and asked them over in the Senate whether they would agree to pass an omnibus bill of each classification. They said they would not, because they wanted to attach whatever they pleased to it.

Mr. WILLIAMSON. Mr. Chairman, I offer a substitute amendment for the amendment just offered.

The CHAIRMAN. The gentleman from South Dakota offers a substitute amendment, which the Clerk will report.

The Clerk read as follows:

Substitute amendment offered by Mr. WILLIAMSON to the amendment offered by Mr. ENGLEBRIGHT: On page 2, line 6, strike out the word "exclusively."

Mr. TILSON. Mr. Chairman, the gentleman can reach what he is after by demanding a division of the amendment offered by the gentleman from California. What the gentleman from South Dakota wishes to do is to strike out the word "exclusive" but not to insert at a different place the word "exclusively." By a division of the pending amendment he can get the same result without the submission of his amendment at all. Therefore I think the gentleman should withdraw his amendment.

Mr. WILLIAMSON. Mr. Chairman, then I ask unanimous consent to withdraw it.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to withdraw the substitute amendment. Is there objection?

There was no objection.

Mr. WILLIAMSON. May I state in this connection, gentlemen, that there has been reported out by the Committee on Expenditures in the Executive Departments a short time ago a bill which authorizes the Comptroller General, in certain cases, to submit to Congress for reference to the Committee on Claims certain claims passed on by him. If the word "exclusively" should remain in this bill it seems to me very clear that it would not only be in direct conflict with this proposed legislation, but that it would deprive the Comptroller General of the power which already exists in his office to pass upon the validity of claims transmitted to Congress by department heads.

I do not believe this bill should go through in its present form, because I do not think we should give to the heads of departments exclusive power to settle items of liability which might arise therein. I do not believe they should have that power, because it would amount to giving them legislative authority to pass upon claims and authorize appropriations for their payment without their having been passed upon by a committee of Congress or a court. Such claims should not be passed on to the Committee on Appropriations, which is not a legislative committee.

Mr. NEWTON. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. NEWTON. The gentleman's amendment does not attempt to confer jurisdiction upon the Comptroller General with reference to the payment of these claims.

Mr. WILLIAMSON. I am simply trying to preserve the jurisdiction which the Comptroller General now has under existing law. If you put in the word "exclusively" it will deprive him of the power we have already conferred upon him under the general accounting act.

Mr. NEWTON. Is it the gentleman's idea that he ought to have the right to go into the merits of a claim and pass upon the question?

Mr. WILLIAMSON. The Comptroller General has that power now in certain cases.

Mr. NEWTON. Well, there will never be a claim paid if that is the way it is to be done.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. BLANTON. The gentleman has exactly the right idea about it, in my judgment. By this bill we are taking away from the Comptroller General consideration of all claims of $5,000 and under that sum.

Mr. WILLIAMSON. There is not any question about it. That is the clear purport of the bill.

Mr. BLANTON. And hereafter he will not have jurisdiction over them at all, and that is exactly what the heads of the departments have been trying to do for the past several years. They have been trying to get rid of the Comptroller General of the United States, and this bill does it for them.

Mr. WILLIAMSON. In other words, here is what we are doing, in my judgment: We have established a General Accounting Office for the express purpose of representing Congress in the safeguarding and prevention of improper expenditure of public funds. It was not created to represent the departments, but we established it as an independent department to pass upon claims and demands against the Government separate and apart from the executive heads that have the spending power. This being the case, we ought not now, in defiance of existing law and the policy which Congress has already established, to put in a proviso which takes away that power.

Mr. LUCE. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. LUCE. Does the gentleman think Congress ever intended to make the Comptroller General a dispenser of justice? What duty has he beyond determining what is the law? What has he to do with applying the law?

Mr. WILLIAMSON. Let me tell the gentleman this: I can cite the gentleman to cases where there is not any question, in my judgment, that heads of departments in the exercise of certain discretionary power lodged in them by law have done certain things which are clear violations of law.

Mr. LUCE. Certainly; I admit we want to check violations of law, but we are not proposing in this bill to allow any man to violate the law, we are allowing him to administer the law.

Mr. WILLIAMSON. Pass this bill in its present form and you will have no committee of Congress to determine the question of whether it is in violation of law or not.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. BLACK of Texas. It seems to me the gentleman has a misconception of the meaning of this section. This section only refers to claims for tort, and, so far as I know, the Comptroller General has no jurisdiction over claims for tort, and no one else except Congress. The very purpose of this act is to reach that situation and fix it so that a department of the Government can deal with it instead of the Congress itself.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. UNDERHILL. Mr. Chairman, I move the previous question.

Mr. WILLIAMSON. Mr. Chairman, I demand a division of the question.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California——

Mr. DALLINGER. Mr. Chairman, I understand the gentleman from South Dakota asks for a division of the question.

Mr. TILSON. Mr. Chairman, there are two separate propositions here. One is to strike out the word "exclusive" and the other is to insert in a different portion of the bill the word "exclusively." I think the gentleman has a right to demand a division of the question.

The CHAIRMAN. The question is divisible, and the question now is on the amendment offered by the gentleman from California to strike out the word "exclusive," in line 6, page 2.

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from California to insert the word "exclusively" after the word "conferred" in line 6, page 2.

The amendment was rejected.

Mr. McDUFFIE. Mr. Chairman, I move to strike out the last word.

The result of this legislation means, in short, that the Committee on Appropriations will, in the final analysis, have to take each one of these claims reported favorably by the head of a department or a bureau chief, go into it from beginning to end, and find what the testimony is in order to decide whether or not Congress shall make an appropriation to pay it; is not that the fact?

Mr. UNDERHILL. They do that now.

Mr. McDUFFIE. The Appropriations Committee goes into all of these claims now?

Mr. UNDERHILL. Yes; all that are under $1,000.

Mr. McDUFFIE. And they take them up, case after case?

Mr. UNDERHILL. I suppose that is their procedure.

Mr. McDUFFIE. The point is the Committee on Appropriations is the busiest committee in the House. It is practically running the Government now, having control of its purse strings. Does the gentleman think it is proper to put such a burden, which his committee might undertake and handle, on the other committee, the Committee on Appropriations?

Mr. UNDERHILL. I have tried to explain that. I do not know whether it is my inability to get it across or not; but it is just a repetition when you send it back to the Committee on Claims, and you run up against the same stone wall, the same objections that you have with reference to the whole procedure that is now carried on. If they come back here to the Committee on Appropriations, after an examination by the department, it is written into the law and there is nothing more said about it. There are no objections to it on the floor of the House, either for political or personal reasons. The Committee on Claims might just as well shoot its claims in here day after day, or whenever they get the chance, unless you are going to accept this proposition that the Committee on Appropriations act as a safeguard to the interests of the Government, and that is all that is involved.

Mr. McDUFFIE. One other question. The gentleman said, as I understand it, that if one department head files an adverse report on a claim any Member of Congress, of course, can introduce a bill, but will it not be the policy of the gentleman's committee to refer to this act we are considering, when such a bill is presented, and that will be the end of it?

Mr. UNDERHILL. No more than it does now. That is the policy now.

Mr. McDUFFIE. Of course, we can change the law, but to do that it takes time, patience, and hard work. I do not want claimants shut out, because the head of some department, who perhaps is not a lawyer, or who has not a judicial mind, has reported adversely on a claim. It may be that some department head will perhaps be indifferent or in his efforts to hold down the expenditures of his department, might unwittingly become biased or prejudiced against a claim. Of course, any Member of Congress can introduce a bill, but with this bill, if it becomes the law, staring him in the face, will it not be difficult to get relief?

Mr. UNDERHILL. No more difficult to get relief to-morrow after this bill passes than it is to-day without the bill being passed.

Mr. McDUFFIE. We, the Congress, are putting more and more legislative responsibility on the heads of bureaus, and that it another objection I have to this legislation. We are surrendering our prerogative to legislate to the responsibility of a bureau head, or to bureaucratic control.

Mr. UNDERHILL. Where else would you put it?

Mr. McDUFFIE. I would suggest that the Committee on Claims retain it.

Mr. UNDERHILL. And retain the same intolerable conditions?

Mr. McDUFFIE. My suggestion is that the Committee on Claims might do a little more work or that we create a board consisting of Congressmen or an additional committee of Congress to assist in passing on these claims.

Mr. UNDERHILL. Mr. Chairman, I would like to have it go in the RECORD that I am willing to resign my position as chairman of the Committee on Claims in behalf of the gentleman from Alabama of the minority party, and I hope all my colleagues over here will stand back of me on the proposition; and if he can get any more work out of these conscientious, hard-working 21 men and women than the committee does I will be content.

Mr. McDUFFIE. I will accept the honor if your colleagues will agree, and we will get something done. [Laughter.]

Mr. WILLIAMSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "made" and insert in lieu thereof the word "authorized."

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, I alluded to this matter a few moments ago. I do not think we ought to vest in the heads of the departments matters which are legislative or quasi judicial in character. You have as many departments as there are members in the Cabinet. You are going to have as many rules and regulations for settlement and as many different measures of damages as you have members of the Cabinet; there will be no uniformity. I realize that the Committee on Claims is a hard-working committee. I do not think there is a more conscientious committee in the House or a harder worked body of men, but it does seem to me that if the department heads would investigate the cases and effect settlements as herein authorized and would then send them to Congress to be referred to the Committee on Claims with a summary of their findings in each case, that the committee would not have to spend a great deal of time in passing upon the merits of such claims. There should be some committee of the Congress to deal with the merits of unlitigated claims. This is not properly a function of the Committee on Appropriations.

Mr. UNDERHILL. The gentleman's amendment strikes out the word "made" and puts in the word "authorize."

Mr. WILLIAMSON. Yes.

Mr. UNDERHILL. I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was agreed to.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. Whenever I find myself in disagreement with my friend from Alabama [Mr. McDUFFIE] it always causes me to reexamine the matter, because I have a very high regard for his judgment upon legal or all other questions, but it does not strike me that we are delegating legislative authority. We are placing some judicial authority in the executive branch of the Government. I agree to that. But it seems to me that we are only transferring from the legislative branch judicial authority.

Mr. WILLIAMSON. Does the gentleman think that the authority exercised by the Committee on Claims is judicial or legislative?

Mr. GARRETT of Tennessee. I think it is a mixture; I think very largely judicial. Based upon my own experience upon that committee long years ago, I should say that the preponderance of decisions required of members of the Committee on Claims is judicial in character. I should certainly hesitate to build up bureaus by transferring legislative authority to them. I would not knowingly vote for such a measure. I think it would be one of the most dangerous things that we could do. I think that we have gone too far in that direction already.

Mr. McDUFFIE. The gentleman does not believe in building them up by increasing their authority along judicial lines or giving them judicial authority, does he?

Mr. GARRETT of Tennessee. My position may not be thoroughly consistent in that regard.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MONTAGUE. If the gentleman thinks, and I think he is correct, that the bulk of the work done by the departments in this character of claims will be judicial, what does he think of giving judicial power with no review by any appellate court?

Mr. GARRETT of Tennessee. I am inclined to think very strongly that there might very well be an amendment which would give judicial review of those cases under $5,000 as well as giving original authority in cases above $5,000.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLACK of Texas. As I understand this bill, it merely authorizes these departments to ascertain the facts of the claim, and to give their judgment that it is a just claim. Then it comes back to Congress, and Congress in the final analysis passes upon the claim. It does not seem to me that it is an unusual delegation.

Mr. GARRETT of Tennessee. It does not differ from what has been done in the past, or for a long period of years, as regards Civil War claims so far as that is concerned. We are not setting a precedent here in principle.

Mr. UNDERHILL. The gentleman will agree that this bill uses the same language, but only increases the amount from $5,000 to $10,000.

Mr. GARRETT of Tennessee. That is true.

Mr. TILSON. And is it not also a fact that every bill introduced here for a claim is first sent to the appropriate department, and that Members of the House are very largely influenced by the report the department makes after such investigation? Such reports when they come to this House are very persuasive, especially with some Members in making their objections here. Sometimes objections are based very largely upon the fact that the department has reported unfavorably, so that in this bill we are not departing very far from the plan we are already using in the adjustment of these claims.

Mr. GARRETT of Tennessee. Practically, without exception, and I think properly so, the claims, such are those that we are discussing here, are referred to the department in which the cause of action, if I may so designate it, arose, with the request for an opinion from the head of that department.

Mr. RAMSEYER. Mr. Chairman, I rise in opposition to the pro forma amendment to make a few observations on this section and probably on the bill. From the questions that I asked the gentleman from Massachusetts [Mr. UNDERHILL] a while ago. Members have probably sensed my general attitude toward the bill. I know that the proper handling of claims in the Claims Committee presents a very hard situation. The Committee on Claims is a hard-working committee, and I think they handle those claims as well as they could be handled by any committee, and but for the situation so created we probably would not have this bill now pending before the House. I am in sympathy with the purposes of the bill. We must also understand, before we go any further, that in this bill we are making a radical change in our judicial procedure. Up to this good hour there has been no authority for a citizen or a noncitizen to sue the Government of the United States in cases sounding in tort. There are good reasons why the sovereign should not be sued. I am not going to take the time of the House to amplify that proposition because I think every lawyer of the House knows just why the rule has prevailed. If we are going to change the rule and permit the sovereign to be sued, I think there ought to be a limitation. We ought to experiment on smaller cases, and while we are experimenting on smaller cases, at the same time we would be relieving the Committee on Claims of probably at least nine-tenths of their distressing labors.

We first attempted to relieve the Committee on Claims in 1922 when we conferred jurisdiction upon the heads of the departments to adjudicate claims up to a thousand dollars for injury to private property on account of the negligence of Government employees. I ask Members to note this language in that statute:

caused by the negligence of any officer or employee.

In this bill we go further. We confer jurisdiction for damages or loss to private property—

caused by the negligence or wrongful act or omission of any officer or employee of the Government.

There can be no question that we are widening the scope of the statute that we passed in 1922.

Mr. MANLOVE. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. MANLOVE. The gentleman suggests that we limit the amount. Might it not be well to start at a lower base than $5,000.

Mr. RAMSEYER. We have no base.

Mr. MANLOVE. At a lower figure.

Mr. RAMSEYER. From a cent to $5,000 under this bill we confer jurisdiction on the department chiefs.

Mr. MANLOVE. That is what I am saying.

Mr. RAMSEYER. Over $5,000 and up to the sky——

Mr. MANLOVE. Instead of starting with $5,000 start at a lower sum.

Mr. RAMSEYER. Would the gentleman limit the jurisdiction of the department chiefs below $5,000? As the bill reads, it is in sums up to $5,000 that the department chiefs pass upon. In cases involving between $5,000 and $10,000 the Court of Claims and the Federal district courts have concurrent jurisdiction. From $10,000 to the farthest star the Court of Claims has exclusive jurisdiction.

Now, we are not going to get through with this bill to-night. There is some questioning of my statement. Let me repeat—from $5,000 to $10,000 the Court of Claims and the Federal district courts have concurrent jurisdiction, and above $10,000 the Court of Claims has exclusive jurisdiction.

I say we are not going to get through with this bill to-night, and I want the Members of the House—between now and the next time we meet to consider this bill—to give serious consideration to the question of fixing a limit on the amount the Government can be sued for in cases sounding in tort. Maybe my imagination is running off with me.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. May I have three minutes more?

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RAMSEYER. But I can conceive a situation where the claims arising out of tort might mount up to such staggering amounts that they would threaten the very existence of the sovereign. Now, it is all well and good to say that the Government should be treated like an individual, but who is the Government? It is the people. Under our system of government sovereignty resides in the people, and when you threaten sovereignty you threaten the organization under which the people live, move, and have their being in organized society.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield there?

Mr. RAMSEYER. Yes.

Mr. BULWINKLE. I have prepared an amendment limiting the amount to $10,000.

Mr. RAMSEYER. I think as a starter we ought to accept an amount like that. If it works all right, it will be easy enough in a subsequent Congress to extend the jurisdiction.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. MOORE of Virginia. It would be better to go a little slow, because we can not foresee what increase it would make in the business of the Court of Claims if this bill is passed.

Mr. RAMSEYER. I agree with the gentleman on that.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. ARENTZ. At the present time if the head of a department says a thousand dollars is due, the deficiency bill would provide payment. Under this bill a department head may say a $5,000 claim is due to John Doe, but after he has made that decision he sends here a departmental bill asking Congress to authorize an appropriation for John Doe, and the Committee on Claims goes over this list of bills that the department head has sent in and, if satisfactory, it indorses the recommendation of the department.

Mr. RAMSEYER. There ought to be a limit to the paying out of the public money.

Mr. ARENTZ. This is merely an amendment to the former bill.

Mr. UNDERHILL. A bill came in last year for $4. The committee thought it did not have the time to devote to such a matter, and we concluded that if they could not pay that $4 they would have to go to the Committee on Appropriations.

Mr. LUCE. Mr. Chairman, I wish to protest—that may not be exactly the right word; I wish to argue—against placing in this bill the limitations suggested, and at the same time in all kindness to take issue with the gentleman from Iowa [Mr. RAMSEYER], when he said there were reasons why we should still recognize the doctrine that the king can do no wrong. My keen interest in this subject dates back 20 years to my personal experience in the Massachusetts Legislature. In the course of protracted studies since that time I have never been able to find one single reason to support to-day that most pernicious and cruel doctrine of antiquity, the dogma that the king can do no wrong. [Applause.]

Let me recall a bit of the history of this subject. I must put it in a very few words, because I did not have opportunity in general debate to call your attention to it. In my own Commonwealth of Massachusetts in the early days the legislative, executive, and judicial powers were exercised by one body, the general court. It took us nearly 150 years to get the greater part of the judicial functions wholly out of the general court, and it took us nearly another 150 years to bring that reform to virtual completion. There never was and never will be a legislative body capable of dispensing justice. The most cruel injustices recorded have been those committed by law-making bodies. Such bodies are by their constitution not capable of dispensing justice. So your forefathers and mine, after a bitter experience of more than a century and a half, began to make constitutional separation of the powers. The constitution of my own State in 1780 is the model, in the words of John Adams, for that purpose. Our Federal Constitution has been so construed.

The gentleman from Tennessee [Mr. GARRETT] was absolutely correct when he expressed the belief that the granting of claims is a judicial and not a legislative power.

It was nearly 75 years ago that the Congress began to recognize this, and by the creation of the Court of Claims gave the first inkling of its apprehension of what is common sense in the matter by beginning to resort to a judicial body. And now comes a singular coincidence. About 50 years ago a man from the city of Somerville, Mass., was a Member of this House. His name was Bowman, and he achieved the next important step in this reform by securing the passage of what has since been known as the Bowman Act. The singular thing is that he to whom the honor will come, and should come, for initiating the legislation now before us lives to-day within gunshot of where Selwyn Z. Bowman lived.

The next step was taken under the lead of the father of that much-respected colleague of ours, Mr. TUCKER, of Virginia. The Tucker Act still more broadened the powers of the Court of Claims.

Now, we have the opportunity of carrying the reform yet farther—not as far as I would like to go and not as far as some future Congress will go, but still a step in advance. Because it is a step in advance I hope that step will not be shackled. I hope it may not be the few inches that will come if you put on these amendments, without going the full length of what your committee so wisely and admirably recommends.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. RAMSEYER. How much farther could you go than this bill goes?

Mr. LUCE. You can go to the point of taking out of the Congress of the United States every shred and fragment that may be left of judicial procedure, and that will come so surely as it has come in nearly every other civilized country on the globe. My State approached it a half century ago and for these many years our legislature has not been seriously perplexed and harassed by attempting to administer justice in the settlement of claims. There are other States in this land that have equally proceeded. I know the idea shocks gentlemen from States where it has not been tried; I know they are skeptical; I know they are afraid; but I point to the States of this land that have had this now for these many years. I know it is the part of wisdom, that it is the part of equity, and that it is the part of justice itself to stop trying to administer justice in a legislative body.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. NEWTON. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may proceed for one additional minute.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the gentleman from Massachusetts may proceed for one additional minute. Is there objection?

There was no objection.

Mr. NEWTON. Does the gentleman's State permit the State government to be sued, just the same as a suit may be brought against an individual?

Mr. LUCE. At least in contract; yes.

Mr. PEERY. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. PEERY. I would like to ask the gentleman if he considers it wise in principle to transfer judicial power to the executive branch of the Government to the extent of $5,000, as this bill proposed to do?

Mr. LUCE. The latest idea among students of the science of government is that there is no proper discrimination between the executive and judicial departments; that in reality the Government consists of two things—making the law and the carrying of law into effect. We used to proceed on the assumption that we should also separate the executive and the judicial, but complete separation has been found impracticable and gradually all the countries of the world are bringing those two powers together.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. UNDERHILL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAGUARDIA, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, and had come to no resolution thereon.

REFERENCE OF HOUSE JOINT RESOLUTION 175

Mr. PARKER. Mr. Speaker, I ask unanimous consent to refer House Joint Resolution 175, which relates to changing the name of the Ancon Hospital in the Panama Canal Zone to the General Gorgas Hospital, from the Committee on Military Affairs to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The Clerk will report the resolution by title.

The Clerk read the title of the resolution, as follows:

House Joint Resolution 175, to change the name of the Ancon Hospital in the Panama Canal Zone to the General Gorgas Hospital.

The SPEAKER. The gentleman from New York asks unanimous consent that this resolution may be rereferred from the Committee on Military Affairs to the Committee on Interstate and Foreign Commerce. This is not a military hospital.

Mr. PARKER. No; it is a civil hospital.

The SPEAKER. Is there objection?

There was no objection.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. TILSON. Mr. Speaker, some question has been raised as to when the bill which has been under consideration to-day will go on again. I believe it to be in accordance with the rules that this bill will go on at any time when there is not a privileged matter to take precedence over it. I understand that to-morrow the Committee on Appropriations will have a privileged bill, the bill making appropriations for the War Department.

Mr. GARRETT of Tennessee. Has the bill been reported?

Mr. TILSON. It will be reported to-morrow and will be taken up under general debate immediately.

Mr. BLANTON. Without even having been printed? That is pretty fast work.

Mr. TILSON. It will be taken up for general debate only, as I understand.

Mr. DENISON. Mr. Speaker, did the gentleman's unanimous-consent request which was preferred this morning with reference to the bill we have had under discussion, contain the request that it remain the unfinished business of the House?

Mr. TILSON. It did not. It did not limit it to to-day, but simply asked that it be in order.

Mr. DENISON. While unanimous consent may have been granted that it be in order, that did not mean it would be in order indefinitely.

The SPEAKER. The Chair examined the colloquy which occurred this morning and there is no mention of a day certain. It was simply general leave that this bill might be considered under the Rules of the House.

Mr. DENISON. I should think it would take unanimous consent to bring it up.

The SPEAKER. As the Chair understands it, this bill is now the unfinished business and may be taken up at any time where there is not another matter of higher privilege under the rule.

Mr. BLACK of Texas. Why not finish this bill to-morrow? The Members have just recently studied the bill and are more familiar with it now than they will be if it is displaced indefinitely.

Mr. TILSON. There are two reasons. One is that a number of Members have asked that it not come up to-morrow so that they may have an opportunity to consider it a little further. Another reason is that there is an appropriation bill with considerable general debate pending that it is desired shall go on to-morrow.

Mr. BLANTON. May I ask the gentleman whether he does not think it wise policy to at least have a big appropriation bill like the Army bill printed before we take it up for discussion?

Mr. TILSON. The gentleman understands that general debate on a bill of this sort means a very wide discussion upon things that do not pertain directly to the bill which is supposed to be before the House.

Mr. BLANTON. The bill will not be read to-morrow?

Mr. TILSON. Certainly not.

RETIREMENT FOR DISABLED EMERGENCY ARMY OFFICERS

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 500).

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ROY G. FITZGERALD. Mr. Speaker, the retirement for disabled emergency Army officers is provided in H. R. 500 and S. 777.

NINE CLASSES OF WORLD WAR OFFICERS

Nine classes of officers fought in the World War. These were the regular officers of the Army, Navy, and Marine Corps; the provisional officers of the Army, Navy, and Marine Corps; and the emergency officers of the Navy, Marine Corps, and the Army. The first eight classes have been retired by the Congress for their wounds. The disabled emergency Army officers alone have been denied retirement for their mutilations and disabilities. It is to rectify this discrimination against the seriously disabled emergency Army officers that the American Legion has pressed this legislation for the past nine years.

The discrimination is against the emergency Army officers, who have not been placed on a parity with the eight other classes of disabled officers who fought in the World War. There is no discrimination against the disabled enlisted men, as they will lose nothing—they will not surrender a single right—if their disabled officers are placed upon a parity with the eight other classes who have already been retired.

EQUALITY PROMISED

Equality for all officers and enlisted men was promised in the selective service act of May, 1917. This equality has been granted to all classes of enlisted men and to eight of the nine classes of officers. The disabled emergency Army officers alone have been denied the fulfillment of this promise, made by the Congress 11 years ago.

Section 10 of the selective service act of May, 1917, provided as follows:

That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects upon the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.

The retirement privilege has been held to be a pension. In view of this, would it not appear that through this enactment Congress desired the emergency officer to be on exactly the same footing as the Regular officer with respect to payments for battle casualties?

General Orders, No. 75, War Department, August 17, 1918, reads in part as follows:

This country has but one Army, the United States Army. It includes all land forces in the services of the United States. These forces, however raised, lose their identity in that of the United States Army. Distinctive appellations, such as Regular Army, Reserve Corps, National Guard, and National Army, heretofore employed in the administration and command, will be discontinued and the single term "United States Army" will be exclusively used.

Orders having reference to the United States Army as divided into separate and component forces of distinct origin, or assuming or contemplating such a division, are to that extent revoked.

A recent letter from one of the Members of Congress—Representative T. W. HARRISON, of Virginia—who was on the committee which drew up the selective service act, states the following:

I consider that the clause in the draft law was a distinct obligation on the part of the Government to put the emergency officers in the same class with the Regular officers. I was on the Military Affairs Committee when this bill was passed, and it was the opinion of the majority of that committee that the language used was sufficient to take care of the emergency officers.

For years the Civil War officers had been clamoring at the doors of the Military Affairs Committee to be placed in the class of the Regular Army officers, and to remove any possible distinction against the new emergency officers the language was inserted in the draft bill to remove a controversy. The language is very broad and I have never understood how the War Department managed to evade it.

WHO ARE THESE DISABLED OFFICERS?

They were the platoon commanders, the company and battalion commanders, who led their men in the most desperate fighting the Nation has ever known—led them against rifle and artillery fire, machine guns, flame projectors, and poison gas, led them through barbed wire and trench and forest, through mud and blood, in a manner which stirred the wonder and admiration of the world—10 years ago.

LET'S GO

These were the officers whose motto was "Come on, boys," not "Go on, men." They took their leadership seriously, did these emergency officers; were so determined to set an example to their men that the British and French repeatedly warned them against their unnecessary exposure to danger, for they were marked men, marked down by the enemy as a special target for snipers and sharpshooters.

Chateau-Thierry, Belleau Wood, St. Mihiel, and the Meuse-Argonne abounded in their deeds of sacrifice and heroism. But the results tell the tale. The battle deaths among these officers of the Infantry and machine-gun outfits were 55 per cent higher than those of the men who served under them. Two thousand of them were killed in action. Three thousand of them now survive, disabled permanently, more than 30 per cent.

Look for your answer at the citations for gallantry in action—"above and beyond the call of duty." There you will read the history of their imperishable deeds—in the awards of the Congressional Medal of Honor and the distinguished service cross—deeds which were heralded from coast to coast, thrilling the Nation with wonder and pride—but deeds which reduced these gallant officers from stalwart, vigorous manhood to the maimed, crippled, and mutilated husks of men they are to-day.

OFFICERS MEN WITH RESPONSIBILITIES

The officers were chosen largely for their responsibility, as the comfort, safety, and lives of the men they commanded were in their hands. Because of their greater age, a large proportion of them had wives and children or other dependents when they entered the service. Many others had incurred family, business, and professional responsibilities which the enlisted men had not yet attained because of their youth.

OFFICERS HAD FAMILIES

The average officer was above the draft age. In fact, a large proportion of them would not have been able to have entered the service—due to their family responsibilities and the necessity of those dependent upon them—but for the fact that as officers they received a rate of pay which enabled them to enter the service and still support their families. This fact is frequently overlooked in considering the justice and urgency of this legislation.

OFFICERS OLDER THAN ENLISTED MEN

The officers were older than the enlisted men by an average of 12 to 15 years. The lieutenants and captains averaged 8 years older; the majors 17 years older; and the few colonels and lieutenant colonels, who were permanently injured, 22 years older. These men abandoned careers at the call of their country. The majority have been unable to resume these careers due to their disabilities. The average disabled enlisted man, on the other hand, was at the threshold of his career. The situation confronting the average of these two classes is, therefore, vastly different—one in midcareer with dependents, the other at the outset of his career and without dependents.

This great difference in the ages of officers and enlisted men is a natural one and has been true through all America's history. The reason for it is apparent. It is necessary that an officer be a man of greater experience, greater ability in handling men and coping with situations, than the enlisted men themselves. As a rule, his greater age has also brought him greater military knowledge, essential to proper leadership.

SELECTION OF OFFICERS

Here are some extracts from a War Department memorandum of June 4, 1917, which instructed officers of the regular service on the methods they were to follow in selecting candidates for the officers' training camps. These show the emphasis placed upon age, experience, and character:

GENERAL PLAN

To provide officers for * * * the National Army the War Department has adopted the policy of commissioning all new officers of the line (Infantry, Cavalry, Field and Coast Artillery) purely on the basis of demonstrated ability after three months' observation and training in the officers' training camps. Thus the appointment of officers of the new armies will be made entirely on merit and free from all personal or other influences.

* * * Also, in connection with these camps, it is to be noted that mature and experienced men are needed to fill the higher grades (first lieutenant, captain, major, and a few lieutenant colonels).

QUALIFICATIONS

* * * In order to obtain the experienced class of men desired, preference will be given to men over 31 years of age, other things being equal. Because of the anticipated large number of applications, it will probably be difficult for men under that age to qualify except in instances where the applicant has preeminent qualifications or unusual military experience.

CHARACTER OF MEN DESIRED

Since the special object of these camps is to train a body of men fitted to fill the more responsible positions of command in the new armies, every effort will be made to select men of exceptional character and proved ability in their various occupations. While it is desired to give full opportunity for all eligible citizens to apply, no man need make application whose record is not in all respects above reproach and who does not possess the fundamental characteristics necessary to inspire respect and confidence.

WORLD WAR OFFICERS' TRAINING CAMPS

The following data has been supplied by the press-relations section of the War Department on the First, Second, and Third Officers' Training Camps held during the World War to supply commissioned personnel for the World War armies. The figures show the number who applied for entrance in the camps, the number who were admitted to the camps, and the number who received commissions as the result of attending the camps. Figures on the Fourth Training Camp were not available, and as this camp took place in the summer of 1918 it is not thought that many of its graduates saw World War commissioned service in action.

	Number who applied for admission	Number admitted	Number commissioned
First camp, May 15, 1917	200,000	43,000	27,341
Second camp, Aug. 29, 1917	200,000	23,000	17,247
Third camp, December, 1917	----------	18,437	11,657
Total	400,000	84,437	56,245

The personnel of the third camp was made up exclusively of enlisted men already in the service. These made application for attendance through their company commanders. As each regiment was limited to a definite number of men, no figures were compiled on the number of applicants, although it is known that these were many times the number accepted. The foregoing figures relate solely to camps for the combat services and do not include the noncombatant and administrative branches of the Army, for service in which tens of thousands of officers were commissioned from civil life.

SPLENDID MEN SELECTED

When the first officers were graduated from these officers' training camps the press of the Nation heralded them as the finest body of American manhood ever grouped together. And well they might, for the exacting War Department requirements had been scrupulously carried out.

Only 1 out of 10 of the applicants was finally commissioned. This small selected group represented men of proven ability in civil life who were still sufficiently fit physically to withstand the grueling tests prescribed by the training camps.

Four out of five of the applicants who desired to attend the camps were denied this privilege. Some because of their immature years, others because they lacked a record of proved ability in civil life, others because their physical qualifications were not up to the high standard set. In addition, a large number who would otherwise have been qualified were denied the privilege of attending the camps because of the limitation in numbers.

These exceptionally qualified men were then put through the practical and exhaustive tests which the three months at training camp provided for their physical, mental, and moral qualifications to be combat officers, upon whose ability, courage, and judgment would depend the lives of the boys whom the mothers and fathers of the Nation intrusted to their care.

ENLISTED SITUATION DIFFERENT

The World War enlisted men were chosen for their lack of responsibility. Out of each 350 men who passed the required physical examination for service, 250 men received exemption because they had dependents and 100 men were accepted for service through their lack of dependents. It was the desire of the Congress that the enlisted personnel be men without family obligations, and that the spirit of this desire was fulfilled is shown by the foregoing exemptions granted to those who had passed the physical examination.

EXEMPTIONS

The final report of the provost marshal general of the Army to the Secretary of War, dated July 15, 1919, shows in table 4, page 24, that 2,780,576 men were actually inducted into the service during the World War, as compared to table 2, page 20, of the same book, which shows that 6,964,229 men received exemption from their local boards because of dependency.

This means that for every 100 men actually inducted into the service 250 men were exempted because of dependency.

This action was in line with that portion of the selective service act which authorized the President to exempt among others the following:

> Those in a status with responsibilities to persons dependent upon them for support which renders their exclusion or discharge advisable.

It is apparent from this act that Congress desired its fighting forces to be made up of men without family responsibilities. The figures quoted show that this wish was followed by the local boards.

One of the chief reasons for the difference in pay of officers and enlisted men of all armies and for all wars has been because of the difference in their ages and responsibilities. These same responsibilities continued after the emergency officers were disabled and crippled. If this difference in pay was proper when the emergency officer was well and sound, how much more necessary to continue it after he has been permanently disabled and thus prevented from earning a livelihood for the family which was dependent upon him prior to his war disability.

A FALLACY EXPOSED

Occasionally opponents state they can not see the justice in a disabled officer receiving a higher rate of compensation for his disability than a disabled enlisted man. They cite as an example of this two brothers of approximately the same age, just out of college, one attending an officers' training camp and obtaining a commission, the other enlisting and serving in the ranks. Both become equally disabled in the service. Why should one receive a higher rate of compensation for his disability than the other? This is the stock argument advanced by opponents.

There would be justice in this argument provided it were typical of the situation. It is not typical. The fundamental merits of the legislation are due to the fact that this illustration is very far from the true situation.

The officers were older than the enlisted men by an average of 12 to 15 years. They were in midcareer in civil life. A large proportion of them were married and had families dependent upon them. Many of these officers could not have accepted commissions but for the pay which they received as officers; otherwise they would not have been able to support those dependent upon them while they were in the service.

THE LEGION FIGHTS FOR ALL DISABLED

Ever since 1919 the American Legion has fought aggressively for beneficial legislation for all disabled men. Its membership is overwhelmingly from the ranks, and the Legion is responsible to a great degree for the many beneficial laws which the Congress has enacted for the relief and protection of all classes of the war's disabled.

The opponents who have fought the disabled officers' retirement measure so vigorously—in the open or through parliamentary tactics—do not dare claim that the Legion would sponsor legislation which would deprive any disabled man, enlisted or commissioned, of any rights or privileges heretofore acquired.

This "discrimination-against-the-enlisted-man" argument has been designed to create opposition on the part of the enlisted men, an attempt which has signally failed. The enlisted men do not object to their disabled officers being placed on a parity with the eight other classes of disabled World War officers, and many veteran company organizations composed wholly of enlisted men have so expressed themselves through resolutions advocating the enactment of the retirement measure for their former officers.

ENLISTED MEN FAVOR THIS LEGISLATION

The membership of the American Legion, more than three-quarters of a million strong, is composed of at least 85 per cent enlisted men. The 1,000 delegates to the nine national conventions have been thoroughly representative of the membership of the Legion. At the St. Louis caucus of the Legion, May, 1919, when they decided to drop all military titles in connection with their meetings and proceedings, a resolution was adopted calling upon Congress to grant retirement to the disabled emergency officers. Since that time nine national conventions of the Legion have been held. At each of these conventions the attitude of the Legion established at the St. Louis caucus has been reaffirmed, and resolutions adopted calling upon Congress to grant this retirement.

At its national convention held at Omaha October, 1925, a legionnaire, who had formerly favored this resolution but who now, as a Member of Congress, is opposing it, took the floor of the convention and appealed to the Legion to prevent discrimination against the enlisted men and to vote against continued advocacy of this measure.

This Congressman spoke upon the subject twice in an appealing and persuasive manner. His appeal to the 1,000 delegates to desert the disabled officers failed in its purpose, and the convention voted overwhelmingly to continue this fight for justice. Since that time no one has spoken against the measure on the floor of a Legion convention.

A FALSE IMPRESSION

Opponents of this legislation who assume the rôle of champions of the disabled enlisted men—who outnumber the disabled officers 20 to 1—strive to create the impression, by opposing this

retirement measure for this ninth class of disabled World War officers, that they are conferring benefits of some sort upon the numerically greater class of disabled enlisted men. This attitude conveys a false impression. The enactment of this bill will not deprive the disabled enlisted men of a single right heretofore accorded them. On the contrary, blocking this measure is actually depriving the ninth class of disabled officers of a portion of the rights already accorded the other eight classes of officers who fought in the World War.

OFFICERS' PENSION RATE GREATER THAN ENLISTED

From the Revolutionary War to the Civil War there was no "retirement." During this long period the disabled Emergency officers received exactly the same rate of pensions as the disabled Regular officers. The amounts of these pensions were based upon the rank held by the officers. The enlisted men received much smaller pensions, but the rate was exactly the same for Emergency and Regular enlisted men.

These war-disability pension rates were paid for the Revolutionary War, for the campaign on the Wabash, for the War of 1812 with England, for the Black Hawk War, for the Indian depredations in Florida, for the Creek War, for the war with Mexico, and under certain circumstances for the Civil War.

THE GENERAL PENSION LAW

On July 14, 1862, the present general pension law was approved, which has governed disability pension payments from that day to the present year, for Regular and Emergency services, officers and privates, except those cases where subsequent enactments have made it noneffective. This general pension law set a maximum disability pension for an officer—Regular or Emergency—at $30 a month, and for an enlisted man—Regular or Emergency—at $8 a month.

CIVIL WAR

The disabled emergency Army officers of the Civil War received greater rates of pension payments under this act than the disabled enlisted men of the Civil War until May 11, 1912, when general-service pensions—not service-disability pensions, mind you—for all ranks of the Civil War over 75 years of age were increased to $30 a month by the Congress.

SPANISH-AMERICAN WAR

Disability pension payments to the emergency officers and enlisted men of the Spanish-American War were also regulated under this general pension law of July 14, 1862. The disabled emergency officers of that war continued to receive a higher rate of pension than the disabled emergency enlisted men until the act of June 5, 1920, when general-service pensions—not service-disability pensions—for all ranks of the Spanish-American War were increased to $30 a month for men over 75 years of age or permanently disabled, service connection for disability not required.

RETIREMENT FOR NAVY AND MARINE CORPS

The emergency officers of the Navy and Marine Corps, disabled in the World War, were retired by the act of June 4, 1920, approved one day prior to the approval of this Spanish-American War act of June 5, 1920, quoted above.

OUR HISTORIC POLICY

It will, therefore, be seen that from the Revolutionary War down to the present date it has been the policy of the American Government to give higher rates of disability pay or pension to the emergency officers than to the enlisted men who were disabled in time of war. These are facts which can not be contradicted, and are based upon our pension laws and their administration by the Commissioner of Pensions.

In view of these facts, can anyone claim that our national policy governing pension payments for war disabilities has been to pay the same rate to the emergency officers as the emergency enlisted men? From the Revolutionary War to the present date the contrary policy has been followed by our Government.

"RETIREMENT" CAME WITH THE CIVIL WAR

It will be seen from the foregoing that there was no "retirement" for any class of officers from the Revolutionary War to the Civil War, and that during this entire period all classes of disabled officers received the same disability pay based upon rank. So the "national policy" which the Regular Army has sought in vain to keep exclusively its own is of comparatively recent origin.

THE REASON

Retirement in the Regular Army came about in the following manner: When the Civil War broke upon us it was found that many regular officers in the higher ranks, due to their advanced age and the disabilities incident thereto, were unable to perform the active service with troops required. Following the Battle of Bull Run, July 21, 1861, the first retirement law was approved, August 3, 1861. This provided retirement for Regular Army officers with 40 consecutive years of commissioned service, and for disability not necessarily incurred in war time.

REGULAR ENLISTED MEN DO NOT GET IT

This original retirement act for the Regular Army has since been greatly enlarged by subsequent enactments. But it is apparent that one of the impelling reasons which actuated the Congress in initiating retirement was a desire to raise the efficiency standards of the Regular Army officer personnel through removing in an emergency those physically unable to withstand the hardships of campaign. It was therefore a war measure and not a peace-time measure as is so often erroneously claimed. The enlisted men of the Regular Army did not obtain retirement until February 14, 1885, and then only for length of service. The general pension law of July 14, 1862, still cares for their disabilities. They have never obtained retirement for battle or peace-time injuries.

HOW ENLISTED MEN FEEL

It has been stated by opponents that the former enlisted men are opposed to this measure, but these opponents have never satisfactorily explained the fact that, although the membership of the veterans' organizations are overwhelmingly composed of former enlisted men, all of these organizations have uniformly indorsed this legislation. A few letters and resolutions urging congressional action, written by former enlisted men, are quoted, in part, as follows:

Resolution

5733 WAYNE AVENUE,
Philadelphia, Pa., April 16, 1926.

We, the surviving noncommissioned officers and privates of A Company, Three hundred and fifteenth Infantry, Seventy-ninth Division, assembled for the purpose of discussing the merits of H. R. 4548, known as the Fitzgerald bill, making eligible for retirement disabled emergency officers who incurred disability in line of duty in the World War, have reached the following conclusions:

There were nine classes of officers who fought in the World War, the regular officers of the Army, Navy, and Marine Corps, the provisional officers of the Army, Navy, and Marine Corps, and the emergency officers of the Army, Navy, and Marine Corps. Eight of these classes have been retired, but the one class which Congress has excepted from retirement is the disabled emergency Army officer.

We, as enlisted men of the Army in the World War, can see no reason why our emergency officers should be singled out for this discrimination by Congress, and, recognizing that the provisions of the Fitzgerald bill will give to emergency officers the recognition already given eight of the nine classes serving the colors, are 100 per cent for it.

We feel that the officers of our own company are being discriminated against in failure to place them on an equality with other officers, and as a group of enlisted men from one company only, feel that we voice the sentiments and wishes of every soldier in the country who served below the grade of a commissioned officer in expressing the wish that his officers receive treatment equal to those of the more fortunate classes.

We believe that this is a matter in which we as soldiers are not being discriminated against; on the other hand, we feel that our officers have been unfairly dealt with and demand that the wrong be righted.

EUGENE GLATFELTER,
Chairman Company A, Three hundred and fifteenth Infantry Reunion Committee, Formerly Sergeant, Company A, Three hundred and fifteenth Infantry, Seventy-ninth Division, A. E. F.

---

* * * * * * *

DEAR SIR: I am a totally and permanently disabled veteran of the World War, and I wish to urge upon you the duty we still owe to the disabled war-time officers who have not been retired. The passing of the emergency officers retirement bill will in no way aid me, but I feel as my friends in the American Legion feel—that discrimination has been shown against these officers; and I respectfully beg of you to give this matter your enthusiastic approval.

Very cordially yours,

EDWARD F. O'NEIL,
Formerly Sergeant, First Class.

---

* * * * * * *

DEAR SIR: There is a bill before the House of Representatives known as the Fitzgerald bill to take care of the disabled emergency officers of the World War.

As you are a member of the House Rules Committee, I would greatly appreciate it if you would assist in getting this bill reported favorably at an early date so that it can be voted on at this session. This is a bill that in all justice should have been passed seven or eight years

ago. I realize that I am not in your district, but I will appreciate your support and may some day be able to return the favor.

I might further say that I was an enlisted man, and this bill will not affect me in any way, but I believe it should be passed.

Very truly,

DONOVAN D. MCCARTY, *County Judge.*

* * * * * * *

DEAR SIR: It is requested that you vote for and assist in getting through a bill to retire the disabled emergency officers of the World War on the same status as the disabled officers of the Regular Army.

For your information, the writer was a private in the emergency Army, saw service overseas on five fronts, and will assure you that our emergency officers did just as good a work as the officers of the Regular Army. Not only that, but our emergency officers faced the music with us; therefore, why shouldn't their disabilities be given the same consideration as the disabled Regular Army officers?

Very truly yours,

BEN R. CLARK.

We enlisted men do not want to be retired.

These letters speak for themselves and are typical of many others received in connection with this legislation.

BATTLE DEATHS

The dangers and hazards of the company and platoon leaders—the emergency officers—are well illustrated by the following statistics taken from The War with Germany, by Leonard P. Ayres, General Staff, chief of the statistics branch of the General Staff of the Army, published by the Government Printing Office.

This official War Department publication shows that 2,191 Army officers were killed in action or died of wounds received in action. Remember that three classes of officers were in the Army. A further analysis of this list shows that 2,040, or 93 per cent, of these officers who were killed in action came from one class—the only class still denied retirement—the emergency Army officers. The remainder of the Army officers killed, 151, or 7 per cent, came from the two classes of Army officers already in receipt of retirement—the regular and provisional Army officers.

OFFICERS' DEATH RATE HIGH

By far the greater number of deaths and casualties occurred in the Infantry and machine-gun outfits—greater than all other branches of the service, for both officers and enlisted men. Let those who are invoking parliamentary tactics against the relief of these officers examine diagram 51 on page 121 of this official publication. The statistics quoted there show that in this fighting branch of the service there were 80.5 officers killed in action for each 1,000 officers who reached France, as compared with 51.7 enlisted men killed in action for each 1,000 who reached France.

This comparison is a true index of the hazards which confronted the emergency Army officer in action. It shows that in this branch of the service that the battle deaths of the officers were 55 per cent greater than the battle deaths of the enlisted men. This will illustrate the seriousness with which the emergency Army officers took their responsibilities. These figures are eloquent with the exposures and hazards which go hand in hand with leadership and demonstrate the high spirit, the fidelity to trust well placed, which imbued those whose first thought was of victory—their men—and last of all, of self.

WOUNDED IN ACTION

Ayres's book shows further that 8,122 officers were wounded in action. Of these, 3,195 are listed as severely wounded. As only 3,030 of the emergency Army officers are now rated at more than 30 per cent disabled, it will be seen that many of the severely wounded officers have died or are now so recovered—nearly 10 years after the fighting—that their disabilities are rated at less than 30 per cent permanent. This legislation cares for the severely disabled officers. "Severely wounded" usually means one whose survival is uncertain.

WHERE DID THE OFFICERS COME FROM?

Ayres's statistics show that there were 200,000 officers. These were divided into the following groups:

From officers' training camps	96,000
Physicians	42,000
Directly from civil life	26,000
From the ranks	16,000
National Guard	12,000
Regulars	6,000
Chaplains	2,000

All of the foregoing were emergency officers except the 6,000 Regulars. It is apparent from this that it is absolutely essential in order to wage a major war successfully that the officers who do the fighting, who have actual control of the men, upon whom the lives of the enlisted men are directly dependent, are the emergency officers, for whom retirement is now sought for the severely disabled.

REGULAR OFFICERS RETIRED

Ayres states there were only 6,000 Regular Army officers in the Army at the beginning of the war. Since that date and up to 1926, 1,109 Regular Army officers have been retired for disability, and 645 Regular Army officers have been retired for reasons other than disability, a total of 1,754 Regular Army officers retired since the beginning of the war.

An analysis of the Regular officers' retirements up to January 1, 1924, showed that only 9 West Pointers had been retired for wounds received in action during the World War, although 58 provisional Army officers had been retired for battle wounds.

From the foregoing it would seem that although battle wounds are few, retirement has been accorded in generous numbers to the Regular Army officers.

The reverse has been the lot of the emergency Army officer. Battle wounds have been his portion, privation his recompense. He still awaits retirement at the hands of a grateful Nation.

RETIREMENT PROPER FOR REGULARS

The present theory back of the retirement of the Regular Army officer is that his disability—age, health, accident, or battle wounds—which prevents him from being of further use in the Army also unfits him for the competition of civil life and that he should, therefore, be retired, or pensioned, at a rate of pay sufficient to maintain himself and family. This theory is considered sound. Not only as a matter of justice, but for sound national defense policy the regular officer should be able to look forward to retirement, instead of poverty, after his usefulness in the Army has passed.

ALSO RIGHT FOR OTHERS

If this theory is sound for the regular, it is also sound for the disabled emergency Army officer. The emergency officers were professional or business men. Because of their age and the nature of their disabilities, vocational training has proved of little practical assistance. It is agreed that competition in civil life is much keener than in the Regular Army. If it is harder to meet competition with a sound body and mind in civil life, how much more difficult it is for a former officer, after years in hospital, to attempt to take up business or professional work again, in competition with men who were not in the service, and earn sufficient to maintain himself and his dependents.

Fairness and sound national policy alike demand that he receive the retirement already accorded the other eight classes of disabled officers.

PROVISIONALS GRANTED RETIREMENT

Retirement was granted the provisional officers by the act of July 9, 1918, and by the act of June 4, 1920, retirement was granted the disabled emergency officers of the Navy and Marine Corps. From 1922 to 1925 seven additional laws were enacted granting retirement to individual disabled emergency officers of the Navy and Marine Corps.

The disabled emergency Army officer, of the nine classes of disabled officers who fought in the World War, is the only class now discriminated against in this connection.

HOW ABOUT THE NAVY AND MARINE CORPS?

By the act of June 4, 1920, the disabled emergency officers of the Navy and the disabled emergency officers of the Marine Corps were granted retirement on the same terms that exist for regular and provisional officers of the Army, Navy, and Marine Corps. Under this act 292 of the emergency officers of these services were retired, and for eight years have enjoyed the full benefits of retirement. Seven supplemental acts have been passed also.

NO ENLISTED OPPOSITION

If the enlisted man is opposed to this legislation—as its opponents claim—why has not complaint been registered during the past eight years by the enlisted men of the Navy and Marine Corps because of the continued retirement of their disabled emergency officers? There are 600,000 enlisted veterans of these services to register this complaint if they felt that they had been discriminated against. No such complaint has ever been made.

WAR DEPARTMENT'S POSITION

The present Secretary of War, Col. Dwight F. Davis, an emergency officer who wears the distinguished-service cross, does not oppose this legislation. However, the attitude of the General Staff has been unfortunate, and Secretary Davis's predecessors actively opposed the measure.

One of the reasons for this was the fear that the addition of the emergency officers would unduly "load down" the Regular Army retired list. In 1917 only $2,700,000 was appropriated

for the pay of the retired officers of the Army. For 1927 a total of $7,364,000 was appropriated for this purpose, an increase of $4,664,000.

This increase since the beginning of the World War is more than twice the cost of retiring the disabled emergency Army officers. Battle casualties did not cause this tremendously increased cost of the retired list of the Army.

To relieve the War Department of the necessity of disbursing from its funds money not applicable to strictly military purposes, the present legislation for the retirement of disabled emergency Army officers provides that the administration of the measure be committed to the United States Veterans' Bureau. This removes all objections heretofore raised by the War Department, and the department, therefore, no longer objects to the passage of the proposed legislation.

SOUND NATIONAL DEFENSE POLICY

The legislation is sound national defense policy. Officers of our volunteer armies should not be restricted solely to youths without family responsibilities or to men of great wealth. The great class of brainy, energetic men in the midst of careers achieved by their own efforts should be considered in providing officer material for future emergencies. This has proved the most effective class of war-time officers. Yet a denial of proper disability compensation for the older men with family responsibilities is sure to affect the available officer material in a future war.

From the Revolutionary War until to-day the American Congress has always provided a higher rate of disability pay for disabled officers than it has for disabled enlisted men. Those who state the contrary are not familiar with the disability pension laws on our statute books, and the disability pension laws enacted since the Revolutionary War. An examination of these laws shows that the regular and emergency officers received the same rate of disability compensation and that this rate was based upon the rank held by the officer, whether emergency or regular.

Opponents attempt to gain credence for two misstatements, upon which their chief arguments against the measure are made. One is that it has always been our national policy to compensate emergency officers and enlisted men at the same rate of pay for their war disabilities. The other is that it has always been our national policy to compensate disabled regular officers on a different basis from disabled emergency officers.

Both statements are incorrect.

THE NAVY HAS CONSISTENTLY FAVORED THE MEASURE

The Navy Department has never opposed the retirement of disabled emergency officers; in fact, has officially favored it. It is because of this friendly attitude that retirement was granted the disabled emergency Navy and Marine Corps officers by the Congress in 1920.

The Navy, however, was not faced with a swollen retired list like the Army. In 1917 the annual appropriations for the retired list of regular officers of the Navy and Marine Corps was $3,305,399. In spite of the addition of the disabled emergency officers to this list in 1920, the total appropriation for the retired list of the Navy and Marine Corps in 1927 had only reached $4,800,228, an increase of but $1,494,829 in 10 years, or less than one-third of the increased cost of the Regular Army's retired list.

There were not as many officers in the Navy who had to be retired in order to maintain a proper efficiency standard, such as pertained in the Army. It is in part due to this that the increase in the Navy's retired list has been of a reasonable character.

NO DISCRIMINATION AGAINST THE DEAD

The wives and children of all officers, including Regular Army officers, who were killed or died of wounds during the World War have been treated on an exact parity and receive exactly the same compensation from the Veterans' Bureau. No distinction or discrimination has been made between them. This holds true for the eight classes of officers already retired, as well as for the ninth class for whom this retirement is sought.

In addition to this, the Tyson-Fitzgerald bill will not affect the dependents of any officer killed in action. As stated, the dependents of the dead emergency officers have received the same treatment accorded the dependents of all classes of officers, through the operation of the war risk insurance act.

The charge that this legislation "discriminates against the sacred dead" is therefore without foundation of fact. There has been no discrimination as between the dependents of officers killed in the war, no matter what their rank or branch of service.

To further show that the widows of emergency officers themselves do not feel that they are being discriminated against the following extracts from letters of such widows are quoted:

* * * His death was a great shock to all of us, as he seemed to be getting on so well, and feeling better than he had for some time just before the operation. The doctor said it was the shock of operation which caused cerebral hemorrhage. He suffered intensely the first week of his illness, before going to hospital. During his disability since the war we had been constantly together, which makes it doubly hard for me to be separated from my companion of so many years, but I bow in submission to God's will.

He did not live to see the passage of the retirement bill which he so much desired, but I sincerely hope it passes soon for the benefit of many others. * * *

* * * * * * *

* * * I regret to advise that Lieutenant ——— has passed away. When his physical condition permitted he was anxious to do all that he could to assist in getting this legislation through. I, therefore, trust that the next Congress will see fit to pass it and enable the remainder to benefit by it.

* * * * * * *

* * * My husband has passed away a victim of tuberculosis contracted in the service. Last winter during the short term of Congress we looked forward each day to reading in the daily papers that the Fitzgerald-Tyson bill had passed, but, of course, were disappointed. With the best of wishes in your efforts to get this bill passed at the next session. * * *

* * * * * * *

* * * I'm sure that you have not been notified of the death of my husband and am sorry, indeed, that the bill did not become a law in the last session. I hope for success in the next. * * *

* * * * * * *

* * * I beg leave to state that my husband, a disabled emergency Army officer, passed away very suddenly from the old trouble which has made him an invalid since his service in the Army. It was a great disappointment to him that the long-delayed legislation affecting men who served in this capacity had not reached fulfillment, and I hope you may yet be successful. * * *

WOMEN'S ORGANIZATIONS URGE IT

If it were a discrimination against our sacred dead, would the women's organizations of the country indorse this retirement measure as they have?

SMOKE SCREENS

This legislation in its present form has now been actively before the Congress for the past seven years. Now that its passage is imminent, a smoke screen arises. The assertion is made that the average person, veteran or Congressman, does not understand the provisions of the legislation and that if such persons did understand these provisions they would then oppose the measure.

Let us examine this mistaken argument. During the past seven years an active controversy has engaged both Houses of Congress over the legislation in its present form. Surely all Members of the House and Senate, and all disabled officers have understood its provisions.

Members of the American Legion are conceded to have understood the following from the inception of this legislation. Certainly Members of Congress have understood:

That the measure proposes to give retired pay to the disabled emergency Army officer at the same rate as the eight other classes of officers;

That this proposed rate exceeds the rate the disabled emergency officers are now receiving; and

That following its enactment the nine classes of disabled officers will receive a higher rate of pay than the regular and emergency disabled enlisted men.

No opponent will state that he has not understood the foregoing clearly from the beginning. Therefore, if he formerly supported the legislation but now opposes it, he can not justly attribute his change of position to a belated discovery that the disabled officer would receive more pay than the disabled enlisted man, because he has known this from the beginning.

His change in attitude must, therefore, be attributable to some reason other than "discrimination against the enlisted men."

THE DISABLED OFFICERS INDORSE PENDING MEASURE

The disabled officers have banded themselves together in an association entitled "The Disabled Emergency Officers of the World War." The organization of this association was slow in the beginning, as those eligible to membership were thinly scattered throughout the United States. Gradually the disabled officers in hospitals began forming themselves into chapters, until on December 31, 1920, they had a national organization of 720 members.

This membership had increased to 1,402 by December 31, 1921, in spite of 28 deaths; to 1,954 by December 31, 1922, with 30 deaths; to 2,005 December 31, 1923, with 19 deaths; to 2,051 December 31, 1924, with 32 deaths; to 2,052 December 31, 1925, with 40 deaths; to 2,159 December 31, 1926, with 97 deaths; and to 2,387 December 31, 1927, with 123 deaths. An emergency Army officer having a permanent disability of a compensable degree is eligible to membership in this organization. It will therefore be seen that in spite of 368 deaths since 1920 the membership of this association is numerically almost equal to the number eligible to retirement under the bill stated by the Veterans' Bureau to be 3,030.

The legislation now before the Congress is indorsed by this disabled emergency officers' association, as it meets the two chief questions involved. These are their recognition as disabled officers, and, secondly, the pay of retirement on the basis of rank.

These officers understand the provisions of the measure thoroughly. They believe that they are reasonably just and have backed this measure since July 11, 1921, when it was first reported by the Military Affairs Committee of the Senate.

They believe, and rightly, that their separate retired list which the War Department has insisted upon will be an honor roll, second to none, upon which any disabled American officer might well feel proud to have his name inscribed.

WHERE THE SUPPORT COMES FROM

The conscience of the Nation has been awakened to the injustice done these disabled officers, and millions of persons through their various organizations have called upon the Congress to abandon their delay and enact this just measure.

In this connection the following nationally known organizations have adopted resolutions requesting congressional action on the retirement measure:

NATIONAL VETERAN ORGANIZATIONS AND MILITARY SOCIETIES WHICH HAVE PASSED RESOLUTIONS INDORSING LEGISLATION FOR THE RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

AMERICAN LEGION

St. Louis caucus, 1919.
First national convention, Minneapolis, Minn., November, 1919.
Second national convention, Cleveland, Ohio, September, 1920.
Third national convention, Kansas City, Mo., November, 1921.
Fourth national convention, New Orleans, La., October, 1922.
Fifth national convention, San Francisco, Calif., October, 1923.
Sixth national convention, St. Paul, Minn., September, 1924.
Seventh national convention, Omaha, Nebr., October, 1925.
Eighth national convention, Philadelphia, Pa., October, 1926.
Ninth national convention, Paris, France, September, 1927.

VETERANS OF FOREIGN WARS

Twenty-first national encampment, Washington, D. C., September, 1920.
Twenty-second national encampment, Detroit, Mich., September, 1921.
Twenty-third national encampment, Seattle, Wash., September, 1922.
Twenty-fourth national encampment, Norfolk, Va., September, 1923.
Twenty-fifth national encampment, Atlantic City, N. J., September, 1924.
Twenty-sixth national encampment, Tulsa, Okla., September, 1925.
Twenty-seventh national encampment, El Paso, Tex., September, 1926.
Twenty-eighth national encampment, Providence, R. I., September, 1927.

DISABLED AMERICAN VETERANS OF THE WORLD WAR

First national convention, Detroit, Mich., June, 1921.
Second national convention, San Francisco, Calif., June, 1922.
Third national convention, Minneapolis, Minn., June, 1923.
Fourth national convention, Salt Lake City, Utah, June, 1924.
Fifth national convention, Omaha, Nebr., June, 1925.
Sixth national convention, Atlanta, Ga., June, 1926.
Seventh national convention, El Paso, Tex., June, 1927.

MILITARY ORDER OF THE WORLD WAR

Second annual convention, Atlantic City, N. J., September, 1922.
Third annual convention, Washington, D. C., October, 1923.
Fourth annual convention, Boston, Mass., October, 1924.
Fifth annual convention, New York, N. Y., October, 1925.
Sixth annual convention, Philadelphia, Pa., October, 1926.
Seventh annual convention, Baltimore, Md., October, 1927.

NATIONAL GUARD ASSOCIATION

Indianapolis convention, February, 1923.
St. Augustine convention, February, 1926.
Louisville convention, November, 1926.
St. Paul convention, October, 1927.

RESERVE OFFICERS' ASSOCIATION

First annual convention, Washington, D. C., October, 1922.
Fourth annual convention, Kansas City, Mo., October, 1925.
Fifth annual convention, Norfolk, Va., October, 1926.
Sixth annual convention, Milwaukee, Wis., October, 1927.

ADJUTANTS GENERAL ASSOCIATION

New Orleans convention.

ARMY AND NAVY LEGION OF HONOR

Philadelphia convention.

ARMY AND NAVY LEGION OF VALOR

Washington convention.

UNITED STATES BLIND VETERANS OF THE WORLD WAR

Baltimore convention.

MILITARY ORDER OF FOREIGN WARS OF THE UNITED STATES

New York meeting of national council.

Resolutions indorsing this legislation were also adopted by the Naval and Military Order of the Spanish-American War and by the Military Order of the Gold Star.

Following are copies of the resolutions passed by the major veteran organizations in their last national conventions:

AMERICAN LEGION

Whereas the American Legion at each of its national conventions has overwhelmingly voted to have enacted into law legislation for the retirement of emergency Army officers permanently disabled in line of duty during the World War so as to place them on the same footing as to retirement as the other eight classes of disabled officers who are now on the retired lists; and

Whereas the American Legion has previously indorsed the principles of this long-pending legislation; and

Whereas measures similar to the Tyson-Fitzgerald bills of the Sixty-ninth Congress which would have granted this justice will be introduced in the Seventieth Congress: Now, therefore, be it

Resolved by the American Legion in convention assembled at Paris, France, this 21st day of September, That we hereby reaffirm our previous action on this legislation and urge its enactment by the Seventieth Congress.

DISABLED AMERICAN VETERANS

Whereas the disabled emergency officers of the Army are denied the privilege of retirement for physical disability that is allowed all other disabled officers, and such treatment is a discrimination against them, and a treatment not administered to the other eight classes of disabled officers who served during the World War; and

Whereas such treatment is shamefully discriminatory and grossly unjust, and has been so recognized by various organizations of veterans of the World War and other wars, by the legislatures of 12 States, and by many political, social, and civic organizations who have indorsed proposed legislation which would, if enacted, correct this injustice; and

Whereas the Disabled American Veterans of the World War have at six of their annual national conventions petitioned Congress to adopt corrective legislation in this regard, and each passing day has more strongly confirmed them in their view that the discrimination complained of is grossly unjust, and is contrary to the spirit which animated the call to the colors to which the disabled emergency officers responded; and

Whereas bills known as the Tyson and Fitzgerald bills were introduced in the Sixty-ninth Congress, but failed of ultimate passage, though a majority of both Houses favored them; and

Whereas legislation having the same purpose in view will be presented to the Seventieth Congress: Therefore be it

Resolved, That the Disabled American Veterans of the World War, in seventh annual convention assembled at El Paso, Tex., June 20 to 25, 1927, do hereby heartily reaffirm the action taken at previous conventions, indorsing the privilege of retirement for disabled emergency officers on an equal basis with all other classes of disabled officers of the World War now on the retired list, and do most earnestly urge upon the Congress of the United States appropriate legislation to secure this result; and

Resolved further, That this resolution be printed and copies of the same be transmitted to the President of the United States, the Vice President of the United States, and each Member of the Senate of the United States and each Member of the House of Representatives of the United States.

VETERANS OF FOREIGN WARS

Be it resolved by the Veterans of Foreign Wars of the United States in its twenty-eighth annual national encampment assembled at Providence, R. I., September, 1927, That they again reiterate unanimously their resolutions of past years in favor of the retirement of the disabled emergency officers of the World War on the same basis and under the same privileges of the officers of the Regular Army, without regard or reference to any stated disability; and be it further

Resolved, That we can not but look with disfavor upon any attempt to sidetrack this worthy and equitable measure and decided discrimination between the Regular Army Establishment and between men who offered their lives in the emergency and percentage of battle casualties, as well as in numbers, far exceeding that of the Regular Establishment; and

Whereas a poll of the Members of Congress indicated sentiment in favor of the passage of this measure by a vote of 5 to 1, and the

criticism can only be laid at the doors of the steering committees of Congress for failure to act upon this measure; and

Whereas Congress by the enactment of the selective service act of 1917 acknowledged all officers, both of the Regular, National Guard, and National Army, to be on one single phase; and

Whereas this became effective by General Orders, No. 75, of the War Department, series 1918; and

Whereas of the nine classes of officers who saw service during the World War, the disabled emergency officers are singled out to be the only class which has not been recognized or provided for by way of retirement; and

Whereas practically every veteran, military, and patriotic organization, as well as countless State legislatures and chambers of commerce, have passed resolutions pleading with Congress to right this wrong: Therefore be it

Resolved by the Veterans of Foreign Wars, That we petition Congress to pass this measure without regard or respect to any percentage of disability; and be it further

Resolved, That the Veterans of Foreign Wars make this legislation a matter of their special interest during the coming year, and that each department place the matter squarely before the members of their community so that they might know the situation and bring the matter to the attention of their Members of Congress, to all of which the Veterans of Foreign Wars pledge their undivided and hearty support.

MILITARY ORDER OF THE WORLD WAR

Whereas the Military Order of the World War has, in national convention, repeatedly indorsed legislation which would grant retirement privileges and pay to emergency Army officers disabled in line of duty during the World War, placing them on an equal footing with all other branches of the military and naval forces; and

Whereas bills to remove the present discrimination against this one remaining class of disabled officers of the World War have been pending in the National Congress since the armistice; have twice passed the Senate; have been repeatedly approved and duly reported by the congressional committees concerned; and a large majority of the Senators and Representatives have expressed themselves as favoring the enactment of the proposed legislation; and

Whereas bills similar in text to the Tyson-Fitzgerald bill of the Sixty-ninth Congress will again be presented to the Seventieth Congress: Now, therefore, be it

Resolved, That the Military Order of the World War, in seventh national convention assembled at Baltimore, Md., October 5–7, 1927, hereby reaffirms its stand on this meritorious legislation by again heartily indorsing the principles of the proposed legislation; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Vice President of the United States, and to the Speaker of the House of Representatives of the United States, to all Members of Congress, and to the national headquarters of the Disabled Emergency Officers of the World War.

The following American Legion departments adopted resolutions in favor of legislation for the retirement of disabled emergency Army officers at their 1927 conventions:

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

STATE LEGISLATURES WHICH HAVE PASSED RESOLUTIONS INDORSING LEGISLATION FOR THE RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

Alabama, Arizona, California, Colorado, Illinois, Maine, Massachusetts, Minnesota, Montana, North Carolina, Oklahoma, Pennsylvania, South Carolina, and Texas.

Service men's caucus, New York State Legislature.

Senate, Ohio State Legislature.

PARTIAL LIST OF WOMEN'S ORGANIZATIONS WHICH HAVE PASSED RESOLUTIONS IN FAVOR OF LEGISLATION FOR THE RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

AMERICAN LEGION AUXILIARY

First annual convention, Kansas City, Mo., 1921.
Second annual convention, New Orleans, La., 1922.
Third annual convention, San Francisco, Calif., 1923.
Fourth annual convention, St. Paul, Minn., 1924.
Fifth annual convention, Omaha, Nebr., 1925.
Sixth annual convention, Philadelphia, Pa., 1926.
Seventh annual convention, Paris, France, 1927.

WOMEN'S PATRIOTIC CONFERENCE

Women's Patriotic Conference on National Defense, composed of 33 patriotic organizations and societies, in three-day session at Memorial Continental Hall, Washington, D. C., called by national president, American Legion Auxiliary, and president general, D. A. R., February, 1927.

(Organizations participating in conference. Each has representation of 10 or more)

American War Mothers.
American Women's Legion.
American Legion Auxiliary.
American Woman's Press Association.
Auxiliary to Sons of Union Veterans of Civil War.
Colonial Daughters of the Seventeenth Century.
Dames of the Loyal Legion.
Daughters of Founders and Patriots of America.
Daughters of American Colonists.
Daughters of the American Revolution.
Daughters of Union Veterans of the Civil War.
Daughters of the Cincinnati.
Disabled American Veterans Auxiliary.
Ladies of the Grand Army of the Republic.
Ladies Auxiliary Veterans of Foreign Wars.
National Society Colonial Daughters of America.
National Society Patriotic Builders.
National Auxiliary United Spanish War Veterans.
National Patriotic Council.
National League of American Pen Women.
Order of First Families of Virginia.
Order of the Gold Star.
Society of Daughters of Colonial Wars.
United States Daughters of 1812.
Women's Relief Corps, G. A. R.
Women's Overseas Service League.
Women's Naval Service League.
Women of the Army and Navy Legion of Valor.

MISCELLANEOUS ORGANIZATIONS

Daughters of the American Revolution, Thirty-sixth Continental Congress, Washington, D. C.
American War Mothers, Milwaukee Convention.
Women's Overseas League, Denver Convention.
United States Daughters of 1812, Thirty-fifth Council, Washington, D. C.
General Federation of Women's Clubs, Eighteenth Annual Convention, Atlantic City, N. J.
Minnesota State Congress, D. A. R.
Austin Woman's Club, Chicago.
Service Star Legion, Fourth Annual Convention, Cleveland; Fifth Annual Convention, Chicago.
Chicago Woman's Club.
General Nathaniel Woodhull Chapter, D. A. R.
Southern California Branch, Gold Star Mothers.
Peorian Club, Amarillo, Tex.
Lake View Woman's Club, Chicago.
Colonial Dames of Louisiana.
Colonial Dames of Missouri.
Colonial Dames of Tennessee.
Santa Monica Bay (Calif.) Women's Clubs Executive Board.
American Legion Auxiliary, Daniel L. McDonough Post, No. 202, Hopkinton, Mass.
Northern Section, Federation of Women's Clubs.
New York Department, American Legion Auxiliary.
Woman's Club of Tujunga, Calif.
Monte Vista Women's Club, Sunland Park, Sunland, Calif.
Staff No. 2, National Gold Star Mothers.
Hollywood (Calif.) Woman's Club.

DIVISIONAL SOCIETIES WHICH HAVE PASSED RESOLUTIONS INDORSING THE DISABLED EMERGENCY OFFICERS' RETIREMENT LEGISLATION

Third Division Society.
Thirty-fifth Division Society.
Thirty-seventh Division Society.
Forty-second Division (Rainbow) Veteran Association.
Eightieth Division Society.
Eighty-ninth Division Society.
Ninetieth Division Society.
Ninety-first Division Society.
Three hundred and fifteenth Infantry Association.
First Division Association, Los Angeles Chapter.
Cleveland Grays.
Seventy-first Regiment Society, National Guard, New York.
Oakland (Calif.) Grays.

PARTIAL LIST OF MISCELLANEOUS VETERAN AND PATRIOTIC ORGANIZATIONS WHICH HAVE INDORSED LEGISLATION FOR THE RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

Wisconsin Commandery, Military Order of Foreign Wars.
District of Columbia Department, Disabled American Veterans of the World War.

Ex-service Men's Nonpartisan Association, Franklin County, Ohio.
California Chapter, Sons of the Revolution.
California Department, Disabled Veterans of the World War.
Alamo Post, No. 2, American Legion, San Antonio.
Baldwin, Braswell, and Sealey Chapter, Disabled American Veterans of the World War, Louisiana.
John Webster Rhoads Post, American Legion, Payette, Idaho.
Hospital Chapter, Disabled American Veterans of the World War, Castle Point, N. Y.
Erie County Committee, American Legion, Buffalo, N. Y.
Voiture, No. 51, La Société 40 Hommes and 8 Chevaux, Buffalo, N. Y.
Seventy-first Infantry Post, No. 487, American Legion, New York, N. Y.
General Francis Vinton Greene Post, No. 71, Veterans of Foreign Wars, New York, N. Y.
California Hut Post, No. 273, American Legion, Los Angeles.
Harrisburg, Pa., Post, No. 27, American Legion.
State conference, Pennsylvania National Guard Association, Washington, Pa.
Buffalo Chapter, Sons of the American Revolution.
Schenectady (N. Y.) Post, No. 21, American Legion.
George R. Anderson Post, American Legion, Ardmore, Okla.
Plat Park Post, No. 148, American Legion, Sulphur, Okla.
Samuel C. Hart Post, American Legion, Salisbury, N. C.
Fred A. Humphrey's Post, No. 8, American Legion, Casa Grande, Ariz.
Philadelphia County Council, United Spanish War Veterans, Philadelphia.
Cuyahoga County (Ohio) Council, American Legion.
John A. Logan, jr., Camp, No. 17, United Spanish War Veterans.
Civil Employees' Association of World War Veterans of the State of New York.
Arthur Houts Post, No. 2, American Legion.
L. T. Boydston Post, No. 89, American Legion, Cleveland, Ohio.
Sacramento Chapter, No. 6, Disabled American Veterans of the World War.
Sacramento Post, No. 61, American Legion.
Los Angeles Post, No. 1, Disabled Veterans of the World War.
Eau Claire (Wis.) Camp, No. 27, United Spanish War Veterans.
Oney Johnston Post, No. 38, American Legion, Appleton, Wis.
Gun and Blade Club, University of Wisconsin, Madison, Wis.
Army Transport Post, No. 747, American Legion, Brooklyn, N. Y.
Major John Purroy Mitchell Chapter, Disabled American Veterans of the World War, Fox Hills, N. Y.
E. L. Jones Post, No. 91, American Legion, Oconomowoc, Wis.
City Interpost Council, American Legion, Los Angeles.
Wayne County Council, Veterans of Foreign Wars, Detroit, Mich.
Post No. 177, American Legion, Ocean Park, Calif.
Post No. 1, Disabled American Veterans of the World War, Los Angeles, Calif.
Los Angeles County Council, American Legion.
Los Angeles Reserve Officers' Association.
Los Angeles Unit, United Veterans of the Republic.
Greater Boston Chapter, Military Order of the World War.
Quentin Roosevelt Chapter, No. 5, Disabled American Veterans of the World War, Los Angeles.
Missouri Department, Veterans of Foreign Wars.
New Jersey Department, Veterans of Foreign Wars.
General Jacob H. Smith Post, No. 83, Veterans of Foreign Wars.
Cincinnati Society, Los Angeles, Calif.
Long Beach (Calif.) Camp, No. 440, Woodmen of the World.
Lawrence E. Delaney Post, No. 26, American Legion, Philadelphia, Pa.
Post No. 28, American Legion, Beaver City, Nebr.
Post No. 250, American Legion, Tujunga, Calif.
Long Beach (Calif.) Chapter, No. 17, Disabled American Veterans.
MacArthur Camp, No. 25, United Spanish War Veterans, Santa Monica, Calif.
Blind Veterans' Chapter, Disabled American Veterans.
Benjamin Franklin Post, No. 405, American Legion, Philadelphia, Pa.

PARTIAL LIST OF MISCELLANEOUS CIVIC ORGANIZATIONS WHICH HAVE PASSED RESOLUTIONS INDORSING LEGISLATION FOR THE RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

Alhambra (Calif.) Chamber of Commerce.
American Medical Association, St. Louis convention, May, 1922, and Washington, D. C., convention, May, 1927.
Bryn Mawr Men's Club, Chicago.
Danville (Ill.) Council, Knights of Columbus.
Elmonte (Calif.) Chamber of Commerce.
Exchange Club of Hollywood, Calif.
Fraternal Order of Eagles, Milwaukee national convention.
Harrisburg (Pa.) Chamber of Commerce.
Kiwanis Club, Tujunga, Calif.
Lions Club, Appleton, Wis.
Lions Club of Santa Monica, Calif.
Los Angeles Chamber of Commerce.
Los Angeles City Council.
Los Angeles Municipal Engineers' Association.
Lowville (N. Y.) Chamber of Commerce.
National Bureau of Casualty and Surety Underwriters of New York City.
Niagara Falls (N. Y.) Chamber of Commerce.
Normal Lodge, I. O. O. F., No. 509, Chicago.
Northwestern Chamber of Commerce, Los Angeles.
Payette (Idaho) Commercial Club.
Public Affairs Committee, Union League Club, Chicago.
Red Arrow Club, Appleton, Wis.
Rosemead (Calif.) Chamber of Commerce.
Rotary Club, La Junta, Colo.
Rotary Club, Niagara Falls, N. Y.
San Francisco Chamber of Commerce.
Santa Monica (Calif.) Chamber of Commerce.
Thoburn Methodist Episcopal Church Brotherhood, Chicago.
Traders' Live Stock Exchange, Chicago.
Tujunga (Calif.) Chamber of Commerce.
Tupper Lake (N. Y.) Chamber of Commerce.
Venice Branch, Los Angeles Chamber of Commerce.
Wilmington (N. C.) Chamber of Commerce.

THE PRESS INDORSES IT

The leading newspapers of America indorse the measure. These include not only the great metropolitan dailies in every section of the country, but the smaller papers which serve the rural communities of the country, including the farm journals and weeklies.

The following newspapers and periodicals have run editorials favorable to legislation granting retirement to permanently disabled emergency Army officers of the World War. Some of these have run two, three, and four editorials, and, no doubt, papers other than those listed have run similar favorable editorials:

Akron Times-Press, Albuquerque Journal, American Legion Monthly, Arizona Daily Star, Arizona Gazette, Arizona Republican, Asheville Citizen, Atlanta Georgian, Atlanta Journal, Atlantic City Daily Press, Birmingham (Ala.) Post, Boston American, Boston Herald, Boston Post, Boston Transcript, Brooklyn Citizen, Brooklyn Daily Eagle, Brooklyn Daily Times, Brooklyn Standard Union, Chicago Daily News, Chicago Daily Tribune, Chicago Evening American, Chicago Evening Post, Chicago Herald and Examiner, Christian Science Monitor, Cincinnati Enquirer, Clarksburg (W. Va.) Daily Telegram, Cleveland News, Colorado Springs Gazette, Columbus Evening Dispatch, Dallas News, Dallas Times-Herald, Dayton Evening Herald, Denver Evening News, Des Moines Register, Detroit Times, Disabled American Veterans' Semi-Monthly, Duluth Herald, Elmira Advertiser, El Paso Post, Fond du Lac (Wis.) Daily Commonwealth, Fort Worth Star-Telegram, Greensboro (N. C.) Daily News, Hartford Courant, Hoosick Falls (N. Y.) Press, Hoosick Falls (N. Y.) Standard, Huntington (W. Va.) Herald-Dispatch, Indianapolis News, Jersey Journal, Kansas City Times, Knoxville News-Sentinel, Los Angeles Daily News, Los Angeles Evening Express, Los Angeles Evening Herald, Los Angeles Examiner, Los Angeles Record, Los Angeles Times, Milwaukee Sentinel, Minneapolis Journal, Minnesota Daily Star, Nashville Banner, Nashville Tennessean, National Tribune-Stars and Stripes, Newark (N. J.) Evening News, New Haven Journal-Courier, New Mexico State Tribune, New York American, New York Evening Post, New York Evening Graphic, New York Daily News, New York Herald-Tribune, New York Journal, New York Mirror, New York Sun, New York Telegram, New York Telegraph, New York Times, New York World, Niagara Falls Gazette, Omaha Bee, Outlook, Palmyra (N. Y.) Courier, Pawtucket (R. I.) Times, Payette (Idaho) Enterprise, Petersburg (Va.) Progressive Index, Philadelphia Bulletin, Pittsburgh Press, Portland (Me.) Press-Herald, Portland (Oreg.) News, Riverside (Calif.) Daily Press, St. Louis Globe-Democrat, St. Louis Post-Dispatch, St. Louis Times, St. Paul Dispatch, St. Paul Times, San Antonio Light, San Diego Sun, San Diego Union, San Francisco Call and Post, San Francisco Chronicle, San Francisco Examiner, San Francisco Journal, San Jose Mercury-Herald, Seattle Daily Journal of Commerce, Sheboygan Press, Sporting Goods Dealer, Stars and Stripes, Washington Herald, Washington News, Washington Post, Washington Star, Washington Times, Waterbury (Conn.) Republican, Wisconsin News, Worcester (Mass.) Telegram.

In order to show the feeling of the press toward the pending legislation the following editorials are quoted, being similar in tone to hundreds which have appeared in newspapers throughout the country:

[From the Christian Science Monitor]

However much one may approve of President Coolidge's economy program, it does not seem justifiable to use it as an excuse for preventing the Tyson-Fitzgerald bill, putting the disabled emergency Army officers on the same retirement pay as the Regulars, from coming to vote in the Congress. Regular officers who were disabled in the line of duty during the World War have been allowed to retire on

75 per cent of their war-time pay. Likewise, emergency officers in the Navy and the Marine Corps. But emergency officers in the Army have been cut off with a small disability pension. The Tyson-Fitzgerald bill aims to remedy this discrimination, which is keeping close on 2,000 disabled emergency Army officers in want. Less than $2,000,000 a year would be required to put them on the same footing as their brother officers. Surely, then, this bill should be rapidly pushed forward to passage.

[From the Chicago Daily Tribune]

An emergency officer is one commissioned for the war emergency. The emergency officers of the Navy and Marine Corps in the late war were granted retirement legislation. The Regular and provisional officers of the Army, Navy, and Marine Corps have been granted retirement legislation. The disabled emergency officers of the Army have been denied it for seven years. Identical bills to correct this discrimination providing for the retirement of the latter class of officers who are disabled in the performance of duty 30 per cent or more are now pending on the Senate and House Calendars, having been reported favorably by the Military Affairs Committees of each House. This measure has the approval of virtually all the veterans' associations, notably the American Legion, but it is feared that a minority in Congress may obstruct action so that the measure will be swamped in the short session.

The Veterans' Bureau estimates that there are 2,079 disabled emergency Army officers who would be reached by this bill. They include many men decorated for gallantry. They represent largely the combat leaders, captains, and lieutenants, and 93 per cent of the officers killed in action came from this class that alone of all the nine classes of officers in the three services has been denied recognition.

The cost of this provision does not matter. The Republic owes them proper provision, whatever it will cost. But the Veterans' Bureau estimates that it will mean approximately only $1,334,988 annually, and this Nation is not in such straits that it must deny these neglected men the aid they deserve. It is both injustice and bad public policy longer to discriminate against them.

[From the Washington Post]

For the third time since the close of the war the Senate Committee on Military Affairs has indorsed a policy of justice to the only officers of the American Expeditionary Forces for whom retirement provision has not yet been made. The committee has directed a report on the bill to make "eligible for retirement" certain officers with those forces who incurred physical disability in the line of duty. There were nine classes of officers of the Army, the Navy, and the Marine Corps who fought in the World War. Of these eight have been made eligible for retirement, and the only remaining class not thus treated are those who were commissioned in the "emergency army" and were disabled "in the line of duty." When the bill was introduced, there were living 1,986 men who served in the emergency army who would be beneficiaries under its terms. Twenty of these have since answered to the last muster roll and are beyond benefiting from any action which Congress may take.

Twice since 1921 the Senate has passed a similar bill by majorities of 3 to 1. Three times the House Committee on Military Affairs has reported a similar bill favorably, but on each occasion the existing parliamentary situation was such that action by the House was not taken. The bill extends the retirement benefits only to emergency officers who are rated as more than 10 per cent disabled, and it gives to those men simply the same consideration as was shown to their comrades in the other eight classes who performed similar services for their country, but were more fortunately situated on the rolls of the War and Navy Departments.

[From the St. Louis Globe-Democrat]

For some reason that is not understood by the public, disabled emergency officers of the Army who served in the World War are denied retirement with pay, while eight other classifications of officers who perhaps did no more valorous service have been made eligible to such retirement. According to compilation by the Veterans' Bureau on March 31, 1925, only 2,079 disabled emergency Army officers would have been eligible for retirement at that time.

Why is this discrimination permitted? And who is responsible? Emergency Navy and Marine Corps officers, Regular Army, Navy, and Marine Corps officers, and provisional Army, Navy, and Marine Corps officers have been granted disability retirement privileges. Why has the case of the emergency Army officer been treated differently from the cases of the eight other classifications?

This discrimination in reward appears particularly strange when it is shown in a report of the national legislative committee of the American Legion, made a matter of congressional record last June, that the majority of the then Members of the House and Senate were favorable to legislation placing the emergency Army officers on the same plane with their brother officers of the eight other classifications. In the Senate, according to Member letters to the Legion, 70 Senators were supporting, 6 were friendly, 5 noncommittal, and 15 opposed to the Tyson-Fitzgerald bill extending the relief to emergency Army officers. House Members supporting the bill numbered 276, with 74 classed as friendly, 60 noncommittal, and 16 opposed.

The American Legion has been assidiously working seven years for the passage of relief measures for disabled officers, and a measure granting emergency Army officers the prayed-for justice has been actively before the Congress for five years. Friendly and supporting Members of the House and Senate "are prevented from voting * * * by the use of parliamentary procedure invoked by a small group of powerful opponents who occupy key positions," says the American Legion report. In the meantime some 2,079 platoon, company, and battalion commanders who led their men in the most desperate fighting the Nation has ever known are denied privileges and relief that have been granted their brother officers who fought beside them. The measure ought to be brought to a vote at this session.

[From the Pittsburgh Press]

A great wrong against emergency Army officers disabled in the World War will be righted, except as to 30 officers who died from their wounds during the last year, if Congress passes the Tyson-Fitzgerald bill.

It is almost unbelievable that the Government has made no provision to allow retirement pay to disabled emergency officers, although officers of the Regular Army who were disabled in the World War have been retired on 75 per cent of their war-time pay. The emergency officers and the Regular Army officers performed the same kind of service in the World War and suffered the same from wounds and hardships.

To make the case even worse, disabled emergency officers in both the Navy and Marine Corps receive the same retirement pay as the regular officers.

The discrimination is senseless. The Tyson-Fitzgerald bill was reported favorably from the Military Affairs Committees of both Houses of Congress in the last session; but, asserting a desire for economy, the House and Senate leaders did not allow the bill to come to a vote.

To again refuse to pass the bill on the economy plea would be rank injustice. There are 1,800 disabled emergency Army officers and the estimated amount of money necessary to give them retirement pay would be $1,190,000 a year, less than 1 per cent of the money being received each year by the United States from our war debtors. It is also well to remember that Secretary of the Treasury Mellon has estimated that our tax payments can be reduced $250,000,000 next year.

[From the Dallas Morning News]

Various veteran organizations will urge upon the coming short session of Congress passage of the Tyson-Fitzgerald bill, now pending in the two Houses. The recent American Legion convention in Philadelphia indorsed the bill and placed it upon the priority list of its objectives at the next Congress.

The unanimous agreement of veteran associations upon legislation does not necessarily assure its justice or utility, since the ex-soldier is not always unselfish and the leverage possessed by organization must always be considered along with the things he may urge by resolution. But in the present instance, even though there may be legitimate arguments against the bill, it can not be denied that legislation is sought to remove a discrimination that exists against a given class of men who have served their country, and it is a matter of record that Congress is only asked to carry out its own pledge.

The Tyson-Fitzgerald bill provides for the retirement pay of 75 per cent of the compensation paid before discharge to emergency officers of the Army who incurred during the war permanent disability of 30 per cent or more. At the present time it affects slightly in excess of 2,000 disabled emergency officers.

The majority report of the Committee on World War Veterans' Legislation, as presented by Congressman FITZGERALD, points out that there were nine classes of officers who served during the war and that eight of these (Regular officers of the Army, Navy, and Marine Corps; provisional officers of the Army, Navy, and Marine Corps; and emergency officers of the Navy and Marine Corps) have been granted by Congress the privilege of retirement for disability incurred in line of duty, leaving only this one class of emergency officers not yet provided for.

Against the objections advanced by the minority of the committee is the argument that compensation based on earning capacity is the fairest standard of recompense and is accepted by courts in damage cases.

This is the principal objection of the minority report, which points out that it is not fair to the enlisted man to give the disabled officer higher pay nor to emergency officers of less than 30 per cent disability. That argument, however, should have also applied to enlisted men in the emergency and temporary classes already benefited by Congress. The minority report also argues that, even if there is an injustice in discrimination, it can not be cured by adding another unjust burden on the country.

A point referred to by the American Legion convention at Philadelphia that has been overlooked by Congress is that these disabled emergency officers entered the service under a solemn pledge of the

country which has not, in their case, been kept. In the selective conscription law as passed by Congress and approved by President Wilson May 18, 1917, section 10 of article 7 read in part:

"That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of the corresponding grades and lengths of service in the Regular Army."

Nine-tenths of the men who took commissions never read or thought of the provisions of that paragraph at that time. Their service was voluntary and unselfish. Should censure attach to the little group of 2,000 who were disabled in service now that they find an unfulfilled pledge upon the statute books of their country?

The Tyson-Fitzgerald bill has been twice passed by the Senate. In all justice it should be made law by the affirmative vote of the House.

[From the New York Evening Post]

Twice has the Senate passed the bill providing for the retirement of our disabled emergency Army officers, each time by an overwhelming vote, and twice has the House—or, rather, an obstructive minority of the House—refused to allow the bill to come to a vote in that body. There are nine classes of officers who were disabled in the World War. For eight of these Congress has enacted retirement legislation. Included in the eight are the emergency officers of the Navy and the emergency officers of the Marine Corps. Only the emergency officers of the Army have been neglected.

Discrimination could not go further. If it reflected the prevailing feeling in Congress, it would be an indictment of the national sense of justice. But it does not represent the general feeling either at Washington or through the country. It merely testifies to the fatal effectiveness of the abuse of parliamentary tactics.

The willingness of a few Congressmen to punish American citizens for the heinous crime of having served their country in a time of crisis, to their own injury, imposes upon the majority of the House, and especially upon the leaders, the duty of asserting the right of the majority to rule. The emergency officers of the Army have waited long enough for simple justice.

[From the Kansas City Times]

Here is one illustration of the slow and uncertain procedure of Congress when a matter demanding attention is before it: Officers who participated in the World War were divided into nine classes—that is, Regular, provisional, and emergency officers in the Army, in the Navy, and in the Marine Corps. The Nation's obligation to make some provision for such of these officers as were disabled through performance of duty was recognized shortly after the close of the war. The result was that eight of the nine classes of disabled officers were placed on the retired list, with moderate compensation privileges. Only the Army emergency group was left out, the emergency officers of both the Navy and Marine Corps having been provided for.

Why discriminate against the single group, one out of the nine? No satisfactory answer has been forthcoming. There are only about 2,000 disabled officers involved in this one class. But they deserve equal treatment with the rest. Most of them are men past middle age; many have dependents, and a considerable number were drawn into Army service from the professions where remuneration had been limited. A bill now pending in Congress is designed to make necessary provision for this limited class of World War veterans. It is known as the Tyson-Fitzgerald bill. Twice it has passed the Senate; four times it has been reported favorably by a House committee. Yet, due to one of those deep mysteries that now and then enshroud action of a branch of Congress, the measure has never been allowed to reach a vote in the House.

Arguments of economy do not hold, because of the small number of veterans concerned and the limited expense that would be necessary to place them on the retirement list. Arguments from principle similarly are valueless, since the same type of recognition now sought long ago was accorded the eight other classes, two of them emergency classes. Nor is any impairment of the rights of enlisted men involved. The best evidence of this is the fact the American Legion, in which enlisted men strongly predominate, has called for enactment of the Tyson-Fitzgerald bill or its equivalent in every convention it has held for the last six years. Belated justice ought to be done these officers.

[From the Los Angeles Examiner]

Two officers fought side by side in the American Army. Both were disabled in the line of duty.

One was a Regular officer. He was allowed by Congress to retire on 75 per cent of his war-time pay. He is comfortable for life, as he should be after offering his life and sacrificing his health in the Nation's service.

The other man, likewise wounded and permanently disabled, was an emergency Army officer, a civilian who had come up through a citizens' training camp. He performed the same war-time service as the Regular officer and got the same war-time pay. But when he was crippled he found Congress had made no provision for him to retire on 75 per cent of war-time pay. All he got was a small disability pension. Instead of being comfortable for life he was in want.

This is the situation of 1,800 disabled emergency Army officers. They are the sole class of officers who are thus unfairly treated. Retirement pay is allowed not only to disabled Regular Army officers, but to disabled emergency officers in the Navy and Marine Corps.

The Congress which meets to-day should remedy this injustice by passing the Tyson-Fitzgerald bill, putting the disabled emergency Army officers on the same retirement pay as the Regulars. The bill would have passed last session if Senators and Congressmen had had a chance to pass it, but the dominant steering committees in House and Senate prevented it from coming to vote on the alleged ground that it violated the President's economy program.

Nobody will believe that the President wants to economize on a single class of disabled war veterans selected for persecution. If the country were impoverished we ought to sell bonds to raise the $1,990,000 a year which it will cost to care for these men the few years they are still with us. But we are not impoverished; Congress finds a Treasury so full that it can refund $250,000,000 to the 1925 income-tax payers.

The Tyson-Fitzgerald bill should promptly be reported out of committee to both Houses of Congress, given a preferred place on the calendar, and passed.

[From the Colorado Springs Gazette]

The American Legion puts at the head of its legislative program for the coming session of Congress a bill authorizing retirement for disabled emergency Army officers. The Legion has been fighting the battle of the disabled ever since it was organized in St. Louis some eight years ago. It has won most every case except this one and it intends to press for action on the matter until justice is accorded, and what is asked is no more than justice.

Nine classes of officers fought in the World War—regular, provisional, and emergency officers in Army, Navy, and Marine Corps. Regular and provisional disabled officers in all three services were granted retirement privileges as a matter of course. Emergency officers in the Navy and Marine Corps were quickly accorded the same treatment. They held equal status in war; they deserve to hold equal status in peace. The disabled emergency Army officer alone is denied retirement and the fact amounts to rank discrimination. The Legion insists that this injustice be corrected.

Nothing is asked that has not already been granted in other like cases. The request does not violate any established principle; in fact, it is in keeping with long-established policy with respect to the armed forces. The effort is not made to claim for the able-bodied emergency officer any of the privileges that go with regular service in the Army. The claim is advanced in behalf of disabled officers only and a disabled emergency officer rates the same consideration that is shown a disabled regular officer. His disability by reason of service is as certain; his incapacity to earn a living is no less; his material needs are no easier to meet. The disabled emergency officer rightfully can advance every claim that is put forward in behalf of regular or provisional officer, and when he is denied equal treatment he is denied simple justice and made the object of rank discrimination.

The Legion is on firm ground when it insists that the Government correct this condition and it is to be hoped that Congress will not be long in meeting the request.

CONGRESSMEN FAVOR THE RETIREMENT PRINCIPLE

The attitude of an overwhelming majority in both Senate and House is favorable toward retiring the disabled emergency officers, and these bodies would pass the Tyson-Fitzgerald bill with a bang if allowed to vote upon it.

Here is the way the Members of the Senate and House stand at present on the measure, as shown by their own letters written recently on this subject:

	Supporting	Friendly	Noncommittal	Opposed	No word or vacancies	Total
Senate	74	5	8	8	1	96
House	268	83	63	10	11	435

This analysis shows the situation. It is the actual attitude of the legislators, given over their own signatures.

These friendly and supporting Members of the House and Senate have been prevented from voting upon this measure which they favor by the use of parliamentary procedure, invoked by a small group of powerful opponents who occupy key positions.

THE CONGRESS WILL ENACT IT

The measure has twice passed the Senate (50 to 14 and 63 to 14), and will pass again by a greater majority when brought to a vote. It will pass the House by an overwhelming majority

when a vote is taken upon it. It is the desire of the Congress and the Nation to enact this legislation.

WASHINGTON WAS RIGHT

Washington was right. The sound national policy which he established of rewarding all officers at half pay, on the basis of rank, has been followed for all war disabled officers without regard to their branch of service for the greater part of our national history.

Many false premises and syllogisms are employed by opponents to bolster up their fallacious conclusions. One is that the disabled emergency Army officer should not be retired, because he planned to remain in the Army for the duration of the war only, at the termination of which he anticipated resuming his civilian occupation.

THE WAR LASTS TILL DEATH

But when this emergency officer becomes permanently disabled, helpless, because of his war disabilities, his plans for after the war have gone awry. Will any thoughtful person contend that "the war is over" for a person permanently disabled? The war for him lasts until his death. He can not resume his civilian occupation with assurance of success, for competition is keener in civil life than in the peace-time Army. His family is still dependent upon him. His disability is permanent. Why, then, should his financial recompense for disability be only temporary, as compared with all other classes of officers with like disabilities, whose financial recompense has been made permanent through retirement?

Sound national defense policy requires clear vision on this subject, such as Washington possessed, but which lesser leaders fail to catch. Do those who would depart from our historical national policy desire in the event of another war that the officer personnel be restricted solely to men of wealth, to men of independent incomes, who, because of their financial independence, can maintain themselves and their families in the event of their serious disability?

The failure to recognize the family responsibilities of the disabled emergency Army officers might well affect our national defense through confining our leaders of combat troops to the wealthy sons of the affluent class.

A measure so in accord with America's historic policy, so urgently needed, so fundamentally just, will ultimately be enacted into law, and I firmly believe that this will occur at this session of Congress.

It is almost unbelievable that the class which furnished 90 per cent of the combat officers of the World War and suffered 93 per cent of the officer battle deaths, should be singled out for especial neglect.

DYING OFF RAPIDLY

Almost 400 of these brave men have died since this legislation was first presented to the Congress. It is now nearly 10 years after the war. The ages of these disabled officers who still survive compare favorably with the ages of the present Members of Congress.

How would these Congressmen view the situation, if, with broken and maimed bodies, they were forced to support themselves and their families upon a few dollars a day, when they realized that the shattered body and reduced income was due solely to their patriotism—to their willingness, their desire, to risk all and play a man's part in defense of their country?

WEARY YEARS OF WAITING

These crippled officers have now waited 10 long, weary years. Years spent in pain for many, in discomfort for others. All have been definitely weighted down in "life's handicap." These 10 years have been years of penury, years of scrimping and saving, years of forced economy on the necessities of their families. Do you think that these officers alone have paid? Ask their wives and children whether they have been well housed, sufficiently dressed, properly educated, adequately fed, during this 10-year period of weary waiting, years during which the country has teemed with prosperity. It isn't the disabled officer alone whom Congress has forced to pay for the privilege of defending our country in its hour of danger.

WILL FIGHT TO THE END

The three thousand and odd disabled emergency officers who have thus far been neglected by their supposedly grateful Government are not discouraged by the failure of the Congress to act. They have naturally been disappointed over the inability of the Members to vote on their bill, and they have been saddened at the thought that, while the legislation was being held up during the past sessions of parliamentary procedure, their comrades were dying of their war disabilities, and have therefore been permanently denied the justice so rightly due them from the Nation they protected at the cost of their own lives.

Would you expect discouragement from the men—the combat officers—who led the troops in the fiercest fighting in which the American soldiers have ever been engaged, and whose fortitude and ability finally overwhelmed the greatest military machine which the world has ever known?

No. These brave men, though badly crippled and disabled, are not discouraged. They know that their cause is just and that huge majorities in the House and the Senate will vote for their measure when they are allowed to do so. They also know that a vote can not be permanently prevented by the parliamentary procedure which adversaries have invoked in the past. They know that the American Legion, three-quarters of a million strong, is actively backing the measure. They know that the Veterans of Foreign Wars, the Disabled American Veterans, the Military Order of the World War, and all other recognized veterans' organizations are with them in this fight for justice. They appreciate the loyalty of their former comrades and they know that their comrades will not desert them in their hour of need, but will push on steadfastly until the final victory is gained.

A MILITARY COMMITTEE BILL

The Tyson-Fitzgerald bill was not drawn by the American Legion, as has been stated. It was drawn by the Military Affairs Committee of the Senate, which reported it July 11, 1921. The War Department opposed the Legion's retirement bill and the Senate committee, therefore, amended the Bursum bill to meet the War Department's chief objections. In the nine years that the officers' retirement measures have been pending in the House and the Senate, this is the only form in which the legislation has ever been reported by the committees of the House and the Senate.

HERE IS THE BILL

H. R. 500, Seventieth Congress, first session—In the House of Representatives, December 5, 1927

Mr. ROY G. FITZGERALD introduced the following bill; which was referred to the Committee on World War Veterans' Legislation and ordered to be printed.

A bill making eligible for retirement under certain conditions officers and former officers of the World War, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War

Be it enacted, etc., That all persons who have served as officers of the Army of the United States during the World War, other than as officers of the Regular Army, who during such service have incurred physical disability in line of duty and who have been, or may hereafter be, rated in accordance with law at not less than 30 per centum permanent disability by the United States Veterans' Bureau, shall, from date of receipt of application by the Director of the United States Veterans' Bureau, be placed upon, and thereafter continued on, a separate retired list, hereby created, to be known as the emergency officers' retired list of the World War, with the rank held by them when discharged from their commissioned service, and shall be entitled to the same privileges as are now or may hereafter be provided for by law or regulations for officers of the Regular Army who have been retired for physical disability incurred in line of duty, and shall be entitled to all hospitalization privileges and medical treatment as are now or may hereafter be authorized by the United States Veterans' Bureau, and shall receive from date of receipt of their applications retired pay at the rate of 75 per centum of the pay to which they were entitled at the time of their discharge from their commissioned service, except pay under the act of May 18, 1920: *Provided*, That all pay and allowances to which such persons or officers may be entitled under the provisions of this law shall be paid solely out of the military and naval compensation appropriation fund of the United States Veterans' Bureau, and shall be in lieu of all disability compensation benefits to such officers or persons provided in the war risk insurance act of October 6, 1917, and amendments thereto, except as otherwise authorized herein and except as provided by the act of December 18, 1922: *Provided further*, That all persons who have served as officers of the Army of the United States during the World War, other than as officers of the Regular Army, who during such service have incurred physical disability in line of duty, and who have heretofore or may hereafter be rated less than 30 per centum and not more than 10 per centum permanent disability by the United States Veterans' Bureau, shall, from date of receipt of application by the Director of the United States Veterans' Bureau, be placed upon, and thereafter continued on, the emergency officers' retired list of the World War, created by this act, with the rank held by them when discharged from their commissioned service, but without retired pay, and shall be entitled only to such compensation and other benefits as are now or may hereafter be provided by law or regulations of the United States Veterans' Bureau, together with all privileges as are now or may hereafter be provided for by law or regulations for officers of the Regular Army who have been retired for physical dis-

ability incurred in line of duty: *Provided further,* That the retired list created by this act shall be published annually in the Army Register.

SEC. 2. No person shall be entitled to benefits under the provisions of this act except he make application as hereinbefore provided and his application is received in the United States Veterans' Bureau within 12 months after the passage of this act: *Provided,* That the said director shall establish a register and applications made hereunder shall be entered therein as of the actual date of receipt and in the order of receipt in the Veterans' Bureau, and such register shall be conclusive as to date of receipt of any application filed under this act. The term "World War" as used herein is defined as including the period from April 6, 1917, to July 2, 1921.

NUMBER OF BENEFICIARIES AND COST

The United States Veterans' Bureau has compiled the following table showing the number of beneficiaries under the proposed legislation and the cost of retiring them:

Emergency Army officers rated on a permanent basis at 30 per cent or more, showing amount of compensation and cost of retirement, September 30, 1927

Rank	Permanent partial, 30 per cent or more		Permanent total		Total		Pay rate	75 per cent of pay rate	Cost on 75 per cent of pay rate
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment			
General	1	$60.00			1	$60.00	$500.00	$375.00	$375.00
Colonel	5	205.00	7	$800.00	12	1,005.00	333.33	250.00	3,000.00
Lieutenant colonel	17	878.00	13	1,350.00	30	2,228.00	291.66	218.75	6,562.50
Major	113	5,503.00	91	9,478.00	204	14,981.00	250.00	187.50	38,250.00
Captain	454	23,155.00	339	35,620.00	793	58,775.00	200.00	150.00	118,950.00
First lieutenant	680	34,234.00	422	43,685.00	1,102	77,919.00	166.66	125.00	137,750.00
Second lieutenant	527	25,705.00	361	35,763.00	888	61,468.00	125.00	93.75	83,250.00
Total	1,797	89,740.00	1,233	126,696.00	3,030	216,436.00			388,137.50

$388,137.50×12=$4,657,650, annual cost of retirement.
$216,436×12=$2,597,232, annual compensation.
$4,657,650−$2,597,232=$2,060,418, annual increased cost of retirement.
This statement excludes 960 arrested T. B. cases receiving a statutory $50 award where the tuberculosis has been evaluated according to the rating schedule at less than 30 per cent permanent partial.

An examination of the above table shows that the total annual cost of retiring the 3,030 eligibles will be $4,657,650, but when the $2,597,232 they now receive annually as compensation is deducted it makes the increased annual cost of retiring these officers only $2,060,418. In connection with these statistics it must be remembered that the death rate among men wounded, or who have suffered great physical strain, is exceedingly high and that they will die much sooner than the ordinary expectancy of life figures would indicate.

Compare this cost of relieving these badly crippled and maimed officers with the $635,000,000 Government surplus which was on hand the end of the last fiscal year. To consider the financial relief through tax reduction to be given the taxpayers is to agree that the small cost of this just relief measure for the crippled officers should not stand in the way of its enactment into law.

In hearings on this legislation during previous sessions, Members of Congress expressed themselves in the following terms with reference to the cost of the measure:

The time to figure the cost of this measure or any other war measure was in April, 1917. This is one of the necessary, inevitable costs of the war, and I do not care whether it goes into five, six, or seven figures. It will have to be met eventually. There is no Member of Congress who was in the Sixty-fifth Congress who was not determined that the boys who went across and fought in the World War should be properly cared for. You will find that expression in the RECORD in the discussion of every appropriation bill at that time. (Representative LAGUARDIA.)

The Congress of the United States rightly did not quibble over expense when it came to putting these men on the firing line. (Representative JEFFERS.)

Statistics given in The War with Germany, by Leonard P. Ayres, chief of the statistics branch of the General Staff of the Army, an official publication, show that war expenditures during the final 10 months of the conflict averaged over $44,000,000 a day. This, when taken into consideration with the fact that the additional cost to the Government to retire the disabled emergency officers, who played such a conspicuous part in winning the war, is but a little over $2,000,000 a year, makes the sum involved insignificant. Or, in other words, the $2,000,000 added cost to retire these gallant men, if assessed annually among our population of 110,000,000 people, would figure down to a postage stamp.

HISTORY OF THE LEGISLATION

The nine-year history of this legislation in the Congress is in reality the history of a series of efforts on the part of its opponents to kill the legislation in committee. The Legion, and friendly legislators on their part, have endeavored to overcome this form of strategy through obtaining a vote upon the measure on the floor of the Senate and the House.

The opposition of the War Department, and the influence of this opposition upon the Military Affairs Committees of the Senate and House, have been the chief obstacles to retirement and the determining factors in the amendments which have modified the original form of the legislation and caused the Legion and the other veteran organizations to indorse the present Tyson and Fitzgerald bills.

During this nine-year struggle in committee each side has given ground. The War Department no longer opposes the legislation officially. This is chiefly due to the Legion's acceptance of certain of the War Department's demands for amendment to the original retirement measure.

Now that the legislation is about to be enacted into law and the nine-year fight for the disabled emergency Army officers won, some opponents now say, "You have modified the form of the original measure; therefore I am opposed to the legislation in its present form." We shall see whether this assertion is backed up by sound reasoning, as the measure cares for the officers who have been severely disabled permanently.

SIXTY-SIXTH CONGRESS

Straight retirement for disability, such as has been extended to the other eight classes of officers, was the original purpose of the Legion, and legislation was requested in this form from the Congress in 1919. The War Department thereupon began vigorous opposition to this straight retirement measure. On July 17, 1919, the Secretary of War wrote a letter to the chairman of the Military Affairs Committee of the House, to which the legislation had been referred, expressing the War Department's disapproval of the measure and opposing the retirement under the same conditions as received by officers of the Regular Army. The Military Affairs Committee of the House thereupon refused to report the measure.

The Stevenson bill was then introduced in the House on December 3, 1919. The form of this bill was altered in the hope that it would be referred to a committee other than the House Military Affairs Committee, which was still holding up the original retirement measure.

This Stevenson bill provided compensation for the emergency officers who incurred disabilities that officers of the Regular Army received on being retired for like disabilities. Notwithstanding this change in form, the Stevenson bill was referred to the House Military Affairs Committee.

However, on February 28, 1920, the Military Affairs Committee was discharged on the bill and it was referred to the Interstate and Foreign Commerce Committee of the House; on March 2, 1920, this committee was discharged and the bill referred to the Ways and Means Committee; and on March 11, 1920, this latter committee was discharged and the bill again referred to the Interstate and Foreign Commerce Committee.

The War Department opposition to the legislation continued, notwithstanding the change in the form of the measure. On March 13, 1920, the Secretary of War wrote a letter to the chairman of the Interstate and Foreign Commerce Committee, estimating that 19,910 emergency officers would come under this bill, and receive annual payments of $31,099,420. This preposterous estimate being contained in an official letter, the Interstate and Foreign Commerce Committee hesitated and deferred action on the bill.

NAVY ACTS INDEPENDENTLY

In the meantime the Legion had been in contact with the Navy Department on the question of the retirement of the disabled emergency officers of the Navy and Marine Corps. More progressive than the Army, the Navy realized the justice of the legislation and its value as sound national defense policy.

Accordingly, in May, 1920, the Secretary of the Navy wrote a letter to Congress requesting the enactment of legislation to retire the disabled emergency officers of the Navy and Marine Corps and submitted a draft of the amendment he proposed. Congress immediately responded to this request and provided retirement for the disabled emergency officers of the Navy and Marine Corps in the act approved June 4, 1920. This act of Congress removed the discrimination against these two classes of officers, leaving the disabled emergency Army officers as the only class discriminated against out of the nine classes of officers who fought in the World War.

In the meantime no action was obtained from the House Military Affairs Committee on the retirement measure or from the Interstate and Foreign Commerce Committee on the Stevenson bill. As a matter of fact, the House Military Affairs Committee did not report its bill and never has to this day reported a bill affecting the disabled emergency officers.

On January 26, 1921, Mr. STEVENSON introduced a bill slightly amending his former measure, which was also referred to the Interstate and Foreign Commerce Committee of the House. The committee reported this bill favorably on February 2, 1921. The session was then drawing to a close. No action was obtained on it on the floor of the House, and the measure died a month later with the expiration of the Sixty-sixth Congress on March 4, 1921.

SIXTY-SEVENTH CONGRESS

The Stevenson bill was again introduced in the House and again referred to the Interstate and Foreign Commerce Committee. No hearings were held, and the committee took no action on the measure.

On April 11, 1921, the Johnson bill was introduced in the House and referred to the House Military Affairs Committee. This bill provided retirement as extended to the other eight classes of officers. No hearings were held by the House Military Affairs Committee on this retirement bill, in spite of repeated requests on the part of the veterans.

The Bursum bill was then introduced on May 4, 1921, in the Senate. Like the Johnson bill it provided retirement as extended to the eight other classes of officers. War Department opposition to the measure continued. This opposition influenced certain members of the Senate Military Affairs Committee, to which the measure was referred. The friends of the legislation on the Senate committee, in order to obtain a favorable report, amended the measure so as to meet the chief points of opposition raised by the War Department in the two years it had fought the legislation.

THE AMENDED BURSUM BILL

Under the straight retirement measure—accorded the other eight classes of officers—a disabled officer is examined by a board of Regular Army officers, some of whose members must be regular medical officers. If the board finds that the officer's disability has unfitted him for active duty with troops in the field, the board recommends his retirement for life at three-fourths of the pay and allowances he is then receiving, and he is placed on the regular retired list for life.

Under the Bursum bill as reported by the Senate military Affairs Committee on July 11, 1921, the following amendments were made to meet the War Department's opposition:

First. Examination for retirement would be made by civilian medical officers of the Veterans' Bureau instead of by a Regular Army retiring board.

Second. Eligibility to retirement was increased to 30 per cent permanent disability instead of ability to perform active duty with troops in the field.

Third. The Veterans' Bureau was required to pay the emergency officers retired in this manner instead of the War Department.

BURSUM BILL REPORTED

As amended in this form, the Senate Military Affairs Committee reported the Bursum bill favorably to the Senate on July 11, 1921, the first time a Military Affairs Committee had reported the legislation.

BURSUM BILL PASSES SENATE

In spite of the amendments, opposition from the War Department continued, and friends of the measure were unable to bring it to a vote in the Senate until February 21, 1922, when it passed the upper body 50 to 14, and was forwarded to the House, where it was immediately referred to the House Military Affairs Committee.

HOUSE COMMITTEE STILL WITHHOLDS APPROVAL

Following a long series of efforts on the part of the Legion, the House Military Affairs Committee finally granted hearings on the Bursum bill. At these hearings the case of the disabled officers was presented fully. More than a score of them appeared and exhibited their battle wounds as mute advocates for the legislation. Every recognized veterans' organization appeared in behalf of the measure.

In spite of the efforts of the friends of the bill, War Department influence still prevailed. The House Military Affairs Committee held up the bill for more than a year, declining to report it out. A petition signed by 235 Members of the House—containing more than a majority of each party in the lower body—was finally presented to the House Military Affairs Committee requesting the report of the measure. This the committee declined to do, and the bill died with the expiration of the Sixty-seventh Congress in March, 1923.

CONFERENCE OF VETERANS' ORGANIZATIONS

During the summer recess of 1923 the veterans' organizations were faced with the following problem: The legislation had been actively pushed for four years, but in all that time the Military Affairs Committee of the House had refused to report a bill and the Senate Military Affairs Committee had declined to report any measure which did not conform to the chief War Department objections.

The question to be decided therefore was, Shall straight retirement legislation be pushed—which could not be gotten out of the Military Affairs Committees—or legislation conforming to the War Department objections, which could at least be gotten out of the Senate Military Affairs Committee?

Accordingly a conference was called in the city of Washington during the summer of 1923, attended by representatives of all reputable World War veterans' organizations, to consider the form of the legislation to introduce in the coming Congress. This conference was attended by duly accredited representatives of the American Legion, the National Guard Association, the Veterans of Foreign Wars, the Disabled American Veterans, the Disabled Emergency Officers of the World War, and the Military Order of the World War, and a designated representative of the General Staff of the Army.

THE BILL WAS AGREED UPON

Sessions were held for three days. The form of the legislation was discussed at length. The representatives of the veterans' organizations present finally agreed unanimously to push the measure in the form it had passed the Senate in order to meet the major objections of the War Department, for no progress could be made unless the Senate Military Affairs Committee would report the measure.

It was recommended that the permanent disability rating for which retirement should be granted be reduced from 30 per cent to 20 per cent. At the request of the General Staff representative it was further agreed that the retired list should be kept in the Veterans' Bureau, although it should also be published in the Army Register. In other respects the bill agreed upon by the conference was substantially the same as the Bursum bill in the form it had passed the Senate.

PASSES THE SENATE AGAIN

This new bill was prepared and officially indorsed by the veterans' organizations and introduced in the next Congress where it was again considered by the Senate Military Affairs Committee. That committee reported it favorably, but put back the former permanent disability rating for eligibility to 30 per cent. This provision was retained when the bill passed the Senate February 20, 1925, 63 to 14, and forwarded to the House.

NEW HOUSE COMMITTEE REPORTS BILL

In the meantime, at the request of the Legion, the House had created the House Committee on World War Veterans' Legislation. They asked that the Bursum bill be referred to this committee instead of the unfriendly House Military Affairs Committee, and the House accordingly agreed. This friendly veterans' committee had already favorably reported the Lineberger bill, similar to the Bursum bill, which was being held up in the Rules Committee of the House.

The House Veterans' Committee immediately reported the Bursum bill so that it would displace the Lineberger bill. A hearing was granted by the Rules Committee of the House on the question of granting a rule to allow the House to vote upon the bill which had already passed the Senate. The Rules Committee failed to grant the desired rule.

KILLED BY THE LEADERS

Efforts were made during the last six days of the session to obtain recognition from the Speaker, so that the measure might be voted upon in the House under suspension of the rules. The

Speaker refused to grant the recognition, and the measure again died, after being passed by the Senate, with the expiration of the Sixty-eighth Congress, March 4, 1925.

FIRST SESSION SIXTY-NINTH CONGRESS

At the close of the first session of the Sixty-ninth Congress the situation on the Tyson and Fitzgerald bills was as follows:

The Fitzgerald bill (H. R. 4548) had been introduced in the House of Representatives December 9, 1925, by ROY G. FITZGERALD, legionnaire, of Dayton, Ohio, Representative from the third congressional district of that State. Hearings were thereupon held by a subcommittee of the World War Veterans' Committee of the House as follows: Representative FITZGERALD, chairman; Representative THADDEUS C. SWEET, of Phoenix, N. Y.; and Representative LAMAR JEFFERS, legionnaire, of Anniston, Ala. Following a favorable report from the subcommittee to the Veterans' Committee, that committee favorably reported the bill on March 13, 1926 (Rept. No. 536), the measure being immediately placed upon the Union Calendar of the House. A minority report opposing the measure was signed by Representative JOHN E. RANKIN, of Mississippi; Representative BIRD J. VINCENT, of Michigan; Representative JACOB L. MILLIGAN, of Missouri; and Representative S. J. Montgomery, of Oklahoma, all members of the Legion.

On March 29, 1926, Chairman ROYAL C. JOHNSON, legionnaire, of South Dakota, introduced House Resolution 193, to provide a rule for consideration by the House of the Fitzgerald bill under the five-minute rule, the debate to continue for not to exceed five hours. The resolution was referred to the House Rules Committee. Two hearings were held upon House Resolution 193 by the House Rules Committee, May 4, 1926, and June 22, 1926, at the latter hearing ROBERT G. SIMMONS, of Nebraska, BIRD J. VINCENT, of Michigan, JOHN E. RANKIN, of Mississippi, and RALPH E. UPDIKE, of Indiana, all legionnaires, arguing against a report on the measure. The session adjourned July 3, 1926, without action on the part of the Rules Committee, the bill still remaining upon the Union Calendar of the House.

The Tyson bill, S. 3027, similar to the Fitzgerald bill, was introduced in the Senate February 1 by Senator LAWRENCE D. TYSON, legionnaire, of Knoxville, Tenn. The measure was immediately referred to the Senate Committee on Military Affairs, which held hearings upon the measure on March 5, 1926. On March 25 the Tyson bill was favorably reported to the Senate by this committee, Report No. 483, and the bill placed upon the Senate calendar. Although Senator TYSON made repeated efforts, he was unable to obtain Senate consideration of the measure, and the session ended with the Tyson bill being Order No. 486 under Rule VIII of the General Orders of the Senate, standing sixth on the list of orders.

SECOND SESSION SIXTY-NINTH CONGRESS

The problem confronting final enactment of the Tyson-Fitzgerald bill at the short session, Sixty-ninth Congress, was the time element involved, and the ability of opponents to turn this situation to their advantage through blocking its consideration by parliamentary tactics.

The Senate procedure under leadership of Senator TYSON consisted in the straight attack, pushing the measure at all times, and endeavoring to obtain a vote wherever possible.

The House procedure differed in that the consent of the leaders in control of the legislative program there, had to be won if a House vote was to be obtained. These steps consisted in the following:

First. Obtaining a rule from the House Rules Committee which would designate the conditions under which a vote would be had.

Second. Favorable action by the House Steering Committee on this rule, which would recommend preferred status on the measure to the majority leader and the Speaker.

Third. Decision on the part of the majority leader upon a definite time for House consideration of the bill, and lacking this—

Fourth. Consent of the Speaker to recognize the bill's spokesman so that it might be brought up and considered under suspension of the rules.

THE SENATE FIGHT

Senator TYSON began aggressive action as soon as the Congress convened in December, 1926. At that stage of the session the Tyson bill could be reached only on the Unanimous Consent Calendar, although during the morning hour of the Senate, which under the Senate rules follows an adjournment of the upper body, the motion could be made that the bill be considered by the Senate, notwithstanding the lack of unanimous consent. Under these circumstances the Senate would vote on the question of considering the measure during the remainder of the morning hour and debate upon the bill would be had. Under the rules the morning hour of the Senate lasts for two hours, but as the Senate usually recesses instead of adjourning, the morning hour does not occur daily—in fact, occurs only about twice a week and lasts only two hours.

When consideration is obtained on a measure through the method just outlined, a vote upon its passage must be had before the end of the morning hour if final action on the bill is to be obtained. The unfinished business of the Senate automatically comes up for consideration at the expiration of the morning hour, and consideration of the unfinished business can only be laid aside through unanimous consent.

As the short session progressed the Senate situation disclosed that the extended debate upon the measure continually indulged in by opponents was for the purpose of delaying its consideration, and was not an endeavor to bring further and necessary information to light on the merits of the bill. Senator TYSON accordingly decided that he would not speak further upon the measure after his opening statement in its behalf had been completed, and that he would request the Senate friends of the measure to follow a similar procedure. This method left it up to the opponents to consume whatever time existed for the bill's consideration. This they did continually, repeating their time-worn, threadbare arguments against the measure, and when running out of these, with which the Senate had grown familiar during the seven years in which the measure had been considered, resorted to other delaying tactics, such as demanding roll calls, to consume time, and thus block a Senate vote.

An analysis of the Senate record for the session in this connection shows the following:

December 17, 1926: Tyson bill automatically came before the Senate on the Unanimous Consent Calendar. Consideration objected to by Senator REED of Pennsylvania, thus preventing a vote.

January 8, 1927: Consideration under unanimous consent objected to by Senator BINGHAM, of Connecticut, and Senator KING, of Utah. Senator TYSON thereupon moved that, notwithstanding the objection, the bill be considered, the Chair ruling that such a motion was in order. Senator BINGHAM then announced that he would appeal from the ruling of the Chair. After much debate had been consumed upon this latter motion, it was apparent that no further time during the morning hour existed for consideration of the measure, and both motions were thereupon withdrawn.

January 11, 1927: Senator TYSON during the morning hour moved consideration of the Tyson bill, Senator BINGHAM thereupon demanding a quorum call, which consumed considerable time. Senator TYSON then delivered a masterful address in behalf of the measure, opponents consuming time by interruptions and questioning, including another demand for a quorum call by Senator BINGHAM a few minutes before 2 o'clock, at which time the morning hour expired, before a vote could be had upon the measure.

January 17, 1927: Senator TYSON requested unanimous consent for consideration of the bill, to which Senator BINGHAM objected. Senator TYSON then moved that consideration be had, the objection notwithstanding, but after considerable debate this motion was withdrawn when the approaching end of the morning hour made it apparent that a vote could not be had.

January 31, 1927: Senator TYSON requested unanimous consent for the bill's consideration, Senator KING objecting. Senator TYSON then moved that consideration be had notwithstanding. After considerable debate the Vice President ruled that this motion was out of order on Monday.

February 7, 1927: At a special night session of the Senate, held to consider unobjected bills on the Senate calendar, Senator TYSON requested unanimous consent for the bill's consideration, Senator REED of Pennsylvania objecting. Senator TYSON then moved that the bill be considered, the objection notwithstanding. A vote was taken upon this question and the Senate decided 44 to 4 that the bill be immediately considered. Senator Wadsworth then spoke against the measure for considerable time, followed by Senator REED of Pennsylvania, who read into the RECORD a long letter written two years prior—which he had read into the RECORD at that time—from an alleged official of a so-called veterans' organization opposing the measure. It was subsequently shown that the author of this letter had since been sentenced to serve three months in the city jail of Los Angeles after being convicted of having solicited funds from the public for a defunct veterans' aid organization.

This was a remarkable situation. Only one opposing letter could be produced in two years, and that letter from a man sentenced to jail in connection with veterans' affairs! Senators friendly to the measure exerted every effort to obtain a vote at this time, but the opponents continued their delaying tactics and the hour of adjournment was finally reached with the opponents still talking, a vote upon the measure thereby again being prevented.

February 22, 1927: At a special night session held for consideration of the veterans' loan bill, Senator TYSON moved to attach the Tyson bill as an amendment to this measure. Senator REED of Pennsylvania filibustered against this action. Under the unanimous-consent agreement the special night session would adjourn at 11 p. m. At 10.55 p. m. Senator TYSON withdrew his amendment. Senator REED, however, continued his filibuster and prevented a vote upon the veterans' loan bill that night.

February 23, 1927: Unanimous-consent agreement was reached to consider the Tyson bill from 3 to 4 p. m. on February 24. Senator TYSON immediately circulated a cloture petition so as to obtain a vote upon cloture for the bill at the hour set aside for its consideration.

February 24, 1927: Senator TYSON presented his cloture petition. Adoption of this by the Senate required two-thirds vote. Under the rules the vote was to come without further debate upon February 26.

February 26, 1927: Cloture upon the Tyson bill was lost by a vote of 51 to 36. It lacked 7 votes necessary for the number to invoke cloture. Senators voted upon this cloture petition as follows:

For, 51: Ashurst, Bratton, Capper, Copeland, Couzens, Curtis, Edge, Ernst, Ferris, Fletcher, Frazier, Glass, Goff, Gooding, Hale, Harris, Hawes, Heflin, Howell, Johnson, Jones (Wash.), Kendrick, Keyes, McKellar, McLean, McMaster, McNary, Mayfield, Means, Neely, Oddie, Pittman, Robinson (Ind.), Robinson (Ark.), Sackett, Schall, Sheppard, Shortridge, Simmons, Smith, Stanfield, Steck, Stewart, Swanson, Trammell, Tyson, Walsh (Mass.), Walsh (Mont.), Watson, Weller, Willis.

Against, 36: Bayard, Bingham, Blease, Borah, Broussard, Bruce, Cameron, Caraway, Dale, Dill, Edwards, Fess, George, Gerry, Greene, Harrison, King, La Follette, Lenroot, Metcalf, Moses, Norbeck, Norris, Nye, Overman, Phipps, Pine, Ransdell, Reed (Pa.), Reed (Mo.), Shipstead, Smoot, Stephens, Wadsworth, Warren, Wheeler.

An analysis of the foregoing vote on cloture for the Tyson bill shows that 26 out of the 36 Senators who voted against it had voted favorably during the year on the question of cloture when it was being considered in connection with other measures. These Senators, together with their favorable cloture votes on other measures, are as follows:

Against Tyson cloture, Feb. 26, 1927	Feb. 26, 1927 [1]	Feb. 15, 1927 [2]	June 1, 1926 [3]	Jan. 25, 1926 [4]	Feb. 28, 1927 [5]	Feb. 28, 1927 [6]
Bayard (Del.)		Yes		Yes		
Bingham (Conn.)		Yes	Yes	Yes		
Bruce (Md.)		Yes	Yes	Yes		Yes.
Cameron (Ariz.) [7]		Yes				
Caraway (Ark.) [7]		Yes		Yes		
Edwards (N. J.)		Yes		Yes		
Fess (Ohio)			Yes	Yes	Yes	Yes.
George (Ga.) [7]				Yes		
Gerry (R. I.) [7]				Yes		
Greene (Vt.)		Yes		Yes	Yes	Yes.
Harrison (Miss.) [7]		Yes		Yes		
King (Utah)				Yes		
Lenroot (Wis.)	Yes			Yes	Yes	Yes.
Metcalf (R. I.) [7]		Yes	Yes	Yes		Yes.
Moses (N. H.) [7]		Yes				
Norbeck (S. Dak.) [7]	Yes		Yes	Yes		
Norris (Nebr.)	Yes		Yes			
Overman (N. C.) [7]		Yes		Yes		
Phipps (Colo.)		Yes	Yes	Yes		Yes.
Pine (Okla.)		Yes	Yes		Yes	Yes.
Ransdell (La.) [7]		Yes		Yes		
Reed (Pa.)		Yes	Yes	Yes	Yes	Yes.
Smoot (Utah)		Yes		Yes	Yes	Yes.
Stephens (Miss.) [7]		Yes				
Wadsworth (N. Y.)	Yes			Yes		
Warren (Wyo.)	Yes	Yes	Yes	Yes	Yes	Yes.

[1] Vote on Boulder Dam.
[2] Vote on McFadden banking bill.
[3] Vote on migratory bird bill.
[4] Vote on World Court.
[5] Vote on prohibition reorganization.
[6] Vote on public building bill.
[7] These 11 Senators voted favorably on the passage of the former Bursum bill, a similar measure, in addition to having voted in favor of cloture for other measures during the past year.

Ten Senators who voted against cloture on the Tyson bill have a prior record of invariably opposing the cloture rule. They were BLEASE, BORAH, BROUSSARD, DALE, EDWARDS, LA FOLLETTE, NYE, REED of Missouri, SHIPSTEAD, and WHEELER. All of these, excepting BORAH, have been supporting the retirement measure.

REASON FOR CLOTURE DEFEAT

The foregoing analysis shows that one of the reasons for the failure to obtain the two-thirds majority necessary for cloture was due to the invariable rule followed by nine Senate friends of the measure, who vote against cloture under all circumstances, regardless of their personal attitudes toward the measures involved. While the favorable votes of these nine friends would have won the victory, the primary cause for defeat was the surprise defection of the 11 Senators who have voted favorably heretofore on the passage of the measure and who in addition were not opposed to the principle of cloture, but have, on the contrary, voted in favor of cloture on other measures during the year.

THE HOUSE FIGHT

As pointed out, a different set of circumstances confronted the Fitzgerald bill in the House. The fight in the Senate had been for the most part in the open. The fight in the House, however, had been conducted under cover. A whispering campaign consisting of cloakroom admonitions and conferences, designed to undermine the bill's strength in the House, was conducted throughout the session with unremitting energy and vigor. The primary object of this campaign was to intimidate the leaders in control of the legislative machinery so that they would decline to allow a vote upon the measure. Failing this, the whisperers hoped to undermine the actual House strength of the bill so that in the event the leaders allowed a vote, which seemed probable, that the actual support of the measure would be weakened.

WHISPERING STRATEGY

The strategy of the whisperers consisted in the threat of proposing double-edged amendments from the floor of a highly confusing character which, if adopted, might thwart the purpose of the legislation. They were primarily designed to place Members of the House in an embarrassing position. It was the intention of the whisperers to place the Congressmen in the predicament where a favorable vote on their amendments would be embarrassing, as well as an unfavorable vote. This strategy was designed to prevent pressure by Congressmen on the House leaders to force a vote on the bill. While the whisperers did not succeed in alienating many votes through this cloakroom attack, it has been claimed that they caused a number of its supposed friends to weaken in their desire for a roll-call vote on the measure.

The chief of the double-edged amendments through which the whisperers hoped to embarrass the Congressmen and confuse the issue before the House, was to propose that the bill be amended to grant a disability rating of total permanent to all enlisted veterans now rated as permanently disabled more than 30 per cent. The object of such an amendment is clear. It is a continuation of the effort which certain Congressmen have been exerting to alienate the sympathy of the former enlisted men from the former officers, and to create a feeling among the Congressmen that a vote against such an amendment would immediately bring down the wrath of all former enlisted men, who outnumbered the former officers 20 to 1.

The fact that such a proposal—30 per cent permanent disability, to be made the equivalent of 100 per cent permanent disability—has never been proposed by any veterans' organization and has never been considered by any committee of the House or the Senate, so that its cost, its effect, or the necessity for its enactment are absolutely unknown, has not so far deterred the whisperers from their announced intention of forcing a vote upon their proposal.

It is unnecessary to point out that the enactment of such an amendment might overturn the entire structure of our carefully developed Veterans' Bureau laws for the relief of the disabled, and that the Legion itself could not properly take a stand for or against such a proposal without a thorough study concerning its probable necessity, effect, and cost.

SNELL GOOD AS HIS WORD

In spite of this whispering campaign, the Members of the House steering committee and the House Rules Committee finally concluded that the Fitzgerald bill was just in principle, and that the House should not further be denied its right to register its will upon it. Early in the session Chairman SNELL, of the House Rules Committee, stated that his committee would report a rule providing consideration of the measure, following the disposition of the annual appropriation bills. Chairman SNELL was as good as his word. On February 15 the House Rules Committee voted to report the rule on the Fitzgerald bill, and House Resolution 427, in compliance with this, was reported to the House on February 16 from the House Committee on Rules. This resolution provided that general debate confined to the bill should not exceed two hours, to be equally divided and controlled by those favoring and opposing it. That, following this, the bill should be open to amendment under the five-minute rule, and that when the question of amendment had been disposed of, that the previous question should be considered as ordered, and a vote be had upon the passage of the measure.

It should be noted that this was the first time in the nine-year fight for this measure that a rule for its consideration had been granted by the House Rules Committee.

Action on the Fitzgerald bill was then deferred awaiting the Senate action on the Tyson bill, the House leaders having taken the attitude that it would be useless for the House to act upon the Fitzgerald bill unless the Senate passed the Tyson bill, the House leaders assuming that the Fitzgerald bill could be acted upon without notice at any time up until adjournment of the session.

The Senate filibuster against the Tyson bill meanwhile continued. Then two days prior to the date set for adjournment, another Senate filibuster was on in full swing, which continued to adjournment and prevented Senate passage of all additional legislation.

Friends of the measure, nevertheless, desired the House to register its attitude upon the Fitzgerald bill. Representative Fitzgerald conveyed this information to the House leaders, which resulted in the meeting of the House steering committee. This body after considerable discussion recommended that the House be allowed to consider the Fitzgerald bill that night, as adjournment was scheduled for noon the next day. Unfortunately, a House filibuster developed at the night session against the immigration bill, then under consideration, and this debate was unduly prolonged. The only hope then remaining was to obtain recognition from Speaker LONGWORTH for House consideration of the measure under suspension of the rules. Mr. LONGWORTH declined to grant this. Representative TILSON, of Connecticut, the majority leader, thereupon asked unanimous consent that the House stand in recess until 9.30 the next morning. Mr FITZGERALD thereupon objected, his plan being to insist upon the House continuing in session until action on his bill was had. However, at this point, Chairman SNELL of the Rules Committee presented a privileged report from the Rules Committee, House Resolution 455, which provided that immediately upon the adoption of this resolution it should be in order to move that the House stand in recess.

Mr. SNELL moved the previous question on the adoption of the rule, the previous question was ordered and the resolution agreed to, and the House thereupon stood in recess until 9.30 the next morning, to adjourn at noon on that day without transacting further business.

In this manner was the retirement legislation killed during the short session.

THE FIGHT GREW MORE BITTER

Friends of the retirement bill should reflect that the fight for this meritorious measure became more intense as time went on. Its opponents were few in number but great was the power of obstruction. The chief weapon lay in the rules of the Senate and the House, which enabled a vote to be prevented by parliamentary tactics. To this was added the whispering campaign and the threatened amendments designed to confuse the issue and embarrass those who would vote upon them.

JUSTICE WILL BE GRANTED SURVIVING DISABLED OFFICERS

More than 123 of our disabled emergency Army officers have died during the past year, died while their opponents filibustered and whispered against their relief legislation. The united strength of the Legion is back of this measure—a strength which opponents have failed to divide—and justice to the disabled officers will be written into the law of the land.

REREFERENCE OF A BILL

Mr. GARRETT of Tennessee. Mr. Speaker, with respect to the rereference of the bill which was requested a few moments ago by the gentleman from New York [Mr. PARKER], of course, that has been done now; but I have heard since then that perhaps the Committee on Military Affairs has taken some action on the bill.

Mr. PARKER. Mr. Speaker, to the best of my knowledge there has not been any action taken. If the gentleman will permit me, this matter was brought to my attention by the officers of the Canal Zone here in the department and I think the Speaker will bear me out in the statement that it was clearly a wrong reference.

Mr. GARRETT of Tennessee. Judging from the title of the bill and the fact that it is not a military hospital, it would seem the bill did belong where the gentleman asked that it be referred; but under the rules of the House, if the Committee on Military Affairs has acted on the bill, it is probably too late to discharge it from consideration.

The SPEAKER. The Chair has no information on that.

Mr. GARRETT of Tennessee. I am not sure that I am correctly informed, and my informant was not absolutely certain about it.

Mr. WAINWRIGHT. Mr. Speaker, I believe I am the only member of the Military Affairs Committee here present, but I am not aware that the bill has been considered by the committee. I must confess that there was some doubt in my mind whether the hospital was not a military hospital and did not belong to the Committee on Military Affairs.

Mr. GARRETT of Tennessee. I might suggest that where these bills are once referred and it is desired to change the reference, there ought to be a conference between the chairman of the committee who desires to obtain jurisdiction and the chairman of the committee that wishes for the change. I asked the gentleman from New York if there had been any such conference and he tried to reach the chairman of the committee, but he was not able to do so.

Mr. PARKER. Mr. Speaker, in view of what the gentleman from Tennessee has said I am perfectly willing to withdraw my request.

Mr. GARRETT of Tennessee. Then, Mr. Speaker, I ask unanimous consent that the proceedings be vacated and let the gentleman call it up in the morning.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. RATHBONE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief editorial from the Chicago Daily News on the agricultural situation.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. UNDERHILL. Mr. Speaker, following my usual policy and procedure, I object.

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by replying to an editorial recently carried by the Washington News under the caption of "Religious tolerance and District of Columbia Sunday closing laws," and also by inserting some brief quotations and an item from the Literary Digest on Sunday observance.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. TILSON. Are they the gentleman's own remarks?

Mr. LANKFORD. As far as the reply to the editorial they are my own remarks, except the clipping from the editorial, and I also give quotations from McKinley, Roosevelt, and others on Sunday observance, and one from the Literary Digest.

Mr. TREADWAY. Reserving the right to object, I think the gentleman better cut out that part of his request, limiting it to his own remarks.

Mr. LANKFORD. The article in the Literary Digest is in accordance with my remarks.

The SPEAKER. Is there objection?

Mr. TREADWAY. I shall be obliged to object.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, announced that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 280. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Red River at or near Coushatta, La.;

H. R. 5547. An act granting the consent of Congress to the city of St. Joseph, in the State of Missouri, or its assigns, to construct a bridge and approaches thereto across the Missouri River between the States of Missouri and Kansas;

H. R. 5582. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande, at or near the point where South Santa Fe Street in the city of El Paso crosses the Rio Grande, in the county of El Paso, State of Texas;

H. R. 5642. An act to extend the time for the construction of a bridge across Red River at Fulton, Ark.; and

H. R. 7218. An act to legalize a bridge across Hillsborough Bay at Twenty-second Street, Tampa, Fla.

The SPEAKER announced his signature to a joint resolution and bills of the following titles:

S. J. Res. 38. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted; and

S. 440. An act for the relief of Charles H. Send.

S. 1968. An act to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes;

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following communication:

JANUARY 27, 1928.

Hon. NICHOLAS LONGWORTH,
Speaker House of Representatives.

MY DEAR SPEAKER: It is with regret that I have to advise that I am unable, in addition to my work on Irrigation and Reclamation, Public Lands, Mines and Mining, and the Special Committee of Investigation of the Northern Pacific Land Grants, to perform my duties on the Committee on War Claims.

I therefore respectfully hereby submit my resignation as a member of the War Claims Committee.

Very truly yours,

CHARLES E. WINTER.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ADJOURNMENT

Mr. UNDERHILL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 31, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 31, 1928, as reported by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

War Department appropriation bill.

(2 p. m.)

District of Columbia appropriation bill.

Agriculture Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON CHARITIES AND HOSPITALS

(10 a. m.)

To regulate the practice of osteopathy in the District of Columbia (H. R. 16).

To regulate the practice of chiropractic, to create a board of chiropractic examiners of the District of Columbia, and to punish persons violating the provisions thereof (H. R. 5763).

To regulate the practice of naturopathy in the District of Columbia (H. R. 9347).

COMMITTEE ON FLOOD CONTROL

(10 a. m. and 2 p. m.—caucus room)

A meeting to discuss proposals to control the flood waters of the Mississippi River.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

A meeting with members of Radio Board in an effort to determine whether the life of the board should be extended.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to discuss the naval building program.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION—SUBCOMMITTEE ON INSURANCE

(10 a. m.)

A meeting with General Hines for a general discussion of the insurance laws affecting World War veterans.

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926 (H. R. 25, 6034, 7369, 7943, 7953, 8301, 8315, 9840, 10081).

Providing for counting and allowing all service rendered as civilian employees of the Quartermaster Department fixing rights under retirement (H. R. 9967).

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

To amend section 29 of the act of March 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," and for the insertion of a new section in said act between sections 29 and 30 of said act, to be designated as "section 29½" of said act (H. R. 8567).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

324. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1928, pertaining to the Office of the Supervising Architect, $2,680,000 (H. Doc. No. 151); to the Committee on Appropriations and ordered to be printed.

325. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1928, $31,105, and for the fiscal year 1929, $211,288; in all, $242,393; also proposed legislation affecting the use of an existing appropriation and proposed changes in the text of items included in the Budget for 1929 (H. Doc. No. 152); to the Committee on Appropriations and ordered to be printed.

326. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year 1929 amounting to $400,000, of which $100,000 is to be immediately available for the Department of Agriculture, to enable the Secretary of Agriculture to meet an emergency caused by new outbreaks of the pink bollworm of cotton in the State of Texas (H. Doc. No. 153); to the Committee on Appropriations and ordered to be printed.

327. A letter from the Secretary of War, transmitting statement submitted by the Chief of Engineers, United States Army, showing the name of each civilian engineer employed between July 1, 1926, and June 30, 1927, in work of improving rivers and harbors, the time so employed, the compensation paid, and the place at and works on which employed; to the Committee on Expenditures in the Executive Departments.

328. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929, $50,000; also proposed changes in items included in the Budget for 1929 (H. Doc. No. 154); to the Committee on Appropriations and ordered to be printed.

329. A letter from the vice chairman of the American Legion national legislative committee, transmitting report of the American Legion for the calendar year 1927, including a full report of its receipts and expenditures; to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McFADDEN: Committee on Banking and Currency. H. R. 4. A bill to incorporate the Federal reserve retirement fund, to define its functions, and for other purposes; with amendment (Rept. No. 479). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on Indian Affairs. H. R. 441. A bill to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

without amendment (Rept. No. 480). Referred to the Committee of the Whole House on the state of the Union.

Mr. WATRES: Committee on the Post Office and Post Roads. H. R. 7213. A bill to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation for the transportation of foreign mails at fixed rates per pound or per mile, and for other purposes; without amendment (Rept. No. 481). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 8307. A bill amending section 5 of the act approved June 9, 1916 (39 Stat. L. 218), so as to authorize the sale of timber on class 3 of the Oregon & California Railroad and Coos Bay wagon-road grant lands; with amendment (Rept. No. 482). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on the Public Lands. H. R. 8824. A bill to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex.; without amendment (Rept. No. 483). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 10078. A bill to provide for the deportation of certain aliens, and for other purposes; without amendment (Rept. No. 484). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENTZ: Committee on Indian Affairs. H. R. 308. A bill authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation; without amendment (Rept. No. 485). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on the Public Lands. H. R. 158. A bill to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session; without amendment (Rept. No. 486). Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. H. R. 6491. A bill to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended; without amendment (Rept. No. 487). Referred to the House Calendar.

Mr. UNDERHILL: Committee on the District of Columbia. H. R. 6856. A bill relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of moneys and property held in the names of two or more persons, and for other purposes; without amendment (Rept. No. 488). Referred to the House Calendar.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 8311. A bill to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased; with amendment (Rept. No. 489). Referred to the House Calendar.

Mr. SINNOTT: Committee on the Public Lands. S. 1193. An act granting certain rocks or islands to the State of Oregon for park purposes; without amendment (Rept. No. 490). Referred to the House Calendar.

Mr. WILLIAMSON: Committee on Expenditures in the Executive Departments. H. R. 9583. A bill authorizing the reporting to the Congress of certain claims and demands asserted against the United States; without amendment (Rept. No. 491). Referred to the House Calendar.

Mr. BURTON: Committee on Foreign Affairs. H. J. Res. 183. A joint resolution to prohibit the exportation of arms, munitions, or implement of war to belligerent nations; without amendment (Rept. No. 492). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 10141. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 466). Referred to the Committee of the Whole House.

Mrs. LANGLEY: Committee on Claims. H. R. 2488. A bill for the relief of the Fidelity & Deposit Co. of Maryland; without amendment (Rept. No. 467). Referred to the Committee of the Whole House.

Mr. SMITH: Committee on the Public Lands. H. R. 3032. A bill for the relief of First National Bank of Mountain Home, Idaho; without amendment (Rept. No. 468). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 3844. A bill for the relief of Myra Madry; with amendment (Rept. No. 469). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 5399. A bill for the relief of George Heitkamp; without amendment (Rept. No. 470). Referred to the Committee of the Whole House.

Mr. ROY G. FITZGERALD: Committee on Claims. H. R. 6271. A bill for the relief of James C. Fritzen; without amendment (Rept. No. 471). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 6367. A bill authorizing the redemption by the United States Treasury of 20 war-saving stamps (series of 1918) now held by Dr. John Mack, of Omaha, Nebr.; without amendment (Rept. No. 472). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 8810. A bill for the relief of John L. Nightingale; without amendment (Rept. No. 473). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 9380. A bill for the relief of Frank E. Shults; without amendment (Rept. No. 474). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10014. A bill for the relief of A. F. Gallagher; without amendment (Rept. No. 475). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. S. 3. An act for the relief of Kate Mathews; with amendment (Rept. No. 476). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1133. An act for the relief of John F. White and Mary L. White; without amendment (Rept. No. 477). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. S. 2365. An act for the relief of G. W. Rogers; without amendment (Rept. No. 478). Referred to the Committee of the Whole House.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. J. Res. 55. A joint resolution for the relief of Henry A. Bellows; without amendment (Rept. No. 493). Referred to the Committee of the Whole House.

Mr. UPDIKE: Committee on Naval Affairs. H. R. 8957. A bill to reimburse Joseph Rosen, formerly of the United States Navy, for losses sustained while carrying out his duties; without amendment (Rept. No. 494). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 4963. A bill for the relief of Randolph-Macon Academy, Front Royal, Va.; without amendment (Rept. No. 495). Referred to the Committee of the Whole House.

Mr. JAMES: Committee on Military Affairs. H. R. 7268. A bill for the relief of John Hervey; with amendment (Rept. No. 496). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10012) granting an increase of pension to Anna M. Bircher; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7381) granting a pension to Martha F. Fry; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10109) granting an increase of pension to Sesurea R. Therrien; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 10140) to commemorate the two hundredth anniversary of the birth of George Washington by holding an international exhibition of arts, industries, manufactures, and the products of the soil, mine, and sea in the Washington Marine Park, Brooklyn, N. Y.; to the Committee on Foreign Affairs.

By Mr. KNUTSON: A bill (H. R. 10141) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors

of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. BROWNE: A bill (H. R. 10142) to create a special highway fund from the proceeds of the sale of surplus war material, highway equipment, and supplies to the Government of France; to the Committee on Roads.

By Mr. DE ROUEN: A bill (H. R. 10143) authorizing the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER of Texas: A bill (H. R. 10144) authorizing the B and P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Texas; to the Committee on Interstate and Foreign Commerce.

By Mr. NIEDRINGHAUS: A bill (H. R. 10145) authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, St. Louis County, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: A bill (H. R. 10146) to authorize appropriations for construction at Scott Field, Ill., and for other purposes; to the Committee on Military Affairs.

By Mr. BLANTON: A bill (H. R. 10147) to provide a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes; to the Committee on the District of Columbia.

By Mr. ANDREW: A bill (H. R. 10148) to amend the act of March 3, 1915, by extending to the widows or dependents of naval officers and enlisted men who die and to enlisted men who are disabled as a result of submarine accidents the same pensions as are allowed in the case of aviation accidents; to the Committee on Pensions.

By Mr. DALLINGER: A bill (H. R. 10149) authorizing an appropriation for the widening and resurfacing of Arsenal Street in Watertown, Mass., where it abuts on the grounds of the United States Arsenal; to the Committee on Military Affairs.

By Mr. LUCE: A bill (H. R. 10150) making an appropriation to pay the State of Massachusetts for expense incurred and paid at the request of the President in protecting the harbors and fortifying the coast during the Civil War; to the Committee on War Claims.

By Mr. McFADDEN: A bill (H. R. 10151) to amend section 9 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. RANKIN: A bill (H. R. 10152) authorizing the appropriation of $2,500 for the erection of a tablet or marker at Dancing Rabbit, in Noxubee County, Miss., to commemorate the signing of the treaty of Dancing Rabbit Creek between the United States and the Choctaw Indians on September 27, 1830; to the Committee on the Library.

Also, a bill (H. R. 10153) authorizing the appropriation of $2,500 for the erection of a tablet or marker at Ackia, in Lee County, Miss., to commemorate the Battle of Ackia fought at that place between the French and the Chickasaw Indians on May 20, 1736; to the Committee on the Library.

By Mr. WILSON of Mississippi: A bill (H. R. 10154) providing an amendment to the civil service act; to the Committee on the Civil Service.

By Mr. BERGER: A bill (H. R. 10155) to combat illiteracy in the several States, and for other purposes; to the Committee on Education.

By Mr. NEWTON: A bill (H. R. 10156) to amend section 918, chapter 20, of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. SUTHERLAND: A bill (H. R. 10157) making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes; to the Committee on the Public Lands.

By Mr. WILSON of Mississippi: A bill (H. R. 10158) providing a penalty of $1,000 upon any newspaper publishing a report falsely accredited to a Government department; to the Committee on the Judiciary.

By Mr. W. T. FITZGERALD: A bill (H. R. 10159) granting pensions and increase of pension to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 10160) to amend the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

By Mr. HAWLEY: A bill H. R. 10161) conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon; to the Committee on Indian Affairs.

Also, a bill (H. R. 10162) for the relief of the land-grant railroad operated between the station formerly known as East Portland, in the State of Oregon, and Roseville, in the State of California; to the Committee on Interstate and Foreign Commerce.

By Mr. McLEOD: A bill (H. R. 10163) to protect the title of motor vehicles within the District of Columbia; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to prescribe the powers and duties of the director of traffic hereunder; and to provide penalties for violations of the provisions hereof; to the Committee on the District of Columbia.

By Mr. NEWTON: A bill (H. R. 10164) to amend an act entitled "World War veterans' act, 1924," as amended, approved June 7, 1924; to the Committee on World War Veterans' Legislation.

By Mr. PORTER: A bill (H. R. 10165) to amend section 3 of the act entitled "An act to regulate the issue and validity of passports, and for other purposes," approved July 3, 1926; to the Committee on Foreign Affairs.

Also, a bill (H. R. 10166) to amend the Foreign Service buildings act, 1926; to the Committee on Foreign Affairs.

Also, a bill (H. R. 10167) to authorize the President to accept the invitation of the Cuban Government to appoint delegates to the Second International Emigration and Immigration Conference to be held at Habana commencing March 31, 1928; to the Committee on Foreign Affairs.

By Mr. DALLINGER: A bill (H. R. 10168) to amend certain sections of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. CLANCY: A bill (H. R. 10169) to establish a boxing commission for the District of Columbia and to repeal section 876 of the Code of the District of Columbia and sections 320 and 321 of the Criminal Code of the United States; to the Committee on the District of Columbia.

By Mr. ALMON: A bill (H. R. 10170) to amend the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. ZIHLMAN: A bill (H. R. 10171) to exempt from taxation certain property of the National Society Sons of the American Revolution in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. DAVIS: A bill (H. R. 10172) authorizing and directing the Secretary of Agriculture to establish and maintain a dairy and livestock experiment and demonstration station at or near Lewisburg, Tenn.; to the Committee on Agriculture.

By Mr. MORIN: A bill (H. R. 10173) to limit mounted, motorized, air, medical, tank, and other units of the National Guard; to the Committee on Military Affairs.

Also, a bill (H. R. 10174) to authorize the interchangeability of amounts appropriated under the appropriation "Arming, equipping, and training the National Guard"; to the Committee on Military Affairs.

By Mr. RANKIN: Resolution (H. Res. 105) to print 2,000 copies of the soil survey of Monroe County, Miss.; to the Committee on Printing.

By Mr. YON: Resolution (H. Res. 106) abating the surcharge on sleeping and parlor cars; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. COLLIER: Memorial of the Legislature of the State of Mississippi, urging Congress to enact adequate flood control of the lower Mississippi Valley; to the Committee on Flood Control.

By Mr. BLOOM: Memorial of the Legislature of the State of South Carolina, in favor of the emergency Army officers; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: Memorial of the Legislature of the State of South Carolina, urging the Congress of the United States to pass at the first session of the Seventieth Congress the bill for the retirement of disabled emergency Army officers of the World War; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 10175) granting an increase of pension to Huldah Van Cleve; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 10176) granting an increase of pension to Cornelia B. Atkinson; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 10177) granting an increase of pension to Miranda Joste; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 10178) for the relief of H. J. Heinz Co., Atlantic City, N. J.; to the Committee on Claims.

Also, a bill (H. R. 10179) for the relief of Lieut. Edwin D. Foster; to the Committee on Naval Affairs.

Also, a bill (H. R. 10180) for the relief of Lieut. Edwin D. Foster; to the Committee on Naval Affairs.

By Mr. BEGG: A bill (H. R. 10181) for the relief of Ida B. Holly; to the Committee on Military Affairs.

Also, a bill (H. R. 10182) granting an increase of pension to Anna Allen; to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 10183) for the relief of Howard Perry; to the Committee on Claims.

By Mr. BLOOM: A bill (H. R. 10184) granting an increase of pension to Lillian V. Mauger; to the Committee on Pensions.

Also, a bill (H. R. 10185) for the relief of Nicholas Alexander Brown; to the Committee on Claims.

Also, a bill (H. R. 10186) for the relief of Katharine Hanna; to the Committee on Claims.

Also, a bill (H. R. 10187) for the relief of Rosa B. Smolik; to the Committee on Claims.

By Mr. BRAND of Georgia: A bill (H. R. 10188) granting an increase of pension to Whitmill T. Eason; to the Committee on Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 10189) granting an increase of pension to Chrintena F. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10190) granting an increase of pension to Mary E. Louck; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 10191) for the relief of G. J. Bell; to the Committee on Claims.

By Mr. BULWINKLE: A bill (H. R. 10192) for the relief of Lois Wilson; to the Committee on Claims.

Also, a bill (H. R. 10193) granting an increase of pension to James H. Jevens; to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 10194) for the relief of Maria Hensley Clay; to the Committee on Military Affairs.

By Mr. CARLEY: A bill (H. R. 10195) granting a pension to John Garvey; to the Committee on Pensions.

By Mr. CLARKE: A bill (H. R. 10196) for the relief of Bernard Jones; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL: A bill (H. R. 10197) for the relief of W. J. Shirley; to the Committee on War Claims.

Also, a bill (H. R. 10198) for the relief of Vercy A. Leadbitter; to the Committee on Claims.

Also, a bill (H. R. 10199) granting an increase of pension to Henrietta V. Gellatly; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 10200) for the relief of Carrie McIntyre; to the Committee on Military Affairs.

Also, a bill (H. R. 10201) granting an increase of pension to Anna A. Enos; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10202) granting a pension to Catherine C. Hanna; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10203) granting an increase of pension to Hattie McKearnin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10204) to reimburse Joseph P. Nolan, of New York City, for certain money deposited by him in escrow with the United States Shipping Board; to the Committee on Claims.

Also, a bill (H. R. 10205) granting an increase of pension to Elizabeth Cummings; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 10206) granting an increase of pension to Mary A. Odom; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 10207) granting a pension to Laura E. Haynes; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 10208) granting a pension to Alfred A. Gross; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 10209) granting an increase of pension to Hannah Morgan; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 10210) granting a pension to Isaac M. H. Fletcher; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 10211) for the relief of Lawrence A. Vom Dolteran; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 10212) for the relief of the legal representatives of Dr. J. R. Middleton and Elizabeth Middleton, deceased; to the Committee on War Claims.

By Mr. ENGLEBRIGHT: A bill (H. R. 10213) for the relief of Louis E. Wickes; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10214) granting an increase of pension to Martha E. Acton; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 10215) granting a pension to Leo C. Wiggins; to the Committee on Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 10216) granting an increase of pension to Jule E. Hubert; to the Committee on Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 10217) authorizing the Court of Claims of the United States to hear and determine the claims of the Flaxman Paper Co.; to the Committee on Claims.

Also, a bill (H. R. 10218) authorizing the Court of Claims of the United States to hear and determine the claims of the city of Park Place, heretofore an independent municipality, but now a part of the city of Houston, Tex.; to the Committee on War Claims.

By Mr. GREEN of Iowa: A bill (H. R. 10219) granting an increase of pension to Mary A. Reed; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 10220) granting a pension to Sophronia E. Miles; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 10221) to legalize a dock owned by H. H. Davis in Friday Harbor Cove, San Juan County, Wash.; also a dock owned by the Friday Harbor Packing Co., in the same cove; to the Committee on Rivers and Harbors.

By Mr. HAUGEN: A bill (H. R. 10222) granting an increase of pension to Sarah Howe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10223) granting an increase of pension to Louisa Burk; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10224) for the relief of William Paul Piatt; to the Committee on Military Affairs.

Also, a bill (H. R. 10225) for the relief of Lincoln County, Oreg.; to the Committee on Claims.

Also, a bill (H. R. 10226) for the relief of Reed Walworth; to the Committee on Naval Affairs.

By Mr. HUDSPETH: A bill (H. R. 10227) for the relief of the heirs of G. B. Moss; to the Committee on War Claims.

By Mr. HUGHES: A bill (H. R. 10228) for the relief of James K. Bailey; to the Committee on the Civil Service.

By Mr. MORTON D. HULL: A bill (H. R. 10229) granting an increase of pension to Mary E. Akins; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 10230) granting a pension to Julia Brunette; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10231) granting a pension to Mary Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10232) granting a pension to Mattie N. Bean; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 10233) granting an increase of pension to Sophrona Hotchkiss; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 10234) granting a pension to Clinton Borders; to the Committee on Pensions.

Also, a bill (H. R. 10235) granting an increase of pension to Elizabeth Couch; to the Committee on Invalid Pensions.

By Mr. LOWREY: A bill (H. R. 10236) for the relief of Harry M. King; to the Committee on War Claims.

By Mr. LYON: A bill (H. R. 10237) for the relief of Elsie D. Styron and William L. Styron; to the Committee on Claims.

By Mr. MILLER: A bill (H. R. 10238) for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. MOORE of Kentucky: A bill (H. R. 10239) granting an increase of pension to Amasa W. Jones; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 10240) granting an increase of pension to Charlotte Hartzell; to the Committee on Invalid Pensions.

By Mr. MOORE of New Jersey: A bill (H. R. 10241) granting a pension to Mahala Sturgeon; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 10242) for the relief of Lorenzo A. Bailey; to the Committee on Indian Affairs.

By Mr. MORGAN: A bill (H. R. 10243) granting an increase of pension to Lucetta F. Sefton; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 10244) to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard; to the Committee on Military Affairs.

By Mr. PARKER: A bill (H. R. 10245) granting a pension to Sarah Bowe; to the Committee on Pensions.

Also, a bill (H. R. 10246) granting an increase of pension to Florence R. Fuller; to the Committee on Invalid Pensions.

By Mr. PEERY: A bill (H. R. 10247) for the relief of Isabelle R. Damron, formerly postmaster at Clintwood, Va.; to the Committee on Claims.

By Mr. PERKINS: A bill (H. R. 10248) for the relief of George S. Conway; to the Committee on War Claims.

By Mr. PRATT: A bill (H. R. 10249) granting an increase of pension to Isabella Sweetser; to the Committee on Invalid Pensions.

By Mr. RANSLEY: A bill (H. R. 10250) for the relief of Christopher Cott; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 10251) granting an increase of pension to John H. Alford; to the Committee on Invalid Pensions.

By Mr. REID of Illinois: A bill (H. R. 10252) granting a pension to Nellie M. Shout; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 10253) granting a pension to Angeline Roberts; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 10254) granting an increase of pension to Ella M. Harding; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 10255) for the relief of Capt. Walter S. Johnson; to the Committee on Military Affairs.

By Mr. SCHNEIDER: A bill (H. R. 10256) for the relief of Greiling Bros. Co., of Green Bay, Wis.; to the Committee on Claims.

By Mr. SHREVE: A bill (H. R. 10257) granting a pension to Lodema Lawrence; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 10258) granting a pension to Joseph D. Combs; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 10259) granting an increase of pension to Mary A. Deming; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 10260) granting an increase of pension to Mary Steck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10261) for the relief of Edward Tomlinson; to the Committee on Military Affairs.

By Mr. SWICK: A bill (H. R. 10262) granting an increase of pension to Hester Everard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10263) granting an increase of pension to Nannie Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10264) granting an increase of pension to Caroline Jenkins; to the Committee on Invalid Pensions.

Also, a bill (10265) granting an increase of pension to Salina F. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10266) granting an increase of pension to Eliza A. Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10267) granting an increase of pension to Anna French; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10268) granting an increase of pension to Susannah E. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10269) granting an increase of pension to Lisetta Camp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10270) granting an increase of pension to Martha M. Wick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10271) granting an increase of pension to Emma M. Ellison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10272) granting an increase of pension to Hannah L. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10273) granting an increase of pension to Anna M. E. Moser; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 10274) for the relief of Commander Francis James Cleary, United States Navy; to the Committee on Naval Affairs.

By Mr. UPDIKE: A bill (H. R. 10275) for the relief of Elnora C. Haag; to the Committee on the Judiciary.

By Mr. VESTAL: A bill (H. R. 10276) providing for sundry matters affecting the naval service; to the Committee on Naval Affairs.

By Mr. VINSON of Kentucky: A bill (H. R. 10277) granting an increase of pension to Rebecca Coffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10278) granting an increase of pension to Mary Anne Elizabeth Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10279) granting a pension to Clarinda McKelly; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 10280) granting an increase of pension to Seward B. Pickens; to the Committee on Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 10281) granting a pension to James J. Potvin; to the Committee on Pensions.

By Mr. WURZBACH: A bill (H. R. 10282) for the relief of Alex Bremer; to the Committee on Claims.

Also, a bill (H. R. 10283) granting a pension to Oscar F. Pridgen; to the Committee on Pensions.

Also, a bill (H. R. 10284) granting a pension to Mrs. B. B. Robison; to the Committee on Pensions.

By Mr. YON: A bill (H. R. 10285) for the relief of Edward B. Eppes; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2663. Petition of publisher of the Apostolic Way, State of Texas, attitude of the Church of Christ relative to its members engaging in carnal war; to the Committee on Military Affairs.

2664. By Mr. ALDRICH: Petition of Cora B. Woodmansee and 27 others of Hopkinton, R. I., protesting against passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2665. Also petition by residents of Nemaha County, Kans., protesting against the enactment of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2666. Also, petition by citizens of Leavenworth County, Kans., protesting against the passage of compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2667. Also, petition by citizens of Topeka, Kans., and vicinity, protesting against the passage of House bill 78, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2668. By Mr. BACHARACH: Petition of numerous citizens of the second congressional district of New Jersey, protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

2669. Also, petition signed by citizens of Battle Creek and Ida Grove, Ida County, Iowa, protesting against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2670. By Mr. BOWMAN: Petition by Civil War veterans and their friends in West Virginia, urging further pension relief; to the Committee on Invalid Pensions.

2671. By Mr. BROWNE: Petition of citizens of Marathon County, Wis., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2672. Also, petition of citizens of Portage County, Wis., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2673. By Mr. BYRNS: Petition of citizens of Nashville, Tenn., protesting against the passage of a Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

2674. By Mr. CANFIELD: Petition of Angeline Layton, of 1330 West Second Street, Madison, Ind., and 48 other citizens of Madison, Ind., urging the passage of legislation granting relief to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2675. By Mr. CARSS: Petition of Mrs. Herbert Higburg and 128 other residents of Duluth and Proctor, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2676. Also, petition of R. W. Hitchcock and 99 other residents of Hibbing, Minn., protesting against passage of House bill

78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2677. Also, petition of Mrs. S. G. Bergvall and 139 other residents of Hibbing, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2678. Also, petition of Mrs. C. W. Rubendall and 122 other residents of Hibbing, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2679. Also, petition of J. Homer Opstad and 38 other residents of Hibbing, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2680. Also, petition of Mandus Swenson and 163 other residents of Hibbing, Minn., protesting against passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2681. By Mr. CHALMERS: Petition against the prohibition of the importation of arms, munitions, or implements of war to any nation engaged in war; to the Committee on Ways and Means.

2682. By Mr. CLAGUE: Petition of C. C. Christensen, Pipestone County, Pipestone, Minn., and 90 other citizens of Pipestone County, opposing House bill 78, compulsory Sunday observance bill; to the Committee on the District of Columbia.

2683. By Mr. CLARKE: Petition of the citizens of Binghamton and Johnson City, N. Y., against compulsory Sunday observance; to the Committee on the District of Columbia.

2684. By Mr. COOPER of Wisconsin: Petition of citizens of Beloit, Wis., protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2685. Also, petition of citizens of Kenosha, Wis., urging the passage of legislation to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2686. By Mr. CRAIL: Petition of approximately 450 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2687. Also, petition of approximately 210 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2688. Also, petition of approximately 2,600 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2689. Also, petition of approximately 600 citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2690. Also, petition of approximately 600 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2691. Also, petition of approximately 750 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2692. Also, petition of approximately 600 citizens of Los Angeles County, Calif., protesting against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

2693. By Mr. CRAMTON: Petition signed by Z. E. Garrison and 35 other residents of Elkton, Mich., protesting against the passage of any compulsory Sunday observance bills; to the Committee on the District of Columbia.

2694. Also, petition signed by Mr. and Mrs. Homer Spencer, of Palms, Mich., and four other residents of that vicinity, protesting against the passage of any compulsory Sunday observance bills; to the Committee on the District of Columbia.

2695. By Mr. DALLINGER: Resolution of the American Humane Education Society of Boston, Mass., in protest against the naval building program; to the Committee on Naval Affairs.

2696. By Mr. DEMPSEY: Petition of citizens of Niagara Falls, N. Y., against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2697. By Mr. DE ROUEN: Petition of the voters of Allen Parish, State of Louisiana, to Congress of the United States urging that immediate steps be taken to vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to the needy and suffering veterans and widows, and thus partly repay the living for the sacrifices they have made for our country; to the Committee on Pensions.

2698. By Mr. DICKINSON of Missouri: Petitions by certain citizens of Butler, Mo., protesting against the passage of compulsory Sunday observance legislation, particularly House bill 78, known as the Lankford Sunday bill; to the Committee on the District of Columbia.

2699. By Mr. DOWELL: Petition of citizens of Marion County, Iowa., favoring National Tribune's Civil War pension bill; to the Committee on Pensions.

2700. By Mr. ENGLEBRIGHT: Resolution of Teachers' Club of San Luis Obispo, Calif., indorsing Curtis-Reed bill; to the Committee on Education.

2701. Also, petition of M. J. Williams and other citizens of Yreka, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2702. By Mr. EVANS of California: Petition of W. T. Howell and approximately 5,020 others, against compulsory Sunday observance; to the Committee on the District of Columbia.

2703. By Mr. EVANS of Montana: Petition of Alice M. Lanham and other residents of Missoula, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2704. By Mr. W. T. FITZGERALD: Memorial of L. E. Hedges, secretary of the Allen County (Ohio) Farmers League, opposing appropriation of Federal money for corn-borer control work, except for educational and research work, such as is recommended by the Secretary of Agriculture; to the Committee on Agriculture.

2705. Also, memorial of Carpenters Union No. 14, San Antonio, approving the passage of House bill 5755, for payment of subsistance expenses to disabled veterans; to the Committee on World War Veterans' Legislation.

2706. By Mr. FULBRIGHT: Petition of citizens of Dunklin, County, Mo., urging the enactment of flood-control legislation; to the Committee on Flood Control.

2707. Also, petition of citizens of Butler County, Mo., urging the enactment of flood-control legislation; to the Committee on Flood Control.

2708. Also, petition of citizens of Stoddard County, Mo., urging the enactment of flood-control legislation; to the Committee on Flood Control.

2709. Also, petition of citizens of Chaffee, Mo., urging legislation in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2710. Also, petition of citizens of Mammoth, Ozark County, Mo., urging legislation in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2711. By Mr. GALLIVAN: Petition of George B. Stebbins, president Massachusetts Reserve Officers' Association, Boston, Mass., recommending no reduction in reserve officers' and citizens' training budget; to the Committee on Appropriations.

2712. By Mr. GARBER: Letter of J. F. Sharp, jr., of Oklahoma City, Okla., in support of act to allow emergency war officers three-quarters of their pay for a disability encountered in service; to the Committee on Military Affairs.

2713. Also, letter of C. O. Hambleton, Woodward, Okla., in support of House bill 405, providing for horticultural and experimental work in southern Great Plains area; to the Committee on Agriculture.

2714. Also, letter of R. B. Yadon, of Woodward, Okla., in support of House bill 405, providing for horticultural and experimental work in southern Great Plains area; to the Committee on Agriculture.

2715. Also, letter of R. O. Renfrew, of Woodward, Okla., in support of House bill 405, providing for horticultural and experimental work in southern Great Plains area; to the Committee on Agriculture.

2716. Also, letter of George M. Humes, of the Humes Drug Co. (Inc.), of Ponca City, Okla., in support of the Capper-Kelly fair price bill; to the Committee on Interstate and Foreign Commerce.

2717. Also, letter of E. P. Williams, of Sharon, Okla., in opposition to the passage of the Oddie bill (S. 1752); to the Committee on Invalid Pensions.

2718. Also, letter of American Dental Association, by Dr. Homer C. Brown, chairman committee on dental legislation, of Chicago, Ill., in support of House bill 5766; to the Committee on Interstate and Foreign Commerce.

2719. Also, letter of Graves Leeper, secretary of state, Oklahoma City, Okla., in support of House bill 6518; to the Committee on the Civil Service.

2720. Also, letter of A. J. Titus, of Cherokee, Okla., in regard to House bill 8125, prohibiting the appointment or use of private detectives by transportation companies to protect their property and to run down thieves; to the Committee on Interstate and Foreign Commerce.

2721. Also, letter of H. L. Kincheloe, Marceline, Mo., in opposition to House bill 8125; to the Committee on Interstate and Foreign Commerce.

2722. Also, letter of American Manufacturers' Export Association, by R. G. Owens, secretary, New York City, in support of House bill 9195, Cuban parcel post bill; to the Committee on Ways and Means.

2723. Also, a letter of Mrs. J. R. Barlow, president Ladies' Auxiliary of the Oklahoma Rural Letter Carriers' Association, of Enid, Okla., in support of the Gibson bill providing for a more liberal retirement act, and the Reece road bill providing for improvement of rural mail-route roads; to the Committee on the Post Office and Post Roads.

2724. Also, letter of Frank S. Sewell, president First National Bank, Texhoma, Okla., in opposition to Senate bill 1752; to the Committee on Invalid Pensions.

2725. Also, letter of Immigration Study Commission, by C. M. Goethe, president, of Sacramento, Calif., urging restriction of Mexican immigration because of the sanitation danger; to the Committee on Immigration and Naturalization.

2726. Also, letter of Lorena C. Harris, vice president Ladies' Auxiliary of the Oklahoma Rural Letter Carriers' Association, urging the enactment of the Gibson bill, which provides for a more liberal retirement act, and the Reece road bill, which provides for improvements of rural-route roads; to the Committee on the Post Office and Post Roads.

2727. Also, letters of Ellen K. Marchant, postmaster of Aline, Okla., in support of bills which would place the third-class post offices in civil service and allow rent, light, fuel, and equipment for fourth class; to the Committee on the Post Office and Post Roads.

2728. Also, letter of the Cherokee Creamery, by Earl W. McDowell, of Cherokee, Okla., in opposition to the Oddie bill in regard to stamped envelopes; to the Committee on the Post Office and Post Roads.

2729. Also, letter of R. E. Watson, Hennessey, Okla., in protest to the Oddie bill in regard to stamped envelopes; to the Committee on the Post Office and Post Roads.

2730. Also, letter of A. Edward Wuppermann, editor of the Country Editor and World Press News, Port Richmond, Staten Island, N. Y., asking that Congress defer tariff legislation until next session; to the Committee on Ways and Means.

2731. Also, letter of Fred W. Green, attorney, Guthrie, Okla., urging the enactment of bill enlarging the powers and increasing the fees of the United States commissioners; to the Committee on Interstate and Foreign Commerce.

2732. Also, letter of Roy Patterson, postmaster at Capron, Okla., in support of bills which would place the third-class post offices in civil service and allow rent, light, and fuel and equipment for fourth class; to the Committee on the Post Office and Post Roads.

2733. Also, letter and resolution from Harry V. Kahle, secretary-treasurer Associated Industries of Oklahoma, of Oklahoma City, Okla., in opposition to Senate bill 1482 and House bill 7759; to the Committee on the Judiciary.

2734. Also, letter of Leon Starmont, secretary Northwest Mining Association, Spokane, Wash., in opposition to House bill 20; to the Committee on Interstate and Foreign Commerce.

2735. Also, letter of American Brown Boveri Electric Corporation, in protest to the appropriation of funds as carried in House bill 9481, independent offices appropriation bill, 1929, for reconditioning steamships known as *Mount Vernon* and *Monticello;* to the Committee on Appropriations.

2736. By Mr. GARNER of Texas: Memorial of Chamber of Commerce of McAllen, Tex., in opposition to limitation of Mexican immigration to the United States; to the Committee on Immigration and Naturalization.

2737. Also, memorial of Chamber of Commerce of San Benito, Tex., in opposition to limitation of Mexican immigration to the United States; to the Committee on Immigration and Naturalization.

2738. By Mr. GIBSON: Petition of residents of Berlin, Vt., favoring legislation for the increase of pensions of soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

2739. Also, petition of citizens of Barre, Vt., urging legislation for the increase of pensions to soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

2740. By Mr. HAWLEY: Petition of residents of Medford and Silverton, Oreg., to Congress to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2741. Also, petitions of residents of Amity, Dayton, Salem, Astoria, Eugene and vicinity, Clatsop County, Coos County, Grants Pass, Merlin, Rouge River, Sutherlin, and the first congressional district, all in the State of Oregon, opposing the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

2742. By Mr. HILL of Washington: Petition of R. E. Olson and about 900 other citizens of Spokane, Wash., protesting against House bill 78, and all other proposed legislation to compel Sunday observance; to the Committee on the District of Columbia.

2743. Also, petition of Bert W. Whitten and 53 others, of Seattle, Wash., urging passage of House bills 6518 and 492, to abolish the Classification Board and transfer its duties to the United States Civil Service Commission; to the Committee on the Civil Service.

2744. Also, petition of Richard Nius and 25 others, of Leavenworth, Wash., urging Congress to enact legislation to increase the pensions of Civil War veterans and the widows of such veterans; to the Committee on Invalid Pensions.

2745. By Mr. HOOPER: Petition of O. W. Cook and 72 other residents of Kalamazoo County, urging to bring to vote a Civil War pension bill carrying the rates proposed by the National Tribune for relief of needy and suffering veterans and widows of veterans; to the Committe on Invalid Pensions.

2746. By Mr. HUDSON: Petition of citizens of Lansing, Mich., urging the passage of legislation which will bring greater benefits to the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2747. Also, petition of citizens of Lansing, Flint, Clio, and Fenton, Mich., protesting against the passage of the so-called compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2748. By Mr. FRENCH: Petition of eight citizens of Juliaetta, Idaho, advocating a bill carrying increase of pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

2749. By Mr. JOHNSON of Texas: Petition of Dr. T. O. Walton, president of Agricultural and Mechanical College of Texas, College Station, Tex., urging passage of an appropriation for uniforms for students in Reserve Officers' Training Corps units of the land-grant colleges; to the Committee on Appropriations.

2750. Also, petition of Hearne Chamber of Commerce, protesting against the passage of legislation to regulate the manufacture and sale of stamped envelopes, and opposing Senate bill 1752; to the Committe on the Post Office and Post Roads.

2751. By Mr. KEARNS: Petition signed by citizens of Leesburg, Highland County, Ohio, protesting against the passage of any compulsory Sunday observance bills; to the Committee on the District of Columbia.

2752. Also, petition of citizens of Scioto County, Ohio, urging the passage for a pension bill for Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

2753. By Mr. KING: Petition against compulsory Sunday observance signed by Mrs. J. T. Platt, 1014½ Broadway Street, Quincy, Ill., and 90 other citizens of Quincy, Ill.; to the Committee on the District of Columbia.

2754. By Mr. KNUTSON: Petition submitted by Gullick S. Borg and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2755. By Mr. LEAVITT: Petition of citizens of Jardine and Plentywood, Mont., urging enactment of legislation increasing Civil War pension rates; to the Committee Invalid Pensions.

2756. By Mr. LETTS: Petition of A. L. Miller and other citizen of Davenport, Iowa, opposing the passage of House bill 78, or any other bill making compulsory the observance of the Sabbath; to the Committee on the District of Columbia.

2757. By Mr. LOZIER: Petition of 26 citizens of Marceline, Mo., protesting against the enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2758. Also, petition of 104 citizens of Green Castle, Mo., protesting against the enactment of House bill 78, or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

2759. By Mr. MILLER: Petition of citizens of Seattle, Wash., protesting House bill 78, the District of Columbia Sunday closing bill; to the Committee on the District of Columbia.

2760. By Mr. MOORE of Kentucky: Petition signed by N. C. Forgy, R. O. Winchester, and 38 other voters of Simpson County, Ky., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

2761. By Mr. MORROW: Petition of citizens of Chimayo, N. Mex., advocating Civil War pension legislation; to the Committee on Invalid Pensions.

2762. Also, petition of citizens of Maxwell, N. Mex., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2763. Also, petition of citizens of Alameda, N. Mex., advocating Civil War pension legislation; to the Committee on Invalid Pensions.

2764. By Mr. MURPHY: Petition signed by Sadie Moore and 18 others for Civil War pension bill; to the Committee on Invalid Pensions.

2765. Also, petition of Anna E. Chittenden and 10 others asking for the passage of a bill increasing the amount of pension paid to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2766. Also, petition of Rev. R. C. Conrad and 122 other residents of Freeport, Ohio, asking for a more liberal pension law for veterans of the Civil War and their widows, as set forth in the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

2767. By Mr. NELSON of Missouri: Petition signed by citizens of Versailles, Mo., against the compulsory Sunday observance law; to the Committee on the District of Columbia.

2768. By Mr. NEWTON: Petition of C. E. Powers, of Minneapolis, and others, against compulsory Sunday closing; to the Committee on the District of Columbia.

2769. Also, petition of Mrs. Iver Erickson, of Minneapolis, and others, against compulsory Sunday closing; to the Committee on the District of Columbia.

2770. By Mr. O'CONNELL: Petition of the General Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars of the United States, Arcadia, Calif., favoring an increase in allowances to enlisted men retired from the service; to the Committee on Military Affairs.

2771. Also, petition of Edmund J. Phillips, chairman committee on welfare, Philadelphia Advisory Council, United Spanish War Veterans, favoring veterans' preference in Government service; to the Committee on the Civil Service.

2772. Also, petition of the National Beauty and Barbers Supply Dealers' Association of New York, favoring the passage of the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

2773. Also, petition of the Exchange Club of Belmar, N. J., opposing the Jones bill and favoring the passage of the Wood bill (H. R. 2) and the Copeland bill (S. 2036) for permanent merchant marine under private ownership; to the Committee on the Merchant Marine and Fisheries.

2774. Also, petition of the American Manufacturers' Export Association, of New York, favoring the passage of the Cuban parcel post bill (H. R. 9195); to the Committee on the Post Office and Post Roads.

2775. Also, petition of the William F. Scannell Chapter, No. 6, Disabled American Veterans, of Liberty, N. Y., requesting priority to all legislation sponsored by the Disabled American Veterans of the World War for men suffering with tuberculosis; to the Committee on World War Veterans' Legislation.

2776. Also, petition of the Immigration Study Commission, of Sacramento, Calif., favoring the placing of Mexico upon the same quota basis as those other European nations; to the Committee on Immigration and Naturalization.

2777. By Mr. SEGER: Petition of Mrs. Augusta Walter and 260 residents of Paterson, N. J., and vicinity, protesting against compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

2778. By Mr. SELVIG: Petition of Mrs. Paul Boelter and 24 adult residents of Fertile, Minn., protesting against the passage of House bill 78, or of any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2779. By Mr. SHREVE: Petition of S. W. Brooks and numerous citizens of Corry, Pa., against the passage of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

2780. Also, petition of William Wadsworth and other citizens of Edinboro, Pa., for immediate passage of pension relief for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2781. By Mr. SMITH: Petition signed by A. B. Slater and 143 citizens of Gooding, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2782. Also, petition signed by Marguerite J. Robertson and 61 citizens of Idaho Falls, Idaho, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2783. Also, resolution adopted by the Isaac Walton League, of St. Maries, Idaho, favoring the enactment of legislation to establish a fish hatchery in Idaho; to the Committee on the Merchant Marine and Fisheries.

2784. By Mr. STEELE: Petition of 122 citizens of Atlanta, Fulton County, Ga., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2785. Also, petition of 33 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance, especially House bill 78; to the Committee on the District of Columbia.

2786. By Mr. STRONG of Pennsylvania: Petition of the Apollo (Pa.) Woman's Christian Temperance Union, protesting against the proposed building program for the United States Navy; to the Committee on Naval Affairs.

2787. By Mr. SWICK: Petition of Amanda E. Duncan and 19 other residents of Ellwood City, Pa., urging passage of more liberal pension legislation for Civil War veterans and their widows; to the Committee on Pensions.

2788. By Mr. SWING: Petition of citizens of Summit, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2789. Also, petition of citizens of Indio, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2790. Also, petition of citizens of Riverside, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2791. Also, petition of citizens of Bloomington, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2792. Also, petition of citizens of Riverside County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2793. Also, petition of citizens of Ontario, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2794. By Mr. THOMPSON: Petition of citizens of McClure, Ohio, urging action on a bill to increase pension rates to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2795. By Mr. WAINWRIGHT: Petition of residents of Suffern, Nyack, Sloatsburg, and Hillburn, N. Y., and adjacent villages in the State of New Jersey, protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2796. Also, petition of 45 residents of the village of Mamaroneck, Westchester County, N. Y., urging increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2797. By Mr. WASON: Petition of 127 residents of Concord, N. H., protesting against House bill 78, know as the Sunday closing bill; to the Committee on the District of Columbia.

2798. Also, petition of 24 residents of Spofford and Westmoreland, N. H., opposing the passage of House bill 78, known as the Sunday closing bill; to the Committee on the District of Columbia.

2799. Also, petition of 210 residents of Lebanon, N. H., protesting against the Sunday closing bill (H. R. 78); to the Committee on the District of Columbia.

2800. By Mr. WATSON: Petition of the Gettysburg Aerie, No. 1562, Fraternal Order of Eagles, for an appropriation adequate to maintain the Gettysburg National Military Park; to the Committee on Military Affairs.

2801. Also, resolution from the Sons and Daughters of Liberty, Quakertown, Pa., favoring bill to provide for the registration of aliens, and for other purposes; also, resolution passed by the Patriotic Order Sons of America, Glenside, Pa., favoring restricted immigration; also, resolution passed by the Friendship Council, No. 41, of South Langhorne, Pa., favoring bill for registration of aliens; to the Committee on Immigration and Naturalization.

2802. By Mr. WEAVER: Petition of citizens of Polk County, N. C., protesting against House bill 78, Lankford Sunday observance law; to the Committee on the District of Columbia.

2803. Also, petition of citizens of Henderson County, N. C., protesting against House bill 78, Lankford Sunday observance law; to the Committee on the District of Columbia.

2804. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., urging the passage of legislation increasing the rate of pension to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

2805. By Mr. WINGO: Petition of citizens of Scott County, Ark., advocating increases in pensions and allowances for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2806. By Mr. WINTER: Resolution adopted by Lions Club, Torrington, Wyo., urging adequate appropriation for reforestation; to the Committee on Agriculture.

2807. By Mr. WOOD: Petition of residents of Stockwell, Tippecanoe County, Ind., asking that the Civil War pension bill be enacted into law; to the Committee on Invalid Pensions.

2808. By Mr. WYANT: Resolution of No. 1042, U. N. A. of Post Office Clerks, favoring passage of House bill 25 and Senate bill 1727, otherwise known as Dale-Lehlbach bill; to the Committee on the Civil Service.

2809. Also, resolution of Greensburg Branch, No. 266, N. A. T. C., favoring passage of House bill 25 and Senate bill 1727, otherwise known as Dale-Lehlbach bill; to the Committee on the Civil Service.

2810. Also, resolution from William F. Scannell Chapter, No. 6, Disabled American Veterans of Liberty, N. Y., favoring legislation for disabled soldiers and sailors of the World War; to the Committee on World War Veterans' Legislation.

2811. By Mr. YON: Petition of Rachel C. Campbell and 50 other citizens of Pensacola, Fla., favoring pension increase for Civil War veterans and widows; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *January 31, 1928*

(Legislative day of Friday, January 27, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 440. An act for the relief of Charles H. Send;

S. 1968. An act to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes;

H. R. 280. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Red River at or near Coushatta, La.;

H. R. 5547. An act granting the consent of Congress to the city of St. Joseph, in the State of Missouri, or its assigns, to construct a bridge and approaches thereto across the Missouri River between the States of Missouri and Kansas;

H. R. 5582. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near the point where South Santa Fe Street, in the city of El Paso, crosses the Rio Grande, in the county of El Paso, State of Texas;

H. R. 5642. An act to extend the time for the construction of a bridge across Red River at Fulton, Ark.;

H. R. 7218. An act to legalize a bridge across Hillsborough Bay at Twenty-second Street, Tampa, Fla; and

S. J. Res. 38. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Glass	Keyes
Barkley	Couzens	Gooding	King
Bayard	Curtis	Gould	La Follette
Bingham	Cutting	Greene	McKellar
Black	Deneen	Hale	McLean
Blaine	Dill	Harris	McMaster
Blease	Edge	Harrison	McNary
Borah	Edwards	Hawes	Mayfield
Bratton	Ferris	Hayden	Metcalf
Brookhart	Fletcher	Heflin	Moses
Broussard	Frazier	Howell	Neely
Bruce	George	Johnson	Norbeck
Capper	Gerry	Jones	Norris
Caraway	Gillett	Kendrick	Nye
Oddie	Sackett	Steck	Wagner
Overman	Schall	Steiwer	Walsh, Mass.
Phipps	Sheppard	Stephens	Walsh, Mont.
Pine	Shipstead	Swanson	Warren
Ransdell	Shortridge	Thomas	Waterman
Reed, Pa.	Simmons	Trammell	Watson
Robinson, Ark.	Smith	Tydings	Wheeler
Robinson, Ind.	Smoot	Tyson	Willis

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present.

TOMBIGBEE RIVER BRIDGE, MISSISSIPPI

Mr. EDGE obtained the floor.

Mr. STEPHENS. Mr. President, will the Senator from New Jersey yield to me?

Mr. EDGE. I yield.

Mr. STEPHENS. I ask unanimous consent for the immediate consideration of calendar No. 150, the bill (H. R. 5657) granting the consent of Congress to the Board of Supervisors of Monroe County, Miss., to construct, maintain, and operate a bridge across the Tombigbee River at or near Aberdeen, Monroe County, Miss.

Mr. EDGE. Mr. President, a parliamentary inquiry. I am not sure that any business can be transacted under the pending unanimous-consent agreement.

The VICE PRESIDENT. Any business can be transacted by unanimous consent. This is a request for unanimous consent. Is there objection to the immediate consideration of the bill indicated by the Senator from Mississippi?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. BRUCE. Mr. President, I send an amendment to the desk.

SEVERAL SENATORS. Let it be read.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 3, line 9, after the word "authorized," insert the following proviso:

Provided, That all offices, employments, and positions under the United States Shipping Board and Emergency Fleet Corporation, except offices and employments calling for the exercise of executive, initiative, or discretion and positions calling for manual or menial services, shall be subject to the provisions of the Federal laws relating to the Federal classified civil service.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. BRUCE]. The Senator from New Jersey [Mr. EDGE] is entitled to the floor.

Mr. EDGE. Mr. President, I have already discussed certain features of the bill at some length. I now desire to present a very brief summary of my objections. The attendance during the debate has not been large and I am convinced many Senators have a wrong conception of the measure.

It really accomplishes but one object—the policy of permanent governmental ownership and operation of the merchant marine. Nothing more—nothing less.

Senators, during the debate, have apparently gathered the idea that the bill guarantees the rebuilding or replacing of the Government fleet. It does nothing of the kind. It merely announces such a desire. Only appropriations by Congress can bring a building program about and they could be made without the passage of this bill.

The measure, however, is a very important one inasmuch as it halts the gradual turning over of the fleet to private operators through its ultimatum that every member of the Shipping Board, seven in all, must vote "aye" before a spar or a sail can be sold, a requirement heretofore unheard of in administrative control.

Proponents of the bill are frank enough to admit this means perpetual Government ownership and operation unless Congress at some future time should reverse the policy thus provided. In my judgment, with the Shipping Board so intrenched, such a repeal will be practically impossible.

The Senator from New York [Mr. COPELAND] on Friday referred to the large number of ships operating from the Gulf, 116 I think, at a loss of over $5,000,000 per year, and the Senator from Florida [Mr. FLETCHER] observed that 60 per cent of American cargoes came from that section. However, the losses are in no way confined to that part of the country.

I contend that if this bill becomes a law and Government ownership and operation is thus perpetuated, the loss will become greater and greater through the waste and extravagance of noncompetitive governmental administration.

However, if 60 per cent of our exports are from the southern section, and I have no reason to question the statement, then I can not understand, with all that available cargo, why shipping there can not be made to pay if it ever could under Government administration. With so much business at hand, I believe private operators could make a profit. But, under this bill, we, of course, will never sell the ships. Some Senators have in effect admitted they want to make it impossible to sell the ships, apparently so they can retain and allocate them without resistance in the future, and notwithstanding the loss involved.

The suggestion made, I think by the Senator from Idaho [Mr. BORAH], that a future Congress will insist on selling all the ships sounds very well, but I can not see on what logic the assumption is based. The Shipping Board is losing a tremendous amount of money now and yet we are perpetuating it. Does the Senate believe that by losing twice as much money, Congress will suddenly change its policy? As stated, the Federal shipping department will be then so firmly established and intrenched any change will be much more difficult than at present.

If there was no other way out, there might be some excuse for saddling this terrific burden on the taxpayers, but private ownership and operation, if properly encouraged, is ready to take hold at any time. Still opponents of that type of encouragement prefer paying out many more millions in deficits, not to reckon interest or cost of replacement, than any scientific subsidy or subvention would ever cost.

The VICE PRESIDENT. The Senator's time has expired.

Mr. EDGE. I ask for five minutes on the pending amendment, as provided under the arrangement.

The VICE PRESIDENT. The Senator is entitled to five minutes on the pending amendment.

Mr. EDGE. The real force behind this bill is unconcealed Government ownership and operation, nothing else. I am not criticizing those who believe in that policy, but I can not understand Senators who frankly say they do not believe in it, but will vote for this bill in order to save the merchant marine. All that is necessary to save the merchant marine is to vote for appropriations to be wisely spent at the proper time, not to vote for perpetual Government ownership even before we consider appropriations.

By passing this bill we serve notice on private operators that we are now permanently entering the field with an unfair competition they can not meet. By the passage of this compulsory unanimous-consent clause, we strike an irreparable blow at all private initiative in shipping. Why not meet the desire of practically all Senators and provide through appropriation and liberal loans a balanced merchant marine and at the same time permit a method of selling and avoid the responsibility of permanent operation? The aim of this bill seems to put the cart before the horse.

The very fear that ships will be sold seems to inspire some Senators to support this bill. When ships are sold they are not withdrawn from service. It would be far better to insert a clause making it compulsory that they remain in service for a reasonable time or to fix a minimum price rather than to close forever the door to private initiative and operation.

In my time I wish to draw the attention of the Senator from New York [Mr. COPELAND], if he has not already seen it, to an article in a New York newspaper of this morning to which he will probably refer if he has seen it. The article states that one of the large operators in New York, Mr. Herbermann, announces to the Shipping Board in a telegram that he is prepared at once to build three large liners in the United States for overseas service if the amendment which the Senator from New York or a similar amendment providing for long-term mail contracts is agreed to as a part of this bill. I ask that the extract to which I refer may be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HERBERMANN READY TO BUILD THREE LINERS IN UNITED STATES—WIRES SHIP BOARD PROPOSAL IS CONTINGENT ON PASSAGE OF COPELAND BILL PROVIDING FOR MAIL CONTRACTS

Henry Herbermann, president of the Export Steamship Corporation, telegraphed the Shipping Board yesterday that he was prepared to construct at least three 18-knot combination passenger and cargo liners if the Copeland bill or similar legislation providing for the payment of long-term mail contracts is enacted. Aid would also be sought from the construction loan fund, created for the purpose of promoting shipbuilding in American yards.

The telegram addressed to the shipping commissioners follows: "We contemplate placing order for three combination passenger and cargo vessels with a speed of 18 knots for operation between New York and Alexandria, Egypt, with calls at Gibraltar and Algiers en route. This new construction conditional upon the passage of Copeland bill or similar legislation providing long-term mail contracts and loan from construction loan fund to partly finance new construction. We estimate three vessels of this type would maintain fortnightly service between New York and eastern Mediterranean. We are also willing to consider new construction for the New York-West Coast of Italy services under similar conditions."

PRIVATE MARINE FORECAST

This proposal of the Export Line bears out the contention of private ship operators that enactment of either the Copeland and Wood bills, or a combination of both, would make possible the maintenance and development of a permanent merchant marine under private ownership.

Mr. JONES. I understand the pending amendment is intended practically to include in the civil service only the clerical force under the Shipping Board.

Mr. BRUCE. The amendment does not include any officer in a position calling for the exercise of executive, initiative, or discretion, nor does it include the position of laborer nor the position of seaman, nor any position on passenger ships requiring menial service; in other words, it relates only to positions of a clerical or ministerial character.

Mr. JONES. I shall interpose no serious objection to the amendment, but I suggest that it be read for the information of the Senate.

The VICE PRESIDENT. The clerk will read the amendment.

The Chief Clerk read as follows:

Provided, That all offices, employments, and positions under the United States Shipping Board and the Emergency Fleet Corporation, except offices and employments calling for the exercise of executive, initiative, or discretion, and positions calling for manual or menial services shall be subject to the provisions of the Federal laws relating to the Federal classified civil service.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Maryland.

Mr. FLETCHER. My recollection is that under legislation which we passed last year we struck out the word "Emergency," leaving the title of the corporation simply "the Fleet Corporation."

Mr. JONES. The word "Emergency" should be left out.

Mr. FLETCHER. The word "Emergency" should be stricken out, because I think it has been eliminated from the title of the corporation.

Mr. BRUCE. I was not aware of that fact. I will modify my amendment in that respect. What is the present name of the corporation. I will ask the Senator from Florida?

Mr. FLETCHER. Its present designation is the Fleet Corporation.

Mr. BRUCE. I will ask that the amendment be so modified.

The VICE PRESIDENT. The Senator from Maryland modifies his amendment as indicated.

Mr. PHIPPS. Mr. President, I regret that I have not found available sufficient time to make as careful a study of the pending measure as I should like to have done, but I wish to say that I feel that our experience in the matter of extending civil-service requirements to employees of the Government has been such as to lead me for one to make up my mind that they should not be further extended. I think our recent experience in extending the civil service law to employees engaged in the enforcement of the prohibition law has been such as to show that, as a rule, it is unworkable and undesirable.

Mr. President, I wish to say just in a word that I am not inclined to favor either the proposed amendment or the bill itself. My views are practically in accordance with those expressed in the paper prepared by the United States Chamber of Commerce which I hold in my hand and which I desire to present for the RECORD. I think that Senators generally have been furnished with copies of this memorial, and it will not, therefore, be necessary to have it read at this time.

The VICE PRESIDENT. Without objection, the memorial will be printed in the RECORD.

The memorial is as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES,
Washington.

THE MERCHANT MARINE ISSUE IN CONGRESS

To Members of the Senate:

No body of citizens has more reason to want a strong American merchant marine than the members of the Chamber of Commerce of the United States. This is a purpose to which the national chamber since its beginning has devoted much effort.

It is our firm belief, however, that a Government owned and operated merchant marine can never permanently serve the needs of the Nation. Accordingly, we are very much opposed to the Jones bill, S. 744, which would extend Government ownership and operation.

We are told that we can not have a private merchant marine without a Government subsidy and that Congress will never vote such a subsidy. Therefore, it is argued, the only alternative is a Government ship program such as is embodied in the Jones bill. With that conclusion we can not agree.

We realize that Members of Congress are striving earnestly for a sound and practical solution of our shipping problem. The shipping venture of the Shipping Board has cost tremendously. If the principle of the Jones bill is adopted, expenditures at a great rate will continue indefinitely. Facing that situation it is hard to believe that Congress will definitely refuse to consider constructive plans that would not only save money for the taxpayers but also would lead to a firmly established, privately owned merchant marine.

The national chamber believes this can be accomplished by private enterprise through trade route and mail contracts embodying the healthy principle of competition. Such a plan can not succeed, however, until the Government definitely adopts a policy of withdrawal from the shipping business.

Specifically, the national chamber opposes the Jones bill because—

(a) It would embark the Government upon a new program for use of the taxpayers' money in merchant-ship construction for Government operation;

(b) It would prohibit sale of Shipping Board ships except by unanimous approval of the Shipping Board, which, in view of the attitude of some members of the board, would be the practical equivalent of stopping all sales of commercially useful ships; and

(c) It would not further the establishment of our shipping in private ownership and operation, the only basis on which a permanent and successful merchant marine can be maintained.

By referendum 9 (item 4), referendum 48 (item 7), and by resolution of the fifteenth annual meeting in May, 1927, the chamber definitely advocates maintenance of the trade-route services and mail lines needed in the interest of our foreign commerce and the national defense. The resolution referred to states:

"We view with grave concern and are opposed to proposals that the Government should enter upon a new program of building merchant ships and are opposed to Congress placing added restrictions upon the authority of the Shipping Board to dispose of ships to private parties. Such a policy as proposed is against the public interest and national welfare.

"The Government has already sold many of the principal trade routes, and these are being successfully operated under private ownership. Additional shipping services needed for the development of the Nation's foreign commerce can also be transferred to and successfully maintained by private enterprise through trade route and mail contracts let whenever possible on a competitive basis.

"The explicit statement made before the transportation session of the Chamber of Commerce of the United States on May 4, 1927, by Chairman O'Connor of the Shipping Board, that the board does not contemplate the investment of public money in new ship construction, and his clear statement at that time that the board is determined to dispose of all ships and trade routes to private enterprise at any sacrifice, if with reasonable assurance of continued service on those routes, accord with the adopted principles of the chamber, and at this time it is necessary only to impress upon the Shipping Board the need of energy in placing this shipping in private operation and with such support as is necessary to make private operation effective."

The proceedings of the transportation session of the annual meeting which adopted that resolution have been quoted from several times during the debate in the Senate. In order that the full text of these proceedings may be available I am sending you a copy herewith. Also inclosed is a copy of the national chamber's referendum 48, on the merchant marine, in which attention is especially invited to pages 12 to 18 outlining the methods by which the merchant marine can be successfully placed on a permanent basis of private ownership and operation.

The first consideration of business in seeking the rehabilitation of the merchant marine is the service that shipping renders in furthering the disposal of our surplus agricultural and industrial products. The United States is an exporting Nation. If it is to progress, it must compete with all comers in the markets of the world. Moreover the World War made apparent the extent of our dependence on adequate supplies of essential raw materials from abroad, and the interest of American industry in having American-flag shipping service to meet these needs. An efficient, economically operated merchant marine is our first arm of commercial defense.

Business requirements call for the maintenance of essential trade routes in the interests of the laborer, the farmer, the miner, the investor, the exporter, and importer—all who are in any way engaged in the production, manufacture, and transportation of American products.

Why should Government be expected to attempt to meet these requirements itself when business is so well qualified to provide the necessary service?

There is nothing new or mysterious or difficult about the process. It consists in calling for bids for the maintenance of these essential trade routes and mail lines on a contract basis by private parties, either with their own ships or with ships to be bought from the Government. The Government under such a plan would pay for the maintenance of the service a stated sum annually, instead of, as at present, not only paying a percentage of freight money to Shipping Board agents but also covering losses that arise from ship operations amounting annually to millions, besides the overhead costs of the Fleet Corporation and other expenses. The net result would be that all the services now maintained by the board could be continued, but with greater efficiency. The Government would be eliminated from the shipping business. Local interests would be enabled to take over many of the services. A long step would be taken in the establishment of a successful, privately owned merchant marine. We believe another result would be a saving of millions annually to the Treasury of the United States and expenditure of taxpayers' money for ship construction would be wholly unnecessary.

We hope that Congress will decide for private enterprise as against continuation of Government ownership. Definite abandonment of the Jones bill in favor of constructive measures as outlined above would give new hope to American citizens who are working for the upbuilding of our private American merchant marine.

On behalf of the great body of American business men who make up the Chamber of Commerce of the United States, I respectfully bespeak your support of measures in accordance with the well-established American tradition of private initiative.

LEWIS E. PIERSON, *President.*

JANUARY 28, 1928.

Mr. KING. Mr. President, in my opinion, the civil-service system has not justified the predictions of its advocates, as it has been applied in the various branches of the Federal Government. Those who supported the early civil service law had high hopes of its accomplishments and prophesied beneficial results from its administration. A dispassionate review of the workings of the civil-service system as applied to the Federal Government, will furnish, as I believe, substantial arguments against its validity; and convincing proof that it has miserably failed to promote the public welfare. Those who advocate it postulate an unchanging condition from that which obtained at the time of and prior to the passage of the law. They assume a status quo condition with respect to the Government and governmental activities, forgetting that progress attends to the social and political activities of the world. Concede that under the so-called spoils system there were injustices and inefficiency, no one is justified in asserting that injustices and inequalities have not existed and still persist in those branches of the Government where the civil service law applies.

There is inefficiency to-day in the Government service. There always will be inefficiency and incompetency under a civil-service system. The application of the civil-service principle to governmental affairs makes for bureaucracy, with its evils; it makes for caste, a bureaucratic caste, which has always been opposed to democracy and hostile to genuine social and political reforms. Any policy which breeds caste is wrong, and the civil-service system is developing a governmental caste which is not consonant with the application of liberal principles and the democratic spirit in governmental activities.

The number of employees in the Federal Government is double the number required for the performance of the duties imposed by law. Of course, there are thousands of employees in the Government service who render valuable and efficient service. They are handicapped in the fine work which they are doing by the inefficient and the incompetent and by the chains which the civil service law forges. Initiative, responsibility, freedom in the development of innovations and improved methods and new policies—these qualities are indispensable if there is to be efficiency and accomplishment in the Government service, as well as in private business. But the civil-service system and bureaucracy stifle ambition, suppress initiative, hamper the adoption of improved methods, and create obstacles which prevent proper development and effective achievements.

I have talked with scores of men and women in various branches of the Government service who appreciate the limitations and restrictions imposed by civil-service requirements and governmental regulations. There is not sufficient encouragement, no proper incentive, no certain recognition of ability and worth and service under existing conditions; and inevitably the result is that persons in this category are restrained and ultimately feel compelled to submit to conditions which they can not change.

The amendment offered by the Senator from Maryland [Mr. BRUCE] is ambiguous, as I read it, and is not susceptible to

uniform interpretation by those who will be called upon to administer the law. It can not be determined from its phraseology who will be included within its terms and who are excluded, but it is quite certain that the eagerness of Government officials who may administer the law will bring within its terms all employees of the Government whom it is possible to include within its provisions; and if all the employees of the Shipping Board or the Fleet Corporation are not brought within the terms of the amendment, if it should be adopted, then supplemental legislation will be sought, because the appetites of those who seek the extension of the civil-service system are insatiable, and measures will be projected and contests made until this branch of the Government, as well as all branches, will be brought within the powerful grasp of the Federal bureaucracy, resting in part upon the civil service law. One reason why the costs of the Government are so great grows out of the inefficiency and incompetency of Federal employees and officeholders, and the failure of the Government in those activities becomes more apparent when it engages in business enterprises and undertakes the performance of obligations and activities which come within the realm of individual endeavor. The success which has come to the business men of our country is attributable to the adoption of efficient business methods. The great industries of our country have achieved their unparalleled success because of executive ability of those in command and the freedom of those in authority to devise new policies, initiate reforms, select competent officials and employees, and remove dead weights and blights which were developed.

The successful business organizations of our country are daily changing their business policies, introducing reforms, improving their methods. Scientific investigation is conducted by trained experts with a view to introducing economies and improved methods. Employees are encouraged to suggest reforms and changes. Promotions follow industry and energy and efficiency. The brakemen of to-day on the railroads may be superintendents on the morrow. The messenger boys in the banks become presidents of great financial institutions. Mr. Ford's remarkable success is due primarily to his organizing genius, but in a great measure to the efficient management that he has adopted in his plants. The same may be said of the railroad organizations which have achieved success, as well as many other business corporations which have made themselves known to the country.

Life tenure in office is more compatible with monarchial institutions than with democratic government. In my opinion, it were better in a government such as this that there should be a reasonable rotation in office rather than an inflexible system which gives life positions to hundreds of thousands of employees, which will soon, as bureaucracy grows, pass beyond the million mark. A civil-service system means pensions, retirement privileges, and Government bounties, and when the civil-service system is applied to governmental activities in industrial fields and in business activities its imperfections will become more glaring and its evils will defy contradiction.

The Senator from Maryland desires governmental ownership and operation of hundreds of ships and the control by the Government of the merchant marine of this Republic. He and others must know, who are familiar with the shipping business, that it is a highly competitive business; that success attends it only when men of vision and courage and genius control; when they have a large degree of freedom, unhampered by incompetent overlords and not handicapped by inefficient and incompetent associates and employees. The Government can not economically and wisely operate merchant vessels. Great Britain's success and Germany's success as maritime nations resulted from private initiative and because the heavy hand of bureaucracy was not placed upon the organizations and individuals who were pushing the trade and commerce of those countries into all ports of the world.

Mr. President, the bill under consideration, if it should be enacted into law, is foredoomed to failure; that is, it will not develop a merchant marine worthy of this Republic. Under this bill, if it becomes a law, hundreds of millions will be taken from the Federal Treasury and wasted and squandered in feeble and futile attempts to maintain a merchant marine. The evils of paternalism, of socialism, and bureaucracy will be manifest and those evils will grow and multiply until hundreds of millions from the Public Treasury will be squandered and the public will arise in their wrath and wipe out this paternalistic experiment and policy which is now so eloquently championed upon the floor of this Chamber.

But, Mr. President, there is not that frankness attending the discussion of this measure which I think should exist. There are some advocating it who say that it is not designed that the Government shall permanently own and operate vessels in foreign trade. They say it is necessary for the Government temporarily to operate ships which it now owns and build a number of other vessels as a proper complement to the present fleet. But, as I understand their position, when routes have been established and sufficient vessels are being operated to carry the greater part of our foreign trade, then the Government may dispose of its ships and transfer its interests therein to corporations and private persons.

The VICE PRESIDENT. The Chair regrets to say that the time of the Senator from Utah has expired.

Mr. KING. Mr. President, I will occupy five minutes in discussing the bill.

There are others supporting the measure before us on the ground that it does mean governmental ownership. They seem to rejoice in the adoption of a policy which puts the Government irrevocably into private business. For some reason unknown to me they seem to think that bureaucracy is more efficient than democracy; that paternalism is more beneficent than individualism; that the Government can better control the business and private affairs of the people than they themselves can control them. In other words, Mr. President, as I interpret their position, it is that the people are incompetent to handle their own affairs, to carry on business, to develop trade and commerce, and to discharge the responsibilities that belong to a dynamic and progressive people.

Some Senators, if I have understood them correctly, welcome the Government's advent into the industrial activity and life of the people. They fail to distinguish between the Federal Government and its duties and limited powers and the sovereign States and the municipalities therein. States, of course, may do that which the Federal Government may not do, and municipalities may own and control certain public utilities, perhaps, to advantage of the people.

The people within the cities are familiar with their needs and can watch over their public officials, but any argument that justifies the operation of public utilities by municipalities has no place in this discussion and furnishes no sufficient reason for the General Government to engage in private business. The people have been unwilling to permit the States in which they live to embark upon socialistic and paternalistic enterprises. They have perceived that the genius and spirit of democracy were opposed to paternalism, to the assertion by the Government of authority over the industries and private affairs of the people. Inefficiency, waste, extravagance, and corruption have uniformly attended in all ages the control by governments of industry and business and activities which belong to the field of private endeavor. The Senator from Tennessee [Mr. TYSON], who addressed the Senate yesterday, eloquently declared that we have come to the parting of the ways, and that the most important question that had come before Congress for many years was now presented for determination. He indicated that this bill committed the Government to the ownership and operation of the merchant marine; that we were departing from the policy that has characterized this Government from the beginning.

Mr. President, the Senator is right. This bill seeks to prevent private ownership and operation of ships in foreign trade and to plunge the United States into the great sea of governmental ownership and operation of our merchant marine. It is obvious that no amendment will be permitted by those in control in the Senate which will permit private ownership of the merchant marine ships. The Senator from Maryland [Mr. BRUCE] so interprets this bill. The very fact that he is seeking to give life positions to thousands of individuals, putting them under the aegis of the civil service law indicates that he regards this bill as committing absolutely and irrevocably the Government to the ownership and operation of ships in foreign trade. I can not understand how Senators reconcile their position in favor of this bill with their life-long convictions in favor of democracy.

Mr. President, where will the end be? History is replete with examples of departures from political standards and governmental policies—departures leading from individual freedom, liberty, and action in private matters and business activities. One usurpation by a government has generally been followed by another. The conference upon the government of one duty, right, or privilege belonging to individuals or to local communities whets the appetite of the transferee of such right and it will demand additional powers and authority until finally it absorbs the liberties of the people. Governments have become top-heavy and fallen because of the gravitational forces set in operation which transferred from the people and from the local communities their rights and liberties.

Governments are not organized to go into business. This Republic is an example of the wisdom of a policy which de-

veloped the individual and permitted him unrestrained to engage in trade and commerce and business pursuits, and which restricted the Government to certain boundaries and forbade it to impinge upon the rights of persons or States.

Mr. President, we are by this measure departing from sound principles and wise policies. We are striking at the foundation of democracy and at the same time injuring our institutions and our individual life. There is too much opportunism in our politics to-day; too much expediency; too little regard for fundamental principles. An evil, real or fancied, becomes the basis for iconoclastic changes, and departures from the principles and policies which have made our country great. The shipping industry will take care of itself. American genius will meet every situation if not stifled and throttled by socialistic, governmental, and deadly paternalistic methods.

Mr. President, there are unmistakable evidences of the growing sympathy for socialistic nostrums. This bill is the outgrowth of this changing spirit existing in our country. If the Government owns and operates our merchant marine there are reasons to urge that it should own and operate transportation companies of our country. The railroads carry freight and passengers and ships carry freight and passengers. A considerable portion of our exports originate in the interior. They are carried by the railroads to the various ports of our country, and there shipped to foreign ports. It may well be argued that the transportation system, both of land and sea, should be placed in the hands of the Government; one subdivision is controlled by the Government. And if the Government owns and operates railroads and the merchant marine, where will its activities terminate? So argued the bolsheviks, and then took over all industries, as well as all property. Efforts have been made, and these efforts still persist, to have the Government take over anthracite fields, as well as the bituminous coal fields of our country.

It is a dangerous thing, Mr. President, to create bad precedents. It is reassuring, to me at least, that the President has indicated that he does not approve of this visionary and socialistic project. I hope that if it should finally reach him he will promptly veto it. I believe that the sober, sound judgment of the American people would applaud him for so doing. I can not believe that the mass of the American people are willing to have our country embark upon policies which I regard as destructive of progress, of initiative, and of political and industrial development; policies which are not progressive but reactionary and archaic.

I understand that some Senators favoring this bill are favorable to the candidacy of Secretary Hoover whose name is often mentioned in connection with the Presidency. Mr. Norman F. Titus, of Mr. Hoover's department, has stated that Mr. Hoover is opposed to any ownership or operation of any public utility, and wants private initiative preserved. Mr. Titus also states that—

> He [Hoover] advocates the development of a plan of some kind and wants the shipping industry to put its own house in order. It is evident that we all believe in self-government, not only in the sense that we have the right to elect our own representatives, but also by indirection—that we can run our affairs without the aid of Government.

And in a very able address delivered by Secretary Hoover on September 29, 1924, he opposed governmental ownership of utilities and stated that the—

> wasteful distribution of the hundred and fifty million of capital invested annually in the Post Office, Reclamation Service, Shipping Board, rivers and harbors, and roads would not be a patch on the waste in appropriations when our legislative bodies get a chance to handle two billions per annum of new capital outlay.

Mr. Hoover eloquently declares against the evils of bureaucracy and states that the Government can not operate as economically as private enterprise. Referring to our experiment in the operation of ships, he stated:

> Our national shipping is a daily sample of all the arguments I have given, and more. We paid three billions of the taxpayers' money for a fleet—some part of it was truly for war purposes—but we have written it down 90 per cent in six years to $300,000,000; and if the accounts were based upon true costs with interest and depreciation we should find that we are losing over $100,000,000 of the taxpayers' money a year in operating it. Yet private shipping is earning profits. Nor is this the fault of the Shipping Board; it is inherent in the system.

Mr. President, I know that any opposition to this bill will prove futile at the present time in this Chamber. It will pass the Senate with all of its iniquities, and in spite of its economic unsoundness and its attempt to commit our Government to a policy at variance with the principles upon which this Republic was founded, and in violation of the spirit, if not the letter of the Constitution of the United States. There will be an awakening sooner or later, and if this bill should become a law, some day an indignant people will sweep it from the statute books and demand a return of this Republic to the paths of safety and to wise and just economic policies.

Mr. ROBINSON of Arkansas. Mr. President, unquestionably the administration of the law as it relates to the civil service has been in many instances defective and justifies criticism; but I am one of those who believe that civil service is essential, if not indispensable, to the administration of a government so large and complex as is the Government of the United States at this time.

It is certainly true that instances are known in which the principles of civil-service reform have been disregarded; but it is also true that if there were no classified service in the United States under the civil service law inefficiency, and probably corruption, would run riot in every department of the Government.

You may answer that that is true now, and undoubtedly to some extent it is true; but, to illustrate the force of what I am attempting to say, suppose there were no civil service law and no classified service, and all selections of employees in minor positions were determined solely by political influence. Whenever there occurred a change of administration you would have many, many thousands of new and inexperienced persons inducted into the Government service, and those who have established their right to continuous service would be discharged.

I merely want to say at this time that I am in favor of the amendment proposed by the Senator from Maryland [Mr. BRUCE] because I believe that on the whole the effect of the civil service law has been to increase, rather than to diminish, efficiency in Government positions.

Just a moment with regard to the more important subject, the merits of the bill.

I think it has been demonstrated by those in charge of the measure, and who have given prolonged study to the subject, that if the United States is to maintain a merchant marine under present conditions this measure, or some similar measure, is necessary. I do not believe in, and I do not desire to perpetuate, Government operation of the merchant marine if the end can be accomplished through private ownership and private operation; but those who are assailing this bill, in my judgment, have almost totally failed to answer the arguments or to refute the conclusions presented by the Senator from Washington [Mr. JONES] and the Senator from Florida [Mr. FLETCHER].

Mr. BORAH. Mr. President, the senior Senator from New Jersey [Mr. EDGE] is of the opinion that this bill is entering upon a permanent policy of Government ownership.

I listened to the speech of the able Senator from Florida [Mr. FLETCHER] a few weeks ago, in which he discussed the history of the sale of these ships. It impressed me that something ought to be done to protect the property of the United States against its disposal in the manner in which it had been disposed of.

As I see this bill, the only difference between the situation as it will be after the bill is passed and as it is now is that it requires seven men to determine upon the sale rather than four. I think it is not an extraordinary request that at least seven men shall be called upon to determine the great policy of the United States with reference to the question of merchant marine. It is true that it requires a unanimous vote, but it is a very small body of men; and, even opposed to Government ownership as I am, I should not want to leave it to seven men or to four men to determine whether or not we should have Government ownership. We have the ships now; and if we determine not to keep them the Congress ought to determine the matter and not leave it to four men or to seven men. Of course, we do in this bill leave it to seven men, but we retard the accomplishment of it by requiring a unanimous vote. I should like to vote so as to leave the matter to Congress. I would not, if I had my way, permit sales except upon the action of Congress upon the report of the board.

I see nothing in this bill other than the increasing of the degree of unanimity which is necessary in order to dispose of the ships. If there is anything else in the bill other than that, I have been unable to detect it.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BORAH. I yield.

Mr. CARAWAY. In other words, then, the only thing this bill does is to make it more difficult for the Government to get out of the shipping business?

Mr. BORAH. Yes.

Mr. CARAWAY. That is all?

Mr. BORAH. That is all.

Mr. JONES. Mr. President, I think I ought to correct the Senator on that. There is a very important provision in the bill which authorizes appropriations for the building of new ships.

Mr. BORAH. It is merely an authorization? There is no appropriation?

Mr. JONES. Oh, no; there is no appropriation. We could not do that in this bill.

Mr. BORAH. The Senator from Arkansas asks the question if the bill does not make it more difficult for the Government to get out of the shipping business. It does make it more difficult for the Government to get out. I do not think the Government ought to get out until the Congress of the United States itself determines that question. It is true that under this bill seven men may do so, but I would leave it so that Congress alone could determine the policy in that respect.

Mr. CARAWAY. As a matter of fact, does not the Senator know that that is exactly what this bill does? There will always be one man who will not vote himself out of a job. Out of seven there will always be one man who will want to hold his job.

Mr. BORAH. I should think, on the same line of reasoning, you would find one in four who would want to hold on to his job.

Mr. CARAWAY. We have done it so far.

Mr. BORAH. From the manner in which they were disposing of ships, as painted by the Senator from Florida, I think they were trying very hard to get out of a job.

Mr. CARAWAY. Possibly so. I am not defending anybody this administration appointed to office; but I desire to ask the Senator another question.

We are engaging now in a subsidy under another name, are we not, and intending to make it permanent? Is not that what this bill does?

Mr. BORAH. I think it points in that direction; yes.

Mr. CARAWAY. It points to paying about $45,000,000 a year as a subsidy to keep the merchant marine on the sea, does it not? Is not that the Senator's understanding?

Mr. BORAH. I do not know the exact amount, but it is something. Whatever it is, that is the effect of it.

Mr. CARAWAY. That is the substance of it. It may be, as some have pointed out, that it is the only way to keep ships upon the sea, and we may have to do it. I think, if we do it, we ought to do it with thorough knowledge of what we are doing; and those people who heretofore have been saying that under no circumstances would they vote for a subsidy ought to be made to realize that that is what they are doing; ought they not?

Mr. BORAH. Well, Mr. President, the situation is this: We have the ships. We are now in possession of them. They belong to the Government. The question here is, how we are going to dispose of them; whether we will dispose of them through the vote of four men or seven men.

The VICE PRESIDENT. The time of the Senator from Idaho has expired.

Mr. BRUCE. Mr. President, it certainly afforded me the most intense gratification to hear what our Democratic leader, the senior Senator from Arkansas [Mr. ROBINSON], had to say with reference to the amendment which I have offered to the pending bill. Along with many other things, it tends to show that he indeed has the breadth of view and the intellectual stature with which so many of his firm friends believe him to be generously endowed.

I was so infatuated as to believe that the time had passed when any Member of the Senate would rise to his feet and utter words of real disparagement of the Federal merit system of appointment.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BRUCE. The Senator knows I have but a very short time; otherwise I would gladly yield to him.

As the Senator from Arkansas [Mr. ROBINSON] intimated, it would be absolutely impossible to work the institutions of this country without chaos and confusion, and a vast volume of intrigue and corruption, but for this beneficent system of appointment.

Go back to the old spoils system of politics as it existed before the enactment of the Pendleton bill! That, indeed, in the vigorous language of the Scriptures, would be a dog returning to his vomit. Year by year during my lifetime the Federal merit system of appointment, in spite of all the selfish obstacles that have been sought to be thrown in its way, has been extended until now we have arrived at a time when it is considered nothing less than discreditable—I had almost said dishonorable—for a President of the United States, whether he be a Republican or whether he be a Democrat, to leave office without, by the exercise of an Executive order, giving a still larger scope to that system of appointment.

If we were to indulge the spirit of the Senator from Utah [Mr. KING], we might believe that we were back again in that Republican National Convention in which, when something was said about offices, the ravenous Mr. Flanagan, of Texas, arose and exclaimed, "Mr. Chairman, I should like to know what we are here for if we are not here for the offices." Such utterances show the degraded, sordid, and squalid consequences to which the spoils system of politics invariably leads.

The Senator from Florida told me only a few days ago that Mr. O'Connor, of the Shipping Board, had told him that for the lack of the merit system of appointment at one time there were 3,600 employees of the United States Shipping Board, that the number was subsequently reduced by the application of the squeezing process, with which we are all so familiar, to 1,600, and that in his opinion 600 would have answered all the purposes of the case. So in connection with the United States Shipping Board and the Fleet Corporation themselves, not to go any further, we have illustrations of the intrigue, the corruption, the demoralization, the degradation, the inefficiency, the waste that always result from the old system of patronage.

The Senator from Colorado [Mr. PHIPPS] said that he would not give his support to this amendment because we had had an example in the recent examinations of prohibition administrators and agents of what the merit system of appointment really means. Why, I ask——

The VICE PRESIDENT rapped with his gavel.

Mr. BRUCE. I believe I have five minutes on the bill; and that I have a right to go a little further in what I was saying with regard to the amendment before I reach the discussion of the bill.

I was one of the few Members in this body, civil-service reformer as I was, to vote against the placing of those prohibition administrators and agents under the merit system of appointment, because I thought, to begin with, that the duties of prohibition administrators and agents called for the exercise of faculties, and for the performance of duties, to which this merit system of appointment, flexible and adaptable as it is, was not adapted, assuming that there are any subordinate positions to which it is not suited; a thing which I am inclined to deny.

By what tortuous course of reasoning can the Senator from Colorado reach the conclusion that he does? It was that civil-service system, that very system which he disparages, which brought out in the most vivid and damning colors the unfitness in practically every respect of the existing personnel of the prohibition force for the duties of prohibition enforcement. Just think of it, 75 per cent of this whole body of men, whose conduct has so often been marked by the grossest profligacy, lawlessness, and corruption, were unable to meet successfully the highly practical tests given by the United States Civil Service Commission for the purpose of testing their efficiency.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. BRUCE. But for the fact that the civil-service system was made applicable to them, their shortcomings, their limitations, and their unfitness would never have been disclosed.

Mr. PHIPPS. Is the Senator aware that practically all of them failed because they were asked to answer hypothetical questions, which were not recorded, and the answers to which were not recorded?

Mr. BRUCE. I read those questions, and I think that they were most aptly and intelligently framed for the purpose of determining how far those men were or were not qualified for the duties which they wished to discharge.

Mr. PHIPPS. I know of cases where they did not record the questions or the answers.

Mr. BRUCE. Every one of the questions was a question asked as to what the prohibition agent would do under a given set of circumstances; and pray what duty is devolved upon a prohibition agent when in action except that of deciding, under a given set of circumstances, exactly what course he should pursue?

No; they failed because they had all been appointed as a result of the exercise of personal or political favoritism, or partiality, or of Anti-Saloon League influence, or of church influence, if you please, or in other words, of all sorts of influences except those that were really calculated to ascertain whether they were or were not fit for the positions they sought.

Mr. PHIPPS. May I say to the Senator that I know some who were appointed because they were recommended by the Anti-Saloon League and the Ministerial Alliance?

Mr. BRUCE. General Andrews testified that they were largely appointed at the instance of the Anti-Saloon League and similar influences in one form or another, and, of course, they were unfit, and, of course, had they been appointed by any other kinds of influence, without open competition, without competitive examination, without any real tests of fitness, they would have been just as unfit, perhaps.

A word with regard to the bill, and I am done. I recollect many years ago, when the first negro who ever practiced law in the State of Maryland was arguing a case in the court of appeals, he called on the court bailiff—an old white bailiff from southern Maryland, who, of course, had all the prejudices of his region—for a glass of water. As the bailiff passed by me he said, sotto voce, "I never thought that I would be toting water to a nigger." So I never thought that I would be voting for a scheme of Government operation; but I am compelled to vote for the pending bill because there is no other alternative, none whatever, so far as I can see. Our country has built up a great commerce throughout the world, including South American countries, and it is absolutely indispensable that our American shippers should not be compelled to rely for transportation upon foreign shipping interests, which would be in a position at any time to discriminate unfavorably against them.

The VICE PRESIDENT. The Senator's time has expired.

Mr. BRUCE. There are many other things I would like to say on this subject, but under the time limitation there is nothing for me to do but to conclude.

Mr. SWANSON. Mr. President, I do not know to what extent and how far the civil service amendment offered by the Senator from Maryland goes. Before I support it, I would like to ask him some questions about it. I am a believer in civil service, but I can not disclaim having a great deal of sympathy for that young man who was being examined once for the position of rural mail carrier. One of the questions was, "What is the distance from the earth to the moon?" He replied, "I don't know the distance, and if that is part of my route, I don't want the job." I have always thought there was a great deal of sense in that answer.

Mr. BRUCE. Mr. President, if the Senator will allow me to interrupt him, I recollect when that canard was put out. The facts were run down by the Civil Service Commission, and it was discovered that the origin of the story was that an applicant for the position of assistant astronomer at the Washington Naval Observatory had been asked how far it was from the moon to the earth, a most appropriate question to be put to him.

Mr. SWANSON. I want to ask the Senator a practical question. The civil service law provides that appointments under it shall be prorated among the States according to population, except as to positions in the Government Printing Office and the Bureau of Engraving and Printing. Under that law, I do not believe there has been a name certified for a clerical position from Maryland, the District of Columbia, or Virginia for about 10 or 15 years. If this amendment puts the employees of the board under the civil service law, and the offices are to be prorated among the States according to population, it seems to me it would result in the dismissal from the service of all the clerks in the Shipping Board who are from Virginia, Maryland, or the District of Columbia. I would like to know what the effect of the amendment would be.

Mr. BRUCE. It would not affect them at all. Its operation would be purely prospective. It would relate only to appointments made after the enactment of the law.

Mr. SWANSON. Does it mean that no man residing in Virginia, Maryland, or the District of Columbia can be certified for a position in the Shipping Board until the names on the eligible list from all the other States have been exhausted? I have not read the amendment.

Mr. BRUCE. The Senator knows that under the general civil service laws each State has a quota, and because of the unfortunate proximity of his State and my State to Washington our quotas are exhausted. Is there anything unjust in that? After the State of Maryland has its quota supplied and the State of Virginia has its quota supplied, is it not only fair that things should be evened up a little bit by the distribution of Federal places among the other States of the Union?

Mr. SWANSON. I thought the idea was to get the best men, free of politics, irrespective of locality, the best, noblest, most efficient men in the world, to fill these positions. I do not see why a man who, better than everybody else, could fill a job, should be excluded because he comes from Maryland. If the Senator's amendment would result in prorating appointments to the Shipping Board according to absolute merit, as in the case in the Printing Office and the Bureau of Engraving and Printing, irrespective of location, I am for it. If it makes utterly impossible the appointment of a man from Maryland, a man from Virginia, or a man from the District of Columbia, though he is the best man of all and stands the best examination, if he is to be excluded on account of his locality, I could not support the amendment. Therefore I ask the Senator, what is the effect of the amendment in that respect?

Mr. BRUCE. It does not differ at all from the general effect of the civil service laws. Under the civil service laws which have been in effect for the last 30 or 40 years, of course, appointments are equitably distributed among the different States.

Mr. SWANSON. Not in the Bureau of Engraving and Printing and not in the Government Printing Office. If the Senator's amendment applies to the Shipping Board, the same principle that applies to the Government Printing Office and to the Bureau of Engraving and Printing, I am for it, but I am unwilling to extend the civil-service provisions to other departments, when the best men in the world to fill the jobs are from Maryland, and are prohibited by the political distribution of patronage.

Mr. BRUCE. Much as I love the dear State in which I reside, I do not feel that it is just that she should have more than her fair share of the appointments under the civil service law.

Mr. SWANSON. Does this amendment apply to that situation or the other? Does it apply to the Bureau of Printing and Engraving?

Mr. BRUCE. It does not relate to the Bureau of Printing and Engraving at all.

Mr. SWANSON. Does it apply that principle to it?

Mr. BRUCE. No; it does not.

The VICE PRESIDENT. The time of the Senator from Virginia has expired.

Mr. JOHNSON. Mr. President, the Senator from Maryland in my opinion is eminently right in this situation. I recognize the evils that result from civil service. I recognize that the system has its disadvantages and often very great inequalities that we would prefer did not exist, but the system as it is, sir, is better than no system at all. I feel, therefore, that the amendment ought to be adopted.

In another aspect I think the Senator from Maryland is entirely correct. This is not after all the application of the principle of Government ownership. It is a case of dire necessity, and being a case of dire necessity, the Government itself being the only place to which we may look to see a merchant marine nurtured, fostered, protected, conserved, and finally one of the character that we desire, to the Government itself we must go.

But, sir, let me call your attention to the sacrilege of some of these gentlemen who inveigh against Government ownership.

Why, sir, the very light that comes with its soft radiance from above and illumines the granite countenance of statesmanship in this body comes from an electric-light plant owned, operated, maintained, and conducted by the Congress of the United States. The very heat that warms the decrepit limbs in this body comes from a plant maintained, operated, conducted, and owned by the Government of the United States and the Congress of the United States. Sir, I have in my hand a magazine called Power. It speaks in most complimentary terms of what the United States Government is doing to-day with its plant and what the Congress is doing with its power plant and its heating plant in the city of Washington. What a terrible thing, how awful this is to those gentlemen who speak of Government ownership. Here they sit, sir, running a power plant in the city of Washington in opposition to and in competition with private initiative in this city, sir, that takes from the widows and the orphans, who own the stock and the bonds of private public-utility corporations, their wee bit of earnings from these great corporations. Here they sit, sir, these Senators and Congressmen of the United States, robbing widows and orphans who own the stock and the bonds of public-utility corporations, interfering with private initiative, in competition with the electric-light plant of the city of Washington. Here they sit doing it, sir, according to an official organ of electric power, at a lower cost and more efficiently than any private power plant in the city of Washington.

Oh, what an example these gentlemen set to the rest of the world; how they stifle industry and how they are stamping out competition in this land. Oh, sir, the sacrilege of it! You who are Senators and you who are Congressmen, who run this light plant and this power plant for the Capitol and who run it efficiently and economically in opposition to the private plants in the city of Washington and run it better than those plants, what a sacrilege!

Mr. BINGHAM. Mr. President, before the Senator takes his seat will he permit me to ask whether he is speaking now for the Shipping Board or for Boulder Dam?

Mr. JOHNSON. I am speaking for those gentlemen who have shed their salty tears in this body over the idea that the United States should enter into competition with private initiative and with enterprise that is conducted by private corporations. You are doing it, sir, right now. Stop it, of course, for it is a terrible thing. It is sacrilege. It is treason.

Mr. BINGHAM. But the Senator has not said a word about Boulder Dam.

Mr. WILLIS. Mr. President, having learned about the decrepit limbs of the Senator from Connecticut [Mr. BINGHAM] and having heard how the Senator from Virginia [Mr. SWANSON] is able to get about three times the appropriate quota that really belongs to his State in the civil service, I think it would be useful to have the amendment read which I understand is before the Senate.

Mr. SWANSON. Mr. President, if the Senator will permit me, the trouble is we have not any quota.

Mr. WILLIS. That is not my understanding. I understand the Senator's State and the State of Maryland and the District of Columbia have gotten practically all of the civil-service appointments. There is nobody left in their States to take those places. If he will look over the list he will find that every department is filled by people from Maryland, Virginia, and the District of Columbia. I ask for the reading of the amendment.

The VICE PRESIDENT. The clerk will read the amendment, as requested.

The LEGISLATIVE CLERK. On page 3, line 9, after the word "authorized," insert the following proviso:

Provided, That all offices, employments, and positions under the United States Shipping Board and the Fleet Corporation except offices and employments calling for the exercise of executive, initiative, or discretion, and positions calling for manual or menial services, shall be subject to the provisions of the Federal laws relating to the Federal classified civil service.

Mr. BRUCE. Mr. President, I should like to ask the Senator one question.

Mr. WILLIS. It will have to be very brief, because my time is limited.

Mr. BRUCE. May not the state of things to which the Senator refers be due to the fact that the State of Ohio concentrates on such lofty positions as the Presidency while Maryland and Virginia are satisfied with only the small places? [Laughter.]

Mr. WILLIS. That is very persuasive, but notwithstanding I can not support the Senator's amendment.

Seriously I believe in the civil-service system. I believe in the merit system. But I am utterly unable to understand how this amendment could be made operative. Listen to it:

Except offices and employments calling for the exercise of executive, initiative, or discretion.

Just what does that mean?

Mr. SACKETT. Are those the offices held by Virginians and Marylanders?

Mr. WILLIS. I do not know. It does not appear here. It says "offices and employments calling for the exercise of executive." What is an office calling for "the exercise of executive"?

Mr. BRUCE. The chief of a bureau or division, or anyone exercising executive function.

Mr. WILLIS. I had not finished my question. The amendment goes on to say "and employments calling for the exercise of executive, initiative, or discretion." Who is going to determine that? How can we make that work out practically in the law? "Or discretion." What office is it that has discretion or does not have discretion?

We can not afford to legislate in such a fashion as that and adopt an amendment which we can not interpret. I am in favor of the civil service, but I think the amendment which the Senator from Maryland has proposed, if attempted to be carried into effect, would be utterly unintelligible, and, therefore, with great regret and notwithstanding my affection for him and his generosity, I shall be compelled to vote against the amendment.

Mr. GLASS. Mr. President, does the Senator from Ohio labor under the delusion that there is a fair enforcement of the civil service law?

Mr. WILLIS. I do not labor under a delusion. My opinion is very definite that there is a fair apportionment, and I do not criticize the Senator and his colleague, though I think his State has more than its share.

Mr. GLASS. I said a fair enforcement.

Mr. WILLIS. Oh, I did not understand the Senator. I thought the Senator said "apportionment." I would not like to condemn the whole civil service because there are some things in it that do not meet with my approval.

Mr. GLASS. I had gotten the impression that the Senator from Maryland acknowledges that the prohibition law is not enforced, and that because it is not enforced it ought to be repealed. Therefore I am somewhat surprised that the Senator from Maryland should offer an amendment to the bill relating to the civil service law, which is not enforced any more than the prohibition amendment is enforced—not a bit more. I have an utter contempt for the evasions and for the pretenses that I encounter here in the so-called enforcement of the civil service law.

I had one experience within a few weeks where a boy who had gone across the ocean and offered his life for his country and was shot to pieces, and had, in a competition for a position as rural carrier, stood first on the list, but was turned down for a bomb-proof artist by the Civil Service Commission and the Post Office Department. Then Senators talk to me about the enforcement of the civil service law! It is not enforced half as well as the prohibition law.

Mr. BRUCE. Mr. President, may I ask the Senator from Virginia the name of that person and that rural mail carrier and what his route is, so that I may have an opportunity to verify the statement?

Mr. GLASS. He bears a very distinguished name. His name is Jefferson.

Mr. BRUCE. The Senator is sure it was not Andrew Jackson?

Mr. GLASS. He was located in the State of Virginia, and he went across the ocean and was shot to pieces in defense of his country. He was first on the civil-service list after taking the examination and he was turned down for the lowest man on the list, who did not get shot, who did not even get across the ocean.

Mr. BRUCE. Perhaps he was shot so badly that he did not have the physical strength to discharge the duties of the position.

Mr. GLASS. Oh, yes; he had. He was not shot so badly but that he was enabled to take the civil-service examination, and he was first on the certified list.

Mr. NORRIS. Mr. President, may I inquire who turned him down?

Mr. GLASS. He was turned down for the lowest man on the list. The Post Office Department turned him down.

Mr. NORRIS. I have no knowledge, of course, as to that particular case; but I would like to make the suggestion that when the Senator said the Civil Service Commission turned the applicant down, I have an idea that upon investigation he would find that all the Civil Service Commission did was to hold the examination and place the names on the list in their order.

Mr. GLASS. No; the Civil Service Commission did this: Under a mere technical pretense it gave military status to a fellow who did not get within 3,000 miles of France during the war. He did not even get to a military camp in this country. He went to school in Virginia, and by some sort of hocus pocus he was certified as having a military status, and the man who had really gone to war and was shot to pieces was turned down.

Mr. NORRIS. The Senator said that the one who was turned down stood first on the list?

Mr. GLASS. Yes; he did.

Mr. NORRIS. Somebody made the selection, and that was not the Civil Service Commission. He was not turned down by the Civil Service Commission, therefore. Perhaps it was submitted to some Congressman or some Senator or some governor, who made the selection out of the three highest on the list, and he selected the other one for partisan or political reasons.

Mr. OVERMAN. Or some chairman of a committee. That is what happened in my State.

Mr. NORRIS. There is an illustration, I think, which demonstrates that the real spirit of the civil service law is not enforced; but it is a demonstration, in my judgment, that the evil which the civil service law was intended to obviate and do away with has not been removed but still exists to some extent and interferes with the proper and real enforcement of the civil service law and theories.

Mr. GLASS. If the Senator wants to know what really happened in that Virginia case——

Mr. NORRIS. I hope the Senator will not take my time.

Mr. GLASS. What really happened was that the man in charge of the sale of patronage in Virginia wanted this other man to have the job.

Mr. NORRIS. Exactly. That makes it plain. That is not the fault of the Civil Service Commission; that is the fault of our defective civil service law, which enables the dealer in patronage or other partisan traffic policemen to defeat what ought to be a real good civil service law but which is not so on account of that defect.

Mr. GLASS. But if the Civil Service Commission had not given military status to this "bomb-proof" artist, he could not have been appointed.

Mr. NORRIS. Very well; then some other "bomb-proof" artist would have been appointed, and they would not have selected the man who stood first on the list and who ought to have been appointed under a fair interpretation of the law. Such things occur because we have not as yet removed from the law the partisanship that we ought to take out of it. It is our fault that we have not passed the right kind of a civil service law. The law does not go the full length that it ought to go. The object of the civil service law is to eliminate the evils of partisanship and political corruption that otherwise sometimes come in the selection of public appointees.

Mr. BRUCE. Mr. President, if the Senator will permit me for just one moment, I desire to suggest that he knows that allowance has to be made for military status under the law itself.

Mr. GLASS. But it means a real military status.

Mr. NORRIS. I hope the Senators will not take up my time. I think we have got an idea of just what happened. A dealer in political patronage was the man who was to blame.

We ought so to amend the law as to exclude that kind of influence and enact a real civil service law that would take away from Senators and Representatives in Congress, from political chairmen, and from partisan dealers in corrupt politics the right to make selections or to have anything to say about the appointment of public officers. Then we should have a civil service law that would be more completely effective than it now is.

Mr. President, I think the evil of pie-counter methods of appointment to office and the old spoils system is well illustrated by what the Senator from Virginia [Mr. SWANSON] has said. As I understand him, he is going to vote for or against this particular amendment according to whether it will let Virginia get in and secure some more offices or whether it will keep Virginia out. There is another illustration of the evil that we are trying to get away from in a fair civil service law.

Mr. SWANSON. No; if the Senator from Nebraska will permit me, I desire to say that I said I would not vote for a law that would discriminate.

Mr. NORRIS. That is, one that will not let Virginia get in.

Mr. SWANSON. No. Let me make my own answer and not have the Senator from Nebraska make it. I said I would not vote for a law which provided that a Virginian who passes the best examination and stands highest on the eligible list can not secure an appointment until the quota from Nebraska shall have been filled.

Mr. NORRIS. Yes; in other words, Virginia, though it already has its quota, has got to have an additional quota; otherwise, we lose the vote of the Senator from Virginia.

Mr. SWANSON. Oh, no. I say the best man ought to get the job.

Mr. NORRIS. Of course, the best man ought to get the job; but he must come from Virginia. That is the position. The Senator from Maryland [Mr. BRUCE] well says, I think that even if the amendment should operate against his State, if that State has received her quota we ought to let other States have an opportunity to fill their quotas. That is the theory of the law.

Mr. President, I believe if we will consider the matter thoroughly and conscientiously we must reach the conclusion that if we should repeal the civil service law and should put all of the thousands of appointive places on the political pie counter we would have corruption running rank in Government offices; we would be unable to carry on the Government in any kind of a systematic and efficient manner. It would almost bring destruction and ruin to the Government. We ought to devote our time to improving the civil service law and getting rid of the defects which, I admit, already exist, rather than to cut it down and place all the offices from janitor on up in all the various departments of the Government on the political pie counter subject to sale, as has been described with reference to a rural carrier, in thousands of instances by the dealer in political corruption and in political offices.

Mr. GLASS. Mr. President, the Senator from Nebraska, I am sure, does not understand that I am in favor of repealing the civil service law?

Mr. NORRIS. No; I did not wish to intimate that.

Mr. GLASS. My complaint is that it is not properly enforced.

Mr. NORRIS. I agree with the Senator that it is not always properly enforced, and one of the reasons, as I have said many times, is because the law itself is defective. I know that to be so from complaints which come to me from Nebraska and which doubtless come to other Senators. We hear of persons who claim that some particular person who obtained a promotion contrary to the rule got it because he or she had a "pull" with some Senator or with some Member of the House of Representatives or with some governor or with some political chairman somewhere in the United States. So the idea has become somewhat general that it takes a political "pull" to secure a promotion even under the civil service. I know that such statements are frequently exaggerated; I have often found when I investigated that they were exaggerated and were without foundation; but there is some reason for the complaint. I have no doubt there are many instances where such things have occurred.

The civil service law, of course, is imperfect, just as every law is imperfect which is enacted and administered by human beings, none of whom are perfect. There will always be cases where injury may be done and where there is not a fair enforcement of the law; but Senators ought to recognize, it seems to me, that if, because it is imperfect, because injustices arise from time to time, we should repeal the law and refuse to put these employees or other employees under the civil service, we would get into a position where we would be a thousand times worse off than we now are.

I think it has been generally known that, not being under the civil service, the Fleet Corporation and the Shipping Board during the last few years have constituted a sort of rendevouz for politicians where they could push their friends and get jobs for them. The Senator from Maryland has given us some information that it seems to me is very valuable. They had more than twice as many employees as they ought to have had because they were not under the civil service.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The time of the Senator from Nebraska has expired.

Mr. SWANSON. Mr. President, my only objection to the civil service law as at present administered is that it does not secure the most efficient employees. I think a civil service law that requires the commission to certify on a pro rata basis applicants who have an average of 70 in preference to applicants who have obtained an average of 90 is wrong. I think if we are going to have a merit system it ought to be a genuine merit system.

Mr. JONES. Mr. President, a parliamentary inquiry. Has not the Senator already spoken on the pending amendment?

The PRESIDING OFFICER. The Chair assumes that the Senator from Virginia is now speaking on the bill.

Mr. JONES. Very well.

Mr. SWANSON. As I have said, if we are going to have a merit system it ought to be a genuine merit system, and not a system under which appointments are distributed and pro rated on some other basis. I do not see, as I have said, why applicants who have averaged 90 in the examination should be set aside and preference given to applicants who have averaged perhaps only 70, because they come from a section of the country which has not its quota of civil-service employees. If we are going to have a merit system, I think the effort should be made to obtain the best results, and that can be only done by procuring the most capable and efficient men, not by a pro rata system. I think such a system as I have suggested would be the best one to follow and that under it we would procure the most efficient results.

My complaint of the present system is that it is not efficient. I do not know of anybody who has been certified from Virginia, Maryland, or the District of Columbia for almost 10 years.

People come from other States and acquire homes in Virginia, and are then charged up to Virginia's quota. To such an extent is this true that real Virginians have stopped taking the examinations. The present system has worked gross injustice. I repeat that not many real Virginians, not many real citizens of Maryland, and perhaps not many real natives of the District of Columbia are holding Government offices, but people come to those jurisdictions, acquire homes, and then are credited to them. I think if a young man from Virginia or Maryland or the District of Columbia or West Virginia or any of the near-by States is the most competent and capable and passes an examination of 95 he should be preferred over somebody who stands an examination of 70, and yet the man with the lowest grade is given the preference because he comes from a State which has not its quota filled. That is not an

efficient and capable civil service, and that is my objection to the present system.

Mr. FLETCHER. Mr. President, I am anxious to proceed with the bill, and will only take a few moments. I am glad the Senator from Maryland has submitted his amendment. I think we ought to have had legislation of this kind in the very beginning, and while the amendment may not accomplish all that the Senator from Maryland desires or all that we should like to have accomplished it will be helpful, and I hope it will be adopted. The Shipping Board and the Fleet Corporation during the last administration in a way furnished a political pie counter, and that sort of thing ought to be stopped.

Mr. President, I wish to offer for the RECORD in my time a letter from Fred Brenckman, Esq., Washington representative of the National Grange, with reference to the position of the National Grange on the pending bill. I ask that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATIONAL GRANGE,
Washington, D. C., January 28, 1928.

DEAR SENATOR: We note that the Jones bill, amending the merchant marine act, is approaching a vote in the Senate, and wish to apprise you of the attitude of the National Grange, as expressed in the following resolution, which was unanimously adopted at our last annual session, held at Cleveland, Ohio, November 16–25, 1927:

"Whereas an adequate American merchant marine is vital to our prosperity and security as a nation; and

"Whereas private enterprise, under prevailing conditions, can not fully supply the need in transoceanic service: Therefore be it

"*Resolved*, That the National Grange favors continued ownership and operation of merchant ships by the Government through the agency of the United States Shipping Board, as necessity demands; and be it further

"*Resolved*, That we favor appropriations by Congress to keep our merchant fleet modern and efficient."

It is probably true that some of the ships of our war-time fleet should be disposed of in the most advantageous way that may be open. But we do not approve of disposing of the better class of ships for such an inadequate return as a mere five-year guaranty of operation.

We are strongly of the opinion that the time has arrived when this country must adopt definite and constructive measures to put our merchant fleet on a sound and continuing basis, unless we are to witness a painful repetition of the experiences of 1914.

We favor the Jones bill and hope you may see your way clear to support it.

Yours respectfully,

FRED. BRENCKMAN,
Washington Representative.

Mr. FLETCHER. I also offer two editorials which were printed in the January issue of the Port of New York, one entitled "Government-owned ships in foreign trade," and the other entitled "Jute imports—A case in point." I ask to have them printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

GOVERNMENT-OWNED SHIPS IN FOREIGN TRADE

If a majority of Democrats in Congress line up in favor of a Government ownership bill, as seems probable, and a majority of Republicans should join hands with them, as Senator W. L. JONES, chairman of the Senate Commerce Committee, has done, as did all of the Republican members of his committee, such a bill could be put through Congress by an overwhelming majority. We can not imagine the President vetoing such a bill, so supported.

Democrats and Middle West Republicans hitherto have opposed, and for 30 years have succeeded in defeating all attempts to obtain Government aid or protection for American ships in foreign trade. But they seem, now, to be willing to have the Government meet Shipping Board losses, so-called, occasioned through Government ownership, as for the past seven years such losses have been met, the period of such ownership having been prolonged because of the determined opposition of Congress to take money from the National Treasury to maintain American ships in foreign trade.

An effective policy of Government ownership should give the country lines of up-to-date ships, through new construction and replacements, adapted to the trade routes over which they operate, equal in every way to the foreign ships with which they have to compete. Could this country do anything less desired by foreign shipowners? Would not such ships give us merchant ships for national-defense purposes in war, and commercial purposes in peace, most acutely needed? Without Government aid what private interests could do that? Nobody dreams that any would or could. When it became obvious to all the world that our ships were in foreign trade to stay, cargoes would steadily gravitate to them, and they might become self-sustaining. That would be the time to dispose of them to private interests with greater assurance of their remaining permanently upon the seas.

Why should not we get, while the chance of getting it seems so favorable, a real, effective American merchant marine in foreign trade, especially when opposition to such a program might defeat all other efforts to secure such an American merchant marine? All such ships would be American-built, American-owned, managed wholly by Americans, officered and manned by Americans—a real American merchant marine; our people would become more and more experienced and skilled in operating them, and all the while the essential needs of the Nation in respect to an American merchant marine would be met.

JUTE IMPORTS—A CASE IN POINT

It is an elementary truism with Britons that purchasers of goods have a right to say how they shall be carried, when the truism is not put to the acid test of a try out. The truism is an abstract proposition, but a concrete case in point is now offered to the world which is at complete variance with the truism. Upwards of 650,000 tons of jute are imported into this country, necessitating about 69 sailings from India each year to bring it here. Of these, American ships enjoyed four sailings, and latterly have been asking for one-fourth the carrying, which seems to be modest, to say the least. The British Cunard-Ellerman-Bucknell Lines refuse to agree, as British lines are wont to do when they think they control, truisms to the contrary notwithstanding. So the Roosevelt Line of United States Shipping Board ships is determined to obtain at least 16 cargoes of jute annually for the United States, to secure which they have cut the freight rate from 35 to 25 cents a hundred pounds, quickly followed by a cut from $7.90 to $4.50 a ton by the Cunard Line. Vice Chairman E. C. Plummer, of the United States Shipping Board, in charge of traffic, announces for the board that it is prepared to cut the rate, if necessary, to 10 cents a hundred pounds.

Thus a locking of horns between the United States Government and a powerful combination of British shipping interests occurs. The contest, which we opine will result in American ships carrying at least one-fourth of the jute imported into this country, may be studied at close range. Needless to say, it will be watched with keenest interest, especially as showing to what lengths Uncle Sam will go in an ocean-freight-rate war to obtain a modest share of the carrying of our imports, and British shipowners to sustain what they probably regard as their rights—possession of all of the carrying.

Who knows? This may be the first gun in a contest to show whether John Bull really does command the trade and carrying of the world. Well, no one is better able to "tote his load" in such a contest than Uncle Sam!

Mr. FLETCHER. Mr. President, while I am on my feet——

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FLETCHER. I only have a limited time.

Mr. WILLIS. I wish merely to ask a question in regard to the pending amendment. I understand the Senator from Florida to be supporting it.

Mr. FLETCHER. Yes.

Mr. WILLIS. Will he explain what is meant by the clause, "except offices and employments calling for the exercise of executive, initiative, or discretion"? What is such an office?

Mr. FLETCHER. My construction of that expression would be that it is intended to cover such positions, for instance, as the president of the Fleet Corporation, the vice president, the trustees of the Fleet Corporation, and other officials of that kind, experienced experts who are selected to conduct and manage the business. We paid at one time $95,000 a year salary to three men to take charge of the operation of the ships. Those men ought not to be subjected to civil-service examination. To one man we paid $35,000; to another we paid $30,000; and to a third we paid $30,000. In that way we obtained talent and experience in connection with the operation of ships. Those men ought not to be included in any requirement for civil-service examination.

Mr. WILLIS. Mr. President, if the Senator will yield further, I agree with his views as to what ought to be done, but I submit to him that this language which he says he is going to vote for conveys no such impression.

The exercise of executive, initiative, and discretion—

If any human being can tell what that means well and good; I can not.

Mr. FLETCHER. I think it is intended to cover positions of the kind to which I have referred, calling for expert knowledge of shipping matters.

With reference to the suggestion with regard to the requirement of the unanimous vote of the Shipping Board for the sale

of the ships, I want to say that every man and woman in the United States is a stockholder in the Shipping Board and the Fleet Corporation. That is a corporation in which the people of this country own the stock; they are interested in it. That corporation has a vast property in their control and under their management, property that cost millions of dollars. Therefore, in order to safeguard the rights of the people of this country in their property, we require that there shall be unanimous consent before that property shall be disposed of in any way, and that it must be used for their benefit.

If it costs to operate the ships a little more than we get out of them in the way of returns, we must bear in mind that we are keeping down freight rates on the ocean and saving the shippers of this country million of dollars every month more than the actual deficit. We save monthly to the people of this country by reason of having these ships in operation, and we are extending our commerce and expanding our trade over the world, and keeping our flag on the seas. That is the thing to be accomplished and it can not be accomplished in any other way than as pointed out by this bill.

Mr. WALSH of Massachusetts. Mr. President, I am in favor of this amendment. From my experience in the public service I have concluded that the civil-service system promotes, on the whole, merit and efficiency. Whatever mistakes have been made in the administration of the civil service have been due in large part to the influences of partisan public officials in positions elected or appointed to high places. The abuses that have occurred in the civil-service system are due not to the law or to the commission, but are due, as I said, to the attitude which the administrative officers take with the approval of those in high positions toward adopting subterfuges to escape the strict intent and interpretation of the law.

Undoubtedly mistakes have been made in the administration of the civil service law by the Civil Service Commission itself. Undoubtedly there are wrongs and at times grave blunders by those directing the system; but it seems to me that, on the whole, the civil-service system has tended to improve the public service greatly, and I would dislike very much to see a return in any degree to the old system which eliminated the civil-service requirements. We should seek to improve and strengthen rather than weaken the system that has greatly eliminated the evils of the spoils system.

Therefore I shall vote with special satisfaction and pleasure for the amendment offered by the Senator from Maryland.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland [Mr. BRUCE].

The amendment was agreed to.

Mr. SWANSON. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to insert a new section, as follows:

SEC. 7. That in the allocations of the operations of the ships the Shipping Board shall distribute them as far as possible, and without detriment to the service, among the various ports of the country.

Mr. JONES. Mr. President, I simply desire to say that I do not think this amendment is necessary. I think the board has ample authority to do this now, but the amendment can do no harm, so I make no objection to it, and, so far as I am concerned, it may be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Virginia [Mr. SWANSON].

The amendment was agreed to.

Mr. COPELAND. Mr. President, on the desk is an amendment which I offered yesterday proposing to amend section 870 of the shipping act as found in the Code of Laws of the United States. May we have that amendment read, please?

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to insert at the proper place in the bill:

That section 870 of the shipping act, as found in the Code of Laws of the United States, shall be amended to permit the loan of 75 per cent of the constructional cost of the ships for a period of 20 years, and at the rate of interest which is paid by the Government at the time upon money borrowed.

Mr. COPELAND. Mr. President, the Senate will recall that the law at present permits a loan up to 66⅔ per cent of the constructional cost under certain methods of protection of the Government. The period of the loan is for 15 years, and the amount of interest 4¼ per cent in foreign trade.

This amendment provides for an extension of the amount to 75 per cent of the cost of the ship, a 20-year period for the loan, and there is to be charged the current rate of interest, whatever that may be. It is now about 3¼ per cent.

Of course, the purpose of this amendment is to encourage the building of ships by private owners. I hope the matter will receive the favorable attention of the Senate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York.

Mr. JONES. Mr. President, I think this amendment ought to be defeated. It amends a very important provision of the act of 1920, and that act, I think, was very liberal in itself.

I hope the amendment will be defeated.

Mr. COPELAND. Mr. President, I had assumed there would be no opposition to the amendment. I hoped there would be no opposition to it.

Mr. JONES. I make the point of order that the Senator can not discuss his amendment twice.

The PRESIDING OFFICER. The point of order is well taken.

Mr. COPELAND. What was the statement of the Chair?

The PRESIDING OFFICER. The Senator from Washington raised the point of order that the Senator from New York, having spoken on his amendment, and having yielded the floor, is not at liberty to speak on it a second time.

Mr. COPELAND. If the Chair will bear with me for a moment——

Mr. KING. Mr. President, I will take the floor, and I should like to ask the Senator——

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. KING. I should like to ask the Senator from New York to explain the amendment so that the Senator from Washington can understand it.

Mr. JONES. I object to that. I think that is contrary to the spirit of the unanimous-consent agreement, and contrary to the rules of the Senate.

Mr. COPELAND. Well, I am satisfied, Mr. President.

Mr. KING. Mr. President, I confess that I do not agree with the Senator from Washington. I just came into the Chamber. I should like to learn just what this amendment is. May I ask the Senator from Washington whether he opposes the amendment because it provides for the loaning of money to those who in good faith construct ships?

Mr. JONES. Mr. President, we have a law now which provides for the loaning of money to people who want to borrow it for the construction of ships. That was a very well matured provision in the law, and no substantial reason has been shown for changing it.

Mr. KING. I should like to ask the Senator from New York wherein the amendment improves the existing law, and what he hopes can be accomplished by his amendment if it becomes a part of that law that can not be accomplished under the present statute?

Mr. COPELAND. If the Senator heard what I said yesterday, he will recall that I presented here a ship-building proposal, which was made by the persons who built the *Saratoga*.

Mr. KING. I am familiar with the Wilder proposal.

Mr. COPELAND. The first request made by that concern was that the loan privilege be increased. It would make a difference of about $10,000,000 in the amount that the firm could borrow, which in itself is not so important. The rate of interest would be the current rate, and, of course, the Government would not lose a cent. We now have about $90,000,000 in the loan fund, and this amount will be increased automatically. As this concern, or any other undertaking to build ships, needs money, it will be there. That was the testimony of Chairman O'Connor before the Appropriations Committee the other day. The important thing about this amendment is that instead of the rate of interest being 4¼ per cent it would be 3⅛ or 3¼, which would make a tremendous difference in the overhead charges of the concern. You understand, of course, no appropriation need be made—the money lies in the loan fund of the Shipping Board.

Mr. KING. I think the Senator from New York ought to understand by this time that the proponents of absolute Government ownership and operation of a merchant marine dominate the Senate, and they are going to prevent any amendment to this bill that would encourage private ownership and private operation of a merchant marine. We are embarking upon governmental ownership, and we can not disguise that fact. All this talk about this being only temporary is mere camouflage, and there is a good deal of hypocrisy about it—no Senators, of course, being included within that observation, because they are all sincere.

Mr. EDGE. Mr. President——

Mr. KING. I yield for a question.

Mr. EDGE. Do I understand likewise that the amendment increases the amount that can be borrowed from 66⅔ per cent to 75 per cent?

Mr. KING. Yes.

Mr. EDGE. In other words, if I understand the amendment, if it should be adopted, with this program of perpetual Government ownership before us, it would at least mean that the taxpayers of the country could save 25 per cent, which would be furnished by private capital. Otherwise, as has been many times stated and announced on the floor during the debate on this bill, the Government will pay 100 per cent. If this amendment is defeated, in other words, the practical effect would be that we refuse to take 25 per cent from private citizens or corporations under an agreement that they will build ships and prefer to pay 100 per cent of the taxpayers' money.

Mr. KING. Mr. President, as I stated a moment ago, the proponents of this bill do not want private operation. This bill is undoubtedly designed, as stated by the Senator from California [Mr. JOHNSON] this morning and in his speech of a few days ago, to commit the Government irretrievably to the owning and operating of the merchant marine; and any amendment, if it were clear as the noonday sun, that would indicate how we could have a merchant marine under private ownership would be rejected, in my opinion, by the Senate.

I regret exceedingly that we have passed out of the domain of private ownership in the shipping business and confess the incompetency of the American business man and the American people to run their own affairs, and that we have to build up a bureaucracy and crawl under the legs of bureaucrats because we are incompetent to run our own affairs.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York [Mr. COPELAND].

Mr. EDGE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. FLETCHER. Mr. President, before the vote is taken I desire to say that under the present law we have made exceedingly liberal and generous provisions for constituting this loan fund and providing for loaning upon a ship two-thirds of its cost at 4¼ per cent interest. That is exceedingly liberal. No private individual would loan over one-half the cost of the ship. The Government is now in position to loan two-thirds of the cost of the ship at this low rate of interest. That is exceedingly liberal. To make that 75 per cent would make it unsafe. Very likely a ship would depreciate in a year's time or in two years' time 25 per cent, in which case the Government would have to take back the ship if it had made a loan upon it.

Mr. EDGE. The Senator thinks the difference between 66⅔ per cent and 75 per cent is unsafe?

Mr. FLETCHER. Yes, I do; absolutely unsafe, and I do not think the amendment ought to be adopted.

Mr. HARRISON. Mr. President, I am going to vote against this amendment, but I do not want to have my view misconstrued with reference to this Wilder proposition. I have heard something about the Wilder proposition, that they expected to build a good many ships if they could make certain arrangements, and so forth, and remove the matter from the subvention or subsidy class.

When I vote against this amendment to-day I should not like to have the Shipping Board construe my action as being opposed to any policy with reference to this project that is now before the Shipping Board. I think it is most unfortunate that this amendment is offered to this bill, because evidently it will be defeated and some persons will accept it as giving a black eye to the proposal of the Wilder people.

I merely desire to say that, because no doubt there will be others who will vote against the amendment entertaining the same views as I do.

Mr. HOWELL. Mr. President, I would like to ask the Senator from New York as to the provision for repayment of these loans.

Mr. COPELAND. The law is not changed. I take article 870 of the code, where the conditions are made for the repayment on the present basis, which is for 15 years. The provision is:

> If it is not to be repaid within two years from the date when the first advance on the loan is made by the board, the principal shall be payable in installments to be definitely prescribed in the instruments. Such installments shall be made payable at intervals not exceeding two years, and in amounts not less than 6 per cent of the original amount of the loan.

The law is not changed, except that the time is extended from 15 years to 20 years, the amount of money which can be advanced is made 75 per cent, instead of 66, and the rate of interest is reduced from four and a quarter, as prescribed in the act, to the current rate, whatever it may be.

Mr. HOWELL. Mr. President, so far as the current rate is concerned, no private interest in this country should have the advantage of tax-free money. The Government can borrow on a three and a half per cent basis, provided the bonds issued are tax-free, but if the bonds were subject to taxation that rate would be about four or four and a quarter per cent, and I do not believe we should afford any commercial enterprise the advantage of a lower rate.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HOWELL. Certainly.

Mr. COPELAND. Of course, if the Senator believes in Government ownership and operation, as I assume he does, and I honor him for his position, he is opposed to any plan which will permit private parties to get into the shipping business. Of course, the reason for the introduction of the amendment is to help private interests to build ships, to operate them, and in order to assist the enterprise, to give them cheap money.

Mr. HOWELL. Mr. President, I am not opposed to lending Government funds on a proper basis to a public-utility enterprise, providing such private enterprise would carry out its agreements; but, unfortunately, private enterprise will not carry out its agreements with the Government. They make an agreement, and then, after they have been favored, as in the case of the railroads, they come to Congress and ask that it be modified—lobby therefor.

Again, I am in favor of public ownership, but I believe that the only way to carry on public ownership successfully is for the Government to do its business in a thoroughly businesslike manner, and a loan, such as proposed, is not a businesslike loan.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HOWELL. Seventy-five per cent of the cost of these ships is to be loaned on the basis of tax-free securities, and but 6 per cent to be paid back every two years. This is not, in my opinion, a businesslike arrangement in connection with the development of a merchant marine by private interests.

Mr. COPELAND. Will the Senator yield just a moment?

Mr. HOWELL. Certainly.

Mr. COPELAND. What about lending money to the farmer? Do we not do that?

Mr. HOWELL. Yes; the Federal land banks lend money to the farmer, and the farmer is paying now 5 per cent for that money.

Mr. FLETCHER. But they never lend over 50 per cent of the value of their property.

Mr. HOWELL. They never lend over 50 per cent of the value of their property, and the farmers have to pay up, or the loans will be foreclosed. But we propose here to secure loans for ships on this basis——

The PRESIDING OFFICER. The Senator's time on the amendment has expired.

The question is on the amendment offered by the Senator from New York [Mr. COPELAND]. The yeas and nays having been ordered, the Chief Clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], who is absent. I understand that if present he would vote on this amendment as I am about to vote. Therefore I am at liberty to vote, and vote "nay."

Mr. FERRIS (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. FESS]. In his absence, not knowing how he would vote on the pending amendment, I withhold my vote.

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT], which I transfer to the senior Senator from Arkansas [Mr. ROBINSON], and vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. In his absence, not knowing how he would vote on this amendment, I withhold my vote.

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF], who is absent. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. KING (after having voted in the affirmative). I have a general pair with the junior Senator from Vermont [Mr. DALE], who is absent. Not knowing how he would vote, I am compelled to withdraw my vote.

The result was announced—yeas 20, nays 61, as follows:

YEAS—20

Bingham	Gillett	McNary	Shortridge
Blease	Greene	Metcalf	Steiwer
Copeland	Hale	Moses	Wagner
Edge	Keyes	Phipps	Waterman
Edwards	McLean	Reed, Pa.	Watson

NAYS—61

Ashurst	Dill	La Follette	Shipstead
Barkley	Fletcher	McKellar	Simmons
Bayard	Frazier	McMaster	Smith
Black	George	Mayfield	Steck
Blaine	Gerry.	Neely	Stephens
Borah	Glass	Norbeck	Swanson
Bratton	Gooding	Norris	Thomas
Brookhart	Harris	Nye	Trammell
Broussard	Harrison	Oddie	Tydings
Bruce	Hawes	Pine	Walsh, Mass.
Capper	Hayden	Ransdell	Walsh, Mont.
Caraway	Heflin	Reed, Mo.	Wheeler
Couzens	Howell	Robinson, Ind.	Willis
Curtis	Johnson	Sackett	
Cutting	Jones	Schall	
Deneen	Kendrick	Sheppard	

NOT VOTING—13

Dale	Goff	Pittman	Warren
du Pont	Gould	Robinson, Ark.	
Ferris	King	Smoot	
Fess	Overman	Tyson	

So Mr. COPELAND'S amendment was rejected.

Mr. COPELAND. Mr. President, I send to the desk an amendment to the pending bill.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The amendment will be reported.

The CHIEF CLERK. On page 2, line 15, after the words "section 4," strike out the word "the" and insert the words "If the board becomes convinced that there is a," so it will read:

If the board becomes convinced that there is a necessity for the replacement of vessels owned by the United States—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

Mr. COPELAND. Mr. President, of course I do not labor under the hope that this amendment will prevail. But Senators seem to be hopeful that the pending bill is going to solve all the troubles of the Shipping Board and perpetuate a merchant marine. Of course, there is nothing so desirable as that provided for in the bill. There is not a constructive thing in the bill. All it does is to make it impossible to sell the ships.

I want to show why there is so much enthusiasm on the part of certain boards of trade and chambers of commerce about the bill and why certain persons in seaports of the country are in favor of perpetuating the ownership of this fleet in the Shipping Board.

I have here the report of the Shipping Board for the year ending June 30, 1926. I find that in that year the Shipping Board paid out to private parties for commissions for the operation of these ships the sum of $7,970,000. In other words, about $8,000,000 was paid out for this purpose. Those men got their money whether the United States made anything or not.

During the next fiscal year ending last June that sum was increased to $8,896,000. It had increased almost $1,000,000.

These private operators are making plenty of money out of the operation of the Shipping Board ships. They are happy, and Senators are imagining that by the enactment of the bill pending, somehow or other, we are to have an effective merchant marine. Nothing could be more opposed to the truth.

We do not get one single thing in the bill that is not in the existing law, except that it is made impossible to sell any ships. That means that the antiquated ships will continue to be operated by the Shipping Board for ever and ever, so far as we can tell. Of course, if the Senate wants to have that system prevail and that method continued, the thing to do is to vote down all amendments and pass the bill.

Mr. KING. Mr. President, one is amazed at the revelations just given to the Senate by the Senator from New York, and yet, knowing the system which has prevailed and the incompetency and inefficiency of the board which has control of the ships, one is a little surprised at their moderation. It seems as if they have deliberately planned to evolve a system for the operation of the ships that would bring unsatisfactory results to the American people and great profit and benefit to those who seem to be the favorites of the Shipping Board.

I recall when Mr. Lasker was in charge of the Shipping Board. He came before the Congress and asked for $50,000,000 for the operations for the ensuing year, plus all proceeds derived from the sale of ships and other property owned by the board.

My recollection is that the year before and the fiscal year following his testimony the cost to the Government in meeting the deficits of the board was approximately $100,000,000. That was a direct loss. In addition, there was subtracted, of course, from the assets of the board tens of millions of dollars. We have spent more than $3,500,000,000 in building and operating merchant vessels. We had 2,600 or 2,700 ships. We now have about 800. More than a thousand were sold. All of the proceeds derived from the sale of these ships have been swallowed up by the Shipping Board and Fleet Corporation to-day aggregate in value less than $124,000,000. We might just as well face the fact that the Government has lost $3,500,000,000 in this experiment of Government ownership and operation of a merchant marine.

Attention has been repeatedly called to the M. O. 4 contracts and the frauds which were perpetrated under them. Men were paid large sums for operating the ships. They were permitted to organize corporations upon the side to sell to themselves as operators, at enormous prices, articles and commodities necessary in the operation of the vessels. I am told that while that evil does not exist to the extent that it did formerly, it has not been eliminated, and that in addition to the $8,000,000 paid last year to operators who incurred no risk whatever, they profited by selling supplies to themselves. Yet with this record of maladministration, of inefficiency, if not corruption, we are about to commit the Government to a continuation of a policy that has been condemned both by Congress and the country.

Mr. JONES. Mr. President, I hope the amendment will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from New York [Mr. COPELAND].

The amendment was rejected.

Mr. COPELAND. Mr. President, I ask that the second amendment which I offered may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The second amendment offered by the Senator from New York is on page 2, to insert in line 15, before the word "necessity," the words "If the board becomes convinced that there is a," and in line 20, to strike out the words "is hereby recognized and," so as to read:

If the board becomes convinced that there is a necessity for the replacement of vessels owned by the United States and in the possession or under the control of the board and the construction of additional up-to-date cargo, combination cargo and passenger, and passenger ships, to give the United States an adequate merchant marine, the board is authorized and directed to present to Congress from time to time—

And so forth.

Mr. COPELAND. Mr. President, we have a chance to encourage the building of six master ships. We have a chance to build ships finer than any now afloat. Instead of smiling upon the offer and the suggestion of the advisability of building these ships, the Senate laughs at those private parties who make the suggestion.

I know perfectly well the fate of this amendment or any other amendment seeking to amend this useless measure. There is a firm and steadfast determination on the part of this body to pass the bill. I am aware of that. But I intend to take this one more chance to point out its weakness, because there are three or four Senators here who have not been present when the debate was proceeding.

The measure in the first section reenacts the first section of the present law. It does not add to it. It does not take from it. It reenacts what is already the law.

Leaving the second section for the moment, section 3 permits the Shipping Board to make any additional or ordinary repairs. They may recondition. There is nothing now which prevents the reconditioning of ships. That is the law. Section 3 adds nothing to it.

Section 4 permits the board to come before Congress and ask that more money be appropriated to build ships. They can do it now. There is nothing new about that.

Section 6 says that—

all acts and parts of acts inconsistent with this act are hereby repealed to the extent of any such inconsistency.

We do not have to repeal anything. Everything is left as it is. Nothing is taken from the present law and nothing is added to it. The only thing in the world in the pending measure is a provision that no ship may be sold except by the unanimous and affirmative vote of the board. For two weeks the Senate has occupied its time—and I have taken my full share of it, I admit—in reenacting laws that are already upon the statute books. The only other thing done is to let the country know that no more ships are to be sold and that private parties must not build or even suggest that they are to build ships.

They are to be scared away. "Stop, look, and listen" is the sign put up by the second section of the bill. All citizens of our country who seek to build ships are given the warning that their efforts are useless and that we do not want them to help. We have reached that decision.

However, those in opposition have put the facts before the country. If I mistake not, the country will say that the passage of this bill to-day is the wrong thing and that the Senate has taken a step backward. We have not planned to build up the American merchant marine, but we have planned to destroy it. I can see nothing else in the pending bill than the destruction of the American merchant marine.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York.

Mr. WALSH of Massachusetts. Mr. President, we have heard a good deal said during the discussion of the bill about certain prominent shipping interests of the country being interested in the development of an American merchant marine under private control. The Senator who now occupies the chair [Mr. BINGHAM] stated, in the course of one of his speeches in this connection, that there were several citizens, whom he named, "concerned in"—I use his language—"and connected with Transoceanic Corporation." The citizens and interests named are of high repute and excellent standing in the community. Some of us were rebuked for inquiring into the extent of interest and the good faith of those supporting the proposed project. However, I took the trouble to send a telegram to four of those named by the Senator who now occupies the chair. I sent them yesterday the following telegram:

JANUARY 30, 1928.

Mr. THOMAS H. ROSSBOTTOM,
Panama Railroad Steamship Co.,
New York City, N. Y.:

You are stated to be concerned in and connected with Transoceanic Corporation proposing 35-knot Atlantic liners. Is this true, and have you indorsed this proposition technically and financially? Kindly reply immediately.

DAVID I. WALSH, *United States Senator.*

To three of these telegrams I have received answers, which I send to the desk and ask the clerk to read.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read as follows:

NEW YORK, N. Y., *January 30, 1928.*

Hon. DAVID I. WALSH,
United States Senate:

Telegram received. I am not concerned in nor connected with Transoceanic Corporation, either financially or in any other way. I was asked to act with Mr. Howland Gardner, of the Eastern Steamship Co., and with Mr. Oakley Wood, of the Barber Line, as a committee having operating experience to look over and comment upon figures prepared by or for Brown-Boveri Co., showing the expected operating expenses of a six-steamer fleet. Basing our consideration entirely upon the hypothesis laid down for us that the steamers would be of the size, speed, and capacity necessary to make the itineraries fixed by the Brown-Boveri Co., and expecting that hypothesis without any investigation on our part, we told them the extent to which we considered their figures of operating expenses should be modified. We did not concern ourselves with the practicability of the scheme nor with any figures showing estimated revenues or probable results of operation.

T. H. ROSSBOTTOM.

QUINCY, MASS., *January 31, 1928.*

Senator DAVID I. WALSH,
United States Senate:

Neither my corporation nor myself have any financial interest in the Transoceanic Corporation. I consented, with other engineers, to serve on a committee of propulsion to give technical advice to the Transoceanic Corporation.

S. W. WAKEMAN.

NEW YORK CITY, *January 31, 1928.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

Reference wire Transoceanic Corporation, have passed and approved of technical questions involved in boiler room. Other technical questions outside our province. Am not personally interested financially. As company and individuals heartily indorse this steamship proposition.

C. W. MIDDLETON.

Mr. WALSH of Massachusetts. Mr. President, I have no further information, but I wish to call attention to the fact that those who answered the telegrams that were sent state that they are not concerned nor connected financially with the Transoceanic Corporation. I will let the telegrams speak for themselves.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York [Mr. COPELAND].

The amendment was rejected.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and is open to amendment.

Mr. JONES. Mr. President, on behalf of the present Presiding Officer, who asked me to propose an amendment that he has offered, I submit an amendment. I will say that while I do not think the amendment, if adopted, would accomplish anything at all, I have no objection to its adoption, and the Senator from Florida [Mr. FLETCHER] has also stated that he is perfectly willing to allow it to be incorporated in the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 17, after the word "construction," it is proposed to insert the following: "either by the board or by private companies or corporations owned and controlled by citizens of the United States."

Mr. COPELAND. Mr. President, the Senator from Connecticut [Mr. BINGHAM] is in the chair, and while I shall not venture to speak for him, but on my own account I shall make a brief reply to the Senator from Massachusetts [Mr. WALSH].

It certainly makes no difference to the Senator from Connecticut, and I know it does not make any difference to me whether the company represented by Mr. Wilder shall build these ships or whether some other company shall do it. The principle is the same. The Brown-Boveri Co., of Chester, Pa., has just completed for the Government the *Saratoga*, a $35,000,000 plane carrier. The other day we were thrilled by the fact that the *Los Angeles*, a great airship, settled upon the deck of the *Saratoga*. That boat is made to receive and send away planes; a hundred of them can be carried by it.

The company that built that great ship has come here with a proposition. We are not interested in this particular company. We are interested in trying to make the Senate see that every such company should be encouraged.

So far as my amendment providing a stabilization of the rates for carrying the ocean mail is concerned, I presented it at the last session of Congress. It has been pending before Congress for three years. So far as concerns the request that Mr. Wilder has made for a modification of the loan act, a similar request has been made by every one interested in building and operating ships.

Last year the Shipping Board appeared before the Committee on Commerce of the Senate on a proposition to sell the United States Lines. Everybody who testified stated that there were certain changes which must be made in our law before private capital could become interested. More liberal loans, cheaper money, and the assurance of long-term mail contracts on the part of the Post Office Department were universally regarded as essential.

I am sure that the Senator from Massachusetts would not desire to have the Senator from Connecticut embarrassed at all, because I know the position of the Senator from Connecticut is exactly the same as my own. We do not care, I do not care, who makes the bids; I do not care who builds the ships. But I want to see the ships built.

If the testimony of the experts in the shipping line may be depended upon, they can not be built unless existing laws are modified. Existing laws are not going to be modified by the passage of the pending bill. Existing laws will be simply repeated and reaffirmed by the passage of the bill. All in the world that this bill, should it become a law, would do would be to defeat the sale of any ship or line of ships and put upon the Shipping Board the impossible task of going on year after year in the operation of these old hulks until finally they will be worn out and sunk to the bottom of the ocean. Then the American merchant marine will be disposed of. If that is the desire of Senators, all they have to do is to pass the pending bill and time will do the rest.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington [Mr. JONES] on behalf of the Senator from Connecticut [Mr. BINGHAM].

The amendment was agreed to.

Mr. JONES. Mr. President, also on behalf of the Senator from Connecticut [Mr. BINGHAM], who occupies the chair, I offer the amendment which I send to the desk, to which I have no objection. It only calls for what we could call for by a Senate resolution.

Mr. McKELLAR. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 22, after the comma, it is proposed to insert the following:

together with such proposals, if any, which have been made to the board by private companies or corporations owned or controlled by citizens of the United States for the replacement of these vessels and their permanent operation under the United States flag in foreign trade.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. KING. Mr. President, I offer an amendment to be added to section 6. I hope the Senator from Washington will accept it, because, as I have interpreted some of his remarks, he insists that this bill does not commit the Government irrevocably to Government ownership and operation of ships. I ask that the amendment may be read. Frankness, however, compels me to state that he has written a report and made some speeches which prove that he is for Government ownership of the merchant marine.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The CHIEF CLERK. On page 3, line 12, after the word "inconsistency," it is proposed to insert a colon and the following proviso:

Provided, That nothing herein shall be construed as committing the United States to the policy of permanently owning or permanently owning and operating a merchant marine, but, upon the contrary, it is hereby declared to be the policy of the United States to promote in all proper ways the establishment and maintenance of a privately owned and operated merchant marine.

Mr. KING. Mr. President, I can only repeat that Senators who have affirmed upon the floor that they did not believe in a permanently owned or a permanently owned and operated merchant marine must vote for this amendment.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. KING. I yield.

Mr. BORAH. Would the Senator be willing to limit his amendment to the first clause? The remainder of the amendment calls upon us to determine here and now the policy of the Government. I ask to have the amendment again read.

The PRESIDING OFFICER. The amendment will be again stated.

The Chief Clerk again stated the amendment.

Mr. KING. I am willing to strike out the portion of the amendment suggested by the Senator from Idaho.

Mr. President, I am sure that with the elimination of the latter part of the amendment it will commend itself to all Senators who do not believe that the United States should depart from its historic policy, which is also a sound political and economic policy, and engage in an undertaking which is sure to end in disappointment. The National Government was organized not to engage in trade and commerce or to own and operate railroads and ships. The amendment merely declares what has been stated by a number of Senators, that the pending bill does not commit the Government to the policy of permanently owning or permanently owning and operating a merchant marine. Senators who so interpret the bill or who are opposed to the United States owning and operating ships for trade and commercial purposes will vote for the amendment. Those who seek to rivet Government ownership of a merchant marine upon the United States and who favor an unsound and dangerous socialistic scheme will vote against it.

The PRESIDING OFFICER. Does the Chair understand the Senator from Utah to accept the suggestion offered by the Senator from Idaho?

Mr. KING. Yes; I accept the suggestion to strike out the latter part of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

Mr. FLETCHER. Mr. President, the objection to the amendment is that it will be used by those who advocate speedily getting out of the shipping business and disposing of the ships as a reason for giving the ships away and sacrificing the property of the Government. It would afford a foundation for that kind of activity if we should adopt the amendment.

One mistake we made in the merchant marine act of 1920 was to say that the primary purpose of the act was to establish and maintain an American merchant marine to serve our commerce in time of peace and as auxiliaries for the Navy in time of need but ultimately to be passed into private hands. In the administration of that law the last provision has been emphasized, and there has been an effort consistently and persistently to dispose of the ships without regard to whether or not such sale meant the establishment and maintenance of an adequate merchant marine. The idea has been to lay stress upon the last provision, namely, that the merchant marine should ultimately be passed into private hands, and the board proceeded to do that, sacrificing the ships, giving them away, scrapping them, and that sort of thing. If we adopt this amendment as a part of the bill, those who have advocated that policy and have insisted on it and have put that construction on the act of 1920 will put a similar construction on this action if Congress shall finally adopt the amendment.

There will be time enough to talk about disposing of the ships and to take care of that suggestion when we shall have established a merchant marine. We can deal with that question hereafter; it is not necessary to emphasize it at the present time.

Mr. KING and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom?

Mr. FLETCHER. I yield first to the Senator from Utah.

Mr. KING. The Senator from Florida has advocated the passage of this bill with much vigor and eloquence. Has he not consistently stated in support of its provisions that this bill, as he interpreted it, did not commit the Government to the policy of owning and operating a merchant marine? If that is true, why should he not be willing to accept the amendment and so declare?

Mr. FLETCHER. The bill provides a way for selling the ships. I have insisted on that time and time again. It does not say that the Government is to keep all the ships which it now has and keep all the lines now in operation and refuse to dispose of them on any terms or conditions whatever. It provides, on the contrary, for a way of doing that when we have accomplished the main purpose of establishing and maintaining an American merchant marine.

I insist, however, that as long as we keep saying here that we are going to transfer these ships into private hands, that will be seized upon by the people who have dangling before their eyes confidently the prospect of a subsidy, and private enterprise will hold off.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. FLETCHER. I am opposed to the amendment.

Mr. BORAH. Mr. President, I have secured my consent to vote for this bill because, as I understood, it did not commit us permanently to governmental ownership and operation of the merchant marine. I was willing, in view of the fact that we are now the owners of the ships and operate them, to take that view of the matter; but I am not willing to vote down an amendment when the question is squarely raised, and I think it might strengthen the bill in the vicissitudes with which it will come in contact after it passes the Congress.

Mr. JONES. Mr. President, in my judgment there is nothing in the bill which justifies any such declaration as is proposed in this amendment. The policy of this country with reference to whether or not we shall have a Government permanently owned merchant marine will rest entirely within the jurisdiction and power of Congress.

I hope that the amendment will be defeated.

Mr. BROOKHART. Mr. President, I am not one of those who apologize at any time for standing by my Government. I have listened to-day to denunciation and condemnation of almost every Government enterprise. I have heard the Post Office Department condemned for its inefficiency; and yet the Post Office Department is the most efficient business of its magnitude in the world to-day.

There is no set of employees more loyal to their employer than those in the Post Office Department. I do not believe any of those who condemn Government ownership and operation of utilities of any kind want to sell the post office to any private enterprise.

Also the Panama Canal, one of the greatest enterprises in the world, is operated efficiently, perhaps more efficiently than any private enterprise of its magnitude in the world, and operated by the Government.

We ought to be proud of these things. The fact that the Government is inefficient in any degree is due to the corrupt mixing of business in government. If we could get rid of this corrupt business in government there would be no trouble in having the Government efficient all the way through.

What is the object of this amendment? It is to embarrass the Government establishment of this merchant marine. The reason why I am voting for this bill is because in its terms, as it stands now, it does give us something like a reasonable chance to start and to establish this merchant marine. There is no such thing as committing the Government to a permanent policy, anyway. This Congress has no power to pass any law

that the next Congress can not repeal. Then what is the use of all of this sort of play? Why not at least give our Government an even and fair chance to go ahead and establish this enterprise upon a businesslike basis? A business man would demand something like stability from the very start. Why embarrass the proposition with these dogmas and declarations, such as the Senator from Utah has proposed in this amendment?

Mr. KING. Mr. President, will the Senator permit a question?

Mr. BROOKHART. Yes.

Mr. KING. The Senator believes in the dogma of Government ownership and operation of railroads and of the merchant marine and other activities now controlled by private initiative, does he not? I am sure the Senator will answer that question affirmatively, and therefore I will ask him another question.

Mr. BROOKHART. I have no objection to Government and municipal ownership of the public utilities. They are a public function. It is the duty of the Government to do those things, and in nearly all of them when they are turned over to private enterprise the Government surrenders to that private enterprise certain Government functions, like eminent domain and the taxing power. I have no objection to the Government doing its duty to its people.

I found the State of Louisiana, for instance, owning and operating 11 miles of dock front in the city of New Orleans. I found every dock connected with every railroad station in the city by a belt-line railroad operated and owned by the city of New Orleans; and I did not find a business man in that city who was willing to surrender those utilities, or any of them, to private enterprise. In Chicago, however, I found a different situation. There every one of those fronts had been grabbed by some private enterprise, and the public had no chance and will have none until the Government interferes and gives the public a chance.

Mr. KING. Mr. President, does not the Senator differentiate between the Federal Government, with its limited and enumerated powers, and the power of the States and municipalities to govern their own internal affairs?

Mr. BROOKHART. Not at all, when the proposition is a big national proposition like this one of establishing a merchant marine for the whole people and within the constitutional powers; and I think the time is not far distant when all this talk and accusation against the efficiency of the Government is going to disappear. There is not a business in this country that is pointed out as efficient but that has charged the people of this country enormous and unconscionable profits; and when you take that into consideration and compare it with Government efficiency, you will find that the Government has outstripped this so-called efficiency of private business.

Mr. COPELAND. Mr. President, I congratulate the Senator from Iowa [Mr. BROOKHART], because he has pending here a bill that is going to do just what he wants done. This is a bill to put the American merchant marine permanently in the hands of the Government and have it operated permanently by the Government; so the Senator from Iowa is entirely consistent in voting for this bill.

If the bill did not mean exactly what I have intimated in these sentences, there would not be any objection to the amendment proposed by the Senator from Utah, because this bill reaffirms the primary object of the law. If the second object, to put the ships into private hands, were also in the heads of those who propose the bill, they would be perfectly willing to have this amendment made; but if the object of the pending measure is to put the Government permanently in the shipping business, in ownership and in operation, this amendment should be voted down. On the other hand, if we intend ultimately to turn over these ships to private operators, then the amendment should be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. KING].

Mr. EDGE. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a general pair with the Senator from Ohio [Mr. FESS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. As he is absent, I withhold my vote.

Mr. TYSON (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. MOSES (after having voted in the affirmative). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. Learning from the roll call that that Senator has not voted, I transfer the pair to the junior Senator from Vermont [Mr. DALE], and will allow my vote to stand.

Mr. FLETCHER (after having voted in the negative). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arkansas [Mr. CARAWAY], and will let my vote stand.

The result was announced—yeas 39, nays 42, as follows:

YEAS—39

Bayard	Edwards	Metcalf	Steck
Bingham	Gerry	Moses	Steiwer
Blease	Gillett	Phipps	Stephens
Borah	Greene	Pine	Thomas
Bratton	Hale	Reed, Pa.	Tydings
Copeland	Hawes	Robinson, Ind.	Wagner
Curtis	Keyes	Sackett	Waterman
Cutting	King	Schall	Watson
Deneen	McLean	Shortridge	Willis
Edge	McNary	Smoot	

NAYS—42

Ashurst	George	La Follette	Sheppard
Barkley	Glass	McKellar	Shipstead
Black	Gooding	McMaster	Simmons
Blaine	Harris	Mayfield	Smith
Brookhart	Harrison	Neely	Swanson
Bruce	Hayden	Norris	Trammell
Capper	Heflin	Nye	Walsh, Mass.
Couzens	Howell	Oddie	Walsh, Mont.
Dill	Johnson	Ransdell	Wheeler
Fletcher	Jones	Reed, Mo.	
Frazier	Kendrick	Robinson, Ark.	

NOT VOTING—13

Broussard	Ferris	Norbeck	Warren
Caraway	Fess	Overman	
Dale	Goff	Pittman	
du Pont	Gould	Tyson	

So Mr. KING's amendment was rejected.

Mr. COPELAND. Mr. President, so far as I am concerned, I am convinced that we are thoroughly whipped, and I congratulate the Senator from Washington, and ask permission to recall the further amendments which I have presented.

The PRESIDING OFFICER. Without objection, the amendments will be withdrawn.

Mr. WALSH of Massachusetts. Mr. President, I wish to address myself very briefly to the merits of this bill.

One would think, from the discussion which has gone on in this Chamber, that we were undertaking a new venture. I want to call attention to the fact that we went into the business of Government ownership and operation of a merchant marine during the war. When we found ourselves in need of ships to transport our troops and take care of our commerce, we found no privately owned ships to commandeer. We were forced into Government building and operating of ships. We took over the railroads, and after the war returned them to their owners. When the war was over we had no one to return ships to, but instead the problem of deciding what to do with the merchant marine which we built during that period and put upon the seas. There were two courses open to us, one to dispose of the ships by selling them to private interests and the other to proceed to operate the ships under Government control.

We have been doing both. We have been selling some of our ships to private interests, and we have discovered the spectacle of these private interests appearing before committees of the House and Senate during these 10 years stating that they will not be able to construct ships to take the place of those that are wearing out in operation, and whether they say it or not, we have before us the spectacle of not one vessel being ordered by these private owners for operation in the foreign trade of the United States. The published records of these hearings indicate forcefully one thing, and that is that a permanent American merchant marine—and, Mr. President, by permanent, I mean replacement, the two terms are synonomous in this connection—is impossible unless Government aid is given to the individual operator, owner or shipyard. Such aid has not been and will not be given by the Congress.

In the absence of such aid, what are we to do?

Because we can not give a subsidy, because we will not give a subsidy, must we see the merchant marine of the United States vanish from the oceans of the world? Because one remedy is impossible, are we forced to the conclusion that no other remedy can be applied?

Mr. President, the period since the war has witnessed in foreign countries the most remarkable development in the shipbuilding art that has taken place in any similar period in the history of the industry; that is, the construction of a huge number of modern motor cargo liners. It has witnessed the construction of a large number of passenger and cargo vessels of the highest type. In other words, during this period, the nations of the world, led by Great Britain and Germany, have

practically reconstructed the competitive portion of their merchant marine engaged in liner services throughout the world. We see to-day the picture of not one but many lines of ships operating at speeds of 13 and 14 knots, and within the year modern cargo vessels have been ordered in foreign countries with a speed of 16 knots.

What does this mean? It means that the nations of the world realize that success in the overseas cargo-carrying trade will go to that nation which possesses vessels having high speed, large carrying capacity, and are thus able to render a higher type and better service than their competitors.

What has the United States done during this 10-year period? I advert to an earlier statement that I have made, and repeat it here; there has not been constructed in the United States one cargo liner or passenger and cargo vessel for the foreign trade.

The merchant marine act of 1920 is utterly meaningless if this be its result. What we have witnessed during the last 10 years is the very reverse of a permanent American merchant marine. Our vessels, unsuited in most part for the competitive overseas trade, have been struggling along. We have taken a small step in undertaking to recondition some of them and install Diesel engines, but practically we are outclassed on the trade routes of the world by the ships of our competitors.

Mr. President, the time has come for us to take a definite position. I favor a permanent, not a temporizing marine policy. Permanency, to my mind, Mr. President, implies vessels operating by Americans to-day, next year, 20 years later—vessels being built to-day, next year, 20 years later—so that a continuous process of renewal and rejuvenation will be going on in order that the merchant marine may be self-perpetuating, and thus permanent.

Unless the Shipping Board can insure that when they dispose of vessels other vessels will be built to make good the obsolescence of those sold, there is no authority for them to sell, because permanency is lacking. There is no way in which permanency can be secured without the construction of ships to meet the needs of replacement arising from wastage, obsolescence, and loss.

Mr. President, from the purely commercial standpoint we must have a merchant marine. This is a country of about 120,000,000 people. Its wealth is estimated at four hundred billion; its annual import and export trade is nearly ten billion. In other words, the value of our trade and wealth are so vast that it is inconceivable that we will say that we will entrust the carriage of this vast commerce to the delivery wagons of our competitors.

In addition, we have another very important aspect of this question—that of national defense. Due to our lack of a merchant marine, we paid out $3,000,000,000 for the creation, at war prices, of a merchant marine as submarine bait and paid enormous prices to foreign countries to transport our troops. Not only did we have to spend this huge sum, but under the circumstances in which the vessels were designed and constructed, it was impossible and impracticable to obtain types of ships which would be of real value after the war in the trade routes of the world.

Mr. President, I believe that Congress and the people of the United States have definitely resolved in overwhelming majority that they will insist on having a merchant marine, and that the Stars and Stripes shall not vanish from the oceans of the world.

I do not suggest we should assume an arrogant position in the trade of the world. I am only asking that a fair proportion of the commerce of these United States be carried in American flag ships, but I am prepared to insist to the uttermost that this proportion shall be at least 50 per cent, and I am prepared to do anything that will insure a permanent merchant marine of the "best equipped and most suitable types of vessels."

In conclusion, Mr. President, I desire to record that I am strongly in favor of a permanent American merchant marine, and the inevitable corollary of such a statement—replacement and new construction—and I sincerely believe that this body is carrying out the mandate of the people of the United States, which is, first, a permanent American merchant marine, publicly owned if necessary, but a merchant marine consisting of ships, self-perpetuating through replacements.

A great many Senators, including myself, would prefer private operation, but we do not prefer this theory at the expense of the American merchant marine. If Senators vote against the proposal now before this body, in my judgment, they vote against a permanent American merchant marine, because, so far as we can see at this time, and so far as the records of Congress indicate, the permanent American merchant marine in private hands in the foreign trade is an impossibility.

CHARGES OF RADIO MONOPOLY

Mr. BLEASE. Mr. President, I had not intended to say anything in reference to the pending bill, but simply to content myself with voting against it. But when the Senate places itself upon record refusing, as I see it, to say that this bill is not intended to lead us to a permanent Government-owned merchant marine I can not refrain from saying that I shall vote against it because I do not believe that it is good democracy. If I am not very much mistaken, we had a Senator in my State read out of the Democratic Party, whether right or wrong, for casting a vote in the Senate for just such measure. He went home and retired to private life. I have no objection to being retired to private life, but I do not want to be retired by voting for what my people have repudiated.

I further vote against the bill because I do not believe it is right to say that a unanimous vote should be required to get rid of this trash called ships which I understand the Shipping Board has in control. In that connection I wish to say that on February 18, 1927, I made some remarks in reference to the bill then pending to create a radio commission, which appear on page 4153 CONGRESSIONAL RECORD, volume 68, Part IV, and also inserted an article from a paper, which I do not wish now to take the time of the Senate to reread. But I desire to call special attention to my remarks on pages 4154 and 4155 of the RECORD of the same date, and I would like to ask if there is not somewhat of a prophecy contained in my remarks on that occasion.

In connection therewith I ask leave to insert an editorial from the Washington Post of January 7, 1928, and an editorial from yesterday morning's Washington Post.

The following is an extract from a letter from a firm of very prominent business men in the city of Philadelphia, dated January 26, 1928:

> Radio is rapidly drifting toward a gigantic monopoly, and no one favoring such a monopoly should be permitted for a moment to serve on the commission.

I also wish to have inserted an open letter to Congressman WHITE of Maine, which was printed in the Long Beach Sun, dated January 10, 1928, and a letter to myself of the same date from a citizen of Long Beach.

I am not surprised at the turn things have taken. I am possibly the only Senator in this Chamber—or was at that time—who registered a protest against the final passage of the conference report on that iniquitous measure.

I predict that the same result is going to come from this more iniquitous measure that happened in the case of the radio measure.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Washington Post, January 7, 1928]

CHARGES OF RADIO MONOPOLY

Long-smoldering resentment toward the Federal Radio Commission on the part of the independent broadcasters has broken out. Ever since organization of the commission the small broadcasters have feared a monopoly of the air. D. W. May, manager of station WTRL, Midland Park, N. J., yesterday threw down the gauntlet to the Senate Interstate Commerce Committee, meeting to consider the nominations of Sam Pickard, of Kansas; Chester H. Caldwell, of New York, and Harold A. La Fount, of Utah, to be members of the commission, with the accusation that the commission is creating a monopoly through the National Broadcasting Co. chain.

It was anticipated generally that the commission would have a stormy career. When the radio law was enacted last March the ether was crowded to the point of suffocation. As various methods of bringing order out of chaos were experimented with, it became increasingly apparent that the only genuine relief lay in reduction of the number of stations. Finally the commission announced this as its policy, the reduction to be guided by the provision in the law granting preferential treatment to such stations as best served the public good.

The small stations feel that they are being discriminated against—that refusals to renew licenses have been directed against the independents. On the other hand, the commission insists that its only criterion has been the public benefit.

In the meantime, Mauritz A. Hallgren takes up the cause of the independent broadcasters in an article contributed to the current issue of The Nation. He says, in part:

"A review of the licenses granted in the last few months shows that almost without exception applications received from the Radio Corporation of America group have been approved, while those from dissentient concerns have usually been listed for future hearing. Lately the Federal Radio Commission has put into effect a new wave-length realloca-

tion scheme under which as many as 300 of the 685 broadcasting stations in the country may be refused license renewals after the first of the year. Already 25 licenses have been forced off the air. Most radio experts readily agree that this move may eventually clear away much of the interference in and overcrowding of the available broadcasting channels; but it is nevertheless noteworthy that none of the Radio Trust's stations has been among those which have fallen by the wayside."

Under present law the commission's executive powers will cease on March 15. Thereafter it will be merely a court of appeal with which broadcasters dissatisfied with rulings of the Department of Commerce may lodge their complaints. Legislation is to be introduced giving the commission another year of life, in the belief that it is better qualified, as the result of its year's experience, than any other body to deal with the intricate problems of radio control. Should such bills fail of enactment, however, the commission, as an appellate body, will continue to occupy a position of authority. Through it the charges of monopoly can be freely aired and thoroughly investigated.

[From the Washington Post, Monday, January 30, 1928]

WHAT IS THE RADIO TRUST?

Newspaper headlines and congressional hearings are calling attention to the evolution of the "Radio Trust." A group of corporations centered chiefly about the Radio Corporation of America is alleged to be trying to monopolize the air. The Radio Corporation was formed by the pooling of the wireless patents of the General Electric Co., the Westinghouse Electric & Manufacturing Co., and the American Telephone & Telegraph Co., as well as a number of smaller companies. This combination has been supplemented by the organization of a broadcasting company which controls the country's most important radio chains. Other companies have been formed by the same interests to control other important radio fields. If these interests are not seeking a monopoly of the most revolutionary art of this modern age, what constitutes monopoly?

It is charged that this Radio Trust is seeking in six ways to monopolize the air:

1. By obtaining for the broadcasting stations on its "chains" the lion's share of the best wave lengths, which have been cleared for them by the Federal Radio Commission.

2. By controlling through the wire system of one of its principal organizers all of the "hook ups" between chain stations, as well as the "hook up" between the transmitters, whether chain stations or independents, and the programs broadcast from outside of their own studios.

3. By a monopoly of the manufacture of all broadcasting machinery, thus requiring broadcasters to get licenses from the "trust" before they can have their stations built or equipped.

4. By a claimed monopoly of patents for radio-receiving apparatus under which they collect dividends or royalties from the manufacture of three-fourths of the receiving sets built in the United States.

5. By an attempt to obtain a control of the important short-wave channels whose development has only begun.

6. By acquiring control of inventions relating to television, telephotography, distance actuation, and other radio discoveries.

In all the investigations of the Radio Trust which have been made by the Congress, the Federal Trade Commission, and the courts the sponsors for combine have contended that it was created at the request of the Government, under the stress of war necessities. If this be true, the Radio Trust would be one of the most dangerous burdens bequeathed by the war.

The country is entitled to know more about it before a monopoly is permitted to intrench itself.

[From the Long Beach (Calif.) Sun, January 10, 1928]

ADVERTISING BY RADIO HIT IN LETTER TO CONGRESSMAN ANENT FEDERAL COMMISSION

C. Wood Arthur, engaged for a number of years in Government research work at Washington and now in southern California in the interest of "community radio stations," yesterday dispatched by air mail to Congressman WALLACE WHITE at Washington a letter commenting upon the latter's bill to extend the life of the Federal Radio Commission to March 15, 1929. Mr. Arthur, who resides at 1065 East Ocean Boulevard, wrote as follows:

"MY DEAR CONGRESSMAN: A Los Angeles newspaper of Sunday contains the inclosed statement from you, to the purport that the Radio Commission has failed to accomplish the intention for which it was formed. If you are properly quoted, and I assume that you are, I wish to congratulate you upon your fairness to the public in announcing the truth, knowing that you are partially responsible for the creation of that body.

"The statement of the failure of that body, coming as it does from your pen after the careful attention you must have given the record of the work of that body since its inception, which you so loyally fought to bring into being, is of especial importance to those who are looking for real radio control.

"However, now that you have intimated that the result of the work has fallen short of the orders given the commission by the Congress, why ask to continue the personnel of the commission for a greater time?

"Had the conferee compromise enactment included the suggestion made to both yourself and Senator DILL, that 'direct advertising over the radio be (as was enacted by the Canadian Parliament in its 1926 session) made a misdemeanor,' the overcrowding of the air in congested commercial sections and the supplying of radio communication in the form of entertainment, education, and general information in isolated communities would have been brought about.

"This suggestion, however, was met by yourself and Senator DILL with the objection that 'certain large interests depended upon direct advertising to continue on the air,' when suggested by myself and delegation in the interest of the public.

"May I now ask you, after a year's experiment under the White-Dill conferee compromise, just who those interests referred to were? May I not also assume that the great increase in certain radio stock on the New York Stock Exchange from 51 points to 103 points might not represent the interests of those who would suffer if the advertising clause had been included in the bill?

"If this is true, has the commission not followed out the intent and purpose of the enactment? Or may I suggest that there are certain small community stations which are serving the public without filling the air with advertisements, which are objectionable to the interests of those large interests, whom the White-Dill compromise bill feared to hurt, and that the commission has failed, in that it has not got rid of them during the last year?

"Thinking people, and especially those who watched the nightmare dream of the Senate during the 'filibuster' session between the banking bill and the farm relief bill, know that little, if any, real public relief thinking was done by that body before the law was enacted.

"Now, that you have turned your mind to the real welfare of the radio regulation question, would it not be heroic to give the matter a little deeper thinking as to how the suffering radio-set owners may be relieved from advertising programs that fill the air because the interests must not suffer?

"Is it not time that the community stations of our country, which are working in the interests of home talent and education, be given some real attention and encouragement from governmental radio control?"

1065 OCEAN BOULEVARD,
Long Beach, Calif., January 10, 1928.

Hon. COLE BLEASE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Herewith I am sending you a copy of an open letter addressed to Congressman WALLACE WHITE, partial sponsor of the White-Dill conferee compromise radio law.

The Congressman complains that the commission has made a failure and asks in a bill in the House that its term may be extended.

During the 12 months of operation of that commission the stock of the Radio Corporation of America has increased from 51 points to 103 points, as suggested by me in a letter read in the Senate prior to the passing of the bill. Herein there has been no failure.

The air is still overcrowded with stations, who have kept the air filled with advertisement rather than entertainment and education.

No case has been brought before the Supreme Court to answer the question as to the right of the United States Government under its Constitution to control the air.

But there seems to be a policy of lese majesty in the commission. A small community broadcasting station operator was telling me this morning that he had been giving the community service from his station. That he had never taken a dollar for advertising or other forms of radio communication, and that his station, because of the wide scope of service, needed a better wave length, but he could not get it from the commission. That he did not dare make a complaint lest he offend the commission and lose his license.

This in America, too. It appears as if the Senate of the United States had at last created a monopoly to sustain a monopoly.

It would seem to me as an American citizen, whose father, grandfather, and great grandparent have fought in every war for liberty since the days of tax on tea, that the day might soon come when private or special privileges would be looked down on and that the rights of the little man as well as the corporation be guarded by those who represent us.

Your friend and admirer,

C. WOOD ARTHUR.

Mr. DILL. Mr. President, I do not want to take up the time of the Senate in debating the radio question, but I want to say to the Senator from South Carolina that the only protection this country has against a radio monopoly, which, in my judg-

ment, in its absence would have been consummated ere this, is the radio law that was passed last February.

Mr. BLEASE. Then, Mr. President, God help the free air that He has given to the American people!

Mr. DILL. At a later date I shall attempt to discuss the editorial which the Senator has asked to have inserted in the RECORD. I want simply at this time, in passing, to say that this editorial points out the efforts being made to form a radio trust, but the power is in the commission, and further power is proposed for the commission, that will make impossible the creation of such a trust.

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Mr. SMITH. Mr. President, I have already indicated, both by my votes and by what I have said on this floor, my attitude toward this measure. It is very evident to every student of this question that if we are to have a merchant marine we are restricted to one of two measures, either a ship subsidy or the Government establishing a merchant marine—at least demonstrating whether or not we can have one.

If the question were to come on whether we would have a merchant marine maintained by subsidizing private individuals or a merchant marine established by the Government and maintained for all the people, I want to declare here and now that I would vote for the Government project. I am a good enough Democrat to believe that equal rights to all and special privileges to none is the very fundamental of this Government. If we have to take out of the Treasury money to pay to private individuals in case they lose, and allow them to pocket the proceeds in case they make a profit, that is a special privilege that we are not warranted in granting, whereas if the Government runs the business and there is a loss, all the people lose, and if there is a gain it goes into the Treasury, and all the people benefit.

I am voting for Government ownership and operation in the dilemma in which we find ourselves of making a choice between the Government running and controlling the merchant marine because private interests say they can not and will not, or turning it over to private individuals and making good their losses and allowing them to pocket the profits.

Besides that, Mr. President, by the exigencies of war we came into possession of the splendid nucleus of a merchant marine. We taxed the people, we bought and built the ships. Now that we have them it is our duty to experiment with them, not alone in certain favored ports but in all the ports of this country—north, east, south, and west. South of the thirty-seventh parallel of latitude, when the emergency of war was upon us, there was scarcely a port out of which sailed an overseas ship.

This remedy may possibly remedy the horrible congestion which threatened the life of America when the war broke. I happened at that time to be chairman of the Interstate Commerce Committee. In one or two ports all the freight of the country, all of the munitions and the elements we had gathered together for the prosecution of the war, were so congested that we could not get our loaded freight cars in nor the empties out, while along 3,000 miles of our coast line adequate ports were idle and left without the splendid contribution that they might have given for the distribution of our war supplies. No, Mr. President, there is not a man on this floor but knows that this is an emergency which we should take hold of just as the bill requires us to take hold of it and relieve proud America of the shame of not having our flag on the seas of the world.

Mr. HEFLIN. Mr. President, I heartily concur with nearly everything the Senator from South Carolina [Mr. SMITH] has said. I am going to vote for this bill, because I want to preserve the ships that we have. I want to use those ships for the benefit of American farmers, manufacturers, and other citizens interested in reasonable freight rates. I brought to the attention of the Senate once before the method employed by the Shipping Board to dispose of the ships. I pointed out where they had ships that cost the Government $800,000 which had been sold for $2,100. I pointed out an instance where they sold a ship for $1,600 which cost, I believe, $400,000 or $500,000, and the man who bought it had it insured and lightning struck it, and he collected $35,000 from the insurance company. I want to take our ships out of the hands of such magnificent business men who are selling them to the Shipping Trust for a song.

I heard the able and eloquent Senator from California [Mr. SHORTRIDGE] suggest that he would be willing to give the ships away. I am not willing to do that. I do not want to put the Government in business, but I refuse to sit silent here and permit the ships of the Government to be given away or bartered for a little or nothing to those interested in the shipping business. This fleet of ships cost the Government $3,000,000,000, and here we have some advocates who would leave many of these ships as they now stand—idle—just being kept up by the Government, until the Government might reach the point where it would be willing to give them away.

No doubt the Shipping Trust would be happy to see that occasion come. I am not in favor of that. I had rather put the Government in the business of operating these particular ships than to submit to such a thing as that. I do not want to put the Government in business; but before I will allow the Shipping Trust to rob the Government of its fleet of merchant ships, I will vote for such a measure as this. Of the two propositions which confront us, as the Senator from South Carolina [Mr. SMITH] said, this is the only wise and proper course to pursue, and I shall vote for the bill for that reason.

The PRESIDING OFFICER. If there are no further amendments to be proposed to the bill as in Committee of the Whole, it will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. WILLIS. I have asked for a separate vote on the amendment inserting section 2 of the bill.

The PRESIDING OFFICER. The question then is, with the exception of the one amendment mentioned, on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. EDGE. Mr. President, agreeably to the notice I gave in discussion yesterday, I am going to ask the Senate for another vote on the amendment to the amendment, on page 2, lines 7 and 8, to strike out the words "unanimous vote" and insert in lieu thereof the words "vote of four."

The effect of the amendment, as I have previously stated, and as I think is well understood, would be to provide that by a majority vote of the Shipping Board of seven members ships or other property in the custody of the Shipping Board may be disposed of.

To me it is unthinkable, whatever may be our convictions on the question of private ownership and private operation, temporarily or permanently, that we should establish a bureau of the Government on the basis of requiring a unanimous vote to actually transact any part of its business. It appeals to me that that innovation in itself, apart from all the theory we have discussed and the practical results we have discussed, is a most dangerous departure in the administration of the Government. I do not know of any board of directors in private enterprise, or any bureau or any court or tribunal of any kind except, as suggested by the Senator from Idaho [Mr. BORAH] in the debate a few days ago, perhaps the League of Nations, where it is required that a unanimous vote shall be recorded in order to transact any part of the business of the tribunal.

I think Senators should give careful thought to the innovation that we are proposing to establish in the Government. Personally, I oppose Government ownership and administration of affairs which private capital can and does usually administer. I think it is a wasteful effort to conduct business by the Government which can be better conducted by private interests.

I recognize also the problem we are facing to-day and that we must face for some time to come—public administration of the merchant marine. On several occasions I have been prepared to vote for liberal appropriations in order to make the necessary replacements to balance the merchant marine, but after that is done it is proposed to lock the door, to nail down the windows, and rivet the nails so that nobody in the future, unless some future Congress should change the policy of the Government, can do anything about it. We are asked to saddle this tremendous debt upon the people of the country, which is in my judgment unthinkable. So I want another vote on the one real issue which is contained in the bill. Stripped of all its whereases, stripped of all its hopes for the future of a merchant marine, it comes down to the one innovation requiring a unanimous vote of a board of the Government to transact business.

All this discussion about the sale of ships, Mr. President, contemplates that they are taking the ships away from the sea. When we sell a ship, we simply transfer its ownership from the Government, losing money, to some private operator who, I hope, can make money. The merchant marine is administered just the same. Ships are on the sea just the same. If we sold every one of the ships or if, as the Senator from Cali-

fornia [Mr. JOHNSON] said, we gave them away, it would be the best proposition the country could engage in. So before we enter for all time upon the policy of Government ownership, Government administration, unequitable, unscientific deficits, which have been $40,000,000 to $50,000,000 and which will in the future come up to $60,000,000 or $70,000,000 or perhaps $100,000,000, before we spend the taxpayers' money in that unequitable way, let us give a little more thought to the scientific side of the situation, as suggested by the Senator from Arkansas [Mr. CARAWAY], rather than to an unscientific deficit.

Mr. WILLIS. Mr. President, I desire to make just one brief observation on the amendment offered by the Senator from New Jersey [Mr. EDGE]. Senators will recall that the subject was rather fully discussed the other day; that I offered an amendment to his amendment, then pending; and that my amendment to his amendment was adopted. That led to some confusion in the minds of Senators, I think. Therefore I shall not offer my amendment to the amendment now pending, but if the amendment offered by the Senator from New Jersey providing for a vote of four members of the board shall not be adopted—and I hope it will not be—I shall then offer an amendment to substitute "five" instead of his proposed "four." My belief is that in a matter of such great importance as the sale of these ships we ought to have a two-thirds vote of the board. If the pending amendment fails, I shall then offer an amendment to provide for a majority vote of not less than five.

Mr. BRUCE. Mr. President, I desire simply to say that if we are going to continue Government operation of our merchant marine, it seems to me most important that we should not be looking back over our shoulder, so to speak, at private ownership. The only effect of doing that is to eufeeble Government management.

Of course, the overwhelming majority in the Senate in favor of the bill indicates that there has been the most thorough consideration by the Senate of all the alternatives which are suggested by the bill. The Senate has come to the conclusion that there is really no other alternative except private operation, maintained by a subsidy, and the history of Congress for many years past evidences inflexible opposition on its part to ship subsidies. Effort after effort has already been made to sell our ships. That fact seems to be more or less lost sight of in this discussion. Wherever sales have been made they have been made at an enormous loss to the Government; and there is every reason to believe that a large percentage of all the ships which have been sold by us will pass under the British or other foreign flags. So really there is nothing left for us to sanction except Government operation. Therefore I do approve most strongly of the idea that if there is to be any sale of these ships it should be pursuant only to unanimous action on the part of the board. Otherwise we will have uncertainty, irresolution, nay, even paralysis, creeping into the operations of the Shipping Board under the bill. Hence I feel bound to register my opposition to the amendments of the Senator from New Jersey [Mr. EDGE] and the Senator from Ohio [Mr. WILLIS].

Mr. SHORTRIDGE. Mr. President, the bill as it stands provides that not one ship now owned by the Government may be or shall be sold without the unanimous affirmative vote of the members of the Shipping Board. As the Senator from New Jersey [Mr. EDGE] pointed out, there is not existent to-day on this rolling earth any tribunal, any legislative body, with the possible exception of the alleged League of Nations body, which has any such a restrictive provision governing its conduct of business. We might just as well propose that no bill, however meritorious, should pass the Senate except by the unanimous vote of the Senate as to suggest that no business in the way of selling even one poor sinking, rotting ship shall be transacted except by the unanimous vote of that board.

It may be idle to appeal to the experience of men, to the knowledge of Senators; but I do make a final appeal to intelligence and not to prejudice, to business capacity and not to partisanship, that we ought not to hamper, to hamstring, to control a board, by ourselves set up, so that it would be absolutely paralyzed and impotent to do a manifestly proper and wise thing.

Upon what theory which appeals to the intelligence of men is it that we are to say to our own appointees in whom we lodge discretionary power that they shall not do what every one of us would consider wise to do unless they shall be unanimous in favor of that action? We should repose at least a modicum of confidence in the membership of a board set up by the Congress; I submit that this proposition to prevent the sale of any ship, good, bad, or indifferent, without the unanimous vote of that board ought not to meet the approval of a majority of 96 Senators of a Nation such as ours.

Mr. TRAMMELL. Mr. President, if we do not retain in the pending bill the provision requiring the unanimous vote of the members of the board on any proposal involving the sale of ships, the measure, in my opinion, will become absolutely futile, and will not accomplish the objects and the purposes desired by those who favor its passage.

In 1920, when we were considering what is now known as the merchant marine act, I pointed out that under its provisions while there were some who claimed that the primary purpose was that of the maintenance of an American merchant marine, under the policy outlined under the provisions of that measure the Shipping Board would not only be justified in proceeding but it would naturally feel that it was its duty to proceed to dispose of the ships as rapidly as it could, of course, considering the policy of the establishment of an American merchant marine.

The provisions of the bill which we are considering in no wise change or alter the law of 1920, except in the particular that it provides that ships may not be sold without the vote of the entire membership of the board. If we eliminate that requirement for a unanimous decision on the part of the board, what do we have confronting us? We have the old law confronting us. Section 5 of that law provides:

SEC. 5. That in order to accomplish the declared purposes of this act, and to carry out the policy declared in section 1 hereof, the board is authorized and directed to sell, as soon as practicable, consistent with good business methods and the objects and purposes to be attained by this act, at public or private competitive sale after appraisement and due advertisement, to persons who are citizens of the United States, except as provided in section 6 of this act, all of the vessels referred to in section 4 of this act or otherwise acquired by the board. Such sale shall be made at such prices and on such terms and conditions as the board may prescribe, but the completion of the payment of the purchase price and interest shall not be deferred more than 15 years after the making of the contract of sale. The board in fixing or accepting the sale price of such vessels shall take into consideration the prevailing domestic and foreign market price of, the available supply of, and the demand for vessels, existing freight rates and prospects of their maintenance, the cost of constructing vessels of similar types under prevailing conditions, as well as the cost of the construction or purchase price of the vessels to be sold, and any other facts or conditions that would influence a prudent, solvent business man in the sale of similar vessels or property which he is not forced to sell. All sales made under the authority of this act shall be subject to the limitations and restrictions of section 9 of the "shipping act, 1916," as amended.

So if we give no protection to the policy which many of us seem to favor by requiring a unanimous vote, then, acting under the old law, the board will naturally feel that it has authority to go ahead and proceed to sell the ships.

I voted against the act of 1920 for that very reason, and I then stated in a speech which I made at the time that under the provisions of the law which we were then proceeding to pass, although we declared that the prime purpose was that of establishing an American merchant marine, under the machinery and the procedure which we set up in the proposed act for the establishment of a merchant marine, it was apparent that it was the intention and policy of the Congress that it should be established through private ownership, and, therefore, that the ships should be transferred as rapidly as possible to private hands. The provisions of that law still remain. The only way we can check them in the provisions of the pending bill is to require a unanimous affirmative vote before the vessels may be disposed of.

So I hope that that provision will remain in the pending bill. If it does not remain in the bill, all the discussion and consideration of it will have been absolutely futile; and those of us who believe that our American merchant marine must be maintained, and, if necessary, through the Shipping Board and through the Government, will have been entirely defeated in our object and our purpose that that shall be the policy of the Government. I hope that the provision for unanimity of decision will be retained and that we shall not change that feature of the bill.

Mr. KING. Mr. President, the vote which has been taken to-day, evidencing the great strides which socialism has made in the United States, will afford the utmost gratification to the communists of Russia. When in Russia a few years ago several prominent representatives of the bolshevik government stated that the United States was the leading capitalistic Nation in the world, but that the Government would soon take over the railroads and the ships, and, finally, all "key industries," and then it would be ripe for the realization of communistic idealogy and the communistic régime which they were attempting to establish throughout the world.

The only country in the world, as I now recall, that owns and operates its merchant marine is Russia, which is governed by a limited number of communists. We are taking bolshevik Russia as an example, and we may be surprised if its

government does not wire congratulations to the distinguished chairman of the committee for his efforts to embark the United States upon a bolshevik policy.

Mr. FLETCHER. Mr. President, will the Senator from Utah yield to me?

Mr. KING. I have only a few moments.

Mr. FLETCHER. I wish to call the Senator's attention to Canada and also to Australia.

Mr. KING. They are only dominions within the British Empire, and their activities in constructing and operating vessels in foreign trade are not important.

The Democratic Party was organized to preserve individual rights, to preserve the States from the usurpations of the Federal Government, to develop and maintain the spirit of local self-government. The philosophy of Jefferson opposed centralization of power; it regarded the individual as competent to deal with his own affairs. It opposed socialism and paternalism. It denied the General Government the authority or power to engage in business pursuits and enterprises unless they were inseparably connected with the proper functions of the Government itself.

I can not bring my judgment to support this bill—with due respect to those of different opinions. I am unable to comprehend how they justify this bill or find support for it upon the foundation which supports the principles and policies of Jefferson.

If two years ago it had been proposed by the Republicans that the Government of the United States should permanently own and operate the merchant marine of the United States, every Democrat, I believe, would have voted against the proposition. Yet to-day we find Republicans and Democrats joining and vieing with each other in supporting a measure which, I believe, is fundamentally obnoxious to Democratic principles.

Where will the end be? If the United States may own and operate ships it may own and operate railroads and the key industries and substantially all business enterprises of our country. Such a policy would destroy individual initiative, deter men from investing their capital in enterprises that will come into competition with those conducted by the Government, and lead to the paralysis of our industrial and economic life.

This bill will pass, but, as I said a few minutes ago, there is a man in the White House who, I think, has the courage and the conception of public duty that will lead him to promptly express his dissent.

Mr. HEFLIN. Mr. President, the Senator from Utah seems to think that those of us who support the pending measure will be congratulated shortly after its passage by the bolsheviks of Russia.

Mr. KING. No; I said the Senator from Washington would be congratulated.

Mr. HEFLIN. He would be congratulated on his success in getting the measure through.

I wonder what the patriotic people of America would think of us if we permitted American ships to be bartered away, as in the past they have been bartered away, for $1,600, $1,800, and $2,000 apiece, when their construction cost hundreds of thousands of dollars. I think it is not asking too much to require that the entire board shall be unanimous in deciding whether or not a ship shall be sold. I shall vote in favor of allowing the situation to remain as it is, with the additional safeguard of requiring the entire board to agree before a single one of these ships shall go out of the hands of the Government for such small prices as have been received in the past. I think it is ridiculous that any ships have been sold for such prices, and I want to stop such sales as soon as possible. I repeat, if it takes Government management to operate these ships, I am in favor of putting the Government into this business, rather than to give the ships away and lose three thousand million dollars.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Jersey [Mr. EDGE].

Mr. EDGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH of Massachusetts. I inquire what is the amendment?

The VICE PRESIDENT. It is the amendment of the Senator from New Jersey, which the clerk will again state.

The CHIEF CLERK. The Senator from New Jersey reoffers the following amendment:

On page 2, lines 7 and 8, strike out the words "unanimous vote" and insert the words "vote of four."

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I am paired with the Senator from Ohio [Mr. FESS]. I do not know how he would vote on this question, and therefore withhold my vote. If permitted to vote, I should vote "nay."

Mr. OVERMAN (when his name was called). Again announcing my pair with the senior Senator from Wyoming [Mr. WARREN], I withhold my vote.

Mr. TYSON (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this matter, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 31, nays 52, as follows:

YEAS—31

Bayard	Edwards	McNary	Smoot
Bingham	Gillett	Metcalf	Steck
Blease	Greene	Moses	Steiwer
Copeland	Hale	Phipps	Thomas
Curtis	Hawes	Pine	Tydings
Cutting	Keyes	Reed, Pa.	Waterman
Deneen	King	Sackett	Watson
Edge	McLean	Shortridge	

NAYS—52

Ashurst	Fletcher	Kendrick	Robinson, Ind.
Barkley	Frazier	La Follette	Schall
Black	George	McKellar	Sheppard
Blaine	Gerry	McMaster	Simmons
Borah	Glass	Mayfield	Smith
Bratton	Gooding	Neely	Stephens
Brookhart	Harris	Norbeck	Swanson
Broussard	Harrison	Norris	Trammell
Bruce	Hayden	Nye	Wagner
Capper	Heflin	Oddie	Walsh, Mass.
Caraway	Howell	Ransdell	Walsh, Mont.
Couzens	Johnson	Reed, Mo.	Wheeler
Dill	Jones	Robinson, Ark.	Willis

NOT VOTING—11

Dale	Fess	Overman	Tyson
du Pont	Goff	Pittman	Warren
Ferris	Gould	Shipstead	

So Mr. EDGE's amendment to the amendment was rejected.

Mr. WILLIS. Mr. President, I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 7, it is proposed to strike out the words "unanimous vote" and insert the words "vote of five."

Mr. WILLIS. Mr. President, this is the amendment which was adopted by the Senate recently by a very considerable majority when this matter was under consideration. I am now offering it again, confident that Senators will vote for five instead of a unanimous vote, just as they did previously.

On this amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the Senator from Ohio [Mr. FESS]. Not knowing how he would vote on this question, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. How he would vote on this question, I do not know, and I therefore withhold my vote.

Mr. TYSON (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF], and in his absence I withhold my vote.

The roll call having been concluded, the result was announced—yeas 37, nays 47, as follows:

YEAS—37

Bayard	Greene	Oddie	Steiwer
Bingham	Hale	Phipps	Stephens
Blease	Hawes	Pine	Thomas
Copeland	Keyes	Reed, Pa.	Tydings
Curtis	King	Robinson, Ind.	Waterman
Cutting	McLean	Sackett	Watson
Deneen	McNary	Schall	Willis
Edge	Metcalf	Shortridge	
Edwards	Moses	Smoot	
Gillett	Norbeck	Steck	

NAYS—47

Ashurst	Dill	Johnson	Robinson, Ark.
Barkley	Fletcher	Jones	Sheppard
Black	Frazier	Kendrick	Shipstead
Blaine	George	La Follette	Simmons
Borah	Gerry	McKellar	Smith
Bratton	Glass	McMaster	Swanson
Brookhart	Gooding	Mayfield	Trammell
Broussard	Harris	Neely	Wagner
Bruce	Harrison	Norris	Walsh, Mass.
Capper	Hayden	Nye	Walsh, Mont.
Caraway	Heflin	Ransdell	Wheeler
Couzens	Howell	Reed, Mo.	

NOT VOTING—10

Dale	Fess	Overman	Warren
du Pont	Goff	Pittman	
Ferris	Gould	Tyson	

So Mr. WILLIS's amendment to the amendment was rejected.

Mr. WILLIS. Mr. President, at the end of line 8, page 2, I move to add the following proviso:

Provided, That the foregoing provisions requiring unanimity of action by the board in the sale of ships shall not apply to sales of cargo ships heretofore built.

This amendment has been suggested to me by a number of Senators, particularly by the Senator from Oregon [Mr. STEIWER]. It is drawn to meet the objection, and a very proper objection, that has been made here upon the floor; namely, that by this provision as it now stands it would not be possible for the board to sell even any old ships.

We seek now to remedy that difficulty by providing that while unanimity of action shall be required for the sale of any new ships or any liners, it is not required for the sale of these old cargo ships that are practically out of use anyhow. The amendment gives the board a little more leeway in that direction. I believe it is a wise suggestion.

Mr. JONES. Mr. President, I make the point of order against this amendment that it was not proposed as in Committee of the Whole.

Mr. WILLIS. Mr. President, I want to be heard on the point of order.

The VICE PRESIDENT. The amendment is in order.

Mr. ODDIE. Mr. President, I would like to ask the Senator from Ohio if this amendment would affect the three lines of ships on the Pacific coast which are now proposed to be sold by the Shipping Board?

Mr. WILLIS. I am not familiar with the facts as to those three lines. The amendment provides that the bill shall not apply to cargo vessels heretofore built. The Senator can apply it to the facts of the case he has in mind. I am not acquainted with the facts in that case and can not say whether those are cargo ships or liners.

Mr. ODDIE. They are cargo ships, but carry passengers. It seems to me that there is an inconsistency in this. The description is not clear enough. If it refers to those three lines of ships I shall certainly oppose the amendment, because those are the lines of ships that should not be sold under the present circumstances.

Mr. WILLIS. Answering the Senator's question, I think those ships would hardly be described as cargo ships. In the language of the sea, they would be called liners, instead of cargo ships. At all events, what we are seeking to reach here is a situation where the board will have the right to sell these old ships that are fast becoming obsolete.

Mr. ODDIE. Mr. President, the three lines of ships to which I refer are not obsolete. They are at present under operation from various ports on the Pacific coast.

I move to strike out of the amendment the words "cargo ships" and to insert the words "freighters only."

Mr. WILLIS. I accept that amendment.

Mr. ODDIE. And the words "and not now in the service of the Shipping Board from Pacific coast ports."

Mr. MCKELLAR. May the amendment be read?

The VICE PRESIDENT. The clerk will state the amendment as it would read if amended.

The CHIEF CLERK. As originally proposed by the Senator from Ohio the amendment was, on page 2, line 8, to insert the following:

Provided, That the foregoing provisions requiring unanimity of action by the board in the sale of ships shall not apply to the sale of cargo ships heretofore built.

The Senator from Nevada proposes to strike out the words "cargo ships" and to insert the words "freighters only, and not now in the service of the Shipping Board from Pacific coast ports."

Mr. FLETCHER. I hope the amendment will be defeated.

Mr. ODDIE. I withdraw that amendment and move to amend by adding the words "not now in the actual service of the Shipping Board," leaving off the words "from Pacific coast ports."

The VICE PRESIDENT. Does the Senator from Ohio accept the amendment?

Mr. WILLIS. I accept the proposed amendment.

The VICE PRESIDENT. The clerk will read the amendment as modified.

The Chief Clerk read as follows:

Provided, That the foregoing provisions requiring unanimity of action by the board in the sale of ships shall not apply to sales of freighters only not now in the actual service of the Shipping Board.

Mr. SACKETT. I offer as an amendment to strike out the word "not," because the Senator means just the opposite of the amendment as now read.

Mr. ODDIE. I accept the amendment.

The VICE PRESIDENT. Does the Senator from Ohio accept the modification?

Mr. WILLIS. I accept the modification.

The VICE PRESIDENT. The clerk will read the amendment as modified for the third time.

The Chief Clerk read as follows:

Provided, That the foregoing provisions requiring unanimity of action by the board in the sale of ships shall not apply to sales of freighters only now in the service of the Shipping Board.

Mr. BRUCE. Mr. President, I wish to ask the Senator from Ohio why, if this provision for unanimity is a good one with reference to other vessels, it should be a bad one with respect to freighters. I do not see any logic in the notion that there is any real substantial distinction to be made between different classes of ships as respects this provision of unanimity. Is it not fair to infer that if a ship is not serviceable, unanimity of action by the Shipping Board in all probability would be readily obtainable whatever the class to which the ship belonged? I hope the amendment will be defeated.

Mr. SACKETT. I offer as an amendment that the word "only" be stricken out.

Mr. JONES. Mr. President, I hope this amendment will be defeated.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified to the amendment.

The amendment as modified to the amendment was rejected.

The VICE PRESIDENT. The question now recurs on concurring in the amendment made as in Committee of the Whole, inserting section 2.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. COPELAND. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I have a pair with the junior Senator from Ohio [Mr. FESS], who is absent, so I withhold my vote. If the Senator from Ohio were present, he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. OVERMAN (when his name was called). Again I have to announce that I have a general pair with the senior Senator from Wyoming [Mr. WARREN], who is absent, so I withhold my vote. If the Senator from Wyoming were present, he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. TYSON (when his name was called). On this matter I have a general pair with the junior Senator from West Virginia [Mr. GOFF], who is absent, and I withhold my vote. If the Senator from West Virginia were present, he would vote "nay." If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. FLETCHER (after having voted in the affirmative). I announce my general pair with the junior Senator from Delaware [Mr. DU PONT], which I transfer to the junior Senator from Mississippi [Mr. STEPHENS], and allow my vote to stand.

The result was announced—yeas 53, nays 31, as follows:

YEAS—53

Ashurst	Gerry	McMaster	Shipstead
Barkley	Glass	McNary	Simmons
Black	Gooding	Mayfield	Smith
Blaine	Harris	Neely	Swanson
Brookhart	Harrison	Norbeck	Thomas
Broussard	Hawes	Norris	Trammell
Bruce	Hayden	Nye	Wagner
Capper	Heflin	Oddie	Walsh, Mass.
Caraway	Howell	Ransdell	Walsh, Mont.
Couzens	Johnson	Reed, Mo.	Wheeler
Dill	Jones	Robinson, Ark.	Willis
Fletcher	Kendrick	Robinson, Ind.	
Frazier	La Follette	Schall	
George	McKellar	Sheppard	

NAYS—31

Bayard	Deneen	King	Shortridge
Bingham	Edge	McLean	Smoot
Blease	Edwards	Metcalf	Steck
Borah	Gillett	Moses	Steiwer
Bratton	Gould	Phipps	Tydings
Copeland	Greene	Pine	Waterman
Curtis	Hale	Reed, Pa.	Watson
Cutting	Keyes	Sackett	

NOT VOTING—10

Dale	Fess	Pittman	Warren
du Pont	Goff	Stephens	
Ferris	Overman	Tyson	

So the bill was passed.

INVESTIGATION OF CONDITIONS IN COAL FIELDS

Mr. JOHNSON. Mr. President, I had announced that I would to-day address myself to the resolution providing for an investigation of the coal fields of Pennsylvania and contiguous territory. The hour is so late, the Senate is so weary, we have done such a good job to-day, that I desire to announce that to-morrow, at the first opportunity accorded me, I shall take up the subject matter and address myself to it.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Mississippi, which was referred to the Committee on Commerce:

Concurrent Resolution 3, memorializing Congress to take over and assume flood control on the Mississippi River

Whereas flood control of the Mississippi River is obviously a matter of national interest and concern and falls within the legitimate scope of direct Federal action, the jurisdiction of the United States over the Mississippi River being paramount to that of the several States bordering thereon; and

Whereas the States bordering on the Mississippi River are wholly unable to cope with the flood situation and to prevent loss of human life and calamitous destruction of property caused by the overflowing of the river within their respective territories; and

Whereas in order to prevent further injury from floods emanating from the Mississippi River a governmental course or policy toward said situation should be adopted and immediate governmental action undertaken to restrain and control said floods: Now therefore be it

Resolved by the House of Representatives of the State of Mississippi (the Senate concurring), That the United States Government be, and it is hereby, urged to take over and assume at the earliest practicable moment the function of flood control on the Mississippi River as a matter of entire and exclusive Federal action; and that the Congress of the United States be, and it is hereby, memorialized to at once enact such statutes as may be necessary, proper, or incidental to said course and to effectuate the said policy of exclusive Federal flood control in areas affected by the overflow of the Mississippi River; be it further

Resolved, That officially certified copies of this resolution be mailed and presented to the President and Vice President of the United States and to the Members of the Congress.

Adopted by the house of representatives, January 5, 1928.

Adopted by the Senate, January 9, 1928.

I, Walker Wood, secretary of state of the State of Mississippi, do hereby certify that the above and foregoing instrument entitled "Concurrent Resolution 3" is a true and correct copy of Concurrent Resolution 3 of the Legislature of the State of Mississippi at the 1928 session thereof, as same appears on the enrolled act of said concurrent resolution now on file and a matter of record in the office of the secretary of state.

Given under my hand and the great seal of the State of Mississippi hereunto affixed this 20th day of January, 1928.

[SEAL.] WALKER WOOD, *Secretary of State.*

Mr. HARRISON presented the following concurrent resolution of the Legislature of the State of Mississippi, which was referred to the Committee on Commerce:

Senate Concurrent Resolution 1, urging Congress of the United States to enact adequate flood-control legislation for the lower Mississippi Valley

Whereas the lower Mississippi Valley States were visited in the spring of 1927 by the most disastrous flood in the history of these States, and

Whereas the loss of life was heavy, the loss of property almost incalculable, and the sufferings and privations of the people of the flooded areas well-nigh indescribable, and

Whereas these flood waters came as a result of drainage of 31 States of the Union into this area, and

Whereas the people of the lower Mississippi Valley are now subjected to almost unbearable burdens of taxation in an effort to protect themselves and their property from the destructive effects of overflows of the Mississippi River: Now therefore be it

Resolved by the Senate of the State of Mississippi (the House of Representatives concurring therein), That flood control in the lower Mississippi Valley is a national and not a local problem, that it is a protective and not a reclamation measure, and that the Federal Government should assume full control and bear all the cost of measures adequate for complete and permanent control of the waters of the lower Mississippi River, and the Congress of the United States is hereby petitioned to enact legislation to accomplish this purpose; be it further

Resolved, That the secretary of the senate and the clerk of the house of representatives be requested to transmit copies of this resolution to the Members of the Mississippi delegation in the Congress, and to the chairmen of the Flood Control Committees of the National Senate and House of Representatives.

Adopted by the senate January 4, 1928.

BEDWELL ADAM,
President of the Senate.

Adopted by the house of representatives January 10, 1928.

THOS. L. BAILEY,
Speaker of the House of Representatives.

I, Walker Wood, secretary of state of the State of Mississippi, do hereby certify that the above and foregoing is a true and correct copy of Senate Concurrent Resolution 1 of the Legislature of the State of Mississippi at the 1928 session thereof, the enrolled act of which said resolution is on file in this office.

Given under my hand and the great seal of the State of Mississippi this the 28th day of January, 1928.

[SEAL.] WALKER WOOD, *Secretary of State.*

Mr. HARRISON also presented a petition of sundry citizens of Bond, Miss., praying for the passage of the bill (H. R. 7900) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES presented a petition of teachers of Queen Anne High School, Seattle, Wash., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. COPELAND presented a petition of sundry citizens of New York, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WAGNER presented petitions of sundry citizens of Brooklyn, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. McLEAN presented petitions of Branch No. 32, of Bridgeport, and Branch No. 86, of Hartford, both of the National Association of Letter Carriers, in the State of Connecticut, praying for the passage of the so-called Dale bill, providing increased annunities for retired Government employees, which were referred to the Committee on Civil Service.

He also presented resolutions adopted by Roosevelt Council, No. 8, of New London; Washington Council, No. 7, of Noank; Stonington Council, No. 5, of Stonington; and the board of officers of the State council of Connecticut, all of the Junior Order United American Mechanics, in the State of Connecticut, protesting against the repeal of the national origin provisions of the existing immigration law, which were referred to the Committee on Immigration.

He also presented a resolution adopted at the annual meeting of the Connecticut Farm Bureau Federation, at Hartford, Conn., favoring the making of additional appropriations for agricultural education through the extension service and county farm bureaus, which was referred to the Committee on Agriculture and Forestry.

Mr. ROBINSON of Arkansas presented a resolution adopted by citizens of South Hadley, Mass., in favor of the renunciation of war as a means of settling international disputes, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens, being drainage taxpayers of southeast Arkansas, praying for the passage of legislation to establish a moratorium for the payment of drainage bonds, until such time as agriculture has recovered from its depressed condition, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 2594) transferring a portion of the lighthouse reservation, Ship Island, Miss., to the jurisdiction and control of the War Department, reported it without amendment and submitted a report (No. 185) thereon.

He also, from the same committee, to which was referred the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, reported it with amendments and submitted a report (No. 186) thereon.

He also, from the Committee on Immigration, to which was referred the bill (S. 2370) to amend section 24 of the immigration act of 1917, reported it without amendment and submitted a report (No. 191) thereon.

Mr. WAGNER, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1665) to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif. (Rept. No. 187);

A bill (H. R. 164) to authorize appropriations for construction at the Pacific Branch, Soldiers' Home, Los Angeles County, Calif., and for other purposes (Rept. No. 188); and

A bill (H. R. 7553) for the relief of James Neal (Rept. No. 189).

Mr. ROBINSON of Indiana, from the Committee on Military Affairs, to which was referred the bill (S. 43) for the relief of Frederick N. Carr, reported it without amendment and submitted a report (No. 190) thereon.

Mr. CARAWAY, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 4777) to compensate Robert F. Yeaman for the loss of certain carpenter tools which was incurred by reason of a fire in the Government area at Old Hickory ordnance depot (Rept. No. 193); and

A bill (H. R. 8369) for the relief of Josephine Thibodeaux (Rept. No. 194).

Mr. GEORGE, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1771) for the relief of Peter S. Kelly (Rept. No. 195); and

A bill (H. R. 6162) for the relief of Thomas M. Ross (Rept. No. 196).

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 46) for the relief of Daniel F. Roberts, reported it without amendment and submitted a report (No. 197) thereon.

Mr. TYSON, from the Committee on Military Affairs, to which was referred the bill (S. 723) authorizing the President to appoint, by and with the advice and consent of the Senate, Joseph H. Landrum a first lieutenant of Field Artillery in the Regular Army of the United States, submitted an adverse report (No. 198) thereon, which was agreed to, and the bill was ordered to be indefinitely postponed.

Mr. BLACK, from the Committee on Military Affairs, to which was referred the bill (H. R. 4079) for the relief of William A. Hynes, reported adversely thereon, and, on his motion, the bill was ordered to be indefinitely postponed.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. SMOOT. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, and I submit a report (No. 192) thereon. I wish to give notice that I shall call up the bill at the first opportunity.

The VICE PRESIDENT. The bill will be placed on the calendar.

PROCEEDINGS OF SOUTHERN RECLAMATION CONFERENCE

Mr. FLETCHER, from the Committee on Printing, to which was referred the resolution (S. Res. 117), submitted by him on January 20, 1928, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the proceedings of the Southern Reclamation Conference held in Washington, D. C., December 14 and 15, 1927, under the auspices of the Department of the Interior, Hubert Work, Secretary, and of the Bureau of Reclamation, Elwood Mead, commissioner, be printed, with illustrations, as a Senate document.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 440. An act for the relief of Charles H. Send;

S. 1968. An act to authorize the Secretary of Agriculture to pay for the use and occupancy by the Department of Agriculture of the Bieber Building, 1358 B Street SW., Washington, D. C., and for other purposes; and

S. J. Res. 38. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect if it is adopted.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 2934) authorizing the President to reappoint E. C. Callahan, formerly a captain of Infantry, United States Army, a captain of Infantry, United States Army; to the Committee on Military Affairs.

By Mr. BAYARD:

A bill (S. 2935) granting an increase of pension to Mary E. Fitzgerald (with accompanying papers); and

A bill (S. 2936) granting an increase of pension to Virginia C. West (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 2937) granting a pension to Guy Fruit; and

A bill (S. 2938) granting a pension to Gustav Wulff; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 2939) to reimburse Lieut. Col. Charles F. Sargent; to the Committee on Claims.

By Mr. WAGNER:

A bill (S. 2940) granting a pension to William P. A. Fitzjohn; and

A bill (S. 2941) granting an increase of pension to Anastasia Early; to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 2942) for the relief of Edward B. Eppes; to the Committee on Claims.

A bill (S. 2943) granting a pension to De Etta Wheeler; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 2944) granting an increase of pension to Annie M. Plummer (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 2945) relating to the payment of advance wages and allotments in respect of seamen on foreign vessels and making further provision for carrying out the purposes of the seamen's act, approved March 4, 1915; to the Committee on Commerce.

By Mr. CUTTING:

A bill (S. 2946) providing for the establishment of an agricultural experiment station in the shallow-water area in Lea County, N. Mex.; to the Committee on Agriculture and Forestry.

By Mr. REED of Pennsylvania:

A bill (S. 2947) to provide for the construction or purchase of two motor mine yawls for the War Department;

A bill (S. 2948) to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes;

A bill (S. 2949) to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard;

A bill (S. 2950) to amend the second paragraph of section 67, national defense act, as amended;

A bill (S. 2951) to provide for the construction or purchase of two "L" boats for the War Department; and

A bill (S. 2952) to provide for the construction or purchase of one heavy sea-going Air Corps retriever for the War Department; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 2953) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War; to the Committee on Patents.

By Mr. HAWES:

A bill (S. 2954) granting a pension to Milous Day (with accompanying papers); and

A bill (S. 2955) granting an increase of pension to Sarah A. McEwen (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 2956) to authorize the sale of certain lands to the city of Portland for the protection of the sources of its water supply; to the Committee on Public Lands and Surveys.

By Mr. SHIPSTEAD:

A bill (S. 2957) granting a pension to Samuel H. Anderson (with accompanying papers); to the Committee on Pensions.

By Mr. PHIPPS:

A bill (S. 2958) granting a pension to Nellie M. Sweeney (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 2959) for the relief of Joseph Kahnheimer; to the Committee on Claims.

A bill (S. 2960) granting an increase of pension to Addie Butler (with accompanying papers); and

A bill (S. 2961) granting an increase of pension to Elizabeth J. Mingues (with accompanying papers); to the Committee on Pensions.

By Mr. HOWELL:

A joint resolution (S. J. Res. 88) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers; to the Committee on the Library.

FINANCIAL ARRANGEMENTS WITH FOREIGN GOVERNMENTS

Mr. SHIPSTEAD submitted the following concurrent resolution (S. Con. Res. 8), which was referred to the Committee on Foreign Relations:

Resolved by the Senate (the House of Representatives concurring), That the President be, and he is hereby, requested to direct the Departments of State, Treasury, and Commerce, the Federal Reserve Board, and all other agencies of the Government which are or may be concerned thereunder, to refrain henceforth, without specific prior authorization of the Congress from—

(1) Directly or indirectly engaging the responsibility of the Government of the United States, or otherwise on its behalf, to supervise the fulfillment or financial arrangements between citizens of the United States and sovereign foreign governments or political subdivisions thereof, whether or not recognized de jure or de facto by the United States Government; or

(2) In any manner whatsoever giving official recognition to any arrangement which may commit the Government of the United States to any form of military intervention in order to compel the observance of alleged obligations of sovereign or subordinate authority, or of any corporations or individuals, or to deal with any such arrangement except to secure the settlement of claims of the United States or of United States citizens through the ordinary channels of law provided therefor in the respective foreign jurisdictions, or through duly authorized and accepted arbitration agencies.

NAVAL MINE DEPOT, YORKTOWN, VA.

Mr. GLASS submitted the following concurrent resolution (S. Con. Res. 9), which was referred to the Committee on Naval Affairs:

[S. Con. Res. 9, 70th Cong., 1st sess.]

Whereas in the first deficiency act, fiscal year 1928, approved December 22, 1927, the Secretary of War and the Secretary of the Navy, through a joint board composed of officers appointed by them, were directed to make a survey of the points of storage of supplies of ammunition and components thereof for use of the Army and Navy with special reference to the location of such ammunition and components as are in such proximity to populous community and industrial areas as to constitute a menace to life and property; and

Whereas such act further directs that the results of the survey shall be embodied in a joint report which the Secretary of War and the Secretary of the Navy shall make to Congress not later than March 15, 1928; with their recommendation as to what changes, if any, should be made in such storage facilities and their points of location and the feasibility of the joint use thereof by the Army and Navy; and

Whereas provision was made in such act for the survey and report in lieu of proposed amendments carrying appropriations for removal of explosives from Curtis Bay, Md., and other points; and

Whereas by the first deficiency act, fiscal year 1927, approved February 28, 1927, the sum of $580,000 was appropriated for additional storage and incidental improvements at the naval mine depot, Yorktown, Va., to take care of large quantities of high explosives removed and to be removed to that point for storage; and

Whereas protests have been made by owners of lands contiguous to the naval mine depot, Yorktown, Va., as well as by residents of the city of Williamsburg, Va., against the storage of large quantities of high explosives at such depot, and petitions filed with the Congress praying for relief; and

Whereas it is now urged that the above-mentioned survey and report may result in a proposal for a plan of storage that will render unnecessary the storage of explosives at the naval mine depot, Yorktown, Va.: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That (1) it is the sense of the Congress that no further expenditures be made from the appropriation of $580,000 for additional storage and incidental expenses at the naval mine depot, Yorktown, Va., until the submission to and consideration by the Congress of the results of the survey provided for by the first deficiency act, fiscal year 1928; and (2) the Secretary of the Navy is requested to cause the suspension of work under any contracts that may have been made pursuant to such appropriation, if permissible under the terms of any such contract, until the submission of such report and the consideration thereof by the Congress.

PRESIDENTIAL TERMS

Mr. LA FOLLETTE I submit a Senate resolution, which I ask may lie over under the rule.

The resolution (S. Res. 128) was read, and ordered to lie over under the rule, as follows:

Resolved, That it is the sense of the Senate that the precedent established by Washington and other Presidents of the United States in retiring from the presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions; and be it further

Resolved, That the Senate commends observance of this precedent by the President.

EXPENDITURES IN SENATORIAL ELECTIONS

Mr. NEELY submitted the following resolution (S. Res. 129), which was referred to the Committee on Privileges and Elections:

[S. Res. 129, 70th Cong., 1st sess.]

Whereas enormous sums of money have been expended in behalf of certain candidates for election to the Senate in primary elections recently held in various States: Therefore be it

Resolved, (1) That the expenditure of excessive sums of money in any primary election or nominating convention in behalf of a candidate for election to the Senate, either with or without his knowledge or consent, being harmful to the independence, the honor, and the dignity of the Senate, is hereby severely disapproved and condemned.

(2) That any United States Senator elect shall be deemed not to be entitled to hold a seat in the Senate if there shall hereafter have been expended by such Senator elect, or by any person or persons for him with his knowledge or consent, in aid or support of his candidacy in either the primary election or nominating convention by which such Senator elect was nominated as a candidate for the Senate, an amount in excess of (a) the amount permitted to be expended by the law of the State in which such Senator elect was nominated for the Senate, if such State law provides for a maximum expenditure which is less than that hereinafter provided; (b) the sum of $10,000; or (c) an amount equal to that obtained by multiplying 3 cents by the total number of votes cast in the State of the residence of such Senator elect at the last general election for all the candidates for the office of United States Senator, but in no event exceeding the sum of $25,000; except that money expended by a candidate to satisfy any assessment, fee, or charge made or levied upon candidates by the laws of the State in which such Senator elect resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by this resolution as the limit of campaign expenses of a candidate.

THE MAN FROM MONTANA

Mr. WHEELER. Mr. President, I present an article from the North American Review for February, 1928, entitled "The man from Montana," by Charles Michelson, which I ask may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Senator THOMAS JAMES WALSH has been called the "alibi candidate" for the Democratic presidential nomination. Because of him the South and West are able to deny that it is religious intolerance that makes them fight against Governor Smith and to place their hostility on the ground of Smith's wetness and Tammanyism. He is as good a Catholic as the man who made the brown derby famous, but there never was a time when Dixieland and the Corn Belt have not indicated more or less willingness to accept him as a welcome alternative. Even the Klan shakes no nightshirts at WALSH, perhaps because he has not yet approached near enough a nomination to be deemed dangerous. It may be that this immunity will not continue if, out of another Democratic deadlock, there issues the really impressive figure of the Montana Senator, somewhere near the head of the list, but until that time comes there is no voice raised against WALSH in all the army that regards the defeat of Smith as the first duty of every hundred percenter.

All the important individuals among the preconvention aspirants this year grade up pretty well in ability, experience, culture, and reputation, which are the usual concomitants of eligibility. Availability is another thing, and from western viewpoints, at least, WALSH has all

the high marks. He is always spoken of, politically, in comparison with Smith. His supporters are prone to use the latter as a measuring stick in surveying their candidate. For example:

"Smith is a great governor—well, WALSH is a great Senator, and that for as many terms, and those terms three times as long as the New York executive's.

"Smith was a poor boy who raised himself by sheer ability to eminence. WALSH was just as poor, and taught himself and then taught school while he was learning law, and so progressed until he became the leading constitutional lawyer in Congress. He has traveled widely; his membership in all the big Senate committees has given him the broadest insight into the affairs of government, domestic and foreign.

"Smith can carry New York. WALSH can carry the West, which is bigger than New York.

"Smith has established a standard of honesty in State government; WALSH has chased two Cabinet officers out of the National Government and has made graft as unfashionable as a kleagle in a synagogue.

"Smith represents the national revolt against the Volstead act; WALSH represents the spirit of law observance. If prohibition is not a party issue, why should New York not vote for him as a candidate? If it is such an issue, it should not be lost sight of that there are 10 dry States for every wet 1."

It is not difficult to make out a plausible case for the Walsh candidacy. Except geographically, he measures up to all the standards of the Presidency. One of the appealing things about him is that he drinks as he votes; that is, he is personally as well as politically dry. It is doubtful if that can be said of half a dozen in the whole Senate. It can not be easy for him, for he is a sociable soul; something of an afternoon tea hound. To his further credit be it recorded that he confines his championing of the prohibition cause to business hours. Take him where the cocktails are waving and the balls are high, as his gregarious instinct frequently does, and he enjoys them—vicariously, of course—and does not talk about it afterwards. Recently his State went wet on a referendum, but he did not change with it. He prefers to regard the incident as a Commonwealth aberration from which Montana will recover, and meanwhile he continues to take the dry side of Senate debates and confines himself to ginger ale on the nineteenth hole when he plays golf—which he does painstakingly, if indifferently.

It is the plaint of the Smith people that the Democratic South refuses to consent to the nomination of their man, while it will vote for him if the nomination is forced on them. The Walsh people have as good an argument. If New York and New England would help nominate the Montanian, and would vote for him in the election, WALSH would be elected. Their calculations run this way: WALSH would sweep the West, and would carry the South, and with him as the candidate—with the possible exception of Maryland, wedded to its wet idols—there would be no defection in the border States. Hence they are able to claim that it is the selfishness of New York and its environing communities that keeps WALSH out of the White House.

There are three important counts in the political indictment of Smith: He is wet, he is a Roman Catholic, and he represents Tammany Hall. Only one of these handicaps, again speaking from a western and southern viewpoint, runs against WALSH. Moreover, the argument is that if Catholic New York and Massachusetts Democracy got behind Walsh, it would eliminate the religious issue forever.

There are a lot of people who insist on solemnity in the President. Well, there never was a more solemn man than WALSH. You could no more develop a scandal about him than about the Lincoln Memorial, social, or political, or fiscal. There would be no "revelry" in the White House with him on the job. His respectability is monumental. If he shaved off his mustache he would need only a stock to look like one of the signers of the Declaration of Independence, with his dominating nose, his cold gray eyes, and his beetling black brows. Time was and not so long ago that he adhered to the Western official fashion of wearing his mustache a la walrus. He cropped it about the time he became a national figure, thereby lopping off 15 years from his age appearance, as well as two inches of drooping hair. He is 68, according to the records, which means little; he was as old at 30 and will be just as young at 90.

Charles Evans Hughes became governor and had a shot at the Presidency—which would have been a bull's-eye if he had adjusted his political wind gauge and foresight—by reason of his turning the light on a lot of insurance rascality. If WALSH had come from some more important State than Montana, he would have profited as much. His Teapot Dome and Elk Hills performance is really a classic in muckraking. He went into the oil investigation on a shoestring. All he had to start with was a couple of leases to Sinclair and Doheny, and some sudden prosperity of Albert B. Fall. The elder La Follette had buzzed around these circumstances and reached nowhere. The committee that inherited the investigation generally felt that, after all, the validity of the leases hinged on whether it was a good or a bad deal for the Government, and there was as much authority for the position that it was necessary to operate the reserved fields to prevent their being drained by nearby wells, as for the other theory. That committee had not been going two days before it changed its identity and ever after was the "WALSH committee." He was not its chairman; Lenroot, who had the title, was lost in the shuffle and WALSH simply took possession of the show. When Edward B. McLean came out with his declaration that he had loaned Fall $100,000, taking his notes and a mortgage on the Fall ranches as security, all of the members, except WALSH, thought the bottom had fallen out of the scandal. It was so perfectly credible; just such a thing as McLean might have done, in view of his membership in the Harding circle of which Fall was so conspicuous an ornament. They advised WALSH to close the investigation and leave the matter of the validity of the leases to the courts. Not he; his nose was on the trail and he intended to follow it, so he hiked off to Florida, put McLean under oath, and the excuse for Fall's sudden prosperity was blown sky high with McLean's admission that the checks he handed Fall were returned uncashed, and that his previous story was merely his "going down the line for a friend."

There followed as a natural sequence the coming to the witness stand of Doheny, with his little black satchel, and the tale of an old prospector's affection for his one-time trail mate. It was an appealing picture with its mellowed reflection of the dim frontier; the soft side of a hard-boiled oil multimillionaire of youthful companionship in poverty and hardship merging into the friendship of men in the decline of life. It sounded as plausible as the McLean story—to everybody but WALSH. To him it was only scenery along the route he had marked out, and he herded the two of them into the criminal courts.

The implacability of WALSH stands him in relief among his fellows. Senators, as a rule, are amiable chaps, full bodied, easy going, sparing of effort, tender of amenities, tolerant of their adversaries. Through this comfortable aggregation WALSH stalks, grandly serious; always in earnest. There is something suggestive of those old familiars of the Inquisition about him; a consciousness of rectitude, unblemished by any concern with the feelings of those on the rack. He and Fall had been colleagues for many years and there was between them the community of thought so marked among the Westerners. They were not intimates—WALSH has no intimates. It is doubtful if he ever called a brother Senator by his first name, but he was on as good terms with Fall as with anybody; yet when he became satisfied of Fall's turpitude he went after him with cold ferocity. Newberry was a pleasant Senator; even his political foes felt sorry for him, and were disposed to find excuses for his splurging in his campaign, but WALSH saw only the wickedness and not only never let up himself but saw to it that the others stood to the task of getting Newberry out of the Senate. Denby was another of the victims to WALSH's icy logic and thin-lipped fanaticism for righteousness.

Denby would be Secretary of the Navy yet if it had not been for WALSH's speech demanding his resignation, with its overwhelming concentration of fact. Yet during that lethal address WALSH never once raised his voice. It is rare that he does. He stood at his own desk, dryly, concisely, and pitilessly dissecting the Secretary of the Navy, much as he had taken Newberry to pieces and exhibited the fragments, and when he had finished one more distinguished scalp swung at his belt.

When he once starts on his machine gunning it is a pretty good idea for other people to keep out of the brush, for WALSH is likely to shoot at any suspicious movement. The incident concerning Senator SMOOT, of Utah, was typical. Doheny was on the witness stand before the committee, WALSH was harrying him, and SMOOT sat immediately at WALSH's right.

"What," demanded the inquisitor suddenly, "was in the note Senator SMOOT handed you when you entered the Chamber to-day?"

His fellow committeeman, his associate for a generation, his frequent co-worker by virtue of being from an adjacent State, with identical local interests, was appalled at this straining of senatorial courtesy, and had to explain that he had merely asked the great oil magnate the result of an expert examination on some oil land which Doheny had undertaken for a friend of SMOOT's.

There are two reasons why WALSH does not rant. In the first place, his voice is such that when he lifts it there sometimes comes forth a falsetto squeak instead of a robust roar; in the second place, his sense of order is too intense to permit any display of passion. Hence he speaks as he dresses—so immaculately that it would be an equal relief to hear him split an infinitive or see him with his necktie awry. He is just as exasperatingly sure of his facts as he is of his words, wherefore the Senators have largely given over debating with him. What is the use in arguing with a man who reads incessantly law, history, economics, and remembers every printed page as well as everything he ever heard? It is doubtful if any other legislator could have had that law passed that assesses a fine of $100,000 on a witness who refuses to come to court from over the sea, but WALSH wanted the witnesses against Sinclair, and he poured forth a river of precedents, authorities, and processes, and the Senate as usual took his word for it that the enactment was constitutional.

Being a great constitutionalist is not all near-beer and skittles. A Democrat who could have gone along with the farmers on the McNary-Haugen bill would have had a tremendous pull in the Middle West, particularly as things seemed to point to the nomination by the Republicans of a candidate who will not subscribe to that chapter in the

grangers' bible. Moreover, WALSH's own State is farm-minded. It would be as radical as Wisconsin if WALSH permitted. But the equalization-fee feature of the bill involved a delegation of the taxing power of Congress—treason, barratry, piracy, sacrilege! Some scores of his colleagues voted for it blithely on the theory that the Supreme Court would kill it if the President did not, and that meanwhile election would have come and gone. Those farmer votes, perhaps, meant more to WALSH than to any man in the Senate; there was also the Democratic urge to make things unhappy for Coolidge. It made no difference. There was that nice point of constitutionality; he could see nothing else; and he voted "No."

The hero of this recital stands accused of self-esteem and selfishness. Knowing as much as he knows, and how little the other fellow knows, could hardly be productive of any other appraisement of his own capabilities. The incident oftenest cited to sustain the charge is his refusal to take the vice presidential nomination on the ticket with John W. Davis in 1924. Another man might have been carried away by the excitement of the wind-up of the Madison Square Garden convention, but not its chairman. He had no delusions about Davis's chances; he had no desire to sacrifice himself on the altar of party distress. He had been mentioned all through the convention as a possible compromise between McAdoo and Smith, but nothing came of that, and he concluded that he would rather be an elected Senator than a defeated tail to a national ticket. His friend and colleague, BURTON K. WHEELER, had cast his hope of larger things into the discard and gone charging off with La Follette—because he liked La Follette and the things for which La Follette stood—though he had no more delusions as to the outcome of the election than had WALSH, who probably attributed WHEELER's adventure to the instability of youth.

Nevertheless WALSH is a pretty good Democrat and a real liberal. He showed the latter when he banged away at Attorney General A. Mitchell Palmer, thereby shocking his fellow Democrats for the treason to the Wilson administration. Palmer was engineering the red raids during the excitement of the end of the war and this offended WALSH's sense of constitutional liberty. He joined with BORAH in deprecating the hysteria over anarchistic manifestations. "It is only at such times," WALSH wrote, "that the guaranties of the Constitution as to personal rights are of any practical value. In seasons of calm no one thinks of denying them. They are accorded as a matter of course."

He was a good League of Nations man as long as the fight was in the Senate, but when the Versailles treaty had been rejected he calmly announced in a speech that the Democrats would have to make vast concessions if they were ever going to get a treaty ratified. At that moment there was a Democratic superstition that the country would sustain Wilson in the 1920 election. WALSH is not superstitious. With his customary habit of cold analysis he knew that his party was in for a licking, and saw no value in averting his eyes from so evident a destiny.

Such is WALSH's past; what of his future? He starts this session with a crusade on the big light and power combinations. If there is another Teapot Dome hidden in the ramifications of these, he will dig it out. WALSH's gun is always loaded and he does not go in for paper chases. He needs an issue with which to focus upon himself national attention adequate to counterbalance the disadvantages of his geographical situation and the comparative political unimportance of his State. Like all the others in the second division of Democratic candidates, his only hope lies in the ability of the dry States to prevent Smith from running away with the nomination. If this is done, the convention becomes a free-for-all, and if WALSH can show with sufficient melodrama that the big power trusts threaten the safety of the country he may be able to coordinate the progressive sentiment of the West and the corresponding sentiment of the South, which HEFLIN, of Alabama, so ineptly typifies by linking it with Ku-Kluxism, and thereby get the nomination. Given that opportunity, perhaps he might be able to break the crust of his frigid dignity and rage and storm on the stump. That is really all he needs to be a popular orator. His speeches read classically; there is a hypnotizing accuracy in his massing of facts and a capacity for making word pictures of his arraignments that is altogether satisfactory. If he could only yell them, he would make an amazing campaign.

If he ever reached the White House, he would be as aggressive as Roosevelt, as judicial as Taft, as self-sufficient as Wilson, and as isolated as Coolidge—and as stubborn as all of them put together.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT, NEW MEXICO

Mr. BRATTON. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, on page 2, line 6, to strike out "$1,752,642" and insert in lieu thereof "$1,593,311"; in line 12, to strike out "$1,752,642" and insert "$1,593,311"; in the same line, after "amount," to strike out "$350,000" and insert "$100,000"; in line 14, after "*Provided,*" to strike out "*further*"; and on page 2, in line 22, after the words "taken into consideration any," to strike out the remainder of the bill and insert matter, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to enter into an agreement with the Middle Rio Grande conservancy district, a political subdivision of the State of New Mexico, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the said Middle Rio Grande conservancy district, as provided for by plans prepared for this purpose in pursuance to an act of February 14, 1927 (44 Stat. L. p. 1098). The construction cost of such conservation, irrigation, drainage, and flood-control work apportioned to the Indian lands shall not exceed $1,593,211, and that said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work herein provided for, shall be payable in not less than five installments without interest, which installments shall be paid annually as work progresses, and there is hereby authorized to be appropriated not to exceed $1,593,311, of which amount $100,000 is hereby made immediately available for the payment of the first installment: *Provided,* That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with plans approved by him, he shall withhold payment of any sums that may under the agreement be due the conservancy district until such work shall have been done in accordance with the said plans: *Provided further,* That in determining the share of the cost of the works to be apportioned to the Indian lands there shall be taken into consideration any allowances determined by the Secretary of the Interior as properly deductible, and the total Indian acreage benefited shall be definitely determined by said Secretary and such acreage include only lands feasibly susceptible of economic irrigation and cultivation, and in no event shall the average per acre cost for the area of Indian lands benefited exceed $67.50: *Provided further,* That all present water rights now appurtenant to approximately 8,346 acres of irrigated Pueblo lands owned individually or as pueblos under the proposed plans of the district, and all water for the domestic purposes of the Indians and for their stock shall be prior and paramount to any rights of the district or any property holder therein, which priority so defined shall be recognized and protected in the agreement between the Secretary of the Interior and the said Middle Rio Grande conservancy district, and the water rights for newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water, and such water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians individually or as pueblos or the United States, and such irrigated area shall not be subjected directly or indirectly to the reimbursable features of this act, nor shall it be subject by the district or otherwise to any pro rata share of future operation and maintenance or betterment work. Subject to the foregoing exception the remainder of the share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the funds authorized to be appropriated by the act of February 14, 1927 (44 Stat. L. 1098), shall be reimbursed to the United States in accordance with the benefits derived, but in no event to exceed the limitation of cost herein fixed, under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided,* That such reimbursement shall be made from leases or proceeds from the newly reclaimed Pueblo lands in not less than 40 annual payments, and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the pueblos or individual Indian ownership: *Provided further,* That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by said district in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection by said representative.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TIME OF HOLDING FEDERAL COURT IN ARKANSAS

Mr. CARAWAY. Mr. President, from the Committee on the Judiciary I report back favorably, without amendment, the bill (H. R. 9142) to amend section 71 of the Judicial Code, as

amended, by changing time of holding court at El Dorado and Harrison, Ark.

I call the attention of my colleague the senior Senator from Arkansas [Mr. ROBINSON] to the bill.

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent for the present consideration of the bill. It merely changes the time of holding court at Harrison, Ark., and at El Dorado, Ark., in order that there may be no conflict in the meeting of the courts in that district.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 71 of the Judicial Code, as amended, be amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

"(b) The western district shall include four divisions, constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson; and the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the Eldorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; and for the Harrison division, at Harrison on the first Mondays in April and October.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, and Harrison. Such offices shall be kept open at all times for the transaction of the business of the court."

SEC. 2. This act does not repeal or amend the remainder of section 71 of the Judicial Code as it applies to the eastern district of Arkansas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLLECTION OF PORTO RICAN TAXES

Mr. BINGHAM. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 139, the bill (S. 754) for the relief of certain Porto Rican taxpayers.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut?

Mr. ROBINSON of Arkansas. Mr. President, pending the request of the Senator from Connecticut, I understand that the passage of this or some similar measure is made necessary by the application which has been given to the act of March 4, 1927, denying the district court of the United States for Porto Rico the right or power to issue injunctions in cases involving the collection of Porto Rican taxes.

Mr. BINGHAM. The Senator is entirely correct.

Mr. ROBINSON of Arkansas. I would like to be informed why such a policy was deemed wise or essential, namely, the policy which was incorporated in the act of March 4, 1927? Why was it deemed necessary to deny the right of injunction in tax cases relating to Porto Rican taxes?

Mr. BINGHAM. The reason was that a great many taxpayers of Porto Rico were taking advantage of that method for either not paying their taxes or postponing the payment of their taxes, more than 250 suits or pleas for injunction having been brought to the court at one time, as I was informed.

Mr. ROBINSON of Arkansas. A similar condition might arise in any jurisdiction in the United States where the validity of a tax was questioned.

Mr. BINGHAM. That is true.

Mr. ROBINSON of Arkansas. As I understand it, there were a number of cases in which the injunctions have been permanently granted forbidding the collection of taxes in the district court, and the effect of the statute of March 4, 1927, was to deny them the relief after the court had already decided the case.

Mr. BINGHAM. That is true, Mr. President. The cases have been appealed, and before the appeals could be decided and the cases permanently disposed of by the Supreme Court Congress enacted this law, and the Supreme Court then directed that all of the cases be thrown out of court.

Mr. ROBINSON of Arkansas. Is it the purpose of the bill to give relief in all the cases that were pending at the time of the passage of the act of March 4, 1927, so that it will not have a retroactive effect?

Mr. BINGHAM. Not all the cases. Certain cases have been compromised.

Mr. ROBINSON of Arkansas. I mean of all cases that are still pending.

Mr. BINGHAM. Yes; that is true. The Senator is correct.

Mr. ROBINSON of Arkansas. But if we pass this bill it will hereafter be impossible to secure injunctions against the collection of Porto Rican taxes.

Mr. BINGHAM. Future taxpayers of Porto Rico must not look to the Federal courts for injunctions to prevent the payment of local taxes.

Mr. ROBINSON of Arkansas. I have no objection. I think the passage of the bill is necessary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Territories and Insular Possessions with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That if in any suit pending March 4, 1927, but since abated or dismissed solely by reason of the provisions of the act entitled "An act to amend and reenact sections 3, 20, 31, 33, 38, and 48 of the act of March 2, 1917, entitled 'An act to provide a civil government for Porto Rico, and for other purposes,' as amended by an act approved June 7, 1924, and for the insertion of a new section in said act between sections 5 and 6 of said act, to be designated as '5a' of said act," approved March 4, 1927, the taxpayer had prior to such date obtained an injunction restraining the assessment or collection of any tax imposed by the laws of Porto Rico after trial on merits in the District Court of the United States for Porto Rico, or if in any such suit on appeal to the United States Circuit Court of Appeals for the First Circuit the right of any taxpayer to an injunction restraining the assessment or collection of any tax imposed by the laws of Porto Rico had been decreed, the treasurer of Porto Rico shall enforce the collection of the tax so enjoined or decreed by a suit at law instead of by attachment, embargo, distraint, or any other form of summary administrative proceeding. Notwithstanding the provisions of any existing statute of limitations, any such suit may be instituted at any time not later than one year after the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

Mr. McNARY. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

If the bill is made the unfinished business, I do not propose to proceed with its consideration at this time, but to lay it aside to take up other business of the Senate such as pertains to the morning hour.

Mr. OVERMAN. Mr. President, I understand the Senator does not ask for the passage of the bill this afternoon.

Mr. McNARY. No. I am quite willing to have it laid aside if it is made the unfinished business.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment.

Mr. McNARY. I yield for the transaction of further routine business, if there be any.

THE SHINGLE INDUSTRY

Mr. DILL. Mr. President, I ask unanimous consent of the Senate to file with the Finance Committee an exhibit in the form of some cedar shingles which have been sent me from my State by Mr. J. Goldman, of Everett, Wash. These shingles are identical with about 2,000,000,000 or 3,000,000,000 other shingles which are being manufactured in the State of Washington. As the result of the tariff law which put a tariff on logs and destroyed half the shingle industry, the industry is only producing about 60 per cent of the production in 1922.

When the tariff act of 1922 was passed we were making about 5,500,000,000 shingles a year. Free shingles and a tariff

on logs have practically destroyed this business. It is so difficult to sell shingles in this country now, as a result of the importation of more than 2,000,000,000 shingles a year from Canada, that the shingle mills and their owners in the State of Washington have decided to propagandize a little with these shingles. I understand that more than 5,000 of them have been set aside to be sent to Congressmen and Senators to impress them with the necessity of a tariff on shingles. They are fine cedar shingles, but our shingle-mill owners can not pay American wages and produce them in competition with Canadian shingle-mill operators, who use 60 per cent Oriental labor. So I ask permission to file these shingles with the Finance Committee, and to say in advance that there will be probably 5,000 more of them come to Senators and Members of the House of Representatives, which number will be more than sufficient to roof the halls of the Senate and the House of Representatives.

The VICE PRESIDENT. Does the Senator from Washington ask leave to file 1 shingle or 5,000 shingles? [Laughter.]

Mr. DILL. I ask to file this exhibit, and I give notice that there probably will be 5,000 more.

The VICE PRESIDENT. The exhibit will be filed with the Committee on Finance.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 1, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 31 (legislative day of January 27), 1928

UNITED STATES COAST GUARD

Robert C. Ward to be a chief carpenter in the Coast Guard of the United States, to take effect from date of oath. This officer has passed the examination required for the promotion for which he is recommended.

POSTMASTERS

ARKANSAS

Coles R. Applewhite to be postmaster at Brickeys, Ark. Office became presidential July 1, 1927.

Barney L. Castleberry to be postmaster at Leslie, Ark., in place of J. I. Barnes, removed.

Menno S. Klopfenstein to be postmaster at Siloam Springs, Ark., in place of Marvin Vanhooser, removed.

William J. Vick to be postmaster at Prescott, Ark., in place of W. J. Vick. Incumbent's commission expired December 19, 1927.

CONNECTICUT

William T. Meyer to be postmaster at Bridgeport, Conn., in place of A. F. Connor, resigned.

GEORGIA

William A. Howell to be postmaster at Homerville, Ga., in place of C. E. Morgan, resigned.

ILLINOIS

William M. Rentschler to be postmaster at Allendale, Ill., in place of W. M. Rentschler. Incumbent's commission expires February 1, 1928.

Hugh F. Britt to be postmaster at Olmsted, Ill., in place of H. F. Britt. Incumbent's commission expires February 1, 1928.

David R. Bennett to be postmaster at Panama, Ill., in place of D. R. Bennett. Incumbent's commission expires February 1, 1928.

Elva B. Towler to be postmaster at Shobonier, Ill., in place of E. B. Towler. Incumbent's commission expires February 1, 1928.

INDIANA

Bertha Boyers to be postmaster at Freedom, Ind., in place of Bertha Boyers. Incumbent's commission expired January 3, 1928.

IOWA

Carl F. Grawe to be postmaster at Waverly, Iowa, in place of C. W. Tyrrell, resigned.

Lucie A. Lloyd to be postmaster at Remsen, Iowa, in place of L. A. Lloyd. Incumbent's commission expires February 1, 1928.

KANSAS

Clarence O. Masterson to be postmaster at Wilmore, Kans., in place of F. H. Shearer, resigned.

Nelson Crawford to be postmaster at Dodge City, Kans., in place of C. R. Aten. Incumbent's commission expired January 9, 1928.

KENTUCKY

Achsa Kinnett to be postmaster at Augusta, Ky., in place of Achsa Kinnett. Incumbent's commission expires February 1, 1928.

Ransome B. Martin to be postmaster at Hartford, Ky., in place of R. B. Martin. Incumbent's commission expires February 1, 1928.

Edward F. Davis to be postmaster at Williamsburg, Ky., in place of E. F. Davis. Incumbent's commission expires February 1, 1928.

MICHIGAN

John Z. Bjornstrom to be postmaster at Bruce Crossing, Mich. Office became presidential July 1, 1927.

Ralph M. Sengebusch to be postmaster at Pequaming, Mich. Office became presidential July 1, 1927.

John A. Gries to be postmaster at Laurium, Mich., in place of J. A. Gries. Incumbent's commission expired January 3, 1928.

MINNESOTA

Oscar W. Erickson to be postmaster at Kensington, Minn., in place of O. W. Erickson. Incumbent's commission expired December 19, 1927.

MISSOURI

Frances R. Jones to be postmaster at Sheldon, Mo., in place of J. M. Peck, resigned.

R. A. Gehrig to be postmaster at Salisbury, Mo., in place of F. B. McCurry. Incumbent's commission expired January 14, 1928.

NEW HAMPSHIRE

Lewis R. Hall to be postmaster at Fitzwilliam, N. H., in place of J. K. Rand, resigned.

NEW JERSEY

Waldo E. Rice to be postmaster at Ocean Grove, N. J., in place of O. F. Lee, resigned.

Ralph H. Hulick to be postmaster at Browns Mills, N. J., in place of R. H. Hulick. Incumbent's commission expires February 1, 1928.

Thomas Post to be postmaster at Midland Park, N. J., in place of Thomas Post. Incumbent's commission expires February 1, 1928.

Arthur F. Jahn to be postmaster at Ridgefield, N. J., in place of A. F. Jahn. Incumbent's commission expires February 1, 1928.

Herman H. Ahlers to be postmaster at West New York, N. J., in place of H. H. Ahlers. Incumbent's commission expires February 1, 1928.

NEW YORK

Henry P. Wilcox to be postmaster at Cohocton, N. Y., in place of H. P. Wilcox. Incumbent's commission expired January 9, 1928.

William J. Pike to be postmaster at Sanborn, N. Y., in place of W. J. Pike. Incumbent's commission expired January 8, 1928.

NORTH CAROLINA

Andrew T. Barkley to be postmaster at North Charlotte, N. C., in place of A. T. Barkley. Incumbent's commission expired December 19, 1927.

NORTH DAKOTA

Peder T. Rygg to be postmaster at Fairdale, N. Dak., in place of P. T. Rygg. Incumbent's commission expires February 1, 1928.

Mary A. Manning to be postmaster at Jud, N. Dak., in place of A. M. Patterson. Incumbent's commission expired March 2, 1927.

OHIO

Lillian Mumea to be postmaster at Independence, Ohio. Office became presidential July 1, 1927.

Howard M. Snedeker to be postmaster at Bellaire, Ohio, in place of H. M. Snedeker. Incumbent's commission expired January 15, 1927.

James A. Downs to be postmaster at Scio, Ohio, in place of J. A. Downs. Incumbent's commission expired December 19, 1927.

OKLAHOMA

Hugh M. Tilton to be postmaster at Anadarko, Okla., in place of H. M. Tilton. Incumbent's commission expires February 1, 1928.

Thomas G. Rawdon to be postmaster at Paden, Okla., in place of T. G. Rawdon. Incumbent's commission expires February 1, 1928.

William E. Watson to be postmaster at Quinton, Okla., in place of W. E. Watson. Incumbent's commission expires February 1, 1928.

PENNSYLVANIA

Russell M. Hartman to be postmaster at Arnold, Pa., in place of R. M. Hartman. Incumbent's commission expires February 1, 1928.

Beulah Oswalt to be postmaster at Clarence, Pa., in place of Beulah Oswalt. Incumbent commission expired January 15, 1928.

Frank Kerr to be postmaster at Madera, Pa., in place of Frank Kerr. Incumbent's commission expired January 16, 1928.

George Glenn to be postmaster at State College, Pa., in place of George Glenn. Incumbent's commission expired January 16, 1928.

SOUTH DAKOTA

Mae George to be postmaster at Ravinia, S. Dak., in place of J. H. Deuschle, resigned.

Richard T. Johnson to be postmaster at Volin, S. Dak., in place of I. S. Myron, removed.

Jennie D. Hansen to be postmaster at Valley Springs, S. Dak., in place of J. D. Hansen. Incumbent's commission expires February 1, 1928.

Jessie A. Gerrits to be postmaster at Wentworth, S. Dak., in place of J. A. Gerrits. Incumbent's commission expires February 1, 1928.

TENNESSEE

Peter Cashon to be postmaster at Dukedom, Tenn., in place of Peter Cashon. Incumbent's commission expires February 1, 1928.

WASHINGTON

Jacob H. Berge to be postmaster at Davenport, Wash., in place of J. H. Berge. Incumbent's commission expires February 1, 1928.

Margaret J. Chilberg to be postmaster at La Conner, Wash., in place of M. J. Chilberg. Incumbent's commission expired January 7, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 31 (legislative day of January 27), 1928

Charles A. Dewey to be United States district judge, southern district of Iowa.

POSTMASTERS

ARIZONA

Margaret E. Finletter, Inspiration.

CALIFORNIA

Charles Hofstetter, Harbor City.
Edwin J. Thompson, La Jolla.
Jerome B. Frisbee, Lindsay.
Frank E. Quirk, Rosemead.
John J. Blaney, Weaverville.

DELAWARE

William H. Morris, Greenwood.
Howard Schweitzer, Hartly.
John F. Phillips, Rehoboth Beach.

FLORIDA

Bertha F. Knight, Bartow.
Nina K. Berkstresser, Hawthorn.
Lena M. Powers, Wabasso.

IDAHO

Harold P. Gorton, Cascade.

KANSAS

Chauncey J. Nichols, Arcadia.
Robert R. Carson, Hamilton.
Earl M. Boland, Leon.
Ora A. Smith, Marysville.
George W. Tompkins, Melvern.
Charles C. Andrews, Norcatur.

KENTUCKY

Dewey Daniel, Hazard.
Thomas J. Fitzpatrick, Martin.

MICHIGAN

Floyd Andrews, Clarkston.
Frank E. Richards, Clarksville.
Harry E. McClure, Clinton.
Wilbert L. Nelson, Daggett.
Clara Woodruff, Freeland.
Byron D. Denison, Galien.
Floyd J. Gibbs, Ithaca.
Frank T. Swarthout, Laingsburg.
Orville Dennis, Lake City.
Fay Elser, Litchfield.
Frank G. Leeson, Manchester.
Norman J. Laskey, Milan.
Benjamin F. Peckham, Parma.
William C. Mosier, Paw Paw.
Samuel B. Brant, Pittsford.
Herbert S. Gray, Saginaw.
Martin C. Musolf, Tawas City.
William H. Watson, Three Oaks.
Wellington E. Reid, Ubly.

MISSOURI

John L. Esser, Boonville.
Ruie Chatburn, Buckner.
Charles C. Bishop, Clarence.
Homer Beaty, Drexel.
Ralph E. Johnson, Elmer.
William W. Shoop, Green City.
Raymond F. Gasche, Hillsboro.
William E. Duff, Houston.
Amanda P. Renfrow, Humansville.
Myrtle V. Duncan, Iberia.
John Fleurdelys, Ilasco.
Benjamin H. Linhardt, Jefferson City.
John A. Richmond, La Belle.
Maude F. Eaton, Leadwood.
Ione C. Ritter, Lees Summit.
Ethel I. Kehr, Marthasville.
Leslie R. Millsap, Mount Vernon.
Charles E. Curtice, Neosho.
James W. Fleming, Parkville.
William A. Porter, Plattsburg.
Elliot Marshall, St. Joseph.
Eldridge G. Hoff, Stockton.
George S. Carnes, Trenton.
Harry N. Lutman, Versailles.
Cornelius F. Strack, Wright City.

NEW YORK

Robert C. Downey, Akron.
Lewis A. Brunnemer, Blue Point.
Herbert N. Rothenmeyer, Clarence.
Earl J. Hotwes, Elma.
George H. P. Hackett, Ferndale.
Hugh A. Prentice, Gainesville.
Oby J. Hoag, Greene.
Frank H. Burmaster, Irving.
Violet M. Hill, Loomis.
Edward Everett, Millerton.
William O. Cooper, Oxford.
Lida M. Schwetz, Port Byron.
Williard G. Bullion, Richfield Springs.
Charles L. Carrier, Sherburne.
Luther J. Shuttleworth, Springville.
George L. Helfter, Williamsville.

NORTH DAKOTA

Almeda Lee, Mohall.

OHIO

Lloyd D. Carter, Akron.
Wilber C. Foote, Fredericktown.
William M. Johns, Plymouth.

OREGON

Diana Snyder, Aurora.
Leslie B. Frizzell, Houlton.
Henry H. McReynolds, Pilot Rock.
Nels C. Nielsen, Wendling.

PENNSYLVANIA

Hope B. Sterner, Dewart.
Charles R. Kschinka, Dushore.
Gordon C. Kuhns, Trevorton.

RHODE ISLAND

James H. Whatley, Bridgeton.
Thomas F. Lenihan, Westerly.

TENNESSEE

Colpy Upton, Obion.

VIRGINIA

Jessie M. Martin, Concord Depot.
Neville L. Adams, Gretna.
Claude T. DeBusk, Saltville.

WEST VIRGINIA

Dova Varney, Edgarton.
Epson Cook, Macdonald.

WISCONSIN

Frank A. Hanson, Kewaunee.
Norma E. McNutt, Oxford.

WYOMING

Robert A. Hoover, Green River.
Levi H. Converse, Lavoye.
James A. Woods, Lingle.
Calloway Gillespie, Rock River.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 31, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Beneath the shadow of our Heavenly Father our lives are moving on. For the weakest and the humblest of Thy children there is a goal of love; there is deliverance from evil; there is a transformation into all goodness. We need to start this day right. Make our hearts exceedingly sensitive to the least variation from the truth. Give us, O Lord, clearness of moral perception. Put purpose, power, and contentment into our lives. May sweet charity be their urgent note and pity the one whose heart has grown bitter. Come to the great, wide, needy world of humanity; open its heart to Thee that it may walk in Thy light and possess Thy peace. In the blessed name of our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

DESIGNATION BY CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication:

JANUARY 30, 1928.

HON. NICHOLAS LONGWORTH,
Speaker of the House of Representatives.

DEAR SIR: Desiring to be temporarily absent from my office, I hereby designate Mr. Leroy D. Brandon, journal clerk of the House of Representatives, to sign any and all papers for me which he would be authorized to sign by virtue of this designation and of clause 4, Rule III, of the House.

Very respectfully,

WM. TYLER PAGE,
Clerk of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5725. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Monroe, La.;

H. R. 5726. An act to extend the times for commencing and completing a bridge across the Black River at or near Jonesville, La.; and

H. R. 5728. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near Point Pleasant, La.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR, from the Committee on Appropriations, reported the bill H. R. 10286, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, which was read a first and second time, and together with the accompanying papers referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. HARRISON. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Virginia reserves all points of order.

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the War Department appropriation bill. Pending that motion, I ask unanimous consent that the time for general debate be not fixed at present, but that we go on and fix the time later, and that the time for general debate be controlled, one-half by the gentleman from Virginia [Mr. HARRISON] and one-half by myself.

Mr. HARRISON. I understood that we had an agreement for five hours on a side.

Mr. BARBOUR. Very well. Mr. Speaker, I ask that the time for general debate be fixed at 10 hours, one-half of which to be controlled by myself and one-half by the gentleman from Virginia.

The SPEAKER. The gentleman from California moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the present consideration of the War Department appropriation bill, and pending that asks unanimous consent that the time for general debate be limited to 10 hours, one-half to be controlled by himself and one-half by the gentleman from Virginia [Mr. HARRISON]. Is there objection?

Mr. BLANTON. Mr. Speaker, I shall not object, but I ask whether or not it is not something of a departure from our ordinary practice to introduce the War Department appropriation bill, carrying $389,199,869 from the floor, and immediately move to go into the Committee of the Whole House on the state of the Union for its consideration, when no more than a very few copies of a committee print are available, and when no copy of the bill as introduced is available to any of the membership, because none have yet been printed. When has this ever occurred before?

Mr. BARBOUR. It has occurred frequently in connection with other appropriation bills.

Mr. BLANTON. I have not been able to find where it ever occurred in any long session. In a short session sometimes when the House is behind in its work this has been done.

Mr. TILSON. It has been done this session.

Mr. BLANTON. Not any bill of this importance.

Mr. BARBOUR. My recollection is that it has been done this session with an appropriation bill.

Mr. BLANTON. What is all the hurry about?

Mr. BARBOUR. I understand that the bills will be available this afternoon, and we propose to proceed this afternoon with general debate.

Mr. BLANTON. How are you going to debate a bill intelligently if you do not know what is in the bill?

Mr. BARBOUR. The bills will be here later this afternoon. This is merely a time saver.

Mr. BLANTON. I shall not interfere, but we are getting in a terrible hurry, and into a very bad practice.

Mr. MADDEN. Mr. Speaker, we are strictly within our rights when we introduce a bill and proceed with its consideration immediately. This is not a violation of the rules; it is in strict accord with the rules.

Mr. BLANTON. It is a bad practice.

Mr. MADDEN. We are not going to consider the bill upon its merits to-day. We are going to have general debate. To-morrow is Calendar Wednesday, and on Thursday there will be general debate again, so that everybody will have plenty of time to inform himself in respect to everything that is in the bill between now and the time it comes up for consideration on its merits. I do not consider that we are asking any favors by the method that we are pursuing, though I sometimes think it would be better if it could wait a day. However, this is one of the cases where the organization of the House wants us to go ahead.

Mr. BLANTON. As the Members can not tell what is in the bill except as the distinguished gentleman from California [Mr. BARBOUR] relates it to us in his speech, in order that the membership may hear him, I make the point of order, Mr. Speaker, that we have no quorum. Then the Members may possibly get a smattering of what is in the bill.

Mr. BARBOUR. Will the gentleman withhold for a moment?

Mr. MAPES. Let us fix the time first.

Mr. BLANTON. I insist on the point of order. There should be a quorum here to hear the debate on this $389,199,869 Army bill.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not. The question is on the motion of the gentleman from California [Mr. BARBOUR] that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the War Department appropriation bill. The Clerk will call the roll. Those in favor of the motion will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 328, not voting 105, as follows:

[Roll No. 21]

YEAS—328

Ackerman	Dickinson, Iowa	Johnson, Wash.	Quayle
Adkins	Dickinson, Mo.	Jones	Quin
Allen	Dickstein	Kading	Ragon
Allgood	Dominick	Kahn	Rainey
Almon	Doughton	Kearns	Ramseyer
Andresen	Douglass, Mass.	Kelly	Rankin
Arentz	Drane	Kemp	Ransley
Arnold	Dyer	Kent	Rathbone
Aswell	Eaton	Kerr	Rayburn
Auf der Heide	Edwards	Ketcham	Reece
Ayres	Elliott	Kiess	Reed, Ark.
Bacharach	England	Kincheloe	Reed, N. Y.
Bachmann	Englebright	King	Reid, Ill.
Bacon	Eslick	Knutson	Robinson, Iowa
Bankhead	Estep	Kopp	Robsion, Ky.
Barbour	Evans, Mont.	Korell	Rogers
Beck, Pa.	Faust	Kurtz	Romjue
Beck, Wis.	Fenn	LaGuardia	Rowbottom
Beedy	Fisher	Lampert	Rubey
Beers	Fitzgerald, W. T.	Lanham	Rutherford
Bell	Fitzpatrick	Lankford	Sandlin
Berger	Fletcher	Lea	Schafer
Black, N. Y.	Free	Leavitt	Schneider
Bland	Freeman	Leech	Sears, Nebr.
Blanton	French	Lehlbach	Selvig
Bohn	Frothingham	Letts	Shallenberger
Bowles	Fulbright	Lindsay	Shreve
Bowling	Fulmer	Linthicum	Simmons
Bowman	Furlow	Lowrey	Sinclair
Box	Garber	Lozier	Sinnott
Brand, Ga.	Gardner, Ind.	Luce	Smith
Briggs	Garner, Tex.	McClintic	Somers, N. Y.
Brigham	Garrett, Tenn.	McDuffie	Speaks
Browne	Garrett, Tex.	McFadden	Spearing
Browning	Gasque	McKeown	Stedman
Buchanan	Gibson	McLaughlin	Steele
Buckbee	Gifford	McLeod	Stevenson
Bulwinkle	Gilbert	McReynolds	Stobbs
Burtness	Glynn	McSwain	Sullivan
Burton	Golder	McSweency	Summers, Wash.
Busby	Goodwin	MacGregor	Sumners, Tex.
Bushong	Gregory	Madden	Swank
Butler	Green, Fla.	Magrady	Swick
Byrns	Greenwood	Major, Ill.	Swing
Campbell	Griest	Manlove	Taber
Canfield	Griffin	Mansfield	Tarver
Cannon	Guyer	Mapes	Tatgenhorst
Carss	Hadley	Martin, La.	Taylor, Tenn.
Carter	Hall, Ill.	Martin, Mass.	Temple
Cartwright	Hall, Ind.	Menges	Thompson
Casey	Hall, N. Dak.	Merritt	Thurston
Chalmers	Hammer	Michener	Tillman
Chapman	Hardy	Milligan	Tilson
Chase	Hare	Monast	Timberlake
Chindblom	Harrison	Moore, Ky.	Tinkham
Christopherson	Hastings	Moore, Ohio	Treadway
Clague	Hawley	Moore, Va.	Underhill
Clancy	Hersey	Moorman	Underwood
Clarke	Hickey	Morehead	Vincent, Mich.
Cochran, Mo.	Hill, Ala.	Morgan	Vinson, Ky.
Cochran, Pa.	Hill, Wash.	Morrow	Wainwright
Cohen	Hoffman	Murphy	Ware
Cole, Iowa	Hogg	Nelson, Me.	Warren
Collier	Holaday	Nelson, Mo.	Wason
Collins	Hooper	Nelson, Wis.	Watres
Colton	Houston	Newton	Watson
Combs	Howard, Nebr.	Niedringhaus	Weaver
Connery	Howard, Okla.	Norton, Nebr.	Weller
Connolly, Pa.	Huddleston	O'Brien	White, Colo.
Cooper, Wis.	Hudson	O'Connell	White, Kas.
Corning	Hudspeth	O'Connor, La.	Whitehead
Cox	Hughes	Oldfield	Whittington
Crail	Hull, Tenn.	Oliver, Ala.	Williams, Tex.
Cramton	Hull, Wm. E.	Oliver, N. Y.	Williamson
Crisp	Jacobstein	Palmisano	Wilson, Miss.
Crosser	James	Parker	Woodruff
Crowther	Jeffers	Peavey	Woodrum
Dallinger	Jenkins	Peery	Wright
Davenport	Johnson, Ill.	Perkins	Wurzbach
Davis	Johnson, Ind.	Porter	Wyant
Denison	Johnson, Okla.	Pou	Yon
De Rouen	Johnson, Tex.	Pratt	Zihlman

NOT VOTING—105

Abernethy	Doutrich	Johnson, S. Dak.	Purnell
Aldrich	Dowell	Kendall	Sabath
Andrew	Doyle	Kindred	Sanders, N. Y.
Anthony	Drewry	Kunz	Sanders, Tex.
Begg	Driver	Kvale	Sears, Fla.
Black, Tex.	Evans, Calif.	Langley	Seger
Bloom	Fish	Larsen	Sirovich
Boles	Fitzgerald, Roy G.	Leatherwood	Snell
Boylan	Fort	Lyon	Sproul, Ill.
Brand, Ohio	Foss	McMillan	Sproul, Kans.
Britten	Frear	Maas	Stalker
Burdick	Gallivan	Major, Mo.	Steagall
Carew	Gambrill	Mead	Strong, Kans.
Carley	Goldsborough	Michaelson	Strong, Pa.
Celler	Graham	Miller	Strother
Connally, Tex.	Green, Iowa	Montague	Sweet
Cooper, Ohio	Hale	Mooney	Taylor, Colo.
Cullen	Hancock	Moore, N. J.	Thatcher
Curry	Haugen	Morin	Tucker
Darrow	Hoch	Norton, N. J.	Updike
Davey	Hope	O'Connor, N. Y.	Vestal
Deal	Hull, Morton D.	Palmer	Vinson, Ga.
Dempsey	Igoe	Parks	Welch, Calif.
Douglas, Ariz.	Irwin	Prall	Welsh, Pa.
White, Me.	Wilson, La.	Winter	Wood
Williams, Ill.	Wingo	Wolverton	Yates
Williams, Mo.			

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Vestal with Mr. Gallivan.
Mr. Snell with Mr. Kindred.
Mr. Sproul of Illinois with Mr. Major of Missouri.
Mr. Dowell with Mr. Vinson of Georgia.
Mr. Begg with Mr. Deal.
Mr. Yates with Mr. Cullen.
Mr. Kendall with Mr. Black of Texas.
Mr. Aldridge with Mr. Prall.
Mr. Britten with Mr. Tucker.
Mr. Curry with Mr. Wilson of Louisiana.
Mr. Fort with Mr. Abernethy.
Mr. Sweet with Mr. Carew.
Mr. Welsh of Pennsylvania with Mr. Davey.
Mr. Hancock with Mr. Gambrill.
Mr. Johnson of South Dakota with Mr. Drewry.
Mr. Williams of Illinois with Mr. Steagall.
Mr. Strong of Pennsylvania with Mr. Connally of Texas.
Mr. Dempsey with Mr. Parks.
Mr. Wood with Mr. Boylan.
Mr. Doutrich with Mr. Kunz.
Mr. Cooper of Ohio with Mr. Mead.
Mr. Darrow with Mr. Wingo.
Mr. Purnell with Mr. Carley.
Mr. White of Maine with Mr. Moore of New Jersey.
Mr. Foss with Mr. Sears of Florida.
Mr. Morin with Mr. Goldsborough.
Mr. Burdick with Mr. Montague.
Mr. Palmer with Mr. Lyon.
Mr. Seger with Mr. Douglas of Arizona.
Mr. Stalker with Mr. McMillan.
Mr. Fish with Mr. Williams of Missouri.
Mr. Michaelson with Mr. Doyle.
Mrs. Langley with Mrs. Norton.
Mr. Evans of California with Mr. Sabath.
Mr. Graham with Mr. Taylor of Colorado.
Mr. Thatcher with Mr. Bloom.
Mr. Sanders of New York with Mr. Driver.
Mr. Miller with Mr. Celler.
Mr. Leatherwood with Mr. Igoe.
Mr. Andrew with Mr. Sirovich.
Mr. Brand of Ohio with Mr. O'Connor of New York.
Mr. Fitzgerald, Roy G., with Mr. Mooney.
Mr. Strother with Mr. Saunders of Texas.
Mr. Frear with Mr. Kvale.

The SPEAKER. On this vote 328 Members are recorded—a quorum. But before announcing the result of the vote the Chair will again put the request of the gentleman from California [Mr. BARBOUR] that the general debate on this bill be limited to 10 hours, one-half the time to be controlled by himself and one-half controlled by the gentleman from Virginia [Mr. HARRISON]. Is there objection?

There was no objection.

The SPEAKER. Upon this question the yeas are 328 and the nays none.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10286, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of H. R. 10286, the War Department appropriation bill, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. CLAGUE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, and I shall not, the bill really ought not to be read, because if it is it will be printed in the RECORD, and then the people would find out that it embraces $389,199,869, which is more than the bill for the present fiscal year, and shows that the Army expenditures are increasing all the time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLAGUE. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. WILLIAM E. HULL. Mr. Chairman, 30 years ago, "Remember the *Maine*" was on the lips of every American and to-day, remember the flood of 1927 is the slogan on the lips of every American.

The sympathy of the Nation should go out to the poor people of the Mississippi Valley, where an avalanche of water, 300 miles in length and 100 miles in width, covered every city, village, and farm.

One million three hundred thousand second-feet of water flowed between the levees of the Mississippi River and 1,200,000 second-feet flowed over the land outside of the levees. A total of 2,500,000 second-feet passed through the Mississippi Valley during this awful flood.

PERSONAL INSPECTION

No matter how poor the farmer was, he lost his all except his little family. In despair, he hesitated to move because there was no place to go and no place to stay. Pity and sympathy should go out to the flood sufferers of the valley.

Levees should be built and reconstructed spillways and flood ways should be developed so that never again could such a disastrous flood occur.

With Congressman FRANK R. REID, I covered the entire flooded district by airplane and boat when the water had reached its crest.

Flying over vast territory in the vicinity of Vicksburg, nothing could be seen but water with the exception of an occasional church steeple and the roofs of high buildings.

By boat we reached Simmesport, a small town at the junction of the Old River (an arm of the Mississippi), the Red, and the Atchafalaya Rivers. Here the river had reached within 12 inches of the top of the levees that were 60 feet high. The men and women of the village were at work, day and night, with planks and sand bags raising the levee so as to hold back the water that was gradually rising at the rate of 1 foot every 24 hours. Later a crevasse was made at Melville, 20 miles below, entering into the Atchafalaya River, allowing this water to flow over the Sugar Bowl of Louisiana, the richest land in the State. This gave temporary relief to those residing in the neighborhood of the Red River and the Old River but the whole country below was inundated by the floods, which destroyed farms, crops, stock, and fortunes.

The Government must give relief to the entire Mississippi Valley, which includes all of the States with tributaries flowing into the Mississippi River. [Applause.]

My views on flood relief will be given to you as I see them from personal observation, experience in regulation of floods, and good common business sense.

A NATIONAL PROBLEM

It is a national problem and the expense must be borne by the United States Government, because the States are not able to raise the necessary funds, and complications would hazard the completion of a constructive flood-control program.

The Congress of the United States should pass legislation at this session of Congress for the purpose of completing emergency work in the South and putting the machinery to work to make a study and survey of the entire flooded district, including not only the Mississippi River but all its large tributaries and their tributaries, beginning with the Illinois, Ohio, Tennessee, Yazoo, St. Francis, Missouri, Arkansas, Ouachita Boeuf, White, Red, and the Old Rivers, using the Atchafalaya River as an outlet.

It would be useless to pass legislation to take care of the flood waters of the Mississippi River without passing equal legislation to take care of the tributaries, because it was the tributaries that created the greater part of the late flood.

Let me digress to analyze each of these tributaries in a meager way in order to make myself clear to the Congress that it was the tributaries that really caused the great disaster.

ILLINOIS RIVER

The Illinois River is 230 miles in length, beginning at Utica and flowing into the Mississippi River at Grafton, Ill. Its depth is 7 feet at low-water mark, and it was the first river to overflow in the late flood which started on September 1, 1926, washed out the levees, overflowed the districts, and continued all winter at an abnormal stage. Beginning with the spring rains, in February, 1927, it reached a crest on April 24, 1927, of 24.65 feet. The levees having been washed out, the flood continued until June, 1927.

The levees were repaired in some places by an appropriation from the State of Illinois. However, in the fall, the floods began again and on September 29, 1927, a crest was reached of 22 feet and continued until these floods washed out the levees in the Banner district, the most important one which had been repaired by State funds. And as late as December 27, 1927, we had another flood crest of 21 feet. The continuation of the floods in the Illinois River has been from September 1, 1926, to the present time, January, 1928.

This overflow has covered the levees for at least 150 miles in length and inundated 220,000 acres of the best land in the State of Illinois. Every farmer is practically ruined as the result of these floods. Most all of the farms have been inundated for the past two years, and there have been no crops. Consequently, the Illinois River, which furnished 7 per cent of the flood waters of the Mississippi River, being a slow sluggish stream, these flood waters were again backed up into the Illinois Valley which was really the cause of the continual flood of the entire valley.

The stage of the river in December, 1927, as I said before, is 21 feet against a low-water mark of 7 feet. The late floods of the Mississippi River caused the Illinois River to rise 10.6 feet above the top of the La Grange Dam, which is located 78 miles north of the mouth of the river.

During the flood of the Mississippi River in June, 1844, by reliable authority it is conceded that if there had been no water in the Illinois River at all, this flood would have backed the water up to Utica, Ill., which is 230 miles above the mouth of the river and is the beginning of the Illinois River.

So it is plain that the flood-control program should not only start with the Illinois River but it should be included in the flood control bill.

ALL TRIBUTARIES SHOULD BE INCLUDED

Other tributaries that should have the attention of the commission are the Missouri River, which is a river that naturally discharges at least twice as much water as the Illinois River but, on the other hand, it contributed very little toward the late flood while the Illinois River contributed a very large amount. It would take only a small amount of money to control the floods in the Missouri, which probably would be accomplished by building reservoirs; the St. Francis and the White Rivers are not so large but are contributors toward the flood; the Arkansas, Ouachita, Boeuf, and Black Rivers finally flow into the Red River.

It is anticipated that a flood way from the Arkansas River to the Red River will take care of these tributaries.

The Ohio River, through the work that has been done upon it by the building of locks and making it a navigable stream, will obviate any great necessity of flood control.

It will probably be necessary to do some work on the Yazoo River.

By giving flood relief to all of these tributaries you will relieve to a large extent the flood in the Mississippi River.

INTERIM LEGISLATION

In my opinion, the legislation to be passed by this Congress in a measure should be interim legislation with appropriations not to exceed $50,000,000 per year for three years. The reason that I have come to this conclusion is that you can not spend any more than that amount judiciously per year during the next three years. All necessary work on the lower Mississippi should be done at once in accordance with the plans laid out by the engineers and the Mississippi River Commission to protect the lower part of the Mississippi Valley from immediate floods.

The legislation should be confined to the trunk lines of the rivers running from the Lakes to the Gulf and their tributaries. It is a large proposition within itself and should be confined to the Illinois and Mississippi Valleys.

In order to make a comprehensive plan for flood control of the Mississippi River and all its tributaries, it will require at least one year of engineering, study, and survey. It is my thought that this Congress should determine a policy that would recognize the obligation of the Federal Government to assume and perform the task of flood control of the Mississippi River and all its tributaries. [Applause.]

A combination of flood control by the Government and the States, in my judgment, would be a detriment to the progress of flood control. The States, where the heavy floods occur, are not financially or physically able to combat with such floods as the flood of 1927, and consequently the Government of the United States should have full charge of the building of levees, spillways, flood ways, and reservoirs.

If the States were to have a part, either financially or in designating the plans for flood control, there would be conflicts and the results would be very detrimental, in my judgment, to the success to be attained. An exception might be made where levees are built to benefit the adjacent land. In that case, the present law requires the Government to pay two-thirds of the expense and the landowner or levee district one-third. This rule should apply on the Mississippi River and all tributaries. If the landowners are unable to meet their portion of the assessment, then the Government should accept from them bonds running 25 years at a low rate of interest for the payments, such bonds to be subject to existing liens. The Government in all cases should bear the expense of the general river improvement.

A portion of the Jadwin plan reads as follows:

> The Federal Treasury should bear the portion of the cost of engineer structures for flood control that is justified by the national aspects of the problem and the national benefits. It may even bear 80 per cent of such costs but substantial local cooperation is essential to avoid waste.

As I understand it, this would mean that the State or property owners would pay the other 20 per cent. I am not so sure

that that would be profitable to the Government. The collection of the 20 per cent and mixing the individual or the State in the flood-control program, in my judgment, would be a detriment to the National Government, and therefore it would seem to me under the circumstances that the State should do its part as a whole and come to an agreement with the Government, so as not to establish a precedent of putting the entire burden upon the Government.

The securing of right of way for spillways and flood ways should devolve upon the State through which the spillway and flood way pass. The State should assume that part of the program to secure either easements or purchase of lands for this purpose so as to relieve the Government of any obligation or damage or future responsibility.

If it becomes necessary to purchase the land, the Government should furnish the funds to make the payments and should accept any reimbursements that might come from the resale or the rentals of the land. The States should assume all legal responsibilities. The laws of the States should be so constituted that the minimum purchase price for the land would be accomplished on a basis of the tax valuation of the land. The maintenance and control of the flood ways should be in the hands of the United States Government, but under some conditions it might be equitable to divide the expense between the State and Government.

SURVEY OF UPPER RIVERS NECESSARY

On all of the upper rivers running into the Mississippi River, a complete survey should be made and the commission should take charge of these rivers up to a point reached by the flood of 1927. They should have the same jurisdiction over these rivers as they have over the Mississippi River and should be compelled to control the floods on these rivers. It should be done at the same time and under the same management as that of the Mississippi River.

Flood ways, spillways, levees, and reservoirs seem to be the principal methods for flood control. There is no doubt but what flood ways and spillways will nearest meet the requirements. The engineers so far have selected three or four places for flood ways and spillways. But this is a proposition that should be given plenty of time and consideration, because it involves a heavy expense, a long period of construction, destruction of much property, and it should not be attempted until it has been thoroughly investigated by the proper engineering force.

Reservoirs may be of much service for flood control, but the question arises, Where would be the proper places to locate them? Some argue that they should be at the head of the rivers, while others say they should be near the mouth of the rivers. This is a project that should be given great deliberation, and the engineers should take their time in making a decision, as it will involve large expenditures with possible meager results.

REFORESTATION

Reforestation of the lands will be very helpful to flood control. It is a long-drawn-out process, more or less expensive, but there should be encouragement by the Government to reforestate much of the waste land. It will facilitate the raising of timber for the future and will in a measure be serviceable for flood control. When our great forests existed they were a wonderful help in that direction. Every leaf was a reservoir in itself. A heavy blanket of leaves over the land absorbed tremendous amounts of water; timberlands held the water many weeks while cleared lands allow the water to rush immediately into the rivers. And so reforestation would be of great service to flood control and should have a reasonable amount of consideration.

It is only about once in 5 or 10 years that we have these tremendous floods. We might have one in another year, and still we might run for 10 years without such a flood as we had in 1927.

LANDS IN FLOOD WAYS SHOULD BE CULTIVATED

The lowlands that are to be used for flood ways and spillways should be cultivated and operated just as they are at the present time. In fact, I can see no more danger of operating them after they are put into flood ways than the danger that exists now, because if you would have a flood the same as the 1927 flood, it would overflow this land anyway. After you have made this land into flood ways, then, of course, the water in flood time would go down through the flood ways and overflow it but would soon run off, so there could be very little difference except in the matter of control.

My suggestion is that on all of these properties mounds should be built either by pumping the sand out of the rivers or using the soil to build the mounds. On these mounds the houses and barns should be built, and corrals for the stock should be put upon them. And in cases of emergency, where the flood ways are used, then the people having protected themselves on top of the mounds would be safe from destruction. After the water had passed down they could return to the lowlands again for their farming. Their losses would only be the amount of crops that might be destroyed and the expense of putting the farms back into cultivation.

REVETMENT

Further revetment of the Mississippi and Missouri River banks and all tributaries should be adopted as a fixed policy where it is required.

This is a bold statement, but I am convinced that if flood control is to be a success you must control the banks of at least these two rivers. Cement makes the best revetment. Stone can be used, but they are simplifying the cement revetment now so that it is about as cheap as any of the other kind.

I am reliably informed that wherever these banks have been revetted they have stood up and the results have been satisfactory. The river will do its own dredging. The banks will hold, and they will be serviceable not only for flood control but for navigation. This in itself is going to be an expensive job, because there is 2,120 miles of river bank on both sides of the Mississippi River from Cairo to the Passes, and it should be revetted nearly all the way down. Twenty years may be required for this job. Therefore the acute places should be revetted first.

If an operation is necessary on the human body to save the life, then you should have the operation, and in my judgment revetment is just as applicable to the rivers.

FLOOD-CONTROL LEGISLATION SHOULD AID NAVIGATION

The Rivers and Harbors Committee and the Flood Control Committee of the House should have joint relation in this legislation.

It is important in legislating for flood control not to destroy navigation. If flood control were the only problem in the minds of the committee, a condition might develop where navigation would be destroyed. For instance, flood ways might be built that would take the water out of the tributaries or the Mississippi River so that in low-water time there would not be enough water in the main channel for navigation purposes. It would seem to me that the two committees should have some joint relation, so that in passing bills for the purpose of flood control or rivers and harbors the same money could be utilized for both purposes and flood control and navigation both would be accomplished.

If the river is properly revetted for flood control it will act harmoniously for navigation purposes. The river and harbor bills could be drawn with an understanding that the revetments could be used for both flood control and navigation.

The Congress of the United States should give this joint committee arrangement careful and deliberate consideration.

On flood control a compelling bill should be passed, so that at the next session, after the engineers have had ample time to make a report, with a constructive plan for control of the Mississippi and all its tributaries, the proper legislation and appropriations should be passed to carry out the requirements.

MISSISSIPPI RIVER COMMISSION

The Mississippi River Commission, composed of three Government engineers, one official from the Bureau of Coast and Geodetic Survey, two civil engineers, and one eminent citizen, has been in existence for 49 years. It would be a mistake to discontinue or change this agency except it might be more serviceable if it were under the supervision of the Chief of Engineers. There has been criticism of the Mississippi River Commission, yet it must be remembered that they have had limited means during all of these years to accomplish any great amount of flood control, and especially a flood control to compete with the terrible flood of 1927.

However, the information that they have gathered during these years—the maps, records, observation, surveys, gauge readings, and general knowledge—at the present time is a very valuable asset. I believe that it would be better to continue this commission without change.

It would be my suggestion that the salaries of the commission be raised to a sum commensurate with a good living wage for employment of this character, the members of the commission, including the Government engineers, to be appointed for a term of eight years. The officers of the commission should be selected either by a vote of the commission or be appointed by the President of the United States, and it should be understood that these officers are to give their entire time to channel improvement and flood-control development and shall remain in their position for a period of eight years.

It should be understood among the Government engineers if there is a difference in the rank of the engineers, that regardless of that each should have a free opinion to express his views

on the work to be done. I regard this highly important for such a tremendous task as will be before the commission.

The reason given for the eight-year period can best be explained by what has recently occurred on the commission. Capt. Willis Teale, who one year ago was appointed secretary of the Mississippi River Commission and proved to be a competent secretary, without notice was ordered to the Philippine Islands. But, I understand, the order is temporarily revoked. It is easy to see that if the War Department officials are given the privilege of transferring members of the commission at their will, then there never can be any good come by Government engineers being on this commission, because it stands to reason that continued study and experience will be of great service to the men serving in this capacity.

Making this commission permanent and with adequate salaries to its members so that they may give their entire time to the work and be kept steadily employed will in the long run be money well spent by the Government. This commission should have a definite policy laid out by Congress and they should at each session of Congress make a report as to their program. In doing this a comprehensive plan for flood control will be accomplished.

The Flood Control Committee has held exhaustive hearings on flood control and should be complimented upon the work they have done. Congressman FRANK R. REID, who is chairman of the committee, has given all of his time for the past year to this subject and should receive the commendation of the Congress. [Applause.]

My colleagues, the Government of the United States has made history in passing bills requiring large appropriations. I am confident that the greatest service that Congress can render the people of this Nation will be to pass a bill for flood control of the Mississippi River and its tributaries. It would be useless to pass a bill and an appropriation with less money than enough to make the flood control a success.

I do not believe any one at the present time could state the amount. It might be a billion dollars and it might be more or less, but whatever it is, let us do the emergency work in the South now and immediately secure the information necessary to enlighten this House so that when we do vote for a complete flood control bill for this great river and its tributaries, we will vote for one that will do the work.

The people that live along these rivers are continually in danger, and are entitled to the consideration of the whole of the United States. The Mississippi Valley is the bread basket of the Nation, and supplies the East, West, North, and South with food supplies.

THE FARMER MUST BE PROTECTED

The farmer who tills the soil in this fertile valley is entitled to protection. It can be given in no other way than through national flood legislation, and I trust that we will act consistently on this legislation, and at the same time consider it sanely, because it would be a sin to make a makeshift to save a few paltry dollars on flood control. The poor people of the South are deserving of recognition by the Nation because their entire life has been spent in that section and they have had to undergo many hardships, but, on the other hand, the people of the North, along these other tributaries, have suffered far worse financially per acre than they have in the South, and they are entitled to the same consideration. I hope that at the conclusion of this speech the Members who have heard me realize that I am trying to impart to them in my own way the true condition along these rivers and the remedy as suggested that may bring forth the future prosperity of the valley, of the people, and of the Nation. [Applause.]

Mr. RAGON. Will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. RAGON. I am interested in asking this question because the gentleman has made a very exhaustive statement in a very brief time. I understand the gentleman's position to be, that he feels there should be on the part of the State or the landowners along the Mississippi and its tributaries a contribution of 20 per cent toward construction.

Mr. WILLIAM E. HULL. No; that is not my plan. My plan is to let the law stand as it is, one-third and two-thirds. If the land that is going to be benefited by these levees that are to be built by the Government has any indebtedness against it, has liens on it, or is not able to pay, then let the Government take a 25-year bond, subject to the liens, but at a very low rate of interest. If the land becomes valuable later on, in 25 years it can well afford to pay the one-third. If it did not, then the Government would have to absorb it because it held the bonds.

Mr. RAGON. With reference to the rights of way for these spillways and levees, is it the gentleman's thought that the local unit or the landowners should pay for them?

Mr. WILLIAM E. HULL. No, sir; I did not say that. It is just the opposite. You take Louisiana, which gets most of the flood ways. I know that the people in that State have not the money with which to pay, so I think the State should make arrangements whereby the Government can purchase the flood ways on the basis of tax valuation. In other words, they have got to make their laws so you can go through with the flood ways, and then the Government furnishes the money to pay for them. Then, after a while, it may be possible to resell those lands.

To illustrate, if they are bought at $17 an acre, these flood ways, if they are properly arranged, will make the land more valuable; that is, the land will be better after the flood ways are put in than they are without them. Consequently those lands can be sold, maybe, for half price; and if so, the money received for them would go back into the Treasury of the United States, because it had furnished the original money. If easements were taken the Government would have to assume the easements, and if rentals were charged for any of the lands then, of course, the Government would be entitled to the rentals. But in all cases the State should be responsible for the legality of the proposition and should not hold the Government for any damages in the future.

Mr. RAGON. In other words, the gentleman thinks the primary financial responsibility for the purchase of these rights of way should fall on the States?

Mr. WILLIAM E. HULL. No: I said the money should be furnished by the Government to purchase these rights of way, but I said the arrangements for buying the land should be made by the State.

Mr. RAGON. Does the gentleman mean that the money would be given by the Government or advanced as a loan?

Mr. WILLIAM E. HULL. It would be given outright by the Government. The lands would be purchased by the Government, and if the lands were resold the money would go back into the Treasury of the United States.

Mr. RAGON. Now, as to the incidental damages that might grow out of the construction——

Mr. WILLIAM E. HULL. The State ought to stand that. I do not think the Government ought to be held for such damages.

Mr. RAGON. Then, as to this 33 per cent contribution which we have now, the gentleman would suggest, as I get it from his remarks, that the Government should advance the money for that purpose, if necessary, as a loan.

Mr. WILLIAM E. HULL. Yes.

Mr. O'CONNOR of Louisiana and Mr. CHALMERS rose.

Mr. WILLIAM E. HULL. I yield first to the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. Do I understand it is your idea that the Government would sell the lands within the flood ways after a certain number of years?

Mr. WILLIAM E. HULL. I can see no objection to selling it back to the same farmers you buy it from and let them farm it.

Mr. O'CONNOR of Louisiana. It would then cease to be a flood way.

Mr. WILLIAM E. HULL. No; you would have to sell it with a provision that it would still be used as a flood way.

Mr. CHALMERS. I understand the gentleman has given most of his attention to the financial plans and not so much attention to cause and effect, and I would like to ask the gentleman, if it would not embarrass him in any way, if he has thought out a way whereby we can save part of the flood tide in the Mississippi River and its tributaries during a season by cutting off the water from the Great Lakes.

Mr. WILLIAM E. HULL. That would not amount to anything, because the water of the Great Lakes only raised the Illinois River 3 inches. So it would not be worth while to do that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHALMERS. I would like to follow that question up.

Mr. BARBOUR. Mr. Chairman, I yield the gentleman from Illinois five additional minutes.

Mr. BLANTON. Will the gentleman yield?

Mr. WILLIAM E. HULL. I will yield first to the gentleman from Texas [Mr. BLANTON] and then to the gentleman from Ohio [Mr. CHALMERS].

Mr. BLANTON. The gentleman, seemingly, has been designated by the majority side to open this 10 hours' debate on this $389,199,869 Army bill, and I am wondering if the gentleman is speaking for the administration on this very important subject of "flood control."

Mr. WILLIAM E. HULL. I am speaking from my own observations and expressing my own judgment, and nothing else.

Mr. BLANTON. At the request of the administration?

Mr. WILLIAM E. HULL. No; not at the request of the administration.

Mr. CHALMERS. Will the gentleman yield?

Mr. WILLIAM E. HULL. All right; I yield for one more question.

Mr. CHALMERS. I read in the answer to the case of Wisconsin and Michigan that the water drained from Lake Michigan at Chicago raises the level of the Mississippi River at St. Louis between 2 and 3 feet.

Mr. WILLIAM E. HULL. That is not true.

Mr. CHALMERS. That statement was filed in that case.

Mr. WILLIAM E. HULL. I do not care about that, it is not true. When you have a flood of the proportions we have now at Havana, which is part way down the Illinois River, it raises the river 3 inches. At low-water mark you might raise it 2 or 3 feet, but that would not affect the floods.

Mr. RAMSEYER. I would like to ask the gentleman one question for information. Under the present arrangement whereby the Government pays two-thirds and the levee district one-third, if the levee district, under such arrangement, can not raise its one-third does that mean there is no work done there?

Mr. WILLIAM E. HULL. No; it means that they must give a bond running for 25 years.

Mr. RAMSEYER. No; I mean under the present arrangement?

Mr. WILLIAM E. HULL. Let me finish my statement. It means the Government would take a bond of 25 years for that proportion at a very low rate of interest and the work would then go on.

Mr. RAMSEYER. Then what is the difference between the present arrangement and the gentleman's plan?

Mr. WILLIAM E. HULL. Under the present arrangement they have to raise the money immediately.

Mr. RAMSEYER. The present arrangement is that the levee district must raise the money and if they do not raise the money there is no work done?

Mr. WILLIAM E. HULL. That is true, but my plan is to have the work done and let the Government take a bond for their portion.

Mr. RAMSEYER. I am just asking what the existing law is.

Mr. WILLIAM E. HULL. The existing law is as the gentleman has stated.

Mr. O'CONNOR of Louisiana. Is the gentleman under the impression that a flood way is for the protection of the people living within the flood way or those living outside of the flood way?

Mr. WILLIAM E. HULL. The flood ways are for the protection of the whole country by letting the water out.

Mr. O'CONNOR of Louisiana. And does not concern the people living there?

Mr. WILLIAM E. HULL. But if you do not use the flood ways for 10 years, why not farm them during that time?

Mr. RAGON. Will the gentleman yield again?

Mr. WILLIAM E. HULL. Yes.

Mr. RAGON. The gentleman made a statement a moment ago with reference to the importance of tributaries and the gentleman made the statement that the Arkansas River runs into the Red River. It does not, but runs directly into the Mississippi.

Mr. WILLIAM E. HULL. Yes; I did not mean to make that statement.

Mr. RAGON. I will give the gentleman one example of how important the tributaries are. Down the Arkansas River on April 20 there passed 815,000 cubic feet per second of water. In the White River, at the same time, there poured 450,000 cubic second-feet of water. In other words, from these two rivers that flow into the Mississippi at the same point, there were over 1,200,000 cubic feet per second of water that contributed to the flood down there, and I will say to the gentleman that Arkansas, perhaps, suffered more than any other State in the Union from the flood.

Mr. WILLIAM E. HULL. Not any more than Louisiana.

Mr. RAGON. Yes; I think we did.

Mr. WILLIAM E. HULL. I was down there, and I could not see anything but water there.

Mr. RAGON. You could not in Arkansas either; but I will say this much, in support of the gentleman's argument, that two-thirds of the damage done in Arkansas was done by the tributaries.

Mr. WILLIAM E. HULL. Yes; by the tributaries.

Mr. MANSFIELD. Will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. MANSFIELD. I want to get a little more clearly in the RECORD the effect of the diversion from Lake Michigan. The statement of the engineers before the Committee on Rivers and Harbors three years ago at the hearings showed that the effect of the 10,000 cubic second-feet of water raised the Mississippi at St. Louis at low stage only 1 foot.

Mr. WILLIAM E. HULL. Yes.

Mr. MANSFIELD. And at the mouth of the Illinois River 1.1 feet.

Mr. WILLIAM E. HULL. That is at low stage, and at high stage it would hardly raise it at all at St. Louis. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. BARBOUR. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. FROTHINGHAM].

Mr. FROTHINGHAM. Mr. Chairman, I have introduced a joint resolution which provides that in the opinion of the Congress of the United States all nations of the world should unite in prohibiting the use of submarines and discontinuing the construction thereof in every country. That the Government of the United States continue to use efforts to bring about these results.

Ever since the World War I have been hoping that submarines might be banned by treaty between the United States and other nations.

While sitting on the Rules Committee during the consideration of a joint resolution authorizing the President to appoint a commission to investigate the accident to the *S-4*, it occurred to me that the Congress, in addition to the adoption of that resolution, should take a stand in favor of outlawing submarines. So I introduced a resolution to that effect, which was referred to the Committee on Foreign Affairs of this House, and I hope it will be acted on either in the form in which it was presented or in some other effective form. In other words, let us take a stand declaring our desire to do away with submarines as soon as other countries will agree to do so.

I am strongly in favor of keeping up our national defense, and always have been, but I do not believe in murder, either in time of war or in time of peace. [Applause.]

Efforts to outlaw the submarine were made at the Conference on the Limitation of Armament in 1921 and by the delegates of this country at a meeting in Europe several years ago. Whatever the opposition of some given nation may be at some given time, there may be good arguments and valid reasons for their changing. The interests and policies of nations are seldom constant fixtures.

The World War showed that submarines operating as commerce destroyers were committing cold-blooded murder.

The sinking of the *Lusitania* and the horrible sufferings connected therewith are still fresh in our minds. That was only one of a number of dreadful occurrences. Yet it probably was not intended to hit the *Lusitania* in such a vulnerable spot that she would sink almost immediately and without due time to put passengers in boats. But in a rough sea or for a long journey what protection do small lifeboats afford?

It is often impossible for a submarine to distinguish definitely whether a vessel is an enemy ship or not. Especially is this true if it is night and no lights are shown. The delicate submarine does not dare to expose itself or get dangerously near the object of attack. Moreover, even in daylight and in smooth seas it is impossible for the submarine to sink vessels without committing cold-blooded murder of the passengers and crews.

There is no need to enter here into the law of the sea relating to neutrals, belligerents, merchant ships, whether combatant or noncombatant, or the right of search and seizure, as I claim that a submarine will not and as a physical impossibility can not be used effectively against merchant ships except in an unlawful and brutal manner.

The laws of nations governing procedure in time of war which have been evolved so slowly from the days of barbarism have accomplished much but have failed to curb the brutality of this undersea craft that avoids a foe except when the opponents back is turned:

In the cankerous mind of the devil
There festered a fiendish scheme;
He called his cohorts around him
And designed the submarine.

* * * *

The engine room when under way
Is a place of torture, for the brain,
With the two big Diesel engines
Roaring and shaking as though in pain.

The after battery is where we eat;
That is, when we roll the least;
While hanging on to keep our place
Like some prehensile beast.
* * * *
We're bottled up, just like a trap,
With nothing in between
The sea and death but a metal cap
Like the lid on a soup tureen.
* * * *

The claim that they would develop into commerce carriers in time of peace has proved elusive.

The cruel actions of submarines in time of war are written in history. The list of accidents in time of peace is a long one.

It is necessary to go back only a few years to realize their frequency and seriousness, and I do not include all accidents to our submarines, but only those which resulted in loss of life.

On July 30, 1919, the United States submarine *G–2*, while engaged in depth-charge experiments, sank, drowning three men.

On September 26, 1921, the submarine *R–6* sank in San Pedro Harbor and two men were drowned.

On October 29, 1923, the *O–5* and a steamer collided and three men on the submarine were lost.

On September 26, 1925, the *S–51* collided with the *City of Rome* off Block Island and 34 of the former's crew were lost.

On April 20, 1926, the submarine *S–49* suffered from an explosion in which 10 men were injured, three of whom subsequently died.

On December 17, 1927, the submarine *S–4* sank, due to a collision, and the 40 men on her were lost.

Tap, tap, tap—long will those sounds linger and haunt us.

Some of these accidents occurred because of collisions and some through mishaps to the delicate mechanism on submarines.

If we add the list of casualities in other countries the loss is many times more appalling. Foreign nations have had worse and quite as frequent accidents.

These are not necessarily due by any means to the fault of the Navy, for our Navy is composed of the finest, most intelligent, and patriotic of our citizens.

The disasters are due to the inherent delicacy of construction and the difficulties of maneuvering the vessels themselves.

I have cited enough casualties to show that submarines are death traps in time of peace. When submarines came into existence and for years afterwards the murderous lengths to which they could go was unforeseen. During the Spanish-American War I do not remember having seen any on either side in the waters around Cuba.

It does not seem that they were used to any great extent during the Japanese-Russian War.

In fact I do not think they came into general practical use until just after that war, and they do not seem to have been used in their full death-dealing capacity until many months after the outbreak of the World War.

Submarines, like poisoned gas, are a menace to noncombatants and to civilization. The use of both should be prohibited. When it comes to the practical side of approaching such prohibitions, however, the chances would be different, for while, manifestly, it would be difficult to detect the manufacture of poisoned gas the construction of a submarine and instruction of men in its use would be very difficult to conceal.

It has never been lawful to war on noncombatants, and I hope it never will be. It has never been lawful to fire on women and children and we must see that it never will be.

Making treaties to prohibit the use of submarines for such purposes would strengthen the international law, but we have seen how in the desperation of war treaties were broken during the last conflict. The only sure method of prevention is to prohibit construction and ban the use of the murderous submarine. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield to the gentleman from Tennessee such time as he may desire.

Mr. GARRETT of Tennessee. Mr. Chairman, I had not expected to address the House or the Committee of the Whole on the subject of flood control until a later period in the session, but taking advantage of the interest elicited by the remarks of the gentleman from Illinois [Mr. WILLIAM E. HULL] I will avail myself of the opportunity of presenting some aspects of this matter at this time which, so far as I know, have not been brought to the attention of the House, although they have been brought to the attention of the Committee on Flood Control.

I do not agree entirely with the gentleman from Illinois, but at the present time I do not propose to argue the questions upon which I disagree beyond merely stating them.

The gentleman from Illinois, as I understand it, takes the Jadwin plan as the basis of his remarks. Do not misunderstand me. I do not understand him as indorsing the Jadwin plan entirely, but it is the basis upon which he builds the structure he would have us indorse.

Let me say that from the very beginning I have always said the physical features of flood control had to be determined by engineers. I do not know how to control flood water. I do know that you can not squeeze it, that it can not be compressed so as to occupy a smaller space than it is now occupying. And so it has been my disposition from the very beginning to follow what seems to be the best considered plans by the best engineering talent of the country, whether that talent was found in the ranks of the Army engineers or in civil life.

But the legal questions ought to be determined by Congress. The respective participation of the Federal Government and of the States or subdivisions of States is distinctly and emphatically a matter which ought to be determined by the Congress itself.

Therefore to my mind the Chief of Engineers and the Mississippi River Commission as well, in its plan, might very well have confined themselves to bringing before the Congress and its proper committees the physical features required in their recommendations for control and have omitted to dwell upon these questions of national and local participation, because that is a thing which we must determine. Yet both the engineers and the commission have laid much stress upon their belief that there should be a large amount of local participation.

Mr. Chairman, there are two important factors in this local participation. One of them seems to have escaped any very great consideration here, and that is the matter of rights of way, both for levees and for the flood ways. That question is not free from difficulty in its legal aspects in respect to just how far the Federal Government can go, and how far it ought to go in condemning rights of way upon which to construct the protective levees, if condemnation be essential. The other factor, of course, is that of the amount of money participation which should be required of the localities, if any.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. Of course, I am very much concerned about the final adjudication of this matter, as all citizens of the United States properly should be. The question that has been troubling my mind is whether a blanket bill, for example, taking in everything from the Atlantic to the Pacific, from Winnipeg to the Everglades, assuming every responsibility for every act of every community, every State, every county, should be given serious consideration in the question of flood control, or should we differentiate between the cases that have merits of their own? Should everything, irrespective of whether it has merit or not, be put into a blanket bill? That is the thing that bothers me. I wonder how the gentleman from Tennessee feels about that?

Mr. GARRETT of Tennessee. I have no hesitation whatever in saying to the gentleman from Illinois [Mr. MADDEN] how I do feel upon that matter. Of course, it has been anticipated by some from the very beginning that one of the difficulties attendant upon securing the passage of any legislation would be the desire to bring into it all sorts of schemes, plans, and theories that have been advanced from time to time over the years that might in some sort of way affect flood control. So far as I am concerned, I reiterate what I said in the beginning, that I recognize the physical features to require an intelligent engineering plan, and my disposition, I would say to the gentleman from Illinois, is very determined upon the proposition of following, so far as the physical features are concerned, the recommendations of what seems to be the best thought of the best engineers whose advice is available to us and eliminate what we might call the theories and, as I think, the very visionary proposals coming from other sources.

The gentleman from Illinois [Mr. WILLIAM E. HULL] advanced the thought that it would be the duty of the States to acquire in some way the flood-way territory, the lands over which the flood way is proposed by the engineers to be constructed. I do not believe that is tenable. I am sure that it is not tenable so far as the State of Tennessee is concerned, for reasons which I shall explain to you in a very few minutes. My opinion is that if we adopt the theory which I understood the gentleman from Illinois [Mr. WILLIAM E. HULL] first to assert—that this should be regarded as a national project, a national duty—that that duty will apply to rights of way as much as it will to construction. I have here a very poor map for my purposes, but perhaps it will aid us a little. It would be better if we had a map really for this purpose. The Jadwin

plan, as it has come to be known, really begins practically with Cairo, Ill. There exists now a levee from Bird Point, opposite Cairo, to New Madrid, Mo., a distance of about 70 miles. The Jadwin plan proposes to lower that levee a few feet, and then 5 miles west construct another and parallel levee, a very high and, of course, a very substantial levee, and the 5 miles of territory between the existing levee which is to be lowered and the new levee is to constitute a flood way when the water has reached a certain stage at Cairo. I will ask the gentleman from Illinois [Mr. DENISON] just what that stage is?

Mr. DENISON. As I remember General Jadwin's testimony, I think it is to go over at 55 feet.

Mr. GARRETT of Tennessee. It seems to me that is 53 feet, but I will not be sure. At any rate, when the water shall have reached a certain stage at Cairo, then the height of the present levee is to be regulated in such a way as that the water will begin to pour through this flood way, thus relieving the situation at the city of Cairo and presumably relieving the strip on the east bank of the river in the State of Kentucky, and just a little bit of it, perhaps, in the State of Tennessee, although very, very little, if any. The water passing through that flood way will be returned into the river at New Madrid, Mo., or near there. Then it is proposed from New Madrid south to Helena, or the mouth of the Arkansas, to increase the height of the levee on the west bank which is now in existence and rely upon that single levee for protection. The result of that will be to make a flood way of a part of my congressional district—that portion of it which borders on the Mississippi River. The whole effect of the floods of the Mississippi River in Tennessee are in the district that I represent. There are five counties from the Kentucky to the Mississippi line, north and south, across western Tennessee, the most southerly county being Shelby, in which the city of Memphis is located, and that county is in its entirety sufficiently high so that the floods do not materially affect it. The only danger to the city of Memphis lies in caving banks. It is not proposed in this plan to do anything in the State of Tennessee. There is just one levee there, known as the Reel Foot Levee, the major portion of which is in the State of Kentucky, and 4.6 miles of which, as I now remember the figures, are in the extreme northern part of Tennessee.

That protects a small area in a portion of one of the counties of my congressional district, and that is the only protection that we have; and it is not proposed to give us anything additional, but by the raising of the levee on the the west bank to make us the flood way to carry the water, nearly all of which in a state of nature would flow on the west side and leave us untouched.

The CHAIRMAN. Fifteen minutes of the gentleman's 20 minutes has expired.

Mr. GARRETT of Tennessee. I will take that five minutes left.

Mr. DENISON. Mr. Chairman, will the gentleman yield there?

Mr. GARRETT of Tennessee. Yes.

Mr. DENISON. I read the testimony and the statement that the gentleman referred to—General Jadwin—but I do not believe that he intended to make that part of Tennessee a flood way.

Mr. GARRETT of Tennessee. He did not say that. Oh, no; he did not say that, but it is going to do it. He does not say anything about Tennessee at all.

Mr. DENISON. The gentleman then infers that from the fact that he failed to mention it?

Mr. GARRETT of Tennessee. No; I infer it because I know the water will go over there.

Mr. DENISON. I think General Jadwin intended that the levee should be improved on both sides of the river, and that is not going to make a flood way in the gentleman's district.

Mr. GARRETT of Tennessee. It is not naturally a flood way now. We would not care for the levees on that side except for the levees on the other side. Our side is naturally the high side of the river. Naturally there would be, at times, high water on that side, but the serious damage in Tennessee has been caused by the levees on the west side diverting the waters from their natural course on the side of the stream opposite to Tennessee.

Now, since this will in fact make a flood way of that part of Tennessee subject to damage, the State of Tennessee will have no interest in owning that territory; it is worth nothing to the State of Tennessee. It is the National Government that aided heretofore in doing the things that have damaged us. It is the National Government which is to put up at least a large proportion of the money to do the construction which is to damage us in the future, and I feel that any plan which is brought in must make provision whereby the National Government in some way will recompense these owners who will be damaged by the direct acts of the Government itself. But the State will not have any interest in buying it.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. All of this discussion shows, of course, that this question ought not to be settled without due deliberation. I fear there is a disposition on the part of many to jump to conclusions without knowing much about the plan. I think perhaps that will turn out to be the case in the final solution of the problem.

Mr. GARRETT of Tennessee. I agree with the gentleman that this is a case that requires great deliberation, and I presume the gentleman does not mean to intimate that that deliberation can not be had at this session. I think we should have action at this session.

Mr. MADDEN. I simply think conclusions ought not to be jumped at.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. QUIN. There are localities in Mississippi where the same conditions obtain as in Tennessee.

Mr. GARRETT of Tennessee. Yes. In 1912 there was secured through the efforts of some of us a survey of these basins, so-called, with a view to obtaining a statement from the Mississippi River Commission as to whether it would be feasible and justifiable, both from the physical and the economic standpoint, to build levees for the protection of these narrow basins in Tennessee and Mississippi. That report will be found embodied in the hearings before the Committee on Flood Control at the present session of Congress. The report is practically exhausted now as a public document, and was inserted in the recent hearings. It was found that it would be feasible to levee parts of these basins, but all of that has now been abandoned, so far as the Jadwin plan and so far as the Mississippi River Commission plan is concerned.

Mr. DENISON. Mr. Chairman, will the gentleman yield again?

Mr. GARRETT of Tennessee. Yes.

Mr. DENISON. Has the commission outlined a plan that would be feasible and practicable to do that?

Mr. GARRETT of Tennessee. They found that it would be feasible to protect a part of the area, part of three counties. Part of it is so narrow that they reported that the cost of the construction of the levee in its relation to the value of the land on account of the restricted area would be such as would not justify it. But if it is not feasible and practicable to protect by levee, then, since the Government is doing us the damage on account of its construction on the other side, we must have some sort of compensation, and in any conclusion that is brought in here, whether based on the Jadwin plan or the commission plan or the plan of Mr. HULL, whatever plan may be adopted, some provision must be made to pay us damages, and that payment must come from the Federal Government, because the State has no interest whatever in it. It is not proposed to protect an additional inch of Tennessee.

Mr. DENISON. So far as I am concerned, I think the land in Tennessee should be given exactly the same protection as the land across the river, and if it can be done by levees, that should be done; if it can not be done and the flood-protection policy approved by Congress should cause additional damages to Tennessee, it ought to be paid for by the Government.

Mr. GARRETT of Tennessee. I thank the gentleman. I can not but feel that the entire House will recognize the justice of that proposition.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield there?

Mr. GARRETT of Tennessee. Yes.

Mr. RAMSEYER. Can the gentleman give us the area in Tennessee that was to be protected from flood by this proposed plan in 1912?

Mr. GARRETT of Tennessee. I can give it exactly from the report of 1912. The commission in making that survey divided that area extending from the Kentucky line down to the Mississippi line into three basins. The upper basin, extending from Tiptonville, in Lake County, to the mouth of the Obion River, comprises 220,030 acres, including sand bars and the like. It was said that the backwater, like that in the year 1912, would cover 102,900 acres. The flood of last year did in fact cover all of that and much more.

The area lying between the levee and the hills that would be wholly or partially protected—this is in the first basin—amounts to 193,001 acres. The second basin, extending from the mouth of the Obion River to the mouth of Cold Creek, contains 102,436 acres. That part of it they report it would

be impracticable to protect by a levee because of the expense. The third area is from Chickasaw Bluff No. 2 to Memphis, Tenn., a distance of 53 miles, which has an average width of about 1½ miles and contains a total of 51,232 acres.

Now, Mr. Chairman, I am not going to detain the House longer at this time about this matter, but I did think, particularly in view of the very strong grounds taken by the gentleman from Illinois [Mr. WILLIAM E. HULL] upon the duty of the State to furnish rights of way even for the flood ways, that I wanted to bring your attention to this problem. Gentlemen must see at a glance that it means nothing to the State of Tennessee to furnish those rights of way, because it gets no benefits whatever. So that is just one of the difficulties that is going to be in the way of having the States furnish these rights of way. Gentlemen should bear this in mind: The States, as States, have never participated in the construction of these levees. Whatever money has been furnished under these local participation plans has been furnished solely by the taxing districts or the levee districts that have been created under the laws of the States, but the States as a whole have never taxed themselves to contribute any of the funds.

The CHAIRMAN (Mr. FURLOW). The time of the gentleman from Tennessee has expired.

Mr. HARRISON. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. RAGON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. RAGON. I did not understand the gentleman from Illinois [Mr. WILLIAM E. HULL] to say that he expects the States to pay for these rights of way. I understood him to say he expected the States, as an agency, to make arrangements for the purchase of these rights of way, but that the National Government would pay for them.

Mr. GARRETT of Tennessee. I may have misunderstood the gentleman upon that score, and I trust I did.

Mr. RAGON. I think that is the view he intended to convey. I was wondering whether there could be any objection to a plan whereby the only part the State would play would be as an instrumentality of purchase, and I think the gentleman's purpose was to eliminate gouging on the part of local landowners and things like that.

Mr. GARRETT of Tennessee. So far as I am concerned there could be no objection to that sort of a proposition, but that is elsewhere than in Tennessee. Tennessee can not be expected to pay for land which is being rendered worthless in order to protect people in other States.

Mr. DENISON. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. DENISON. May I state that the proposal of my colleague from Illinois [Mr. WILLIAM E. HULL] was that the respective States, on account of legal or constitutional objections, could act as agent for the Federal Government in acquiring the necessary rights of way and then be reimbursed by the National Government.

Mr. GARRETT of Tennessee. And the National Government to pay for them?

Mr. DENISON. Yes; the States to be reimbursed by the National Government.

Mr. GARRETT of Tennessee. Perhaps that plan is not subject to the objections I might otherwise urge, but so far as my own State is concerned, where there is not to be a dime's worth of benefit, but only damage, I doubt whether we can hardly be expected to act as agent for the purchase of property. That is a question which will have to be worked out by the committee, but the point is we must have some relief.

Mr. DENISON. I think the theory of my colleague was that where this land is to be acquired for flood ways the States themselves, for various reasons, could deal better and more justly with their own citizens and obtain the lands on more equitable terms, perhaps, than the Federal Government could.

Mr. GARRETT of Tennessee. And then let the Federal Government reimburse the States?

Mr. DENISON. Yes.

Mr. GARRETT of Tennessee. As I say, that might be a good plan as to some of the States. I have sought in my talk merely to emphasize the importance of protecting the equities of Tennessee property owners in the flood region, and I will not detain the House longer but yield back the remainder of my time. [Applause.]

Mr. HARRISON. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. WILSON].

Mr. WILSON of Mississippi. Mr. Chairman, an article appeared in the Sunday, January 22, edition of the Washington Star that I desire to read at this time:

Mississippi: Smith is gaining ground and the prospects now are that while the delegation is likely to vote for some one else on the early ballots, it will be willing to accept Smith in the end.

There is not enough truth in that statement to make a decent lie. The people of Mississippi are not for Governor Smith for the nomination for President. Why do some of these newspapers persist in trying to leave a false impression about the matter? The delegation that goes to the convention at Houston to represent the democracy of my State will, in my judgment, stand against the nomination of Governor Smith even as Petain stood against the German hordes at Verdun. They will have written in their democratic hearts and across Mississippi's democratic banner the immortal words: "He shall not pass." [Applause.]

I do not question the right of any Democrat to lend his support to the candidacy of Governor Smith, but I reserve to myself the same right that I give to all others; that is, to support the candidacy of a man whose nomination will inure to the benefit of my country—and you will notice that I put my country first—and my party; and the man who denies to me this right is neither a good Democrat nor a good citizen.

I, together with almost countless thousands of my fellow citizens in Mississippi, am against Governor Smith's nomination for the Presidency, and I do not intend to sit in Washington idly and supinely by and permit these newspaper reports to give a false impression to the people of my country.

Any newspaper that says that the Mississippi delegation to the Democratic Convention will vote for the nomination of Governor Smith of New York is either ignorant of the truth or deliberately misrepresents the situation. [Applause.]

Mr. BARBOUR. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

THE PRESIDENT'S SOJOURN IN SOUTH DAKOTA

Mr. WILLIAMSON. Mr. Chairman, due to the President's making his home in my State last summer, South Dakota, and particularly that part of my district known as the Black Hills, became a household word in every home in the United States. His coming resulted in the beauty of that splendid scenic region being written up in scores of magazines of national circulation and in innumerable feature articles in periodicals and newspapers.

While in South Dakota the President was the guest of the State. He had his home in the picturesque and commodious State Game Lodge, situated in Custer State Park. This park is the largest State park in the United States and, from the standpoint of beauty and scenic grandeur, ranks with the best of our national playgrounds. Not only has nature lavished upon it all that is beautiful and sublime in mountain, forest, and glen, but it is filled with an abundant wild life in its natural habitat, which roams unafraid in its mountain fastnesses and upon the wide stretches of meadow and prairie. Its numerous sparkling streams abound with trout that are the joy of the angler.

In honor and appreciation of the sojourn of the President and Mrs. Coolidge in the Black Hills, the State legislature rechristened Lookout Mountain, one of our loftiest scenic points, "Mount Coolidge." The first lady was not forgotten, and the delightful mountain stream that perpetually murmurs by the lodge was renamed "Grace Coolidge Creek."

In the early hours of morning, rain or shine, the President could be seen striking down this stream with reel and rod. It was seldom that it failed to yield him some of its finny denizens. Occasionally he would seek the wildest haunts on horseback or attend some public function. Some of these functions were as wild and striking as only a genuine western rodeo can be. To the President these must have been new; but his stoicism and dignity did not often permit him to become demonstrative. That he enjoyed them is best attested by his invariably remaining to the end of the program. The first lady, however, never failed in her smiling, waving, and occasionally shouting appreciation. The great crowds respected and admired the President, but their love and praise of Mrs. Coolidge were unbounded.

It was on one of these occasions that the President, with solemn and colorful ceremony, became a member of the Ogallala Tribe of the Sioux and was christened "Chief Leading Eagle." I predict that the headdress of eagle feathers with which he was then decorated will be one of his most cherished trophies of the West.

While with us the President attended a farm picnic at which there were gathered 10,000 people and ate ear corn with the rest and in the fashion of his boyhood days in Vermont. He was obliged to help himself in true western fashion. It was observed that he was equal to the occasion. He also attended the county fair of Butte County, and visited our big irrigation

project, where he was inducted into the "Order of Irrigators" and presented with the emblem of the order, in his case a ditch shovel, in miniature, of solid native Black Hills gold. He had not been advised in advance of this ceremony, and it surprised him into making a very apropos extemporaneous speech—a jewel so rare with the President that it is worth noting. Everybody knew that his prepared speeches were classics, but we had almost come to think that he could not talk "offhand" in public. Before the day was over he again demonstrated his ability to talk when he chose, in an exceedingly felicitous speech at the fair grounds. This, too, was entirely unpremeditated and in reply to a welcome and presentation speech from a farmer.

By all odds, the most colorful and picturesque gathering that he attended while in the State was a great conclave of 10,000 Indians at the Pine Ridge Indian Reservation on August 17, 1927. Without doubt it was the greatest gathering of Indians that has taken place in the United States in recent years. This celebrated event was organized and managed by Hon. Charles H. Burke, Commissioner of Indian Affairs, in person. As my colleagues know, Mr. Burke represented South Dakota in this body for 14 years, during 6 years of which he was chairman of the Committee on Indian Affairs. It is said by those who are in the best position to know that he knows more about Indians and their affairs than any other man in the United States. Be that as it may, the show at Pine Ridge was extremely well staged. The Indians were out in all their finery and paint. The pageants, marches, and dances were carried out with military precision and dignity. These over, the entire body of Indians suddenly surged forward as if to make an attack, but as suddenly stopped in front of the grand stand. It was an impressive spectacle that met the President's eyes when he rose to speak. Ten thousand bronzed faces were lifted in greeting and expectancy, and the attention of the crowd did not flag until the President's address was completed.

The speech itself shows knowledge and a fine appreciation of the Indian problem and that it may be available to the country, Mr. Chairman, I should like to ask the unanimous consent of the House to extend my remarks and as a part of such extension to include therein the address made by the President of the United States. It covers only about two typewritten pages and will not encumber the RECORD.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The address of Calvin Coolidge is as follows:

This is the first opportunity that has come to a President to speak especially to the Indians of American since the enactment of that epoch-making law which brought them all into a new relationship to the State and Federal Governments. It was with satisfaction that I approved that law generally known as the Indian citizenship act of June 2, 1924. This made all native-born American Indians citizens of the United States. It symbolized the consummation of what for many years has been the purpose of the Federal Government—to merge the Indians into the general citizenry and body politic of the Nation. It is true that prior to the enactment of this legislation nearly two-thirds of the Indians had become citizens through the several ways provided by law, but that does not detract from the real significance of the Indian citizenship act.

In 1871 Congress adopted a new policy in dealing with Indians and took what might be called the first step toward individualizing them, with a view of ultimately making them citizens. On March 3 of that year an act was approved which provided in part "that hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or bureau, with whom the United States may contract by treaty."

The next forward step in this progress contemplating complete citizenship was the general allotment act, known as the Dawes Act, of February 8, 1887, which individualized Indian land ownership by authorizing allotments in severalty of the tribal lands to the members of the tribes. As a result of this and subsequent acts something more than 206,000 Indians have received allotments.

The result of this legislation has brought about a decided change in the administration of Indian affairs. The Government suddenly began to deal with Indians as individual men and women; the personal equation at once assumed its proper importance in the so-called Indian problem.

Candor compels the admission that prior to 1887 the Federal Government had not given much attention to what might be called the social-service activities in the administration of Indian affairs. The first boarding school provided for the education of Indian pupils was established at Carlisle, Pa., about 1879, but following the general allotment act almost immediately the Government began building many schools, ranging from the little rural day schools to the large reservation and nonreservation boarding schools, and education became a most important part of the Government's activities in the Indian neighborhoods. I am told that only a comparatively few years ago it was difficult to induce Indian parents to send their children to school, but that to-day the reverse is the rule and fathers and mothers of our Indian youth have come to realize the value of an education and the need of schooling for their children.

The Indian problem which has been a fruitful subject of controversy for many years began with the first meetings of the Caucasian and Red races. The obvious result of this conflict was armed hostilities between the races which began in the early days of the settlement of this country and ended within a short distance of this spot, for the battle of Wounded Knee, which occurred on this reservation in 1890, was the last event of enough importance to be listed by the War Department as an Indian campaign. Peace and understanding cooperation now reign everywhere. The Indian problem on its face appears to be one simply of effective social service, practical philanthropy, and education. As a matter of fact, it is a many-sided question, complicated by puzzling complexities. There are over 200 tribes and bands in the United States, each with its own name, tongue, history, traditions, code of ethics and customs, which have the effect of law with Indian tribes. It is a curious fact that most people in this country seem to believe that the Indians are a homogeneous people and can be dealt with as a unified race or nation. The exact contrary is the outstanding fact which has made the Indian problem a most difficult one.

To-day we find that the Indian people, recently primitive, not so very far from the hunter stage, are surrounded by twentieth century conditions which are alien to their racial characteristics, their tribal ways, and states of mind. While thousands of them have succeeded in adjusting themselves to the new order of things, a great portion of them, mostly the older ones, still cling to the old ways, stoically refusing to go further along the modern road. They wish to live and die according to the old traditional ways of the Indians, and they should be permitted to do so.

Many Indians are still in a primitive state, although strongly influenced by white contacts, and thousands are as civilized as their neighbors. On one hand, we find a considerable proportion are so little advanced that they can speak but few English words, while on the other hand we find tens of thousands who speak, read, and write the English language, and a large percentage of this class have had a grammar school education and many are graduates of high schools, colleges, and universities. A substantial number of Indians have attained high places in business, the learned professions, in the arts and sciences, and in politics.

Within recent years agriculture and stock raising have been gaining ground in the economic progress of the Indian people; but many of them are still unable at this time to take their places in the world as self-supporting farmers, mechanics, manufacturers, and skilled laborers.

There are some 370 treaties which have been made with the Indian tribes, many of which are still in effect. There are over 2,000 specific acts of Congress concerning Indians, besides a large number of State laws, court decisions, and departmental rules and regulations. All of this mass of legislation, decisions, rules, and regulations is complicated by the intrusion of the Indian's own tribal laws and customs and ways of doing things. The result ofttimes has been confusion, much trouble, and in too many cases injustice to the Indians.

These few citations should be sufficient to indicate the manifold complexities of the Nation's Indian problem and to convey the suggestion that its practical solution can not be effected by appeals to sentimentality, by loose talk, by ill-considered legislation, by hysterical campaigns, or by the insistence of those in charge of the administration of Indian affairs that their policies and methods are always the only right ones.

For the purpose of working out the Indian problem, Congress, on March 11, 1824, established the Indian Bureau, and under an act in 1832 created the office of Commissioner of Indian Affairs. Since 1849 it has been under the Department of the Interior. The Secretary of the Interior supervises it, and much that the commissioner does is subject to his approval.

Since the enactment of the general allotment law and the establishment of schools for Indian education there has been remarkable progress made in their advancement and development, and they are being trained and encouraged to become self-supporting, much is being done to provide proper care for the afflicted, hospitals have been established, more physicians and nurses employed, and much effort made to encourage them to live in better homes and observe the regulations that are necessary in the home to prevent disease.

Due to the discovery of minerals, and especially oil, many individual Indians have suddenly become wealthy, which adds to the responsibility of the department in having to safeguard their property and to protect them against an unscrupulous class who seek to impose upon them and to defraud them.

Changed conditions, the breaking up of reservations by allotting lands to individuals, and the sale of the surplus lands to settlers has produced a situation in many of the States having an Indian population

that makes it one in which such States have a deep interest. There should, therefore, be close cooperation between the States and the Federal Government in the general care, education, health, and welfare of the Indians.

I realize that much of the progress that has been made by the Indians is due to the sacrifices of the early missionaries, and that the missionaries of to-day are important factors contributing much to their education and moral advancement, making it more possible for the Government to carry out the policy of making them all respected and self-supporting citizens.

More than 10,000 Indian young men served in the Army and 2,000 in the Navy during the World War, most of them by voluntary enlistment, and they proved to be courageous and rendered distinguished service. Among the many tribes who contributed to those who served in the World War, the Dakotas furnished their full share, and several made the supreme sacrifice. Others were recognized by being awarded the Croix de Guerre, or in some other direct way. In recognition of the service rendered by the Indians during the World War, I caused to be issued and signed certificates of honor, which were presented to the Indians of the several tribes.

Those of us who were present on the occasion of the burial of the Unknown Soldier in the National Cemetery across the river from Washington will not soon forget the closing act of the ceremony. A group of old Indian warriors, some of whom were Sioux, arranged themselves around the tomb, while one, acting for the whole Indian people, laid upon the bier his war bonnet. This was not an idle gesture; it symbolized the outstanding fact that the red men and their neighbors had been brought together as one people and that never again would there be hostility between the two races. As one of those old warriors said, "Who knows but that this Unknown Soldier was an Indian boy."

Mr. HARRISON. Mr. Chairman, I yield five minutes to the gentleman from Florida [Mr. GREEN]. [Applause.]

Mr. GREEN of Florida. Mr. Chairman and fellow members of the committee, January, 1928, which after to-day will be in past history, has seen a great many unusual things transpire for the good of our Nation and for the good of mankind in general. I do not believe any month during the past 50 years has seen as many things for the understanding of our people as have obtained during the past 30 days. These things will mean so much for the better understanding of mankind and for the fellowship and the cementing of the ties of humanity.

Early in this month America's great ambassador of peace and good will headed his plane toward the south and winged on for a few hours, and brought the great southern countries of Mexico and Central America closer and nearer in understanding to their guardian, the United States. A few days after this we find the President of the United States going southward through the land of Florida. And, by the way, an editorial comment in the Gainesville Daily Sun said that he smiled, which was unusual for him. It is as follows:

Saw a picture of President Coolidge as he was touring the city of Miami. He was smiling! Florida sunshine certainly will work wonders.

He smiled when he was in Florida, and many of the newspapers carried his picture with this radiant smile that Florida brought from him.

In Jacksonville, Fla., and in Miami, Fla., and in Key West the President of the United States was entertained by a great southern State. Proud was Florida to have this visit and proud was the Southland to have its President in its midst.

A few days after this—I believe on the 17th of January—the Chief of Staff of the United States Army, Gen. Charles P. Summerall, went to his old home down in Florida, and there was declaimed by the citizens of Florida as their great native son. He was given a saber in recognition of Florida's good will toward Florida's government, the United States Government, and the Chief of Staff of the Army.

I believe the next day, on the 18th of January, the Chief of Staff of the United States Army, unmindful and forgetting all about differences and strife existing some 60 years ago, was in Lake City, Fla., and participated in the unveiling of a monument to 103 valiant and gallant Confederate soldiers, who fought for the cause they loved.

During this same month we find the said Chief of Staff attending the celebration of the birthday of the South's hero and the world's greatest exponent of military achievements, Robert E. Lee.

My friends, the South is proud that Florida's native son, Gen. Charles P. Summerall, is Chief of Staff.

Another great achievement has transpired which causes us to realize that America is strong for the entire 48 of her States. The great Democratic convention on the 12th of January, for the first time in years and years, since the great conflict, was sent south of the Mason and Dixon line. Houston, Tex., claims the next Democratic convention and a long precedent was thereby smashed. This was a great achievement for the fellowship of man in wiping out lines of dissension and bringing together the North and the South, the East and the West, when our own party, which is strong in the North and powerful in the South, sends its convention to Houston, a great Democratic city of the South.

Then, my friends, coincident with this achievement and great transpiration, we find the South offering at least two of her native sons to grace the White House for the next four years—HULL, of Tennessee, and GEORGE, of Georgia, and others who have received favorable comment throughout the United States as aspirants for the Presidency during the next term. And may I predict here, my friends, that in the course of the next few months you are going to hear the clarion call of Dixie sounding throughout 48 States, and you are liable to see ushered into the White House a Democratic native son of the Southland to redeem our nation from the scourge of a certain type of political individual who is prevalent in all parties in our land. [Applause.]

Mr. BARBOUR. Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman, I desire to speak on the bill I have introduced (H. R. 10142), and I ask that the Clerk read the bill in my time.

The CHAIRMAN. Without objection, the Clerk will read the bill in the gentleman's time.

The Clerk read as follows:

A bill (H. R. 10142) to create a special highway fund from the proceeds of the sale of surplus war material, highway equipment, and supplies to the Government of France

Be it enacted, etc., That the proceeds from the sale of surplus war material, highway equipment, and supplies to the Government of France amounting to $407,341,145.01, for which amount the Government of France has issued bonds to the United States, bearing 5 per cent interest, of the denominations as follows, to wit: $400,000,000 due August 1, 1929, $6,566,762.42 due May 9, 1930, $774,382.59 due July 5, 1930, is hereby authorized to be appropriated to the United States Department of Agriculture for the construction and improvement of rural post roads and bridges, as provided for in the Federal aid road act approved July 11, 1916, and acts amendatory thereto, and as hereinafter provided in this bill.

SEC. 2. That 90 per cent of said fund shall be apportioned by the Secretary of Agriculture to the highway departments of the several States as provided in the Federal aid road act of July 11, 1916, and acts amendatory thereto.

SEC. 3. The remaining 10 per cent of said fund shall be used by the Secretary of Agriculture as follows: One-half for roads within the national forests; one-half for boulevards within the regional area of the National Capital, as defined by the National Capital Park Planning Commission.

SEC. 4. The Secretary of Agriculture is hereby authorized to enter into cooperative agreement with the highway departments of the several States for the construction of highways with the funds appropriated in this act and is hereby exempt from the limitations imposed by the said Federal aid road act and amendments thereto, as to the cost per mile for constructing said highways, or as to the per cent of all Federal aid allotted to any State to be expended upon primary or interstate or State trunk highways and also as to the per cent of cost of such projects to be borne by the Federal Government. In no case shall any State be required to contribute more than 20 per cent of the cost of any highway constructed with moneys appropriated in this act, and no highway shall be so constructed except those included in the primary or interstate system, or State trunk highways, and all such highways shall be of durable, hard-surfaced type.

SEC. 5. This act is not intended to repeal any provision of the Federal aid road act unless such provision is in direct conflict therewith.

SEC. 6. If any provision of this act shall be held to be invalid such invalid provision shall not affect the validity of any other provision of this act which can be given effect.

SEC. 7. That this act shall take effect upon its passage.

Mr. BROWNE. Mr. Chairman, I arise to support the bill (H. R. 10142) to create a special highway fund from the proceeds of the sale of surplus war material, highway equipment, and supplies to the Government of France.

Ten years of Federal aid for roads has convinced the most skeptical of the public that the money appropriated by Congress for the improvement of our highways was thoroughly justified. I do not believe that any other appropriation for internal improvements has ever benefited so many of our people or has caused so much happiness as the appropriation for the improvement of our highways.

The question asked is not should the Federal Government continue to assist in building interstate roads, but why does it not give more assistance, and why did it not continue the good work of Federal aid for roads begun by Washington and Jefferson over 100 years ago.

The 23,000,000 owners of automobiles, which means practically every family in the United States, are urging that road building be hastened in order to keep pace with the increased traffic demands.

Automobile vehicles have increased from 1916, when Congress passed the Federal aid road act, from three and one-half million to over 23,000,000 and are valued to-day at the stupendous sum of $14,000,000,000. These auto vehicles are almost 100 per cent perfect and are being operated upon highways which are not 25 per cent efficient.

It is estimated that the increased wear and tear on the 23,000,000 auto vehicles by reason of the imperfect roads over which they are being operated amounts annually to from six to seven hundred million dollars.

The question of whether the Federal Government is contributing its share to the building of interstate roads is also frequently asked. I desire to discuss this question and other questions related to it, and also the source from which we propose to get the money authorized to be appropriated in this bill.

MONEY RECEIVED FROM SALE OF SURPLUS WAR MATERIAL RIGHTFULLY BELONGS TO ROAD FUND

February 28, 1919, Congress passed a law directing the Secretary of War to transfer to the Secretary of Agriculture all war material, equipment, and supplies declared surplus, to be distributed among the States as a highway fund under the Federal aid act. At the close of the war the United States had surplus war supplies and road equipment in France estimated at fully $2,000,000,000. Before the order for the return of the surplus war material, equipment, and supplies then in France had reached France negotiations had been made by our representatives in France for the sale of the property to France at approximately 20 cents on the dollar. As this surplus war material was sold the Government of France issued its bonds to the United States for the same as follows:

August 1, 1919, $400,000,000, due August 1, 1929. On May 9, 1920, $6,566,762.42. July 5, 1920, $774,382.59, due July 5, 1930. These bonds aggregate $407,341,145.01 and bear interest at the rate of 5 per cent per annum and are in the Treasury of the United States and payable semiannually. France is paying interest upon these bonds currently.

Congress by its action, February 28, 1919, had given the surplus war material to the Agricultural Department to be distributed among the States for the building of roads. These bonds therefore rightfully belong to the several States to aid them in the construction of their roads.

It is the intention of the Debt Settlement Commission to place these bonds with the indebtedness of France to the United States contracted prior to our going into the war, which aggregates considerably over $3,000,000,000, and accept obligations extending over a period of 62 years, with no interest until 1930 and then 1 per cent interest until 1940 and 2 per cent from 1940 to 1950 and graduated until the same bears 3½ per cent interest.

I maintain that the indebtedness for war material sold to France for which she gave the United States bonds for $407,000,000 has an entirely different status from the $3,000,000,000 indebtedness which was loaned France during the period she was in war. I also maintain that the bonds issued for surplus war supplies rightfully belongs to the highway fund.

DOES THE FEDERAL GOVERNMENT PAY ITS SHARE TOWARD THE CONSTRUCTION OF ROADS?

It should be remembered that Federal aid is only given for a system of roads embracing 7 per cent of the total road mileage of any State, the remainder, or 93 per cent, of the roads have to be constructed and maintained by the States and the subdivisions of the State.

In order to obtain Federal aid for roads the States are required to raise a large amount of money, and the States in return have called upon the counties and smaller subdivisions of the State to contribute. In this way the States have raised a much larger amount of money than they have received from the Federal Government, besides being obliged to maintain roads which serve the entire Nation. This heavy tax burden upon the farmer has helped to make farming unprofitable. The farmer is the victim of excessive taxes. The farmer's taxes the last 10 years have increased over 30 per cent more than the taxes of the man living in the city or village. We believe as a matter of justice that the appropriation asked for in this bill should be distributed by the Secretary of Agriculture under the present Federal aid act and the States should not be required to pay to exceed 20 per cent of the cost of the roads built with the moneys received from this fund. This bill provides that the money received shall be expended upon primary or interstate or State trunk highways and shall be durable roads.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. BROWNE. I will.

Mr. TAYLOR of Tennessee. Does the gentleman think that this sum is any more of an obligation to pay than was the $3,000,000,000 borrowed by France during the war?

Mr. BROWNE. I think they are both moral obligations. But France bought the surplus war material at a very low rate, sold a great deal of it, sent some to New Orleans and other cities, and sold it at a good profit, and therefore she has practically received the value of it in money which is in her hands to-day.

Mr. TAYLOR of Tennessee. Has the gentleman any idea that the French Government will pay the $400,000,000 of these bonds?

Mr. BROWNE. I have no doubt about it. They carry 5 per cent interest and we can negotiate the bonds any time. They are perfectly good.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. BROWNE. I will.

Mr. ROBSION of Kentucky. If I understand the gentleman, his bill proposes to use the $407,000,000 that we were to receive for the sale of surplus war materials sold France in 1919 to be paid in 10 years. What assurance has the gentleman that any part of that money will be paid or will be available for any purpose in this country?

Mr. BROWNE. The French Government has given its bonds, and the bonds are in the Treasury Department to-day bearing 5 per cent interest. They are negotiable. The French Government has paid the interest semi-annually when the interest has become due. They have never questioned them, and in fact have stated publicly that they expect to pay them. They differentiate between these bonds and the money we loaned them prior to going into the war.

Mr. ROBSION of Kentucky. What does the gentleman think of the ability of the French Government to pay this large sum of money in a little over a year?

Mr. BROWNE. I think perhaps it would be a hardship to pay that amount in so short a time, but I think they can be refunded and given a reasonable time and that the bonds would be negotiable, the Government simply underwriting them, there would be a ready sale for them, and we could raise money for the building of roads as we need it.

Mr. ARENTZ. Will the gentleman yield?

Mr. BROWNE. I will yield to the gentleman.

Mr. ARENTZ. Does the gentleman increase the 7 per cent primary roads in his bill or how does he cover that?

Mr. BROWNE. I leave the road system as it is. We have not completed the 7 per cent, only about one-fifth of the system has been completed in 10 years, and it will take nearly 30 years at the rate the Federal Government is now appropriating the money for the roads. It will take between 25 and 30 years.

Mr. ROBSION of Kentucky. I wish to take issue with the gentleman on that; we have graded, drained, and surfaced 130,000 miles, and there are only about 200,000 miles in that proposed system. We are building at the rate of about 10,000 miles a year.

Mr. BROWNE. I have the figures from the highway department which I think will satisfy the gentleman, and I will put them in the RECORD.

Mr. ROBSION of Kentucky. I have just been in a hearing where they have submitted these figures.

Mr. ARENTZ. It will depend on what States you are talking about.

Mr. BROWNE. I suppose that in the smaller States they may be building faster than in the larger States. Take the State of New York, and very few other States have not yet nearly come within the 7 per cent. It is within the discretion of the Secretary of Agriculture to increase the road system in any State to more than 7 per cent of the total miles of highway.

Mr. ARENTZ. The Secretary of Agriculture can increase the 7 per cent?

Mr. BROWNE. Yes.

Mr. ARENTZ. Only on primary roads. If you want to connect the East and West with the North and South, you can not do it under the present legislation.

Mr. BROWNE. A gravel road may be treated as a primary road. They do not designate primary roads as running north and south or east and west.

Mr. ARENTZ. They take the total mileage. If you want to connect up the primary and secondary roads so as to permit them to come in, you can not do it under the present legislation.

By increasing it to 8 per cent in many of the Western States you could complete these roads that connect the primary and the secondary roads.

Mr. BROWNE. If you have not gotten your full per cent of the roads, you can improve your country trunks until you make them practically secondary roads, and get Government aid, if they are main-traveled roads. The highway department is constantly taking roads that have not been regarded as primary roads but as secondary roads and making them primary roads. A part of a road may be primary and a part in the secondary class.

Mr. ARENTZ. Something has been said several times here in respect to the income derived from the automobile sales tax, that it is just about sufficient to cover the appropriations necessary to cover the expense of building the State-Federal highways.

Mr. BROWNE. I can tell the gentleman exactly about that. We appropriated for roads since 1916 something a little over $600,000,000. We have not expended quite all of it. We have received from the sales tax on automobiles a little over a billion dollars, and if we put that on the roads, if you call that a road fund, then the amount of money received from the automobile tax will be something like $417,000,000 more than we have ever appropriated for roads. If that fund was applied to roads, we would have more than enough to meet the appropriation asked for in this bill.

Mr. ARENTZ. And if it had not been for the far-sighted policy of Congress in establishing this Federal aid to highways, does the gentleman imagine that the great increase in the production of automobiles since 1916 would have taken place?

Mr. BROWNE. Certainly not.

Mr. ARENTZ. So that we have an ever-increasing mileage of roads and an ever-increasing production of automobiles.

Mr. BROWNE. Certainly.

Mr. ARENTZ. And an ever-increasing wideness of travel on the part of those automobiles over foreign roads, so far as the automobiles themselves are concerned.

Mr. BROWNE. Yes. The automobile industry ranks, I think, first or among the very first in the employment of men and the amount it pays out for wages. It certainly is not a tax dodger. It pays not only the personal-property tax in each State, but it also pays a tonnage tax in the form of a license fee in the States, and a gasoline tax, and then it has been paying a sales tax, so that it has been taxed more than any industry, and yet there has been more competition in the automobile business than almost any business, and the public has had the advantage of it and has been able to get automobiles at a very low price.

Mr. ARENTZ. I read a statement that, counting each automobile as 20 feet, there were 6,000 miles of automobiles constructed in the United States last year.

Mr. BROWNE. I think that is probably correct.

Mr. ARENTZ. That gives one some idea of the tremendous importance of the road-building program of the Federal Government.

Mr. BROWNE. I agree with you; but the trouble is to-day that the Federal Government has not appropriated nearly as much as the States and the local units. Federal aid has been a great encouragement to road building. All the localities had complied with the law to get this Federal aid. It has been a splendid incentive, but to meet the Federal requirements the States and the smaller units of the States have taxed themselves so much that it is one of the causes, I think, of the depression of the farmer to-day. Of course, conditions have greatly changed since 1916. Then there were only about three and one-half million automobiles and now there are 23,000,000 automobiles, and the situation has changed so that it is more of a national problem than when we passed the Federal aid law, and the maintenance of the roads, which falls entirely upon the States, is a tremendous burden and is going to become a greater burden every year. I think the State should maintain the roads, but I think that the Federal Government should contribute more than it has contributed toward building these great interstate highways and trunk lines.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. BROWNE. Yes.

Mr. HASTINGS. Over what period of years would the gentleman spend this $400,000,000 that he would have appropriated?

Mr. BROWNE. I would expend it just as fast as the States could absorb it in using it efficiently. Practically all of the States have efficient highway departments, and if I had my way I would not have the States pay more than a very small amount toward getting their share of the amount asked for in this bill. In this bill I propose not to exceed 20 per cent as the share the States shall be required to raise. That would be the largest amount that the Agricultural Department could cause the States to pay.

Mr. HASTINGS. In other words, from this fund that the gentleman would create the Federal Government would pay 80 per cent and the States 20 per cent?

Mr. BROWNE. Yes. That would be the most that the States would pay.

Mr. HASTINGS. This is something more than $400,000,000 which the French Government owes our Government for supplies of various kinds purchased just after the war?

Mr. BROWNE. They bought those supplies right after the armistice. They were invoiced at about $2,000,000,000, and we got from them these bonds amounting to $407,000,000.

Mr. HASTINGS. What interest do those bonds bear?

Mr. BROWNE. Five per cent.

Mr. HASTINGS. Has the French Government been paying that interest?

Mr. BROWNE. It has paid the interest promptly semi-annually.

Mr. HASTINGS. Then it is the gentleman's idea that we use the interest on those bonds until the principal becomes due?

Mr. BROWNE. The bonds are all due in 1930, and it would be a matter of financing. The Government could easily take these bonds which the French Government has not shown any disposition to repudiate and could rewrite them and put in a longer time for payment and negotiate them—underwrite them—so that they would be available for money just as fast as the highway department wanted to use them. My point is that we are going too slow. Under this system of improving only 7 per cent of our highways, the appropriations that we are receiving from the Federal Government with the States doing all they can, and also the local units—we are not going to complete 7 per cent of the highways for 25 or 30 years, and during that time we are going to wear out our rolling stock, those 23,000,000 automobiles, on poor roads; the increased wear and tear on automobiles, because of the poor roads, amounts to something like $600,000,000 a year more than if the roads were more perfect.

Mr. HASTINGS. The gentleman does not anticipate any difficulty in collecting this sum of more than $400,000,000 from France in 1930? That is a little more than two years from now.

Mr. BROWNE. I say that the Government of the United States can refund these bonds and take bonds of longer terms and reduce the rate of interest and then underwrite them so that we can negotiate them when we need the money for constructing our roads.

Mr. HASTINGS. Of course, the gentleman has a basis for his expectation for the recovery of the money from France on the indebtedness that she owes.

Mr. BROWNE. This is one of the kinds of indebtedness the French have already recognized, and we have the bonds in the Treasury Department. The other indebtedness amounting to over $3,000,000,000 they do not concede, and it is a matter that they have always had some controversy over, but never in any of their statements have they tried to question the bonds issued for war supplies for which they got more than the bonds they gave us. I am informed that a great many of these war supplies and much of this equipment were sold in the United States.

Mr. HASTINGS. Does the gentleman think there is any difference in the deadness of those claims?

Mr. BROWNE. Well, if you had two claims against a man and he did not deny one of them, and he had given you his note for it, and the other was simply a book account and you were going to buy one of those accounts, you would buy the one for which he had given his promissory note.

Mr. HASTINGS. The gentleman understands the difference between the two characters of obligation, does he not?

Mr. BROWNE. There may not be any moral difference, but if you negotiated both kinds of indebtedness the bonds themselves would sell at par and the others would be taken at a considerable discount.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield there?

Mr. BROWNE. Yes.

Mr. ARENTZ. In one case we loaned money to France as a loan and in the other we turned over to France certain supplies, and France turned around and sold them to her citizens and to our citizens and issued bonds and got the money for them. That is a big difference.

Mr. BROWNE. Yes.

Mr. HASTINGS. It seems to me that the other obligation is the greater one. If France was in great distress and we came to her relief with money that she needed, when she had her back against the wall, I think the first obligation was greater than those contracts for the purchase of supplies since the war. I do not agree with the gentleman.

Mr. BROWNE. I am not taking any particular side on the debt settlement. That is a controversy we may or may not agree upon, but I am discussing these bonds that we have got in the Treasury Department which France does not dispute at all, $407,000,000.

Mr. HASTINGS. France does not dispute the other amount?

Mr. BROWNE. When we gave her a splendid agreement here, so magnanimous indeed that many Members did not vote for it—and I did not vote for it—she did not accept.

Mr. HASTINGS. Neither did I——

Mr. BROWNE. It passed, however, and they did not accept it, but it does not have any particular bearing on these bonds which we now hold against France and which she does not dispute. France has purchased our war supplies and road materials, the largest amount of road equipment and materials that was ever assembled. She sold this road equipment that invoiced over $2,000,000,000 after we had passed a law, as I stated, turning over all of that equipment to the Agriculture Department for roads. We claim, therefore, that the money received for this road equipment should be used to build roads and should go to the States. I do not think the States should be held up or compelled to pay to exceed 20 per cent in order to get this money. I think it ought to be used on interstate primary roads and State trunks.

Mr. HASTINGS. I am an enthusiastic supporter of the good-roads movement, as much so as any other Member of the House. My inquiry was asked in good faith as to whether or not the gentleman thought this money would be available for that purpose.

Mr. BROWNE. I think it will. I have looked the matter up very thoroughly. I do not think there is any question but that if that road equipment had been turned over to the Department of Agriculture at the time we passed the law, instead of being sold to France, our system of improved roads would be much better than it is to-day.

Mr. GREEN of Florida. What would be the basis of apportionment of that $407,000,000?

Mr. BROWNE. One-third apportioned according to the area of the State and one-third according to the population, and one-third according to the rural routes.

Mr. ROBSION of Kentucky. One-third to the post routes.

Mr. ALMON. Mr. Chairman, will the gentleman yield, there?

Mr. BROWNE. Yes.

Mr. ALMON. I am very much interested in the gentleman's discussion. He has been a member of the Committee on Roads for a number of years until recently and he helped to write the legislation that came from that committee.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BROWNE. May I have 10 minutes more?

Mr. BARBOUR. The gentleman has run eight minutes over the time allotted to him.

Mr. BROWNE. A good many questions have been asked and I would like to get the matter cleared up.

Mr. BARBOUR. I can yield to the gentleman two minutes.

Mr. BROWNE. The 7 per cent of roads upon which the Federal Government gives aid aggregated 200,353 miles. In the 10 years of Federal aid, with the contributions of States and local units only 56,017 miles have been completed, and 144,336 miles remain unimproved. I get that from the Bureau of Roads. At this rate it will take us from 25 to 30 years to complete the system, and in the meantime the increased wear and tear on automobiles because of our incomplete and poorly constructed system of highways will cost us in the extra wear and tear on automobiles, it is estimated, at the rate of $600,000,000 a year.

INTERSTATE ROADS A NATIONAL MATTER

Before the invention of the automobile when traffic moved slowly over our highways in horse-drawn vehicles the improvement of highways might have been considered of only local concern. The invention of the automobile revolutionized transportation over our highways. The situation has changed very greatly since the Federal aid road law was passed in 1916. Besides the 3,000,000 trucks and the 20,000,000 automobiles which are traveling over the highways there are 80,000 busses, 7,284 of which are interstate busses. There are 32,788 busses which are carrying school children. Sixty steam railroads are using busses as feeders for their railroads. Fifteen million four hundred and eighty-nine thousand motorists from all the States of the Union visited the national forests in 1926, a million and one-half more than the preceding year.

The State highway engineer of Wisconsin informed me the other day that an accurate record of the number of cars with out-of-State licenses coming into the State of Wisconsin had been kept, and the number of people these cars brought into the State in a hundred days during the summer season, and that over 4,000,000 people from out of the State had come into Wisconsin by automobiles during that time.

MAINTENANCE OF HIGHWAYS BY THE STATE

In determining what portion of the cost of interstate highways should be paid by the States and the Federal Government, we should consider first, that under the Federal aid road act the burden of maintaining these roads is borne wholly by the States. No road made is so perfect that it does not require constant attention and maintenance. Roads have to be constantly patrolled and in the wintertime in the Northern States, snow removal is a heavy burden, in some States amounting to over a million dollars per year. These burdens fall entirely upon the States and local units. The heavy traffic of trucks on interstate business and the millions of automobiles that come into each State from other States all increase the burden of the State in maintaining the highways.

The Federal aid goes to the improvement of only 7 per cent of the roads. The remaining 93 per cent which means over 2,000,000 miles of roads is constructed and maintained without a penny of Federal aid. These roads are used very much more than they were before the automobile came into such general use and the localities are obliged to keep them in much better repair than formerly to avoid accidents by travelers from their own State and other States, which places an additional burden upon the counties and the smaller units under the counties. Take, for example, the county trunk roads many of which are used almost as much as the Federal trunk lines in their locality receive no Federal aid. In Wisconsin in 1927 approximately $40,000,000 was expended for highway purposes. Of this amount the State paid $14,711,000, the counties and local units approximately $24,000,000, while Federal aid only amounted to $1,870,000. Similar figures could undoubtedly be procured from other States.

STATES AND LOCALITIES CONSTRUCT THE ROADS

When the Federal Government in 1916 appropriated money for Federal aid to roads it found over 95 per cent of the roads upon which Federal money applied laid out and many of them graded. The localities have already performed the major part in building these interstate trunk lines, and it is only fair that this fund which is now available from the bonds given by the French Government for the sale of surplus road material and war supplies, and which Congress by legislation appropriated to the Department of Agriculture for roads, be now given to the States for improvement of their roads, and that the States be not required to contribute to exceed 20 per cent of the amount they receive.

INTERNAL IMPROVEMENTS HAVE IN THE PAST BEEN LOCAL

The Federal Government has appropriated hundreds of millions of dollars for harbors which have helped the localities where the improvements were made. It has also appropriated hundreds of millions of dollars for the improvement of rivers which has helped certain localities. These internal improvements have, of course, indirectly helped all the localities and all the people. Federal aid for roads is the first internal improvement which has directly helped every locality in the United States. Thousands of localities which have never received a penny from the Federal Government, not even a small post-office building, have contributed their share toward the improvement of rivers and harbors. Is it not fair at this time for the Federal Government to appropriate money for a great internal improvement like the building of highways which all of the people of the United States use and help to wear out, and over which 23,000,000 automobile vehicles are constantly driven and the Government mail carriers travel and the interstate trucks constantly use?

FEDERAL AID TO RAILROADS

The Government at an early date recognized the benefits of efficient transportation. July 1, 1862, an act was passed by Congress granting the Central Pacific and the Union Pacific corporations vast tracts of public land, more than enough for their building the roads.

Later the Northern Pacific by a single act of Congress was granted 47,000,000 acres of land for the building of its road, and the Atlantic & Pacific Railroad was granted 42,000,000 acres.

I am not criticizing these grants of land—both political parties favored it—but I do maintain that there is more justification in the Federal Government appropriating money to build highways over which all the people have an equal right to travel without paying toll or tribute to private corporations.

Our extensive railroad systems helped to build up the localities and greatly hastened the development of the country. With the invention of the locomotive and steamboat the Federal Government directed its attention to assisting the railroads and dredging rivers and harbors to assist navigation. Federal road building ceased. There were no Federal roads constructed or

Federal aid to roads given between 1812 and 1916, with the exception of less than $100,000 in appropriation between 1812 and 1838, a period of over 100 years. During this 100 years the rural localities have had to shoulder the full burden of building and maintaining millions of miles of road.

ROAD IMPROVEMENT SHOULD BE HASTENED

The 7 per cent of the roads upon which the Federal Government gives aid aggregates 200,353 miles. In the 10 years of Federal Aid with the contributions of States and local units of the State only 69,536 miles have been completed and 141,027 miles of the system remains unimproved. At this rate it will take us over 20 years to complete this system, and in the meantime the increased wear and tear on auto vehicles because of our incompleted system of highways will go on at the rate of over $600,000,000 a year.

ROLLING STOCK

The phenominal increase of automobiles in the last 10 years is amazing. In 1917 there were 4,500,000 automobiles. In 1927 over 20,000,000 automobiles. In 1917 we had 326,000 trucks, and in 1927 we had 2,943,898 trucks.

Roads have not kept pace with rolling stock. Our highways are inadequate to meet the demands of traffic. The scientific building of roads should have been continued by the Federal Government from the time when it began building its roads in Washington and Jefferson's administration. It is a belated movement 100 years overdue. Roads must be built faster. The rolling stock, consisting of over 20,000,000 automobiles and 3,000,000 trucks, are almost 100 per cent perfect, while the roads they move over are not 25 per cent perfect.

At $600 per motor vehicle there are approximately $14,000,000 invested in these 23,000,000 automobiles and trucks. The increased wear and tear and depreciation of automobiles per year at $30 per motor vehicle would amount to $690,000,000 a year more than if operated over better roads.

Every railroad system considers it good business to keep its road bed as perfect as its rolling stock, and spends hundreds of millions of dollars improving its road beds, and considers this a very good investment. Why is it not a good investment for the Government? The poor road tax is the heaviest tax the people are paying to-day.

THE ROLLING STOCK HAS BEEN UNJUSTLY TAXED

The Government, as a war measure, in 1918 placed an excise or sales tax on automobiles of 5 per cent, also a tax on accessories. This, in 1926, was reduced to 3 per cent. From 1918 to 1927, the automobiles and accessories have paid a Federal excise or sales tax of $1,081,845,555. The automobile has paid its local personal-property tax. It has paid its State tax for registration. It has paid a tax on the gas it consumed, besides paying the heavy Federal or excise or sales tax. The Secretary of the Treasury, Mr. Mellon, in his remarks before the Ways and Means Committee, recommended the retention of the excise tax on automobiles to pay the Federal Government's share in the improvement of roads, thus recognizing that the amount of the Federal tax on the sale of automobiles should go toward the improvement of the roads. If this is the policy of the Government, then the Government owes the good-road fund the difference between the amount it has appropriated for good roads from 1916 to the present time, amounting to $662,220,000, and the amount of excise tax the automobile has paid, $1,081,846,555, or a difference of $419,646,555, which is now due the road fund from the tax on the automobile.

This is more than is asked for in this bill. Every user of an automobile in America, which means every home in America, has contributed to the sales tax on automobiles, which, as I have stated, amounts to over $419,000,000 more than the Federal Government has appropriated for roads. Is there any reason why this amount should not be remitted to those who contributed by using this money for road improvement which every contributor will have the benefit of?

AUTOMOBILE INDUSTRY PAYS A HEAVY TAX

The motor vehicle taxes in 1926 were as follows:

Personal property tax	$125,000,000
Special motor tax	587,000,000

The automobile industry employs directly in its business 3,365,281 men.

It has not had a monopoly, but, on the contrary, there has been greater competition in this industry than any industry of any near-like magnitude. The people have been able to purchase automobiles at the very lowest possible cost.

I will offer as a part of my remarks some tables prepared for me by the Bureau of Roads and other documents proving the statements I have made. [Applause.]

Apportionment of Federal aid to States, fiscal years 1917–1929

State	Total apportionment, 1917–1927	Apportionment, fiscal year 1928	Apportionment, fiscal year 1929	Total apportionment, 1917–1929
Alabama	$14,349,455	$1,547,220	$1,547,483	$17,444,158
Arizona	9,617,249	1,056,994	1,059,081	11,733,324
Arkansas	11,605,804	1,277,896	1,281,785	14,165,485
California	22,072,815	2,483,437	2,486,415	27,042,667
Colorado	12,325,812	1,376,520	1,383,401	15,085,733
Connecticut	4,333,681	472,685	474,213	5,280,579
Delaware	2,474,058	365,625	365,625	3,205,308
Florida	8,084,954	899,451	901,311	9,885,716
Georgia	18,431,953	1,979,209	1,980,015	22,391,177
Idaho	8,559,627	935,193	932,962	10,427,782
Illinois	29,832,198	3,154,429	3,135,225	36,121,852
Indiana	18,204,355	1,926,772	1,921,463	22,052,590
Iowa	19,485,563	2,044,999	2,035,291	23,565,853
Kansas	19,464,411	2,068,532	2,062,196	23,595,139
Kentucky	13,212,809	1,417,947	1,421,029	16,051,785
Louisiana	9,272,408	1,013,308	1,019,282	11,304,998
Maine	6,464,828	680,794	681,431	7,827,053
Maryland	5,925,057	635,119	634,906	7,195,082
Massachusetts	10,108,726	1,089,100	1,088,808	12,286,634
Michigan	20,342,365	2,214,691	2,209,596	24,766,652
Minnesota	19,591,780	2,120,741	2,112,595	23,825,116
Mississippi	12,128,018	1,307,879	1,309,729	14,745,626
Missouri	22,786,436	2,405,175	2,404,347	27,595,958
Montana	13,424,885	1,551,499	1,552,576	16,528,960
Nebraska	14,635,235	1,585,138	1,584,981	17,805,354
Nevada	8,795,215	948,510	957,995	10,701,720
New Hampshire	3,169,492	365,625	365,625	3,900,742
New Jersey	8,467,420	934,611	935,122	10,337,153
New Mexico	10,972,386	1,186,763	1,189,361	13,348,510
New York	34,045,195	3,635,217	3,629,879	41,310,291
North Carolina	15,717,206	1,713,356	1,715,910	19,146,472
North Dakota	10,748,659	1,194,951	1,193,440	13,137,050
Ohio	25,731,796	2,762,209	2,757,964	31,251,969
Oklahoma	16,059,787	1,751,891	1,749,066	19,560,744
Oregon	10,879,347	1,182,202	1,189,707	13,251,256
Pennsylvania	31,338,781	3,335,735	3,333,786	38,008,302
Rhode Island	2,667,569	365,625	365,625	3,398,819
South Carolina	9,801,524	1,054,988	1,059,533	11,916,045
South Dakota	11,166,790	1,220,064	1,223,981	13,610,835
Tennessee	15,280,591	1,614,766	1,612,012	18,507,369
Texas	40,606,431	4,497,272	4,502,576	49,606,279
Utah	7,818,779	846,906	848,093	9,513,778
Vermont	3,268,507	365,625	365,625	3,999,757
Virginia	13,501,514	1,442,714	1,437,548	16,381,776
Washington	10,145,776	1,131,532	1,143,226	12,420,534
West Virginia	7,352,511	793,636	793,796	8,939,943
Wisconsin	17,438,815	1,870,455	1,864,212	21,173,482
Wyoming	8,566,274	934,369	939,547	10,440,190
Hawaii	1,100,153	365,625	365,625	1,831,403
Total	671,375,000	73,125,000	73,125,000	817,625,000

Amount of money received by each State if this bill (H. R. 10142) passes, according to the Federal aid road act, on an appropriation of $366,607,030,065

Texas	$21,937,500
Pennsylvania	16,160,625
Ohio	13,464,750
Missouri	11,724,375
Minnesota	10,335,000
Iowa	9,964,500
Indiana	9,394,125
Oklahoma	8,443,500
Tennessee	7,873,125
Montana	7,566,000
Virginia	7,134,625
Colorado	6,708,000
Arkansas	6,230,250
North Dakota	5,825,625
Oregon	5,762,250
Massachusetts	5,308,875
South Carolina	5,143,125
Nevada	4,626,375
New Jersey	4,553,250
Florida	4,387,500
Maine	3,312,875
Maryland	3,095,625
New Hampshire	1,784,250
Rhode Island	1,784,250
Hawaii	1,784,250
New York	17,720,625
Illinois	15,356,250
California	12,104,625
Michigan	10,793,250
Kansas	10,081,500
Georgia	9,652,506
Wisconsin	9,116,250
North Carolina	8,350,875
Nebraska	7,726,875
Alabama	7,541,625
Kentucky	6,892,500
Mississippi	6,376,500
South Dakota	5,947,500
New Mexico	5,786,625
Washington	5,513,500
Arizona	5,152,875
Louisiana	4,938,375
Idaho	4,558,125
Wyoming	4,553,250
West Virginia	3,870,750
Utah	3,153,125
Connecticut	2,305,875
Vermont	1,784,250
Delaware	1,784,250

Federal highway system limited to 7 per cent of the total mileage, December 31, 1927

States	Certified total mileage	Limiting 7 per cent mileage	Mileage approved		Percentage approved	
			7 per cent system	Extensions	7 per cent system	Extensions
Alabama	56,551	3,958	3,884.00		98	
Arizona	21,400	1,498	1,498.00		100	
Arkansas	71,960	5,037	5,021.13		99	
California	70,000	4,900	4,771.50		98	
Colorado	48,000	3,360	3,332.00		99	
Connecticut	12,000	840	835.43		99	
Delaware	3,800	266	266.00	149.81	100	55.00
Florida	27,548	1,928	1,926.00		99	
Georgia	80,892	5,662	5,560.40		98	
Idaho	40,200	2,814	2,770.00		98	
Illinois	96,771	6,774	6,616.78		98	
Indiana	70,946	4,966	4,701.50		95	
Iowa	109,113	7,638	7,212.00		95	
Kansas	124,143	8,690	7,922.00		91	
Kentucky	53,000	3,710	3,702.45		99	
Louisiana	40,000	2,800	2,712.90		97	
Maine	23,104	1,617	1,393.46		86	
Maryland	14,810	1,037	1,037.00	466.72	100	46.00
Massachusetts	20,525	1,437	1,308.00		91	
Michigan	75,000	5,250	5,235.00		99	
Minnesota	103,050	7,214	6,849.60		95	
Mississippi	53,000	3,710	3,604.00		98	
Missouri	111,510	7,805	7,530.00		96	
Montana	67,100	4,697	4,665.00		99	
Nebraska	80,272	5,619	5,576.55		99	
Nevada	22,000	1,540	1,398.00		91	
New Hampshire	14,112	988	980.91		99	
New Jersey	17,120	1,198	1,179.80		99	
New Mexico	47,607	3,333	3,298.00		99	
New York	81,873	5,731	5,451.00		95	
North Carolina	60,000	4,200	3,860.80		92	
North Dakota	106,202	7,434	7,194.00		96	
Ohio	84,497	5,915	5,899.30		99	
Oklahoma	112,698	7,889	5,528.00		70	
Oregon	41,826	2,928	2,840.50		97	
Pennsylvania	90,000	6,300	4,871.22		77	
Rhode Island	2,368	166	166.00	190.86	100	114.00
South Carolina	52,318	3,662	3,230.00		88	
South Dakota	115,390	8,077	5,767.00		72	
Tennessee	65,204	4,564	3,252.80		72	
Texas	182,816	12,797	11,685.00		91	
Utah	24,057	1,684	1,677.33		99	
Vermont	14,900	1,043	1,043.00		100	
Virginia	53,338	3,733	3,233.00		87	
Washington	42,428	2,969	2,927.50		98	
West Virginia	31,629	2,214	2,048.31		92	
Wisconsin	78,800	5,516	5,493.36		99	
Wyoming	46,320	3,242	3,097.00		96	
Hawaiian Territory	3,043	213	174.60		82	
Total	2,865,241	200,563	186,227.13	807.39	93	.25

Number of motor vehicles registered

Year	Passenger cars	Trucks	Total
1917	4,657,340	326,000	4,983,340
1918	5,621,617	525,000	6,146,617
1919	6,771,074	794,372	7,565,446
1920	8,225,859	1,006,082	9,231,941
1921	9,346,195	1,117,100	10,463,295
1922	10,864,128	1,374,247	12,238,375
1923	13,479,608	1,612,569	15,092,177
1924	15,460,649	2,131,232	17,591,881
1925	17,512,638	2,441,709	19,954,347
1926	19,237,171	2,764,222	22,001,393
1927	[1] 20,282,293	[1] 2,943,898	[1] 23,226,191

[1] The figures given for 1927 are as published in the January number of Motor Magazine and are undoubtedly based on estimates for several States.

NOTE.—The separation into number of passenger cars and trucks registered to and including 1923 is estimated each year on the basis of those States which have complete records. In 1917, 16 States kept the registration of trucks separate, and in 1923, 47 States had complete records.

Comparison of Federal motor vehicle receipts with Federal expenditures for highway construction

[As of June 30, 1927]

Fiscal year ending June 30—	Receipts from manufacturer's excise tax on motor vehicles, parts, tires, and accessories	Receipts from special occupational tax on passenger automobiles for hire	Total receipts from excise tax and special occupational tax on automobiles for hire	Expenditures for Federal cooperative construction and administration
1917				$34,338
1918	$23,981,268		$23,981,268	574,816
1919	48,834,272	[1] $507,721	49,341,993	2,915,283
1920	143,922,792	2,040,244	145,963,036	20,340,774
1921	115,546,249	1,776,494	117,322,743	57,462,768
1922	104,433,763	1,785,620	106,219,383	89,946,604

[1] Six months only.

Comparison of Federal motor vehicle receipts with Federal expenditures for highway construction—Continued

Fiscal year ending June 30—	Receipts from manufacturer's excise tax on motor vehicles, parts, tires, and accessories	Receipts from special occupational tax on passenger automobiles for hire	Total receipts from excise tax and special occupational tax on automobiles for hire	Expenditures for Federal cooperative construction and administration
1923	$144,290,490	$1,907,400	$146,197,890	$71,604,709
1924	158,014,710	2,013,839	160,028,549	80,447,824
1925	124,686,745	1,865,075	126,551,820	97,472,506
1926	138,155,195	1,646,797	139,801,992	89,362,110
1927	[2] 66,437,881	([3])	66,437,881	82,977,566
Total	1,068,303,365	13,543,190	1,081,846,555	593,139,298

[2] Automobile trucks, parts, and accessories not taxed.
[3] Not taxed.

Appropriated $662,200,000.

TREASURY DEPARTMENT,
OFFICE OF THE UNDERSECRETARY,
Washington, January 9, 1928.

Hon. EDWARD E. BROWNE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: For the Secretary I acknowledge receipt of your letter of January 6, 1928, requesting information concerning the obligations given by France in connection with the purchase of surplus war material after the close of the war.

There are set out below the date, maturity, and amount of obligations taken by the Secretary of War in connection with the sale on credit to France of surplus war material:

Date	Maturity	Principal amount
Aug. 1, 1919	Aug. 1, 1929	$400,000,000.00
May 9, 1920	May 9, 1930	6,566,762.42
July 5, 1920	July 5, 1930	774,382.59
Total		407,341,145.01

The obligations bear interest at the rate of 5 per cent per annum, payable semiannually, and France has been paying the interest thereon currently. The amounts of the obligations are included in the funding agreement concluded April 30, 1926. This agreement has not as yet been ratified by the legislative powers of France and the United States, and for that reason no payments are being made under that agreement. France is, however, continuing to carry out the terms of the obligations above set forth by paying the interest as it falls due in accordance with the terms of such obligations.

Very truly yours,

OGDEN L. MILLS,
Undersecretary of the Treasury.

LAW REGARDING SALE OF SURPLUS WAR MATERIAL

SEC. 5. That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment, and supplies now or hereafter declared surplus from stock now on hand and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same shall be distributed among the highway departments of the several States, to be used in the construction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that hereinafter provided for in this act in the distribution of Federal-aid fund: *Provided*, That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per cent of such material, equipment, and supplies for use in the construction, reconstruction, and maintenance of national-forest roads or other roads constructed, reconstructed, or maintained under his direct supervision.

SEC. 6. That in approving projects to receive Federal aid under the provisions of this act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per cent of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this act.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other, which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. BARBOUR. Mr. Chairman, I yield one minute to the gentleman from Minnesota [Mr. SELVIG].

Mr. SELVIG. Mr. Chairman, I ask unanimous consent to insert in the RECORD a few remarks with reference to H. R. 7940.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to insert in the RECORD a few remarks with reference to H. R. 7940. Is there objection?

Mr. SCHAFER. Mr. Chairman, reserving the right to object, on what subject?

Mr. SELVIG. On the farm-relief question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SELVIG. Mr. Chairman and Members of the House, it is encouraging to note that the press of the country is keenly interested in the hearings that are now being held by the great Committee on Agriculture of the House of Representatives. One of the most important problems before the country to-day is being considered by that committee. In the right solution of that problem lies not only the destiny of the nearly thirty millions of people who live in our rural communities but to a large extent our future policy as a nation.

The hearings center on whether or not the equalization fee principle is to remain in the bill that will finally be reported out. It is not a question of passing a farm relief bill any longer. It is no longer necessary for those who are familiar with the problems of the farmer to argue and to urge that something must be done.

That day has passed. For eight long years the farmer has labored at a serious disadvantage. Minor improvements here and there, due to seasonal differences in this country or in the agricultural production in foreign lands, have furnished temporary respite, but no outstanding improvement has come.

This fact is universally recognized. Members on both sides of the aisle urge the enactment of a real, an effective farm bill. Friends of the farmer—and I do not use that term in a narrow sense; I wish to include all serious students of our economic structure—proclaim that agriculture must be placed on a parity with industry, labor, and transportation in so far as our national policy is concerned.

That is the problem the House Committee on Agriculture is grappling with.

The equalization fee is a necessary part of the legislation needed to enable the farmers to form a 100 per cent pool in marketing their products. All the producers of a commodity will participate in the plan which the bill directs the Federal farm board to set up, not 80 per cent or 60 per cent of the commodity, permitting producers of the remaining 20 per cent or 40 per cent to reap all the benefits and pay none of the costs, as is the common experience in many cooperative marketing enterprises in this country to-day, but 100 per cent, thereby giving the Federal farm board the full opportunity of handling the surplus not required for domestic consumption.

There is nothing radical nor revolutionary involved. No existing institution is to be destroyed. Price stabilization only is to be effected. The farmer will receive in the ordinary, everyday markets of the land a domestic price on the part of his products consumed in this country, less the loss per unit resulting from the sale of the surplus elsewhere.

By means of the equalization fee all producers recognized as being members of a 100 per cent commodity pool by the Federal farm marketing board will pay their pro rata share. No Government subsidy is required. Governmental authority is needed and the use of a revolving fund. Outside of that, the Government assumes no risk and takes no financial responsibility.

The farmers in my section of the country are familiar with this proposal. It has been discussed from every angle. Throughout the Northwest there is this one dominant idea: Retain the equalization fee; try out this plan; we believe that it will work; no Government subsidy is wanted; pass the McNary-Haugen bill with the equalization fee included.

This is the message that comes thundering down from the prairies of the greatest food-producing area in the world.

Let no one mistake the meaning of this message.

A real, an effective farm relief bill is demanded.

The following editorial, which appeared recently in the St. Paul Pioneer Press-Dispatch, cites the interest of the bankers in the great State of Illinois in this bill and in the absolutely essential equalization fee:

POLITICS OR FARM RELIEF?

News about farm relief from Washington contrasts with that from Illinois. In Washington politicians are trying to maneuver the McNary-Haugen bill into a pocket. In Illinois the State Bankers' Association, with 1,700 members, has unanimously approved the McNary-Haugen bill.

The Illinois Bankers' Association has taken this step not only because it is willing for this form of legislation to be tried on its merits but also, no doubt, because a purely negative policy is not longer consistent with a desire to reach a solution of the agricultural problem. In spite of discussion and agitation for nearly eight years, no general farm legislation has been enacted by Congress. Indeed, among all plans which promise important results the McNary-Haugen is the only one which has found strong support. The McNary-Haugen bill, for all practical purposes, is the only measure of farm relief before the country. Because opponents of the bill have failed to develop anything that meets the two fundamental conditions of economic and political feasibility, farm relief at this moment is practically a matter of the McNary-Haugen bill or nothing.

Many persons have expressed sincere doubts over the McNary-Haugen bill. Individual members of the Illinois Bankers' Association presumably shared them, or their indorsement would not have been this long delayed. The exponents of the McNary-Haugen bill, many of them in high standing in business and economics, can reasonably expect that these doubts be resolved in their favor. The plan as it stands is the result of years of refinement and perfection under critical analysis. It is admittedly not perfect, but what great economic innovation ever was? "If the present bill does not grant relief," says an officer of the Illinois Bankers' Association, "it can be amended later to include provisions which will."

The obstruction of a few influential leaders may relegate farm relief to the discard once more at Washington, but the country as a whole will be found in agreement with the Illinois bankers.

February bids fair to be an eventful month for the farmers of this Nation. Their eyes are turned on their elected representatives. Before the ides of March the farm relief bill's fate will have been determined. It rests with the Members of this House to solve this problem, which, with flood relief for those in distress in the great Mississippi Basin and with the urgent necessity of increasing the tariff on competitive agricultural products, involves the welfare of millions of our people.

I confidently believe these problems will be solved in a manner worthy of the best traditions of statesmanship in the glorious history of our beloved country.

Mr. COLLINS. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCKEOWN]. [Applause.]

Mr. MCKEOWN. Mr. Chairman and gentlemen of the House, there was reported from the Committee on Foreign Relations on yesterday a resolution which, in my judgment, is the most forward-looking resolution ever proposed in the Congress. It is a resolution looking forward to an embargo upon the sale of war materials and war machines as well as arms and munitions during wars between other countries.

Gentlemen, when I first ran for Congress, I ran on a written platform. In that written platform I said I would support legislation which would prevent the makers of munitions and arms from receiving any profits upon the sale of munitions and arms to belligerent nations in time of war as one of the remedies for reducing the probability of war.

We are hearing a lot of war talk from a lot of junkers throughout the United States; men who believe they can scare up a war whenever trade gets low in munitions and arms. While they are doing this the peoples of all countries—at least, right-thinking people—are hoping for world peace.

There must of necessity be some armed forces in every country. But I, for one, am opposed to this policy of competition in arms and the competitive building of big navies. I think that no better thing could be done by the Congress of the United States than to train our young men in the Navy in such a way that they could successfully operate the merchant marine instead of increasing our number of small-pay officers. I would have them trained to carry on our commerce in times of peace. [Applause.] The world is tired of war. Because the quota of Army and naval officers is so crowded we have no place to put our graduates of the military and naval school. We ought to make some arrangement by which we will train private citizens who want military training and put the graduates of the Naval Academy at Annapolis into the merchant marine.

This bill now under consideration carries $400,000,000, in round figures, for the maintenance of the Army. The newspapers of the world, if they wanted to do so, could bring about peace throughout the world, because they are the most potent factors in molding public sentiment and the public mind throughout the world.

Away back in 1874, when the English people had neglected their great citizen, Mr. Livingstone, who had penetrated into the wilds of Africa, the New York Herald, one of the foremost papers of the country at that time, took up the matter and financed the expedition of Henry Stanley into darkest Africa, which brought about the civilization that now exists there. It

was through the influence of the New York Herald that slavery was finally driven out of Africa. Why? Because it had a great influence, and the papers of England joined with that paper. If the great metropolitan press would honestly take a stand to have peace in the world and quit printing this junker stuff, peace could be brought about. Many of these junkers have no other purpose in talking this stuff than to get publicity and in order to get a big write up in some military paper or magazine. Some of our officers are putting forth stories about war in order to excite the fears of the people, and a lot of this is done for propaganda purposes in order to scare Congress and hurry Congress in the making of unlimited appropriations for the Army and the Navy.

Look where you are drifting to in this country. Some two or three or four years ago I said on the floor of this House, when there was a bill here to build airplane carriers, that they wanted these airplane carriers for the purpose of increasing the number of airplanes. I said they wanted them for the purpose of coming into Congress later and saying, "We now have the airplane carriers and we must have 1,000 airplanes apiece to put upon them, because it will not do to have airplane carriers without the airplanes." Of course, everybody knew what was coming, and it has come about.

Look how the appropriations for the Army and Navy have piled up. After the Army gets through then the Navy comes in and asks for a large amount of money, and the amounts now asked are indeed very high. I am not criticizing the men in Congress who have to present this legislation. They do the very best they can; and I will say it is to the credit of this subcommittee that it has brought in a bill that is $500,000 less than the estimates of the Budget. They have been able to allocate the money in such a way as to bring in the bill in that reduced amount. But the thing I am complaining about is this constant talk about war. Some of our boys are on foreign soil now engaged in conflict. I believe in the Monroe doctrine; but I have never been able to understand how the Monroe doctrine could be twisted around to the point where we have to take our American boys and send them to a country for anything more than the protection of the interests of foreigners and Americans. I have never understood how the Monroe doctrine could be twisted into meaning that we had to send our boys over the hills and mountains of a foreign country for the purpose of maintaining order in that country. I have never understood that, and nobody has ever been able to explain it to me satisfactorily.

Maybe they will catch this fellow, Sandino, or whatever his name is, down in Nicaragua. They will run him down and catch him, perhaps, I do not know; but I do know it is a curious kind of construction to put on the phrase "Protection of American lives and property" to have our soldiers chasing through the jungles and running through the woods, running down a bunch of fellows who are trying to get away from them. [Laughter and applause.] I can not understand that.

Mr. SCHAFER. Will the gentleman yield?

Mr. McKEOWN. Yes; I yield to the gentleman.

Mr. SCHAFER. Perhaps they are following the policy of protection laid down by the late President Wilson when he sent our soldiers into Russia and into Mexico.

Mr. McKEOWN. Well, I want to say this: About the only time the Russians ever had any sort of order over there that was worth while was when the Americans were there. They may not have appreciated it, but it was about the best order they had ever had, and they have not had any since. [Laughter and applause.] So far as Mexico is concerned, I have always said, and I have always believed, if a fellow wants to invest his money in Mexico rather than under the flag of the United States, let him take the consequences of the laws of Mexico and live up to them. [Applause.] He has no right to come back to this country and ask our citizens to send their boys down there when he himself will not stay at home, and the only thing he keeps up here is his citizenship, although he is always ready to ask that his investments be protected.

Mr. SCHAFER. Why did Woodrow Wilson, a Democratic President, send them down to Mexico?

Mr. McKEOWN. They had trouble down there, and he sent them down there to bring our fellows out from that country. [Laughter.] He sent them down there to stop them from coming over here and help the Americans who had not gotten out who had not sense enough to come out of that country; but he said he would not send our boys down there any more. [Laughter and applause.]

Mr. BLACK of Texas. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLACK of Texas. We might as well recall now the reason President Wilson sent General Pershing and his punitive expedition into Mexico, which was because Villa crossed into the United States and at Columbus, N. Mex., killed a lot of American citizens, and this expedition was in pursuit of Villa and his followers. It was made with that purpose alone, and while the expedition did not get Villa they drove him far into the interior and he did not repeat the Columbus, N. Mex., outrage.

Mr. McKEOWN. Yes.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. COLLINS. Mr. Chairman, I yield the gentleman five minutes more.

Mr. DENISON. Will the gentleman yield for a question?

Mr. SCHAFER. How about the Vera Cruz expedition?

Mr. BLACK of Texas. Oh, that is not involved at all in this discussion.

Mr. DENISON. I am interested in my friend's discussion of the Monroe doctrine. If we have the right under the Monroe doctrine to send our troops to Nicaragua to protect American lives and property, should they take a position down there and simply stay there and allow themselves to be ambushed, as was done by Sandino with his troops, when a lot of our men were killed? Does my friend think we ought to do that?

Mr. McKEOWN. I want to say to my friend that I am just as firm for the Monroe doctrine as anybody in the House, and if it was more safe to charge that bunch, they ought to run them farther; but after they ran off, then they ought to stand still and protect their lives and the property; and I can not understand why a man wants to run up through the hills and over the mountains to take some fellow who is clear out of the zone of trouble and away from the danger line. He is not trying to do anything but get away. [Laughter.]

Mr. DENISON. I think the gentleman is literally correct, but that is only one phase of it. As I understand the situation, our troops were sent down there and were stationed at a position, but they were ambushed and a number of them killed. It was then decided, as a matter of military necessity and self-protection, that they should run down the bandits and capture them or kill them in order to prevent another ambush. I am sure my friend will agree that that was proper.

Mr. McKEOWN. But I want to know whether they were in the right position in the first place. I want to know whether they were in the right place when they were ambushed. I do not know whether they were or not. [Applause.] They might not have been protecting American property. They ought to have been around where the American property was and maybe they got away from where such property was.

Of course, I am not criticizing them for fighting, because American boys will fight whenever there is any chance to fight, and they are always ready to fight. We all know they are good fighters, but what I am complaining about is going down there to protect American property and American rights and to protect the rights and the property of the citizens of the foreign countries who have business in there, because we do not let them go in and protect it, and naturally we have to "stepfather" their interests; but when we have done the protecting we ought to quit and get through with it and we ought not to continue to carry on a warfare down there.

Mr. DENISON. I am sure that would be correct if the hostile enemy would let us do that, but they will not do that. They attack us from ambush, and then my friend, I am sure, understands it becomes necessary to pursue them until they are captured or driven into submission.

Mr. McKEOWN. Do they come up into the cities and into the places where American property is located?

Mr. DENISON. They certainly did in Nicaragua.

Mr. McKEOWN. Well, they can run them out of the cities and stop following them, can they not? [Laughter.]

You know, gentlemen, this is a serious matter. There are boys from all over the United States in the Marine Corps. They can not help themselves. They have got to go wherever they are told to go, and they have to die if necessary; but these boys, their kin, want to know for what purpose they are dying down there in Nicaragua.

I am not complaining about the Monroe doctrine. I am not complaining about defending our citizens and our property. I think every man in this country, if he goes on lawful business, ought to be entitled to go into any country and be protected by the flag of this Nation. [Applause.]

I have no apologies for, or no regret about, that doctrine, but I do not think that a man has a right to go off to a foreign country, leave the United States, and take all of his money

with him, and the only thing he leaves up here is his citizenship; and, then, when he gets into a row with them down there over some trick he played on them and they played on him, then to come up here and want to take our boys down there to protect him and his property. I am not in favor of that kind of doctrine. It may be all right, but I am not in favor of it. [Applause.]

Now, what is the situation? This resolution reported out by Congressman BURTON is most far-reaching and is one of the steps forward in the matter of controlling wars. Because, if the resolution is adopted and we go on record in saying that we do not believe in selling arms and munitions and are not going to stand up and let the arms and munitions go to prosecute wars abroad, in other countries, you are going to have less of it, and you will see if you don't have less war propaganda in the world.

Mr. McCLINTIC. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. McCLINTIC. I would like to say that I have heard that a number of marines have been wounded in Nicaragua. Has the gentleman any information on that subject?

Mr. McKEOWN. No; I have not been advised as to the number.

Mr. McCLINTIC. I have heard that more than 400 have been injured.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. COLLINS. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. COMBS].

Mr. COMBS. Mr. Chairman and gentlemen of the committee, I am not insensible to the fact that there may be some presumption in my discussing a matter to which the experience and wisdom of much older men have been addressed. My only excuse for so presuming is the fact that, as the gentleman from Oklahoma has just told you, the question that confronts us in our international policy is a matter of the gravest public concern.

It is difficult to speak temperately of any injustice that compromises our national honor. It is even more difficult to speak without passion and without bitterness of the injustice of a cause that has brought upon our heads the censure of the entire civilized world.

So in approaching any discussion of this matter it is only fit and proper that it should be done in a spirit of the utmost gravity.

I want to read, not because I subscribe to all the sentiment it embodies, but because it is one of the most eloquent human documents that was ever written, a letter from the father of a marine who was killed in a Nicaraguan battle. I would like to include it in the RECORD, feeling that while it may be in some respects intemperate, it fairly expresses the opinion and attitude of a great many of our American people. This, mind you, is a citizen of my own State of Missouri who has written out of the fullness of a heart bereaved through the loss of his own son and addressed to the President of the United States:

Mr. CALVIN COOLIDGE,
Washington, D. C.

DEAR MR. PRESIDENT: According to the dispatches of to-day (January 3) from Managua, my son, Serg. John F. Hemphill, was killed in action against General Sandino's troops.

For the death of my son I hold no malice against General Sandino or any of his men, for I think, and I believe that 90 per cent of our people agree with me, that they are to-day fighting for their liberty, as our forefathers fought for our liberty in 1776, and that we, as a Nation, have no legal or moral right to be murdering those liberty-loving people in a war of aggression.

What we are doing is nothing less than murder, for the sole purpose of keeping in power a puppet President, and acting as a collector for Wall Street, which is certainly against the spirit and letter of our Constitution.

My son was 29 years old, served 3 years of his third enlistment, survived honorable service through the World War against Germany, only to be officially murdered in a disgraceful war against this little nation.

My father served through the Civil War, both my grandfathers died in action in the same war, and I am proud of their records, so this is not from the pen of a red radical, but from one who loves justice and fair play.

I have four sons, and if necessity arose I would be willing to sacrifice not only all four sons, but my own life as well, in a war of defense, but I am not willing to shed one drop of blood in a war of aggression such as this one is.

You have lost a son and know the sorrow, and we as a Nation mourned with you in your hour of grief. Suppose that son had fallen, as my son has, a victim of the greed of Wall Street, would you feel that the financial gain was worth the cost?

JOHN S. HEMPHILL.

FERGUSON, MO.

Gentlemen, we have heard a number of different lines of argument to justify the intervention of this country in the affairs of Mexico, and most frequently, as the gentleman from Oklahoma has just said, the Monroe doctrine has been invoked in a variety of interpretations to defend what would otherwise be an absolutely indefensible war of aggression. What was the Monroe doctrine; what was the purpose of it? Was it intended to cover any such situation as confronts us in the Latin American countries? It was formed to combat the influence of the Holy Alliance, intent on restoring to Spain her colonies throughout the Latin American countries. We were unwilling to see a political system antagonistic to our own established on this continent through European coercion, knowing that our trade with Latin American countries, then being carried on peacefully, would be interrupted by the Spanish policy of limiting the trade of her colonies almost entirely to commerce with the mother country. Still more important was that the virus of autocracy, distilled at our very door, might poison the democratic institutions of this Nation while they were still in their infancy. When, under the guiding hand of Metternich, the Holy Alliance attempted to reestablish the Spanish Empire on this continent, both the United States and England protested and England withdrew from the alliance. It would seem the Monroe doctrine had been too well and too thoroughly discussed to need any word of interpretation here so far as its logical scope is concerned, but such liberties have been taken with its implications that we should try to define its original objectives.

Now we are told it was meant to embrace such conditions as have developed in Latin America. Let me read the words of President Monroe at the time the Monroe doctrine was formed, showing what his sole purpose was and his view of the scope of the pronunciamento—that it was not meant to extend to our intervention in Latin American affairs, but, as a matter of fact, expressly committed us not to intermeddle in the private affairs of any other country. Not the least of the objects of the doctrine was to guarantee to each nation the right to determine its own form of government, free from either European or American coercion, and these are the words of James Monroe, uttered only two years after the enunciation of that doctrine:

The new States are settling down under their governments, elective and representative, in every branch similar to our own. In this their career, however, we have not interfered, believing that every people have the right to institute for themselves the government which in their judgment may suit them best.

He was followed immediately by John Quincy Adams, who really breathed the spirit of life into the Monroe doctrine, and whose reference to its scope was this:

We are disclaiming alike all right and all intention of interfering in those concerns which it is the prerogative of their independence to regulate as to them shall seem fit.

The Congress of the United States at the same time referring to the limitations of this doctrine, under whose protection we now seek to carry on a war of aggression in Nicaragua, said that we did not have the right of intervention with their private and purely national affairs.

In the opinion of this committee there is no proposition concerning which the people of the United States are now and ever have been more unanimous than that which denies not merely the expediency, but the right of intermeddling with the internal affairs of other States, and especially of seeking to alter any provision they may have thought proper to adopt as a fundamental law.

At the time the Monroe doctrine was enunciated the President of the United States, the Secretary of War, the Congress of the United States were unanimous in that interpretation of the Monroe doctrine which would have made it an act of intermeddling on our part to seek to dictate to any Latin-American country how it should order its private affairs. The Monroe doctrine has not changed. It is still what it was at the time of its enunciation, and while I will not pretend that it in any way exhausts our foreign policy so far as Latin America is concerned, but it is the only definite and unambiguous foreign policy that the United States has ever had toward those countries, and the enlargement of it to condone our paternalism in Latin America is without historical or moral justification.

We are committed to protect those countries against European aggression, very largely as a matter of our own protection,

being unwilling to see any other political system inimical to our own grow up on American soil. But by no possible refinement of reasoning can that be distorted to cover or justify our activity in going into the internal affairs of any Latin-American state. What have we done? The reason we went into Nicaragua was ostensibly to protect the sanctity of American investment. As a matter of fact, it has been said on this floor—and, I believe, never denied—that there is no definite proof, there is not even a word, that can convince a fair-minded man that American life was ever endangered in Nicaragua or that American property ever had been seriously threatened. When the American marines were ambushed it was after we had committed ourselves to pursuing Sandino and had virtually declared a state of war against him.

The barometer of political affairs in Latin America rises and falls so quickly that if we attempted to intervene in every purely national dispute that arises on that particular part of the continent we should be busy in no other thing. But conceding that we had the right to do this—and I do not, for one, deny that the sanctity of our American life and investment demands for the protection of the sovereignty of the United States the application of whatever force is necessary to protect our own interests—still we have gone further than guarding the rights of our nationals and have deliberately sought, not simply to establish zones of neutrality that would have been sufficient to guarantee the lives and property of our own citizens but to police a foreign state, to maintain a foreign government with only the most dubious claims to office and to make war on a large element of the Nicaraguan people.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. COMBS. Yes.

Mr. GARRETT of Tennessee. Does the gentleman make a distinction in the duty of the Government as between the protection of life and property? Would not the gentleman make a distinction in that respect?

Mr. COMBS. I do, of course, believe that the sanctity of American life is far more important than the sanctity of American investments that may have been made in a spirit of reckless disregard to their effect upon the policy of the United States.

Mr. GARRETT of Tennessee. That is the answer that I had expected from the gentleman. I just want to reinforce what the gentleman said a moment ago, and that is that again and again here on this floor those who have undertaken to uphold the policy adopted by the administration have been challenged to point to a single instance in which a single American life was even threatened, or to an instance in which American property that it was our duty to protect was in any way jeopardized, to the end that we might know under what circumstances life was endangered and that we might know the character of property and what its relation was to the Government of Nicaragua.

Mr. COMBS. May I say, expressing my gratitude to the gentleman from Tennessee for his interruption, that a substantial American investment has been made in Nicaragua since the outbreak of hostilities, when that part of the Liberal forces led by Moncado were induced by the unofficial representative of the United States to submit to Diaz. The Stimson plan provided they were to be paid for every gun that they brought in.

General Moncado surrendered his forces, but it was found that there was not enough money available in the Nicaraguan treasury to pay him, and that the United States would not lend enough money to the provisional government to pay General Moncado; and so the Diaz government of Nicaragua negotiated a loan, not with the Government of the United States, but with the Guaranty Trust Co. of New York, for $1,000,000, which was to be expended under the supervision of a commission composed of three men, one of them a representative of the Nicaraguan Government, one of them a representative of the Guaranty Trust Co. of New York, and one of them a representative of the American State Department. Sandino rejected the offer, refused amnesty, and denied the right of the United States to supervise the affairs of Nicaragua. So American money began going into Nicaragua in an almost unbroken stream at a time when hostilities were again brewing and ready to burst into flame.

Now, the peril of it is this: What lien or mortgage must Nicaragua give for the one-year loan of $1,000,000 the bankers made them? A mortgage on the capital stock and dividends of the National Bank of Nicaragua of $600,000—the National Bank of Nicaragua is a corporation with a paid-in capital of $300,000, and worth twice that—and the entire capital stock of the Pacific Railways of Nicaragua, worth more than the total amount of the loan; and they pledge the export tax on coffee, the new customs duty on tobacco, wine, and liquors, and the increased tolls on other commodities, and agree to give the bankers of New York a five-year option on new Nicaraguan loans, and to transfer to New York, for the benefit of the credit givers, the bank's and railroad's deposits, worth in the neighborhood of $400,000.

We have invested in that country in a time of great and dire peril. Now a new loan is projected even more sweeping in its provisions than the first one, one that will have an even more burdensome effect upon the Nicaraguan people. We are getting a lien on the customs, on the utilities, on the railroads, on the banks, and almost every productive industry in that country. Your American marines will never get out of there until each one of these various obligations is redeemed, whether that takes months or years. I believe that no man has a morally defensible right to go into a country whose internal affairs are as unstable as those of Nicaragua and then expect the American people to redeem the money recklessly and improvidently invested, through the intervention of our Army. [Applause.]

In conclusion I want to say that there is a serious question that we have not duly considered, which has to do with the right of our President to make war on any foreign people without the sanction of the Congress of the United States. I do not care how many times it has been done before. It is wrong. It will always be wrong. And this Congress is morally obligated to defend its own prerogative in a declaration of war.

Thomas Jefferson, at a time when matters similar to these were under consideration, laid down this doctrine, which is good, sound American doctrine at this time, and which apparently had something prophetic in it, since he forecasts clearly our present situation. I read what he said:

> In the case of actual physical attacks upon American citizens or their property, or the immediate danger of such attacks, the forces of the United States may be used for strictly protective purposes without the consent of Congress, which it is manifestly impossible to obtain in such cases. When, however, any attempt is made to take over the control or territory, to use force for the collection of claims due to American citizens, to interfere with the military operation of foreign troops, or, above all, to interfere between two governments, each claiming to be the legal government of the country, war (perhaps only partial war, but still war) is waged, and this can only be constitutionally done under the authorization of Congress.

American lives are being sacrificed. By whose warrant? The Constitution of the United States provides expressly that the power to wage war shall be vested in the Congress. Has there been any warrant through which Congress to-day authorizes this aggressive war on Nicaragua? The Nation has been plunged into a war it does not approve, with casualties to its troops proportionately as great as those of the World War, by a usurpation on the part of the President and the State Department of a right which resides in Congress—an illegal as well as an immoral war.

We are getting deeper and deeper into the mud of Nicaraguan affairs. With every investment we are becoming more and more deeply involved. With every loss of American life the situation has become more and more critical; and I say that inasmuch as we are there without warrant of law and without the authorization of Congress, we would not be stultifying ourselves or our national honor, so far as the Stimson agreement is concerned, if we brought away our troops to-day without any apology to the world except for the harm we have already done. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COLLINS. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LANKFORD] 20 minutes.

The CHAIRMAN. The gentleman from Georgia is recognized for 20 minutes.

Mr. LANKFORD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on various bills introduced by myself, and by replying to an editorial recently carried by the Washington News under the caption of "Religious tolerance and District of Columbia Sunday closing laws," and also by inserting some brief quotations and an item from the Literary Digest on Sunday observance.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the manner indicated by him. Is there objection?

Mr. MAPES. Reserving the right to object, Mr. Chairman, I will ask the gentleman if that is the same request he made yesterday in the House?

Mr. LANKFORD. It is the same request.

Mr. MAPES. I understood that the policy was not to ask for extensions in committee of matters foreign to the subject matter of the debate.

Mr. LANKFORD. I want to talk on the subject indicated at this time, under the rules of general debate.

Mr. MAPES. Does the gentleman think that it is good practice to ask to extend in the committee what has been objected to in the House?

Mr. LANKFORD. I do not feel that the fact that I have already asked unanimous consent to extend on any subject and have been denied that privilege deprives me of the privilege of repeating that request, and it does not deprive me of the right to ask unanimous consent for the insertion as a part of my remarks of an editorial which is discussed, and quotations which I wish to insert as a part of my discussion.

Mr. MAPES. If the gentleman is going to discuss the general subject, I will not object.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. TREADWAY. Mr. Chairman, I was compelled to object to the gentleman's request yesterday, and if he is repeating the same request now I shall be obliged again to object. I object to the insertion of something other than the gentleman's own remarks. I object to the insertion of editorials, articles in the Literary Digest, and similar extracts to which the gentleman referred yesterday. They are public property and do not need to go into the RECORD. I therefore object to the insertion of such extracts as the gentleman refers to as having been printed in the Literary Digest and other publications.

The CHAIRMAN. Objection is heard to that portion of the gentleman's request relating to extracts from the Literary Digest.

Mr. LANKFORD. Mr. Chairman, do I understand that means I can use nothing except my own remarks and that I can not quote even a sentence from any other document?

Mr. TREADWAY. It does not mean that at all. Everybody in the course of remarks such as I understand the gentleman is about to make brings in an extract from somebody else's speech or something like that. What I am objecting to is the insertion of articles taken bodily or partially from magazine articles, which is so frequently done here. The gentleman knows perfectly well what the nature of the objection is that I am making. I am not objecting to the gentleman quoting something in his own remarks and in his own time on the floor.

Mr. LANKFORD. That is what I am seeking to do, Mr. Chairman, give certain quotations in my own remarks, and I do not understand there is any limit as to the length of those quotations.

Mr. TREADWAY. I think there is a limit as to the length of such quotations, and unless the gentleman is willing to say how extensive those quotations are I shall be obliged to object. If he wants to say, "I am quoting simply a few lines to illustrate what I am saying," of course I shall not object, but I think it is the gentleman's intention to quote an article from the Literary Digest, and I object to that. We can get copies of the Literary Digest for 10 or 15 cents.

Mr. BANKHEAD. Will not the gentleman from Massachusetts withhold his objection for a moment. I would like to inquire just what the gentleman from Georgia desires to insert.

Mr. LANKFORD. I have asked unanimous consent to insert certain quotations from an editorial which was carried in the Washington News on the subject of religious tolerance and District of Columbia Sunday laws, and also to insert a short quotation from the Literary Digest, as well as some other quotations. I would insert, if permitted, the entire article from the Literary Digest, because it is not very long. I will say in this connection that on yesterday the gentleman from Massachusetts allowed an extension of remarks in the RECORD containing five newspaper articles, every one of which is much longer than my article, and then within five minutes he objected to my inserting in the RECORD one article not nearly as long.

Mr. TREADWAY. The gentleman does me an injustice. I did not permit anybody to put anything in the RECORD, because I do not have that power. All I can do is to make objection when the request is made, if such request does not seem proper. I did not permit anybody to put in five extracts, and I did not know anything about it.

Mr. LANKFORD. The RECORD shows that just before I made my request on yesterday the gentleman from Ohio [Mr. ROY G. FITZGERALD] obtained unanimous consent to extend his remarks in the RECORD. That was not objected to by the gentleman from Massachusetts, and those remarks contained five quotations from newspapers, every one of which is much longer than the quotation which I wish to put in the RECORD. The gentleman from Massachusetts could have ascertained from the gentleman from Ohio whether he intended to include such quotations in his own remarks. However, he did not do that, but objected to my inserting these quotations. He could have made that inquiry of the gentleman from Ohio. Furthermore, last year, when I inserted an article which the gentleman [Mr. TREADWAY] thought ought not to be inserted, he moved to strike it out, but he has made no such motion with reference to the extension of remarks by the gentleman from Ohio. The gentleman from Massachusetts could have followed the same procedure he followed with respect to myself last year.

Mr. TREADWAY. I call the gentleman's attention to the fact that at the time I objected to the extension of his remarks another gentleman, Mr. UNDERHILL, objected to the extension of remarks by the gentleman from Illinois [Mr. RATHBONE]. His extension did not concern the same subject matter, but the gentleman's request included the same kind of an article, an editorial from a newspaper. That was objected to, and is going to be objected to again to-day.

Mr. LANKFORD. Mr. Chairman, we might as well get this matter straight. The RECORD every day carries column after column of liquor advertisements or matter put in on behalf of wet propaganda and on behalf of the bootleggers of the country, and then when I attempt to put in a very short article in defense of a bill I have introduced, and which has been attacked by some newspaper in Washington, I am confronted with the proposition that I can not insert short newspaper articles in the RECORD.

Now, Mr. Chairman, it seems to me there ought to be some definite rule as to the length of quotations that may be included in extensions of remarks. I do not want to violate any rule of the House. I only want to be treated fairly. I do not want anything left out of the RECORD simply because I happen to be in favor of Sunday observance or because I happen to want to quote something in support of that contention. I do not want anything left out of the RECORD because it happens to be in support of farm legislation upon objection by the same gentleman from Massachusetts who put in the RECORD a little while ago a lot of quotations from newspapers attacking farm legislation. I want to know where the line of distinction is. Is it because my article is in favor of Sunday observance or in favor of farm legislation, or because the gentleman just simply does not like the man who is trying to put in the article?

Mr. TREADWAY. I would not for a moment, Mr. Chairman, take the slightest offense at the gentleman from Alabama——

Mr. LANKFORD. Alabama would be as well, but I am from Georgia.

Mr. TREADWAY. Yes; the gentleman from Georgia. It is not a personal matter in any sense. At numerous times I have objected to extensions of remarks of the nature that the gentleman seems to want to insist upon inserting now. I offer this suggestion in all kindliness to the gentleman. I am not going to make the personal type of remark that the gentleman has just made because there is nothing personal in this at all——

Mr. LANKFORD. There is nothing personal with me except that I can not understand why the gentleman objects to certain lines of extension and allows the other kind to go in.

Mr. TREADWAY. Just a moment. The gentleman made his statement, let me make mine.

Mr. LANKFORD. But this is my time, Mr. Chairman.

Mr. TREADWAY. Let me suggest, Mr. Chairman, probably we have taken more time in discussing this matter than it would have taken the gentleman to read, in his own time, the extracts he wants to put in the RECORD, and I suggest the gentleman read the extract from the Literary Digest in his own time, and then there will not be any objection to it upon my part.

Mr. LANKFORD. At the beginning I asked unanimous consent that I might proceed for 20 minutes and read what I had written with these extracts in it, and if I failed to read it all within the 20 minutes that the balance then might be extended in the RECORD.

Mr. TREADWAY. I still object to the gentleman inserting extracts from the Literary Digest or any other publication without having read them.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. TREADWAY. I object.

Mr. LANKFORD. At a more opportune time, Mr. Chairman——

Mr. CHINDBLOM. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is, Is there objection to the request of the gentleman from Georgia, and the Chair hears objection?

Mr. LANKFORD. As I understand it, the gentleman does not object to my reading what I have written.

Mr. CHINDBLOM. The discussion, of course, is all in the gentleman's time.

The CHAIRMAN. The gentleman may proceed with his remarks. He has been yielded time.

Mr. LANKFORD. And at some other time I shall ask unanimous consent to extend in the RECORD my own remarks on the inconsistencies of the very amiable gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Why does not the gentleman ask that privilege now? I shall not object to it.

Mr. LANKFORD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, after taking ample time to look up the matter, showing the inconsistency of the splendid gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. I trust that right will be granted the gentleman.

Mr. CHINDBLOM. Reserving the right to object, the gentleman does not expect to quote from the Literary Digest on that subject?

Mr. LANKFORD. I do expect to quote from some remarks the gentleman has put in in opposition to farm relief.

Mr. TREADWAY. Oh, no. I have done nothing of the sort.

Mr. LANKFORD. And some remarks that have been allowed to go in unobjected to putting bootleg stuff in the RECORD.

Mr. TREADWAY. The gentleman is mistaken in the identity of the Member. I have never put anything of that kind in the RECORD at any time.

Mr. TABER. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is for the gentleman to proceed.

Mr. LANKFORD. I am proceeding, Mr. Chairman.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman yield for a parliamentary inquiry?

Mr. CHINDBLOM. The time consumed by the gentleman, of course, is out of the time yielded him.

The CHAIRMAN. The Chair would not so hold, in view of the fact that during the discussion under a reservation of the right to object, any Member could have demanded the regular order. If anyone's fault, it was the fault of all the Members permitting the discussion to go on when any Member could have stopped it by a demand for the regular order.

Mr. LANKFORD. What I wish to say in that connection is simply this——

The CHAIRMAN. The gentleman's time is running now.

Mr. LANKFORD. All right. I shall quote in this extension of remarks from remarks made by the gentleman in opposition to farm relief, in which he extended certain articles, and also other articles put in by him, or which he permitted to be inserted, consisting of newspaper articles; and also certain bootleg stuff permitted to be inserted in the RECORD when the gentleman was present and made no objection.

Mr. TREADWAY. Mr. Chairman, I object to that sort of remark, as if I were the censor of every Member on this floor. We have had a nice, cordial, pleasant little talk here——

Mr. LANKFORD. And we are still having it.

Mr. TREADWAY. Why not continue it without any personal remarks of that kind? I have never inserted any bootleg legislation in the RECORD, or anything favorable to it.

Mr. LANKFORD. I did not say that.

Mr. TREADWAY. And the only thing the gentleman objects to is the fact that I have not stopped somebody else from putting in some of their own remarks. It is not fair, I will say to the gentleman from Georgia, to make any such insinuation. Let us be pleasant about this little matter.

Mr. LANKFORD. It has been very pleasant with me.

Mr. TREADWAY. Even to the extent of offending the gentleman about his Literary Digest item.

Mr. LANKFORD. I simply wish to say that I do not mean the gentleman has put in any bootleg extensions, but since the gentleman has set himself up as a censor of certain matter sought to be put into the RECORD by me, I am going to show that my quotations are better and of a higher class than other stuff which the gentleman permits to go into the RECORD.

Mr. Chairman and gentlemen of the committee, I shall now proceed with my remarks concerning the editorial carried by the Washington Times, and am quite sure I shall, yet in my own time, have an opportunity to read the article from the Literary Digest to which objection has been made.

First I wish to address myself to the editorial carried by the Times, leaving the contested Digest article to be read by me later, before I resume my seat.

Mr. Chairman and gentlemen of the committee, the Washington Times, on January 20 past, under a double-column caption of "Religious tolerance and District of Columbia Sunday closing law," editorially purposely attempted, as usual, to deceive the public. The attack was aimed at a bill introduced by me to provide one day of rest out of every seven in the District of Columbia. Deception No. 1 is in the phrase "there is pending in Congress a bill, sponsored by Georgians and other citizens of particular creeds, providing for air-tight Sunday closing in the District of Columbia." If a bill, the entire effect of which would be to close only commercial sports, theaters, movies, dance halls, and night clubs on Sunday and secure one day of rest out of every seven for the workingman, is an air-tight Sunday closing then I wonder what the editor would consider a wide-open town. The editor knows I am not trying to legislate for an "air-tight Sunday closing in the District of Columbia." I do favor, though, an air-tight Sunday closing of theaters and movies which to-day are fiendishly kidnaping, debauching, and tearing to pieces all that is highest and best in the make-up of our children. While these kidnapers of the conscience and souls of our boys and girls are throwing their morally twisted and dismembered bodies at our feet, editors of many of the big dailies are pleading for these dens of vice, like the gates of torment, to stand open day and night and every day in the year.

This editor of the Times is very solicitous about the Sunday night clubs and Sunday dance halls, and is fighting shoulder to shoulder with the organization for the promotion of atheism in behalf of these dives of vice, lawlessness, and shame. The sanction, approval, and support of these things is demanded by the editor as being in furtherance of "orderly, sensible observance of the Sabbath Day." The editor says that "District pastors, citizens, and organizations" have denounced my bill as "being most dangerous to true religion."

To my mind, Sunday dance halls and Sunday night clubs constitute an odd and dangerous "true religion." Because a few have bitterly objected to my bill against these things does not lessen the merits of the bill. In my humble judgment there are a hundred times as many pastors, good citizens, and leading churchmen in Washington and elsewhere favoring my bill as there are against it.

Again, the editor says that Congress is composed of "enlightened men, the majority of whom represent constituents who do not favor such legislation." Why not make the statement stronger and say all Congressmen represent a few constituents who do not favor any Sunday legislation, object to all laws, and are professional criminals. Surely this is no argument against reasonable laws when favored by a great majority of our people. The desire for Sunday closing of theaters, movies, dance halls, and night clubs is not the "bigoted ideas of a comparative few outside men and women." If the overwhelming majority of the people in a great majority of the congressional districts do not favor my bill, then I do not want it passed. This can not be determined, though, by the number of petitions which may be obtained by false representations that my bill interferes with religious freedom or would bring a union of church and state, or will force Sunday religious observance.

Let us see what these Washington newspaper champions of Sunday night clubs say about these beloved objects of their deepest affections. After pleading for protection of the night clubs of debauchery in the name of the United States Constitution and all its wonderful provisions for religious freedom and human rights, their news columns carry story after story descriptive of these dens. Here is a little of the evidence quoted by these papers as given by a prominent citizen in a trial now in progress concerning what was seen at one of the most notorious clubs near Thomas Circle. The witness said:

> On January 15, 1927, I saw a young girl slide under the table from her chair. Two young men, about 22, and another girl were at the table. The men picked the girl up and asked a waiter to bring them something. The waiter returned with a colorless liquid which they gave the girl and she was revived. Later they took her from the dance floor. I believe the girl was drunk. I saw 40 or 50 persons drunk that night. They were trying to dance. I smelled the odor of alcohol. Those trying to dance bumped into each other. They were boisterous. Men, and occasionally a woman, cursed. Their faces were flushed, the girls' hair were disheveled.

The editor argues that to close dens like this just described will "disgust many who believe in orderly, sensible observance of the Sabbath day," will "fasten on the District the bigoted ideas of a comparatively few outside men and women," will "force Sunday religious observance on the people," and that "modern religion can make no progress" where such Sunday performances are interfered with. Perhaps he believes these things; but if so, he is diseased with a strange kind of religio-fanatico-constitutio-don't know. He even urges that there shall be no good legislation for people, since we can not "make them good" by legislation. I admit that legislation can not make all people good, but that is less than no argument against laws for the

protection of both good and bad folks. All good laws improve not so much the individual as the whole citizenship. Laws are not made alone for the fellow who boasts that "laws can not make him good," but for the protection of those he would wrong or destroy. The insistence by any man that he will be maliciously bad in spite of law, and therefore others should join with him in violation of the law, is an effort to tear down all law, destroy orderly government under the Constitution, and to set up in lieu thereof anarchy by traitors.

I would not sponsor a bill based on the intolerance of any true religion, but I have no tolerance for any practice, be it called religious or not, which approves the eating of human beings by the cannibals of the Fiji Islands or the slaughter of innocent children by any people, civilized or uncivilized; neither do I profess any tolerance for the selfish desires of those who for "30 pieces of silver" are seeking to betray the moral manhood and womanhood of the next decade—our children of the present. I am very intolerant of the selfish practices and proclivities of those who are seeking to lead and herd our children like "dumb, driven cattle" in the slaughterhouses of atheists and those giving infidels aid and comfort in their fight to destroy all that is highest and best in the lives of ourselves and in the life of our Government.

By the way, just here let me give the editor a little tip. The Times and other Washington papers like to carry criticisms of my farm bills, Sunday bill, and so forth. Now, I have introduced a bill—

To prevent the handling in the United States mail or interstate commerce of any newspaper, magazine, or periodical which contains the name of a girl or woman as the individual upon which it is alleged or contended was committed a rape or an assault with attempt to rape.

I am trying to prevent the Times from lynching publicly, again and again, the outraged victim while the identical paper is shouting for the protection of the brute who committed the offense. I would like to shut up "airtight" this and some other papers—not only Sunday, but every day in the week—so as to prevent their subjecting by continuous publicity the innocent victim of an outrage to a torture worse than that of faggots and the torch.

The editor can write another editorial on this last-mentioned bill and can give forth ululations to his heart's content in behalf of his idea of "religious freedom," and especially can he feel he is very eloquent in behalf of "freedom of the press." Evidently the editor thinks that "freedom of the press" means a license to oppress the right and suppress the truth.

The editor can apply the epithet of "bigoted" to the great majority of people in the States who favor a decent Sunday law for their own Capital if he wishes. Not many of the 421 Members of the House who represent districts with stronger Sunday laws than that proposed by my bill will join with him in his unauthorized slander of over a hundred million of the best people of the Nation. In order to show what others think of the "bigoted" people who favor Sunday legislation I wish to read for the RECORD the following article from the Literary Digest of January 28, 1928.

This is the article to which objection has been made:

A LESSON ON SUNDAY OBSERVANCE

Big business and Sunday observance are not generally associated together in the public mind, but the Manufacturers Record (Baltimore) gives us striking instances in which two of the country's great business houses make it a strict rule to keep the Sabbath day holy. John Morrell & Co., packers, a century-old firm of Ottumwa, Iowa, which last year did a business of $75,000,000, observe the Sabbath day so strictly, we read, that they do not permit anyone in their employ to work for them on that day. This is brought out in a letter from T. Henry Foster, the president of the company, to Edward T. Fenwick, a Washington attorney, who had written that he preferred not to travel on Sunday to attend some of the meetings of the company. In the course of this letter, as we quote it from the Manufacturers Record, Mr. Foster says:

"There is one thing, however, I want to comment on, and that is the fact that you do not like to travel on Sunday in order to appear at meetings in our behalf.

"I am glad to know this, and I want you to feel that you need never travel on Sunday in connection with any of John Morrell & Co.'s business. If in order to reach a destination it is necessary to travel on Sunday, it can be understood between us that the work is to go over until the next day, and in this connection you will find us always ready to cooperate with you.

"In our own business we observe the Sabbath day everywhere, and have done so as long as the business has been in existence. We not only do not work ourselves, but we do not want or permit anyone to work for us, and as long as the present management is in charge of this business we expect to maintain this rule.

"We are really glad once in a while to come across people who have the same respect for the Sabbath day we have."

In a letter to the Manufacturers Record on the same subject, Mr. Foster says:

"A great deal of our success I attribute to the high standard of living maintained by the founders of our business, and the importance they attached to spiritual values and made use of in their relations with their employees, their competitors, and the public. This has had its influence on the business down through the years and long after all of them have passed away.

"You will realize that we operate a highly perishable business, dealing as we do in livestock and fresh meats. Nevertheless, we have found it not only possible, but also entirely practical, to fully observe the Sabbath as a day of rest."

Another great western firm, Marshall Field & Co., of Chicago, which has ramifications all over the world, has a similar rule in regard to Sunday observance. Seventy-five years ago, we read, Marshall Field & Co. inaugurated a practice of pulling down their store-window curtains on Saturday night and leaving them down until Monday morning. This practice has continued to the present time.

Mr. TREADWAY. I would like to have the gentleman know that I am very proud of the fact that the merchant prince, Marshall Field, to whom he has referred, was born and raised and learned the mercantile business in my district.

Mr. LANKFORD (reading):

In a full-page advertisement in the Chicago Tribune some weeks ago that firm inserted the following statement:

"THE THINGS UNSEEN

"At the end of their first week in business the owners of a little shop lowered the curtains of their windows and went home.

"On each succeeding Saturday night the curtains were pulled down and kept down until Monday morning.

"As the little shop grew the suggestion came from many sources that the curtains should stay up. 'The windows are beautiful,' people said, 'let us walk by and look.'

"The owners had an old-fashioned background. They had been taught in childhood that six days are enough for the things that are seen. The first day of the week, they said, is for the things unseen—rest and worship and family life and freedom from thought of business.

"Seventy-five years have passed. The store has grown until its windows are said to be more valuable than any windows in the world. But the example of the founders remains, and all day Sunday the shades are down.

"Is this old-fashioned custom good in days when so many old-fashioned customs are being crowded out? We like to think so. We like the idea that on the first day of the week the church and the home should come first.

"Strong churches and strong homes build strong cities. All the great words of business—service and courtesy and kindliness and truth—have their inspiration in religion. And prosperity is only permanent where there is reverence and mutual trust and faith."

Here—

Says the Manufacturers Record—

is a lesson to all America to study. May it be heeded ere it is too late.

Here is a news item which shows how a man who is well known in the financial world feels about Sunday observance. I am sure it will not hurt the RECORD:

HANK WOULDN'T POSE

TOLEDO, OHIO.—Henry Ford doesn't work on Sunday; neither does he want anyone else to do so. When on a recent Sabbath he was broached by an ambitious reporter and photographer for a story and picture, Henry replied: "This is Sunday, my boy. No one should work on the Sabbath unless it's absolutely necessary. Getting a story or a picture of me isn't."

Now, let us see how some noted men of the past felt about Sunday observance:

SIR WALTER SCOTT

Give the world one-half of Sunday and you will soon find that religion has no stronghold on the other half.

DISRAELI

The Sabbath is the cornerstone of civilization.

VOLTAIRE

You can only destroy the Christian religion when you first destroy the Christian Sabbath.

DANIEL WEBSTER

The longer I live the more highly do I esteem the proper observance of the Christian Sabbath and the more grateful do I feel toward those who impress its importance on the community.

THEODORE ROOSEVELT

Experience shows that the day of rest is essential to mankind; that it is demanded by civilization as well as by Christianity.

WILLIAM E. GLADSTONE

From a moral, social, and physical point of view the observance of Sunday is a duty of absolute consequence.

WILLIAM M'KINLEY

I am in favor of Sunday legislation and strict observance of the Christian Sabbath.

SUPREME COURT OF THE STATE OF NEW YORK

The Christian Sabbath, as one of the institutions of religion, may be protected from desecration by such laws as the legislature, in their wisdom, may deem necessary to secure to the community the privilege of undisturbed worship, and to the day itself that outward respect and observance which may be deemed essential to the peace and good order of society, and to preserve religion and its ordinances from open reviling and contempt, and this not as a duty to God but as a duty to society and the State.

I am glad to vouch for the merit of the last five quotations. I am sure all will admit none better could be placed in the RECORD.

Mr. Chairman, under leave to extend my remarks I wish to insert one newspaper item which the gentleman from Massachusetts [Mr. TREADWAY] included in an extension of his remarks last February. I do not wish to insist that he did wrong or exceeded his rights as a Member of Congress by including the item which I shall quote presently.

I do urge though that he can not now be quite as consistent in his objections to my inserting newspaper articles as he would be had he not done the same thing heretofore.

He may urge that his article was not quite as long as mine. But it must be remembered that mine is much better than his. Then again my quotations from Daniel Webster, William E. Gladstone, Theodore Roosevelt, and William McKinley are all much shorter than his and surely have more merit in them. I realize that the gentleman did not specifically object to these last-mentioned quotations; however, his general objection would have prevented my placing these in the RECORD without further insistance on my part. In fact when I first asked for leave to extend my remarks in the RECORD I stated that my remarks contained some brief quotations from several of the men just mentioned. I specifically named Presidents Roosevelt and McKinley.

After all, the gentleman from Massachusetts [Mr. TREADWAY], who is one of the most amiable and beloved men of the House, as well as one of the very foremost leaders in the Congress, is honest and sincere in his efforts to protect the RECOTD and keep out unnecessary and objectionable matter. I am quite sure we both agree on the rights of Members and as to the courtesies that should be extended to each Member by his fellows. Neither of us wish to abuse the privilege granted us by Members to extend our remarks in the RECORD.

Let me say just here that while I agree with my friend Mr. TREADWAY in many, many matters, I disagree with him very much on the subject of farm relief, as will be seen by the article which he inserted in the RECORD last February, which I referred to earlier in by remarks and which I am, in justice to all concerned, by unanimous consent, again inserting in the RECORD.

On February 15, 1927, the gentleman from Connecticut [Mr. TILSON] obtained unanimous consent for all Members of the House to have five legislative days in which to extend their remarks on the McNary farm relief bill. (See CONGRESSIONAL RECORD, February 15, 1927, p. 3890.)

The gentleman from Massachusetts [Mr. TREADWAY] on February 15, 1927, availed himself of this opportunity to extend his remarks in the RECORD, and during the course of his remarks stated that a recent edition of the Washington Post had carried a letter from former Senator Thomas, of Colorado, and quoted from that letter in the Washington Post as set out in the CONGRESSIONAL RECORD of February 15, 1927, page 3894, as follows:

What are rivers and harbors bills, public buildings bills, and all other of the pork variety but "votive" tributes to compact minorities organized to raid the Treasury? And last but not least, what is the pending Haugen-McNary bill, ostensibly for farm relief, but a surrender of the National Legislature to the compact forces of an agrarian minority strenuously demanding an initial appropriation of $250,000,000 as an alternative to its political displeasure? The demand failed last year. It now renews its assault with an apparent certainty of success, because its forces are augmented by a compact with the cotton planter and tobacco grower, with whom the coveted spoils are to be shared.

Here is a trinity of power before which many Senators heretofore in opposition are obsequiously kowtowing. Their previous objections to the bill were both sincere and genuine. They were based upon irrefutable principles. They are as irrefutable now as they were last spring, yet they are silenced in large degree by the coalition of wheat, cotton, and tobacco.

The scheme is as fantastic as Plato's ideal republic. It defies economic law and all human experience. Even if it were capable of practicable administration and within constitutional warrants of power, it would carry the Government far afield from its legitimate functions. But it is a vote getter and as such easily commands the majority of the legislative branch of the Government, which instinctively appeals for its conduct to many like precedents of its own establishment.

Between the candidate who uses his own fortune to secure political advancement and the legislative majorities devoting the public money to the same purpose there is no difference in principle or in morals unless it be that the latter is the more reprehensible.

Mr. Chairman and gentlemen of the committee, surely this is newspaper propaganda of the most vicious form. It is needless to say that neither I nor anyone else who are supporting the various farm-relief measures approve the language of this article.

I am again inserting the item in the RECORD for the purpose of showing just what kind of articles are being taken from the press and inserted in the RECORD, just how vicious the Washington Post and other big-interest papers are in their attacks upon all efforts to pass legislation in behalf of the farmers of the Nation, and how bitter some of the opponents of farm legislation feel toward those of us seeking to solve this great problem.

The gentleman from Massachusetts [Mr. TREADWAY] had a perfect right to insert the article in the RECORD as expressing his sentiments and convictions. In fact, I have inserted in the RECORD, both by speeches on the floor of Congress and by permission to extend my remarks, many times more newspaper articles, letters from farmers in my district and elsewhere, and remarks of people who are in favor of farm relief than was ever inserted in the RECORD against the McNary farm relief bill by the gentleman from Massachusetts. I inserted in the RECORD, at one time last year, an article in behalf of the farmers which covered several columns of the RECORD. I refer to the splendid article on farm relief by Mr. J. T. Holleman, of Atlanta, Ga. This is one of the very best discussions of the farmers' problems ever put in the RECORD by anyone. The space used by this article could not have been better used by any other speech or set of remarks in behalf of the farmer. I appreciated very much the opportunity of preserving this wonderful argument for all the peoples of the present and the future who shall read the RECORD.

Just in this connection let me say that many people in our districts do not understand why much is printed in the RECORD which is not actually read or delivered on the floor of Congress. We understand, of course, that this is true because the RECORD has come to be not only a record of the proceedings but also a daily periodical or newspaper in which is expressed the ideas of Members of Congress and the country on various matters pending in Congress or of national interest. There are not enough hours in the day and not enough days in the year for all Members of Congress to express fully their ideas on all matters on the floor of the House. Again, it would be much more expensive than to simply have them inserted in the RECORD. Then, again, many more Members of Congress read the RECORD than listen to the speeches on the floor. So it is that the busiest Members here do everything possible to put over their ideas, either in support of a measure or against it. They put data and remarks in the RECORD and make speeches whenever opportunity offers, and they believe they can help their cause—all in support of their legislative purpose.

Many of the best and most effective arguments in the higher courts of our land are those which are carefully written and filed but never orally delivered, and likewise many of the very best and most effective arguments here in Congress are those carefully prepared and placed in the RECORD but never actually delivered on the floor.

In conclusion, let me say that it is far from my purpose to say anything that would offend my good friend from Massachusetts or any other Member of Congress. We ofttimes "play rough" in our arguments and colloquys not because we have ill will for our fellow Members but for the purpose of giving emphasis to our ideas.

I feel by the gentleman from Massachusetts [Mr. TREADWAY] very much like the good old farmer felt by his son. Some one asked him about his boy and he said, "Well, he is a good boy in a great many ways and much better in a whole lot more."

The gentleman from Massachusetts [Mr. TREADWAY] is a loyal Republican, a good Member of Congress, an able Representative of his people and their interests, an amiable and excellent gentleman, and an embodiment of the highest and most splendid patriotism.

He is a good man in a great many ways and much better in a whole lot more.

Mr. CLAGUE. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I have been asked by the chairman of the Committee on the Election of President and Vice President to present to the House a legislative matter which will probably soon be brought up in the form of a rule from the Rules Committee, under which we will take up the resolution which, I hope, may be passed to become the twentieth amendment to the Constitution of the United States. My brief remarks are merely to bring to the attention of the House the object of this resolution, and I shall read it so that it may become familiar to the Members and be incorporated in the RECORD.

The amendment proposed by this resolution is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

"SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress may by law provide for the case where the Vice President has not been chosen before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President.

"SEC. 4. If the President elect dies before the time fixed for the beginning of his term, then the Vice President elect shall become President; and the Congress may by law provide for the case of the death of both the President elect and the Vice President elect before the time fixed for the beginning of the term, for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

"SEC. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified."

Mr. Chairman, I wished to present the resolution in full, because many have heard a great deal about the so-called Norris amendment having passed the other branch of the Congress in four consecutive years. That proposed amendment was referred to our committee, but it has been much enlarged upon and is now very different from the resolution which was passed by the Senate.

This measure having been reconsidered each year for five years the hearings have been widely scattered and it would be impossible for the Members of the House to get all of them in one volume, but it seems desirable to arouse interest in them at this time, as it is to be expected that we shall have to consider the problem very soon.

It seems to me that the new Members of the House, who have had to wait 13 months before they could join us here in Washington, will favor this amendment. Many of them have told me that their constituents could not understand why they were not "on the job." Such a change as is here proposed would have enabled them to take their places two months after their election.

You may call this proposition by whatever name you please. You may say that it is primarily a resolution providing for the abolition of the short session of Congress. It is true that it will extend that to four months—from January 4 to May 4. Meeting as we do now in December, we practically sit for only a fortnight in that month and then have only January and February in which to complete our work, making a session of but about two and a half months. The committee has thought it wise to provide a time limitation in the second year of each Congress, and we have proposed to place that limitation as of May 4.

That, we think, will provide ample time. It will also do away with the present short session, while at the same time we are making it a limited session. There are obviously many arguments to be presented in favor of such a limitation. I was at the outset somewhat opposed to this proposed amendment to the Constitution because I was loathe to consider additional amendments thereto. They are too frequently presented. Yet I am now most fully in accord with the purposes of this one.

While considering the resolution which came from the Senate we of the Committee on Election of President, Vice President, and Representatives in Congress believed that we should at the same time incorporate in it several important changes which under the Constitution are apparently wholly lacking in the matter of election machinery. Suppose that the President elect, or the Vice President elect, either or both, should die prior to the beginning of their term of office. The question would then arise, Who would be President? We might possibly have to appeal to the Supreme Court for a decision and what would that decision be? In the event that the President elect should die and the Vice President elect be alive, the court would presumably decide that he would be the one who ought to take the office of President. But it is possible that some catastrophe might occur and both of the men supposed to have been chosen die. If the official meeting of the electors in January should come after such an event they could elect whomsoever they pleased, and this amendment would not be necessary. That I suppose is correct in theory, yet one might well wonder whom they would possibly choose in such an event. It is fair to assume that they would in all probability fail to make a choice, the selection would then be thrown in the House of Representatives and it would be the old Congress, under the present method which would elect the new President.

Now, suppose that one of the three highest in the order of succession during the time in question, a political party might be powerless. There are many such situations in the election of the President and Vice President of the United States that should be carefully considered. Indeed, we have inserted in this resolution certain sections which should have the careful study of each of you. I sincerely trust that such consideration will be given it before it is brought on the floor of the House.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. GARNER of Texas. Did I understand that the resolution had already been reported from the gentleman's committee?

Mr. GIFFORD. It has.

Mr. GARNER of Texas. When does the gentleman hope to get it up in the House?

Mr. GIFFORD. We hope within the next week or two.

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. McFADDEN. Has the gentleman's committee given any consideration to changing the length of the term of the Members of the House of Representatives from two to four years?

Mr. GIFFORD. The committee has given attention to that proposition. We did not wish to encumber this proposed constitutional amendment with any sort of legislation which might cause trouble in having it ratified by the State legislatures. In my own State—and I assume that it would be so in many others—there are many members of the legislature who would like to succeed you and me and might object to an extension of our terms. I hardly think that we could obtain the extension. For one, I do not care to load up the amendment with anything of that sort, although, as I have said, the committee did give it consideration.

One of the important features of this legislation is, of course, that it will shorten the term of some President by two months and will also shorten the terms of some Congressmen and Senators by the same period. The year on which your terms would normally have ended on March 4, will, under this amendment, end on January 4. This will have to take effect sometime, but it would not affect the terms of Congressmen in office previous to its ratification.

Since, under the Constitution, one has been elected to hold office for a term of four years, the question naturally arose

as to whether his term could be shortened, but the best authorities seem to agree that when the people have ratified an amendment, all previous conflicting sections of the Constitution are superseded and the new amendment is effective. However, if there are any of you who are "constitutionally minded" and who can find any basis for a contrary contention I hope that you will be ready to present it.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CLAGUE. Mr. Chairman, I yield the gentleman three minutes more.

Mr. GARRETT of Tennessee. I preface my question with the statement that I am disposed in a friendly way to the principle of this resolution; but I notice that the resolution fixes definite dates. The Constitution as it stands fixes no definite date. It says the first Monday in December, for instance, that Congress shall convene. You fix a definite day—the 15th or the 24th, or something like that. Evidently some of these days will fall on Sunday. What about that? Can it be adjusted so as to make it the first Monday, and so that those days will not fall on the Sabbath? Has that been given thought by your committee?

Mr. GIFFORD. I will say that there has been considerable thought given to it. I do not know that it presents any particular difficulty. We decided upon January 4, as there is now the definite date of March 4, being the end of the President's term and the expiration of Congress.

Mr. GARRETT of Tennessee. That is not in the Constitution itself. It so happens.

Mr. GIFFORD. Yes; it so happens.

Mr. GARRETT of Tennessee. Does not the gentleman think it would be better to say "the first Monday" rather than a specific date?

Mr. GIFFORD. I can not recall at this particular moment what real objection there was to that, but certainly there was not any great difference of opinion.

Mr. GARRETT of Tennessee. Now, you provide for a four-months' session. You provide that one session every other year shall end not later than May. I confess that my first reaction to that was rather one of doubt, to say the least, if it were wise to do that. The reasons given in your report are largely questions of expediency, questions of convenience to the sitting Member. I think there ought to be stronger reasons for a constitutional amendment than a question of the mere convenience of Members.

Mr. GIFFORD. I am not responsible for the expediency mentioned in the report. It is not my report, but I think there are other strong and compelling reasons which will be advanced when the bill comes up, if that portion of the bill meets with any contention.

Mr. GARRETT of Tennessee. One of the purposes of the amendment is to abolish the short session of Congress. This really fixes the short session only one month longer than the present short session.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLAGUE. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. GIBSON].

The CHAIRMAN. The gentleman from Vermont is recognized for 10 minutes.

Mr. GIBSON. Mr. Chairman, I was very greatly impressed by the speech of the gentleman from Missouri [Mr. COMBS] on our policy in Central America. I congratulate him, and I congratulate the State of Missouri on sending such an able young man here. But, Mr. Chairman, is the picture drawn by the gentlemen in their several speeches here a true one? Is this Nation headed toward imperialism? Are we embarking on a new policy so far as these nations are concerned? We must look to the past for the answer.

Administration after administration, Democratic and Republican, have each had a Mexican or a Central American problem with which to deal. Through all of them runs straight and clear one American policy, that of forbearance and benevolent protection. That policy has been called one of "watchful waiting," and has been given other names, but whatever called it is one and the same through many years of trouble and disagreements.

Let us see if we have followed a course of imperialism in the past. The death a short time ago of Carlotta, widow of the misguided Maximilian, recalls that period of Mexico's history during and at the close of our struggle between the States. The Emperor of France, Napoleon III, sought to establish an empire in Mexico. He helped to place upon the throne a brother of the Emperor of Austria, and supported him with an army under the command of one of his trusted and able marshals. Owing to the struggle that was engaging our attention we could not put the Monroe doctrine into execution. But when our troubles had cleared we mobilized an army on the border under the command of Gen. Philip Sheridan and promptly notified France that she must withdraw. Napoleon saw the handwriting on the wall, he withdrew his support, and the empire of Maximilian crumbled. Mexico was saved from the imperialism of Europe—saved by the United States.

Have we of this day and generation forgotten the time when in dealing with that problem a Democratic President directed our Navy to capture Vera Cruz and sent an invading Army to protect our rights? This was not a move against a leader of a band of brigands, but a move against the sovereignty of Mexico. Did we then press our advantage? No; we withdrew. What other nation in all the world would have treated an offending nation with the same degree of forbearance?

Have we forgotten the day when a band of Mexicans under the command of one of their leaders invaded the United States and in the nighttime shot down our citizens at Columbus, N. Mex.? President Wilson placed Pershing in command and he chased Villa into the mountains of Sonora. Did we then press along the road of imperialism? No; again we withdrew. Do you know of any nation that would have adopted such a pacific attitude under such provocation?

Have we forgotten when the same President, owing to the conduct of Mexico, was compelled to mobilize our forces along the border for our protection? Still again we failed to take advantage of an opportunity if inclined toward imperialism.

Our country has been patient and long-suffering through all these troubles that have spanned our generation. We have never asserted sovereignty over a foot of Mexican territory by reason of this conduct.

We have been told that our conduct toward Nicaragua is unduly aggressive, that we are there bent on a policy of imperialism. We are told that we have no right to send the marines and that the Monroe doctrine is not concerned with the internal affairs of that nation. I challenge that contention with the policy stated by a great Democratic Secretary of State, Richard Olney, as follows:

> The United States is practically sovereign on this continent and its fiat is law upon the subjects to which it confines its interposition.

Nine years later this was confirmed and elaborated by Elihu Root, then Secretary of State. According to his interpretation—

> The Monroe doctrine * * * is an assertion of our right for our own interest to interfere with the action of every other nation in those other parts of the hemisphere where others are sovereign and to say if you do thus and so, even by the consent of the sovereign, we shall regard it an unfriendly act because it will affect us injuriously. We arrogate to ourselves only the right to protect; what we will not permit the great powers of Europe to do * * * we will not permit any American Republic to make it necessary for the great powers of Europe to do.

But has our conduct toward the Central American Republics been one of aggression? What are the facts? We have protected their territorial integrity for a century. During that period England, France, Belgium, and Germany have been reaching out for territory and have brought under their control wide areas of Africa, Asia, and the islands of the seas, but not a foot of Central America has come under their sway. During an age of conquest we have been the only protector of these republics.

Not only have we protected them, but we have actually driven Spain out of the West Indies, delivered Cuba from 300 years of misrule, put Santo Domingo on her feet, restored Belize to Guatemala, the Bay Islands to Honduras, and driven England from the so-called mosquito coast of Nicaragua. Where in all history has a course of action been more altruistic and less imperialistic than that of the United States toward these republics?

Are we changing overnight? One would think from the speeches delivered here that our Nation embarked on a new policy when President Coolidge ordered the marines to Nicaragua. But it has been the settled policy of the Government to use the marines to maintain peace and orderly government in Central America and that section of the world for more than 30 years. This is the record:

> 1895: Sixty officers, sailors, and marines from U. S. S. *Atlanta*, under Lieutenant Commander Taussig, landed at Boca del Toro March 8 to protect the United States consulate and Government property.

1901: Sailors and marines were landed at Panama from U. S. S. *Iowa* to protect American interests; also landed at Colon to protect property of the United States.

1902: A battalion of marines was landed at Colon September 20 and stationed at Panama, Colon, and along the line of the Panama Railroad until November 18, protecting American property and the transit of the Isthmus.

1903: Marine detachment landed at Santo Domingo to protect American lives and property. In the latter part of that year a brigade of marines was dispatched to Panama. This brigade returned to the United States in 1904, but left a battalion for permanent station in the Canal Zone. A force of this strength was maintained there until 1914.

1906: A brigade of marines was sent to Cuba and landed there, forming a part of the army of Cuban pacification, the cause of this occupation being the insurrection of Cuba. Part of this brigade returned on October 30, but 1,000 remained until December, 1909.

1906: One hundred and twenty sailors and marines landed at Habana, Cuba, from the U. S. S. *Denver* to protect American interests.

1907: Two detachments of sailors from the U. S. S. *Marietta* landed at Truxillo and Ceiba, Honduras, to protect American interests during an insurrection.

1907: A detachment of sailors under Lieut. J. V. Klemen, United States Navy, landed from U. S. S. *Marietta* at Puerto Cortez, Honduras, for the protection of American interests.

Marines and sailors from U. S. S. *Paducah* landed at Puerto Cortez, Truxillo, and Ceiba.

1908: An expeditionary force was dispatched to Panama for the purpose of insuring a peaceful election.

1909: An expeditionary regiment left the United States for Corinto, Nicaragua, arriving there December 20 and remaining until March 15, 1910, owing to the disturbed conditions arising from an insurrection in that country. In May, 1910, another, but smaller, expeditionary force left Panama for Bluefields, Nicaragua, where they remained until September of the same year. In 1912 a large expeditionary force was again sent to Nicaragua, as a revolution had again broken out in that country. This force occupied all the principal cities of Nicaragua, but to accomplish this end a regular campaign was necessary. The expeditionary forces were finally withdrawn January 9, 1913, a guard for the American legation being left. This guard was withdrawn August 3, 1925.

1912: A provisional brigade of marines was dispatched to Cuba in May of this year in view of extremely unsettled conditions in that country, and they were distributed over a large area in the eastern part of that island to protect the lives and property of Americans. It was withdrawn the following August.

1915: Serious disturbances broke out in Haiti and marines and bluejackets from the U. S. S. *Washington* landed and occupied Port au Prince, July 28. The Second Regiment landed at Port au Prince, August 4. Marines have been on duty in this Republic continually since July, 1915, to present date.

1916: Trouble broke out in the Republic of Santo Domingo and marines were sent from Haiti to Santo Domingo and Puerto Plata and occupied those towns. Shortly after June 21 the Fourth Regiment of marines arrived and disembarked at Monte Cristi. By the end of the year the marine forces were in complete control of the country. The marines occupied this country until August 1, 1924, when they were withdrawn.

1919: Disturbance amounting to an insurrection occurred in Haiti and it was necessary for the marine brigade occupying that country to take the field again.

1921: The Third Battalion of the Fifth Regiment sailed from Philadelphia for special temporary duty in Panama on account of boundary trouble that had arisen between Panama and Costa Rica. It was not necessary for this battalion to take the field and it left Panama September 3 of the same year, returning to the United States.

1924: A serious revolution broke out in Honduras and marines were landed four times in several cities on the north coast of that country to protect American lives.

1925: There were further landing forces of marines in Honduras.

1926: Detachment of marines landed in Nacaragua.

It will be seen from this record that in 1912 a large expeditionary force was sent to Nicaragua and occupied all of the principal cities. While this force was withdrawn in 1913, a guard was maintained for 12 years. Nicaragua during that period entered into a period of great prosperity. It refunded its debt to English bondholders at a lower rate of interest, settled its French and American debts, recovered full ownership of its national bank and railroad, made many public improvements, and during the World War was one of the few countries of the world to maintain its currency on a par with the dollar. The guard was withdrawn in August, 1925.

At the time of the withdrawal, Solorzano, a Conservative, was the duly elected and qualified President, and Sacasa, a Liberal, Vice President. In October, 1925, the Conservatives took control of the fort which controls the capital. Sacasa fled the country. In January, 1926, Solorzano resigned the Presidency. Sacasa being out of the country, there was a vacancy in both the Presidency and the Vice Presidency. The Congress elected Chamorro as President. But in 1923 the Central American countries had entered into a treaty by the terms of which they agreed not to recognize a government that came into power through a coup d'état or revolution. The United States is committed to a moral observance of the treaty. Chamorro was in command of the forces that captured the fort commanding the capital.

It was construed that he came into power in violation of the treaty agreement and the United States refused to recognize him as President. In the meantime a revolution had been started on the east coast which endangered American lives and property. Naval vessels were dispatched to the scene. Neutral zones were established by agreement. A peace conference of all the factions was called at Corinto, but that failed. Great Britain and Italy asked the United States to protect their nationals. Sacasa still being out of the country the Congress, in accordance with the constitution, elected Diaz President. He is de facto and de jure President. Upon coming to office he addressed a note to this country asking for its guidance and help, and at the same time expressing his absolute confidence in the high spirit of justice of the Government of the United States, and cited in justification of that confidence its action in withdrawing without compulsion from Cuba, the Dominican Republic, Nicaragua and other countries after rendering unselfish service in the restoration of order and the stabilization of government.

President Coolidge well stated our position in his reply to the new Nicaraguan minister at the time of his presentation of his letters of credence. The President said:

> The United States, as I know your Government and the people of Nicaragua fully appreciate, has no selfish ends or imperialistic designs to serve. * * * The United States desires the independence and the prosperity of every Central American Republic.

Aside from all this there are special reasons why we must help to maintain a stable government in Nicaragua. We have acquired, at an expenditure of $3,000,000, the right to construct a canal across that country. We have, therefore, certain vested rights that we may construct a waterway to facilitate the flow of the commerce of the world.

In this situation shall we recall the marines and leave Nicaragua, where we have acquired interests that place us under obligation to the world, to anarchy and plunder? Shall we pull down the flag and say to all Christendom that this Nation that believes in peace and prosperity will do nothing to maintain peace in this weak, but friendly nation that is asking our help?

Our Democratic friends denounce this course as imperialistic and loudly call for a reversal of our policy. Are these gentlemen going back on their party leaders of the past? It was a Democrat, Grover Cleveland, who first used the marines to maintain peace and assert our rights south of the Rio Grande. It was a Democrat, Richard Olney, who as Secretary of State, gave the broad interpretation of the Monroe doctrine now fully accepted as our rule and guide. It was a leading Democrat, Senator Raynor, of Maryland, who introduced the resolution in the United States Senate in 1909 authorizing the President of the United States to take all necessary steps to bring the President of Nicaragua to justice for permitting the murder of two of our citizens. It was William Jennings Bryan, three times the candidate of the Democratic Party for the highest office within the gift of the people, who negotiated the Bryan-Chamorro treaty with a provision conferring protectorate rights on the United States as to Nicaragua.

It was Mr. Bryan who negotiated a loan for Nicaragua from American bankers, kept marines there during his term of office, and acquired for the United States a naval station in the Gulf of Fonseca. It was Woodrow Wilson, the apostle of self-determination, who twice directed an invasion of Mexico and mobilized our forces for a third. If credit for this policy is to be claimed by any political party, it may well be claimed for the Democratic Party. Are our friends scuttling their ship?

In common with the gentleman, I find myself filled with indignation and sorrow at the killing of the brave men of the Marine Corps in Nicaragua. It is always a matter of concern to us when a situation becomes so acute that soldiers of America must sacrifice their lives.

But my indignation and sorrow arise from the fact that an attack was made on them by the common enemies of peace, prosperity, and the friendly relations between the peoples of the American Republics. Here is a weak nation, trusting in us, that has asked the help of this strong Nation that has practically guaranteed her integrity and protection from those

enemies who would destroy our friendly relations. Will we desert the weak nation in the hour of her peril? Our soldiers have not died in vain. Through them the spirit of America, the spirit of forbearance and benevolent protection, still lives and will cement us closer together in a common cause of American friendship.

Why is it that some of our citizens always find the other nation in the right and ours in the wrong? Why is it that some even paint bandits of other nations as heroes and our brave sons, who are trying to help maintain orderly government, as trespassers?

I believe my country to be in the right in this Nicaraguan question, but right or wrong, I stand by my country. I propose to stand by the administration in dealing with problems affecting foreign nations and their people, whether that administration be Republican or Democratic.

It has been said that we are waging war in Nicaragua. Waging war against what nation? Not against Nicaragua. We are not even discriminating against any political party in that country. President Diaz requested the presence of the marines for the maintenance of peace, and in his request paid a high tribute to the disinterested help of America in the Latin countries of this hemisphere. Moncada, leader of the Liberal Party and its candidate for President, said a few days ago in an unauthorized interview:

> The presence of the marines in Nicaragua is for the guaranteeing of peace and liberty and for the defense of the citizens against an attempt on the life and property of persons. * * * The Liberal Party knows that since our independence from 1821 the Nicaraguans do not understand republican practices, and for them to attain this practice we need the impartiality of the American Government.

In another statement he put the thought in his mind in the following language:

> A republican education at the hands of the United States is better than a monarchial education at the hands of some European nation.

We are simply trying to establish an orderly government in a disorganized friendly nation and at the request of every recognized agency therein.

It has been said that no instance can be cited where American lives or American property has been put in jeopardy in Nicaragua. In answer to that challenge let us look at the records of the State Department. We have not proceeded to send marines without due consideration. We have not acted on the impulse of the moment. The trouble started as far back as August, 1926.

On August 19, 1926, the Otis Manufacturing Co. telegraphed that further revolutionary disturbances in Nicaragua were reported, that an outbreak at Bluefields would be serious, and asked what steps were being taken by this Government to protect property. The department replied on August 21 that it was following developments closely and would take such appropriate action as possible to protect American interests which might appear to be in danger.

On August 20 the Freiberg Mahogany Co. telegraphed that interests in Nicaragua seemed to be in danger and said that sending a warship to Bluefields would help. This was answered on August 21 in the same words as the telegram from the Otis Manufacturing Co.

The Mengal Co. also telegraphed on August 20 and was answered in the same way.

On August 20 Senator RANSDELL telephoned to Mr. Stabler on behalf of the Otis Manufacturing Co. He said he understood that all proper steps would be taken by the department to protect American lives and interests, and Mr. Stabler assured him that such was the case; the department was watching the matter closely. On August 30 Senator RANSDELL was informed by letter that warships had been ordered from Balboa, Canal Zone, to Bluefields and Corinto to protect American lives and property.

On August 23 the American consul at Bluefields telegraphed that conditions were growing worse; that an attack on El Bluff and Bluefields was expected every moment; and that a warship was urgently needed to protect the lives and property of American citizens.

On August 25 the Freiberg Mahogany Co. telegraphed, asking that a warship be sent at once to Bluefields.

On August 27 the Bragmans Bluff Lumber Co. telegraphed that the revolutionists were attacking its property at Bragmans Bluff, one of the company's officials being seriously wounded, and asked that a warship be sent immediately. The company was informed in reply that the U. S. S. *Galveston* had been ordered to the east coast.

The American consul at Bluefields telegraphed on August 31 as follows:

> Losses to Americans on the rivers will amount to $2,000,000 unless conflict stopped soon. If the five mahogany companies can not get protection on all the rivers, their losses will be one and one-half millions. Contending factions take their boats; recruit their men, rendering them helpless; logs float out to sea. The two banana companies are also handicapped, their boats being taken and their laborers being recruited or frightened away.

On September 1 the A. W. Tedcastle Co. (makers of boots and shoes) wrote, inclosing a copy of a report from their repsentative at Bluefields, saying something should be done by the United States.

On September 2 the Bragmans Bluff Lumber Co. telegraphed that interests would suffer enormously unless warship *Rochester* remained indefinitely at Bragmans Bluff. This was answered the same day to the effect that the *Rochester* would remain on the east coast until further orders.

On September 3 the Freiberg Mahogany Co. telegraphed, asking for protection at Prinzapolka and various other loading ports, saying that neutral zones should be proclaimed and military force used if necessary. This was answered on September 4: "Two American warships at present on east coast of Nicaragua to protect American interests."

On September 4 the Mengel Co. telegraphed to ask that arrangements in force at Bluefields be extended to other loading ports. The department replied the same day, asking whether the Mengel Co.'s representative had communicated with the commanding officer of the nearest United States war vessel and informed him as to actual conditions.

On September 8 the Astoria Importing & Manufacturing Co. wrote to ask that loading ports north of Bluefields be declared neutral zone in the same manner as Bluefields itself.

On September 8 the Chicago Bridge & Iron Works wrote, inclosing a copy of a letter of August 29 from its manager at Puerto Cabezas describing chaotic and dangerous conditions there. A reply was sent on September 15 stating that American war vessels had been sent to the Atlantic and Pacific coasts of Nicaragua to extend protection to American lives and property.

On September 17 the Mengel Co. telegraphed that fighting at Bluefields and vicinity had paralyzed everything.

On September 22 the Astoria Importing & Manufacturing Co. wrote that too much emphasis could not be laid on the seriousness of the situation on the Atlantic coast of Nicaragua. The hope was expressed that the Government of the United States would use its utmost influence to effect an immediate and lasting truce.

On September 23 the Otis Manufacturing Co. wired to ask protection for loading operations at El Bluff. On September 24 this telegram was sent in reply:

> An armistice was signed yesterday afternoon on board the S. S. *Rochester* at Bluefields, to take effect immediately. Armistice for 15 days, subject extension by mutual consent. Neutral zone extended to include Bluff and the bay. Escondido River opened to legitimate trade. Commerce may be promptly resumed with Bluefields and entire east coast of Nicaragua.

The same telegram was sent to the other companies interested.

On September 24 the department gave to the press the text of the 15 days' armistice agreement between the contending factions at Bluefields.

On October 11 Mr. Frank G. Otis, president of the Otis Manufacturing Co., called to discuss the situation. He said he hoped the conference to be held at Corinto would result in more stable conditions.

On October 13, 1926, the Astoria Importing & Manufacturing Co. wrote that in view of the approaching termination of the truce it was desired that protection be arranged for the shipment of mahogany from the various eastern Nicaraguan ports. In a second letter of the same date the strategic position of El Bluff in relation to Bluefields Harbor was explained; unless El Bluff were neutralized, no shipment could be made from Bluefields. Protection was requested for tugs and other floating equipment to prevent seizure by belligerents; the revolutionists tend to seizure of any floating equipment. Hope expressed that United States will exert all pressure within its power to avoid hostilities and effect a compromise; the people of Nicaragua, and reasonable men of both parties, are anxious to reach a compromise and are tired of warfare. The department replied that the matter would have careful consideration.

On October 25 the Standard Fruit & Steamship Co. wrote to call attention to the recent trouble in its Bragmans Bluff division at Puerto Cabezas. The company stated that its investment there amounted to about $8,000,000 and that approximately 1,000 Americans were employed by it at Puerto Cabezas and along the railroad and tributaries thereto and asked

what protection might be expected from the United States Government.

On November 2 the Freiberg Mahogany Co. wrote asking advice as to probable developments. The department replied on November 9 that the armistice between the contending factions had expired on October 27, that Bluefields and El Bluff remained a neutral zone, that it was impossible to predict what the course of events might be, and that the policy with regard to future investments was a question upon which the department was unable to give advice.

On November 2 Mr. Salmen, of the Bragmans Bluff Lumber Co., telephoned to Mr. Morgan from New Orleans that the situation at Puerto Cabezas was becoming very serious and the company wanted to know what protection could be expected.

On November 10 the American Dyewood Co. wrote to ask for assistance in shipping fustic wood from Potosi, Nicaragua, in December or January. The department replied on November 11 that it was unable to predict what the situation might then be and therefore could give no advice.

On December 13, 1926, the Astoria Importing & Manufacturing Co. requested that Admiral Latimer be instructed to prevent unwarranted exaction of payments to revolutionary authorities who were demanding payments of taxes on shipments of logs already taxed and released by the Government.

On December 22 Mr. J. Gilmore Fletcher, agent for the Bragmans Bluff Lumber Co., wrote to protest against unwarranted interference by the forces of Sacasa at Puerto Cabezas, and to request adequate and prompt assistance and protection of American lives and property in danger.

On December 24 a joint telegram asking protection was sent to the department by the Otis Manufacturing Co., the Mengel Co., and the Astoria Importing & Manufacturing Co.

On December 29 the Bragmans Bluff Lumber Co. sent a strong telegram, quoting from Mr. Fletcher's letter of December 22, and again requesting that the lives of the employees and the property of the company, now clearly in jeopardy, be given full and prompt protection.

On December 30 Senator SACKETT left a letter from the Mengel Co., dated December 29, 1926, requesting his support to secure protection for their mahogany operations in Nicaragua.

Senator Ernst called at the department and left a copy of a telegram of December 29, 1926, from the Mengel Co. requesting his support for their requests for protection by this Government for their mahogany operations.

On January 2, 1927, Mr. Douglas H. Allen, in reporting his arrival at Bluefields, telegraphed that the situation was critical and rapidly growing worse; that warfare had passed into a new phase requiring immediate intervention by the United States, otherwise guerrilla warfare would result for a period of years; that immediate intervention could still control the situation and prevent widespread suffering, loss of life, and destruction of property.

On January 3, 1927, Eccleston & Son. (Inc.) wrote that the revolutionary authorities were interfering with their business operations through illegal collection of taxes and duties, and the department was requested to invoke the assistance of the naval authorities to extend protection to the company.

On January 4, 1927, the American Legation telegraphed that President Diaz had set forth his inability to guarantee protection of American and other foreign lives; that the British and Italian diplomatic representatives found their nationals in Nicaragua in imminent peril without outside protection; that postponement of the establishment of a legation guard until a crisis developed would prevent the accomplishment of any valuable purpose by the guard.

On January 4, 1927, Mr. Douglas H. Allen telegraphed from Bluefields that, in his opinion, revolutionary movements would lose much strength if United States would immediately issue public statement clearly defining its position.

On January 5, 1927, Representative ASWELL transmitted a letter, dated December 27, 1926, from the Standard Fruit & Steamship Co., indorsing the position of that company and requesting protection; and the representative indorsed the landing of American marines in Nicaragua.

On December 30, 1926, the LaLuz & Los Angeles Mining Co. wrote that they had $1,000,000 paid-up capital invested in Nicaragua; that revolutionary parties had interfered with their mining operations and shipment of their products; that armed forces had made forced levies of merchandise from their stores; that employees had been conscripted; that outside food supplies for their mine had been stocked for two months; that all floating equipment in the vicinity had been commandeered. They requested that all possible assistance be given the established Government in Nicaragua. They stated that they have meticulously abstained from interference in Nicaraguan politics.

These are some of the requests and representations that came to the Department of State that lead to the very proper decision to send our marines to Nicaragua to assist in the establishment of orderly peace, as well as for the protection of the lives and property of our citizens.

We are told that our policy is resented by other Latin American countries. That statement may well be doubted. The statesmen of those countries are men of understanding and broad vision. They know that we are rendering to Nicaragua the greatest unselfish service that one nation may render to another. We are placing at her service our brave men to rid her of a bandit band led by a roving soldier of fortune, that her people may enjoy the blessings of a free government. We are not attacking her sovereignty, we are defending it for her people.

The statesmen gathered at Habana to help shape the destiny of this Western Hemisphere will understand the full measure of our service and the meaning of our sacrifices; that our policy measured by every standard of history has been unselfish, has been one of protection and civic helpfulness in working out the destiny of the Latin American Republics. Its aim has been to further a common rule of peace and justice and to strengthen political, spiritual, and moral unity.

Let the representatives at the Pan American Conference behold America as America is, an unselfish nation, ever ready to reach out a helping hand to the weak, ever ready to give aid in the maintenance of orderly liberty, a nation that never asked for reward, that has never taken a foot of territory through a war of aggression, America the friend of every Republic on this continent. [Applause.]

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. BARBOUR. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, during the consideration of the appropriation item for the Federal Trade Commission there was a rather general discussion on both sides of the aisle a few days ago, in which I had a part. At that time I suggested that the Pittsburgh-plus investigation had been made because of interstate commerce being involved, but suggested that nevertheless it was an economic investigation. I am officially informed that it was investigated because it was in violation of the antitrust law and to that extent I stand corrected. I found a few days ago this illuminating comment on some of the very practical activities of the Federal Trade Commission. This was in a letter to the Washington Post by the chairman of that commission, and I want to read it:

ELIMINATING FRAUD IN TRADE

To the EDITOR OF THE POST:

SIR: I have just read with interest the editorial in this morning's issue of the Post entitled "False advertising." It refers principally to fraudulent practices in the fur industry. If the allegations that the commission has received are to be believed, this industry is one of the worst offenders in the country against fair dealing.

We have issued complaints against several concerns that are being vigorously pushed to a final conclusion.

But more important, however, is the fact that this great industry is to have what we call a trade practice conference at the Pennsylvania Hotel, in New York, on February 3, under the direction of the commission. In this conference the fur industry is going to undertake to clean its own house. If they fail to do so, the commission will do it for them. I feel certain the great majority of those engaged in the fur business will adopt rules of practice that will be approved by the commission, which will hereafter practically eliminate fraudulent and misleading practices.

We held a conference in the furniture industry, and 750 manufacturers signed the code. The effect of this action is indicated when we remember that it affected the sale of over $560,000,000 worth of furniture that went into the homes of this country last year. Under the rules of this conference, gum is no longer sold as walnut, nor birch as mahogany. The truth is told about furniture.

In the correspondence school conference 90 per cent of those in this great business signed the code, with the result that schemes that were defrauding the ignorant and credulous of about $35,000,000 annually were practically wiped out.

In the rayon industry the result was practically 100 per cent, and the women of this country are no longer sold artificial silk as the genuine article.

By the results of the foregoing conferences, and in others, I feel that the conference to be held in the fur industry will practically eliminate unfair practices therein.

W. E. HUMPHREY,
Chairman Federal Trade Commission.

WASHINGTON, *January 24.*

I think most of us are concerned not so much as to whether a prosecution or investigation is made under one provision of the act or the other. It is the practical results to the people that we are concerned in, and I have read this into the RECORD as further evidence—and from certainly the very best of authority, the chairman of the commission—that the Federal Trade Commission is a practical instrument in behalf of the people of the United States. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. BARBOUR. Mr. Chairman, there are no other Members present who desire to use time and therefore I move that the committee do now rise.

Mr. HARRISON. Mr. Chairman, may I inquire how much time has been used on this side?

The CHAIRMAN. The gentleman from Virginia has used 82 minutes, and the gentleman from California, 111 minutes.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that the committee, having had under consideration the bill (H. R. 10286), the War Department appropriation bill, had come to no resolution thereon.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The SPEAKER. Without objection, the communication from the Secretary of War with regard to the National Home for Disabled Volunteer Soldiers which was referred, the Chair thinks in error, to the Committee on Expenditures, will be referred to the Committee on Military Affairs and ordered printed.

Mr. GARRETT of Tennessee. Jurisdiction of this institution has not been transferred to the Veterans' Committee, but is still in the Committee on Military Affairs?

The SPEAKER. Yes. Both chairmen have agreed that this is a proper reference. Is there objection?

There was no objection.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval bills of the following titles:

H. R. 280. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Red River at or near Coushatta, La.;

H. R. 5547. An act granting the consent of Congress to the city of St. Joseph, in the State of Missouri, or its assigns, to construct a bridge and approaches thereto across the Missouri River between the States of Missouri and Kansas;

H. R. 5582. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande, at or near the point where South Santa Fe Street, in the city of El Paso, crosses the Rio Grande, in the county of El Paso, State of Texas;

H. R. 5642. An act to extend the time for the construction of a bridge across Red River at Fulton, Ark.; and

H. R. 7218. An act to legalize a bridge across Hillsborough Bay at Twenty-second Street, Tampa, Fla.

ENROLLED BILLS AND JOINT RESOLUTION

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 5725. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Monroe, La.;

H. R. 5726. An act to extend the times for commencing and completing the construction of a bridge across the Black River at or near Jonesville, La.;

H. R. 5728. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct, maintain, and operate a bridge across the Bayou Bartholomew at or near Point Pleasant, La.; and

H. J. Res. 81. Joint resolution for the amendment of the act of March 3, 1927, by authorizing an annual appropriation to carry out the cooperative experiments contemplated by the act.

ADJOURNMENT

Mr. BARBOUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 1, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 1, 1928, as reported by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

War Department appropriation bill.

(2 p. m.)

District of Columbia appropriation bill.

Agriculture Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

To provide for the fifteenth and subsequent decennial censuses (H. R. 393).

COMMITTEE ON FLOOD CONTROL

(10 a. m. and 2 p. m.—caucus room)

A meeting to discuss proposals to control the flood waters of the Mississippi River.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 5641).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

A meeting with members of Radio Board in an effort to determine whether the life of the board should be extended.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to discuss the naval building program.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION—SUBCOMMITTEE ON INSURANCE

(10 a. m.)

A meeting with General Hines for a general discussion of the insurance laws affecting World War veterans.

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926 (H. R. 25, 6034, 7369, 7943, 7953, 8301, 8315, 9840, 10081).

Providing for counting and allowing all service rendered as civilian employees of the Quartermaster Department fixing rights under retirement (H. R. 9967).

COMMITTEE ON ROADS

(10 a. m.)

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented (H. R. 358, 383, 5518, 7343, and 8832).

To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads," approved July 11, 1916, as amended and supplemented, and authorizing appropriation of $150,000,000 per annum for two years (H. R. 7019).

COMMITTEE ON FOREIGN AFFAIRS

(10 a. m.)

To provide for the creation of the Pan American Peoples Great Highway Commission (H. R. 447).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.), in the city of Washington, as a tribute to the negro's contribution to the achievements of America (H. J. Res. 60).

COMMITTEE ON RIVERS AND HARBORS

(10 a. m.)

A meeting to consider reports from the office of the Chief of Engineers on rivers and harbors projects.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To change the title of the United States Court of Customs Appeals (H. R. 6687).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

330. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1929, for the War Department, amounting to $32,000, for Chalmette National Cemetery, La. (H. Doc. No. 156); to the Committee on Appropriations and ordered to be printed.

331. A letter from the Acting Secretary of Commerce, transmitting report of disbursements from the general expenses, Bureau of Standards; to the Committee on Expenditures in the Executive Departments.

332. A letter from the president of the Capital Traction Co., transmitting report of the Capital Traction Co. for the year ending December 31, 1927; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BARBOUR: Committee on Appropriations. H. R. 10286. A bill making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 497). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. H. R. 9286. A bill authorizing the appropriation of $65,000 to be expended by the American section, International Boundary Commission, United States and Mexico, for the purpose of making a survey to fix the boundary between the United States and Mexico, between El Paso, Tex., and Fort Quitman, Tex., and for other purposes; with amendment (Rept. No. 501). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Expenditures in the Executive Departments. H. R. 9570. A bill to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes; with amendment (Rept. No. 502). Referred to the House Calendar.

Mr. SMITH: Committee on the Public Lands. H. R. 142. A bill to add certain lands to the Idaho National Forest, Idaho; with amendment (Rept. No. 503). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on the Public Lands. H. R. 144. A bill to add certain lands to the Challis and Sawtooth National Forest, Idaho; without amendment (Rept. No. 504). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on the Public Lands. H. R. 6056. A bill to provide for addition of certain land to the Challis National Forest; with amendment (Rept. No. 505). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. H. R. 8110. A bill withdrawing from entry the northwest quarter section 12, township 30 north, range 19 east, Montana meridian; with amendment (Rept. No. 506). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAAS: Committee on Foreign Affairs. H. J. Res. 141. A joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the sesquicentennial of the discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; without amendment (Rept. No. 507). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9064. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road between Calhoun and St. Clair Counties, Ala.; with amendment (Rept. No. 508). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 9186. A bill granting the consent of Congress to the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, for the construction, maintenance, and operation of a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va.; with amendment (Rept. No. 509). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9198. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; with amendment (Rept. No. 510). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 9204. A bill granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.; with amendment (Rept. No. 511). Referred to the House Calendar.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. H. R. 9339. A bill granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct a free highway bridge across the Mahoning River at Warren, Trumbull County, Ohio; with amendment (Rept. No. 512). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9484. A bill granting the consent of Congress to the Highway Department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.; with amendment (Rept. No. 513). Referred to the House Calendar.

Mr. COLTON: Committee on the Public Lands. S. 1312. An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the "Bryce Canyon National Park," and for other purposes; without amendment (Rept. No. 514). Referred to the House Calendar.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 5545. A bill granting certain lands to the State of California; with amendment (Rept. No. 515). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 1023. A bill to correct the military record of Charles Ebin Campbell, alias Ebin Campbell; without amendment (Rept. No. 498). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 2098. A bill for the relief of Alonzo Northrup; without amendment (Rept. No. 499). Referred to the Committee of the Whole House.

Mr. JAMES: Committee on Military Affairs. H. R. 6908. A bill for the relief of Michael Ilitz; without amendment (Rept. No. 500). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 3372. A bill for the relief of George M. Browder and F. N. Browder; with amendment (Rept. 516). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10130) authorizing and directing the Secretary of the Interior to issue a patent to E. L. Johnson and A. L. Johnson, of Hawthorne, Fla.; Committee on Claims discharged, and referred to the Committee on the Public Lands.

A bill (H. R. 8354) granting a pension to Isaac Adler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee of the Whole House on the State of the Union.

By Mr. LAGUARDIA: A bill (H. R. 10287) to prohibit the sending and receipt of stolen property through interstate and foreign commerce; to the Committee on the Judiciary.

By Mr. WILLIAMSON: A bill (H. R. 10288) to provide for a uniform retirement date for authorized retirements of Federal personnel; to the Committee on Expenditures in the Executive Departments.

By Mr. TILLMAN: A bill (H. R. 10289) for the erection of a public building at Springdale, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. SWING: A bill (H. R. 10290) to relinquish to its lawful owners the title of the United States to certain land in the county of San Bernardino, State of California; to the Committee on the Public Lands.

By Mr. BYRNS: A bill (H. R. 10291) to establish a national military park at Fort Negley on the battle field of Nashville, Tenn.; to the Committee on Military Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 10292) to amend the World War adjusted compensation act, as amended; to the Committee on Ways and Means.

By Mr. HASTINGS: A bill (H. R. 10293) authorizing the purchase of additional land and the purchase and installation of a central heating plant for the Sequoyah Orphan Training School; to the Committee on Indian Affairs.

By Mr. MANSFIELD: A bill (H. R. 10294) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. TILLMAN: A bill (H. R. 10295) to appropriate the sum of $25,000 out of the United States Treasury to improve, beautify, and care for the cemetery at Berryville, Ark., where are buried many Union soldiers of the Civil War; to the Committee on Appropriations.

By Mr. HOFFMAN: A bill (H. R. 10296) to regulate the manufacture and sale of stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. HULL of Tennessee: A bill (H. R. 10297) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture; to the Committee on Agriculture.

By Mr. SPEARING: A bill (H. R. 10298) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 10299) to incorporate the Reserve Officers' Association of the United States; to the Committee on the Judiciary.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10300) to amend the retirement laws affecting certain grades of Army officers; to the Committee on Military Affairs.

By Mr. FULBRIGHT: A bill (H. R. 10301) to regulate the manufacture and sale of stamped envelopes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 10302) to amend paragraph 12 of section 202 of the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. FULMER: A bill (H. R. 10303) to provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton, and for other purposes; to the Committee on Agriculture.

By Mr. HILL of Alabama: A bill (H. R. 10304) authorizing the Secretary of War to erect headstones over the graves of soldiers who served in the Confederate Army and to direct him to preserve in the records of the War Department the names and places of burial of all soldiers for whom such headstones shall have been erected, and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 10305) to authorize the refund of visa fees in certain cases; to the Committee on Immigration and Naturalization.

By Mr. OLIVER of New York: A bill (H. R. 10306) to declare the future policy of the Director of the Budget with reference to the items in the budget of the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. UPDIKE: A bill (H. R. 10307) to provide a presumption of death whenever a person, while serving in the Army or naval forces of the United States, has disappeared and his whereabouts remain unknown for a period of seven years; to the Committee on World War Veterans' Legislation.

By Mr. WINTER: A bill (H. R. 10308) to investigate and determine the feasibility of the construction of an irrigation dam on the Greybull River, Wyo.; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 10309) to investigate and determine the feasibility of the construction of an irrigation dam on the Bear River, Wyo.; to the Committee on Irrigation and Reclamation.

By Mr. CRAIL: A bill (H. R. 10310) authorizing the Secretary of War to convey a certain portion of the military reservation at Fort MacArthur, Calif., to the city of Los Angeles, Calif., for street purposes; to the Committee on Military Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. HALL of North Dakota: Memorial of the Legislature of the State of North Dakota, in special session, for the relief of the flooded districts along the Mouse River; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 10311) granting a pension to Emma W. Smith; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 10312) granting an increase of pension to Mary A. Longenhagen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10313) granting an increase of pension to Kate Hardenstin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10314) granting an increase of pension to Delia M. Yeager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10315) granting an increase of pension to Clara O. Horning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10316) granting an increase of pension to Mary Baker; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 10317) for the relief of Bernard J. Coss; to the Committee on World War Veterans' Legislation.

By Mr. BURDICK: A bill (H. R. 10318) providing for the examination and survey of the entrance to Great Salt Pond, Block Island, R. I.; to the Committee on Rivers and Harbors.

By Mr. CHAPMAN: A bill (H. R. 10319) granting a pension to Terese Blackburn Hall; to the Committee on Pensions.

By Mr. DRIVER: A bill (H. R. 10320) granting an increase of pension to Julia L. Sparks; to the Committee on Invalid Pensions.

By Mr. ESLICK: A bill (H. R. 10321) for the relief of B. P. Stricklin; to the Committee on Claims.

By Mr. FULBRIGHT: A bill (H. R. 10322) granting an increase of pension to Laura Barnes; to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 10323) granting an increase of pension to Elisha F. Winfrey; to the Committee on Pensions.

By Mr. GOLDER: A bill (H. R. 10324) for the relief of Lieut. Commander Cornelius Dugan (retired); to the Committee on Naval Affairs.

Also, a bill (H. R. 10325) for the relief of John Holly Wilkie; to the Committee on Claims.

By Mr. HALL of North Dakota: A bill (H. R. 10326) granting a pension to Mrs. Morris O'Connor; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 10327) for the relief of Charles J. Hunt; to the Committee on Indian Affairs.

By Mr. HERSEY: A bill (H. R. 10328) granting an increase of pension to Etta A. Burke; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 10329) granting a pension to Chester R. Stroud; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 10330) granting an increase of pension to Elissa Bahlkow; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 10331) granting an increase of pension to Charles V. Harris; to the Committee on Pensions.

Also, a bill (H. R. 10332) granting an increase of pension to Anna T. Shaw; to the Committee on Invalid Pensions.

By Mr. MAAS: A bill (H. R. 10333) for the relief of John A. O'Keefe, administrator of the estate of William M. O'Keefe; to the Committee on Claims.

By Mr. PEAVEY: A bill (H. R. 10334) granting an increase of pension to Martin L. Haynes; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 10335) granting an increase of pension to Lucy Embler; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 10336) for the relief of Nannie Swearingen; to the Committee on Claims.

By Mr. RAYBURN: A bill (H. R. 10337) granting a pension to Isaac Workman; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 10338) for the relief of James Craig; to the Committee on Military Affairs.

Also, a bill (H. R. 10339) granting a pension to Sereny Catherine Brooks Babb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10340) granting a pension to Fannie Drain; to the Committee on Pensions.

Also, a bill (H. R. 10341) granting a pension to Lucy A. Stubbs; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 10342) granting an increase of pension to Joanna Gooch; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 10343) granting a pension to Hattie Andrist; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 10344) granting an increase of pension to Hattie L. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10345) granting an increase of pension to Mary E. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10346) granting an increase of pension to Nancy Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10347) granting an increase of pension to Helen A. Miner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10348) granting an increase of pension to Ida E. Saxbury; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 10349) for the relief of the Old Dominion Land Co.; to the Committee on War Claims.

By Mr. SWICK: A bill (H. R. 10350) granting an increase of pension to Mary A. Shatzer; to the Committee on Invalid Pensions.

By Mr. TATGENHORST: A bill (H. R. 10351) granting a pension to Margaret Wertheimer; to the Committee on Pensions.

Also, a bill (H. R. 10352) to correct the military record of Edward Delaney; to the Committee on Military Affairs.

Also, a bill (H. R. 10353) granting an increase of pension to John Guethlein; to the Committee on Pensions.

Also, a bill (H. R. 10354) granting a pension to Swift Carey; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 10355) granting a pension to Temperance Harper; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 10356) granting an increase of pension to Sarah R. McGinnis; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 10357) granting a pension to Clara J. Horner; to the Committee on Invalid Pensions.

By Mr. GIFFORD: Joint resolution (H. J. Res. 185) for the relief of Katherine Imbrie; to the Committee on Foreign Affairs.

By Mr. FROTHINGHAM: Joint resolution (H. J. Res. 186) that the use of submarines be prohibited and their construction discontinued in this and every other country; to the Committee on Foreign Affairs.

By Mr. HALL of Indiana: Joint resolution (H. J. Res. 187) for the appointment of a member of the board of managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2812. By Mr. BOHN: Petition by citizens of Antrim County, Mich., opposing House bill 78; to the Committee on the District of Columbia.

2813. By Mr. BUCKBEE: Petition of J. A. Kyler and 42 other citizens of Genoa and Kingston, Ill., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2814. Also, petition of W. D. Rankin and 14 other citizens of Kingston, Ill., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2815. Also, petition of Mrs. John Howe and 11 other citizens of Kingston, Ill., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

2816. By Mr. BURTNESS: Resolution passed by the County Commissioners' Association of the State of North Dakota, at its meeting at Bismarck, N. Dak., on January 19, 1928; to the Committee on Rivers and Harbors.

2817. By Mr. CURRY: Petitions of citizens of the third California district, against House bill 78; to the Committee on the District of Columbia.

2818. By Mr. DENISON: Petition of various citizens of Franklin County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

2819. By Mr. DOUGHTON: Petitions from Albemarle, N. C., against the House bill 78; to the Committee on the District of Columbia.

2820. By Mr. ENGLEBRIGHT: Resolution of Santa Barbara Post No. 49, American Legion, favoring the inclusion of the national rifle matches for 1928 in the War Department budget; to the Committee on Appropriations.

2821. Also, petition of the citizens of Anderson, Calif., urging increase of pensions for the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2822. Also, petition of A. W. Savercool, Taylorsville, Calif., and other citizens of the same vicinity, protesting against the Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

2823. By Mr. ESLICK: Petition of Roy Story, Dickson County, Tenn., and others, against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2824. By Mr. EVANS of Montana: Petition of Mrs. Sam Beeman and other residents of Creston, Mont., protesting against the passage of House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

2825: Also, petition of Clarence Crane and other residents of Hamilton, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2826. Also, petition of J. De Long and other residents of Darby, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2827. Also, petition of I. B. Carroll and other residents of Dillon, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

2828. By Mr. FULBRIGHT: Petition of citizens of East Prairie, Mo., in support of House bill 7329, relative to the proposed bridge across the Mississippi River at Hickman, Ky.; to the Committee on Interstate and Foreign Commerce.

2829. By Mr. GALLIVAN: Petition of Massachusetts Department of the American Legion, D. H. Haverty, State adjutant, Statehouse, Boston, Mass., requesting appropriation for national rifle matches to be included in War Department appropriation bill; to the Committee on Appropriations.

2830. By Mr. GARBER: Concurrent resolution of the House of Representatives and Senate of South Carolina, urging the enactment of legislation giving honorable retirement to the emergency Army officers; to the Committee on Military Affairs.

2831. Also, letter of National Beauty & Barbers Supply Dealers' Association, in support of the Capper-Kelly bill; to the Committee on the District of Columbia.

2832. Also, statement of R. F. Duckworth, editor and publisher of the Apostolic Way, in opposition to war in which human lives are taken; to the Committee on Military Affairs.

2833. Also, resolution of William F. Scannell Chapter, No. 5, Disabled American Veterans, of Liberty, N. Y., urging the enactment of legislation to give aid to the disabled ex-service men; to the Committee on World War Veterans' Legislation.

2834. Also, resolution of Exchange Club of Belmar, Belmar, N. J., in support of House bill 2 and Senate bill 2036 and in opposition to the Jones bill; to the Committee on the Merchant Marine and Fisheries.

2835. Also, letter of the Shoe Polish Manufacturers' Association of America, by Thos. A. Anderson, in support of Senate bill 1418 and House bill 11; to the Committee on Interstate and Foreign Commerce.

2836. Also, letter of Victor S. Purdy, secretary-treasurer of the Oklahoma State Federation of Labor, Oklahoma City, Okla., in support of House bill 7729, requiring the labeling of convict-made goods entering interstate commerce; to the Committee on Labor.

2837. Also, petition of residents of Grant County, Okla., urging the enactment of legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2838. Also, letter of Allie Bickford, of Fairvalley, Okla., in support of civil service for the third-class post offices and allow rent, light, fuel, and equipment for fourth class; to the Committee on the Post Office and Post Roads.

2839. Also, letter of Felda Rose Canning and Lucile Canning, of Washington, D. C., in support of Welch bill (H. R. 6518), Madden bill (H. R. 47), and Lehlbach bill (H. R. 492); to the Committee on the Civil Service.

2840. Also, resolution of patrons of Cleo Springs, Okla., in support of legislation to be enacted for relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2841. Also, letter of H. E. Hart, manager of the Alva Roller Mills, of Alva, Okla., in protest to the paragraph in the revenue act for 1928 which would give the commissioner the right to assess taxes for the years of 1917, 1918, 1919 under warrant of distraint or court proceedings, even though the statute of limitations has run; to the Committee on Ways and Means.

2842. Also, letter of Mississippi Valley Association, by James E. Smith, president, in support of the appropriation asked for in the river and harbor section of the Army appropriation bill; to the Committee on Rivers and Harbors.

2843. Also, resolution of the members of Lodge Grant, No. 134, of the Bohemian Fraternal Association of Medford, Okla., in protest to the enactment of legislation requiring the annual registration of all aliens; to the Committee on Immigration and Naturalization.

2844. Also letter of George J. Eacock, Oklahoma City, Okla., in support of House bills 5608, 8230, 8555, and 8556, with reference to the modification and adjustment of schedule of fees of United States commissioners; to the Committee on the Judiciary.

2845. Also, letter of John Howe, secretary-treasurer of the Oklahoma Trades and Labor Council, in support of Senate bill 1940 and House bill 7729; to the Committee on Labor.

2846. Also, letter of B. A. Leatherman, Rosston, Okla., in support of civil service for the third-class post office and allow rent, light, fuel, and equipment for fourth class; to the Committee on the Post Office and Post Roads.

2847. By Mr. HADLEY: Petition of residents of Everett, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2848. Also, petition of a number of residents of Washington State, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2849. Also, petition of residents of Auburn, Wash., protesting against the Sunday closing bill; to the Committee on the District of Columbia.

2850. Also, petition of residents of Snohomish, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2851. Also, petition of residents of Bellingham, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2852. Also, petition of residents of Sequim, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

2853. By Mr. HICKEY: Petition of Mrs. B. Crawford and other citizens of St. Joseph County, urging the passage of a bill increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2854. By Mr. HOWARD of Nebraska: Petition signed by John Trowbridge and other citizens of Burt County, Nebr., protesting against the passage of the Lankford bill (H. R. 78) for compulsory observance of Sunday, or any other proposed legislation providing for compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

2855. Also, petition signed by J. C. Abbott, of West Point, Nebr., and other citizens of that vicinity, protesting against the passage of the Lankford bill (H. R. 78) for compulsory observance of the Sabbath, or any other proposed legislation providing for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2856. Also, petition signed by Mrs. T. S. Teas, of Fremont, Nebr., and other citizens of that vicinity, protesting against the passage of the Lankford bill for compulsory Sunday observance, or any other legislation proposed for the compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

2857. Also, petition signed by R. F. Whitney, Craig, Nebr., and other citizens of that vicinity, protesting against the passage of the Lankford bill (H. R. 78) providing for compulsory Sunday observance, and any other proposed legislation for compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

2858. Also, petition signed by Mrs. Arthur Lindell, West Point, Nebr., and other citizens of West Point, protesting the passage of the Lankford bill (H. R. 78), or any other proposed legislation providing for the compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

2859. Also, petition signed by Louise Middaugh, of Ames, Nebr., and other citizens of that vicinity, protesting against the passage of the Lankford Sunday observance bill, or any other proposed legislation providing for compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

2860. Also, petition signed by Charles Eckley, of Tekamah, Nebr., and other citizens of that vicinity protesting against the passage of the Lankford bill for compulsory observance of the Sabbath, or any other proposed legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

2861. Also, petition signed by A. G. Nelson, of Tekamah, Nebr., and other citizens of that vicinity, protesting against the passage of the Lankford bill (H. R. 78), providing for compulsory observance of the Sabbath, or any other legislation providing for compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2862. Also, petition signed by G. A. Anderson, Bradish, Nebr., and other citizens of Bradish, protesting the passage of Lankford bill for compulsory observance of the Sabbath, or any other proposed legislation providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

2863. Also, petition signed by C. Lovejoy, of Bloomfield, Nebr., and 15 other petitioners of that city, protesting against the passage of the Lankford bill (H. R. 78) for compulsory observance of the Sabbath, and any other proposed legislation providing for compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

2864. Also, petition signed by Mrs. J. W. Blue, of Tekamah, Nebr., and 23 other citizens of that vicinity, protesting against the passage of the Lankford bill (H. R. 78) or any other proposed legislation providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

2865. By Mr. JOHNSON of South Dakota: Petition of 424 citizens of Redfield, Ashton, and Doland, S. Dak., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

2866. By Mr. KEARNS: Petitions signed by citizens of Scioto County, Ohio, against compulsory Sunday observance; to the Committee on the District of Columbia.

2867. By Mr. KORELL: Petition of citizens of Portland, Oreg., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2868. By Mr. KNUTSON: Petition submitted by Albert F. Houck and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2869. By Mr. KVALE: Petition of R. J. McRae and other officers of the First National Bank, Graceville, Minn., protesting against enactment of Senate bill 1752, proposing to discontinue the printing of return requests on Government stamped envelopes; to the Committee on the Post Office and Post Roads.

2870. Also, petition signed jointly by Z. O. Johnson, commander Colonel Hegg Post, Grand Army of the Republic.; Frank E. Hohnberg, commander United Spanish-American War Veterans; and Roy Christian, commander Austin Hanscom Post 167, American Legion; urging on behalf of their organizations the prompt enactment into law of the so-called Morgan bill to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2871. Also, petition of "the thousands of members of the lodges under the jurisdiction of the Minnesota District Lodge, Vasa Order of America," protesting against the national-origins basis for immigration, and urging its repeal at this session of Congress and permanent retention of the present basis of immigration; to the Committee on Immigration and Naturalization.

2872. Also, petition of Northwest Theatre Owners' Association, unanimously urging enactment into law of the Brookhart anti-block-booking bill; to the Committee on Interstate and Foreign Commerce.

2873. Also, petition of Minneapolis Reserve Officers, in annual meeting, condemning charging of cost of Army Air Corps against appropriation of Organized Reserves; to the Committee on Appropriations.

2874. Also, petition of National Association of Postal Supervisors, urging enactment into law of House bill 7593, to amend laws covering retirement of employees in the classified civil service; to the Committee on the Civil Service.

2875. Also, petition of L. H. Powell, chairman Lyon County Council of Agriculture, Marshall, Minn., protesting against enactment of farm relief legislation with equalization fee provisions omitted; to the Committee on Agriculture.

2876. Also, petition of Hon. Charles Salmonson, State representative, Clinton, Minn., urging for his constituency that equalization fee be retained in the Haugen farm relief bill; to the Committee on Agriculture.

2877. Also, petition of Women's Club of Kandiyohi County, Minn., protesting against policies of the Federal Radio Commission; to the Committee on the Merchant Marine and Fisheries.

2878. Also, petition of Women's Club of Kandiyohi County, Minn., urging prompt enactment of the Copeland-Berger resolution for investigation of the strike situation in Pennsylvania; to the Committee on Interstate and Foreign Commerce.

2879. Also, petition of N. H. Ley, cashier, and officials of Farmers' State Bank, Watkins, Minn., protesting against legislation designed to discontinue Government printing of stamped envelopes; to the Committee on the Post Office and Post Roads.

2880. Also, petition of 54 members of Gimle Lodge, No. 174, Sons and Daughters of Norway, Starbuck, Minn., urging enactment of amendments to the immigration act of 1924 which will repeal the national-origins basis of immigration, retain the present temporary basis, and will not further reduce the Scandinavian quotas; to the Committee on Immigration and Naturalization.

2881. Also, petition of Mrs. Robert S. Myers and 102 residents of Parkers Prairie, Minn., protesting against enactment of any legislation providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2882. Also, petition of the administrative committee of the university senate of the University of Minnesota, urging enactment of legislation which will remove hardships now suffered by educational institutions in obtaining lecturers and instructors from abroad, and indorsing House bill 9284; to the Committee on Immigration and Naturalization.

2883. Also, petition of Chapter 85, Izaak Walton League, Hanley Falls, Minn., urging immediate enactment into law of House bill 69, proposing to establish a migratory-bird refuge at Bear River Marsh, Great Salt Lake, Utah; to the Committee on Agriculture.

2884. By Mr. LINTHICUM: Petition of Francis M. Bomd, Pimlico Road, Mount Washington, Md., indorsing McSweeney-McNary bill to insure proper use and adequate supply of timber and other forest products for people of the United States; to the Committee on Agriculture.

2885. Also, petition of A. S. Dulaney and Wallace Williams, department commander American Legion, War Memorial Building, Baltimore, indorsing legislation for relief of dependents of officers and men of submarines *S–4* and *S–51;* to the Committee on Naval Affairs.

2886. Also, petition of Dr. Robert P. Pay, of Baltimore, and S. M. Shoemaker, of University of Maryland Board of Regents, Baltimore, urging salary increases of Federal veterinarians; to the Committee on Foreign Affairs.

2887. Also, petition of Jackson & Jackson Co., Salisbury, Md., indorsing legislation on parcel-post shipments to Cuba; to the Committee on the Post Office and Post Roads.

2888. Also, petition of Ernest J. Clark, of the National Society of the Sons of the American Revolution, Baltimore, Md., presenting resolution adopted at the Thirty-seventh annual Congress held in Philadelphia June, 1926, on memorial for Gen. George Rogers Clark (H. R. 5689); to the Committee on the Library.

2889. By Mr. MacGREGOR: Resolutions of Swedish Evangelical Trinity Church, of Buffalo, N. Y., in reference to immigration; to the Committee on Immigration and Naturalization.

2890. By Mr. McREYNOLDS: Petition signed by 60 voters of Hamilton County, Tenn., requesting that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

2891. Also, petition signed by 111 voters of Ravenscroft, White County, Tenn., requesting that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

2892. By Mr. MONTAGUE: Petition of citizens of Williamsburg, Va., in relation to the storage of explosives at Yorktown, Va.; to the Committee on Naval Affairs.

2893. By Mr. MORROW: Petition of citizens of Las Cruces, N. Mex., protesting against House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

2894. Also, petition of citizens of Artesia, N. Mex., protesting against enactment of House bill 78, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

2895. By Mr. O'CONNELL: Petition of the Shawinigan Products Corporation, of New York City, favoring flood-control legislation; to the Committee on Flood Control.

2896. Also, petition of the Knights of Malta, Philadelphia, Pa., favoring certain immigration legislation; to the Committee on Immigration and Naturalization.

2897. Also, petition of the United States Blacksmiths' Helpers' Union, of New York City, favoring the passage of House bill 25, Federal employees retirement; to the Committee on the Civil Service.

2898. By Mr. OLDFIELD: Petition of citizens of Randolph County, Ark., urging increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

2899. By Mr. RAINEY. Petition of Dr. J. Ulysses Day, Jacksonville, Ill., urging the passage of the Civil War pension increase bill; to the Committee on Invalid Pensions.

2900. Also, petition of 61 citizens of Jacksonville, Ill., for increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2901. By Mr. ROBINSON of Iowa: Petition from Mary A. Lavery and about 125 citizens of Cascade, Iowa, and Dubuque County, Iowa, urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

2902. Also, petition from Mrs. Ellen E. Peck and about 75 citizens of Franklin County, Iowa, urging the passage of a pension bill for Civil War widows; to the Committee on Invalid Pensions.

2903. By Mr. SANDERS of New York: Petition of Florence B. Lucas and 40 citizens of Medina, N. Y., protesting against the passage of the Lankford bill (H. R. 78) compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2904. By Mr. STEELE: Petition of 32 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance, and especially House bill 78; to the Committee on the District of Columbia.

2905. By Mr. STOBBS: Petition of residents of Worcester County, Mass., asking for increase of Civil War pensions; to the Committee on Invalid Pensions.

2906. Also, petition of residents of Worcester County, Mass., protesting against House bill 78; to the Committee on the District of Columbia.

2907. Also, petition of residents of Worcester, Mass., protesting against House bill 78; to the Committee on the District of Columbia.

2908. By Mr. STRONG of Kansas: Petition of certain citizens of Kansas, opposing House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

2909. Also, petition of Alice Harris and 52 other citizens of Minneapolis, Kans., protesting against the passage of House bill 78, or any other bills providing for compulsory Sunday observance; to the Committee on the District of Columbia.

2910. By Mr. SUMMERS of Washington: Petition signed by Hal V. Bolam and 184 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2911. Also, petition signed by Mrs. D. A. Melton and 145 others, of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2912. Also, petition signed by I. S. Kelso and 32 others, of Wapato, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

2913. By Mr. SWING: Petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2914. Also, petition of citizens of Buena Park, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2915. Also, petition of citizens of Arlington, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

2916. By Mr. TEMPLE: Petition of a number of residents of Washington, Washington County, Pa., in support of legislation increasing the rate of pension to Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

2917. Also, petitions of United National Association of Post Office Clerks, Branch 741; National Association of Letter Carriers, Branch 974; Canonsburg Post, No. 253, American Legion; Alberta Circle, No. 419, Protected Home Circle, all of Canonsburg, Washington County, Pa., in support of House bill 25 and Senate bill 1727, known as the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

2918. By Mr. TILSON: Petition of A. W. Gary and other residents of New Haven, Conn., protesting against the passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

2919. By Mr. WHITE of Colorado: Petition of Mrs. F. P. Kibler and other citizens of Denver, Colo., protesting the enactment of House bill 78, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

2920. By Mr. WINTER: Resolution by the board of governors of the Alfalfa Commercial Club, of Worland, Wyo., opposing the further restriction of Mexican immigration; to the Committee on Immigration and Naturalization.